

# **MEETING OF THE PARLIAMENT**

Thursday 24 January 2008

Session 3

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## Scottish Parliament

Thursday 24 January 2008

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

### Dormant Bank and Building Society Accounts Bill

**The Presiding Officer (Alex Fergusson):** Good morning. Before I invite Jim Mather to open this morning's debate, members might want to note that a revised section A of the *Business Bulletin* has been issued. The specific revision to the business programme is the addition of an amendment in the name of Jeremy Purvis to the amendment in the name of Jackie Baillie. Amendment S3M-1200.1.1 was lodged this morning and I selected it for debate. On that basis, amendment S3M-1200.2, in the name of Jeremy Purvis, has been withdrawn.

The first item of business is a debate on motion S3M-1200, in the name of Jim Mather, on the Dormant Bank and Building Society Accounts Bill, which is United Kingdom legislation.

09:15

**The Minister for Enterprise, Energy and Tourism (Jim Mather):** I am delighted to speak in favour of the Government's legislative consent motion on the Dormant Bank and Building Society Accounts Bill. If the motion is agreed to by the Parliament it will allow the UK Parliament to confer additional powers on the Scottish ministers and release funds to support the work of the third sector in Scotland. That is why we have been working closely with the other devolved Administrations and the UK Government on the matter.

I was glad to be invited to appear at the Economy, Energy and Tourism Committee to put the Government's support for the bill on record. The committee made good suggestions and raised important points, as it always does. I hope that members were reassured by my responses, some of which I will reiterate. I was pleased that the committee unanimously agreed to recommend that the motion be approved by the Parliament. I was also pleased—in the light of the amendment that Mr Purvis lodged last week, to which I will come—that the committee was satisfied with our intention to consult the sector on priorities for expenditure.

When ministers became aware of the amendment that was lodged last week, we understood the support that it expressed for a

valuable part of the sector, but we were concerned that it was not in line with the committee's stated support for our consultative approach. A more fundamental concern was that if the amendment had been agreed to by the Parliament, the resulting motion could have been incompatible with the spirit of the UK bill, clause 19(2) of which provides that

"Before making an order under this section the Scottish Ministers shall consult the Big Lottery Fund and such other persons (if any) as they think appropriate."

Given that important concern, the motion was withdrawn so that we could seek legal and policy advice and engage in further dialogue. We have taken advice and are satisfied that we can proceed without risking access to important additional funding for the sector. That is important. The bill provides us with a rare opportunity for Scotland's third sector, which we cannot afford to pass up.

I will set out the process that the bill will establish at UK level. The bill is in two parts. Part 1 covers reserved issues and outlines the mechanisms to identify, define and collect money in dormant accounts. Part 1 will establish a reclaim fund to collect assets from dormant accounts—those that have seen no activity for 15 years. The fund will be responsible for returning assets to account holders, should they ask for their money. Account holders can do that at any time, with full repayment of interest owed.

Part 2 covers Scottish interests and the devolved elements and proposed powers for the Scottish ministers, which require a legislative consent motion. Part 2 also outlines the processes for the reclaim fund to pass funds to a nominated distributor, which will be the Big Lottery Fund. Our colleagues in the Economy, Energy and Tourism Committee were keen for further information and reassurance on that, so I will explain why we agree with the approach. The Big Lottery Fund has devolved decision-making arrangements in Scotland, which are exercised through its Scotland committee. It is an experienced, accountable and well-respected distributor. The establishment of a new body would be more costly and would reduce the funds available for distribution.

A key message from the committee was that the Government should consider how areas of particular social need might benefit from the funding. Members also wanted ministers to ensure a fair and equitable distribution of funding across Scotland. I was happy to agree then, and I still agree, with those sensible approaches. I will ensure that such questions are considered as part of our consultation with the third sector to determine Scotland's priorities for expenditure.

I am aware that colleagues in the Parliament and in third sector organisations throughout

Scotland have strong opinions on which groups should have access to the money. Such opinions are reflected in the amendments that Mr Purvis lodged last week and today. We acknowledge the change of approach that is reflected in the amendment that he lodged today.

The Scottish Government is well aware of the value of youth work and the need for facilities for young people's activities. I am sure that in her closing speech the Minister for Schools and Skills will be keen to outline in full her support for the youth sector. However, we all know that there is always a need for additional funding right across the sector and right across Scotland and that there is always more to be done. Youth work is one area that could benefit from such funding, but many would say that their area has an equal need.

Over the past week, members will have received—as I have—representations from groups throughout Scotland who are keen to have their voices heard. Many of them were concerned that Mr Purvis's original amendment would lock out large swathes of the sector from the funding. The Scottish Council for Voluntary Organisations has expressed "grave concern" over the past week that the amendment on youth services could

"pre-empt proper discussion on how funding...is spent".

Today we are seeing progress. I understand from organisations throughout the sector that we have a real opportunity for cohesion. We had a good session on 7 January at which we had representatives of pretty much all the third sector in the room together. The cohesion is there. The third sector's ability to take on messages, such as those that it will detect from today's debate, is there in spades.

The Government is still enthusiastic to consult widely the entire sector to set its priorities. There might well be widespread support for funding youth work. It is only right that we give all areas the opportunity to be heard. Most of us are in politics for legacy purposes: to ensure that future generations have the best opportunities. I hope that that will be reflected as we proceed.

I am happy to support the Labour amendment, because I believe that it offers members a chance to form a consensus in the Parliament that reflects the cohesion among the third sector, which has been shown this week and in the session that we ran on 7 January. I said to the Economy, Energy and Tourism Committee that I wanted the third sector to come up with as many good ideas as possible so that we can back those with the best probability of success and the best outcomes. Jackie Baillie's amendment is consistent with that approach as it treats the sector as a cohesive, focused system with unifying environmental and social goals and encourages effective ideas to

flow through the consultation process. I believe that the consultation will enjoy an even higher profile and higher participation rate as a result of what has happened over the past week.

I am conscious of the strong interest in the direction of funding among members and the third sector. If Parliament agrees to the motion and the Labour amendment, we will start work immediately to consult the sector and prepare the ground for deployment of these eagerly anticipated funds. I have rushed to get all that information on the record.

I move,

That the Parliament supports the principle of clauses in the Dormant Bank and Building Society Accounts Bill, introduced in the House of Lords on 7 November 2007, providing for the collection and distribution of sums released from dormant bank and building society accounts for social and environmental purposes, and agrees that the provisions in the Bill that relate to the distribution of such sums in Scotland should be considered by the UK Parliament.

09:22

**Iain Gray (East Lothian) (Lab):** I rise to support the principles of the Government motion and to move the amendment in Jackie Baillie's name. No doubt the idea of a dormant bank account is a novel one for most of us, except perhaps the minister. Throughout my life, my bank accounts have tended to be not so much dormant as near death. However, it has been well known for many years that a great deal of money is lying unused and unclaimed in dormant bank or building society accounts.

The UK legislation to which the LCM relates is a welcome solution, as it will release those resources so that they can be used for the greater good. It is entirely appropriate that the resources released be distributed to the nations of the UK and that in Scotland the Scottish ministers and this Parliament decide on their distribution. After all, the resources must be used for social and environmental purposes, which are devolved responsibilities, so any other arrangement would have been perverse.

I note the assurances that the minister gave the Economy, Energy and Tourism Committee and which he repeated today, that the income from this source will be separate—or, dare I say it, ring fenced—in the Big Lottery Fund. I also note his assurances to the committee and the Parliament about addressing concerns that committee members expressed about the fund's application and decision-making process.

Our amendment seeks to acknowledge the requirement for consultation about the distribution of funds, but also the widespread view that particular consideration should be given to the



provision of youth services throughout Scotland. I doubt that there is a member present—whether they represent a constituency or a region—who cannot cite examples of the fact that youth-work facilities and services often struggle to compete with other causes for funds. Equally, every one of us can certainly describe the turning around of a young life or lives through patient care and selfless support and work, which is often done by volunteers and which usually reaches out beyond the formal structures of the education system.

Every young person who is supported thus to find their way in life becomes a driver of a better future for our country. That is important, because although the bill will create a revenue stream, it will begin with a windfall of the order of £40 million or more. Rather than simply being spent, a windfall should always be invested in something that gives us a future return, and investing in our young people would do exactly that. That is why we believe that there should be a presumption in favour of using the funds in that way and why we have great sympathy with Mr Purvis's amendment and the amendment that was lodged but not moved last week. We are still inclined to the view that the legislation requires a stronger acknowledgement than Mr Purvis's amendment provides, which is why our amendment seeks a balance. However, we will see how this morning's debate progresses.

I repeat that we believe that there should be a presumption in favour of using the funds to support youth work. We seek an assurance on that from the Minister for Schools and Skills, when she closes the debate, to allow us to decide how to vote at the end of the day.

Whether the legislative consent motion is amended or unamended, the bill is good legislation and considering the matter is a good, if short, morning's work.

I move amendment S3M-1200.1, to insert at end:

"and, in so doing, calls on ministers to ensure a full and open consultation involving all interests with a social or environmental purpose and, in particular, organisations providing services, facilities or opportunities to meet the needs of young people; notes that a further vote will be required in the Scottish Parliament, and calls on ministers to return to the Parliament at the conclusion of the consultation exercise for further consideration of the distribution of the funds not later than September 2008."

09:26

**Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD):** Thank you for selecting my amendment to be debated this morning, Presiding Officer.

In the past seven days, there have been four headline news stories in Scotland about youth

crime and the need for action. Yesterday's budget, regrettably, saw the lowest investment in services for young people since devolution. The budget provides additional investment for the third sector overall, but that is not matched by commitments to services for young people.

Since the UK Government published its consultation paper on dormant bank accounts, the Liberal Democrats have believed that the windfall—as Iain Gray said, it is a windfall—presents a once-in-a-generation opportunity to invest in services and facilities for young people throughout Scotland and make effective and lasting interventions.

Youth groups and projects in my constituency include UP2U, which is a peer-to-peer education group in Peebles, Gala Youth Project, and the dry bar in Selkirk. Youth groups throughout Scotland need investment in their facilities as well as continuing investment to enable them to sustain the excellent services that they provide. I am talking not about something abstract but about community action by young people for young people in our constituencies.

A rough estimate is that a windfall of some £40 million to Scotland would mean about £800,000 for the Borders, which I represent. We rarely get such a sum of money. Without the bill, there would be no prospect of that money being passed up to Scotland, as Mr Mather might have indicated. We now need to consider how to invest it.

**Patrick Harvie (Glasgow) (Green):** Jeremy Purvis should be commended for underlining the importance of thinking about youth work in determining how the money is ultimately distributed, but is he not taking things a little too far by continuing to push once he has achieved that? Would it not be wrong if a conflict between parts of the voluntary sector was played out on the floor of the chamber in the form of last-minute amendments?

**Jeremy Purvis:** I am not sure whether Mr Harvie is saying that we are playing out anything in the chamber this morning. We are having a debate about the priorities for investment in Scotland.

We have said that we agree with the UK Government that the priority for the windfall is, as the bill states:

"meeting expenditure on or connected with the provision of services, facilities or opportunities to meet the needs of young people".

It would be disappointing if, at this stage, the Labour Party moved away from a position of which it has been consistently in favour—not just that there should be a presumption in favour of youth services, but that youth services should be a priority. The fact that something is a priority does

not mean that other things are excluded. Perhaps Mr Harvie has been perpetuating that misinterpretation, but I hope not. The legislation is good, but we want it to send out a signal.

I noted that during the Economy, Energy and Tourism Committee's consideration of the bill Brian Adam raised serious concerns about the distribution mechanism:

"Not all of us share your confidence in the Big Lottery Fund's capacity to redistribute the funds",

he said to the minister. He went on:

"I am concerned about how the distribution mechanism will pan out in practice."—[*Official Report, Economy, Energy and Tourism Committee*, 12 December 2007; c 389-90.]

So there needs to be consultation and a proper process but, as with the UK Government's approach to the bill, the priority must be to invest in young people. This is a once-in-a-generation opportunity.

I hope that we will achieve consensus on that approach and that that will be reflected at decision time this afternoon.

I move, as an amendment to amendment S3M-1200.1, amendment S3M-1200.1.1, to insert after "young people,":

"believes that ministers should make a clear statement of intent as part of the consultation exercise that funding for children and young people's services is a priority, as was the case in the consultation launched by the UK Government".

09:30

**Gavin Brown (Lothians) (Con):** The Scottish Conservatives strongly support the principle that banks' unclaimed assets should be put to good use, and we note that the British Bankers Association estimates that they total about £350 million UK-wide, of which approximately £40 million could come to Scotland. We strongly support the principle, and we support the Government's motion.

We welcome the reclaim fund that the bill establishes in case people turn up to reclaim their money. We have one or two concerns about the fact that the scheme is voluntary. There is no guarantee either that all banks will take part or that we will get the full £40 million. That, however, is a matter for my Westminster colleagues.

We have questions about the Big Lottery Fund, some of which were raised in committee by members of different parties. We note with concern the fact that last week money was taken away from the Big Lottery Fund for the Olympics, although that is again an issue for our colleagues in Westminster. Overall, the bill provides an

excellent opportunity for social and environmental causes in Scotland and we are happy to support it.

I was pleased to hear in committee and again today that the minister intends to consult as widely as possible and I was happy with his assurance to me in committee that there would be maximum input from all parties across Scotland. Most important, he guaranteed that he would seek views from all over Scotland, not just the cities and the central belt. I hope that that guarantee can be reiterated in the closing speech.

The Conservative party has a difficulty with the Lib Dem amendment, as we did with last week's Lib Dem amendment. It would place a severe restriction, before any consultation, on how moneys could be spent. We also have a difficulty with how the Liberal Democrats went about their business. Mr Purvis says that the amendment is based on a long-held belief of the Liberal Democrats. The LCM went through two committees. The first was the Subordinate Legislation Committee, in which there was no comment on any amendment from the Liberal Democrats. That committee is chaired by a Liberal Democrat. The LCM was then sent to the Economy, Energy and Tourism Committee, where there was a full discussion but no comment on any amendment from the Liberal Democrats. That committee, too, is chaired by a Liberal Democrat.

**Jeremy Purvis:** The member is accurate about the committee proceedings, but he will also be aware of the proceedings at First Minister's question time on 28 June last year and of the fact that Liberal Democrats in Westminster have put on record their position in support of the UK Government's priorities.

Incidentally, the member's party colleagues in Westminster have also agreed that priority can be given to youth services without prejudice to a consultation process. All that we are asking is that there is an approach in Scotland similar to that which his colleagues have accepted for England.

**Gavin Brown:** The member misleads the chamber when he states that the money has been given only to youth services. There are at least three possibilities for it and, indeed, the Treasury Select Committee criticised the Government for unduly restricting what the money can be spent on.

Our biggest difficulty is with how the Liberal Democrats went about their business last week. They lodged a last-minute amendment about which civic Scotland was not informed. Any member contributing to the debate last week would have received a lot of representations from youth services and none from elsewhere in civic Scotland. Anyone speaking today can take a much more balanced view, having received

representations from civic Scotland as a whole instead of from just youth services. The Liberal Democrats' approach was a last-minute ambush, and again this morning we see a last-minute amendment from them. Youth services should be well funded, but we have great difficulty with how the Liberal Democrats have gone about their business.

09:34

**Dave Thompson (Highlands and Islands) (SNP):** The legislative consent motion highlights the SNP Government's desire to co-operate with the Westminster Government at all times. I commend the minister on approaching the matter in such a positive way.

The LCM is all about accessing funds from dormant bank and building society accounts. The funds will be available from late 2009 or early 2010 and I sincerely hope that they will be exempt from the new 2012 Olympic sport, the London cash grab, which is restricted to Londoners and involves them peering into everyone else's pockets and grabbing as much lottery cash as they can.

In line with the aims of the Dormant Bank and Building Society Accounts Bill, the Scottish Government's intention is to invest the funds for social and environmental purposes. The Big Lottery Fund—"Big", as it is known—will manage the funding.

Exactly who will benefit has been left open, as is required by clause 19(2) of the bill, which states:

"Before making an order under this section the Scottish Ministers shall consult the Big Lottery Fund and such other persons (if any) as they think appropriate."

As Labour members have now accepted that point in their amendment, it appears that—despite their bluster at the time—the Minister for Parliamentary Business, Bruce Crawford, did them a great favour when he withdrew the previous LCM last week.

Even Jeremy Purvis and the Lib Dems have seen the light—well, a bit of it—and amended the amendment that they lodged last week. That is sensible given that, as Gavin Brown said, when the Economy, Energy and Tourism Committee considered the LCM on 12 December last year, it unanimously recommended it for approval on the basis that the funds be distributed for social and environmental purposes after an open and transparent consultation process. The committee's convener—well-known Lib Dem, Tavish Scott—made no mention then of any desire to restrict the funding to youth organisations alone, as the Lib Dem amendment sought to do last week. Now, youth organisations are only a priority for the Lib Dems.

So why have the Liberal Democrats had a sudden change of heart? Why have they abandoned their political mischief making? They certainly caused mischief by setting youth groups against the rest of the third sector. That is a recipe for division and dissent that serves no useful purpose—a bit like the Lib Dems themselves.

The Lib Dems' approach was also counter-productive, as many in the youth sector recognised. Let me quote extracts from just two e-mails that I received from constituents who are involved in youth work. First, Jane Cotton of Moray Youthstart wrote:

"As an officer supporting a wide range of front-line workers here in Moray, I would urge you to undertake consultations on the £40 million spend which would clarify where this money could make the most difference."

Secondly, Jennie Macfie of Glen Urquhart youth club, Glen Urquhart public hall, Glen Urquhart Rural Community Association and the arts network stated:

"While I am in favour of such monies being used to fund the third sector, it seems unfair for youth services to be the only ones to benefit."

Youth groups recognised the folly of last week's Lib Dem proposal. I am pleased that both Labour and, to a lesser extent, the Lib Dems have now seen sense.

**The Presiding Officer:** I call Malcolm Chisholm. I am quite relaxed about timing, but he should keep his speech at around four minutes.

09:38

**Malcolm Chisholm (Edinburgh North and Leith) (Lab):** I will not detain Parliament for long as we are all looking forward to the long-awaited debate on health improvement. However, I will speak briefly in favour of the Labour amendment, which I believe achieves the right balance. Our amendment does not exclude the many voluntary sector organisations that might wish to benefit from the funds, but it places a particular emphasis on services for young people. That has struck a chord across Scotland.

The first concrete example of the dormant bank account issue that I came across was at a recent meeting of the cross-party group on Scottish contemporary music that was attended by Feargal Sharkey, who is the chair of the UK live music forum. He flagged up the fact that, in England, money has already been promised from the dormant bank account fund to provide rehearsal spaces and instrument lending for young people in disadvantaged communities. I know that all of us who attended the meeting—including several MSPs—were struck by that proposal. Of course, I would be the last person to say that we should copy England indiscriminately but, equally, I

believe that if something good is happening in England, it is perfectly reasonable for us to pay attention to it.

The issue is serious. We know that 43 per cent of young people who want to participate in music are unable to do so because of a lack of facilities and prohibitive costs. Allocating some of the fund to the provision of rehearsal space for young people would be a good use of money.

I will flag up one more issue relating to young people and music. There has been good progress as a result of the youth music initiative. The distinguished and highly regarded chair of the Scottish Arts Council, Richard Holloway, is running a personal appeal for a pilot project in Raploch to bring together a large number of young people who would not normally have the opportunity to learn how to play an instrument to form an orchestra. I am impressed by his enthusiasm and the success of the experiment in Venezuela, and hope that the pilot can be considered as a recipient of some of the money that we are talking about. We all realise that there can be profound benefits for young people if they participate in music. Those who are not convinced by that argument should remember that grass-roots live music is the foundation of the music industry, which is one of the top five United Kingdom exporters.

I hope that, as part of the consultation, the minister will take on board the suggestions that I have made.

09:41

**Robert Brown (Glasgow) (LD):** We certainly had a torrid procedural dispute about the Dormant Bank and Building Society Accounts Bill in the chamber last week, but I refute Gavin Brown's rather negative claim that a last-minute amendment has been lodged. That is not the case. As Jeremy Purvis illustrated, we have raised the matter a number of times, and our amendment was lodged in the normal way, in response to a Government motion. There is nothing last minute about it.

I am pleased to say that, on the whole, today's debate has been a bit more positive. I am grateful to both the Government and the Labour Party for helping to move us forward substantially.

The difference between Labour's amendment and the Liberal Democrats' amendment is not a difference of principle; it is a difference of emphasis and direction. I want to get rid of the idea that an attempt is being made to exclude the whole voluntary sector from consultation or participation. That was not the intention of the original amendment and that is not where we want to go.

**Gavin Brown:** Will the member take an intervention?

**Robert Brown:** No. The member should let me finish, if he does not mind.

It is important to take a proportional and reasonable approach. Some £40 million is a reasonably substantial sum, but if it is spread around the world, it will dissipate into not very much. It represents a little bit more than £1 million for each council area. We all know that £1 million is a lot of money in personal terms, but it is fairly small beer for organisations. It does, however, allow for concentration within the bill's aims, which is what we are asking for.

A priority of the bill is explained in clause 17, which refers to

"meeting expenditure on or connected with the provision of services, facilities or opportunities to meet the needs of young people".

That is with regard to English expenditure, of course. We seek to echo that approach across the board.

**Dave Thompson:** Of course, clause 17 is much broader than clause 17(1)(a). Clause 17(1)(b), for example, refers to

"the development of individuals' ability to manage their finances"

and

"access to personal financial services",

and clause 17(1)(c) refers to money being distributed

"to a social investment wholesaler",

which is a person or body that supports third-sector organisations. Does the member accept that the clause is much broader than clause 17(1)(a)?

**Robert Brown:** I accept that entirely, but we are talking about a priority in the bill and things going in a certain direction in England. We are proposing a sensible use of the prioritisation that is available to the Government and the Parliament in the bill.

I have tried to emphasise how modest the amount of money that we are talking about is if it is spread too widely; alternatively, we can focus it.

I commend the Government for its approach to early years learning, for example, and the emphasis on such matters in its rhetoric, but giving priority and opportunities to young people remains the single biggest need in Scotland. In some respects, they are the missing generation—people who go through the school system with all its merits and come out at the other end without the skills necessary to make progress. They are the

people who can add to the Scottish economy, which I think appeals to Jim Mather very much.

The debate has been useful and we have moved the argument forward. If the Parliament unites today behind the Labour amendment, which the Government has said that it will accept, that will give a degree of focus. Our argument is that it does not go far enough and that we ought to firm up the wording a bit, leaving the elements about wider consultation of and access for other organisations but putting the focus squarely on the needs of young people and young people's services in Scotland. Jeremy Purvis has done the Parliament and the nation a service by focusing on the matter, and I am grateful to him for lodging the amendments to the Labour amendment and the original motion.

09:45

**David Whitton (Strathkelvin and Bearsden) (Lab):** I am delighted to be back this week to speak in support of the amendment in the name of Jackie Baillie. I confess to being a bit bemused at what happened last week, but I am fairly new here. I am also glad to see that Mr Mather has accepted the Labour amendment. It is a first for me to agree with Jim Mather on something in the Parliament. Let us hope that we continue in that way.

I am a member of the Economy, Energy and Tourism Committee. As Mr Mather said, it fell to us to question him before agreeing that a legislative consent motion should be brought to the Parliament. Several other members of the committee are in the chamber today. As one would expect with questions relating to cash for good causes, there was close scrutiny of what Mr Mather proposed, as he mentioned in his speech. He explained that Scotland could expect a windfall of £40 million as our share of the dormant bank account funds. He also explained that that was not an estimate of how much Scots have left lying in bank accounts, untouched for the past 15 years, but our proportional share of the UK total, which is to be distributed according to a Barnett-style formula.

The bill refers to the funds being divided among England, Scotland, Wales and Northern Ireland on a per capita basis. That seems to contradict the advice that was given to the committee by the minister's official, who, when he was questioned on that point, suggested that the bill referred to the division of the spoils according to "population-based formulae". It is fair to say that the members of the committee regarded that as meaning the Barnett formula. Given that there was some confusion on the matter, I wonder whether the minister can clear it up for us this morning.

As has been stated, the committee was also concerned—as was the minister himself, speaking as a constituency MSP—about how the Big Lottery Fund, the nominated distributor of the windfall, would allocate the moneys. I asked questions on the matter and have since been lobbied by the Big Lottery Fund, which has sought to advise me of the good works that it carries out, especially in my constituency. Mr Mather told us that the cash from dormant accounts would go into a separate fund with separate records and that there would be reports to the Parliament, which I hope goes some way towards addressing the points that have been made by Mr Purvis and the Liberals. In fairness to them, Mr Mather was less clear about the areas that would be targeted to benefit from the windfall. He told us that he would consult on the matter, and I welcome his assurances this morning that the meeting on 7 January—I think that is what he said—took place.

Mr Mather also said that a series of other meetings would be held throughout Scotland before the decisions were made about which specific areas or good causes should be selected to benefit from the disbursement of the dormant bank account funds. I am glad to hear that that will happen. Perhaps the minister will tell us when and where those meetings will take place. Again, that might address some of the issues that Mr Purvis and the Liberals have raised.

Indeed, it seems that the question of who should get the money is what caused the Government's problems last week. It grieves me slightly to say that Dave Thompson's speech this morning, in which he complained about Olympic lottery funds, jarred with the tone of the rest of the debate. I remind him gently that 300,000 Scots live in London, who, I am sure, will enjoy the Olympics as much as anyone else.

Labour believes that there is nothing wrong in saying that organisations that provide services for young people should be consulted. I am sure that they will be. Just before Christmas, we had an enjoyable members' business debate on a motion lodged by Robert Brown that celebrated the centenary of the scouting movement. I know from personal experience how difficult it is for uniformed organisations such as the Scout Association, Girlguiding Scotland and the Boys Brigade to raise money for their activities, especially in the more deprived parts of Scotland. I believe that the fund that we are discussing could help in that regard.

I await with interest the result of the minister's consultation exercise. I am sure that he will recall telling the committee that his basic criterion for expenditure was that it should have a social or environmental purpose; indeed, that is what is in the SNP motion. I venture to suggest that young

people's organisations such as those to which I referred have a social purpose.

Given that the fund will be held in a separate account with a separate decision-making body, committee members were anxious to know whether the application procedures will be simplified. When the Minister for Schools and Skills sums up, I would be grateful if she could tell us whether that will be the case.

I am sure that all members could think of a number of good causes that could benefit from an injection of cash support. Indeed, as the Minister for Enterprise, Energy and Tourism said, members have received a number of briefings from organisations that are anxious not to see the door slammed in their face. The Labour amendment calls on ministers to come back to Parliament once their consultation is complete. I look forward to that and welcome the fact that ministers support our amendment. I hope that the Liberals are reassured enough to support it as well.

09:50

**The Minister for Schools and Skills (Maureen Watt):** I start by dealing with the assurances for which members have asked.

Gavin Brown asked about consultation taking place across the country. That will be the case. Funds will also be distributed across the country.

On Dave Thompson's point, the money is exempt from the London cash grab. An agreed condition of the arrangement with the banking sector is that the funds will be additional to public expenditure, so there will be a separate set of books and separate accounting by the Big Lottery Fund.

On David Whitton's points, the consultations will begin as soon as possible and we will publicise them as widely as possible.

I have been heartened to hear the positive responses to what is a good opportunity for Scotland's third sector. My colleague, the Minister for Enterprise, Energy and Tourism, referred to our support for the youth sector and I reiterate our commitment to supporting that work.

This year, through YouthLink Scotland, the Scottish Government has invested £8 million in a year of action, made up of £5 million for the youth work facilities improvement fund, £2.5 million for the youth opportunities fund and £0.5 million for the voluntary organisation support fund. Those funds have had a big impact on the youth work sector by increasing capacity, improving facilities and funding more activities. The youth work facilities improvement fund has provided a massive, one-off, £5 million investment in

equipment and building repairs to youth work facilities across Scotland.

We will continue to support youth work directly through the voluntary organisation support fund. That will help national organisations to provide better training and strengthen their capacity. From 2008-09, we will transfer the £2.5 million annual funding for the youth opportunities fund to local authorities so that they can decide how best to meet local needs.

That is not all. The Scottish Government will also provide approximately £5 million to 34 national voluntary youth organisations through the unified voluntary sector fund for 2007-2010, including funding for youth work provision.

We are also using funds recovered under the Proceeds of Crime Act 2002 to increase opportunities and support a three-year initiative in conjunction with the Scottish Football Association to deliver national networks of three, four and five-a-side football activity, involving up to 9,600 young people per year, and expansion of the soccer one programme to S2 and S3 pupils, which will create up to 1,300 new school-based football teams involving up to 19,500 girls and boys. There will be much more.

I assure Iain Gray that we will ensure that real emphasis and focus are placed on youth work in the consultation process and the distribution of the funds. As Minister for Schools and Skills, I know full well the needs of young people, and I believe, as Iain Gray does, that investment in positive activity for young people as early as possible, as detailed by Malcolm Chisholm, will reduce the number that subsequently require more choices and chances. I give the member that guarantee.

It is simply not right for the Liberal Democrats to say that we do not support and value youth work—we do. However, we also recognise, support and value the sector's work on the environment and on supporting vulnerable people, with older people and in countless other areas. I totally agree with Robert Brown that young people will certainly be helped by any early intervention projects that the Big Lottery Fund can support.

By agreeing to this motion, members will not only allow the UK Government to confer additional powers and responsibilities on the Scottish ministers but give the Parliament a further opportunity to consider how such powers will be exercised and to influence expenditure priorities through the affirmative resolution procedure.

The Government is grateful to the Economy, Energy and Tourism Committee for its unanimous support for the motion. I hope that members will agree that when the time comes to consider the amendments, giving the whole sector the chance

to influence our priorities will prove the best and fairest approach.

Today's motion represents a good opportunity. I urge members to support it and the Labour amendment, which signals a change of approach.

## Health Improvement

**The Deputy Presiding Officer (Trish Godman):** The next item of business is a debate on health improvement.

09:57

**The Deputy First Minister and Cabinet Secretary for Health and Wellbeing (Nicola Sturgeon):** When I published the "Better Health, Better Care" action plan before Christmas, I gave a commitment to Parliament that we would have an opportunity to debate health and health improvement. I am pleased to deliver on that promise today.

"Better Health, Better Care" sets out this Government's plans for a mutual and truly national health service that is used, paid for and owned by the Scottish people; that is built on the values of collaboration and co-operation; that has a very secure future in the public sector, and is not distracted by division and competition; that values patients and the public as drivers of change, not as barriers or hurdles to be got over; and that is local, with a very clear presumption against hospital centralisation.

Over the past few months, the Government has set in train a range of radical proposals that bring that vision for the NHS to life and that, I believe, will shape our national health service for a generation. Those proposals include a commitment to patient rights to ensure that we are all treated as genuine partners in our care; a consultation on a local health care bill to give the public a real voice in decision making; and a commitment to robust independent scrutiny of proposals for major service change to ensure that, in future, decisions are taken openly and transparently on the basis of the best evidence available.

As members are aware, the first reports of the independent scrutiny panels have already been published, and I am pleased to report that their findings clearly back up this Government's decision to save the accident and emergency units at Ayr hospital and Monklands hospital.

There is absolutely no doubt that this Government has put the NHS on the right track. However, as we—and, I hope, all members—know, simply treating ill health is no longer enough to meet our nation's needs. We must do much more to prevent ill health and promote well-being.

Let me turn to the action that this Government is taking to improve health and tackle health inequalities. The Government and I are clear that reducing health inequalities is and must be our top priority. The gap between the richest and the

poorest in our society is simply not acceptable, nor is it inevitable, but closing it will require significant action. We must take action to tackle the deep underlying causes of inequalities, to enable people to make healthy choices and to mobilise the vast range of skills and resources of the NHS to drive regeneration and social change.

"Better Health, Better Care" outlines a comprehensive programme of action to improve health and tackle inequalities. This Government will abolish prescription charges, ridding our country once and for all of a tax on ill health. We will launch a new wave of keep well pilots, which will support an additional 40,000 people in Fife, Grampian, Ayrshire and Arran, and Greater Glasgow and Clyde. We will also work with partners to introduce new and innovative approaches to anticipatory care. In April, the first of six new programmes that will offer support to around 45,000 people who live in Highland, Grampian, Shetland, Orkney and the Western Isles—the well north programme—will get under way. Those initiatives will find new ways of engaging local people and will provide targeted support to tackle cardiovascular disease and other long-term conditions.

I am pleased to inform the Parliament that this Government will back its commitment to better health with real investment. Subject to the Parliament's ultimate approval of our budget, we will invest an additional £300 million in health improvement and better public health over the next three years. That is on top of the extra £12.5 million a year to strengthen primary health care in our most deprived communities. That new investment will support new approaches to tackling drug misuse, alcohol problems and smoking.

We will invest an extra £40 million to tackle Scotland's growing obesity problem. There is no doubt that obesity poses one of the biggest threats to our nation's long-term health. That is why we will make tackling it, particularly in early years, a key priority. The investment that I have announced today will support healthy weight, healthy eating and physical activity initiatives and will fund free fruit for pregnant mothers and pre-school children. It will also allow us to roll out counterweight—the adult obesity programme that is being piloted in keep well areas—throughout the country. In the spring, the Minister for Public Health will announce more of the detail of how that new money will be spent, in a comprehensive action plan to tackle obesity in Scotland.

Good health is about much more than the absence of disease; it requires good mental health as well. This Government has already delivered on its commitment to make dementia a national priority, by setting a new target for NHS boards

that will ensure earlier detection, intervention and support for everyone who is affected.

We will also do more to improve support for people who suffer from depression, anxiety and stress. We will work with NHS 24 on a three-year programme to test telephone-based mental health cognitive behavioural therapy and guided self-help. We will fund the living life to the full initiative, which provides high-quality printed and web-based materials to people with anxiety and depression, and we will continue to work with the Royal College of General Practitioners to help NHS Scotland respond to what we all recognise is the complex interrelationship between depression, diabetes and coronary heart disease.

I am also pleased to confirm that we will continue to support and promote the employment within NHS Scotland of people who have had first-hand experience of living with mental illness. Personal experiences offer a huge and unique opportunity to drive change in the way that we design, deliver and follow up care interventions.

I hope that the action that I have outlined today will have the full support of the Parliament. All of us must recognise that improving health and reducing health inequalities cannot and should not be the sole preserve of the NHS. The NHS has a leading role to play, but other partners and agencies must play their part, too.

**Malcolm Chisholm (Edinburgh North and Leith) (Lab):** Although I welcome the £12.5 million for the most deprived areas, does the cabinet secretary accept that that is less than the money that was allocated four years ago for unmet need in deprived areas? Will she tell the chamber whether the unmet need pilots have been evaluated? If so, what conclusions has she drawn in terms of allocating further money to disadvantaged areas?

**Nicola Sturgeon:** I do not accept that we are contributing less money to the issue. The £12.5 million is additional to the baseline figure that we inherited from the previous Government. It is a sign of this Government's commitment to ensuring that we evaluate and learn lessons from the approaches that we take and that we roll them out. I spoke about extending keep well and counterweight, which have been shown to work. We want more people in Scotland to have access to those methods and approaches.

Important though the role of the NHS is, it is not the only agency that has a part to play. That is why community health partnerships throughout Scotland will be able to draw on the new fairer Scotland fund, which will provide £145 million a year within the local government settlement to tackle poverty and deprivation. It is also why Shona Robison is leading a ministerial task force



on health inequalities, in order to drive a true, cross-cutting approach to that national priority. In “Better Health, Better Care”, we set out some of the early conclusions of the task force’s work. Today, we publish a further update on progress.

I hope that there is no doubt about the importance that the Government attaches to improving health and tackling inequalities. However, in “Better Health, Better Care” we also set out an ambitious plan for improving quality in absolutely everything that we do. It replaces the myriad of separate waiting-time targets with a simple but ambitious 18-week standard from referral to treatment; renews the focus on patient safety and tackling health-care acquired infection; and offers a new approach to providing safe and sustainable services for people in remote and rural areas.

When I launched “Better Health, Better Care”, I drew attention to the fact that we are fast approaching the 60<sup>th</sup> anniversary of the NHS in Scotland. From the very start, the NHS in Scotland was different. As a distinct legal entity that was created by a separate Scottish act of Parliament, it drew on Scotland’s rich medical tradition. The service was supported by the medical profession from the outset—something that was not the case in other parts of the United Kingdom.

Sixty years on, “Better Health, Better Care” reaffirms the distinct nature of the Scottish health service. It presents a plan of action to reinvigorate the founding principles of the service. Our vision is for a service that meets Scotland’s needs, is run on Scottish values and is owned by the Scottish people. I hope that the strategy commands the support of all members of the Scottish Parliament.

10:08

**Margaret Curran (Glasgow Baillieston) (Lab):** I welcome the fact that, at last, we have a health debate. Unfortunately, it has been cut short, but it is a health debate nonetheless.

**Nicola Sturgeon:** It was cut short by you.

**Margaret Curran:** No, I do not think so.

I was about to be gracious in my acknowledgement—

**Mr Frank McAveety (Glasgow Shettleston) (Lab):** Dump that strategy, Margaret.

**Margaret Curran:** Do not worry; it will not last.

I was about to acknowledge the fact that the Government accepted our request for a debate on health improvement and found time for one. However, as usual, Nicola Sturgeon spoiled the atmosphere.

It is clear that the historic growth in health investment under Labour is under threat. Despite the many improvements that we have seen, once again—as Malcolm Chisholm pointed out—health expenditure faces real challenges.

I ask members to think for a moment about exactly what Labour and the Liberal Democrats achieved in terms of health expenditure when we were in power. We have to remember that Scotland was tagged as the sick man of Europe, yet Scotland led on the ban on smoking in public places. Deaths from killer diseases, with which Scotland was so identified, are all down. There have been deep and significant changes, and if I had the time I would list them all and give members the statistics.

We can all make easy jokes about deep-fried Mars bars and the like, but as a Glaswegian I want to put on record that I am fed up with them. When Labour was in power, we brought about serious cultural shifts in food, diet and lifestyle in Scotland. Independent commentators praised our leadership and direction. The significant changes were achieved by leadership, by systematic investment and by delivering a message to the Scottish people. We had to be honest about what had to be done to bring about the necessary step changes.

Can that work be sustained? Scotland is at a juncture. If our health profile is to be altered profoundly, serious questions will have to be answered. I welcome many of the cabinet secretary’s announcements this morning, but she will of course appreciate that we will interrogate her on them, as Malcolm Chisholm has just done.

I have a number of serious doubts about what is happening in the health portfolio. I will begin with a preliminary list that raises deep concerns about where this health secretary is taking Scotland. The first issue is quite staggering: the threat of closure is hanging over Scotland’s healthy living centres. Those centres are aimed at our most deprived communities, to tackle fundamental issues on the front line—smoking, diet and physical activity. Closures of the centres are imminent, and I am staggered that no action has been taken. Redundancy notices have been issued, future planning has been stopped, services have been withdrawn and projects are losing staff.

**Nicola Sturgeon:** Some healthy living centres are in difficulty because the previous Government—of which Margaret Curran was a member—failed to put them on a sustainable footing. It has been left to this Government to examine options to help those healthy living centres, which is exactly what we are doing now. Can Margaret Curran explain how the removal of £12.5 million from the e-health budget that Labour proposed could have been catered for, given that

it would have cut screening programmes and progress on waiting times?

**The Deputy Presiding Officer:** Ms Sturgeon, that was supposed to be an intervention, not a speech.

**Margaret Curran:** Yes, that was a speech, but it was supposed to be a short intervention. Perhaps Nicola Sturgeon will finally realise that part of being a minister is facing up to responsibilities and not always blaming other people. As we speak, months into her Administration we have the prospect of 200 full-time jobs being lost—

**Nicola Sturgeon:** Rubbish.

**Margaret Curran:** And 300 part-time jobs being lost. I would be careful who you accuse of lying, Nicola. In addition, 3,000 volunteers—people who give of their own time—have been told to pack up and go. I hope that when she replies to this debate, Shona Robison will agree to Labour's demand this morning that the SNP should take immediate action to save the healthy living centres. The centres have said that they need a transitional fund of £10 million over two years to provide vital services. If the SNP does not protect the healthy living centres, it cannot be serious about dealing with health inequalities.

