

# **MEETING OF THE PARLIAMENT**

Wednesday 9 January 2008

Session 3

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## **SCOTTISH MINISTERS AND LAW OFFICERS**

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FIRST MINISTER—Right hon Alex Salmond MSP  
MINISTER FOR EUROPE, EXTERNAL AFFAIRS AND CULTURE—Linda Fabiani MSP  
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MINISTER FOR PUBLIC HEALTH—Shona Robison MSP  
MINISTER FOR COMMUNITIES AND SPORT—Stewart Maxwell MSP

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MINISTER FOR CHILDREN AND EARLY YEARS—Adam Ingram MSP

### **Justice**

CABINET SECRETARY—Kenny MacAskill MSP  
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9 January 2008



## Scottish Parliament

*Wednesday 9 January 2008*

[THE PRESIDING OFFICER *opened the meeting at 14:00*]

### Time for Reflection

**The Presiding Officer (Alex Fergusson):** Good afternoon, and welcome back after what I hope has been a peaceful break for you all.

The first item of business this year is time for reflection, and our time for reflection leader today is the Rev Albert Bogle from St Andrew's parish church in Bo'ness. Among many other things, he is the founder of the Vine Trust and currently he chairs the church without walls project.

**The Rev Albert Bogle (St Andrew's Parish Church, Bo'ness):** Thank you for the privilege that has been given to me of coming to the Parliament and sharing in this time for reflection.

Perhaps I am here simply because I am a parish minister, or perhaps it is because of my interest in the church without walls project. It might even be because of my work, through the Vine Trust, with children in Peru. Next week, I will probably be standing in a shanty town, touching some of the poorest and saddest children that you will ever come across. Because of that, I thought that we would focus today on the child.

If the truth be told, we are all just children at heart. We may have important job titles and we may have complicated and challenging decisions to make; we may have expensive clothes and an air of authority; we may have grown older and tougher and even become hardened by the knocks of political life, but deep down inside us all there is a child still waiting to reach its full potential. A child that was never allowed to be just a child. A child with a name—perhaps a name that is never spoken out loud anymore. A child lost. A child disappointed. A child full of dreams. A child remembering a put-down. A child that was once loved. A child longing to be recognised. A child angry. A child always alone. A child afraid. A child as stubborn as we are today. A child that could once play and laugh and even, dare I say, trust. A child that could fuss and fight and then make up and be a friend.

Somewhere along the way we lose ourselves, we take upon ourselves other people's personas, we play to the gallery of life and we discover the tricks that make people want us on their team. However, we have all lost something. There is a part within us that is empty.

We are in search of the child who could never be, so we seek to live through, and even project our childhood experience on to, the lives of today's children—sometimes for better and sometimes just for ourselves.

Searching to be a grown-up has become a struggle to survive. And what has grown up is not always what makes grown-ups. We never meant to become the schemer, the bully or—dare I say—the doctor of spin. Perhaps we need to reconnect with that child again and take care of the unfinished business that we have buried deep inside ourselves.

Jesus once said, "Unless you become like a little child you will never enter the kingdom of God."

Perhaps we could say a prayer, but with our eyes open. I am a great one for having the eyes open during prayer. I cannot be bothered with closed eyes. When your eyes are open, you see the need; when your eyes are closed, you hide.

Lord!  
Your Kingdom?  
It sounds a bit upside down.  
People before process,  
Wisdom before knowledge,  
Integrity before politics,  
A child before an adult.

Lord,  
A Kingdom like that  
Could inspire a nation like Scotland.

Lord,  
Help me make a start again.  
Perhaps be born again?  
Just like a little child.  
In a new year,  
With a new beginning,  
As a new person.

## Sportscotland

**The Presiding Officer (Alex Fergusson):** The next item of business is a statement by Stewart Maxwell on sportscotland. The minister will take questions at the end of his statement, so there should be no interventions.

14:05

**The Minister for Communities and Sport (Stewart Maxwell):** The Government has Scottish sport's best interests at heart, and the review of sportscotland has been conducted with that in mind. We took a flexible and open-minded approach to the review. It was important that we listened to our stakeholders and took account of the recent challenges and opportunities that winning the bid to host the 2014 Commonwealth games creates for Scottish sport. That offered a new dimension to the review. It is a fantastic opportunity and it provides even more reason to make the delivery of sport as efficient and effective as it can be, as quickly as possible.

The review examined whether sportscotland's current functions continue to be necessary and, if so, which organisational arrangements would be most effective at delivering them. As part of the review process, the Government agreed that it was crucial to engage with all our stakeholders and key players that represent the delivery of sport and to give them the opportunity to submit their views. That is why all the principal organisations that represent sports interests were consulted. Several Scottish governing bodies of sport were consulted directly and others were consulted as part of group workshops that were led by the Scottish Sports Association, which is the representative organisation for Scottish governing bodies. That enabled all bodies to have input into the review process. Other organisations, such as the Convention of Scottish Local Authorities, the Scottish Institute of Sport, the area institutes of sport and the Commonwealth Games Council for Scotland, also contributed to the review.

Consultation was undertaken through a combination of written correspondence and discussions with key stakeholders. The feedback from stakeholders indicated that the majority wanted to retain a national agency for sport and that they valued its expertise. They identified the integrated one-stop approach to lottery and Government investment as paramount. However, they also felt that scope existed to simplify the complex sporting landscape. I have been impressed by the positive and practical responses from our stakeholders and I thank them for their input.

This country must ensure that the delivery of sport reaches the whole nation, and we are now presented with a unique opportunity to do that. Glasgow's tremendous success in winning the bid to host the Commonwealth games in 2014 for Scotland offers a great opportunity for Scottish sport and the people of Scotland. Not only is it an opportunity for those who take part as elite athletes, coaches or officials, it is an opportunity to inspire everyone in Scotland. Most of all, we want to inspire our young people to adopt a healthy lifestyle and to enjoy being active, with all the personal and social benefits that that brings.

This is truly an exciting time for sport. We therefore need to have an efficient, effective and co-ordinated approach to sports development. The delivery of sport depends heavily on having a robust development programme for sports professionals. We need people who can identify and disseminate good practice by working with national, regional and local sports development networks.

The Government is committed to ensuring that the organisation that will deliver sport in Scotland is leaner and more efficient, by removing the layers of bureaucracy of the previous structure. It will be fit for purpose and will ensure that the interests of sport remain paramount. It will provide strong support throughout the country by nurturing talent, supporting grass roots and boosting participation in sport.

Having listened to and considered stakeholders' views and opinions, the Government has decided that sportscotland should merge with the Scottish Institute of Sport into a single body under a single board. The Government wants to declutter the sporting landscape and to ensure that the new organisation delivers sport in a more effective and efficient manner that will benefit Scotland. I emphasise that we are not just merging two bodies but carrying out a radical overhaul. We will create a flatter structure and bring delivery much closer to the user.

We have decided that the newly merged organisation will retain the name sportscotland, because we do not want to waste time or money on an unnecessary rebranding exercise when sportscotland is a strong and recognised brand in the marketplace. *[Interruption.]*

**The Presiding Officer:** Order.

**Stewart Maxwell:** The changes in how sportscotland is structured and operates to support sport better are the key, and we will initiate changes as quickly as possible with that in mind.

I am pleased to announce that the new organisation's headquarters will be located in Glasgow. That decision will come as a huge



disappointment to Labour members, who desperately hoped to attack the Government. Their attacks have again proved to be nothing more than the usual ridiculous scaremongering. We intend to initiate the relocation as soon as possible. The organisation will ultimately be located at the new indoor arena in Glasgow.

Basing sportscotland in Glasgow will emphasise the opportunities that the 2014 games will bring and the important role that sportscotland will need to play in ensuring that there is a legacy from those games for the people of Scotland. Sportscotland will also have a crucial role in supporting our aspiration to have the most successful Scottish games team ever.

The Scottish Institute of Sport will be sportscotland's performance delivery arm. It will report directly to sportscotland's chief executive officer and board and will be tasked with primary responsibility for delivering on the elite athlete programme. The high-performance hub will remain in Stirling and will be encouraged and supported to continue to operate in an innovative and unique way that is appropriate to the performance sport environment.

Links across the six area institutes of sport will be strengthened and the potential will exist to simplify funding arrangements. Following discussion on simplifying the structure further, it is intended to reduce the number of area boards from 12 to six.

We aim to create a clearer and better-supported performance pathway for our aspiring athletes and governing bodies, and we acknowledge the important role that performance experts can play with the Scottish Institute of Sport, not only in the area of high performance but in taking a technical lead role in performance development. Sportscotland will be charged with ensuring that there is a seamless pathway from grass-roots level to elite-performance level. It will also continue to provide Government and lottery funding by taking an integrated strategic approach, fulfil statutory functions, and provide expert advice and support services to sport throughout Scotland.

We will create a number of decentralised delivery hubs, which will provide expertise and advice to local authorities and Scottish governing bodies of sport. The decentralised delivery approach will build on sportscotland's experience of remote working practices, which its staff already use, and enable there to be a reduced central headquarters office base. We believe that that approach will achieve greater efficiency and promote smarter and greener working practices for a national delivery organisation. However, I make it clear to staff that there will be no compulsory redundancies because of the changes.

The proposal is to create four hubs—one alongside the new headquarters in Glasgow, and the others in Edinburgh, Stirling and Aberdeen. The decentralised hubs will ensure that staff will be able to work more closely with the area institutes, local authorities and governing bodies. There will be less travelling time for staff, which will enable them to concentrate on building strong partnerships with their stakeholders.

The new sportscotland will encourage wider participation through more initiatives like the active schools initiative and will support talented sportspeople who have the potential to reach world-class standards.

The three national centres—at Inverclyde, Cumbrae and Glenmore Lodge—will continue to operate as trusts under their current arrangements. They will be linked more closely and will play a role in the new decentralised delivery structure.

A new single board will be established to replace the existing boards of sportscotland and the SIS. That board will retain a number of its current members, but it will be encouraged to recruit the additional expertise that is required to support its new structure. An implementation team, which will include sportscotland and SIS staff and Government officials, will be created to oversee the setting up of the new organisation.

The decisions that have been taken meet all the objectives that we set for the review of sportscotland. They meet the needs of sport, take account of the views of stakeholders and reduce the number of public bodies.

We must now look to the future of sport in Scotland and build on the success of the 2006 Commonwealth games in Melbourne, in which Scottish athletes made outstanding achievements. It is important that we now set in place an infrastructure that will deliver an even greater medal tally in Glasgow. We also want to ensure that our athletes receive the best possible support to enable them to excel in the Olympics and Paralympics in Beijing later this year. Scotland will also have a team of young athletes competing in the Commonwealth youth games in Pune in India in October. I hope that some of those athletes will go on to success in Glasgow in 2014.

In addition, we must work towards the winter Olympics and Paralympics in Vancouver and the Commonwealth games in New Delhi in 2010. However, this is not just about Commonwealth and Olympic sport. In Scotland, we can look forward to Ryder cup golf in 2014. Recently, Scotland has seen a resurgence in its success in football internationally, not just with the national team but with our club teams, and Andy Murray

got Scotland off to a great sporting start to the new year with his win in Qatar. [*Applause.*]

We are committed to sport in Scotland and to securing a firm and lasting legacy for the future. That was part of our successful bid for the 2014 Commonwealth games, through which we will have an opportunity to showcase Scotland on the international stage, to increase Scotland's sporting prowess and, most important, to demonstrate a long-lasting benefit to sport.

Scotland as a nation is passionate about sport. We want our young people to be inspired by Scottish athletes performing on the international stage and in a major showcase event on home soil in 2014. We will improve facilities and sports venues, we will focus on increasing participation in sport and physical activity, and we will create an army of volunteers for future sporting events. There will also be many non-sporting benefits for Scotland, probably the most important being the potential improvements to our nation's health.

The Government is committed to implementing "Reaching Higher: Building on the Success of Sport 21", the national sport strategy, which was launched early last year. The strategy defines what needs to be done to improve sport in Scotland and lays out clear and specific roles and responsibilities for all the major partners in Scottish sport—the Scottish Government, sportscotland, local authorities and sports governing bodies. It is crucial that we provide strong leadership to achieve that, and we look to our partners to do likewise.

We are all alive to how sport can make a significant contribution across society and to the fact that, without doubt, sport contributes to our objective of making Scotland a nation that is wealthier and fairer, healthier, smarter, safer and stronger, and greener. We are emerging from a period of change both nationally and locally, and we have a unique opportunity to ensure that the value of sport is high on a range of new and emerging policy agendas, such as in education, health and transport. For example, we must continue to encourage physical activity for everyone and continue to promote walking and cycling to benefit the health of the people of Scotland.

All members are aware of the concerns—which we share—about reduced lottery funding for grass-roots sport. We continue to pursue the matter with the UK Government. Since the lottery began, about £275 million has been invested in sports projects in Scotland alone. That is a significant investment that we cannot allow to be hijacked. Specifically, Scotland will lose more than £13 million from Scottish sport. Why should Scottish sport suffer to deliver a London 2012 Olympic games? Why is it that winning a major

sporting event for London means more lottery money being invested there, but Scotland winning a major sporting event for Glasgow results in lottery funding being taken away from Scottish sport? That is unacceptable, and it is an issue on which the Government will continue to press.

The priorities for the new organisation will be to work with partners to continue to deliver the "Reaching Higher" strategy, increase participation and improve performance. It is also important that the new organisation continues to strengthen the development of improved partnerships with the governing bodies and local authorities. By getting rid of duplication, simplifying structures and stopping activities that do not contribute to the Government's objectives, we will free up Scotland's public servants to provide the services that people need.

The new organisation will also continue to support our athletes, work towards increasing the number and quality of Scots competing on the international stage, and improve the performance landscape in Scotland. That will be achieved by ensuring that the key role and functions of the Scottish Institute of Sport are maintained and by strengthening links with the area institute network.

This is a new year and a new beginning for sportscotland as a new organisation. It will give its entire staff more opportunity to work in partnership with their stakeholders. It will ensure the best delivery of sport to all the people of Scotland, who will be given the opportunity to participate and enjoy sport at every level. The new structure will ensure not only that our aspiring athletes can achieve their full potential but that the wider benefits of sport reach out to the whole nation.

I am confident that the decision is the right one for sport, for all sportsmen and sportswomen, and for the people of Scotland.

**The Presiding Officer:** Before we move to questions, I know that members will be keen to know one of my many new year resolutions with regard to the chamber. The questions that follow statements are a superb opportunity for back benchers, in particular, to question ministers on the subject of the statement. The way to do that most effectively is to get as many of them in as possible, and the way to do that is to keep questions and answers as succinct as possible, please. Some leeway has always been given to front benchers, but I ask all members please to keep questions succinct, short and to the point, and ministers to do likewise with their answers.

**Mr Frank McAveety (Glasgow Shettleston) (Lab):** I thank the minister for the early copy of his statement. I hear an aside about doom and gloom, which is not a characteristic that people naturally associate with Frank McAveety.

I congratulate the minister on his bravado in claiming that he has single-handedly got it right for the future structure of sport in Scotland. The truth is that his Government has been dragged kicking and screaming into the new year in resolving the issue of the future of our sports agency. If the minister had listened much earlier, instead of having eight months of indecision, avoidance and uncertainty we could have had eight months of ensuring that we worked with our sports agency to deliver the next decade of sport for Scotland.

I welcome the commitment—[*Applause.*] I am always pleased when the Government agrees with me, so thank you very much.

First, your statement claims that you listened to stakeholders, although the detail perhaps does not show as many stakeholders as your statement claims. If we are so committed to listening to stakeholders' views, when will the minister publish the stakeholders' responses to the review process? What questions did he, as the minister, ask as part of that review process? That would be helpful and in the interests of transparency.

Secondly, your statement claims that you want to strengthen the six area institutes of sport to simplify funding arrangements. For the benefit of the chamber, what exactly does the minister mean by that rather broad statement? How is he going to deliver on that ambition within the timescale contained in his statement?

The minister mentioned that staff will be relocated to the Glasgow headquarters, and I welcome that decision, although I remind Parliament that it was the previous Government's position and that it was supported by Labour members. However, I note that none of your back benchers was very positive about it when it was debated previously. How many staff will relocate to the Glasgow HQ and how many will be in the restructured hubs?

The minister claims that the existing national centres will be linked more closely and will play a role in the decentralised structure. Again, will he amplify that point?

Finally, minister, do you agree that you are the Muhammad Ali of Scottish politics? In December, you tried the rope-a-dope trick in Parliament, but unlike Ali you did not take the punches; you lost the fight. Today is not a victory for your Government; it is a victory for everyone in the Parliament who wanted to ensure that we have a national sports agency that is fit for purpose, not abolished, as you intended to do way back in May and June.

**The Presiding Officer:** I remind members that they should not refer to people in the second person singular.

**Stewart Maxwell:** Just when you think that the pantomime season has come to an end, up pops Frank McAveety, unfortunately, with the same tired old lines and lame jokes. It is a bit rich of Frank McAveety to accuse the new Government of taking months to come to a decision when years and years of uncertainty were placed at the door of sportscotland by the previous Administration—the staff did not know what was happening and they were left in a very anxious situation of not knowing where they were going or when. The idea that the years of uncertainty, prevarication and anxiety for the staff of sportscotland that the previous Administration provided were somehow better than us making a rapid decision over the course of a few months and giving a clear indication of the future of that national agency is, frankly, nonsensical.

It is also a bit interesting, to say the least, that the first big question from the Labour members was about whether we will publish the consultation responses. The question was not about the future of the national agency, the future of sport, or the benefits of sport for this country—it was about publishing some responses. I made it clear on many occasions before Christmas that the organisations who responded did so in confidence. We have gone back to them and we will ask them whether they are willing to have their responses published now that the decision is public. I am quite happy to do that if they are happy to let us do so.

I will not indicate today the number of staff in each location but, frankly, it is a much better solution for all the staff that they have the opportunity to remain in the Edinburgh hub or go to the Glasgow hub. As well as those hubs covering the east and west, the Stirling hub will cover the central area and the Aberdeen hub will cover the north. I am sure that staff will welcome our flexible approach rather than the previous approach of having a bureaucratic relocation decision, in which one major centralised bureaucracy was shoved from one city to another. That is not the way to solve the problem. However, I am happy to tell Frank McAveety that the majority of staff will be located in Glasgow, where the west of Scotland hub and the headquarters will be situated. The majority of staff will be moving to Glasgow.

**Jamie McGrigor (Highlands and Islands)**  
(**Con**): I thank the minister for the advance copy of his statement.

Will the minister concede that his announcement is a significant U-turn on the SNP's stated manifesto commitment to abolish sportscotland, which was opposed across the whole Scottish sporting community? Although his U-turn is welcome, will he acknowledge that it is regrettable

that we had many months of uncertainty in sports policy when we should have focused on the real priority of encouraging more participation in all sports among all age groups?

Will the minister give more details on how the new structure will ensure that the excellent work of the Scottish Institute of Sport is expanded? If the institute is to be merged with sportscotland, will its management have seats on the sportscotland board? How will the institute fit in with sportscotland's achieving excellence team? Which of the institute's six area boards will be done away with? I am sure that the institute wants to know.

Finally, the Scottish Institute of Sport's legacy was the Scots athletes' achievements in Melbourne, which the minister mentioned. I hope that he will not be haunted one day by the phrase, "If it ain't broke, don't fix it."

**Stewart Maxwell:** There is no U-turn on the table today. Frankly, what we said we would do is what we have done. We have radically overhauled the organisation. We are making an organisation that is radically different from the current one. It will have a small number of headquarters staff and a decentralised structure to ensure that delivery happens at the chalkface. It will work with partners, local authorities and governing bodies. That is what is important. We are driving the effort, support and expertise out into communities rather than having everything in a centralised, overly bureaucratic structure. Clearly, the structure will be very different from the current one.

On the consultation, Jamie McGrigor suggests that a few months of consultation and considering what is best for the future of sport is somehow worse than the years of prevarication, difficulties and anxiety that were caused by the previous Administration. During a consultation and review process that apparently caused so much trouble, we went out and won the Commonwealth games, therefore it seems to me that our eye was very much on the ball and on the benefits of sport. We did not take our eye off the ball. We worked with partners to ensure that the work continued while we reviewed what was best for sport.

In response to the question on the Scottish Institute of Sport, I can confirm that, yes, elite performance experts will be included on the new single board. That is absolutely the intention. The current sportscotland will not simply continue and take charge of the SIS. We have no plans to abolish any of the six area institutes—Jamie McGrigor may have misheard that—but we plan to merge their boards. The 12 boards will become six boards.

