

# **MEETING OF THE PARLIAMENT**

Thursday 22 November 2007

Session 3

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## Scottish Parliament

Thursday 22 November 2007

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

### Sea Fisheries

**The Presiding Officer (Alex Fergusson):** Good morning. The first item of business is a debate on motion S3M-893, in the name of Richard Lochhead, on the annual sea fisheries negotiations.

09:15

**The Cabinet Secretary for Rural Affairs and the Environment (Richard Lochhead):** I am delighted to open this important debate on this year's vital fisheries negotiations. Suffice it to say that with a First Minister who for more than 20 years has represented Scotland's most fishing-dependent constituency and a Cabinet Secretary for Rural Affairs and the Environment who represents Moray fishing communities, Scotland can rest assured that this Government will always treat our fishing industry as a priority.

I am sure that the whole chamber attaches great value to our fishing industry. It is certainly valued by the people of Scotland, as demonstrated by the success of the television series "The Trawlermen". In its focus on Jimmy Buchan of the Amity, his crew and the crews of the other vessels that featured, all of whom illustrated the qualities of this unique industry, the series brought home to all of us the harsh conditions at sea. Today's debate gives us an important opportunity to reflect on the fact that over the past year many men have made the ultimate sacrifice to bring fish to our tables and to follow a way of life that is in their blood.

I am aware of the pain our fleet has borne over the past few years. People still remember decommissioning, when the bells tolled for 165 Scottish white-fish vessels. However, it is time to steer our industry into calmer waters.

Our fishing communities and seafood sector continue to play a central role in our nation, in our culture and heritage, in our economy, in our environment and in our health. Fishermen, the associated processing sectors, the chandlers, the engineers, the painters and the other small businesses that congregate around our harbours are the lifeblood of communities all along our coast. The industry is a key part not only of our maritime history but of Scotland's future, and achieving sustainable fisheries in Scotland's waters will help to preserve the birthright of our

fishing communities and provide opportunities for future generations of fishermen.

I am delighted that the next generation of fishermen is represented in the gallery for at least part of this morning's debate by 10 aspiring skippers from all over Scotland who are currently training at Banff and Buchan College. They have met the First Minister this morning and I look forward to meeting them later on.

It is our responsibility to ensure that these young men join a sector with a bright future. Scotland is surrounded by some of the most productive fishing waters in the world; moreover, as the increase in prices in recent years has demonstrated, it produces a product that is in world-wide demand.

This Government will help the sector to make the very most of that future by, among many things, replacing year-to-year crisis management with long-term planning; prioritising the needs of fishing communities from Stornoway to Shetland and from Peterhead to Pittenweem—I must not, of course, miss out Mallaig, given that Fergus Ewing, our fishing champion, is sitting next to me; protecting Scottish quota as the birthright of those communities and especially for new entrants; and safeguarding Scotland's priceless marine environment for this and future generations.

**Tavish Scott (Shetland) (LD):** I take the cabinet secretary's point about new entrants. However, will he undertake to look into the European Union's decision this week to claw back money from first-time shareholder fishermen in my Shetland constituency, particularly given that the EU is not only allowing Polish fishermen to continue to fish over quota but—it would appear—allowing French fishermen to receive fuel subsidies from their Government? Will he assure me that there will be a level playing field with regard to the issues that the fishermen in my constituency are confronting?

**Richard Lochhead:** I share the member's concerns about the EU's deliberations on state aid in relation to Shetland. One of our priorities will be to pursue a level playing field throughout the EU.

We will support dynamic local initiatives in the inshore waters of the west coast and beyond; tirelessly promote Scotland's key food sectors, including fishing; and, crucially, secure the best possible outcome from the annual international negotiations.

The Government is putting enormous energy into those negotiations. In our approach over the coming weeks, we will have two overarching aims, the first of which is to secure not just a fair and just deal for Scottish fisheries, but fishing opportunities that will ensure the fleet's continuing profitability and allow it to plan for the future. Our second aim is to secure a deal that promotes sustainability.

Scotland today stands at the forefront of a new era of sustainable fisheries, and we should take pride in the leadership that is being shown by the Scottish fleet. Members should not only take my word for it; they might well have seen recent headlines in *The Scotsman* that hailed our fishermen as “the greenest in Europe”. That is another sign of Scotland’s progress.

This year, Scottish fishermen introduced a European first with their voluntary real-time closures to protect young cod. Many other member states and the Commission have shown interest in following our lead. Although tackling discards in mixed fisheries like ours is a huge challenge, schemes such as voluntary real-time closure and the use of innovative new gears show that our industry is leading the way in finding solutions. In that task, they are working with Scotland’s world-class scientists. We share the view that is expressed in the Labour amendment on the importance of that dialogue, which is why we have invested in an enhanced partnership between the industry and science.

I am delighted to inform colleagues of another important development. The Scottish North Sea haddock and langoustine fleets will shortly apply for Marine Stewardship Council certification as sustainable fisheries, joining the pelagic fleet and the Clyde, Torridon and Stornoway langoustine fisheries, all of which are at various stages of that journey. That means that with regard to our top three commercial stocks—mackerel, langoustine and haddock—about half of the total Scottish fleet will be committed to ensuring that its product is, as consumers demand, not only top quality but truly sustainable. I believe that such a move might well be unprecedented in the world and illustrates our fishermen’s commitment to sustainability. Over the coming weeks, I will continue to fight for a deal that recognises and rewards that commitment.

On the specifics of the negotiations, we have already made progress towards meeting many of our aims. The 9 per cent cut that was agreed on mackerel not only respected the mackerel management plan but, given the strong international demand for that high-quality product, maximised opportunities for our fleet with minimal impact on income.

Haddock is in good biological shape and we will want to respect the current management plan that has, up to now, allowed us to make the most of the 1999 year class. To give stability to a notoriously volatile fishery, we will press hard for banking and borrowing provisions to ensure that skippers have more flexibility in managing their quota in future years.

The good state of Rockall haddock and new evidence of the abundance of North Sea megrim mean that there are real prospects of increases in

the quotas for those stocks. As for west of Scotland herring, we will argue strongly that, although the stock appears to be in decline, the recommended cut has more to do with artificial trigger points than with scientific need.

Of course, much of the attention will focus on cod. I am sure that we have all been encouraged by the scientific advice that has pointed to much-improved prospects for North Sea stocks. There is a clear case for a substantial increase in the quota, partly as a tangible reward to our fishermen for their sacrifices and commitment, and partly because such a move is the right response to what is happening in our fishing grounds. Commissioner Borg has publicly denounced discards. However, I am clear that unless he increases this quota we will be condemned to yet another year of unacceptable slaughter. There is no greater indictment of the common fisheries policy than the huge waste of good-quality and valuable fish that are thrown overboard dead. We believe that an increase in quota of up to 15 per cent would be entirely justified in its own right, but it must not come with draconian strings attached.

We need to continue the trend of reducing mortality, but we must focus on measures other than the blunt instrument of making across-the-board cuts in days at sea. Such a move would have a devastating impact on many of our key fisheries and would prevent our fleet from prosecuting their legitimate quota in other fisheries. It is utterly pointless to grant quotas and then to grant no time to catch them. In Scotland, we have developed a range of very promising measures. We want to focus on giving our fleet incentives, not penalties, and on going with—not against—the grain.

We can, of course, expect from the Commission the usual provocation in the proposals that it will set out next Wednesday. However, we should not be fooled. If the Commission is serious about following the scientific and socioeconomic advice, it must move on from cutting days and build constructively on what we have put on the table.

How will we meet our aims? As Scotland knows to its cost, achieving a fair and just deal in Brussels is often an uphill struggle. However, this Scottish National Party Government promised a fresh start for fisheries, and that is exactly what we are delivering. We are doing things differently and better, and I believe that such an approach will pay dividends.

There are challenges to face. Our efforts are often hampered by the distraction of having to sell our case first to the United Kingdom Government and then to the European Commission. We are several steps removed from the real decision-making processes over our fisheries management and too often our industry’s experience and

knowledge are utterly sidelined. That is clearly demonstrated by the requirement to operate within the centralised common fisheries policy. While 27 countries sit round the top table deciding the fate of our fishing communities, Scotland's Government is left to fight for a seat with the UK's civil servants in the back row. That is not good enough for Scotland.

**Mike Rumbles (West Aberdeenshire and Kincardine) (LD):** The minister said that he is doing things differently from the previous Scottish Executive. I would appreciate it if he could outline exactly half a dozen ways in which he is doing things differently.

**Richard Lochhead:** I am delighted to say that I am coming on to that shortly.

In the new year, we will establish a task force to explore alternatives to the current CFP, to build on the new initiatives that we have put in place—which, I remind Mr Rumbles, I have already spoken about—and to develop appropriate sustainable fisheries management solutions for the circumstances in Scotland's waters. In the meantime, we are firmly committed to achieving the best possible outcome for the Scottish sector this year, and until we have the constitutional power to return control of our waters to Scotland, we will use every opportunity to bring decision making closer to home.

To secure the best possible deal, we continue to argue strongly that Scotland should officially lead for the UK in the fisheries negotiations. Our case is overwhelming, given that we have the lion's share of the interest and therefore the biggest stake in the outcome of the annual talks. We have 70 per cent of UK quota, two thirds of UK landings and well over 70 per cent of the effort that is covered by the cod recovery plan; our industry's socioeconomic importance is 10 per cent greater than that of the fishing industry south of the border. We also have one of the biggest slices of fishing waters in the whole of the EU.

The UK Government has so far refused to allow Scotland to take the lead role. In fact, the UK Government has, to date, refused even to enter into a discussion about the possibility of Scotland taking the lead role. However, I was delighted when Bertie Armstrong, chief executive of the Scottish Fishermen's Federation, told the Rural Affairs and Environment Committee on 7 November that his access to Westminster ministers has never been so good—yet another sign that the UK Government now recognises that, north of the border, we have a Government that means business.

That is a testament to the improvements in practice surrounding the negotiations that we have been able to make so far. There is no question but

that the existing arrangements need to be improved, and I have made available to MSPs the list of 20 key improvements that we have put to the UK Government. I am pleased to tell Mike Rumbles and the rest of the chamber that the UK Government has accepted nearly all those recommendations.

However, the Scottish Government has not been waiting for permission. As I indicated, we have been actively improving the processes. We have been active on the international scene. For example, we composed an authoritative statement of Scotland's views on cod recovery, which was adopted by the UK. We have been proactive in developing Scottish schemes and are energetically identifying and cultivating allies in Europe. We have transformed the processes for setting and implementing priorities, starting with the meeting of the four UK fisheries ministers, at my invitation, here in Scotland at the fishing port of Peterhead.

We have made a step change in stakeholder dialogue, and I look forward to further discussions with west coast fishermen on 3 December. We are bringing the industry into our confidence, more than ever before, to ensure that we never again find ourselves signed up to ill-prepared technical measures, foisted on us by Brussels without any real sense of the damage caused by unintended consequences.

Today we are discussing the future of a strategically important sector in Scotland and a strategically important set of negotiations. It is crucial to Scotland's national interest that we secure an outcome that is fair and just, and which promotes sustainability. All of Scotland has its part to play, including this Parliament. I ask everyone in the chamber to join the rest of Scotland and to unite behind the cause of our fishing communities by supporting the motion, and indeed the amendments. Let us all work together in the years ahead to ensure that we are able to steer our industry into calmer waters.

I move,

That the Parliament supports the Scottish Government in negotiating a deal which is fair and just for Scotland's fishing communities and which reflects in full the leadership which Scotland's fishermen are showing the rest of Europe on sustainable fisheries.

09:28

**Sarah Boyack (Edinburgh Central) (Lab):** I found Richard Lochhead's speech interesting and refreshing, until the last few minutes. Some of us had been wondering whether there would be a dramatic transformation this morning, and for the first eight minutes of his speech the cabinet secretary certainly talked like a minister. However, I am afraid to say that he lapsed in the last few

minutes into his old habit of recycled speeches, and I found it pretty disappointing that he regarded talking with his UK, Welsh and Northern Irish colleagues as a distraction when he is selling Scotland's case to the UK. He went on to talk about the need to build allies across Europe—we need to do that in the UK as much as we do with the rest of Europe.

I welcome the fact that today's debate is taking place. The change of timing, to June, for the next advice from the International Council for the Exploration of the Sea will mean that we all have much more time to explore that advice in a bit more depth. It is unusual for us to have this debate before the negotiations, and the Rural Affairs and Environment Committee is conducting detailed discussions, but it gives us the chance in year to have a slightly wider background discussion on our fisheries and how we protect and manage them.

I say "our fisheries" quite deliberately. I know that we share our fisheries with others, and the challenge, as the minister said, is to ensure that the outcome of the negotiations is good for everybody. Our starting point and our bottom line must be that the negotiations are good for the sustainability of our stock. Labour members want to support the cabinet secretary in his work as part of the UK team, and we wish members of that team the best for the upcoming negotiations. We are happy to support the Conservative amendment, which simply sets out the reality that we are part of a UK team, that we need to get a good deal for the whole of the UK, and that we need effective partnership working.

We had no great difficulty with the Scottish National Party motion, as far as it went, but we felt that it needed to be amended. We agree with the minister that there have been some excellent initiatives with the industry. There is certainly much more accurate information now than there was when the Parliament started out on how our fish stocks are faring and how new techniques that might help future stocks could be employed. However, Labour members start from the first principle that our overarching objective should be to retain a sustainable fishery.

The fishery must be sustainable in two senses—we must ensure that the stock recovers and that fisheries reduction efforts, of which the cabinet secretary has been critical over the past few years, can be made. Those efforts have begun to deliver and to pay off, and some of the stocks that were most vulnerable are beginning to recover. That is why the minister is able to talk about examining the possibility of increasing some quotas. As well as considering the sustainability of our fishing stocks, we must focus on what the Government can do in Scotland, working with the

industry, to ensure that our fishing communities get a long-term economic benefit as a result of that stewardship. It is a pity that the minister did not focus more on that; he mentioned it only in the first sentence of his speech.

The timing of the debate puts the focus on the next round of fisheries negotiations, which are well under way. However, we also need to focus on some of the principles and longer-term issues that will probably go beyond December and into next year's discussions. In the short term, we must welcome the progress that has been made, but some fish stocks will clearly need more time to recover. In particular, the emergence of a new class of cod is to be strongly welcomed, but we need to take note of the ICES advice that that 2005 year class has the potential to recover but that it must be carefully harvested and allowed to spawn.

We cannot forget that other sectors have seen less progress. The minister spent most of his time talking about the areas in which there has been some strong progress, but we know from the Scottish Parliament information centre briefing and from the ICES information that parts of the stock—in haddock, whiting, herring and mackerel, in key areas around Scotland—are still not showing strong enough recovery.

There is some good information and some evidence of stock recovery, but it is not uniform. By looking at all the different stocks and not simply taking a blanket approach, the minister seems to be taking the right approach. Underpinning that, however, must be the precautionary principle. That does not mean that we will not consider increasing quotas anywhere, or that there will not be potential opportunities for fishermen, but we must steward the stocks and work with the fishing industry to deliver that recovery. That is the starting point of Labour's amendment. We must ensure that the precautionary principle underlines everything that we do.

We should not forget that the ICES advice was that the stock had declined over a period of 30 years to the point at which we needed dramatic action if it was ever to recover. Although the science will never be exact, we ignore at our peril the trends and messages that the scientists give us. We must look at the science, but we must also do more to ensure that the science that we have is as accurate and up to date as possible. The pilot schemes and the innovative work that our fishing communities have been doing can be useful in giving us more accurate and up-to-date information. That is why the second focus of sustainable fisheries must relate to the industry.

We have had a tough few years. Richard Lochhead described the measures as draconian, but they were needed to ensure that Ross Finnie

was able to negotiate a deal for Scotland and to enable some of our fish stocks to recover as they have done. It has been tough for the fishing fleet to have a reduced effort and to be more sustainable but, in the view of Bertie Armstrong of the Scottish Fishermen's Federation, the fleet is probably broadly at around the right size. We need to ensure that the fleet can access fish in a sustainable way.

There were bound to be areas in which it was difficult to secure agreement, but the Labour amendment highlights the importance of bringing together the wealth of experience that there is. The fishing industry has participated in pilot projects and changed long-established practices. It has worked with complex new recording measures, so that we can have a more accurate understanding of what is happening to stocks. I welcome the cabinet secretary's announcement that another part of our fishing community will join the Marine Stewardship Council scheme, which is important in demonstrating to consumers that the fishing industry is leading the way in becoming more sustainable.

The scientific community must be part of the discussion. We should not consider its advice just once a year; we must tap into scientists' expertise and embed their work in everything that happens. We need to do more to understand the science that underpins stock levels and assessments of stock levels. There are key questions about climate change, which will have an impact on the state of our seas, spawning grounds and the fishing community's ability to catch fish. We need to be plugged into that agenda and I hope that the cabinet secretary will add climate change to the scientific issues that he considers. We must include conservationists and people who focus on our marine environment, whose perspectives will add immense value to the development of solutions that we urgently need.

It is crucial that the cabinet secretary should facilitate more dialogue between the sectors that I have mentioned. We cannot consider advice independently and then take an assessment; we must get sectors round the table, working together to debate the best options and suggest ideas that will enable the minister to propose a convincing and workable package. The message from the Parliament is that much has been achieved during the past eight years, but much more needs to be done. We must continue to take a co-operative approach in which we take account of the science and work with the fishing community.

The BBC did us a good service by highlighting discards in an accessible way and pushing the issue to the top of the agenda. That was useful.

**Ted Brocklebank (Mid Scotland and Fife (Con)):** Does Sarah Boyack agree that we could

take the approach to discards that is taken in the Faroe Islands and Iceland, for example, where no fish is regarded as worthless and thrown overboard, but all fish are landed on the quay, counted, taken into the scientific equation and priced at a particular level? If we did that, the monstrosity of discards, which we saw on television this week, might well be tackled sensibly.

**Sarah Boyack:** We need to take a step back and ask why so many fish are still being caught and discarded. Interesting work is being done on different types of net. We have mixed fisheries and it must be incredibly frustrating for fishermen to catch a whole lot of fish above their quota, which they cannot use and must simply drop back into the sea. I think we all agree that that is crazy.

Some members know more than I do about fishing patterns for different species, but I understand that a range of nets can be used, some of which are quite cheap and some of which are much more expensive. In co-operation with the industry the minister could develop incentives to make accessible to fishermen nets that could reduce the number of discards. In that regard, an approach in which conservationists, the fishing industry and the scientists get round the table will help in the development of solutions.

Discards are a difficult problem and we need more pilots to tackle the issue. We should consider what experiments could be carried out. I would like the minister to incentivise the industry to consider the gear selectivity measures that different sectors of the fishing community can use—for example, to bring down cod removals, given that there was no take-up of such measures this year. What more could be done to persuade communities to take up such opportunities? If slashing discards is an objective to which the cabinet secretary has signed up, he must consider bycatch quotas, which he did not mention, as part of the overall cod recovery plan.

Some issues are difficult for us to consider in a parliamentary debate and lend themselves much more to consideration whereby the key people sit round the table and have a discussion. We cannot just declare an amnesty on discards, as Ted Brocklebank suggested, because we must still get the message across that we need good management of existing stocks. Inadvertent catches can be significant and can damage our efforts. We need the right quotas and we need to help our fishing communities to use the nets that I mentioned.

**Tavish Scott:** I understand the member's point, from which I take it that she does not support individual transferable quotas, which would not be good news for the Scottish fishing industry.

**Sarah Boyack:** Such detail is not for a parliamentary debate, Tavish. The key point is—

**The Presiding Officer:** Please refer to the member as Mr Scott or Tavish Scott. Please do not use first names, Sarah—I mean Ms Boyack. [*Laughter.*]

**Sarah Boyack:** I am registered as Sarah Boyack, not Ms Boyack.

We need to get into the detail of issues such as the one that Tavish Scott raised. I hope that the Minister for Environment will address that in his winding-up speech. I did not expect the cabinet secretary to unveil his entire negotiating stance in UK or EU negotiations. We should consider the broad impact of policy and use the expertise of colleagues who have particular knowledge of the fishing industry.

We need more action on incentives for the fleet. We are asking our fishermen to change practices and we need to support them in that. It is tough to change practice while trying to find fish where there are fewer and fewer fish to find. Issues such as the one that Tavish Scott raised need to be on the cabinet secretary's agenda.

In opposition, the cabinet secretary was highly critical of Government initiatives that had majority support in the chamber. I hope that when the minister winds up we will hear much more about incentives, to give the fleet the opportunity to change practice in a way that makes sense for long-term stewardship. We should consider the use of observers. I hope that the minister will address the issue, in particular in the context of finance and the number of observers that is required to ensure a robust system. WWF-UK has published an interesting report on observers; I hope that the cabinet secretary will consider that report and tell us whether he agrees with its conclusions.

I expect that members will focus on a range of measures and issues during the debate—I hope that we get more detail. In the longer term, we need a much more regional approach, and I hope that members will talk about that. I very much welcome the debate and I hope that there will be a degree of consensus among members, even if we disagree on some of the detail.

I move amendment S3M-893.2, to insert at end:

“agrees that the precautionary principle should prevail in setting levels of permissible fishing activity; acknowledges that much more work needs to be done to create a truly sustainable fishery in the North Sea, including measures to reduce dramatically if not eliminate discards, recognising that one good year class does not of itself create a sustainable fishery stock, and further agrees that there needs to be dialogue between the fishing industry, scientists and conservation interests to ensure continuous improvement in stocks and a long-term sustainable future for the industry.”

09:42

**John Scott (Ayr) (Con):** For the first time in a long time, I think that I do not have to declare an interest in the debate, other than that I am an enthusiastic consumer of fish.

The Scottish Conservatives welcome the debate, which gives the Parliament its first opportunity since the elections in May to explore the subject and try to take matters forward by making positive suggestions in the run-up to the fisheries council meeting next month. I welcome Sarah Boyack's approach in that regard.

We consider the issue against a backdrop of slow and steady decline in Scotland's once-proud fishing industry. Almost 3,000 fishermen left the industry and more than 1,000 vessels were deregistered in the past 10 years. It would be churlish to deny that some sectors are doing reasonably well, but that is at a cost of brutal reductions in the size of the fleet.

The sad truth is that Scotland's fishermen have become used to getting a raw deal from Brussels. No one knows that better than the cabinet secretary, who when he was in opposition left us in no doubt that under a Scottish National Party Government things would be different and better. I remind him that he has set the bar extremely high on what we and our fishermen expect him to deliver in Brussels. I noted what he said, which I assume means that he will seek a 15 per cent increase in the cod quota this year. We will support him when he fights our corner next month.

The Government's motion contains a factual inaccuracy. The UK Government ultimately negotiates the deal, working with and alongside the Scottish ministers. I hope that all members can support the Conservative amendment, which is technical in essence.

What do Conservatives expect from Government ministers in conjunction with their UK colleagues at the Brussels discussions? First, on cod, it is essential that the European Commission be made to understand the sterling measures that Scottish fishermen have implemented to further the conservation effort, through the recently expanded voluntary closure scheme and the observation initiative. The measures are welcome and stand in marked contrast to what Bertie Armstrong described as the “blunt instruments” of quotas and days at sea, on which the discredited EU cod recovery plan relies. The on-going review of the plan is, therefore, welcome, and I offer the cabinet secretary the strongest possible support in the pursuit of his blueprint for the species.

On the wider issue of cod stocks and other species, it is evident that fishermen and scientists agree that recovery is essential but that they differ on the rate of recovery that is needed. It is

heartening that the North Sea cod stocks are recovering, despite being fished when the scientists said that the fisheries should be closed. It is, therefore, vital to strike a sensible balance between the recovery of all our fish stocks and the preservation of our fishermen's livelihoods, bearing in mind that, if we get it wrong, the consequences could be dire for fishermen and fish alike.

That brings me to what must be the overriding priority for Scottish and UK ministers in December: tackling the disgraceful scandal of discards. From a layperson's point of view, that has to be one of the most wasteful practices on the planet and defies all reason and talk of sustainability. I am both amazed and appalled that a new approach to resolving the issue has not been taken before now. Indeed, the blasé attitude that was taken by the UK minister with responsibility for fisheries and Commissioner Borg when asked about this utterly repugnant practice on Tuesday was utterly depressing. Between 40 and 60 per cent of North Sea cod are being thrown back into the sea dead or dying, and that is no longer acceptable. Now is the time to muster the political will in this country and across Europe to tackle the problem head on.

One option that should be explored further is the Norwegian approach, which makes it an offence to catch, rather than land, undersized fish and has resulted in a huge improvement in gear selectivity, which has reduced the capture of juvenile fish. A modest bycatch of juvenile fish is permitted, for which the fishermen receive 20 per cent of their value and which are not included in their quota. Another option would be to permit fishermen to land everything that they catch, with over-quota species being sold for a nominal amount. Alternatively, fishermen could be allowed to keep their full catch, policed by reduced days at sea and temporary closures of zones with large numbers of young fish.

All those options must be considered as ways forward. Such serious anti-discard measures, combined with the voluntary conservation measures that are being pioneered in Scotland, give us the tools to create a workable way forward.

Our recreational sea anglers, whose interests are far too often overlooked, share our concerns about preserving the fragile marine environment close to our shores. To that end, a further additional measure that the cabinet secretary might wish to explore is the idea of a golden mile in which only recreational anglers could fish. That would aid the improvement of stocks, for the benefit of everyone.

I trust that the cabinet secretary agrees that the environment and the fishermen have been catastrophically let down by the current arrangements, which have failed staggeringly in

their objectives. For that reason, we must continue to fight for more local and regional control of our fisheries, so that we can put in place the measures that are required to rebuild our stocks and breathe back life into our hard-pressed fishing communities.

I move amendment S3M-893.1, to insert after "Government":

“, working with the UK Government.”.

09:48

**Mike Rumbles (West Aberdeenshire and Kincardine) (LD):** Our aim must be to have a Scottish sea fishing industry that is sustainable and profitable and which supports strong local communities. It must be managed effectively as an integral part of policies for the marine environment.

The negotiations that are under way with non-EU states such as Norway, the Faroes and Iceland are of as much importance to Scottish fishermen as is the EU fisheries council. It is essential that the Scottish and UK Governments ensure that Scotland's vital interests are protected, especially in the EU-Norway talks. I know that, under Ross Finnie, the previous Executive invited the EU negotiators to Scotland for a first-hand look at Scottish interests and held discussions with them on the issues. I would like to know from the current minister whether he has repeated that invitation.

Perhaps Richard Lochhead could also update us on how he is getting along in delivering his commitment to give Scotland's fishermen better representation and a stronger voice by leading the UK's ministerial delegation at EU meetings. He has continued on that tack since he became the Scottish minister responsible for fisheries. In June, he said that it was

“vital that Scotland's interests are at the heart of negotiations”.

He also said that, to ensure that that happens,

“we have to change the status quo where, effectively, it is DEFRA ... that takes and leads talks and ... Scotland's role is sidelined far too often.”

Indeed, the First Minister, Alex Salmond, said that there is a world of difference between being part of the UK team and leading it.

I thought that Richard Lochhead's more recent comments had indicated that he had changed his position. He recently said that, although it is important to have a seat at the top table, much work happens behind the scenes in the run-up to the meetings and that

“key Scottish concerns were reflected in the UK position.”

That may have come as a surprise to Richard Lochhead, but it came as no surprise to the many people who have been involved in the negotiations over the years. That is what some of us have been trying to tell him for some time. Just two weeks ago, Bertie Armstrong, the chief executive of the Scottish Fishermen's Federation, confirmed to the Rural Affairs and Environment Committee that the UK's position in the negotiations reflected extremely well the SFF's position.

The point that I am making is that there never was any point in insisting that Scottish ministers lead the UK delegation. I thought that Richard Lochhead might have recognised that, but I was disappointed to hear him once again repeat his grandstanding on the issue.

**Richard Lochhead:** I thank the member for his vindication of the positive difference that the SNP Government has made since it came to power.

On the issue of leading for the UK at the EU negotiations, the distinction that I was drawing in the statement that he quoted was that officially leading the UK negotiation team involves not only sitting at the top table but having access to and leadership of the UK negotiating machinery, which is important because a lot of work is done behind the scenes.

**Mike Rumbles:** If we accept that Scotland's interests are reflected in the UK's position—which, I hope, Richard Lochhead does—it makes absolute sense for the UK, with its much larger bargaining power, to be arguing our case in Europe and for our Scottish minister to be taking his proper place—

**Members:** Oh!

**Mike Rumbles:** His correct and rightful place, which is as part of that UK delegation.

I had hoped that the era of political grandstanding on the issue was now over—although, from the flack that I am getting from SNP members, I can see that it is not—and that Richard Lochhead would instead concentrate his efforts on securing the best possible outcome for our fishing communities and the marine environment.

One of the major issues that I hope the cabinet secretary will concentrate on—and which has already been raised by Sarah Boyack, John Scott and Ted Brocklebank—is that of ending the obscene policy of fish discards. The policy of dumping dead fish over the side because of quota restrictions must come to an end. We heard yesterday in evidence given to the Rural Affairs and Environment Committee that as much as 60 per cent of a catch could be dumped at sea. That is simply unacceptable.

We also heard yesterday that Norway has managed to tackle the issue to an extent by rewarding its fishermen with 20 per cent of the value of the fish that would otherwise be discarded as compensation for bringing them ashore. I do not like the word, but we should perhaps try to incentivise our fishermen in a similar way. If Norway can do it, why is it impossible for the EU to do it?

Richard Lochhead's motion congratulates Scotland's fishermen on the leadership that they are showing the rest of Europe in relation to the technical measures that they are developing for a more sustainable fishery. That is good, but let us go one step further. I would like to see a motion congratulating the Scottish Government on taking a similar lead in achieving an end to the discard policy that everyone involved recognises is completely wrong. It is wrong for our fishermen, it is wrong for our economy, it is wrong for our environment and, quite frankly, it is morally wrong, too. If Richard Lochhead could achieve that particular reform within the common fisheries policy, that would really be something to shout about.

09:54

**Alasdair Allan (Western Isles) (SNP):** Fisheries are a crucial part of the local economy and way of life in my constituency of the Western Isles. The shellfish sector is particularly important. Shellfish landings make up 16 per cent of the total landings by weight, but 38 per cent by value, which makes shellfish, for the first time, the sector that is most valuable to the Scottish fleet. The value of shellfish landings increased by 25 per cent between 2005 and 2006. Although much of the focus of the EU fisheries talks is, understandably, on cod, the importance of shellfish should not be forgotten.

The wider picture—as anyone who knows any fishermen will be aware—is that the industry has had a rough time on both coasts of Scotland in the past 10 years. Measures that have been taken under the common fisheries policy in the name of conservation have caused more than 1,000 boats to be decommissioned in Scotland during that time. That in itself, however, is not why fishermen in Scotland feel aggrieved. What really hurts is that, as we have heard today, the Scottish fleet has been leading the way in conservation measures during much of that time—not least in recent months, when the industry has increasingly pursued a range of ideas that have been developed with fishermen and environmental groups. Those measures included voluntary closures of fishing areas and independent onboard observers to ensure that young fish were not

caught and then—as we have discussed—discarded.

The measures are having an effect: the UK fisheries minister, Jonathan Shaw, conceded only this week that

“We have seen a recovery in cod in the North Sea in particular—now that is good news.”

For the first time in six years, the International Council for the Exploration of the Sea has not called for a complete closure of North Sea cod fisheries in forthcoming years. It found that cod stocks were showing signs of recovery, and that is good news—news that I hope will be acted upon in the coming round of fisheries talks.

However, what really leaves Scotland's fishermen feeling hard done by is that, throughout those difficult years, the Executive in Scotland felt unable at any point to challenge the most destructive policies that were being pursued by Whitehall against their industry.

**Members:** Nonsense.

**Alasdair Allan:** Members may say “nonsense”, but it could be said that the previous Executive created a desert and called it “partnership”. I am sorry to be partisan, but is it any wonder that most of Scotland's fishing communities are now represented by the SNP? Those fishing communities, which are awaiting the European negotiations, recognise that the cabinet secretary cannot deliver everything that they want, not least because of the intransigence of the EU and UK positions. They know, however, that there is something new in the equation—the first ever pro-fishing Scottish Government.

**Liam McArthur (Orkney) (LD):** Will the member quote one occasion on which the UK position has been adopted without the full input of a Scottish minister?

**Alasdair Allan:** The full input of a Scottish minister under the previous regime usually consisted of the word “yes”. As commendable as the member's interest in this subject is, and as commendable as his attitude on many aspects of it is, I want to know how he can reconcile his position with the comments made by his Liberal colleague Chris Davies in the European Parliament. On 5 September, Chris Davies said:

“you have to stop the fishing; you have got to put the fleets on the side, you have got to put fishermen out of work”.

However, I am being called on to be consensual, so I note that Mr Scott has lodged an amendment that seeks to join up the Government in working constructively with Westminster, and I have no doubt that it will. I am certain that Mr Scott is not asking Scotland's Government to agree with Westminster in the instances in which

Westminster happens to be wrong—as it has undoubtedly been on many occasions. If ever any issue were devised to disprove the argument that Scotland benefits from having Britain act as a middle man in Europe, it is fishing. Scotland is not a member state in its own right—it is barred from participating in the talks, and the Scottish Government is accorded only observer status at the meetings. That is why my comment is met with mutters from die-hard unionists, and why Scotland should be leading the UK negotiating team in Europe. Unionists might moan, but we should consider how obsessive and dogmatic their position is.

**Karen Gillon (Clydesdale) (Lab):** Will the member take an intervention?

**Ted Brocklebank:** Will the member take an intervention?

**Alasdair Allan:** I have already taken one.

Scotland has 25 per cent of European Union waters and 62 per cent of UK landings, yet it has no direct say in European fisheries talks. As we go into the next round of negotiations, let us hear why the mighty European sea fishing powers of Luxembourg, Austria, Slovakia, the Czech Republic and Hungary all have a direct vote on what happens to Scotland's fishing industry, but Scotland itself does not. Members should not try to explain that to me—they should try to explain it to a fisherman.

10:00

**Peter Peacock (Highlands and Islands) (Lab):** I have spoken before in the Parliament about the vital importance of our seas as the whole basis of human existence. If we do not consider the health of our seas, we threaten and endanger our future existence. The fish stock, and the part that it plays, is a vital element of the ecosystems of our seas. Having strong and sustainable fish stocks is part of ensuring that we manage our seas effectively in the future. I am pleased about what the minister said regarding the marine stewardship scheme—I welcome such a scheme, and I hope that it makes progress, because it is a signal that we are interested in ensuring that we have sustainable fish stocks.

In this debate, I stand on the side of the fish. If we are not on the side of the fish, we do not have sustainable stocks; if we do not have sustainable stocks, we do not have a sustainable industry; and if we do not have a sustainable industry, we do not have sustainable communities around our coastline. We need to invest our effort in ensuring that, fundamentally, our stocks are sustainable in the future. We have evidence from the scientists—the Parliament's Rural Affairs and Environment Committee took evidence from scientists

yesterday—and from the papers that we have read from others, such as environmental groups and so on, that tells us that there are potential threats in one way or another to stocks of cod, haddock, whiting and mackerel, although we do not know what is happening to monkfish. It is reckoned that 16 out of 21 different fish stocks are beyond sustainable levels. There are many factors at work in that, such as environmental factors, but undoubtedly fishing is one of the factors that affects stock overall.