**The Minister for Public Health (Shona Robison):** Will the member take an intervention?

**Margaret Curran:** I have no time. Ms Robison can make her point later.

I have further concerns about the way in which the Administration is handling health improvement. Smoking issues are important to Scotland, and the director of Action on Smoking and Health has expressed serious concerns that the smoking cessation budget is in decline. In West Lothian, where drug and alcohol services are important and have been given much credit, redundancy notices have been issued. On Monday, I visited an innovative and effective alcohol project in Aberdeen that may now have to reduce its services, thanks to the SNP. Only last week, the BBC showed graphic images of the consequences of alcohol use in Scotland. The Aberdeen project deals directly with street drunkenness but, months into the SNP Administration, its funding is under pressure. That would not have happened if Labour had been in power. With all the talk of cuts and job losses—and I could go on—it is no wonder that the Tories supported the SNP budget. We are back on familiar territory.

Nicola Sturgeon made strong commitments on the importance of preventive measures, for example the importance of physical activity in tackling obesity. I ask Ms Robison, when she replies, to tell us about her commitment to ensure that every pupil has two hours of quality physical

education every week—or is that another sports commitment that will not be honoured?

At the heart of the health improvement debate is the fact that there is no point in fine words if services are being cut. There is no point in robbing Peter to pay Paul. There is no point in putting resources into one service if resources are being cut in deprived areas. Healthy living centres have made real changes where they have been needed most. Nicola Sturgeon said that she wants to make decisions on the basis of evidence. All those projects have been strongly evaluated throughout Scotland. I think that 71 jobs are at risk in Dundee. Why is the Government not taking action? That will threaten those projects. Will the hallmark of this Administration be the abandonment of investment that would give long-term results? Is the SNP interested only in the short term? The minister has serious questions to answer. Why are redundancy notices being sent out throughout Scotland? Why are 40 healthy living centres under threat? Why is she saying that she will tackle deprivation and deprived areas, while making redundant the very people who are already doing that?

**Nicola Sturgeon:** That is outrageous. Get a grip.

**The Deputy Presiding Officer:** I remind members to be a wee bit careful about their language.

10:16

**Mary Scanlon (Highlands and Islands) (Con):** I welcome the debate on health improvement—it should always be on our agenda. I particularly welcome the extra £40 million to tackle obesity, and the increased emphasis on cognitive behavioural therapy, which will be welcome in remote and rural areas. The commitment to tackle diabetes and depression at an early stage is very good news indeed.

The SNP Government has enjoyed a honeymoon for almost nine months. It has been easy to blame Labour for health problems in Scotland—as if it did not have enough problems already. Responsibility and accountability are the hallmarks of government, and certain issues are now coming to the fore. First, there is the SNP's manifesto commitment to double the number of school nurses by 2011, which is now diluted. I quote:

"The exact number of school nurses employed in 2011 will depend on a number of factors yet to be determined."—*[Official Report, Written Answers, 19 November 2007; S3W-6199.]*

That is quite different from the clear manifesto commitment to double the number of school nurses.

**Shona Robison:** When Mary Scanlon asked me about that previously, I told her that we are developing a school-based health resource, which will include school nurses. She has an interest in mental health, so does she recognise that other staff may be required to back up that health resource in schools?

**Mary Scanlon:** I recognise that many staff could back up that health resource, but I also recognise the Government's clear and concise manifesto commitment to double the number of school nurses. School nurses care for, advise and support children through their school years. They promote healthy lifestyles; provide health screening; support pupils with conditions such as asthma, diabetes, epilepsy and mental health problems; and work alongside teachers, social workers and other professionals to help to protect vulnerable children. Their role is crucial. Despite the warm words about early years and positive interventions, the SNP appears to have broken another promise.

How often did we hear the SNP in opposition say that it would end postcode prescribing? Yet after eight months of the SNP in government, postcode prescribing is alive and well in Scotland. A Sunday paper revealed that of the 25 new treatments that have been recommended in the past year—during which the SNP has been in government for eight months—for conditions such as cancer, HIV, heroin addiction, osteoporosis and anaemia, a quarter are still not available in most areas. In fact, NHS Lothian is top of the list—or bottom, if you like—with 19 out of the 25 new treatments still not available. Tayside is the best, as always, with all but two of the new drugs available.

In the week in which we will debate kidney donations, a treatment for anaemic patients on kidney dialysis has been rejected by all NHS health boards except one—Grampian—despite enormous cost savings to the NHS, as well as benefit to patients.

There is also the matter of extended opening hours for general practices. Being an agreeable and consensual person, I supported the idea, although I must admit that no one had raised the issue with me before. I had assumed that the Government carried out research on the unmet needs of patients. I further assumed that there was a strong evidence base, but now I discover that there is no evidence base, at least not one that is known to GPs. In fact, all existing research comes from an English survey, which concluded that four people in every 100 said that they would like extended opening hours at evenings and weekends. The British Medical Association recognises that some people want access to their

GPs outwith normal surgery hours. A BMA briefing paper on the issue states:

"The BMA was prepared to discuss a package that would have offered extended opening hours and improved quality within the current level of funding. Unfortunately Prime Minister Gordon Brown intervened and insisted on further extended doctor consultation time with limited flexibility and the sacrifice of evidence-based potential new areas of work in exchange for non-evidence-based government-driven, politically-motivated targets."

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

**Mary Scanlon:** The health secretary did not tell the Parliament or the people of Scotland that the extended opening hours for GPs came at the cost of preventive health care. For example, in its briefing the BMA referred to—

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

**Mary Scanlon:** I am in my last minute.

**Nicola Sturgeon:** It is on a point of clarification.

**Mary Scanlon:** The cabinet secretary will see this in the BMA's briefing, which refers to better management of fractures, earlier diagnosis and treatment of osteoporosis, more hospital admissions for fractures, better management of peripheral vascular disease and a new heart failure indicator. The SNP rejected all those new initiatives to improve the health of people in Scotland in order to pay for extended access, for which there is no sound evidence base, and just to follow Gordon Brown's line—the London line. The BMA has said that that is

"not in the spirit of collaboration and partnership".

10:22

**Ross Finnie (West of Scotland) (LD):** Health improvement is important, and no one can be in any doubt that anticipatory and preventive care is one of the most important aspects of health care for us all to take into account. Although the NHS is, properly, a demand-led service, if we do not tackle the increase in ill health it will undoubtedly become unsustainable. That is why the debate on preventive and anticipatory care, in my opinion and in the opinion of the Liberal Democrats, covers one of the most important aspects of shaping our health service in Scotland today.

I welcome this debate. No doubt, we will have a debate on a motion in the future. I also welcome the publication of the Government's paper "Better Health, Better Care", although it is not so much an action plan as an action timetable. It tells us that we are going to receive a lot of important reports throughout this year, including a smoking prevention action plan some time during the year; a strategy to tackle alcohol abuse by the spring; a national drugs strategy, also in the spring; and a

food and health delivery plan at some other point in the year. The report of the ministerial task force on health inequalities will be received some time in May. That is all very welcome, but the cabinet secretary will appreciate that we have to await the details before we can properly decide whether we concur with her action and the line that she takes.

Liberal Democrats share with those with whom we served the sense that the previous Government took health improvement seriously and made a substantive contribution to improving Scotland's view on it. The smoking ban was a most significant measure, in terms of changing a culture. Earlier, the cabinet secretary talked about people's rights, but the smoking ban highlighted the other side of that coin, and helped people to understand that they also have responsibilities in relation to developing their health.

I hope that the Government will be able to make progress on heart disease and free eye and dental checks, because they are important. We have an opportunity to discern and track diseases at an earlier stage because of those checks. We support the continuation of the hungry for success programme.

Liberal Democrats acknowledge, like everyone, that community health partnerships, which were introduced by the previous Government, are not working as well as they should. They can play a much more important role than they currently do. In a briefing yesterday, the BMA said that it also sees CHPs as having the capacity to play a much more important role in preventive health services.

**Nicola Sturgeon:** I agree strongly with the comment that Ross Finnie has just made. Does he accept that, although they are in their infancy, there are examples of effective and properly functioning community health partnerships, and that the challenge before us is to ensure that they all grow at the same rate and that best practice is replicated?

**Ross Finnie:** I accept that. However, it is disappointing that the disparity in Scotland is so great. That means that the collaboration that the cabinet secretary referred to earlier is not happening as it should.

There is a raft of important health issues, some of which the cabinet secretary referred to earlier, the key to which is the fundamental question of health inequalities. That issue concerns not only the NHS and health practitioners; it goes way beyond that. At the heart of the matter is the fact that, despite the substantial investment that has been made by successive Governments—including the Government of which I was a member—we still have difficulties bridging the gap. The levels and standards of health improve, but the gap remains, which disappoints us all. The

issue is challenging, and it is not one on which any Government has a monopoly of wisdom.

We want to see flesh on the bones of the outline programme that has been set out in considerable detail by the Government. Progress must be made on determining whether children will be adequately supported in schools by school nurses—as Mary Scanlon said—and on increasing physical activity and doing more than we are currently doing on smoking, alcohol and drugs. All of those issues are critical. Liberal Democrats see health inequalities as the issue that we need to tackle.

I welcome the fact that the cabinet secretary mentioned the important subject of mental health throughout the ages. For far too long, we have regarded mental health issues as affecting only the old. That has been a tragic misperception. The medical professions have always known otherwise. I also welcome the cabinet secretary's confirmation of what we all read in *The Sun* this morning, which is that she is launching a £40 million programme on obesity. I do not know whether that says anything about readers of *The Sun*—I would not wish to comment—but we know to whom the exclusive was given.

Health improvement is extraordinarily important. It is at the heart of whether we will be able to tackle the health problems in this country. I hope that the cabinet secretary will make progress on those issues and that we will have the opportunity to hold her to account in relation to the more detailed programmes that she brings forward.

**The Deputy Presiding Officer:** We now move to the debate.

10:29

**Stuart McMillan (West of Scotland) (SNP):** Scotland has some serious health issues, as I am sure all members agree. It is therefore incumbent on the Government of the day to work to improve the state of the nation's health. It will come as no surprise that I back the SNP Government's plans to improve the health of Scotland's citizens. I do not see how anyone could disagree with the following: a 19 per cent increase in investment in 2010-11, if the budget is passed; £90 million a year for the next three years to ensure that, by the end of 2011, nobody will wait longer than 18 weeks from referral by a general practitioner to treatment for routine conditions; £500 million a year to fund major new developments, such as the new children's hospital and the new Southern general hospital in Glasgow—

**Margaret Curran:** Will the member take an intervention?

**Stuart McMillan:** I will not at the moment—maybe I will later on.

I do not see how anyone could disagree with making improvements at existing hospitals throughout Scotland, including Aberdeen royal infirmary, Borders general hospital, Raigmore hospital in Inverness and the Dumfries and Galloway infirmary; and working with partners to meet the mental health needs of serving and former armed forces personnel. That is not to mention the reduction in prescription charges leading to their abolition; the presumption against centralisation of hospital services; the creation of independent scrutiny panels; the retention of accident and emergency services at Ayr and Monklands hospitals; the increased funding for free personal care; a three-year investment of £54 million to fight the hospital superbugs; and the other announcements that the cabinet secretary made this morning.

**Margaret Curran:** Will the member take an intervention?

**Stuart McMillan:** I am sorry, but I must make progress.

There are many more issues that I am sure will be discussed this morning. However, the items that I have highlighted alone prove that the SNP Government is committed to the health improvement of the nation and to the NHS in Scotland.

**Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD):** The member mentioned the concerns about future investment in improvements to the Borders general hospital in my constituency. What are they?

**Stuart McMillan:** I am sure that Mr Purvis will be told in due course.

I will focus on the local health care bill, which will include provisions to implement the SNP manifesto commitment to ensure that health boards have a directly elected element. As I stay in Inverclyde, I know that the threat of services being removed from the Inverclyde royal hospital is never far away, nor is it far away in the case of the Vale of Leven hospital. The centralisation agenda for NHS Greater Glasgow and Clyde—and, before that, NHS Argyll and Clyde—has been of extreme proportions. For example, the IRH and the Vale of Leven hospital have lost the consultant-led services in the maternity units, and we now have community midwife units. The number of births at those units has not been as high as was hoped for—but if the CMUs are not marketed to the public, how will the public know about them?

The introduction of the independent scrutiny panel proved to be successful, as it listened to all the arguments and produced a report recommending that the CMUs be kept open and that there should be a community education

programme to inform the public about what a CMU is. At a public meeting in Greenock, I introduced comparison figures to the scrutiny panel comparing the CMUs at the IRH and the Vale of Leven hospital with those in Arbroath and Montrose in Tayside—[*Interruption.*]

**The Deputy Presiding Officer:** Will members please check their mobile phones?

**Stuart McMillan:** I do not have one with me.

Despite the vast differences in population, the number of births in Arbroath and Montrose was still vastly higher, and I wondered whether the health board had ever considered why. The health board's response to the scrutiny panel was to thank it but to say that it was still planning to consult on closing the CMUs and centralising them in Paisley. Whether the Royal Alexandra hospital could cope with the increased centralisation agenda is another issue entirely. It would not surprise me if the health board threatened cuts at the RAH if its centralisation agenda does not take place.

A further aspect of the debate concerns parking charges at hospitals, with which I, for one, do not agree—I have said so in the chamber and in the media. I welcome the announcement that the cabinet secretary made before Christmas that if charges are to be introduced, there should be a cap of £3 a day. That is a welcome step, and it shows an understanding about the importance of the issue.

The key part of Nicola Sturgeon's statement on parking charges was that health boards must prove that such charges are required. Following the cabinet secretary's announcement, I wrote to the health board to ask it specifically about traffic studies at the IRH, Vale of Leven hospital and the RAH in Paisley. One of my SNP colleagues, Councillor Kenny MacLaren from Paisley, had also written to the health board specifically about the RAH. The response is wonderful—it says:

"No specific traffic study has been carried out at the RAH ... There is also an issue with staff numbers and availability of parking spaces with the ratio being three staff members to each parking space".

That may well be the case, but there must surely be shift patterns, and not everyone works at the same time. In addition, not everyone owns or drives a car. Heaven forbid, but some people might even take public transport.

The response provided me with an answer on one location, but I will not be surprised if the responses on the IRH and the Vale of Leven hospital are similar. When will the board get the message that parking charges are not needed at the IRH, the Vale of Leven hospital or the RAH? Furthermore, the consultation took place before those three hospitals were part of NHS Greater

Glasgow and Clyde, so how can the imposition of charges be justified?

I have given members a flavour of why a local health care bill that provides for the direct election of a percentage of health board members offers a way forward that will improve health care in communities. I do not for a minute suggest that the direct election of health board members will create no problems in future—very few issues are without problems. However, if people who care about the health service and want normal services to be delivered locally have a say, health services and the health of the nation will improve. We cannot let the arrogance of health boards continue.

**The Deputy Presiding Officer:** You should finish now.

**Stuart McMillan:** We have a duty to the electorate to ensure that the health of the nation is much improved in four years' time. The Parliament has an opportunity to ensure that Scotland takes itself out of intensive care. The many proposals of the SNP Government will go a long way towards improving Scotland's health.

**The Deputy Presiding Officer:** Before I call Ms Eadie, I remind members that we are running short of time. You are warned when you have a minute left and I can choose to switch off your microphones if you do not finish after six minutes.

10:36

**Helen Eadie (Dunfermline East) (Lab):** I will try to behave myself and not overrun.

Labour introduced a new approach to public health in Scotland when it came into office in 1999. Labour's policy documents were notable because they acknowledged health inequalities. The focus was on life circumstances, lifestyles and health, and topics such as cancer, heart disease, strokes and mental health were at the core of our concerns, which was right. Labour ensured that there was a single system in the health service when it legislated to abolish trusts, which was the right thing to do.

Like Margaret Curran, I welcome this debate on health, but I deplore the fact that it is the first such debate in eight months. What has the SNP been so afraid of that it has consistently refused to have a health debate? Given that health was at the core of the election campaign, the SNP has let us all down badly, particularly people in my constituency.

I agree entirely with Mary Scanlon's views about postcode prescribing, which is still evident in Scotland. I remember SNP members in the first and second sessions of the Parliament, including Shona Robison and Roseanna Cunningham, jumping up and down all over the place saying that

it was outrageous that there was postcode prescribing. It is particularly concerning that postcode prescribing still happens when we consider new medicines that can transform people's lives, such as the new biologics medicines, which help people who have rheumatoid arthritis—I met a young lady who was in a wheelchair and is now able to go out and undertake a university degree, and there are many other such cases. It is evident from the e-mails in our inboxes that postcode prescribing is still taking place in Scotland.

On 16 December, there was a front page headline in *Scotland on Sunday* about cancer treatment. The leader article made it clear that there is a need for centralisation and centres of excellence if that leads to the best outcomes for patients. Everyone in Scotland who has a loved one who suffers from cancer is impatient to learn from the cabinet secretary how she will take forward that critical issue, but she has been silent about that and other killer diseases. There have been heart-rending cases throughout Scotland—I think that the Public Petitions Committee is about to consider one such case—and the issue's importance cannot be overemphasised.

**Shona Robison:** Will the member give way?

**Helen Eadie:** Not at the moment.

I support and welcome the Government's view on presumed consent in relation to kidney transplants.

On more parochial matters, infection across Scotland remains rampant. The SNP said after a short time in office that it would get to grips with the issue and announced major spending, which we welcomed. However, why has ward 12 of Lynebank hospital been closed for the past week, as we read in today's *Dunfermline Press and West of Fife Advertiser*? Why was another ward closed on 9 January? There are concerns about that. Why are some patients with superbugs in our local hospitals being allowed to be discharged without their concerns being addressed?

The cabinet secretary's party has been economical with the truth—to put it politely—given its broken promises. In April, prior to the elections in May, the SNP put at the core of its election campaign a promise, which was reported in the *Dunfermline Press and West of Fife Advertiser*, that it would not downgrade the Queen Margaret hospital but would return it to its former glory. The SNP's local hospital campaigner made that promise but, subsequently, I received a letter from the cabinet secretary in which she said that the SNP had no intention of delivering on that promise. That is a broken promise to the people of west Fife, part of which I represent.

The SNP Government came to power on the basis of a promise that it would be able to manage Scotland well. However, throughout Scotland 1,008 beds have been blocked—in Fife, 167 beds have been blocked. The cost of that for September was £2.5 million and the total cost for November and December was £4.4 million—the costs escalate. If beds are blocked, other patients are denied access to hospital.

The situation has occurred because the cabinet secretary's colleagues in local government in Fife have decided to cap the budgets. They have said that that was because of Fife Council's irresponsible actions last year; they said that the council could not manage the budget, which was a deplorable state of affairs. However, in fact, Fife Council returned £2.95 million to balances under Labour's administration. It took an informed decision to overspend on its social work budgets because they were demand led. We now have a situation in Fife where the most needy people in our communities, including babies and old people, are being turned away. That is a disgrace.

10:42

**Aileen Campbell (South of Scotland) (SNP):** I thank the Scottish Government for providing an opportunity to debate health improvement in Scotland. I also thank the staff at the Edinburgh royal infirmary for treating me so well after I spilled soup on my hand yesterday.

As we have heard, we face significant challenges in improving the health of our society and, in particular, in reducing the inequalities that exist within and between our communities. Health to me, as to others, does not simply mean physical fitness. Mental well-being and overall quality of life need to be factored in when we are measuring how healthy any individual or society is.

I will focus on aspects of health improvement among two groups: the young people of Scotland and people in rural areas, especially the South of Scotland region, which I represent. Both groups have particular vulnerabilities and challenges and I am pleased to welcome the early steps that the Scottish Government is taking to improve their health and well-being.

Getting healthy practices right in the early years has benefits that last a lifetime—and a longer, healthier lifetime at that. The budget commits £32 million to specialist children's services, including cancer care and high-dependency specialties. The Government is committed to sustaining four major children's hospitals in Scotland, including new facilities in Glasgow and Edinburgh by 2012.

Healthy exercise is one of the best forms of preventive medicine as it keeps young people fit and healthy, builds strength and improves mental

well-being. The Government has adopted an aim of increasing financial investment in the let's make Scotland more active strategy, which sets a target of 80 per cent of children attaining recommended levels of activity. Currently, around 25 per cent of boys and up to a third of girls are not meeting that target, so it is vital that the Government continues to invest in indoor and outdoor facilities that make it easy for children to keep fit. As we all know, exercise can help to tackle obesity, so we need to make healthy play for young people an attractive and easy option.

We all agree that the Commonwealth games will inspire a new generation of athletes in Scotland. I am just disappointed that, at such a crucial time, many Scottish MPs at Westminster have voted to divert lottery funding away from Scotland that could have been used to tackle obesity here.

Tackling a challenge such as obesity requires us to adopt many different approaches and it is good that a consensus is building about the importance of a healthy diet. I am particularly delighted with the Government's commitment to pilot free school meals.

However, diet includes both food and drink, and it is increasingly clear that alcoholic drink poses a threat to the health and well-being of Scotland's young people. Alcohol abuse can cause both short and long-term damage to physical and mental health. I welcome the Government's commitment to take concerted action to promote better understanding of the risks that are involved in binge drinking. In that area in particular, our approach to health improvement needs to go beyond straightforward management of the NHS and related resources. We need to tackle the cultural and societal trends that encourage and glamorise alcohol intake, such as the manufacture and marketing of sweet alcoholic drinks that are targeted specifically at young people.

At present, however, the Parliament and the Government can only do so much because there are constraints from Westminster in relation to the powers to alter alcohol taxation and to regulate advertising. If other parties genuinely support Scottish solutions to the challenges that Scotland faces, I hope that their contribution to the national conversation on our constitutional future will take the matter into account.

Many health challenges are best dealt with from a Scottish perspective, not least those in our rural communities, which often seem to be overlooked when it comes to health provision and improvement. People in rural areas often face particular difficulties, especially with access to services. I strongly welcome the steps that the Government is taking to meet those challenges, including the roll-out of NHS 24 to every mainland

health board and the trial of walk-in appointment services in Lanarkshire and Lothian.

The decisions to save accident and emergency services at Monklands hospital and to stop car parking fees at NHS-run car parks—as mentioned by Stuart McMillan—will also benefit people in the South of Scotland who have to travel some distance to access hospital treatment.

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

**Aileen Campbell:** Okay.

**The Deputy Presiding Officer:** Please be brief, Mr Purvis.

**Jeremy Purvis:** The member will be aware that there is currently no charging at the Borders general hospital.

**Nicola Sturgeon:** It will stay that way.

**Jeremy Purvis:** I am pleased to hear that. However, if additional resources are being provided to subsidise hospitals that may well reduce charges or improve parking, should there be an equivalent arrangement for the Borders general hospital, which does not have charges at present?

**Aileen Campbell:** The commitment from the Government is adequate. It saw that there was inequality because there were prohibitive car parking charges, including for NHS staff on lower wages.

There is undoubtedly a consensus about the need to improve the health of our nation, and there will surely be a debate about how to achieve that. I welcome the fresh approach that has been adopted by the Scottish Government which, as in all other areas of policy, is ambitious for our country's future.

10:48

**Jim Tolson (Dunfermline West) (LD):** Health is an area of policy in which feelings run high, in the chamber and among the public. Liberal Democrats have led the way in the policy area by advocating a preventive approach to health care to ensure much-needed improvements in the health of Scotland's people. Fortunately, other parties, including the SNP, are starting to heed the good advice that we have offered them on health improvement.

**Bob Doris (Glasgow) (SNP):** Thanks for that, Jim.

**Jim Tolson:** You are welcome.

The forward-thinking Liberal Democrat view is not new to the Parliament. Indeed, major sections of our 2007 manifesto highlighted our commitments to recruit an extra 200 dentists, to

double the funding for drug and alcohol treatment, and to seek an hour of physical activity a day for every child in Scotland, not just in school but at other times in their day.

Our manifesto is not the only place in which the Lib Dems have led the way on health. As part of the previous Government, we were the first party to support a smoking ban, and we led the way on introducing free eye and dental checks as well as on launching the hungry for success initiative to improve the quality of school meals.

It would be remiss of me in my role as shadow minister for communities and sport not to mention the health benefits that physical activity and sport can bring to people of all ages in Scotland. I recently got back into badminton and went skiing; those activities are part of my health care as well as being great fun.

The Government has made much of the role that sport can play in delivering health improvement. It is a pity, therefore, that it made such a botch-up of its flagship sports policy—abolishing sportscotland. We told the Government that it was misguided, and many people in sport delivered the same message, yet Stewart Maxwell still had to be dragged, kicking and screaming, into an embarrassing U-turn on that key manifesto pledge. It was a Liberal Democrat-sponsored debate on 13 December that made the case for retaining sportscotland. We offered Parliament the opportunity to support the view, and it did so overwhelmingly. Rather than maturely accept the will of Parliament, Mr Maxwell threw the toys out of the pram and sacked the chairs of both sportscotland and the Scottish Institute of Sport in the most bitter and spiteful act carried out by the SNP Government—at least to date.

We have sought to focus on helping sportscotland to achieve its most important goals, not least that of encouraging participation, while the SNP has dithered, tinkered, backtracked, launched a consultation that seemed to exclude much of Scotland's sporting community and emerged with a discredited sports minister who stumbled on the right policy only after abandoning his manifesto commitment. There may be a lesson in that for the SNP.

The SNP manifesto also promised children free year-round access to council swimming pools. One would have thought that that was quite a straightforward proposal. Concerned to know whether that was still Government policy, I lodged a written question seeking confirmation on 16 November. Step forward Stewart Maxwell to provide the clarity and eloquence that have become his hallmark. I will not quote the whole 144 words of his answer—

**Nicola Sturgeon:** Oh, go on.



**Jim Tolson:** I have the text here and Ms Sturgeon can read it later, although I am sure that she knows how to look it up.

Suffice it to say that that appears to be another ditched manifesto pledge. There is another tick in the broken-promises box.

10:51

**Rhoda Grant (Highlands and Islands) (Lab):** I am pleased to discuss health improvement. The debate is welcome as it allows us to highlight good practice as well as talk about the challenges that we face when trying to improve health. Labour has always prioritised health and health improvement. The smoking ban has had the highest profile, but there are many other initiatives.

Poverty can lead to the greatest health inequalities. If we are serious about improving health, we need to deal with poverty. A recent study has shown that unemployment is as detrimental to health as smoking 200 cigarettes a day. Labour's policy of full employment has always been one of the main levers in attacking poverty and promoting equality. The study underlines the importance of that approach to promoting not only economic but health equality. Unemployment is still disproportionately high in many of our most deprived communities. It is therefore no surprise that those communities also suffer poor health. We need to grow the confidence of those communities and encourage employers to recruit there.

In my Highlands and Islands constituency, poverty is difficult to identify due to the fact that the area is predominantly rural. Those living in poverty live in the same locality as their affluent neighbours. The indicators that Governments use to identify poverty are often based on urban communities and therefore hide rural poverty. Unemployment can be low, but that often masks the fact that people are working in more than one job to make ends meet. Those can be seasonal or part-time jobs, or indeed people can be self-employed.

Promoting health improvement is challenging in rural areas because of the dispersed population. It is difficult to access fresh food at a reasonable cost. Providing sporting facilities is also difficult with a dispersed population, although many areas are an exception. In Shetland, for example, providing sporting facilities in small and sparsely populated communities has been made a priority.

Despite the challenges, there are many good examples of projects in the Highlands and Islands that encourage participation in sport. Step it up Highland, which encourages people to take up walking, and the Highland cycling campaign, which promotes the health and economic benefits of cycling to people in the Highlands, are just two.

Another good initiative is run by GPs in Elgin, who prescribe membership of the Moray leisure centre to their patients whose health problems would benefit from more exercise. That cuts down on costly drugs and does not give rise to complex side effects. That must be used more widely to promote healthy lifestyles. That initiative is used in Moray to fight existing conditions, but we also need to look imaginatively at how it can be used to prevent such conditions. Again, those who live in affluent households can afford their own sport centre membership; those who live in poverty and who are in most need cannot.

Like Margaret Curran, I am concerned that many projects that have led the way on health improvement will end unless the Government steps in. Many lottery-funded projects throughout Scotland that promote healthy lifestyles will not be mainstreamed despite their proven success. One such example is the janny's hoose healthy living centre in Inverness, which is one of three such centres in Highland that promote healthy living in some of the region's most excluded areas. The centre provides a drop-in facility that offers advice and support to the community. Unfortunately, despite a big local campaign that was backed by the *Inverness Courier*, the last hope for saving the centre is to go back to the Big Lottery Fund with a new plan to seek to build on the centre's existing success. Surely the beauty of lottery funding is that it allows local government and central Government to test ideas and gauge their success without making a financial commitment. However, we need to look at how projects that have been successful are mainstreamed.

**Aileen Campbell:** What are the member's thoughts on the Scottish Labour MPs who voted to divert money away from Scotland to fund the Olympics? Does she think that the money would have been better spent in Scotland?

**Rhoda Grant:** The SNP is promoting a myth that Scotland will not benefit from the Olympics. That is wrong. If that is the Scottish Government's attitude, there is a lot to be worried about. We can benefit from spending on the Olympics, too.

Another award-winning project in my area is the Islay healthy living centre, which has provided assistance on smoking cessation as well as other health-promoting initiatives involving exercise and welfare. Both those healthy living projects serve hugely diverse communities, but they come from the grass roots and meet the needs of local people. It is ironic that, at a time when public health is so high on the agenda, such services are being removed from local communities. Will the Government, in its lauded concordat, ensure that local government and health boards adopt best practice in their approach to such projects and arrange funding for them?

In conclusion, it is not right in a modern society that people's life chances and life expectancy still depend on where they were born. Many of the challenges are obvious—poor diet, poverty, unemployment, cigarettes and alcohol—but knowing the problems is not the same as putting them right. We need to build on good initiatives such as the healthy living centres, promote healthy diets and lifestyles and ensure that they are available not just to those that can afford them. The public purse rightly invests in acute health provision, but we need to be willing to give the same investment to health promotion to reap the financial and social rewards further down the line.

10:57

**Ian McKee (Lothians) (SNP):** Health improvement is a massive topic, so I will concentrate only on the vexed aspect of health inequality, which Governments over the years have tried to tackle with little success. Indeed, by some measurements, the health gap between rich and poor has steadily increased over recent years.

We all recognise, I hope, that major health improvements in our deprived communities can come about only through changes that are the responsibility not only of all Government departments but of wider society. The cabinet secretary recognised that earlier. Poverty, lack of education, the breakdown of families and poor nutrition are just some of the factors involved. However, the health service also has a part to play in fighting inequalities because, although the poorest in our communities are usually the least well, they are often let down by the treatment service that we provide.

At this point, members may feel that time for reflection has been rescheduled because I wish to draw their attention to the gospel according to St John. He describes how the first person—but only the first person—to enter the pool at Bethesda after an angel had disturbed the waters was cured of his or her illness. Members might feel that little has changed today. Like the waters of Bethesda, the health service is free of charge but is often subtly rationed. At Bethesda, those with certain complaints were unfairly advantaged because they could sprint to the pool in time; today, the same happens with people who have illnesses that command media attention. At Bethesda, it helped to have influential friends or relatives who could drag the sick person to the pool and perhaps get in the way of others and impede their progress; today, those who are lucky enough to have someone to advocate their cause are likely to benefit at the expense of those who have no such support.

So how do we begin to remedy that situation? Part of the solution lies in augmenting the

numbers and resources of those whose job or vocation it is to look after the health needs of the disadvantaged.

The cabinet secretary is to be congratulated on continuing the roll-out of schemes that are directed at the poorest in our communities, such as the keep well scheme, but the health divide is bound to widen while resources and staff continue to be spread on a population basis rather than according to need, while the general practitioner contract makes it undesirable for doctors to work in impoverished areas and while vital services such as drop-in mental health clinics are always the first to suffer when cash is short.

Existing services need to be tailored to benefit those who are in most need; those people should not be handicapped, which they are at the moment. In some GP practices, the process for making appointments has changed little since those days of the pool at Bethesda. Appointment desks open at 8 o'clock and all routine appointments are taken up by 8.30 or even earlier, after which time people must wait to try again the next day. In the understandable drive to reduce the number of appointments at which people fail to turn up, many hospital clinics make people go through a series of hoops that weed out not only those who no longer need an appointment but those who cannot cope with the bureaucracy that is involved. Those at the bottom of society's pile find it more difficult to get child care to cover them when they have an appointment or to remember appointments amid the chaos of a disorganised lifestyle, but that does not mean that their health needs are less than those of others. Indeed, their health needs are often much greater.

Drug abuse and alcohol abuse affect all communities, but they are especially a problem in areas of deprivation. It would take a whole day—probably much longer indeed—to explore that topic in a meaningful way, so I will concentrate on one aspect of it. A Government response to drug and alcohol problems in recent years has been spending millions of pounds on funding area drug and alcohol teams on the ground that people with a drug problem usually also have an alcohol problem. The Health and Sport Committee was told that. However, when I wrote to Lothian NHS Board recently to ask it for the percentage of those who are being treated by the community drug-problem service who are also being treated for an alcohol problem, I was refused the information that I sought on the ground that it could not be extracted without undue work. Therefore, we do not know how many people have both drug and alcohol habits. Linking the two conditions in such a way inhibits tackling either condition appropriately, as they are very different in many ways.

**Mary Scanlon:** Does the member acknowledge that not only do many people have drug and

alcohol problems, but many such people suffer from underlying mental health problems, such as depression?

**Ian McKee:** I totally agree with Mary Scanlon. People with drug and alcohol problems have many different problems.

More than 20 bodies in Lothian alone deal with drug and alcohol problems, but no one seems to know which of those bodies are effective or how much duplication of work takes place. However, I acknowledge and welcome the significant steps that have been taken today.

My message is that we should take a lesson from our treatment of local government. We should wean ourselves off central initiatives, pass funding to experienced health workers who are already in the community, and let them meet the needs—including mental health needs, which Mary Scanlon mentioned—that they can clearly identify but which overwhelm them now. In 35 years of working in a deprived community, I have seen scores of outside initiatives come and go with little long-term effect. It is time for a new approach.

11:03

**Elaine Smith (Coatbridge and Chryston) (Lab):** I am pleased to be able to participate in this debate, particularly at such a crucial time for health care in Lanarkshire.

I want to raise three issues, the first of which is the possible outsourcing of occupational health services at NHS Greater Glasgow and Clyde to an American firm. Constituents of mine who work in those services have approached me to ask for help to stop the threat of privatisation that is hanging over the excellent provision that exists. The Cabinet Secretary for Health and Wellbeing stated in “Better Health, Better Care” that the national health service in Scotland

“will remain firmly in the public sector”

and that her Government will

“distance NHSScotland still further from market orientated models.”

Will she reassure my constituents that she will not allow Greater Glasgow and Clyde NHS Board to privatise that provision in effect?

**Nicola Sturgeon:** I assure Elaine Smith that I am aware of the issue and that I am considering it in detail. I will be happy to come back to her on the matter in more detail later.

**Elaine Smith:** I thank the cabinet secretary for that.

The report that was published last week by the panel that was established by the cabinet

secretary to review proposals by Lanarkshire NHS Board states that

“the board has not made a convincing case for significant changes to emergency services.”

That sounds innocuous, but what lies beneath that statement is the anguish, fear and anger of my constituents who, as I did, knew that there was no case for downgrading Monklands general hospital. However, with the honourable exception of Jim McCabe, the board chose to ignore all the submissions that pointed that out to them. The panel’s observations are a pretty damning indictment of NHS Lanarkshire’s proposals for Monklands.

Uncannily like my own submissions, the report points to skewed evidence, bias towards preferred options and flawed financial information alongside a seeming disregard for the opinions of consultees. I trust that the board will now do the right thing and remedy the situation at its meeting on 30 January, as Monklands general hospital must remain a level 3 general hospital. I also trust that the cabinet secretary will step in if that does not happen.

Although there is an understandable focus on acute services in the panel’s report, it also acknowledges that the general health of the population will not be fundamentally improved through the acute hospitals sector alone. That is something that we all know. Primary care, community services and health promotion all have a key role to play in preventing health problems such as obesity, addiction and mental ill health. Those are areas that Labour considers to be of the highest priority.

My main focus today is on infant feeding. The need to support and promote breastfeeding is an issue that I raised in my original submission to NHS Lanarkshire, and it is a matter that needs urgent attention because it is a substantial weapon in the fight against ill health. It is also recognised as being important in “Better Health, Better Care”. I would be grateful if the minister could tell us when we can expect the appointment of the infant feeding adviser to continue the excellent work of Jenny Warren.

The benefits of breastfeeding are well known and were rehearsed in Parliament during its scrutiny of my member’s bill, the Breastfeeding etc (Scotland) Bill, so I will not go into detail. Suffice it to say that we all know that breast is best and that it has the potential for huge health improvement, not only for mums and babies, but into later life. Unfortunately, I have heard anecdotal reports of the law being broken when women have been asked to leave premises in order to breastfeed. A campaign to raise awareness of the legislation would be welcome, and women who find

themselves in that position should report the matter to the procurator fiscal.

Although the benefits of breastfeeding are well known, the perception is unfortunately that support for it is a Cinderella service in the health sector. We need more investment to encourage new mums to breastfeed and to sustain it for longer. I hope that the minister will be able to tell us what plans and funding are in place for this year's national breastfeeding awareness week, in May, which was supported by the previous Executive. I hope that she can also tell us whether the new money that has been announced will promote breastfeeding as an excellent way of tackling obesity in future generations.

One of the main threats to breastfeeding is the marketing of formula milk. I raise the topical issue of the new European Union regulations that are designed to toughen the rules on advertising infant formula and follow-on formula. Since 1995, the United Kingdom has had legislation to protect parents' right to receive objective and accurate information about feeding their babies. However, although that means that it is illegal to advertise formula milk for younger babies, it is not illegal to advertise the so-called follow-on milk for babies over six months old. By ensuring that their products for older and younger babies are almost identical, companies can automatically promote one type of milk by advertising the other. There is another loophole in that, although they are banned from putting formula milk brand names on the information that they give to mothers, they can get around that by making the logos almost identical to the brand names. Such aggressive marketing over many years must take some of the blame for the fall in the number of women who breastfeed.

In a recent debate at Westminster, David Kidney MP highlighted the way in which commercial pressure is undermining the legislation. He cited the vast sums of money that are involved and said:

"After all, the market is big money for the companies. The UK market in formula milk nearly trebled from £119 million in 1995 to £329 million in 2006."—[*Official Report, House of Commons*, 16 January 2008; Vol 470, c 281WH.]

There is an on-going case—which I would not have time to go into even if I were able to do so—in which the new EU regulations are being challenged. However, I am pleased to note that the negative instrument that will implement the European directives on infant formula and follow-on formula was debated and agreed at the Health and Sport Committee last week.

Obviously, parents must make up their own minds about feeding, but it is incumbent on the Government to ensure that that their choice is well informed. We could market breastfeeding to the same extent as formula milk, which would go a

long way towards improving the health outcomes of future generations. I hope that the minister will give that suggestion serious consideration.

11:09

**Jamie Stone (Caithness, Sutherland and Easter Ross) (LD):** This has, by and large, been a well-tempered and informative debate, and I have listened with great interest. I will make my remarks based on the order in which we heard speeches.

The cabinet secretary talked about "Better Health, Better Care" and the spirit of collaboration and co-operation. To quote her, she said that patients and the public will be "drivers of change". Such themes should be welcomed.

I listened with interest to the points about hospital centralisation, and I see them as being entirely laudable, coming from where I come from. However, I would like to see more services being taken out of the centre and, where appropriate, being put into some of the more remote hospitals. Of course, there is a judgment to be made about which services should be more central and which should not. Perhaps that is what Helen Eadie was alluding to when she talked about cancer treatment. When it comes to oncology, there might be a debate to be had about that, if we are to be absolutely honest.

I welcome much of what Nicola Sturgeon said. I like the idea of safe and sustainable services for people who live in remote and rural areas; my constituents will welcome that.

Margaret Curran set a theme that was followed up by Ross Finnie. To be quite honest, great improvements were made to the health service during the lifetime of the previous Administration. The question is whether the current Administration can sustain and continue that. All right-thinking people will welcome its endeavours in that direction.

Mary Scanlon welcomed, as I am sure we all do, the £40 million that is being spent on tackling obesity. Mr Finnie rightly drew attention to the curious fact that that was announced in this morning's edition of *The Sun*, but I will draw no more conclusions from that than Mr Finnie did.

Mary Scanlon was interesting on the subject of school nurses, and although I accept the point that it is mainly a Borders issue, if we are to progress with improvements in health, we must start with the youngest people. The unfortunate spread of human head lice, which are rife in all schools—*pediculus capitis* is one Latin name that I know—is to do with the fact that there is no regular school nurse to check as might have been the case when older members like me were at school. That is a manifesto commitment on which the Government should strive to deliver as much as it can.