**Mr McAveety:** Which ones will be merged?

**The Presiding Officer:** Order.

**Stewart Maxwell:** I hear comments from a sedentary member on the Labour benches. Frank McAveety has had his question, but I am afraid that he failed to ask any questions of importance about sport. I should explain to other members in the chamber that each area institute currently has two boards. In future, they will have one board, because the two boards will be merged into one, therefore the 12 boards will become six. That is a much simpler and more streamlined structure.

**Ross Finnie (West of Scotland) (LD):** I thank the minister for providing me with an advance copy of his statement.

The minister is in danger of indulging in selective amnesia. The Government has quite rightly been making much of its manifesto, but I remind the minister that the SNP manifesto talked about the abolition of sportscotland. I take this opportunity to welcome the complete U-turn that has taken place—the one thing the minister has not done is abolish sportscotland.

The structures are important, but the key aspect of sportscotland is its objectives and national functions. If I heard the minister correctly, he said that we must ensure

"that there is a seamless pathway from grass-roots level".

I spent a little time examining my advance copy of the minister's statement against sportscotland's statement of national functions, but I was unable to identify in the statement any substantive change to the previously stated national functions of sportscotland, save for the important merger of sportscotland with the Scottish Institute of Sport. I am slightly concerned that, instead of acknowledging that the national functions of sportscotland have been retained, he said that there would be a "radical overhaul" of the organisation and that changes—not just those that are mentioned in his statement—would be initiated "as quickly as possible". I would be grateful if the minister would confirm that the current substantive and material functions of sportscotland will be retained.

I ask the minister to clarify an issue that Jamie McGrigor raised. In his statement, the minister said that the Scottish Institute of Sport will be the performance delivery arm of the organisation and will report directly to its CEO and board. However, he went on to talk about merging the boards. There seems to be some confusion: if I heard the minister rightly, he said that there would be a single board, but the advance copy of the statement refers clearly to

"their CEO and their board."

Finally, I ask the minister to clarify a matter to which he did not refer in the statement. We have all been enormously impressed by the community

regeneration programme that sportscotland has run. Can he confirm that it will continue and that one of the national functions that sportscotland will retain is its ability to set national standards?

**Stewart Maxwell:** The answer to Ross Finnie's last question is an unequivocal yes—sportscotland will retain that function.

The board of the Scottish Institute of Sport will be the sportscotland board. The institute will report directly to that board, through the CEO. There is no confusion: there will be a single board, to which the institute will report. Currently, if someone in the SIS wishes to secure funding for a new project that will promote sport, they make a presentation to their manager, who makes a presentation to the CEO, who makes a presentation to the SIS board, which makes a presentation to the CEO of sportscotland, who makes a presentation to the board of sportscotland, which eventually makes a decision. That is a ridiculously overheavy and bureaucratic structure. The SIS will now report directly to the CEO and board of the new organisation.

It will be a new organisation. In the previous debate on sportscotland, the Liberal Democrats failed to understand that there is a difference between objectives and how they are delivered—they still seem to have difficulty understanding it. We have all signed up to the objectives that have been set: we want to see greater participation and improved performance. There has never been any argument about that, but there has been a difference of opinion about how we will deliver the objectives. We have made changes in that area to ensure that we push the organisation out of its centralised bureaucracy and into the areas of Scotland where it will support and work hand in glove with local partners.

It is not true that what we propose is simply a merger. Ross Finnie failed to mention that we are completely decentralising the structure of the organisation, which will be very different. Given the Liberal Democrats' history and their belief that decentralisation is important and that organisations should be pushed out to the lowest level, I had thought that they would support a proposal that will ensure that local communities, local organisations, local authorities and the governing bodies that are based in local areas have direct and local contact with sportscotland staff, via the hubs. I hope that they will sign up to that in the future.

**The Presiding Officer:** We come now to questions from back benchers. I repeat my earlier stricture: we have 11 back-bench questions and answers to fit into 15 minutes, so I ask for one succinct question per member, please. The first question is from Michael Matheson, who will be followed by Patricia Ferguson.

**Michael Matheson (Falkirk West) (SNP):** I warmly welcome the minister's statement this afternoon, which is effectively about the abolition of sportscotland as we know it. The radical new structure—decentralisation in particular—will serve Scottish sport well. With that decentralisation in mind, I ask the minister what benefit will be gained at grass-roots level from the creation of the four hubs throughout the country.

**Stewart Maxwell:** Clearly, the benefit to local organisations—whether they are local authorities, governing bodies or other partners such as those who work in sport—including local voluntary groups, is that there will be a sportscotland hub in their areas in the west, east, centre and north of Scotland. At the moment, there is a huge amount of travelling backwards and forwards by staff from sportscotland's headquarters to various parts of the country. The hubs will mean that staff bases will be local. Over and above that, my firm expectations are that staff will spend more time out in communities working with organisations and that they will use their local bases when it is necessary to sit at a desk. They will not have to return to Edinburgh to do that. The staff will be based in local hubs and they will be out daily working with local groups and partners to ensure that we deliver on the ground for sport at grass-roots level in order to make sure that we build a future for sport in Scotland.

**Patricia Ferguson (Glasgow Maryhill) (Lab):** I say to the minister in opening that some of us have a little difficulty in equating the words "abolition" and "retention", which somehow mean the same thing to him.

I noticed in the minister's statement that he talked about how Labour members would be disappointed that sportscotland's HQ would go to Glasgow. Members on this side of the chamber, as well as other members, are very pleased with that announcement. It is strange and churlish of the minister to say that Labour members wanted to attack the Government on that decision and to allege that we were scaremongering. Given that the minister's stated view was that we should abolish sportscotland and that his Government does not believe in relocation, we were correct to be worried about the new location.

The minister said in his statement that "the review"—as opposed to the consultation—

"examined whether sportscotland's current functions continued to be necessary".

Will the minister say which of the current functions are necessary, which will be retained and which new functions sportscotland will develop?

**Stewart Maxwell:** It is strange that the Labour Party campaigned for something but complains about it when it is delivered. That sums up the

hypocrisy of members on the Labour benches. When one campaigns for something that then occurs, the usual response is to welcome it. It is rather churlish of the Labour spokespeople to complain now. *[Interruption.]*

I make it clear to the member who is shouting from a sedentary position that the question was about the objectives of the new national agency and the difference between it and the previous agency. As I have already made clear, the answer is that the objective, via "Reaching Higher: Building on the Success of Sport 21", is the same. We are signed up to improve performance, enhance delivery and ensure that sport is part of Scotland.

**Mr McAveety:** What about the functions?

**Stewart Maxwell:** The new agency's objectives are part of its functions. If the member does not recognise that, I fail to see how he could recognise anything at all. The functions of the organisation will continue; it is a national organisation that will deliver for sport in Scotland. Now, however, it will deliver much more efficiently because it will no longer be a large centralised bureaucracy based in the middle of Edinburgh; it will be out in the communities with a decentralised structure working at the grass roots and delivering what we all want—which, unfortunately, has not been delivered up until now.

**Christine Grahame (South of Scotland) (SNP):** I note that, in relation to the reduction in staffing at sportscotland, the minister made the important point that there will be no compulsory redundancies. Has he discussed that with trade unions? If so, what is their position on the proposals and the impact that they might have on their members?

**Stewart Maxwell:** I am happy to reiterate that there will be no compulsory redundancies as a result of the changes. It is important to make that clear to ensure that staff are not anxious about their future.

Officials and I have met Scottish Government unions on a number of occasions to discuss the approach to the public sector landscape and, in particular, the future of sportscotland and its staff. The most recent of those on-going discussions was held at the beginning of the week. I am sure that we will have meetings in the future; indeed, I have made a commitment to the unions that I am happy to meet them to discuss today's announcement. Obviously, we did not discuss the details of the announcement before it was made to Parliament, but—now that it has been made—I am happy to work with the unions and the organisation's management to ensure that we get the best outcome not only for sportsmen and

sportswomen throughout Scotland, but for staff and their future.

**Johann Lamont (Glasgow Pollok) (Lab):** Members might recall that before the Christmas recess the minister was revealed in the chamber to be

the Humpty Dumpty of the ... Parliament". —*[Official Report, 13 December 2007; c 4374.]*

I am sad to say that he is now Humpty Dumpty in denial.

The minister should understand that to assert something does not make it true. The fact is that there was no consultation or review. However, despite the minister's best endeavours to ignore them, the views of sporting organisations and members of this Parliament have been forced on him.

**The Presiding Officer:** Could we have a question, please?

**Johann Lamont:** Perhaps on some other day the minister will reflect on how such an arrogant approach has led to this pantomime.

My question is about two groups that were not consulted in the non-consultation: Children 1<sup>st</sup> and other children's organisations, and the planning officials in his own Government. What meetings or discussions have taken place since 13 December with children's organisations on sportscotland's role in relation to child protection issues? What meetings have taken place with planning officials on sportscotland's role in protecting open space in our communities? If such meetings or discussions have not taken place, will the minister tell us when he will meet those organisations and people to ensure that those critical roles for sportscotland are sustained in the coming period?

**Stewart Maxwell:** As I said earlier, pantomime season clearly has not ended. Only Johann Lamont could moan about things that she actually agrees with and supports. The Labour Party cannot make up its mind whether it is happy or unhappy with this announcement.

As far as consultation is concerned, no matter how much the member might assert otherwise, there was clearly consultation of a large number of bodies—*[Interruption.]*

**The Presiding Officer:** Order.

**Stewart Maxwell:** I think that the problem, Presiding Officer, is that the Labour members fail to recognise real consultation when it takes place. Over the eight years of the previous Administration, consultation was no more than a fig leaf to cover decisions that had already been made. On the other hand, this Administration has real consultations in which it goes out and speaks to governing bodies, the whole sector and all

interested parties and major stakeholders in sport. When they respond, we take on board their expert opinions and respond accordingly. [*Interruption.*]

**The Presiding Officer:** Order.

**Stewart Maxwell:** That is what a real consultation is supposed to be—I am not in the least surprised that Labour members do not recognise it.

**Margaret Smith (Edinburgh West) (LD):** I am pleased that the Government has listened to stakeholders and decided not to abolish sportscotland—although I have to say that there has been a bit of selective amnesia about a certain debate in which Parliament's will on the issue was made quite clear to the Government.

That said, as constituency member for the location of the current headquarters of sportscotland, I am disappointed that the new HQ will be located in Glasgow because such a move can only add to disruption for staff. The minister might know that a report that was undertaken in 2006—

**The Presiding Officer:** Could we have a question, please.

**Margaret Smith:** This is my question. The report suggested that about 30 per cent of staff would leave the organisation if it moved to Glasgow. It is unacceptable that in this respect the minister has provided no clarity on numbers. How many staff will remain in Edinburgh? How many experienced staff, if any, are expected to be lost to the organisation at this crucial time as a result of relocating the majority to Glasgow? Finally, how much will relocating the HQ cost?

**Stewart Maxwell:** I recognise Margaret Smith's clear interest in having the organisation in Edinburgh, in her constituency. The relocation decision that the Administration has taken is good news not only for the people of Glasgow but for staff in Edinburgh. The previous situation was that 145 staff were to be shifted from Edinburgh to Glasgow. There would have been nothing at all for Edinburgh—no sportscotland presence in the east of Scotland. There will now be the establishment of a local delivery hub of sportscotland staff who will work with stakeholders across the east of Scotland. That is good news for Edinburgh. I am sure that Margaret Smith will welcome the change and the flexibility that we have provided for many staff in the organisation.

I turn to Margaret Smith's question on numbers. Clearly, before individual numbers and names are given, the new organisation's management and implementation team must be given the freedom to put in place the structure for the skill sets in each location. It is inappropriate for me to talk about the numbers in any great detail today.

Clearly, the cost of the previous relocation was massive; indeed, it was merely an exercise in relocation for relocation's sake. The relocation decision that we have taken is an exercise in decentralisation, albeit that it includes a relocation, the cost of which is substantially less than that which the previous Administration had provided for relocation of the whole organisation.

**Elizabeth Smith (Mid Scotland and Fife) (Con):** The minister is right to say that Scotland is passionate about sport. It is. However, that passion lies as much in the grass roots as it does in our elite athletes. Will he provide more detail than he gave in his statement on exactly how the new structure will increase participation at the grass roots, particularly among schoolchildren? More importantly, how will it attract volunteers who are willing to assist in that area?

**Stewart Maxwell:** One of our primary targets is to increase participation across the country. I am sure that we all share that aim. Increased participation is a primary role of the current organisation and it will be a primary objective of the new organisation.

Decentralisation will allow people to work in communities in the local office areas rather than in the Edinburgh headquarters. Much more of their time will therefore be spent on delivery and support and in providing expert opinion and advice. It is important for sportscotland staff that they will not have to spend the time they currently spend travelling backward and forward to headquarters in Edinburgh—it is more important to them to spend time where they work. Decentralisation will have a positive impact on the grass roots of sport.

I turn to volunteers. Currently, a number of measures are being developed to increase the number of volunteers. Our aim is to support sport through the opportunities that Scotland has gained as a result of the legacy plans for 2012 and in the lead-up to 2014. Those plans are on-going. We will, over the next few years, build a base of massive numbers of volunteers across the country—many thousands of people will have the opportunity to become volunteers. We will grasp the opportunities that are provided by 2012 and, particularly, by 2014.

We will also grasp the opportunities that are presented by the other sporting events that we hope to bring to Scotland over the next decade. We want to ensure that people see volunteering as an important and integral part of the sporting landscape. I am sure that Glasgow's success in winning the 2014 Commonwealth games has inspired many people to volunteer for that event. I know that people have already made contact with Glasgow City Council and other organisations to

indicate their wish to volunteer, as they have for other events.

**Ian McKee (Lothians) (SNP):** The Scottish Institute of Sport is a highly regarded organisation. However, some people fear that the implication of today's announcement is that sportscotland will totally take over the institute. Will the minister reassure Parliament that that will not be the case? Will he set out more fully the implications of the merger for the institute?

**Stewart Maxwell:** It is absolutely not the case that the Scottish Institute of Sport is under threat in any way, shape or form. The changes that I have announced today will ensure that the institute continues to be the performance delivery arm in Scotland. It will have freedom to operate—I made that clear in my statement.

However, the changes will have an effect on the institute. As I mentioned, we will remove the bureaucracy of management—the structure above the institute—which means that it must go through layers of management before decisions on its activities can be made. The institute will operate with a streamlined management structure and will be the major delivery arm for elite athletes.

It is worth mentioning the important point that as well as changing the institute's management structure, we will also provide long-term stability in its funding. Until now, the institute has been funded through the national lottery which, frankly, is not an absolutely certain method of funding, particularly given the United Kingdom Government's desire to remove lottery funding from sport in Scotland. In the future, we will provide Government funding for the institute, which it has been requesting for some time. The previous Administration did not provide Government funding, but we will. That will provide long-term stability of funding for the organisation and guarantee its future. That shows clearly our determination to support elite athletes in Scotland and to ensure that they deliver the sort of medal tallies that we want, not only this year, but in the years to come and particularly in the lead-up to 2014.

**Karen Gillon (Clydesdale) (Lab):** Well, well, well. If it walks like a duck and talks like a duck, it is a duck—this new body is sportscotland. Like the minister, I welcome the successful campaign by sports bodies and by all the parties in Parliament—except the SNP—to retain sportscotland as the national governing body for sport.

In his statement, the minister said that the changes will stop

“activities that do not contribute to the Government's objectives.”

What are those activities?

In his previous answer, the minister said that he will provide Government funding to the Institute of Sport. How much will it be, when will it be available and will it be additional to the money that is currently available for sport in Scotland?

**Stewart Maxwell:** I said that the institute will no longer be funded via the unstable funding stream of lottery funding, but through Government funding.

**Karen Gillon:** How much?

**Stewart Maxwell:** It will be funded through Government funding and to the current level, with an increasing level in the future. That is in line with our increases in the money that will go into sport during the spending review period. It is clear that additional funds are going into sport. We will provide stability of funding for the institute. While it remained under lottery funding, it was clearly in danger of losing funding. That will now not happen.

I am glad that Karen Gillon welcomes the fact that we listened and had a real consultation. That is unlike some of her colleagues who, frankly, have not known whether they are welcoming or condemning the Government's decision today.

**Bob Doris (Glasgow) (SNP):** The speedy conclusion to the Scottish Government's review of sportscotland has been both practical and radical and demonstrates clearly the SNP's active commitment to the people of Glasgow. I emphatically welcome the decision.

Does the minister agree that it will not only enrich the forthcoming Commonwealth games, but support our nation's current and budding sporting heroes and play a significant role in the regeneration of the east end of Glasgow? When Labour was in power, we had words and uncertainty about sportscotland but, from the SNP Government, we have actions to benefit the people of Glasgow.

**Stewart Maxwell:** It is vital that we establish the Commonwealth games in Glasgow in 2014 as the pinnacle towards which we will work in the next six years. That is one major reason why the organisation's headquarters must be located in Glasgow. That will contribute to the regeneration of the east end of Glasgow, but it is not the fundamental point in that regeneration. An awful lot of work is going on in the east end of Glasgow, including the Clyde gateway project, for which I announced £62 million late last year. The regeneration of the east end of Glasgow will, finally, get under way under the present Administration. The fact remains that it is important that we ensure that the Commonwealth games in 2014 are a tremendous success, not only for the Commonwealth as a whole, but for Glasgow and Scotland, and that they inspire the next generation of young athletes.



**The Deputy Presiding Officer (Alasdair Morgan):** I will be able to call the remaining questioners if the questions are very short.

**Margo MacDonald (Lothians) (Ind):** I thank the minister for allowing prior sight of the statement. I do not care how many U-turns this Government or any other Government makes—as long as they end up looking the right way, I am quite happy. By and large, the minister has got it right.

I was very interested in what the minister said about the hubs. I have only one criticism, which is married to the possible loss of corporate memory. People are the resource on which sportscotland depends. If the hub structure is set in train, negotiations on how the organisation will retain people will be difficult. I ask the minister not to go too fast. In his statement he says that he wants all the changes to take place “as soon as possible”. However, it is better to get it right than to get it quick.

**Stewart Maxwell:** I acknowledge Margo MacDonald’s long-standing interest in the subject and her commitment to it. I hope that she will accept that the previous decision to move everything—lock, stock and barrel—to Glasgow is no longer on the table. We have taken a decision to retain expertise in the Edinburgh area. I hope that she will welcome that.

I agree with her that it is much more important “to get it right than to get it quick.”

We will ensure that we do that. We will be working hard with various partners—including sportscotland, the Institute of Sport and others—to ensure that we retain the highly skilled and professional people who currently work with sportscotland. That will ensure that we can benefit from their experience and that the country can benefit from their expertise in delivering a new sportscotland.

**Jim Tolson (Dunfermline West) (LD):** The minister has said a lot in his statement and there is no doubt that he has made a U-turn. I welcome that—not on behalf of sportscotland but on behalf of our athletes, young and old, at the grass roots and at advanced level. The Government U-turn is the right decision because those athletes will get the best chance of getting support.

The minister did not mention cost. He said that the headquarters will relocate to Glasgow and that decentralised hubs will be created. Will the minister tell Parliament what the cost will be? Will the Government allocate additional funding, or will our athletes lose out if money is taken from existing budgets?

**Stewart Maxwell:** I am glad that Jim Tolson acknowledges that the Government listens to stakeholders when it carries out a consultation.

As I said earlier, the cost of the relocation will be much less than the cost of the relocation that Jim Tolson’s party signed up to in the previous Administration. That relocation would have cost substantially more than the cost of the decentralised structure with headquarters in Glasgow. If Jim Tolson thought then that it was right to move to Glasgow, I am sure that he will also think it right that the decentralised structure will have its headquarters in Glasgow.

As I have said, I will not put a figure on the cost today, but I assure Jim Tolson that it will be much less than the cost of the previous Labour and Liberal Democrat plan.

**Helen Eadie (Dunfermline East) (Lab):** The minister brings a whole new meaning to consultation. What he regards as consultation is the most right-wing example I have ever heard of.

How will those who will serve in the new organisation be appointed or elected? Will the minister use the procedure for public appointments that has been established for a number of years? How long will members serve, and what will be their terms of reference?

However, I have another question that is much more important to my constituents and to people across Scotland. The minister mentioned that free walking and free cycling will be included in his objectives, but we did not hear swimming mentioned—only walking and cycling. Is that because it costs the minister money? Is it because he wants to ignore the vast majority of older people and disabled people who need hydrotherapy treatments? There has been nothing mentioned in any of his statements—for almost a year now—that will actually mean something on the ground to help people in Scotland.

**Stewart Maxwell:** I rise to my feet with a heavy heart. The standard of the questions started badly and has declined to an all-time low in that last attempt. The only question of any merit there was about the process of appointing people to the new board. The answer is that the process on public appointments that is currently laid down in statute will be used. That is what is currently in place, and that is what will remain in place.