The coming negotiations are vital, first and foremost, if we are to ensure that we have sustainable stocks so that we can produce a sustainable industry that will lead to sustainable communities. It has been encouraging to hear the growing consensus that has been building over recent years on what needs to be done. The fishing industry, the environmental groups, the UK Government and the Scottish Government seem to be broadly in line on the direction of travel. There might be different points to be made about the emphasis within that broad agreement on the speed of travel, but there is—it appears—now no disagreement about the direction, and that is to be warmly welcomed and encouraged.

There is agreement that the issue of discards—as mentioned by a number of members—must be addressed. As the UK fisheries minister agreed this week, there is a sense of moral outrage about what is happening, but it also wastes resources, damages the stocks and is economically inefficient. There is agreement about the need to close some fisheries at various points in the breeding cycle of the fish, and the voluntary closures pilot that is under way is a welcome part of that. There is also agreement on the need to have more independent observers in our fleet, and I hope that the minister will go further on that than he has already. There is agreement about the technical measures—Sarah Boyack and others have touched on those—that have a big part to play. We already have many of the technical solutions to help reduce the discards. The recent trials of 120mm square-mesh nets have been promising, and the separator panels that have also been piloted show some promise, but there is much more work to do.

I encourage the minister to indicate in his summing-up speech that he wants to do more about the research, to make more progress, and to consider in particular the impact on the smaller boats that operate on the west coast. If we can make more technical progress, that has to be the sensible and right way to proceed. However, it concerns me that there is not more take-up of those technical solutions by the industry—we need to find the right balance between incentives and compulsion. There are no easy answers, but that balance must be struck. If we have the technical

solutions, the knowledge and the capacity significantly to affect the problem, it would be a complete outrage not to use the technology—we need to move forward on that.

There is less consensus on what the total allowable catch for cod should be in the coming year. As others have said, it is encouraging that there are early signs of some recovery of the stocks—but they are early signs, and the recovery is still small. It would be folly if we were now to plunder those stocks in a way that would set us—and the industry—back in time. We must take a long-term view and not just a short-term one. We need to be cautious and precautionary.

**Mike Rumbles:** For six years, the scientific advice has been that there should be no cod fishing, although there has been cod fishing because of ministerial decisions. Suddenly, the scientific advice is that we can fish some cod. How should we deal with that advice?

**Peter Peacock:** According to the scientists who gave evidence to the Rural Affairs and Environment Committee yesterday, part of the science is inexact. We need to learn the lessons of that. That said, we know that we are still overfishing relative to the sustainable level of the stocks. I will comment further on the UK and Scottish Governments' position.

It appears—the minister confirmed today—that the UK is about to argue for a 15 per cent increase in the total allowable catch of cod. The purpose of that is to reduce discards, not to increase the total take of cod from the sea. It seems that Scottish ministers and the industry have signed up to that. Many scientists argue that making such an increase would be going too far and they advise against it. However, everybody agrees that if we have that increase without implementing a strong range of other measures alongside it—modern gear, the closures that are being piloted and observers on boats, for example—we will further harm the stocks. The scientists at the committee yesterday testified to that.

I seek an assurance from the minister that he will not argue for just one side of the equation—an increase in the total allowable catch—without arguing for the other measures. We must not harm the stocks, but we can increase the take marginally.

As others have said, we are entering a negotiation, and everybody knows that one cannot get everything one wants from a negotiation. I was particular about picking up the minister's comments when he said he will argue for an increase of up to 15 per cent. I hope that he will not leave the UK ministers isolated in the argument as the negotiations continue.

Presiding Officer, you are looking at me ominously. Are you asking me to wind up?

**The Deputy Presiding Officer (Trish Godman):** Yes.

**Peter Peacock:** I will do so, but first I want to make a point about the nephrops fishery on the west coast. We must ensure that that quota continues, given that there is little bycatch of cod in the area. We must also ensure that the error that was made last year in relation to fishing days for the west coast fleet is corrected during the negotiations.

In many ways, the western seaboard has led the cod conservation measures in the recent past. I ask the minister to commit to giving a report on the Windssock closure and the seasonal closures on the Clyde so that we can assess the benefits and decide whether fishermen's ability to fish those areas should be increased because they have made substantial progress.

I would also like the minister, if possible—

**The Deputy Presiding Officer:** You should be finishing now, Mr Peacock.

**Peter Peacock:** I will finish.

What progress is being made on the inshore fisheries group in the Western Isles, which could make a big contribution to the long-term management of fish stocks? It is ready to move forward and I hope that there will be a timetable that allows it to do so.

10:08

**Dave Thompson (Highlands and Islands) (SNP):** Obviously, fishing is an important industry for Scotland. It is even more important for the Highlands and Islands, where it accounts for 2.3 per cent of employment, compared with 1.5 per cent in Scotland as a whole. Therefore, it is 50 per cent more important for the Highlands and Islands, where jobs are scarce in general. In the Western Isles it is 150 per cent more important, and in Skye and Wester Ross it is 200 per cent more important.

We have fishing communities all round our coasts in the Highlands and Islands, in places such as Mallaig, Stornoway, Ullapool, Kinlochbervie, Scrabster, Lerwick, Avoch and Lossiemouth. Lossiemouth is an important place. It is where I was born and brought up. I am a Lossie loon. Lossie has been a fishing toon for centuries. It was actually three little toons to start with—Stotfield, Branderburgh and Seatown—which came together around a new harbour. Everything in Lossie revolved around fishing.

Lossie has suffered over the years. It has lost many fishermen, and it has had its share of

disasters. Once, most of the fleet was lost off Stotfield. The sea and fishing are intertwined with the soul of the community in such places. My grandfather, uncle and cousins were all fishermen. I have been out fishing for white fish, prawns and crabs off the Butt of Lewis. Fishing is dear to my heart. When I was young, Lossiemouth harbour was full of boats—it was possible to walk across the harbour on top of the boats. It was a great sight just after midnight on Sunday night—the fishermen would not sail on Sundays—to see the lights of 70 or 80 boats leaving the harbour and heading out into the Moray Firth.

Lossie is now basically a marina surrounded by nice flats. The reason for that is a combination of the common fisheries policy and a lack of proper representation in European decision making. The Scottish fishing industry has been devastated in the past number of years. The devastation was kicked off by the Tories, when Ted Heath took us into Europe. At that time, fishing was expendable. The devastation was embedded by Labour in recent times. Now, 27 member states, many of which are landlocked, have more say than Scotland has when it comes to fishing. When Luxembourg breaks up, as it might well do, the Flemish and the Walloons will also have more say than Scotland has.

**Mike Rumbles:** I think the member means the Belgians.

**Dave Thompson:** Sorry. I thank Mike Rumbles for that. I meant the Belgians.

We need a vote on the treaty, or the constitution, to save our fishing. We need to make our own decisions on fishing and to take responsibility for the sustainability of our own fishing.

Since 1999, the number of fishermen in Scotland has dropped by 3,000, from about 8,000 to about 5,000. Many have gone out of business. We have lost more than 1,000 boats and thousands of processing jobs. Scotland's fleet has been cut by 66 per cent, whereas the fleets of Spain and Ireland have increased. After one negotiation, Ross Finnie, the former fisheries minister, said:

"we have secured the best possible deal for Scottish fisheries."

If that was the best that he could do, what would have happened if he had failed?

From 2003 to 2007, ICES advised that no cod should be caught, yet quotas were set—more than 10,000 tonnes in 2003; more than 9,500 tonnes in 2004; more than 8,500 tonnes in 2005; more than 9,000 tonnes in 2006; and more than 7,000 tonnes in 2007. The total for that period is more than 45,000 tonnes.

We should consider what the European Union says about discards. Discards are fish that are caught above the quota. They are perfectly good fish and are usually caught in mixed fisheries. I am amazed by the surprise that MSPs such as Peter Peacock, Sarah Boyack, Mike Rumbles and Ted Brocklebank have expressed on the issue. It is as if we have only just realised that it is a problem. It has been a problem for many years, but Labour and the Liberal Democrats did not tackle it when they were in power.

The total amount of cod caught in that five-year period, including discards, would have been 90,000 tonnes, yet the cod is recovering. If we had listened to ICES, we would have destroyed fishing by closing the fishery altogether. When we ask any fisherman who is out there doing the work, they say that the sea is full of fish. Peter Peacock says that the science is inexact, but the fishermen have been telling us that for many years.

The UK fisheries minister, Jonathan Shaw, now agrees with Joe Borg that discards are immoral and that the quota system leads to discards. The answer is obviously to increase the quotas and control fishing effort in other ways. We should close areas, have observers on boats to watch what is going on and use selective gear. When fishermen come across small cod, they can sound an alert and the area can be closed for a while.

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

**Dave Thompson:** Sorry, but I am in my final 30 seconds.

The fishermen will be more than happy to co-operate with those measures. The quota system is a blunt instrument.

This is the best opportunity that we have had for a long time to make real gains for our fishing industry. Scotland has 25 per cent of Europe's fishing waters and more than 300,000km<sup>2</sup> of sea. Is it unreasonable to ask that we be allowed to benefit from that? I am sure that the Cabinet Secretary for Rural Affairs and the Environment will treat fishing as a priority. Bertie Armstrong, the chief executive of the Scottish Fishermen's Federation, certainly thinks so. He said:

"we are confident that the first steps in the right direction are being taken."

Not before time. I am sure that we will get a fair deal for Scotland's fishermen. I just hope that the UK does not let us down again.

10:14

**Jamie McGrigor (Highlands and Islands) (Con):** I am pleased to speak in this debate, and I welcome the fact that it has been scheduled some weeks before the EU council meeting on 17 to 19

December. That will give the cabinet secretary more time to listen to the concerns of the various different sectors of the fishing industry before he goes. I genuinely hope that the debate will inform and assist the cabinet secretary and his officials as they prepare for his first EU ministerial council, as well as the second round of the EU-Norway negotiations, which are under way and which are equally important. I declare an interest as an honorary vice-president of the Clyde Fishermen's Association.

I will start with the demersal sector of the North Sea before moving on to raise some of the other key issues that affect my fishing constituents on the west coast and in the Highlands and Islands. As other members have mentioned, the one piece of positive news that stands out from the ICES October science report is its assessment of North Sea cod stocks, which has led ICES, for the first time in six years, not to recommend a zero catch. That scientific report mirrors what most fishermen tell us about their recent experience of cod stocks in the North Sea: the situation is getting better.

It is of course early days for cod's recovery, but the Scottish fishing industry has bent over backwards to create, with Government, the scientists and the non-governmental organisations, a range of tools that are aimed at reducing cod mortality through fishing. I and Scotland's fishermen now look to the minister to negotiate an increase in the cod TAC to mitigate discards in the North Sea. Fishermen and the public are rightly outraged by those discards. People cannot understand why they have to go on taking place. Along with addressing that, we need a series of achievable and practical cod avoidance measures.

On the pelagic sector, the industry has accepted a 9 per cent reduction in the mackerel TAC, but fishermen are seeing a much greater abundance of mackerel at sea, and we hope that the science will catch up with that next year.

At last December's council, 28 days were deducted from the number of days that derogated west coast prawn fishing boats could spend at sea. The derogated boats are those that catch less than 5 per cent cod. The days available to those vessels were reduced from 280 to 252. That was an error. The days should have been deducted from the days that are allowed to the same fleet in the North Sea. Officials in both Edinburgh and Brussels have admitted the mistake, and they have asked that the days at sea that were deducted be added back before any consideration is given to the days to be allowed for 2008. Will the cabinet secretary assure me that he recognises the mistake and that he will seek to remedy last year's reduction in the number of days that the derogated west coast prawn fishing boats

could spend at sea? Does he accept the west coast nephrops fishermen's real concerns that any move to an introduction of kilowatt days could hit them particularly hard? Does he also accept that any imposition of statutory real-time closures will severely hit prawn fishermen? Will he engage with their representatives before any decisions are made in that regard?

More generally, I hope that the cabinet secretary will agree that such a diversity of fisheries requires a diversity of approaches—we need more paintbrushes in the tin. The one-size-fits-all approach failed us in the past. Perhaps he will consider a more combined approach when dealing with the different sectors of the industry.

On the north-west coast, around area VI, there has been much talk and rumour that the so-called French line that runs from west of Shetland down the continental shelf is to be removed by the EU. That is causing fishermen major concern. Will the cabinet secretary consult those fishermen before he goes to Brussels? There are only 12 boats in that area, but they are big boats, and they are vital to Kinlochbervie and other places. There is also talk of a habitat closure off Rockall, which will cost one of those vessels alone more than £200,000 annually. Since when has there been significant cod catch west of St Kilda? There has been no such thing. Will cabinet secretary push for a 10 per cent increase in the quota for west coast monkfish and megrims in that area to allow boats to continue to fish there?

Fundamentally, the Scottish fishing industry needs two things. One is sustainable amounts of fish to catch, and our fishermen are committed to working with all the relevant agencies to achieve that. Secondly, the industry needs enough time in which to catch those fish sustainably. I am sure that the whole Parliament wishes the cabinet secretary well in his efforts to achieve those things for our Scottish fishing fleet.

10:20

**Robin Harper (Lothians) (Green):** I thank Richard Lochhead for his introduction. Listening to his speech, it seemed that the SNP trawl had moved from the benthic depths, up through the gloom of the demersal area and into a kind of pelagic paradise, where we have all seen the light, and where the interests of the fishermen, the environment and the politicians are beginning to come together. I have a feeling that that is indeed the case. I very much support Sarah Boyack's amendment, which bears an uncanny resemblance to some ideas that I had earlier in the week.

One should reflect on one or two things, especially having heard some of the speeches

from the back benches. European fisheries negotiations have been marked across the board by political chicanery, self-serving actions, manoeuvring, evasion and Machiavellian mendacity on the part of all countries concerned in a way that is unparalleled in the workings of any other council in the short history of the European Union. I do not envy the cabinet secretary when he enters the shark-infested waters, but shark-infested they are, as they have been in the past.

Let us reflect on the huge amount of fishing that has been carried out in Scotland over history—two thirds of total landings and 70 per cent of the UK quota. Stocks in the North Sea have been in continuous decline, to the point that we have now begun to take the serious measures that are needed for the stocks to recover. We bear at least a share of the responsibility for that decline. I am prepared to regard our fisherman not so much as green warriors, as delineated in *The Scotsman*, but rather as repentant sinners who have seen the light.

**Ted Brocklebank:** All of us are delighted that the fishermen are showing even more green credentials, but does Robin Harper not accept that the story of the departing cod is related much more to climate change than to the rapacious efforts of Scotland's fishermen?

**Robin Harper:** Absolutely no evidence has been adduced to that effect. At the moment, that is speculation. However, one point feeds the speculation: cod prefer cooler waters than those that are beginning to invade the North Sea.

Only the European Union, in the spirit of the Belgian artist Magritte, could introduce a non-paper—like "Ceci n'est pas une pipe." Anyway, the EU's non-paper is full of interesting and alarming detail. In the North Sea overall, the stocks with zero-TAC advice still number 20; stocks outside sustainable biological limits number 26; stocks inside SBL number 12; and stocks with status unknown with regard to SBL number 59. That situation in European waters does not give us any grounds for complacency.

I wish to address some more of the detail of today's debate. There have been some interesting proposals on bycatch from all sides of the chamber. One of the more interesting ones was a proposal for bycatch quotas, which would particularly help the cod fishery, by limiting cod mortality while allowing profitable mixed fisheries to continue. It might be possible for most of the cod that is landed to come from mixed fisheries. The Government might want to consider such an enlightened approach.

It was suggested that we should unite behind the industry. We should do everything that we can to ensure that we have a surviving fishing fleet and

industry in Scotland, but no fish means no fishing. The point of the precautionary principle, which is raised in the Labour amendment, is that we should not jump in and go for an increase in TACs without the back-up measures that are desperately needed to reduce overall cod mortality. I shall seek an assurance on that point before I finish speaking.

I have five questions for the minister. When will selective gear be piloted on white-fish trawlers? Given that there has been no take-up of voluntary gear selectivity measures in the nephrops fishery, why has the cabinet secretary not proposed discussing a mandatory requirement at the December talks, which would be useful? The cabinet secretary wants an increase in the cod TAC. Will he argue for a reduction in days at sea to compensate for that? I emphasise that I, along with others, see reductions in days at sea as a last-ditch measure.

**The Deputy Presiding Officer:** You should be finishing, Mr Harper.

**Robin Harper:** Given that the ICES advice is to count all mortality, which would provide the fastest route to stock recovery, has the minister calculated the future cost to the industry of taking the slower route of going for an increase in the TAC with, I hope, a concomitant reduction in mortality? Voluntary gear selectivity measures have not been taken up. Real-time closures have, so far, not closed anything. There are less than half a dozen on-board observers to—

**The Deputy Presiding Officer:** Mr Harper, you should be finished.

10:27

**Liam McArthur (Orkney) (LD):** Unlike John Scott, I should declare an interest in that I am a son of a fisherman, albeit one for whom fishing is more of a hobby now.

I congratulate Richard Lochhead on his debut in a Scottish Parliament debate on fisheries. Having read the press in recent months, I know how much importance he places on the firsts that he has achieved since taking office. To date, we have been treated to many such momentous achievements: the first time a Scottish minister has been invited to London for a meeting with his UK counterparts; the first occasion on which UK ministers have come to Scotland for a meeting; and the first time that this particular Scottish minister has been involved in a fisheries council in Luxembourg. Leaving aside the veracity of such claims, I certainly take my hat off to Richard Lochhead for his news management.

I have been intrigued by the debate so far. As I am sure the cabinet secretary will acknowledge,

previous debates ahead of the December fisheries council have been more than a little lively and tempers have come close to fraying on occasion. In fact, this must be the first debate on fisheries in this chamber in which Mr Lochhead has not been feverishly ringing the death knell of Scotland's fishing industry or, in keeping with the Christmas spirit of advent, counting down the days that we have left to save the industry.

Much as the SNP Government might wish to take credit for the current state of affairs, and for all its bluster about putting fishing interests at the top of its political agenda, it is worth asking: what is the real reason why we are in this position? Is it because of the tireless pursuit by Mr Lochhead and his colleagues—recognising the need to bring catching capacity more in line with available stocks—of a fully funded and voluntary decommissioning scheme back in 2003? Is it because any proposed cut in a specific quota was welcomed by the SNP as a prudent and sensible step to allow stocks to recover and fishing opportunities to be safeguarded in the longer term? Is it because Mr Lochhead saluted the achievement of the previous Scottish Executive in safeguarding the six-to-12-mile limit, the Shetland box, multi-annual fisheries agreements and the establishment of the influential regional advisory councils? Sadly, in all three respects, the answer is no. Although I am certainly encouraged to hear less talk of crisis and impending doom, I am absolutely clear that the groundwork for this more harmonious state of affairs was laid by my colleague Ross Finnie, as Sarah Boyack said, often in the teeth of the most vitriolic opposition from Mr Lochhead and his colleagues.

**Ted Brocklebank:** While I accept Ross Finnie's role in all this, does Mr McArthur accept that it was under Ross Finnie's watch that we lost something like 600 white-fish boats and up to 5,000 fish workers' jobs in Scotland?

**Liam McArthur:** It shows brass neck on an Olympian scale for the Tories to lecture anybody about the interests of the fishing industry, given that they sold the pass when we entered the CFP back in the 1970s.

All that said, I genuinely wish the cabinet secretary well in the upcoming negotiations. I know what the negotiations entail. Mr Lochhead and his team of officials should be able to count on the whole-hearted support of the Parliament as they seek to promote the interests of Scotland's fishing industry and the communities that it serves.

As Mike Rumbles said, the EU-Norway talks that precede the December fisheries council are crucial. In many respects, those negotiations settle many of the issues in relation to most of the key stocks for the Scottish fleet, including cod, haddock, whiting, North Sea herring and plaice.

There is a growing sense that the Commission negotiations operate with insufficient political oversight in those talks. That was acknowledged in the Government's recent strategy on Europe. I would welcome any clarification that the cabinet secretary can offer about how the talks will be managed this year and in future.

Looking ahead to the EU council in December, in light of the view of ICES that cod stocks are being harvested at more sustainable levels, can the cabinet secretary offer any reassurance about the likelihood of achieving the 15 per cent increase in the cod quota for next year? As he said, such an increase would be sustainable without increasing cod mortality, by bearing down on the issue of discarded fish.

On other stocks, I was pleased to hear the cabinet secretary's comments on megrim, which is a key stock for the Orkney fleet in terms of available swaps. However, it seems barely credible that an 80 per cent cut in whiting catch is being proposed. I would be grateful for an assurance that cuts on such a scale will be resisted.

Despite the less fevered atmosphere leading up to the talks in December, the cabinet secretary will be aware of the serious concern that has been caused by suggestions that a 25 per cent cut in effort might be put forward by the European Commission. Although such an unwarranted measure would have a disastrous effect throughout the whole Scottish fleet, the cabinet secretary will acknowledge the particular difficulties that it would present to fishermen in my constituency and Shetland, given the time that it already takes them to reach their fishing grounds. That blunt instrument, which is much loved in certain quarters of the Commission, must not be extended. I hope that the SNP Government can offer the Parliament a guarantee that it will not sign up to any extension to the days-at-sea restrictions.

It has long been recognised that a more flexible and pragmatic approach to managing effort could be achieved through kilowatt days. I understand that proposals for such a regime are now favoured by most of the member states, although its introduction in 2008 is unlikely.

Given that one size rarely fits all, and in keeping with the more regionalised approach that has been established under the regional advisory councils, will the cabinet secretary comment on the scope for introducing a kilowatt days scheme in the North Sea, possibly on a pilot basis?

I know that the industry has made proposals for real-time closures, to which a number of members have referred. They would be concentrated on

smaller targeted areas that are known to be critical for spawning at certain times of year.

**Jamie McGrigor:** Will the member give way?

**Liam McArthur:** No. I am in my last minute.

I welcome those proposals, and I hope that the Government and the European Commission will recognise that they would make a valuable contribution to managing stocks in a sustainable way.

Historically, and at times this morning, debates on fishing have focused on the seat on which the Scottish minister's backside resides. The Scottish fishing industry recognises that what comes out of the other end of Scottish ministers matters most.

I wish Mr Lochhead the best of luck. I know that he will be disappointed to hear that I do not intend to return his compliment of many years by offering to accompany him to Brussels next month. However, he will have the support of the Parliament in his efforts to safeguard the interests of our fishing industry, if not to rearrange the seating plan.

10:34

**Jamie Hepburn (Central Scotland) (SNP):** Unlike Liam McArthur, I shall try not to carp from the sidelines. I promise to make that my last fish-related pun. I welcome this chance for the Parliament to debate the issues surrounding Scotland's fisheries in advance of the latest round of EU negotiations on fishing quotas.

The fishing industry is hugely significant to our country and economy, but times have been tough. As has been mentioned, since 1999 more than 1,000 Scotland-based fishing vessels have been decommissioned. The number of people employed in the catching sector has dropped by nearly 36 per cent in the past decade, with employment in the industry dropping from 0.4 to 0.2 per cent of the labour force in the same time. That clearly indicates the difficult time that Scotland's fishing industry has had.

Behind those statistics are real people living real lives, and the impact of the decline of our fishing industry on our fishing communities, such as Peterhead, Fraserburgh and other places in the north of Scotland, has been telling. The effect on the morale and spirit of the many people who are no longer able to work in an industry that they thought would sustain them as it had sustained generations before them is devastating. The hope that they could rely on the fishing industry has been swept away from under their feet.

The effect on the social fabric of our traditional fishing communities has also been felt. We are all aware of the problems of drug abuse that afflict

the communities in the north-east of Scotland. The problems have been well reported. All too often, they lead to individual human tragedies.

That picture is familiar to the many areas of the country that have witnessed or experienced some form of industrial decline. It should be no surprise, then, that the decline of Scotland's fishing industry has had far-reaching consequences.

The decline has been a particularly bitter pill to swallow when we consider that while in Scotland our white-fish fleet has been drastically reduced, the fleets in other countries, such as Spain, Ireland and Iceland, have expanded. While our Scottish industry has had to bear the brunt of conservation efforts, others have patently not had to do so to the same extent.

**Liam McArthur:** I do not dispute for a second the difficulties that the fishing industry and the communities in which it is based have faced in recent years. However, how does the member square his comments with those of the president of the SFF, Bertie Armstrong, that the fishing fleet is now more in line with the available stocks that are to be caught?

**Jamie Hepburn:** I assure Mr McArthur that I shall turn later to the comments of Bertie Armstrong.

We cannot just look back in anger on what has happened to the industry. As cod stocks in the North Sea show that they are recovering and the industry shows that it is beginning to stabilise, now is the time to move our fishing industry forward. Although it has declined relative to its former position, we should take stock of the fact that we are still among the largest sea fishing nations in Europe, with, as has been mentioned, Scottish waters accounting for about a quarter of the EU total. Scottish landings of fish represent more than 60 per cent of the landings into the UK as a whole, and the total value of fish landed by Scottish vessels in 2006 was some £370 million. Although the Scottish fishing industry has declined, it is still in a fairly strong position. It is in a position of greater strength now as we seek to drive it forward following the election of the pro-fisheries SNP Government in May.

I return to the comments from the Scottish Fishermen's Federation. We have seen the impact of the SNP Government almost immediately. I am a member of the Rural Affairs and Environment Committee, and at our meeting before last we took evidence from Bertie Armstrong of the SFF. He told us that, since the election of an SNP Government, all of a sudden—as if by magic—the UK Government has been prepared to listen to what Scotland's fishing representatives have to say. When I mentioned that in our debate on the Government's EU priorities two weeks ago,

Malcolm Chisholm somehow interpreted it as my vindicating the current set-up and the UK Government. He was wrong: it was a vindication of the election of the SNP Government.

By the election of an SNP Government alone, the position of Scotland's fishing industry has been made more secure, but let us imagine how much more secure it could be with Richard Lochhead arguing the case for Scotland's fishing communities directly in the European Union. I do not know whether members are avid readers of *The Herald*, but in today's edition there is a letter, signed by representatives of the Mallaig and North West Fishermen's Association, that shows why it is a necessity for Richard Lochhead and the Scottish ministers to lead from the front and get right into the heart of the EU.

**Liam McArthur:** Will the member give way?

**Jamie Hepburn:** I am in my last minute.

The letter states:

“the UK has been conspicuous by its absence in putting forward alternatives”

to the policy on discards,

“and the UK Fisheries Ministers have voted in favour of every deal to bring about the status quo. The Scottish Government has, by contrast, since May been active in promoting alternatives.”

Those are not my words, but the words of the Mallaig and North West Fishermen's Association.

That is why I support the Government's aim to have Richard Lochhead lead negotiations for the UK in the future, so that he can call for a sensible increase in the quota against the backdrop of a rise in available stocks in the North Sea. It would, of course, be remiss of me not to say that, although I support that effort in a devolved context, I maintain that our position would be stronger as an independent member state of the EU.

Our fishing communities, as evidenced by the letter in *The Herald* today, will be right behind Richard Lochhead in his efforts. I trust that the Parliament will be too.

10:41

**Richard Baker (North East Scotland) (Lab):** If I was not going to make a consensual speech, I might ask where we would have been if we had followed the SNP's advice on the strategy for sustainable fisheries in the past few years. Where would that have left the industry? However, I am going to make a consensual speech, so I will not dwell any further on that point.

I join the cabinet secretary in welcoming trainee skippers from Banff and Buchan College. Along with the cabinet secretary and others, I made representations to support the retention of the

courses that they are taking at the college. I am sure that those courses will continue to provide vital training. It is good to see the trainees here in Parliament.

Each year, we gather ahead of the December fisheries negotiations. I remember hoping during the election campaign that I would be back to make this speech. I must concede, however, that I had not imagined that I would be wishing Mr Lochhead all the best on coming back from Europe with the best deal for Scottish fishermen, but that is exactly what I hope will happen—although I hope that it will be done by working with, rather than against, UK ministers.

The fishing industry is crucial not just to Scotland as a whole but to the economy of the north-east in particular, through both the catching and processing sectors. In my speech, I want to focus on the tough times that our fish processors have faced. However, I will consider first the general debate on securing sustainable fisheries for the Scottish fleet.

I begin by quoting what might be seen as an unlikely source for me—Mr Stewart Stevenson. In the equivalent debate last year, he said:

“The first clear point is that ... we all want a successful, sustainable industry. We may differ about the route to that and about some of the difficulties that we face in delivering that, but let us at least nail the fact that we all share that objective”.—[*Official Report*, 13 December 2006; c 30327.]

That was a welcome tone to bring to that debate, and it is a point that we should be clear about today: we all want to see the best for Scotland's fisheries. That has not always been the tenor of the debate—including today—but it is the right approach to take.

I have been supportive of membership and reform of the CFP, for example through the establishment of regional advisory councils and progress to greater local management of stocks. I hope that the Scottish fishing industry can be rewarded at this year's negotiations for the huge strides that it has taken on sustainability. It is right that real efforts are being made to ensure that the industry is viewed as it should be—as a vital and successful one that is coming through the hard times following decommissioning. Last year's mid-year review of the fleet by Seafish showed significantly higher fish sales prices, which has raised optimism. Average forecast profits of white-fish vessels show considerable improvement, and I understand that there have been significant increases in profits at harbours.

While there has been cause for greater optimism in the catching sector with that increase in prices, there have been additional difficulties for the processing sector. It has had to deal with the double whammy of higher prices and often not

enough products to process—we remember being told of days when only one box of fish was landed at Aberdeen harbour.

I might not see eye to eye with all the processors on an analysis of the solutions but, having met Andrew Charles of the Scottish Seafood Processors Federation, I know that that part of the industry does not feel that adequate attention has been placed on its plight, with 20 or so processing businesses having gone out of business in the space of only a few years. Measures that might have helped that industry have not proved to be effective thus far. In Aberdeen and across the north-east, the fish processing industry has a proud tradition, and it is still crucial to the local economy.

I have pressed the minister and his predecessor on ways of relieving some of the severe pressures on the processing industry, such as by enabling processors to access financial instrument for fisheries guidance—FIG—funding streams and, in particular, by enabling processors to benefit from business rates relief schemes due to financial hardship. However, although businesses in the sector have gone bust, I understand that it is still the case that none of them has benefited from business rates relief. I also understand that there are no new proposals on that.

I am not pretending for one second that it will be easy to resolve the situation, but I seek reassurance that this vital part of our fishing industry will not be ignored when it comes to Government action. A good settlement at the negotiations will be crucial for the processing sector. I hope that the minister will be in dialogue with fish processors about the difficult economic situation in which they find themselves.

There has been a great deal of debate today about the science of fishing and its accuracy. For me, that leads to the essential question about how much to invest in the science and how we ensure that we get the best possible science. It would be helpful if the minister talked about plans for future investment to support the science in this area, because the hope is that better science and a more accurate reflection of stocks will be better news for the industry and, of course, will help to inform the best policies for guaranteeing long-term sustainability.

At the negotiations, I hope that every effort will be made to continue the policy of having sustainable stocks for the future and, at the same time, a sustainable fishing industry on land and offshore, because it is still very important to Scotland.

10:47

**Willie Coffey (Kilmarnock and Loudoun) (SNP):** As I represent the land-locked constituency of Kilmarnock and Loudoun, it might seem a bit

odd that I am speaking in the debate. However, as we know, fishing is a key industry from which all Scotland benefits and this is a great opportunity to demonstrate that members who do not come from a traditional fishing background whole-heartedly support the industry.

The importance of the fishing industry to Scotland and the European Union cannot be overstated. The total value of the catch landed by the Scottish fleet stands at around £370 million, as Jamie Hepburn said earlier. The industry employs just under 20,000 people directly, and just under 50,000 when we include related employment. That is significant indeed.

Scotland is one of the largest sea fishing nations in Europe. A quarter of all European fishing waters lie off Scotland and the Scottish fleet catches about 70 per cent of all cod caught in the waters off Scotland. Although the industry contributes so much to the economy and is strategically important in the European context, we have little influence and no direct voice to support our industry or to promote much of the good practice and responsible management that have been evident in recent years.

Over the years, my impression has been that the industry is always teetering on the brink. It seems to lurch from overfishing to no fishing, and the consequent damage that those approaches have caused to stock and to local communities has been devastating. Despite that, our industry—and its significant Scottish interest—continues to be represented by UK ministers, whose record of achievement has not exactly been notable.

About 25 years ago there was a song about the ills facing Scotland, and the fishing industry featured even then:

“In our northern waters our fishermen are hunting  
fishing for their lives in the cruellest sea  
returning home with little caught  
as foreign boats just scoop the lot  
fish for all our comrades but none for you and me.”

That, of course, refers to the nonsensical arrangement that saw non-Scottish boats taking fish from our waters while our fleet was tied up and banned from fishing those waters. That is still going on, to some degree, as Tavish Scott told us earlier in his remarks on the Polish fleet. The lunacy of throwing fish back into the sea was shown on television just the other night. Common sense must come from somewhere to return some sanity to the way in which Europe manages the industry.

The industry in Scotland has learned some hard lessons over the years, and it is playing a leading role in developing new ideas for fish stock management. There are already sensible ideas in place, such as the voluntary real-time closure

scheme, which basically identifies areas that lie within the fishing zones where juvenile stocks are located and, by agreement, closes those areas to allow the stocks to recover.

Technology can also play a vital part in fish stock management and Scottish companies are already at the forefront of such development, which makes a real contribution to the preservation of stocks while allowing the industry to continue and develop. Electronic logging can help skippers to identify juvenile hot spots; that should be seen as a major tool in migration prediction. Technology can also reward skippers with extra days at sea if they can verify that the amount of cod that they have caught is less than 5 per cent of their catch. That is particularly important to the prawn and haddock boats, as I understand it.

Sound management and responsible fishing, allied to technological innovation, are strengths that Scotland offers in managing the crucial and sustainable resource that we are blessed to have been given. Our colleagues at Westminster should trust our minister and invite him to lead the negotiations on behalf of the UK. It should not be a question of our having to demand and Westminster refusing; we should have been asked to lead.

ICES is more encouraging in its latest report than it has been for a number of years, as it suggests that cod stocks in the North Sea are recovering. Surely that is evidence that conservation efforts are working and that a case can be made for increasing quotas. No one is suggesting that there should be a mad dash to plunder the stock and return us to the chaos of recent years; a sensible and balanced approach can work. If not, the danger of quotas remaining pegged and stock increasing will mean more scenes on TV of fish having to be discarded.

The Parliament should support our Government in its argument that our ministers should lead the negotiations in December. Our ministers are experienced and trusted, and have been in close contact with the industry for many years. That is no slight on anyone else. In a game of cards, we do not refuse to play a winning hand when we have it. In many ways, Scotland's fishermen are still

“fishing for their lives in the cruellest sea”.

Parliament needs to send them a clear message that we are right behind them and will support the industry now and in the future.

The industry already trusts its elected members and we, in turn, should do the same, no matter which party we represent. Scotland has a great natural resource to share with our European partners, and we have a lot to offer in experience

and expertise. We have led by example and shown how the industry can conserve and develop. I ask the Parliament to place its trust in our Government and help it to deliver a better deal for Scotland's fishermen.

10:53

**Des McNulty (Clydebank and Milngavie) (Lab):** Earlier in the debate, Peter Peacock said that he was on the side of the fish. It is important that we bear that in mind. However, I suppose I must ask whether the Government is on the side of the fish.

For the past eight years, we have heard the SNP say that more and more fish should be taken from the seas, despite the consistent scientific evidence to the contrary. Even this morning, Dave Thompson said that the seas were full of fish, which might reflect Alex Salmond's comment, a few years ago, that we could walk from here to Norway on the backs of haddock.

