

# **MEETING OF THE PARLIAMENT**

Wednesday 7 November 2007

Session 3

£5.00

© Parliamentary copyright. Scottish Parliamentary Corporate Body 2007.

Applications for reproduction should be made in writing to the Licensing Division,  
Her Majesty's Stationery Office, St Clements House, 2-16 Colegate, Norwich NR3 1BQ  
Fax 01603 723000, which is administering the copyright on behalf of the Scottish Parliamentary Corporate  
Body.

Produced and published in Scotland on behalf of the Scottish Parliamentary Corporate Body by RR  
Donnelley.

---

## CONTENTS

Wednesday 7 November 2007

### Debates

Col.

<b>TIME FOR REFLECTION</b> .....	3065
<b>QUESTION TIME</b> .....	3067
<b>CREATIVE SCOTLAND AND CULTURAL POLICY</b> .....	3072
<i>Statement—[Linda Fabiani].</i>	
The Minister for Europe, External Affairs and Culture (Linda Fabiani).....	3072
<b>FOOD POLICY</b> .....	3088
<i>Motion moved—[Richard Lochhead].</i>	
<i>Amendment moved—[Sarah Boyack].</i>	
<i>Amendment moved—[John Scott].</i>	
<i>Amendment moved—[Mike Rumbles].</i>	
The Cabinet Secretary for Rural Affairs and the Environment (Richard Lochhead) .....	3088
Sarah Boyack (Edinburgh Central) (Lab) .....	3092
John Scott (Ayr) (Con) .....	3096
Mike Rumbles (West Aberdeenshire and Kincardine) (LD) .....	3099
Rob Gibson (Highlands and Islands) (SNP) .....	3101
Peter Peacock (Highlands and Islands) (Lab) .....	3103
Nanette Milne (North East Scotland) (Con) .....	3106
Jamie Stone (Caithness, Sutherland and Easter Ross) (LD) .....	3108
Robin Harper (Lothians) (Green) .....	3110
Elaine Smith (Coatbridge and Chryston) (Lab) .....	3112
Shirley-Anne Somerville (Lothians) (SNP) .....	3114
Jim Hume (South of Scotland) (LD) .....	3116
Mary Scanlon (Highlands and Islands) (Con) .....	3118
Karen Gillon (Clydesdale) (Lab) .....	3120
The Minister for Public Health (Shona Robison) .....	3123
<b>BUSINESS MOTION</b> .....	3126
<i>Motion moved—[Bruce Crawford]—and agreed to.</i>	
<b>DECISION TIME</b> .....	3128
<b>PLEURAL PLAQUES (HOUSE OF LORDS RULING)</b> .....	3130
<i>Motion debated—[Stuart McMillan].</i>	
Stuart McMillan (West of Scotland) (SNP) .....	3130
Des McNulty (Clydebank and Milngavie) (Lab) .....	3133
Bill Aitken (Glasgow) (Con) .....	3135
Robert Brown (Glasgow) (LD) .....	3136
Gil Paterson (West of Scotland) (SNP) .....	3138
Hugh Henry (Paisley South) (Lab) .....	3139
Bill Butler (Glasgow Anniesland) (Lab) .....	3140
Bill Kidd (Glasgow) (SNP) .....	3141
Cathy Peattie (Falkirk East) (Lab) .....	3143
Duncan McNeil (Greenock and Inverclyde) (Lab) .....	3144
Pauline McNeill (Glasgow Kelvin) (Lab) .....	3145
The Minister for Community Safety (Fergus Ewing) .....	3146

## Oral Answers

Col.

### QUESTION TIME

<b>SCOTTISH PARLIAMENTARY CORPORATE BODY .....</b>	<b>3067</b>
Bottled Water .....	3067
Domestic Violence Employment Policy .....	3070
Scottish Public Services Ombudsman .....	3068

---

## Scottish Parliament

*Wednesday 7 November 2007*

[THE DEPUTY PRESIDING OFFICER *opened the meeting at 14:15*]

### Time for Reflection

**The Deputy Presiding Officer (Trish Godman):** Good afternoon. The first item of business this afternoon is time for reflection. Our time for reflection leader is Marian Docherty, who is the headteacher of St David's high school in Dalkeith.

**Marian Docherty (St David's High School, Dalkeith):** Good afternoon, ladies and gentlemen. It is my pleasure to talk to you about a project we have been involved in for the past few years. We call it working for our world, or WOW.

St David's high school welcomes pupils from across the world. That is one reason why we wanted to work with Bangalore in India. There is an amazing organisation there called the Association of People with Disability, or APD. It works with disabled young people in the poorest slums in Bangalore. It offers education, adapts housing and runs training courses that lead to real jobs.

Why did we decide to work with APD? First, we claim to be a Catholic school, based on gospel values. We should show that in how we serve other people. When our pupils heard about APD, they were very keen to get involved, so we set up the WOW project four years ago. Pupils of all ages manage the project and this is what we have done.

We raised a lot of money through sporting events, pop idol contests, ceilidhs, leg waxing and staff pantomimes. We then got support from someone with serious money, Sir Tom Farmer. He agreed to match pound for pound what we raised for APD in 2005. We raised £20,000. He got a shock, but he kept his promise. With that £40,000, APD set up a year-long vocational course and took its education programmes to 150 villages. Our pupils at St David's are very proud of that achievement.

We now study Indian themes in subjects such as music, geography and religious education. We are also learning from Bangalore about how to conserve our environment in Dalkeith. We have set up a videoconferencing centre in the school and have had several video links with Bangalore. That means that our pupils living in Mayfield or Penicuik can plan events with students in India.

Perhaps the most memorable part of the project so far has been our trips to India. Senior pupils and staff have visited Bangalore twice and have seen the difference that the WOW project has made to real people. Our pupils have said that the visits have changed their lives. We have seen our pupils gain confidence through running committees, preparing business plans and organising conferences. We have also had a lot of fun. This is an exciting time for Scotland, as we welcome people from across the world to our communities. I hope that the WOW project in St David's has helped our pupils to respect and value other cultures and to become good future citizens of Scotland.

## Question Time

### SCOTTISH PARLIAMENTARY CORPORATE BODY

14:18

#### Bottled Water

**1. Robin Harper (Lothians) (Green):** To ask the Scottish Parliamentary Corporate Body what its justification is for the widespread provision of bottled water throughout the Parliament. (S3O-1289)

**Alex Johnstone (Scottish Parliamentary Corporate Body):** The SPCB provides bottled water only in the debating chamber and committee rooms. That is for the comfort and convenience of members and to minimise disruption during business. Unopened bottles are returned to stock and all used bottles are recycled. Bottled water is also provided on request for hospitality and meetings but is charged to event hosts. Chilled tap water is available throughout the building from tea points.

**Robin Harper:** John Lamont asked, on 16 October:

“how many litres of bottled water, including water from water coolers, were purchased ... at Victoria Quay?”—  
[*Official Report, Written Answers*, 16 October 2007; S3W-5450]

We were told that it was £34,201.90-worth. That seems excessive. I do not know what the cost is in the Scottish Parliament.

It is incredibly environmentally unfriendly to serve essentially plain water in bottles, whether or not they are recycled. It is an unnecessary impact on the environment because we could take water out of the tap. I can see no reason why it is not possible for jugs of tap water and glasses to be provided in committee rooms at least—I understand the problem with doing that in the chamber. Could the SPCB not think of asking for that? Why do we spend millions of pounds—

**The Deputy Presiding Officer (Trish Godman):** You have asked your question, Mr Harper.

**Alex Johnstone:** We provide chilled tap water throughout the building but not in the chamber or the committee rooms, as I said. We consider bottled water to be more convenient to members and less disruptive to business proceedings. At the moment, we use between 500 and 600 330ml bottles per business week in the chamber and committees. That represents a relatively small total, but we recognise the environmental impact and wish to minimise it by recycling the glass.

However, we are investigating the possibility of bottling filtered tap water on site and hope that that will come to fruition in the not-too-distant future.

**Margo MacDonald (Lothians) (Ind):** Further to the question of excessive water throughout the Parliament, I suggest that it is time to get rid of the three wee ponds in front of the Parliament, which are things of neither beauty nor utility. It is reasonable that we should keep the big ponds in the area where people exercise their dogs at the weekend, but I can see no continuing reason for the three wee ponds.

**The Deputy Presiding Officer:** You can respond to that if you wish, Mr Johnstone, although it is not relevant to the question.

**Alex Johnstone:** Needless to say, I did not come to the Parliament prepared to answer questions on the subject of the ponds. However, I guarantee members that we will not consider using the water from them to fill the previously mentioned bottles.

**The Deputy Presiding Officer:** I call Nanette Milne.

**Nanette Milne (North East Scotland) (Con):** Presiding Officer, my questions have already been answered. I was going to ask about cost and the environmental impact.

#### Scottish Public Services Ombudsman

**2. Alex Neil (Central Scotland) (SNP):** To ask the Scottish Parliamentary Corporate Body whether it is satisfied with the running and effectiveness of the Scottish Public Services Ombudsman's office. (S3O-1288)

**Mike Pringle (Scottish Parliamentary Corporate Body):** Members will be aware that, under the Scottish Public Services Ombudsman Act 2002, the ombudsman is an independent officeholder who, in the exercise of her functions, is not under the direction or control of the Scottish Parliamentary Corporate Body. However, the SPCB has a statutory responsibility to fund her office, and we believe it to be adequately resourced to enable her to fulfil her statutory duties.

**Alex Neil:** I draw Mike Pringle's attention to the time that it is taking for the ombudsman's office to process reports and complete investigations. It often takes longer than the problem that it is investigating lasted. Can something be done to speed that work up, either by providing additional resource or by improving efficiency?

I also draw his attention to the percentage of people who, according to the ombudsman's annual report, are denied the prospect of having their complaints investigated because of the time bar of a year. Could the corporate body consider

that issue and determine whether we can change the legislation to remove the time bar?

**Mike Pringle:** I am aware that members receive correspondence about the handling of individual complaints and understand that that was brought to the ombudsman's attention when her reappointment was considered. The SPCB was given assurances that procedures and processes were being adopted to improve the delivery of service to members of the public.

In addition, in 2007-08, the SPCB approved a significant funding increase for the ombudsman's office to enable the recruitment of seven additional members of staff. That is an increase in staffing numbers of almost 20 per cent, which should have a considerable impact on the time that it takes for the office to deal with complaints.

I was unaware of the one-year time bar, and so were other colleagues to whom I have spoken. Perhaps we should have known about it. However, I can assure Mr Neil that the issue will now be discussed by the corporate body. I think that those arrangements are unacceptable. We will discuss the situation at the corporate body and I will raise the issue with Alice Brown herself at the earliest opportunity.

**Murdo Fraser (Mid Scotland and Fife) (Con):** I associate myself with the remarks made by my good friend Alex Neil on the matter of time delays. I have previously raised concerns, which I know others share, about the quality of the investigations that are conducted by the SPSO, in particular the lack of a forensic approach to investigations.

Given what he has already said, can the member tell me what role the corporate body has, if any, in influencing the ombudsman's office in relation to this matter, in particular regarding the training of investigators and any budgetary implication for the corporate body? It is quite clear that the public are often not being well served by the operation of the ombudsman's office at present.

**Mike Pringle:** I am aware that there have been a number of complaints, as the member mentions. The member will be aware that the corporate body is not responsible for the ombudsman. She is an independent person, and she can run her office as she sees fit. We have an annual budgetary control, but it is up to her in the end. I suggest that the member and I could have a discussion afterwards. We could have a similar conversation to the one that I intend to have with Alex Neil on his concerns about the ombudsman's office—I can do the same for Murdo Fraser.

**George Foulkes (Lothians) (Lab):** I say to Murdo Fraser, and indeed to Alex Neil, that my experience has been that the ombudsman is very

willing to meet members, to listen to any suggestions that we may have and to follow them through. I had a recent meeting with her, and I found her very helpful. It is really useful that members of the public may make complaints directly to the ombudsman, not just through councillors and MPs, which was previously the case.

Can I ask Mike—Mike Pringle—I nearly forgot his second name. Does the body, that is the Scottish—

**The Deputy Presiding Officer:** The corporate body.

**George Foulkes:** The corporate body—thank you. You have always been very helpful to me, Trish—I mean Madam Presiding Officer—and you always come in at my moments of need.

Does the Scottish Parliamentary Corporate Body have any responsibility to examine the plethora of commissioners that have been set up? I know that the matter has been raised elsewhere. When I met the ombudsman, it was clear that the matter is causing confusion among the public. I think that there are now 15 commissioners dealing with various items and issues. The public do not know to whom they should refer their problems. Is there anything that the Scottish Parliamentary Corporate Body can do in relation to that?

**Mike Pringle:** Mr Foulkes will be aware that this Parliament appointed all those commissioners. Therefore, that is the responsibility of the entire Parliament. Alice Brown identified that problem when I met her recently. However, when a member of the public comes to her and it is not her function to respond to the matter in question, she always ensures that they are directed to the right place. I raised this point with Alice Brown, not with the rest of them specifically, but I am sure that the other commissioners will be doing the same thing. That is something that we can consider, and the corporate body could perhaps discuss how to approach the matter.

### **Domestic Violence Employment Policy**

**3. Shirley-Anne Somerville (Lothians) (SNP):** To ask the Scottish Parliamentary Corporate Body whether it has a domestic violence employment policy in place. (S3O-1287)

**Mike Pringle (Scottish Parliamentary Corporate Body):** We do not have a domestic violence employment policy in place. We do, however, have a range of support mechanisms in place that can be called upon in the event that an employee finds himself or herself the subject of domestic violence. Those support mechanisms were set out in detail in response to the member's written question, which was answered on Monday. If the SPCB were to articulate a policy on domestic

violence, such a policy would simply encapsulate the measures that I outlined in my response on Monday.

**Shirley-Anne Somerville:** I thank Mike Pringle for his answer. Although the Parliament is undertaking some commendable measures, which other employers are not, there are still no clear sign-postings for employees who need to turn to people when they are affected by domestic abuse. I have spoken to Parliament workers and found from a simple search on the Parliament intranet that it was difficult to find such information.

I ask the corporate body to undertake further work to make it clearer to staff who they can contact if they are a victim of domestic abuse and to send out a clear message to all staff that domestic abuse will not be tolerated. I also ask Mike Pringle to work in conjunction with organisations such as the Zero Tolerance Charitable Trust, which is considering best practice for domestic abuse policies in the workplace, to bring such important practice to the Parliament, which is a large employer.

**Mike Pringle:** On the second point that the member makes, she will probably find that the staff responsible for the policy are already doing what she suggests. On the first point, if the member thinks that something is lacking, I would be happy to discuss it with her, so we can follow it up. There have not been many instances of complaints during the time that the Parliament has been in existence—in fact, there have been very few—but of course we want there to be no complaints whatever.

## Creative Scotland and Cultural Policy

**The Deputy Presiding Officer (Trish Godman):** The next item of business is a statement by Linda Fabiani on creative Scotland and cultural policy. The minister will take questions at the end of her statement, so there should be no interventions.

14:32

**The Minister for Europe, External Affairs and Culture (Linda Fabiani):** My first six months as minister for culture have been a whirlwind of excitement and inspiration. I was thrilled by “The Bacchae” and “Black Watch” and I was mesmerised by the wonderful music of the Venezuelan Youth Orchestra.

Scotland’s international reputation knows no bounds. This year’s Edinburgh festivals were some of the most successful ever. Performers and visitors came from every corner of the globe to celebrate art and creativity.

I also applaud the national collections. This summer saw the opening of the John Murray archive, the tour of the “Fonn ’s Duthchas: Land and Legacy” exhibition, and the Warhol and naked portrait exhibitions, to name but a few. The National Library of Scotland’s “Tea and Tigers: Stories from Scotland and South Asia” exhibition and the National Museums of Scotland’s “Picasso: Fired with Passion” exhibition were also resounding successes.

Our national performing companies are achieving the highest standards in performance and outreach work. Scottish Opera and Scottish Ballet are to appear in the newly refurbished Eden Court. Internationally, the National Theatre of Scotland, the Royal Scottish National Orchestra and the Scottish Chamber Orchestra are all touring with support from the Government’s international fund.

It is with those successes in mind that I offer the Government’s plans for culture. My vision for culture has three themes: first, our national cultural identity; secondly, celebrating Scotland’s creative sector and its practitioners; and thirdly, our cultural policy, which is for everyone in Scotland.

First, with the national conversation under way, it is apt that we talk about culture—the beating heart of our nation. Culture is a part of the way that we understand and project ourselves and Scotland’s place in the world. We have a reputation for unique, accessible and high-quality culture that embraces the traditional and the contemporary. Scotland’s rich heritage and vibrant cultural life play a huge part in making Scotland a



great place in which to live, work and invest, and to visit.

As part of that, we are committed to developing and promoting Gaelic culture and language, which contribute to making us a unique nation. We want to expand Gaelic-medium education and we will ensure implementation of Bòrd na Gàidhlig's national plan for Gaelic. Our St Andrew's day programme celebrates our national pride and our winter festival programme showcases our excellent, world-class creativity. However, it does not stop there. We plan to support and promote Scotland-based artists by making available an annual Edinburgh festivals expo fund that will help with the costs of new productions, events and exhibitions that are premiered at the Edinburgh festivals.

The second theme is the creative sector and its practitioners. When we talk about cultural policy, it is sometimes too easy to get lost in debates about structures, funding and process. Let us not forget the core of what we are about—art for art's sake, before everything else. What is important, and what the Government will strive to do, is to acknowledge, recognise and celebrate creative Scots. Our artists include musicians such as KT Tunstall, performers, sculptors such as Sandy Stoddart, writers, and filmmakers and theatre directors such as David Mackenzie and Mark Thomson—the list goes on.

We will celebrate creative practitioners, giving shape to a community of people who best represent the elite of Scotland's creative and cultural achievements. Edwin Morgan, Scotland's national poet, has already agreed to be the founding member of that community.

Let me set out our plans to support a culturally vibrant and creatively confident Scotland. In September, the First Minister announced that we intend to introduce a bill to establish a new body called creative Scotland. I now offer the Parliament some more details. I have considered the views that were expressed in the consultation on the previous Administration's draft culture (Scotland) bill. We have decided to continue with the plan to establish creative Scotland, but we propose some changes, which I will outline. Apart from that, we will keep new legislation to a minimum.

Creative Scotland will support artists and creative practitioners. It will build on the successes of the Scottish Arts Council and Scottish Screen and will inherit their resources and staff. Those two organisations have achieved great things. People in the arts, film and the wider screen and creative industries in Scotland have benefited greatly from their efforts. I pay tribute to them and the folk who work for them.

Creative Scotland will identify, support and develop talent and excellence. It will support hubs of cultural and creative excellence that will have local reach. It will have the freedom to support any form of creative expression and it will continue to provide strong support for film and the wider screen industries, which it will do through its grants, loans and investments. It will have a licence from the Government to take risks, to stimulate controversy and to challenge accepted thinking. Much of what it supports will go on to become great achievements. Its efforts will inspire and support a culturally cosmopolitan Scotland—one that attracts and retains increasing numbers of talented people.

Creative Scotland will also promote understanding, appreciation and enjoyment of the arts and culture. In particular, the Government will look to it to widen access and participation. We will ask creative Scotland to play a leading role as a catalyst for Scotland's arts and creative sector. Creative Scotland will lead good practice on stimulating and engaging audiences. It will promote cultural diversity and build further the contribution of voluntary and community arts, and also business sponsorship.

Creative Scotland will work in close concert with a range of expert and interested bodies and sectors, including Bòrd na Gàidhlig; the national collections; the national performing companies; national advisory and membership bodies such as the Scottish Library and Information Council and the Scottish Museums Council; the further and higher education sectors; and the voluntary sector, all of which perform important functions. We will look to creative Scotland to work in close partnership with them and local authorities. I will develop that point later. Creative Scotland's role—to lead our vision for creativity—will not diminish the authority or value of any other body, but we will ask all partners to co-operate in developing common approaches to common challenges.

Having listened to views that were expressed in the consultation on the ministerial power of direction, I announce today that, when we introduce the culture bill to Parliament early next year, it will be amended from the version that was published last year, to ensure that creative Scotland has complete autonomy when providing support—including financial support—and encouragement to those working in the creative sector.