**Jamie Hepburn (Central Scotland) (SNP):** The minister said in his statement that he wants young people in Scotland to be inspired to take part in sport. Given that most young people in Scotland have probably never heard of sportscotland, how does he imagine that the new body that has been announced today might play a role in inspiring young people to participate in sport?

**Stewart Maxwell:** There are two main responses to that. First, we will build on the number of volunteers throughout the country in order to ensure that people get involved in more

sport and more physical activity. Over and above that, a decentralised structure for sport in Scotland means that the very structure that supports sport will be out in the community, working with and supporting the partners, the local authorities, the governing bodies and local organisations, and providing the expertise that they require. That will be an inspirational part of the process. At the moment, sportscotland is large, remote and bureaucratic. In the future, it will be based much more in local communities, with its staff working with the stakeholders on the ground. That will be welcomed by all such groups.

## Serious Organised Crime

**The Deputy Presiding Officer (Alasdair Morgan):** The next item of business is a debate on motion S3M-1101, in the name of Kenny MacAskill, on serious organised crime.

15:02

**The Cabinet Secretary for Justice (Kenny MacAskill):** I welcome this opportunity to debate one of the major threats facing Scotland today: serious organised crime. Organised crime impacts on us all. For too long, too many people in Scotland have had to live with the cancer that is organised crime. Organised crime undermines legitimate businesses, distorts democracy and threatens the very fabric of our communities. That is intolerable and unacceptable in the 21<sup>st</sup> century. The Government is determined to root out that evil, to allow honest people and their businesses to prosper and to help our communities be all that they can be. It is what the people of Scotland want, what they deserve and what we must deliver.

It is important to consider what serious organised crime is. We live in an increasingly globalised world. Business is no longer constrained by geographical and political borders. Although that allows legitimate business to grow and flourish, crime is also increasingly globalised. It evolves and flourishes, taking advantage of freedom of movement, past conflicts in the Balkans and elsewhere, the opening up of the former Soviet republics, and cheaper international air travel. Criminal networks operate in many different countries with many spheres of interest, but all exist to make money at the expense of hard-working, law-abiding people. It is those networks that produce and supply the drugs that cause misery on Scotland's streets and cause harm in Scotland's communities.

Drug trafficking remains the single biggest threat to our communities because of the illegal proceeds that it secures and the devastating harm that it causes. The police and the Crown have had significant success in disrupting supply, in seizing assets earned from that illicit activity and in bringing serious criminals to justice. An example of that is the recovery of 170kg of heroin, with an estimated street value of £13.6 million, in the Blochairn area of Glasgow. In October 2007, a 44-year-old man was imprisoned for eight years at the High Court in connection with that operation.

However, organised crime is not about drugs alone. Its tentacles stretch to human trafficking, fraud and pornography and to using legitimate businesses as fronts for money laundering. It is evolving and searching for new ways to make

money at the expense of others. That is and remains a serious threat that we must tackle and address.

There are other examples of successful operations against those threats. On 4 October 2007, following a four-year operation in which the Scottish Crime and Drug Enforcement Agency supported Dumfries and Galloway Constabulary, the Leonardo da Vinci painting "Madonna with the Yarnwinder", which is owned by the Duke of Buccleuch and valued at around £30 million, was recovered. Four males were arrested, have appeared in court in connection with the crime and await trial.

At the conclusion of an SCDEA intelligence-led operation into alleged counterfeit currency production and circulation, seven people were sentenced at the High Court in Edinburgh for a total of 22 years' imprisonment. When officers raided premises during the operation, £496,200-worth of counterfeit notes were being printed. Further investigations led to the recovery of €406,200 in counterfeit €50 notes. A further £672,880 in counterfeit Bank of Scotland notes with the same serial numbers was recovered from the banking system.

What are we doing to address the problem? We have to recognise that we must work in partnership to ensure that Scotland is not seen to provide a safe haven for organised crime. Co-operation between law enforcement agencies in Scotland, the United Kingdom and Europe—and more widely—is key. To provide a strategic focus for that work and to ensure co-ordinated and targeted action, we have established the serious organised crime task force. The task force brings together all the major agencies that are involved in tackling serious organised crime: the Crown Office, the police, the Scottish Crime and Drug Enforcement Agency, the Serious Organised Crime Agency, Her Majesty's Revenue and Customs and the Scottish Prison Service. By working together and pooling information, we will have a better chance of putting the criminal networks out of business.

The task force met for the first time on 22 October and meets again on 28 January. It is already clear that there is a lot that we can do. We can build on our knowledge of organised crime, take action to allow more assets to be seized, increase enforcement powers where necessary, support legitimate business and law-abiding communities and increase co-operation with law enforcement agencies in Europe and elsewhere.

We must build on our knowledge of organised crime. We need to learn more about the scale of the challenge that we face. This Government will provide direct support to the Scottish police service to build a clearer picture of who is up to no

good in Scotland, who is orchestrating criminal activity in Scotland and elsewhere and who is supporting them and their criminal enterprises, and to identify the commodities from which they make their illicit and illegal profits.

We also need to seize assets. Asset seizure is one of the clear success stories in the fight against organised crime. We already have powers under both criminal and civil law to seize assets to remove the benefit that criminals have gained from their conduct and to allow the courts truly to balance the justice system. Those powers allow us to target the core of criminality by removing the profits of the criminals and crime groups that impact on Scottish communities.

However, we must look for ways of strengthening the Proceeds of Crime Act 2002 further. We will extend the range of offences that are indicative of a criminal lifestyle. A lifetime of crime should be open to a lifetime of asset recovery, so we look to extend the time period for confiscation and asset recovery. If investigators were able to delve further into criminals' past financial records, that would assist in investigations, particularly into well-established organised criminals who have banked their criminal profits over many decades and who are now, sadly, living a life of luxury.

In order to tackle the lower-level offenders who are affiliated to wider and bigger organised criminal networks, I want there to be a reduction in the criminal benefit amount from £5,000 to £1,000, as well as a reduction in the minimum cash seizure threshold. The recent reduction from £5,000 to £1,000 has already been a particular success in Scotland, and there would be benefit in a further reduction. I have today written to the Home Secretary, seeking her support for those measures. Maximising asset recovery requires the proper tools. That is why, for the first time, a proportion of the money that is recovered will be reinvested in experts in financial recovery work to allow us to recover even more assets.

**Mike Pringle (Edinburgh South) (LD):** In his letter to the Home Secretary, has the minister referred to the possibility of Scotland retaining all the money that it gets under the 2002 act? I understand that 50 per cent of it goes south at the moment.

**Kenny MacAskill:** My understanding is that the figure is 50 per cent above £17 million per annum. We are obviously happy to discuss the matter. That particular aspect was not covered in my letter, but I expressed our desire to ensure that we can take more assets. The door is open, and if the member wishes to discuss the matter with us further, we are more than happy to do so.

We cannot tolerate a situation in which some young men in housing schemes aspire to be drug dealers. We need to punish hard those who offend; we also need to promote hope and provide opportunity. We want to demonstrate to communities that those who prey on them will be caught and that those communities will benefit from the wealth that has been stolen. The drug dealers' four-by-fours, villas and speedboats will be seized and sold, with the proceeds used to provide sporting and other activities for young people and communities. We will expand young people's horizons and increase their opportunities to develop their interests in an enjoyable and supported way. We hope to announce more detailed proposals very soon.

**Margo MacDonald (Lothians) (Ind):** I very much appreciate what the minister has just said, but what will be done differently to persuade young people that there is another way—other than joining the criminal economy, which is often, unfortunately, the only way that is open to them?

**Kenny MacAskill:** The member and I have touched on such matters at hustings and on other occasions. She is aware that some matters are outwith the justice department's silo. The issue is one of getting youngsters into employment. In Scotland, the maxim that the devil finds work for idle hands applies. As the member will be aware, we are anxious to reinvest the money, and not simply in sporting activities, although a great deal of benefit comes from sporting activities and from providing facilities for youngsters who, in many instances, do not have many alternatives and whose time is spent consuming alcohol and getting up to low-level mischief, or indeed getting lured into serious organised crime.

There is no one particular way of ensuring that alternatives are available, but the member can rest assured that we recognise that, across Government, we must tackle hopelessness and despair, we must try to get people into work and we must use the proceeds of crime that we recover to make communities better places and to let our youngsters be all that they can be. We must also use the proceeds of crime to redress the balance in those areas where virtually no facilities are available to children—and where it is therefore of no surprise that they get up to mischief.

We will introduce proposals to strengthen legislation and further frustrate and disrupt serious and organised crime. We are neither reluctant to consider how other countries approach the problem nor to learn from their approaches. We are therefore looking to follow the examples of Ireland and Canada in creating a new offence of being involved in or directing serious crime. That sends a strong message to criminals who work

together that they will be caught and suitably punished.

We must also support legitimate business. We are all familiar with the stories of criminals infiltrating the private security industry, which has shaped our view of that industry and of the people who work in it. As a result of regulation that came into force in November last year, we are already seeing rogues move out. However, we need to ensure that they do not now move on to other sectors, damaging the reputation of legitimate businesses and threatening the livelihoods of honest, hard-working people.

Let us take the example of taxi firms. Most taxi companies are fully law abiding, but we have all heard anecdotes about some taxi firms being used as a front for criminality, including money laundering. As I know from my own constituents and others, those illegal activities impact on legitimate business. Prices are undercut and companies go out of business, or the public simply lose faith in the integrity of businesses.

We cannot allow those activities to continue. We will take firm action to cut off business opportunities for illegal groups while supporting legitimate business to thrive in our communities. We will not hesitate to legislate to regulate business if need be. That is something that many legitimate taxi firms support, as it will safeguard their integrity and custom.

Scotland must also play a role on the world stage. I was in The Hague recently to learn more about Europol. An SCDEA officer is part of the UK liaison team at Europol, as is a member of the Crown Office. That direct link between Scotland and Europol has shown fantastic results. Although liaison with Europol has resulted in operational benefits and successes, work is on-going further to improve the interaction between Scotland and Europe and to make better use of the European intelligence system and the ability to share relevant data across national boundaries. I will also work with the Scottish police service to raise awareness of the role that Europol can play in supporting Scottish law enforcement and of the ways in which Scotland can help our partners anywhere to tackle serious organised crime.

**Margo MacDonald:** On the effectiveness of Europol in helping to prevent crime in Scotland, is the minister satisfied that the intelligence that he receives from Europol regarding the trafficking of women in particular for use in the sex industry is of the required standard for him to do something about the matter?

**Kenny MacAskill:** I believe so. I met the director general of Europol. I am not aware of any evidence from police officers or organisations in Scotland that appropriate information is not

coming through. I am happy to investigate that. I did not raise the matter with the director general, because my visit was only cursory—I was there for only a day, but I was happy to be enlightened. I understand that the relationship with Europol is meaningful and works well. We hope to encourage and facilitate further secondments of Scottish officers to Europol, because the director general of Europol made a request for more Scottish officers. That will not only benefit the individual officers by improving their knowledge but create links, provide information and benefit all of us.

I assure Margo MacDonald that if there is any suggestion that information is not coming through or that there is a blockage, I will not hesitate to use the opportunity that I have been afforded to go directly to the director general to discuss it. I will clarify the situation, but I am led to believe that the information coming through is adequate. Perhaps the reality is that we are dealing with a growing problem that is coming in from the Balkans, where information is less readily available than it would be in the Netherlands, France or Germany, where there are clear links. The problem is apparent not only in the Balkans but in the Ukraine, Turkey and other areas. Trafficking is a global problem that will require a global solution. That is why I undertake to check whether there are problems with the information that we are getting.

Margo MacDonald may rest assured that we are seeking to ramp up our involvement in Europol because we believe that that will benefit not only the individual officers on secondment but Scotland, Europe and other places as we seek to work together to tackle the people who are involved in trafficking.

Law-abiding, hard-working Scots expect us to tackle the menace of serious and organised crime and strip criminal gangs of the assets earned from their illegal activities. I am confident that we will rise to the challenge. We will tackle this menace at every level. We will seek to frustrate and destroy the criminal gangs and their overlords and to disrupt their lieutenants, who orchestrate their activities, and their foot soldiers, who make life in our communities a misery. We will seek to take down those who seek to destroy, while providing hope and opportunity for those who seek to improve themselves and their communities. Those who seek to profit from crime in our communities undermine legitimate businesses and threaten the very framework and fabric of our society. That cannot and will not be tolerated. We will create a safer and stronger Scotland for all our communities.

I move,

That the Parliament recognises that serious organised crime is a major problem that has a devastating impact on communities and businesses in Scotland; believes that

tackling this menace should be a key priority for a safer and stronger Scotland; supports the Scottish police service and UK and European law enforcement agencies in ramping up their efforts to disrupt and destroy the criminal networks which inflict misery on law-abiding citizens; commends the agencies responsible for recovering over £17 million worth of assets using the provisions of the Proceeds of Crime Act 2002; supports the view that serious organised crime cannot be seen to pay and supports further measures to ensure that criminals are stripped of the profits made from the misery they cause in order to reinvest in the youth of Scotland and communities, and supports the role of the newly established Serious Organised Crime Taskforce in spearheading a renewed drive and commitment to address this type of crime.

15:19

**Pauline McNeill (Glasgow Kelvin) (Lab):** I am pleased to see that, in 2008, our weekly discussions with the Cabinet Secretary for Justice will continue. I welcome this debate on serious organised crime.

We have known for some time that the nature of organised crime is changing. We are still reading in the daily press about some of Scotland's most notorious organised criminals and about some well-known names in criminal gangs in Glasgow and elsewhere—names that, in a sense, most of us have grown up with. However, in many ways, they represent a past world because organised crime, as the cabinet secretary has outlined, is now in another dimension. It can no longer be described as local; it is national and international. Our most notorious criminals are no longer the local ones. They have become more devious; some of them are exceptionally clever people who move from country to country to commit their crimes. Criminals can deliver a deal in one country, move assets to another and even involve a third country or, indeed, another continent. There is no longer a middleman in Manchester or Birmingham; the middleman is now in central Europe or Asia.

In a recent Scottish case, Lord Hodge gave the highest sentence ever for money laundering to James Stevenson—"the Iceman"—after the SCDEA used listening devices over a period of months to catch him. That goes to show the resources that now need to be in place in order to catch such criminals. In that case, as the *Daily Record* reported, attempting to use cash to buy 10 Skoda cars to set up a taxi firm was a bit of a giveaway.

The Proceeds of Crime Act 2002 means that we can hurt such people and hurt their networks. However, we must send a message to all criminals that we in Scotland are capable of challenging the highest level of organised criminals, stripping them of their assets and jailing them with long sentences. That way, the lower-level criminals will not aspire to that behaviour. There is already talk

in criminal circles that “the agency will get you in the end.” That is the reputation that we want the SCDEA to have, and I believe that it has built up such a reputation over the years.

**Margo MacDonald:** The member referred to long sentences for serious criminals. Does she see that being balanced by shorter sentences for less serious crimes?

**Pauline McNeill:** I am clear that, in relation to serious organised crime, we need long sentences. My point is that showing criminals that we can hurt them by stripping them of their assets will be as big a deterrent as a long sentence will be.

Money laundering, human trafficking, drug dealing and corruption are all crimes that cause human misery. I remind members—not that we ever need to be reminded of the scourge of drug misuse in our communities—that a recent study showed that 62 per cent of women drug users have also been physically abused.

This is stuff that we know all too well and which we have debated many times in the Parliament. I want to speak about the Scottish Crime and Drug Enforcement Agency, because—along with the task force that the cabinet secretary referred to—it is a crucial body in the fight against organised crime. I am sure that I will not be the only person to pay tribute to the work of Graeme Pearson, who led the agency in its first years, and his vision of the creation of a joint campus at Gartcosh that could bring together the agencies that have been mentioned this afternoon. Perhaps whoever winds up for the Government could clarify whether that project will proceed. It is important that we hear loudly and clearly that the concept is still on the table.

I would also like to take this opportunity to congratulate the new director general of the SCDEA, Gordon Meldrum, on his appointment and to wish him all the best in what I think will be a challenging period ahead.

For a small country, Scotland has done exceptionally well in its response to organised and international crime. We are the largest users of Europol, we have a strong voice on the international stage and we have shown expertise and professionalism in the use of covert intelligence methods, which have brought us credibility. The national high-technology crime unit has a track record in tackling grooming activity and crimes against children on the internet. Further, this Parliament, passed the Protection of Children (Scotland) Act 2003, which is an important piece of legislation in the fight against organised crime that affects children.

Lately, there has been a lot of discussion in the press about our policing structures and plans for the future. The rules and structures that we adopt

can affect our effectiveness. The tensions that are currently being expressed in the national press about the relationship—really a public battle—between the SCDEA and the police's new common services agency must end. I hope that ministers will give their full support to the SCDEA and protect its operational autonomy. Those who have been following this matter will know that the outgoing director was explicit in raising his concerns on that issue.

It is also important to recognise the role that has been set for the new common services agency. It was not established as an overarching and centralising body for all police matters, but it has a crucial role in ensuring that we reinvest any savings in services. I have every confidence that the new chief executive will ensure that that happens.

Labour took bold steps in office by creating the Proceeds of Crime Act 2002, which is working. I look forward to more discussion and more detail about the proposal that the cabinet secretary made this afternoon to reform the act to make it even more effective. The act survived the European convention on human rights and is an important tool in the fight against organised crime.

I hope that other parties will support the Labour amendment. We just want to ensure that, in setting up the right structures and having the right legislation, we make the 2002 act a priority for resourcing. I hope that the Government will support our amendment.

Labour proposed to legislate for additional reforms, of which I will mention one. New violent offenders orders would have given courts extra powers to restrict where violent offenders could live and to prevent them from associating with particular individuals or organisations. We would like to make quite a few reforms to make the 2002 act even more effective.

In the time that remains, I will talk about a subject that the Parliament has discussed before—Scotland's role in tackling the serious crime of human trafficking. The United Nations estimates that 4 million people a year are smuggled worldwide and trafficked into slavery. In Italy, there are 200 trials pending for people trafficking. Women are bonded to their slave masters, and their families at home would be harmed if they revealed that they were trafficked.

It is shocking to find that trafficking is not just international but takes place on our own soil. Recent press reports said that women who were held as sex slaves in Scotland were bought for £7,000 and forced to have sex with up to 20 men a day and that human traffickers charged up to £60 a time for sex with the victims. Those women have now been freed, thanks to a massive police

operation. They are among 17 sex slaves who have been rescued in a series of raids throughout Scotland in the past few months. That shows that we are making progress in tackling that crime. Every police force in Scotland is involved in the clampdown on human trafficking, which ensures that operation pentameter 2—a United Kingdom-wide effort to free women from the clutches of organised crime gangs—is happening in Scotland.

I will mention a project in Glasgow that deals with human trafficking, as it is in my constituency. It is an example of good practice and is the only dedicated trafficking project outside London, but it is restricted to dealing with women who are over 18 who have been the victims of commercial sexual exploitation and it excludes children and men in the sex industry. There is more work to do, but it should be acknowledged that Scotland has done well at tackling serious and complex structures of criminal organisation.

The work continues. I welcome the debate and what the cabinet secretary said. I look forward to future dialogue on ensuring that we have the right legislation, although Labour members are clear about the fact that the Scottish Government needs to commit the resources to make that happen.

I move amendment S3M-1101.1, to insert at end:

“and calls on the Scottish Government to ensure that the necessary resources are in place to effectively implement the Proceeds of Crime Act 2002.”

15:29

**Margaret Smith (Edinburgh West) (LD):** I welcome the debate. As Pauline McNeill said, this is the first week back, so we have the first justice debate, and another is due next week. I also welcome the Government's pledged commitment to tackle serious organised crime and to progress the previous Executive's work on that.

Many people may think of serious organised crime as being a far cry from their everyday lives, but the sad truth is that the activities of organised criminal operations and gangs have wide-ranging and devastating impacts on individuals, communities and businesses throughout Scotland. Organised criminals are involved in a wide range of activities that damage our country, from money laundering that is disguised as legitimate business to drug dealing, people trafficking and the sex industry.

Serious organised crime is a global issue, as the cabinet secretary made clear. It respects no national boundaries. The use of technologies and methods of communication means that criminals from Scotland operate around the world. Pauline McNeill made such points clearly.

It is estimated that serious organised crime costs the UK as a whole upwards of £20 billion every year. Legitimate businesses cannot compete with criminals who do not pay minimum wages, VAT or tax.

