

MEETING OF THE PARLIAMENT

Thursday 25 September 2008

Session 3

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Scottish Parliament

Thursday 25 September 2008

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

Funding Community Sport

The Presiding Officer (Alex Fergusson): Good morning. The first item of business today is a debate on motion S3M-2589, in the name of Margo MacDonald, on the legacy from lottery funding for community sport. Miss MacDonald, you have 13 minutes.

09:15

Margo MacDonald (Lothians) (Ind): Thank you, Presiding Officer. I should say at the outset that I imagine that this is the only occasion that you will have to put up with me for 13 minutes during this session.

Christine Grahame (South of Scotland) (SNP): And the rest of us!

Margo MacDonald: I also thank the members who have come to this morning's debate. I tried to find a topic and a motion that would attract support from all parts of the chamber—we will see whether I have been successful at decision time.

On Monday evening, I attended a reception for our Paralympians in the national museum of Scotland. The Deputy First Minister and Cabinet Secretary for Health and Wellbeing, Nicola Sturgeon, did the honours—very graciously, I might add—but there was one teensy-weensy bit in her speech that did not quite ring true with me, although it made us all feel pretty good, particularly the parents, coaches and other volunteers among the athletes and their supporters. Nicola Sturgeon said that sport was in our psyche in Scotland. If only. The Government and its predecessors have made genuine efforts to encourage people to take up sport and exercise—I pay tribute to them—and they have supported elite athletes to an unprecedented extent. Stewart Maxwell's predecessors as sports ministers, one of whom I am glad to see is present this morning, have all brushed up on their sprinting techniques as they have dealt with my lobbying, my complaining and—yes, I will admit it, on the provision of adequate numbers of fully trained physical education teachers—my nagging.

On-going campaigns on television and elsewhere have successfully raised public awareness of the benefits of and enjoyment to be had from sport, and the performance of Scots

athletes in Commonwealth and Olympic games and world and European championships have thrilled and inspired all age groups. However, some studies suggest that, although standards are rising among sports participants, fewer of us are taking part. Although there are improvements in the statistics on, for example, heart and lung disease, our waist measurements are growing inexorably bigger and our children vie for top spot in the obesity league.

It is because it is urgent that we make history of that last fact about our national fitness, and because of the opportunity to inspire people that is afforded by the Commonwealth games, that my motion urges the Parliament to support the return, as soon as possible, of a substantial part of the lottery funding already earmarked for Scottish activities but diverted to help pay for the London Olympics. Subventions from the lottery could start in three years' time, but I hope that, after hearing the case studies that I have prepared for the debate, members will agree to pursue an earlier start to the resource being injected into the development of community sport and the support of young athletes, for whom it might make the difference between attaining a personal best and a Commonwealth games qualifying standard in six years' time.

I know that some people in the voluntary sector have concerns that the third sector will be the losers in any rescheduling of the supply of lottery resources. I hope that I have been able to reassure them on that. I have simply made a case for the urgency of speeding up the delivery of a resource that has already been scheduled and I have concentrated on the resources that will be earmarked for sport. Other members may concentrate on aspects of volunteering, for example, other than the support activities undertaken by the parents whom I met at the receptions for both groups of Olympic athletes.

My first case study is Ross County athletics club in Dingwall. Last Tuesday, 53 young athletes aged between nine and 17 turned up for coaching by scottishathletics-qualified coach Alasdair MacDonald—no relation. The previous week, 63 young athletes turned up, no doubt inspired by the Olympics and Paralympics. Those numbers are up on last year's average of 30-plus members, but unfortunately nothing else has improved in the past three to four years.

During that time, the Ross County club members have tried to raise their standards on a muddy field. It is sloping and holed, and it is used for shinty and football. Injuries are common. It is very easy to go over on an ankle in such conditions, which is something of a discouragement to athletes and their parents, who would prefer them

not to go hirpling to school or to be laid up at home with a cast on.