In making the proposal, I acknowledge that the Scottish Arts Council and Scottish Screen have always enjoyed operational independence. My predecessor as culture minister made that point, and it is a fair one. However, the principle of artistic independence is sufficiently important to enshrine it in legislation, therefore the bill will

include a guarantee that no minister may interfere in the artistic judgment of the body in its support of the creative community.

I hope that creative Scotland and its role in supporting talent and promoting participation will be welcomed. Those are traditional and valuable aims, but creative Scotland will go further. It will have a new role to champion the potential of creativity throughout Scotland. It will break through into every part of our national life and help to realise all the benefits of the arts, culture and creativity.

Ample evidence is available today that highlights the role that cultural activity can play in restoring physical and mental health, in encouraging positive behaviour among young people, and in building community pride. We recognise the impact of culture and creativity across education and in the myriad other ways that colleagues will know of from their own experience.

I emphasise that the Government's creative Scotland bill will ask the new body to give due weight to all the benefits that arts and culture can bring. A number of consultees were concerned that the previous draft culture (Scotland) bill required creative Scotland to look particularly towards economic benefit. I agree with those anxieties, and we will change the new bill to reflect that.

I hope that the Parliament will agree that our plans for creative Scotland offer an exciting and ambitious prospect for new creative achievements. The Government is fortunate that the enterprise is being led by Dr Richard Holloway and the joint board of the Scottish Arts Council and Scottish Screen. They have been thinking imaginatively about what is proposed for creative Scotland, and I expect that they will have many new ideas on how it should work, where it should be based and how it can be successful.

I now turn to the remainder of the previous draft culture (Scotland) bill. I thank those who took part in the consultation on it. The draft bill proposed to reform the governance of our national cultural collections. There is merit in keeping the legislation up to date with modern practice, but I prefer first to assess how the present structures work.

The draft bill included proposals to give local authorities a power to broadcast information. I can see an argument for adding to the powers of local authorities, but there is already scope for local television to be licensed by the Office of Communications—Ofcom—so, at the moment, we do not see that as a priority.

Likewise, I do not propose to change legislation on local museums and libraries. Although it is old, I am content that it still provides for a strong local

service. I do not propose to legislate now to extend the Dealing in Cultural Objects (Offences) Act 2003 to Scotland. The Government is sympathetic to the purposes of that legislation, but I am aware that the United Kingdom Government is considering improvements, and it would be prudent to take account of that work. Should a suitable opportunity arise in our legislative programme, we will consider progressing that.

The third theme of my cultural policy concerns everyone in Scotland, because I believe that it is important that everyone should be able to feel part of Scotland's cultural life. That is why widening access to and participation in culture is a priority for the Government.

I have read and thought about people's responses to the proposals on local cultural provision in the draft culture (Scotland) bill. I have also detected a good level of consensus about the best ways to encourage more people, from all ages and backgrounds, to become involved in the arts and their living heritage. That is heartening, especially because of the amazing difference that coming into contact with culture can make to people's lives.

I decided early that to deliver my cultural policy I needed a practical approach that was based on experience and consensus and which would therefore have the best chance of success. I seek success through outcomes that make a positive and lasting difference.

One option was to use legislation, but I could not see how that would sit comfortably with what I and my colleague John Swinney seek to achieve through reform of the public sector. Our reform agenda requires a more mature relationship between central Government and local government that is based on outcome agreements and trust, to promote a strong, fair and inclusive national identity.

Our goal is to inspire greater commitment to providing high-quality cultural opportunities that are developed through community engagement. That is not best achieved by using the law to require local authorities to undertake new planning and reporting processes. The way to inspire commitment to a jointly held ambition is to work together. That is what I plan to do. I am pleased that that approach has the enthusiastic backing of Councillor Harry McGuigan and the Convention of Scottish Local Authorities.

Our national cultural bodies are part of our drive to widen cultural access. Richard Holloway has made a helpful start by visiting local authorities to discuss aspirations for the national-local relationship. Just as national and local providers of culture should work together to enhance cultural access, I expect local authorities to collaborate

with the voluntary, community and independent sector bodies in their areas to deliver new opportunities.

There must be a focus in the new partnership on developing our understanding of the barriers to accessing culture and on taking steps to overcome them. There are places where we can start. Step 1 is about community planning partnerships getting involved in culture. Planning for culture should be everyone's business, with community empowerment at its heart. We will provide community planners with new advice and encouragement to help all sectors to play their part in cultural delivery, while adding value to other service plans through cultural activity.

Step 2 is about sharing knowledge of the impacts of culture, so that other sectors and community planners get the message that culture delivers what it promises for quality of life—including creativity, well-being and fun. To do that, we shall, with our local government partners and with national bodies, further develop and publicise information about the difference that culture makes.

Step 3 is about providers striving to deliver high-quality cultural provision. Just as all aspects of the national performing companies' activities are now subject to peer review, local provision should also be subject to assessment. We are working with local authorities and cultural bodies to develop a quality assurance framework under which local authorities can assess their standards of local consultation, planning and delivery. That will embrace sector models such as the well-regarded public library quality improvement matrix.

Step 4 is about learning more successful ways to engage with potential participants and audiences from a range of backgrounds and to plan cultural delivery with their aspirations very much in mind. I am supporting 13 innovative projects throughout Scotland that are helping to find ways of overcoming some barriers to participation. They are working with communities and individuals who tend not to take part and they are forging links with community planning. For example, in Fife we are seeing genuine grass-roots engagement as citizens and professionals work together to determine the shape and scope of Fife's future cultural provision. The Dundee project has shown that social exclusion needs to be tackled proactively, so that all of society can enjoy the world of culture.

The feedback that is emerging from those projects and others shows that we need new models of service provision that are based on local accountability and dialogue. Those projects will be our culture champions. What we learn from them about people-centred approaches will help to inform future policy.

Presiding Officer, I think that you and members will agree that the Government's commitment to our nation's cultural scene is aspirational and practical in its content, and that we have an exciting and inspiring time ahead for the benefit of Scotland's people. To quote Sir Walter Scott, we have "the will to do" and "the soul to dare".

**The Deputy Presiding Officer:** The minister will now take questions on the issues that her statement raised. I intend to allow 30 minutes for questions, after which we will move to the next item of business. It would help if members who wish to ask a question press their request-to-speak buttons now. Oh dear, members have done that.

**Malcolm Chisholm (Edinburgh North and Leith) (Lab):** I thank the minister for the advance copy of her statement, which should perhaps properly be referred to as a statement on the disappearing culture bill, because of her single-minded and misguided determination to hack away every section of the draft culture (Scotland) bill except one. I welcome the minister's determination to carry forward our creative Scotland proposals, including work to build the contribution of voluntary and community arts and the guarantee that there will be no political interference in creative Scotland's artistic judgment, which was, of course, never intended.

Creative Scotland was to lead on the development of national standards for the creative sector and to advise on cultural entitlements. Will national standards still be at the heart of creative Scotland's work? Why on earth was there no mention whatsoever of cultural entitlements or cultural rights in the minister's statement? The Scottish Government's document that includes the responses to the draft culture (Scotland) bill shows that there is widespread support for the guiding principles of local cultural planning and entitlements. Indeed, many of the respondents wanted the Government to go further in that regard. COSLA, which the minister mentioned, wrote:

"It is our view that local cultural entitlements will make an important contribution to increasing participation in cultural activities."

Why has the minister turned her back on that central plank of cultural policy, which was at the heart of the Cultural Commission's work and has been widely accepted throughout Scotland and internationally?

I am glad that the minister continues to support our cultural pathfinders, but how will she ensure that local authorities deliver on the cultural agenda without the legislative and other proposals that we put forward?

Last but not least, will the minister put her money where her mouth is on cultural policy, as we undoubtedly did? Significant increases in funding have been made available in the past few years. Why has she not yet spent all of the £20 million extra that went with our response to the Cultural Commission? Will she continue our many important new initiatives, such as cultural co-ordinators in schools, for which £4.65 million was earmarked for 2008-09? What support package will she provide to enable the creative industries to thrive? What on earth has happened to her manifesto commitment on a new grant to artists? Is that simply one more Scottish National Party broken promise?

**Linda Fabiani:** I will start with what Mr Chisholm called “the disappearing culture bill”. I am legislating to establish creative Scotland as a public body, and I have explained what I have taken out of the draft bill, mainly because it was daft to include it in the first place.

I trust our local authorities, our artists and creative Scotland to lead the way on culture provision in this country. Mr Chisholm talked about cultural entitlements, but what on earth are they? They were not included in the bill; they were covered in the guidance, because the previous Administration did not really know what the phrase meant.

I trust local authorities to implement their community planning measures and to consider culture for everyone. I have no doubt that they will achieve that under their outcome agreements. Legislation is already in place that says that culture must be provided in local authority areas. We should remember that community planning is not just about local authorities; it involves health boards and all public bodies that have a locus in the provision of culture. Part of the problem has been that so many people have run around doing their own thing. Whenever there was a problem, the previous Administration simply set up another body or another scheme to deal with it. We are looking at what really happens on the ground, and we are handing over responsibility to those who know what they are talking about, and to those who implement measures and will deal with the Government in a mature way.

**Ted Brocklebank (Mid Scotland and Fife) (Con):** I thank the minister for letting me have early sight of her statement, much of which I broadly welcome.

It is vital that the arts and culture in Scotland flourish and it is particularly important that they continue to do so in an international context. Can the minister tell us whether, in future years, the extra funding for the Edinburgh International Festival will be de-tartanised so that it is made available for outstanding creative work from any

country, rather than just for Scotland-based artists?

I welcome the continued importance that the Government places on the national performing companies, which are to be funded directly. However, I still have some reservations about the role of ministers in creative Scotland. Will she give a cast-iron guarantee that the legislation will ensure that ministers can make judgments only on the overall financial prudence of creative Scotland? It is absolutely vital that the principle of arm's-length arts funding be maintained.

Although the minister's statement contains a number of imaginative ideas, does she agree that she could have placed more emphasis on how Scottish businesses might be encouraged to invest more in the arts so that the increasing burden of arts spending is not all at public expense?

On the national-local partnership, I welcome the proposal that local authorities and cultural bodies will develop a quality assurance framework. As a former director of the board of the Byre Theatre of St Andrews, I associate myself with her remarks on the need for grass-roots engagement whereby citizens and professionals work to shape future cultural provision. That will be particularly welcomed in Fife, as the Byre Theatre's haydays initiative, which involves over-50s in the arts, is a splendid example of the idea. Is the minister aware that KT Tunstall, whom she singled out in her statement, is not only a brilliant musician but someone who began her career as a young artist in the Byre Theatre?

Finally, given that the minister's statement makes no mention of broadcasting, will she confirm that the Government has given up on the daft idea of a “Scottish Six”?

**Linda Fabiani:** I thank Ted Brocklebank for his broad welcome for my statement. Those who care about our country's culture and who recognise the importance of our arts and creative industry will welcome it.

I guarantee that the bill that we will introduce will contain an absolute commitment that no artistic direction can be given to creative Scotland. It is fine for Mr Chisholm to say that artistic direction was never the previous Executive's intention but, if that is the case, why did the draft bill include a provision that would allow ministerial direction over creative Scotland? Such a provision does not make sense, so we will remove it—there will be no artistic direction from ministers and creative Scotland will be at arm's length.

On the expo fund, Mr Brocklebank and I have had the argument before. Scotland-based artists will be the recipients of the fund and I have no doubt that the quality of work that will be

encouraged by the fund will be of international stature. I am sorry if Mr Brocklebank thinks that that could be a problem.

On the Byre Theatre, I did not know that KT Tunstall started there. I have not managed to visit the Byre Theatre yet but I hope that, when I do, I will have a worthy escort in Mr Brocklebank.

My view is that business sponsorship for the arts has been a hidden resource in this country for too long. Our big international companies and our small and medium-sized enterprises support the arts in their own communities. Loads of that goes on but we have never properly celebrated it. Arts & Business Scotland does great work in encouraging business to invest in the arts. We also need to recognise the economic benefits that come from the arts—the traffic is not just one way—so I feel strongly that such involvement must be not only celebrated more, but encouraged more, so creative Scotland will look at that issue as well.

On broadcasting, I assure Mr Brocklebank that the Government will never give up its striving to ensure that Scotland gets a fair deal.

**Iain Smith (North East Fife) (LD):** I draw members' attention to my voluntary entry in the register of interests as a friend of the Byre Theatre of St Andrews and of the Dundee Rep Theatre—

**The Minister for Environment (Michael Russell):** And of KT Tunstall?

**Iain Smith:** Sadly, I do not have that privilege, but she does come from my constituency.

I apologise for missing the first few words of the minister's statement, but I was able to catch them in the advance copy that she supplied, for which I am grateful. There is much in the statement that I welcome, especially the recognition of the significant improvements in the cultural sector in Scotland that took place under the policies of the previous Liberal Democrat-Labour Administration. I also recognise and welcome the commitment to fulfil the Liberal Democrat manifesto pledge to ensure that the legislation that will set up creative Scotland will not allow ministers to intervene in decisions that relate essentially to artistic judgment. The minister will get our support on that.

It has, however, taken the minister six months to say that all she will do is proceed with the previous Government's proposal to merge the Scottish Arts Council and Scottish Screen. We could have expected the bill to be published today, but we have been told only that it will be published some time next year. Why has it taken the Government so long to make so little progress? Where in today's statement is there any detail, direction or clarity about the future of the cultural sector in Scotland, either national or local? Where is the

information about the money that will be available, which is crucial?

The SNP manifesto said very little on culture, but the statement said even less about what was in that manifesto. As Malcolm Chisholm asked, where is the commitment for new grants for artists, so that they can reclaim tax on their work? Where are the proposals to expand the range of funding options that are available to artists? What is being done to investigate film tax incentives? Where is the transfer of budgets for the creative industries from Scottish Enterprise to creative Scotland? Not one of those four promises in the SNP manifesto is mentioned in the statement.

The minister ended by quoting Sir Walter Scott on

“the will to do, the soul to dare”.

I dare to say to the minister that this willnae do.

**Linda Fabiani:** How ungracious that was, after starting so well. I was going to say that Iain Smith could accompany Ted Brocklebank and me to the theatre, but now I am not so sure.

In six months, I have talked to stakeholders at great length and have taken advice from people in the know. I have made a statement to tell members what we will do in the draft bill. It took eight years and umpteen working groups, commissions, task forces, debates and discussions for the previous Administration to come up with a draft culture bill. It is laughable to suggest after six months that we have failed.

All members know that, until the spending revenue statement is made next week, I will make no announcement on finances. However, I assure Parliament that the Government will, as our manifesto made clear, publish firm and detailed plans for different aspects of culture. Mr Smith referred to significant improvements that were made under the previous Administration. If those improvements were so significant, why did it try to spoil them with its silly draft culture bill?

**Alasdair Allan (Western Isles) (SNP):** How does the minister intend to progress the work that was formerly undertaken by Scottish Screen, especially to get Scottish films on general release? I trust that Mr Brocklebank does not take that to mean that I am over-tartanising the silver screen. The question is brought to mind by the success of the excellent Gaelic feature film “Seachd”, which raises a second issue that I would like the minister to address. How does she intend to mainstream Gaelic within the work of the new agency?

**Linda Fabiani:** As Alasdair Allan and many others were, we were hugely disappointed that “Seachd” was not put forward for a British Academy of Film and Television Arts award. Scottish Screen contributed financial input and

advice to the making of the film, and we all feel strongly that it was good enough for nomination.

The Scottish Arts Council currently supports a great range of Gaelic arts organisations. I expect creative Scotland to continue and to build on those relationships across the art forms, which include the film and screen industries. I am confident that bringing together the expertise of the Scottish Arts Council and Scottish Screen will lead to a resurgence in the screen industries in Scotland. It is extremely important that Gaelic be part of that.

The broadcasting commission's remit is primarily to do with television broadcasting, but film is also an aspect of its remit, as is drama and everything else. I hope that some of the commission's findings and recommendations can be agreed by the Government; it would then be up to the likes of creative Scotland to develop and offer input. The timing of all that could work out rather well. I think that we will see resurgence in recognition of our creativity in Scotland. Part of that will be on the wider stage, which reflects the importance of film and screen.

**Patricia Ferguson (Glasgow Maryhill) (Lab):** I thank the minister for her statement, the best bits of which were familiar to me. The minister said that it took eight years for the previous Administration to get round to drafting the culture bill. I point out to her that in those eight years, we established the National Theatre of Scotland, we secured the national companies for the future, we established the year of Highland culture to great success, we put in place plans for the Burns year of homecoming, which I hope will be a great success, we introduced a national plan for Gaelic, and we established the winter festivals, to name but a few achievements. We were not standing still and the idea behind the culture bill was to build on that success and to take Scotland to the next step.

It seems that ministers have been warned not to mention money when they come to Parliament, but can the minister at least guarantee, without mentioning sums of money, that the upward trajectory that we have seen in arts funding in recent years will continue? What new initiatives will she develop as a result of any additional funding that she secures? Importantly, will she also explain how her policies will help to ensure a more level playing field in local authority support for culture and consequently in access to local provision? After all, that was part of what cultural entitlements were going to achieve.

**Linda Fabiani:** As I have said over and over again, I will not discuss funding until members have heard Mr Swinney's budget statement next week.

I repeat again that we wish to have a mature relationship with local authorities and that they

wish to have a mature relationship with their Government. I have absolutely no doubt that local authorities will step up to the mark through their community planning partnerships to do the best for the people whom they represent. It is sad that others in the chamber do not have the same trust.

**Michael Matheson (Falkirk West) (SNP):** I am pleased to note that the minister intends to merge two quangos into one. Every bonfire needs a little kindling.

I ask the minister to reflect on the success of the National Theatre of Scotland in taking one of its productions abroad to a reaction of which all of us in the chamber can be proud. What does the minister intend to do to encourage creative Scotland and other agencies to work towards ensuring that the aspirations and ambition that have been shown by the National Theatre of Scotland, with its tour of "Black Watch", are mirrored in the aspirations and ambitions of other artistic endeavours that are funded or part-funded by the Scottish Government?

**Linda Fabiani:** As I said earlier, our national performing companies are achieving the highest standards, both at home and internationally. We should be extremely proud of them.

Creative Scotland will work in partnership with a range of expert and interested bodies at national and local levels to develop, support and promote excellence in arts and culture. One such way will be through the Government's international fund and another will be through our expo fund, of which I will bring details to Parliament fairly soon.

**Karen Whitefield (Airdrie and Shotts) (Lab):** I welcome the Government's decision to continue with the previous Executive's work to widen access and participation in cultural activities. However, will the minister explain how that will be possible without cultural entitlements? While she does so, will she acknowledge that Labour members trust absolutely our colleagues in local government? The Convention of Scottish Local Authorities was an enthusiastic supporter of the concept of cultural entitlements in discussions with the previous Executive about the proposed culture bill.

Secondly, will the minister outline the Government's policy on broadcasting? In particular, will she explain how the Government will implement the recommendations of the Scottish Broadcasting Commission, given that the proposed culture bill will have completed its parliamentary progress before the commission has reached any firm conclusions or recommendations?

**Linda Fabiani:** In relation to cultural entitlements, it was clear from the responses to the consultation on the previous Administration's

draft bill that people thought that the inclusive solutions that were proposed for widening cultural participation at local level were sound and could succeed. However, it was also noticeable that consultees were unclear about the use of the term “entitlements”. I, too, am unclear about what the previous Administration meant by it. Rather than deal with it in the draft bill, it dealt with it in the guidance. What was the concept about? Was it about a set of enforceable rights or did it simply express an expectation that local authorities would make certain things available? I do not know what the previous Administration meant.

I intend to promote the people-centred approach to developing much more inclusive cultural opportunities. That approach has been endorsed by the findings that are beginning to emerge from the 13 access projects that local authorities are delivering.

I want to clear up the confusion surrounding the use of the term “entitlements”. They are opportunities to take part in cultural activities that are informed by the communities to which they will be provided. That is what is important. We cannot go imposing culture on people all over the country; people must come and say what they want.