Serious organised criminals are involved predominantly in the sale of illegal drugs. That trade is built on the backs of the poorest and most vulnerable sections of our society. Gangsters make millions of pounds of profits by dealing in the human misery of the drugs trade, which in 2006 resulted in 421 people dying, 16,000 children being brought up with drug-addicted parents and countless communities throughout Scotland living with the consequences of drug-related crime. Organised criminals are also involved in counterfeiting goods, smuggling alcohol, credit card fraud and identity theft, all of which have a direct impact on our constituents, and in the despicable and highly profitable business of human trafficking—usually the trafficking of young women to be abused in the sex industry. It is alarming that 13.5 per cent of people trafficking in the UK takes place in Scotland. That should be compared with the 10 per cent of overall crime that takes place here. It is now thought that more than 4,000 women a year are brought to Scotland against their will by traffickers. Many of those women are forced to work in the sex industry in saunas and private flats and as escorts.

Amnesty International has raised concerns with all of us about the identification of trafficking victims and the workings of the national referral mechanism. It is concerned that victims are being regarded as illegal immigrants and are being deported, and that there is the risk of re-trafficking. Victims are, understandably, reticent as a result of fear of reprisals from traffickers or the shame of having been involved in the sex trade. I hope that the minister will agree to meet Amnesty International to discuss its concerns and investigate the adoption of mandatory procedures for the identification and referral of victims.

I, too, commend the police and the national and international enforcement agencies for their ongoing hard work and dedication; for the significant improvements in tackling organised crime that they have made; and for their increased success in seizing drugs and illegally obtained cash and assets in Scotland in recent years. In the past, too many criminals have been able to keep the money that they have dishonestly acquired. It is vital that we continue to seize increasing amounts of that capital in order to strengthen public confidence in the operation of the justice system and ensure that we send a clear message to current and future generations that crime does not pay. We therefore welcome the approach that the cabinet secretary has outlined of extending time limits and reducing cash-seizure thresholds. Removing the assets of

criminals not only prevents them from financing further illegal enterprises but stops them becoming the wrong kind of role models for Scotland's young people.

Fighting serious organised crime is a highly complex business that requires a range of specialists, from forensic accountants to information technology specialists. Organisations such as the Scottish Crime and Drug Enforcement Agency and the Crown Office must be equipped with the people and resources that they need to combat an international problem. There is also a need for more police in our communities to pick up intelligence about activities on the ground, whether that is drug dealing or money laundering through nail bars, taxi firms or whatever. That is why it is essential that the Scottish National Party Government holds to its manifesto commitment to deliver 1,000 more police officers into our communities.

In government, the Liberal Democrats were involved in the creation of the Scottish Crime and Drug Enforcement Agency, which is committed to tackling serious organised crime in all its forms. That agency has enjoyed considerable success since it was established. Its activity in 2006-07 resulted in the seizure of drugs with a street value of £7.5 million—including more than £4 million from class A drugs—and the arrest of 190 people. James Stevenson was sentenced to more than 12 years in prison. The agency's e-crime unit has successfully identified and arrested individuals who have attempted to use the internet as a means to target children for sexual purposes, and the agency provides vital assistance to the witnesses of crimes. It also works to educate children, young people and statutory and voluntary bodies about drugs issues. However, concerns have already been raised within the SCDEA, particularly by Graeme Pearson, about decision making and how it interfaces with the Scottish Police Services Authority. There have also been problems with the recruitment of officers. Obviously, there have been different views within local forces about the value and impact of seconding officers, but now that the agency can recruit directly, it is essential that it is supported in doing so effectively. Its annual report clearly states:

"The Agency continues to operate under establishment and is aware that this has a detrimental impact on how business is conducted."

We seek assurances that the Government will closely monitor that issue. We also echo the welcome that Pauline McNeill and others have given to the agency's new director, Gordon Meldrum.

We supported the Proceeds of Crime Act 2002, which has led to the recovery of £17 million in

illegally obtained money and assets from individuals who have been involved in crime. It is only right that that money is recycled back into the very communities that the individuals have blighted so badly. In my constituency in Edinburgh, that has indeed been the case. There has been a campaign to encourage members of the public to come forward with information about local drug dealers. There has also been youth outreach work, improvements to leisure facilities, the introduction of closed-circuit television surveillance vehicles, and new resources for cleaning up graffiti. However, I welcome the cabinet secretary's point that some of the resources will go towards employing the specialists whom we need so that we can redouble our efforts and confiscate even more cash and assets in the future.

We have a record in government of taking effective action to tackle serious organised crime, so we wish the new Government well with the serious organised crime task force, which is in its early days. I hope that it will be an effective force for further action on the issue. It needs to work with organisations outside the UK to tackle the increasingly internationalised crime networks and prevent the flow of drugs into Scotland, and it needs to be able to achieve its aims of tackling serious crime more effectively through increased co-operation. We welcome the increased links with Europol and others.

A measure that would assist co-operation among the SCDEA, the Scottish Forensic Science Service, the Serious Organised Crime Agency and the enforcement arm of HM Revenue and Customs is delivery of the Scottish crime campus at Gartcosh. The funding and the political will for the campus have been in place, but there have been delays. I ask the Lord Advocate to update us on that. I hope that she will assure us that progress is being made and that there is a timetable attached to that.

The Scottish Government must also be willing to co-operate and to show that it can work with the UK Government on matters of importance to Scotland such as tackling serious organised crime. Whether in relation to the British Transport Police or air-guns, the cabinet secretary has certainly been quite effective over the past few weeks in falling out with Westminster, but tackling serious organised crime is one area of joint endeavour where that cannot be allowed to happen. I was reassured by his comments today about the letter that he sent to the Home Secretary.

Today's debate should send a clear message that the Parliament and the Government are committed to the fight against serious organised crime. Like most members, I do not think for one second that the criminals whom we are talking



about today are sitting by their computer screens and listening to my exceptionally good speech—I thought that it was exceptionally good, but never mind. The most effective message that we can send them is to have the resources available, the structures in place and the individuals in post to ensure that they are harried and harried again until their networks of misery are destroyed.

I move amendment S3M-1101.2, to insert at end:

“but regrets the Scottish Government’s continued failure to implement the SNP’s election promise of 1,000 extra police officers, which would contribute to the fight against serious crime.”

15:37

**Bill Aitken (Glasgow) (Con):** I am tempted to say that if Margaret Smith comes to some harm in the next few days, we will know who is responsible.

In his opening remarks, the Cabinet Secretary for Justice stated that serious organised crime presents a major threat to Scotland’s communities. I disagree. I think that it is the major threat. The evidence for that is perfectly clear. If it were not for the big-time criminals, we would not have the spin-offs that we see at all levels. Were it not for those at the top of the tree, there would not be the number of shambling drug abusers whom we see panhandling on the streets, there would not be as many women prostituting themselves to feed a drug habit, and not as much small-time property crime would be committed to get money for drugs. That highlights why we have to be so determined in combating those who are prepared to peddle human misery.

I would criticise the former Executive, the Government and indeed the Parliament under many headings, but I do not think that a fair analysis of the facts could lead us to say other than that there has been a determined effort to combat the problem. The problem is that we have to do more. We have all grown up with internationalism and we approve of it, but it has not come without problems. Businesses are now much more international in their outlook, and the way in which the drug barons and others carry on their illicit trade has a degree of sophistication that would make it an ideal model for study by Harvard Business School. The criminals are so sophisticated and so cunning—and they use every form of device that is available—that it is sometimes exceptionally difficult to combat them.

But combat them we must and, from what I have heard so far, I am sure that combat them we will, because failure to do so would have the most appalling consequences. That is why the Conservatives welcome enthusiastically the

cabinet secretary’s proposal to reduce seizure thresholds. Like Margaret Smith, I trust and am sure that that will not be yet another device to instigate conflict between the Westminster and Scottish Governments. We also support the cabinet secretary’s plans to introduce a new offence. Again, that will have the unanimous support of the chamber.

We must look at ways of extending the battle against these people. As we are all aware, they are sophisticated and use all sorts of covers, such as taxi and security firms. We in turn have to become sufficiently sophisticated to combat them. To date, the operation of the SCDEA has been exceptionally good. We have seen signs of action, activity and success and the SCDEA and the Crown Office are to be congratulated on what has been achieved. Nevertheless, we must do much more.

On the operation of the agency, it was a matter of regret that we had to lose Graeme Pearson. Like Pauline McNeill, I pay public tribute to his outstanding pioneering contribution as the first director of the agency. It must also be said that some of the comments that were made subsequent to Graeme Pearson’s departure were profoundly unhelpful. When those who are charged with maintaining law and order fall out among themselves, the only ones who are likely to benefit from such discord are those whom we seek to oppose—the bad guys. I hope that that lesson has been learned by all concerned.

That difficulty prompted me to wonder whether it is now necessary to look at the operation of the agency. I read with interest the Justice 2 Committee’s report on the legislation that set up the SCDEA, which expressed concerns about the agency’s level of autonomy and recommended that its director should be of chief constable status. It is worth looking at that again. It might be better if the SCDEA operated entirely autonomously, with its own budget and recruitment process. Chief constables will certainly have to be influenced to allow the SCDEA to recruit their brightest and best.

Although the McGraws and Stevensons are household names in Glasgow in particular, elsewhere in Scotland we have to combat the anonymous, shadowy figures who are making millions—in some cases, possibly billions—of pounds in international trade dealing in drugs, people trafficking, and counterfeit money. I am concerned about the level of resentment that Glasgow people in particular feel when they see people such as Stevenson and others who are involved in drug trafficking going to jail while their families are still living in million-pound houses and have a state-of-the-art Mercedes parked outside the door and holiday homes in Spain.

Of course, there have been successful recoveries, but I wonder whether we simply have to get a lot tougher. We should consider changing the onus of proof so that it no longer needs to be on the Crown. When someone has been convicted of drug dealing, has been given a significant prison sentence and has demonstrable assets, they should have to tell the Crown and the investigating authorities where that money came from. The onus of proof must be put on them. We require to go much further than we do at the moment. People who are unusually rich despite never having done a day's work in their life require to be pursued.

**Mike Pringle:** One problem is that often the Mercedes or house is owned not by the drug dealer but by his wife or son. What do we do about that? How do we address that problem?

**Bill Aitken:** Mr Pringle highlights what is undoubtedly a real problem, but at some stage the house will have been part of a transaction. In many instances, the house will have been bought by the drug dealer and then transferred to the wife. I am sorry, but that is good enough for me. It is clear that the drug dealer owns the house. We should proceed in that way because we cannot allow such things to continue to happen.

**The Deputy Presiding Officer:** You should begin to wind up now.

**Bill Aitken:** The Mr Bigs of the criminal world need to know that we are after their houses—whether in Spain or in posh areas of Glasgow—and that we are after their cars.

I am encouraged by the attitude that has been adopted in today's debate. Both amendments are eminently supportable from our point of view, but I would like to think that there could be some unanimity of thinking at the end of the day.

**The Deputy Presiding Officer:** We move to the open debate. Speeches should be of around six minutes.

15:46

**Christopher Harvie (Mid Scotland and Fife) (SNP):** Serious organised crime is one of the most difficult issues before our Parliament because it goes right to the basis of our civil society.

I begin by going back to a book that was published 32 years ago. I refer not to "The Red Paper on Scotland", which launched the career of a remarkable politician and economist with undervalued talents elsewhere—Vincent Cable, of course—but to a book called "The Crime Industry", which the Scottish home department commissioned from the late John Mack of the University of Glasgow and my colleague Hans-Jürgen Kerner, who is now professor of

criminology at the University of Tübingen. The book was eventually published by the Council of Europe but, as far as I know, the great Eric Ambler and I are about the only people who have actually read it.

Concluding that crime was both serious and organised, Mack and Kerner said even in 1975—when computers of the power of my laptop needed to be the size of this chamber—that computing, along with the existence of tax havens and the globalisation of business, would revolutionise the crime industry. In a recent seminar at Tübingen, Professor Kerner had to add a fourth and very serious development: the tainting involvement of regulation and of the forces of law and order in this enormous industry. I will explain that point later.

The first element is that this is a global business. As everyone has said, crime is second only to tourism in international trade. It involves human trafficking, drugs and counterfeiting. Of course, counterfeiting refers not just to the counterfeiting of cash but to products that flood in from China—actually sponsored by the Chinese state—that transact an estimated £2 billion a year in the Barras of Glasgow. All of that is lubricated by money laundering, which turns criminal gains into legitimate wealth. I refer members to Nick Kochan's book "The Washing Machine"—published, interestingly, not in Britain but in the States—which details how the situation has involved the institutions of the City of London.

The second development is computing. Who among us has not encountered in the past 24 hours an offer in our inbox asking us to verify the details of our account? Who has not received one of those exotic letters from east Africa urging us to help someone who could remove large quantities of money, which somehow got into a Swiss bank account, if only they knew our bank account? What damage such letters might do if the writers ever learned to spell, but that seems to elude them.

The third element is tax havens. I refer not just to the Andorras and Liechtensteins, where big businesses are holed up—including the likes of British American Tobacco—but to our rich collection of such havens in the United Kingdom. Those include the Channel Islands, the Isle of Man and—according to the Organisation for Economic Co-operation and Development—the City of London.

The situation is much worse than it was in 1975, especially when we analyse Kerner's final element: regulation. According to Kerner, the clever criminal needs and uses the law. My information on this matter also comes from my friend Clive Emsley, professor at the Open University and a notable academic authority on British policing.

First, the police require contacts with the underworld and lesser villains who supply information—the sleepers and narks. Deals are done, because those sources of information must be protected. The firewall is flawed, and deals can reach out and embrace officers of the law. Members have heard some of that alluded to in the despairing words of Graeme Pearson on leaving the SCDEA.

Secondly, our police in the 18<sup>th</sup> century sense—those to whom Adam Smith refers as patrolling the transactions of the market—have been in constant, damaging flux, especially under the present Government. Look at the comments of my friend Bill Keegan, the economics correspondent of *The Observer*, on the despair of people in HM Revenue and Customs and the Serious Fraud Office at the way in which the mix of regulatory authorities is constantly being changed. People are retired early and new institutions are established, which have to settle down and find their own ways of operation. Look at the Serious Fraud Office inquiry into BAE, our last major industrial complex in Scotland, which was terminated because reasons of state took precedence over justice.

We may have reached the stage specified by, I think, William Cobbett, who said:

“The law will gaol the man or woman  
Who steals the goose from off the Common.  
But lets the bigger villain loose  
Who steals the Common from the goose.”

It is as if we have gone back to that great old Scottish villain, Long John Silver, who says en route on the *Hispaniola* that he will make sure that none of his companions comes back, because when he is riding in his coach in London he does not want people informing on him. The problem in our country goes much higher than the villain in his Ponderosa ranch-style house in a Glasgow suburb.

15:52

**Bill Butler (Glasgow Anniesland) (Lab):** The cabinet secretary will remember that, in a wide-ranging contribution to the first major debate on justice matters after last year's election, he acknowledged that much of the work of the previous Labour-led Executive on initiatives and legislative reform in the justice portfolio was sensible and should be built on. I said then that such an approach by Mr MacAskill and his ministerial colleague Mr Ewing would have the Labour Party's support, because when the Government's policies demonstrably assist the development of a safer, stronger Scotland, they deserve to be supported.

The terms of today's Government motion are sound, as it acknowledges the work of previous Administrations, the progress that has been made and the major challenges that, as Bill Aitken and Margaret Smith said, still lie ahead. All of us agree on those points.

In the debate last June, the cabinet secretary stated:

“Organised crime causes misery to the people of Scotland.”

That is a truism, and the cabinet secretary was absolutely correct. He made clear that the Government intended

“to pursue organised crime with vigour and with a vengeance.”—[*Official Report*, 6 June 2007; c 407.]

That was the Labour Party's view when it was in government, and I dare say that all parties represented in the chamber will continue to support the Administration as long as it maintains that approach.

Tackling serious organised crime is central to the shared aim of members from all parties of creating a safer Scotland in which communities are not bedevilled by drug dealing, prostitution, money laundering and small arms trading. It is up to the Parliament, acting in a co-ordinated fashion with both our Westminster counterparts and European agencies, to ensure that the police and law enforcement agencies are properly equipped to deal with an increasingly sophisticated international underworld.

Organised criminal gangs are, in effect, illegitimate businesses that exist for the sole purpose of making large sums of money. They are prepared to go to any lengths, up to and including corruption, intimidation and extreme violence, to protect their rackets and ensure that they thrive and prosper.

We know that such gangs have adopted an increasingly elaborate system of measures, including counter-surveillance techniques and intricate money-laundering arrangements, to protect their investments, as referred to in the previous speech. Therefore, it is right and proper that the Government provides our police and law enforcement agencies with the resources and legislative framework to allow them to deal effectively with such organised criminal gangs in order to prevent the squalor, despair and death that gangsters cause in our communities.

Take drugs, for example. Drug trafficking, as members are aware, causes serious problems in communities throughout Scotland. It is estimated that the UK's crack and heroin market grosses over £3 billion a year. Many of the people who become addicted to drugs turn to crime to pay for their habit. In effect, every pound that is spent on

heroin results in an estimated £4 in economic and social costs. Of course, the cost in misery for communities and for the addicted individuals trapped in that twilight world is incalculable.

Serious organised crime is corrosive. It eats away at the very fabric of our society. Mr MacAskill called it a cancer and he is right. That is why previous Holyrood Governments were correct to work with Westminster to disrupt serious organised crime and bring those behind it to justice. It was proper for Labour to propose the setting up of the SCDEA and members in the previous session of Parliament were right to support its establishment in May 2006.

The establishment of the SCDEA on 1 April 2006 was also crucial in ensuring effective co-operation between law enforcement agencies at UK level. Indeed, much of the success of the SCDEA and the police in tackling serious organised crime has been a result of their ability to co-operate effectively with other law enforcement agencies throughout the UK and around the world. The Serious Organised Crime Agency has enhanced the capability of Scotland and the UK to respond to international crime. The continuing successful employment of the powers that are available under the Proceeds of Crime Act 2002 is due in no small measure to such co-operation. The Lord Advocate announced the good news in October that, in the past six months of this financial year, £2 million was secured from criminals. That is why I welcome the recent establishment of the serious organised crime task force, which is a sound, if unspectacular, initiative.

The Government needs to consider going further still. I note that Mr MacAskill said that the Government will introduce proposals on serious organised crime. I have a proposal for the Government. Labour's manifesto at the recent election included a commitment to place before the Parliament a serious and organised crime bill. It was envisaged that such a bill would introduce a range of new powers that would be fashioned to make it easier to fight crime both across the border with England and internationally. The provisions of such a bill would include serious crime prevention orders, targeted at organised criminals and the markets in which they operate, and powers to allow public bodies to share information with anti-fraud organisations to help to spot activity and individuals linked to suspected fraud. Those and other elements of such a bill merit consideration. Given that it is probable that one of the law officers will sum up, I will write to the cabinet secretary to ask him for his views and those of his Government on the proposal to put a specific serious and organised crime bill before the Parliament.

After all, we all want to do whatever is practical to counter the threat that is posed by serious organised crime to the vital interests of the people whom we represent. For that to happen, we need all parties, including the governing party, to be ready to co-operate and adopt ideas that have merit. Our communities, quite correctly, demand no less of the Parliament.

15:59

**Sandra White (Glasgow) (SNP):** I start by saying that I am rather disappointed in the Lib Dem amendment. It does them no favours and it belittles the debate, which is about a very serious issue. I note that there are only two Lib Dems in the chamber. Perhaps their colleagues have taken the same view as I have: the amendment belittles the Lib Dems.

**Margaret Smith:** In my speech I sought to remind Sandra White and others that in the fight against serious organised crime there is a role not only for specialists but for those on the ground, such as police officers, who know what is going on and who know their communities. We made a manifesto commitment to an extra 1,000 police officers exactly for that reason, which is why we referred to it in our amendment.

**Sandra White:** I do not want to know about the Liberal Democrats' manifesto commitments, some of which certainly have not been taken forward. That said, I take the member's point. However, my point is that the amendment belittles this debate. The issue could have been raised in other debates.

For too long, Scotland—and, in particular, Glasgow and the west—has been scarred by the activities of organised gangs that have terrorised the general public and have made huge profits from others' misery. As a result, I welcome not only this debate but the cabinet secretary's recent announcement that he will crack down on the use of taxi firms for money laundering purposes by making it easier for councils to limit the number of private hire cabs.

I also welcome the proposal for legislation to regulate security firms, which, as most of us know, have some very high profile clients. We all recall the conviction last year of James Stevenson, who, as Pauline McNeill and Bill Aitken have pointed out, was sentenced to more than 12 years for his part in money laundering activities, which included the setting up of a taxi firm. Moreover, Tam McGraw, who died last year leaving a fortune estimated at £14 million, laundered money through taxi firms and security companies. We should welcome the length of the sentence imposed on Stevenson as a clear message that we will not tolerate those who participate in organised crime.

Indeed, the courts should make a commitment to take such a view in the future, as only through our taking a consistently tough line on sentencing can we hope to deter others.