**Mike Rumbles:** He can walk on water.

**Des McNulty:** He has not changed much then, has he?

I am pleased that, in his new job, Richard Lochhead is taking a more measured approach than he might have done in the past, and is facing up to his new responsibilities. Scotland needs to take a serious stance over conservation and the way in which we create a sustainable fishing industry and communities.

I will come back to the science, but first I will address some of the fishing communities' issues. Over the past few years, they have been hard pressed because of external conditions and circumstances, and the enterprise agencies have given them a lot of support to deal with some of the issues of downsizing, reskilling and so on that have been vital in the context of the pressure that the industries have faced.

Further to Jamie Hepburn's comments on the role of the Scottish Government, will the minister perhaps explain what is happening to economic development in the north-east of Scotland's fishing communities in which he purports to be so interested? Who is responsible for dealing with skills issues? I am not clear where that responsibility rests in the context of the changes that have been made to Scottish Enterprise. It is interesting that the Government has adopted different approaches to Scottish Enterprise and Highlands and Islands Enterprise. As a result, people in Lossiemouth—which only recently moved into the Highlands and Islands Enterprise area—can access resources that are perhaps not be available to communities in Fraserburgh and Peterhead. At least, people in Lossiemouth would

be able to do that if the Government had not also reduced Highlands and Islands Enterprise's spending. It seems that, although people in the HIE area need to fight for a skills budget, those in places such as Fraserburgh and Peterhead are debarred from qualifications because the Government did not announce what would happen to skills when it decided that Scottish Enterprise's resources should be moved away from support for local areas towards major projects at the centre. In his role as fisheries minister, is the cabinet secretary asking serious questions of the enterprise ministers about the support that they provide to fishing communities? What sort of answers has he received?

Much of Richard Lochhead's speech, this year as in previous years, focused on who gets a seat at the table. Let us be serious about where we need to be with fishing in future. We need to move towards the science. The fishing communities accept that. When Bertie Armstrong gave evidence to the Rural Affairs and Environment Committee a couple of weeks ago, he said clearly that where they had been in the past is not where they are now. They are interested in an ecologically sustainable fishery. They recognise that they cannot keep taking fish from the sea and that there must be a better set of management arrangements. They are aware of, and fit in with, the science. There is now a greater convergence than was the case in the past. What contribution does the minister make to the debate? It is simply, "We need a seat at the table."

We need ideas about how to take the fishing industry forward. We need to have the imagination to work with colleagues from other European countries to see what can be done about different fishing techniques and better identification and targeting of the areas that need to be conserved. Those are precisely the issues on which Scotland can and should take a lead. The issue is not who sits round the negotiating table. If we want to contribute to the future management of the fishing industry in Scotland—rather than go down the route that was taken in Canada and the United States of America, where the stocks were fished out and people are now belatedly moving towards a conservation-based approach—we need to move in the direction that I have outlined.

I am pleased that the Rural Affairs and Environment Committee, of which I am a member, will consider fishing issues not in the run-up to December 2008 but from the middle of 2008, so that we can try to think about how we might take matters forward. The task that ministers face is to contribute to that debate about how we achieve better management of fisheries and take the issue forward, rather than focus narrowly on who sits where.

10:59

**Bill Wilson (West of Scotland) (SNP):** There can be no doubt of the many benefits that independence would bring to Scotland, not least for European negotiations on fisheries. If we were ever in doubt about that, we need only remind ourselves of the comments of Mr Aron, the then head of the Executive's office in Brussels. He wrote:

"UK Ministers take the lead in negotiating on behalf of the UK whilst Executive Ministers simply watch proceedings from the sidelines. Unfortunate examples are where there is no seat for the Minister in the Council room during the meeting so they have to follow discussions from the *salle d'écoute* alongside officials."

Scotland has clearly lacked a voice on fisheries, but we have been told repeatedly that Scotland gains from being in the UK. "A stronger voice in Europe," we are told. "A rather timid whisper" might be a better description. Other members will no doubt point to poor, unlucky Ireland. Consider the state of unhappy Ireland: it has to think for itself; it has to speak for itself; it cannot know the pleasure of sitting at the back of the room in enforced silence while others negotiate on its behalf. Poor, unfortunate Ireland.

What are the gains from UK negotiations? Since 1999, some 1,000 Scottish vessels have been deregistered, some 3,000 jobs in the catching sector have been lost and employment in fishing as a percentage of the labour force has been halved. Such are the gains of UK negotiations. Can we claim a magnificent success in conserving our stocks as a result? Our fishing communities have paid a terrible price, but our stocks are by no means safe.

Our problem is clearly our lack of voice. That was highlighted in the recent evidence of Bertie Armstrong—he might have been mentioned once or twice already. His relief at the accession of a Government that is prepared to stand up for Scotland was palpable. The words that he used cannot be repeated too often, so let me repeat them again:

"If I describe the current situation between Edinburgh and Whitehall as perhaps not lacking in creative tension, one of the outcomes of that has been that access to Whitehall is less difficult. It would be wrong to say that we are sought after, but the industry's grass-roots views are now regarded as being as relevant as they have ever been."—[*Official Report, Rural Affairs and Environment Committee, 7 November 2007; c 222-3.*]

Well done, Richard.

**Mike Rumbles:** Will the member perhaps repeat Bertie Armstrong's other words? He also said that the Scottish fishing industry's aims and objectives are truly aligned with those of the UK. Therefore, we have a stronger voice. Is that not the case?

**Bill Wilson:** Bertie Armstrong's words are perfectly clear. I remind members that he said:

"one of the outcomes of that has been that access to Whitehall is less difficult."

Bertie Armstrong might have been polite, but the truth is clearly contained in those words, which I repeat:

"one of the outcomes of that has been that access to Whitehall is less difficult."

The Scottish Fishermen's Federation is not the only organisation to have gained from the accession of a new Government that is determined to fight Scotland's corner. When fishing vessels were recently fitted with global positioning system trackers, the data gathered were originally available only to the Centre for Environment, Fisheries and Aquaculture Science—CEFAS—in Lowestoft and not to Fisheries Research Services in Aberdeen, even if the vessels operated out of Scottish ports. Happily, that situation has also now been rectified. A situation in which data are withheld and Scotland cannot maximise its research potential is serious indeed.

Let me give just three examples of why Scotland should be at the forefront of fisheries and marine research. As has already been noted, this is the first time in six years that ICES has not recommended a zero cod catch and there are hopes for the beginning of a cod recovery. However, cod ecology is complex—potentially more complex than we might imagine.

Recent tagging studies show that some cod stocks are made up of individuals that are either locally resident or migratory. Mature adult cod show fidelity to spawning grounds. Tagging shows that they return to natal spawning and that, in Scottish waters, such spawning grounds have persisted for at least 50 years. Sub-stock structure has been demonstrated by otolith microchemistry. Fish from spawning areas off Clyde, Shetland, Buchan and in the Moray Firth show persistent differences in isotope signatures. That suggests limited movement of fish between those areas. I could cite more evidence—and am happy to provide the relevant references to anyone who wants them—but the basic point has been made.

Although sea fisheries are the exclusive competency of the EU, the UK and the Scottish ministers have exclusive competency over fishing rights up to six miles offshore. Between six and 12 miles offshore, non-UK fishing is restricted by historical precedent. In light of the above evidence, perhaps we should manage Scottish inshore resident populations separately.

There are other complications. Overfishing can cause evolutionary reductions in both age and length at maturity. Those issues have been

implicated in the collapse of the Atlantic cod—the Canadian cod stocks that collapsed spectacularly in the late 1980s and have never recovered. I have not even touched on the complexity that is added by global warming.

I hope that I have convinced all members of the great complications involved in understanding fish population dynamics and in estimating sustainable catches and, thus, of the need for high-quality research. In that hope, I come to my main point—yes, there is a point—for which no doubt all members are holding their breath. Alternatively, perhaps members are just making a desperate effort to stop having to listen to me—

**Mike Rumbles:** We are being polite, Bill.

**Bill Wilson:** It could be politeness, but that sounds unlikely from you, Mike.

**The Deputy Presiding Officer (Alasdair Morgan):** Members should not use first names, please.

**Bill Wilson:** Sorry. That sounds unlikely from you, Mike Rumbles.

In the longer term, there is a need to further the scientific advice that underpins policy decisions. One line along which that might be developed is the marine science Scotland pooling initiative, a bid for which has been submitted to the Scottish Further and Higher Education Funding Council. The initiative involves seven of Scotland's universities and includes the Fisheries Research Service in Aberdeen and the Scottish Association for Marine Science. With the inclusion of the FRS—which is charged with supplying fisheries advice to the Scottish Government—marine science Scotland would provide the means and incentive to harness and direct university expertise in policy-relevant ways. I hope that the cabinet secretary will give serious consideration to that project.

11:05

**Tavish Scott (Shetland) (LD):** There can be no doubt that today Robin Harper has the best tie—I applaud his colour scheme, although we may need to apply relative stability to it in the future. Des McNulty mentioned the suggestion of the First Minister, Mr Salmond, that it was possible to walk across the North Sea on the backs of haddock. Most of us did not think that he needed the haddock.

This is an important debate, and Liberal Democrats strongly welcome the fact that it is taking place at the time of the EU-Norway negotiations. That is a useful step forward, and this evening we will back the Government motion. We were surprised that Mr Lochhead did not set out in more detail the Scottish and UK position on

the EU-Norway negotiations, because that is of critical interest. I noted and welcomed the points that he made on cod—we know the position on that issue—but I hope that when winding up the Minister for Environment will deal with the serious current position of the EU-Norway negotiations and clarify the Scottish position on the matter, because important species issues are being addressed as we speak. He should also look at the different sectors of the industry, because there are different pressures. That has always been the case—there are always cycles in the inshore sector, the pelagic sector and the white-fish sector. Ministers should set out their thoughts on that issue in more detail.

All that needs to be said on what has been an endless theme in this morning's discussions—who sits where in the European Union—is that Mr Lochhead will now accept, if nothing else, that it is rather more difficult to be in government than in opposition.

Two other themes that members of all persuasions have raised frequently this morning are the science and discards. I agreed with Peter Peacock when he said, in response to an intervention, that science is not an exact science. [*Laughter.*] I suppose the point is that it is not exact. I hope that, when considering the science in the future, those who argued week in, week out, year in, year out, that the whole North Sea should be closed—there were many who did, including both scientists and non-Governmental organisations—will recognise that the responsible actions that were taken have led to a better position. If we always listened to the worst-case scenario on the science, there would not be one fisherman left in my constituency, in Mr Lochhead's constituency or in any other constituency in the country. There is a balance to be struck in arguments about the science. Richard Baker made a fair point about the importance of investment in science at the Fisheries Research Services laboratory in Aberdeen, at the Scottish Association for Marine Science laboratory in Dunstaffnage and at the North Atlantic Fisheries College in Shetland.

**Robin Harper:** Does Tavish Scott agree that it would help if in the Scottish Government's response and in the European Commission's documents the two sides could agree on the science that is acceptable to them and could quote from the same sets of figures? That would make it much easier for people to understand papers when they receive them.

**Tavish Scott:** I have no difficulty agreeing with the general premise of Robin Harper's point.

Ted Brocklebank, who is no longer in the chamber, and many other members from all parties, made a fair point about discards. Some

argue that that has been a problem for many years, and it has. However, the real issue is the quota management system. In a mixed fishery such as the white-fish industry, one cannot have a quota management system that does not produce discards—it is an inevitable consequence of such a system is that there will be discards. That problem must be tackled. If this morning Mr Lochhead was saying to Parliament that the task force that he is establishing with the industry and, no doubt, with scientists will consider the issue and that new options will be pursued, his comments are very welcome.

Liam McArthur was right to make a point about kilowatt hours—we understand that the European Commission is currently considering such a regime. When winding up, will the Minister for Environment express a view on that proposal, because the issue is fundamental to our fishing industries around the country, especially the white-fish industry?

It is important to make it clear that climate change arguments about changes in sea temperature have not been dismissed. Bill Turrell of the FRS—a scientist who is doing serious work in the area—has published a series of articles in *Fishing News* that indicate that climate change is a factor, although we do not know how big a factor it is.

I am grateful to Mr Lochhead for the answer that he gave me about the clawback that fishermen in my constituency are facing. I hope that he will challenge the European Union on the issue. However, I hope that he will also recognise that the “Radiant Star”, skippered by Victor Laursen, was launched last weekend in Whitby. She is a 22m steel white-fish boat, which was started in January and will arrive in Shetland before Christmas. The “Radiant Star” is a real sign of investment and confidence in the future—a sign that painful steps and restructuring are beginning to pay off. Mr Lochhead criticised those changes at the time, but they are now paying dividends for Victor Laursen and his partnership as they move forward into the future.

This morning I spoke to Bertie Armstrong, who has been mentioned a great deal, about the crucial discussions that are taking place overseas between the EU and Norway. Members were right to say—Richard Lochhead was clear on the point—that those talks will set the terms for what happens in the December council. The issue that will not be sorted out at those talks but that will be sorted out in December is effort—days at sea. I hope that when winding up the Minister for Environment will set out the Government’s position on that issue. As ministers know, the industry is concerned by the fact that the European Union wants a 25 per cent cut in days at sea. It is

extraordinary that we can have a debate in Parliament in which discards are the main theme and that the Commissioner for Fisheries and Maritime Affairs can appear on television on Tuesday night to talk about the issue, but that at the same time the European Union can propose a further reduction in days at sea, with the inevitable consequences that that will have for discards. Will the minister say how the Scottish Government proposes to address the issue of effort and the European Union’s proposals on effort limitation?

The pelagic sector is vital and is going through difficult times. I was concerned by the 8 per cent cut in the mackerel quota. I note that the Irish Minister for Agriculture, Fisheries and Food voted against it—she said that the science on which the cut was based was questionable. Representatives of the pelagic industry who have spoken to me have expressed the same view. I hope that ministers will reflect on that point, given that there is also likely to be a 35 per cent cut in the North Sea herring quota. It is a difficult time for the pelagic industry, and we look to ministers to make real progress in that area.

The quota system does not work in a mixed fishery. That is not only my view, but the view of the Commissioner for Fisheries and Maritime Affairs. We should welcome that. There is a welcome return of investment in the white-fish sector, but the recovery is fragile and costs are higher. The pelagic sector faces real economic challenges. Above all, the industry needs fish to catch and time in which to catch them. That is the test to which we Liberal Democrats will hold Mr Lochhead as he enters discussions at the December council. However, he goes with our support, and we wish him well in those discussions.

11:13

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

As my colleagues have said, we, too, welcome the debate, which is taking place well ahead of the fisheries council meeting next month. There has been an interesting and worthwhile exchange of views that I hope will assist the cabinet secretary and his officials as they prepare for the meeting.

The Scottish fishing industry has been dealt with harshly in recent years. Now that the cabinet secretary is in government, he has the opportunity, with his UK counterpart, to secure the level playing field for our fishermen that he promised in opposition. We offer him our support as he embarks on this year’s negotiations to secure the best possible package for the forthcoming year.

Some sectors of the fishing industry are now doing reasonably well but, sadly, it has taken the decimation of the Scottish fleet to get them there.

In August 2006, there were 1,092 fewer Scotland-based vessels than there were in 1999. During that time, nearly 3,000 fishermen lost their jobs. Because, in the white-fish industry, five onshore jobs depend on every one at sea, many people in north-east fishing communities such as Fraserburgh and Peterhead are experiencing real hardship as a result of the harsh treatment that has been meted out to our fishermen in recent years—to say nothing of the social consequences on which Jamie Hepburn touched in his speech. I agree with Richard Baker that the processing sector still faces real difficulties.

It is a credit to those who remain in the industry that they have led the way in taking voluntary conservation measures in the North Sea. It is essential that the EU is made to recognise what they have achieved, particularly in relation to the health of the cod stock. There has not been the 15 per cent reduction in fishing mortality that the European Commission quotes; rather, there has been a 36 per cent reduction and a significantly greater reduction in fishing effort than it recognises.

It is vital that efforts to assist the recovery of cod stocks—and to conserve other species—continue. Scientists and fishermen alike agree on that. However, as John Scott said, a sensible balance must be struck between allowing stocks to recover and preserving the livelihoods of our fishermen and those who process their products. That is why we welcome the on-going review of the cod recovery plan and support the cabinet secretary in pursuing his plans for a sustainable future for our fisheries.

The Scottish Government's blueprint is, by and large, a sensible document and we broadly support the actions that are proposed in it. We are particularly pleased by its emphasis on securing more regional and national management of our fisheries and we hope that that aim can be achieved as part of a serious effort to tackle the associated problems of unfair quotas and discards. Such an effort will ultimately benefit the environment, sustainable fish stocks, consumers and our fishing communities.

In recent days, there has been a great deal of media interest in the practice of discarding caught fish that are over quotas. We all agree that that practice is totally abhorrent to all reasonable people, including our fishermen, and that its continuation at such a high level is scandalous. Wasting up to 60 per cent of the cod that are caught in the North Sea is disgraceful. Our ministers must find the means to tackle the problem, whether by adopting the Norwegian approach of punishing people for catching undersized fish, getting people to pay a nominal amount for fish that are over quota in total

catches, or some other monitored scheme to ensure stock sustainability. For once in my life I agree with Mike Rumbles, who said that dealing with the scandal of discards is perhaps the most important thing that ministers can achieve next month. Such an achievement would bring great credit to them.

It is encouraging that cod stocks in the North Sea have recovered to the point that scientists can advise this year, for the first time since 2003, that a zero catch is not necessary. The Scottish fishing industry is to be commended for its pioneering efforts to find more effective and focused ways of protecting the cod population.

Scotland's fishermen have high expectations of the cabinet secretary this year. They are looking for a significantly better settlement than they have been used to recently. They, and we, are looking to our representatives on the fisheries council to negotiate an increase in the cod TAC alongside sensible and practical measures to prevent young fish from being unintentionally caught in the North Sea mixed fisheries. I am glad that the cabinet secretary has given a commitment on that.

Our representatives must ensure that a balanced range of conservation measures is in place that will secure a sustainable future for our fishing industry. The current waste of precious marine resources makes no ecological, economic or ethical sense whatsoever, and that waste must be curtailed. It is particularly encouraging that Scotland's haddock, mackerel and langoustine fisheries are now committed to sustainability. I was pleased to hear about that.

I have focused on the white-fish sector, which I know best, but other members have spoken in detail about the diverse other fisheries around our coastline. As Jamie McGrigor said, different solutions are needed for different fisheries so that measures to conserve stocks in one sector do not penalise those who fish in a different sector, as has happened with the now discredited one-size-fits-all approach. Different solutions must be explored and implemented.

Our ministers will face hard negotiations in the next few weeks. We wish them luck in their endeavours and look to them to bring back a good settlement for the fishermen who have put so much voluntary effort into securing a sustainable future for their industry. They have put their trust in the Government; I hope that that trust will be justly rewarded in Brussels next month.

John Scott explained the reasons for our technical amendment to the motion. I am pleased that those reasons have been understood and accepted throughout the chamber. The Labour amendment, in turn, is also acceptable to us.

11:19

**Karen Gillon (Clydesdale) (Lab):** I welcome the opportunity to participate in this debate. Like the member for Kilmarnock and Loudoun, I have a large land-locked constituency, but the issues that affect our fishermen also affect people in my constituency—the quality of the fish they can buy, for example, is important—and they have a genuine concern for Scotland's fishing communities. Many members have mentioned the BBC programme that has brought the fishing industry into our living rooms and the daily challenges that the fishing community faces.

I welcomed the first three quarters of the cabinet secretary's speech—

**Richard Lochhead:** That is not bad.

**Karen Gillon:** Indeed. That is not bad for us.

The cabinet secretary wants a deal that recognises and rewards sustainability, that recognises that our top three commercial stocks are of the highest quality and are sustainable, and that will provide incentives rather than penalties. Who would disagree with those aims? However, he then reverted to type and SNP back benchers fell back on traditional flag waving. They think that all would be well with the world if we sat Richard Lochhead at the top table, as he would argue a different line on behalf of the UK than that which Jonathan Shaw will argue. If that is the case, I would welcome clarification from the Minister for Environment on what the differences would be in practical terms, given that the Scottish Fishermen's Federation has told the Rural Affairs and Environment Committee that the UK Government's position is broadly in line with its position. I take it that the UK minister will use the same arguments that the federation would use. Why let the facts get in the way of cranking up a good old constitutional division? I suppose that that is the real issue.

What are the facts? ICES's advice represents a significant shift in scientific perception of the stock. As we know, for the first time in many years, ICES has advised that the stock is being harvested at sustainable levels, and it has not advised a zero catch. Its advice also confirms the unacceptably high rate of discards in the fishery. The science indicates that if fishing were conducted with the status quo mortality rate of 0.54, the corresponding total available catch would be more than double that set in 2007 and there would be an increase of more than 50 per cent in the biomass.

We all agree that the dumping of fish over the sides of boats must end, but perhaps we differ about the method that should be used to reduce discards. I fully appreciate the case that Mike Rumbles and Ted Brocklebank made. They said

that we can tackle the issue by allowing fishermen to land everything they catch and paying them a percentage of that value. That might be a superficially attractive approach to some people, but it would do nothing to reduce the amount of undersized or juvenile stock being caught. Surely that is the real target. I would prefer to incentivise the industry by encouraging it to continue to change its practices to reduce the excess stocks that are being caught and reduce fishing mortality. That will not be easy for a mixed-stock fleet, but if we can bring fishing mortality to the appropriate levels, we will have done what we can to seek to ensure that the biomass responds and rebuilds.

Progress has certainly been made. In 1999, the fishing mortality rate in the North Sea was estimated at 1.27. In June, ICES estimated that the mortality rate in 2006 had been 0.76 and that the rate had fallen again this year to 0.63. The figures are going in the right direction. Contrary to the view that Dave Thompson expressed, previous Executives took steps to reduce mortality. There were voluntary real-time closures, observers were used and there was research on gear selection. I am not sure whether those measures were the draconian measures that the cabinet secretary noted, but they have certainly gone some way towards reducing mortality rates.

If we are to achieve our target of a 15 per cent total allowable catch increase, we must convince our fellow Europeans that we can implement a number of measures in time for next year's fishing that will prevent any further targeting of cod, reduce discards, protect the 2005 and future cohort classes, encourage the avoidance of cod and reduce cod mortality in the small-mesh fisheries. I want to focus on some of those measures.

Can we use the evidence from our voluntary pilot scheme—in which areas are closed when an abundance of undersized cod are present—to convince others to do likewise, or can we extend the scheme to other fleets? There have been discussions on that issue with Denmark.

**Richard Lochhead:** I can reassure the member that we are pursuing the matter. Indeed, I will meet the Danish Government on Monday, when I hope to obtain its support for voluntary real-time closures, which are having a positive impact.

**Karen Gillon:** I welcome that reassurance and wish the cabinet secretary well in next week's discussions with Danish ministers. Through its genuine commitment to real-time closures, the Scottish fleet has brought about significant changes in stock levels. It is a measure that protects future year classes, discourages discarding and encourages cod avoidance.

Observers are an important part of the partnership. It is important that their role continues and is expanded. Some people argue that there is a case for establishing a small reference fleet, full observation of which could demonstrate what is happening with discards throughout the fleet. I would like the minister to say, either in what remains of the debate or in correspondence, whether he is prepared to consider that suggestion and how he thinks we could provide financial encouragement for further use of observers in the fleet, to observe discards and changes in fishing patterns.

The factoring of effort perhaps provides the widest scope for offering fishermen effective and practical incentives to change their behaviour. In particular, we should consider how we can encourage and reward the fishermen who avoid known spawning areas and who avoid fishing during spawning periods. We should think about incentives that could be provided to encourage our EU partners to look more sympathetically at such practices.

As Liam McArthur said, the idea of kilowatt days has been proposed, although views vary on whether it is an attractive solution. I would like to hear how the minister thinks that proposal should be progressed.

The final issue that I will deal with is gear selection and increased selectivity. The FRS has done good work that is providing encouraging results and I understand that further trials involving commercial white-fish vessels that are equipped with new gear are under way in the North Sea.

**Ted Brocklebank:** Does the member agree that it is extremely difficult for fishermen who fish for prawns to gear in such a way that they will not also take white fish? Does she agree that it would help science if fishermen were allowed to land everything they catch? That way, the scientists would know exactly what they were measuring, because it would be there on the quayside. That is how the system works in Faroe and Iceland and, to an extent, in Norway. Should the EU not follow that example?

**Karen Gillon:** The minister may wish to pursue Ted Brocklebank's suggestion, but I do not necessarily agree with it. I do not think that encouraging fishermen to land their bycatch and rewarding them for doing so reduces the bycatch. We must move on from saying, "We cannot find a gear solution to the problem." We must build on the good work that is being done. It is not true that all is lost or that nothing can be done; science and industry continue to change, so we can find a solution, provided that the industry and the Government have the will and provide the finance.

I appreciate that gear selection is not an easy issue, not least because cod dive downwards when they are caught in a net, but we must make progress on it. I would like the minister to consider how we can encourage the fishermen of other member states that are thought to contribute to cod mortality to take up gear selection, on which the Scottish fleet has shown a willingness that has been lacking among some of our European partners.

I have described a few of the options. Changes can be made. Sustainability can be achieved other than through a blunt cut in the number of days at sea. There are better ways of reducing mortality and I hope that they will prevail.

Richard Lochhead made the case for the need to work in partnership—with the industry, with conservationists, with scientists and with colleagues across the UK. If we work in partnership, our case will be stronger, our arguments more forceful and our success more likely. Labour members wish the minister and his UK colleague Jonathan Shaw every success in the forthcoming negotiations. Together, we must ensure that the Scottish fishing industry has a long-term and sustainable future. That is what we all want, and we wish Richard Lochhead every success as he seeks to achieve that goal.

11:29

**The Minister for Environment (Michael Russell):** I sympathise with Willie Coffey, who at the start of his speech mentioned the difficulty of speaking on a subject on which a large number of members have considerably more knowledge. As Tavish Scott and Richard Lochhead—who have considerable knowledge of fisheries—sit next to me, I feel much the same way.

The debate has been different from previous fisheries debates in the Parliament, in that it has not been a doom-and-gloom debate—even if one or two members have tried to introduce an element of that. It sends a strong and positive message to the young trainee skippers from Banff and Buchan College who are sitting in the gallery. If we strip out the usual politics, we find that there is a feeling that the industry has a future because policies are being pursued that can give young people a future in it. The fact that Richard Lochhead will go to take part in the negotiations in a positive spirit of optimism that he can achieve things for Scotland is also different.

Before I come to the substance of my speech, I will consider some of the other speeches that have been made. I do not think that I have sat through a debate in which I have heard so many instructions being given to, and requests made of, the final speaker. Members must have realised that, as I

was to make the summing-up speech, I might be in some difficulty.

Tavish Scott was correct to ask what the Scottish position is on the EU-Norway talks. It would be wrong for the cabinet secretary to reveal everything, but it is quite right that a broad outline be given. We are seeking up to a 15 per cent increase in the total allowable catch for North Sea cod; we are seeking adequate provision for banking and borrowing of the North Sea haddock TAC; we want to limit the cut in the TAC for North Sea whiting; we support the Dutch request to limit the cut in the North Sea herring TAC; and we support lower levels of blue whiting transfers. Pre-negotiations, we are making good progress, but the process will continue to be tough.

Tavish Scott also mentioned kilowatt hours, as did a number of other members, including Karen Gillon. A days-at-sea regime that is based on a member state pot of kilowatt hours offers a number of potential advantages. In particular, it would give Scotland much greater control over its own industry. We are exploring with the Commission the scope for such a regime—which has some positive elements—for our white-fish fleet.

Robin Harper asked a large number of questions at minute seven and a half of a six-minute speech, so he will forgive me if I do not answer all of them. He was immensely critical of real-time closures, but he should not have been. The real-time closures scheme has been up and running for only a few weeks, but there is evidence that vessels are avoiding juvenile stocks—so the scheme is already making a significant impact. I had hoped that he might welcome that.

Richard Baker dealt comprehensively with the priorities of the wider industry. He knows—and I am happy to confirm—that food is of strategic importance to the Scottish economy. Seafood is a key component of Scotland's larder. In government, our party is strongly committed to working with the processing sector to ensure that improvements are made. That work is being kicked off by the proposed Scottish fishermen's council.

**Jamie McGrigor:** Does the minister recognise that the shellfish segment—which he has not yet mentioned—is by far the most valuable segment of the industry?

**Michael Russell:** The cabinet secretary mentioned it in his opening speech. It is not correct to say that it is “by far the most valuable” component of the industry, but it is an extremely important one. We are keen to encourage the development of the shellfish sector—indeed, I met shellfish interests recently and will continue to do so.

Tavish Scott mentioned individual transferable quotas, which I am happy to say the Government, like the Scottish fishing industry, does not support. Instead, we want arrangements that support the particular needs of the Scottish fishing industry and Scottish coastal communities.

In a thoughtful and distinguished speech, Peter Peacock claimed that 16 out of 21 stocks are beyond sustainable levels, but that is not strictly true. For example, on monkfish, as he will know, we do not have enough evidence to say what levels are sustainable, let alone to work out whether existing stocks are beyond those levels. The Scottish Government will make resources available to identify what a sustainable level of fishing would be in every sector.

Sarah Boyack was absolutely right to talk about incentives. Incentivising is extremely important—we must go with the grain of the sector, rather than penalise it. We are doing that in clear and specific ways: with the observer scheme and by granting extra days at sea for the use of selective gear. We are doing all that we possibly can in the circumstances and will continue to do so. The Labour amendment is extremely important and I hope that Sarah Boyack is pleased that, as the cabinet secretary indicated, we intend to support it. We recognise the balance that has to be put in place and we will encourage it.

Sarah Boyack referred in passing to climate change. We might put that more prominently among the issues that we will consider. We must certainly think about the issues that climate change will present to us. The latest science indicates that, whatever the changes, we can still expect there to be a sustainable and viable fishery in Scotland, but we need to ensure that the decisions we make now do nothing to alter that. We must think not just about what we have at present but about what might be ahead of us.

**Mike Rumbles:** Will the minister give way?

**Michael Russell:** I would like to make some progress.

The biggest concern that we have heard from members today is discards.

**Mike Rumbles:** I was going to ask about that.

**Michael Russell:** I am glad that I have reached the point Mr Rumbles wanted me to get to.

We have strong concern about discards. Indeed, the Labour amendment mentions it and we are happy to support the Labour amendment. It is a very, very complex issue. I was interested to read material from the Norwegian fishing minister the other day. He said that Norway's approach, which has been mentioned and which certainly has admirable qualities, would not read across absolutely into Scottish circumstances. What can

we do? The real-time closures are important. A number of members mentioned gear and technical improvements. As Richard Lochhead is doing, we must put the issue centre stage in the negotiations. No one in the chamber or in the industry believes that the current situation is a happy one to be in. We must find a way forward, but a number of measures will be required. The cabinet secretary mentioned one of the key measures, which is to allow an increase in the total allowable catch while giving incentives to stop people targeting cod. That is a key part of the strategy.

We take the fishing industry in Scotland very seriously. All members take it seriously—as well they should. We have heard a range of statistics today, but it is useful to remind ourselves of them. Scottish vessels land two thirds of the total value of UK quota landings. They account for more than 70 per cent of regulated effort in the cod recovery zone. The Scottish fishing zone makes up 60 per cent of UK waters. Scottish over-10m vessels account for 60 per cent of the tonnage of the UK over-10m fleet. Communities have been mentioned often. Scotland has around 20 travel-to-work areas with a fishing dependency, compared with just three in England and one in Northern Ireland. That is 2 per cent of Scotland's population. The Scottish industry accounts for 1 per cent of Scottish gross domestic product, compared with 0.1 per cent for the UK as a whole. Fishing is 10 times more important in economic terms in Scotland.

There is a vast range of other statistics, but they all go to show how important fishing is to Scotland. The debate goes to show how important fishing is to the Parliament. However, there is still an incomplete issue for us. I make absolutely no excuse for returning to it because it is at the centre of our concerns. Des McNulty argues that that issue is irrelevant, but he misses the point of the debate. In an intervention, Liam McArthur asked a question of my friend, Dr Allan. He asked for one example—just one—of when a Scottish fishing minister had either not been consulted or had not been allowed to make a decision. I thought that Dr Allan dealt with the question well, but I will give one example: the sole-nephrops swap. Surely no Scottish minister agreed to that measure. If they did, they were not acting in Scotland's interests.

**Liam McArthur:** Will the member take an intervention?

**Michael Russell:** No, I will not. I am sorry. I am tight for time—I have half a minute and the Presiding Officer will hold me to it.

Karen Gillon asked what the difference would be if Richard Lochhead were sitting in the key chair. I will tell her the difference: all the difference in the world. It would be the difference between speaking

up for Scotland and having Scotland spoken for. We can see that in fishing most of all. In the 33 years we have been in the European Union—from Heath, through Wilson, Thatcher, Major, Blair and Brown—Scotland's interests have not been at the forefront of fisheries negotiations. If members doubt that, they should read a wonderful book called "Stop the World: The Autobiography of Winnie Ewing", which tells us time and time again. That is why it is a wonderful book. I declare my interest in fishing and in literature, and I commend the book to the chamber.

I will finish by making a clear point. On Sunday, when Richard Lochhead goes to take part in the negotiations, he will go with the knowledge of what has taken place in the debate, and he will go with the good will of the chamber and the desire to do well for Scotland. He will do very well indeed, but he could do even better if he was there as a representative of an independent nation.

## Question Time

### SCOTTISH EXECUTIVE

#### General Questions

11:40

**The Presiding Officer (Alex Fergusson):** Question 1 has been withdrawn.

#### National Health Service (Minor Ailments Scheme)

**2. Duncan McNeil (Greenock and Inverclyde) (Lab):** Good job I was here in plenty of time.

To ask the Scottish Executive how many patients benefit from the NHS minor ailments scheme. (S30-1361)

**The Deputy First Minister and Cabinet Secretary for Health and Wellbeing (Nicola Sturgeon):** The number of patients registered for the minor ailment service in Scotland was, as at 31 August this year, 541,385.

**Duncan McNeil:** All 541,385—as the minister stated—recipients of free prescriptions currently qualify for the minor ailments scheme, which means that people on low incomes, the elderly and people who are in poor health are not put off seeking the expert advice of community pharmacists by the cost of over-the-counter medicines. Not only that, but it frees up hard-pressed general practitioners to concentrate on more serious cases.

Will the minister guarantee that all recipients of free prescriptions will continue to benefit from the minor ailments scheme?

**Nicola Sturgeon:** I assure the member that the Government remains committed to the minor ailments service. It is one of the four core services of the new pharmacy contract. Under the service, patients who are not liable for prescription charges can register with a community pharmacist and then have any common conditions or minor ailments treated by the community pharmacist on the national health service without the need to visit a GP. That not only improves the quality of service for the patient but, as the member rightly said, reduces the burden on GPs.

When the Government fulfils its commitment to abolish prescription charges, we will consider the implications that that has for the minor ailment service. However, I reiterate that the Government remains committed to the principle of that service because it is in the interests of both patients and the NHS.

**The Presiding Officer:** Dave Thompson.

**Dave Thompson (Highlands and Islands) (SNP):** To ask the Scottish Executive whether it intends to continue funding the four Scottish centres of excellence—

**The Presiding Officer:** I am sorry, Mr Thompson. You had your button pressed so I assumed that you wanted to ask a supplementary to the first question. I apologise. You do not need to press your button if you are asking the main question.