The First Minister set up the Scottish Broadcasting Commission to carry out, on behalf of the Government and of ministers, an investigation into broadcasting and to come up with recommendations, which will be considered by ministers. I do not understand the confusion about the creation of creative Scotland and when it will be up and running. I imagine that the interim board of creative Scotland will give evidence to the commission. The commission will talk to the Scottish Arts Council and Scottish Screen. If the Government thinks that there are recommendations that should be taken forward, it may well be that creative Scotland will have a locus in that regard. That is perfectly straightforward and logical, so I do not see what the issue is.

**Hugh O'Donnell (Central Scotland) (LD):** Despite the differences between the Scottish National Party's manifesto commitments on culture and heritage and the minister's statement, the statement contains some welcome measures.

In relation to the whole package of cultural activity, is it the Government's intention to make St Andrew's day a full public holiday? Although I recognise that the link between heritage and culture is almost tangential, it is sufficiently strong to allow me to ask what role Historic Scotland will play in the development of culture and whether the Royal Commission on the Ancient and Historical Monuments of Scotland still has a future as an independent body.

**Linda Fabiani:** We believe that we should celebrate St Andrew's day and that it should be a public holiday, but it is up to employers and others to encourage staff to celebrate it. We will fight for that all the way because it is what we want people to do.

St Andrew's day this year will start off our winter festival, which will run throughout our wonderful hogmanay celebrations and the new year celebrations that are held in January in the Highlands and in Shetland, and which will end with Burns night. Our winter festival has already been greeted with great enthusiasm. People have e-mailed me to ask whether activities that they already do can be part of it. For the benefit of Scotland, everyone should get behind the winter festival idea and St Andrews day. Let us kick off a really good series of events over the winter.

Heritage and culture are part of the same thing—they are part of our national identity. We should all work together to ensure that the national companies, the national collections and the heritage and environment organisations work together to widen access to that culture. We have something fantastic in this country and we must bring it together and celebrate it.

On RCAHMS, as I have said in answers to written questions, we are looking at the whole landscape of public bodies. Michael Matheson referred to that in his question. We are considering what solution is best for Scotland. I will look at RCAHMS and Historic Scotland in that context and in relation to other such bodies.

**Rob Gibson (Highlands and Islands) (SNP):** Returning to theme 1, which is our national cultural identity, the Scottish Government made a welcome funding pledge earlier this year to ensure that the Edinburgh festivals become a showcase for the arts in Scotland as well as being a gathering of the world's best. Will the £2 million that was talked of as an initial commitment be administered by creative Scotland? Is the minister of the opinion that that support for our artists who are not in the national companies will support talented people in Scotland, attract such people to Scotland and retain them, and induce the directors of the Edinburgh festivals to showcase Scottish work?

**Linda Fabiani:** Of course, the Edinburgh festivals are crucial to attracting visitors and showcasing Scottish talent on the international stage. On encouraging the Edinburgh International Festival to do more showcasing of Scottish talent, that is a decision for the festival organisation. However, I feel strongly that if there is a Government commitment behind our artists, if we give them their head and let them create and if we say that we will help them because we want them to be able to celebrate their art and show it around

the world, we will automatically retain our own artists and attract talented people to Scotland and retain them. By doing that, our international showcases will not just think that they should showcase Scottish art but will actually want to do that. It would become a given that our artists would be showcased as being among the best in the world.

**Pauline McNeill (Glasgow Kelvin) (Lab):** The minister will recognise the importance of Scottish contemporary music not only to Scotland's culture, but to Scotland's economy, so I was disappointed that she did not mention it in her opening statement.

Many Scots are passionate about music, and if it is to grow in strength, it needs the support of experts in business development. KT Tunstall is an example of a fantastic Scottish artist, but she is also a significant business. Can the minister provide some clarity on the shape of creative Scotland in relation to the music industry? First, will it sit in creative Scotland? Secondly, and crucially, are there plans to incorporate business development within creative Scotland? Yes or no? If the answer is yes, can the minister expand on the extent of business support for the creative industries and its relationship with Scottish Enterprise?

**Linda Fabiani:** Obviously, contemporary music is a huge creative industry that brings immense economic and creative benefits to Scotland. Creative Scotland will have a role with the creative industries—we have always made that plain. I am discussing with Scottish Enterprise and creative Scotland's interim board and officers how best to meet the needs of the creative industries. I am also meeting with umbrella groups from different sectors of the creative industries to discuss that issue. It is not for me to impose how that work will be done; it is for me to learn from people in the field and for those who have experience to say how they think their needs can best be served. We will look at that. However, we have always said that creative Scotland will have a remit with the creative industries.

## Food Policy

**The Deputy Presiding Officer (Trish Godman):** The next item of business is a debate on motion S3M-784, in the name of Richard Lochhead, on a national food policy for Scotland.

15:19

**The Cabinet Secretary for Rural Affairs and the Environment (Richard Lochhead):** Since my appointment, I have been struck by the food revolution that is taking place the length and breadth of Scotland. The Government thinks that it is in the interests of consumers and in our national interest that the Parliament should support a joined-up, national food policy that promotes our economy, health, environment and culture. The time is right for such an approach, for which there is cross-party support in the Parliament. Indeed, the Government is pleased to support all the amendments that have been selected for debate. We can all agree that our food policy should make our nation healthier, fairer, wealthier and more sustainable.

During the summer, I visited many excellent food businesses and primary producers around Scotland, including farmers, crofters and fishermen. I was struck by the quality and variety of the Scottish produce that is being developed on our doorstep and by the dedication, passion and innovation of the people whom I met. As a nation we can celebrate the wealth of high-quality and internationally trusted produce from Scotland's farms, seas and food manufacturers. It is no wonder that communities throughout Scotland celebrate local food at fairs and festivals. Scotland has a reputation for quality. In Orkney, I was told that a number of butchers in England sell only Orkney Island Gold beef, because of the consistently high quality of the meat. I often hear similar messages about the beef that we produce in Scotland.

The campaign to support local, sustainable food is gathering momentum, as I keep finding out at fairs such as the living food event in Cawdor castle, which celebrated Scottish and Highland organic food and promoted slow—rather than fast—food. It is clear that there is a growing trend for organic food. The United Kingdom market was estimated to be worth nearly £2 billion in 2006, and it is growing. Scotland is well placed to exploit that massive potential. In Shetland, I met a young family who run a growing aquaculture business, producing organic mussels—that was one of many such enterprises that I visited during the summer.

Many food and drink businesses are household names in Scotland. In my Moray constituency, we have Baxters Food Group and Walkers



Shortbread, as well as a number of international whisky brands. We should remember that our bigger food businesses started out as small food businesses. When I visited the Black Isle show this year, I was informed that the food hall was double the size of last year's food hall and that many exciting and innovative new food businesses had taken stands for the first time. Likewise, the Royal Highland Show's food hall goes from strength to strength with each year that passes.

Producers are tapping into the increasing demand for local food in Scotland. I am sure that all members acknowledge the growing number of farm shops and farmers markets throughout Scotland. The first farmers market was held in 1999 and in Scotland there are now more than 60 active farmers markets, which bring consumers into direct contact with primary producers and help that vital sector's income.

**Murdo Fraser (Mid Scotland and Fife) (Con):** The cabinet secretary is right to highlight the success of such initiatives. However, he is aware of the serious crisis among upland livestock producers as a result of the foot-and-mouth disease outbreak. Will he say how a policy of local food procurement might help to breathe life back into that troubled sector?

**Richard Lochhead:** A local food policy would certainly bring primary producers extra income. The food that is produced on our doorstep is of the best quality and if we can persuade more consumers to buy it, we will help the lamb and other livestock sectors in Scotland, which face challenging times, as the member rightly says.

The number of farm shops has also increased in recent years. There are more than 70 fully established farm shops in Scotland, which sell Scotch lamb and other fantastic meat produce. On Monday, I visited Loch Leven's Larder—which is run by the Nivens, a farming family—on the Loch Leven heritage trail. I was impressed by the links that the Nivens have made between local food production, tourism and health. They have put notice boards in their fields alongside the shop and the heritage trail, extolling the nutritional benefits of the crops that are growing there.

There is a feeling of anticipation that we are on the verge of transforming how we regard the food on our plates. Consumers are taking a far more ethical approach at home, in restaurants and in canteens. Ethical issues raise questions for us all. What is the carbon footprint of the food that we buy? Where did the primary ingredients come from? Given the growing demand to know the provenance of food, how do we know which products are truly Scottish? How much processing has taken place? Have ingredients been added? How much energy was needed to process the food? Where does the food in our children's

school meals come from? What about the food that is served in our hospitals and public sector canteens? How much of it is locally sourced? How far have the ingredients travelled to get on to our plates? Who is getting the largest profit in the trading arrangements? Are our producers and suppliers in Scotland and those further afield getting a fair deal? What impact does food waste and packaging have on Scotland's unique landscape and environment? More and more of us in Scotland are asking those questions.

**Elaine Smith (Coatbridge and Chryston) (Lab):** Is the minister considering the introduction of nutritional standards in the public provision of food, for example in hospitals?

**Richard Lochhead:** The point is a good one. It is part of the reason why we want a national food policy. We welcome the contributions that members make to highlight such issues.

One thing for certain is that our expectations of food producers and manufacturers are growing and demands on them are mounting.

The public sector should have more of a key role in supporting Scottish food and in achieving our economic and social objectives. In Government, we are keen for children in our schools, patients in our hospitals and inmates in our prisons to be served with local, nutritious food.

A major challenge for our food industry is the capacity building that will enable it to respond to public tenders for the supply of food. I am well aware of the views that members around the chamber hold on the matter. Given those views, I agree to look at the way in which public bodies procure food and whether we can do anything to improve the process. However, we must equally accept the need to do more to help our food producers and manufacturers become more skilled and competent in meeting the growing needs of the public sector.

**Mike Rumbles (West Aberdeenshire and Kincardine) (LD):** On local produce, does the cabinet secretary agree that we should not break European competition rules? One way to ensure that we do not is to focus not on local food but on fresh food that is local.

**Richard Lochhead:** The member makes a fair point. Our food policy must identify any obstacles to our objectives and find ways to knock them down.

We all recognise that food is fundamental to each and every one of us as a source of energy, and that our choice of diet has a long-term impact on our health and well-being. Nutrition affects brain development, behaviour and people's life chances. Scotland's health is improving, but not

fast enough, particularly in our most deprived communities.

This morning's launch by NHS Greater Glasgow and Clyde and Glasgow City Council of a new curriculum pack to aid primary school pupils' understanding of diet, nutrition, and physical activity is an excellent example of the links that can be made across health, education, the environment and the economy. Obesity rates are higher in Scotland than anywhere else in Europe. Obesity is set to overtake smoking as the most frequent cause of premature death. A healthy diet affects positively our development and behaviour.

Of course, food education has a key role to play in that regard. We are already supporting initiatives to help explain to consumers and our schools the various stages of the food chain. Those initiatives are crucially important in urban Scotland in ensuring that knowledge about healthy, local food is not simply a countryside issue.

In order to understand the impact of food on health, we need to underpin our policies with the best science. Yesterday, I met the Rowett Research Institute and the University of Aberdeen to discuss their merger plans. That exciting proposal will lead to the creation of a new institute of nutrition and health that targets the prevention of disease through good food science. The new centre of excellence will eventually relocate to the Aberdeen Royal infirmary site at Foresterhill, which will cement the link between food science and health.

We already have a plethora of good, successful strategies and action plans covering agriculture, fisheries, waste, sustainable development, healthy eating, transportation, education and tourism. Since coming into government, I have launched Scotland food and drink, the Scottish food fortnight and, as recently as last week, Waste Aware Scotland's love food, hate waste campaign. Many in the chamber have endorsed the NFU Scotland campaign to encourage more Scots to ask, "What's on your plate?" I firmly believe that, wherever we chose to eat—in our homes or in restaurants or canteens—we should know where the primary ingredients come from.

I am well aware of the complex legal and practical issues that are attached to the labelling of food items, but I am equally resolute on the need to work with industry to find a practical and workable solution to increase the number of outlets where customers know with confidence where their meat and fish come from.

The complex and constantly evolving set of issues that face Scottish food production and consumption require us—indeed, they compel

us—to ensure that all our various policy goals are made clear, coherent and consistent.

I asked for an initial road test of the idea that Scotland should have a national food policy. As a result, we organised the well-attended open space event that took place on 8 October in Dundee. Yesterday, I sent members a copy of the report, which outlines the topics of discussion. Those who attended the event acknowledged that much was already being done across Government to support the food industry, but that much more needs to be done.

Food issues sit well with the Government's approach, which is that all our policies should point to our five strategic objectives and that ministers should work together. That is why the Minister for Public Health will close the debate.

Enterprise, health, rural affairs and other policy areas all have food dimensions and we must now act to ensure that they point in the same direction. The development of a national food policy will do just that. I want the process of developing the policy to be inclusive. To that end, I want to embark on a series of discussions and debates, including a food summit to be held in the early part of 2008. We will also appoint a short-life expert group to take us toward the Royal Highland Show, when we will publish our policy. I hope that we will all be able to sign up to it and that the Government will be able to implement it.

We need a national food policy for Scotland that covers all aspects of food production and consumption, identifies a direction of travel and sets out what we need to change to achieve a long-term vision for Scotland that will benefit our economy, health and environment. I commend the motion to Parliament.

I move,

That the Parliament believes that Scotland should have a national food policy and would benefit greatly by having a clear, consistent and coherent approach to food covering health, environmental, social, cultural and economic factors and welcomes the Scottish Government's commitment to launch a national debate and consultation on a food policy for Scotland that takes into account the views of the Parliament, industry and wider society.

15:30

**Sarah Boyack (Edinburgh Central) (Lab):** We on the Labour benches welcome the debate. We believe that we can all agree on a great deal. The very fact that the cabinet secretary began his speech by saying that he will accept all three amendments indicates how much broad agreement there is on the issue in the Parliament. The amendments all push in the same direction. That is because there has been an awful lot of debate on the subject in the Parliament in the past

eight years. We must use the debate and the forthcoming consultation to get action on the matters on which we all agree. The debates that we have had on organic food, farmers markets and the need to promote local food have shown not only the broad agreement throughout the Parliament, but the high level of cross-party recognition of the importance of the issues.

There is also agreement that we must have a public health policy that focuses on healthy eating and exercise. The minute that we start drawing together a food policy, it begins to stretch out into those other matters. One challenge for the cabinet secretary is to create a coherent food policy. He must ensure that the thinking of all his Cabinet colleagues is joined up and that the entire system is joined up in its actions. We need more joined-up thinking but, crucially, we need joined-up action.

As a starting point, we should put the links between health and food at the heart of our agenda. Far too many households in Scotland live in areas with no easy access to decent affordable food. We all know of estates in our constituencies where the only local shops are the newsagent and the chippy. Too many Scottish households are without access to a car and simply do not have access to local shops or supermarkets that sell affordable fresh fruit and vegetables. Food co-operatives can be an important part of the answer, but there is no substitute for local shops that are near housing. Access to fresh food must be one of our priorities.

A great deal happened in the first two sessions of Parliament to promote the issues. I draw attention to Labour's hungry for success initiative, which has made a real difference through promoting healthier school meals. In the schools that I have visited, one can see that a change is beginning to take place. The measures on free fruit in the early years of primary school, fresh water and breakfast clubs are all about promoting access to healthy food for kids who otherwise would simply not have access to those choices.

The minister mentioned the need to ensure that urban Scotland is part of the picture. Urban schools are a particular challenge. That is why city farms are important, because they introduce school kids to how their food is grown and where it comes from. I know from visiting local farmers that they enjoy bringing schoolchildren out from the city to see their farms—that makes the connection effectively. There are also visits to allotments. We should build such visits into the eco-schools programme so that they are part of the curriculum, to allow kids to understand where foods come from.

I stress the importance of the design of new schools. There is a contrast between two schools in my constituency—St Thomas of Aquin's high

school and Tynecastle high school. St Thomas's is a brand-new school with kitchen and dining-room facilities. The school has taken on the agenda of promoting healthy eating. It has smart cards to make buying meals easier and so that there is less of an issue for kids who are on free school meals. The school has discovered that pupils use the dining-room in the new school much more than they used the dining-room in the old school, simply because the room and the meals are more attractive. The school is trying to get kids into eating fruit.

By comparison, the dining-room in Tynecastle high school dates back to the second world war. It is gloomy and looks unattractive. Despite the staff's best efforts, many of the school's students vote with their feet and are more likely to be found eating chips and junk food off-site and outwith the school during their lunch hour.

We want to make kids want to have healthy lunches in their schools—not by forcing them but by giving them a better choice. That is why the joined-up approach advocated by the cabinet secretary is so important. The Cabinet Secretary for Education and Lifelong Learning needs to feel ownership and that this is part of her agenda.

As part of the cabinet secretary's local sourcing agenda, I ask him to give particular consideration to the Soil Association's proposals on fresh and organic food in schools and to ensure that such issues are discussed with the education secretary.

The East Ayrshire pilot shows the way forward and should be developed further, with the lessons rolled out throughout every local authority in Scotland. That is one of the key challenges for the cabinet secretary in the development of the food policy.

I very much agree with the cabinet secretary's comments about childhood obesity—that is why the food policy needs to link into public health and physical activity.

The debate is not just about food for our schools, as more action is needed for our hospitals, too. Although the emphasis in hospitals is on shorter stays for patients, food is still important in providing patients with energy and aiding the recovery process. We should not forget care homes and other places where older people will live for much longer in future—those places should also be covered by our food policy. The trade union Unison has done a huge amount of work on promoting a food policy that incorporates our public health sector, particularly our hospitals and care homes. The Labour Party is very much signed up to a new public sector food policy, which we hope will have at its heart the higher standards of nutrition that the cabinet secretary talked about.

We believe that protecting our environment and tackling climate change should be central to our food policy. Carbon footprint pilots carried out by WWF and local authorities have demonstrated that food is a major contributor to the carbon footprint of local authorities. We can tackle that area in Scotland: if we build it into the food policy—the approach should not be a by-product or an extra—we can bring about serious reductions in our CO<sub>2</sub> emissions.

The Labour Party accepts that we live in a global world and that the food chain has become longer and more complex in the past decade. Nonetheless, there is much that we can do in Scotland to address issues such as how our food is grown; our reliance on pesticides; our animal welfare standards; local processing; the impact of local food production on our landscapes; and the sustainability of our biodiversity. All those issues need to be factored into our food policy. Last week, we debated landscapes and the contribution that farming and crofting communities make to Scotland's wonderful landscapes. However, our agri-environment schemes need to be properly recognised and resourced.

In the previous session, the Environment and Rural Development Committee—of which the cabinet secretary was a member—carried out an inquiry into the food chain. I invite the cabinet secretary to go back to the recommendations, around which there was unanimity and which included more transparency in the food chain, and tick them off as he develops his food policy. We also campaigned for a supermarket ombudsman. That issue arose as a provisional recommendation from the Competition Commission last week, and we would warmly welcome such a recommendation. We need to push on and get action.

Our inquiry uncovered poor practices, such as short-notice or verbal contracts between supermarkets and farmers that can be broken in a phone call. We heard of farmers putting in investment, only to be told at the last minute that the food would come from elsewhere. We heard about buy-one-get-one-free offers, with the expectation that the packaging would be funded by producers—this in a country in which we rack up food waste routinely. We need a joined-up approach on the waste issue.

I suggest that the cabinet secretary should consider the following issue. During the recent foot-and-mouth outbreak, sheep reared for food were simply slaughtered without entering the food chain. It breaks the hearts of farmers and crofters to have to do that, and it is in nobody's interests. Supermarkets routinely produce huge amounts of waste—they need to be plugged into the waste

campaign. There should be some joined-up thinking involving them, too.

Lots of good things are happening in supermarkets—I do not want to be absolutely negative. There has been a lot of work on local food sourcing, but more is needed. That is an area in which we need to act. I direct the cabinet secretary's attention to the fact that a lot more action needs to take place on local food procurement and food sourcing and on issues such as farmers co-operatives. The Scottish Government could act on the structural issues within farming and crofting, such as the promotion of affordable food and the capacity of farmers to work together to secure contracts. I hope that the cabinet secretary will meet the Scottish Agricultural Organisation Society to ensure that we get the details right.