I also welcome the cabinet secretary's commitment to crack down on the use of tanning salons for money-laundering purposes. I have raised this issue many times over the years, particularly in relation to unmanned salons where unsupervised and uninformed people simply put £1 into a machine. No one checks their age or, indeed, what they get up to, and I assure the chamber that some salons have been closed down because of the unsavoury practices that have taken place in them. I look forward to hearing more on that matter from the cabinet secretary.

By bringing together different agencies and bodies in the fight against organised crime, the serious organised crime task force will be highly effective in achieving our desired aims. For too long, criminals have been able to operate because intelligence on their activities has not been as widely available to other agencies as it might have been. As Bill Butler and others have pointed out, through this platform of co-operation the task force will be in a perfect position to work with its UK counterpart, the Serious Organised Crime Agency, and Europol, to fight and respond to the threat of organised crime on an international level.

As the motion makes clear, more than £17 million has already been recovered through the provisions in the Proceeds of Crime Act 2002. However, although that situation should be welcomed and applauded, it can be improved on. In fact, in response to a question on 15 November 2007, the First Minister said that

"we are actively looking at what improvements can be made"

to those provisions and that

"We are also considering ways to increase the value of assets seized."—[*Official Report*, 15 November 2007; c 3470.]

I welcome both that statement and the cabinet secretary's on-going dialogue with Westminster. In that respect, I wonder whether the cabinet secretary is able to give us some idea of when he will announce what improvements can be made to the 2002 act to ensure further that criminals get the message that we will not tolerate their activities and that they will not benefit from them.

The cabinet secretary also mentioned that the Government is working with several organisations on using recovered assets to help young people throughout the country and on drawing up specific funding proposals to increase available opportunities. I would be grateful if he could provide us with an update on how those plans are progressing. After all, investing in a positive future

for our young people is the best guarantee that they will not turn to crime in the first place. Of course, we must ensure that any money for such initiatives makes a real difference to the lives of the people that they target. I am interested in finding out how that will be achieved.

We will debate the legislative consent motion on the Dormant Bank and Building Society Accounts Bill next week. I hope that the money that will be raised through its provisions and which will be administered by the Big Lottery Fund with guidance from ministers will be used specifically for local initiatives aimed at helping more young people to become involved in activities and projects of interest to them and their community.

By sending out the message that criminals will receive the maximum sentences that are available to the courts and that they will not profit from their activities, we are going down the right road. By coupling that message with the bringing together of the crime agencies to hunt down those criminals, we will take the fight to the criminals who are blighting our communities.

16:05

**Helen Eadie (Dunfermline East) (Lab):** I support the motion and the amendments. I have no difficulty whatsoever in supporting Margaret Smith's amendment. Indeed, I am very pleased with her amendment. I ask the chamber to reflect on the pan-European and UK co-operation dimensions to the debate. I also ask the chamber to reflect on what my colleagues mentioned and what is most important—the serious crime of human trafficking.

When the cabinet secretary, or one of his colleagues, winds up the debate, I ask him to tell me what meetings he has attended with ministers of other regional governments in Europe at which serious organised crime was on the agenda. If such meetings were held, were any significant decisions taken? Also, has the cabinet secretary attended meetings with his counterparts in Wales, Northern Ireland, and Westminster? If so, are further meetings planned with those partners to work through the agendas that are relevant to serious organised crime? Is he planning any major intergovernmental conferences in Scotland with key stakeholders to share knowledge and experience in this vital area? How does he propose to report back to the Parliament on any such meetings?

Now that the European Union has extended its boundaries and EU membership includes Romania and Bulgaria, will the cabinet secretary make a point of exploring with those two countries in particular the ways in which Scotland can share its knowledge and experience? We should be

participating in the various EU programme initiatives to welcome the new member states.

By developing relationships with countries such as Romania and Bulgaria, and thereby having a particular focus on them, we will open up the possibility of making a real difference in countries that are, like Scotland, on the periphery of Europe. Scotland is the westernmost point of the EU, and Romania and Bulgaria mark the easternmost point. The British Council is already well established in those countries, which gives us a good foundation for taking forward such work. We know that those countries are the gateway into and out of Europe. As intelligence is gathered in the future, establishing good relationships with those countries could prove to be of real benefit.

Like other members who have spoken in the debate, I share the call for members to underline—underline in triplicate—our support for all those who are involved in the huge challenge of tackling the trafficking of women and children for the sex industry. Just before Christmas, representatives of the Women's Guild in Scotland, whose membership exceeds 30,000 lobbied members on the issue and told us of the guild's grave concern about the trade. Parliamentarians who attended the presentation were visibly moved by what they heard and we gave the guild a commitment that we would do our utmost to support its campaign against trafficking.

Although the cabinet secretary had to speak about the theft of famous paintings and property, my concern is more for crimes of violence, such as those that are perpetrated by the criminals who are involved in the serious organised crime of trafficking.

16:09

**Stuart McMillan (West of Scotland) (SNP):** I welcome the debate. I also welcome the Scottish Government's creation of the serious organised crime task force.

As each member who has spoken thus far has said, organised crime has a daily impact on Scottish communities and individuals. It has a detrimental effect on Scottish life and our business community. The co-ordination of specialist expertise, skills and knowledge in the task force will help to reduce the amount of organised crime on our streets and send out a message that tackling serious organised crime is a priority for the Government.

I am confident that the task force will complement the work of the Serious Organised Crime Agency and address specific Scottish considerations and problems that are distinct to our communities. Scotland has a unique legal system and policing culture and needs a dedicated

task force to work alongside the SOCA. The Scottish Government is taking steps to ensure the safety of its individuals and communities. In that respect, the task force should be welcomed.

As the cabinet secretary, Pauline McNeill and Sandra White have said, one of the primary industries that criminal gangs exploit is the private hire taxi trade. Organised crime can prosper only if it has a respectable business as a front for criminal behaviour. Taxi companies are ideal fronts for criminal activity, as they can be presented as legitimate businesses. Concerns exist that the regulations that govern the licensing of private hire vehicles are too lenient and allow criminals to infiltrate the business as a cover for criminal activity and money laundering. We should make a distinction between private hire taxi firms and the black hackney cabs. The black cab or public hire taxi trade is regulated tightly by the Civic Government (Scotland) Act 1982, but the private hire trade is not subject to those stringent regulations. We therefore need to tighten the regulations on the private hire trade.

Under the current regulatory regime, an individual can obtain a licence to run a private hire vehicle with relative ease. Applications can be made to the local authority on behalf of an individual or company, with a small application fee of about £200. The local authority then forwards the application to the police, who perform a background check for criminal activity. Provided that the police check does not reveal any such activity, the local authority will then grant the licence, following a safety check of the vehicle, which costs only £100. In short, for a relatively small amount of money, a criminal business can prosper easily. On passing the aforementioned safety check, the licence will be granted and thereafter the vehicle will be subject only to an ordinary MOT test, with no maximum age limit. Compare that to the regulation of the black cab industry, in which two thorough safety checks of vehicles are often required per year. The stricter regulations in the public hire industry make it significantly more difficult for criminals to infiltrate the industry, so the private hire industry must follow suit.

It is widely known that there is no limit on the number of private hire licences that councils can give out. The local authorities' inability to limit the number of private hire licences makes it difficult to control entry to the profession and thus easier for organised crime to operate on Scotland's streets. The situation damages the good name of legitimate and hard-working taxi firms and drivers throughout the county, who are in the majority. With the black cab industry, the 1982 act gives local authorities the power to limit the number of public hire taxi licences that are available annually. The number is based on an in-depth survey of

demand in the area and ensures that enough taxis are available to provide good customer service while allowing fair competition among local businesses. Importantly, the system makes it significantly more difficult for criminals to enter the trade.

The current lax regulatory regime for the private hire trade has made that part of the industry an open target for criminal gangs. It should be stressed that the fault does not lie with local authorities or the police, as they do not have the power to fight that lax regime. Legislation to allow local authorities to limit the number of private hire licences would offer protection to the taxi industry from criminal gangs and would control entry into the profession. Organised crime affects the lives of many hard-working and honest Scottish individuals and their families, so we need to crack down on it. It is apparent that more stringent regulations would be the first step in tackling the problems that taxi companies face. Too many criminal gangs use apparently legitimate businesses such as taxi companies as fronts for illegal activity. Steps should be taken to put them out of business and remove them from Scotland's streets.

I support fully the role of the newly established serious organised crime task force in bringing together all the major agencies and in spearheading a renewed drive and commitment to tackle such crime in Scotland. I ask those agencies to make the regulatory regime of the private hire trade a priority area on which action must be taken. I back the motion in the name of the cabinet secretary.

16:14

**Margaret Curran (Glasgow Baillieston) (Lab):**

I asked to speak in this debate even though the subject is outwith my shadow portfolio, because it means so much to people in my constituency. The debate gives me an opportunity to relate some of the serious experiences that I have heard about. I am grateful for that opportunity.

As has been widely acknowledged, serious crime matters. It profoundly affects the quality of life of many Scots. Unless the issues are adequately addressed, we cannot talk seriously about the regeneration of places such as the east end of Glasgow—as we did earlier during the statement on sportscotland—and we cannot talk about one Scotland. We cannot talk about real cohesion or real opportunity when too many of our fellow citizens suffer profoundly in the way that we have heard.

I like to think of myself as being quite streetwise. I grew up in the east end of Glasgow in a traditional working class home and I like to think

that I have seen a bit of life. However, I was not prepared for what I was to face when I became an MSP. I was not prepared for the scale of this problem and how it affects people.

It can be difficult to represent constituencies in the east end of Glasgow, because—quite properly—we want to talk about the many strengths of the communities and the opportunities within them. My constituency has a number of very prosperous communities—in fact, Tam McGraw himself lived in one of them. However, on too many occasions I have had to comfort a grieving mother or father—grieving over the unnecessary and violent death of their child. It is an appalling experience.

I also have experience of listening to constituents who are desperate about the scale of violence in their communities. They have expressed deep anguish about how a child can be raised in such circumstances. Families have approached me, terrified and desperate to remain anonymous. They have described what it is like to live beside a family that is clearly engaged in organised crime. Families have been intimidated, and some have been burned out of their houses for not complying absolutely with the rules of the streets. Young people are regularly and systematically attacked on those streets. The most brutal thing of all is perhaps some people's sense of impunity. They believe that they operate above the law, and they seem to get away with it. As Bill Aitken said, it is galling for other people to see the clear and ostentatious wealth of such people on their streets. Those other people cannot understand that, and they ask us to help.

We have all raised such matters relentlessly with the police. The police know who the criminals are and are determined to deal with them. The police are our friends in dealing with the criminals; I appreciate the efforts of the police and I share their outrage and disgust.

Like others, I pay tribute to the dedicated work of Graeme Pearson. He knows the areas well and has worked very effectively. He has pursued organised villains who have seemed to escape justice, and he has brought them to justice. However, we have to be honest—not enough such people have been brought to justice. We have to do much more to target and arrest people who, through devious and violent means, exploit the most vulnerable people in our societies.

In my conversations with the police, one thing that came across repeatedly was the need to maintain and then increase the resources spent on surveillance. I will want to pursue that issue with the appropriate ministers and law officers. Surveillance is critical. As other members have said, as soon as we develop a response to organised crime, the criminals develop other

crimes by using their intelligence and their considerable resources. We have to be constantly on our guard.

I also wish to discuss antisocial behaviour. I listened to Kenny MacAskill earlier and I agree, of course, that prevention is always the best policy when possible. We will always want to divert young people from criminal activity. Many people are involved in the margins of serious crime; we can reach out to those people and pull them away.

Organised criminals use antisocial behaviour as part of their strategy of fear. They use and encourage gang fighting in order to create a culture of fear and intimidation and to create what are, in effect, no-go areas. People are either on the side of the network of organised crime and its foot soldiers, or they have to be silent observers. Organised criminals begin with certain targeted disorder. They recruit from crimes and ensure that antisocial behaviour on their streets is allowed to go on unchecked. I accept that antisocial behaviour is only one dimension of the issue of serious organised crime, but if we tackle it we will make the lives of organised criminals more difficult and will at least take one weapon away from them.

Bill Aitken properly recognised the strong commitment in the past to tackling serious organised crime. I pay tribute to Cathy Jamieson and the many others who have worked on that. However, it is a great sorrow to me that Tam McGraw's so-called empire was not brought to its knees before he died. I hope that we can galvanise our efforts as a result of the debate to ensure that the Parliament is relevant to all the people we seek to represent, and that we truly understand the day-to-day reality and violence that some people have to live with. We must ensure that our police are fully equipped, and that organised crime faces the full force of the law. We must say to our people with all sincerity and belief that no one in Scotland is above the law.

16:21

**John Wilson (Central Scotland) (SNP):** I have great pleasure in speaking in the debate because, unlike the subjects of other debates, serious organised crime in Scotland is an issue that resonates with people and is not viewed in the abstract. Over the years, there have been written parliamentary questions and debates on the issue, especially with regard to the Serious Organised Crime and Police Act 2005 and the Proceeds of Crime Act 2002. Two years on from the 2005 act, the issue was part of the new Scottish Government's key principles and priorities in accordance with its objective of creating safer and stronger communities. I welcome today's motion. The eight Scottish police forces, HM Revenue and Customs and the Scottish Crime and Drug

Enforcement Agency have made great strides in their attempts to reduce the activities of organised crime.

I will talk more about the methods that are employed by the crime overlords, while acknowledging that Scotland is just a pawn in worldwide organised crime. I hope that a lasting benefit of the debate is that a light is shone on the activities of crime families and how deeply the problem is embedded in our society. Many of the resources of the various crime enforcement agencies are targeted at the fight against illegal drugs in our communities—to which Bill Butler referred—and the associated human costs, namely family break-up. As we have heard in recent debates, grandparents are forced to intervene to provide support to counter the problems that are associated with second and third-generation drug addiction.

Clearly, economics is a factor. Illegal drugs such as cocaine are cheaper and more affordable because, in recent times, the market has been flooded by an oversupply of class A drugs in our urban and rural communities. The drugs are not produced in Scotland, which adds an international dimension to the criminal activities. The returns for getting involved are deemed to be worth while financially, which reduces the risks in the eyes of those who commit organised crime on a daily basis—it is their perverse economic contribution to society. A number of years ago, at a seminar, a senior police officer indicated that the black economy, through the drugs industry, was the third or fourth highest earner in Scotland. That shows the value of that market. The availability of class A drugs, and people's demand for them, drives the returns from crime. We should take any opportunity we can to smash that economic force.

Since its establishment, the SCDEA has acknowledged the important principle of following the money. One of the agency's key operating functions, the Scottish money laundering unit, recognises that crime is not confined to some small-scale outfit operating in the schemes of Scotland's bigger urban cities. The activities of some of Scotland's professions need serious scrutiny, as they can unwittingly and sometimes tacitly offer a support structure to protect organised crime's ill-gotten gains.

As my colleague Stuart McMillan said in connection with the private hire car companies that are being established throughout Scotland, local authority planning and licensing departments are not always best equipped to tackle the level of activity that is associated with organised crime in their areas. As we have heard, many MSPs have been approached with allegations that builders or private hire taxi companies are nothing more than front organisations for serious organised crime. I



am not saying that every individual or company in those industries is involved in organised crime, but the situation has become so bad that legitimate businesses are under threat from criminal elements. The laundering of ill-gotten gains through such routes means that legitimate companies often struggle to maintain their businesses.

The need to tackle serious organised crime has never been greater in today's society, and it is right that the Scottish Government should give such a high priority to its desire to create safer communities. It is a fair comment that crime families not only operate in the sectors of business to which I have referred, but move into others when they see opportunities. I am surely not the only one who has been surprised by the proliferation of so-called business enterprises—tanning parlours and nail salons seem to be the latest such enterprises—over the past few years.

Like many other members who are present, I had the dubious pleasure of being in the chamber for the members' business debate on the Glasgow Milton and Chirnsyde community initiative. The debate was not bad—quite the opposite: the practical examples that were raised during the debate highlighted the courage of a community and its activists under real attack from organised crime in a shameful state of affairs—but the lack of support that the community activists received from officialdom showed signs of institutional inertia.

That inertia should not be repeated in a modern Scotland. Indeed, I am hopeful that the serious organised crime task force will make a significant and sustained contribution to tackling organised crime head on and ensuring that the proceeds of crime are redirected to assist communities in our fight against organised crime.

I conclude by supporting Margaret Smith's plea that the cabinet secretary should make every effort to speed up the creation of the Scottish Police Services Authority campus at Gartcosh so that we can bring under one roof the combined forces that can tackle crime head on, not only in Scotland or Britain but throughout Europe and the rest of the world. As I mentioned, crime is not confined to Scotland. The international dimension shows not only that we have to tackle crime at root cause in Scotland, but that we must work with other agencies throughout the world to ensure that we tackle it at that level. We must not become insular and consider only Scotland's problems, but should work with agencies throughout the world to ensure that we root out the real causes of crime that blight our society today.

16:28

**Mike Pringle (Edinburgh South) (LD):** The debate has been vital in maintaining the dialogue between elected representatives that is required to tackle an adaptive and constantly evolving problem. I agree with the minister, Margaret Smith, Pauline McNeill and others when they say that organised crime is now an international business. It is still a serious issue in Scotland. There are examples of it everywhere and many businesses suffer.

Stuart McMillan rightly focused on the taxi trade. I remember well a private hire firm that was run by a criminal element. It took a huge concentrated effort by councillors—I was one of them—the licensing committee, officials and police to bring that firm to book, but that did not happen before the taxi office in Edinburgh had burned to the ground and the police officers involved had been threatened and intimidated. At the end of the day, the council won and that firm was put out of business. That is an example of how we can get rid of some organised criminals.

If members speak to property developers, many will tell them that, in some areas, site protection money is still a serious concern. More harrowing still is the fact that Scotland's drug trade remains a multimillion pound business. That said, our uniformed organisations and judiciary have taken massive steps forward in recent years. More than £6 million was seized under the Proceeds of Crime Act 2002 in the last year alone, £3 million of which is set to be reinvested in community projects—I will return to that point. That figure has risen year on year since the 2002 act was passed, under the previous Executive.

As my colleague Margaret Smith said, the Scottish Crime and Drug Enforcement Agency has gone from strength to strength, performing an important co-ordination and intervention role. Like others, including Pauline McNeill, Bill Aitken and Margaret Curran, I will take a moment to acknowledge the personal contribution that has been made to the agency by Graeme Pearson, the first director of the SCDEA. During his time at the agency, he transformed the organisation to make it more like the Federal Bureau of Investigation, with a remit to tackle all organised crime across Scotland and to liaise with British and many other international police forces and other agencies. Under him, the agency had great success in tackling crime. In 2005 to 2007, £30 million-worth of drugs were seized and, between 2004 and 2007, more than £23 million-worth of assets. I welcome the appointment of Gordon Meldrum as director general of the SCDEA from 1 January. I wish him well in his new job, and I know that he will have the co-operation of us all.

Pauline McNeill was absolutely right to say that the best way to hit criminals is in their pockets. That will help to stop people going into crime. I very much welcome the minister's commitment to consider more ways to hit the criminals where it hurts most—their assets.

I return to the money that is raised by the seizure of assets. Those funds have been reinvested in six local authorities, including Edinburgh, and councils have been able to target the extra funds. In Edinburgh's case, the money has been spent mainly on young people. For example, £750,000 has been focused on a youth services strategy. The Go4it/open all hours scheme gives young people the opportunity during the summer, Easter and October holidays to try a range of sports activities using the council's sport and leisure facilities, and there are other examples including sports programmes for young people in Muirhouse and Holyrood. Those are good examples of how money that is seized is being used positively.

It is clear that the battle is not yet won. Indeed, the Parliament could do more. Our uniformed organisations and judiciary see the effects of organised crime every day. They know where the problems are and where it would be best to target resources. It is a matter of ensuring that they have every tool at their disposal. We believe that more officers and more resources are required. Having 1,000 extra police, which was promised in the Government's manifesto, would be a good start.

Any plans for centralisation must be resisted. Calls have been made in some quarters for the expansion of the scope of the Scottish Police Services Authority, but that organisation has rightly been labelled by the president of the Association of Chief Police Officers in Scotland, Colin McKerracher, as "a fledgling organisation". The SPSA is simply not ready to take on more responsibility. As the Government has pledged to cut bureaucracy, the authority should take heed of the case of the former deputy chief constable of Strathclyde Police, Ricky Gray, who took early retirement as he was fed up fighting with civil servants and was concerned about the accountability of the SPSA quango.

There are areas in which more must be done. For example, the serious organised crime task force, to which members have referred, has real potential for further interaction with organisations outside the UK to stop the flow of drugs into the country. Generally, however, we are moving in the right direction. The crux is that the structure that we have in place has statistically proven more and more effective year on year. A rethink, at this stage, is not required.