#### National Health Service (Argyll and Bute Dental Provision)

**3. Jamie McGrigor (Highlands and Islands) (Con):** To ask the Scottish Executive what plans it has to increase NHS dental provision in Argyll and Bute. (S30-1297)

**The Deputy First Minister and Cabinet Secretary for Health and Wellbeing (Nicola Sturgeon):** NHS Highland is currently exploring all options to establish a new dental practice in Oban. It is also looking to develop new dental facilities in Campbeltown, and on Rothesay and Islay.

**Jamie McGrigor:** The minister is obviously aware of the efforts to establish the much-needed new national health service dental practice in Oban. I hope that she will assure my constituents that the Government is keeping up the pressure on the matter. In addition, I wonder what advice the minister can offer to one of my constituents who has moved up from Greenock to Lochgilpead. Last week, she tried to sign up with an NHS dentist there and was informed that she could only be put on a waiting list that consists of 500 people, and that she would be better to stay with her existing dentist in Greenock, almost 100 miles away.

**Nicola Sturgeon:** I will deal first with the situation in Oban, of which I am fully aware. The situation at present is that there is a salaried dental service in the Lorn and Islands district general hospital. As I am sure Jamie McGrigor is well aware, that service is under severe pressure. The local community health partnership intends to provide a new service in a new and bigger premises. Those premises will be compliant with the 2009 decontamination standards. A number of options have been identified and the CHP has appointed consultants, who are currently working on an outline business case. In the meantime, attempts are being made to recruit an additional salaried dentist to work in the hospital. I am very aware of the level of interest among people in Oban and the surrounding area. I believe that many people attended a recent public meeting.

I very much sympathise with the point that Jamie McGrigor made about the more general issue of access to NHS dentistry services. As a new

Government, we inherited a situation of some difficulty in respect of access to NHS dentists. We are working to address that. A number of allowances are paid to dentists to encourage them to commit to the NHS, and we will continue to support that system. In addition, however, we have plans to open a third dental school in Aberdeen, which will contribute to a greater supply of NHS dentists in the future.

**The Presiding Officer:** Question 4 has been withdrawn.

### Centres of Excellence (Music)

**5. Dave Thompson (Highlands and Islands) (SNP):** To ask the Scottish Executive whether it intends to continue funding the four Scottish centres of excellence in music. (S3O-1331)

**The Minister for Schools and Skills (Maureen Watt):** The concordat between the Scottish Government and the Convention of Scottish Local Authorities proposes that the funding for the centres of excellence be rolled up into the local government settlement from 2008-09.

**Dave Thompson:** The minister will be aware that organisations such as Sabhal Mòr Ostaig, the Royal Scottish Academy of Music and Drama, the UHI Millennium Institute and Fèisean nan Gàidheal are currently developing a fèis academy. The project will go a long way towards further developing local talent and encouraging more participation in the fèisean movement. Will the minister tell us what progress has been made towards the academy's establishment?

**Maureen Watt:** I am aware of the proposal to establish a fèis academy. Early this year, Fèisean nan Gàidheal commenced discussions with the RSAMD, the UHI Millennium Institute and Sabhal Mòr Ostaig to explore jointly the options for establishing and operating a new body. Representatives from those four institutions have formed a working party, which will report its recommendations for the establishment and funding of the new body later this year. As indicated in answers to previous questions, the Minister for Europe, External Affairs and Culture is willing to meet Arthur Cormack and other representatives of the working group and looks forward to receiving their proposals.

**Peter Peacock (Highlands and Islands) (Lab):** As the minister will be aware, Dave Thompson and I had the great pleasure of attending in Strathpeffer two weeks ago the annual showcase of the four music schools. We were so moved by the performance—it was truly outstanding—that, in a rare moment of interparty co-operation, we jointly lodged a motion congratulating the young people involved.

I noted what the minister said about the rolling up of the funding for the centres of excellence into the grant settlement for local authorities. I understand the Government's policy position on that, but does she acknowledge that there is a danger that that funding may now not end up in those centres of excellence? As with other portfolios, will she ensure that that money is ring fenced within the local government settlement for the purpose of ensuring that the centres survive and prosper in the future?

**Maureen Watt:** I cannot without discussions with COSLA ensure that that money will be ring fenced—that is not the idea of the concordat—but I cannot possibly imagine that the centres of excellence would be under threat.

**Ted Brocklebank (Mid Scotland and Fife) (Con):** I am glad to hear that the level of funding for our centres of excellence in music is being maintained. However, will the minister remind us why funding under the classification "Other Arts" in the provisional culture budget—which, of course, includes festivals, Bòrd na Gàidhlig and Gaelic broadcasting—is to be £7 million next year but will drop to £2.3 million the following year?

**Maureen Watt:** As Ted Brocklebank's question falls within the Minister for Europe, External Affairs and Culture's portfolio, I will ensure that he gets an answer from her.

**Malcolm Chisholm (Edinburgh North and Leith) (Lab):** I strongly endorse the point that Peter Peacock made and remind the Minister for Schools and Skills of the excellent youth music initiative, which ensures that all primary school pupils have the opportunity to learn a musical instrument. Last year's budget contained a £10 million line for the initiative. Notwithstanding that missing line—one of many that are missing from last week's budget—will the minister tell us how much money will be devoted to the initiative in the forthcoming financial year?

**Maureen Watt:** As the new concordat with local government outlines, specific budget lines have, in many cases, been taken away. Those matters will be taken forward in discussions with COSLA.

### NHS Ayrshire and Arran

**6. Irene Oldfather (Cunninghame South) (Lab):** To ask the Scottish Executive when it last met the board of NHS Ayrshire and Arran. (S3O-1366)

**The Deputy First Minister and Cabinet Secretary for Health and Wellbeing (Nicola Sturgeon):** I have monthly meetings with national health service board chairs at which a range of issues are discussed. I also attended the most recent meeting of NHS chief executives yesterday. The chief executive of NHS Ayrshire and Arran

was present at that meeting. I also met the chair of NHS Ayrshire and Arran on 5 November and I will meet representatives of the board when I chair its annual review on 10 December.

**Irene Oldfather:** In that case, I assume that the minister is aware that, at a meeting on 5 October this year, NHS Ayrshire and Arran withdrew funding from the Compass centre in Irvine, which is a Scottish Association for Mental Health project that provides training and support to 70 service users with mental health problems. Will she say how that rests with according national priority status to mental health? Will she take whatever action is necessary to demonstrate the commitment that she made to people who suffer from mental illness to ensure that the Compass centre, which has been supported for the past 16 years, does not now close its doors to that vulnerable group?

**Nicola Sturgeon:** I reassure Irene Oldfather and all other members that mental health is a priority for the Government. I hope that we have cross-party support in that. As I am sure she is aware and understands, provision of local community services is a matter for local NHS boards. That said, I am, given the concerns that she has raised with me, perfectly happy to discuss the matter further with NHS Ayrshire and Arran.

**Kenneth Gibson (Cunninghame North) (SNP):** Does the cabinet secretary agree that the Red Cross provides an excellent support service to patients in Ayrshire and Arran and that the costs of delivering that service to the public would be considerable if it was provided by the health board? North Ayrshire Council is considering withdrawing its support to the Red Cross due to a lack of equivalent funding from Ayrshire and Arran NHS Board. Will she attempt to persuade the health board that to provide modest support would not only save it the cost of providing the services but would ensure continued delivery of excellent Red Cross care to the people of Ayrshire and Arran?

**Nicola Sturgeon:** Last week at question time, I indicated the Government's support for the voluntary sector. We discussed the Red Cross in particular. I repeat the comment that I made to Irene Oldfather: decisions on provision of local community services are matters for NHS boards. However, I expect all NHS boards to work constructively with the voluntary sector, which makes a fantastic contribution to the health service and wider public services in Scotland.

**John Scott (Ayr) (Con):** The minister will be aware of the particularly poor state of mental health provision in the NHS Ayrshire and Arran area. Does she accept that maintaining the Compass centre in Irvine into the future is vital, and will she undertake to have further discussions

with NHS Ayrshire and Arran on the subject prior to the review on 10 December?

**Nicola Sturgeon:** I am aware of how important those services are, Irvine being my home town. I also confirm that at least one local councillor will actively campaign on the Compass centre's behalf—I know that because she is my mother.

Those matters are important. They are matters for NHS Ayrshire and Arran but, as I said to Irene Oldfather, I am always happy to discuss such matters with NHS boards if members raise concerns with me.

### sportscotland

**7. Margaret Smith (Edinburgh West) (LD):** To ask the Scottish Executive when it will make a decision about the future of sportscotland and how it intends to replicate the work done by sportscotland on behalf of many Scottish sporting bodies. (S3O-1314)

**The Minister for Communities and Sport (Stewart Maxwell):** It is hoped that we will be able to announce the decision on the future of sportscotland before the end of this year. The underlying principle of the review of sportscotland is to ensure that, whatever structures are put in place, the best interests of sport will be paramount.

**Margaret Smith:** As well as providing a single voice to represent sporting interests, sportscotland fulfils a number of functions on behalf of sporting bodies and local authorities, including direct administrative support in payroll and information technology as well as expertise in everything from marketing to long-term facility planning and implementation of the active schools programme. How will the minister ensure that co-ordination and integration across all the functions that sportscotland performs are as cost effective and efficient in the future as they currently are, if the Government redistributes sportscotland's functions across other bodies, including local authorities, and keeps others within the Scottish Government?

**Stewart Maxwell:** We would not make a proposal that was less cost effective than the current arrangements—to do so would make no sense at all. Our clear intention is to ensure that the governing bodies' support in the future is as good as, if not better than, it currently is. We are consulting many governing bodies throughout Scotland—the Scottish Cyclists Union, the Scottish Gymnastics Association, the Scottish Amateur Swimming Association, badmintonscotland, Judo Scotland and Scottish Athletics are a few—as part of the review. All those bodies' views will be fed into the review process and we will ensure that we take proper cognisance of their feelings and views on their

sports' requirements; after all, the effects of any decision that we take on sportscotland's future will vary from one governing body to another.

**Michael Matheson (Falkirk West) (SNP):** Setting aside the question of the structure that might be put in place to replicate sportscotland's work, I note that Julia Bracewell, the chair of the organisation, expressed serious concern at this week's meeting of the Health and Sport Committee about the impact of the Department of Culture, Media and Sport in London's proposed £13 million cut in sports lottery funding to Scotland at both grass-roots and elite levels. Will the minister ensure that those concerns are brought fully to the department's attention? Moreover, has he taken note of the fact that, to date, the DCMS has not confirmed whether the cut has been capped at £13 million or could be more? Will he make representations to ensure that if the department goes ahead with the cut it will be capped at that amount?

**Stewart Maxwell:** I have made clear my deep concern about the intended loss of £13.1 million of lottery funding to Scottish sport over the next three or four years. I find it unacceptable that the DCMS is intending to take away that money, particularly in the light of the decision that was made on 9 November to award Glasgow the 2014 Commonwealth games. Scotland requires all its current sport funding—and more.

Michael Matheson is correct to point out that the DCMS has not said whether the figure has been absolutely capped or, indeed, whether that is the limit of its ambitions in taking lottery money away from good causes and grass-roots sport in Scotland. I will certainly ensure that he is kept fully informed of the representations that are made to the DCMS and the Westminster Government to ensure that money for the good interests of grass-roots sport is retained in Scotland.

**Johann Lamont (Glasgow Pollok) (Lab):** The minister will be aware that, on 1 November, the First Minister confirmed that

"a full consultation is being carried out"—[*Official Report*, 1 November 2007; c 2984.]

on sportscotland's future. Some of us have been sceptical about that, as there has been no consultation document setting out the available options and their consequences, particularly for the successful bid for the Commonwealth games.

As far as the consultation is concerned, while outlining in detail at yesterday's meeting of the Local Government and Communities Committee sportscotland's critical role in protecting open space in the newly published Scottish planning policy 11, planning officials confirmed that they had not been consulted on the organisation's future. Will the minister explain how he can square

the reality that no consultation is taking place with the First Minister's commitment? Does he accept that the issue is very serious and will he agree to end this pantomime and have a proper consultation to ensure that sport in this country is properly served as we develop our commitments with regard to the Commonwealth games?

**Stewart Maxwell:** We take this matter very seriously, which is why a full consultation is under way.

**Mr Frank McAveety (Glasgow Shettleston) (Lab):** There is no full consultation.

**The Presiding Officer:** Order.

**Stewart Maxwell:** For the member's benefit, we are consulting sportscotland, the Scottish Institute of Sport, Scottish Cycling, Scottish Gymnastics, Scottish Swimming, badmintonscotland, Judo Scotland, the Convention of Scottish Local Authorities, the voice of chief officers of cultural, community and leisure services in Scotland, Scottish Athletics, the Scottish Sports Association, the Scottish Institute of Sport Foundation, the Scottish Golf Union, the Scottish Rugby Union, the Scottish Football Association, Scottish Universities Sport, the Welsh Assembly Government and the Scottish Parliament's Health and Sport Committee. [*Interruption.*]

**The Presiding Officer:** Order.

**Stewart Maxwell:** Given the number of bodies I have just listed that are involved in the process, there is quite clearly a full consultation under way.

With regard to SPP 11, the fact is that, at the moment, sportscotland is the body that is involved in the relationship that is set out in the document. Given that any future body would also be involved in such planning issues, it is nonsense to say that only sportscotland can carry out that role. To be frank, it is quite usual for the member to come up with such nonsensical arguments with regard to this matter. A full consultation is under way; all the bodies that I mentioned are involved in it and all their views will be fed back into the process.

**Karen Gillon (Clydesdale) (Lab):** On a point of order, Presiding Officer. The minister said that there was a full consultation process under way on sportscotland's future. If so, will he, as a courtesy to Parliament, place in the Scottish Parliament information centre the paper on which he is consulting to allow members to contribute to it?

**The Presiding Officer:** As the member is aware, that is not a point of order for me to rule on. I am afraid that we now do not have time for question 8.

## First Minister's Question Time

### Engagements

#### 1. Ms Wendy Alexander (Paisley North) (Lab):

To ask the First Minister what engagements he has planned for the rest of the day. (S3F-284)

**The First Minister (Alex Salmond):** Later today I will have meetings to take forward the Government's programme for Scotland, and tonight I will be speaking to representatives of the oil and gas industry in Aberdeen.

**Ms Alexander:** Two weeks ago, the First Minister told the chamber that his Government would

"deliver on the promises that it made to the people of Scotland."—[*Official Report*, 8 November 2007; c 3213.]

In May, the Scottish National Party told Scotland's students that it would dump their debts. In a podcast that is still on the party's website, the First Minister declares:

"It's time to dump the debt."

Last week, his Cabinet Secretary for Finance and Sustainable Growth confirmed that it is not time to dump the debt but time to dump the promise. Is that what the First Minister calls keeping his promises?

**The First Minister:** As Wendy Alexander well knows, despite the extremely tight budget settlement imposed by her colleagues at Westminster, the Scottish National Party Government has still managed to restore the principle of free education in Scotland, which will contribute enormously to reducing the burden of student debt imposed by the Labour Government at Westminster and by the previous Executive. I call that keeping SNP promises.

**Ms Alexander:** The SNP has let down the 350,000 people who still have student loans. They trusted his word, but the Government has broken its promise to dump student debt and is not doing it. We all know—we have just seen an example of it—that, when he is in a tight corner, the First Minister attacks rather than answering. He also sometimes resorts to selective third-party quotes.

**Members:** Question.

**The Presiding Officer (Alex Fergusson):** Order.

**Ms Alexander:** On higher education, however, the First Minister's Government is on its own. The Government is on one side, and the university principals, the students and the independent experts are on the other. Five of the world's top 200 universities are here in Scotland. The SNP Government is now at serious risk of

compromising their competitiveness, not only with the rest of the United Kingdom but with the rest of the world. Will the First Minister agree both to revisit next year's settlement and to have an urgent review of the sector's future?

**The First Minister:** As Wendy Alexander should know, university and higher education funding is increasing in real terms throughout the spending review announced by the Cabinet Secretary for Finance and Sustainable Growth. It is increasing not just in real terms but as a share of public spending in Scotland—that is, it will be higher than it was under the Labour-Liberal Executive.

I am delighted to tell Wendy Alexander that, at a highly constructive meeting between the Cabinet Secretary for Education and Lifelong Learning and Universities Scotland this very morning, there was agreement on the budget settlement and on how the Government and the sector could work together for the future of that sector as we move into the next decade and beyond. That is the sort of constructive thinking that takes place under the Scottish National Party, as compared with the dismal track record of Labour and the Liberal Democrats.

**Ms Alexander:** I suspect that, as is all too common, we will discover in the press briefing afterwards whether that is a review of the settlement or not.

I turn, beyond Scottish students, to the other young people who were let down by the Government this week. This week, 150,000 new modern apprenticeships were announced in the rest of the UK. Here in Scotland, there has been not one—no extra quality apprenticeships, merely training places. There was also another blow for young people in the budget—a 20 per cent cut in education maintenance allowances. That is cash that goes to youngsters in Scotland's most hard-pressed families to encourage them to stay on at school. With no new modern apprenticeships and with cuts for ambitious pupils, does the First Minister call that keeping his promises to the pupils and young people of Scotland?

**The First Minister:** I point out to Wendy Alexander that the figure for modern apprenticeships and places on training schemes in Scotland will move over the next three years towards 50,000. I call that keeping our promises. On where Scotland's students have been left in relation to debt, let us recall and reflect on where that debt came from—[*Interruption.*]

**The Presiding Officer:** Order.

**The First Minister:** I have a copy of the decision in 2004 in the Westminster Parliament on top-up fees. There was a Labour majority of five, bolstered by the Scottish Labour contingent, which included Lord George Foulkes. Of course, a week

before that decision, the Scottish Parliament was offered the opportunity to ask the Westminster Parliament not to take the cap off top-up fees, but the motion was voted down by the Labour-Liberal Executive—and the first name in the vote was Wendy Alexander.

**Ms Alexander:** As I said, that was an attack, not an answer.

Under Labour, we went from fewer than 10,000 modern apprenticeships. Under us, there would have been 50,000. However, the First Minister gives us weasel words about training places. [*Interruption.*]

**The Presiding Officer:** Order.

**Ms Alexander:** Let me end on a serious matter. In a week in which Scotland's chief medical officer called for more help for the nation's most vulnerable and youngest children, we discovered that the Scottish National Party will shelve Labour's plans to provide a nursery place for Scotland's 10,000 most vulnerable two-year-olds. Scotland's youngest and most vulnerable children deserve better. Will the First Minister listen to the chief medical officer and do the right thing by Scotland's most vulnerable two-year-olds?

**The First Minister:** Let us start with a point on which we agree. Poverty and child poverty in Scotland are a serious problem. If I were Wendy Alexander, after 10 years of Labour Government, I would be hanging my head in shame.

Luckily for young people in Scotland, in particular in our most deprived areas, there is a vast expansion in nursery provision under the terms of the SNP budget. If Wendy Alexander ever gets down to looking at the budget lines that prove that, perhaps she will find it in her heart to support the SNP budget on behalf of the young people of Scotland.

### Secretary of State for Scotland (Meetings)

**2. Annabel Goldie (West of Scotland) (Con):** To ask the First Minister when he will next meet the Secretary of State for Scotland. (S3F-285)

**The First Minister (Alex Salmond):** I am in correspondence with the secretary of state and I hope to take forward a meeting at which we will discuss and, I hope, come to an agreement on, subject to the views of the Parliament, the implementation of all the recommendations of the Gould report.

**Annabel Goldie:** In today's *Scotsman* and on the BBC, Dr Andrew Cubie has called for a root-and-branch review of our universities. He said that there should be

"a properly commissioned, evidence-based and widely drawn review, independent of government."

He is right. That is what the Scottish Conservatives want.

By stark contrast, all that Fiona Hyslop has offered is a future thinking exercise—not even a conversation. Although such an exercise might find a short-term answer to an immediate budget problem, it cannot deliver the long-term solutions that are needed. We need a fully independent review, which has the freedom and the courage to ask tough questions and find long-term solutions; we do not need an internal discussion in the pocket of Government.

Will the First Minister say why he will not set up a properly commissioned, evidence-based, widely drawn review independent of Government? What is he scared of?

**The First Minister:** I repeat to Annabel Goldie the point that I made to Wendy Alexander. Fiona Hyslop had a constructive meeting today with Universities Scotland on the budget settlement for universities and higher education, and on how the Government and the sector can work together for the future of the sector as we move into the next decade and beyond. That discussion took place between the university principals and the Cabinet Secretary for Education and Lifelong Learning. Such meaningful and constructive dialogue seems a lot better than kicking the issue into the long grass, which seems to be what the Scottish Conservatives want to do.

**Annabel Goldie:** I am accustomed to broadsides from the First Minister, but that was a pretty dismissive description of Dr Andrew Cubie's proposal.

The First Minister talks about his review in relation to the budget settlement. Clearly, what the First Minister cannot see is the absence of a long-term strategy for higher education in Scotland. There is no strategy—there is a void, a vacuum. His review—the one that he has just referred to—is not a properly commissioned, evidence-based and widely drawn review that is independent of Government, so let us not pretend that it is.

I cannot blame Universities Scotland for grasping at any straw in the hope of resolving a short-term budget impasse but, once upon a time—and this does read like a fairy story—the Scottish National Party agreed that there should be an independent review. It said:

"We will reconvene the Cubie Committee with a remit to review financial support for students at present, as well as the overall context of further and higher education funding. The committee will not be restricted in its remit".

That was a commitment that the SNP gave in its 2003 manifesto—yet another broken promise. Why was the SNP so strong, resolute and determined in 2003 and yet is so weak, feeble and afraid in 2007?

**The First Minister:** I remind Annabel Goldie that it was the 2007 election that we won—we did not win the 2003 election. Incidentally, the Scottish Conservatives lost both comprehensively.

The universities and colleges in Scotland are competitive. They are looking forward to a real-terms increase in their funding. Not only is their funding increasing in real terms, it is going up as a percentage of public sector spending over the course of this spending review period.

Annabel Goldie asks about strategy. I quote to her the words of Howard McKenzie, the acting chief executive of the Association of Scotland's Colleges—the colleges, too, have a vital role to play in higher education. In response to the Government's budget, he said:

"The Government's economic strategy puts learning, skills and well-being as its top strategic priority, and this additional funding will help Scotland's Colleges continue to play a pivotal role in its delivery."

If that is the enthusiastic response of Scotland's colleges, why is it not reflected by Annabel Goldie?

### Cabinet (Meetings)

**3. Nicol Stephen (Aberdeen South) (LD):** To ask the First Minister what issues will be discussed at the next meeting of the Cabinet. (S3F-286)

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

**Nicol Stephen:** Now that ministers have made their choices about their spending priorities, will the First Minister allow the Council of Economic Advisers to tell the Parliament whether they are the right choices to grow the Scottish economy?

**The First Minister:** As Sir George Mathewson has indicated, the job of the Council of Economic Advisers is to advise. It is the job of the Parliament to scrutinise the budget process and I hope that that is what it will do.

**Nicol Stephen:** If Alex Salmond is so confident of his case, why does he not get his economic advisers more involved? Perhaps the answer is that he is already choosing to ignore what they say. After all, the advisers wanted investment in high-level skills to go up, but ministers are taking funding down. The economic strategy called universities our "world-class assets", but Alex Salmond's budget is cutting their funding next year. The advisers said that all spending should address the pursuit of faster economic growth, but now the First Minister could not care less about that. The real-terms cuts in university funding next year are bad for students, bad for universities and bad for the long-term future of Scotland's

economy. University principals are telling him that today and his economic advisers would tell him exactly the same thing. Why is he choosing not to listen? By short-changing Scotland's universities, the First Minister has opened Pandora's box and has put the issue of top-up fees back on his table.

**The First Minister:** We have ruled out not only top-up fees but the back-end fees that were introduced by the Liberal Democrats and the Labour Party.

I hope that, at some point, in the interests of clarity, Nicol Stephen will write to me to acknowledge that university and higher education funding is going up in real terms and is also going up, through the spending review period, as a share of the Scottish budget.

I can understand why university principals would argue for more money but, if political parties do it, they have an obligation to say where the money is going to come from. On television on Sunday, Nicol Stephen indicated how he would meet all the demands of Scotland's universities as opposed to half of them—he said that we should mutualise Scottish Water. Even if we ignore the complications with the process of mutualisation and the arguments against it, the first time that any money could possibly be saved from such a process is 2011. Is that seriously the Liberal Democrats' proposition for funding Scottish universities? [*Interruption.*]

**The Presiding Officer:** Order.

**The First Minister:** That is not so much water as hot air.

**The Presiding Officer:** I confirm to members that I will take points of order at the end of First Minister's question time—my intention is to get in as many back benchers as possible.

**Paul Martin (Glasgow Springburn) (Lab):** This Sunday, 25 November, Greater Glasgow and Clyde NHS Board will implement a new policy of parking charges at Stobhill hospital. That is despite the fact that the Parliament's Public Petitions Committee has asked the board to delay the decision until the committee completes its consideration of two public petitions. Will the First Minister write to the health board to ask it to delay its plans until the committee has completed its deliberations?

**The First Minister:** I will examine that issue, and I will write to Paul Martin when I can weigh up the response of the health board to the important and constructive point that he has made.

**Stuart McMillan (West of Scotland) (SNP):** I am sure that the First Minister would like to congratulate Strathclyde Police and the Scottish Crime and Drug Enforcement Agency on the drugs bust that took place in Greenock last weekend,

which removed £500,000-worth of cocaine from our streets. Will he ensure that the Scottish police service and the SCDEA receive every support and the necessary resources in the fight against the scourge of drugs that blights Scotland?

**The First Minister:** As I am sure all members want to do, I congratulate Strathclyde Police on that significant success. [*Applause.*] I am sure that all members will also want to congratulate the Crown Office, the officials and the police, who are acting so well on the proceeds of crime, to ensure that criminals and drug barons pay the price not just in terms of criminal penalties but in recompense to society.

**Margaret Curran (Glasgow Baillieston) (Lab):** The First Minister will have no doubt read the report that was issued this week by the chief medical officer, which highlights the profound challenge of health inequalities. I am sure that he will have paid particular attention to the credit that is given to the previous Executive on the progress made on child poverty.

The report states that

“Glasgow has the highest homicide rate in Europe”

and that

“treating those affected by violence costs an estimated 3-6% of the NHS budget”,

which is approximately £400 million. That illustrates not only the physical and psychological devastation for the individuals concerned but the cost to those communities that experience disproportionately high levels of knife crime and gang violence, which I know well from my own constituency. Does the First Minister agree that those communities should receive additional health funding in recognition of the additional pressures on those services?

Will the First Minister explain why he has failed to implement the SNP manifesto commitment to ring fence funding for mental health services and has gone in the opposite direction by cutting that funding? Those services are vital to tackling health inequality.

**The First Minister:** That is part of the local government settlement, which I think it is widely acknowledged has increased substantially. As for the first part of the member's question, the precise formulation of revisions and funding is still being considered, but all members will agree with her points about tackling poverty, deprivation and crime levels in our areas that have the worst blights of poverty and deprivation. I undertake to write to her to encapsulate the range of measures that the Government is taking to deal with exactly those problems. I would never say that they are totally a legacy of 10 years of Labour Government, but I hope that when the Scottish National Party

has been in government for 10 years—I confidently expect us to have that as a minimum target—we will have made more substantial progress than has been made over the past 10 years.

### Local Income Tax

**4. Alex Neil (Central Scotland) (SNP):** To ask the First Minister what the Scottish Government's timetable is for implementing the replacement of council tax by a local income tax. (S3F-290) [*Interruption.*] If Labour members listen, they will learn.

**The First Minister (Alex Salmond):** We will issue a consultation paper on our proposals before Christmas. I hope that members in all parts of the chamber will respond to the paper and I look forward to a full and vigorous debate.

**Alex Neil:** I ask the First Minister whether the proposed local income tax will give Scotland the lowest effective rate of tax in the United Kingdom and what impact that will have on retaining in and attracting to Scotland new talent and new business.

**The First Minister:** The point that Alex Neil makes is an important one, but I am sure that he will be the first to acknowledge that we are not just waiting for the introduction of the local income tax. The measures that have been put in place with the historic concordat with local government, providing the funds for a council tax freeze in Scotland over the next three years, will be widely welcomed not just by those who suffer from the onerous burden of that unfair tax but throughout Scottish society. I do not think that that wide welcome includes the Labour Party, which, if I understand it correctly, wants to put the council tax back up again.

**Liam McArthur (Orkney) (LD):** The consultation on legislation to replace the discredited and unfair council tax is to be welcomed. However, does the First Minister agree that an income tax that is set centrally by him is simply not a local income tax? Will he commit today to consider introducing a real local income tax that gives democratically elected councils control over the money that they raise, rather than a centrally imposed tax that would undermine local accountability?

**The First Minister:** I look forward to the debate and the submissions, and those issues will certainly be raised in the consultation document. However, if the member's argument is that we must ensure local accountability, surely his party should welcome the historic freedoms in the historic concordat between local and central Government, which do exactly that.

**Andy Kerr (East Kilbride) (Lab):** The First Minister's economic strategy states that the

Government will pursue

"The creation of the conditions for talented people to live, work and remain in Scotland."

Does he think that having the highest personal income tax rate in the United Kingdom, under his local income tax proposals, is the best way to create those conditions?

**The First Minister:** I think that abolishing the council tax would certainly create those conditions.

I have been dying for Andy Kerr to ask me a question, because I heard a disturbing rumour that he had been lobbying council leaders across Scotland not to sign the historic concordat. I am sure that he will take the opportunity to put it on the record if that is not true, but I heard that he was desperately lobbying them, saying, "Don't sign this contract for zero council tax rises." We know that it is good for Scotland, but all that Andy Kerr could think of was that it might be bad for the Labour Party.

#### Universities (Research and Development)

##### 5. Richard Baker (North East Scotland) (Lab):

To ask the First Minister how the Scottish Government will encourage research and development in universities. (S3F-298)

**The First Minister (Alex Salmond):** We are encouraging university research by delivering record levels of investment in higher education over the spending review period. We are working closely with the Scottish Further and Higher Education Funding Council, the enterprise networks and our universities to capitalise on our excellent research and make the best use of that investment.

**Richard Baker:** How can it be consistent with the economic strategy's aim of greater knowledge transfer between academic research and industry that there will be—as the First Minister must know—a real-terms cut in funding for universities next year? That cut was confirmed by Universities Scotland, and the Parliament should be clear about it even if the First Minister is not being so. With a view to the forthcoming research assessment exercise, what were the principals offered at today's meeting if they have been offered neither a review of funding nor a better funding settlement in the current spending review?

**The First Minister:** I am sure that Richard Baker will want to acknowledge not just that investment goes up in real terms over the spending review period but that it also goes up as a share of public spending—that means that it will be higher than it was under the previous Administration. Members and other people involved in this debate should at some point remember the additional £100 million that has

been provided this year to refurbish the college and university sector across Scotland. Strangely, I did not hear a welcome from Richard Baker for that crucial announcement last month.

**Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD):** I am sure that the First Minister did not mean to lie to the chamber in an earlier answer. However, he stated—and I quote—that funding for universities was increasing in real terms in each year of the spending review period. What is—

**The Presiding Officer:** Mr Purvis, I am sorry to interrupt, but you have accused the First Minister of lying. I think that you might want to reflect on that.

**Jeremy Purvis:** I said that I was certain that the First Minister did not intend to lie to the chamber.

**The Presiding Officer:** I still find that unacceptable terminology. I ask you to rephrase.

**Jeremy Purvis:** I therefore ask, Presiding Officer, for clarification on what the First Minister has stated, so that it is clear that he did not—

**The Presiding Officer:** Order. Mr Purvis, you are entitled to ask the First Minister for clarification—that would be in order.

**Jeremy Purvis:** I ask the First Minister for clarification: for next year, what is the real-terms funding for universities? Universities Scotland has said that there is a £1.9 million cut in real terms. What is the figure for next year?

**The First Minister:** I point out to the member that I said that real-terms funding was increasing over the spending review period—as indeed it is. Not only is funding increasing over the spending review period, but it is increasing as a share of public spending in Scotland. That, to me, means giving higher education colleges and universities a substantial measure of priority. The member should learn the elementary courtesies of parliamentary debate.

**Murdo Fraser (Mid Scotland and Fife) (Con):** Perhaps I could give the First Minister some friendly advice. Does he accept that he would have more credibility on the issue if he was big enough to stand up and admit to the Parliament that universities are facing a real-terms cut in funding in the coming financial year?

**The First Minister:** The spending review goes over three years, not one year, and there is a substantial real-terms increase. If the member wants to gain the respect of the Parliament, he should say where he would find the additional resources that he says he wants to put into universities and higher education institutions in addition to the £100 million of extra investment this year and the increasing share of public spending

in Scotland. That is what should be welcomed across the chamber.

#### **National Health Service (Physiotherapists)**

**6. Mary Scanlon (Highlands and Islands) (Con):** To ask the First Minister how many additional physiotherapists will be employed in the national health service. (S3F-295)

**The First Minister (Alex Salmond):** NHS board workforce plans indicate a continuing demand for physiotherapists. Over the next three years, it is projected that demand by NHS Scotland will increase by almost 7 per cent, from 2,138 to 2,286, an increase of 148 on a full-time basis.

**Mary Scanlon:** With 70 per cent of this year's physiotherapy graduates still unemployed five months after graduation, and one third of 2006 graduates still unemployed, what does the Scottish National Party's manifesto commitment to "increase the numbers of NHS physiotherapists"

mean for those highly trained, unemployed professionals and the 28,000 patients who are on waiting lists for physiotherapy treatment?

**The First Minister:** I have indicated to Mary Scanlon the expected increase in physiotherapy uptake across Scotland over the next three years.

**Members:** Ah!

**The First Minister:** I point out to Labour members that we inherited the situation that Mary Scanlon describes from the Labour and Liberal parties. I would have thought that Mary Scanlon would welcome the projected increase of 148 on a full-time basis, as well as the fact that a planning group in the health service is examining exactly those problems to bring about even better solutions.

**Christine Grahame (South of Scotland) (SNP):** The First Minister will be aware of the recent questionable motivation of Peter Hain, the United Kingdom Secretary of State for Work and Pensions, in his drive to reduce the number of Scots on incapacity benefit. Does the First Minister agree that that will put additional strain on our allied health professionals, such as physiotherapists, and that, should the proposal proceed, Westminster should return to Scotland any share of benefit savings that flow as a consequence—which the Liberal and Labour parties singularly failed to do when we introduced free personal care, and Scotland lost £40 million?

**The First Minister:** Christine Grahame raises a substantial point, which we should bring to the attention of Peter Hain. The Labour members should consider the implications for Scotland and the Scottish people of the actions of their Westminster colleagues.

**The Presiding Officer:** We have had a number of interruptions, so I will allow Malcolm Chisholm to ask a final supplementary.

**Malcolm Chisholm (Edinburgh North and Leith) (Lab):** How can NHS boards throughout Scotland employ more physiotherapists or more of any other staff group next year when the real-terms increase to NHS boards is 0.5 per cent—the lowest increase that I, or I suspect the First Minister, can remember? Notwithstanding the excellent progress that NHS boards have made over the past few years in slashing waiting times and reducing the number of deaths from the great killer diseases, how does the First Minister expect boards to address the challenges of an increasing elderly population and new drug developments when the increase that is available to them is less than health service inflation, which runs at least 1 per cent ahead of general inflation?

**The First Minister:** I point out to Malcolm Chisholm that individual board allocations have not been set yet, but there are real-terms increases in the health budget. I point out gently that he resigned from a Government that was going to put, as it put it, all the consequential increases into one sector—education—which means that there would have been no increases whatever in real terms for the health budget.