**Elaine Smith:** Does Jamie Stone agree that promoting breastfeeding to younger children is also important? The only breastfeeding doll that I have ever seen is the one that is sitting in my office in this building.

**Jamie Stone:** I concur with what Elaine Smith says.

I mentioned what Mr Finnie said earlier. He also mentioned the importance of the hungry for success programme. I have gone on record to say that it is hugely important to build on that in the future. There have been successes, particularly in primary schools, although there have not been so many in the secondary schools. I take some comfort from the fact that primary pupils will, sooner or later, become secondary pupils. The initiative has to be built on and we must continue to deliver on it. I will mention local food—I would, wouldn't I?—and its being delivered for hungry for success.

I liked Mr Finnie's phrase

"mental health throughout the ages".

That theme is worth remembering.

I commend Stuart McMillan for what he said. He struck a chord with me when he mentioned consultant-led maternity services spread throughout Scotland. I will copy Ian McKee and quote the Bible by saying: Lo! It is

"Jehu ... for he driveth furiously".

If consultant-led maternity services were taken out of Caithness and sent to Raigmore, and only Raigmore, we would have a huge issue with distance and people having to drive pregnant mums there and babies being delivered in lay-bys. That was always our great fear. However, we are where we are and we have that service, which we appreciate very much.

Stuart McMillan also mentioned parking charges at hospitals. I concur with what he said and draw the cabinet secretary's attention to the fact that the number of spaces for disabled drivers is often inadequate at hospitals or, worse still, they are occupied by people who do not hold or display disabled cards. That is a cause of huge discontent in my constituency.

I have already referred to Helen Eadie's contribution about cancer. Aileen Campbell quite rightly referred to young people and people in rural areas. She particularly mentioned indoor and outdoor facilities for leisure or exercise. Coverage is patchy throughout Scotland—Caithness is certainly badly off for facilities—so I recommend that the cabinet secretary co-ordinate with her colleagues on the issue and perhaps carry out an audit.

Jim Tolson reminded Parliament that the SNP has taken up many policies that we thought up

first, and he told us the interesting fact that he skis and plays badminton—I presume not simultaneously. Rhoda Grant talked about poverty and employment, and in his very thoughtful speech Ian McKee wisely pointed out that health and inequality are interlinked.

In conclusion, I must highlight an issue that I have already raised in writing with the cabinet secretary. Recently, several of my constituents who were taken for treatment—particularly heart treatment—well out of the area had to make their own way back to the north Highlands when they were allowed to leave hospital. In one case, a 76-year-old widow who was brought to Edinburgh to have a stent inserted was told that she had to make her own way home. I am not trying to be a Goody Two-shoes over this issue—it might well have been happening under the previous Administration—but I must draw it to the cabinet secretary's attention. It is utterly unacceptable that such a thing should happen in this day and age.

11:15

**Jackson Carlaw (West of Scotland) (Con):** In my summing up, I want to highlight two themes. First, I reiterate my conviction that by introducing an independent scrutiny process the cabinet secretary has done more than any of her recent predecessors in the Scottish Parliament to re-engage with public mood and will in the delivery of critical health services. What a liberating act that move has been. After a cautious start, in which medical opinion held back in the wake of public protest, we now find—according to *The Herald*—a widespread change in clinical, medical and expert opinion on the former Labour-Liberal Administration's strategy and its brutally blinkered adherence to it. As a result of the cabinet secretary's courage and leadership, those who felt intimidated now feel emboldened. We should not ignore what they have to say.

The cabinet secretary's conduct since May stands in sunny contrast to that of Labour members, who have been scurrying around the country and beating their chests with magisterial indignation about problems in the health service for which their party is directly responsible. We need only witness Margaret Curran's contrived anger as she desperately tried to distance herself from her own Government's shortcomings—in a record that, I have to say, is not without merit—and to pin the blame for anything and everything on the SNP. The SNP must now be held to account, as Mary Scanlon and others have done this morning, for its own record in office, not for Labour's mistakes in government. Why does Labour continue to confuse anger at losing office with opposition?

**Margaret Curran:** Jackson Carlaw does not know me terribly well, so I assure him that

although I might show it regularly, my anger is rarely “contrived”. It is usually quite heartfelt and genuine.

My point is that Labour in government would have taken decisive action to save projects to tackle health improvement. Does Jackson Carlaw agree that, when faced with the prospect of losing 200 full-time jobs in such services, the cabinet secretary must take action?

**Jackson Carlaw:** I have already said that the Government must be held to account for its record. I have to wonder what Labour members think is the reason they lost the election. They have to wake up to the fact that it was partly because of the way in which the cabinet secretary’s predecessor went around the country, beating his chest and saying, “Vote for us—we’re going to close down critical primary care facilities.”

Those of us in the West of Scotland who have expressed the gravest reservations about the primary care proposal that is being visited on Glasgow now have legitimate reason to wonder whether that process must be reviewed urgently. Although I accept and fear that we are too far down the road for profound change, surely we have not gone too far for significant marginal change. We need an independent scrutiny process to validate what is being done and to establish whether delivery is on schedule and is proving practical. For example, where are the detailed transport infrastructure plans on which lives will depend? Why are people in Glasgow being denied a scrutiny process that has been granted to their neighbours in the Clyde area?

I lend my party’s support to aid the cabinet secretary’s resolve. It seems that some health boards hope that her time in office will be brief, so that they can resume their normal, old style ivory-tower establishment practices. When the crunch comes—as it will soon enough—she must face it down. We welcomed the consultation on public participation through direct elections to health board and, when the Government made its statement before Christmas, I highlighted the issues that we feel need to be underpinned.

My second theme is men: Scottish men, in particular, their attitude to their health and, indeed, the attitude of all those who promote men in the arguments over health. In essence, men have become recklessly disengaged from the debate about their own health. Whenever they feature, they are too often portrayed as boozed-up wife or child beaters or as emaciated victims of chain smoking. With regard to sexual health, men will likely feature only if they are gay, as if only gay men are at risk. Last week, for example, when the latest statistics on chlamydia were reviewed, every newspaper that I saw accompanied the report with a picture of a woman, as if chlamydia is a sexual

disease that women spread by some form of osmosis, without the involvement of men. My understanding is that that is not so.

When it comes to prostate cancer, 66 per cent of Scottish men do not even know where the prostate is. Many men cannot even say the word “prostate”, but confuse it with “prostrate”, a position in which some men may from time to time find themselves, but which is quite definitely a different thing.

When it comes to testicular cancer, men would sooner don their pinny for a spot of housework or learn to dance the tango than contemplate self-examination, let alone discuss it. In a nutshell—for want of a better phrase—men are dying because they have failed to get organised in anything like the way women have over the health matters that are most pressing for them.

When I raised that issue with the cabinet secretary, she sought to reassure me that all screening programmes are entered into on the basis of sound advice, but that is only partly true, I think. It would be foolish to deny that lives have been saved not only through breast cancer and cervical cancer screening, but as a result of a well-organised and sustained campaign over many years by women and on behalf of women. That is quite right, too—I make no complaint—but where are the men who are prepared to champion their cause?

One in 14 Scottish men will die of lung cancer, but one in 15 will die of prostate cancer. Every year in Scotland, some 2,000 men are diagnosed with prostate cancer, 800 of whom die. Worryingly, the increase in the disease’s incidence is in men in their 50s. In the United States, 70 per cent of all men know their PSA—prostate specific antigen—score, and their partners know it, too. Any man who is over 50 should know his PSA score. It is not a perfect test—it is understood that we cannot rely on it—but it is indicative of the disease. What is stopping us promoting an investigation of prostate cancer? I do not seek to make a party-political point on the issue. Indeed, in recent years the Labour Party has been the only party to have referred to prostate cancer in an election manifesto, but it was the Labour Government that decided against screening.

A national effort to improve the health of Scotland is being prepared and embraced on numerous fronts. Scots men need to wake up and join the campaign for a culture that puts the discussion of their health and detection of the diseases that threaten their lives on an equal footing with the discussion of the health, and the detection of the life-threatening diseases, of Scots women.

11:22

**Dr Richard Simpson (Mid Scotland and Fife (Lab)):** The debate has two levels: to look at the development of health in Scotland and to hold the Government to account on the particulars. Over the past few days, it has become clear that we face a Government that has introduced a regressive budget and which has chosen tax cuts over development of services. What are the consequences of that for health?

The consequences are that the territorial boards face a £270 million reduction in their share of the money. Wanless reckoned that a 4 per cent increase in funding was needed to sustain growth in the health service at a reasonable level but, in real terms, the amount of cash that the territorial boards receive will increase by only 0.5 per cent. When the Cabinet Secretary for Health and Wellbeing and the Cabinet Secretary for Finance and Sustainable Growth were asked about that at the Health and Sport Committee, they said, "Oh yes, but all the ring-fenced money will go back to the boards, which will make up the difference." That might be true, were it not for the fact that the Government has announced many new initiatives—which we welcome.

We welcome the fact that it has continued Labour's commitment to the 18-week waiting-time target, which is costly to meet. Its agreement to provide the human papillomavirus vaccination programme for girls and to introduce colon cancer screening are also welcome, but they will also cost a lot of money.

**Nicola Sturgeon:** Will the member take an intervention?

**Dr Richard Simpson:** I am sorry, but I will not. The cabinet secretary can respond through the summing-up speech.

The provision of £85 million over four years to address alcohol issues is most welcome, as is the £40 million that will be allocated to tackling obesity. However, central services must still be maintained and that will be a problem, given the shifting of money to ring-fenced elements. Hang on—have we not been told that ring fencing is complete anathema to this Government? In health, it is introducing more ring fencing. I wonder where we are going.

Let us examine the budgets that have been flatlined or cut. The change and innovation budget is fundamental to the redesign of services, but even though Audit Scotland has told us that the up-front costs of many redesign projects are significant, that budget is being cut over the next three years. How will that produce a health improvement?

The smoking ban was the flagship of the previous Administration, which put substantial

moneys into tackling smoking but, under the SNP, the relevant budget will be flatlined for three years. According to the figures that I have today received from Action on Smoking and Health, that amounts to a real-terms reduction in funding of 8 per cent. What does that say about tackling one of the greatest problems we continue to face, which is smoking? It is a real problem.

Ross Finnie referred to the community health partnerships in a thoughtful speech. The CHPs are absolutely fundamental. As the cabinet secretary said, they are still in the early stages, but she made not one substantive mention of CHPs and yet they are fundamental to the shift from acute to community care.

**Nicola Sturgeon rose—**

**Dr Simpson:** I turn to Kerr. Again, the Kerr report was not mentioned. Why? The answer lies in the speeches that we heard from back-bench SNP members—and from Jackson Carlaw. Kerr is now dead. It is a dead duck. The SNP Government has rebadged it as centralisation, not modernisation, and has gone public with that view. The situation is unacceptable. I accept that we must continue to modernise, but why has the Government cut the change and innovation budget?

**Nicola Sturgeon:** Will the member take an intervention?

**Dr Simpson:** No.

I find it extraordinary that the SNP is going to adopt the English system of 24-hour access to general practice.

**Nicola Sturgeon:** Rubbish!

**Dr Simpson:** If that is not the case, the cabinet secretary should tell me in her summing up.

The British Medical Association has told us that we will adopt 24-hour access. Scottish Government under Labour said that it would go for 48-hour access to health professionals, and that has worked extremely well. Ian McKee rightly drew attention to the central problem—the general practice booking system, which has created major difficulties. That is what we need to focus on, particularly in deprived communities.

I welcome a number of areas that the cabinet secretary addressed. Indeed, I welcome the rhetoric in "Better Health, Better Care", although I see no sign of delivery. We were not given the health indicators until after the budget document was produced, which made the document difficult to analyse.

**Nicola Sturgeon rose—**

**Dr Simpson:** The cabinet secretary need not wave the document at me; I have read it.

I turn to mental health. Many funds have been shifted to the local authorities. I will wait to see what outcome measure the local authorities will have to meet. The only outcome measure or indicator for mental health is the new mental well-being survey. What will it do to address severe and enduring mental illness? What will it do to address health inequalities and the significant problems of mental health, drugs and alcohol in deprived communities? What will it do to hold health boards responsible?

I turn to consultation. We have had a preview of independent scrutiny in the two independent panels that reported recently. I read the 127-page report on Monklands when I was unwell in bed recently. It did not make me feel better; it made me feel considerably worse. The report criticised NHS Lanarkshire for using references that were 20 years old and for basing its references on international experience. I would have had no problem with that criticism if the independent scrutiny committee report's authors had gone on to produce newer references and evidence, but the report contains not one piece of referenced evidence. If that is what independent scrutiny committees are going to produce in attacking health boards that have tried to do their best, we have a real problem. If the cabinet secretary is going to have such committees to protect her from having to make difficult decisions, we must have referenced evidence. That was not the case in Andrew Walker's report on NHS Lanarkshire, which I find extremely disappointing.

I turn to the healthy living alliance and healthy living centres, which the cabinet secretary did not address either, although that needs to be done. Initially, the alliance was established with lottery funding, which is appropriate in the case of pilots in which we are testing a measure. However, in Northern Ireland, which has 19 healthy living centres, all 19 centres have been retained. At present, six such centres have been closed in Scotland and another 40 are under threat. Money is needed to sustain those centres, which are often to be found in deprived communities.

The rhetoric is that we have a public health service that is free at the point of need and in which there is no competitive tendering. However, competitive tendering has just been introduced in West Lothian, where I worked for the past four years when I was out of Parliament. The process is based on outcomes of which I approve entirely. We need to move in that direction; services must be related to outcomes. However, in West Lothian, the situation is now one in which competitive tendering has produced bids of £2 million, against a fund of only £935,000.

As of this moment, the West Lothian Drug and Alcohol Service—the prime voluntary organisation

in West Lothian—has given redundancy notices to half its staff. It has no idea where its funding will come from after April. Those are the realities that the minister has to grapple with and that is what being in government is about. She has allowed competitive tendering to start and to develop; I ask her now to ensure that it stops in relation to drug and alcohol services.

The Government's "Better Health, Better Care" document is very welcome. Its general approach and thrust, and its emphasis on health development and on partnership and mutuality are entirely appropriate. However, we will test the Government on the reality. The elements that we have seen so far are not great, not significant and not many—it has been only eight months—but already the cracks are beginning to appear. Government is about ensuring that rhetoric and reality match.

11:31

**The Minister for Public Health (Shona Robison):** The only cracks that are appearing are between the Labour front bench and the Labour back bench. That is true on many issues. Independent scrutiny is just one of them, and it has been welcomed by many Labour back benchers.

Some good speeches have been made today and some pertinent issues have been addressed. Ian McKee analysed the challenges of dealing with health inequalities, as did Ross Finnie. A difficulty arises when we improve the health of the general population but the gap widens between the better-off and the least well-off. That is a challenge for every Government. Jackson Carlaw supported independent scrutiny, which is very welcome. He also gave us some food for thought on men's health.

**Cathie Craigie (Cumbernauld and Kilsyth) (Lab):** Will the minister take an intervention?

**Shona Robison:** No—not at the moment.

The debate also contained some rather ill-informed comments, to which I will return later. This Government's ambition for a healthier Scotland requires us to focus on the challenge of reducing health inequalities. Our health services have to be fair for all and sensitive to the needs of the people whom they serve. The services have to reach out to communities that might otherwise be excluded. We have to work in partnership to tackle inequalities in the broadest sense and enable people to sustain their health over the longer term. That is why we are investing £300 million. I will repeat that: we are investing an additional £300 million over the next three years for health improvement. For anyone to say that that is not a significant investment is quite incredible.



The ministerial task force that I have the privilege of leading is engaged in important work on which it will report to the Cabinet in May 2008. The progress report that we have published today reflects the focus that our work places on the early years of a child's life; on the economic, social and health burden that is imposed by mental illness, which I know is an important issue for Mary Scanlon; on the big killers such as cardiovascular disease and cancer; and on the problems that are caused by drugs and alcohol, which include their links to violence among young men. I encourage members to look at the progress report. There will be much work to do as we come up with practical ideas on how to build up the resilience and capacity among individuals, families and communities so that we can improve their health and reduce factors in the physical and social environments that would otherwise perpetuate inequalities. That will be a big challenge for us; it is a challenge on which I am privileged to be leading.

Pages of "Better Health, Better Care" very much build on the Kerr principles and show the benefits of co-ordinated action across Government. We will make progress on that. We want a mutual service in which patients, carers and staff are recognised as owners with all the rights and responsibilities that that brings: a voice in the boardroom, a voice in the treatment room, the chance to be a partner in the design and delivery of care, the right to be treated with respect and, in turn, the responsibility to respect the service that is being provided.

The further rollout of the keep well initiative represents a significant increase in the provision of primary care in our most deprived communities, and is a genuine attempt to identify and treat preventable ill health in those areas. We will shortly extend our approach to anticipatory care to remote and rural areas, with the launch of the well north programme, which I know will be of interest to many members.

I will turn to some of the speeches. I say to Margaret Curran in all sincerity that hers was, for a number of reasons, one of the most negative and ill-informed speeches I have heard from her. Not for the first time, she contradicted many of her back benchers—more, in fact, than she does the SNP. She has to get more on top of her brief.

**Margaret Curran:** Will you take an intervention, Shona?

**Shona Robison:** I will let you in in a minute, Margaret.

I shall answer some of the specific things that she said. On smoking, I say to Margaret Curran and Richard Simpson that we are investing £11 million over the next three years to take forward the five-year action plan on tobacco control—something that has been warmly welcomed by

ASH Scotland and many others. On the healthy living centres, I ask Margaret Curran to reflect for a moment on how many occasions when she was a minister did she intervene to save local projects directly. That will be an interesting one to analyse. I was told on frequent occasions that it was down to local funders to resolve such issues, whether they be health boards or local authorities. Unlike the previous Administration, we have met the healthy living centre alliance and we have given a commitment to consider the options for sustainability of their projects—far more than your Administration would ever have done, Margaret. I will let you in on that point.

**The Deputy Presiding Officer (Alasdair Morgan):** I ask all front benchers to avoid using the second person.

**Margaret Curran:** I have two points to make. The first is about healthy living centres and the 200 jobs. The Government should take immediate action. The centres would not have been under threat if Labour had been in power. Labour prioritised deprived areas. We were the ones who did that. The Government will be judged on whether it saves those centres.

**The Deputy Presiding Officer:** Quickly, please

**Margaret Curran:** I am sorry, I stand corrected. My second point is that I think that the minister said that ASH directly welcomed the funding on smoking cessation. Can I quote directly from ASH—

**The Deputy Presiding Officer:** No, not in an intervention, Mrs Curran. I think that you have had long enough.

**Margaret Curran:** "No"? I am deeply disappointed. That is not fair.

**The Deputy Presiding Officer:** Shona Robison.

**Shona Robison:** Thank you—

**Margaret Curran:** I am deeply disappointed.

**The Deputy Presiding Officer:** Order. The intervention was long enough.

**Margaret Curran:** On a point of order, Presiding Officer.

**The Deputy Presiding Officer:** It had better be a point of order, Mrs Curran.

**Margaret Curran:** It is a point of order. I am very threatened by you, but it is a point of order. I do not think that it is appropriate that you stopped me when I was midway through my intervention.

**The Deputy Presiding Officer:** I am afraid that I am the judge of what is appropriate here. Shona Robison.

**Margaret Curran:** I think that you are being prejudiced from the chair.

**Shona Robison:** I say to Margaret Curran that I have no recollection of her Administration ever saving any project for which Big Lottery funding had ended. You have no track record on that whatever. Unlike your performance, this Government is prepared to consider the future of healthy living centres, which is why we have already met the healthy living centre alliance to discuss the options—something your Administration would never have done.

I turn to some important points that Mary Scanlon made, and will pick her up on one point. She mentioned GP contracts and negotiations. The BMA briefing that I have—it may be different from the one Mary Scanlon has—states:

“The BMA’s Scottish General Practitioners Committee has been involved in discussions with the Scottish Government on the issues of flexible access to GP services in Scotland.”

Those discussions have been very constructive and we intend to take them forward.

I say to Helen Eadie—not for the first time—that we expect all local partners, in Fife and elsewhere, to meet the delayed discharge target of six weeks this year. Of course, we expect that to happen in all locations.

**Helen Eadie:** We had that last year.

**Shona Robison:** It will happen in Fife—despite Helen Eadie’s scaremongering—as it will happen everywhere else.

**The Deputy Presiding Officer (Trish Godman):** You must finish now, minister.

**Shona Robison:** I reassure Elaine Smith that the infant feeding co-ordinator job is advertised. Interviews will take place by the end of February. I am sure that she will welcome that.

**Dr Simpson:** On a point of order, Presiding Officer. I wonder whether it is in order for the Minister for Public Health to say that ASH welcomed her announcement, given that, in a press release on 11 December, the chief executive of ASH Scotland said:

“I am deeply disappointed that the funding for smoking cessation services in Scotland will not be increased over the next three years. An increase in funding was necessary to tackle Scotland’s smoking habit, but instead in real terms the government has given us a decrease.”

Is it reasonable to offer the minister an opportunity to correct what she said about ASH welcoming the announcement?

**The Deputy Presiding Officer:** It is in order for the minister to say what she said.

## Question Time

### SCOTTISH EXECUTIVE

#### General Questions

11:41

#### National Economic Forum

**1. John Park (Mid Scotland and Fife) (Lab):** To ask the Scottish Executive what progress it has made in establishing the national economic forum. (S3O-2024)

**The Cabinet Secretary for Finance and Sustainable Growth (John Swinney):** I am pleased to say that the first meeting of the national economic forum will take place on Wednesday 6 February in the Royal College of Physicians in Edinburgh.

**John Park:** I note that the first meeting of the national economic forum will be attended by about 120 participants. I am unconvinced—as are a few others, I am sure—that a body of that size, or even close to it, will be able effectively to influence the Council of Economic Advisers. Has the minister given further consideration to some of the models that exist in other places? It might be prudent to have organisations such as the Scottish Trades Union Congress, the Confederation of British Industry, the Federation of Small Businesses and Scottish Engineering involved in a much smaller body to try to influence the policies of the Council of Economic Advisers. Will the Government consider that for the future?

**John Swinney:** The Council of Economic Advisers does not formulate policy; it provides Government with advice and counsel in relation to the formulation of policy, which remains the responsibility of ministers.

The Government is proceeding with the national economic forum initiative with a broad membership to ensure the examination of a number of key elements of the Government’s programme, particularly in relation to the role of the Government’s economic strategy and the focus that it gives to our policies.

John Park mentioned Scottish Engineering, the CBI, the FSB and the STUC. There are many regular discussions with those bodies at a number of different fora, in which those organisations come together and meet ministers to address particular issues. In the next couple of weeks, the First Minister and I, and other ministers, will meet members of the STUC at a regular discussion. There are plenty of opportunities for smaller groups to discuss issues with ministers. The

purpose of the national economic forum is to ensure that we get a broad cross-section of opinion to advise Government on its policies and to input into its thinking.

### **City of Edinburgh Swimming**

**2. Mike Pringle (Edinburgh South) (LD):** To ask the Scottish Executive whether it is aware of the work being done by City of Edinburgh swimming in the Edinburgh South parliamentary constituency to develop elite Scottish swimming and whether it will guarantee that this will not be adversely affected by the restructuring of sportscotland. (S3O-1965)

**The Minister for Communities and Sport (Stewart Maxwell):** I am aware of the magnificent achievements of City of Edinburgh swimming in recent years. Many of its swimmers have performed with merit at the Olympic games, the Commonwealth games and European and world championships. Some of its members hold numerous British, Commonwealth, European and Scottish records and titles. Some club members have been identified to compete for the British team at the Olympic and Paralympic games in Beijing later this year.

I am happy to assure the member that the restructuring of sportscotland and the Scottish Institute of Sport will have no negative impact on local developments in support of high-performance athletes. Indeed, the decentralisation of sportscotland staff is intended to further strengthen support for such programmes.

**Mike Pringle:** The minister and his officials accepted at the Health and Sport Committee yesterday that no material changes had been made to the aims, objectives or outcomes on which SIS and sportscotland are expected to deliver. Therefore, does the minister accept that, to reassure those engaged in sport in Scotland that sportscotland and the SIS are required to continue developing grass-roots performance sports, the Government must stop spinning that sportscotland has been retained in name only?

**Stewart Maxwell:** The member is aware that what I said yesterday in the committee was that there was a difference between supporting the aims and objectives of the organisations that he lists—everyone in the chamber is signed up to those aims and objectives, because we all want to improve performance and increase the number of people who take part—and ensuring that we achieve them. Over the past few years, the organisation was missing virtually all the sport 21 targets.

We must ensure that we have a structure in place that will deliver not only for our elite athletes—I have guaranteed that we will do that—

but for people at grass-roots level. We will do that by supporting the grass-roots organisations across the country. That is why we are decentralising the large bureaucracy in Edinburgh into four hubs around the country, which will cover the north, the east, the south-west and the centre of Scotland. That will ensure that the staff can provide the very local organisations to which the member refers with the expert advice, support and help that will enable them to grow sport in the country.

**Mr Frank McAveety (Glasgow Shettleston) (Lab):** Even if the net cost of the restructuring and relocation of sportscotland has supposedly been driven down to £3 million—through a series of calculations and assumptions by the minister that would rival the tax returns of Ken Dodd—does the minister accept that that cost should be met not from sportscotland's funds but from the Government's general funds, so that all grass-roots and elite sports development can be delivered, which is the intention of the Government's restructuring? Does he agree that the Government, not sportscotland, should meet the cost of relocation, rather than sportscotland and the sportspeople of Scotland?

**Stewart Maxwell:** The only diddy plans that were in place came from the previous Administration. Officials have worked extremely hard in the past few weeks to ascertain the cost, at today's prices, of the previous Administration's plans for the relocation of sportscotland. I am happy to tell members that the Labour and Liberal Democrat plans for sportscotland would have cost £15 million at today's prices. In the previous Administration's budgets, no money was identified to cover that cost.

The cost of the relocation that we are undertaking will be approximately £7.9 million. In addition to that, we have agreed that sportscotland will be allowed to retain the receipts from the sale of its current headquarters, which is estimated to be worth between £4 million and £6 million. That will bring the cost of relocation to around £3 million, which is quite different from the £15 million that the Labour Party was planning to take from sport.

I remind the member that, over the next three years, sportscotland has been allocated a total of £133 million, which represents an increase of 44 per cent in the sports budget.

The fact is that this is a good announcement for sport. We have slashed the cost of the relocation that the member supposedly supports. Therefore, we have good news all round for sport in this country and we have saved sportscotland millions and millions of pounds, compared with the plans of the member's party.

### Local Health Services

**3. Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD):** To ask the Scottish Executive how it will ensure that local health services are developed. (S3O-1966)

**The Deputy First Minister and Cabinet Secretary for Health and Wellbeing (Nicola Sturgeon):** The planning and provision of local health services are a matter for national health service boards and their community health partnerships. Each CHP has a service delivery plan based on an assessment of local need, including priorities for local service improvement.

The “Better Health, Better Care” action plan will ensure that care is embedded in local communities and tailored to need. Our commitment to patient rights and local democracy is a key part of the action plan and will enhance the ability of communities to shape health services.

**Jeremy Purvis:** It is estimated that 70 per cent of looked-after children require youth mental health services. Of the approximately 240 young people who access mental health services in the Borders, approximately 40 per cent are from outwith the health board’s area. Social work departments of other local authorities provide money to cover the associated social work costs, but NHS Borders can access no additional resources to deal with the pressure on its services. What support can the Government give to local authorities such as NHS Borders in relation to the critically important issue of the development of mental health services for all young people, as well as for those who are most vulnerable?

**Nicola Sturgeon:** I will come back to Jeremy Purvis in more detail on the specific issues to which he refers concerning NHS Borders, and Scottish Borders Council, too. On a more general basis, I agree with him absolutely on the importance of youth mental health services not only in the Borders, but throughout the country.

Mr Purvis was in the chamber for at least part of the health debate that we have just concluded—he heard a number of members, including me, talking about the importance of an increased focus on mental health services generally. In particular, in relation to young people, he heard the Minister for Public Health say that a key part of our plans to develop a school-based nursing resource revolves around the need to provide more support in terms of mental health services. The issue is very important. As I said, I will come back to the member with more details about the Borders.

**Mary Mulligan (Linlithgow) (Lab):** If the minister is committed to local services, why, as she has heard today, has West Lothian Drug and Alcohol Service—well recognised locally and

nationally for its groundbreaking work in alcohol, drug and tobacco services—had to issue redundancy notices to some of its staff, citing funding problems caused by the Scottish Government’s changes in funding to local authorities, and the not-yet-allocated funding to the local health board? Why has the minister allowed that situation to develop?

**Nicola Sturgeon:** Drug and alcohol services—both of which are very important, as I am sure every member in the chamber acknowledges—are matters for NHS boards. NHS boards, in the next financial year, will have record levels of investment from this Government. Mary Mulligan raises the issue—I accept that it is very real—of delays this year in advising NHS boards of their allocations, but I gently suggest to her that she should take up that matter with the Chancellor of the Exchequer, since it was his—and the United Kingdom Government’s—decisions that led to the delay in the budget and the consequences of that.

**Ian McKee (Lothians) (SNP):** Does the cabinet secretary agree that availability is an important component of local health services? If so, what are her plans to extend the hours of availability, not just for general practices but for community pharmacists?

**Nicola Sturgeon:** I remind Ian McKee that when I launched the “Better Health, Better Care” action plan, I announced five pilot areas in which the concept of walk-in pharmacy services would be tested. I am sure that that concept will bring great benefits to patients, and it will be rolled out across the country in due course.

Ian McKee is aware that I am very keen to see more flexible access to GP services. In some areas, although perhaps not all, there is strong demand for access to GP services outwith current core hours. He is aware that changes to the GP contract are negotiated on a UK basis. Recently there have been negotiations on a four-country basis, on the outcome of which GPs will be balloted; we await the outcome of that ballot. I am keen to remain in very constructive dialogue and discussions with the British Medical Association to ensure that, together, we can deliver continually improving services for the people of Scotland.

### Lewis Chessmen

**4. Malcolm Chisholm (Edinburgh North and Leith) (Lab):** To ask the Scottish Executive whether the First Minister’s statements on the Lewis chessmen are an expression of Government policy. (S3O-1995)

**The Minister for Europe, External Affairs and Culture (Linda Fabiani):** Yes, they are. The Scottish Government believes that it is absolutely unacceptable that only 11 Lewis chessmen rest at

the national museum of Scotland while the other 82 remain in the British museum in London.

**Malcolm Chisholm:** Has the minister thought through the implications of the U-turn from her previous position, when she refused to support Shetland's demand for the return of the St Ninian's Isle treasure from the national museum of Scotland? Can we assume that she now supports the removal from Scottish museums of the very large number of cultural artefacts from other countries, such as—to name but one—the tea service of the Emperor Napoleon that is in the national museum of Scotland? Will she, on reflection, abandon her new culture priority and concentrate on more urgent issues, such as the funding crisis at the Royal Scottish Academy of Music and Drama?

**Linda Fabiani:** As I have said in the Parliament and as the Labour Government in London has said, such matters are for museums to consider, case by case. I will visit the British museum on Saturday morning and I will ask it to consider the case seriously. As far as the St Ninian's Isle treasure is concerned, I suggest that Mr Chisholm has a look at a map, because Shetland is part of Scotland.

**Alasdair Allan (Western Isles) (SNP):** In seeking the return of the chessmen to Scotland, will the minister consider the possibility of some pieces being exhibited permanently or temporarily on the Isle of Lewis? What impact might that have on the cultural and economic life of the islands?

**Linda Fabiani:** The Government would want such a goal to be put into operation when the chessmen are returned to Scotland, because the exhibition of the Lewis chessmen in the islands would provide a significant cultural boost. I am sure that there would be an economic benefit. I hope that all members would like that to happen.

### Houses in Multiple Occupation

**5. Pauline McNeill (Glasgow Kelvin) (Lab):** To ask the Scottish Executive what progress has been made on issuing guidance to local authorities on houses in multiple occupation under the Planning etc (Scotland) Act 2006. (S3O-2019)

**The Minister for Transport, Infrastructure and Climate Change (Stewart Stevenson):** We are consulting on a revised Scottish planning policy 3, "Planning for Housing", which contains guidance on planning for houses in multiple occupation.

**Pauline McNeill:** Is the minister aware of growing concern about the regulation and operation of HMOs in areas such as my area, the west end of Glasgow, where landlords are splitting bedrooms in two so that they can cram more people into properties and gain more profit? Has the minister been briefed on a meeting that took

place during the passage of the Planning etc (Scotland) Bill, which was attended by planning and HMO officials and members of the Scottish Parliament from other parts of the country who share my concern? Will he consider the closer integration of planning law and HMO licensing and will he meet with interested parties, so that we can take the issue forward?

**Stewart Stevenson:** I share the member's concern. The splitting of rooms in HMOs creates problems. My colleague the Minister for Communities and Sport had a meeting on the issue, of which I was made aware. If there is value in a specific meeting with the member to pursue the issue, I will be happy to meet her.

### Schools (Gifted and Talented Children)

**6. Elizabeth Smith (Mid Scotland and Fife) (Con):** To ask the Scottish Executive how it will ensure that gifted and talented children are properly supported in all schools. (S3O-1987)

**The Minister for Schools and Skills (Maureen Watt):** Responsibility for meeting the support needs of our pupils rests with local authorities. The Education (Additional Support for Learning) (Scotland) Act 2004, which came into force in November 2005, aims to ensure that the additional support needs of all children and young people, including gifted and talented children, are addressed. Our six national centres of excellence make specialist provision for gifted and talented children.

**Elizabeth Smith:** The minister will be aware of various initiatives in England and Wales, including the National Academy for Gifted and Talented Youth, which draws in particularly gifted and talented pupils from all parts of the country and all social backgrounds, to ensure that they can receive specialist teaching that is appropriate to their needs. Does the minister acknowledge that gifted children, especially from disadvantaged areas, could benefit from the introduction of similar initiatives in Scotland?

**Maureen Watt:** I think that in Scotland we take a different approach, rather than take children out of their environment. It is important that schools are seen to cater for the whole range of abilities. To ensure that that happens, for example through the curriculum for excellence, there are individualised learning plans, and we hope that we can provide the appropriate stretch and pace for every child through personalisation and choice. Teachers are supported through the Scottish needs assessment programme—the SNAP programme—which is based at the University of Glasgow, to ensure that they have the skills and knowledge to enable them to provide an extra push for able and talented children.

**The Deputy Presiding Officer (Trish Godman):** I am delighted to say that His Excellency Jonathan Hunt, the New Zealand High Commissioner, joins us in the Presiding Officer's gallery. High Commissioner, I warmly welcome you to the Scottish Parliament. [*Applause.*]

## First Minister's Question Time

12:00

### Engagements

**1. Ms Wendy Alexander (Paisley North) (Lab):** To ask the First Minister what engagements he has planned for the rest of the day. (S3F-446)

**The First Minister (Alex Salmond):** Later today I will be having meetings to take forward the Government's programme for Scotland. I am sure that the whole Parliament would like to congratulate Mr George Burley on his likely ascent to leadership of our national team.

**Ms Alexander:** I associate myself with that sentiment.

This morning, Scots were shocked to hear of the rape of a schoolgirl by Robert Foye while he was on the run from Castle Huntly open prison. What reassurance will the First Minister offer that that will not happen again?

**The First Minister:** I thank Wendy Alexander for raising this very serious case, which, as she said quite rightly, will shock the whole nation. We should start by praising the courage of the victim of the attack in helping to secure the apprehension and conviction of Robert Foye.

The system of open prisons has been part of the Scottish prison system since 1954. I emphasise that, as members will understand, this was not a case of early release but of someone absconding from an open prison. The most recent figures show that there were 75 cases of prisoners absconding from an open prison in 2006-07, and there have been 65 in the year to date. That is a small percentage of the total number who go through the open prison system, but it is still 75 too many. However, absconding is an ever-present risk within an open prison system.

The assessment system that is employed is designed to put public safety uppermost. Nevertheless, because of concerns about prisons and sentencing in general—and, indeed, about Castle Huntly—on 20 September this Government announced the establishment of a Scottish Prisons Commission, led by Henry McLeish, to consider the purpose and impact of imprisonment in contemporary Scotland. The commission will also analyse the impact on courts, prisons and community justice services of the early-release provisions in the Custodial Sentences and Weapons (Scotland) Act 2007.

I should emphasise that in this case, the individual had no history of sexual violence. However, the case focuses attention on an issue

that we as a Parliament need to address and which we as a Government will address.

**Ms Alexander:** When did ministers first hear about the case and what action did they take at that time?

**The First Minister:** Ministers were notified that the case was going through the court system several weeks ago. The Cabinet Secretary for Justice looked at it in the context of the McLeish commission. Clearly, the Scottish Prison Service puts the safety and integrity of the system uppermost at all times.

As the former Minister for Justice will remember, there have been concerns about Castle Huntly for some time and about a number of aspects of the prison system in relation to prisoners absconding and early release. The advantage of pursuing the matter in the way that the Government is pursuing it is that it allows us to consider all those concerns. I hope that, as a Parliament and as a Government, we will be able to make good the long-standing deficiencies in the Scottish justice system.

**Ms Alexander:** Robert Foye was five years into a 10-year sentence for attempting to murder a police officer. I was told this morning that when he absconded he was on only his second ever visit out of prison. Such a man should not have been allowed out on his own. Does the First Minister agree?

**The First Minister:** I clearly think that this case illustrates deficiencies in the system that should be addressed. I think that Wendy Alexander will agree that the right way to address those deficiencies is through the approach that the Government is taking. It would not be right for individual ministers to try to administer the system; rather, they should put in place measures that ensure that the system of justice in Scotland works more effectively in relation to these matters and public concern than it has in the past. Given the nature and seriousness of the case, I am quite deliberately couching my answers in a way that I hope will allow the whole Parliament to address a matter of substantial public concern.

It will be obvious to Wendy Alexander and her colleagues that the issues that she raises are not new issues in the Prison Service but have been with us for some time—for example, over the past eight years.

**Ms Alexander:** The First Minister said that there are deficiencies in the system. That is, of course, why Labour ended the automatic early release of prisoners from our jails. On 13 August, one week before this horrible rape, the Scottish National Party Government put those proposals on hold. The First Minister was warned. Margaret Curran told the Cabinet Secretary for Justice that he was trying to cut Scotland's prison population,

regardless of the danger to the public. Because Labour's plans have been put on hold, Scotland's Prison Service will not be able to hold in prison those people whom it deems too dangerous to be on our streets.

Did the First Minister support the decision made by the Cabinet Secretary for Justice on 13 August, and does he now regret it?

**The First Minister:** Perhaps Wendy Alexander should have listened to my answer to her first question on the matter. This very serious case is not about early release but about a prisoner absconding from an open prison. If we are to deal with this very serious matter and address the problem, it is important to understand that important distinction.

We support the ending of automatic early release. That is why we are putting in place the measures to allow that to happen. I remind Wendy Alexander that, during the life of this Government, we have already committed an extra £120 million of capital investment to refurbish the prison system in Scotland and made the decision on a jail in the north-east of Scotland that was delayed by the previous Administration for many years. We have also established the Scottish Prisons Commission under a former First Minister so that the position and the deficiencies can be addressed coherently.

I could point out, if I so wished, the complaints that were made to the previous Minister for Justice about Castle Huntly—particularly by a former HM chief inspector of prisons—and ask a series of questions about what plans were implemented. However, if Wendy Alexander is going to come to the chamber and talk about justice issues, I think that, as a starter for 10, she should understand the difference between prisoners absconding from the prison system and the early release of serious offenders.

**The Deputy Presiding Officer (Trish Godman):** I call the constituency member, Cathie Craigie.

**Cathie Craigie (Cumbernauld and Kilsyth) (Lab):** I know that the Parliament recognises the bravery of the young woman and wishes her well in trying to recover from this appalling experience. [Applause.]

My constituents want to know why this monster was allowed out of jail and why he was in an open prison in the first place when he had attempted to murder a police officer. Will the First Minister initiate an urgent review to tighten up who is allowed into open prisons and who is allowed out on day release? This monster might not have been out on early release, but he was allowed out on day release and he was allowed to violate one of my young constituents.

**The First Minister:** The Parliament has indicated that it shares the constituency member's concern for her young constituent and has saluted the bravery of that individual in helping to secure the apprehension and conviction of Robert Foye.

I repeat that the system of open prisons has been part of the prison service since 1954. I do not think that anyone argues that we should not have open prisons as part of our system. The system for determining who qualifies for the open prison system was put in place by the Government that the member supported over the past eight years.