I agree with Bill Aitken that all of us—including us in the Parliament and Gordon Meldrum—must

do more. I am confident that that is everybody's aim. The Government's motion might best be described as uncontroversial; it is a strong statement of intent without any indication of far-reaching changes. In some respects I welcome that, given the widespread progress that is being made. What is required is not tinkering, but support for organisations that are performing well.

Perhaps it is too much to hope that Mr MacAskill, in his closing remarks—I am sorry; I had thought that Mr MacAskill would close the debate, but I have learned otherwise. Instead, I should refer to what we very much hope to hear in the Lord Advocate's closing remarks. I am not sure, however, that any commitment to new police officers is likely to be forthcoming in that speech. I say to the SNP that, if we want to win the battle with organised crime, we need more resources on the front line. That means more police officers. I support the motion and both the amendments.

16:35

**John Lamont (Roxburgh and Berwickshire)**

**(Con):** The debate has been useful as it has allowed us to consider the issues connected with serious crime and how we might tackle it. There is much in the Government motion that we can support and the debate has been generally consensual, but there is also much that we must question and consider critically in the light of the Government's recent actions. Sandra White will not like it, but there are questions to ask—I am pleased that she has left the chamber.

There can be little doubt that serious organised crime is a major problem facing Scotland and that it has had a devastating impact on communities and businesses. Yes, the tackling of serious crime should be a key priority; yes, we can all support the view that serious organised crime cannot be seen to pay and we can support measures that strip criminals of the profits that they make from the misery that they have caused; and yes, we support the Scottish police and UK and European law enforcement agencies in ramping up their efforts to disrupt and destroy criminal networks, which inflict misery on law-abiding citizens.

It is perhaps disappointing, therefore, that the Government's actions have shown that its commitment to the motion is less than fulsome. For example, let us consider the Government's support for the police to allow them to tackle serious crime. Before the election, we were told that the SNP would be putting an extra 1,000 police officers on the beat, but now we all know that the number will be much less than the original one. We will support the Liberal amendment, which highlights that issue. Despite what Sandra White might think, the issue is an important part of this debate. It is interesting to note in passing that

the Liberals failed to deliver the extra police numbers when they were in government, but I am pleased that they have come round to the Conservative way of thinking.

**Bill Butler:** Will the member give way on that point?

**John Lamont:** I want to make some progress.

How about support for the other UK law enforcement agencies, to which the Government also refers in its motion? I am not sure how that fits with the views that the cabinet secretary expressed recently when he tried to create another battle between Holyrood and Westminster by criticising the number of stop and searches that had been carried out by the British Transport Police in the fight against terrorism. He said:

"I think the public would be right to look for a clear explanation on why the British Transport Police in Scotland ... need to use these powers ... It's a genuine cause for concern."

He also said:

"The British Transport Police seem to be taking a diktat from London."

To challenge serious organised crime, Scotland must be prepared to work with organisations throughout the world. Tackling such crime can be done successfully only if it is done by the UK as a whole.

The SNP Government in its anti-British crusade has in recent weeks been using the British Transport Police to cause a constitutional row. Surely it is the job of the Scottish Government to support all the forces in Scotland, which are working to protect Scotland's people, rather than undermine them. Although I am pleased that the Government wants to talk the talk, it is important that we see actions to back up its fine words.

**Kenny MacAskill:** We are aware that fewer than 140 section 44 stop and searches have been carried out by the Scottish police forces, but more than 14,000 have been carried out in six months or so by the British Transport Police. Would we be correct to assume that Mr Stevenson, Mr Gorman and others were apprehended by the Scottish police forces? As a result of the 14,000 to 16,000 British Transport Police searches, how many serious organised criminals were detained, apprehended or brought to account?

**John Lamont:** The important point about the British Transport Police is that it was taking action to deal with terrorism, which could be connected with serious crime.

**Kenny MacAskill:** How many terrorists were caught?

**John Lamont:** I want to continue, if I may.

Many interesting points were made during the debate. I agree with various members that the Parliament was right to set up the Scottish Crime and Drug Enforcement Agency. The cabinet secretary set out some of the work that the agency has done. However, we must also recognise where the agency can be improved.

Drug enforcement work and tackling other forms of serious and organised crime represent a global challenge. The SCDEA fosters and continually builds closer working relationships with Scottish and other domestic and foreign law enforcement agencies and intelligence agencies. Indeed, as we heard from a number of members today, the increased ease and speed of international travel and trade means that it is likely that large numbers of organised crime groups in Scotland will continue to work with foreign criminals and operate on an international level.

The loss of Graeme Pearson was disappointing; all the members who mentioned him would agree with that. Perhaps the most worrying aspect of the situation is the reasons that he gave for his departure. In that regard, I want to expand on the point that Pauline McNeill touched on during her speech. At the time of his departure, Mr Pearson was quoted in the press as saying:

"The agency has never been fully staffed and I would say, on average, is about 10% down on what it should be."

He went on to say:

"some of the forces find it difficult to release staff to us because the pressures, at force level, encourage forces to keep them there."

That is yet more evidence of the lack of investment in law enforcement by the previous Administration. The current Administration must address that.

As we heard from Bill Aitken, the agency can no longer be viewed as a secondary part of Scottish law enforcement. It must be given the powers, finance and freedom that it requires to enable it to tackle serious crime in the way that we expect. The SCDEA must be put on an equal footing with Scotland's eight regional police forces. That is the only way in which we can build on its earlier successes.

We agree that serious organised crime is a major problem across Scotland. It is important to bring together all agencies to share information and work together to provide the best possible results in relation to tackling that problem. However, once criminals are caught and charged, we must ensure that the punishment fits the crime. Like Margaret Smith, we believe that a much more rigorous approach is needed to confiscation orders and the seizure of assets. It might be necessary to change the law so that, where there are reasonable grounds for suspicion that the assets

of a convicted drug dealer were obtained by criminal activity, he or she should be required to prove that they have not been so obtained. In other words, in that situation, the onus of proof would be on the convicted criminal, not the Crown.

The debate has been useful. Serious crime is a growing problem and has the potential to have a devastating impact on Scotland and Scotland's communities. Scotland must play its part in tackling the problem and I urge the Government to take a lead.

16:42

**Paul Martin (Glasgow Springburn) (Lab):** At this time of year, it is traditional to bid each other a happy new year. I would like to take this opportunity to bid every criminal in Scotland a very unhappy new year as a result of the Proceeds of Crime Act 2002.

There can be no doubt that serious organised crime causes misery in many of our communities—Margaret Curran made a powerful speech in which she raised those issues—but it is important to note that this is not only a justice issue and that almost any layer of government could be represented in the debate. As Bill Aitken said, organised crime has an effect on the health of our communities—so Nicola Sturgeon could be here to respond in relation to many of the challenges that face us.

Organised crime also affects the business opportunities that John Wilson mentioned in his speech. There are many hard-working men and women who want to go about their daily business and develop their businesses but cannot do so because of the Tam McGraws of this world—and the other individuals who have been referred to this afternoon. Different layers of government are affected, and it is important that we look at the many ways in which we can approach this serious issue.

The Labour amendment is clear and concise. In its one line, it says that we want to ensure that the resources are in place to ensure that we are seriously taking forward the message that there needs to be a cohesive approach to dealing with the serious issue that we are discussing.

Pauline McNeill raised the well-publicised case of James Stevenson, nicknamed “the Iceman”. I am sure that if we were shown the details of the cost of the operation that apprehended him—not that I am requesting them—we would see that the costs of such operations are significant. The issue of resources is not just a political point that is being made here today; it needs to be dealt with seriously if we are to ensure that that kind of operation can be developed in the future.

There is no doubt that the partnership approach that the Crown Office and the Scottish Crime and Drug Enforcement Agency have taken is to be commended, and I commend the current and previous Lord Advocates for showing leadership on that. A direct approach to confiscating assets has been taken, to ensure that the individuals concerned realise that it is inevitable that crime does not pay.

When we refer to partnership, we cannot evade the concerns about the relationship, which appears to be experiencing difficulty, between the Scottish Crime and Drug Enforcement Agency and the Scottish Police Services Authority. I ask the cabinet secretary to show political leadership to deal with the tensions that are clear in both organisations. From time to time, organisations have conflicts.

**Kenny MacAskill:** I am happy to give Mr Martin that assurance. I hosted a meeting between Mr Pearson, Mervyn Rolfe—a man who is known to Labour members—and David Mulhern but, unfortunately, it did not proceed as I had hoped. I assure the member that I will meet Gordon Meldrum—I hope that that will happen shortly. As I have said, we retain the utmost faith in the SCDEA and the SPSA. There are issues, but I am sure that they can be resolved.

**Paul Martin:** I welcome the cabinet secretary's commitment. In all the evidence that I have seen and in the formation of both organisations, it is clear that the Scottish Crime and Drug Enforcement Agency's operational responsibilities were to be independent. The tensions appear to relate to that, so any clarity from the Government about that would help.

The Labour Party has always put tackling serious crime at the forefront of its manifestos. Bill Butler made the case for introducing a serious and organised crime bill, on which we made a commitment in our recent manifesto. Will the cabinet secretary introduce such a bill at some point? I understand some of the concerns that he expressed about the current legislation and the need to work with the UK Government, but we will have to refresh our legislation to deal with the individuals who are involved, whose crimes are the most serious.

**Kenny MacAskill:** The Government has said on the record that it intends to introduce a criminal justice bill later this year. Our view is that what matters is not the number or volume of bills, but what they deliver. A criminal justice bill could cover low-level crime, antisocial behaviour and more serious matters. I am happy to give the member the undertaking that if we believe that particular measures that relate to serious and organised crime are essential, they will be delivered. The best way to do that will be not by multiplying the

amount of legislation, but by having one all-encompassing act, but I give him the assurance.

**Paul Martin:** This new year is going to be consensual. I welcome the cabinet secretary's commitment.

I am sure that many of us agree that, despite the successes in recovering assets and the increase in recovered assets over the years, the £17 million that has been recovered since 2003 is a small fraction of the criminal assets throughout Scotland. The latest estimate of the value of crime throughout the United Kingdom is £18 billion per year, so we face a serious challenge.

Bill Aitken illustrated well the public's perception that, although we deal with the perpetrators of crime, their families still appear to benefit from their crimes. I would welcome a commitment from the Lord Advocate that more information will be provided in that respect, although I appreciate that the onus is on individuals to provide information about how they received their assets.

I ask members to support the amendments in the names of Pauline McNeill and Margaret Smith. Ensuring that 1,000 additional police officers are evident in our local communities will assist the serious process of dealing with serious criminals—Sandra White cannot dismiss that fact. For the record, we met our manifesto commitment to provide more than 1,400 additional police officers from 1999 to 2007. I hope that the current Government will do likewise and meet its promise to deliver 1,000 additional police officers.

16:50

**The Lord Advocate (Elish Angiolini):** This has been an important debate on a significant issue for Scotland. Indeed, as Bill Aitken said, serious organised crime is possibly the major threat to the community in Scotland that we face in the context of criminality.

Chris Harvie made a pertinent point about the history of organised crime. There have been notorious criminals for centuries—he mentioned a fictional one—who have made profits from their activities and whose motivation has been to profit and gain status, power and influence over others. They have always taken great care to conceal their ill-gotten gains and ensure that there will be fruits to which they can return if they are caught. There is nothing new in what we have to deal with now.

There have always been some individuals who see crime as risky but highly profitable. They have learned and evolved with considerable cunning: they have found better ways to disguise their activities and their involvement in them. Bill Aitken referred to the shadowy figures that create and

represent such a threat. We have the more florid, patent and obvious drugs barons who display their wealth fairly conspicuously in Scotland, but those in the higher echelons—the more discreet, professional, distant and remote shadowy figures—are the bankers and investors. They stay far away from the streets of Easterhouse and Margaret Curran's constituency. Over the next decade, they must be the target for criminal agencies in Scotland, the UK and Europe.

Criminal entrepreneurs—if we may call them that—who are involved in drug trafficking, money laundering, counterfeiting, fraud, embezzlement, extortion and related intimidatory violence and murder often run their organisations on innovative, high-tech business lines. Again, Bill Aitken nicely summarised matters. However, their business comes without the hassles of legitimate business.

I am sorry, Presiding Officer. I see you signalling.

**The Deputy Presiding Officer (Trish Godman):** It is all right. Someone was having a conversation behind you.

**The Lord Advocate:** Margaret Smith talked about the economic nature of such enterprises. She was correct: employees come cheap in organised crime. There is violence, fear and sexual exploitation of employees and customers. Violence and fear can be used to intimidate employees and customers. There is no need to negotiate. If a partner does not come up to scratch, there is no need for a golden handshake—they can simply be murdered.

Many successful prosecutors have been dismayed over the years. Bill Aitken again nicely summarised the situation. Prosecutors work hard on a case and then watch a convicted drugs dealer begin his sentence with a broad grin and a cheery wave to his girlfriend as he goes from the dock into the cells. He knows that his lieutenants will look after the big house, the villa abroad, the convertible and the business until he returns.

For some, prison has been an inconvenience or an overhead as long as profits remained safe for their release. Even in prison, their continued status and power has allowed them to continue to run their business. The thin veneer of respectability and status that is gained by their wealth distorts the perceptions of the young in our community. Pauline McNeill accurately assessed the need for us to remove the aspirations of many people in our communities to mimic or become such role models because they are the only people who represent success in proximity to their own lives. No contrived respectability can disguise the deeply corrosive impact of such individuals and criminal enterprises in our local communities and across our economy.

Criminality is increasingly complex, diverse and global. In response, the Crown Office and Procurator Fiscal Service has radically adapted to meet the challenge that has been presented. In 2006, we established the national casework division, which is a fairly bland title for a vital, new and dynamic unit of prosecutors in the department. The division brings together a multidisciplinary team of prosecutors and investigators who work to identify and confiscate the proceeds of crime and prepare and prosecute large and complex cases, such as major drugs-trafficking cases.

**Pauline McNeill:** I welcome what the Lord Advocate said about the development of specialist prosecutors, but I hope that she will clarify the position on the Gartcosh crime campus, which will bring the agencies together. Will she tell the Parliament what the plans are?

**The Lord Advocate:** Yes, indeed. I was coming to that. Pauline McNeill's point about the Gartcosh campus is well made. Indeed, it was also made by Margaret Smith, John Wilson and others. The campus is an important vision and it will be an important part of the development of the collaborative working that is taking place between the agencies. As I understand it, the funding is in place for Gartcosh. It is continuing, and this week, or very shortly, we will advertise for the design team that will take matters forward. The date for the completion of construction is 2011. Clearly, the project is part of the continuing process of the agencies working together and using their various skills not in silos but collaboratively so that they are used to best effect.

Pauline McNeill, Margaret Smith and Sandra White mentioned the case of James Stevenson. A number of cases in the past year have been tremendous successes in the fight against organised crime in Scotland. James Stevenson was described by the SCDEA as Scotland's number 1 target at the time. That description came from Graeme Pearson, whom many members mentioned during the debate. In passing, I add that he was an outstanding leader of the organisation and is to be congratulated on the vision and the dynamics that he brought to its development. I also congratulate Gordon Meldrum on his appointment, and I look forward to his working with our organisation.

Scotland's number 1 target pled guilty to laundering the million-pound proceeds of drug trafficking following a lengthy intelligence operation. Hundreds of thousands of pounds and dozens of luxury watches were recovered. Almost £100,000 had been invested in cars for use as private hire taxis. Many members, including Stuart McMillan, mentioned the importance of regulation of the private hire taxi industry. That will be an

important part of the fight against organised crime in Scotland and I welcome the Cabinet Secretary for Justice's suggestion today that the Government will consider the matter.

Mr Stevenson was sentenced to 12 years and nine months, which is the longest sentence ever imposed in Scotland for money laundering. It is to be welcomed that the courts clearly take the matter seriously.

The cabinet secretary also mentioned the successful prosecution of the counterfeit currency gang led by Thomas McAnea, who was referred to as "Hologram Tam". The trial judge described the gang as

"a sophisticated operation at the top end of the scale of production and distribution."

The former director general of the SCDEA, Graeme Pearson, described the gang as

"the best of its kind in the UK."

Although I accept what Mr Martin said in his winding-up speech—that we are simply inching in on the huge profits that are to be made and that we are in our infancy in that battle—we are certainly up for the challenge and we are extending and innovating in our working practices. I hope that those early successes show that the agencies in Scotland are fighting and being successful in tackling some of the most conspicuous organised criminals in the country.

Members will also be aware of recent convictions that relate to some sinister murders. As sentencing is still to take place, I will not go into detail on the cases, but, again, I hope that the Parliament recognises the importance of those convictions as they tackle intimidatory violence that has a subtext of organised crime.

Margaret Curran gave a graphic and disturbing description of something that is commonplace in many constituencies—people who live with intimidation and who live in fear of their local drugs barons and those who create an atmosphere in which people are frightened of doing anything other than simply acquiescing in the conditions in which they subsist. It is therefore important that there is a clear message to those who wish to come into this country to proceed with organised crime that this is not a country in which to invest. It should be very clear to those who would be inclined to come to this country and invest in organised crime that the Crown Office and Procurator Fiscal Service, the police, customs and the SCDEA are all waiting for them. A celebrated gentleman at Glasgow airport has shown that those who wish to come to this country and create crime of whatever nature will not receive a warm welcome. Indeed, it has to be said that, while we are certainly open for business, as the First

Minister has said, we are open only for legitimate business.

The debate has been successful in crystallising some of the new developments. In particular, the cabinet secretary mentioned the proposals to refresh the Proceeds of Crime Act 2002 and to use it more innovatively and consider other offences. The Solicitor General visited Canada this summer and has suggested an offence that relates to being involved in directing organised crime as an aggravation of any crime. That is a significant and successful offence in Canada.

Next week, I will meet the Attorney General for the UK and the Director of Public Prosecutions for Northern Ireland—I have met the Welsh authorities—to discuss what is happening in each of our jurisdictions and to ensure the best of co-operation within the UK and abroad. We have also participated in the International Association of Prosecutors and our international co-operation unit is working with 52 countries on providing assistance. Much is happening and there is much to be assured of.

Mr Aitken wondered about the onus of proof. I assure him that when a conviction is obtained under section 96 of the act, the onus shifts to the accused in the sense that they have to indicate what their past six years' income has been. However, there is no doubt that there is a need to look at how we can adjust those provisions to ensure that they can be put to best use so that we have the most effect on such difficult and complex cases.

Serious organised crime poses one of the greatest threats to the stability of our society and economy and the well-being of the people of Scotland. We remain determined to increase our efforts to tackle the issue effectively. Today, I am pleased to announce that I will appoint an additional four Crown counsel, bringing their number to its highest-ever level; we now have more than double the number of Crown counsel we had a decade ago.

In the light of all that has been discussed here today, I hope that the Parliament will welcome the strengthening of the cadre of our most senior prosecutors and that it will recognise the importance of continuing to support and resource this country's prosecution service. Day in and day out, our prosecutors face intimidation. They are tremendously brave and courageous in their work. They do it quietly and get on with it from day to day. Our investigators are the same. I hope that I can continue to rely on the support of this Parliament for the work and endeavours of the prosecution service and the agencies with whom we will work throughout the next year.

## Health and Social Care Bill

17:02

**The Presiding Officer (Alex Fergusson):** The next item of business is consideration of motion S3M-1044, in the name of Nicola Sturgeon, on the Health and Social Care Bill, which is United Kingdom legislation.

*Motion moved,*

That the Parliament agrees that the relevant provisions of the UK Health and Social Care Bill, introduced in the House of Commons on 15 November 2007, which legislate in devolved areas in respect of provisions relating to the regulation of the healthcare professions should be considered by the UK Parliament.—[*Nicola Sturgeon.*]

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

## Business Motions

17:03

**The Presiding Officer (Alex Fergusson):** The next item of business is consideration of business motion S3M-1109, in the name of Bruce Crawford, on behalf of the Parliamentary Bureau, on the suspension of rule 5.6.1(c) of standing orders.

*Motion moved,*

That the Parliament agrees that Rule 5.6.1(c) of Standing Orders be suspended for the purposes of Members' Business on Wednesday 23 January 2008.—[*Bruce Crawford.*]

*Motion agreed to.*

**The Presiding Officer:** The next item of business is consideration of business motion S3M-1108, in the name of Bruce Crawford, on behalf of the Parliamentary Bureau, setting out a business programme.