I have been calculating the number of Labour and Liberal MSPs who want increases in budget calculations. There have been 17 Labour motions and 16 Liberal motions to date in this Parliament. I will take great delight in asking those members what budgets they intend to cut to meet those demands.

12:31

*Meeting suspended until 14:15.*

14:15

*On resuming—*

## Question Time

### SCOTTISH EXECUTIVE

#### Finance and Sustainable Growth

##### Council Tax Freeze

**1. David McLetchie (Edinburgh Pentlands) (Con):** To ask the Scottish Executive whether it will commission an independent study on the cost of freezing council tax over the next three financial years while maintaining current levels of service provision for each local authority. (S3O-1293)

**The Cabinet Secretary for Finance and Sustainable Growth (John Swinney):** Engaging with the Convention of Scottish Local Authorities and individual local authorities was a constructive way of determining the cost of the additional spending pressures that local government will face over the next three years. I see no benefit, therefore, in commissioning a further independent study.

**David McLetchie:** I am disappointed in that answer. The cabinet secretary may well have been able to con COSLA into a concordat for the purpose of his budget statement last week, but subsequent events have demonstrated that not all our councillors are patsies.

It is now perfectly clear that not only is there no deal for a three-year council tax freeze, but there is not even an agreement on a one-year council tax freeze. There are also widely varying views on whether, when the local government settlement comes through, it will be adequate on a council-by-council basis to maintain current levels of service provision. Against that backdrop, and to avoid a rerun of the blame game that has plagued relationships between councils and the Executive in the past, surely an independent assessment of what is required—one to which both sides contribute—is the sensible way forward. What has the cabinet secretary to fear from such an analysis?

**John Swinney:** The only thing that I have to fear is more alliteration from Mr McLetchie. He should reflect on the concordat that we have reached with COSLA, after a lot of discussion and debate between me, individual local authorities and the COSLA leadership over the past six months. It brings together a number of key elements that strengthen the relationship between central and local government, notable among which is a move away from the endless monitoring, scrutiny and second-guessing that Mr

McLetchie has complained about on many occasions in the past.

The concordat also sees a move away from the obstructive elements of ring fencing that have led to inefficient service provision at local level. Further, it sees a move towards properly incentivising local authorities to make the efficiencies that are required under the Government's efficient government agenda by allowing them to retain their efficiency savings. Both central and local government believe that the settlement is adequate to deliver the needs of local government. Crucially, it is adequate to deliver a specified number of our manifesto commitments that are now set out in the concordat.

The concordat is a positive way in which national and local government can co-operate to ensure that we support the central purposes of what we want to achieve in public policy.

**Dr Richard Simpson (Mid Scotland and Fife) (Lab):** I heard everything that the cabinet secretary said, but the word "accountability" did not enter into it. One of the Labour Party's grave concerns is that, in freeing everything up and in the absence of ring fencing, accountability will go.

What discussions has the cabinet secretary had with voluntary organisations as part of the concordat to introduce a council tax freeze? Will he give a guarantee today that no funding cuts will be made in the services that voluntary organisations provide to children and vulnerable families and that are purchased through local authorities? Will he ensure that he has reached a position on that before the end of December? If not, a rash of statutory redundancy notices might be issued throughout Scotland. Any mind meld or mapping—whatever it is called—that Jim Mather plans to undertake in January with voluntary organisations will come too late in terms of April 2008 funding. Redundancy notices have to give a 90-day notice period. Can he guarantee funding for those services?

**John Swinney:** Dr Simpson talks about a lack of accountability. First, if he had read the concordat he would have seen that implicit in the agreement is a move to single-outcome agreements for every local authority. That is a productive channel of accountability for every local authority to deliver on the expectations of national Government and the local electorate.

Secondly, built into the concordat are mechanisms for further discussions on a regular basis—bi-monthly meetings involving myself, the Cabinet Secretary for Education and Lifelong Learning and the leadership of COSLA to monitor the implementation of the concordat, and an annual meeting between the Cabinet and the

COSLA leadership to ensure that we are moving to shared priorities. That is an adequate channel of accountability.

There is a genuine difference of view about the effectiveness of ring fencing. This Government does not take the view that the level of ring fencing that was applied by the previous Government delivered the right outcomes. I quite respect the fact that members on the other side of the chamber take a different view, and we will debate that in the course of our experience of implementing the Government's policy position and working with local government.

I have undertaken a significant number of discussions with the voluntary sector over the past six months, and I have to say that working with it is one of the most fulfilling parts of my responsibilities. That view is shared by my colleague Mr Mather, who brings a tremendous amount of energy to the policy area. Decisions about service provision are, quite properly, matters for local authorities, but I am confident that the way in which we have constructed the concordat and the way in which the Government has delivered a generous settlement for the voluntary sector within the overall financial package that I announced last Wednesday will allow the voluntary sector to play a significant role in the delivery of services in Scotland.

### **Scottish Enterprise (Small Businesses Support)**

**2. Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD):** To ask the Scottish Executive what support Scottish Enterprise will provide to small businesses. (S3O-1315)

**The Minister for Enterprise, Energy and Tourism (Jim Mather):** Scottish Enterprise will have responsibility for providing support to regionally and nationally significant companies and to those with significant growth potential, regardless of size, including those that emerge from the business gateway. That support will include specialist services and advice on issues such as innovation, internationalisation, investment support and sustainability. Responsibility for local delivery of the business gateway, which provides advice to new-start and smaller firms, will, with effect from 2008-09, transfer from Scottish Enterprise to local government.

**Jeremy Purvis:** The Borders receives special mention in the Government's economic strategy, and rightly so. Does the minister recognise the real concerns that were expressed to me last week by members of the Federation of Small Businesses in the Borders and by existing members of the board of Scottish Enterprise Borders—dedicated businesspeople who have

committed considerable time for the benefit of the local economy—about the lack of clarity on the state of staff contracts, the funding that will be made available to local government and the exact timeframe for when support will be provided in an area that needs additional support for small businesses, not reduced support?

**Jim Mather:** The clarity is being firmed up all the time. That started way back when we talked to the local enterprise company chairs, who were keen to be involved with us in driving forward, and made the key point that the status quo was not an acceptable solution. Now, we have the galvanising force of increasing support in the chamber for small business rates relief, which is likely to transform towns, villages and rural businesses throughout the Borders and other parts of Scotland. I look forward to that with great anticipation.

**Jamie Hepburn (Central Scotland) (SNP):** The minister will be aware that many of our small businesses are classified as social enterprises. I welcome the £63 million development programme that was announced last week for the third sector, which will support social enterprise. Will Scottish Enterprise be involved in growing small businesses in the social enterprise sector, and the third sector in general, which the Scottish Social Enterprise Coalition estimates is worth £1.25 billion to the Scottish economy?

**Jim Mather:** I refer back to Dr Simpson's mention of the session that we are having in January, when we will pull together the third sector, local government, the enterprise entities and private sector businesses to look at how we can drive forward in the new climate, in which the previous social enterprise budget of £15 million is ramped to £23 million, to £32 million and then to £38 million. As we saw here in the Parliament the day after the Cabinet Secretary for Finance and Sustainable Growth announced the spending review, the Scottish Social Enterprise Coalition has lots of good examples that can be pushed out and emulated throughout Scotland.

### **Spending Review (Manifesto Commitments)**

**3. Karen Whitefield (Airdrie and Shotts) (Lab):** To ask the Scottish Executive what proportion of the resources allocated in the recent spending review will be ring fenced to deliver the Scottish National Party's manifesto commitments. (S3O-1373)

**The Cabinet Secretary for Finance and Sustainable Growth (John Swinney):** I set out our spending plans to deliver on the Government's purpose, its five strategic objectives and our manifesto commitments on 14 November. The detail is contained in the spending review document.

**Karen Whitefield:** The concordat that was signed with local government states:

“When combined with the impact of removing ring-fenced funding streams, retaining efficiency savings will give authorities significant scope to re-deploy their resources to meet many of the funding pressures they will face over the next three years.”

What reassurances can the cabinet secretary give about essential funding to improve the educational attainment of some of Scotland’s most vulnerable children—those who are looked after or accommodated at schools such as St Philip’s school in my constituency—who previously had been guaranteed funding through the educational attainment fund for looked-after children?

**John Swinney:** In many circumstances in relation to education provision, local authorities will have to fulfil statutory responsibilities within the context of the financial envelope. The Government has ensured that local authorities will be able to operate more flexibly at a local level through the arrangements that we have put in place. Frankly, I have seen far too many examples of ring-fencing arrangements acting as a barrier to the effective and efficient delivery of local services. We want to remove those obstacles and ensure that local authorities can deliver the services that local people and communities require. I am determined to ensure, through the framework of outcome agreements that we will introduce, that an obligation is placed on local authorities to deliver what local people expect of them. That is an implicit part of the concordat that has been agreed.

**Christina McKelvie (Central Scotland) (SNP):** Does the cabinet secretary agree that local authorities should be given responsibility and the power to decide how the money that they have at their disposal is spent? Does he, like me, trust councillors—even, in some instances, Labour councillors—to take the most appropriate decisions for their areas? Does he think that the recent deal that was signed between the Scottish Government and the Convention of Scottish Local Authorities is as good a deal as COSLA thinks it is?

**John Swinney:** We have an opportunity, and this is the moment to seize it. The change to the local authority electoral system that the previous Government introduced and the Parliament approved means that local authorities are now broadly representative of their communities. As a consequence, local authorities have an opportunity to focus on key priorities that matter to a broad range of individuals locally.

The Government has seized the opportunity to construct a new relationship between national and local government. We have had a positive welcome from local authorities, and I look forward

to working further with them to deliver on the contents of the concordat and, as part of that, to deliver on the expectations of people in Scotland.

**Andy Kerr (East Kilbride) (Lab):** I welcome the opportunity to ask a question, because at First Minister’s question time the First Minister misunderstood my position, which is that all councils should consider a council tax freeze, as long as it is properly and appropriately funded by the Government. I look forward to that being confirmed as the budgets are rolled out in the next few months.

The minister has twice used the single-outcome agreement model as a defence in relation to specific questions from members. Does he agree that, at present, those agreements are so broadly defined that many of the services on which communities rely could simply disappear?

**John Swinney:** I say respectfully to Mr Kerr that that shows, in part, a misunderstanding of where most local authorities are. All local authorities in Scotland want to deliver an effective range of services to their communities, whether they are services for the vulnerable individuals whom Karen Whitefield asked about or the wider services in different parts of the country. We are creating the opportunity to take a much more effective and efficient approach to service delivery, with accountability and a monitoring structure through single-outcome agreements.

I remember in a past life Mr Kerr saying things that were not dissimilar to what I have just said in relation to giving local authorities and organisations the flexibility to join up their services and to provide them more effectively. We have a great opportunity for national and local government to work together to achieve that objective.

#### **Waverley Line (Costs)**

**4. John Lamont (Roxburgh and Berwickshire) (Con):** To ask the Scottish Government what the current estimated building costs are for the Waverley railway line to Galashiels. (S3O-1294)

**The Minister for Transport, Infrastructure and Climate Change (Stewart Stevenson):** The costs are under review as part of the due diligence process that Transport Scotland is undertaking, which will be completed shortly.

**John Lamont:** The minister will be aware that Scottish Borders Council is to fund part of the railway project’s cost and that it is doing what it can, through developers’ funds, to put arrangements in place to provide that funding. However, will he give me and the council a guarantee that he will not allow council tax levels to increase or front-line services to be cut to fund the railway project?

**Stewart Stevenson:** The member will have heard by now of the exceptionally good relations between the Government and local councils. Scottish Borders Council is part of that developing relationship. I am confident that the commitments that the previous Administration made and which the current Administration has continued stand fast. I hope that that is also true of the council.

**Christine Grahame (South of Scotland) (SNP):** Given that the Borders railway business case is partly predicated on house building in the travel catchment area, what progress has been made on housing development?

**Stewart Stevenson:** I have spoken to Scottish Borders Council and the other councils that are involved in the Waverley railway partnership about the important role that housing development plays in the business case for the Scottish Borders rail line. Scottish Borders Council has had useful and encouraging discussions with major house developers that give weight to the claims that developers will contribute and will create a significant uplift in housing in the Borders that will justify continuing to look at this important project.

**Jeremy Purvis (Tweeddale, Etrick and Lauderdale) (LD):** The minister is aware of the critical importance of the line into the heart of my constituency. Will he confirm that the due diligence and the review—yet another—of the railway's business case are showing that the case is sound and better than expected when the Waverley Railway (Scotland) Bill was considered by committee? When will he reach a view on the business case review? Will he confirm that the project will not be delayed by investigations into alternative types of funding for capital projects?

**Stewart Stevenson:** We expect to reach a view on the due diligence when the report is presented to us later this year. As the member knows, funding of £115 million at 2002 prices is in place. We should judge the way forward for the project by the three tests that the previous Administration required to be met and which we continue to consider to be the proper tests.

**The Presiding Officer (Alex Fergusson):** I am intrigued to know how the Borders railway line impinges on Rutherglen, so I call James Kelly.

**James Kelly (Glasgow Rutherglen) (Lab):** Because the question involves transport, and as the budget has just been announced, I would like to ask about the bus route development grant, which provides much-needed support to bus routes in my constituency—

**The Presiding Officer:** I am sorry, Mr Kelly, but the question was about the Borders railway. That was a good try.

## Swimming Pool (Aberdeen)

**5. Mike Rumbles (West Aberdeenshire and Kincardine) (LD):** To ask the Scottish Executive what assessment its enterprise department has made of the potential economic benefit to the north-east of the establishment of a 50m swimming pool in Aberdeen. (S3O-1313)

**The Minister for Enterprise, Energy and Tourism (Jim Mather):** It is normal for an economic assessment to take place at the appropriate time, when a firm plan on which it can be based is available. Should Scottish Enterprise and Aberdeen City Council identify the need for an economic assessment, it will be commissioned by those bodies, using their considerable expertise in such matters.

**Mike Rumbles:** Given the full support of the First Minister, Alex Salmond, for the pool, as reported in the Aberdeen *Evening Express* last Friday, will the Scottish Executive provide the £7 million contribution for which it has been asked, to complement the £8 million from Aberdeen City Council and the £8 million from the University of Aberdeen? After all, £7 million is not a huge amount of money from the record £30 billion that is available to the Executive each year.

**Jim Mather:** It is premature to talk about money. The Minister for Communities and Sport, Stewart Maxwell, has made clear his firm support for a 50m pool in Aberdeen, but he has called on the Aberdeen partners to discuss with sportscotland and Scottish Government officials a realistic and affordable project before examining possible funding sources.

**Nanette Milne (North East Scotland) (Con):** I am sure that every MSP is delighted that Glasgow is to host the 2014 Commonwealth games. Given the resulting major investment programme for Scotland, what assurances can the minister give that significant projects such as the 50m swimming pool in Aberdeen will go ahead? Does he agree that, to produce Scotland's future medal winners, Aberdeen must have the appropriate facilities to train our promising young swimmers?

**Jim Mather:** I am afraid that I cannot go any further than what I have already said regarding Stewart Maxwell's clear support for the project. The key is to recognise the legacy for Scotland in 2007. After many years of unionist Administrations, we have a mere four 50m pools in Scotland: in Stirling, East Kilbride and Tollcross, and the Commonwealth pool. Our aspirations go further than that, and we look forward to a situation in which the fine swimmers of Aberdeen and Grampian have better facilities.

**Lewis Macdonald (Aberdeen Central) (Lab):** Does Mr Mather recognise that the opportunity to gain benefit not only from the Commonwealth

games but from the Olympics in London in 2012 will be lost unless matters are resolved quickly? Will he or his colleague Mr Maxwell now take the initiative and bring together sportscotland and local partners in order to ensure that the new pool is built in time?

**Jim Mather:** We have had six months to take over—now members want me to do my colleague's jobs as well. There will be an economic assessment when a realistic affordable project is put on the table, and Stewart Maxwell will consider it.

## Justice and Law Officers

### New Year's Day Trading

**1. Bill Butler (Glasgow Anniesland) (Lab):** To ask the Scottish Executive, in respect of the Christmas Day and New Year's Day Trading (Scotland) Act 2007, whether it will reconsider its recent decision not to proceed with the proposed study into the impact of a ban on large retailers trading on new year's day. (S30-1337)

**The Cabinet Secretary for Justice (Kenny MacAskill):** The Scottish Government does not intend to reconsider its decision not to commission costly research into the impact of trading by large stores in Scotland on new year's day.

**Bill Butler:** I thank the minister for his answer, but it is unsatisfactory. Does he understand the disappointment and anger of the members of the Union of Shop, Distributive and Allied Workers and the thousands of Scottish shop workers who backed the union's campaign to keep Christmas day and new year's day special? Will he explain why, in March this year, he—along with all his Scottish National Party colleagues—voted in favour of carrying out the much-needed further research into the impact of the ban, given that, only six months later, he did not when in office hesitate to renege on the commitment that was given by the Parliament to the retail staff of Scotland?

Will Mr MacAskill, on behalf of the minority SNP Government, reverse his decision—even at this late stage—and stand up for the rights of ordinary working people throughout Scotland instead of pandering to what he fondly imagines are the interests of business, when in truth he is playing to the prejudices of a minority of short-sighted employers?

**Kenny MacAskill:** I assure the member that I have met the Scottish Trades Union Congress and I have made our position clear. Those of us in the Government would have more sympathy with Mr Butler if he was accurate when he waxed lyrical about great savings that were to be made. In fact, the study was to address only large stores, not

small stores. It would not have affected those who, for example, were preparing for work on 2 January, and it would not have prevented those who were prepared to go in and do back-office work from doing so. If the study had been about delivering, I would have some sympathy. However, there seems to be almost rank hypocrisy, because the study was not about delivering what Bill Butler seemed to suggest. As was often the case with the previous Labour Administration, it was about pandering to a position and seeming to do something, but achieving nothing.

**Margo MacDonald (Lothians) (Ind):** Is the minister prepared to see new year's day as a normal day—for example, in Edinburgh—with all the attendant services that will be brought into play if large stores are open?

**Kenny MacAskill:** As a resident of the city of Edinburgh, I think that what is available to visitors and residents in the city is excellent. The matter is one to be discussed between employers and employees. That has always been the situation, and we do not seek to impose unnecessary Government regulations on people who may choose to open—or not.

In the city of Edinburgh there is a great deal of vibrancy, not simply in the hogmanay celebrations, but in what is available for both residents and visitors to enjoy on 1 January. That is good for the Scottish economy, for those who have the opportunity to work and who wish to work, and for the residents who enjoy the atmosphere of a cosmopolitan city.

**Sandra White (Glasgow) (SNP):** As one of the MSPs who voted for the bill in its original form, does the minister agree that a member in charge of a bill should stand by their commitment and vote for their bill regardless of what their party says? The minister will be aware that a large consultation has already been carried out. Does he agree that, if the member in charge of the Christmas Day and New Year's Day Trading (Scotland) Bill had wanted it to be passed, they would have voted for it in its original form?

**Kenny MacAskill:** I am grateful to Sandra White for those comments, which I endorse. Frankly, £110,000 for a study that was going to advise us of nothing of which we were not already aware did not seem to be a particularly good use of public money. The previous Administration may not have worried about such sums, but if we can use that money to protect workers' rights more expeditiously in a variety of ways, we will do so. To fritter it away on consultants' fees does not appear to us to be of benefit either to the Scottish economy or to the workers whom Mr Butler seeks to protect.

**Karen Whitefield (Airdrie and Shotts) (Lab):**

Does the Cabinet Secretary for Justice agree that the only person in Scotland who Scotland's shop workers agree could be guilty of rank hypocrisy is the cabinet secretary himself? He voted for the proposal in March 2007 but, when in government, he turned his back on the thousands of Scotland's shop workers who were guaranteed protection by the 2007 act. Can he tell me when he developed his scepticism, which was not apparent in his voting decisions in the Parliament in March? Can he tell us on what he will spend the £110,000 that he will save by not conducting the consultation, which Scotland's shop workers and their trade union believed would offer them protection and a guarantee that they would not be forced to work on new year's day without their consent?

**Kenny MacAskill:** The Government will use the £110,000 to plug the gap from the £500 million that shop workers who reside in Edinburgh would have benefited from had that money not been forced into a tram scheme from which they will not benefit and which they do not want. If Karen Whitefield listened, she would know that the SNP's position on the Christmas Day and New Year's Day Trading (Scotland) Bill was that—as Mr Mather and Mr Maxwell pointed out—it was an Elastoplast that would not have to be used if the Parliament had powers over the wider economic framework to create a fairer and more prosperous Scotland.

The fact is that action requires to be taken to protect Scottish workers. However, if you wanted to do that, you would campaign for the Parliament to have the proper powers of an independent Parliament to deal with employment rights. At present, employment rights are reserved to Westminster, so you are seeking to produce something that provides no protection to those who have to load up shops for, or work in shops on, 2 January. You failed to campaign on issues that are pivotal to employment, health and safety and the protection of workers' rights. If you really want to protect workers' rights, you should campaign for the powers that the Parliament requires to protect our workers properly.

**The Presiding Officer:** I repeat my previous cautions against members using the second person.

**Murdo Fraser (Mid Scotland and Fife) (Con):** I commend Mr MacAskill for seeing sense on the issue. However, if the study was such a bad idea, why on earth did he vote for it?

**Kenny MacAskill:** We have taken time to reflect. We have also seen the state of the books and the situation that we have inherited.

I point out to Mr McLetchie that he voted for £500 million of expenditure on a tram scheme in

the city of Edinburgh that goes nowhere near where the vast majority of his constituents—whether they are shop workers or not—live. The Tories are demonstrating rank hypocrisy over the expenditure of £110,000; Mr McLetchie and Mr Fraser voted for £500 million of expenditure. They should look at their own position.

**Bill Butler:** On a point of order, Presiding Officer. I seek your guidance. Is it in order for the minister, when replying to a question about the Christmas Day and New Year's Day Trading (Scotland) Bill, to bring in extraneous matters regarding the Edinburgh tram scheme?

**The Presiding Officer:** As I am sure the member is aware, that is not a point of order for the chair. I am not responsible for the content of ministerial answers.

**Child Abuse (Internet)**

**2. Gil Paterson (West of Scotland) (SNP):** To ask the Scottish Government whether it is in dialogue with foreign agencies with regard to controlling child abuse on the internet. (S3O-1327)

**The Solicitor General for Scotland (Frank Mulholland):** Regulation of the internet is a reserved matter. The Scottish Government has had no direct contact with foreign agencies with regard to controlling child abuse on the internet. There is, however, co-operation between police forces in relation to those who access child pornography on the internet and who produce the images for internet distribution.

**Gil Paterson:** At present, the United Kingdom and Scotland have a particularly good record on monitoring and evaluating such coverage on the internet and on ensuring that sites that are inappropriate or which publish materials relating to child abuse are taken down quickly.

In the United States, however, there is a reluctance to pull sites that involve child abuse. It takes a considerable time after notification before a site is taken down, by which time it has moved elsewhere. Will the Scottish Government join the other devolved Administrations and the United Kingdom authorities in putting pressure on the US Government and the authorities that are involved in controlling the internet to be proactive and, ultimately, to review procedures so that sites can be taken down at the earliest opportunity?

**The Solicitor General for Scotland:** I thank Gil Paterson for making those important points. The only way to combat this evil trade is through international co-operation and action. However, I point out again that regulation of the internet is a reserved matter.

I endorse the work of the Child Exploitation and Online Protection Centre, which is a UK-wide

resource that works closely with agencies and police forces throughout the world and has contacts with various Governments. Together with those Governments and agencies, CEOP works to combat this worldwide vile trade.

### **Police (Retired Officers)**

**3. Andy Kerr (East Kilbride) (Lab):** To ask the Scottish Executive how many police officers will be brought out of retirement as part of its strategy to retain more police in active service. (S3O-1352)

**The Cabinet Secretary for Justice (Kenny MacAskill):** We are seeking not to re-recruit police officers who have already retired but to engage proactively with those who are about to retire in order to retain their valued skills and experience.

As all members know, this Government inherited a situation in which approximately 2,300 officers will be eligible to retire over the session. That represents a huge pool of knowledge, experience and expertise that cannot be immediately replicated at even the best training college. Too many effective, experienced officers leave the service when they still have much to offer. We have not imposed any central targets for increased retention, but we are committed to working with police staff associations, the Association of Chief Police Officers in Scotland and police boards to ensure that opportunities exist to retain the services of the most skilled and able officers beyond the point at which they are eligible to retire.

**Andy Kerr:** That was an interesting answer. I suppose that I was expecting the minister to reply, "It was the trams what done it." However, that is another matter entirely.

Is the minister aware of the evidence that was given to the Parliament by Chief Superintendent Murray, a man of some 33 years' service to the public? He said:

"I would be surprised if we were able to recruit 500 officers on the 30-plus scheme".—[*Official Report, Justice Committee*, 20 November 2007; c 336-37.]

Is it the case not only that the Government has sold out on its pledge to recruit 1,000 new police officers, but that its sell-out is not deliverable?

**Kenny MacAskill:** The fact is that the 30-plus scheme is not working. There might be a role for it—some officers in Scotland have signed up to it—but it is clearly not as attractive as we wish it to be. That is accepted by ACPOS and the Scottish Police Federation. There are difficulties with how it operates. It is a UK scheme, and we are happy for it to be retained.

I go back to the position that we inherited: 2,300 officers are due to retire, and they have skills and energy that we need to retain, much of which

cannot be replicated at Tulliallan. We are seeking to work out a new scheme. That is why we are working with all stakeholders, including ACPOS and the federation, and are in discussions with police board conveners. In considering the scheme, we have not ruled anything in or out yet. However, we believe that there are officers who wish to stay, forces that wish to retain them and communities that are crying out for them.

I give this assurance: we will be delivering retained officers on our streets who will increase the visible police presence and we will be delivering our manifesto commitment of 1,000 additional police officers in our communities.

**Margaret Smith (Edinburgh West) (LD):** At this week's Justice Committee meeting, the chief constable of Lothian and Borders Police said that retaining officers would have no impact on providing extra officers, because an officer retained is not in and of itself an increase in numbers. Therefore, how does retention lead to an increase in the number of police officers under the cabinet secretary's plans?

**Kenny MacAskill:** Quite simply, we are operating what is known as the three Rs. The three Rs have their own place in academia, but in relation to the police, we are talking about, first, the recruitment of 500 new officers. Given that Ms Smith asked me about that at the Justice Committee meeting, she knows that we have inherited the lowest number of officers being recruited since devolution. Thankfully, we have committed to recruiting 500 additional officers. We are also going to retain some of the 2,300 officers who are due to retire and we are seeking to redeploy officers who are currently not able to get out and serve their communities by being visible and proactive because they are stuck behind desks doing bureaucratic jobs that could be dealt with in other ways, whether through new technology or through civilianisation. Through recruitment, retention and redeployment, we will deliver 1,000 additional officers into our communities. That is what we promised and that is what our communities will get.

### **Police (North-east Deployment)**

**4. Nigel Don (North East Scotland) (SNP):** To ask the Scottish Executive what plans it has to redeploy existing police officers in north-east communities. (S3O-1324)

**The Cabinet Secretary for Justice (Kenny MacAskill):** The deployment of police officers is an operational matter for chief constables. We shall work closely to support police officers across Scotland to build on their impressive track record in delivering efficiencies by redoubling their efforts to tackle bureaucracy, drive out inefficiency, exploit the opportunities of new technology and

free up officer time to be redeployed into strengthening operational policing in our communities.

We have already taken steps in that regard. For example, I have written to the Secretary of State for Transport, Hazel Blears, to ask the UK Government to change the legislation that requires Scottish police officers to support officials from the Vehicle and Operator Services Agency in carrying out roadside checks. That is an example of the duplication of valuable public resources that should be stopped.

**Nigel Don:** The cabinet secretary and, indeed, every member will be well aware of the large number of police who are deployed on our city streets on Friday and Saturday nights. Is he seeking to explore the opportunities to recover the costs of policing of late-night, city-centre, alcohol-induced behaviour from those who benefit from it?

**Kenny MacAskill:** I am grateful for that appropriate question. One of the huge pressures on our police is the problems caused by alcohol on Friday and Saturday nights in particular. Police officers have to be drafted into many urban areas and most certainly our city centres to deal with the consequences of the abuse of alcohol. There is a cost to that, which we believe should be met by those who profit through the till or over the bar. Those officers should be out in our communities, but people who have paid council tax find that the officers are out in our city centres. I believe that the cost of additional policing in city centres should be met on a polluter-pays basis. That is the position to which this Government commits.

### Open Prisons

#### 5. Murdo Fraser (Mid Scotland and Fife)

**(Con):** To ask the Scottish Executive what plans there are for expansion of the open prison estate. (S30-1295)

**The Cabinet Secretary for Justice (Kenny MacAskill):** The Scottish Prison Service has no current plans for expansion of the open prison estate.

**Murdo Fraser:** I thank the First Minister—I apologise, I am promoting Mr MacAskill already. I thank the cabinet secretary for his reply. He might be aware that there is some concern among the community around Castle Huntly prison about the possible expansion of that prison. Does he agree that if there is to be an expansion of the open prison estate, we should be looking to expand Noranside prison in rural Angus, where there is ample scope for expansion of the buildings and where the local community would be relaxed about the prospect, rather than expanding further at Castle Huntly?

**Kenny MacAskill:** The member raises a valid point. There is clearly a great deal of concern in the Castle Huntly area—a sheriff in a fatal accident inquiry recently commented on that. The matter has obviously been taken on board by both the Government and, more important, the Scottish Prison Service. I assure the member that there are no plans to expand the current open prison estate, whether at Castle Huntly or Noranside.

## Pandemic Flu

**The Presiding Officer (Alex Fergusson):** The next item of business is a statement by Nicola Sturgeon, on pandemic flu. The cabinet secretary will take questions at the end of her statement, so there should be no interruptions.

14:55

**The Deputy First Minister and Cabinet Secretary for Health and Wellbeing (Nicola Sturgeon):** I am grateful for the opportunity to update Parliament on the steps that the Scottish Government is taking to prepare Scotland for a possible flu pandemic.

Given that a flu pandemic will not respect national or regional boundaries, our preparations are being carefully co-ordinated with those in England, Wales and Northern Ireland; indeed, this statement coincides with one that was made by the Secretary of State for Health in the House of Commons earlier today.

As members will be aware, pandemic flu is one of the most serious risks facing the world. There were three pandemics in the 20<sup>th</sup> century and, although I stress that we are working closely with the international community to reduce the risk, we must be aware of the World Health Organization's warning that another pandemic is "inevitable". A pandemic will be global in scale, but the consequences will be felt at local level. It could touch every family, so we must take the threat seriously and prepare for it as well as we possibly can.

Once a pandemic has started, the Scottish Government's objective will be to reduce illness and save lives. There will also be a clear need to minimise the inevitable wider impact on society and on our economy. I announce today the publication of a revised Scottish framework for responding to a flu pandemic to guide us in meeting those objectives. Copies are available in the Scottish Parliament information centre. I acknowledge the extensive preparatory work on it that was carried out under the previous Administration.

The framework sets out the Scottish Government's approach to dealing with a flu pandemic: it explains what we are doing to prepare, the roles of key players and how our response will be co-ordinated. For the first time, planning across a range of sectors has been brought together in one document. Many sectors are already well advanced in their preparations for a pandemic, and multi-agency planning is being taken forward by Scotland's strategic co-ordinating groups, with the full support of the Scottish Government. It is vital that all local partners get

involved and that planning is robust. There must be a clear understanding of the impact of a pandemic on matters such as education, transport and utilities, and there must be full appreciation of how it will affect wider society.

Given my ministerial responsibilities, I acknowledge and welcome the considerable progress that has been made by Scotland's national health service boards. It is inevitable that our health and community care services will bear the biggest burden of a pandemic, so it is reassuring to see how much work has already been done. To further support the vital work of our health services, I am today also publishing supplementary guidance for community care providers and for those who work in primary care. We are, at the same time, issuing for public discussion guidance on mental health services and human resources in health care. The guidance will help planners to understand the complex challenges that are faced by those services. The publication of the framework and the accompanying guidance is an important step, but it is equally important to stress that the process does not end there: we must ensure that plans are tested, so that any gaps in our preparations can be identified.

Members will be aware that Scotland participated in the United Kingdom national pandemic flu exercise in February. It was a substantial exercise that involved a range of local and national partners. The outcomes of the exercise have proved valuable and have influenced the development of the current framework. The Scottish Government is now planning a Scotland-wide pandemic flu exercise for towards the end of 2008, so that we can assess then how well the lessons that have been learned to date have been applied.

In addition to the guidance that we are issuing and my comments about the plans for a Scotland-wide exercise, I would now like to talk about the other measures that we are taking forward as part of our pandemic flu strategy. Members will be aware that we have already signed advance contracts with pharmaceutical companies to guarantee supplies of vaccine when there will be significant international demand. However, a vaccine against the specific pandemic flu strain can be developed only once the virus strain has been identified. We will continue to fund those contracts, but because we might be three to six months into a pandemic before a vaccine becomes available, we must also look at other options for protecting the Scottish population.

I therefore announce today that, over the next three years—and subject to parliamentary approval of our budget—we will invest more than £100 million on additional stockpiles of clinical

countermeasures to protect the public and workers who will care for people who are ill. Those measures will include antiviral medicines, antibiotics, surgical masks and disposable respirators.

Antiviral medicines will be the first important line of defence against pandemic flu, which is why we intend to increase the Scottish antiviral medicine stockpile from 25 per cent to 60 per cent population coverage. That will mean that, even if the pandemic virus is particularly severe, we will be able to provide treatment for everyone who requires it. We will also consider any further scientific advice, and decide whether we need in the future to go further and increase the size of the stockpile. Research has shown that antiviral medicines can reduce the duration and severity of seasonal flu. Treatment with antiviral medicines should also reduce complications. As well as safeguarding the health of some of the most vulnerable people in our society, that will go some way towards easing the pressure on our health services, which will be coping with a vast increase in demand during a pandemic.

Despite the use of antiviral medicines, some patients will still be unfortunate enough to catch pneumonia and similar infections. To save lives, we must therefore also ensure that there are enough antibiotics to treat those people effectively. It will be too late to start stockpiling medicines after a pandemic has broken out; we must do it now.

The World Health Organization has recommended stockpiling of a range of antibiotics, not least because it is likely that the global supply chain will be severely disrupted during a pandemic. To reduce deaths and treat complications, we are planning to establish a stockpile of antibiotics for an influenza pandemic.

As part of the wider pandemic flu strategy, the Scottish Government is also looking at how best to maintain health and community care services during a pandemic. To save lives, it will be vital to protect those who work in the health and community care sectors: they will be in the front line caring for people with flu, so we must do what we can to ensure that they are suitably protected so that services can continue.

The World Health Organization advises that health workers should wear face-masks when they are caring for patients with flu and that they should use disposable respirators when they are carrying out certain clinical procedures. I can advise, therefore, that we plan to stockpile disposable respirators and surgical face-masks for health and community care workers.

In addition to the measures that we are announcing today, we are also reviewing, and will

continue to review, the latest scientific developments to see whether we can and should go further to improve our flu pandemic response. The science that underpins development and potential use of pre-pandemic vaccine has recently been reviewed by experts from around the world. A vaccine's success will depend on how much protection it gives against the specific pandemic virus. At the moment the Scottish Government has a stockpile of 270,000 doses of H5N1 vaccine for healthcare workers. We will consider the ongoing work in that area and consider whether it would be beneficial to increase our stockpile to cover other sections of the population.