The correct way to address the situation—which, I hope, will carry the whole Parliament with us—is exactly the way that the Cabinet Secretary for Justice has chosen: by establishing the McLeish commission; by looking at the issues in the round; by addressing public concerns properly; by administering the Parliament's decision to end automatic early release; and by seeing how our prison system can operate safely and securely in the future. We will not address the situation if members have collective amnesia about the past eight years; we will address it by looking forward, as the McLeish commission will do, and by making our prison system work better in the future than it has in the past.

### **Prime Minister (Meetings)**

**2. Annabel Goldie (West of Scotland) (Con):** To ask the First Minister when he will next meet the Prime Minister. (S3F-447)

**The First Minister (Alex Salmond):** I expect to meet the Prime Minister at the British-Irish Council summit in Dublin in the near future.

**Annabel Goldie:** I, too, want to question the First Minister on the appalling case to which Ms Alexander and Mrs Craigie have already referred, and I want first to say that the horror, disgust and revulsion that all members feel is nothing compared with the pain, anguish and trauma of the young woman and her family.

I have listened to the First Minister say that the all-embracing, longer-term Prisons Commission is the appropriate way to deal with the situation. I could not disagree more. In October last year, my colleague Bill Aitken called for a review of Castle Huntly prison to ensure that it is fit for purpose and that prisoners sent there are fit to be there. The First Minister must accept that that review—not the more extensive one that is being contemplated—is now overdue and must be implemented immediately. What will he do?

**The First Minister:** The Cabinet Secretary for Justice will be glad to look at Castle Huntly specifically, as well as referring the issues to the McLeish commission, which I believe is the proper way to tackle them. If Annabel Goldie looks at the

*Official Report* of previous debates, she will see that the justice secretary has referred specifically to Castle Huntly in answer to questions from a number of members, not least Murdo Fraser, who is sitting beside her now. Therefore, the justice secretary can and will take those actions.

If we are to carry the Parliament and the public of Scotland with us, a good way to proceed is through the McLeish commission, which will consider the variety of prison-related issues in the context of public safety and sensitivity, I know that Annabel Goldie will want to recognise the early decision made by the SNP Government to refurbish the prison estate in Scotland, which will cover new build and address in particular the long-standing lack of a decision on a prison for serious sex offenders in north-east Scotland. I am sure that she will also want to welcome the administration of the end of automatic early release, which is a particularly important issue to manage in the prison system in relation to public safety, to which we all owe a grave responsibility.

**Annabel Goldie:** I am more concerned by the people who are not in the prisons—wherever and however well refurbished they are—because they have fled from them. The immediate horror presented by the appalling case that has been mentioned is sadly just the latest incident in a spiralling pattern of prison escapes.

We know three things. First, from a written answer received today, we know that everyone in our open prisons is serving 12 months or more—that is, they are higher-risk prisoners. Secondly, Scottish Prison Service figures reveal that nearly half of those who walked out of our open prisons had a violent background. Thirdly, we know that, in the past five years, the number of prisoners escaping from Castle Huntly alone has nearly trebled. That cannot go on.

Will the First Minister tell me two things: how many escaped prisoners are still on the run, roaming the streets of Scotland; and does he accept that underpinning any review must be the unbreakable principle that those who pose a danger to society never deserve the benefit of the doubt?

**The First Minister:** Uppermost in the consideration of decisions in the Prison Service on early release or prisoners going to open prison is the safety of the public. The evaluation systems are not foolproof, but that is the basis on which decisions are taken.

I have already said that 75 prisoners absconding from Castle Huntly is 75 too many, even though that is a small percentage of the number who go through the system. The figure for the year thus far is 65, which is 65 too many. That is a serious situation that needs to be addressed, but the



figures do not point to a spiralling escalation in the number absconding from Castle Huntly. The situation is serious—75 is too many—but the Cabinet Secretary for Justice will be delighted to look at the matter.

To restore confidence in the Scottish judicial system, the measures that we have already taken include the setting up of the McLeish commission—which will do excellent work—which should carry the agreement of the whole Parliament. Those measures will fulfil our obligation to the people of Scotland to ensure that, once again, they have a justice system of which they can be proud.

### Cabinet (Meetings)

**3. Nicol Stephen (Aberdeen South) (LD):** To ask the First Minister what issues will be discussed at the next meeting of his Cabinet. (S3F-448)

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

**Nicol Stephen:** This week, families across Scotland have witnessed turmoil in the world economy. Millions of people have seen the value of their pension funds drop. Gas bills are going up by nearly 20 per cent. Fuel now costs more than £5 a gallon. Last January, Scotland's growth rate was 2.3 per cent; this year, it is 2.1 per cent. What does the First Minister expect growth to be next year?

**The First Minister:** The Scottish economy will not be insulated from developments in the world economy, but that does not mean that we should sit back and do nothing to improve the competitive position of our economy. The Government is doing exactly that in a range of ways, but one way of improving the competitive position of small businesses in Scotland is to proceed with a dramatic reduction in their fixed costs to allow them a better opportunity to flourish and to allow more people to start up small businesses. I would have thought that that should have been agreed across all parties in the chamber as an important thing to do, so why on earth did the Liberal Democrats not find it within themselves to vote in favour of it in yesterday's budget debate?

**Nicol Stephen:** Surely the First Minister has a growth number of his own. Last year, Jim Mather was very specific when he told Parliament:

"The budget process is a sham ... the minister has no target for growth."—[*Official Report*, 14 February 2007; c 32042.]

Now, Jim Mather is the minister and he does not have a growth figure.

In opposition, the SNP was so clear. Its economic plan proposed a 4 per cent annual growth target as a golden rule and it promised that we would be part of the arc of prosperity. However, now that the people of Scotland have real concerns about the economy, the First Minister does not have a credible strategy to protect their jobs and livelihoods. He has cut investment on enterprise, skills and universities. Why is it that he does not have a target and does not have a clue? He promised to increase growth. What will Scotland's growth rate be next year?

**The First Minister:** That question shows all the disadvantages of reading out a pre-prepared question as opposed to listening to the first answer. As I pointed out, if Nicol Stephen's party had been prepared to support measures to improve the competitive position of Scottish business, he would have the right to articulate to the Parliament his disagreement about our economic strategy.

The figures are contained in the document "The Government Economic Strategy", which states that we intend

"to raise Scotland's GDP growth rate to the UK level by 2011."

That is important because for the past 25 years we have not managed to achieve that rate over any sustained period of time. During the eight years in which the Liberal Democrats propped up the Labour Administration in Scotland, that growth gap widened and we had consistent failing and underperformance.

Nicol Stephen mentioned the arc of prosperity. Will he concede that one aspect of that arc is that the countries in Europe with spectacular growth rates are independent countries that have control over their own economies?

**The Deputy Presiding Officer:** I call Keith Brown for a question on a constituency matter.

**Keith Brown (Ochil) (SNP):** Will the First Minister—and, indeed, all members—join me in offering the Parliament's condolences to the young family of John Noble, a firefighter from Alloa fire station in my constituency, who was tragically killed while answering a call to a school in Dollar yesterday? We should also give our condolences to the other firefighters who were injured—including one who is critically ill in hospital—and to their families.

Is the First Minister aware that Carlsberg-Tetley has announced the proposed closure of its operation in my constituency? It blames high inflation and market pressures. The closure will mean the loss of 58 jobs in a community that is already under some pressure.

I have been in touch with the Minister for Enterprise, Energy and Tourism about the involvement of the Government's partnership action for continuing employment—PACE—team; he assured me that that involvement will happen. Will the First Minister reassure families that are threatened by the closure that the Scottish Government stands fully behind them? It is a difficult time for those families, and a statement of support from the Scottish Government would provide them with welcome reassurance.

**The First Minister:** I join Keith Brown in offering condolences to John Noble's family, as all members will want to do. What happened reminds us that people in our emergency services put themselves at risk every day in a range of activities. Such tragedies serve as a reminder of the efforts that those people make every day on our behalf.

If the potential Carlsberg-Tetley redundancies go ahead, the Forth valley local response team will provide support to those who are affected. That team stands ready to provide support, advice and guidance on retraining and alternative economic opportunities. The constituency member can be certain that the Scottish Government stands behind and supports people who face economic adversity, and I hope that the Parliament does, too.

#### **Out-of-Hours Care (Overseas Doctors)**

**4. Christine Grahame (South of Scotland) (SNP):** To ask the First Minister what concerns the Scottish Government has regarding the use of "flying" doctors brought into Scotland to provide out-of-hours care to patients. (S3F-464)

**The First Minister (Alex Salmond):** The Scottish Government would clearly be concerned if out-of-hours services were being provided by doctors who were so tired that that tiredness affected their clinical judgment. More important, patients would be alarmed if they thought that that was the case. That is why I am happy to re-emphasise publicly that national health service boards must ensure that they do not operate any arrangements that would lead to such situations. We are asking every NHS board to verify its position. I can confirm that NHS Quality Improvement Scotland has reviewed every NHS board's performance against national standards and has told me that it is satisfied that systems are in place to provide patients with safe and effective out-of-hours care.

**Christine Grahame:** I thank the First Minister for his response, and particularly for the contact that has been made with NHS boards, which ultimately have the duty of care.

Will the Government undertake to include the use of flying doctors in the current review of general practitioner work patterns, which are the result of a United Kingdom contract that has been inherited from the Labour Government, and endeavour to remedy the problems relating to the number of flying doctors who come to Scotland? Those problems have been highlighted by recent disclosures that are of great concern to the British Medical Association and Scottish patients groups.

**The First Minister:** "Better Health, Better Care" makes it clear that we are determined to work with the profession on improving access to primary care services and on extended and flexible opening hours. Currently, we are working with the health boards to ensure the long-term sustainability of out-of-hours services, and we are specifically considering future models of out-of-hours care that would extend the roles of all health care professionals who are involved in those services. I hope that that answer gives Christine Grahame some satisfaction.

**Ross Finnie (West of Scotland) (LD):** The First Minister correctly referred to the role of NHS boards, but I direct his attention to the problem that European Community law gives European Economic Area nationals rights relating to work without requiring the possession of work permits. Therefore, the guidance that NHS boards issue to non-nationals essentially deals with non-EEA persons. How does the First Minister intend to pursue the matter that Christine Grahame raised in relation to those who are covered by European Community law?

**The First Minister:** I will consider that issue and write to Ross Finnie.

With respect to the working time regulations, there is an issue relating to whether records of rest require to be maintained, but there is a general duty on all employers to ensure that all their employees receive, for example, the rest that is required by regulation. However, I will investigate the general application of European Union law and write to Ross Finnie.

**Dr Richard Simpson (Mid Scotland and Fife) (Lab):** Will the First Minister reassure members about access to general practitioners? The British Medical Association has advised us that the Government's intention is to adopt a within-24-hours model for access to GPs, which has been adopted in England, rather than a within-48-hours model for access to health professionals, which the Labour Government in Scotland favoured. Will the First Minister reassure us that he does not intend to go down the 24-hour access route?

**The First Minister:** Yes, I can provide that reassurance. We are presently in constructive dialogue with the profession on the contract and

on how such matters can best be implemented. I will arrange for the Cabinet Secretary for Health and Wellbeing to keep Richard Simpson in touch with the way in which that dialogue is progressing.

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

Can the First Minister give an assurance to patients in Scotland that all the so-called flying doctors have appropriate training in all NHS procedures and protocols and can be held to account for the provision of care in the same way as our own doctors?

**The First Minister:** All people in that position are registered with the General Medical Council. That should give the member the assurance that she is looking for. They are all registered doctors and would be allowed into the service only on that basis.

### Housing

**5. Johann Lamont (Glasgow Pollok) (Lab):** To ask the First Minister what action the Scottish Government is taking to address housing needs across Scotland. (S3F-452)

**The First Minister (Alex Salmond):** We published our housing discussion document, "Firm Foundations", in October, and the consultation closes tomorrow. "Firm Foundations" sets out the Scottish Government's radical and ambitious proposals, including proposals to increase the overall housing supply, to provide assistance for first-time buyers and to reform the social housing sector.

**Johann Lamont:** This week, the First Minister's favourite minister, Stewart Maxwell, announced the further roll-out of the homestake initiative. Bizarrely, he did so, as the First Minister has indicated, ahead of the end of the Government's consultation, which sought responses on the difficult issues of how we can balance the needs of those who seek to own their homes against other housing needs and how—indeed, whether—we should target support. Will the First Minister confirm that that was his housing minister's uniquely gracious way of letting us know that he has now dumped the SNP's ill-conceived pledge to give a £2,000 first-time buyers grant?

**The First Minister:** That £24 million scheme is being made available to help many people in Scotland get a foot on the housing ladder. I am sure that there are measures in "Firm Foundations" that Johann Lamont will support as well as many measures that she will criticise.

Let us remind ourselves why the initiative is necessary. Since 1999, there has been a 28 per cent increase in the number of households applying as homeless. In the last year of the previous Administration, there were nearly 60,000 applicants. Nearly 6,000 children are living in

temporary accommodation, and the number of households in temporary accommodation has more than doubled in the past five years—there has been a 137 per cent increase in the number of such households.

I mention those statistics because, for part of that period, from 2004 to 2006, Johann Lamont was the Deputy Minister for Communities. Just occasionally, in asking such questions, she should accept her inescapable responsibility for the housing crisis in Scotland, which the current Administration inherited and intends to tackle.

### Domestic Abuse Courts

**6. Margaret Smith (Edinburgh West) (LD):** To ask the First Minister whether the Scottish Government will revisit its decision not to roll out domestic abuse courts across Scotland. (S3F-460)

**The First Minister (Alex Salmond):** The evaluation of the pilot domestic abuse court in Glasgow recognised the fact that

"any roll-out would not necessarily involve direct replication"

of the pilot model. That is why we will examine with the judiciary the options for a specialist domestic abuse court serving the whole of Glasgow. The member will be aware that the current system serves the south side in particular. We will also encourage and support other areas in pursuing new approaches, in line with local needs. It would be premature to reach decisions on further domestic abuse courts.

I make it absolutely clear that this Government abhors domestic abuse. We are committed to firm action to bring cases to court, to support victims and their families and to reduce the harm that is inflicted on children by that serious crime.

**Margaret Smith:** I note the work that is being done in Glasgow and the First Minister's comments about not directly replicating that system throughout Scotland, which would not necessarily be the best way forward.

However, the First Minister will be aware that the domestic court pilot model in Glasgow has been successful in delivering faster, more effective justice, more convictions and better support for victims. The Cabinet Secretary for Justice has given us a number of reasons why that model will not be rolled out, citing everything from the cost of trams to the lack of court buildings, and delay because of the wider review of summary justice.

As the incidence of domestic abuse is increasing, is it not time for the First Minister to listen to the chief constable of Strathclyde Police, who this week came out in support of rolling out the courts across the country, including in Edinburgh, where many of the necessary support

facilities are already in operation and where the volume of cases would justify that approach?

**The First Minister :** I welcome Margaret Smith's acknowledgement that a system that I hope will prove its success across the whole of Glasgow—once the discussions on expanding it are finished—and which can provide exceptional results is not necessarily the correct system for every area of Scotland.

When the Cabinet Secretary for Justice makes the point that there must be a relationship between decisions and the new, dramatic reform of the summary justice system in Scotland, he is saying that that relationship is important within the judicial system and affects the timing of rolling out important initiatives across the country. Margaret Smith should accept that.

**Liam McArthur (Orkney) (LD):** On a point of order, Presiding Officer. I seek your guidance on the basis on which supplementary and constituency interest questions are called.

Presiding Officer, you will be aware that I intimated a desire to raise a question about the horrific circumstances surrounding the death last week in Taupo, New Zealand, of a young woman from Holm in my constituency. Would it be in order, in the presence of the High Commissioner of New Zealand, to put on the record the gratitude of Karen Aim's family for the invaluable help, support and guidance that they have received in recent days from the local community and authorities in New Zealand, from consular staff, from Foreign and Commonwealth Office officials, from local police in Orkney and, of course, from the Orkney community? Would it be in order for the chamber to be allowed the opportunity to express its profound sadness at Karen's death and the hope that Brian, Peggy and Alan Aim are given the answers to the many questions that they must be asking at the moment?

**The Deputy Presiding Officer:** Who is called is a matter of discretion for the Presiding Officer, but you have made your point.

## Educational Institutions (Environmental Performance)

**The Deputy Presiding Officer (Alasdair Morgan):** The next item of business is a members' business debate on motion S3M-1100, in the name of Patrick Harvie, on Scottish campuses can go greener. The debate will be concluded without any question being put.

*Motion debated,*

That the Parliament recognises the huge potential of educational institutions to provide organisational leadership in environmental performance, reduce their own greenhouse gas emissions and other harmful impacts on the world and inspire individuals to take action on environmental issues; congratulates the student campaign group, People & Planet, for its Go Green programme which aims to promote a systematic approach to monitoring and improving environmental performance by schools, colleges and universities; recognises that most Scottish institutions appear at the lower end of the People & Planet environmental league table for 2007, showing that there is significant room for improvement; notes that People & Planet groups in Scotland, including at the University of Glasgow and the University of Strathclyde, will be campaigning for greater progress during Go Green Week from 16 to 24 February 2008, and wishes the students every success in their campaign.—[Patrick Harvie.]

12:33

**Patrick Harvie (Glasgow) (Green):** I am happy to open the debate. I thank those members who have stayed to participate and those who signed their name in support of the motion.

In recent years, environmental issues and climate change have come to the top of everyone's agenda. Political parties, businesses and the public sector recognise the issues, and they are beginning to be recognised by the education sector. Like any other part of the economy, educational institutions have an impact on the environment, which they can do a lot to reduce.

I will address Scottish issues in a moment, but across the United Kingdom, the higher education sector emits 3 million tonnes of CO<sub>2</sub> per year and is responsible for about 1 million journeys every day. Schools emit about 9.3 million tonnes, with an additional 1 million tonnes emitted as a result of travel to school.

The education sector not only has a direct impact on environmental and sustainability issues; it can have an indirect effect by influencing the ideas, perceptions and attitudes of young people and more mature students who are in a learning environment. As a result, it is important to acknowledge instances in which students, such as those in the United Kingdom-wide People & Planet campaign, act as leaders on these issues. That has long been the case. Indeed, 15 years ago,

when I was a student, it was the student leadership that prompted my university to attempt for the first time to examine its impact on environmental issues. I welcome the student leaders who join us today in the gallery and those who I know are watching the debate over the internet. Their work is gaining recognition.

In November, at the British environment and media awards, People & Planet received the award for the best campaign of 2007. A large part of its work has been the creation of what it calls the green league, which provides comparative information about the environmental performance of the UK's academic institutions. The organisation aimed not only to applaud genuine progress by institutions that have taken steps in the right direction but to expose inaction by those that have not. It was felt that if such information was not made public, academic institutions would not feel any competitive spirit to improve their performance. Certainly I would like institutions to feel a competitive urge to get to the top of the league fastest or get themselves out of the lower ranks.

People & Planet wanted to provide the information to give prospective students a choice. Although I sometimes feel that choice can creep in a little too much these days, nevertheless it can spark different reactions from institutions. In any case, students should have access to the information that they need to choose an academic institution that behaves in accordance with their values, ideas and aspirations.

What does the league have to say about Scottish institutions? Sadly, it shows that there is quite a bit of room for improvement. The league, which grades institutions as firsts, 2:1s, 2:2s, thirds and fails, has awarded firsts only to the University of Edinburgh and the University of St Andrews. They should be commended for their work to improve their performance; however, their overall score of 40 out of 50 is not perfect and we must encourage them to do more.

No Scottish institutions achieved a 2:1; three of them received 2:2s, and so must try harder; and the rest have poor environmental performance, failed or did not provide enough information to get a mark at all.

Obviously, there is plenty of room for improvement. Of course, such improvement can be achieved not only through student leadership but through organisational leadership. After all, it takes only one or two key people in an institution to be committed to driving these ideas forward to make all the difference.

What role can Government and Parliament play? Over the coming weeks, the Government and MSPs will have the opportunity not only to

support and raise the profile of the People & Planet go green week, which will take place in February, but to ask academic institutions directly what they are doing to meet the campaign's aims.

In its campaign, People & Planet is calling for four measures. First, it wants academic institutions to identify high-profile leaders from their senior management teams, such as vice-chancellors or principals, to provide active public support on these matters. Secondly, it calls on universities to have full-time staff who are dedicated to environmental management, to develop objectives, to set priorities and to establish time-bound targets for the fulfilment of those priorities. Thirdly, it calls on institutions to investigate all their environmental impacts through a comprehensive review, whereby current impacts are measured, potential improvements are identified and performance is monitored. People & Planet's league has begun to assemble some of that information, but if the institutions carry out the work themselves, the position will be much easier to assess.

The fourth key measure that is advocated is the adoption of a written, publicly available environmental policy, which will provide a formal demonstration of intent on environmental performance and will enable us to compare practice. Those seem to be relatively straightforward actions for institutions to take.

I end by recalling the words of the director of Harvard University's green campus initiative, who said:

"environmental sustainability is not just right, it is also the financially viable, business-minded thing to do."

If Scottish academic institutions display that attitude, they will be able to make a great deal of progress over coming years.

12:41

**Sarah Boyack (Edinburgh Central) (Lab):** I warmly welcome a motion that gives us the chance to celebrate some of the fantastic work that is being done on campuses across Scotland, and I congratulate Patrick Harvie on getting it on our agenda. I agree, in particular, with the motion's reference to the importance of leadership in the student movement on the issue. Throughout Scotland and the United Kingdom, groups such as People & Planet are pushing environmental policies and pushing universities to go further in incorporating environmental principles in their daily activities. We know that if every other country had the same carbon footprint as Scotland, we would need three planets to sustain us. That situation cannot continue, and our universities and colleges are leading the way in setting out a different path.

Our educational institutions have begun to act in several key ways. They are looking at their estates, their buildings, their use of energy and how their campuses are accessed by public transport. They are considering whether the amount of waste that they produce can be reduced and whether more of it can be recycled. Some fantastically innovative research is being done on campuses on the new economic opportunities that tackling climate change will create for us. The purchasing and investment policies of our universities and our student associations are another crucial area.

As MSPs, we have a role to play in celebrating what has been achieved and in supporting and encouraging campuses to go further. I am particularly proud of the leadership that has been shown in Edinburgh. Patrick Harvie mentioned the University of Edinburgh, which has done fantastically well, thanks to the actions of not only individual students and university staff, but the academic leaders, who are signed up to making progress. A big change is happening in key areas, including energy, transport and waste.

In their own way, the four universities in Edinburgh are all beginning to be leaders and innovators. The University of Edinburgh has begun to do fantastic work on energy issues. Last year, it gained a national energy efficiency award. Its fantastic trigeneration scheme, through which it saves £500,000 year, is worth going to see. It uses a combined heat and power system, which was retrofitted to make an existing campus more energy efficient.

At its Merchiston campus, Napier University is leading the way in the retrofitting of photovoltaic panels, and the new Craiglockhart building has a highly visible set of solar panels. The university is taking day-to-day measures, for example to minimise heat loss, use natural daylight more effectively and make better use of natural means such as shading and window operation that prevent energy from being wasted and flying out through the windows.

At its new campus, where it uses biomass heating, Queen Margaret University has a huge focus on reducing its carbon emissions. It has sought to achieve a 75 per cent reduction on the carbon emissions that would have been generated through the use of traditional methods. Significant gains are being made on our campuses.

Students and universities can also use their purchasing power to make a difference. At the University of Edinburgh, fantastic progress is being made on Fairtrade products, which are now offered as the default option in all bars, cafeterias and campus outlets. People at the university drink an awful lot of coffee, but nowadays they drink Fairtrade coffee, which makes a difference not

only by raising awareness but through better terms and conditions for people who produce coffee and better environmental conditions in coffee-producing countries.

There is a huge amount of best practice out there. I hope that, in her summing-up, the cabinet secretary will commit to taking on board the best practice across Scotland and making it everyday practice.

On the procurement guidelines for new investment in our institutions across Scotland, all institutions need to hit the best targets that they can achieve. They need to be leaders and champions in tackling climate change and promoting high energy efficiency and low consumption standards. There is a huge opportunity. I hope that the cabinet secretary will seize the day.

12:45

**Jamie Hepburn (Central Scotland) (SNP):** I congratulate Patrick Harvie on bringing the motion to the chamber and facilitating the debate. I was happy to lend my support to the motion.

People & Planet has been active since my time at university, although my experience is rather more recent than that of many members in the chamber. That said, one notable exception is Richard Baker, who was the president of the National Union of Students in Scotland when I was the senior vice-president of the University of Glasgow student representative council.

Those involved in People & Planet are to be congratulated on their activism. In a day and age when cynicism seems to run rampant, those involved in People & Planet scotch the myth that the young, including students, lack the social concerns of their forebears. I challenge anyone to turn up at an event that it has organised and go on to assert that student activism is dead.

The young may identify less with traditional party politics, but the big issues of our time—whether the drive for environmental change or the anti-war movement—continue to attract support. It is important for those of us who went down the traditional party-political route to engage with and support such extra-parliamentary activity. Today's debate is an important part of that process.

This Government and previous Administrations have stated their desire to use universities as a driving force for economic development. I have no problem with that—indeed, I support it. However, as much as being drivers for economic growth, our universities must be exemplars when it comes to environmental management. They must make the best use of the resources that are available to them.

Therefore, it is with some disappointment that I note the relatively poor performance of Scottish higher education institutions in the People & Planet green league for environmental performance, which is the league table to which Patrick Harvie referred. The league table is a clever idea: it ranks the performance of universities by traditional university grade. Congratulations are due to the two Scottish universities that achieved a first: the University of Edinburgh and the University of St Andrews. Given the commonplace suggestion that almost all students come away from university with a 2:1—and before any member asks the question, I include myself in that category—it was with some surprise that I noted that no Scottish university achieved that grade. It was also with some disappointment that I noted that my alma mater, the University of Glasgow, achieved only a 2:2, although I take solace from the fact that we finished just ahead of the University of Strathclyde. That should just about see us through.

Joking aside, we have to think about why Scotland ranks so badly among United Kingdom universities. Are our sights as a nation lifted high enough? In the past, did our universities not receive the support that they needed? Would it not be better for our university principals to direct some of the thousands that they awarded themselves in the recent pay increase towards ensuring best environmental practice?

I look forward to hearing what the cabinet secretary has to say on these matters. Climate change is the great challenge of our time. Nowadays, students may be the ones who rise to meet the challenge. Today, we need to encourage them. I congratulate People & Planet on the positive role that it plays.

12:49

**Elizabeth Smith (Mid Scotland and Fife) (Con):** I add my thanks to Patrick Harvie for bringing the debate to the chamber.

It goes without saying that there is now almost universal acceptance that one of the greatest challenges that faces politicians these days is the tough assignment of changing attitudes on climate change. The temptation is to think that it can be left to international organisations and national Governments, but much of what has to happen is personal and has to be done at the local level. It is therefore vital that the large proportion of local government activity should be underpinned by constructive greener politics. Of course, that has a major implication for many of our higher education institutions.

Without any question, there is an issue for schools, universities and colleges. As has already

been said, they can be the driving force. In the first instance, it is vital that they understand the bigger picture and are provided with a clear statement of the objectives or targets that they are expected to meet, of the initiatives that they can adopt and of how government at whatever level can help them. In that respect, it is important that all action to change our attitudes on climate change is based on sound scientific reasoning. There should be a clear understanding of the level of commitment—especially of financial resources—that will be required both to ensure the success of green projects and to find the appropriate incentive for essential economic growth. I am all too well aware of the different tensions that pull in opposite directions.

Clearly, budget spending in the area is extremely tight. On top of that, our educational institutions in Scotland face major difficulties in funding their basic teaching duties—which, as we know, are already under considerable strain—as well as in finding adequate resources to address the green agenda.

People & Planet and its go green campaign have done a huge amount to highlight the problem, but there will have to be a much wider debate on the need to balance an extremely ambitious—sometimes overambitious—set of green targets with the academic priorities of institutions and the needs of the rest of the economy.

If anything was thrown up by the recent good but controversial debate about Al Gore and the Oscar-winning “An Inconvenient Truth”, it was the need to keep hold of the true perspective—arousing the powerful emotive responses that are required to change our attitudes, while at the same time ensuring that policy is based on scientific fact. On that front, results from the green agenda will be important.

In summing up, I will give a brief list of what I think we have to do better. First, we should not overlook the role of our universities and colleges and their outstanding research into technological innovations that are aimed at reducing the carbon footprint of mankind’s activities. Government needs to consider carefully how to provide the best incentives for that research in Scotland.

Secondly, we need to ensure that universities and colleges use existing technology and good practice to make their campuses greener, for example by applying for funding for microrenewable installations such as on-campus wind turbines and solar panels.

Thirdly, I ask ministers to consider setting up the Scottish public procurement unit that was proposed in the Conservative manifesto. The unit would allow local food producers to serve the

institutions and therefore reduce the carbon footprint.

People & Planet's intentions are admirable, and it has done a huge amount of work for which it deserves great praise. However, there should be a word of caution about setting unrealistic targets. It is vital that we take this debate forward in the wider context. For that reason, my congratulations to Mr Harvie on his motion are not quite unqualified. Nonetheless, it was vital that he secured the debate in Parliament.

12:53

**Robin Harper (Lothians) (Green):** My congratulations to Patrick Harvie are completely unqualified.

I have an interest to declare: I am a former rector of the University of Edinburgh and I am the present rector of the University of Aberdeen. I congratulate People & Planet on the huge amount of work that it has done over the past decade, if not longer, and on the results that it has achieved. The new tool—which is how I think of it—of comparing the environmental performances of universities and colleges will be extremely useful.

I will dwell briefly on a couple of points that Patrick Harvie made. He mentioned the need to involve senior staff at universities, the need for full-time members of staff to address environmental performance and the need for a comprehensive review of the environmental performance of universities. Those are important starting points.

The University of Edinburgh is so far ahead because it took exactly that route. It also had a think tank in the form of the centre for human ecology, which was led by Ulrich Loening. David Somerville also deserves to be mentioned because, as the environmental manager for the university, he has moved issues forward greatly. At Edinburgh University there has been People & Planet, pressure from the students association and the appointment of vice-principal Geoffrey Boulton to head the university's environment committee. Other universities and colleges should examine that committee as an example of how to make progress. The committee membership includes students, academic staff, the trade unions and a representative of City of Edinburgh Council. The way to take matters forward is to realise that the environment is comprehensive, and that universities sit within another environment as well.

I must spring to the defence of Aberdeen University—we deserve better than third place. A couple of things are not measured, one of which is progress in curriculum development, on which Aberdeen has made progress, for example in the engineering department's sustainability course. Like Edinburgh University, most of the Aberdeen

campus is serviced by a combined heat and power system, which will pay for itself in future.

Elizabeth Smith had concerns about investment, but investment in sustainability results in a win-win situation, because universities and colleges save money. It is a question of public money, and the greater the efficiency, the more money will be saved.

I remind members that in the previous session, when the Audit Committee took evidence from the head of the Scottish Higher Education Funding Council, I asked why the funding council did not ask universities to report on their environmental sustainability. He told us that he had not been instructed to do so by the Government. Shortly afterwards, I believe that Jim Wallace required the funding council to ask universities to report on their energy efficiency and environmental performance. I ask the cabinet secretary whether she will require the new funding council to do exactly the same.

I again congratulate Patrick Harvie on securing the debate.

12:57

**Richard Baker (North East Scotland) (Lab):** I also congratulate Patrick Harvie on securing the debate.

World-leading research on environmental policy and renewable energy technologies is going on right now in many of our campuses, not just at Aberdeen University but at Edinburgh and other institutions. It is particularly important that such crucial research takes place on campuses that are themselves environmentally sustainable.

Patrick Harvie was right to highlight where Scottish institutions came in last year's environmental league table and where they could do much better.

Institutions could do better in repairing and replacing ageing university infrastructure. That requires additional investment, as highlighted in a recent Audit Scotland report. Colleagues will be aware that I have taken great issue with the Scottish Government on revenue funding for our universities. Environmental sustainability on campus is likely to be affected by the funding settlement. As under the previous Executive, there is significant capital investment in tertiary education, therefore it is vital that it is invested in buildings that have environmental sustainability at their core. It is also important that the Scottish Further and Higher Education Funding Council should have a role in ensuring that that is the case, as well as in encouraging university courts and boards of management to develop sustainability policies for their campuses.



The motion is particularly important because it acknowledges that creating greener campuses is not simply about decisions that are made at an institutional management level. There cannot simply be a top-down approach. It is important that students themselves take the initiative, through the campaigning of individual groups and through the efforts of NUS Scotland and individual students associations. Jamie Hepburn took the initiative with Glasgow University students representative council—when he was not calling on me to resign. It is important that political societies also take the issue seriously. I know that Labour students do.

The work of groups such as People & Planet is vital, not only for securing the future sustainability of campuses but for our society as a whole. While the activities of those students benefit the environment, their educational campaigns have an impact on the rest of our community.

Our educational institutions should be at the forefront of research into environmental sustainability, and there should be exciting capital projects on campuses. For example, the University of Aberdeen's new library must be sustainable. I am sure that our rector, Mr Harper, will do all that he can to ensure that the project is exciting and environmentally sustainable. That should be the model for campuses throughout Scotland.

**Robin Harper:** The University of Aberdeen should also be congratulated on recently adopting an environmental strategy—the court has approved it. Also, 20 environmental champions have been appointed throughout the university's departments.

**Richard Baker:** The rector is of course right, and I am sure that he takes credit for that.

Through such initiatives and through capital projects such as the exciting new library in Aberdeen, we should ensure that Scotland takes a world lead in securing greener campuses.

13:01

**The Cabinet Secretary for Education and Lifelong Learning (Fiona Hyslop):** I thank Patrick Harvie for securing the debate, and I broadly welcome its terms. He is so youthful—I cannot believe that he was at university 15 years ago. However, I am sure that that is the case. I acknowledge the role of People & Planet in campaigning on environmental performance. If I heard correctly, Robin Harper is appealing for a resit for the University of Aberdeen to raise its position from third in the green league table. I am afraid, however, that my responsibilities do not extend to that.

As members know, a greener Scotland is one of the Government's five strategic objectives. We

want Scotland to be a global leader in combating climate change. We will consult on a Scottish climate change bill, which will include proposals for a statutory target to reduce Scottish emissions by 80 per cent by 2050. That target is ambitious, and it will require everyone to contribute. Educational institutions can be leaders, both through improvements to their infrastructure and through the education that they deliver.

Scottish building regulations already have the most demanding energy standards in the UK. Through Scottish planning policy 6, which is entitled "Renewable Energy", all future developments of more than 500m<sup>2</sup>, which will include most of our educational institutions, should incorporate on-site zero-carbon and low-carbon equipment, which will contribute at least an extra 15 per cent reduction in carbon dioxide emissions beyond the stipulations of the 2007 planning regulations. We will consult on further changes to the building regulations.

The Government is committed to encouraging energy efficiency and making the most of Scotland's vast renewable resource. We support a number of measures to achieve those aims, such as the central energy efficiency fund and the Scottish community and householder renewables initiative.

There are already some fantastic examples of sustainable schools, such as Windygoul primary school, which the First Minister opened last year. We will work with the school to provide further advice and guidance and to promote good practice as the fabric of the school estate is improved. I have already instructed officials to provide opportunities for the sharing of best practice in the environmental and sustainable development of the school estate.

Learning to make Scotland sustainable is a major strand of our approach to sustainable development issues. In his speech to Parliament on 13 June 2007, my colleague the Cabinet Secretary for Rural Affairs and the Environment, Richard Lochhead, made clear our commitment to drive forward Scotland's action plan for the United Nations decade of education for sustainable development in our schools, colleges and universities. Scotland's educational institutions are ideally placed to lead by example, by addressing their own contributions to climate change, by educating others and by helping to develop the solutions and technologies that will be needed for Scotland to be at the forefront of the global response.

We support the eco-schools programme. More than 90 per cent of our schools are registered on the programme. Scotland is at the forefront of that important international initiative. Last year, the Minister for Schools and Skills, Maureen Watt,

presented the 500<sup>th</sup> green flag award. That is a fantastic achievement, and we are international leaders in that regard. In addition, we fund Learning and Teaching Scotland to support sustainable development education in schools, and the curriculum review will ensure that environmental education is integrated into all curriculum areas. Members might be interested to know that this year, for the first time, the Scottish education awards has a greener schools category.

The student-led campaign from People & Planet that we have heard about today identifies that some of our higher education institutions could perform more strongly. There is room for improvement, but we should also recognise some of the achievements of our colleges and universities in creating green campuses. Liz Smith was correct to address the issue of research. Just last night, I was discussing with Professor Andrew Hamnett and his colleagues from the University of Strathclyde some of the issues around power and renewable energy. I hear the call for university principals to do more to support the go green campaign. I note that Professor Hamnett previously took part in a go green week at his institution, and I urge other principals to do likewise.

As a number of members have said, in November 2006 *The Times Higher Education Supplement* named the University of St Andrews as the university that had made the most outstanding contribution to sustainable development. St Andrews is also delivering internationally recognised education in sustainable development. Its sustainable development undergraduate programme is unique, not only within the UK but globally. It is a direct response to the United Nations decade of education for sustainable development and its first graduates will qualify in 2008.

The new John Wheatley College in Glasgow was built on a commitment to the philosophy of sustainable development, and it has gained an excellent rating in the Building Research Establishment environmental assessment method—BREEAM—assessment, which is a fantastic achievement. Further, as Sarah Boyack said, the University of Edinburgh has shown leadership in reducing energy use.

There are numerous other examples of good practice across the further and higher education institutions, which are signed up to the objectives of the environmental association for universities and colleges through its campus sustainability programme, which is supported financially by the Scottish funding council. Those institutions are well placed to pursue best practice, as a number of members have said. The principles of sustainable development have been incorporated

into the Scottish funding council's estate strategy guidance, and data on environmental indicators will now form part of the estates returns from colleges to the Scottish funding council. I expect the Scottish funding council to contribute to the Government's strategic objectives for sustainability, which Robin Harper and Richard Baker mentioned.

There is much room for improvement. I look forward, in particular, to Aberdeen University improving its position—I am sure that there is a great drive for it to do so, under the leadership of its rector. It is important to share the best practice that exists throughout the sector. Measures are in place to support our objectives and, more important, the Government and our institutions have the aspiration and drive. As many members, including Jamie Hepburn, have recognised, the leadership that students and staff of our institutions show is as important as what we do at a national level.

I fully support students' involvement in the go green week and I wish them every success.

13:07

*Meeting suspended until 14:15.*

14:15

*On resuming—*

## Question Time

### SCOTTISH EXECUTIVE

#### Justice and Law Officers

**The Presiding Officer (Alex Fergusson):** Good afternoon. I ask Fergus Ewing whether he is deputising for the Cabinet Secretary for Justice this afternoon.

**The Minister for Community Safety (Fergus Ewing):** I am at the moment.

#### Imprisonment of Parents or Carers (Effect on Children)

**1. Robin Harper (Lothians) (Green):** To ask the Scottish Executive how many children in Scotland have been affected by the imprisonment of a parent or carer in the most recent year for which figures are available. (S3O-2032)

**The Minister for Community Safety (Fergus Ewing):** The information that is requested is not collected.

**Robin Harper:** An estimate by the support group Families Outside suggests that up to 13,500 children in Scotland were affected in that way. Given the huge number of young Scots who are involved, what does the minister intend to do to take account of children's interests in the justice process and ensure that better facilities are provided throughout Scotland for family visits?

**Fergus Ewing:** The member raises two issues. When any sheriff or judge considers a custodial sentence for an accused who has been convicted of a serious offence, the accused's personal circumstances will be considered with absolute thoroughness and care. In my experience, that issue was considered extremely closely by every sheriff whom I ever appeared before in those circumstances. Plainly, in some circumstances, because of the gravity of the crime that is involved, the public must be protected by a custodial sentence. Nonetheless, the arrangements for children are to the fore in the Government's considerations. We are considering that work extremely carefully in the early years strategy.

The second issue that the member raised was about visits by families. From my recent visits to Saughton prison, Porterfield prison, which is in my constituency, and Polmont, I know that prison officers go to great lengths to try to ensure that families receive every support. That is perhaps particularly true with families of prisoners who are

in prison for the first time, for whom the experience of going to prison is new and intimidating. Although the member is correct to raise the issues, they are taken seriously and dealt with sensitively by all who work in our courts and in our prisons.