*Motion moved,*

That the Parliament agrees the following programme of business—

Wednesday 16 January 2008

2.00 pm	Time for Reflection
<i>followed by</i>	Parliamentary Bureau Motions
<i>followed by</i>	Ministerial Statement: Fisheries
<i>followed by</i>	Scottish Government Debate: OECD Report into Scottish Education: the Quality and Equity of Schooling in Scotland
<i>followed by</i>	Business Motion
<i>followed by</i>	Parliamentary Bureau Motions
5.00 pm	Decision Time
<i>followed by</i>	Members' Business

Thursday 17 January 2008

9.15 am	Parliamentary Bureau Motions
<i>followed by</i>	Scottish Government Debate: Energy
11.40 am	General Question Time
12 noon	First Minister's Question Time
2.15 pm	Themed Question Time Health and Wellbeing
2.55 pm	Scottish Government Debate: Justice
<i>followed by</i>	Legislative Consent Motion: Dormant Bank and Building Society Accounts Bill – UK Legislation
<i>followed by</i>	Parliamentary Bureau Motions
5.00 pm	Decision Time
<i>followed by</i>	Members' Business

Wednesday 23 January 2008

2.00 pm	Time for Reflection
<i>followed by</i>	Parliamentary Bureau Motions
<i>followed by</i>	Stage 1 Debate: Budget (Scotland) Bill
<i>followed by</i>	Business Motion
<i>followed by</i>	Parliamentary Bureau Motions
6.00 pm	Decision Time
Thursday 24 January 2008	
9.15 am	Parliamentary Bureau Motions
<i>followed by</i>	Scottish Government Business
11.40 am	General Question Time
12 noon	First Minister's Question Time
<i>followed by</i>	Members' Business
2.15 pm	Themed Question Time Justice and Law Officers; Rural Affairs and the Environment
2.55 pm	Scottish Government Business
<i>followed by</i>	Parliamentary Bureau Motions
5.00 pm	Decision Time
<i>followed by</i>	Members' Business—[ <i>Bruce Crawford.</i> ]

*Motion agreed to.*

**The Presiding Officer:** The next item of business is consideration of business motion S3M-1107, in the name of Bruce Crawford, on behalf of the Parliamentary Bureau, setting out a timetable for legislation.

*Motion moved,*

That the Parliament agrees that consideration of the Graduate Endowment Abolition (Scotland) Bill at Stage 2 be completed by 1 February 2008.—[*Bruce Crawford.*]

*Motion agreed to.*



## Decision Time

17:04

### The Presiding Officer (Alex Fergusson):

There are four questions to be put as a result of today's business. The first question is, that amendment S3M-1101.1, in the name of Pauline McNeill, which seeks to amend motion S3M-1101, in the name of Kenny MacAskill, on serious organised crime, be agreed to.

*Amendment agreed to.*

**The Presiding Officer:** The second question is, that amendment S3M-1101.2, in the name of Margaret Smith, which seeks to amend motion S3M-1101, in the name of Kenny MacAskill, as amended, on serious organised crime, be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

### FOR

Aitken, Bill (Glasgow) (Con)  
 Alexander, Ms Wendy (Paisley North) (Lab)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Boyack, Sarah (Edinburgh Central) (Lab)  
 Brankin, Rhona (Midlothian) (Lab)  
 Brocklebank, Ted (Mid Scotland and Fife) (Con)  
 Brown, Gavin (Lothians) (Con)  
 Brown, Robert (Glasgow) (LD)  
 Brownlee, Derek (South of Scotland) (Con)  
 Butler, Bill (Glasgow Anniesland) (Lab)  
 Carlaw, Jackson (West of Scotland) (Con)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Curran, Margaret (Glasgow Baillieston) (Lab)  
 Eadie, Helen (Dunfermline East) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 Finnie, Ross (West of Scotland) (LD)  
 Gillon, Karen (Clydesdale) (Lab)  
 Glen, Marlyn (North East Scotland) (Lab)  
 Godman, Trish (West Renfrewshire) (Lab)  
 Goldie, Annabel (West of Scotland) (Con)  
 Gordon, Charlie (Glasgow Cathcart) (Lab)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Henry, Hugh (Paisley South) (Lab)  
 Hume, Jim (South of Scotland) (LD)  
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)  
 Johnstone, Alex (North East Scotland) (Con)  
 Kelly, James (Glasgow Rutherglen) (Lab)  
 Kerr, Andy (East Kilbride) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Lamont, John (Roxburgh and Berwickshire) (Con)  
 Macdonald, Lewis (Aberdeen Central) (Lab)  
 Macintosh, Ken (Eastwood) (Lab)  
 Martin, Paul (Glasgow Springburn) (Lab)  
 McArthur, Liam (Orkney) (LD)  
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
 McCabe, Tom (Hamilton South) (Lab)  
 McConnell, Jack (Motherwell and Wishaw) (Lab)  
 McGrigor, Jamie (Highlands and Islands) (Con)

McInnes, Alison (North East Scotland) (LD)  
 McLetchie, David (Edinburgh Pentlands) (Con)  
 McMahon, Michael (Hamilton North and Bellshill) (Lab)  
 McNeil, Duncan (Greenock and Inverclyde) (Lab)  
 McNeill, Pauline (Glasgow Kelvin) (Lab)  
 McNulty, Des (Clydebank and Milngavie) (Lab)  
 Milne, Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Mulligan, Mary (Linlithgow) (Lab)  
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)  
 Murray, Elaine (Dumfries) (Lab)  
 O'Donnell, Hugh (Central Scotland) (LD)  
 Park, John (Mid Scotland and Fife) (Lab)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Pringle, Mike (Edinburgh South) (LD)  
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)  
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Scott, Tavish (Shetland) (LD)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Elizabeth (Mid Scotland and Fife) (Con)  
 Smith, Iain (North East Fife) (LD)  
 Smith, Margaret (Edinburgh West) (LD)  
 Stephen, Nicol (Aberdeen South) (LD)  
 Stewart, David (Highlands and Islands) (Lab)  
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)  
 Tolson, Jim (Dunfermline West) (LD)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Whitton, David (Strathkelvin and Bearsden) (Lab)

### AGAINST

Adam, Brian (Aberdeen North) (SNP)  
 Ahmad, Bashir (Glasgow) (SNP)  
 Allan, Alasdair (Western Isles) (SNP)  
 Brown, Keith (Ochil) (SNP)  
 Campbell, Aileen (South of Scotland) (SNP)  
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perth) (SNP)  
 Don, Nigel (North East Scotland) (SNP)  
 Doris, Bob (Glasgow) (SNP)  
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
 Fabiani, Linda (Central Scotland) (SNP)  
 FitzPatrick, Joe (Dundee West) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gibson, Rob (Highlands and Islands) (SNP)  
 Grahame, Christine (South of Scotland) (SNP)  
 Harper, Robin (Lothians) (Green)  
 Harvie, Christopher (Mid Scotland and Fife) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Hepburn, Jamie (Central Scotland) (SNP)  
 Hyslop, Fiona (Lothians) (SNP)  
 Ingram, Adam (South of Scotland) (SNP)  
 Kidd, Bill (Glasgow) (SNP)  
 Lochhead, Richard (Moray) (SNP)  
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)  
 MacDonald, Margo (Lothians) (Ind)  
 Marwick, Tricia (Central Fife) (SNP)  
 Mather, Jim (Argyll and Bute) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 Maxwell, Stewart (West of Scotland) (SNP)  
 McKee, Ian (Lothians) (SNP)  
 McKelvie, Christina (Central Scotland) (SNP)  
 McMillan, Stuart (West of Scotland) (SNP)  
 Morgan, Alasdair (South of Scotland) (SNP)  
 Neil, Alex (Central Scotland) (SNP)  
 Paterson, Gil (West of Scotland) (SNP)  
 Robison, Shona (Dundee East) (SNP)  
 Russell, Michael (South of Scotland) (SNP)

Salmond, Alex (Gordon) (SNP)  
 Somerville, Shirley-Anne (Lothians) (SNP)  
 Stevenson, Stewart (Banff and Buchan) (SNP)  
 Sturgeon, Nicola (Glasgow Govan) (SNP)  
 Swinney, John (North Tayside) (SNP)  
 Thompson, Dave (Highlands and Islands) (SNP)  
 Watt, Maureen (North East Scotland) (SNP)  
 Welsh, Andrew (Angus) (SNP)  
 White, Sandra (Glasgow) (SNP)  
 Wilson, Bill (West of Scotland) (SNP)  
 Wilson, John (Central Scotland) (SNP)

**The Presiding Officer:** The result of the division is: For 72, Against 49, Abstentions 0.

*Amendment agreed to.*

**The Presiding Officer:** The third question is, that motion S3M-1101, in the name of Kenny MacAskill, on serious organised crime, as amended, be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

#### FOR

Aitken, Bill (Glasgow) (Con)  
 Alexander, Ms Wendy (Paisley North) (Lab)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Boyack, Sarah (Edinburgh Central) (Lab)  
 Brankin, Rhona (Midlothian) (Lab)  
 Brocklebank, Ted (Mid Scotland and Fife) (Con)  
 Brown, Gavin (Lothians) (Con)  
 Brown, Robert (Glasgow) (LD)  
 Brownlee, Derek (South of Scotland) (Con)  
 Butler, Bill (Glasgow Anniesland) (Lab)  
 Carlaw, Jackson (West of Scotland) (Con)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Curran, Margaret (Glasgow Baillieston) (Lab)  
 Eadie, Helen (Dunfermline East) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 Finnie, Ross (West of Scotland) (LD)  
 Gillon, Karen (Clydesdale) (Lab)  
 Glen, Marlyn (North East Scotland) (Lab)  
 Godman, Trish (West Renfrewshire) (Lab)  
 Goldie, Annabel (West of Scotland) (Con)  
 Gordon, Charlie (Glasgow Cathcart) (Lab)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Henry, Hugh (Paisley South) (Lab)  
 Hume, Jim (South of Scotland) (LD)  
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)  
 Johnstone, Alex (North East Scotland) (Con)  
 Kelly, James (Glasgow Rutherglen) (Lab)  
 Kerr, Andy (East Kilbride) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Lamont, John (Roxburgh and Berwickshire) (Con)  
 Macdonald, Lewis (Aberdeen Central) (Lab)  
 Macintosh, Ken (Eastwood) (Lab)  
 Martin, Paul (Glasgow Springburn) (Lab)  
 McArthur, Liam (Orkney) (LD)  
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
 McCabe, Tom (Hamilton South) (Lab)  
 McConnell, Jack (Motherwell and Wishaw) (Lab)  
 McGrigor, Jamie (Highlands and Islands) (Con)  
 McInnes, Alison (North East Scotland) (LD)  
 McLetchie, David (Edinburgh Pentlands) (Con)  
 McMahon, Michael (Hamilton North and Bellshill) (Lab)

McNeil, Duncan (Greenock and Inverclyde) (Lab)  
 McNeill, Pauline (Glasgow Kelvin) (Lab)  
 McNulty, Des (Clydebank and Milngavie) (Lab)  
 Milne, Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Mulligan, Mary (Linlithgow) (Lab)  
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)  
 Murray, Elaine (Dumfries) (Lab)  
 O'Donnell, Hugh (Central Scotland) (LD)  
 Park, John (Mid Scotland and Fife) (Lab)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Pringle, Mike (Edinburgh South) (LD)  
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)  
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Scott, Tavish (Shetland) (LD)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Elizabeth (Mid Scotland and Fife) (Con)  
 Smith, Iain (North East Fife) (LD)  
 Smith, Margaret (Edinburgh West) (LD)  
 Stephen, Nicol (Aberdeen South) (LD)  
 Stewart, David (Highlands and Islands) (Lab)  
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)  
 Tolson, Jim (Dunfermline West) (LD)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Whitton, David (Strathkelvin and Bearsden) (Lab)

#### AGAINST

Adam, Brian (Aberdeen North) (SNP)  
 Ahmad, Bashir (Glasgow) (SNP)  
 Allan, Alasdair (Western Isles) (SNP)  
 Brown, Keith (Ochil) (SNP)  
 Campbell, Aileen (South of Scotland) (SNP)  
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perth) (SNP)  
 Don, Nigel (North East Scotland) (SNP)  
 Doris, Bob (Glasgow) (SNP)  
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
 Fabiani, Linda (Central Scotland) (SNP)  
 FitzPatrick, Joe (Dundee West) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gibson, Rob (Highlands and Islands) (SNP)  
 Grahame, Christine (South of Scotland) (SNP)  
 Harper, Robin (Lothians) (Green)  
 Harvie, Christopher (Mid Scotland and Fife) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Hepburn, Jamie (Central Scotland) (SNP)  
 Hyslop, Fiona (Lothians) (SNP)  
 Ingram, Adam (South of Scotland) (SNP)  
 Kidd, Bill (Glasgow) (SNP)  
 Lochhead, Richard (Moray) (SNP)  
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)  
 Marwick, Tricia (Central Fife) (SNP)  
 Mather, Jim (Argyll and Bute) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 Maxwell, Stewart (West of Scotland) (SNP)  
 McKee, Ian (Lothians) (SNP)  
 McKelvie, Christina (Central Scotland) (SNP)  
 McMillan, Stuart (West of Scotland) (SNP)  
 Morgan, Alasdair (South of Scotland) (SNP)  
 Neil, Alex (Central Scotland) (SNP)  
 Paterson, Gil (West of Scotland) (SNP)  
 Robison, Shona (Dundee East) (SNP)  
 Russell, Michael (South of Scotland) (SNP)  
 Salmond, Alex (Gordon) (SNP)  
 Somerville, Shirley-Anne (Lothians) (SNP)  
 Stevenson, Stewart (Banff and Buchan) (SNP)  
 Sturgeon, Nicola (Glasgow Govan) (SNP)

Swinney, John (North Tayside) (SNP)  
 Thompson, Dave (Highlands and Islands) (SNP)  
 Watt, Maureen (North East Scotland) (SNP)  
 Welsh, Andrew (Angus) (SNP)  
 White, Sandra (Glasgow) (SNP)  
 Wilson, Bill (West of Scotland) (SNP)  
 Wilson, John (Central Scotland) (SNP)

#### ABSTENTIONS

MacDonald, Margo (Lothians) (Ind)

**The Presiding Officer:** The result of the division is: For 72, Against 48, Abstentions 1.

*Motion, as amended, agreed to.*

*Resolved,*

That the Parliament recognises that serious organised crime is a major problem that has a devastating impact on communities and businesses in Scotland; believes that tackling this menace should be a key priority for a safer and stronger Scotland; supports the Scottish police service and UK and European law enforcement agencies in ramping up their efforts to disrupt and destroy the criminal networks which inflict misery on law-abiding citizens; commends the agencies responsible for recovering over £17 million worth of assets using the provisions of the Proceeds of Crime Act 2002; supports the view that serious organised crime cannot be seen to pay and supports further measures to ensure that criminals are stripped of the profits made from the misery they cause in order to reinvest in the youth of Scotland and communities, and supports the role of the newly established Serious Organised Crime Taskforce in spearheading a renewed drive and commitment to address this type of crime; calls on the Scottish Government to ensure that the necessary resources are in place to effectively implement the Proceeds of Crime Act 2002, but regrets the Scottish Government's continued failure to implement the SNP's election promise of 1,000 extra police officers, which would contribute to the fight against serious crime.

**The Presiding Officer:** The fourth and final question is, that motion S3M-1044, in the name of Nicola Sturgeon, on the Health and Social Care Bill, which is United Kingdom legislation, be agreed to. Are we agreed?

*Motion agreed to.*

That the Parliament agrees that the relevant provisions of the UK Health and Social Care Bill, introduced in the House of Commons on 15 November 2007, which legislate in devolved areas in respect of provisions relating to the regulation of the healthcare professions should be considered by the UK Parliament.

**The Presiding Officer:** That concludes decision time. As always, I ask members who are leaving the chamber to do so quietly.

## Broadcasting (Football)

**The Deputy Presiding Officer (Alasdair Morgan):** The final item of business is a members' business debate on motion S3M-858, in the name of Keith Brown, on Government powers to ensure terrestrial broadcast of sport. The debate will be concluded without any question being put.

*Motion debated,*

That the Parliament expresses displeasure about the ongoing lack of access for viewers in Ochil and across Scotland to the fixtures of the Scotland men's football team on terrestrial television, in particular the Scotland v Italy fixture scheduled for 17 November 2007; criticises the BBC for again scheduling in all parts of the United Kingdom the live England match on 21 November instead; notes that within the framework of the EU broadcasting directive (89/552/EC) the UK Department for Culture, Media and Sport designates sporting events into three categories, corresponding to those which must be broadcast on terrestrial television (A), those for which highlights must be broadcast on terrestrial television (B) and the remainder for which no such requirements exist; further notes that the FIFA World Cup finals and UEFA European Championship finals come under category A while the qualifying matches for these tournaments do not even come under category B; observes that other countries such as Germany require that all national men's football team matches be made available under corresponding regulations; believes that all competitive participation in international men's football by Scotland should be made available to terrestrial broadcasters under these regulations, and considers that powers over broadcasting should be transferred to the Scottish Parliament so that the Scottish Government can take such action.

17:08

**Keith Brown (Ochil) (SNP):** I thank all members who have stayed to discuss the motion. We may not have a capacity crowd, but we should have a good match. I also thank members who are not here but who supported the motion. In particular, I thank Hugh O'Donnell—without his support, I would not have secured tonight's debate. I know that he takes issue with the part of the motion that calls for the transfer of broadcasting powers to Scotland, so I am grateful that he was able to support it.

Before thanking the many people who have written to me since I first raised the issue, I should mention that Stuart McMillan raised the issue some time before I did. He previously lodged a petition with the Public Petitions Committee, which I am sure he will mention when he speaks.

I have received letters of thanks from, for example, pensioners in Sutherland who could not afford Sky television and who live in a village where no pub can afford Sky, either. I have been thanked for raising the issue by a person from Dundee whose back problem prevented him from standing for two hours in a crowded pub to watch the recent Scotland v Italy match. I was also

contacted by someone from Glenrothes who, as a licence payer, simply objects to the fact that the BBC seems to be failing to fulfil its role of broadcasting in the public interest. Many other people have been in touch because they are concerned that they should be able to see their national team play their national sport, especially its most important matches. People are disappointed because they cannot do so. Many people feel that the BBC is failing on the issue.

Although the BBC is often mentioned, other terrestrial broadcasters could have purchased the rights to the matches, thereby ensuring that one of the criteria for designating events that are to be shown on terrestrial TV—provision of 95 per cent coverage—was met. However, the BBC exists to bring entertainment and political, cultural and sporting events of national importance into the homes of ordinary people the length and breadth of the country. The crucial Scotland matches at the end of the recent European championship qualifiers were two such events.

BBC Scotland is limited in what it can do. The core service of the BBC has a budget of about £90.3 million, out of a total United Kingdom-wide spend from the licence fee of more than £3.2 billion. It is hardly surprising that BBC Scotland was outbid by Sky and has been outbid for the remaining available world cup qualifiers by Setanta. To win the rights to televise the Scotland matches, the BBC would have had to break a very undersized bank. However, like many other members of the Scottish viewing public, I could not help but notice that the BBC managed to secure all England's matches on the same commercial basis. That is not anglophobia—I am happy to congratulate the BBC on having won the rights to televise those matches, but I wish that it had funded the BBC in Scotland adequately, so that it could have won the rights to televise Scotland's matches. I might also question the sensitivity of the decision to show England's matches throughout the UK when there was no broadcast of Scotland's games, although in the end I rather enjoyed the England v Croatia match.

I believe that there needs to be devolution of broadcasting because BBC Scotland, or the Scottish broadcasting corporation—or whatever name the marketing consultants come up with—would be able to respond to the Scottish viewing audience far better if it were independent. It would still be able to broadcast shows and events from down south, just as the BBC and other channels can broadcast shows and events from around the world.

In the meantime, there is another option available in respect of Scotland matches. Before the next round of rights—for the qualifiers for Euro 2012—is released, the Westminster Government

could add those matches to the list of protected sporting events that must be made available to broadcasters that can reach 95 per cent of the population. That describes both the BBC and STV but would exclude Sky, to which fewer than one in three households subscribes, and it would totally block Setanta. The current list covers events such as the Olympics, Wimbledon, the Derby and the Scottish cup final. To be fair, it also includes all European championship and world cup finals matches, although not qualifying matches. It is unfortunate for Scotland, but often the qualifying matches are our finals. Far be it from me to go against the mood of optimism that is sweeping the nation, but as a long-suffering Scotland fan, I cannot help but notice that the current protection has not done us much good for the past 11 years.

When Scotland played Italy on 17 November, the match was watched by supporters in some homes and pubs in conditions in which it would probably be illegal to transport cattle, but in Italy the match could be watched in any home in the land. The Italian Government, unlike its Westminster counterpart, had added all of the national football team's fixtures to its protected list and had sensibly recognised the importance and popularity of the game throughout the country.