I assure Parliament that the Government is focusing on long-term measures to protect the Scottish population and we will continue to review and develop our plans for preparing for a flu pandemic. I am confident that the package of measures that I have outlined today will ensure that Scotland is in the best possible position to respond to a pandemic. I commend my statement to Parliament.

**The Deputy Presiding Officer (Trish Godman):** The cabinet secretary will now take questions on the issues that were raised in her statement. I intend to allow about 20 minutes for questions, after which we will move to the next item of business. I request that those who wish to ask the cabinet secretary a question press their request-to-speak buttons now.

**Dr Richard Simpson (Mid Scotland and Fife) (Lab):** I thank the cabinet secretary for the advance copy of her statement, which I welcome, and for her gracious remarks about the previous Administration. Clearly, this cannot be a party-political matter and must be non-partisan. I also welcome Alan Johnson's broadly similar statement at Westminster this morning. The disease knows no boundaries, so integrity of approach across the United Kingdom and across the world is vital. However, the time has now come to move beyond strategic planning to detailed and local planning. I know that exercise winter willow was extremely useful in that regard.

I actually prepared 35 questions in anticipation of the cabinet secretary's statement—some of those have already been answered—so I ask the cabinet secretary for the opportunity to meet her and her officials. As she may remember, I have a particular interest in the matter as I wrote a report on pandemic flu in 2000, when Margaret Smith was convener of the Health and Community Care Committee. I think that that report put Scotland ahead of the game.

First, what progress has been made on immunising older and vulnerable people against pneumococcal infection, given that more people

are likely to die from secondary infection? The cabinet secretary mentioned stockpiling of antibiotics, which I welcome, but we need to deliver pneumococcal immunisation as part of the on-going programme that the previous and current Administrations have developed.

Secondly, I know that the Red Cross has been involved at United Kingdom strategic level, but what discussions has the Scottish Executive had with the Red Cross, WRVS, churches and other voluntary organisations? Will the cabinet secretary ensure that all local plans involve clear discussions with the voluntary organisations, which will have a major role to play in sustaining cohesion in our communities?

Lastly, one of the recommendations in my report, which was endorsed by the Health and Community Care Committee, was for the creation of lists of retirees and for the involvement of medical students. Will the cabinet secretary ensure that, in the local plans, such lists are now created on a proper database? I know that such a proposal is in the plans—I have read most of them—but I want particular databases to be established now. Will she also talk to NHS Education Scotland to provide the appropriate training for retirees, which could be delivered online, to ensure that their role is clear and that we are well ahead of the game in preparing?

**Nicola Sturgeon:** I thank Richard Simpson for those questions, although I am thankful that he did not ask all 35. If he wants to submit any other questions to me in writing, I will ensure that he receives full and detailed answers. I am also more than happy to meet any member who wants to discuss matters in greater detail. I agree with Dr Simpson; we may disagree about many things in health and other areas, but this issue should unite Parliament. I know that Richard Simpson has an interest in the issue and I will certainly be happy to draw on his expertise.

Richard Simpson is absolutely right to have said that

“The disease knows no boundaries”,

which is why we are co-operating with England, Wales and Northern Ireland. Indeed, the Minister for Public Health attended the recent UK Cabinet sub-committee on pandemic flu. We will continue to have a presence on that sub-committee to ensure that we are fully integrated in those plans.

Richard Simpson was also correct about secondary infection. That is why I spent so much time today talking about antibiotics. On immunisation, I can assure him that we are making progress. I will be happy to provide him with a much fuller update on progress.

The voluntary sector will be crucial to our plans and preparedness, and in dealing with a pandemic. It is important that the voluntary sector be fully involved in both the development and—if required—implementation of local plans.

I will consider further the specific suggestion about lists of medical students and retirees. Dr Simpson is right that NHS Education Scotland would have a role in that. I talk to NES often—we will continue to discuss that matter.

**Mary Scanlon (Highlands and Islands) (Con):** We are indeed fortunate that Parliament has Richard Simpson’s expertise on many health issues.

The cabinet secretary mentioned the involvement of local partners. What role will local pharmacists play in the case of a flu pandemic? Will others who have medical skills, such as optometrists, be trained to support medical practitioners in a pandemic?

Does the minister agree that it could be in the interests of people in Scotland for the Government to stockpile Relenza, which happens to be made in Montrose, at the same level as Tamiflu, so that it does not put all its eggs in one basket? What is the Government’s view on the risk of resistance to Tamiflu developing if it is consistently and widely used?

**Nicola Sturgeon:** Mary Scanlon raises important issues. She mentioned local partners. I reiterate what I said in my statement: all partners in primary care teams have an essential role to play. That is why today we are issuing guidance to the primary care sector, to ensure that it is doing what it needs to do to ensure that everyone involved is as prepared as they can be. The other professions that the member mentioned have a role to play in planning and implementation of our strategies and plans.

Mary Scanlon mentioned a particular brand of antiviral. It is true that our current stockpile consists of Tamiflu but, as we seek to increase the stockpile from 25 per cent to 60 per cent population coverage, we will consider other drugs including Relenza. The member also asked about development of resistance to Tamiflu: that is a risk with any such drug and must be considered carefully. We must ensure that what we are doing to increase stockpiles gives us the protection that we need.

**Ross Finnie (West of Scotland) (LD):** I, too, thank the cabinet secretary for providing advance notice of her statement. I welcome the publication of the framework document and agree wholeheartedly with the cabinet secretary, with Richard Simpson and with Mary Scanlon that the matter is of national importance and transcends party-political boundaries.

The detailed framework document includes a huge amount of material. In her statement, the cabinet secretary referred to deployment of vaccination, antiviral material and antibiotics. Does she intend to spell out a little more clearly and in simple form to the public the order in which those would be deployed, so that public concerns can be allayed? I am not suggesting that the information is not included in the statement, but rather that it should be made available in a form that the public will understand.

Richard Simpson dealt effectively with the next issue that I want to raise, but I would like the cabinet secretary to clarify it further. She makes it clear in her statement—it is also very clear in the document—that, as is self-evident, people who work in health care will be in the front line and are potentially most at risk. It would assist the public if she would spell out what the contingency arrangements will be if, regrettably, infection spreads among health care workers.

Finally, I note with interest that the framework document includes a clear reference to avian influenza and to the limited risk that it poses of a pandemic. I hope that the cabinet secretary shares with me a continuing disappointment that, unfortunately, the recent outbreak of avian influenza, or bird flu, in England attracted commentary that suggested that there was a more immediate risk of a flu pandemic. Will she take the opportunity to clarify the matter and to put it in the proper perspective?

**Nicola Sturgeon:** I will deal with Ross Finnie's first and last questions together, because they are related. As other members are, I am aware that as we take the steps that it is incumbent on us to take to prepare as well as we can for the possibility of an outbreak, we must take care not to alarm the public unduly and must do what we can to allay understandable concerns that people have when they hear me and other members talk about the issues that we are discussing this afternoon. Ross Finnie made the important point that we must find ways of communicating messages to the public in simple and understandable terms. Communication about pandemic flu is vital. We are already engaged in a communication strategy for pandemic flu, which will get even more important in future phases. I take the point in the spirit in which it was intended; we will do all that we can to ensure that messages are communicated properly.

Ross Finnie made an equally important point about avian flu that is related to the issue of public concern. The truth is that we do not know what strain of flu we will face in a pandemic. There are clearly concerns about avian flu, but it is incumbent on all of us to point out that recent or previous outbreaks of avian flu do not mean that a

pandemic outbreak is any more imminent than it was previously. We all have a duty to communicate such messages.

Ross Finnie also made a crucial point about the health care workforce. We must do what we can to protect people in the front line of our health service and to minimise the risk of their being infected, because they are vital to ensuring that the rest of our plans work. Of course, some members of our health care teams will not avoid being infected, so we must ensure that the NHS and other parts of the public sector have in place contingency plans to deal with staff shortages as a result of flu. Members will see from the framework document that plans are in place and are developing. Those plans involve strategies such as ensuring that as many people as possible can be treated in their homes and communities rather than in hospitals. During a flu pandemic, it is likely that non-emergency admissions to hospitals will cease so that emergencies can be focused on. All such plans are essential, and I hope that members will be reassured that the plans are afoot when they get the opportunity to read the framework document and its accompanying documents.

**Margo MacDonald (Lothians) (Ind):** I thank the Cabinet Secretary for Health and Wellbeing and her predecessors for, and congratulate them on, the state of preparedness that obviously exists.

I may be being too specific in asking this, but has the cabinet secretary considered the fact that a great programme lies ahead for the construction industry? I appreciate that she has emphasised the preventive role of health care workers and her communication strategies, but perhaps she ought also to bear that programme in mind when it comes to drawing together the people who will make local plans. The construction programme is important not only to the economy, but to the feeling of well-being in Scotland.

**Nicola Sturgeon:** Margo MacDonald makes a vital point. A flu pandemic will affect all sectors of Scottish society: it will affect every part of the public sector and the private sector and the wider economy. That is why it is important that we involve all sectors in our planning for a pandemic. Our job should be to plan as well as we can to ensure that, during a pandemic, business can be as close as possible to business as usual. However, we must also be realistic and acknowledge that a pandemic will lead to disruption. There is no avoiding that.

I am glad that Margo MacDonald and other members have acknowledged the extent of our planning, the purpose of which is to minimise disruption. If we are to succeed in that, all sections of the community must be involved and we must ensure that the messages that we have discussed

are communicated to all sections of the community.

**Christine Grahame (South of Scotland) (SNP):** I, too, welcome the cabinet secretary's statement, particularly what she said about multi-agency planning, which is not only essential but is common sense. I also welcome the special attention to the mental health services.

Paragraph 8.3 of the framework document is headed "Isolation, voluntary quarantine and social distancing". It states:

"While it might be possible to isolate initial cases and quarantine their immediate contacts, such an approach will become unsustainable after the first few hundred or so cases."

How can the cabinet secretary reassure patients who are already in hospital that they will be safeguarded if isolation is not viable?

**Nicola Sturgeon:** Christine Grahame has asked a question that is clearly important. The strategy makes it clear that isolation has a part to play, but it will not on its own do what we need. That is why we have announced all the other measures. Those measures are as important to people who are already in hospital as they are to other members of the community. During a pandemic, we will want to ensure that as many people as possible are treated at home, rather than in hospitals. That approach is central and integral to our planning. I hope that Christine Grahame and other members will be assured by what the framework says about that.

**Cathy Peattie (Falkirk East) (Lab):** In the light of the cabinet secretary's answer to the last question, I ask her to consider special measures for carers, who perform a vital role in our communities.

What arrangements has the Scottish Executive made to ensure continuity of fuel supplies to essential users such as hospitals and emergency services?

**Nicola Sturgeon:** Cathy Peattie makes an important point about carers. We must also consider people who work in the community care sector. As I said in my statement, to accompany the framework we have today issued guidance for people who work in the community care sector, who will be extremely important in helping to care for and deal with people who become infected with flu. I hope that the member will take the opportunity to read that guidance. If she has more detailed questions on it, I will be happy to answer them.

**Ian McKee (Lothians) (SNP):** I congratulate the cabinet secretary on her statement and associate myself with Richard Simpson's remarks, especially what he said about the role that retirees could play

in treatment. I am sure that when the hour comes, Richard Simpson, Nanette Milne and I will probably head for the Highlands—but we will see what happens.

On a more serious note, given that the Government has already signed advance contracts with pharmaceutical companies to guarantee a supply of vaccine that will only be available months after the strain of virus has been identified, what arrangements has the Scottish Government put in place to ensure that distribution of vaccine is quick, efficient and effective?

**Nicola Sturgeon:** I assure Ian McKee that his name and those of Richard Simpson and Nanette Milne appear at the very top of my growing list of retirees, so he will have plenty to do, should it be necessary.

I said that we have already signed contracts with pharmaceutical companies to guarantee supplies of vaccine. As Ian McKee said, the vaccine will only become available some three to six months into an outbreak, which is why the other measures that I have announced today are important in providing defence. It is clear that distribution issues arise. To some extent, those are dealt with in the contractual arrangements but, as supplies come on stream, there will also be a need to ensure that distribution of vaccine to patients can be prioritised on a clinical basis. All those matters will be kept under constant review and if our plans require to be updated or developed, they will be.

**Mr Frank McAveety (Glasgow Shettleston) (Lab):** On behalf of the younger members of Parliament—or those who are clinging on desperately to youth, to get the gag in first—I will ask one of the 35 questions that Richard Simpson would have liked to ask. What discussions has the Scottish Government had with the Scottish centre for healthy working lives about how well prepared small and medium-sized businesses, in particular, are to meet the challenge of pandemic flu? Will the cabinet secretary seek to encourage larger businesses to provide advice and assistance to small and medium-sized businesses, especially those that form part of the supply chain to those larger institutions?

**Nicola Sturgeon:** We have not yet decided what Frank McAveety's role will be in the event of an outbreak. It is good that we can still manage to find something to joke about when we are discussing such serious matters.

Discussions are continuing between the Scottish centre for healthy working lives and small and larger companies, which obviously have a key role to play, not just during a flu pandemic, but beforehand. General messages on good health and infection control are crucial. The hand hygiene

campaign that is important in the immediate battle against infection will become increasingly important as we try to minimise the spread of infection during an outbreak. I assure the member that we will continue to have those important discussions.

**The Deputy Presiding Officer:** I would like to fit in the last two members who have questions, so I ask everyone to be brief.

**Michael Matheson (Falkirk West) (SNP):** As a younger member of Parliament, I welcome the cabinet secretary's statement. She will acknowledge that it is important to ensure during a pandemic that there is sufficient surveillance of entry points into the country as possible routes in for infection. What measures will be taken to ensure that additional surveillance operations are put in place at entry points such as our seaports and airports?

**Nicola Sturgeon:** Regulations are being developed that will outline particular measures that can be undertaken at Scottish ports to help protect us from the international spread of infectious disease and contamination. We will continue to work with colleagues in other parts of the UK because it is important to ensure consistency of approach at points of entry to the UK, where that should prove necessary.

**Nanette Milne (North East Scotland) (Con):** I have two brief points. First, at a meeting of the cross-party group on funerals and bereavement earlier this week, funeral directors expressed concern that they were not clear what progress was being made in planning for their involvement in dealing with the inevitable increase in mortality during a flu pandemic. Indeed, planning for that appears to be fairly patchy throughout Scotland. Can the minister give me any idea of current planning in that respect? If not, will she get back to me with the appropriate information?

Secondly, in the previous session we were told that face-masks would not be effective in protecting against infection in a flu pandemic because of their mesh size. They are now recommended, so has there been a welcome improvement in design?

**Nicola Sturgeon:** On dealing with the increased number of deaths that will, sadly, inevitably occur during an outbreak, planning is under way. Further guidance will be issued on that in due course. If funeral directors have concerns about their degree of involvement, I undertake to address those concerns. If Nanette Milne has any further detailed points, I will be happy to respond to them.

As I said in my statement, the action that we are taking on face-masks is based on advice from the World Health Organization, which recommends

the particular types that are most effective. It will be those types that we seek to purchase.

## Domestic Abuse

**The Deputy Presiding Officer (Trish Godman):** The next item of business is a debate on motion S3M-894, in the name of Adam Ingram, on a better future for Scotland's children: ending domestic abuse against women.

15:27

**The Minister for Children and Early Years (Adam Ingram):** I want to put on record the Government's commitment to ending domestic abuse and male violence against women. I also want to acknowledge the leadership given by the Parliament and the substantial progress made by previous ministers.

However familiar we are with the figures, they still shock. There were 45,796 reported incidents of domestic abuse in 2005-06, and we know that there is under-reporting. Further, the number of rape incidents recorded by the police that lead to a conviction is far too low. Local prevalence studies, such as that in South Ayrshire, record that up to one child in three is growing up in an atmosphere of intimidation, fear and uncertainty created by domestic abuse. Their experience has a detrimental impact on their wellbeing, their health and their attainment. One young person said:

"I went from a straight 'A' student to failing every class because I was concentrating on what was going on at home."

Getting it right for every child who is experiencing domestic abuse is one of the Government's priorities, but we cannot ensure the well-being of children unless we also protect their mothers and bring the perpetrators to account. We recognise that domestic abuse is only one manifestation of a continuum of violence that results from unequal power relations between men and women. We need to ensure that issues of gender equality are tackled in schools and communities. We cannot make Scotland a safe place for women and children without placing priority on tackling rape and sexual assault, and looking at prostitution, commercial exploitation and human trafficking.

In the wake of the spending review, we intend to invest some £40 million over three years to improve the lives of children and young people who experience domestic abuse and to tackle the wider issues of male violence against women.

**Sandra White (Glasgow) (SNP):** Last night, I attended the annual general meeting of SAY Women in Glasgow, which provides—among other things—a unique support package for homeless victims of sexual abuse. One of the issues that was raised at that meeting was concern about

funding. Can the minister reassure that group and others regarding future funding for their services?

**Adam Ingram:** The increase in resourcing will enable the Government to support many crucial services for women who are experiencing male violence as well as to progress work under the national domestic abuse delivery plan for children and young people. For example, over the next three years, we will continue to support Scottish Women's Aid, the Rape Crisis Scotland network and the domestic abuse and rape crisis helplines. We will also continue to fund a pilot domestic abuse court in Glasgow and the annual domestic abuse campaign.

I understand the concerns that have been expressed about the changes in local government funding and how they will affect the violence against women fund and the children's services women's aid fund, which have been rolled up into the local government settlement. Our expectation is that local government will continue to support that work, not least because it contributes to national outcomes that have been agreed with the Convention of Scottish Local Authorities, with which we have already discussed the matter.

**Johann Lamont (Glasgow Pollok) (Lab):** Will the minister clarify which outcome agreement in the concordat is the one by which local government's commitment to tackle violence against women will be tested? No matter how closely I look, I cannot find the phrase "violence against women" in any outcome agreement.

**Adam Ingram:** That is because it is spread over five or six of the outcomes that we have established, such as that on vulnerable children. I can give Johann Lamont a note on that after the debate.

The increase in funding will underpin a comprehensive programme of work that builds on the progress that the Parliament has already achieved. A substantial amount of work will involve the implementation of the national domestic abuse delivery plan for children and young people and the getting it right pathfinder. That work has been and will continue to be informed by the involvement of young people. Indeed, the Minister for Communities and Sport, the Minister for Community Safety and I had the opportunity to meet six remarkable young people who have experienced domestic abuse. Their priorities and views have shaped the development of the delivery plan.

The plan will build on some existing work that we will continue to support, including crisis support services such as those that are delivered through Scottish Women's Aid, and further work on the annual domestic abuse campaign. It will also outline new measures to tackle the attitudes and

behaviours that perpetuate domestic abuse and to improve early identification of domestic abuse. For example, teachers are often the first to know when children are experiencing difficulties at home and it is important that they are able to take action to ensure that support is put in place. We are preparing a toolkit to advise them on how to deal with the disclosure of domestic abuse. It will be piloted in the four pathfinder areas and tested for national roll-out in 2009.

Relevant ministers will develop and implement the delivery plan with external partners including COSLA and local government. The plan is still being finalised and ministers will receive the proposals in the new year. This debate will be helpful to our consideration of the way forward, so I am keen to hear members' views.

Sunday marks the beginning of the 16 days of activism against gender violence. This year's theme centres around challenging obstacles that prevent real, sustainable progress in eradicating male violence against women. Despite Scotland's reputation as a world exemplar, we cannot afford to be complacent.

We will ensure the continuation of many of the crucial services for women who experience male violence. We will also develop measures in line with the progression of the strategic framework on violence against women. We are determined to tackle the low conviction rate for rape. In light of the Scottish Law Commission's review, we have committed to introduce a bill on rape and sexual offences in this parliamentary session.

We have to take action on these issues. We have to change attitudes, increase understanding and awareness, and provide the support and protection that is necessary to secure a better future for the thousands of women and children who are affected by domestic violence in Scotland.

I move,

That the Parliament believes that it is unacceptable that thousands of children in Scotland are affected by domestic abuse, seriously impacting on their wellbeing, safety, health, schooling and life experience; pays tribute to those working in the field to help women and children affected by domestic abuse and those taking on the challenge of wider issues of violence against women; reaffirms its commitment to ending violence against women and recognises as part of its support for the UN 16 days of activism against gender violence, the importance of tackling not only domestic abuse, rape and sexual assault but also emerging issues such as human trafficking, and welcomes the establishment of the National Delivery Group on Children Affected by Domestic Abuse, the cross-cutting approach being taken and the involvement of children and young people.

15:35

**Johann Lamont (Glasgow Pollok) (Lab):** As ever, it is an immense privilege to contribute to the

debate, which marks the United Nations 16 days of action on violence against women.

It is always important to remember the violence and fear that women and their children suffer. We need to recognise the scourge that remains in far too many homes and take the opportunity to reinvigorate our commitment to act at every level of government and in our communities to eradicate the suffering that is the closest companion of too many families.

I appreciate the consensual approach that the minister has taken, but the irony is that domestic violence is a difficult issue—one that has not always gained the recognition or agreement that is often displayed in this place. We must be alive to the fact that, although we seek consensus, the reality for women is of having to live in a world where they are not respected and where violence against women is a weapon of choice, not a matter of regret.

There was a time when domestic violence was not seen as a matter for politics. We must commend those who forced the issue on to the political agenda. We commend the women survivors and others who spoke out, organised, and reached out to other women and children. We recognise that, far from being lauded for doing that, they were often condemned. When they spoke, they revealed a dark truth about the nature of the power relationship between men and women, and the nature of power in our society.

It is important to look at the impact of domestic abuse on children, but we need to place that consideration in the context of the nature of domestic abuse, where women are overwhelmingly the victims and men are overwhelmingly the perpetrators. We also need to place domestic abuse in the context of violence against women in all its forms, including prostitution and trafficking. Violence against women is the sharpest confirmation of the fact that women remain unequal and that to live as a woman is to have more limited life chances and economic and other opportunities than a man.

We recognise the work of women in engaging in shaping policy at Scotland level. We salute, too, the women on the front line, whether in the ASSIST—advice, support, safety and information services together—project, Women's Aid, SAY Women, or the national domestic violence helpline. All those women work closely with some of the most vulnerable women in our communities, and they do so because they recognise the importance of that work. They also work with women who are not seen as the victims of first regard. We have to be conscious of the fact that groups such as SAY Women, which have raised funding concerns, fear that the women with whom

they work are seen as problematic and not necessarily worthy of sympathy.

The Labour amendment highlights the need “to review the effect of current enforcement measures”

that seek to protect women and children. In particular, it highlights the need for the equalities and justice portfolios to share responsibility rather than pass the buck. In conjunction with the ASSIST project, we need to support the roll-out of domestic abuse courts. The project provides the critical risk assessment information that makes court decisions part of the solution rather than a means of reinforcing the problem for women and children.

I ask the minister to confirm that the Government recognises the critical value of multi-agency risk assessment work and multi-agency partnerships. In particular, I ask the minister to respond to the concerns of the women’s organisations that have expressed fears that the decision to lift ring fencing at the local level, particularly for supporting people, has the potential to wipe out all local women’s aid provision and services. I ask him to acknowledge—as those groups do—that ring fencing was put in place for a purpose, which is to protect services that are not necessarily popular at times of budget constraint.

Why was there no consultation with Women’s Aid and others before the decision to lift ring fencing was taken? Will women’s groups and equalities groups be represented on the monitoring bodies that consider the single outcome agreements? If the minister could point out the relevant outcome agreement in the concordat, as I have already asked him to do, that would be immensely helpful.

We also seek reassurance in relation to the prostitution legislation. The challenge is not simply to legislate to support women who are suffering in prostitution, but to provide funding to support women out of prostitution. What role will Scottish Enterprise and other agencies play in supporting those women’s specific needs as they move into employment and in providing them with opportunities to move out of prostitution?

We seek the minister’s assurance that the three-pronged approach continues, combining protection, prevention and provision. I trust—the minister has given us some comfort in this regard—that he will support a review of all the enforcement measures and that justice measures will be seen as part of that process; not as a bonus to the courts in their support to the women, but as a critical means by which women as complainers achieve real access to justice in our courts.

Will the minister immediately address the funding concerns of a range of women’s organisations that support vulnerable women? Will he outline—and confirm—how his budget will deliver services and measures to address the broader issue of equalities and the rights of women across the range of our responsibilities, to ensure that in addressing those inequalities we begin to move the process on so that we can challenge the issues of violence against women, which are the sharpest and most difficult expression of violence in our communities and for vulnerable groups?

As I have said, there is an important debate to be held, but I challenge the minister to recognise that consensus is built through action, and I look forward to hearing about the actions that the Government will take.

I move amendment S3M-894.1, to insert after first “violence against women”:

“acknowledges the need to review the effect of current enforcement measures to tackle violence against women, in order to ensure that women and children receive the protection and security that they require”.

15:41

**Bill Aitken (Glasgow) (Con):** This is one of those debates that are necessary but which we all wish were unnecessary, but it is important to recognise the facts of life. I shall accentuate the positive first by saying that, like sectarianism, domestic violence is a reducing feature of Scottish life, but at the same time it remains totally and utterly unacceptable.

The minister was quite right to draw attention to the number of incidents—the figure he gave was something like 45,976—but perhaps even more concerning is the fact that 23,558 of them were repeat incidents where a woman was assaulted by her partner on two or more occasions. It has been calculated, although I was unable to get specific figures for Scotland, that some 750,000 recorded incidents of domestic violence throughout the United Kingdom were witnessed by children.

I am sure that many members agree that I have had hard words to say about Scottish Government and Scottish Executive advertising campaigns, but one of the most evocative is the one in which we see a happy family scene. It is tea time on Friday and the mother is there with the two kids. Then the father comes in and his tea is not ready. That is the night that he goes out with the boys, and because his tea is not ready he thumps the wife. One can imagine the impact that such an incident would have on the children. Unfortunately, it is far too common an occurrence.

The Parliament and the previous Executive have, to their credit, done a great deal to ease the

problems. We have legislated, passing the Protection of Vulnerable Groups (Scotland) Act 2007 and the Prevention of Abuse (Scotland) Act 2001, and we have taken determined measures to deter people trafficking, which is surely one of the most odious facets of criminality. We have set up the domestic abuse court in Glasgow, which has worked—although not without hiccups, it is true. The principal advantage of that type of court is that cases are fast-tracked. It is unacceptable that proceedings drag on for months when cases need to be disposed of quickly. As Johann Lamont said, there is a risk assessment aspect to those proceedings, which is something that we could with advantage copy elsewhere, but it is particularly apposite when dealing with an offence of this type.

Things have got better, but we need to give thought to how they can be improved further. The domestic abuse court in Glasgow has worked and it is certainly worth considering whether similar courts could be established in other cities. I accept that, in other jurisdictions, particularly small or rural ones, resourcing such courts satisfactorily might be a problem. However, the Scottish Government could consider the advantages of such a measure.

**Mary Mulligan (Linlithgow) (Lab):** Does the member agree that further domestic abuse courts would not have to be exactly the same as the one in Glasgow and that, with a bit of imagination, we could combine courts throughout the country to give sheriffs the relevant experience to which he referred?

**Bill Aitken:** The member will know that I am always one for imagination and innovation—I largely accept her point. As I have said previously, an awful lot of law and the administration of justice is common sense. I would be disappointed if we had many sheriffs who could not deal with domestic abuse cases appropriately. It is not rocket science, although I accept that a degree of training in the specifics is needed. I am all for specialisation, but if somebody is appointed to sit on the shrieval bench—which nowadays is a well-paid occupation—they should be able to deal with the wide variety of cases that come before them with the required degree of knowledge and sensitivity. I have no objection to going down the route that Mary Mulligan suggests.

It is important that we stress that a large part of the debate relates to the effect of domestic violence on children, because it can be traumatic. At the lower end of the scale, the effect could be a failure to achieve academic expectations but, at the higher end, as a result of witnessing violence in their home, children may demonstrate serious behavioural problems and, later in life, delinquency and violent behaviour. If children

regard violence as acceptable in their home, they think that it is acceptable to impose violence on other people. It is important that we realise the impact on young children of the type of behaviour that we are considering.

We disagree with nothing in the motion. Johann Lamont's amendment is eminently sensible and along the lines that we should frequently examine legislation to find out whether it is effective. We will not divide the Parliament on the issue.

15:48

**Margaret Smith (Edinburgh West) (LD):** I welcome the opportunity to speak in the debate. Like Bill Aitken, the Liberal Democrats will support the motion and the amendment. The debate has become an annual event to call attention to the UN international day for the elimination of violence against women and to the wider issues around that. We welcome the minister's comments about the work of the previous Executive and the Parliament. Despite that work, we still face an epidemic of violence against women and children in our country. Scottish Executive figures suggest that one in four women and 100,000 children in Scotland experience domestic abuse, and that in 90 per cent of cases the children are in the same or an adjacent room when the abuse takes place.

I welcome the motion's focus on the impact that domestic abuse has on children. We have heard about some of the impacts already, such as on schooling or health, but there are also long-term impacts on children's views of how men and women should behave toward one another. Girls can grow up thinking that it is okay to stay in an abusive relationship and boys can grow up thinking that it is okay to solve any disagreement with their fist and to dominate any woman with violence. How much more difficult is it for people to form relationships that are built on trust when they have been so badly let down by those who should have cared for them as a child? It is small wonder that I repeat what I have said in other debates: that we in the Parliament should do all that we can to ensure that children are brought up in loving homes.

There are instances of women being violent to their male partners, but most manifestations of one person's power over another are of male violence against females: Barnardo's tells us that 87 per cent of the 45,796 incidents of domestic abuse that were recorded in 2005-06 involved a female victim and a male perpetrator.

The motion is right to welcome the establishment and cross-cutting nature of the national delivery group on children affected by domestic abuse, which was set up last year to advise ministers on delivering better services for

children and young people who experience abuse and to oversee the getting it right for every child pathfinder projects on domestic abuse. It is essential that our national strategy is implemented and I welcome the details that we have heard about the progress that is being made on the three Ps—protection, prevention and provision.

We record our appreciation of the work of organisations that help women and children who are the victims of abuse and of organisations that focus on prevention. Barnardo's points to schemes such as the Tayside domestic abuse initiative as models of good practice that support children and families. A crucial point is that the previous Executive funded that project from the violence against women fund. That funding is in place until March next year, but the Government intends to roll up that fund and the children's services women's aid fund into the local government settlement. I share the concerns that other members have expressed about that and I would welcome more information from the minister. In real terms, how much funding has the Government allocated in the rolled-up settlement? How will central Government ensure that, in tight budgets around the country, appropriate money from the local government settlement will be used to tackle violence against women? That is crucial. It is essential that the change does not lead to a more patchy and geographically based approach to service provision.

The budget raises several questions about the funding of support services for women and children who are affected by domestic abuse. We have a budget of £14.4 million in 2007-08 for promoting equality, but in real terms how much of that has been allocated to dealing with violence against women? These are serious questions that are genuinely posed. The services that are in place cannot deal with demand. It is chilling that, on average, women contact 11 agencies before they receive the help they need. That is why there can be no cuts in those services.

Protecting women and children in law is essential, so it is important that the Government rolls out the pilot of domestic abuse courts more widely. The Glasgow pilot, which uses dedicated sheriffs—we have heard some of the issues—has been generally successful. In a higher proportion of cases, a guilty plea has been made at some point; access to justice has been speedier—75 per cent of cases have reached trial diet in six weeks, in contrast to 13 per cent of cases in comparator courts; and the number of convictions has been higher. Does the Government intend to roll out domestic abuse courts—in whatever form they might take—to Edinburgh and elsewhere in Scotland?

**Johann Lamont:** Will the member comment on the Cabinet Secretary for Justice's statement in

the chamber that he could not support a domestic abuse court in Edinburgh because of the cost of the Edinburgh trams project, which seems to bear the responsibility for many funding decisions?

**Margaret Smith:** I am disappointed at that. If the cabinet secretary has said that, we will ask the Government to reconsider its decision.

For all sorts of reasons, on average, a woman does not come forward for help until after the 35<sup>th</sup> time she has been assaulted. Some women never make it to the 35<sup>th</sup> attack. We know that one half of all murders are of partners. We must address that.

We must also deal with the unacceptable rate of rape convictions in Scotland, which is at an all-time low of 3.9 per cent. That is a pitifully low proportion of the women who are brave enough to come forward—thousands do not. We know that difficulties exist, but all parties stand ready to develop the Scottish Law Commission's report and to work with the Government when it introduces its rape and sexual offences bill. We have a justice system that fails thousands of women—thousands of victims of sexual assaults and rapes—and we need to modernise the law.

We need to fund services—if we do not, we will fail women and children. We also need to focus on changing men's behaviour—if we do not, we will be complicit in it all happening again.

**The Deputy Presiding Officer (Alasdair Morgan):** We now move to the open debate. Because of the subject of the debate, I would like to call everyone who wants to speak, but to do that I will need to limit speeches to five minutes.

15:54

**Gil Paterson (West of Scotland) (SNP):** Scottish Women's Aid has said:

"Since 1999 Scotland has been an international example of excellent work in tackling domestic abuse and one of the first countries to adopt a national strategy. Now is the time to capitalise on our global reputation and to demonstrate that the safety and wellbeing of women and children is fundamental to a safer, stronger and healthier Scotland."

It is good that we are debating the issue today—it is not until one is outside Parliament that one can appreciate what people say about the effect that what happens in Parliament has on this issue.

Another voluntary organisation, the Zero Tolerance Charitable Trust, says:

"The UN Declaration on the Elimination of Violence Against Women defines violence against women as '*any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.*' It includes; rape and sexual violence, female genital mutilation, forced marriage, stalking, commercial sexual exploitation such as prostitution and

pornography, crimes and murders committed in the name of 'honour', sexual harassment and domestic violence and abuse."

That is a catalogue of serious crimes against women and children.

There are two common factors. First, almost everybody who works in the voluntary sector in this field is female and, secondly, almost everyone who commits the crimes against women and children is male. I recognise, however, that some women are abusers and that a growing number of adult men are coming forward about being abused by other men.

My final quote is anonymous, because I do not want to detract from the good work that is happening. It says:

"The elimination of violence against women is the subject of international attention at this time of year as countries across the world take part in various campaigns to raise awareness of this issue. And to encourage local women and children to get involved in this year's campaign"—

and so on. I have misgivings about that statement, as it gives the impression that such violence is a women's problem. Leaving it to the women is not good enough. Although I acknowledge that women and children are the most adversely affected by these things, as men are the problem—or, should I say, are most likely to be the abusers—we need to engage with male society to make the difference. We need more men to support women by taking a stand and not letting abusers get away with it, and we need to start early.

Prevention is much more effective. Some good work is already being carried out in schools, but it is not enough. Some children think that it is okay, and even normal, for a boy to hit a girl. Some young people even think that men are and should be allowed to hit women. All that starts in the home. We have to change attitudes and habits at an early stage in order to break the cycle. Give me the bairn before he is nine and I will give you the man who will march to my tune.

A few years ago, in South America, some brave males joined forces with women's groups on a zero tolerance anti-macho campaign. Violence against women and children was common but, because high-profile males took up the challenge, the campaign was effective and improved matters significantly.

The poster that I am holding up, which came through my mailbox, is a great example of Scottish men reaching out to other Scottish men and taking sides for the protection of women and children. It shows a whole series of men who will be wearing the white ribbon over the next 16 days. They are people whom other men look up to and who have influence in our society. My challenge to my fellow parliamentarians over the coming 16 days is to get

an invitation to or turn up at one of the events that is taking place; to get up on their two hind legs and support the women who will be there doing the hard work; and to ensure that the Parliament continues to be at the forefront of the campaign to end violence against women and children.