There are now fair trade towns and cities throughout Scotland—fair trade also needs to be part of our food agenda. Fair trade makes a difference, and consumers want us to act on the fair trade agenda. Those of us who met Malawian farmers in the Parliament earlier this year know the difference that fair trade is making to their lives. We are not able to grow produce such as coffee, bananas or nuts in Scotland, but we can use our purchasing power in government and as consumers to ensure that we address that agenda.

Our amendment focuses on access and affordability, environmental sustainability and sustainability of our local economies. We are not starting from scratch and there is a lot of agreement. The challenge for the cabinet secretary is not only to get the policy in place but to get action from that policy. That is what we want.

I move amendment S3M-784.3, to leave out from “that takes into account” to end and insert:

“, building on work done by the previous administrations, and believes that policy priorities should include local procurement, affordability, sustainability and reducing Scotland's climate footprint, taking into account the views of the Parliament, industry and wider society.”

15:40

**John Scott (Ayr) (Con):** I declare my interest as a farmer and refer members to the register of members' interests for my other farming-related interests. I thank the minister for the copy of the DTZ Pieda report.

I welcome this debate on a national food policy. It is taking place at the right time, as rural Scotland starts to pick up the pieces following the foot-and-mouth disease outbreaks and chart a way forward for food production again.

The consideration of a national food policy must be set in the context of worldwide food security. Having been an issue in Europe until 1986, food security is becoming a major concern once again. Europe and Britain have enjoyed 20 years of plenty and surpluses since the mid-1980s. However, although the doubling of the price of grain and massive increases in milk prices over the past year have been welcome from a farming perspective, they are also indicative of a tightening of supply in those commodities.

The high worldwide price of oil, which approaches \$100 a barrel today, is encouraging farmers throughout the world to grow crops for biofuels. That development, coupled with increasing demand for western food from China and India, means that plentiful and cheap food may shortly become a thing of the past. Few people had foreseen that a high price for oil would also drive up the price of food but, with peak oil either upon us or past, it is unlikely that oil will reduce significantly in price again. The European Union has recognised that fact and has already reduced set-aside to zero.

We are on the cusp of a new era of demand for global food production and Scotland must play its part. Notwithstanding the dreadful year that producers of sheep, pig and poultry are experiencing, we must support and maintain food production capacity. That is why it was important to support the breeding flocks in the sheep industry post the foot-and-mouth outbreak. The industry has welcomed that support, and I hope that the minister will also support the pig industry if he can. It is important that we sustain a critical mass in both those sectors to maintain slaughtering capacity as well as a level of self-sufficiency in food production in Scotland.

In addition, in the short and medium term, we must support the use of more locally produced food in our school, hospital, council and prison canteens. We must stop paying lip service to enhanced public procurement, as has happened in the past, and start making it happen now. Indeed, in 2002, Morgan and Marley made clear the many ways in which local sourcing can be legitimately specified within existing procurement rules. Perhaps the Government should consider issuing guidelines on that, if some are not already in place.

The terms “protected geographical indication” and “protected designation of origin” have been widely adopted elsewhere in Europe and must be used more in Scotland to give our producers a marketing edge and add value to their product. That is another matter that the Government could helpfully drive forward at little or no cost and was one of the conclusions of the DTZ Pieda report.

The benefits of increasing consumption of locally produced food have already been well rehearsed, but they are worth repeating. By and large, buying locally produced food both reduces one’s individual carbon footprint and supports our local farming and processing industries. Local food is fresher, tastier and usually healthier because it has higher vitamin levels—vitamin levels decrease over time in food that is imported from abroad. In addition, locally produced food is often less processed, has lower fat and salt levels and is less likely to cause obesity and diabetes.

We must recognise the health problem that our current diet is creating, particularly for our young people. Nowhere is that more clearly stated than in the document “Review of The Scottish Diet Action Plan: Progress and Impacts 1996–2005”. The Parliament should consider ways of implementing many of the recommendations in that report. Perhaps my colleagues Mary Scanlon and Nanette Milne will address that point and talk about minimum nutritional standards in school meals, which Elaine Smith mentioned.

Government departments must take a more cross-cutting and joined-up approach. For example, the health department should not only recognise the benefit of using fresh, local food in local schools but acknowledge the additional value-added benefit to the environment and the local economy. I welcome the fact that Shona Robison is closing the debate.

Similarly, the Minister for Transport, Infrastructure and Climate Change must consider not only the carbon footprints of farmers markets but all their other benefits, including the regeneration and rebuilding of communities and town centres and the education and reconnection of urban and rural communities.

Positive evidence has recently been published about the health benefits of organic food production. That should be taken note of and reconsidered in a new light—and I might be the first convert. Proper labelling must remain a cherished goal, too.

Much enthusiasm exists to develop a coherent national food policy, as we have seen already during the debate, with the greatest potential for improvement lying in the local food sector. We all know that the sector is growing like a mushroom at the moment, but that is happening in a haphazard and random way. Helpful Government support in terms of guidance, targeted funding, further research into ways of adding value and developing co-operation and collaboration can make a difference. I urge Parliament to push the agenda forward with all speed and to support the amendment in my name.

I move amendment S3M-784.1, to insert after “factors”:

“; believes that a national policy must include more assistance for public procurement of home-grown Scottish food to be achieved by improved co-operation between Scotland’s local food producers and government,”.

15:46

**Mike Rumbles (West Aberdeenshire and Kincardine) (LD):** The benefit to everyone’s health, the benefit to the environment and the benefit to Scotland’s farmers, fishermen and rural communities of choosing more local, fresh and seasonal produce is now beyond dispute. That is why there is so much agreement in the chamber.

I am lucky enough to live in a very rural community—the parish of Birse on Deeside. Just last week, I purchased a lamb, at a fair price, from Ballogie Estate. It is fresh, it is local and I know that it will taste delicious. Also in the parish of Birse is the Finzean farm shop, which opened last year. After just a few months of operation, it was one of the finalists in the recent Scottish Thistle tourist awards. It is an excellent facility, and people come from miles around to shop there. We are very fortunate indeed in Birse on Deeside. The Finzean farm shop is an exemplar of best practice—it features in today’s *Press and Journal*, for instance, as a showcase for drawing together suppliers and other small businesses to forge stronger links between them. The minister spoke about slow food—the newspaper headline is “Deeside produce showcase puts slow food in the fast lane”.

Of course, as the minister has suggested, we should be ensuring that people throughout the country have access to such local produce and local outlets. Scotland’s local food market has enormous potential for further expansion and its development would deliver many advantages. Moving over to more localised supply chains can bring economic benefits to a region. It can help to enhance linkages between our urban and rural communities, improve food quality in public institutions and be hugely significant in environmental terms by helping to reduce food miles. It is imperative that organisations that are funded by the taxpayer, be they public or private, buy fresh and healthy food as often as possible. The Government must find a way to apply existing European Union fair competition rules as robustly and as favourably as possible in that regard.

The amendments in the names of Sarah Boyack and John Scott both call for the public procurement of local produce. The Parliament must be careful not to call for the Government to ignore fair competition rules that are applicable to all member states of the EU—that would not be right. Our amendment calls on the Government to

“amend public procurement policy to ensure greater use of freshly produced healthy food in the public sector”.

That, I think, would address the issue that we are discussing. Of course we encourage the Government to work with retailers in the private sector—according to the European competition rules, that is allowed—to encourage more use of local Scottish produce.

In the global economy in which we live, we cannot have a national food policy that focuses exclusively on local, fresh produce. That would make a nonsense of the commercial world. Like Sarah Boyack, I want to say a few words to ensure that, in our focus on fresh, local food in our national food policy, we do not forget about fair trade.

Last month I was in Kenya, whose economy depends on many fair trade goods. I was alarmed a couple of weeks ago to hear that the Soil Association was considering removing its accreditation of organic goods for produce that is flown in from Kenya simply because it is flown in. That would threaten the fair trading of many goods, and Kenya cannot afford to lose that trade.

In that instance, the Soil Association was focusing on the flower crop. It seemed perverse that it would consider that Kenyan crop to be less green than flowers grown in greenhouses in Holland, which produce far more greenhouse gas emissions. I am glad to say that the Soil Association had a rethink about that ill-advised move and saw sense.

When we devise a national food policy for Scotland, we must be careful that we do not concentrate all our efforts on local and fresh produce and forget about fair trade.

**Alex Johnstone (North East Scotland) (Con):** Does the member acknowledge that we must also bear in mind that in this country we would like to develop healthier beef and lamb export markets and that, consequently, we must accept that international trade is important to our agriculture?

**Mike Rumbles:** I could not agree more. We think alike on that issue.

I would like Shona Robison to address the fair trade issue in her summing up and assure us that the Government will give due weight to fair trade in its deliberations.

Our criticisms of the Government on a national food policy relate to what we perceive to be its lack of action. The Government has had six months to examine the issue with stakeholders. It has conducted its rural listening tour, which is good. It has participated in debates on local food and agriculture, which is absolutely right. It has taken part in the what’s on your plate? campaign with the NFUS, as the minister said. It has been in

contact with local authorities and public sector suppliers. It has seen and debated last year's report by the former Environment and Rural Development Committee on the food supply chain. It has done an awful lot of work on the issue over the past six months, so I was looking forward to what it would come up with. However, all that it has come up with is a consultation.

Richard Lochhead has said that he has made supporting the food industry a "clear priority". If the consultation is all that he has come up with after six months of thinking about his priority, I wonder what he has done on his lesser commitments.

On 4 October 2006, Richard Lochhead said in this chamber that a new food policy was long overdue and that

"We need proactive action on the issue from Scotland's responsible minister".—[*Official Report*, 4 October 2006; c28135.]

I could not agree more. Richard Lochhead is absolutely right. I just want to see him take a little more action and make specific proposals.

I move amendment S3M-784.2, to insert at end:

"believes that educating children about where their food comes from must be central to any national food policy; resolves that early action is required to amend public procurement policy to ensure greater use of freshly produced healthy food in the public sector, including in our schools, hospitals and other public bodies; calls on the Scottish Government to assist in the development of farmers' co-operatives and farmers' markets, and further calls on the Scottish Government to work with retailers to encourage more use of local Scottish produce in stores."

15:52

**Rob Gibson (Highlands and Islands) (SNP):**

This debate covers health, education, agriculture, environment and transport. All those aspects have been brought together to create a national food policy. It is worth reflecting on how people can feed into such a plan.

On procurement, Highland Council has been considering how it can maximise the use of local food and include a reasonable proportion of organic and fair trade food in schools, hospitals and the local prison. When the local school meals group met, it discussed the problem with rules, which a number of members have mentioned. The Scottish Executive interprets the EU rules. It is important that they are made perfectly clear. I was interested in what Mike Rumbles said about our focus on fresh produce. We need to find a way to deliver. The rules have to be crystal clear so that everyone can take part.

Seasonality is important, too. Small producers have to be able to work up to the possibility of taking over the production of food for schools locally. The local school meals group

acknowledged that, given that samples have to be provided, it would be a good idea to have pilot schemes involving 20 or 30 schools in each council area that does not already have a good system in place. The availability of food all year round will require greater capacity. Therefore, we have to encourage more people to be involved in the production of food for local consumption.

When the tenders came in, it was found that although Highland Council, to its shame, employed Brake Bros—before the councillors had a full handle on things in the summer—the local produce on offer was only about 10 per cent more expensive. That could have been accepted within the budget limits, but the big killer in rural areas such as the Highlands is the cost of distributing food to schools. The wholesale costs of distribution are outrageous. We have to find a way for food producers to share those costs between them and try to find a cheaper way so that all schools in the area can be served. Many of the products cannot be grown at some of the smaller schools in the west.

I am a member of the Scottish Crofting Foundation—that might be relevant to what I am about to say. It was shown in the planting to plate exercise during the summer that, when we teach children how to plant or rear food and then cook it, we get the best of both worlds. We want schools to be involved. Inverness high school has its own garden. It sells the produce in local farmers markets and it also serves up the produce in the canteen. That example shows that it is possible for schools to grow their own food.

The Highland people were keen to involve East Ayrshire Council, which sources 60 to 70 per cent of food locally—we will probably hear more about that—compared with 13 per cent in the Highlands. There are practical issues in changing from using bulk suppliers to employing local suppliers. We must do that in stages by increasing the number of schools that are involved in pilots. I recommend that approach to ministers.

I was pleased to read the report of the open space event, which mentions my point on education. The top priority of the nine issues on which participants voted was:

"How can we engage consumers in relation to food and health?"

Personal and social education in schools was regarded as the main way to do that. If we are to have a system in schools that benefits the whole nation, we will need appropriate materials and national guidance on how schools should deliver the message. It is important that education ministers are involved. In the past, ministers have said that they cannot interfere in what schools teach, but it is time for us to set guidelines.

Inspectors would then consider at a later date whether standards were being met.

We must not forget the role of the Food Standards Agency. It is interesting that, at a time when we are talking about major reports that show that organic food is good, the FSA is agnostic on the matter. That does no service to Scotland, and it has to change. Worse than that, however, the FSA is also silent on genetically modified ingredients in food. It is assumed that, under the surface, quietly, it is in favour of GM ingredients in animal feed. We must get the Food Standards Agency sorted out.

As we move forward, we need a definition. The idea of food security can be developed into food sovereignty. That concept does not display an exclusivist attitude against food from outside, but goes to the heart of our health and our personal, physical and economic well-being. It is in our interests that Scotland continues to produce top-quality food and that we get a chance to eat it. The type of food that we want can be summed up in three words—good, clean and fair. We need to get producers and consumers on board, and we can do that by having a national food policy that uses that definition.

15:58

**Peter Peacock (Highlands and Islands) (Lab):**

Like others, I welcome today's debate and the Government's intention to develop a food policy. The vision in the motion is limited, but I am glad that the Cabinet Secretary for Rural Affairs and the Environment went beyond that and set out his broader ambition. By accepting the amendments, he made his approach to the debate more complete.

There is no doubt that, internationally, Scotland has a very good reputation for high-quality produce. Our future is best served if we maintain our approach and produce quality goods for international markets rather than try to compete in the mass commodity markets as other countries do. If we stay in the high-value markets, that will benefit our industry and our communities more in the future. Many Scottish products are already successful in such markets. Those products include Orkney beef, as the minister mentioned, Shetland salmon and west coast prawns, mussels, scallops and crabs. They also include the light lambs that we get from our Highlands and Islands communities and prime pork cuts. They are all regarded as high-quality products with a Scottish label on them.

That can also be said of other produce, such as raspberries, potatoes or cheeses—

**Jamie Stone (Caithness, Sutherland and Easter Ross) (LD):** Yes!

**Peter Peacock:** That includes cheese from Mull, Campbeltown, Connage Highland Dairy close to where I live in Ardersier, and Tain, where Jamie Stone's family has an interest. It is alleged that, in the early days of his family's business, Jamie Stone used to mix the cheese by swimming in the bath in which it was contained. I shudder to think what that did for the nation's health, but nonetheless the company survived.

We have high-quality produce, and many of the products have value added to them locally. By using smokehouses or freezing plants and by creating products such as Baxters soups, Walkers shortbread or the famous Stornoway black pudding, we add value to high-quality produce and increase its reputation. We need to keep operating in those markets and growing our export markets.

We need to open up more fully another front, which is growing more local markets for local food: markets that serve local needs, that serve the tourism offer in all parts of Scotland, that support smaller producers and that give new and additional opportunities for organic produce.

**Alex Johnstone:** Does the member acknowledge that some of the highest quality food produced in Scotland, with the lowest carbon footprint—particularly that which is produced in the member's own Highland region—is produced by traditional rather than organic methods?

**Peter Peacock:** Both have a part to play. We should not be antipathetic towards organic or traditional methods.

Consumers today are much more interested in food: where it comes from, the environmental impact of production, its health benefits and the sustainability of the production systems. That trend will continue, providing more opportunity for local food markets to grow on the back of that interest.

As we have seen in recent years, local food has become a much bigger part of the tourism offer in Scotland. In the short-break market in particular, a significant proportion of people come to Scotland to sample food in all its different forms. Again, that creates an opportunity for more local markets.

A lot has been done already—I do not want to give the impression that nothing has been done. I pay tribute, for example, to the work that John Scott has done in pioneering and promoting farmers markets in Scotland. There have also been local food festivals, including Highland feast in my area. The Highlands and Islands local food network helps to support those who produce local food, and the minister mentioned the living food event at Cawdor castle, which was a celebration of organic slow food.



There has been organic production in Inverness high school, which Rob Gibson alluded to but did not specifically mention, where food is being produced within the school. Individual producers have used new techniques to market their produce, for example mail order for local food in the Cairngorms.

All those organisations struggle financially and organisationally to produce what they do and promote the local food market, and more needs to be done. I call on the Government directly and through its agencies—such as Highlands and Islands Enterprise in my area—to give more support and to ensure that the production of local food and supporting its marketing, promotion and organisation is a key strategic and economic objective for each region.

We can do more to support local production. For example, the apprenticeship system that the Highlands and Islands local food network has promoted to help people into the industry is a good initiative. Perhaps we could roll that out further. Sarah Boyack's point about the need for more local abattoirs as part of a strategic approach to producing food is critical. They have high environmental standards to meet, and we need to ensure that they can meet them.

I want to turn to procurement and briefly pick up on some of the points that were made by Rob Gibson. As an education minister, I had the pleasure of visiting Hurlford primary school when it was promoting hungry for success. That school is highly successful not just in giving good food to the kids in their school meals—as featured in “Landward” on Friday night—but in marrying education about food with health, exercise and the experience of food. The great thing that has happened in East Ayrshire is that people have broken the back of the problem of procuring food locally. They have done that successfully, and the time is ripe to move that on, share their practices more effectively and encourage their adoption across the whole system. We need a pragmatic and practical approach and the Government can help in that process.

**The Presiding Officer (Alex Fergusson):** You should close now, please, Mr Peacock.

**Peter Peacock:** I have one final plea. It is great to have the debate, but one sector of the industry—the pig sector—is struggling terribly. I know that the Cabinet Secretary for Rural Affairs and the Environment met its representatives recently. It would be terrible if, after all today's good words, that sector contracted. I urge the cabinet secretary to act quickly to support the pig sector in its time of plight.

**The Presiding Officer:** I point out to members again that we are very tight for time in the debate.

16:05

**Nanette Milne (North East Scotland) (Con):**

The debate is welcome and timely. It is entirely appropriate that discussion and consultation should be initiated with the Parliament, the industry and wider Scottish society about the merits of a national food policy.

We hear ever more of the obesity epidemic and its complications, which now affect younger age groups than ever before. We lead more sedentary lifestyles. Children are ferried to school, are often prevented from playing outdoors and spend much time in front of television and computer screens. That makes a healthy food intake all the more important for their welfare as they grow up.

Climate change has put a focus on our carbon footprint and increased our awareness of the food miles that are involved when we import meat, fruit and vegetables. However, we have become used to eating fruit and veg out of season and to tasting exotic varieties that were unheard of in my youth. We have also become used to paying relatively low prices for our food, as supermarkets vie with one another for our custom.

Our primary food producers—farmers and fishermen—have had tough times and have been harshly treated by supermarkets. Our farmers are dealing with the after-effects of BSE and foot-and-mouth disease and they face the crippling impact of red tape. Our fishermen's livelihoods are threatened by quotas and reduced days at sea.

Given that, it is timely for the Government to consider a national food policy to bring together all interested bodies to help our producers, promote our local food, educate people to appreciate the excellent produce that is available in Scotland and encourage a healthier lifestyle. Everyone stands to benefit: we would feel better and look better and, in due course, even the health service might be relieved of some of the pressures that an increasingly obese society places on it.

Work to improve diet-related health in Scotland is not new, of course. As far back as 1996, Lord James Douglas-Hamilton, who was then the Scottish health minister at Westminster, introduced the Scottish diet action plan, which has been the basis of food and health activity for the past decade. The previous Executive updated the plan in 2004 but, overall, the action that has been taken has not had a significant impact on population trends and nutrition intake. More needs to be done, which is why we welcome the new Government's proposals.