#### Police (National Non-emergency Telephone Number)

**2. Ross Finnie (West of Scotland) (LD):** To ask the Scottish Executive what steps it is taking to support a national non-emergency telephone number across Scotland for people needing to contact the police. (S3O-1967)

**The Lord Advocate (Elish Angiolini):** Three police forces in Scotland currently operate non-emergency numbers in their areas. Officials have been in discussion with police and local authority partners, who are exploring how to take that work forward through local call-handling partnerships. However, given the tight financial settlement, the Scottish Government has no plans to fund a national non-emergency number.

**Ross Finnie:** I appreciate that the financial settlement might be tight, but the Lord Advocate is aware of the recently published statistics that showed a substantial increase in the number of 999 calls. I am sure that the Lord Advocate would agree that, although some people urgently need to telephone one of the emergency services, equally, a large number of the people who seek to contact the police ought not to be causing difficulties with the emergency service. That situation arises because of the absence of a non-emergency service. Does the Lord Advocate agree that since, as she said, we already have such a service—in Dumfries and Galloway, Fife and Grampian—it is highly regrettable that no such service exists in my region in the west of Scotland? Surely the Government ought to take steps to support the Association of Chief Police Officers in Scotland, which has called for such a move, in the development of a national non-emergency number.

**The Lord Advocate:** ACPOS has done a considerable amount of work in considering the development of a common command and control system across Scottish forces. That work is vital to ensure that the approach taken is national and strategic. Although a number of initiatives are desirable, there have to be priorities and budgets have to be balanced. On that basis, although some forces have taken forward a non-emergency number, which is helpful, others have not yet considered it to be an immediate priority.

I understand that the Home Office has recently withdrawn funding for the pilots on a national number. That might indicate that it would not be as

successful as has been suggested, even in a Scottish context.

We have to consider what can be done to improve information for people who might think that an incident merits the attention of the police but is not quite an emergency, so that there is common knowledge of the numbers to call, which could be abbreviated, and a process of simplifying the information on a force basis.

**Alasdair Morgan (South of Scotland) (SNP):** I thank the Lord Advocate for her reply to Ross Finnie. Given the need to reduce the number of calls to the 999 service, does she agree that we need a national number? People might not necessarily know that they have crossed from one police force area into another, but might still need to call the police on a non-emergency basis. If we are to make things easier, there is no point expecting people to remember a 10-digit number. Surely we need a three-digit number, which I believe the Government in Wales has introduced.

**The Lord Advocate:** Yes, I agree that that is desirable, but a national approach might not be crucial; it might be that a common number across forces could be developed. I know that ACPOS is actively considering that. The Government will meet ACPOS to discuss the potential for that to ensure that there is a co-ordinated approach to this issue across Government. Mr Finnie was right to raise the matter. There is a concern about ensuring that people feel comfortable with what number to call and, more importantly, ensuring that our 999 service is not overused or abused by inept or unnecessary calls to the emergency services.

### Forced Marriages

**3. Hugh O'Donnell (Central Scotland) (LD):** To ask the Scottish Executive what plans it has to address forced marriages in Scotland. (S3O-1968)

**The Cabinet Secretary for Justice (Kenny MacAskill):** The Scottish Government intends to consult in the spring on whether civil legislation should be introduced to protect those affected by forced marriage. That will link with the work currently under way to raise awareness of this serious issue. The Scottish forced marriage network is working with the Scottish Government on that.

**Hugh O'Donnell:** I am heartened to hear that the Government is taking the issue of forced marriages seriously and is looking to consult on introducing a bill to outlaw the practice here in Scotland, as has been done at Westminster. As the minister knows, the United Kingdom Government's forced marriage unit deals with around 300 cases a year. Has he any indication, even anecdotally, of what sort of numbers we

might be looking at in Scotland? I ask that, in the process of the consultation, we take account of the cultural significance of arranged marriages and ensure that we make a clear distinction between arranged marriage and forced marriage.

**Kenny MacAskill:** I am grateful to Hugh O'Donnell for raising those points and for the spirit in which he did so. These problems are cultural and global. They exist in jurisdictions north and south of the border and interrelate with other cultural matters. One of the reasons why we have the network is that we do not yet know the extent of the problem. There is a general understanding that the problem exists, a recognition that we have to tackle it and a clear willingness in every party in the chamber to do so.

We are more than happy to work with police forces everywhere and with others involved in prosecution to tackle the problem. I took a call recently from the Home Office minister Vernon Coaker about human trafficking, which is an issue that Pauline McNeill has raised. I am more than happy to ensure that when I discuss human trafficking with Mr Coaker, we also discuss whether we can deal with forced marriages. Although the problem of forced marriages is to some extent tangential, it does relate to the growing problem of trafficking, which Pauline McNeill and Bill Aitken have been quite right to raise because we must address it.

I will take on board the points raised. I will see whether we have any information on the numbers involved and get back to the member about that. He can rest assured that we are seeking to do what is necessary. I do not know whether the solution is to introduce a new law. I presume that views on that will come out of the consultation. However, the problem exists and we have to tackle it.

**Margaret Mitchell (Central Scotland) (Con):** The cabinet secretary knows that honour killings occur when young girls resist, and ultimately refuse to enter into, an arranged marriage. He confirmed to me in a written answer in July last year that

"Information on such crimes cannot be separately identified within the statistics collected centrally on homicides or court proceedings".—[*Official Report, Written Answers*, 24 July 2007; S3W-1597.]

Given that, how does he propose to monitor effectively and address that horrific issue?

**Kenny MacAskill:** To an extent, the answer goes back to the point that Mr O'Donnell was correct to raise. Many cultural matters are involved. Sometimes, proving whether something was an honour killing or was done out of badness and malice can be difficult. We need to address the extent of the problem. As I told Mr O'Donnell,

that is being examined not only by the Government, but by the forced marriage network, which is the correct body to address such matters.

There is no one simple solution to the problem that Margaret Mitchell is correct to raise. Part of the solution is tackling the culture that—sadly—exists in a section of our community and part of it is clear enforcement.

Margaret Mitchell's point that we need to know the extent of the problem before we can tackle it is valid. However, she will understand that, as the police and the Crown are dealing with a section of our community that does not wish to co-operate to an extent and will not confirm that a crime has occurred in some instances, working out the size of the problem is difficult. Nevertheless, she can rest assured that everybody in the forces of law and order is seeking to tackle the problem and to eradicate it.

**Christine Grahame (South of Scotland) (SNP):** Like Hugh O'Donnell, I make the careful distinction that must be made between forced marriages and arranged marriages. I tell the minister respectfully that I understand that new legislation might not be required. Section 2 of the Family Law (Scotland) Act 2006 deals with the grounds on which marriage can be void, which include a lack of consent, and is already operational.

In the interests of faster progress, I suggest that the cabinet secretary discusses with his Cabinet colleagues establishing a discreet helpline, with the help of the various communities, for women who might be in danger because they are in the circumstances to which Margaret Mitchell referred.

**Kenny MacAskill:** Those suggestions are helpful. I return to points that Mr O'Donnell made. Part of the solution is not just enforcing the law, but tackling the culture that exists. If a new law is not required, members can rest assured that we will be more than happy to enforce the existing laws, many of which the Government believes have served us well over the centuries. If new laws are required, we will introduce them, but we will do that only if they are necessary and will make Scotland safer and stronger.

#### **British Transport Police (Stop-and-Search Powers)**

**4. George Foulkes (Lothians) (Lab):** To ask the Scottish Executive what discussions the Cabinet Secretary for Justice has had with the British Transport Police about the use of stop-and-search powers. (S3O-2000)

**The Cabinet Secretary for Justice (Kenny MacAskill):** I met the British Transport Police earlier this week to discuss our concerns about its use in Scotland of stop-and-search powers under

section 44 of the Terrorism Act 2000.

**George Foulkes:** Will the cabinet secretary confirm that he met the assistant chief constable from the British Transport Police on Monday only after repeated requests from the assistant chief constable for a meeting and after my question was lodged? The assistant chief constable has announced a review of stop-and-search powers, but will the cabinet secretary acknowledge that that review will not necessarily result in a reduction in the use of those powers? Is he aware of the importance of spot checks in combating the growing threat of terrorism, particularly on railways, where bombings have occurred in Madrid, Moscow, Mumbai and London? Will, in the future—

**The Presiding Officer:** I think that you have asked enough questions, Lord Foulkes.

**George Foulkes:** You think so?

**The Presiding Officer:** I do.

**George Foulkes:** Okay.

**Kenny MacAskill:** It is simply untrue to say that requests were made repeatedly. I am happy to say that I had great pleasure in meeting Assistant Chief Constable McCall and several other officers, including one who travelled up from south of the border. They were staggered by the number of searches that had been reached. They agreed that matters were out of kilter and they have undertaken to conduct a review. It might cause Mr Foulkes angst to learn that the interpretation by me and my department is that the British Transport Police will conduct a review to ensure that it focuses searches and uses them proportionately and appropriately.

I do not know whether George Foulkes has seen today's edition of *The Herald*, in which a spokesman for David McCall indicated:

"I can confirm that the Assistant Chief Constable ... had a useful and constructive meeting with the Justice Secretary recently. Following this meeting the ACC agreed to undertake a review of the force's stop and search tactics."

I reiterate to Lord Foulkes that we have made it quite clear that the Government supports the use of section 44 powers. When our constabularies have used those powers, we have backed them appropriately. When the BTP has used them, as is necessary when policing the rail network, it has received our support. The justice department and I have also given our fullest support to the action that the BTP is taking to stop and search for weapons and alcohol, which are significant problems in Scotland that the Government is seeking to tackle relentlessly.

**Nigel Don (North East Scotland) (SNP):** The cabinet secretary will be aware that it has been suggested that Scotland should have a national

transport police service, covering ports, airports and train services. I, along with many in the business, regard that as a good idea. What are the cabinet secretary's thoughts on the subject?

**Kenny MacAskill:** The member has made a sensible contribution. At the moment, our railway stations are dealt with by the British Transport Police and our bus stations and airports are dealt with by local constabularies. This is an operational matter; I have discussed it with the police and will doubtless continue to do so. The proposal should be considered, especially given that developments in other authorities across the UK are proceeding apace.

### **Community Orders (Non-violent Offenders)**

**5. Dr Richard Simpson (Mid Scotland and Fife) (Lab):** To ask the Scottish Executive what additional measures it proposes to extend or enhance existing community orders or introduce new forms of community orders to reduce short-term custody for non-violent offenders, especially women. (S3O-2027)

**The Minister for Community Safety (Fergus Ewing):** The Scottish Government is implementing a range of measures that have the potential to reduce the number of female accused and offenders who are sent to custody. For example, as part of the package of summary justice reforms, we will shortly pilot fiscal work orders in a number of areas. Those will provide fiscals with an additional option for dealing with persons who are accused of minor offences but may not have the financial means to pay a fiscal fine, by requiring them to undertake between 10 and 50 hours of reparative activity.

In late November, we published the report of the review of community sentences, which is strongly focused on delivering tough, credible community sentences as an alternative to short prison sentences. In the review, we propose to pilot a mentoring/link worker scheme for adult female offenders who have been given community sentences.

We anticipate that the work of the prisons commission, which is due to report in June, will contribute to our development of a coherent penal policy and assist in ensuring that prisons focus on serious and dangerous offenders.

**Dr Simpson:** I thank the minister for that full reply. One of the pilots established under the Labour Government was the community reparation orders pilot, which has recently been evaluated. I am sure that the minister has read that evaluation. Is he comfortable with the fact that it shows that the purpose of the orders was poorly explained to the judiciary, numbers were low and arrangements for implementation of the orders

were poor? The whole pilot was poorly undertaken. Is the minister prepared to consider a further pilot that may learn lessons from the first before abandoning community reparation orders, which are welcomed by communities because they require very low-level offenders to make direct reparation to the communities against which they have offended?

**Fergus Ewing:** The member makes a serious and sensible point. We are willing to look again at the matter and are disappointed that the pilot had shortcomings and defects. We are cognisant of the fact that those serving on the bench in Scotland, in however senior a capacity, are not always entirely convinced of the efficacy of community disposals. The wider issue is for us to ensure that those disposals are effective. That is why we are devoting an additional £500,000 to increasing the capacity of bail supervision schemes and why we are piloting drug treatment and testing orders for low-tariff offenders, especially female offenders. I know that Dr Simpson has raised that issue on many occasions and has done a power of work for Scotland on it. There will also be a review of community penalties, with a proposal to pilot a mentoring/link worker scheme for adult female offenders who have been given a community penalty.

We want to keep out of prison as many women as possible who should not be there. We are determined to achieve that objective and we are pleased that we have the support in that task of people with the experience and track record of Dr Simpson.

### **Rural Affairs and the Environment**

#### **Lamlash Bay (Marine Management Plan)**

**1. Kenneth Gibson (Cunninghame North) (SNP):** To ask the Scottish Executive whether it will consult on the establishment of a marine management plan for Lamlash bay on the Isle of Arran. (S3O-2041)

**The Cabinet Secretary for Rural Affairs and the Environment (Richard Lochhead):** I announced during my visit to Lamlash on Monday that I will consult on the proposals that were put forward by the Lamlash bay working group. The proposals are for a community marine conservation area made up of a marine reserve and a fisheries management zone.

**Kenneth Gibson:** As I chaired the meeting in Lamlash at which the cabinet secretary made his announcement on Monday, his answer comes as no great surprise. Does the cabinet secretary agree that the establishment of a marine management plan in Lamlash bay, which includes a no-take zone to regenerate the marine

environment, could be a model that allows conservationists and fishing communities to work together successfully for their mutual benefit?

**Richard Lochhead:** I congratulate the member on the timing of his oral question. The Government has lent its support to the proposals that will now be consulted on formally. We shall pay close attention to the progress made in the years ahead to see what lessons can be learned.

I pay tribute to the community that worked up the proposals over many years; the Community of Arran Seabed Trust; the local fishing community; and the rest of the local community. The initiative creates the potential for many benefits for the marine environment and for fishing management, and wider benefits for those in the community of Arran, whom I thank for their hospitality during my visit.

**John Scott (Ayr) (Con):** I very much welcome the plans for the marine conservation and fisheries management zone on Arran, which was announced last week.

Does the cabinet secretary agree that sea anglers, who contribute much to local economies such as Arran's, lead the way in sustainable stewardship of our marine areas? Will he ensure that sea angling interests are taken into account fully in the development of any future protected areas, of which I hope there will be many? Does he have any other areas in mind?

**Richard Lochhead:** I assure the member that the Scottish Government takes seriously the contribution of sea angling, which will, of course, continue in the proposed fisheries management zone in Lamlash bay. I remind the member that the Government has commissioned research into the economic contribution to Scotland of sea angling and we look forward to the outcome of that study.

### Crofting

**2. John Farquhar Munro (Ross, Skye and Inverness West) (LD):** To ask the Scottish Executive how it intends to encourage new entrants into crofting if it reduces the croft house grant scheme by £1 million. (S3O-1969)

**The Minister for Environment (Michael Russell):** Expenditure on the croft house grant scheme is demand led and depends on the terms of the scheme and the number and value of applications. Last year, the outturn was only one third of budget provision. This year, the budget is £3 million and forecast outturn is only £2.5 million. Next year, we expect full spend of the £2.6 million budgeted.

Support through specific crofting grants schemes will be reviewed in the light of the

recommendations of the committee of inquiry on crofting. In addition, the Highlands and Islands croft entrant scheme, which is administered by the Crofters Commission, facilitates the entry into crofting of suitable young entrants to stimulate and encourage an innovative approach to crofting development. Support to help new crofters to develop their businesses will be available under the new Scotland rural development programme.

**John Farquhar Munro:** I am encouraged by the minister's full answer. I am sure that he is aware, as I am, of the croft house grant scheme, which has been a great help in retaining the younger population in rural areas. Will the minister increase the level of funding to reflect the increasing costs of building in the crofting areas?

**Michael Russell:** We keep the grant level under constant review. We are aware of how important the grant is. Last summer, for example, I was pleased to discover that people in new crofts on the Isle of Jura had been able, by making use of the croft house grant scheme, to more than stabilise the primary school, as there had been a resulting influx of young families.

When the Shucksmith committee of inquiry on crofting reports, the issue that has been raised will be examined along with all the other crofting issues. If that committee recommends that there is a need to consider the way in which the croft house grant scheme operates, we will take that recommendation seriously.

**Rob Gibson (Highlands and Islands) (SNP):** Is obtaining housing in the crofting areas the key driver for new croft entrants? Can the Government point to examples of successful agricultural activities and other economic activities that are being hindered by the current croft house grant scheme?

**Michael Russell:** There is no question that the scheme is hindering development—it is doing quite the reverse. Housing is one of the key drivers—it is not the only key driver—that ensure that there is a healthy crofting sector. We are aware of the many issues relating to croft housing and the use of croft land for housing, which is why I look forward to the Shucksmith committee's report. I expect to receive that report before Easter, and hope that we will publish it as quickly as possible thereafter.

**Rhoda Grant (Highlands and Islands) (Lab):** The minister is aware that there is a lack of affordable housing in the crofting counties and that the croft house grant scheme is a vehicle for providing affordable housing. Will he spend some time on considering the barriers to applying to that scheme and other financial assistance to back up the grant? Crofters are often not well paid, and it is difficult for them to borrow commercially to make up the balance that is needed to build a house.

**Michael Russell:** Of course I recognise the barriers that exist and the fact that there are regulatory issues. I do not wish to sound repetitive, but the committee of inquiry has a remit to consider the whole range of crofting issues, and I know that it has considered in great detail the issue that has been raised. The issues of how crofting will develop, and access to land and housing, have been central to its concerns. I hope that Rhoda Grant awaits its report with as much anticipation as I do, and that she will take part in the vigorous debate that will surely follow.

### **Farming (Nitrate Vulnerable Zones)**

**3. Jim Hume (South of Scotland) (LD):** To ask the Scottish Executive what it will do to assist farmers in nitrate vulnerable zones. (S3O-1970)

I declare an interest in farming, but not in farming that is near a nitrate vulnerable zone.

**The Cabinet Secretary for Rural Affairs and the Environment (Richard Lochhead):** The Scottish Government will work with the farming community in the NVZs on how to implement most effectively the new measures in the nitrates action programme. The proposed Scotland rural development programme includes support for the capital costs of manure or slurry storage, which are expected to be the largest costs for farmers in the NVZs.

**Jim Hume:** Recently, I received a letter from a pig farmer in East Lothian, which is, of course, part of the south of Scotland. He faces a bill of £100,000 to accommodate the new rules. Has the Government estimated how many businesses will go out of business because of the new bureaucratic rules? Will the cabinet secretary assure me that farmers will be allowed extended time to implement the new storage arrangements as a result of the new closed periods?

**Richard Lochhead:** The Presiding Officer will be paying close attention to what I say, given his constituency interest in NVZs.

The Government's strategy is, of course, to ensure that no farmer goes out of business as a result of the nitrates action programme, which is meant to help farmers work with the Government and others to minimise the impact of nitrates on our water environments. Many farmers in Scotland take their responsibility in that respect very seriously.

We have given a commitment on a joint implementation group involving the Government and the agricultural sector that will help the potential 300 farmers out of 12,000 farmers who live in NVZ areas in Scotland to make the transition to abiding by the nitrates action programme, and financial assistance will be available within the rural development programme

to help towards meeting the costs of slurry storage. We want to prioritise access to that fund for farmers in the NVZ areas that are most affected. We have secured a transitional period of three years. I hope that, over that time, we will be able to work closely with Scotland's farmers and help them to adapt to the new circumstances.

### **Radioactive Waste**

**4. Iain Gray (East Lothian) (Lab):** To ask the Scottish Executive why it intends to change how low and intermediate-level radioactive waste from the civil nuclear industry is dealt with. (S3O-2005)

**The Cabinet Secretary for Rural Affairs and the Environment (Richard Lochhead):** The Scottish Government does not intend to change how low-level radioactive waste from the civil nuclear industry is managed. We continue to support what is said in the document "Policy for the Long Term Management of Solid Low Level Radioactive Waste in the United Kingdom", which was published in March 2007.

The Scottish Government's policy on higher-activity waste in Scotland was announced on 25 June 2007. It supports long-term, near-surface, near-site storage facilities to ensure that such waste, which will remain active for thousands of years, is retrievable and subject to monitoring. The policy will also minimise the need for transportation over long distances.

**Iain Gray:** I thank the cabinet secretary for his answer and for the written answer from him in similar vein, which I received today.

At Torness nuclear power station, in my constituency, low-level waste is not currently stored on site; instead, it is managed at Drigg. Can the cabinet secretary assure me that his answer means that there are no plans to seek to store low-level radioactive waste at Torness, whether it originates from Torness or from elsewhere?

**Richard Lochhead:** I reiterate that the Scottish Government has signed up to the policy that was adopted by the previous Labour/Lib Dem Administration, which was finalised—as I said in my initial answer—in March 2007. That policy recognises the fact that there is a need for at least one extra facility in the south of Scotland for the storage of low-level waste. The national framework refers to that. The consultation on the potential location and nature of such a facility will take place in the coming years. At that point, the member will have the opportunity to make submissions to the consultation, as will everyone else.

### **Fly-tipping (Glasgow)**

**5. Bashir Ahmad (Glasgow) (SNP):** To ask the Scottish Executive what steps it is taking to tackle



fly-tipping in Glasgow, especially after the festive period. (S3O-2035)

**The Cabinet Secretary for Rural Affairs and the Environment (Richard Lochhead):** I encourage all local authorities, including Glasgow City Council, to take vigorous and effective action against fly-tipping.

**Bashir Ahmad:** The minister is aware—as I was during my time as a councillor in Glasgow—that fly-tipping is a huge problem in our cities. It obviously adds to the waste and therefore increases our pollution levels. In addition, children and elderly people often injure themselves on the rubbish that is thrown out on to the street. The clean up Glasgow project is doing an excellent job in our city, but more resources should be made available to tackle the problem more effectively. What is the Government's long-term strategy regarding this matter and what will the minister do to ensure that fly-tipping becomes a problem of the past?

**Richard Lochhead:** I know that Bashir Ahmad takes a close interest in the issue, which is a serious social nuisance for many people as well as an environmental blight especially for people in Glasgow, as he says. I join him in congratulating clean up Glasgow on its campaign. I wish it every success in the future if there is a continuing need for that campaign.

The Government takes the matter seriously, and I would be happy for my officials to speak to Glasgow City Council to get an update on the latest situation in the city. Fly-tipping is an offence under the Environmental Protection Act 1990 and anyone who is caught fly-tipping could face a fine of up to £40,000, six months in prison, or both. For more minor offences, the police have the power to enforce fixed-penalty notices of £50. I would be interested to know the extent to which the law is being enforced in Glasgow in that respect. I will find out that information from my officials and get back to the member.

### Green Space

**6. Cathie Craigie (Cumbernauld and Kilsyth) (Lab):** To ask the Scottish Executive what action it is taking to support local communities in using unused green space. (S3O-1996)

**The Minister for Environment (Michael Russell):** The Scottish Government funds many organisations, including local authorities, through core funding and grant schemes to support local action to improve the environment. Delivery includes making better use of poorly used or unused green space.

The Scottish Government gives financial support to Greenspace Scotland, which works towards the goal of everyone in Scotland who lives and works

in urban areas or in adjoining areas having easy access to quality green space that meets local needs and improves their quality of life. By supporting action on green space by national and local organisations, the Scottish Government is contributing to the achievement of a greener, as well as a healthier and safer, Scotland.

**Cathie Craigie:** Cumbernauld College in my constituency is hosting the impressive Shifts exhibition, which was brought together by the Lighthouse in Glasgow. That is part of the 60<sup>th</sup> anniversary of the Abercrombie and Mayhew plan, which saw the creation of towns such as Cumbernauld. Does the minister agree that communities should be supported in seeking sustainable solutions for wasted areas that are left behind, whether they are for residential or industrial development? Will he continue to offer support to projects to develop such wasted space into allotments, gardens, community parks or community farms?

**Michael Russell:** I agree that communities should be supported in recovering areas that have fallen into disuse or those that could be developed into useful green space.

There is another side to the equation. We should be sensitive about the loss of green space. For example, in North Lanarkshire, a number of areas appear to be under threat. Recently, I had the privilege of going with Councillor McGlinchey, one of the Scottish National Party's councillors in North Lanarkshire, to see some of those areas and to talk to the residents about that threat. Local authorities must recognise that they must ensure that green space is protected and continued, and the Government needs to encourage communities and local authorities to develop new green space.

**Nanette Milne (North East Scotland) (Con):** Cathie Craigie almost stole my supplementary question. Will the Scottish Government look at ways to encourage the development of more unused green space to provide opportunities for the creation of allotment gardens, particularly in our urban areas? That would stimulate interest in locally grown food and lead to health benefits.

**Michael Russell:** I gave a positive answer about allotments previously, and I continue to do so. However, allotments are not the only form of green space; there is a variety of other forms. Green space in which children can play is much needed, as is green space in which wildlife can flourish and which allows the protection and development of biodiversity—we will debate that later—and green space that allows the provision of allotments. I support all those things.

**Sandra White (Glasgow) (SNP):** Will the minister join me in congratulating the people of Broomhill in Glasgow, who have successfully

campaigned to prevent green space in their area from being sold off to developers? Does he agree that, before any such action is taken, local people and organisations should be fully consulted?

**Michael Russell:** I concur with the member on that. I hope that every local authority has the desire to consult local communities. As I said in my original answer, Greenspace Scotland, which we fund, works towards the purpose of

“everyone in Scotland who lives and works in urban areas or in adjoining areas having easy access to quality green space that meets local needs and improves their quality of life.”

A community’s view that green space should not be built on or otherwise developed should weigh heavily on local authorities.

#### **Farmers (Mid Scotland and Fife)**

**7. Ted Brocklebank (Mid Scotland and Fife) (Con):** To ask the Scottish Executive what its priorities are for farmers in Mid Scotland and Fife. (S3O-1983)

**The Cabinet Secretary for Rural Affairs and the Environment (Richard Lochhead):** As in the rest of Scotland, our priority for farmers in Mid Scotland and Fife is to promote a sustainable and prosperous agricultural industry. We need to see food production earning a fair return for farmers and processing businesses, and we must maximise the other environmental and social benefits that flow from agricultural activity.

**Ted Brocklebank:** The cabinet secretary is aware of the welcome collaboration between the major supermarkets and farmers in my region as supermarkets realise the benefits of promoting local produce to consumers. Nonetheless, there are still concerns about the influence that the big four supermarkets continue to exert on producers. The cabinet secretary’s party recognised that in its manifesto commitment to address

“the imbalance in power between the big supermarkets and our primary producers”

and to support

“the introduction of an independent ombudsman to give teeth to the Supermarket Code of Practice.”

What progress is the Government making towards those ends?

**Richard Lochhead:** The member raises very important issues from the point of view of farmers and, indeed, of the nation. Of course, fair trade should not just be international; it is important to have a fair trade relationship between our farmers and the retailers here in Scotland.

I assure the member that we are keen to involve the retailers, the primary producers—the farmers—and the rest of the supply chain in the

development of our national food policy for Scotland. We want everyone around the table to talk to each other to ensure that we have a more transparent, open and productive relationship.

I remind the member that the Government has gone to great lengths to build a new dialogue with the supermarkets to ensure that they are well aware of opinion in Scotland on a range of matters, including the role of our primary producers and the need to protect the future of food production and to ensure a fair deal. I believe that we are making progress in that regard, and I have invited the chief executives of United Kingdom supermarkets to a supermarket summit that will be held in the coming months. I hope that they can accept that invitation. Not only would the summit, if it happened, be a first, but it would be very productive for the supermarkets, the primary producers and the many other agendas that would be discussed at it.

## Waste

**The Presiding Officer (Alex Fergusson):** The next item of business is a statement by Richard Lochhead on waste. As the cabinet secretary will take questions at the end of his statement, there should be no interventions.

14:55

**The Cabinet Secretary for Rural Affairs and the Environment (Richard Lochhead):** I am grateful for this opportunity to outline the Government's policies for a zero waste Scotland.

In 1999, the Scottish people voted for a Parliament that would improve our environment, and we all agree that Scotland must play its full part in being a good guardian of the planet and an exemplar for the rest of the world.

Managing waste as a resource is an important part of achieving sustainable economic growth and a greener Scotland. Prior to the Scottish Parliament, Scotland's record was dreadful. We were a throwaway society, burying our waste out of sight and out of mind and recycling barely 5 per cent of household waste.

As everyone acknowledges, we need to move away from landfill. Although landfills may be better run and regulated than ever before and although we are capturing more methane from them and using it to produce energy, they remain a waste of valuable resources. They emit the powerful greenhouse gas methane, which is more than 20 times more potent than carbon dioxide, and if we are to play our part in the fight against climate change, we must significantly reduce our greenhouse gas emissions.

With cross-party support, the previous Administration produced the 2003 national waste plan, which has helped us to make progress. The best illustration of that progress can be found in the latest figures, which show that local authorities are now recycling or composting almost 30 per cent of household waste.

I pay tribute to everyone involved in that achievement: the previous Administration, local authorities, the private and community sectors and bodies such as Waste Aware Scotland, Remade Scotland and the Waste and Resources Action Programme. Of course, we could not have made progress without the commitment of householders the length and breadth of Scotland.

However, we must do more to help to address climate change, to ensure that waste is treated as a resource, and to meet European Union targets on reducing the amount of biodegradable municipal waste that is sent to landfill, not only because it is the right thing to do but because we

need to avoid massive EU fines. Moreover, we desperately need to focus more and have better information on the commercial and industrial sectors that account for most of Scotland's waste.

Progress has continued under the new Government. For example, we are funding trials in Perth and Kinross, East Renfrewshire and elsewhere to collect food waste from households for composting, and more councils—such as, most recently, Moray—are looking to introduce plastic-bottle recycling at recycling centres.

Some members in the chamber attended our very successful waste summit, which brought together experts from Scotland and overseas to discuss how we might move towards zero waste. Following that summit and the Government's consideration of waste policy, I can now outline the broad principles of how we will move towards zero waste in Scotland. Zero waste is about the zero misuse of resources and about building on the waste hierarchy of reduce, reuse and recycle. As we all agree, moving towards zero waste is a long journey, but it is a journey that we must start now.

Of course, waste prevention is the key. The previous Administration produced an action plan that covered work on the design and lifespan of products, producer responsibility, food waste, packaging, bags, reuse, unwanted mail and home and community composting. We will continue work in those areas. Indeed, we will do more. We will retain the challenging target of stopping growth in municipal waste by 2010. Of course, our ambition and focus as individuals and as a nation must be to reduce the amount of waste that we produce in the first place.

We will consult on a range of potential legislative measures, including waste prevention, to implement zero waste. For example, we could introduce site waste management plans to measure and minimise waste from construction sites. We could also follow the example set by California, where recent legislation requires retailers over a certain size to provide recycling facilities for plastic bags.

Initially, we will continue to provide £2.5 million a year over the next three years to support community recycling. Those funds will be focused on waste prevention and on innovation in recycling and support for social entrepreneurs. That money is in addition to our continuing financial support for the Community Recycling Network for Scotland.

Let me be clear that waste prevention and reducing the amount of waste that is produced will be challenging. It requires changes in behaviour to reduce unnecessary consumption, and everyone has to accept their responsibility. Many householders throughout Scotland are doing their

bit, but we need everyone in Scotland to play a part. So too must retailers, who play a key role in respect of matters such as packaging, the marketing of products, food waste and specifying the design of products and packaging.

Reducing the unnecessary use of plastic bags is crucial. After Mike Pringle introduced his member's bill on plastic bags in the previous session of Parliament, the then Scottish Executive became a party to a voluntary agreement with the retailers to reduce the environmental impact of bags. The first substantive results are expected at the end of next month. Clearly, the Scottish Government will want to see significant progress. If that is not forthcoming, it is likely that we will have to take further action.

As well as waste prevention, the Government is committed to a substantial expansion of recycling and composting. Recycling has major environmental benefits, including helping to tackle climate change. The environmental benefits of recycling are shown in a report that the Scottish Environment Protection Agency is publishing today on the environmental impact of a number of waste management options, including high recycling.

There are economic opportunities in recycling. At the waste summit, David Dougherty, a recycling adviser from the United States, said that one of the ways to increase recycling rates is to treat recycling as a business. We will encourage that approach. There are greater job opportunities in collection, sorting and reprocessing—turning recycled materials into products. Scotland has companies that turn recycled glass into bottles and companies that recycle wood. We have a growing composting industry and a thriving community recycling sector, which often provides job and training opportunities for disadvantaged people.

The Sustainable Development Commission Scotland stated in a report, which was commissioned by this Government and published last month, that Scotland has seen impressive increases in recycling but that there is room to set more ambitious targets. The Government agrees. For a start, we need to be recycling or composting 40 per cent of municipal waste by 2010 to meet the first EU landfill directive target.

The most impressive municipal waste recycling rates that are being achieved in Europe are 60 to 70 per cent, which is double Scotland's current rate. I am today publishing an analysis by the Government of recycling policies in other countries. Scotland must aspire to be up there with the best, so I propose a recycling and composting target for municipal waste of a minimum of 50 per cent by 2013, to help us to achieve our challenging landfill targets that year; a target of a minimum of 60 per cent by 2020, compared with

the existing target of 55 per cent; and a further aspirational target of a minimum of 70 per cent by 2025.

I think that, cross-party, we all accept that that is challenging. Scotland has rural areas and cities with flats and tenements. It is harder to recycle in blocks of flats, but the challenge can be met through the provision of sufficient on-street recycling facilities and advice to householders. We will continue our work on the provision of information and advice to the public on recycling and we will help to develop markets for recycled materials. For example, we will need to focus on markets for mixed plastics. This Government will engage further with retailers on the types of materials that they use for their products and packaging, to ensure that more of those materials can be recycled.

We will retain the existing landfill allowance scheme for local government in the meantime to ensure a continued focus on landfill reduction. However, we have discussed the issue with the Convention of Scottish Local Authorities and have agreed to bring forward an early review of the scheme.

I have outlined our ambitions on recycling. The Government also wishes to be ambitious about reducing the amount of waste that is landfilled. Our aim is to reduce the amount of municipal waste that is landfilled to a maximum of 5 per cent by 2025. If we wish to reduce landfill to 5 per cent by 2025 and increase recycling to 70 per cent over the same period, we need a solution for the remaining 25 per cent of municipal waste.

There are several forms of waste treatment. I want to make a number of points clear today. As I have said, the Government's priorities are to reduce the amount of waste that is produced, encourage reuse, and recycle as much as possible. We support technologies such as anaerobic digestion, which can be used to treat food waste and produce biogas. Some exciting initiatives to generate energy from biogas are proposed. The Government fully supports that innovative and effective technology.

In our approach to waste, we are determined to remain mindful of the wider climate change challenge and our energy policies. That is why the Government is opposed to large, inefficient energy-from-waste plants. Such plants could easily become white elephants and drain public funds. They require excessive transportation of waste and could crowd out recycling and waste prevention.

However, many countries use energy from waste to move away from landfill. It forms part of their work to obtain value from a resource, rather than simply putting waste straight into landfill. In a

report last month, the Sustainable Development Commission said:

“energy from waste may be, in the right circumstances, compatible with sustainable development and a move towards a Zero Waste society”.

Of all the options that SEPA considered, the option of 70 per cent recycling with 25 per cent energy from waste performed the best in relation to climate change and non-renewable resource depletion. At the waste summit, we had a vigorous debate on the issue. A very significant majority thought that energy from waste should have a limited role but that energy from waste is preferable to landfill. Used efficiently, energy from waste can make a contribution to our energy needs and reduce our reliance on fossil fuels. Of course, heat can be also be recovered.

In considering waste policy, we have taken account of key areas such as the proximity principle, energy policy and climate change. For example, our wood fuel task force, which has just reported, shows that waste wood can make a useful contribution to energy by way of biowaste.

We are proposing that, by 2025, no more than a quarter of municipal waste, which amounts to less than 4 per cent of all Scotland's waste, should be treated by energy-from-waste plants. Of course, the cap of one quarter will include anaerobic digestion, if it is used to treat mixed waste.

In the indicative allocations that the previous Administration awarded to local authorities last year, it envisaged that in some areas, such as the Lothians and Lanarkshire, around 40 per cent of municipal waste would be incinerated. The Lothians suggested that around 50 per cent of their waste could be incinerated.

The Government rejects that option. We will include our 25 per cent limit for energy-from-waste technologies in the national planning framework, at both national and regional level. We will also lay down conditions to reflect our view that energy-from-waste plants must deliver a high level of efficiency through combined heat and power or district heating. To back up that preference, SEPA is strengthening its existing guidelines on thermal treatment of waste to require applicants for environmental permits to show how they intend to achieve the necessary levels of efficiency.

As I mentioned, the previous Administration provided indicative allocations to groups of local authorities for residual waste infrastructure, most likely to be energy-from-waste plants. We cannot support the building of large energy-from-waste plants that have low efficiency levels, which could prove a disincentive to recycling and require major public funding over a very long period. We will not support such large-scale waste incineration in any part of the country. We are therefore revoking the

indicative allocations and my officials are writing to local authorities accordingly. I will, of course, offer to meet authorities in due course.

The Scottish Government has a zero waste fund of over £150 million over the next three years. We intend to allocate over £100 million of that fund to support recycling and composting infrastructure, including anaerobic-digestion plants that treat source-segregated organic waste, high-efficiency energy-from-waste plants, and other facilities that divert waste from landfill and have high environmental performance. I will establish a short-life working group with COSLA to discuss how best to use those resources.

The remainder of the zero waste fund will be used to support work on markets for recycled products, waste education and awareness, community recycling, waste prevention and commercial and industrial waste. Most of Scotland's waste is commercial and industrial. Unfortunately, of course, the main lever in this regard, the landfill tax, is for the time being reserved.

The Scottish Government has powers in areas such as placing a ban on sending material to landfill, producer responsibility, and advice to business on waste prevention, through bodies such as Envirowise. I propose to increase the focus on commercial and industrial waste. In particular, I will consult on new targets to reduce the amount of commercial waste that goes to landfill. That consultation forms part of a review of the national waste plan that I am announcing today. I have outlined a number of new proposed targets and policies. It is right that those policies and targets should be included in a revised plan, which will go through a strategic environmental assessment and will be subject to wide-ranging consultation.

We will set up a zero waste think-tank to bring together leading authorities from Scotland and overseas who can advise on the best way of achieving zero waste. I hope that parliamentary colleagues will get involved in the debate on reviewing the national waste plan so that we can achieve cross-party consensus on this long journey.

Effective waste regulation is vital for protecting the environment and human and animal health. Equally, we must ensure that waste regulation is proportionate, so that we do not impose unnecessary burdens on business. Along with SEPA, I am publishing our response to the consultation on better waste regulation that was carried out last year. The response outlines future steps that are designed to achieve the more effective regulation of waste.

This statement has outlined a new direction for waste policy in Scotland. At the heart of our policy proposals are commitments to move Scotland towards zero waste and to make Scotland greener. I commend the statement to Parliament.

**The Deputy Presiding Officer (Trish Godman):** The cabinet secretary will take questions on the issues raised in his statement. I will allow around 30 minutes for those questions, after which we will move to the next item of business.

**Sarah Boyack (Edinburgh Central) (Lab):** I thank the cabinet secretary for the advance copy of his statement. I welcome his efforts to build on the progress that has been made during the past eight years, with revised and ambitious targets. However, I say up front that Labour has strong concerns about the practicalities and delivery of some of his proposals.

In the Scottish National Party budget, it is clear that less money is available for local authorities. Audit Scotland is clear that a more radical approach to reducing waste and significantly increasing recycling will be more expensive. There are also fears that Scotland will not meet the EU's targets on diversion from landfill. If the minister is not fully funding local authorities and is not approving their existing plans, will he accept liability should the targets not be met?

The cabinet secretary made great play of his new cap on energy from waste—no more than 25 per cent of waste will be used for that. In his interview with Radio Scotland this morning, he did not rule out incinerators, but he will have to clarify his intentions. His statement this afternoon accepted the philosophy of waste reduction in the Sustainable Development Commission's report, which recommends that 60 per cent efficiency targets be imposed on energy-from-waste plants. Will he ensure that those targets are in place in the operation of the plants from day one? There are strong concerns that targets might never be achieved if they remain simply an aspiration.

I want to ask the cabinet secretary about his support for the proximity principle. He said that he will not support large amounts of incineration in any part of the country, but what will a 25 per cent cap at a regional level mean for individual local authorities? Will some areas have to import waste from other parts of the country?

**Richard Lochhead:** We have a budget of £154 million for the zero waste fund over the next three years. We have transferred £65 million a year to local government to meet existing commitments under the waste obligation. Over and above that, grant aid has gone to local authorities to deal with waste collection.