16:00

**Marlyn Glen (North East Scotland) (Lab):**

Today's debate sends out a strong signal that it is time for zero tolerance of violence against women. Nevertheless, strongly worded motions and tributes are not enough to stop the violence. To make a lasting difference, we need to make fundamental changes to women's position in our society. How can our young people—in particular, our young women—grow up freely and in safety unless we give them a proper sense of their own entitlement and rights? We need to make explicit the obvious links that have been shown time and again to exist between domestic abuse, rape, sexual assault, human trafficking and commercial exploitation—all of which are included in the definition that is given by the UN Declaration on the Elimination of Violence against Women, as outlined by Gil Paterson.

Our culture increasingly normalises violence and pushes the boundaries of what is acceptable further and further until what would have been classified as extreme pornography seems to be normal in pop culture, TV shows and all-too-accessible internet pornography. At last night's meeting on keeping women on the agenda, which was organised by Engender, hard evidence was given about women's place in our society and an urgent call was made for the Scottish Government to act. Labour has long led on the issue and our important work in the area must continue and be developed, but the issue transcends party politics and is fundamental to our society. The Government must follow up the warm words of the motion with guaranteed funding and action.

Although Scottish Women's Aid needs and wants funding for refuges, increasingly the question is not just about the lack of refuges but about the fact that we need refuges at all. To quote Lily Greenan, who is in the public gallery along with other supporters of Scottish Women's Aid, violence against women is a symptom, not the problem in itself. We need to tackle the problem head on. A fundamental question for the minister is why funding to prevent violence against women is in the equalities budget rather than the justice budget. Violence is a crime, and violence against women must be treated as such. Domestic violence is estimated to account for about a quarter of all violent crime.

Last session, with the passing of the Prostitution (Public Places) (Scotland) Act 2007, a small step

was taken towards redressing the balance by criminalising the purchasers of sex for the first time. It is a matter of regret that the Government did not mark the launch of the act with a great deal of publicity, to send the signal that violence against women is taken seriously however it manifests itself. Kofi Annan, the former Secretary-General of the UN, described violence against women as

“perhaps the most shameful human rights violation, and ... perhaps the most pervasive.”

He also described it as

“the most atrocious manifestation of the systemic discrimination and inequality women continue to face”.

The Home Office estimates the cost of domestic violence at a staggering £23 billion a year. The question is how much it will cost Scotland if the preventive funding is not guaranteed core funding. Margaret Smith cited the figures for children who witness abuse at home and talked about the consequences of that. As well as that, the resulting psychological harm cannot be overemphasised and needs to be addressed. Knowing the interest that Adam Ingram takes in mental health, I stress the importance of mental health funding in that context. Without intervention, there is the reality of a downward spiral of the abused and neglected continuing learned patterns of abuse and neglect.

Although, as has been said, the work with women themselves is crucial, it can be undone completely if the man or men involved do not change. Women may be helped to leave an abusing partner, but that partner can go on to abuse other women if there is no intervention. That is why Amnesty International's white ribbon campaign, which was set up last year, is important. Violence against women will not stop unless men are part of the campaign to stop it.

I conclude by strongly urging the minister, the Government and all MSPs to support the women's coalition's statement of intent and its themes of prevention, provision and protection. I call on all MSPs to sign up to and fully support the motion and the amendment, as I do.

16:05

**Christine Grahame (South of Scotland) (SNP):** This is one of several such debates that I have taken part in—indeed, I once led for the Scottish National Party on this topic. I recognise the progress that has been made both inside and outside the Parliament during its lifetime, through policy, legislation and debates such as this, as we seek to minimise, if not eradicate, the misery of women and their children caused by the violence that pervades their homes, which ought to be places of security, sanctuary and loving care.

Today, I wish to focus on a specific group of women and their children that I feel has not had the attention of the Parliament. They are not specifically described in either the motion or the amendment and no parliamentary questions or motions referring to them have been lodged, as far as I can determine, in eight years of devolution. They are the women who are trapped, silenced and imprisoned, with their children, in forced marriages, as referred to by Gil Paterson in connection with the UN declaration.

Let me emphasise clearly and emphatically the distinction between arranged and forced marriages. In arranged marriages, the families of both spouses take a leading role in arranging the marriage, but the choice of whether to accept remains with the individuals. The crucial element is the consent of both parties.

The reality and horror of a young woman confronting a forced marriage—although it can sometimes happen to young men, too—was brought home to me when I read the account of a young woman called Inshana. When Inshana was a virginal 16-year-old, little more than a child herself, two uncles arranged a marriage with her first cousin, who lived in Bangladesh. Her mother agreed to the wedding and, a few weeks later, she met her husband to be. This is part of her account.

“It was like a bad dream. He was 49, bald and weighed 19st. He waddled into the room, and the smell of his stale body odour almost made me ill. He sat next to me, and I saw that he was sweating heavily. He kept wiping his face with a handkerchief, looking me up and down.

My uncles were laughing and joking, and when they all started to talk about the ‘marital bed’ I felt physically sick. As soon as my cousin left, I threw myself onto the floor and begged my uncles not to make me marry this man.

Their answer was to drag me into my bedroom and stub out a cigarette on my foot for being disobedient. They were both upstanding members of the Asian community yet they treated me like a piece of dirt. My virginity was a mere bargaining point for them - while my happiness and future was irrelevant.”

The young woman was taken to the registrar's office. The registrar knew that there was something amiss but, she continues,

“My aunt, sitting next to me, grabbed hold of my leg under the table and pinched my skin with her long nails. She warned me, in Bangladeshi, ‘If you say anything we will kill you’ so I remained silent - rigid with fear.”

With the help of another aunt, the young woman managed to escape. Her story is one of many. She was both brave and lucky. For others, the future is bleak. It is a flight full of dangers, sometimes culminating in death, through so-called honour killings, in which there is, of course, no honour—only killing. Girls who do not escape often suffer a life of sexual abuse and domestic violence. Of course, children will tether the women to those violent homes.

**Margaret Smith:** Christine Grahame is probably aware of the legislation that was passed at Westminster. I think that it was introduced by Lord Lester, a Liberal Democrat peer, and was then supported by the Government. Scotland now has less protection than the rest of the United Kingdom. Christine Grahame is indicating that she was going to mention that.

**Christine Grahame:** The member has anticipated where I am going.

I do not know how large the problem is. The forced marriage unit that was established by the Home Office deals with 250 to 300 cases a year. The problem affects children and adults of many races and religions—Christians, Hindus, Muslims, Jews and Sikhs. The Home Office deals with cases in the middle east, the western Balkans and Africa.

In England, the Forced Marriage (Civil Protection) Act 2007 received royal assent this year. Such legislation is not necessary in Scotland. Section 2 of the Family Law (Scotland) Act 2006, which came into force last year, made a minor change in our marriage legislation. It inserted into the earlier legislation a section stating that, among the “Grounds on which marriage void” are cases where the party

“was capable of consenting ... but did so by reason only of duress or error.”

Legislation is only a small and final part of the solution. I suggest that education is a preventive tool, as is early identification of those at risk, so that sensitive and supportive intervention can take place.

For those in homes in Scotland today who dare not speak out for fear of retribution from family and the community, we must put in place secure routes out of these dreadful marriages. We must face head on any false accusations of our being racist, because every young woman—some of those involved are barely past their childhood—or young man should have the right to choose their partner and be offered the protection of the state if that right is under threat of abuse. They deserve no less than any other citizen.

16:10

**Cathy Peattie (Falkirk East) (Lab):** The development of policies and programmes to tackle domestic abuse and violence against women and children has been a priority during the first eight years of devolved power in Scotland. We were one of the first countries to produce a national domestic abuse strategy.

Scotland is highly regarded throughout the UK and internationally not only for our commitment to addressing domestic abuse but for our strategy,

which is based on recognition of the relationship between domestic abuse and gender inequalities. It is significant that those involved at the front line were at the forefront of the policy process; Scottish Women’s Aid and others helped to frame the national strategy. That is best practice in my opinion.

The strategy led to a growth, nationally and locally, of multi-agency partnerships, which developed refuge provision, services and training for those whose work involves contact with or impacts on the lives of women and children who have suffered sexual, physical and emotional abuse.

Initiatives such as the domestic abuse court have been piloted successfully and the advice, support, safety and information services together—ASSIST—project has brought together all those involved in supporting victims through the court.

Changing attitudes was never going to be easy, but attitudes are changing. The struggle to end the scourge of gender violence now receives support right across the political spectrum, albeit that some people are more active than others. Things are changing.

We must ensure that the skills and capacity that we have developed are not lost and that training is further developed. That means that we must protect the funding that currently goes to a wide variety of projects and services. We must adopt long-term, sustainable funding to secure services for women and children. Funding for children and young people is welcome, but they cannot be safe and secure unless their mothers are protected and supported, too.

There are major obstacles to securing domestic abuse services for women. Existing support for that work via supporting people funding is seriously at risk, because the spending review removes ring fencing from such funding. Local authorities will decide their spending priorities and they will have many competing pressures. There is concern that that will put at risk housing support services with a more preventive focus, such as those provided by Women’s Aid. At present, there is no indication in the single outcome agreement that that is a priority area. That means that refuge and support services could be vastly reduced, which will undo much of the work that has been done.

What is the Executive doing to safeguard the role of groundbreaking developments? Although it is important to continue existing work, there are still a number of gaps that need to be addressed.

We could reduce the number of women and children made homeless by improving the use of protection and exclusion orders. Women

experiencing domestic abuse need better access to legal aid. Conviction rates for domestic abuse and rape are abysmally low and those who are convicted often receive derisory sentences. Domestic abuse courts should be introduced throughout Scotland. I recently dealt with a case in which the evidence of violence and other abuse was overwhelming but, astonishingly, the perpetrator was admonished. I doubt that that would have happened if there had been a domestic abuse court in Falkirk.

I have seen at first hand the perpetrator work that is being done by organisations such as Sacro in Falkirk and the change programme, which is based in Grangemouth. Such work with perpetrators is being undermined by inadequate funding for partner work. If the Scottish Executive is to show a commitment to consolidating the work that has already been done and moving forward and addressing the challenges that still have to be met, it desperately needs to demonstrate that there is a funding resource. Ring fencing is vital; otherwise, we will stand in Parliament next year lamenting the important work that was done but has now been lost. I support Johann Lamont's amendment.

16:15

**Margaret Mitchell (Central Scotland) (Con):** The debate on violence against women has become an annual one. It is entirely right that that is the case, as it is a problem on an international scale, not least through trafficking, which has become big business and is the new slave trade. Organised crime syndicates are targeting women and children who live in extreme poverty, are unaware of their rights and are preyed on as disposable people.

The first line of defence against this horrific industry must be individual countries, through advocacy by parliamentarians, who can raise awareness and put the issue on the national agenda. That was almost certainly the thinking behind the UN General Assembly's decision in 1999 to designate 25 November as international day for the elimination of violence against women, and to encourage Governments, non-governmental organisations and international organisations to participate in awareness-raising activities.

In Scotland, that activity has taken the form of a debate, which is now in its seventh year. This year, it focuses on domestic abuse and the effect that that has on children and young people. The facts speak for themselves. There are 125 recorded incidents of domestic abuse every day. Repeat incidents are on the increase, with 55 per cent of victims having experienced a previous

incident. According to ChildLine in 2004, in nine out of 10 cases children are in the same room.

**Margo MacDonald (Lothians) (Ind):** I am intrigued that the member quotes statistics showing a rise in domestic violence, given that the Conservative front-bench member said that it was diminishing. Which is it?

**Margaret Mitchell:** I believe that Bill Aitken said that incidents were decreasing, but repeat incidents are on the increase—the figure refers to repeat incidents.

It is therefore not surprising that the collateral damage of domestic violence is immense; it exacts an horrific toll on the physical health, emotional well-being and education of those children and young people.

Where do we go from here? I very much welcome the Government's commitment to a media campaign that focuses on domestic abuse and highlights the effects on children. It is to be launched on boxing day, in recognition of the fact that the festive period is a time that traditionally triggers incidents of domestic abuse.

I also acknowledge and pay tribute to the sterling work that the previous Administration carried out in tackling the issue, in particular the £6 million national violence against women fund that was established to support projects such as the pilot pathfinders project. That project has been trialled in four local authorities, including Falkirk, where it has concentrated on key stakeholders working together to identify victims at risk and to gather and share information in an effort to ensure that accurate information is recorded, because without accurate data it will be impossible to tackle the problem effectively. The project goes live on Monday and the organisers are extremely optimistic that it will result in positive outcomes.

The £6 million fund also supports a project in Edinburgh that works with men to address their abusive behaviour. It is another essential project, which aims not only to raise awareness but to change a culture in which domestic abuse thrives and is almost accepted.

In conclusion, much good work is being done, but I have one major concern. In many cases, the only respite that children and women get from violent partners is when they know that their abuser is safely behind bars but, more often than not, the sentence is short term. How does the minister square that with the Scottish National Party Government's commitment to replace short-term sentences with community service orders and other alternatives to custody?

16:20

**Jim Tolson (Dunfermline West) (LD):** Violence against women is simply an abuse of human rights. It is incredible that in modern-day Scotland we are still faced with the problem, which is why it is so important that Parliament debates the issue to demonstrate our commitment to tackling violence against women.

Most of us are familiar with the shocking statistics: almost half of all women in the UK have experienced domestic violence, sexual assault or stalking; on average, victims suffer 35 episodes of abuse before they call the police; and perhaps most unbelievably, one third of people believe a woman to be partially or completely responsible for being raped if she has behaved flirtatiously. We often talk in this chamber about the need to change attitudes, whether in respect of drinking, smoking or exercise, but on that evidence surely we must do more to tackle the idea that violence against women is acceptable.

The motion mentions the impact of domestic abuse on children. As Margaret Smith said, we all know that children learn through observation, and research shows that 90 per cent of domestic abuse incidents take place when children are in the same room or in the next one. What impact will that have on them in later life? Children are resilient, but although some will get through such traumatic experiences relatively unharmed, many will not. Some will turn to self-harm, some to drugs. Some will become isolated from their peers. Further research shows that children who witness domestic violence are at an increased risk of having abusive relationships as adults. By not tackling the problem today, we are storing it up for future generations.

**Johann Lamont:** Does the member agree that we must be a bit cautious with that argument about the cycle of violence? There are some men alive today who suffer every day because they believe that, when they were young, they failed to protect their mothers. Their courageous voices have also been heard in this Parliament.

**Jim Tolson:** The member makes a good point; I was making a general point, but I accept that there are exceptions.

If there was an easy fix for this problem we would have used it by now. The previous Labour and Liberal Democrat Executive put in place important measures to tackle violence against women. As Bill Aitken mentioned earlier, the domestic abuse court in Glasgow offers a supportive and fast-track service to those who have experienced abuse. The Prohibition of Female Genital Mutilation (Scotland) Act 2005 and the establishment of the violence against women fund have also been helpful. The fund helped to

develop projects for organisations to work together to provide a better response to violence against women.

I welcome what the Government has said about tackling the issue and the establishment of the equalities fund. However, as Scottish Women's Aid has clarified, last week's budget removed ring-fencing from the violence against women fund, and the £6 million allocated to it in the previous budget will now be part of the local government settlement.

At this point, I pay tribute to the hard work and dedication of Scottish Women's Aid and, more particularly, Dunfermline Women's Aid, which was set up by Cicely Whitelaw, a close friend of mine. I know that many women and children in and around Dunfermline have benefited from the caring nature and sheer determination that Cicely and many others have shown over the years.

However, the Liberal Democrats are concerned that the settlement is inadequate to do all the things that the Government says that it will do. Maybe that debate is for another day, but in his summing up, will the minister reassure the chamber that, given that such projects are competing with other local government priorities such as education and social services, he will ensure that they will be protected and will continue to receive real-terms increases through the local government settlement? In its short life, the Scottish Parliament has taken important steps to help end violence against women. However, a lot still needs to be done and it needs to be backed up with sufficient resources.

Finally, I say to Gil Paterson that I am proud to wear the white ribbon, today and every day for the 16 days of this important campaign. If I forget to wear it, I am sure that my wife will remind me to do so.

16:25

**Christina McKelvie (Central Scotland) (SNP):** The trauma caused by domestic violence runs deep. The physical trauma that is suffered in each assault is only the start of the damage chain. The deep wounds inflicted on the victim's self-belief, self-respect and self-image have effects that last long after the physical damage has faded from sight.

The damage inflicted on children in the household can be just as severe. Even when they suffer no physical violence, children can find the psychological and emotional violence debilitating both at the time and in later life. There is sometimes no escape from the childhood trauma; the captivity persists throughout life, even after apparent physical liberation through being removed from the place where the damage was

done. Children who have lived their childhood in homes where they regularly witnessed domestic abuse can fail to thrive. Quite frankly, that is not acceptable in Scotland today. Domestic violence is not acceptable anywhere in the world, but it is certainly not acceptable in Scotland in the 21<sup>st</sup> century.

No member of the Parliament would argue, as some people have in the past, that domestic abuse is a private matter that should be left well alone. The scars carried as a result of our society's failure so far to end domestic abuse are heavy wounds. [*Interruption.*]

**The Deputy Presiding Officer:** Order. Somebody's bramble is turned on. It should be turned off, as it interferes with all the sound systems.

**Christina McKelvie:** In delivering on the promise to end domestic abuse, we will help to heal our society. The minister's motion pays tribute to those who work to help women and children who are affected by domestic violence. I add my voice to that tribute in thanking those workers who strive to heal our society. They seek a better future for Scotland, in which people are not held back by what goes on behind closed doors.

I am pleased that the minister's motion acknowledges that the scope of the campaign to end violence against women should include rape and sexual assault. Defeating those crimes is a massive undertaking, but it will set our society on the road to properly acknowledging equality between women and men. On that note, I welcome the moves by the Cabinet Secretary for Justice to seek changes to increase the pitifully poor conviction rate in Scotland.

When we take a serious look at the crimes of violence known as sex crimes and seek to mend the problems that we find in our nation, we are in a position to start helping to prevent the slave trade in sex workers. As Margaret Mitchell said, human trafficking is nothing more and nothing less than a slave trade. Passing people across international borders, denying them the human rights that we all take for granted and using them as pieces of property instead of respecting them as human beings are defining points of a slave trade. We cannot be complacent about that trade.

None of this is someone else's problem; each and every bit of it is our problem. I welcome the establishment of the delivery group for children affected by domestic abuse. We have a long way to go before we really start addressing the issues that we have heard about today, but I am glad that we are at least stepping out on to that road. Nothing is achieved by wishing that it was already done. The commitment to action that I hope we

get from all members today will act as a driving force towards a more just society.

I support the motion in the minister's name.

16:28

**Cathy Jamieson (Carrick, Cumnock and Doon Valley) (Lab):** I start with the voices of children with whom South Ayrshire Women's Aid has worked: "Dad burned mum with the iron because he said she hadn't ironed his clothes properly." Another said: "My dad was fighting with my mum and he kept kicking her. My wee brother was going to phone the police, but I told him not to because I was scared my dad would hurt him too."

We have heard today the statistics and facts and figures, but behind those are the real-life stories of the women and children who experience domestic abuse. Those stories reveal the pain, the fear, the isolation, the shame, the loss of self-esteem and identity and sometimes the ultimate loss—death. The themes that I mentioned from South Ayrshire Women's Aid are echoed in the report that Scottish Women's Aid recently published on the support needs of children.

We have come a long way—as a student in the 1970s I was employed as a play leader with Glasgow Women's Aid during my summer holidays—in that we now recognise the value of having children's workers in refuges who can work with young people who have experienced domestic violence. However, we must be concerned about where the funding for those projects will lie in the future. If Scottish Women's Aid is saying that it is not clear to it where the budgets will be and whether they will be protected, then it is not clear enough. Ministers must make it clear—I look forward to their doing so.

I will say a few words about domestic abuse courts, which Bill Aitken and Margaret Smith discussed. The evaluation of the pilot domestic abuse court in Glasgow shows that it has made a real difference to the lives of women and children who are experiencing domestic abuse. The report makes it clear that in around a quarter of the more than 1,400 new cases that were called in the domestic abuse court over the evaluation period it was identified that children were present during an incident and witnessed it. That is a sobering statistic.

The domestic abuse court was reckoned to have many benefits compared with the traditional courts and to have improved outcomes. We have heard about the higher proportion of cases before the court in which a guilty plea was entered at an early stage and about the speeding up of the process. That is good, but it is not the whole story. Johann Lamont highlighted the importance of the support services that go with the court. In the pilot, there

was also a difference in patterns of disposal. Probation with conditions was used more commonly; that is important, given the sobering statistic that 60 per cent of victims reported that the perpetrator had been drinking before the incident occurred. That gets to the nub of the matter. The point is not simply to have a domestic abuse court in each area, but to learn the lessons from the Glasgow domestic abuse court and to apply those in each area in a way that is meaningful for local communities.

The evaluation also made it clear that we must increase the capacity of social work to deliver the change programme to perpetrators and identified the need for written good practice information and guidance. Will ministers indicate whether that recommendation has been taken forward? In the current year, £374,000 is being provided to community justice authorities to deliver perpetrator programmes. Today I would like ministers to make a commitment to ensure that that funding continues. They should indicate exactly where it appears in the budget and assure us that there will be associated funding for the partner work that Cathy Peattie identified as necessary.

I am aware that this afternoon's debate is short, so I will conclude with a couple of points. Ministers in the new Government often refer to Scandinavia. I commend to them the Swedish approach, given that 55 per cent of cases that are reported to the police involve repeat victimisation. The Swedish police consider that violence against women is the most extreme example of the imbalance or disparity between the sexes and a phenomenon that cannot be explained in the same way as other crimes. That is why in July 1998 a new offence, described as a gross violation of a woman's integrity, was introduced to the Swedish penal code.

Part 1 of that law covers repeated acts that are committed by men against partners or ex-partners; part 2 covers the impact on children or other close relatives of the victim. Those points are important, given what we have heard in today's debate. Basically, if a man continues to commit particular criminal acts—assaults, unlawful threats or coercion and sexual or other exploitation—against his partner or ex-partner, the courts can sentence him for the gross violation of her integrity, as well as for a traditional crime, such as aggravated assault. That allows the whole situation of the abused woman to be taken into account, instead of each incident being considered in isolation. It would be worth our exploring such an approach. I look forward to hearing whether ministers will commit themselves at least to considering it in more detail.

**The Deputy Presiding Officer:** We now move to wind-up speeches. I apologise to the one member whom I was unable to call.

16:34

**Hugh O'Donnell (Central Scotland) (LD):**

Clearly, the Parliament would rather not be having this debate. Tremendous contributions have been made from all quarters by members who are much more knowledgeable about the issue than I am. I want to address and to seek clarification from the minister on some of the issues that they have raised.

In real terms, how much of the funding in the promoting equality budget is for tackling violence against women over the duration of the comprehensive spending review? How much funding, in real terms, has the Government allocated in the rolled-up settlement for the women's aid fund and the violence against women fund? Most crucially, how will central Government ensure that the rolled-up fund will not result in money disappearing to the competing priorities that local government will inevitably face? Cathy Peattie and other members have referred to that.

The SNP's motion expresses concern for victims and families, which is only right, but the SNP's funding plans lack clarity and involve an apparent sleight of hand that David Blaine would be proud of. I would like factual answers to the questions that I have asked. It is clear from the debate that we are not discussing an issue that divides the political parties. Simple clarity from the minister when he sums up would be helpful.

The 18<sup>th</sup> anniversary of the United Nations Convention on the Rights of the Child was two days ago, so it is right that we should consider how children are affected by domestic violence.

As members have said, we should take some pride in the progress that has been made since 1999. Some 21 new laws have been passed and there have been 27 national policy initiatives. However, I am disappointed that the figures for domestic violence are still too high and that there are still too many repeated incidents of domestic violence, as Margaret Mitchell said. That is unacceptable. We have a positive track record, but that does not mean that we can be complacent—far from it.

Research from New Zealand shows that children born and raised in homes where they are at risk are more likely to go on to suffer substance abuse, get involved in crime and have poor health. Those things have wider implications for society, and we must take them into account in deciding how to put together funding packages. We are not talking about a stand-alone issue. There is no silver bullet; rather, a joined-up approach is needed.

Those involved in front-line services throughout Scotland have no doubts about the long-term impact of domestic violence on children. Boys may become violent when they are older—whether any

violence by males or females is acceptable is questionable—and girls may start to self-harm when they are older. People may have dietary illnesses or longer-term mental health issues. There is also the guilt factor—which must be huge—for a young boy who suffered watching his parent physically beating his mother or psychologically damaging her. Johann Lamont mentioned that.

There is also evidence from the United States. Children there were followed for more than 20 years. It is regrettable that a pattern seemed to emerge. Males who had witnessed domestic violence seemed to be more prone to perpetrating it; strangely enough, the females were more likely to accept such violence as the norm. We must be aware of such issues and cautious about what we do.

We must ensure that the violence against women fund and the front-line services to which many members have referred are properly protected and do not become further victims of budgetary sleight of hand. We do not know how easy that will be now that the figures have been rolled together, but I look forward to the minister assuring us that that will not happen, because we cannot allow it to happen.

16:39

**John Lamont (Roxburgh and Berwickshire) (Con):** I am pleased that we have an opportunity to debate the ending of domestic abuse against women, although it is sad that, in 2007, Scottish society is still wrestling with the problem despite the efforts of many people, including those in Government agencies and voluntary groups, to raise awareness of such abuse.

Domestic violence is an atrocious and inexcusable crime that has been proven to have a severely negative impact on families, especially when children are involved. As Margaret Mitchell pointed out, statistics have shown that 125 incidents of domestic abuse occur every day in Scotland. The fact that 55 per cent of those occurrences concern victims who have previously been involved in recorded incidents suggests that there is a repetitive pattern in domestic violence. If we keep in mind the minister's point that three out of four crimes are never reported, we must surely find the figures concerning. Given that the rise in the number of incidents of domestic abuse has been mirrored by an increase in the incidence of serious crime, that is surely representative of a wider culture of crime that can be addressed only through enhanced law enforcement and tougher court sanctions.

As a number of members have already said, domestic abuse encompasses a wide range of

victims, including children, families and males and females, and consists of various forms of violence, such as rape, indecent assault and lewd and indecent behaviour. The effects of domestic violence on children, which are the focus of the motion, are particularly concerning.

According to the British Medical Association's report on domestic abuse, each year 750,000 British children and young people are witnesses to domestic abuse. On nine out of 10 occasions, the child is in the same room, or the room next door, when events of domestic violence take place. A significant amount of evidence has been gathered on the horrific toll that violence against women has taken on the physical health, emotional well-being and education of children.

According to police figures, 659 incidents of domestic abuse were reported in my constituency in the Scottish Borders in 2006-07. Those alarming statistics have led to the Scottish Borders Council participating in the white ribbon campaign, which, as other members have said, is part of the largest campaign to end men's violence against women to have been developed and run by men. In the space of two weeks, the Scottish Borders community safety partnership and the domestic abuse working group aim to collect 2007 pledges from men in the Borders. The pledge includes a promise

"never to condone, commit or remain silent about violence against women".

As Jim Tolson said, I am sure that all members would support that, and I am pleased that a number of male members are sporting white ribbons.

In recent years, various Government initiatives in Scotland have attempted to remedy the growing problem of domestic abuse. As members such as Margaret Smith and Cathy Jamieson have said, the pilot domestic abuse court in Glasgow that was launched in October 2004 had administrative success, but victims' safety remained a problem. The 1998 domestic abuse campaign sought to use the press to spread knowledge of domestic violence and to gain public opposition to such behaviour. Bill Aitken told us about the success of a particular campaign. The domestic abuse hotline that was created in June 2000 as part of the national strategy to address domestic abuse in Scotland offered support to victims of domestic abuse and provided them with the information that they needed for their recovery. Those initiatives have proven to be successful in educating the public about the widespread effects of domestic abuse, but there remain concerns about the safety of victims and preventing repetition of incidents of domestic violence.

We believe that domestic abuse is an appalling and unjustifiable crime that impacts on children

and families all over Scotland. Legislation is not and cannot be the only answer to the problem; there needs to be culture shift on domestic abuse, which can be achieved by increasing public confidence in the criminal justice system. We believe in stricter enforcement of legislation and sanctions, in conjunction with the creation of a stronger criminal justice system to battle the growing problem of domestic abuse in today's society. We are happy to support the motion.

16:44

**Mary Mulligan (Linlithgow) (Lab):** As ever, the debate has been wide ranging and well informed, and there has been much agreement across the Parliament—but maybe that is the problem. How much coverage of the debate will there be in tomorrow's media? Not much, I suggest. In that regard, I refer to Bill Aitken's comments about the Executive's highly effective advertisements, to a continuing programme of which I hope that the Government will be able to commit.

Media coverage is only one of the issues. Like Marlyn Glen, I attended the Engender meeting last night, where I was struck by the comment that, although it is good that services have improved, we have perhaps become more involved in administering those services than in opposing violence against women and its corresponding impact on children. We need to guard against becoming accepting of domestic abuse and viewing this debate—a debate that we seem to have annually—as our contribution to the issue. "Domestic Abuse—There is no excuse" was the famous headline. Maybe, as politicians, we need to refocus our efforts so that we give a clear message and so that we spend as much time and as many resources on prevention work and education as we do on service provision.

I want to comment on the services available to children and young people, but I will first talk about prevention. Back in 1998, the Zero Tolerance Trust issued a questionnaire on young people's attitudes to sex, violence and relationships. In response to that, the Zero Tolerance campaign, jointly with local authorities throughout Scotland, developed the respect education initiative. The scheme was piloted in schools and youth projects in Edinburgh and Glasgow, and the pilots were evaluated in 2003. It was found that there was a clear need for prevention work, on domestic abuse and other forms of violence against women, to continue within a consistent national framework, and that that should be undertaken with children and young people as part of the school curriculum. Of the 32 local authorities, 21 are making progress implementing the respect project, and I am pleased to say that my local authority, West Lothian, is one of them. Unfortunately, my former

local authority, Edinburgh—the founding authority of Zero Tolerance—is not one of them. Why is that? Challenges can be overcome by chief officers and politicians promoting prevention at local and national levels. Continued Government support, including financial support, can provide the necessary programmes.

During any work with children and young people, it is possible that those suffering the effects of domestic abuse may be identified. It is absolutely essential that children and young people in those circumstances should be offered the appropriate support. Again, progress has been made in supporting children and young people, but there is more to do. As Children 1<sup>st</sup> tells us, ChildLine Scotland still receives a significant number of calls regarding the impact of domestic abuse.

At a conference that I attended recently in West Lothian, I heard Sandra Paton speak of the programme in which she was involved, which was referred to earlier by Cathy Jamieson. South Ayrshire Women's Aid was invited into secondary schools to raise awareness of domestic abuse. Ninety-eight per cent of the pupils agreed to participate and, of them, 32 per cent disclosed that they were currently experiencing domestic abuse. The project clearly showed the impact of domestic abuse on young people, which was that it is highly negative, particularly in terms of their mental health. The project highlighted the crucial supporting roles that schools could offer, and may already be offering.

**Cathy Peattie:** Does the member agree that, although often not measured, emotional abuse is just as important and can be quite dramatic for families?

**Mary Mulligan:** I agree that that is an important aspect to take on board.

Research tells us that if mothers are not safe and supported, it is unlikely that their children will be, so while funding has been made available for children and young people, there is a constant need for funding for domestic abuse services for women. The move away from ring-fenced funding puts the existing support for domestic abuse services for women, via the supporting people programme, seriously at risk—there is no indicator in the single outcome agreement which demonstrates this. I was not reassured by the minister's comments to Johann Lamont. He gave examples of children who would be covered by a range of situations, not just domestic abuse.

We need to stay angry that some men use their power to abuse women, and angry at the damage that that causes to the children and young people caught up in it. We need to channel resources into prevention, support services for victims and children, the justice system and perpetrator

programmes. However, for any of that to happen, two things are needed: we must have the political will—we have heard that this afternoon—and, most importantly, resources must be targeted appropriately. Many members have echoed the voluntary sector's concerns about the removal of ring fencing. As Heather Codie of Scottish Women's Aid said:

"ring-fencing existed for a reason."

Sandy Brindley of Rape Crisis Scotland said:

"There must be a consistent approach across the country to the funding of these services."

Are we to have a postcode lottery for domestic abuse services? I hope not. We will be able to say that this debate was more than warm words and achieved something for the women and children who are at risk of, or are experiencing, domestic abuse only if the minister can tell us where the resources are.

16:51

**The Minister for Communities and Sport (Stewart Maxwell):** I welcome the debate not only because it has been wide-ranging but because of the cross-party support and commitment to eradicating domestic abuse and violence against women. As my colleague Adam Ingram said in his opening speech, we should all be concerned about the scale of the violence that women and children in Scotland experience. What we know from the statistics is the tip of the iceberg, so the challenge remains great and the necessity to act is absolutely clear.

Children who are exposed to violence are deeply affected by it, as we have heard from members and as young people have made clear to us. We have heard moving testimonies and stories from young people through the listen louder campaign and through the participation work in which we are currently involved. In the words of one young person, living with domestic abuse

"makes you feel like you want to kill yourself."

If anyone needs a reason to act, I urge them to read or listen to those young people's words.

As all members do, I want a Scotland in which women and children can live in safety without fear or intimidation and where children can enjoy their childhood without trauma, violence or loss of their homes and education. For that better future to happen, we need to end violence against women.

Many excellent speeches have been made during the debate and a number of points were raised to which I will try to respond.

Margaret Smith mentioned the attitudes of children: boys who think that it is okay to resort to

violence and girls who think that it is in some way agreeable to accept violent or abusive partners. That goes to the crux of the matter and demonstrates why this Government has put early-years intervention right at the top of its agenda. In fact, the report that the chief medical officer published yesterday has a whole chapter on the need to reduce violence, particularly in the early years, to prevent children growing up thinking that violent behaviour is okay.

Margaret Mitchell talked about sheriffs. They will always be free to act and will always have the power to hand down appropriate sentences.

Cathy Jamieson mentioned the Swedish model. I will ensure that my justice colleagues are aware of the detail that she provided today and they will, I am sure, write to her about it.

Mary Mulligan asked a direct question about the advertising campaign. The answer is that we will run a campaign over Christmas and new year. Officials are currently working on the final details, but the previous campaign has been evaluated as being successful and positive, so I am pleased to announce that the campaign will carry on this year.

**Margaret Mitchell:** Will the minister provide clarification on his thoughts on whether an alternative to custody, such as community service orders, should replace short-term sentences in cases of domestic abuse?

**Stewart Maxwell:** That is for sheriffs to decide based on the nature of cases. It is not for me or other Government ministers to determine and micromanage what sentences should be allocated to cases.

**Cathy Jamieson:** Will the minister give way?

**Stewart Maxwell:** No, I want to try to answer some of the many questions that members have asked.

Multi-agency partnerships and the commitment to provision, prevention and protection were mentioned. We are committed to multi-agency partnership working and to working on the basis of prevention, protection and provision for women and children. However, the fourth "P" was not mentioned: participation. We engage in partnership with women who experience violence and domestic abuse, and we are now working to increase involvement of children in that work. Their participation has been welcome over recent years.

**Johann Lamont:** On supporting people, what consultation was there of women's organisations before the decision to lift ring fencing was taken? What participation will those groups have in monitoring single outcome agreements?