Scottish Conservatives strongly support farmers' interests. After all, farmers are the stewards of the countryside and are ultimately responsible for safeguarding our food production. The attractions of rural Scotland are the result of their endeavours

and they are the bedrock of many of our communities.

We have supported the NFUS's what's on your plate? campaign and we have spent the summer vigorously promoting local food through our buy local, eat local campaign, because we see choosing fresh locally produced food as one way in which we can all help to shape a healthier, greener and better future for Scotland. Local food not only tastes better but brings benefits to consumers, producers, the economy and the environment.

As Peter Peacock mentioned, John Scott has been instrumental in promoting and expanding the successful network of farmers markets. The fact that crowds of people increasingly visit those markets regularly to buy fresh local produce shows clearly that they like what is on offer. However, as Sarah Boyack said, far too many people still do not have access to such food and still eat an unhealthy diet. Too many people have no idea where their food comes from—I was told the other day that that even includes people in rural areas. I, too, think that farm visits by schoolchildren or school visits by a mobile farm unit, such as that which Aberdeenshire farmers established, are invaluable in teaching children how their food is produced and where it comes from. I hope that such visits encourage them to seek out fresh local produce as they grow up.

Like other parts of rural Scotland, Aberdeenshire has a wealth of excellent produce. We have top-quality beef, lamb and pork, excellent wild venison, rabbit, game birds, fish, eggs and poultry, and fruit and vegetables in season that are full of flavour. Many local producers also process the food that they produce and now sell cooked meals, pies, chutneys and jams that cater for our busy lifestyles. As I said in Parliament last week, I hope that many of us will enjoy a little of that north-east produce when I welcome a taste of Grampian to Holyrood in January.

It is important that we as consumers support our local producers, but sales at farmers markets and farm shops are not enough. A national food policy must encourage and facilitate the procurement of fresh home-grown food for our public services—for hospitals, schools, prisons and other publicly run institutions. Our amendment stresses the importance of that.

Farmers need support in other ways. The Government must work to ensure that supermarkets act more responsibly in their relations with suppliers and on environmental issues, and action must be taken to insist that labels accurately reflect the origins of the products that they describe. We would also like more encouragement to be given to the formation of farmers' co-operatives.

In the wake of the recent foot-and-mouth outbreak, it would surely make sense to consider the possibility of reinstating local abattoirs and other processing facilities. The overregulation—much of which comes from Europe—that puts our food industry at a competitive disadvantage must be addressed. We urge the Government to proceed with its promised review of the Scottish Environment Protection Agency and Scottish Natural Heritage without delay.

Finally, on a visit last week to a very efficient and well-run pig farm in Aberdeenshire, I learned at first hand just how threatened the pork industry is as a result of the rise in feed prices. A loss of £20 per pig is simply unsustainable. I hope that the Cabinet Secretary for Rural Affairs and the Environment will take prompt action to save the Scottish pork industry.

There is still a long way to go before we can achieve the cultural change in our national eating habits that will produce the healthy Scotland for which we are all striving, but I hope that the proposed national food policy will help to speed up that process.

16:11

**Jamie Stone (Caithness, Sutherland and Easter Ross) (LD):** I was reminded by what Peter Peacock said that I must declare an interest in my brother's small cheese-making company.

I will make a couple of brief points before I come to my main point. The teaching of cooking is linked to what we have been discussing. Excellent local produce may be brought to schools, hospitals or whatever public institution, but despite our living in the age of Nigella Lawson and Jamie Oliver, the teaching of cooking is not as good as it should be or as it was in our parents' and grandparents' time. That is probably a resource issue for our schools and colleges, but I ask the minister and his colleagues to remember it. Despite people's best intentions, there is an absence or lack of skills.

Rob Gibson rightly brought to our attention the second issue—the transport of food. I will expand slightly on what he said. He was correct about the distribution of food in areas such as the Highlands. The costs that are involved are prohibitive. The transport of food into the Highlands is also an issue. Anyone who is driving on the A9 north of Inverness will sigh with weary exasperation when they find themselves behind a queue of lorries that are delivering to supermarkets. The issue is getting produce off the roads and on to rail lines. I ask the minister to co-ordinate matters as much as he can with his colleague Stewart Stevenson. Things were better a few years ago when Safeway used rail lines, but as far as I know, it does not now use the far north line. Getting produce on to

rail lines could make a great difference, not least to the Scottish Government's budgets.

Given the intervention that I made last week, the minister will not be surprised by my main topic. In the brief time that is available to me, I want to talk about Mey Selections, which has a highly successful food marketing system that is based in the north of Scotland. I will say something about its background. As we know, farmers and fishermen have come under pressure as a result of common agricultural policy reform, declining herds and flocks and the European Community's fisheries regime. The sheer isolation of the Highlands and Islands is an issue, as are the distances there, which I talk about again and again. It was thought in the far north that all that was being said about local markets was excellent, but that local markets were not sufficient. People had to look to the larger markets and more affluent markets further away. That was why Mey Selections was set up. It is part of an initiative that was set up with the aim of protecting the sustainability of primary agriculture and food producers in the north Highlands. It preserves the culture and way of life of a declining population, which is hugely important and very much in keeping with the ethos not only of the Scottish Government, but of all right-thinking people in the Parliament. Mey Selections has raised the region's profile by creating an elite product. We make no apologies about that.

There is one lesson—which perhaps the old Highlands and Islands Development Board learned many years ago, as Peter Peacock recalled—that can be learned from what I have said. The image of the Highlands and Islands has been hugely important. The Highlands equals beauty, purity, environmental cleanliness and so on. That image has helped Mey Selections enormously. Other parts of Scotland can build on that lesson.

**Richard Lochhead:** I had an informal meeting with representatives of Mey Selections and have agreed to have a formal meeting with them in due course. I pay tribute to the success both of Mey Selections and of the north Highland initiative. I agree with the member that we should learn lessons from the initiative's success and spread them elsewhere.

**Jamie Stone:** Indeed, Mey Selections made me aware of that meeting, for which I thank the minister in the best way that I can.

Thinking about the possibilities for the future, I believe that it is worth remembering that the parallel organisation based at the other end of the country—Duchy Originals—has a turnover of some £30 million of sales, so there is a huge price to be had. In this, the third year of the Mey Selections brand—I am grateful to Robert Gray for

this—sales are approximately £8 million. The target is to achieve £20 million by 2010.

As the minister is aware from his meeting, enormous personal effort has been made by people such as Robert Gray and his colleagues in getting the brand going, but it has not been easy. Assistance from Government has been valuable but—I know that every MSP comes with a bill, sir—I think that more assistance will be required in future if we are to replicate that success. However, I believe that the minister recognises that.

I have merely outlined a success story that can be copied in other parts of Scotland, but such success is not just about local markets but about local markets selling to the wider market. Indeed, I hope that, one day, the products will be sold to the international market.

In closing, let me pick up a point that Peter Peacock made. No matter what I do or say in life, people say, "Ah yes, but don't you come from the family that made cheese in the bath?" That is true. However, I point out, first, that the bath was pink and, secondly, that my parents did not actually make cheese in the bath but hung it in my mother's pillowcases over the bath. Periodically, the pillowcases would rip so it is true to say that I was sometimes not washed for some days. Whether that was for the better or the worse for me, I leave it to members to decide.

16:16

**Robin Harper (Lothians) (Green):** Before I come to my own remarks, I will comment on a few points that other members have made in the debate, which has been excellent so far.

Mike Rumbles is right to recognise that we should not go for exclusivity of local produce. I shall deal with that issue in my speech.

Both Jamie Stone and Rob Gibson made important points on the need for cross-sectoral thinking by including education in the debate.

Alex Johnstone made a point about traditional farming. For about 8,000 to 10,000 years, we farmed organically. That is traditional farming.

**Alex Johnstone:** Will the member give way?

**Robin Harper:** I will give way when I have finished making this point.

The so-called traditional farming to which Alex Johnstone referred—that is, intensive farming—has been going for perhaps 150 years. I suggest that the first form of traditional farming should have precedence over the second.

**Alex Johnstone:** Intensive farming methods and traditional farming methods are two different and exclusive things. Given that organic status in

this country is governed by the rules of the Soil Association, is it not reasonable to point out that there was nobody around to state whether traditional methods were organic for those 8,000 to 10,000 years?

**Robin Harper:** That is, I think, what we call spinning. At this point, I should perhaps declare an interest as a member of the Soil Association, of which I have been a member for some time.

The amendments that were selected for the debate all mention local food and local procurement, but we feel that we need to go further. Rather than treat the suggestions just as a good policy idea, we believe that standards and mandatory targets should be put in place across the public sector to drive a change in procurement practice. The Green amendment, which was not selected for debate, raised that issue. In particular, our amendment commended the tremendous work of the Soil Association's food for life programme in promoting food education and school meals that are 75 per cent—not 100 per cent—fresh and unprocessed. Such school meals are also 50 per cent locally produced—again, not 100 per cent—and comprise 30 per cent organic ingredients. That fits in with the point that Mike Rumbles made.

Mike Rumbles also talked about fair trade. What about fair trade for Scottish farmers, many of whom live on incomes of less than £10,000 a year?

The Government motion highlights the need for

“a clear, consistent and coherent approach to food covering health, environmental, social, cultural and economic factors”.

The food for life targets cover all those areas. They aim to provide fresh, local and organic food on the dinner plate.

The Scottish Green Party has long championed local procurement. With its renewed focus on food and local procurement, the Scottish Government ought not to miss the opportunity to turn policy rhetoric into practice. That could be achieved by making the food for life targets mandatory across the public sector. Food for life pilot schemes have already demonstrated that that is achievable; they were successfully evaluated by the previous Executive. Sourcing ingredients locally is crucial for the viability of Scottish producers and independent shops, supporting strong and cohesive local economies as well as reducing food miles and climate change emissions. Both John Scott's and Sarah Boyack's amendments recognise that and support local sourcing of ingredients.

The Green amendment was the only amendment to mention the impact of supermarket domination on the issues that we are debating. However, in her excellent speech, Sarah Boyack

referred clearly to the problems that supermarkets are causing. They are undermining local economies. Communities from Portobello to Castle Douglas and from Partick to Inverness—to name just a few—have campaigned against further supermarket developments in their area, because they know full well the direct impact that giant supermarkets can have on their local high street.

**Jamie Stone:** Does the member agree that the issue in Inverness and, perhaps, other parts of Scotland is the domination by one supermarket company, to the exclusion of others?

**Robin Harper:** Indeed. We will not mention the name of that supermarket in the chamber, but everyone knows what it is. The fact that it dominates north, south, east and west of Inverness cannot be good either for competition or for the local economy.

I must ask the Scottish Government whether it will consider replacing without delay the supermarket code of conduct with independent regulation, if that is possible, to protect consumer choice, the environment and the social and economic benefits that local food provides. The time for a long policy conversation has passed. The present conversation is a bit too long and will be concluded by the time of the Royal Highland show next year, which cannot come soon enough for me. It is time to get things going on the ground and to deliver a healthy, sustainable food economy in Scotland.

16:22

**Elaine Smith (Coatbridge and Chryston) (Lab):** As previous speakers have indicated, this debate is not just about food but about a national food policy that must include many different elements—health, the environment and tackling poverty. Over the years, I have taken a particular interest in dietary health and nutrition. I believe firmly that this issue is among the most fundamental that our Parliament and society face.

A glance at this morning's BBC news helps to illustrate why. The Scottish bulletin reported that obesity among our children has increased by 50 per cent over the past decade. It went on to report concern that recruitment to the armed forces is falling in Scotland due to obesity among young people. Beautifully juxtaposed with those two items was a report on a pie-tasting competition.

The previous Executive made significant efforts to address the issue of food, nutrition and healthy eating—for example, through the introduction of free fruit in schools for young children and the excellent hungry for success initiative. The Parliament also supported and passed the Breastfeeding etc (Scotland) Act 2005, which I

introduced. That is a good example of support for locally produced, excellent-quality fresh food.

I will mention three areas that should be included in the proposed national debate and consultation. The first is food co-ops, which play an important role in our more deprived communities. North Lanarkshire has a number of food co-ops, which come together under the umbrella of the North Lanarkshire Federation of Food Co-operatives. Several of the local co-ops and the central store are located in my constituency. They deliver an accessible supply of quality affordable food to some of North Lanarkshire's most disadvantaged communities and are supported in that by North Lanarkshire Council. Having a full-time community resource worker, Tommy Murphy, who has been involved in supporting the federation from the outset, is vital to the federation's success, as is the good will and hard work of the volunteers involved and partnership working with agencies such as NHS Lanarkshire.

Council support is paramount to ensuring the continuation of local food co-ops. North Lanarkshire Council must be commended for recognising the importance of such initiatives and for working with food co-ops to expand their health promotion role. The council has also encouraged the ethos of health-promoting schools and, innovatively, has extended that to nurseries. An example of good practice that the Government might consider in its deliberations on food is the sale to parents of fruit and vegetables, which are supplied by the federation of food co-ops at cost price, at St Patrick's primary school in Coatbridge. Not only does that allow parents to access good food easily; it makes the connection between what children are learning at school and their home life.

The second issue is our children's nutrition. There have been strides forward in the food that is provided in our schools. As someone who has consistently supported the idea of free school meals, I am interested in seeing the results of the free school meals pilots. Although there is still insufficient evidence on causal links between nutrition and children's learning among the general population, there is some evidence of benefits for children with learning difficulties. That, along with the fact that obesity in our children is reaching epidemic proportions, highlights the importance of developing a national food strategy, and of monitoring and supporting quality research. I was pleased that the minister said that a new institute of nutrition and health is to open.

In order to promote optimum dietary health, we need to focus on the beginning of life—on nutrition for expectant mothers and on breastfeeding. Research has shown that there is a significantly reduced incidence of obesity among children who

have been breastfed, along with a raft of other health benefits. Significant research was published this week that demonstrated a clear physiological link between breastfeeding and improved IQ. The food debate must include breastfeeding. Ministers urgently need to increase funding to support and promote breastfeeding, which should include the promotion of our unique Scottish legislation.

This is not rocket science. It is clear that our health is affected by food and nutrition, so we need to start before birth by focusing on better food and nutrition, educating our children and their parents and legislating where necessary. Most important, we must ensure that access to good-quality nutritious food is not restricted to the affluent in our society but is available to all via initiatives such as food co-ops, free school meals and support for breastfeeding. We should ensure that we have nutritional standards in all our public provision, for example in hospitals. The tenacity that was shown by the previous Executive and the Parliament in pursuing the smoking policy was commendable. I hope that the new Government will apply the same level of resolve to food and dietary health.

16:27

**Shirley-Anne Somerville (Lothians) (SNP):**

There has been a great deal of discussion this afternoon about the benefits of developing a national food policy, be that environmental, health, economic, social or cultural. I welcome the cabinet secretary's work to pull those disparate strands together. As on other issues, the Government's approach is a commonsense one: to cross traditional departmental boundaries and unite fragmented policy initiatives into a cohesive whole.

There were undoubtedly some good food policies formulated under the previous Executive. However, our appalling—and worsening—health statistics show that there is still much that needs to be done. Scotland now has the highest obesity levels behind only the USA. Obesity is linked to 500,000 cases of high blood pressure and 30,000 cases of type 2 diabetes in our country each year. The health problems that are associated with our expanding waistlines cost the NHS £171 million overall in 2001 alone.

However, we do not need statistics to see that we have a problem with our food habits and our food supply. I have only to look at my own poor diet to find a great example of that. It makes sense for us to eat fresh food that is locally produced, as doing so helps our local economy as well as our health and protects our environment as well as our rural industries. As other members have mentioned, one way of expanding the use of locally produced foods is through farmers markets. Farmers markets have been an extremely

successful example of local farmers fighting back against the supermarket squeeze and improving their profit margin by cutting out the middle man.

Here in Edinburgh, we have one of the biggest and most successful farmers markets in Scotland, and—according to a survey by *Country Life* magazine—one of the best of the 500 in the UK. Edinburgh farmers market now attracts around 6,000 people a week, with all food sourced from within a 50-mile radius. It brings over £1 million to the rural economy and around £800,000 to the city centre's economy each year. That is a fantastic success story, an inspiring celebration of the best of Scottish produce and a significant tourist attraction under our castle.

In order to tackle our problems with food, however, we need to coordinate our action to get locally sourced produce out of specialised markets and into the main stream—into our local grocery stores, schools and hospitals.

Age Concern and the Royal College of Nursing recently highlighted the importance of good-quality food in our hospitals. At this point, I should declare an interest as someone who worked on the RCN's campaign before I entered Parliament. Age Concern estimated that six out of 10 older people in the UK are at risk of becoming malnourished or of their condition getting worse while they are in hospital. The repercussions of that are highly significant. Patients who are malnourished when they stay in hospital stay there for longer, require more medication and are much more likely to suffer from infections.

A number of issues need to be tackled to alleviate the problem. One measure that we must take is to improve the quality and choice and, in particular, the nutritional content of the food that is available to patients. A recent RCN UK survey of its members found that nearly half of them thought that the nutritional content of hospital food was below average. That does not surprise me when I think of the food that was served to my father-in-law recently as he recovered from major heart surgery in Edinburgh royal infirmary. We were not the only family who had to bring in food supplements for a patient on that ward. That is another clear example of how private finance initiative contracts put profit before patients and deliver a poor service just when people need support the most.

Even outwith PFI contracts, some departments still use EU procurement rules as an excuse for inaction. That cannot and should not be the case. We can work to support our local food industry, as is done in Italy, France and Scandinavia. I welcome the Minister for Environment's recent commitment to ensuring that that is done here.

**The Presiding Officer:** I apologise to the back-bench members whom I was unable to call. We now move to the winding-up speeches.

16:31

**Jim Hume (South of Scotland) (LD):** Like John Scott, I begin by declaring my interests—as a farmer and as a past director of the NFUS.

Today's debate has highlighted a subject that is close to my heart—the procurement of local food, especially by the public sector. I am reminded of the overwhelming cross-party support that colleagues showed during my members' business debate back on 21 June, which was the day that the Royal Highland show started. Most people would find it impossible to argue against the use of local food, which benefits not only the economy but our health and the planet. To put it simply, the use of local food benefits our health, wealth and mother earth.

As with last week's debate on Scotland's historic environment, it is extremely difficult to disagree with the terms of the motion. I am glad that the cabinet secretary acknowledged that the motion lacks detail and expressed his party's support for the Liberal Democrat amendment, which covers the points that were made in June, both in my motion and during the debate.

In that debate, I talked about the use that East Ayrshire Council had made of a modest £30,000 from the hungry for success initiative to augment existing resources to fund its healthy eating schools pilot project. Such initiatives are crucial in developing and thereafter maintaining the use of fresh and locally produced food in the public sector. I look to the cabinet secretary and his education colleagues for clarification of what replacement funding will be put in place when the present funding comes to an end. Given that it is undeniable that the hungry for success project has played a vital role in East Ayrshire and that it has benefited our young people, I hope that the Scottish Government will put funding in place beyond 2008.

It is perceived that procurement rules can be a hindrance, but that need not be the case. As Shirley-Anne Somerville said, France, Italy and parts of Scandinavia have successful purchasing systems that push the competitive balance in favour of small, local producers and which are similar to those that were used in the East Ayrshire project. The fact that they focus on freshness and seasonality helps local suppliers to bid for contracts that have been broken down into smaller parts.

In a global marketplace, it is difficult to persuade the larger retailers to regularly use a significant amount of Scottish produce. In their quest to give

customers more buy-one-get-one-free deals—that is BOGOF to you, cabinet secretary—[*Laughter.*]

**The Presiding Officer:** Order.

**Richard Lochhead:** I ask the member to repeat that remark.

**Jim Hume:** The cabinet secretary can read it in the *Official Report* tomorrow morning.

Given that the so-called BOGOFs are offered at the cost of the producer, the retailers can keep their costs down to maximise profits. It is almost inevitable that retailers will make the economic decision to source where it is most cost effective to do so. However, we all agree that it is nonsensical to buy in food from countries thousands of miles away. Such a practice removes the economic benefit from Scotland and means compromising on the quality and freshness of the food that we eat. In addition, consumers want produce to be available all year round, which results in out-of-season fruit and vegetables being shipped in from far away.