I want to give the Labour Party and Sarah Boyack an assurance. The previous Administration massively underspent the waste budget, but this Government will spend its waste budget in order to achieve its ambitious targets. I am therefore very confident that, over the next three-year spending period, more money will be invested in reducing Scotland's waste mountain than was spent in the previous three-year period.

I tried to make it clear in my statement that we are laying down strict criteria on energy from waste. I hope that that will have cross-party support; it will certainly have lots of support outside the chamber and across Scotland. As I have said, we propose a cap on the proportion of waste that can go to energy-from-waste plants. Also, if proposals for such plants are forthcoming, the plants will have to be highly efficient and will have to take the proximity principle into account. Ultimately, this will come down to the guidelines from SEPA. We will discuss the issue with SEPA, which will have to issue the permits to any proposed facility in any part of the country.

We will wish to discuss the proposed regional cap with local authorities. It is not a local authority cap but a regional cap to ensure that no one part of Scotland is diverting massive amounts of waste to energy-from-waste plants as opposed to concentrating on recycling and other forms of reducing waste in the first place.

I hope that that gives some comfort to the member. I genuinely believe that there is consensus throughout Scotland. Our proposals have the support of the Sustainable Development Commission and SEPA. The overwhelming majority of the more than 120 experts from Scotland's local authorities and organisations who attended our waste summit were in favour of a limited role for energy from waste, provided that the energy plants are highly efficient. Combined heat and power was the favoured option. I hope that we can maintain the cross-party consensus.

**John Scott (Ayr) (Con):** I thank the minister for the advance copy of his statement, the content of which I broadly welcome. Moving towards zero waste is a worthy aim, which the Scottish Conservatives are pleased to support. I especially welcome the concept of reduce, reuse and recycle that is outlined today through the pillars of waste prevention, new legislation and community recycling, as well as the focus on commercial and industrial waste. However, arguably the most contentious aspect of the statement is the Government's rejection of the previous Administration's approach to incineration on the part of local authorities and the introduction of a 25 per cent limit for energy-from-waste technologies, with capping being put in place. What compensation will be available for local authorities

that may already have committed funds to developing plans or purchasing land for incineration facilities?

Further, I was struck by the plethora of targets in the statement and would be grateful if he would outline how progress towards meeting those will be measured.

Finally, the minister may be familiar with the Ecodeco intelligent transfer station in Dumfries and Galloway, which was highlighted by the BBC this morning. It is due to process up to 65,000 tonnes of waste a year. As the minister may know, that all-singing, all-dancing facility is a private finance initiative scheme. In the light of his party's previous statements on PFI, will he give an assurance that schemes such as that will not be jeopardised in future?

**Richard Lochhead:** On the issue of compensation for local authorities where the indicative allocations have been withdrawn, as I said in my statement I have offered meetings to the local authorities concerned. I have met them previously, a few months ago, when they outlined their views on the matter, and I am willing to meet them again to discuss their responses to today's statement. As I rose to my feet, they were being informed of our decision. I will discuss all elements of that decision with those local authorities. I make no commitments at present on where those conversations might go.

We have laid down ambitious targets for the future. I think that all parties in the Parliament accept that the 2013 target on reducing landfill, to help Scotland to avoid fines, is a tough target to meet. It has been a tough target to meet for some time, and not simply since the new Government came to office. All parties should recognise that, and some in particular should take responsibility as well. However, I am confident that we will meet the 2013 target. A lot of effort has been put into that. The fact that we have achieved the 30 per cent target for the recycling of household waste early is a good sign that local authorities in Scotland, with the support of all parties in the Parliament and of course the Government, are up for this. I am confident that we will meet the 2013 target. It will be challenging, but we will do it.

I have not had the opportunity to visit the facility in Dumfries and Galloway. I look forward to learning more about it in the near future.

**Mike Rumbles (West Aberdeenshire and Kincardine) (LD):** I thank the minister for the advance copy of his statement. In that statement, the minister announced a working group, a review, a consultation and a think-tank. What he did not announce was the evidence from the budget report that showed that the Government is removing £26 million from the strategic waste

fund. The new zero waste fund, at only £41 million, is now lighter by £26 million—perhaps the minister has given us a new definition of moving towards a zero waste target. The £65 million he mentioned in response to Sarah Boyack, is a cut in real terms to local authorities. They received £65 million last year; they will get £65 million this year. Audit Scotland's report, published on 20 September, makes it clear that there is a significant risk that the EU landfill targets will not be met. How can the minister reconcile that with his approach of decreasing funding by removing the £26 million, and maintaining the £65 million to local authorities without allowing for inflation, thereby encouraging not recycling—for which local authorities do not have the money—but a move towards incineration?

**Richard Lochhead:** Mike Rumbles at least began graciously. However, I will address his more negative points. Had the previous Administration—if I recall correctly, there was a Liberal Democrat Minister for Environment and Rural Development—not delayed some important decisions over the past few years by dilly-dallying over them, to the dissatisfaction of local authorities, we might be even further forward today. It is important to make that point.

On the budget, I reiterate what I said in response to Sarah Boyack. I am completely confident, and there is plenty of evidence to show, that the expenditure on tackling waste over the next three-year spending period will be considerably more—millions of pounds more—than during the previous three-year spending period.

On the money that is transferred to local authorities, it is sad that the member does not trust his or other local authorities to spend the required investment on tackling Scotland's waste problems. I know that they are up for it. Many of them are achieving their targets early, and we should commend them for that. Because of the generosity of the local government settlement, local authorities have the flexibility to add to their waste budgets if they wish. Perhaps some of them will do so. We will discuss the outcome agreements with local authorities in the coming weeks, reflecting the SNP Government's new waste policy.

**Roseanna Cunningham (Perth) (SNP):** Does the cabinet secretary agree that a great deal of domestic waste emanates from the contents of our supermarket shopping—and not just from carrier bags and food waste, whether compostable or otherwise?

The cabinet secretary sets targets for the reduction and prevention of waste but, short of dumping excess packaging on the supermarket floor to avoid it being added to our own household waste, will he indicate how he will bring about the

changes that will be required if we are to make a substantial difference to that aspect of the waste mountain and if we are to meet the increased need for recycling facilities?

**Richard Lochhead:** I thank Roseanna Cunningham for her question. As I indicated in my statement, we take the role of the retailers in achieving our targets extremely seriously. The difficulty with persuading many supermarkets to reduce needless packaging and to put greater demands on their suppliers to reduce such packaging has been raised in Parliament many times over the past few years.

The legislation on excessive packaging is reserved to the United Kingdom Government. I am disturbed to learn that there have been only four prosecutions under that legislation in the UK since the provisions came into effect. There have been no prosecutions in Scotland, and I am keen to investigate why that is the case. Perhaps we should be doing more to send a stronger message to retailers.

We are building up a positive relationship with supermarkets, and their waste strategies and policies will be at the top of the agenda as we meet their representatives over the next few weeks and months. The packaging issue will also be central to the work of the zero waste think-tank that we are setting up.

**Des McNulty (Clydebank and Milngavie) (Lab):** I think that dumping excess packaging on supermarket floors is a very good idea that we should consider.

I return to the budget arrangements. The minister can be secure in saying that only the money that he allocates directly from the zero waste fund will actually be spent on tackling waste. He cannot be certain that the money that he allocates to local government will be spent on waste. That is the reality of the situation.

Furthermore, the minister has not taken account of the pattern of the distribution of resources from the strategic waste fund in the past, which means that some authorities are in a fundamentally different position from others. In my constituency, East Dunbartonshire has received a very substantial amount from the strategic waste fund, but West Dunbartonshire has not.

Given that the Government is distributing the money on a formula basis, how does it take account of the different departure points that different local authorities are at? It is the Government's mechanism that will be used, so will the Government accept liability and responsibility for the fact that some authorities will find it extraordinarily difficult to make the appropriate contribution to meeting the waste targets?

Will the minister consider whether commercial waste should be counted into local authority targets and will he give local authorities the powers to enforce adherence, which would lead to a step change in dealing with waste properly?

**Richard Lochhead:** I thank the member for his many questions; I will try to address at least two or three of them. First, West Dunbartonshire Council must be extremely upset with former Labour ministers if it did not get a fair share of the strategic waste fund when they were in power. We will certainly do our best to ensure that local authorities that bring forward constructive proposals get their fair share of the Government's funding.

The announcements that I have made today will be reflected in the single outcome agreements that will be negotiated with each local authority in Scotland.

The member should be more optimistic. As we speak, East Renfrewshire is bringing forward new proposals, as are Moray Council and Perth and Kinross Council. Clearly, over the past couple of weeks, a number of local authorities have shown that they have a great deal of confidence that, in the years ahead, they will have the resources to spend on new, innovative measures to tackle Scotland's waste issue. He should have more trust in the ability of our councils to take their environmental obligations seriously, because they are doing so.

On the position of each local authority, we have to maintain a degree of flexibility, as the situation differs in each part of the country. Various authorities have generated different policies over the past few years and that must be taken into account. We must maintain a degree of flexibility in relation to the proposals that local authorities ask Government to support.

**Jamie Hepburn (Central Scotland) (SNP):** Does the cabinet secretary agree that taxation can be about more than just the economy and that, if it is used properly, it can boost environmental initiatives? He spoke about landfill. Does he believe that control over the landfill tax should be the preserve of the Scottish Government and this Parliament? Does he believe that the unionist parties should consider that issue as part of their tripartite commission that is investigating the devolution of more powers to the Scottish Parliament?

**Richard Lochhead:** Of course I believe that if this Parliament had greater options to work up eco-taxes—if we had the fiscal powers to do so—that would greatly help our environmental and waste strategies. Unfortunately, for the time being, we do not have those powers. Perhaps that is something that the other parties in this chamber



can reflect on. The environment is far more important than the unionist parties' obsession with the constitution.

Control of the landfill tax should be devolved to this Parliament. It is estimated that, of the roughly £1 billion that the United Kingdom raises from landfill tax, perhaps—I say “perhaps” because Scottish figures are not published—up to £100 million is generated in Scotland. That will not be reflected in our Barnett consequentials, so we are paying a net fund to the UK Treasury under the landfill tax. Of course, we should be able to retain that resource in Scotland in order to invest it in the future of Scotland's environment.

**Robin Harper (Lothians) (Green):** At least the cabinet secretary seems to be moving in the right direction. New Zealand is entirely free of municipal waste incineration. Does he agree that allocating what looks like being a permanent quota of 25 per cent of recyclable waste to incineration-based energy-from-waste plants can never fit comfortably within a zero waste policy? Given that recycling the fraction of waste that he proposes to send to energy-from-waste plants would save between two and a half to five times the energy that could be produced by energy-from-waste plants, does he agree that energy-from-waste schemes represent an emergency counsel of despair—landfill in the sky—that we should reject utterly?

**Richard Lochhead:** I understand that the amount of waste that is sent to landfill in New Zealand is enormous. New Zealand might not have energy-to-waste plants, but it sends an amount of waste to landfill that is way beyond the amount that we hope to send to landfill. If Robin Harper is suggesting that it is better for climate change targets and for the environment to lock up valuable natural resources in big black holes in the ground, rather than getting some benefit from them, I have to disagree with him. We agree on many things in connection with environmental policy but, it seems, not that.

The independent and impartial Scottish Environment Protection Agency, the independent and impartial Sustainable Development Commission and those who attended the waste summit also agree with me that, rather than put our rubbish into big black holes around Scotland in the coming decades, we should find better uses for it that can help us to achieve our climate change targets and other benefits at the same time.

We are laying down a maximum cap on waste that is diverted to energy-from-waste plants, should that be the option favoured by a number of local authorities in Scotland. The choice, however, remains with the local authorities—they might wish to exceed our recycling targets, for example. It is a cap, so it is a maximum figure. If new technologies

come forward—I do not know, and no member in the chamber knows, what will happen in the next few years—they will perhaps offer local authorities more options. We are simply laying down the criteria that we think are appropriate for Scotland should any local authorities wish to go for energy from waste.

**Rob Gibson (Highlands and Islands) (SNP):** I am glad to hear the minister talking about waste as a great economic opportunity. Will he introduce a more integrated measurement of the value that is delivered by social enterprises involved in waste management, such as the Golspie Recycling and Environmental Action Network—which is a good example that is local to me—so that their funding packages from local government take account of the job creation and other social benefits that they deliver, and are not judged for funding solely on the tonnage of waste that they divert from landfill?

**Richard Lochhead:** Rob Gibson reminds us of the valuable contribution that social enterprises and the community sector make to our local communities, not just through recycling and achieving environmental objectives, but by giving employment to those who are perhaps more disadvantaged and by creating jobs generally.

As I mentioned in my statement, Mr Dougherty, who came over from the United States and spoke at our waste summit, pointed out that there are huge job creation opportunities. We have to encourage a climate in which businesses are starting up, whether they are social enterprises or businesses in the private and profit-making sector, and becoming self-funding in the future. The waste policy that we are announcing today is a huge business opportunity, and many businesses have taken advantage of previous waste policies in previous years.

I certainly agree that there are huge job creation opportunities, and I know that the local authorities that fund many of the social enterprises take into account factors other than the volume of waste that those organisations deal with, such as the social and economic benefits that flow from them.

**Iain Gray (East Lothian) (Lab):** The cabinet secretary said that the 25 per cent limit for energy-from-waste technologies will be included in the national planning framework, both nationally and regionally. East Lothian Council has before it a live planning application for an energy-from-waste plant. Without, of course, commenting on the specifics of that proposal, can he say whether, in principle, the new limit would be a material consideration in determining the outcome of an application that has already been submitted?

**Richard Lochhead:** As the member helpfully points out, I am limited in what I can say with regard to live applications. Speaking generally,

however, I repeat the point that I made to Sarah Boyack, which is that the permits that are required by such plants in Scotland have to be issued by the Scottish Environment Protection Agency. Our forthcoming discussions with the agency, which will take place in the coming weeks, will reflect what I have announced in today's statement, with regard to the Government's policies. Therefore, SEPA can take those factors into account.

**Jim Hume (South of Scotland) (LD):** In the past three or four years under the previous Administration, when the Liberal Democrat Ross Finnie was in charge of this area, we trebled recycling rates to 30 per cent in Scotland—I wish that the Cabinet Secretary for Rural Affairs and the Environment would perhaps be as ambitious as his predecessor.

How will the cabinet secretary ensure that local authorities meet their targets, given the recent Audit Scotland report that stated that local authorities face real challenges in meeting landfill targets? The EU has said that it will fine countries that do not meet those targets. Does that mean that if Scotland does not reach its targets, the Government will fine councils for not meeting their individual targets?

**Richard Lochhead:** I reiterate that the 2013 target is challenging, but I am confident that, with local authorities, central Government and everyone else who is involved working together, we can achieve it. It is absolutely vital that we do so; otherwise, as the member rightly points out, there will be fines. The landfill allowance scheme that currently applies to local authorities can lead to penalties for local authorities if they fail to meet their obligations to divert from landfill. We work on a case-by-case basis, so it is difficult for me to project what the situation may be post-2013 if local authorities fail to meet their targets. Our energies, investment, resources and time must be devoted to ensuring that we meet the 2013 target.

**Shirley-Anne Somerville (Lothians) (SNP):** I welcome the cabinet secretary's statement, in which he set out a clear vision for Scotland's waste strategy.

My question is about the Government's plans for and views on large-scale incineration projects. I draw the cabinet secretary's attention to the great concern among my constituents in Edinburgh and the Lothians about plans that the previous Executive initiated for a large incineration plant for the Lothians and the Borders. I am sure that my constituents would welcome his reassurance that the Government does not want to go down that road, which is wrong for communities and for the environment.

**Richard Lochhead:** Shirley-Anne Somerville mentioned her constituents' views. We should

remember that today's announcement is all about our constituents' views and what is best for their future and for Scotland's environmental future. I believe that her constituents will welcome today's statement and that people in Scotland will support energy-from-waste plants, if they are highly efficient, if the proximity principle is taken into account and if the schemes do not divert our attention from recycling and reducing the amount of waste that we produce in the first place. That is the purpose of today's announcement.

We should remember that the technologies that are available today, which I outlined in my statement, are a million miles ahead of the technologies that were deployed in some of our communities in the past few decades. It is worth pointing out to the Parliament and to Scotland that many clean and environmentally friendly plants with high environmental performance are being built throughout the world. I hope that some of those technologies will play a role in Scotland if that is deemed appropriate.

**Michael McMahon (Hamilton North and Bellshill) (Lab):** Is the minister aware that, for some months, North Lanarkshire Council and South Lanarkshire Council have been concerned about delays to their Lanarkshire waste management procurement project? The uncertainty that has been introduced in the funding for the provision of waste infrastructure to deal with residual waste cannot remain unresolved in Lanarkshire. The project is not some impulsive Las Vegas-style public investment gamble, but a well-constructed local authority environmental collaboration. Both the councils hoped that today's statement would end the indecision that is impacting adversely on the LWMP project. As he made no specific reference to that project, will he confirm definitively where it stands in light of his statement? Specifically, who will pay if Lanarkshire does not meet its targets because of Scottish Government delays in funding decisions on that proposal?

**Richard Lochhead:** When I have spoken to local authorities in Scotland, they have often expressed to me their unhappiness with the two years or so of delays that they experienced under the previous Administration. That happened simply because the decisions and policies are challenging. I accept that we have now been in power for eight months, during which we have had to work with Scotland to put together and develop the zero waste strategy that we want to be implemented throughout the country. The decisions that are involved are difficult ones that will affect future generations in Scotland and the financial ability of future Parliaments to fund multimillion pound schemes. Should certain large-scale projects go ahead, they will drain our public finances and will have to be fed with hundreds of

thousands of tonnes of waste, year in, year out for decades, which is not in the interests of finances in Scotland or the environment. On the Lanarkshire proposals, any such proposals in Scotland that we are asked to fund must fit with the Scottish Government's aspirations and objectives.

**The Deputy Presiding Officer:** I hope to get in all members who want to speak, and I will do so if members ask a question and do not give me a story and then a question.

**Nanette Milne (North East Scotland) (Con):** I welcome the Government's intention to encourage a business approach to recycling. I am particularly interested in its stated intention to develop markets for recycled materials. Will the cabinet secretary expand a little on how he proposes to do that? It is crucial that recycled goods provide an income stream for the local authorities that recycle them. There have been problems in the past—with paper for example—in getting an economic return when there is a world glut of the product.

I make a plea for better designed on-street recycling facilities such as I have seen in France, where large receptacles are often situated underground and the streets are not cluttered with untidy bulk waste bins, which we see in many of our city centres.

**Richard Lochhead:** Nanette Milne raises a couple of interesting points. On encouraging better design, one of the reports that we are publishing today might not go into detail, but it is designed to ensure that we learn from what is happening elsewhere in the world. It is important that our zero waste think-tank, which we will set up shortly, and other initiatives reflect on the fantastic things that are happening in the country, such as those that Nanette Milne mentioned, or elsewhere in the world. We will certainly do all we can to learn from them.

On creating new markets, we are keen to involve more private sector organisations and our economic agencies in our zero waste strategy. We want to get all those people around the same table and to view the strategy as a massive economic opportunity as well as an environmental opportunity. One of the purposes of today's statement is to point us in that direction. Our consultation on the national waste plan for Scotland will give us another opportunity to consider the issues.

**Cathy Peattie (Falkirk East) (Lab):** Does the minister agree that the danger of building incinerators and recovery plants that use refuse-derived fuel is that they create demand for rather than discourage residual waste? Will he assure me that such schemes will not go ahead unless they contribute to a reduction in greenhouse gas

emissions; that safeguards will be put in place to ensure that the focus remains on recycling and minimising RDF production; and, most important, that no scheme will be permitted without proper consultation of and support from stakeholders and communities, so that schemes do not arrive in folks' backyards without their being involved?

**Richard Lochhead:** Cathy Peattie agrees with virtually everything that I said in my previous answers and my statement. Any proposal from a local authority has to go through a considerable consultation process. Such consultations are local processes and only in certain circumstances would central Government get involved. I mentioned SEPA's role in determining the efficiency of a proposed scheme and the other factors that would apply.

The schemes will have to be highly efficient to meet our criteria. The 60 per cent energy efficiency figure that the Sustainable Development Commission gave is a good one. I hope that the planning process will take such figures into account.

**Mike Pringle (Edinburgh South) (LD):** I thank the minister for his statement and his reference to plastic bags in particular. As I have said previously, voluntary schemes never work. The fact that such schemes do not work means that he will have to take further action. Does he agree that, even since May, the issue of plastic bags has moved up the agenda? Local authorities in London are seeking legislation, Marks and Spencer is going to impose a charge for plastic bags from next month, China is banning plastic bags—of course, China is not a democratic society—and even Gordon Brown has called plastic bags a scourge.

Does the minister agree that a levy is not just about raising funds but about reducing plastic bag use, which impacts directly on recycling rates? A good example of where that has happened is Ireland, where a levy was imposed some years ago and where recycling rates have gone through the roof.

**Richard Lochhead:** I pay tribute to Mike Pringle's contribution to the debate about the role of plastic bags and their environmental impact. I was an Opposition member on the former Environment and Rural Development Committee, which considered his member's bill on plastic bags. That was at times quite a tortuous experience, but it was educational too. His efforts and those of others have had an impact on public consciousness and on the policies of many of our supermarkets, for which they should take great credit.

As I said in my statement, we will pay close attention to the first substantive report on the

progress of the voluntary agreement between central Government and retailers, which is due to be published at the end of next month. We will reflect on that and in doing so will have correspondence or, no doubt, meetings with Mike Pringle to gauge his views on what progress has been made and on the way forward.

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

The cabinet secretary has mentioned more than once the impressive progress that Moray Council has made on recycling, on which I share his view. However, despite that progress, not all the rural areas of Moray are covered by the council's recycling scheme. Moray Council recently joined Highland Council in making a submission to improve recycling and other services, but the councils were asked to withdraw that submission pending the outcome of the spending review. I would be grateful to know whether the cabinet secretary would welcome the resubmission of that application and support it.

Further, will the cabinet secretary consider introducing legislation to reduce the council tax of people who contribute positively to recycling and reducing waste in their households?

**Richard Lochhead:** I thank Peter Peacock for his questions and for mentioning Moray. I assure him that I hope that my constituents—the people of Moray—will warmly welcome today's statement.

Moray Council and Highland Council will have the opportunity to produce their own proposals, which I hope will reflect the Government's policy intentions, which were outlined in the statement. We will take it from there in deciding what support might be available from central Government.

As for future legislation, all I can say is that, if the SNP Government has its way, there will be no council tax in Scotland.

## Biodiversity Strategy

**The Deputy Presiding Officer (Trish Godman):** The next item of business is a debate on motion S3M-1204, in the name of Mike Russell, on the Scottish biodiversity strategy report.

15:46

**The Minister for Environment (Michael Russell):** I am sure that we will hear much science and some confusing terms this afternoon. Biodiversity is not a simple matter, so I thought that it might be best at the start to step back from looking too closely at the variety of life around us and to feel the sense of inspiration that our natural world should create in us. At the end of a poem called "Growing, Flying, Happening", the poet Alastair Reid—who is very much planted in the soil of Galloway, although he has lived all over the world—says that our

"Eyes open on growing, flying, happening,  
and go on opening. Manifold, the world  
dawns on unrecognizing, realizing eyes.  
Amazement is the thing."

We are talking today about amazement at the rich diversity of life around us and at what exists, and about the determination that it should continue to exist in times that press hard on it.

I am delighted to open the debate on the progress report on implementation of the Scottish biodiversity strategy. The previous Scottish Executive published the strategy—"Scotland's Biodiversity: It's in Your Hands"—in 2004. It set out a 25-year framework for biodiversity action in Scotland. Just as my colleague Mr Lochhead did in respect of waste policy, I pay tribute to those who came before us. The Nature Conservation (Scotland) Act 2004 and the biodiversity strategy laid the groundwork for this Government to continue to work in partnership with all the members of the Scottish biodiversity forum and the much wider audience of the Scottish people to protect nature and wildlife in Scotland. The biodiversity strategy fits well with our five strategic objectives.

What have we to report today? We show that, under the previous Administration and this Administration, Scotland has made a good start in implementing the strategy, which is much needed. We have made progress on five key areas. On species and habitats, the report describes the strengthening of nature conservation legislation, activities to conserve salmon and red squirrels and the damage that invasive non-native species could cause to Scotland's environment.

**Roseanna Cunningham (Perth) (SNP):** The minister mentioned red squirrels and salmon. I am sorry that he did not mention the Scottish wildcat,

which he knows is under enormous threat. Would he care to comment on the state and future of that species, whose loss would be devastating for Scotland? I ask him to do that without making cheeky remarks.

**Michael Russell:** I am not sure whether I can meet the final request. I was planning to say that, whenever I think of Roseanna Cunningham, I think of course of the Scottish wildcat, in the most positive way. Fortunately, I am to launch a wildcat project next month, which will reintroduce the wildcat in some areas where it has died away and ensure that the wildcat continues to exist in Scotland, as the result of a development in genetics that means that the wildcat can retain a reasonably pure bloodline. I am conscious of the subject and I welcome the intervention. I will mention that when I next speak about biodiversity.

We have made progress on the issue of people and biodiversity. Biodiversity is often about people: it is about the social and health benefits of volunteering, conservation, the environmental benefits of regeneration, and it is about the value of wildlife watching and enjoying nature without harming it.

We have made progress on landscapes and ecosystems. The report describes work that has been done to protect Scotland's seas, developments on land in the national parks, planning reform and work to connect forests in Edinburgh and the Lothians to benefit wildlife. I will return to connectivity at the conclusion of my speech.

The report also describes the progress that has been made on integration and co-ordination and the work that has been done on knowledge. One example of that is the splendid newly published book "The Birds of Scotland", a motion on which, in the name of Peter Peacock, appears in the Business Bulletin. "The Birds of Scotland", which is published by the Scottish Ornithologists Club, is the definitive work on the subject and makes knowledge available to all of us.

Progress is being made—we were able to list that progress in the biodiversity indicators that we published last autumn. However, progress is not universal or uniform. Five of the indicators—nearly a quarter of the total—show improvement, but another five show no change. Nine of the indicators are baseline assessments for which no trend has yet been established; we will look at those. However, three of the indicators—for seabird populations, plant diversity and invasive non-native species—show deterioration. We take those issues very seriously. The purpose of indicators is to guide us to the actions that still need to be taken and to divert our effort from areas in which we are succeeding to those in which we are not. That will continue to be our

approach. We will look at the range of indicators, which will show us how we are doing overall. The number and range of butterflies and moths are good indicators of habitat diversity, fragmentation and the impact of climate change. We can learn a great deal from examining those indicators.

I must mention climate change, because work on that is being done on the pressure of climate change on our biodiversity. Last week I launched a report for Forest Research, the research agency of the Forestry Commission, which showed that the impact of climate change on forestry will be great and will change how and where trees are grown. There will be changes in every part of our natural heritage. Our job is to try to hold back those changes through the proposed climate change bill and by reducing emissions. However, we will also have to adapt Scotland and some of our landscapes to changes that are already taking place, because climate change has been with us not just for the past year or 10 years, but for 40 years.

I conclude by saying something about the future. New approaches are influencing our work and we will increasingly look to key delivery bodies that are responsible to Scottish ministers for biodiversity planning. We will also look to the private sector.

**Robin Harper (Lothians) (Green):** Will the minister give way?

**Michael Russell:** I am sorry, but I do not have time.

I welcome the amendment in the name of Jim Hume and confirm that we are happy to support it. I am happy to say that we will also support the Labour amendment, because we are conscious of the 2010 targets. Although they are challenging for every Government in Europe, we are endeavouring to meet them. We will work on those targets, work with our partners and work on the ecosystems approach, which is important. We have moved beyond the time of focusing narrowly on everything. To do the job that we want to do, we must change huge areas of our lives and, sometimes, areas of our country. I am increasingly interested in working with charities and others on that approach.

A good start has been made to a long and difficult process and there is much still to do. We are committed to ensuring that Parliament receives reports such as this every three years, in accordance with the programme that has been agreed, and to supporting international efforts. I am grateful that so far the debate on the issue has been positive. I look forward to this afternoon's debate and to our moving forward on this most important topic.

I move,

That the Parliament welcomes the collaborative work being undertaken by a wide variety of partners across the public, private and voluntary sectors to take forward implementation of the Scottish Biodiversity Strategy from 2004 to 2007, as set out in Scotland's Biodiversity: It's In Your Hands – A Progress Report 2005-07; commends the enthusiasm and commitment of all those involved in that work, and acknowledges that continued effort by all the partners engaged in conserving biodiversity in Scotland is required in order to address the challenges identified in the progress report such as climate change, invasive non-native species, river basin management, sustainable management of the natural world, the development of the ecosystems approach, wildlife crime and the need for the broader engagement of all citizens so that Scotland can play its part in delivering our national and international commitments to the cause of halting biodiversity loss.

15:54

**David Stewart (Highlands and Islands) (Lab):**

The 1992 earth summit in Rio was a defining moment in global history. Apart from the carnival atmosphere and the culture, music and dance that we would expect from a proud country showcasing its society, there was a real sense of achievement. One hundred and fifty-nine countries met, debated and agreed a new tomorrow for a planet that is threatened by monoculture, starvation and climate change. That is the context in which this afternoon's debate is taking place, as Rio set the framework for European, United Kingdom and Scottish policies on biodiversity. There will be no carnivals today, but the debate is no less important.

The minister's speech was interesting and stimulating and I judge that his comments will be widely welcomed across the chamber. I will make some big-picture comments on biodiversity and emphasise the role of volunteers, non-governmental organisations, farmers and crofters, as well as public bodies, and ask some specific questions of the minister.

At a naive level, it is worth asking the simple question: Why do we need biodiversity? On the other side of the looking glass is monoculture, which has led to stagnation and starvation. Looking back on history, it was arguably monoculture that contributed to the Irish potato famine of 1846 in which two potato varieties were subject to a blight that wiped out the crop and caused disaster to the Irish community, killing a million people and causing another million to emigrate.

Coming back to the present day, there has been a strong lead on biodiversity from the European Union, the United Kingdom and here in Scotland. We have had two directives from the EU, one on habitats and the other on birds, as well as its commitment to implement the Convention on Biological Diversity. From the UK has come the biodiversity action plan, which is being pushed

forward, and in Scotland, as has been mentioned, the Nature Conservation (Scotland) Act 2004, which is the basis for the current biodiversity strategy, was passed in the previous session of Parliament. The 2004 act led to the establishment of the forum, the indicators, the 27 local action plans, the biodiversity action grants and the species action framework.

**Robin Harper:** Does the member agree that although there are 27 biodiversity action plans, among the first of which were from Dumfries and Galloway Council, the City of Edinburgh Council and Stirling Council, the five councils that have still not lodged their biodiversity action plans should be named and shamed by the present Administration?

**David Stewart:** The member makes a strong point and I am sure that he will tell me that those five are Labour authorities. It is important that those authorities sign up and put their money where their mouths are.

In 2004, volunteers were encouraged to become involved through a wide range of organisations, such as ProjectScotland, and non-governmental organisations, such as the RSPB Scotland, were empowered in management and conservation work. Duties were placed on public bodies and Scottish Natural Heritage was given a lead in many areas.

Let us not forget the national parks. Cairngorms national park, for example, runs training and awareness courses on biodiversity for local residents and land managers. It is currently establishing a project to work with members of the green tourist business scheme to engage visitors in biodiversity. Biodiversity is important in developing tourism as well.

As the minister pointed out, the 2004 act required the Scottish Government to report on progress by 2007, which has led to the publication of the document that we are considering today. The report is well presented and considered and it highlights the twin threats to biodiversity—habitat destruction and invasive non-native species. The report highlighted examples of conservation, such as the important role of the white-tailed eagle, and examples of control, such as the American mink and signal crayfish.

Community action by local groups is important. I highlight the important role that is played by volunteers and schoolchildren, which has been a striking success and has helped to raise awareness about biodiversity throughout Scotland. I will offer a local Highland example. Foyers primary school sits above Loch Ness side in the middle of a large coniferous forest. There are fewer than 20 children at the school, but they have

monitored air and water temperature and pond life since 2004. As the school report testifies:

"inside the school, the pupils are buzzing with enthusiasm for their project—Loch Bran—its wildlife, plants, ancient history and secrets".

When the pupils are asked what they want to do when they are older, there is the usual selection of "Don't knows", and "I'd like to be a forest ranger" in the report, but one young man says quietly and with measure that he would like to be an entomologist. He does not elaborate; he is just certain. What action will be taken to raise awareness about biodiversity in schools and encourage more volunteering?

I have several specific questions for the minister to address in his winding-up speech. Under the current spending profile, will the Scottish Government meet the Gothenburg target to halt biodiversity loss by 2010? Will all sites of special scientific interest be brought into a favourable condition under the Nature Conservation (Scotland) Act 2004? What future does the minister see for key agri-environment schemes under the Scottish rural development programme? How can we encourage new entrants to schemes that deliver biodiversity priorities and public benefits? Finally, does the minister see public bodies' duty to promote biodiversity extending to procurement?

Biodiversity plays a key global role in adapting to climate change. A strong Scottish framework is in place in which farmers, crofters, NGOs, volunteers and statutory bodies play key roles, but well-funded agri-environment schemes that will meet the Gothenburg target of halting biodiversity loss by 2010 are crucial.

Biodiversity touches all our lives—it touches on everything from carbon recycling to flood control to medicines. The progress report is an important staging post towards a greener Scotland.

I move amendment S3M-1204.1, to insert at end:

"and calls on the Scottish Government to confirm the commitment to meeting the 2010 EU Gothenburg biodiversity targets."

16:01

**Jim Hume (South of Scotland) (LD):** I, too, welcome the biodiversity report and the improvements that are outlined in it, but I share the minister's concerns. There are concerns about crayfish and non-native invasive species, for example. I also welcome his support for my amendment. Obviously, he did not pussyfoot around that, as he did with the wildcat question.

The importance of preserving Scotland's vast biodiversity is clear to everyone. We have a moral

duty to look after our flora and fauna, but we also know about the significant economic benefits that our landscape brings to us, for example from outdoor activities and green tourism. Anyone who visits Scotland will say that they come here for its magnificent scenery and natural heritage.

There are also marine interests. Game fish such as salmon and trout contribute about £112 million to the Scottish economy, and aquatic invertebrates make an indirect contribution to the game fish industry as a food source. The Scottish offshore fishing industry depends largely on sustainable populations of herring and haddock. Invertebrates such as shrimp, mussels, langoustines and lobsters make a vital contribution to the economy of coastal communities.

Any ecologist will say that biodiversity does not just happen. As I have said often, we need economic activity on the ground or in the water to benefit our environment. Our grazed upland pasture has been hailed as among the most biodiverse in Europe, and our wild mountain thyme would not be blooming around our purple heather without the benefits of sheep grazing. Our birdlife benefits from cattle. Therefore, existing flora and fauna need to be nurtured and looked after. I agree that we must look after our biodiversity by looking at the wider ecosystem. It is important to build from the bottom up with the help and understanding of practitioners.

We need more emphasis to be put on planting native species within forestry as part of any work to improve wildlife habitats. I have played a part in such work as a Borders Forest Trust trustee and a member of the South of Scotland regional forestry forum. We must also preserve and improve our peatlands, which are important as carbon sinks and for their unique biodiversity. An increase in funding through the biodiversity action plan grant scheme would be most welcome.

I come to the point behind my amendment. Obviously, it is important to have agencies such as the Scottish Environment Protection Agency, SNH, the Scottish Executive—I think that the former Scottish Executive Environment and Rural Affairs Department had six representatives at the previous core forum meeting of the Scottish Biodiversity Committee—the Forestry Commission, the Convention of Scottish Local Authorities, the RSPB, the Scottish Wildlife Trust and the National Trust for Scotland at the helm of the Scottish Biodiversity Committee, but the biodiversity strategy would be better delivered through broader, vertically integrated stakeholder involvement. As the strategy directly affects not only farmers, but land managers and practitioners, forestry interests, tourism, fishing interests and sporting interests, it is important that stakeholders in such areas take a meaningful interest in it. That

would, of course, help to meet the target of suffering no further losses in biodiversity by 2010, and would ensure that all stakeholders are engaged and heard so that an objective that we all share can be met in a way that benefits everyone.

**Michael Russell:** I have said that I intend to support Jim Hume's amendment, but I want to put something on the record. Attempts have been made to invite many of the organisations that the member mentioned to take part in discussions, but there has been a falling away at times. However, I am happy to ensure that we encourage those organisations to take part in discussions again. I shall ensure that my officials do so, but we must recognise that they may sometimes be reluctant to take part in other organisations' activities, because they have a living to earn.

**Jim Hume:** I appreciate that, and we must take it into consideration. We need at the helm people who work in the environments that we are trying to change and improve.

Economic activity, both on the ground and in the water, is essential to deliver biodiversity benefits. If the Government wants a meaningful strategy that stands a better chance of being delivered and understood, it is of the utmost importance that practical land users and marine and fishery interests are among the leading partner organisations in the Scottish biodiversity forum. From such acorns great oak trees will grow—and we will want *Quercus petraea*, our native species.

My amendment is not controversial or political. Let us have inclusivity instead of exclusivity, as well as common sense. I move amendment S3M-1204.2, to insert at end:

"notes that land users, land managers, inshore fishery interests, sea fishing interests and land practitioners are charged with delivering environmental benefits, and recognises that there is a need for these stakeholders in particular to be formally involved in the strategy at all levels, to understand the objectives, and thereafter to contribute practical solutions to the strategy and its overall aim."

16:05

**John Scott (Ayr) (Con):** I begin, as ever, by declaring my interest as a farmer. I will also start by saying how important Scotland's biodiversity is to Scotland. Indeed, it is almost impossible to overstate the importance of our uniquely and identifiably Scottish landscape and environment. For that reason alone, I welcome today's debate.

I join the minister in welcoming the progress that has been made towards the biodiversity strategy and congratulate the many voluntary and public agencies that have achieved so much in that regard. However, I sense a real danger of complacency. For example, it is deeply worrying that only five of the 22 biodiversity indicators show

any improvement, while three show deterioration. As RSPB Scotland has pointed out, some of the indicators that are listed as stable remain in a perilous state. Furthermore, I am concerned to see that, according to the progress report, only half the habitats in Scotland's designated protected areas are deemed to be in favourable condition. That is a desperately low proportion considering the fact that they are within apparently protected areas.

The minister will not be surprised that I want to touch on the importance of farmers and land managers because, arguably, it is they who are the biggest players when it comes to enhancement and preservation of the natural environment. In the vast majority of cases, they do a good job. The many agri-environment schemes underline the crucial role that farmers play, and it is vital that they remain at the heart of the biodiversity agenda to reduce habitat destruction and the spread of invasive non-indigenous species. Indeed, I lodged a parliamentary question only this week, asking the minister about the spread of bracken especially in the west Highlands.

That said, conflicts can arise over land management issues—it is vital that they be managed sensitively. Too often, bodies such as SNH are accused—rightly or wrongly—of taking a top-down approach that irks local communities. For that reason, a review should be undertaken of SNH, SEPA and the Forestry Commission to ensure that they always work in the best interests of the communities that they serve and of biodiversity. The SNP pledged a review of the possible merging of SNH and SEPA. I would like to hear from the minister what progress has been made on that.

I turn to one of the most compelling reasons for redoubling our efforts to conserve biodiversity—the importance of tourism and eco-tourism. Huge numbers of people come here to enjoy our unrivalled scenery and wildlife, which is why the prioritisation of resources towards the protection of Scotland's most iconic species—many of which are in serious trouble but which wildlife tourists come here to see—is essential. A good example is the capercaillie, which is a magnificent game bird that is found nowhere else in Britain. The destruction and near-disappearance of Scotland's once widespread Caledonian pine forest led to the bird's extinction more than 200 years ago. Although it was successfully reintroduced to Perthshire in 1837, numbers have again plummeted from around 20,000 in the early 1970s to perhaps 2,000 or fewer today. I am aware of the work that is being done by the Forestry Commission, SNH and RSPB Scotland to turn things around—with some success. Yet, the history of the capercaillie is a sobering reminder of what can happen if we neglect our biodiversity



treasures. Although its reintroduction shows that the damage can sometimes be undone, the fact that it remains in such a perilous state underlines the need to accelerate efforts to aid the recovery of this iconic species and others such as the red squirrel and the wildcat—which was mentioned by Roseanna Cunningham—for future generations.

I look forward to supporting the Government's motion and both the Labour and Liberal Democrat amendments this evening.