**Stewart Maxwell:** If Johann Lamont gives me a moment, I will talk about funding issues in some detail.

Marlyn Glen raised a number of issues. I am aware that she could not stay until the end of the debate. One question was on the statement of intent. I am pleased to announce that the First Minister has agreed to participate in the launch of the statement on 6 December. She also asked why the violence against women budget has been included in the equalities budget. Clearly, we all agree that domestic abuse and violence against women are crimes. There is no argument about that—[*Interruption.*]

**The Deputy Presiding Officer:** Order. Far too many conversations are going on. If members wish to converse with each other, they should leave.

**Stewart Maxwell:** Thank you, Presiding Officer.

We recognise that the issue is also an abuse of power, and that it has its basis in gender equality. It makes perfect sense, therefore, for our work on violence against women to be led from an equalities perspective, which is why the budget rests in that area.

**Margo MacDonald:** Will the minister give way?

**Dr Richard Simpson (Mid Scotland and Fife) (Lab)** *rose*—

**Stewart Maxwell:** Unfortunately, I do not have time to give way. Members raised a number of points and I want to get through as many of them as possible.

Many members mentioned the pilot domestic abuse court. The Government set up a feasibility study group to advise how to best support a domestic abuse court for the whole of Glasgow that would be cost effective and sustainable. We are also developing a toolkit guide to research and practice that will help criminal justice partners in each area to examine their practice and to pursue new approaches where appropriate.

On 29 August, the Cabinet Secretary for Justice gave a rather extensive written answer to question S3W-3782 from Johann Lamont. Instead of going through the written answer, I refer members to it, as it gives detailed answers to questions that have been asked in the debate.

I turn to the violence against women fund. Only a small proportion of the fund will go into the local government pot. The rest will stay with the equalities unit for the Scottish Government to allocate. I understand concerns that external stakeholders and members have expressed on the matter, but the total that has been removed and transferred into the local government pot is £1.4 million, a sum which comes from the violence

against women fund, children's services and women's aid fund.

In the settlement, funding under the violence against women portfolio is a good news story. The allocation for the violence against women team budget for 2007-08 was £7.2 million. We intend to spend around £8.7 million. In the next three years, we will spend approximately £9.9 million, £11.9 million, and £12.58 million, which is an increase of £8.2 million over the three-year period from the 2007-08 baseline figure.

**Dr Simpson:** Will the minister give way?

**Margo MacDonald** *rose*—

**Stewart Maxwell:** In addition, coming from the education budget to deal with the domestic abuse delivery plan will be £5 million in the first year, £3 million in the second year, and £2 million in the third year, which is a total of £10 million. We are going from an allocation of £7.2 million to £8.7 million in this year up to a total of more than £40 million. That is a massive increase in the amount that will be spent on tackling violence against women. It is an incredible good news story and I hope that it reassures members who asked questions on the detail of the project.

**Margo MacDonald:** Will the minister give way?

**Dr Simpson** *rose*—

**Stewart Maxwell:** I have time only for one intervention. I give way to Margo MacDonald.

**Margo MacDonald:** I was unable to speak in the debate or I would have asked how much of the fund will be used for an evaluation of the kerb-crawling legislation. The evidence to date is that violence against women has increased—the situation has deteriorated.

**The Presiding Officer (Alex Fergusson):** You are in your last minute, minister.

**Stewart Maxwell:** I appreciate the question. The fact is that there is a huge increase in funding. A lot of work will not only be supported but expanded—new areas of work will be taken up. We have a good news story, which Parliament should welcome.

I turn to the single outcome agreements and the supporting people budget. I understand the concerns that have been expressed from around the chamber. We have to work in partnership with our local government colleagues. Local government has played a significant role in moving forward the agenda to address domestic abuse and violence against women. The new national outcomes provide a framework for that work to continue.

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

**Stewart Maxwell:** No. I am afraid that I am in the final minute of my speech.

The Scottish Government must set the direction of policy and the overarching outcomes under the terms of the new relationship that is proposed in the package. It will stand back from micromanaging service delivery, thus reducing bureaucracy and freeing up local authorities and their partners to meet varying local needs and circumstances across Scotland. That is another good news story from the Government.

Christine Grahame raised the issue of forced marriage. I can tell members that the Scottish Government is currently funding a number of organisations that support those who are affected by forced marriage.

I apologise to other members whose points I have not managed to cover in my closing comments and I close by saying that it is a strong characteristic of our work in Scotland that we work in partnership with outside organisations, external stakeholders and local government. Without those strong partnerships, particularly with women's organisations, we would not have developed such an effective analysis and understanding of the issues. I hope, therefore, that we can continue to demonstrate a common purpose to eliminate male violence against women. To that end, I ask Parliament to support the motion.

## Points of Order

17:01

**Jackie Baillie (Dumbarton) (Lab):** On a point of order, Presiding Officer. First, I welcome your announcement in today's business bulletin setting out clearly the way in which alleged misconduct in the chamber will be dealt with in terms of the standing orders, the "Code of Conduct for Members of the Scottish Parliament" and the "Scottish Ministerial Code". That clarity is welcome.

Secondly, I am aware that the Scottish Government is conducting an internal review of the "Scottish Ministerial Code". I invite the First Minister to follow the example of Prime Minister Gordon Brown by establishing, as part of that review, the post of an independent adviser who can investigate alleged breaches of the ministerial code of conduct. That would provide the openness and transparency that are the hallmark of this Parliament and which should equally be the hallmark of the Scottish Government, as I am sure the First Minister would agree.

I note, Presiding Officer, that I am not alone in holding that view. In a comment to *The Scotsman* on 21 September, Patrick Harvie called for changes to the ministerial code of conduct and suggested that part of the solution is for an independent body, rather than the First Minister, to control the ministerial code.

**The Presiding Officer:** Come to your point of order please, Ms Baillie.

**Jackie Baillie:** I realise that the "Scottish Ministerial Code" is not a matter for you, Presiding Officer. I hope, however, that the First Minister will take this opportunity to set a gold standard for the ministerial code of conduct. It would be unthinkable for him to agree to a lesser standard of accountability for his ministers in Scotland than exists in the United Kingdom Parliament. Through you, Presiding Officer, I therefore urge the First Minister to seize the opportunity to put in place independent oversight of the Scottish ministerial code of conduct.

**The Presiding Officer:** As the member is aware, and as I have made plain before, the ministerial code is not a matter for me. However, I am sure that Jackie Baillie will wish to put her suggestion in writing to the First Minister.

**Richard Baker (North East Scotland) (Lab):** On a point of order, Presiding Officer. I seek guidance on the announcement that you made today in relation to the "Scottish Ministerial Code", and particularly in relation to paragraph 1.1(c), which states that ministers should correct

"any inadvertent error at the earliest opportunity."

At question time today, the First Minister advised Parliament that university funding was increasing in real terms “throughout the spending review” period, when the reality is that there will be a real-terms revenue cut for universities next year.

I am sure that no one in the chamber needs reminding of the definition of “throughout”, but, for the avoidance of doubt, the “Oxford English Dictionary” defines it thus:

“Through or during the whole of (a period of time or course of action)”,

and the “Collins English Dictionary” defines it as “through the whole of”.

Scottish Executive officials confirmed to the Education, Lifelong Learning and Culture Committee yesterday that there will be a real-terms cut for universities next year, and that there will therefore not be an increase “throughout the spending review” period. Given that it is a matter involving the First Minister himself, would it be appropriate respectfully to ask him, on behalf of Parliament, to take an early opportunity to clarify his comments to Parliament in line with your ruling, Presiding Officer?

**The Presiding Officer:** I realise that the *Business Bulletin* was delivered late this morning, so Mr Baker may not have had a chance to read it. I refer him to the announcement that I made in today’s bulletin on that very matter.

## Presiding Officer’s Ruling

17:04

**The Presiding Officer (Alex Fergusson):** Before we move to decision time, I would like to make a brief statement. I take this opportunity to clarify to members that, further to the Presiding Officer’s ruling in February 2004 in relation to allegations of misleading Parliament, I will not allow the use of the words “lies”, “liar” or “lying” in any circumstances. Any member using such terminology will be ruled out of order, as occurred this afternoon, but will in the future also be asked to withdraw the comment and to apologise. I hope that that is quite clear. [*Applause.*] This is not a matter for applause by any members of Parliament, I hasten to add.

## Decision Time

17:05

**The Presiding Officer (Alex Fergusson):**

There are five questions to be put as a result of today's business. The first question is, that amendment S3M-893.2, in the name of Sarah Boyack, which seeks to amend motion S3M-893, in the name of Richard Lochhead, on annual sea fisheries negotiations, be agreed to.

*Amendment agreed to.*

**The Presiding Officer:** The second question is, that amendment S3M-893.1, in the name of John Scott, which seeks to amend motion S3M-893, in the name of Richard Lochhead, on annual sea fisheries negotiations, as amended, be agreed to.

*Amendment agreed to.*

**The Presiding Officer:** The third question is, that motion S3M-893, in the name of Richard Lochhead, on annual sea fisheries negotiations, as amended, be agreed to.

*Motion, as amended, agreed to.*

*Resolved,*

That the Parliament supports the Scottish Government, working with the UK Government, in negotiating a deal which is fair and just for Scotland's fishing communities and which reflects in full the leadership which Scotland's fishermen are showing the rest of Europe on sustainable fisheries; agrees that the precautionary principle should prevail in setting levels of permissible fishing activity; acknowledges that much more work needs to be done to create a truly sustainable fishery in the North Sea, including measures to reduce dramatically if not eliminate discards, recognising that one good year class does not of itself create a sustainable fishery stock, and further agrees that there needs to be dialogue between the fishing industry, scientists and conservation interests to ensure continuous improvement in stocks and a long-term sustainable future for the industry.

**The Presiding Officer:** The fourth question is, that amendment S3M-894.1, in the name of Johann Lamont, which seeks to amend motion S3M-894, in the name of Adam Ingram, on a better future for Scotland's children: ending domestic abuse against women, be agreed to.

*Amendment agreed to.*

**The Presiding Officer:** The fifth question is, that motion S3M-894, in the name of Adam Ingram, on a better future for Scotland's children: ending domestic abuse against women, as amended, be agreed to.

*Motion, as amended, agreed to.*

*Resolved,*

That the Parliament believes that it is unacceptable that thousands of children in Scotland are affected by domestic abuse, seriously impacting on their wellbeing, safety,

health, schooling and life experience; pays tribute to those working in the field to help women and children affected by domestic abuse and those taking on the challenge of wider issues of violence against women; acknowledges the need to review the effect of current enforcement measures to tackle violence against women, in order to ensure that women and children receive the protection and security that they require; reaffirms its commitment to ending violence against women and recognises as part of its support for the UN 16 days of activism against gender violence, the importance of tackling not only domestic abuse, rape and sexual assault but also emerging issues such as human trafficking, and welcomes the establishment of the National Delivery Group on Children Affected by Domestic Abuse, the cross-cutting approach being taken and the involvement of children and young people.

## Bog Myrtle (Sweet Gale)

**The Deputy Presiding Officer (Trish Godman):** The final item of business is a members' business debate on motion S3M-425, in the name of Mary Scanlon, on the bog myrtle or sweet gale industry. The debate will be concluded without any question being put.

### *Motion debated,*

That the Parliament recognises the potential for the bog myrtle (sweet gale) industry in the Highlands and Scotland; considers that support should be accelerated for the industry, which sees bog myrtle grow wild and be cultivated on plantations across the Highlands, and is soon to be expanded to other regions including Moray, Aberdeenshire and the Borders; notes that immediate support is necessary to establish development, planting and research study which will ensure that the industry develops quickly and that crofters, farmers and landowners involved in the production of bog myrtle see an immediate effect, and believes that support should be given to the commercial planting programme to help mitigate the risk undertaken by initial growers to establish crops in order to see the production of bog myrtle increase in the Highlands and establish the crop in other parts of Scotland in an effort to meet the anticipated global demand for this plant from the healthcare industry and drinks manufacturers and ensure that the subsequent planting by growers continues on a sustained basis.

17:07

**Mary Scanlon (Highlands and Islands) (Con):** I thank all the members who have stayed behind for the debate, and those who signed the motion and attended the briefing by Alliance Boots at lunchtime. Sweet gale is a folk name, which is taken from the botanical name *Myrica gale* for the plant that is better known as bog myrtle. It is a moorland shrub that thrives in damp or boggy soils, and was used by the Vikings to treat depression and poor memory and to give a sense of well-being. For thousands of years, extract of sweet gale has been harnessed for its antibacterial and antioxidant properties.

Although the plant grows wild and on cultivated plantations throughout the Highlands, production could expand into more traditional arable areas such as Moray, Fife, Aberdeenshire and the Borders. The background to the debate is the exceptional demand for the plant, with the Alliance Boots development plan requiring many more tonnes of sweet gale oil than is currently available. Alliance Boots researchers have exploited the properties of the plant and utilised its potential as an active skin care ingredient. After five years of research and trials, sweet gale's place in the Botanics range, to improve blemishes and the complexion, is guaranteed. I understand that sweet gale or bog myrtle is six times more effective than tea tree oil and 10 times safer.

The partnership between Highland Natural Products Ltd—which we have to thank for much of the innovation relating to the product—Boots, the Scottish Agricultural College, Cranfield University, the University of Bradford and Kew gardens has worked to research the commercial viability and compounds of sweet gale, which has led to the increased demand.

The sweet gale Botanics sensitive range uses all the available oil. Distribution and promotion of the line cannot increase as stocks would run out, because of the limited production of sweet gale. In the drive to establish commercial cultivation, 13.5 hectares of sweet gale will be planted in pilot areas by the year's end, but that will be insufficient to meet the demand, which Boots says could be expanded and developed globally if yield were increased and opportunities were presented.

Highlands and Islands Enterprise has approved about 25 per cent of the funding for researching the cultivation and oil yield of plantations, which are in addition to plants that grow wild. The remaining funding is from the Boots Group. It is hoped that the research will translate the sweet gale plant from a wild crop into a farmed crop. The results of that research will enable farmers and crofters to grow plants and deliver sweet gale oil with consistent yields and quality, which will allow further development of the product.

**Peter Peacock (Highlands and Islands) (Lab):** Mary Scanlon raises extremely interesting and valid points and highlights a new economic opportunity for many people. Does she agree that Highlands and Islands Enterprise, which is funding research, may have a longer-term role in helping to market and promote the industry that will develop and that the new rural development programme, for which the Minister for Environment has some responsibility, may also make a big contribution? I hope that that will happen.

I apologise to members for having to leave early and I thank Mary Scanlon for raising important points.

**Mary Scanlon:** Once a minister, always a minister. I believe that the Minister for Environment will talk about the rural development programme. As an MSP for the Highlands and Islands, I welcome Highlands and Islands Enterprise's input into the product.

NFU Scotland says that the commercial cultivation of sweet gale provides a new direction for the farming industry and an opportunity to encourage new rural businesses, as Peter Peacock said. It says that although a large market awaits sweet gale producers, if crucial support for production set-up costs were to stall, that could jeopardise the industry's future. Farmers and growers need to know as soon as possible

whether funding will be forthcoming, as they must decide whether to start planting. The crop is likely to provide an income of between £500 and £700 per hectare, often in remote rural areas where such money would be hugely welcome.

Scotland's sweet gale industry is flourishing. It brings new business and opportunities to fragile areas that have traditionally offered few job opportunities. However, no direct financial incentives are offered for the cost of the plants and their cultivation in the first year. After that year, the crop is low maintenance, as it is established.

More recognition and promotion are needed of the role in the rural economy of high-value non-food crops. We must acknowledge the innovation of the sweet gale product and provide funding streams to kick-start production and support first-entrant growers. Increased production of the ancient plant sweet gale would bring money into remote and rural areas but, because it is neither a tattie nor a tree, it attracts no funding incentives for growth to meet the guaranteed demand.

Could the production of sweet gale be permitted as cultivation under paragraph 13 of schedule 2 to the Crofters (Scotland) Act 1993, as amended? Could crofters access support that is available for agricultural production, including the crofting counties agricultural grants scheme? Will the minister confirm that the second tranche of implementation of the Crofting Reform etc Act 2007 in January 2008 will provide that growing bog myrtle is a wider use of crofts and common grazings? I hope that the minister will examine all those opportunities.

On behalf of bog myrtle, which is now known as sweet gale, I ask the minister to respond with an assurance that will encourage farmers and crofters to grow a sweet gale crop to yield the consistent high-quality oil that is required from this unique natural Scottish product.

17:15

**Roseanna Cunningham (Perth) (SNP):** As I have indicated, I regret that I will have to leave the chamber at 17.45, but that might in fact encompass the whole debate.

I congratulate Mary Scanlon on securing the debate. I attended the reception at lunch time today—I thank the sponsors—but I will show my age by saying that listening to the name sweet gale has left me with the Lou Reed refrain, "Sweet Jane" running through my head all day; that is about a very different plant with very different properties.

I first came across sweet gale in a magazine article a couple of months ago—as a woman, I have to say that when we see a magazine article

about wonderful new advances in skin care, we read it. I read the article about sweet gale and puzzled all the way through, thinking, "I have never heard of this thing—what on earth is it?" At the end of the article, it said that sweet gale was bog myrtle and I had a laugh—I can see the ad man's problem in trying to sell to the world skin care products that are made of something called bog myrtle. It has duly become sweet gale, and that is fine, because it has turned out to be one of those ubiquitous Scottish plants that, nevertheless, has enormous economic potential for Scotland.

We are accustomed to reading about the great resource of the Amazon basin, and the wonderful and varied things there that might provide all sorts of splendid biochemical products for the future. The danger is, however, that we overlook things that are right on our doorsteps—or perhaps, I should say, in our back gardens, as many members will have had occasion to curse plants such as bog myrtle in the past. It turns out that Scotland is full of equally effective plant life, and the problem now lies in taking those plants and turning the theory of how good they can become into practical production.

I do not want the debate to concern only the Highlands, because bog myrtle grows throughout Scotland, even in areas that are partly urban. A lot of rural Scotland is not the Highlands, and there are areas that lie closer to urban centres which could be considered in relation to the issue. Bog myrtle is potentially of huge economic importance—we must not lose sight of the fact that Boots is already putting products made from it on its shelves. It is not something that could possibly be marketed in the future; it is being marketed and sold right now, and Boots cannot keep up with the demand. There is the possibility—in the supposed working of the market—for the situation to arise in which there is almost unlimited demand, because the producers cannot keep up with the demand even in the United Kingdom, much less roll out the products internationally. There is an enormous economic opportunity.

I hope that Mike Russell will not take this suggestion amiss, but I would have liked Jim Mather, as the Minister for Enterprise, Energy and Tourism, to be here as well, because it is equally important for him to take some of the issues on board. We are back to our old friend—how to get start-up capital, and how to get innovative development off the ground and moving. It is a matter of innovation, and I hope that that is at the heart of everything that we do. I echo the questions that were behind Peter Peacock's comments about whether we can find a place for non-arable crops in our various incentive schemes, in order to supply the enormous demand that exists for the product.

17:19

**Jim Hume (South of Scotland) (LD):** I declare, of course, an interest in farming.

I am grateful to have the opportunity to speak about bog myrtle, and I congratulate Mary Scanlon on securing the debate. She is living proof of the benefits of bog myrtle oil, having been a user for, I believe, two weeks. It is a miracle. Unfortunately, Mike Russell does not use the product—

**The Minister for Environment (Michael Russell):** How does the member know?

**Jim Hume:** It is obvious. We can see the urgent need to make bog myrtle oil more widely available.

Bog myrtle is a Scottish product that is superior to Australia's tea tree, and an exciting one. *Myrica gale*—to use its botanical name—is happy in the damp, acidic soils that are common in Scotland.

In 2006, Scottish Enterprise and Highlands and Islands Enterprise commissioned a report into the business opportunities for Scottish growers, the wider economic benefits for Scotland and the attached risks. It covered the expected value to Scottish farming; the value to seed and plant providers; the capacity for research and development related to the plant; manufacturing and job opportunities; the promotion of a natural Scottish product by a major multinational; the cultivation process; transport logistics; the distillation process; and timing issues in terms of production profile versus market requirements. The report concluded that there are significant opportunities for Scotland, both in the Highlands and Islands and in the South of Scotland, in the commercial production of bog myrtle.

This debate is a timely reminder of the importance of the Scottish Enterprise network in identifying new economic ventures and of the role of local enterprise companies in bringing those ventures to their areas. I am thinking of the work of the Borders LEC on farming and the extensive work of Scottish Enterprise Dumfries and Galloway on forestry opportunities.

Key to the success of any initiative are two things. First, there must be an open and co-operative supply chain, with commercial contracts, so that propagators and growers are given a fair price and receive assurance about uptake of their product. In the past, cereal growers have faced problems with their contracts in those respects. Fair trade here would protect the investment of Boots and lessen the risk for the grower.

Secondly, there should be access to the rural development plan—which has been mentioned—and support for growers, as well as for nurseries. The agricultural business development scheme, the farm business development scheme and the agricultural processing and marketing grant

scheme are now all closed to applicants. I hope that the minister will note that and make money available through the new rural development plan for farm diversification into, for example, alternative, non-food products.

There is demand for bog myrtle. Earlier in the year, it was estimated that bog myrtle could generate £5 million for rural areas—maybe more if it was exported to America. Additional income would be welcomed by any landowner or farmer, but with any new product there are risks. Plants do not always survive, and the cost of establishing plants can be up to £7,000 per hectare. There are trial plots in the Highlands, and Alba Trees of East Lothian—in my region—and the Buccleuch Group have successfully propagated 250,000 plants, proving that propagation can be successful in Scotland.

Bog myrtle shows that there are opportunities in rural Scotland, but it is no panacea. We should invest in research into such opportunities, not just from plants but from existing traditional rural industries. I am thinking of the use of wool in the building industry and in brakes in aerosystems; the use of cereals in packaging, lubricants, resins, fuels and textiles; and even the use of nettles in fine cloth, which has already happened. All of that can be done in Scotland, not just in the Highlands but in the South of Scotland.

Bog myrtle can be marketed as an entirely natural Scottish product. I look forward to the Government supporting this innovative product—no moaning about myrtle—and supporting other alternative uses for traditional agricultural products.

17:23

**Sarah Boyack (Edinburgh Central) (Lab):** I congratulate Mary Scanlon on securing the debate and on having done her research. She has managed to shed new light on the properties of sweet gale. I thought that I knew about it, but she has added more information to the debate.

This is a perfect topic for a members' business debate. It is something that we can get our heads round and it is of interest to members across the chamber. There is clear cross-party support for the product. At the end of these debates, having raised awareness of a topic, a minister sits in the hot seat waiting to reply and to reflect on the comments that we have made. I congratulate Mary Scanlon on picking bog myrtle for her topic. It is an excellent choice for a debate.

One of my most enjoyable engagements as a minister came in the latter days of the previous Executive. Members might not think that that was an exciting time, but there were a lot of exciting times in the last year of that Executive. The

engagement was to do with sweet gale. I was vastly impressed by the huge amount of work that Boots and the other partners put in. That work has enabled us to reach the point that we are at today. I congratulate people outwith the Parliament on the work that they have done.

The sweet gale industry is undergoing precisely the sort of development that we should support in Scotland, as colleagues have said. In that industry there is local research, which does not get raised often enough in the Parliament. We tend to think about research in the big universities, rather than the bottom-up research that the bog myrtle or sweet gale plant has brought. The commercial partnership and links between, for example, the Royal Botanic Gardens at Kew, academics and Highlands and Islands Enterprise are classic connections that we should foster and encourage more widely. In addition, the industry involves local agricultural production and the transition from a wild crop to a farmed crop. We do not hear about many examples of that. The sweet gale industry is an interesting development to which we should give consideration.

Roseanna Cunningham was absolutely right to say that, although Mary Scanlon has raised the subject in the context of the Highlands and Islands, we should not view sweet gale as being appropriate only for the Highlands and Islands. The list that we received from Boots today demonstrates the breadth of work that is already being done throughout Scotland. With new planting taking place, the industry will, I hope, spread further. We cannot overestimate the importance of even one or two jobs in communities in economically fragile areas, because even two jobs can make a difference, as they add to the economic development in an area. Having local processing facilities is also very useful.

Sweet gale has gone from being a niche market and a niche idea—if I can put it that way—to having the potential to grow into a mass market, which is what has stimulated our interest tonight. The idea is exciting, and it could go further. That is why the NFUS is so keen. I am glad that Mary Scanlon suggested that there is an opportunity for crofters to get involved in the industry. The scale on which the industry is developing lends itself to such an approach.

It has been suggested that the rural development programme is ideal for providing funding for the sweet gale project. From looking through the budget, I know that a lot of aspirations rest on the rural development plan. It would be good if the minister considered the matter. It would be even better if he gave us a positive response tonight. The proposals on sweet gale are not new; they have been kicking around for a while—

Highlands and Islands Enterprise did some work on them previously.

It would be good to get to the stage where more research could be done and we could make the transfer to production. That is the next challenge. We have read the briefings, and we know that that could work. Companies are interested, but we need to achieve a bigger scale. Moving from the niche market and niche production to a mass market and mass production is the challenge. I am glad that Mary Scanlon has raised the subject tonight. We should seize the opportunity—the industry is a great idea.

I end by asking, where is the next sweet gale going to come from? What other natural plants in Scotland could be developed? Roseanna Cunningham was absolutely right—if the plant came from somewhere in South America, say, we would probably be hugely excited about it. We need to look to our own back yard and get our scientists in Scotland to identify the next option. That would be a really exciting development from tonight's debate.

17:28

**Ian McKee (Lothians) (SNP):** I add my congratulations to Mary Scanlon for initiating the debate. I realise with horror how much older I must be than Roseanna Cunningham. The song that comes through my mind when I hear sweet gale being mentioned is, as I recall, "Where'er you walk, sweet gale shall surely follow", which is 18<sup>th</sup> century, if not 17<sup>th</sup> century.

It is really exciting when a new industry comes over the horizon, particularly one that utilises the natural heritage of the Highlands to benefit humanity and provide essential jobs to give a lifeline to threatened communities.

We have heard that bog myrtle has been used for its special powers for hundreds of years. The stimulation that it gave Vikings in battle later served to counteract the depression that was engendered by long, cold, wet Highland winters. More recently, it has served to protect against midge bites. It has also been used to flavour beer. Truly, an ingredient that can elevate depression, flavour lager and protect against midge bites is worthy of celebration in its own right.

Now we find that, when bog myrtle is incorporated into a cream, its oil protects against the effects of ageing. Perhaps that accounts for the smooth skin and youthful features of ladies of all ages who live north of the Highland line. Many members of the Parliament, including me, are certainly watching developments with mounting interest, although it is too late for some of us to benefit from the alleged effects of this wonder substance on hair follicles.

Much in the motion can be applauded warmly. I congratulate Alliance Boots and Highland Natural Products on their initiative and foresight in reaching this stage of development.

What is the role of Government in all this? In the previous session of Parliament, Ross Finnie, the then Minister for Environment and Rural Development, reported on a study that his department commissioned from independent consultants on the potential for this new product to benefit us. The study's results were that current demand could be met from wild harvest, but that optimising future development would depend on further economic research. It has been argued that things have moved on apace since then, and so they have. However, suggestions that the Government should become heavily involved need to be treated with caution.

Members will remember the ambitious Government scheme to grow groundnuts in Tanganyika, which is now Tanzania, between 1946 and 1949. I see a look of recognition on members' faces already. The aim was to stimulate economic growth, but it failed spectacularly. It incurred a huge loss to the British economy and perhaps brought about the downfall of Clement Attlee's Government in 1951.

There are circumstances in which taxpayers' money should be used cautiously for seed-corn funding for commercial developments when there is a potential benefit to a community. However, such developments should be embarked on only after rigorous professional assessment.

Richard Lochhead reassured members in June that the new Scottish rural development programme for 2007 to 2013 will include a specific measure that will afford farm businesses an opportunity to submit proposals for diversifying into alternative forms of agricultural production, including non-food crops such as bog myrtle. Any request to support this fledgling industry will be judged through that process. I wish the industry well.

17:32

**John Scott (Ayr) (Con):** I congratulate Mary Scanlon on securing the debate. I declare an interest as a farmer with a lot of bog and quite a bit of bog myrtle—I am waiting to hear whether Alliance Boots and Highland Natural Products want to harvest it.

It appears that bog myrtle is a plant whose time has come. I hitherto regarded it, perhaps foolishly, as a weed, although when I was a child I used to rub it between my fingers, enjoying the smell, which I presume came from the oil that is now so cherished. It is an extraordinary plant, because, as far as I know, it grows only in the most acid soil,

which I have always regarded as the worst soil conditions in Scotland. Goodness knows, there is plenty of such soil in Scotland, so it would be wonderful if the crop could grow in those areas. It might just be the holy grail coming at the right time, given that sheep are coming off the hills in droves in the Highlands and in crofting areas—indeed, throughout Scotland.

The presentation today was hugely optimistic in health and skincare terms. If all the predictions come true, there could be a huge commercial opportunity in bog myrtle for Scotland's farmers. As I said, an abundance of land could be made available for it. It appears from the presentation that Scottish bog myrtle is in a class of its own. If that is the case, let us go for it.

Incomes of between £500 and £700 a hectare would be better than that provided by sheep or cattle farming—or almost anything else. If the demand is as great as it appears to be, perhaps that is just the beginning.

At the moment, bog myrtle grows in an unfertilised, unfarmed condition. Perhaps the yields would increase if it was fertilised, although it might then lose its properties—I do not know. That is something to consider in terms of research and development.

Skincare products are one area of interest, but it was hinted that the oil might also have health-giving capabilities, which should be examined. It was suggested today that bog myrtle could be the answer to MRSA. Goodness knows, if that is the case, the sky is the limit.

An opportunity perhaps exists for a research establishment to help Alliance Boots develop the product and explore its full potential—it may even have some as yet undiscovered properties.

As Jim Hume said, an opportunity exists for farmers. I suggest that they could work in co-operation through organisations such as the Scottish Agricultural Organisation Society.

Sweet gale may have a big future. Sarah Boyack's endorsement is one thing, but Mary Scanlon having tried it out personally, with such obvious beneficial effects, is quite another. I wish the concept, Highland Natural Products and Alliance Boots every success in what could be a win-win situation for all involved.

17:35

**The Minister for Environment (Michael Russell):** I congratulate Mary Scanlon on securing the debate. I was unable to attend the presentation at lunch time, but Mary Scanlon helpfully and generously brought me some samples. I look forward to using the skin-soothing face mask as soon as the debate is over—I hope

that it has the same effect on me as it has had on Mary Scanlon.

The name of the product is seen by some to be a little unfortunate. Bog myrtle is indeed the proper Scottish name, but it is also known as sweet gale. We might like to note that it has a number of different names in Gaelic, the commonest of which in Lewis is roid. The uses of the plant are wide, particularly in the Hebrides. We have heard about its effect as an anti-depressant and that it is used to flavour beer. It has, of course, also been used as an insect repellent, and it has many other uses. It produces a yellow dye, which can be used to dye tweed—that was certainly its use in South Uist. In Barra, it was used as a specific for children, as a remedy against worms—I am sure that members do not wish all this information, but it might be useful. In Barra, it was drunk in tea and given to children who suffered from skin problems or gastric problems. In Islay and Jura, it was used as a garnish for food. It has a remarkable history, but it is only now that it is coming into its own. All credit goes to Boots and Highland Natural Products, which have been active in the matter and are taking it forward, although perhaps more for its cosmetic use than some of its previous uses.

Sarah Boyack indicated that ministers and officials have met those involved on a number of occasions over the past few years. It is fair to say that there was enthusiasm in the previous Administration and there is enthusiasm in this Administration.

The uses that have been identified by Boots and Highland Natural Products are important and they possibly have a Scottish, UK, European and global reach. We would encourage that for any Scottish product, particularly one that uses natural Scottish ingredients. We acknowledge that this is a significant potential commercial opportunity for the consortium. As a result, Roseanna Cunningham was right to say that it is a significant potential commercial opportunity not only for the Highlands and Islands, but for Scotland.

We must recognise that some significant questions still have to be answered. For example, the research to date suggests that the oils that are produced from plants grown in natural, wild boggy conditions are the best. The current cost of producing the oil is many times higher than that of producing other, comparable, oils. A reduction in production costs will be required to enable the development of a viable supply chain for the oil in Scotland.

The key issues that must first be tackled are agronomy factors related to cultivation, oil yield and analysis of the oil produced. That can be done only through a thorough programme of research and development. I am therefore pleased that

Highlands and Islands Enterprise and the UHI Millennium Institute have provided almost £300,000 towards that task. The agronomy institute on Orkney is considering how bog myrtle can best be grown and cultivated, and Boots research and development is analysing the oils produced. This is a good opportunity for the agronomy institute and a variety of other organisations in Scotland, including UHI, to be involved in a world-scale project.

**John Scott:** Does the minister accept that, in respect of the potential health-giving properties, there may also be an opportunity for some of the Scottish agricultural and biological research institutes to get involved in the development process?

**Michael Russell:** I am sure that that is the case and I am happy to confirm it.

My point is that the timetable means that it will be some time before the work is completed. Currently, 2010 seems to be the likely completion point, when we can move on to the next stage.

As well as providing public support for research and development, the Scottish Government is putting in place a system of support for farmers, crofters and other land managers who want to develop their businesses, including diversifying into new crops. I will deal with that in some detail.

The Scottish rural development programme will provide £1.6 billion over seven years to encourage and enhance the viability and sustainability of farming, agriculture, forestry and other land use in Scotland. Rural development contracts represent the central part of our programme's integrated approach. Regional priorities will be set, which is particularly important in this case, so that resources are directed to the areas of greatest need. The measures will encourage land managers to invest in and restructure their businesses, and support will be available for farmers and crofters who wish to supplement their income by developing alternative land uses or novel products.

**Christopher Harvie (Mid Scotland and Fife) (SNP):** Will the minister give way?

**Michael Russell:** I would like to give way but I wish to be able to make some progress.

Although much work has still to be done on the project, the prospect exists for land managers to consider diversification into a non-food crop such as bog myrtle, and to secure Government support for that.

The support will be considerable; support for up to 50 per cent of the costs will be available. Mr Hume and Mr Scott do not qualify for this, but for a young farmer—under 40 years of age—the support will have a 10 per cent premium, and 75

per cent training grants will be available to ensure that the farmer has the right skills to make use of that diversification. Rural development contracts also highlight the importance of co-operation, so that there can be co-operation between those who are growing, those who are developing and researching, and those who are marketing and selling.

The building blocks are in place and I am glad to be able to give two specific commitments that have been asked for, by Mary Scanlon and Sarah Boyack among others. Mary Scanlon mentioned the crofting counties agricultural grant scheme, which is being rolled up in the new rural development programme. Under that scheme, it is and will be possible for crofters to apply for assistance with the cost of establishing alternative agriculture, such as bog myrtle crops, under farm diversification measures. Once the Scottish rural development programme is in place, which we hope will be at the turn of the year, that will be possible.

There is also another possible line. Paragraph 2(10) of schedule 1 to the Crofting Reform etc Act 2007 amends section 42 of the Crofters (Scotland) Act 1993, which is about financial assistance. It changes assistance from its inclusive focus on agriculture to supporting any reasonable use that promotes sustainable development. It is fairly obvious that the bog myrtle scheme might well qualify.

Of course, lots of people want to get into the scheme and there is some competition, but it opens the door to say that support will be available for diversification.

All the contributions to this debate have been important and useful. The Government acknowledges the work that has already been carried out, supports the research that is taking place, and is keen that agricultural diversification among crofters and farmers will see this crop as having as much potential as many others. We hope that this product will be part of the process of Scotland finally establishing its unique place in the world as a place of environmental cleanliness, of wonderful biodiversity and of products that will help everyone on our planet.

*Meeting closed at 17:43.*



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