It is probably impossible to change every consumer's mindset because people always want variety and choice at a reasonable price. However, it is possible to encourage retailers to source more local produce. When will the Government deliver on planning requirements for supermarkets that would ensure that a proportion of the goods that they stock are sourced and delivered locally?

Healthy local food must be affordable and accessible. Local community initiatives should be encouraged. Many charitable and voluntary groups will be eligible for lottery and other funding, but the Government has a huge role to play in ensuring that our public services have the resources and tools to help them to deliver on healthy and locally grown produce.

The supermarkets have a key role to play in ensuring that primary producers get a better deal. The Competition Commission has just reported back on its investigation and recommended that there should be an independent ombudsman, which the Liberal Democrats have recommended for a long time. In 2004, Richard Lochhead spoke about redressing the financial imbalance between

“the plough and the plate.”—[*Official Report*, 25 November 2004; c 12238.]

In addition, the Scottish National Party manifesto pledged to stop the exploitation of primary producers by supermarkets.

Ensuring that there is both a strengthened code of practice for supermarkets and an ombudsman would be a welcome move to address problems in the supply chain. In Mr Lochhead's response to one of my parliamentary written questions, he stated that he would await the outcome of the

Competition Commission's report before making a decision on an ombudsman. That report is out and we await the cabinet secretary's decision on it.

I wonder whether we really need the motion, which congratulates the SNP and welcomes its commitment to launch a consultation and national debate. The debate started a long time ago. Mike Russell voiced his Government's commitment to the issue back in June during the members' business debate to which I referred, at which time the ball was firmly in his court. The Government has had long enough since then to come up with some detail to back up that commitment.

I cannot stress enough the benefits of using Scottish produce. I repeat my call for the national food policy to take full account of the East Ayrshire project and to roll it out to all schools in Scotland. As a priority, we need to see the Government's detailed plans for achieving the goal of using as much local produce as possible in our schools, hospitals and prisons. The East Ayrshire project focused on schools, but the delivery mechanisms can be applied to other sections of the public sector. I call on the cabinet secretary to take firm steps towards achieving what he committed to nearly six months ago. I recommend supporting the Liberal Democrat amendment to the motion.

16:37

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

This has been a good debate: members of all parties have contributed positively and constructively on the food issues that will benefit the health and economy of communities across Scotland.

Members have talked about local food, but the briefing from the Scottish Parliament information centre indicates that there is no commonly accepted definition of local food. Many think that it should refer to food that is produced or processed within 30 miles of the point of sale. I put it on the record that, in the Highlands, 30 miles is nothing. I hope that we can agree a common definition of local food through the debate.

It is a matter of concern that the SPICe briefing confirms that the prices that farmers receive for beef, milk and lamb are below the cost of production. That is hardly an incentive for more local produce. As many members have said, it is recommended that we eat more fruit and vegetables, but they amount to only 1 per cent and 2 per cent respectively of agricultural output. Why should a farmer grow carrots, for example, and be paid £80 a tonne for them when the supermarket price is £700 a tonne? That is nine times more than the farmer gets, and it exemplifies the point Jim Hume made.

If we want to buy more local food, we need more local food to buy; and perhaps we need more

incentives to supply—that was not meant to be a poem, but it came out like that.

I commend John Scott's commitment to farmers markets in Scotland. I understand that he is now the president of the Scottish Association of Farmers Markets. I also understand that he can be found at his stall at the Ayr farmers market on the first Saturday of every month and that he has been there every month since July 1999. Well done, John!

There are farmers markets in many Highland towns. The farmers market in Inverness runs once a month. That is excellent, but it is not enough. We need more farmers co-operatives and local outlets that are open every day, not just once a month. More needs to be done to ensure that there is honest food labelling, less red tape and more procurement of local food by public agencies.

There is no doubt that the big four supermarkets are dominant. Supermarkets make it easy for customers to park and shop, and they supply everything under one roof, which suits many people, given their way of life. It is difficult to buy local food, because we have to be sure of getting to the farmers market on the day when it is running. Even when we visit small local shops throughout the Highlands and Islands, it is not easy to buy local produce. Health food and organic food outlets do not always stock a good range of Scottish produce. I know that because I have not shopped in one of the big four supermarkets since May; it has been a good exercise in finding out about the difficulty of local shopping and buying local produce.

Instead of constantly blaming the supermarkets, we should focus on getting more local produce into local shops so that we can ensure that they have a year-round supply of locally produced food. As the cabinet secretary knows, an excellent campaign supported local shops in Moray. That approach could be extended to support the supply of local produce in local shops. Clear signage could show that small local shops stock a range of local products. Such an approach would bring the benefits that members have talked about and it would help to retain local shops in many remote and rural areas.

I commend the work of the Highlands and Islands local food network, which includes consumers, farmers, crofters and community groups, who work together to ensure that more fresh, locally grown food is available. As members have said, food halls in agricultural shows have grown enormously in recent years. The cabinet secretary and Rob Gibson attended the event at Cawdor estates, which brought together local producers of organic food. I understand that the event, which was excellent, will be held annually.

Food labelling appears to be unduly complex. Tesco—I can mention it because I live in the Tesco capital of the UK—gives the percentage of the guideline daily amount of calories, sugar, fats and saturates, whereas the Food Standards Agency's traffic-light labelling system gives the number of grams of fat, for example, but does not indicate the recommended daily amount. A consumer will therefore know how much sugar, for example, is in their food, but they will not know whether that amount is too much or not enough. Ministers could consider how to bring the two systems together, to simplify labelling and to make it easier for consumers to understand.

I commend John Scott—again—and the Scottish Conservatives' vigorous campaign to promote local food, which we ran during the summer. There is no doubt that local food is greener and healthier, or that it supports local jobs. It helps to restore trust in food production, which is important. Given my experience during the past six months, I can vouch for the fact that locally produced food tastes better.

16:43

**Karen Gillon (Clydesdale) (Lab):** Like other members, I welcome the opportunity to participate in the debate. It is clear that we need a joined-up strategy for the whole of Scotland.

We need a cradle-to-grave outlook on how we deal with food in Scotland, starting with consideration of why some of our poorest communities have the worst breastfeeding rates in Scotland. We must consider the healthy weaning initiative that is going on in parts of my constituency. It encourages young—and not-so-young—mums to prepare and cook food for their babies using local food, so that their babies can be weaned on to natural produce.

Measures such as the health-promoting nursery award scheme are beginning to change eating habits through the serving of healthy food, including healthy snacks, and that is being carried on into our primary schools with free fruit and water and the hungry for success programme, to which Sarah Boyack referred. We are changing eating habits in our youngest children. My two boys enjoy their time at nursery and school, but it is also important to allow them to grow food and to cook for themselves. That will make them more likely to try things for themselves.

How can we encourage the production of home-grown food? All homes are capable of growing some produce, whether in window boxes or in gardens. Given the benefits, how do we take that forward?

**Robin Harper:** I have a suggestion: local councils and the Government should give much more support to allotments.



**Karen Gillon:** The point is a fair one. Sarah Boyack is very keen for that to happen. I am sure that the cabinet secretary will want to discuss it further.

I appreciate the comments that Mike Rumbles made about European procurement rules, but the East Ayrshire pilot has shown that local food sourcing can be done. The issue now for Government, both local and national, is to make it happen across the country.

This is a whole-life issue. Many parents in Scotland now lead incredibly busy lives, and ready meals, takeaways and fast food are the easy option. Many of us have lost the skill of cooking—I speak for myself. When we come home from work at 7 o'clock at night, the last thing we want to do is start from scratch to make a meal for our family. Sometimes, we go for the easy option.

I am keen to hear from the cabinet secretary and the minister how our national food policy will encourage busy families to use more fresh produce—and how our Scottish chefs can be used to create quick meal recipes in the way that Nigella Lawson has done, most recently with her “Nigella Express” cookbook. Our Scottish chefs could do something like that. I am sure that Scotland can do better than Nigella.

Our older people deserve the best, too. The food in our care homes and that provided by meals-on-wheels services and home helps must be nutritious. Similarly, we must continue to improve the nutritional standards of the food that is made available to patients in hospitals. I ask the minister to say how that can, and will, be done, particularly in our hospitals.

Very high-quality produce is available in Scotland. Yesterday, I attended the launch of a new awareness-raising campaign all about oats. The aim is to encourage people to take more oats as part of a healthy and balanced diet. The Scottish Crop Research Institute recently carried out research into oats with funding from the previous Executive. It found that the simple oat—the simply Scottish oat—can reduce blood cholesterol and the risk of cardiovascular disease. Oats contain soluble and insoluble fibre that support probiotic bacteria and thus influence gastrointestinal health, they are a low glycemic index food and they contain vitamins A, C and E. One of their active ingredients is glucose, which helps to blunt post-meal blood glucose levels, which, in turn, makes them good for sufferers of type 2 diabetes.

We look forward to the positive announcement for Scotland—we hope to hear it on Friday—of the securing of the Commonwealth Games in 2014. The games present us with a once-in-a-lifetime opportunity to link up all parts of government—

whether it has to do with health, nutrition or sport—to ensure that our athletes eat the best produce and that they are used as positive role models for our young people. They can encourage our young people to be part of the healthy living agenda that we are all so keen to take forward.

If we are serious about local, and even national, food policy, part of the agenda has to be local processing of food products. The recent foot-and-mouth disease outbreak has shown how vulnerable our food sources are. There will be more challenges in future, partly as a result of climate change.

One issue that is repeatedly raised is the lack of access to local abattoir and finishing facilities, and the lack of local food-processing plants. The Scottish Crofting Foundation is keen for development in this area and the Transport and General Workers Union, which is now part of the Unite union, has done valuable work on the economic benefits that could be captured locally if more such facilities were available. There would be the local employment benefits of decent jobs, and they would help to secure the viability of some of our rural communities. More incoming investment being retained locally would also help to secure the future of our rural communities and small towns.

The Scottish Government could act on structural issues in the farming and crofting industries to assist in promoting affordable food and increasing farmers' capacity to work together to secure contracts. I welcome the comments from Conservative members on farmers co-operatives. I am sure that all members want to work with the Government to make progress on that. I have a good example of such a co-operative in my constituency: local lamb producers have come together to produce lamb and make it available to the market.

We must continue to address transparency. I am sure that all members were disappointed to receive last week's news release from the NFUS that showed that lamb prices in supermarkets are higher than they were before the foot-and-mouth disease outbreak, but that the prices to farmers have gone through the floor. Transparency on that is essential. Why is the consumer paying more when those who produce, process and finish are being paid less by the supermarkets? We must have transparency.

I support the comments that Sarah Boyack and Mike Rumbles made about fair trade. I have seen at first hand the impact that fair trade has on farmers in Malawi. People who live on less than a dollar a day can now get a fair price for the goods that they produce, with a price that is fair to the consumer here. We cannot live in isolation, but those with whom we trade must be treated fairly. I

commend to the Parliament the Labour amendment and look forward to supporting the other amendments and the motion.

16:52

**The Minister for Public Health (Shona Robison):** I am hugely encouraged by the constructive tone of many of the speeches that have been made, although there were one or two surly exceptions; the debate has been a reassurance that we are on the right track. Members recognise that what is new is the bringing together of all the relevant aspects throughout Government into a national food policy that will establish the direction of travel for the entire food supply chain in Scotland.

I will respond to some of the points that have been made during the debate and say a little about how we will progress from here. All the amendments—which we have indicated we will accept—make specific points about the procurement of food in the public sector, and many members have reiterated those points. I acknowledge that fresh, healthy and quality food should be the norm in our schools, hospitals and other public sector outlets and that Scottish producers, suppliers and processors should be encouraged to bid for public sector contracts. We must consider how we can encourage and support that. We must also understand better why those businesses are not bidding at present and what needs to be done to support them in competitive bidding for contracts. Rob Gibson hit on an important issue when he talked about the distribution problems that emerge. That is another issue that we must consider.

**John Scott:** Will the minister consider taking up my suggestion of issuing guidance to—or helping—local authorities and others on how best to achieve local procurement yet stay within EU legislation?

**Shona Robison:** Yes, we will. The guidance dates back to 2004, so it needs to be refreshed. We are considering that as part of the strategy. As well as supporting small and local businesses in bidding for contracts, we must consider how public bodies procure food. We must get the two parts of the equation right.

In areas of high food production, the chance of local suppliers becoming involved in bidding for contracts can be greater. For example, in Tayside, where local production is varied and high, it so happens that about 28 per cent of produce in the public sector is supplied from the locality—but, as several members have mentioned, that does not translate to all parts of Scotland. We must work on that and improve it.

The debate has highlighted the impact that the food sector can have on the economy. We are not

starting from zero on food and health—there is the good work of hungry for success, which Sarah Boyack and others mentioned. As Mary Scanlon said, the review of the Scottish diet action plan shows that we are making progress in some areas but not in others. The review outlines several key themes, including the need to focus on closer integration between policy goals; to deliver on equality; to re-establish the grounds for engagement with the food industry; and to develop leadership to drive forward change.

Whether we are environmentalists, food producers, processors or consumers, it is clear that food and food-related issues impact on us all. We need to be clear about when local food is healthier. We want to support Scottish food producers to maximise profit, but we also need to take into account our natural resources and the health of our future generations. We need a national food policy that integrates long-term and short-term thinking, and we need to tackle key areas that require action now.

One of the key issues for me as Minister for Public Health is Scotland's high level of obesity, which is second only to that of the USA. As many members have said, obesity is linked to increases in several serious chronic diseases, which is why we are making tackling the problem of obesity a high priority. We already support a wide range of actions that will contribute to people achieving and maintaining a healthy weight through diet and physical activity, particularly in children's early years. Elaine Smith pointed out the importance of early palates and free school meals, and of getting those good habits in at an early stage. Where the health benefits are clear, we need to harness opportunities to support home-grown products that help our health, such as the important soft fruit industry in Tayside and elsewhere.

Other action includes the Scottish Grocers Federation's healthy living programme and Community Food and Health (Scotland), which helps people who live in the most deprived and rural areas to get better access to healthier food choices—an issue that Sarah Boyack and others raised. There is the healthy living campaign, which promotes awareness of a healthier diet and encourages people to choose healthier food options; the healthy living award, which markets the preparation and provision of healthier foods in the catering sector; and the development for the rest of the public sector of the nutritional standards that already exist in schools and prisons. Several members mentioned hospitals. Draft standards for food and nutrition in hospitals are out for consultation. I encourage members to have a look at them, because they are an important step forward.

**Robin Harper:** Is the minister aware of recent research that shows quite conclusively that a

range of fruit and vegetables that are grown organically are more nutritious than their competitors? Will the Government take note of that as it develops its policy?

**Shona Robison:** The Food Standards Agency is considering the issue of organic produce—we welcome that.

We want more products that meet the high nutritional standards in our schools, hospitals and throughout the wider public sector. We should recognise the good progress that the Food Standards Agency is making, but we want to do more, for example on maternal and infant nutrition. Members have mentioned that. We will return with announcements on specific actions that we will take on the treatment of obesity, which should dovetail with our national food policy.

There is growing interest in the origin of our food and in ethical and environmental issues. As several members said, we must take fair trade into account and build it into our policy. Of course, consumers still base purchase decisions on price. We need to ensure that nutritious, home-grown food extends beyond niche high-value markets and is available and affordable to all our communities. Local authorities have a key role to play in helping to create healthier environments and encouraging a healthier range of choices. They need to use the powers at their disposal to do that.

Jamie Stone and others mentioned cooking skills, which are important. It was also important to have the skills of our Scottish chefs highlighted by Karen Gillon.

We recognise that the debate has captured members' imaginations; we now want to take that forward to the whole of Scotland and gather views so that we can ensure that the policy that we develop has everybody's support. I assure Mike Rumbles that it will be very much about the action that follows that policy development. We will take that forward as a priority. I am sure that he will be pleased to hear that.

## Business Motion

17:00

**The Presiding Officer (Alex Fergusson):** The next item of business is consideration of business motion S3M-789, in the name of Bruce Crawford, on behalf of the Parliamentary Bureau, setting out a business programme.

*Motion moved,*

That the Parliament agrees the following programme of business—

Wednesday 14 November 2007

2.00 pm Time for Reflection

*followed by* Parliamentary Bureau Motions

*followed by* Ministerial Statement: Strategic Spending Review

*followed by* Scottish Government Debate: Strategic Spending Review

*followed by* Business Motion

*followed by* Parliamentary Bureau Motions

5.30 pm Decision Time

*followed by* Members' Business

Thursday 15 November 2007

9.15 am Scottish Government Debate: Competition, Regulation and Business Structures in the Scottish Legal Services Market

11.40 am General Question Time

12 noon First Minister's Question Time

2.15 pm Themed Question Time  
Health and Wellbeing;  
Rural Affairs and the Environment

2.55 pm Stage 1 Debate: Abolition of Bridge Tolls (Scotland) Bill

*followed by* Financial Resolution: Abolition of Bridge Tolls (Scotland) Bill

*followed by* Parliamentary Bureau Motions

5.00 pm Decision Time

*followed by* Members' Business

Wednesday 21 November 2007

2.30 pm Time for Reflection

*followed by* Parliamentary Bureau Motions

*followed by* Scottish Government Business

*followed by* Business Motion

*followed by* Parliamentary Bureau Motions

5.00 pm Decision Time

*followed by* Members' Business

Thursday 22 November 2007

9.15 am Parliamentary Bureau Motions

*followed by* Scottish Government Business  
 11.40 am General Question Time  
 12 noon First Minister's Question Time  
 2.15 pm Themed Question Time  
 Finance and Sustainable Growth;  
 Justice and Law Officers  
 2.55 pm Scottish Government Business  
*followed by* Parliamentary Bureau Motions  
 5.00 pm Decision Time  
*followed by* Members' Business.—[Bruce Crawford.]

*Motion agreed to.*

## Decision Time

17:01

**The Presiding Officer (Alex Fergusson):** We come now to decision time. Rather worryingly, from my perspective, there are four questions to be put as a result of today's business. Members will note that I have my glasses on, so I will try to get them in the right order.

The first question is, that amendment S3M-784.3, in the name of Sarah Boyack, which seeks to amend motion S3M-784, in the name of Richard Lochhead, on a national food policy for Scotland, be agreed to.

*Amendment agreed to.*

**The Presiding Officer:** The second question is, that amendment S3M-784.1, in the name of John Scott, which seeks to amend motion S3M-784, in the name of Richard Lochhead, on a national food policy for Scotland, as amended, be agreed to.

*Amendment agreed to.*

**The Presiding Officer:** The third question is, that amendment S3M-784.2, in the name of Mike Rumbles, which seeks to amend motion S3M-784, in the name of Richard Lochhead, on a national food policy for Scotland, as amended, be agreed to.

*Amendment agreed to.*

**The Presiding Officer:** The fourth question is, that motion S3M-784, in the name of Richard Lochhead, on a national food policy for Scotland, as heavily amended, be agreed to.

*Motion, as amended, agreed to.*

*Resolved,*

That the Parliament believes that Scotland should have a national food policy and would benefit greatly by having a clear, consistent and coherent approach to food covering health, environmental, social, cultural and economic factors; believes that a national policy must include more assistance for public procurement of home-grown Scottish food to be achieved by improved co-operation between Scotland's local food producers and government; welcomes the Scottish Government's commitment to launch a national debate and consultation on a food policy for Scotland, building on work done by the previous administrations, and believes that policy priorities should include local procurement, affordability, sustainability and reducing Scotland's climate footprint, taking into account the views of the Parliament, industry and wider society; believes that educating children about where their food comes from must be central to any national food policy; resolves that early action is required to amend public procurement policy to ensure greater use of freshly produced healthy food in the public sector, including in our schools, hospitals and other public bodies; and calls on the Scottish Government to assist in the development of farmers' co-operatives and farmers' markets, and further calls on the Scottish

Government to work with retailers to encourage more use of local Scottish produce in stores.

## **Pleural Plaques (House of Lords Ruling)**

**The Deputy Presiding Officer (Alasdair Morgan):** The final item of business today is a members' business debate on motion S3M-655, in the name of Stuart McMillan, on the House of Lords ruling on pleural plaques. The debate will be concluded without any questions being put.