16:10

**Bill Wilson (West of Scotland) (SNP):** Historically, strategies that favour long-term benefits have been championed by environmentalists, and those that favour short-term ones by politicians—with, of course, the obvious exception of the SNP.

Global warming threatens biodiversity on an unprecedented scale. We can no longer avoid responsibility for the long-term outcomes of our actions. We can take action now that involves little or no conflict between short and long-term benefits. As an example, I will suggest one area where, with joined-up thinking, apparent conflicts of interest could be resolved.

I will consider some international background first. Many habitats and species are threatened by climate change and intensive agriculture. Supermarket buying practices favour intensive agriculture. The United Kingdom's outdated Industrial and Provident Societies Act 1965 hampers agricultural co-operatives, which makes it harder for small farmers—who tend to produce high-quality, environmentally friendlier products—to compete effectively.

Meat that is produced intensively, as opposed to extensively, is unhealthy and harmful to the environment. Rare breeds of domestic animals and plants are threatened by large-scale commercial operations, which is a biodiversity issue, as has already been mentioned.

What is the good news? People are becoming more health conscious and environmentally aware. The Rare Breeds Survival Trust notes that rare breeds are ideal for managing natural pastures to maintain biodiversity. Ecologically rich habitats benefit health, well-being and, of course, tourism. The Scottish Government and bodies such as NFU Scotland promote greater food awareness and healthier eating. There is a growing market for high-quality, locally produced, environmentally benign products, such as the seaweed-eating North Ronaldsay sheep.

I will pull together those points in the context of a specific example. Although many examples are possible in Scotland, I have picked one almost at

random. The machair habitat is a focus of biodiversity, being home to rare species such as the great yellow bumblebee, which looks rather like my lapel badge, except that normally it would be rather livelier. Seventy per cent of the UK machair special areas of conservation are classed as being in unfavourable and declining condition. Machair was traditionally maintained by extensive agricultural practices involving grazing in autumn and winter only. The principal threat to the habitat is related to changes driven by socioeconomic factors. For all interested parties—crofters, conservation bodies and the Scottish Government—the solution is to consult on branding and promoting areas where machair is found. We could say “Machair—where traditional farming produces quality healthy products in an environmentally friendly way”, “Machair—where rare breeds of domestic animals are conserved” or “Machair—a globally renowned example of joined-up thinking in the world's most progressive nation, Scotland”. We could think up a variety of advertising slogans, such as “The best wee machair in the world—probably.”

It would help farmers if the UK Government modernised the archaic Industrial and Provident Societies Act 1965 to allow co-operatives to use such luxuries as e-mail and compete on an equal footing.

I have said enough for members to understand my first major point on joined-up thinking. That leads me to my second point, on joined-up habitats. With global warming, we are likely to see the fragmentation of ecosystems. Species will only survive if breeding populations are of sufficient size to be maintained. I am therefore encouraged that the Scottish Government is aware of and supportive of BEETLE—not, in this case, the carabid, but the biological and environmental evaluation tools for landscape ecology—which is software for mapping habitat networks.

**Michael Russell:** I am glad that the member mentioned BEETLE, which is the best landscape and wildlife information system. I had the pleasure of being involved with launching it at the land use planning and climate change seminar. Does the member agree that we now need to encourage the use of such software, joined-up thinking and joined-up habitats right across the planning structure in Scotland?

**Bill Wilson:** I suspect that it will come as no surprise to members that I agree with the minister.

I am pleased that the Scottish Government is aware of the danger of woodland fragmentation and that it supports projects to improve woodland ecosystems' resilience to climate change. Funding to support such projects is vital.

Sea levels are certain to rise, perhaps by as much as 5m by 2095. If we manage our retreat

well, we can boost wetland habitats and biodiversity. Hard engineering solutions to rising sea levels are not necessarily the best option. Graceful, staged retreats that are anticipated and planned in advance could be cheaper and of huge benefit to wildlife tourism and Scotland's international image.

Biodiversity can be thought of as an irreplaceable treasure. We should strive to preserve it and be prepared to pay for it in the short term, but through creative joined-up thinking we can maintain biodiversity in a way that yields both short-term and long-term benefits. Our generation is at a crucial junction—let us not be found wanting.

16:15

**Marlyn Glen (North East Scotland) (Lab):** I am pleased to take part in this debate, and I welcome the fact that the Scottish Government is continuing with the previous Executive's biodiversity strategy. Indeed, I urge that it become a central focus of Government.

As other members have pointed out, the sustainability of biodiversity is threatened by climate change increasing carbon dioxide in the atmosphere and rising sea levels. Climate change is a real threat to biodiversity. Whole hosts of species are migrating further north, and some of them will not survive. Studies show that, on average, breeding birds are nesting nine days earlier and are extending their ranges north by 19km. We need to appreciate, understand and, above all, protect and conserve Scotland's biodiversity.

Thankfully, people throughout Scotland are engaging directly with the issue by joining local groups and, for example, taking part in surveys. Even counting the birds in our gardens helps. It makes us more human when we feel part of the natural world although, that said, it is too easy for some of us to forget that the majority of Scots live in an urban environment. Not all of us commute back to the countryside of an evening—or on Thursday night. Although four out of five of us live in urban Scotland, that balance is not reflected in the make-up of local authorities, and we must be aware of that if we are to preserve and encourage biodiversity.

Although theoretically there is an allocation for green spaces in grant-aided expenditure, the money is taken up with looking after formal parks, and little is left over for informal green spaces. Projects such as the restoration of Dundee's Baxter park are laudable and essential, but they are not enough in themselves. Insufficient attention has been paid to the huge potential for biodiversity that cities offer, and towns and cities

must be encouraged and supported to preserve informal wildlife areas that, too often, are under severe pressure from the built environment.

Many species rely on cities to survive. We should not plan concrete jungles that have no space for species such as song birds. We need stringent planning laws to oblige developers to provide green spaces, with street trees, hedgerows and open water to allow birds and small mammals to drink. We need to plan our cities with wild nature in mind. Farmers and farming are, of course, important to biodiversity, but so is everyone else.

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

Does the member agree that we might be able to do as she suggests if we ensured that all houses were planned with back gardens?

**Marlyn Glen:** Indeed. I have already said that we need to avoid building concrete jungles. Too many people these days do not appreciate the importance of gardens and expect to be able to park their car within a foot or two of their front door.

I draw members' attention to Tayside biodiversity partnership, which is undertaking a major project on the swift to raise awareness, provide survey data and increase nesting sites in urban developments. Other projects include the Scottish Wildlife Trust's nesting wall for sand martins at Broughty Ferry and the highly popular Tayside red squirrel project. Such work needs to be encouraged.

Although a small loss to the environment may seem unimportant, the loss of any significant part of our biodiversity cannot be calculated. We need look only at the recent headlines about the planned removal of the green site near the Gyle, outside Edinburgh, to see yet another threat to our green spaces. Of course, the need for jobs and the way in which we plan our economy lie at the heart of the issue, but I might be forgiven for suggesting that if we decentralised more jobs we could retain more green space, support biodiversity and create more jobs for places like the city of Dundee. I look forward to a statement from the Government on when it will meet the pledge that the SNP has made in each election since the Parliament's establishment to decentralise jobs to Dundee. However, I do not want to break the consensus in the Parliament by adding that to the list of broken promises.

I conclude with a reference to those who are raising awareness about biodiversity through newspapers and websites. One recently launched website is called "Bright New Scotland". Its aim is to become a one-stop shop for environmental education in Scotland, with a team of specialists and teachers. In a three-year period, it provided in-

school support for more than 250 schools involved in the eco-schools green flag award—it worked with more than half the schools that gained that prestigious award in Scotland in that period. We are fortunate that there is such commitment from people who seek to enlighten us about the interdependence of living organisms and their ecosystem.

16:20

**Jamie Hepburn (Central Scotland) (SNP):**

Mike Russell said at the beginning of the debate that he was concerned that he might hear a lot of scientific terms and complicated words. I suspect that his comments were directed at colleagues such as Dr Bill Wilson, given his expertise and understanding of those matters, rather than at me, but I give Mike Russell an undertaking that I will keep such references to a bare minimum—for my sake, if not for his.

Biodiversity is important, and our Government has certain obligations to meet in respect of it. Those obligations, as set out in the United Nations Convention on Biological Diversity and the EU target to halt the loss of biodiversity by 2010, as well as domestic initiatives, are reflected in Scottish policy and legislation.

It is important that the Parliament has a chance to scrutinise how well we are doing in ensuring that biodiversity in Scotland is maintained, so I welcome today's debate. It is clear from the minister's opening speech that much has been achieved in the past three years, since the adoption of the Scottish biodiversity strategy. Those involved in that work deserve our thanks.

The Scottish biodiversity forum is a clever approach to the maintenance of Scotland's biodiversity, combining as it does the Government and its agencies, representatives of those who work our land and seas, local government and, vitally, the well-established bodies in the third sector that have an interest in biodiversity. Those who invest their efforts in ensuring the maintenance of Scotland's biodiversity are to be congratulated.

However, while congratulations on the work thus far undertaken are due, much remains to be done. Members will have received the briefing for the debate from Scottish Environment LINK, which rightly points out that

"The loss of wildlife is not just of importance to scientists and enthusiasts. The loss of genetic diversity, species, and damage to habitats and ecosystems affects us all, in many ways we are only beginning to understand".

The first thing that must be done is to build on the good work that the minister has mentioned and ensure the continued rich diversity of our land and waters. I understand that the Scottish biodiversity

forum is due to consult on the next three years of the biodiversity strategy. I look forward to seeing what emerges from the consultation, and trust that it will seek to build on what has gone before.

The minister set out some of the many challenges that exist for the future. He rightly pointed out that climate change is prime among them. Earlier today, I spoke in Patrick Harvie's members' business debate on the subject. I welcome the Scottish Government's hugely ambitious aim to cut carbon emissions by 80 per cent by midway through the century.

I look forward to any marine bill that emerges from the Government. I am interested in how it may play a part in protecting biodiversity.

It is clear to me that the task of maintaining biodiversity is taken seriously by our Government, and that, as the minister mentioned, it is building on the work that began under the previous Administration, which also deserves congratulations.

I commend the activities that are being undertaken in Scotland to protect biodiversity and I commend the Government motion and the two amendments.

16:24

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

I recall a helicopter trip that I once made with Michel Barnier, who was then the European Commissioner responsible for regional development. We left from Edinburgh and flew up over Crianlarich, over the Rannoch moor, down Glen Coe, round to Ben Nevis and back up the great glen to Inverness. In the course of the journey, he asked me, "Why are all Scotland's forests square?" That was an interesting observation. As someone who comes from France, where there is still extensive natural forest, he was commenting on the fact that Scotland has almost none of its natural forest left and that we have planted most of our forest.

Indeed, if one looks at the Highland landscape as a whole, one sees that, far from the general perception that it is a natural environment, it is heavily managed by man. It has been managed for grouse and deer, and is overgrazed for the most part. Nowadays, the landscape has little natural growth—natural growth would sustain a much wider variety of species, as it did a couple of centuries or more ago. Thankfully, awareness of biodiversity is beginning to roll back the monoculture that is evident in so many aspects of our lives.

As I said, when M Barnier and I looked down from the helicopter, we saw forests that had been planted by way of downhill furrow ploughing that

drains the nutrients from the soil. The way that things were done allowed no accommodation for native species. In fact, during much of the last century, the planting of trees in Scotland was, in the main, about planting a crop. Thankfully, that viewpoint is giving way to one that sees much more diverse softwood planting mixed with hardwoods. Also, the natural regeneration of trees now forms part of how we manage our forests.

The gradual recreation of the Caledonian pine forest is helping to sustain the capercaillie, which John Scott mentioned. Miles and miles of heavily managed Highland landscape is giving way—albeit slowly—to more enlightened management regimes that encourage natural regeneration, reduce grazing pressure and encourage species diversity.

The move towards big ranch farms in Easter Ross and Fife saw trees felled, hedges ploughed up and land drained. Slowly, that practice is giving way. Hedgerows are recovering and trees are being planted for shelter belts and biodiversity reasons. Also, fields that once were drained are being recreated as wetland. I do not want to overstate the extent to which that is happening, but it is an important sign of progress. Farmers, land managers and crofters need support to go further, but they face challenges in doing so. The changes to the agricultural regime through common agricultural policy reforms should lead to increased payments to farmers to enable them to do more of that important work.

The advent of the farming of biofuels has the potential to become a danger to biodiversity as monoculture farming takes over large areas of land. Changes to the set-aside regime, which has allowed species—particularly insects, but also birds and animals—to flourish on set-aside land, threaten all of that. In addition, changes to the agricultural payment system will result in stock being removed, particularly from the Highland hills. As we know, cattle in particular support a diverse habitat. They can improve habitat and create richness in the environment. We are seeing worrying trends in that regard.

There are opportunities to improve biodiversity through, for example, better support of the organic sector, in the ways that I set out earlier. Recently, as Bill Wilson said, the RSPB reported on its Western Isles machair project to the cross-party group on crofting. Working with a range of partners, the RSPB hopes to pursue the project, if it gets the support of local crofters. I hope that that happens. If crofters give their support, the project has the potential to support not only the machair—which, in turn, supports a wide variety of wildlife—but the crofters in the sustainable practices that they are deploying. There are many positives, as well as challenges.

Bill Wilson referred to challenges such as the reduction in the number of bumble-bees and ladybirds and the change in the behaviour of the honey bee, which are not fully understood yet, but it is clear that there will be an effect on pollination rates. There are also wider effects on people, in terms of our enjoyment of the countryside, and on how the countryside functions.

As Marlyn Glen said, we all have a small part to play by way of what we do in our gardens and allotments. Trish Godman, who is sitting next to me, is a great advocate of allotments. We must not forget window boxes and our public parks and spaces. We can all make a small contribution to improving biodiversity.

I would love to have had more time in the debate to speak about peatlands, which Jim Hume mentioned; eco-schools and the huge contribution that they make to our awareness of the environment; the opportunities that the flooding bill offers in terms of sustainable flood management; and moves to create more sustainable land and diverse habitats in our country. I could have said a whole range of things in the debate. I hope that, at some future date, the Government will sponsor a much longer debate on these wide and important issues.

16:29

**Mike Rumbles (West Aberdeenshire and Kincardine) (LD):** The debate has been interesting. I have enjoyed it. It has not been as controversial as the debates that I normally enjoy, but I have enjoyed it nonetheless.

Mike Russell confirmed that a good start has been made in implementing the strategy that ministers in the previous Administration introduced. He said that the good work is continuing under the present Administration and that things are moving in the right direction; that of the 22 indicators, five show an improvement but three are dropping. He mentioned invasive non-native species among a couple of seabird populations.

I was intrigued by the minister's line—which I am not sure he intended—when he said that climate change has been with us for 40 years. The climate is always changing. I think he meant to focus on the fact that we face extreme challenges in tackling dramatic climate change.

**Michael Russell:** I did mean that phrase. Strong evidence suggests that the change in climate that we are now talking about has been taking place for at least 40 years. That can be seen, for example, in the rise of rivers at peak flows. I would be happy to provide more evidence to the member should he find that helpful.

**Mike Rumbles:** I remember the 1970s, when everybody was talking about the coming onslaught of the next ice age.

David Stewart focused on the key role played by biodiversity in the challenges offered by climate change. Among other questions, he asked whether the Government will end biodiversity loss by 2010 and whether we will have well-funded biodiversity schemes.

Jim Hume's amendment focuses on the need for stakeholders, land users, land managers and practitioners to be charged with delivering environmental benefits and to be fully involved in the making and implementation of policy. The minister intervened on Jim Hume to make the point that the Government cannot force people to be involved but that it can certainly encourage them. I am sure that the Government will do that.

John Scott warned against complacency about the indicators the minister mentioned. He shocked me by saying that he will accept the Liberal Democrat amendment. That must be a first for him. I am sorry that he is not in the chamber to hear of my amazement.

Bill Wilson brought the benefit of his scientific background to the debate. He focused on joined-up habitats as well as joined-up government.

Marlyn Glen said that climate change is a real threat to biodiversity. She focused on green space money for urban councils, mentioning Dundee in particular. I was not surprised by that, as she is a regional member for North East Scotland, which includes Dundee. She had a point, up to a point. We should not be robbing Peter to pay Paul in the allocation of funding. Biodiversity is equally important in urban and rural parts of Scotland.

As he promised, Jamie Hepburn did not blind us with science. I do not see him in the chamber, but I thank him, wherever he is.

Peter Peacock made an excellent point: we must not confuse biodiversity with no change in the environment. Our landscapes are managed and have been subject to huge changes. That will continue; change is inherent. What we have in the countryside at the moment is a snapshot in time. We would be making a mistake if we felt that the promotion of diversity equated to no change in the countryside.

We will be happy to support the amendments and, of course, the motion.

16:33

**Nanette Milne (North East Scotland) (Con):** Although short, this has been an interesting and wide-ranging debate that has clearly demonstrated the richness of Scotland's biodiversity and the

importance of protecting it. Members in all parts of the chamber have illustrated just how important it is for people from all walks of life, including partners in the public, private and voluntary sectors, to continue to work together to meet the commitments of the biodiversity strategy that was created by the previous Scottish Executive.

The progress report, three years on, that we are debating today indicates some progress, but it does not leave room for complacency—for the reasons John Scott and others gave. Urgent action is required if we are to meet the challenges of our national and international commitments to safeguard our biodiversity. That will require everyone to engage in practical measures to protect and enhance our environment. That is a worthy end in itself, but it is also vital to the wildlife tourism that is so important to our economy.

People travel the globe to visit our wilderness areas in the hope of seeing not only the beautiful and majestic scenery, but some of the iconic species that dwell within it, such as the golden eagle, the capercaillie, the red squirrel—and the wildcat. It is important that we stamp out wildlife crime and take adequate measures to protect our red squirrels from the invasive grey squirrels that have decimated them in so many areas.

As we have heard, much good is being done by farmers, gamekeepers and other land managers to safeguard and enhance the natural environment—it is important that that continues—but we have also heard that land management issues sometimes cause conflict with local communities, whose co-operation is vital. Bodies such as SNH, SEPA and the Forestry Commission need to show sensitivity in their dealings with local communities.

I will illustrate my point by giving an example from a community I know well. I hear at first hand from local people in the Braemar area of Mike Rumbles's constituency about their concerns about the red deer cull to protect and encourage regeneration of the native Caledonian pine forest. There is no doubt that there were too many deer in the area, even for their own good, but local opinion is emphatic that too many have now been shot.

Last autumn, during the rutting season, there was scarcely a stag's roar to be heard and many regular visitors who know where to look for deer are complaining that they are scarcely to be seen. Few local people agree that the right balance has been struck between preserving the forest and maintaining the red deer population, and they are highly critical of the bodies responsible for the cull. It is crucial in such an area, given its dependence on tourism and game hunting, to get that balance right.

As John Scott said, we think that SNH, SEPA and the Forestry Commission should be reviewed to ensure that they always serve the best interests of the communities they are dealing with. The SNP had a manifesto commitment to do that. We want to know what progress the Government is making in that regard.

The Scottish Conservatives strongly support efforts to give our seas greater protection. Poor management has resulted in our once rich marine environment harbouring few fish to attract the many sea anglers who visit Scotland's coastal communities or sustain many colonies of seabirds.

For the second time this afternoon, I draw members' attention to allotment gardening and domestic gardening, which contribute to biodiversity. They teach us how best to grow our food and flowers, what insect life and nutrients benefit food and flowers, and what damages them; and they provide physical exercise and fresh fruit and vegetables, which help our health and fitness. Properly designed gardens attract a variety of wildlife, such as birds, butterflies, bees and other insects, which are important to our country's biodiversity and which contribute greatly to our sense of wellbeing.

We have no hesitation in supporting the motion—or, indeed, the amendments. Jim Hume's amendment emphasises the responsibility of specific groups of people to deliver environmental benefits, and we think that it enhances the motion. Labour's short amendment on meeting the 2010 EU Gothenburg biodiversity targets emphasises the need for urgent progress, and we agree with that. The debate has been interesting and it is on an issue of vital importance to us all. We are happy to support the motion and the amendments.

16:38

**Karen Gillon (Clydesdale) (Lab):** The debate has been worth while and a number of members have made important suggestions that I hope the minister can take forward in the months ahead.

Many members spoke about the importance of land managers and farmers in the process. I agree, and I have a number of questions for the minister—which he can respond to when he sums up or in correspondence. How much money can be spent on agri-environment schemes and biodiversity projects through the new Scottish rural development programme? After next year's CAP health check, will there be any changes in the funding that is available? Does he see any future changes in voluntary modulation to help stimulate agri-environment schemes? When will the SRDP schemes be implemented, following EU approval? When will that work begin?

This is an important debate because, for many people, biodiversity can be an anodyne concept.

They might appreciate how important it is only when things go wrong or—which is more important now—when they are given appropriate and accurate information.

The growth in the number of eco-schools and the increased quality of their work has been one of the most important and encouraging developments in recent years. Almost every primary school in Scotland is engaged in environmental questions and in changing environmental practices in the school. Perhaps the minister will outline how we can encourage many more secondary schools to participate in that worthwhile venture. There can be few better vehicles for increasing awareness and knowledge of our natural environment.

I have seen at first hand superb projects that involve the whole school in studying, for example, the return of salmon to the Clyde, waste and recycling in the school and the creation of natural wildlife havens in the school grounds. Practical projects allow young people to experience the environment in all its richness, to develop attitudes that promote positive stewardship and to gain insights that are likely to influence their behaviour for the rest of their lives. Those projects are all part of an important programme that supports a key plank in the biodiversity strategy.

We must of course remember the vital importance of the health of our seas. The coming marine bill will allow us all to focus on that much more. I welcome the cabinet secretary's decision to get more baseline information on the health of our seas and the sea bed. Peter Peacock called for that in one of his first speeches after the election. I welcome the fact that the minister has responded so positively, and I hope that he will do so to some of my suggestions, too.

One Government bill in the making relates to flooding, and we in the Rural Affairs and Environment Committee are currently involved in a flooding inquiry. There are opportunities in the Government's proposed bill to make progress with biodiversity arguments relating to the re-creation of wetlands, the planting of more woodlands and the encouragement of scrub and trees along our riverbanks. Those can all form part of a more natural and sustainable approach to flood management, and they can help improve habitats for a variety of species.

There are also opportunities in our urban environments, where the pressure to develop land can so often compromise environmental quality and biodiversity. We need new thinking about flood management. We should be opening up green wedges and corridors and spaces for water to flow and for people to interact with their environment. As Marlyn Glen said, protecting and enhancing green spaces in urban areas is vital to

ensuring that people have access to high-quality open spaces that they can enjoy and explore.

As we continue to deal with the pressure for affordable rural housing and to develop sustainable rural communities, we must ensure that we do not sacrifice biodiversity at any cost. The overall health and well-being of our communities partly depends on access to open spaces. It is clear that those who are most vulnerable and least able to fight back are excluded most from healthy environments. That impacts on all aspects of their lives and on the health inequalities from which Scotland suffers far too much. We have a chance to change that. Indeed, we have an obligation to do so.

The cities growth fund that Labour created allowed our cities to fund improvements in streetscaping and to help manage and enhance their green spaces. I hope that the Government will continue to work with local authorities in developing that. People who live in our urban environments deserve protected green spaces. They deserve opportunities for recreation and enjoyment.

As Nanette Milne said, the clamping down on wildlife crime has a contribution to make. I look forward to the report from Her Majesty's inspectorate of constabulary for Scotland, which supports more action by police forces throughout the country. It is unimaginable that we might not see our magnificent golden eagle, our red kite, our hen harrier and many other species that are under threat from people who do not seem to care or understand how their actions work against the rich diversity that we all want to see and to leave for our children and their children in turn.

As the progress report shows, improving biodiversity is, without doubt, challenging. It is helped by joined-up thinking and cross compliance. We have moved far in the right direction and I encourage the Government to ensure that it pushes that progress further in the next four years. As the Labour Party's amendment suggests, we must make available the resources that are needed to make that happen.

I am confident that, if we work together across this chamber and across Scotland, we will leave a biodiverse future for those who come after us.

**The Deputy Presiding Officer (Alasdair Morgan):** I call Mike Russell to wind up the debate. Minister, if you could aim to sit down at five to five, that would be ideal.

16:45

**Michael Russell:** I shall do my best, Presiding Officer, to ensure that you live an ideal world.

This has been a good and positive debate. Ministers usually say that when they sum up a

debate but, often, when they do so, they must ignore one or two speeches that have not lived up to expectations. Today, every time a member rose, I wondered whether that speech would be the one I would have to ignore, but none deserved to be ignored.

Every member has spoken with commitment, very often with passion, and certainly with knowledge. The *Official Report* of this debate will show just how positive it has been. As Karen Gillon said, many speakers have put forward positive ideas. I am happy to say that I will read the *Official Report* of the debate and reflect on those points. Like Peter Peacock, I hope that we will be able to return to this subject for a longer debate—perhaps a subject debate that will deal with one or two of the key issues within biodiversity.

The 2010 target is extremely important and extremely challenging. I know from my conversations with the relevant ministers in the other Administrations in these islands that they feel exactly the same. We have every intention of working as hard as we can towards the target.

Let us focus on some of the specific targets. The previous Administration set a target of having 80 per cent of designated features in a favourable condition by March 2008. We anticipate being able to meet that target—indeed, we hope to slightly surpass it. In any case, we will certainly be in that region and I do not think that two or three per cent either way matters.

The target of having 95 per cent of designated features in a favourable condition by 2010 was accepted at the time as very ambitious. As climate change speeds up, it becomes more and more ambitious. I hope that, as we debate this matter in the coming years, we realise that everything is being done to reach that target but that there are some natural barriers that we will have to overcome in order to do so. That is why the interrelationship between various pieces of forthcoming legislation will be important, as Karen Gillon said. The marine bill, the flooding bill and the climate change bill will be key tools that we can use to achieve our biodiversity indicators as well as do a range of other things.

Karen Gillon mentioned the SRDP scheme. I am sure that, like me, she will have warmly welcomed the fact that the scheme was considered and passed by the European Commission yesterday. We now await formal written approval from the Commission, which we hope to have within two or three weeks. The programme will open as soon as practicable thereafter—certainly in the spring. That is a big step forward and I pay tribute to the officials involved and to Richard Lochhead, who has lost some sleep over the issue in recent months. As the member knows, yesterday's

decision means that less-favoured areas support scheme payments can now proceed.

There are important things in the SRDP that we can use to help us. Agri-environment support is an important aspect, but we should reflect on the key issues in that programme: business viability, the enhancement of biodiversity and landscape, the improvement of water quality, the tackling of climate change and support for thriving local communities.

**Rob Gibson:** I am sure that the minister agrees that the flow country in Caithness and Sutherland is the most important peatland habitat in the world. Will he actively promote the case, with the United Kingdom Government, for that area to be awarded the accolade of world heritage status?

**Michael Russell:** I will promote that case as vigorously as I can once the process of assessing the full detail of the case has concluded. I am keen for the peatlands to be recognised, not least because, as the member knows, damage to them would lead to considerable consequences in terms of the release of carbon, which we simply cannot afford to allow.

The Scottish rural development programme needs to be pushed forward. I am now confident that people can begin to consider what they can apply for and what they can be involved in—considerable material to help them is available. As the months go on, much of the programme will contribute to the meeting of our aims. I hope that members will encourage people throughout the country to be involved in applications on the basis of the things I have mentioned—particularly the enhancement of biodiversity and landscape, which is crucial.

I will focus for a moment on eco-schools. I am very impressed, as is every member, by the eco-school movement. It is the most successful eco-school movement in the world. Active work is now being done to move some form of the programme into secondary schools and I, along with my colleagues who speak on education, will encourage that as much as possible. There are other initiatives that help schools, such as the salmon in schools project that Karen Gillon mentioned.

I declare a slight interest here—my wife was bitterly disappointed that her school could not take part this year because the programme was oversubscribed. I am sure that by putting that on the record I shall encourage them to apply for a future year. The serious point concerns young people's enthusiasm to take part in schemes that distribute knowledge about biodiversity.

Knowledge and public participation are two of the key issues in the biodiversity indicators. John Scott urged me not to be complacent. That is not

something I tend to be, and from reading the report and discussing it with those who work in the field, I know that there are many things to be concerned about.

The biggest challenge that we face, however, is a people challenge: motivating the Scottish people to recognise the real challenge that the issue presents to them and ensuring that they are involved. That is why I warmly welcome and strongly encourage the inclusion of some new indicators: attitudes to biodiversity, the extent and composition of green space, visits to the outdoors, the involvement in biodiversity conservation and the membership of biodiversity organisations. We have set ourselves the objective of involving people in the biodiversity debate.

**John Scott:** Does the minister agree that one of the big problems with achieving vital biodiversity is wildlife crime, which Nanette Milne mentioned? Would he like to talk a little bit about that?

**Michael Russell:** I will move on to that very briefly, because I want to finish on one or two very important issues—particularly the interrelationships that Peter Peacock mentioned.

I am passionately committed to the elimination of wildlife crime in all its forms—not simply the well-publicised crime that we have heard about, but a range of other types of wildlife crime such as poaching, which is at times undertaken in an industrial way. We will work very hard to ensure that wildlife crime is eliminated. I look forward to the report from Her Majesty's chief inspector of constabulary, which is also a report from the inspector of prosecution—we are considering all parts of wildlife crime.

Bill Wilson talked about the machair project, as did Peter Peacock. There is a complex relationship between all parts of our ecosystem. Sometimes, things are done and we do not realise the consequences, and we reap disastrous results. Last summer, I was deeply involved in the very interesting issue of tick infestation. We are now going through a massive increase in tick infestation, which is resulting in an increase in tick-borne diseases and consequences for animal and bird health, particularly for grouse moor health—*[Interruption.]*

Judging by the sound of that mobile phone, somebody clearly wishes to tell Mr Scott about tick infestation and to keep him up to date on it.

We have to work with a range of organisations to deal with the problem. For example, one of the reasons tick infestation is so bad is the reduction in hill sheep, which has caused a considerable problem. Another reason is the global warming that is taking place. The result is a massive increase in the number of ticks per square metre. We will find a way to do something about it, but it



is not simple, and it will require attention to a range of issues—[*Interruption.*]

**The Deputy Presiding Officer:** Order. There are far too many conversations going on in the chamber.

**Michael Russell:** The debate has been an encouraging indication of the best of the Scottish Parliament when members in all parts of the chamber—I include Robin Harper, who asked a very important question, which I will consider, about naming and shaming local authorities; it is time they delivered those plans, and I hope that they are listening—come together to pay attention to the key issues of our time.

I am disappointed that there were so few members in the chamber at the start of the debate. I hope that the others will take part in future debates, because there is no doubt that the issues of biodiversity are the key issues of our time. We have inherited a country that is rich in plant life and wildlife—although, as Peter Peacock said, it is sometimes artificially rich and too ordered—and we must not pass on to future generations a planet and a country whose biodiversity has been ruined by our actions or our lack of action.

I commend the motion and the amendments to the Parliament. I look forward to continued co-operative working in the Parliament so that we can meet and overcome the challenges that face us.

## Information Commissioner

**The Deputy Presiding Officer (Alasdair Morgan):** The next item of business is a debate on motion S3M-1193, in the name of Mike Pringle, on behalf of the Scottish Parliamentary Corporate Body, on the reappointment of the Scottish Information Commissioner.

16:55

**Mike Pringle (Edinburgh South) (LD):** The Parliament is invited to agree to the motion in my name, on behalf of the Scottish Parliamentary Corporate Body, to nominate Kevin Dunion to Her Majesty the Queen for reappointment as the Scottish Information Commissioner for four years.

Before putting the motion before the Parliament, the corporate body undertook a reappointment process that was in accordance with recommendations of the Procedures Committee in the previous session of Parliament. One of the recommendations was that an independent assessment of Mr Dunion's performance over the past five years be undertaken and a report submitted to the corporate body. In October 2007, an assessment of Mr Dunion's performance was undertaken by Dr Bernard Kingston, the corporate body's independent assessor. The assessment was based on four main criteria: fulfilment of the functions of the post as set down in legislation; competent management of workload; staffing and budgets; and having a forward plan to meet anticipated challenges. The decisions that Mr Dunion took on individual cases were not considered as part of the assessment process, as that would not have been appropriate given the commissioner's functional independence.

We interviewed Kevin Dunion, and the outcome of that interview was similar to the findings of the independent assessor. We therefore recommend strongly that the Parliament agree to the motion. I thank Dr Bernard Kingston for his report and for his validation certificate to confirm that the reappointment process was in accordance with good practice and that the nomination for commissioner is made on merit.

Scotland's freedom of information legislation is held in high regard throughout the world, largely because of Kevin Dunion's work. New Zealand is looking to adapt much of what we do and several other countries are looking to Kevin Dunion and his staff for help and advice on how to establish freedom of information regimes. Malawi, with which the Parliament has a close association, is one of those countries and is considering basing its freedom of information regime directly on that in Scotland. We are well ahead of what is happening south of the border.

That situation is due in large part to Mr Dunion and his excellent staff. He has never shied away from difficult decisions—the Scottish Executive has not always agreed with or welcomed his decisions. He has seldom been challenged and has never lost a court case. Mr Dunion has done an excellent job in establishing his office. I wish him every success in further developing the freedom of information regime in Scotland in the next four years.

I move,

That the Parliament nominates Kevin Dunion to Her Majesty The Queen for reappointment as the Scottish Information Commissioner from 24 February 2008 until 23 February 2012.

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

There is no one else to speak, so I have no choice but to suspend the meeting until 5 o'clock.

16:58

*Meeting suspended.*

17:00

*On resuming—*

## Decision Time

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

There are seven questions to be put as a result of today's business. The first question is, that amendment S3M-1200.1.1, in the name of Jeremy Purvis, which seeks to amend amendment S3M-1200.1, in the name of Jackie Baillie, on the Dormant Bank and Building Society Accounts Bill—United Kingdom legislation—be agreed to. Are we agreed?

**Members:** No.

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

### FOR

Brown, Robert (Glasgow) (LD)  
 Finnie, Ross (West of Scotland) (LD)  
 Hume, Jim (South of Scotland) (LD)  
 McArthur, Liam (Orkney) (LD)  
 McInnes, Alison (North East Scotland) (LD)  
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)  
 O'Donnell, Hugh (Central Scotland) (LD)  
 Pringle, Mike (Edinburgh South) (LD)  
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)  
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)  
 Scott, Tavish (Shetland) (LD)  
 Smith, Iain (North East Fife) (LD)  
 Smith, Margaret (Edinburgh West) (LD)  
 Stephen, Nicol (Aberdeen South) (LD)  
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)  
 Tolson, Jim (Dunfermline West) (LD)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)

### AGAINST

Adam, Brian (Aberdeen North) (SNP)  
 Ahmad, Bashir (Glasgow) (SNP)  
 Aitken, Bill (Glasgow) (Con)  
 Allan, Alasdair (Western Isles) (SNP)  
 Brocklebank, Ted (Mid Scotland and Fife) (Con)  
 Brown, Gavin (Lothians) (Con)  
 Brown, Keith (Ochil) (SNP)  
 Brownlee, Derek (South of Scotland) (Con)  
 Campbell, Aileen (South of Scotland) (SNP)  
 Carlaw, Jackson (West of Scotland) (Con)  
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)  
 Constance, Angela (Livingston) (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)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gibson, Rob (Highlands and Islands) (SNP)  
 Goldie, Annabel (West of Scotland) (Con)  
 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)  
 Johnstone, Alex (North East Scotland) (Con)  
 Kidd, Bill (Glasgow) (SNP)  
 Lamont, John (Roxburgh and Berwickshire) (Con)  
 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)  
 McGrigor, Jamie (Highlands and Islands) (Con)  
 McKee, Ian (Lothians) (SNP)  
 McKelvie, Christina (Central Scotland) (SNP)  
 McLetchie, David (Edinburgh Pentlands) (Con)  
 McMillan, Stuart (West of Scotland) (SNP)  
 Milne, Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 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)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Smith, Elizabeth (Mid Scotland and Fife) (Con)  
 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

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)  
 Butler, Bill (Glasgow Anniesland) (Lab)  
 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)  
 Foulkes, George (Lothians) (Lab)  
 Gillon, Karen (Clydesdale) (Lab)  
 Glen, Marilyn (North East Scotland) (Lab)  
 Godman, Trish (West Renfrewshire) (Lab)  
 Gordon, Charlie (Glasgow Cathcart) (Lab)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Henry, Hugh (Paisley South) (Lab)  
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)  
 Kelly, James (Glasgow Rutherglen) (Lab)  
 Kerr, Andy (East Kilbride) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Macdonald, Lewis (Aberdeen Central) (Lab)  
 MacDonald, Margo (Lothians) (Ind)  
 Macintosh, Ken (Eastwood) (Lab)  
 Martin, Paul (Glasgow Springburn) (Lab)  
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
 McCabe, Tom (Hamilton South) (Lab)  
 McConnell, Jack (Motherwell and Wishaw) (Lab)  
 McMahon, Michael (Hamilton North and Bellshill) (Lab)

McNeil, Duncan (Greenock and Inverclyde) (Lab)  
 McNeill, Pauline (Glasgow Kelvin) (Lab)  
 McNulty, Des (Clydebank and Milngavie) (Lab)  
 Mulligan, Mary (Linlithgow) (Lab)  
 Murray, Elaine (Dumfries) (Lab)  
 Oldfather, Irene (Cunninghame South) (Lab)  
 Park, John (Mid Scotland and Fife) (Lab)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Peattie, Cathy (Falkirk East) (Lab)  
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Stewart, David (Highlands and Islands) (Lab)  
 Whitton, David (Strathkelvin and Bearsden) (Lab)

**The Presiding Officer:** The result of the division is: For 17, Against 65, Abstentions 45.

*Amendment disagreed to.*

**The Presiding Officer:** The second question is, that amendment S3M-1200.1, in the name of Jackie Baillie, which seeks to amend motion S3M-1200, in the name of Jim Mather, on the Dormant Bank and Building Society Accounts Bill—UK legislation—be agreed to.

*Amendment agreed to.*

**The Presiding Officer:** The third question is, that motion S3M-1200, in the name of Jim Mather, on the Dormant Bank and Building Society Accounts Bill—UK legislation—as amended, be agreed to.

*Motion, as amended, agreed to.*

*Resolved,*

That the Parliament supports the principle of clauses in the Dormant Bank and Building Society Accounts Bill, introduced in the House of Lords on 7 November 2007, providing for the collection and distribution of sums released from dormant bank and building society accounts for social and environmental purposes, and agrees that the provisions in the Bill that relate to the distribution of such sums in Scotland should be considered by the UK Parliament and, in so doing, calls on ministers to ensure a full and open consultation involving all interests with a social or environmental purpose and, in particular, organisations providing services, facilities or opportunities to meet the needs of young people; notes that a further vote will be required in the Scottish Parliament, and calls on ministers to return to the Parliament at the conclusion of the consultation exercise for further consideration of the distribution of the funds not later than September 2008.

**The Presiding Officer:** The fourth question is, that amendment S3M-1204.1, in the name of David Stewart, which seeks to amend motion S3M-1204, in the name of Michael Russell, on the Scottish biodiversity strategy report, be agreed to.

*Amendment agreed to.*

**The Presiding Officer:** The fifth question is, that amendment S3M-1204.2, in the name of Jim Hume, which seeks to amend motion S3M-1204, in the name of Michael Russell, on the Scottish biodiversity strategy report, as amended, be agreed to.

*Amendment agreed to.*

**The Presiding Officer:** Decision time is very consensual today.

The sixth question is, that motion S3M-1204, in the name of Michael Russell, on the Scottish biodiversity strategy report, as amended, be agreed to.

*Motion, as amended, agreed to.*

*Resolved,*

That the Parliament welcomes the collaborative work being undertaken by a wide variety of partners across the public, private and voluntary sectors to take forward implementation of the Scottish Biodiversity Strategy from 2004 to 2007, as set out in *Scotland's Biodiversity: It's In Your Hands – A Progress Report 2005-07*; commends the enthusiasm and commitment of all those involved in that work, and acknowledges that continued effort by all the partners engaged in conserving biodiversity in Scotland is required in order to address the challenges identified in the progress report such as climate change, invasive non-native species, river basin management, sustainable management of the natural world, the development of the ecosystems approach, wildlife crime and the need for the broader engagement of all citizens so that Scotland can play its part in delivering our national and international commitments to the cause of halting biodiversity loss; calls on the Scottish Government to confirm the commitment to meeting the 2010 EU Gothenburg biodiversity targets; and notes that land users, land managers, inshore fishery interests, sea fishing interests and land practitioners are charged with delivering environmental benefits, and recognises that there is a need for these stakeholders in particular to be formally involved in the strategy at all levels, to understand the objectives, and thereafter to contribute practical solutions to the strategy and its overall aim.