Designating matches in such a way comes at a cost. Recently, and rightly, the Scottish Football Association has pointed to the fact that it receives much-needed income from the rights that it has sold and has tied that income to provision of youth facilities and training in Scotland. However, at present less than a fifth of the SFA's income comes from television and radio, and most of that comes from the Scottish cup. It cannot be right that we should seek to fund youth involvement in our national sport by excluding vast numbers of people from watching our national team playing that sport. If BBC Scotland were run from Scotland and properly funded, the SFA would not have to lose out.

I have proposed the listing of European championship and world cup qualifying matches to James Purnell, the Secretary of State for Culture, Media and Sport. His response was not altogether dismissive. He accepted that crucial matches, such as those towards the end of the qualifying rounds, would meet the criteria. He also stated that his predecessor had planned to review the list in 2008-09. Even if the list is changed to include only the final matches of qualifying rounds, that will be a step forward.

The Scottish viewing public has a right to see all the international performances of their country at the nation's favourite sport. I hope that the members who follow me will agree with that fundamental principle. This is indisputably an issue that could—I think should—unite the nation.

It is about our national sport and about our national team playing in international events. I encourage other members, and anyone else who becomes aware of the issue, to write to the Secretary of State for Culture, Media and Sport in the terms in which I have written to ensure that he takes the right decision.

17:15

**Malcolm Chisholm (Edinburgh North and Leith) (Lab):** I congratulate Keith Brown on securing this important debate. I am happy to agree with large sections of his motion, although I am not sure whether it is fair to criticise the BBC. Clearly, it can show only the games that it has rights to, so I do not think that we can criticise it for showing the England game instead of the Scotland game. It had a contract with the English FA and not, unfortunately, with the Scottish FA.

Having said that, I am a strong supporter of the games being shown on terrestrial television, not least because that is the only television to which I have access. Obviously, that is not the main point, apart from the fact that many people are in the same position and that it is important that major sporting events can be accessed by the population as a whole.

Clearly, the change can happen in one of two ways. The SFA can enter into a contract with the BBC or STV but, as Keith Brown has said, that may be financially difficult for it. The other route is for the UK Government to require the change, through the inclusion of Scottish—and presumably English—international matches on a protected list of sports events. I strongly support that, and I note that the Department for Culture, Media and Sport will review the list of sporting events in the next few months. Keith Brown referred to that review, as did Margaret Hodge, the minister of state in the DCMS, in a debate in the House of Commons on 5 December.

I also note that material from the Department for Culture, Media and Sport states:

“A listed event is one which is generally felt to have special national resonance. It should contain an element which serves to unite the nation”.

The particular football match to which Keith Brown referred would certainly be covered by that definition.

The suggestion that at least some of the international matches towards the end of a qualifying group should be listed seems reasonable. Keith Brown has raised that with James Purnell, and I undertake to do the same. Ideally, we would get all the qualifying matches, but getting the ones towards the end would be a fall-back position.

On the last sentence of the motion, I do not think that a debate on the devolution of broadcasting can be settled by reference to this one issue. However, as Keith Brown has not majored on that point today, I will not say any more about it—other than to say that the constitutional commission that is being set up should consider the issue appropriately.

17:18

**Stuart McMillan (West of Scotland) (SNP):** First, I congratulate Keith Brown on securing the first members' business debate of 2008, and I thank him for his kind words earlier. There now appears to be a political consensus—except for Hugh O'Donnell—in favour of more powers for the Parliament, so the debate is timely in the current political climate.

I was only too happy to sign the motion, bearing in mind that it continues from where I left off when I became an elected member. I lodged a petition with the Public Petitions Committee during the previous session, and I had the privilege of attending my first meeting of any committee when I gave evidence to it. The petition was PE1026, and I know that it was discussed again at the Public Petitions Committee meeting on 23 October 2007.

On that matter, the committee convener Frank McAveety highlighted a couple of points that I would like to respond to, although unfortunately he is not present to hear it. First, yes—where am I now? Secondly, I am indeed a true believer. Over the years I have been to see some terrible football matches involving Scotland. I am sure that Frank McAveety will agree that it is good to see the national team do so well and the players play once again for the jersey—which I know Mr McAveety does when he plays for the parliamentary football team.

I was delighted that my petition was passed to the Scottish Broadcasting Commission, and I am sure that it will take cognisance of the motion that we debate today.

I find it ridiculous that there is no guarantee that every Scotland match will be broadcast live, or even that there will be a highlights package for it. When I gave evidence to the Public Petitions Committee on 17 January 2007, I said that many people in Scotland do not have Sky TV, do not—for various reasons—want to go to a pub or cannot go to a pub because of a disability. Indeed, it might be argued, particularly in view of the last point, that the relevant bodies—the DCMS, the SFA and the BBC—are involved in some kind of social exclusion. That might sound like an attack on the UK Government, but it is not. I am simply highlighting the fact that the DCMS does not fully

appreciate the cultural and sporting significance of football to Scotland.

Moreover, I am not suggesting for one minute that there is one rule for the English national team and another for Scotland. This is an area where the BBC must demonstrate its sense of responsibility. If it is prepared to spend hundreds of millions of pounds from its £3billion-plus budget to cover the progress of the English national team, that is fine, but it should also consider the Scottish national team's importance to the Scottish public.

I also accept that, as the major footballing power in Scotland, the SFA needs to get the best deal possible to ensure that money is invested in the grass roots of the game—as well as used to get us a new manager. I am sure that the association fights hard to secure the best deal, but the question is whether it could try harder.

I lodged my petition because in the recent Euro 2008 qualifying campaign, Scotland's match against Lithuania was shown neither live nor in a highlights package. On the other hand, Northern Ireland's match was shown live on BBC Northern Ireland, Wales's match was shown live on BBC Wales and England's match was shown live on BBC1. As a licence fee payer, I was somewhat annoyed by the situation and feel that the BBC, as the public sector broadcaster, has a duty to supply relevant programmes to relevant parts of the current UK.

It will come as no surprise, therefore, that I fully agree with Keith Brown's motion and I look forward to the Scottish Broadcasting Commission's consideration of this issue and, I am sure, many others. I also agree that powers over broadcasting should be given to the Scottish Parliament to ensure that the Scottish Government of the day can act not only to safeguard the industry in Scotland but to create opportunities in it. By doing so, it would follow the German, French, Spanish and Swedish models of ensuring that national team matches are shown on national television.

17:22

**Ted Brocklebank (Mid Scotland and Fife)**  
(Con): I must beg the Presiding Officer's forbearance. I wish to leave before the end of the debate, because Blair Jenkins of the Scottish Broadcasting Commission is addressing a meeting at 5.30pm that I would like to attend.

As a long-standing supporter of the Scottish football team, no one has been happier than I have been with the squad's recent excellent run of form. However, as most fans will attest, that golden run was hardly expected. Although all of us saw our young squad's potential, few at the start of the recent European qualifying campaign would

have given much for our chances in a group that included two of the world's best teams—Italy and France. So although I share the frustration of those who felt that the crunch game at Hampden against world champions Italy should have been on terrestrial television, the fact is that, as we have heard, the rights for live coverage of Scotland's home internationals are sold by the SFA.

As the SFA's job is to maximise income from such matches, they are sold to the highest bidder, and BBC Scotland's bid for Scotland's home internationals was well exceeded by that of Sky in a deal that runs to 2010. However, because the deal for away internationals is more complex, BBC Scotland was able to bid to a number of overseas football federations for live rights for world cup and European championship qualifiers.

The bottom line in a free market for TV sport is that the broadcaster with the deepest pockets usually prevails. Sky, and increasingly Setanta, which recently announced that it had raised another £90 million from private equity companies to bid for sports rights, can now easily outbid the terrestrial companies for the top games.

The Office of Communications has a list of fixtures—the so-called crown jewels—that, under its "Code on Sports and other Listed Events", must be available to all and may not be covered live on an exclusive basis. Those events include the Olympic games, FIFA world cup finals, the FA cup final, the grand national, the derby, Wimbledon and, in Scotland, the Scottish cup final. There is also a B group of fixtures, which includes the open golf championship, that may not be broadcast live on an exclusive basis unless adequate provision has been made for secondary coverage. As Malcolm Chisholm reminded us, the list is currently under review, and in a recent adjournment debate the minister of state Margaret Hodge said that an announcement on changes was imminent.

Keith Brown has argued that certain Scottish football internationals might be added to that list. However, given that the negotiations with broadcasters are conducted well in advance, how would the decision be taken on which games should be made available to all and which should be sold on an exclusive basis?

**Stuart McMillan:** Will the member give way?

**Ted Brocklebank:** I would rather not. I have a lot to get in in four minutes.

In short, how many fans really believed that qualification for the finals of the European championships would come down to a home game at Hampden against the world champions? What is the view of the SFA on the subject? Would it be happy for broadcasting rights to plum Scotland

games to be allocated instead of sold to the highest bidder? Somehow I doubt it.

The situation with the live broadcasting rights for the 2010 world cup looks no more encouraging. In a bid that was described as being “well in excess” of what the BBC and Sky put forward, Setanta has secured all the away games involving Scotland and England. As we have seen, Sky has bought Scotland’s home international rights until 2010. Scotland’s fans are not alone in being denied terrestrial coverage of the world cup: England’s football team fans are in exactly the same boat.

I happened to be out of the country when Scotland played Italy, but I managed to get to a set to view the game. I imagine that most dedicated fans did likewise. We live in the age of pay-per-view. A devolved Scottish terrestrial broadcaster would find that marketplace even more challenging than the UK terrestrial broadcasters do.

It is interesting to note that, in his motion, Keith Brown criticises the BBC for screening live the England versus Croatia match on 21 November. I understand that the game attracted nearly a million viewers in Scotland. How many of them does Keith Brown think were Croatian? I suggest that most of them were, like me, Scots who had tuned in to cheer on our next-door neighbours, England.

17:26

**Jim Tolson (Dunfermline West) (LD):** I thank Keith Brown for bringing the debate to the chamber. I thank him in particular for mentioning the role that Hugh O'Donnell played. As Keith Brown rightly said, Hugh was not totally supportive of the motion, but he signed it and in doing so he gave the motion cross-party support, which allowed it to go forward for debate. Hugh O'Donnell also lodged an amendment to remove the phrase:

“and considers that powers over broadcasting should be transferred to the Scottish Parliament so that the Scottish Government can take such action.”

I supported my colleague's amendment. Unfortunately, it was not accepted. The Scottish Liberal Democrats would welcome a serious debate on the future of broadcasting in Scotland and on the role of the Scottish Parliament in regulating broadcasting in Scotland.

In recent years, more people have been signing up to subscription television services and the access to sports broadcasts that such services provide. Over a similar period, the range of sports broadcasts on terrestrial television has reduced year on year. Currently, the UK Government intervenes in the sports broadcasting market only to ensure that all viewers, whatever their

circumstances, have free-to-view access to the major sporting events that are known as listed events. Those are the significant events that serve to unite the nation, and which turn into viewers even those who do not normally follow the sport in question. Perhaps the time is right for an independent body to consider the listed events to see whether the list covers a fair range of national events. In doing so, perhaps it should also consider events that take place in other parts of the UK that are of interest to Scots.

The new constitutional commission that the Liberal Democrats, with Labour and the Conservatives, propose to establish will review the devolution settlement, looking to Scotland's future within the United Kingdom. Among other issues, this independent body plans to look at non-fiscal powers over broadcasting.

We have to remember that rights holders are free to sell their rights to whomever they please, subject—of course—to competition law. We also have to remember that, subject to listed events legislation, broadcasters are free to show events without restriction. Subscription and pay-per-view broadcasters often spend more on broadcasting rights than the free-to-view terrestrial broadcasters do. That is reflected in the amount of sport that they offer their customers.

As Keith Brown indicated, the cost of purchasing the rights to screen all Scotland's international men's football matches on terrestrial television is completely outwith the budget of BBC licence holders. A wide range of programmes to suit all tastes—not only those of sports fans—must be paid for. I understand the frustration of football fans, but we have to be fair to all.

In addition to programmes that the BBC and other UK-wide broadcasters screen nationally, a range of regional programmes are made available in Scotland. Although there is always the potential for improvement, the current balance that has been struck between regional and UK national programming is not a bad one. Any proposed changes should be considered in that context.

My colleague Iain Smith, who is the Liberal Democrat culture spokesperson, has called on the Government to clarify what powers it used to set up the Scottish Broadcasting Commission, where the money to pay for it will come from and who has authorised the expenditure. Mr Smith received unsatisfactory replies to his parliamentary questions and lodged further questions to find out more about the setting-up of the commission.

Any debate on this important subject should take account of all the relevant issues. Ultimately, it is for each sport to determine how to market itself and maximise the revenue that it commands. That

will best ensure that football and other sports can invest in their futures.

17:30

**Aileen Campbell (South of Scotland) (SNP):** I thank Keith Brown for lodging his important motion and for securing this timely debate. It is timely because never in my lifetime have I seen such a magnificent display by the Scottish international squad as during their ultimately unsuccessful campaign to secure a place in the Euro 2008 finals. The nation was behind the team, but alas the whole nation did not have equitable viewing access to witness Scotland's brave attempts to win a place in the Euro championships.

I want to refer to the response that Keith Brown received from James Purnell, the Secretary of State for Culture, Media and Sport. As members will recall, Keith Brown asked for Scotland's games to be added as listed events, which must be shown on terrestrial television, so that we can all enjoy them. I saw Mr Purnell's response, which was that, although the games meet the required criteria, they cannot be put on the list because that is impractical. If we all took that attitude, I am afraid that the entire world would come to a halt. Why is that too impractical for us, when Germany seems to manage and Italy has no problem getting round the impracticalities?

The bigger question is not why Mr Purnell, a member of the Westminster Parliament, takes that view; it is why the Westminster Parliament should have any say at all in whether the people of Scotland are allowed to watch their national football team play. Of course, in an independent Scotland, we would have control over everything, including broadcasting, and would not have to wait for the outcome of a Westminster review of which matches should be reserved to free-to-view TV. It is not just the national team that gets short shrift in the television coverage. Why is it that on a Saturday evening we can watch the highlights of English Football Association club games, but if we want to see Scottish Premier League highlights, we have to wait until late Monday night? For a St Johnstone fan such as me, and for fans of other clubs from the lower divisions, there really is no hope—I mean that there is no hope of getting TV coverage. As someone who used to play football for the University of Glasgow, I am well aware that women's football remains the very poor and far-distant relation of the men's game. If we want to encourage young girls to play football, we must also consider how we can better promote coverage of the women's game.

To return to Keith Brown's motion and the match to which it refers—the Scotland v Italy Euro qualifier last November—the fact that people could not watch that game unless they had Sky caused

nothing short of a stushie. I will share with members some stories that show the way in which the current broadcasting of games impinges negatively on young people. One guy told me that, because he is not yet 18, he cannot normally get into pubs to watch Scotland games. However, he did once enter a pub to watch a qualifier. The kick-off was at 7.45, so he saw only the first 15 minutes of the match, because the pub's licence allowed him to stay in the pub only until 8 o'clock.

Another person told me that the Scotland v England play-off for Euro 2000 was live on Sky, but was to be aired straight after the game on the BBC. He was too young to go to the pub and tried his best not to hear the result. He was full of anticipation for a successful score, only to look out of his window and see a grown man in a kilt greetin as he walked past. Of course, the fact that he saw that man is by the by, but the point is that it is not very exciting for people to watch important games after they have been played. What kind of message does the situation send out to young people? Only in Scotland could it happen that, on the one hand, efforts are being made to make the population healthier and fitter while, on the other hand, people are being forced into the pub to watch sport.

I am willing to lobby Westminster and to seek to persuade it that our argument is the right one. I am happier still to argue that broadcasting powers should be transferred to the Parliament so that we can decide what is and is not practical. However, I will only really be satisfied when Scotland is a fully independent nation and has no need to ask for the right to watch our team play and no need to ask for more powers, because the decision will be ours and ours alone.

17:34

**The Minister for Europe, External Affairs and Culture (Linda Fabiani):** I congratulate my colleague Keith Brown on securing the debate. The topic obviously engages the interest of many members and many other people.

Members will note that another important motion relating to football has been lodged by Jack McConnell. It relates to the tragic death of Motherwell captain Phil O'Donnell. I am sure that all members of the Parliament will wish to join me in conveying our sympathies to the O'Donnell family at this very sad time.

I add my voice to all those that celebrated Scotland's very good performance in the qualifying campaign for the Euro 2008 finals. I do not know whether I was shocked that Aileen Campbell is so young that that was the best Scotland performance she can remember, or shocked that it



has been so long since we had a performance that we could all celebrate.

As others have said, although we are all disappointed that we will not be in Austria and Switzerland later this year, our results in the qualifying games marked an important improvement in our position in international football. Congratulations should go to Alex McLeish, his predecessor Walter Smith, all the players picked for the squads and all those at the Scottish Football Association who worked so hard to put in place the groundwork for success.

I turn now to the motion. Keith Brown quite rightly highlights the disappointment that was felt by many people that they were not able to watch all the qualifying matches on terrestrial television. I was interested in the examples given—particularly those given by Keith—of why people could not watch the matches. In some cases, there was no availability; in some cases, affordability was an issue; and in some cases, principle was an issue. Stuart McMillan spoke about disability issues, and Aileen Campbell raised an issue that I had not considered before when she said that young people are not always able to see matches because they do not have access to licensed premises. That is an extremely important point.

If Scotland or one of the other home nations had made it to the finals of the tournament, its matches in the finals would have been broadcast live on terrestrial television. Unfortunately, none of the teams qualified.

As we have heard, the regime for the coverage of sport on television and the designation of listed events is—as we all know—a responsibility of the United Kingdom Government. As Keith Brown explained, the effect of listing is to require full live terrestrial coverage of category A events, or the provision of terrestrial recorded highlights of category B events. As well as the world cup and European championship finals, category A events include the Scottish cup final, the Olympic games, the grand national and the Derby. Category B events include the six nations rugby tournament, the open golf championship and the Commonwealth games. As Jim Tolson pointed out, we should ensure in our discussions that sports other than football are considered.

The arrangements for listing are provided for in the Broadcasting Act 1996. As we know, the list is the responsibility of the Secretary of State for Culture, Media and Sport and the regulations are enforced by Ofcom.

**Keith Brown:** Does the minister agree that, because of the existence of the two categories, and because of what happens in Italy, Germany and other countries, it is clear that there is not a free market? It is for independent states to decide

whether they want to favour their own particular cultural and sporting events.

**Linda Fabiani:** I am especially interested in what I have heard about what happens in other countries. The obvious and widespread interest among people in Scotland suggests to me that we should consider such issues. There was a national resonance about the football ties last year. Good arguments have been made for a review of the listings and of the criteria used. We should consider the experience in other places. This Government will consider carefully what representations to make to the UK Government, reflecting on the views of members, of the wider public and of stakeholders in the events.

Government officials have already written to Gordon Smith, the chief executive of the Scottish Football Association, to seek the association's views about possible changes to the listing of events. It is understood that the sale of television broadcast rights for the national team's home matches is an important income stream for the association. I think that it was Ted Brocklebank who raised that issue. That income stream supports the SFA's many grass-roots events, although Keith Brown said that it is only 20 per cent of the SFA's income. I want to better understand the consequences of any change for the SFA, which can let us know how it views that issue when it responds to our letter.

**Stuart McMillan:** My point is on an issue that was also raised by Keith Brown. I fully accept that, towards the end of a campaign, matches can be of great importance—that has been the case in the past two campaigns. However, sometimes campaigns are finished before they get to that stage. Surely it would be better to guarantee that every match is shown live—or at least that a highlights package is shown—as opposed to waiting until the end of campaign before saying, “Well, that's really important so that match must be shown.”

**Linda Fabiani:** I was interested to learn that Stuart McMillan's petition—which I had not known about—had been submitted to the Scottish Broadcasting Commission. The commission has been asked to consider the cultural and democratic importance of broadcasting as well as its economic impact. All the arguments tonight show that the terrestrial broadcast of sport is an issue that merits consideration, and I very much hope that people who feel strongly about the issue will approach the commission. I look forward to considering what the commission has to say on that aspect of broadcasting in Scotland. Tonight has highlighted an intense interest in broadcasting regulation and its impact on Scotland. I am delighted to hear that Blair Jenkins is attending the cross-party group on culture and media tonight.

I repeat my congratulations to Keith Brown on securing the debate. The Government will take his arguments and those of all members into account when making representations to James Purnell and the UK Government about the revision of the list. We will of course reflect also on the views of the sporting bodies. Members can be assured that while the regulation of broadcasting remains the responsibility of the UK Government, the Scottish Government will act to ensure that the interests of viewers in Scotland are always protected.

*Meeting closed at 17:42.*

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