*Motion debated,*

That the Parliament expresses its concern over the House of Lords ruling against compensation claims for the people suffering from the pleural plaques condition which is a scarring of the lungs caused by exposure to asbestos; notes that this rejection now closes the door to further compensation claims, despite the High Court ruling in February 2005 that anyone suffering from pleural plaques should receive compensation; recognises the work of Clydeside Action on Asbestos for the campaigning work it has undertaken, and notes that a draft bill seeking a Scottish solution will be sent to the Cabinet Secretary for Justice.

17:04

**Stuart McMillan (West of Scotland) (SNP):** I bring the debate to the Parliament with mixed emotions. For my first members' business debate, I had hoped to speak about an issue of less importance and to be a touch more light-hearted. Unfortunately, that is not the case, but I am pleased that so many members from different parties are present.

I particularly welcome the people from Clydeside Action on Asbestos and Frank Maguire from Thompsons Solicitors who are in the public gallery to watch the debate. Today has been a busy day for everyone who is involved in the asbestos-related campaigns, and I hope that a positive outcome for sufferers of pleural plaques can be found soon.

I lodged my motion for two reasons. The first is to condemn the recent decision by the House of Lords to overturn the compensation that has been available to people with pleural plaques. The other is to show support to those with asbestos-related diseases, such as pleural plaques, as well as to organisations such as Clydeside Action on Asbestos, which campaigns on their behalf.

Pleural plaques are a scarring of the lung tissue. They are an indicator that exposure to asbestos has occurred in the past. A person who suffers from pleural plaques will probably require regular check-ups and chest scans throughout their lives. Although the problem might not always affect someone's lung function, it is recognised as damage that has been done to their body. The main concern of those with pleural plaques is that it highlights the fact that they have inhaled asbestos fibres and that they might go on to

develop a more debilitating or even fatal asbestos-related disease, such as asbestosis or the cancer mesothelioma. The House of Lords decision said that the condition of pleural plaques does not lead to other asbestos-related illnesses. However, I am sure that the House of Lords has been wrong before.

Those with pleural plaques obviously suffer a great deal of stress and anxiety, which is often heightened by their knowledge of former workmates and family members who have died from various asbestos-related illnesses. Each year in the United Kingdom, more than 3,000 people die because of an asbestos-related disease, and the number is predicted to rise to 10,000 by 2020.

For the past 30 years or so, people with pleural plaques have been able to claim compensation from the employers who exposed them to asbestos. In many cases where the employers are no longer in business, it is those companies' insurance firms that are taken to court for compensation claims. However, that process tends to be neither simple nor straightforward. It can take many months or even years before a settlement is made.

It is not only those who have worked in shipyards who have been affected by asbestos illnesses. People who have worked in construction or many other sectors of the economy were also exposed to asbestos, often recklessly, by their employers. They knew of the dangers of asbestos, but either did not inform their workers of the danger or did not provide adequate protection for them. Furthermore, it is not just the individuals who have worked with asbestos who have contracted asbestos-related diseases such as pleural plaques. Often, their families have come into contact with asbestos fibres, and they, too, have developed such conditions. Clydeside Action on Asbestos has numerous cases of wives and children of workers, who would shake the asbestos dust from their husbands' or fathers' overalls prior to washing them. They later developed asbestos-related diseases themselves.

Until recently, those with pleural plaques had the right to sue their former employers for compensation. That right was not given automatically, however. Each case had to be heard in court and the employers' liability in exposing their workers to asbestos had to be proven before any compensation was granted. That would take time, especially considering that the symptoms of asbestos-related diseases can take many years to develop—often 30, 40 or more years.

The decision by the law lords on 17 October now stops that. There was a question whether the ruling would apply in Scotland, but the ruling by Lord Uist on 23 October followed the law lords

ruling to the letter. That decision contradicts natural justice. It allows negligent employers to get away with poisoning their workers. It also contradicts a statement by a leading judge in a previous appeal case, who stated that pleural plaques are evidence of an injury to someone, and that such damage—even though it is internal—should not be treated any differently in law from external damage to the body, for which compensation is normally applicable.

Pleural plaques are recognised by medical experts as a sign of irreversible damage to the lining of the lung, caused by a history of exposure to asbestos, which carries with it an increased risk of malignant disease, such as the deadly cancer mesothelioma. Some studies suggest that someone with pleural plaques is 100 times more likely than the general population to develop a fatal asbestos illness. That includes mesothelioma, a cancer primarily of the lining of the lung, which often results in death within 14 months of diagnosis.

Not allowing someone to bring an earlier case for compensation for pleural plaques means that many people with asbestos-related diseases, including mesothelioma, will never see the end of their compensation case. By contrast, allowing them to bring an earlier case on pleural plaques would provide the background if someone was unfortunate enough to develop a further asbestos-related disease, and that would speed up the court process. That is a major reason for allowing those with pleural plaques to retain their right to seek compensation from their former employers.

I offer my support to Clydeside Action on Asbestos and the Clydebank Asbestos Group for their role in campaigning not only for people with pleural plaques but for all those with asbestos-related illnesses. They cover the whole of Scotland and have clients in the traditional shipbuilding communities of Greenock, Port Glasgow, Dumbarton and Clydebank, as well as Glasgow. Asbestos-related illnesses do not affect people only in the west of Scotland; they affect people in the whole of Scotland, although there is a particular concentration in the west, the east coast and the Highlands. Furthermore, asbestos-related illnesses are not exclusive to the shipbuilding industry; they also affect people in the building trade.

I commend the work of those who campaign for justice for sufferers of asbestos-related illnesses. I have met people from Clydeside Action on Asbestos on a number of occasions. I urge anyone who has been diagnosed with an asbestos-related disease to contact the group for advice and assistance.

My motion notes that a draft bill has been presented to the Cabinet Secretary for Justice

seeking a Scottish solution to the matter. I know that Clydeside Action on Asbestos and Frank Maguire met the cabinet secretary today and I hope that a way forward can be found as soon as possible to help those with pleural plaques.

Some people might think that this is a health matter, and in some ways it is. Others might regard it as a legal issue, and there are legal aspects to it. However, it is fundamentally a moral issue of allowing recompense to those who have been wronged. I therefore urge the cabinet secretary to ensure that the issue is given the importance that it deserves, which I believe has been the case until now, and to lodge a bill in the near future. In my discussions with Clydeside Action on Asbestos, I said that I would lodge a member's bill if necessary. However, I am sure that a Government bill would make speedier progress through the Parliament.

There is consensus on this matter throughout the chamber. I look forward to justice being reinstated for victims of pleural plaques.

**The Deputy Presiding Officer:** I ask members to make speeches of no more than four minutes, given the number of members who wish to speak.

17:11

**Des McNulty (Clydebank and Milngavie) (Lab):** I congratulate Stuart McMillan on securing the debate. In recent years, the work that has been done by the Scottish campaign groups—not just Clydeside Action on Asbestos, to which the motion refers, but Clydebank Asbestos Group and Asbestos Action Tayside—the Scottish Trades Union Congress and its affiliates, including GMB and Unite, which has played a particularly important role in relation to pleural plaques, has helped us address injustice here in Scotland through legislation and new court procedures. However, their work in Scotland goes beyond that—it has also been the stimulus for action by the United Kingdom Parliament and it has been an inspiration to similar groups around the world. It has shown how determined efforts and concerted action can deliver meaningful results.

We have been greatly assisted by Frank Maguire of Thompsons Solicitors and his associates, whose expertise comes from their work on behalf of hundreds of asbestos victims. Tens of members, including Duncan McNeil, Hugh Henry, Pauline McNeill, Cathy Jamieson, Bill Butler and Bill Aitken, have played prominent roles in ensuring that the issue has been taken forward. I also include members who have now become ministers, such as Shona Robison and Stewart Stevenson. I am glad, too, that our numbers have been swelled by newly elected members such as Stuart McMillan, John Park, David Whitton, Bill

Kidd and others who are keen to ensure that the work that has been done so far is progressed.

At the briefing earlier, Jimmy Cloughley of Clydebank Asbestos Group said that asbestos campaigners are becoming well known around here for coming back and arguing that Parliament should correct injustices in the courts. They keep coming back to Parliament because the insurance industry is constantly looking for new legal loopholes that allow it to reduce its liability to victims. The latest judgment from the House of Lords follows legal manoeuvring from employers and insurers aimed at preventing victims from getting compensation.

It dismays me that asbestos campaigners keep having to come back. Men and women throughout Scotland have contracted asbestos-related diseases solely through the negligence of their employers. There is a simple principle involved: if an employer's negligence contributes to harming their employees, the employees should be compensated. In this instance, the insurers' argument is that people who contracted calcified pleural plaques, which is a condition that can arise only from exposure to asbestos fibres in their employment, have not suffered injury—never mind the fact that pleural plaques in many instances are the first indication of a life-threatening asbestos-related disease, such as asbestosis or mesothelioma, and that pleural plaques have physical symptoms such as severe breathlessness and physical incapacity, which destroy people's lives. Never mind the mental stress that comes with finding that, within one's body, there are deadly fibres that have already done significant damage and which could, in time, destroy one's lungs and lead to an acutely painful death. The idea that employers can claim that they have no liability towards people with pleural plaques is profoundly unreasonable.

However, that is the territory on which the insurers chose to fight through the courts. There, they can rely on technicalities and precedents. As legislators, we have—of course—to take those things into account, but as parliamentarians we have also to consider the justice or otherwise of the matter and take into account the views of the wider public. On that basis, there is no doubt about what is the correct course of action. There is an injustice that Parliament can and should put right.

The campaigners who today met the Cabinet Secretary for Justice reported to us that he is sympathetic to their case and has promised to let them know within a month whether he will introduce legislation that will reverse the effect of the House of Lords ruling. I hope that he will come back with a firm commitment to do so: that would be the quickest and most effective way to ensure

that pleural plaques sufferers continue to get their compensation.

I was fortunate, in the previous session, in that the then Minister for Justice took over my member's bill, introduced the Rights of Relatives to Damages (Mesothelioma) (Scotland) Bill, and ensured its rapid passage, which had unanimous support in Parliament. I hope that, in the present instance, no middle man will be required and that ministers will pick up the objectives of the campaigners and introduce a bill that delivers justice so that pleural plaques sufferers continue to get their compensation. That is the right answer to the question that they posed to us.

17:16

**Bill Aitken (Glasgow) (Con):** I, too, congratulate Stuart McMillan on obtaining the debate. However, it gives some of us a sense of déjà vu because Parliament has debated the matter on a number of occasions. The debate is predicated on the appalling injustices that have been inflicted on people who suffer from asbestos-related diseases. It is a disgrace that so many of those people were left hanging and waiting for settlements until such time as Parliament was forced to legislate. We were forced to legislate because, despite the best efforts of people such as Pauline McNeill, Des McNulty and me, the changes that we introduced were not sufficient to cope with the issues.

The insurance industry, in which I was employed for many years, comes out of the matter badly. The delays and stalling tactics to which Des McNulty referred have been disgraceful. To some extent, the industry brought upon itself the issue that we face today. For many years, liability was not denied and claims were settled. It was only when claims, which used to be settled for nominal amounts, began to result in higher damages and, in particular, in much higher legal fees, that the industry had to test the legal position. The result, finally, was the House of Lords judgment that was delivered recently.

We have to consider where we go from here. We must proceed on the basis of much fuller information, and any decisions that Parliament makes must be made following a clear, cool and forensic examination of the facts. I do not have the legal knowledge to debate a House of Lords judgment, and I am sure that no one else here has, but it appears to me that two considerations arise. First, in the pursuit of damages, do the pursuers have to demonstrate that the condition leads to other more serious conditions? That can probably be answered with a "Yes." It appears to be necessary to demonstrate that there is a likelihood that the condition will lead to asbestosis or mesothelioma. I note that the solicitor who is

acting on behalf of Clydeside Action on Asbestos will obtain that information for us. That will be material when Parliament decides how to proceed.

The second consideration is that the courts should recognise that sufferers experience anxiety, worry and concern that the condition might lead to something more sinister and should award damages. That was the position prior to the House of Lords judgment.

Those matters will have to be considered, but I caution members that what we are suggesting might have far-reaching consequences for the law of reparation and personal injury in Scotland. What happens will depend on the bill that eventually comes before Parliament, so we must be sure of the facts. None of us has anything other than the greatest sympathy for sufferers of asbestos-related injuries, and we have demonstrated that we are prepared to take action when it is necessary. I am sure that we will take action again, but we must have the full facts and information and we must know precisely where we are going with any potential legislation.

I shall await the minister's contribution to the debate with great interest, and we shall see where it leads us in this particularly difficult issue.

17:21

**Robert Brown (Glasgow) (LD):** I congratulate Stuart McMillan on securing this members' debate on the pleural plaques case. It is timely and appropriate.

Earlier today, following our involvement in the press conference that was organised by Clydeside Action on Asbestos on 17 October, I sponsored, along with Bill Butler and Bill Kidd, a well-attended briefing for MSPs and researchers at which were representatives of Clydeside Action on Asbestos, the other action groups in Clydebank and Tayside, and the trade unions, as well as others with an interest in the issue. We had the benefit of an extremely lucid explanation of the background by the solicitor advocate Frank Maguire, who acts for hundreds of pleural plaques claimants and many people who are afflicted with mesothelioma.

More particularly, we had the benefit of hearing the experiences of two people who suffer from pleural plaques, who described in matter-of-fact terms the effects on them and their families. As John Stewart from Dunfermline told us, he has seen three generations of the same family wiped out by asbestos-related ailments—asbestos-related diseases are like that. As Stuart McMillan mentioned, they often affect close-knit communities where people work in shipyards or families where mothers have been exposed to asbestos fibres through washing overalls for their husbands or sons.



Bill Aitken rightly touched on the fact that there is a genuine legal debate to be had about where the right to damages ends and what its limits are. I recall from my professional career the complexities of those arguments. However, the law should ultimately dispense justice, which is what lies behind tonight's debate.

In pleural plaques cases, there is often no doubt about the responsibility and negligence of the employer—employers have known about the dangers of asbestos for many years. Claims arise because claimants—frequently workers in the shipbuilding or construction industries—were negligently exposed to asbestos fibres. One of the family representatives today told us that he used to strip asbestos off machinery and then blow the remaining dust and fibres away with a blower so that the engines were clean. We could barely imagine anything worse. It is hardly surprising that so many people have ended up with an asbestos-related disease. The toll is horrendous.

There is no doubt either about mesothelioma, which is one of the nastiest industrial diseases ever spawned and is known by families and communities alike to be both terminal and extremely unpleasant. Not surprisingly, people are anxious if they think that they are halfway down the line to getting that horrendous condition—anybody would be anxious. The argument about whether there is a causal link between pleural plaques and other asbestos-related diseases seems a trifle academic. What is certain is that the train of causation goes right back to the negligent exposure to asbestos many years before. Whether it leads to pleural plaques or mesothelioma is a subsidiary argument to the main liability chain of causation.

The House of Lords judgment means that pleural plaques claimants lose two things: first, the interim damages that have been paid in practice for more than twenty years; and secondly, and even more important, the right to sort out liability issues at the start, when they are fit to do so, rather than when a more serious illness strikes.

I hope that the minister will feel able to put on the parliamentary record tonight his acknowledgement of the cross-party—I think all-party—nature of the call for legislation to reverse the judgment. I hope also that he will put on record his sympathy with the cause of those who have been diagnosed with pleural plaques. Finally, I hope that he will be able to say tonight, or in the near future if necessary, that he is prepared, in principle, to change the law to restore the position as it has been understood for more than 20 years. I recognise that he must have advice from his officials on unintended wider consequences and on getting legislation right, but we want to hear that he will act on what is widely perceived to be

an injustice and do what the Scottish Parliament was set up to do—pass good and just laws that right injustices in Scotland.

I renew the request to the cabinet secretary, through the minister, to meet me and other interested MSPs, as Alex Salmond promised at First Minister's question time. I impress on the minister the need for an immediate or early announcement that will guide claimants, employers and the relevant insurance companies on their approach to this difficult matter.

17:25

**Gil Paterson (West of Scotland) (SNP):** We all very much appreciate the opportunity to debate the judgment, for which I thank Stuart McMillan. The House of Lords judgment on 17 October that put an end to compensation that has been provided for pleural plaques for the past 30 years or more is bizarre, because we know what pleural plaques are and how people get them—they are caused by asbestos. Pleural plaques are clearly an industrial injury.

In my former life—in fact, it is not a former life, because I still own the business—I dealt with heavy and dangerous materials. In my business, we take all the precautions that we can. The duty of care is a big help when we assess the risks that not only my employees but my family are subject to at work.

We do our utmost to have a safe working environment. We have always been like that, and I hope that we always will be. God forbid that something might happen in my business while I speak here tonight, but I pay insurance to deal with that. It does not make me feel any better, but I expect my insurance company to pick up the bill for anything untoward that happens.

One problem with any illness or injury is its impact on others. The diagnosis of asbestos-related illnesses has an impact not only on the individual but on the family. Some people feel that a ticking time bomb is in them. How does that affect them and their families? They experience anxiety and depression, which can sometimes slide into a host of other illnesses.

We cannot quantify the impact that the judgment is likely to have across the board. Members can see the result of not taking care of the issue at an early stage, and how it impacts on the health service. If we pay a little now, we can save an awful lot later.

By and large, the people who are affected are very ordinary. They want us to support them. They feel, and I believe, that the system has let them down, but the Parliament can sort that out. I hope that the minister will consider what members have

said tonight. We have heard what Stuart McMillan said. The minister might not give a commitment tonight—although if he does that will be fine—but I hope that he will go away and think about the issue with a view to introducing a bill, which would be received extremely well and passed unanimously.

17:29

**Hugh Henry (Paisley South) (Lab):** I commend Stuart McMillan on giving Parliament an opportunity to discuss a tragic and serious matter. It is profoundly disappointing that, so soon after taking decisive action in the previous session to address the injustice for victims of mesothelioma and their families, we must again discuss an injustice that concerns an asbestos-related disease or injury—however we want to describe it.

Stuart McMillan and Des McNulty described how pleural plaques come about, and they eloquently described in detail their consequences. There can be no doubt whatever about where pleural plaques originate and who is responsible for them. The Parliament is confronted with the consequences of a House of Lords decision and must now consider what it should do, if it can do anything. I argue that we can do something.

I know the dilemma that the minister faces and the type of advice that he is being offered, because I have been there. However, the complexities that are involved ultimately require political resolution and determination. The ruling that has been made cannot be justified in any way, shape or form. As a Parliament, we must ask what we can do, because sufferers of asbestosis, including pleural plaques, have been denied the chance to get justice.

I give credit to the campaigning groups that have, with the victims, been responsible for keeping the issue at the forefront of our minds. Those people have been ably supported by individuals and legal firms that have been mentioned. However, I want to pay tribute to the trade unions in particular, which have taken their responsibilities extremely seriously. Not only have the GMB and the sections of Unite echoed and articulated support for the victims, they have invested substantial amounts of money to try to get justice for victims at the House of Lords. The exercise has not been cheap—it has cost £1 million or more—but it has been worth every penny, because it has attempted to address a profound wrong. The trade unions' work is to be commended, although their best efforts have, unfortunately, failed. It now falls to us to consider what needs to be done.

Whether the minister can say anything tonight about what will be done is neither here nor there,

but he can do something, and something should be done. I know that the team that is sitting in the Parliament to support the minister consists of very able officials who supported Cathy Jamieson and me in our deliberations on the Rights of Relatives to Damages (Mesothelioma) (Scotland) Bill. They know the law and the issues that are involved, and they care about the subject and the people who have been victims. I hope that I am not embarrassing them. The minister is well and ably supported.

The time is right for politicians in the Parliament to step up to the mark. We should do something. We should say clearly on the record that we will do something and that members will unite across party groups, just as they did in the previous session when there was no political dissent or division on the issue, to ensure that people are not again left to suffer alone. We should make it clear that we are behind them and that we will rectify a wrong. I hope that we will do something quickly.