**The Presiding Officer:** The seventh and final question is, that motion S3M-1193, in the name of Mike Pringle, on behalf of the Scottish Parliamentary Corporate Body, on the reappointment of the Scottish Information Commissioner, be agreed to.

*Motion agreed to.*

That the Parliament nominates Kevin Dunion to Her Majesty The Queen for reappointment as the Scottish Information Commissioner from 24 February 2008 until 23 February 2012.

## Organ Donation

**The Deputy Presiding Officer (Trish Godman):** The final item of business is a members' business debate on motion S3M-483, in the name of George Foulkes, on time for a fresh debate on organ donation. The debate will be concluded without any question being put.

*Motion debated,*

That the Parliament commends the ongoing work that British Medical Association Scotland is doing to raise awareness of organ donation; recognises that the number of people on the active and temporarily suspended transplant waiting list in Scotland rose by almost 20% from 695 in September 2005 to its highest level of 818 in July 2007 and yet only 50 organs were donated in Scotland last year and that at 10 June 2007 there were 135 people in the NHS Lothian area registered with UK Transplant as waiting for an organ; recognises that the current opt-in system of organ donation is unable to meet the increasing demands placed upon it; acknowledges the need for a full and proper public debate to establish the level of support that exists for a move to a system of presumed consent that will both inform future proposals in this area and raise awareness of the desperate need for organ donors, and considers that moves to turn the tremendous level of public and, increasingly, professional support that exists for organ donation into something meaningful should be supported by implementing a system of presumed consent.

17:04

**George Foulkes (Lothians) (Lab):** I hope that the spirit of consensus that we saw at decision time will continue in this members' debate. I genuinely thank all the members who have chosen to stay and participate in this evening's debate, many of whom have a long and distinguished record of participation—much longer than mine. I am also grateful to the British Medical Association and, if I may say so—I do not know why I say that, but I do—to *Scotland on Sunday* for its on-going support and efforts in championing the cause of presumed consent.

It is a sobering thought that today, one person in Britain will die waiting for an organ transplant. Another 9,000 people are still waiting for transplants. The issue is not party political. The debate is not about winning an argument and it is certainly not about taking a populist line: it is about saving lives. The intention is to make nearly every person in Britain realise that they and we can make a difference. Each person can provide hope and give something back after they have gone. The introduction of an opt-out system in Britain would mean that we could all give life to someone without lifting a finger or signing a consent form.

I have seen at first hand what the gift of life does for people who have battled with waiting and hoping for a new heart or a new lung. It is moving and inspiring. I confess that I am a convert to the cause, because I was sceptical after the Alder Hey

scandal. When I attended the launch of the British transplant games in Edinburgh last summer, I came to comprehend fully that an organ transplant not only saves someone from death, but gives them a new lease of life. The recipients who participated in the games used their second chance at life to push themselves further and harder than they might have done before the transplant.

Transplants and the gift of life do not benefit just recipients. In some cases, the families of donors have been comforted to see how a relative's decision to give their organs after their death has given life back to someone who is now living life to the full.

The common theme of the transplant games was achievement and success, but the participants held the common belief that there is still an awful lot to do on organ donation so, after the games, I joined the BMA in an effort to urge the Scottish and UK Governments to act and to convince the Scottish and UK people of what I believe has become a compelling case for a system of presumed consent. I acknowledge the contribution over the years of other members, such as John Farquhar Munro, who have argued the case for a long time.

As we all do, John Farquhar Munro recognises that we need public support for change. Survey results have shown that most of the public support organ donation. In a YouGov poll in October 2007, 74 per cent of people in Scotland and 64 per cent of people around the UK were in favour of an opt-out system. Ninety per cent of people support organ donation but, unfortunately, although the rate of support is high, only 24 per cent of people put their name on the organ donor register.

People's graphic and moving accounts of the experience of organ donation often counter the common view that the deceased's family want to decide about donation at the time of loss. That is a misconception. Some people feel that one advantage of an opt-out system is that it takes a difficult and traumatic decision away from relatives at a time when they might not feel emotionally able to make a rational decision. There are families who regret the decision to refuse donation and wish that they had not been asked to deal with it at such a difficult time. Some feel in retrospect that to achieve something good in a tragic situation would have helped them come to terms with their loss.

At the BMA briefing yesterday, we heard that the organs of a person who died in a car accident had saved five other lives. That gave that person's family some comfort in a tragic situation. That does not mean that we propose to remove the need to consult the family; rather, we want to make a cultural change, so that donation is perceived as the default position, which would

make the decision easier. The question would be, "Do you object?" rather than, "Do you agree?" That would make donation less of an extraordinary and altruistic choice.

The gap between the number of organs that are available and the number of people who need a transplant grows by an average of 8 per cent a year and shows no sign of narrowing. The waiting list for organs stands at an all-time high. We need to act now if we are to reverse the position.

I hope that the debate will not only raise awareness of the issue but start to convert the sympathetic response from Scottish Government ministers—I say that to Shona Robison with absolute sincerity—into their making a contribution to the consultation that will push the nation forward so that we stop discussing making a difference and do something about it.

However, we must recognise that there are understandable concerns about the introduction of an opt-out system. Those will form part of the debate, but I am convinced that an open and informed debate will ensure that concerns can be voiced and fears allayed. Neither the Governments of Scotland and Britain nor the BMA want to implement an opt-out system without the right safeguards in place to ensure that property is protected, the rights of children and parents are upheld, concerns about which organs can be donated are addressed and the wishes of those who have opted out are documented securely and upheld at all times.

We are proposing a soft system of presumed consent, with safeguards in place. That is why an informed debate is needed. We are lagging behind other European countries. Spain already has five times the donation level that we have, and the Spanish model has been adopted in other parts of Europe. That is what we are proposing.

Last week the organ donation task force, under Mrs Elisabeth Buggins, published its first report. If we adopt all its recommendations, as the Scottish and UK Governments are inclined to do, we may anticipate a 50 per cent increase in donations. However, we need to go much further. That is why Mrs Buggins and her team are now considering presumed consent. Alan Johnson, the United Kingdom Secretary of State for Health, has asked them to do that. I hope that we will give the process an extra push and move towards presumed consent, so that people will not continue to die unnecessarily day after day for the foreseeable future. I hope that Parliament will support the motion.

17:12

**Roseanna Cunningham (Perth) (SNP):** In this debate, it is assumed that the arguments in favour

of change are so self-evident that any reasonable person would agree with them, so there is a danger that this important issue will not be debated properly. For that reason, I congratulate George Foulkes on bringing the matter to Parliament, at a more civilised time of the day and in a more civilised forum than those to which he may have been accustomed in the place where both of us formerly served.

I have made the opposite journey from George Foulkes. For most of my adult life, I supported a switch to presumed consent. Like many people, I believe, I did so on an easy and superficial level. However, my support for presumed consent did not survive a full debate on the subject that I attended about 10 years ago. I went into the debate a supporter of presumed consent and came out an opponent.

I concede that the proposal is superficially attractive and I understand why people are drawn to it: it is a big hit, it costs but little and it looks like we can argue that there are winners all round. My response to that suggestion is, 'Maybe—up to a point, m'lud.' It is interesting that on the two occasions when health committees of Parliament have considered the issue, they have not agreed to the introduction of presumed consent. I was involved in the second set of deliberations, in the context of consideration of the Human Tissue (Scotland) Bill in 2005 and 2006.

Why did the Health Committee not agree to the introduction of presumed consent, and why am I opposed to it? The principal reason is that it turns consent on its head. Consent should be a positive decision. We expect that to be the case in all our human endeavours, from criminal law right down to the tiny print that requires us to opt out of junk mail if we do not want to receive it. We are always annoyed when, because of a requirement to opt out, we end up with stuff cascading through our letterboxes. A gift is not a gift if we attach the word "presumed" to it. The proposal turns on its head the notion of organ donation as a gift.

Presumed consent has a chequered history. That is one of the reasons why the Health Committee took the view that it did when it considered the issue. The Human Tissue (Scotland) Bill arose in part out of the Alder Hey disaster. We need to remember the distress that people felt at that time, which arose directly from presumed consent. On those occasions, doctors presumed without bothering to ask. A presumption was made. The end is laudable, but ends do not justify the use of just any means. Huge issues of trust are involved, and the proposal does not address the issue of hard versus soft presumed consent or the enormous differences between the two.

I do not have a problem with organ donation. I have signed the organ donor register many times.

Whenever the card wore out, I got a new card, and it is great that the register is now online. However, I will be dead at the point when the decision has to be made, so I am concerned more about the grieving families that are left behind. At that point, it ceases to be about me. It is about the people I leave behind. What would I do? I would have to think hard about it. I am happy to have my organs donated, but I am not happy for my family to be put under pressure at that point. The matter needs to be considered extremely carefully.

There is also a big practical issue. What incentive will there ever be to publicise an opt-out register? We can barely spend money to publicise the opt-in register that we have at present. There would be no incentive to bring an opt-out register to people's attention. I suspect that the first many people would hear about it would be in hospital at a time when they were least able to handle it.

17:16

**Claire Baker (Mid Scotland and Fife) (Lab):** Organ donation is a hugely sensitive subject, as the two speeches that we have heard so far have clearly illustrated. I am therefore grateful to George Foulkes for all the work that he has done on the matter since he came to Parliament. I also acknowledge the work of other members in previous sessions. A public debate on an opt-out register and organ donation more generally is overdue, so I am delighted that George Foulkes has secured this members' business debate.

I am confident that other members will cover the general issues of organ donation, so I will focus on a particular aspect—baby and child organ donation. I appreciate that the issue is highly sensitive, but it is crucial that it is not overlooked in the wider debate.

Early in my time as an MSP, I was approached by Anne Fotheringham, who is a constituent of mine from Methil. Anne's daughter, Angel, was born in 2006 with multiple difficulties. Within months, she required a new liver and bowel, for which she was placed on the transplant list. At that time, she was so small that she needed the organs of a newborn baby. Anne set up a campaign for a double transplant. Through sheer perseverance and determination, her campaign for Angel received support from a number of well-known celebrities and widespread coverage in the written and broadcast media. However, after 16 months on the transplant list, Angel died in June last year at the Royal hospital for sick children in Edinburgh. I am concerned that the system is not working for children as effectively as it could if parents have to resort to media campaigning at what is clearly a stressful time.

Thankfully, the number of children who are waiting for transplants is not large, but it is significant. At present, nine children are waiting for a transplant in Scotland. Last year, 12 recipients of transplants in Scotland were aged under 17. We must do all that we can to help children in Scotland who need organs to get the chance of a transplant.

To be clear, I am not suggesting that we extend an opt-out system to include young children. The BMA, which has long advocated an opt-out system in general, would not apply it to under 16s. The Human Tissue (Scotland) Act 2006 makes a distinction at 12 rather than 16. If we are to have an opt-out donation system, careful consideration should be given to the age at which we deem people are competent to make the decision for themselves.

However, the adoption of a soft system of presumed consent for adults could improve the system for children in a number of ways. I cannot imagine having to make a decision about organ donation for a child and—like other parents, I imagine—it is not something that I even want to think about. However, an opt-out system and the debate that would accompany its introduction could make organ donation a subject that parents had discussed before they were approached about consent. A public debate might give parents an opportunity to reflect on the issue so that they are more secure in any decision that they are asked to make.

It is not just legislation that will increase organ donation. An education and awareness campaign, a public debate on organ donation, and the implementation of the recommendations of the organ donation task force could also boost awareness of child organ donation. What matters most is that we minimise the tragic waste of young lives waiting in vain on the transplant list and that we do so while fully adhering to the needs and wishes of parents.

I am happy to speak in this evening's debate and, at least in a small way, to pay respect to all the hard work that Anne Fotheringham has done to raise awareness of organ donation in Fife and throughout Scotland. I want to ensure that the issue of child organ donation does not get lost in the parliamentary debate today or in the public debate that is set to follow.

17:20

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

I, too, thank George Foulkes for lodging the motion and I put on record my appreciation of Margaret Jamieson's excellent work on organ donation in the previous two sessions of Parliament. The Scottish Conservatives have

agreed to a free vote on organ donations. The views that I will express are therefore my personal views, not those of my party.

We should not lose sight in the debate of the idea of prevention. Given the expected surge in type 2 diabetes and the fact that diabetes is the main contributory factor to kidney failure, we should first of all ensure that enough is being done to diagnose, manage and prevent diabetes.

That hundreds of people die each year because organs are not available is tragic, but the question is whether a system in which there is presumed consent is the answer. Like Roseanna Cunningham, I used to be minded towards supporting the idea of presumed consent, but I am now moving in the opposite direction.

I hope that the Government will take on board the 14 recommendations in the organ donation task force's report, which states that the recommendations could increase organ donations by 50 per cent in five years. The task force highlighted many problems, but it mainly highlighted the lack of a structured and systematic approach. There is no doubt that there is a desperate need to build up the infrastructure of staff, co-ordinators, beds and systems in order to increase the number of transplants that take place, and that that is far more urgent than imposing a system in which there is presumed consent. The success that has been attributed to the Spanish model has been as much to do with organisation and infrastructure improvements as it has been to do with presumed consent. Spain has three times as many intensive therapy unit beds and three times as many transplant doctors as the United Kingdom has. George Foulkes quoted other figures for Spain. What we do not know is how many people here were willing to give organs but were not asked to do so or could not do so because the organisation of co-ordination and retrieval was lacking or because there were insufficient ITU beds.

We know that 25 per cent of the UK's population have signed up to the organ donation register and that a higher number of people carry the donor card, but the task force report shows that fewer transplants were carried out in 2007 than in 1997. We should ask why, although more Scots have put their names on the organ donor register than people in the other parts of the UK have, we have the lowest organ donation rates in the European Union.

I do not support the concept of presumed consent. It is a contradiction in terms. Presumed consent is not consent. Consenting means agreeing or giving assent. Consent—whether to sex, marriage or donating body parts—can only be given freely by an individual. A donor of organs is a giver or provider of them. It has always been

assumed that donation is by choice. Donation is willingly giving, not willingly taking. As Roseanna Cunningham said, opting out is not a familiar concept to most people. Organ donation is a matter of individual conscience and individual freedom—it is not a matter for the state.

The task force's report raises the issues of conflict of interest and ensuring that steps to facilitate organ donation are clearly lawful. It is indeed a concern that the legal position on non-heart-beating donations is unclear. Dr Kevin Gunning of Addenbrooke's hospital has said:

"If as a doctor you have turned your thoughts to your patient being a donor when they are still living, that is a real conflict".

As I said, I welcome this informed debate.

17:24

**Dr Richard Simpson (Mid Scotland and Fife (Lab)):** I thank the Presiding Officer for letting me speak early in the debate and apologise to members that I may have to leave before it concludes.

I congratulate George Foulkes on securing the debate. He has raised an issue with which I have been personally involved for a considerable time. In 2000, the Health and Community Care Committee asked me to act as its reporter on the subject of organ transplants, and I reported to that committee although I was not a member of it when its report went to the Parliament. When I considered the issue in detail, I found exactly the sort of arguments against presumed consent that Roseanna Cunningham and Mary Scanlon have put clearly tonight. It is certainly not an easy issue for a Government to tackle. Nevertheless, I believe that the time has come for us to do that.

During the previous session and the latter period of the session before that, the subject was discussed in the context of what happened at Alder Hey children's hospital. There was, therefore, considerable concern and alarm about the whole issue of doctors taking organs inappropriately and without permission. However, that is quite different from a context in which respect for the families remains, which must be central to any donation system. Any system that advocated the state owning the dead body and, therefore, being able to dispose of the organs as it saw fit would be anathema to me. The only system that I would be prepared to support would be one in which a sensitive approach to the family was made by a trained co-ordinator seeking the family's agreement to the donation on the basis of presumed consent.

It is easier for the family to say that they know that the deceased would not have wished their organs to be donated or that they have strong

views against organ donation, and both of those views should be respected. However, being asked to consider a complex positive decision at that point is something that many families find adds to the already distressing situation of their immediate loss.

Research has clearly shown that, a year or so after the episode, the level of regret among families who have rejected the request for donation is extremely high, whereas very few of the families who have consented regret having made the decision to undertake donation. The evidence therefore shows that we need to help families to make an appropriate decision that they can live with later on. I accept entirely that that must be done in a very sensitive way.

The evidence as to whether presumed consent is the sole answer to our transplant problem is clear: it is not. It is only part of the total solution. I regret the fact that the many recommendations in the report that I was involved in preparing for the Health and Community Care Committee are simply being repeated today in the task force's recommendations—some six years later. It is also regrettable that the number of transplants has not increased.

We need to tackle the legal position regarding non-beating-heart donation. We also need to tackle—and have done, to a large extent—the issues of living donors and non-related swap donors. It is important that such issues are sorted out. However, the most important thing is that every intensive care unit in Scotland should have a co-ordinator attached to it. That should be our first step, irrespective of the forward steps that need to be taken in legislation. We should today set ourselves the goal of achieving that, as it would increase the number of transplants.

We should continue to promote the debate and, in my view, we should move to a system of soft presumed consent with a very strong opt-out, of which every citizen should be made aware.

17:28

**Mike Rumbles (West Aberdeenshire and Kincardine) (LD):** I, too, congratulate George Foulkes on securing this debate on a very important subject that we need to debate. In his motion and in his speech, he has identified the problem extremely well. He is absolutely right to highlight the fact that, although 818 people were waiting for a transplant operation, only 50 organs were donated in Scotland last year. However, I part company with George Foulkes—and others—regarding his assertion that the current opt-in system of organ donation is unable to meet the demand that is increasingly being placed on it and



that the solution is to move to a system of presumed consent.

I am sure that everyone who is taking part in the debate wants to see an increase in the number of organ donations—everybody has the same motive. Together with many MSPs, I am a donor card carrier and I am therefore on the organ donor register. The question that we must address, though, concerns the best way in which to ensure that more organ transplants take place throughout the country.

I have to ask George Foulkes and others who support so-called presumed consent why they think it is that, although almost 30 per cent of the adult population volunteer to give their organs at the time of their death—the gift of life—there were only 50 donations last year. Is it not obvious to everyone that the problem is not about getting more people on to the register? One million people throughout the UK have signed the register in the past year. It is about getting the health authorities to action the powers that were given to them by the Human Tissue (Scotland) Act 2006 and to implement all the recommendations of the task force, which reported last week.

Two years ago, the previous Health Committee took evidence on the issue and the Parliament changed the law. For the first time, we gave legal status to the organ donor register and the wishes of the deceased. If a deceased person is on the organ donor register, no further permission needs to be obtained from loved ones. The deceased's wishes are paramount. So-called soft presumed consent will go back on that, as relatives of the deceased will retain a veto over any donation. That was not the aim and objective of the legislation that we passed. I know that some argue that if we have so-called presumed consent, we will not need to ask permission from relatives; the hospital could simply go ahead with the transplant. That is not what is being advocated by most people—certainly not by George Foulkes and Richard Simpson—but it is what is being advocated by some.

There are many objections to the system of so-called presumed consent, and I list just a few. Let us look at the terminology. The national health service exists on a system of informed consent—nothing more and nothing less. Presumed consent is no consent at all. Are we really saying that the state should own our bodies when we die and that organs can be removed at its say so? I think not. We need real consent.

There are practical objections to so-called presumed consent. We have mentioned Alder Hey already. The number of organ donations fell dramatically after what happened there; do we really want that to happen?

So-called presumed consent cannot be the way forward. We need to implement the practical and welcome recommendations of the task force that were published last week. Most important, we need a step change in the attitude towards organ donation by our health professionals. We need to implement the wishes of the people who are on our organ register now. That is simply not happening.

The key to success is in getting more people to give real consent—the gift of life—and in implementing their wishes effectively. We can do that by tackling the difficult practical issues as the task force recommends. We do not do it through a system of so-called presumed consent.

17:33

**Kenneth Gibson (Cunninghame North) (SNP):**

I congratulate George Foulkes on securing this important debate on an issue in which I have long had an interest. Indeed, during the first session of the Parliament, Dr Richard Simpson and I discussed the possibility of a joint members' bill to introduce presumed consent. At the time, with the Alder Hey incident still fresh in the minds of the public, we decided that it would not be appropriate to do that. As neither of us was re-elected, we could not go on with the idea during the second session of Parliament, although I was pleased that John Farquhar Munro tried to progress with the issues.

On my re-election, my staff member Jared Vengrin worked full-time and exclusively on the issue with a view to introducing a member's bill on 18 July. That did not happen because of the possibility that the Scottish National Party would adopt presumed consent as a policy and progress with the matter in Government. I therefore hope that the minister will assure the chamber that that is the Government's intention.

Since 2002, there has been a 16 per cent increase in the number of transplants overall, a 26 per cent increase in the number of kidney transplants, and a 280 per cent increase in the number of non-heart-beating donors. However, the same period has also seen a 30 per cent increase in the number of patients who are listed for a transplant, and a 10 per cent fall in the number of deceased heart-beating donors, who were historically the main source of donated organs.

The lack of transplant organs has caused some to go overseas and undergo risky and expensive transplant procedures. Along with putting the patients at risk, there is great damage to those who provide the organs, no doubt because of poverty.

Presumed consent is not new; indeed, we have already heard about the position in Spain. In fact,

22 countries, 21 of which are in Europe, already have this policy. The Parliament can learn a lot from what has happened in those countries and get the best of all possible worlds. Detailed regression analysis that compared 22 countries over 10 years and took into account determinants that might affect donation rates such as gross domestic product per capita, health expenditure, religious beliefs, the legislative system and the number of deaths from traffic crashes, cerebrovascular diseases and so on concluded:

"When other determinants of donation rates are accounted for, presumed consent countries have roughly 25-30% higher donation rates than informed consent countries."

Even if families have the final say, there are fewer refusals in presumed consent countries.

This is all about saving people's lives. I understand why people become distressed when they are asked to donate their relatives' and loved ones' organs. However, as Richard Simpson and George Foulkes have rightly pointed out, many who refuse to do so have regretted the decision years later.

Spain's success, which has been mentioned by a number of members, has been attributed not just to presumed consent but to the introduction of a network of transplant co-ordinators, which has dramatically improved donor detection. When Austria introduced presumed consent, the number of donors over a decade or so quadrupled. Indeed, there is now almost no waiting list for transplants in Austria—which means, of course, that people do not have to die while on such a list.

Professional opinion is divided on this issue. The BMA, the Royal College of Surgeons of Edinburgh and the British Transplant Society are in favour of a soft opt-out system, while the Royal College of Nursing and the Scottish Transplant Co-ordinators Network oppose it. However, this debate is not about removing anyone's rights. A system of presumed consent would guarantee a person's absolute right to say that they do not wish their body to be used for transplants after they die.

As the Jewish people say, he who saves a life, saves the world entire. We should think about those suffering on waiting lists and move towards introducing a system of presumed consent.

**The Deputy Presiding Officer:** Given the number of members who wish to speak, I am minded to accept a motion without notice, under rule 8.14.3, that the debate be extended by up to 30 minutes.

*Motion moved,*

That, under Rule 8.14.3, the debate be extended until 6.05 pm.—[George Foulkes.]

*Motion agreed to.*

17:37

**Cathie Craigie (Cumbernauld and Kilsyth) (Lab):** I thank George Foulkes for lodging the motion and securing the debate, which I am pleased to take part in. Since his election to the Parliament, he has taken a very keen interest in organ donation. He is certainly a big man with a big voice, and I am sure that the campaigners will welcome him into their fold.

Most people accept that the nature of organ transplantation has changed and that, these days, the treatment can not only save people's lives but give many of them the opportunity to live fuller lives. For years, there have been campaigns to encourage folk to register as donors. As statistics highlighted this evening show, some of those campaigns have been successful in raising public awareness of the need for donors. Unfortunately, as members have pointed out and as briefings that we have received make clear, there never seem to be enough organs to meet the demands and needs of the people on the waiting list for transplants.

I firmly believe that the time is right for the debate to move on and for the introduction of mechanisms to allow the UK to move towards a presumed consent system with all the safeguards and guidance suggested by the BMA. I do not agree with Roseanna Cunningham or Mary—Mary—

**Members:** Scanlon.

**Cathie Craigie:** Sorry—that was a senior moment.

Although I do not agree with the position taken by Roseanna Cunningham, Mary Scanlon or Mike Rumbles, I agree that the points that they raise must be seriously discussed, debated and researched, and I very much look forward to having that debate.

As has been said, families who are faced with the sudden death of a loved one are not always in a position to think clearly and openly, and they feel vulnerable. In my opinion, that is when professionally trained people, who know how to deal with the difficult questions, need to be called in. I have spoken to families who lost loved ones suddenly and who greatly regret that they did not choose to offer their loved one's organs for transplantation. I have also spoken to people who have given the organs of their loved one for transplantation and who find great comfort in that.

I hope that I can get past this next bit, Presiding Officer. My husband had a kidney transplant—thankfully, he has had the kidney for the past 15 years. Not a day goes by when I do not thank the donor family. We need to have a debate.

17:41

**Nanette Milne (North East Scotland) (Con):** I, too, am very pleased that George Foulkes has secured the debate at a time when the issue of organ donation and transplantation is rapidly moving up the political agenda. As a number of colleagues already know, the issue is of particular interest to me as the mother of a son who had a successful liver transplant very nearly 16 years ago.

After eight years of abnormal liver function due to chronic auto-immune hepatitis—and before he was considered for transplantation—my son's liver failed suddenly after a septicaemic episode. He went into a comatose state for nearly a week, following which a lightening of consciousness presented a window of opportunity for an urgent transplant, without which he would certainly have died. He was lucky, as he received a suitable donor liver within four days, and I am now the very happy granny of two lovely children who I never dreamed I would see during my son's dark teenage years of steadily deteriorating health.

I wish that it was possible to convey to those whose tragedies have allowed people such as my son to live a new, normal life the enormous value of their generous sacrifice and the happiness and fulfilment that it has given to the recipients of their loved one's organs. Believe me, my family's gratitude knows no bounds, and none of us would hesitate to consent to donation should the situation arise.

There is an urgent need to increase organ donation until there is a cure for the underlying conditions that lead to end-stage organ disease or until research allows the growth of completely new organs.

I was on the Health Committee when the Human Tissue (Scotland) Bill went through Parliament, and I thought that its provisions would lead to a significantly enhanced rate of donation. Sadly, so far that has not happened, and I am increasingly coming round to the view that it may yet be necessary to progress to a situation in which consent is presumed. There would, of course, have to be safeguards to respect the wishes of those who do not want to be donors or who do not want their relatives to be donors. Many ethical and moral issues must be considered, but there has to be a serious debate. I think that we probably all agree on that.

In the meantime, I hope that the proposals put forward last week by the organ donation task force will achieve the result that it predicts, and I look forward to the outcome of its follow-up investigation into the pros and cons of presumed consent.

An existing problem, which I believe needs to be dealt with, is that of elective ventilation of brain-dead patients in order to preserve their organs for possible transplantation. The fact that, thanks to technology, brain death can now be diagnosed very quickly when a patient is admitted to hospital has resulted in the loss of healthy organs, because the elective ventilation of a person known to be brain dead solely for the purpose of possible transplantation is not currently permitted by law—I presume that that applies equally to people on the donor register.

A retired friend and colleague who did many renal transplants during his career told me that the early diagnosis of brain death has had a significant impact on the availability of organs. That is sad, because many of the people admitted to accident and emergency with mortal head injuries are young and otherwise very healthy.

Conversely, it is not uncommon to find that the organ function of those who survive into intensive care but who die later has been compromised by ventilation and intensive treatment to the extent that their organs are not suitable for transplantation. My friend is strongly of the view that the elective ventilation of brain-dead patients for the sole purpose of transplantation, coupled with a soft opt-out law, would be of immense benefit to our society. He believes strongly that many people who are dying at present for want of available organs would be saved. I hope that the matter will be looked at carefully during the consideration of any possible change to the law on organ donation.

I am pleased that the issue has come to the fore. I hope that it will not be too long before a means is found to acquire the organs that are so desperately needed by the many people who are awaiting them and those who will require them in future—who could be any one of us or any member of our families.

17:45

**Christine Grahame (South of Scotland) (SNP):** I thank Lord Foulkes for bringing the debate to the chamber. As a consequence of all the coverage of the issue in the press and elsewhere, I registered online as an organ donor. The website is so busy that there is a delay in sending out the paperwork.

I turn to consent, which must be clearly and freely given and informed, and the individual concerned must have capacity. I appreciate that that subject is for another debate, when we have time to discuss the issue.

Someone who knows far more about the issue than I do said:

"It is true that organ donation rates in Spain are considerably higher than in Scotland, but this is not entirely the result of a law of presumed consent there. There is a much higher rate of acute brain injury in Spain, mainly owing to the higher number of road accidents, and there is a much more developed transplant infrastructure in place, including transplant co-ordinators in every hospital.

These factors alone are responsible for much of the increased availability of organs for transplant. Other countries in Europe also have a policy of presumed consent, but some actually have lower rates of organ donation than Scotland. When examined in detail, the evidence that a simple change in the law to presumed consent would improve donation rates is not convincing ...

It is also unthinkable that a dead patient's organs would be taken without family agreement, and hence discussion with the deceased's family after brain-stem death will need to continue as before. It is vital that this discussion is informed by accurate knowledge of the patient's wishes expressed before death. This can only be guaranteed by a compulsory registration of patients' wishes, whether for or against donation.

Anything less than this form of balanced registration would be invalid as an indicator of the deceased's wishes, and could not reasonably be used to inform the discussion with the deceased's family which will still need to take place, even with a change in the law to presumed consent.

I write as a senior intensive care clinician with almost 30 years experience of dealing with brain-stem death and organ donation, and who strongly supports organ donation and transplantation.

I urge extreme caution before proceeding with a change in the law to presumed consent."

Ian Grant—a consultant surgeon at the Western infirmary—sums up the situation far more eloquently than I could have done.

I share other members' concerns. I was extremely moved by the speeches from Cathie Craigie and Nanette Milne, but we have to look very carefully at the issues that are raised in the debate, including capacity. If the aim of presumed consent is achieved and the organs of a person who was silent are removed, how do we know whether that person could have given any consent whatsoever, particularly if there is no family to talk to?

We have to take families with us. I remember Ian Grant putting forward his case in a previous debate—indeed, he went further in saying that having presumed consent would make his job harder. That is why he carefully suggests two registers of persuasive—not determinant—quality.

We all want more organ donation to take place, but I urge caution in how we move forward. I respectfully ask members to listen to the words of a man who deals with these matters, day in, day out.

17:49

**Malcolm Chisholm (Edinburgh North and Leith) (Lab):** I congratulate George Foulkes on

securing a debate on an important and controversial topic. Among the excellent speeches, I am sure that members were particularly moved by those from Nanette Milne and Cathie Craigie, both of whom emphasised the vital role that transplantation has played in their lives through saving their loved ones.

Because of such stories, and because of the long list of people who are waiting for transplants, I take an entirely pragmatic view. If it can be demonstrated that presumed consent will increase the number of transplants, I will support it. We should consider all the evidence, especially that from other countries in Europe. I hope that the forthcoming second report from the organ donation task force will consider that evidence carefully.

On balance, having considered the evidence, I am inclined to support the move towards presumed consent. However, I would be the first to admit that the situation is complex. Public opinion is highly relevant, as is the opinion of experts. Those opinions were among the key factors in persuading me against presumed consent when I was on the Health and Community Care Committee at the time of Richard Simpson's report and again when I was a minister responsible for health. However, there are signs that public opinion is changing, which is very important. I am not entirely clear whether other people on the front line—such as transplant co-ordinators—have changed their views entirely as well. I would want to hear further from them. However, I am encouraged by polls that suggest that a majority of people now accept presumed consent. That will be essential if any system of presumed consent is to work.

Because many European countries have one variant or another of the system, we have a great deal of evidence. Spain is the most quoted example, but Christine Grahame was right to point out that more than one factor influences the Spanish position. We will have to consider all factors. Some people from Spain have said that transplant co-ordinators are key. I hope that, in Scotland and across the United Kingdom, all the recommendations in the first report of the organ donation task force will be implemented as quickly as possible.

Even if we consider all the evidence across Europe, I still feel that—as Kenneth Gibson argued—presumed consent can be identified as one factor, among others, that has increased the number of transplants in Europe. That is one of the factors that have persuaded me to change my mind.

I have one final thought to share. One of the most successful countries—perhaps the most successful—in terms of transplant rates is

Belgium. It might sound odd, but the Belgians have two lists—an opt-out list and an opt-in list. That might address some of Mike Rumbles's concerns. Mike made a fair point in his speech. I was obviously involved in the proposals to change the legislation. We thought that hardening things up and giving legal force to carrying the card and being on the register—as I am sure that we all are—was a big step forward. I have said that I want my organs to be donated, and that is the final word in law. If we moved to what was simply an opt-out system, I would be concerned that I could not have that confidence. Mike Rumbles made a valid point about that. The possibility of having both opt-in and opt-out registers should therefore be considered.

17:53

**Jamie Hepburn (Central Scotland) (SNP):** I thank the Presiding Officer for accepting the motion without notice to extend the debate so that more members could participate in the debate. I am sure that I am not alone in being grateful for that.

Like others, I congratulate George Foulkes on tonight's motion. There is much on which George Foulkes and I will disagree, but on this issue we find ourselves agreeing. I feel strongly about this issue. I have a friend who suffers from cystic fibrosis. He is presently in pretty good health and in pretty good shape, but it is quite conceivable that, some day, he will need a lung transplant. At my friend's prompting, I was happy to host an event in Parliament last year on behalf of the live life then give life campaign. Many members attended that event, and some of them are here tonight. Just as we have heard moving testimony from members in this debate, people at the event were able to hear moving testimony from a young woman whose life has been absolutely transformed by a lung transplant. Perhaps even more moving was what we heard from a young woman who was desperately ill and needed a lung transplant. No one at the event could have failed to have the need for change to our organ donation system impressed upon them. I hope that we are all agreed on at least that much.

I appreciate that this is an emotive subject. In the debate, and in the run-up to it, I heard the views of those opposed to a system of presumed consent, including members of my party. As sincerely held as those views are, none sways my opinion that the time is right to move to a system of presumed consent. Mary Scanlon and Mike Rumbles suggested that we cannot presume consent. I understand where they are coming from and I accept that, in the short term, presumed consent offers some problems, primarily in the confusion that would arise in the move from the

present system to the new one. However, in the long term, a system of presumed consent will be accepted and readily understood.

Christine Grahame and Malcolm Chisholm suggested that a system should be adopted that allows for people to opt in and opt out. That is an interesting idea, but I am not sure that it would work. Members of a certain vintage, including George Foulkes, will recall the 1979 devolution referendum, in which those who did not vote effectively voted no. The statistics show that even though the vast majority of people are happy to donate their organs, they never add their name to the register. In an opt-in and opt-out system, those who do neither opt out, in effect. That would be little or no improvement on the current situation.

In the run-up to the debate, I heard concerns expressed that doctors would allow certain patients to die in order to use their organs for a patient waiting for transplant. I cannot conceive of a situation in which a doctor would do that; it runs counter to the Hippocratic oath. Why would a doctor, concerned to save the life of one patient, not be concerned to save the life of another?

I understand Roseanna Cunningham's point about the incentive to publicise the opt-out. However, it is not beyond our collective wit, as legislators, to devise a system that necessitates such publicity. Indeed, it is the only way in which presumed consent will work with legitimacy. Equally, it is not beyond us to design a system sensitively, taking the interests of the donor family into account. When it is all thrown up in the air, I do not see the strength of the argument against presumed consent. All I see are hundreds of patients slowly dying on the transplant waiting list. We have it in our hands to help save their lives. I hope that when the time comes we will move towards a system of presumed consent and help those people.

17:57

**The Minister for Public Health (Shona Robison):** I welcome the debate. I hope that the powerful speeches from throughout the chamber will set the tone for the wider debate that is necessary in Scotland on the vital issue of organ donation, which potentially affects us all.

The motion refers to the importance of raising awareness of organ donation, and I could not agree more. We have used opportunities, such as the British transplant games in Edinburgh last summer, to do just that. We are also preparing a further advertising and publicity campaign, based on last year's award-winning approach. The campaign's focus will be on getting people to put their names on the NHS organ donor register.

As was pointed out earlier, that registration counts as a form of written authorisation under the Human Tissue (Scotland) Act 2006. Authorisation means that people's wishes should be respected after their death. Where those wishes are recorded, the relatives are spared the need to make a decision about donation at what is already an appallingly difficult time for them. The campaign will also stress the need for people to tell their relatives about their decision. Relatives need to know whether someone has left written authorisation. Under the 2006 act, telling one's relatives could also count as a form of verbal authorisation.

While we are on the subject of the 2006 act, I will reflect on a couple of comments about the passage of that act two years ago. I was a member of the Health Committee and I took part in the deliberations on the Human Tissue (Scotland) Bill, which—as was rightly pointed out—happened against the backdrop of the breach of trust in the Alder Hey scandal and the lack of trust that it left behind. The important question now is whether time has moved on and we can maintain the trust that the public have in our donations system in moving to another system. We must take the public with us if we are to make the change.

This debate and other debates that we have had on organ donation are fundamentally important in getting people to join the organ donor register in the meantime. Our consideration of the Human Tissue (Scotland) Bill was a spur to me to join the register. It is interesting that Christine Grahame has signed up to the register because of this debate. I suspect that many hundreds—I hope thousands—of other people will do likewise, because of the fact that we are having this discussion.

Despite the debates and campaigns, there is still a severe shortage of donor organs. Although 29 per cent of Scottish people have put their names on the organ donor register, Scotland has the poorest donation rate in the UK, which makes it one of the worst in the European Union. We clearly need to do more, as the motion states.

The UK organ donation task force has just produced a report claiming that a 50 per cent increase in organ donation is possible over five years if the barriers to donation under the existing arrangements are removed. Its recommendations include increasing the number of donor co-ordinators, developing dedicated organ retrieval teams and mainstreaming organ donation by developing local strategies and champions. That would get us closer to the Spanish system, which achieves the best donation rates in Europe. The Spanish approach has been exported successfully to Italy and elsewhere, so why not to Scotland?

**Mike Rumbles:** Nobody has yet addressed my point that, despite the really large addition of one million people to the UK donor register over the past year, our organ transplant rate has not increased. Does that not signify that the issue is not availability, but co-ordinators and other practical matters?

**Shona Robison:** People on both sides of the donation debate agree about that. The recommendations of the task force that I have just listed are important, and we strongly back them. We have said that we will contribute the resources that are needed to establish the organ donation organisation. The Scottish transplant group has been asked to begin work on implementation immediately. No matter where we go from here, that is taken as read. We will proceed and we will take on board the important developments that I believe will deliver significant change.

We need to reach a conclusion on whether changing to a system of presumed consent would achieve an even greater increase than the one that the task force has predicted. As the Cabinet Secretary for Health and Wellbeing said when launching the task force's first report, the issue is very sensitive and views are firmly held. My own view—which is that we should move to a system of presumed consent—has changed since our debate two years ago, partly due to my having spoken to people at the event to which Jamie Hepburn referred and to many others. That is my personal view. We must recognise that others have different views. We need to examine thoroughly all the risks and benefits, many of which have been rehearsed in this evening's debate. The debate about presumed consent is effective at raising awareness of the whole organ donation issue.

Where do we go from here? The task force has been asked to take forward the debate throughout the UK. It is setting up a number of expert working groups to consider the practical issues, clinical practice, legal issues, ethical issues, cultural matters and the social marketing and media aspects. The membership of each working group will be UK-wide, and the intention is to hold a number of stakeholder events, including one in Scotland.

The evidence is not always clear-cut. There is a feeling that donation rates depend at least as much on the transplantation infrastructure—which Mike Rumbles talked about—as they do on the underlying legislative basis.

I understand that the task force is concerned that its work is seen as taking forward a foregone conclusion. It believes that it is not helpful to polarise the debate as a black-and-white choice between opting in and opting out. It wants to consider issues of consent in general and to

recommend what is best in the UK and Scottish context. It will submit its report by the summer. I hope, therefore, that George Foulkes and others will allow the task force the time that it needs to complete its work. That way, we can all take a measured look at the issue, in full possession of the information that we need. I am sure that, if we take forward the debate with the tone that has been evident this evening, we will reach the right conclusion for Scotland.

*Meeting closed at 18:05.*





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