17:34

**Bill Butler (Glasgow Anniesland) (Lab):** I rise to support the motion in the name of my Justice Committee colleague Stuart McMillan. I congratulate him on securing the debate, which allows members to discuss a serious issue of fundamental importance to the rights of hundreds of working people and their families.

As members have said, the issue arises from the disturbing judgment relating to pleural plaques that the House of Lords reached on 17 October. Their lordships made a scandalous and unjust decision that, in effect, found on behalf of employers who have negligently or recklessly caused their workforces to be exposed to asbestos in the pursuit of profit and against the innocent victims of those employers' recklessness and neglect.

Who are those victims? They are our fellow citizens, who spent their working lives in the shipbuilding, construction and fishing industries. They are the Rosyth dockyard worker who was exposed to asbestos, with no protection of any kind, over a period of two and a half years in the late 1950s. They are the retired pipe fitter from Leith who was never told of the dangers and who was forced into early retirement at the age of 53. Those are the victims: real people; real lives affected; real lives blighted.

This nonsensical ruling, which was based on a piece of semantic trickery over the definition of the term "injury", must not go unchallenged. We all know that calcified pleural plaques are an industrial injury—a disease visited upon workers by negligent, reckless employers. As many of us heard at the briefing in Parliament this afternoon,

the decision has left 214 people whose cases are in court and more than 400 others whose cases have still to be heard in a judicial no-man's-land. At any time, insurers acting on behalf of employers could move to have those cases thrown out by the Court of Session. There is no doubt that such a move, at the moment, would be successful.

We can prevent such a further injustice from being visited upon the innocent victims and their families, who have already had to endure so much. We can do that by acting together as the Parliament of Scotland. As Hugh Henry and others have mentioned, the previous Executive found space in its legislative programme to pass the bill that was enacted as the Rights of Relatives to Damages (Mesothelioma) (Scotland) Act 2007. That bill rightly attracted the unanimous support of the Parliament. That showed that, here at Holyrood, we can act across party boundaries when we know that a wrong needs to be righted. With this most recent development, we must act once again as a united legislature to remedy an injustice. We must restore our fellow citizens' right to compensation in respect of pleural plaques and restore their ability to reserve the right—this is important—to make a further claim for compensation if, tragically, they go on to develop other fatal asbestos-related conditions.

Will the minister confirm tonight whether the Government will find time in its legislative programme to adopt the bill that has been prepared for Clydeside Action on Asbestos by Thompsons? The bill was sent to the Cabinet Secretary for Justice on 17 October. As the minister will know, speed is of the essence in this matter. As is clear from tonight's debate—and will become increasingly clear—there is unanimous support across the chamber for such a measure. Members of all parties and none are united on the issue as are, with the exception of some employers and insurers, the people of Scotland. I hope that the minister in his summation can give us that assurance. I await that summation with interest.

17:38

**Bill Kidd (Glasgow) (SNP):** I thank Stuart McMillan for securing the debate. The fact that we can stand here and, in the spirit of natural justice, stand alongside those who are victims of pleural plaques and other asbestos illnesses shows that this Parliament is a Parliament of the people. I am happy to stand here to speak up for those many victims, but I am saddened that it has proven necessary for me to do so.

Sadness is experienced by many people in communities across Scotland who, over the years and up to the present day, have lost relatives and friends to the various asbestos diseases. Pleural

plaques, which can cause breathlessness and various other health problems, may or may not lead to more severe life-threatening illnesses such as pleural thickening, asbestosis or mesothelioma. However, pleural plaques exist only in the lungs of people who have worked with asbestos or been exposed to asbestos as a result of being related to such workers. They do not exist in any other form. They exist only in people who have been exposed to asbestos. On that basis, we can say that those employers who exposed their workers to asbestos are liable. If those employers had a liability policy with an insurance company, that insurance company will have to pay up.

Today I met representatives of the insurance companies. At a very civilised meeting, they impressed on my colleagues and me that medical evidence suggests that pleural plaques have no impact on the lung capacity or general health of the affected person. I am not a medic, but the suggestion that pleural plaques, which occur only as a result of exposure to asbestos and are scars or calcified areas on the lungs, are not injuries or injurious is insulting to those who are affected. Calcification of living tissue by exposure to asbestos is an unnatural injury to the human body and, by extension, an injury to the mind and spirit of the victim. The anxiety that victims and their relations feel is real. In my opinion, they are due whatever compensation a payment from employers or insurers will achieve.

**David Whitton (Strathkelvin and Bearsden) (Lab):** Mr Kidd said that he met the insurers earlier today. I do not know whether he received a copy of the briefing from the Association of British Insurers, which is a disgraceful piece of paper. It has headings such as

"Pleural plaques do not impair health ... Pleural plaques do not lead to any other disease"

and

"Pleural plaques are not compensatable".

If I were a member of the association's corporate communications team, I would be embarrassed to put out such a briefing.

**Bill Kidd:** I thank David Whitton for highlighting an issue that needed to be raised.

The lung's reaction to asbestos is calcification, which occurs only when asbestos is present in the lung. Asbestos is a killer. To say that the anxiety that victims feel is unnecessary, as there is no suggestion of incapacity or of a further serious condition, is again insulting to the men and women who suffer those fears and worries. They helped to build this country in the 20<sup>th</sup> century. It is for us to ensure that 21<sup>st</sup> century justice sees the resumption of compensation payments to pleural plaques claimants.

**The Deputy Presiding Officer:** I am prepared to accept a motion without notice from Robert Brown to extend the debate by up to 15 minutes.

*Motion moved,*

That, under Rule 8.14.3, the debate be extended until 6.02 pm.—[*Robert Brown.*]

*Motion agreed to.*

17:42

**Cathy Peattie (Falkirk East) (Lab):** I thank Stuart McMillan for bringing this debate to the Parliament this evening. I also thank all those involved in the campaign against the House of Lords decision.

The appeal to the law lords was from Amicus and Thompsons Solicitors. I declare an interest, as a member of Amicus Unite. Deloitte & Touche has estimated that the House of Lords judgment of 17 October on pleural plaques would save UK insurance companies as much as £1.4 billion. I say to David Whitton that it is no wonder that they are so keen to brief on the decision. However, that saving will come at the expense of people who are struggling to cope with the devastating news that they have a condition that is far more worrying than breathlessness, pain or other immediate symptoms, as it is strongly associated with an increased risk of developing fatal conditions such as mesothelioma and asbestosis. Unless people go on to develop those illnesses or related conditions as a result of exposure to asbestos, they will no longer be compensated.

The House of Lords decision overturns 20 years of practice and increases the stress and anxiety of claimants and their families, as they wait for asbestosis or mesothelioma. I know about the stress that claimants and their families feel, because I am married to someone who suffers from pleural plaques. I know what it is like when someone is constantly worried about how the condition will develop. The decision cannot be allowed to proceed—we need to do something about it.

Whatever the scientific argument around pleural plaques may be—it has been suggested that they may be benign—they are almost certainly an indication that a person is much more likely suddenly to find themselves with a life-threatening illness and with a life expectancy that is measured in months, rather than years. Perversely, the House of Lords decision removes from them any realistic opportunity to claim money while they are still alive, because delayed diagnosis and legal process conspire to ensure that court cases last longer than people.

If the insurance companies will not accept that people with pleural plaques should be

compensated for the genuine and irreversible injury that asbestos has caused, there is an urgent need for legislation to establish a right to damages for claimants in that situation. I look forward to the day when workers in Scotland and elsewhere who contract illness due to their work are treated with respect and compensated appropriately.

17:45

**Duncan McNeil (Greenock and Inverclyde) (Lab):** I thank Stuart McMillan for giving us the opportunity to debate this issue. I was pleased to sign his motion, and the motion that was lodged by my colleague Pauline McNeill.

There is no doubt that the law lords' determination, on 17 October, to support asbestos companies and their insurers against their employees is an affront to justice. The legacy that asbestos has left is not a historical one—it is important that we bear in mind that asbestos is responsible for more work-related deaths in this country than any other cause. Mesothelioma, the cancer that is induced by asbestos exposure, is the third fastest-increasing cancer in Britain, and the figure is not expected to peak until between 2010 and 2015. Legal battles to expose the impact of asbestos on its victims and their families, and to ensure that justice is done, have taken place over decades. It seems that they are set to continue, given the determination of the employers and the insurance companies to unpick the rights that asbestos victims and their families currently have.

There have been some successes—not least here in the Scottish Parliament—that were mentioned earlier. It is worth saying yet again that excellent cross-party work has been done by members of the Parliament. That includes our late colleague Margaret Ewing—not only in this Parliament, but in the Westminster Parliament; Mary Scanlon, who was here earlier; Stewart Stevenson; Bill Aitken; the members of the previous Justice 1 Committee, who did a sterling job under the convenership of my colleague Pauline McNeill; and Hugh Henry, in his previous role as Deputy Minister for Justice. Last, but not least, I am sure that members will acknowledge the sterling and consistent work that has been done with the unions and the campaigners by Des McNulty. We can be satisfied that the election did not diminish our number—and there are new recruits, as demonstrated by this campaign.

I am delighted that the commitment that has been shown by the members of this Parliament has made a real difference to the victims and their families in shipbuilding communities on the Clyde, not least in my constituency of Greenock and Inverclyde. Sadly, it is time yet again for the Scottish Parliament, and ministers, to stand up for victims of asbestos-related disease. Ministers, as

we know—and as we have heard from Hugh Henry—have the power to act. The emergency powers procedure was created for situations such as this, in which a bill must be passed swiftly to close a legal loophole or right a wrong that has been created by a court judgment. That is precisely the set of circumstances that we face.

I urge the minister to take the necessary first step, and introduce the ready-made bill that he has in his possession. He has the support of the law, of Parliament, of precedent, and support from all members in the chamber this evening. The interests of justice are in favour of the minister taking firm action, and taking it now.

17:49

**Pauline McNeill (Glasgow Kelvin) (Lab):** I offer sincere thanks to Stuart McMillan for securing the debate, and for setting out very well the technical and emotive issues that are involved.

I have lodged a similar motion in similar terms, in order to set out my own and the Labour Party's conviction in supporting Clydeside Action on Asbestos and the Clydebank Asbestos Group for their work. It seems that their work is never done, which is sad.

The House of Lords ruling of 17 October 2007 is of serious concern to us all. The reversal of a principle that has been established for almost three decades—that cases of pleural plaques, once diagnosed and proved to have been caused by neglect, are actionable—is hard to understand and is certainly not acceptable. The no injury, no rights decision is wrong. Sufferers are being asked to accept that, all of a sudden, doctors agree that the condition has no health effects, following a ruling in the House of Lords—they are supposed to accept that ruling as medical evidence.

As other members have said, the Parliament has been a hive of activity today, as members have discussed the issue and how we can respond. Among those people who made their case to MSPs were, as ever, Phyllis Craig and Harry McCluskey. I was struck by the comments of members of the 716 branch of the Transport and General Workers Union, which is now part of Unite, who said that almost 50 per cent of the 700 members who made up that branch have died of a related disease. Doctors might tell people who have been diagnosed with pleural plaques not to worry because it will not necessarily develop into mesothelioma, but one member of that branch told us that he had just buried a colleague who had been told the same thing.

As many members have said, calcified pleural plaques is a condition that can be contracted only through exposure to asbestos. We cannot let off the hook employers whose actions have resulted

in workers being exposed to serious health risks in the line of duty. In many cases, we are talking about the poorest people in our communities, whose working lives have been cut short and whose quality of life has been ruined as a result of worrying about having worked in a shipyard or in one of the other heavy industries throughout Scotland in which they could have contracted such an industrial injury.

How can it be right that cases involving an industrial disease for which compensation could be awarded by Scottish and other courts for more than 25 years have now been ruled not to be actionable? The House of Lords has completely reversed rulings that have been made for more than 25 years, which have affected numerous people.

We have been told that pleural plaques have no health effect, but today MSPs have listened to people who have explained that that is simply not true. Some people with pleural plaques might suffer from breathlessness or hyperventilation, not to mention the psychiatric effect of the worrying and depression that are caused by knowing that the disease could lead to something far worse. No health effect? I do not think so.

We have taken action before. Many members, including Hugh Henry, Des McNulty, Johann Lamont and Cathy Jamieson, have taken action when it was clear that it was necessary. There is a clear case for ministers to say that they will act.

As other members have said, the insurance industry has set out many reasons why action should not be taken, but I want to put the case for taking action. We are not talking only about an emotive issue—there are some practical issues that must be considered. Cases involving pleural plaques were actionable for more than 25 years, so why are they not actionable now? People who have pleural plaques have a physical injury—it is an industrial injury that is caused by exposure to asbestos. As we have heard, there are various degrees of illness. There are already circumstances in which the law compensates people who suffer from worry, anxiety and depression; it compensates people for what others say has hurt them, so why will it not offer compensation in cases of pleural plaques?

Society owes the victims of pleural plaques and the Parliament owes it to them to act, so I hope that the minister will say something positive.

17:53

**The Minister for Community Safety (Fergus Ewing):** I am indebted to Stuart McMillan for lodging a motion on the House of Lords ruling on pleural plaques. The fact that members of all parties have stayed on for the debate in greater

numbers than is often the case for members' business debates speaks volumes about the concern that exists across Scotland on the issue since the House of Lords ruling was issued on 17 October.

I welcome this early opportunity to hear members' views. We have heard from many members who have campaigned on behalf of people who have suffered from exposure to asbestos, and I pay tribute to the efforts that Des McNulty, Duncan McNeil, Pauline McNeill and Stewart Stevenson, among many others, have made over the years. I also thank the members who have participated in this evening's debate.

I assure members that the Scottish Government is acutely aware of concerns about the judgment, which members have eloquently and passionately expressed on behalf of their constituents. There is no doubt that the history of Scottish industry is littered with cases of negligence. Campaigns have had to be waged decade after decade, while the law followed on far too late in far too many cases. That has been the sad history of industrial injury in Scotland.

I pay tribute to Clydeside Action on Asbestos, which has been to the fore and without which I doubt whether we would have seen the substantial progress on the issue, to which Hugh Henry and others alluded, that was made in the previous parliamentary session. I also pay tribute to the work of Hugh Henry and Cathy Jamieson when they occupied this particular piece of ministerial turf.

We fully understand that a person who has pleural plaques has been exposed to asbestos. I have a copy of the judgment that has caused the difficulties. Paragraph 84, which is part of Lord Rodger of Earlsferry's opinion, says:

"The asbestos fibres cannot be removed from the claimants' lungs."

Cathy Peattie spoke emotionally about her husband, who has pleural plaques, and Gil Paterson talked about the families of those who have pleural plaques. What is a family member supposed to think about a son, daughter, husband or wife whose lungs have been scarred by asbestos? Are they supposed to think, "That's okay, then. Let's forget about it," or will they worry for the rest of their lives that the pleural plaques will become mesothelioma or carcinoma? They will worry, and the worry will not diminish or fade away; it will remain, decade after decade. As Stuart McMillan said, the sufferer will have to make endless visits to their general practitioner for check-ups and scans. The worry will never go away; it will constantly be there.

When the judgment came out, I took the step of asking the chief medical officer for Scotland, Harry

Burns, for his opinion about the degree to which those who have pleural plaques may be predisposed to go on to suffer from mesothelioma or other conditions. In relation to the general argument, rather than the particular individuals who pursued the case in the House of Lords, he said that pleural plaques associated with exposure to asbestos signify greatly increased lifetime risk of about ninefold of developing mesothelioma, and a small but significantly increased risk of developing bronchial carcinoma of about 1.4-fold. He also said that the plaques indicate that the appellants had been exposed to asbestos, but that he interpreted the decision to mean that, until they develop symptoms, they will not be eligible for damages.

We received a briefing from Mr Maguire, who has more experience than anyone of dealing with clients who have various asbestos-related conditions. He points out that the mean time for survival for those who suffer from mesothelioma is 14 months.

I think that it was Mr Brown or Mr Aitken who pointed out that it is the habitual practice of at least some insurance companies to delay the settlement of claims. Few serious claims are settled within 14 months. If someone with pleural plaques goes on to suffer from mesothelioma, it is unlikely that there will be a settlement before they die.

I share the concerns that members have expressed and I want to leave members under no misapprehension: the Scottish Government treats this issue with the utmost seriousness. As has been alluded to, I believe that this afternoon the Cabinet Secretary for Justice met Clydeside Action on Asbestos and Mr Maguire. I had hoped to attend that meeting, had I not had to attend a much-postponed meeting with the Cabinet Secretary for Health and Wellbeing about a hospital in my constituency that is facing closure. I apologise for not being able to attend the meeting to hear what was said at first hand. However, as I said, the Cabinet Secretary for Justice attended the meeting and I hope that we will be able to move as quickly as possible to consider what steps should be taken.

**Robert Brown:** Can the minister elaborate on the likely timescale for action? We are talking about a matter of some urgency, as members have said.

**The Deputy Presiding Officer:** You are in your final minute, Mr Ewing.

**Fergus Ewing:** Thank you, Presiding Officer.

We are considering the bill to which Mr McNeil referred, which has been sent to the cabinet secretary. We will make our intentions known when we have had time to reflect on this debate

and to consider in full the House of Lords judgment, which extends to 105 paragraphs. I have read parts of the judgment and think that the argument is not entirely without internal contradictions. It would be interesting to have an opportunity to study the judgment in more detail, as we need to do.

I read with some disappointment Bridget Prentice's response to a written question lodged by Jim Sheridan in the House of Commons. She said that the UK Government has

"decided that it would not be appropriate to legislate on the issue."—[*Official Report, House of Commons*, 29 October 2007; Vol 465, c 798W.]

However, as members pointed out, we are the Scottish Parliament—Scotland is no longer the only country in the world that has her own legal system but no legislature. As Hugh Henry argued, it is open to us to legislate on the issue. It is open to us to seek a political solution and to act.

I very much hope that after the Cabinet has had the opportunity to receive representations and, if appropriate, consider the issue, the cabinet secretary will return to the Parliament, having giving due consideration to all factors, and take appropriate action to address the grievance that has been expressed so clearly by so many members from all parties.

*Meeting closed at 18:02.*





Members who would like a printed copy of the *Official Report* to be forwarded to them should give notice at the Document Supply Centre.

No proofs of the *Official Report* can be supplied. Members who want to suggest corrections for the archive edition should mark them clearly in the daily edition, and send it to the Official Report, Scottish Parliament, Edinburgh EH99 1SP. Suggested corrections in any other form cannot be accepted.

The deadline for corrections to this edition is:

**Wednesday 14 November 2007**

#### PRICES AND SUBSCRIPTION RATES

##### OFFICIAL REPORT daily editions

*Single copies: £5.00*

*Meetings of the Parliament annual subscriptions: £350.00*

The archive edition of the *Official Report* of meetings of the Parliament, written answers and public meetings of committees will be published on CD-ROM.

##### WRITTEN ANSWERS TO PARLIAMENTARY QUESTIONS weekly compilation

*Single copies: £3.75*

*Annual subscriptions: £150.00*

Standing orders will be accepted at Document Supply.

Published in Edinburgh by RR Donnelley and available from:

#### **Blackwell's Bookshop**

**53 South Bridge  
Edinburgh EH1 1YS  
0131 622 8222**

**Blackwell's Bookshops:**  
243-244 High Holborn  
London WC1 7DZ  
Tel 020 7831 9501

All trade orders for Scottish Parliament documents should be placed through Blackwell's Edinburgh.

**Blackwell's Scottish Parliament Documentation**  
Helpline may be able to assist with additional information on publications of or about the Scottish Parliament, their availability and cost:

**Telephone orders and inquiries**  
**0131 622 8283 or**  
**0131 622 8258**

**Fax orders**  
**0131 557 8149**

**E-mail orders**  
**business.edinburgh@blackwell.co.uk**

**Subscriptions & Standing Orders**  
**business.edinburgh@blackwell.co.uk**

#### **Scottish Parliament**

**RNID Typetalk calls welcome on**  
**18001 0131 348 5000**  
**Textphone 0845 270 0152**

sp.info@scottish.parliament.uk

All documents are available on the Scottish Parliament website at:

www.scottish.parliament.uk

**Accredited Agents**  
(see Yellow Pages)

and through good booksellers