There are also no showers or other indoor facilities. In fact, if Alasdair MacDonald wants to take his young athletes for intensive indoor coaching, the nearest facility is Grangemouth. If that were not enough of a disincentive, the cost of transporting even a minibus-load of athletes is almost prohibitive. If overnight accommodation is required, the indoor facility is just a dream.

Inverness has a good track and what local athletes describe as reasonable facilities, but other communities across the Highlands and Islands are much more likely to experience the same muddy fields as Ross County club does in Dingwall. In spite of that, among the regulars, James MacPhail has won the under-17 400m Scottish hurdles championship. He is ranked sixth in the United Kingdom, but if he is to improve on that, he has no option other than to transfer from Ross County to Inverness, just as Ian Coghill did as the Scottish under-13 high jump champion—high jumping on a sloping field can also injure one's health.

The schoolchildren, part of whose school playground it is, are forbidden to play on that so-called sports facility when it rains because it is so dangerous. Alasdair MacDonald negotiated for a half-tartan track when the new public-private partnership Dingwall academy was being built. Everyone thought that it was a great idea but said that there was no money to provide it.

Far from current and past Government good intentions getting youngsters into sport, the lack of facilities and money to support sports club activities results in the old story of fewer and fewer young athletes continuing to compete in adulthood. I have described the prohibitive cost of a visit to indoor facilities for Ross County AC, but Wester Ross athletics club folded because of the prohibitive cost of travel. The MacDonald league of athletics clubs, which sustained regular sports meetings for clubs the length and breadth of Scotland, is now almost exclusively contained in the central belt because of travel costs.

The Highlands and Islands clubs have regrouped in a Highland league, and it is grand that coaches such as Alasdair MacDonald and athletes from the deprived sporting areas are still motivated to the extent that they are, but in narrowing the geographical base of their league, they narrow their competitive opportunities and therefore their potential.

Ross County AC represents exactly the sort of community sport that I would like lottery money to be spent on. Alasdair MacDonald could be joined by other local volunteer coaches if the expense of gaining coaching qualifications at Grangemouth, Meadowbank and Scotstoun, for example, was not

so off-putting and if there was help with travel and overnight accommodation.

The two young men who have already proved themselves at Scottish championship level would not have to leave their local area if decent facilities were available, and one of our granddaughters, who shows promise as a pentathlete, could be properly coached in hurdles—yet another event precluded by a sloping, muddy field. That is the reality that can be addressed only by resources being invested in facilities and coaches. The sooner we start, the more athletes and coaches will be motivated to gain places at the Glasgow Commonwealth games. We would then be talking realistically about a genuine legacy.

My second case study concerns Leith judo club. This week, as every week, 250 young athletes will attend judo teaching and coaching sessions overseen by the UK's leading judo coach, Billy Cusack, in a church hall in Leith. There are no showers or changing facilities there, either. The players are youngsters from all over the Edinburgh area, but mainly from the sometimes less-than-salubrious areas in the north of the city. There are approximately 20 players of top-flight international standard out of the 50 seniors in the club.

At the Commonwealth games in Manchester, 10 medals were won by club members—one club provided 10 medals for Scotland—and Billy Cusack admits that he and his athletes were disappointed that, at the Beijing games, only one medal was won by the Leith club—by Sam Ingram. However, he is nevertheless confident of getting closer to Leith's usual medals total at the 2014 games in Glasgow.

Billy Cusack hopes that, long before then, his athletes will have a practice area that is light years away from the one that they are presently forced to use, which he fears will cause serious injury due to the floor crumbling away with dry rot. He also hopes that the club's new premises will have changing rooms and showers, and a general purpose strengthening and conditioning room would be nice too. He is currently in negotiation with the City of Edinburgh Council with a view to renting an unused industrial unit. He hopes that the facility will be temporary and that it will cost the club less than the £12,000 to £16,000 that he presently has to pay each year.

However, there is always an alternative open to a coach such as Billy: the British Judo Association would love him to relocate to a centre of excellence south of the border. The athletes who have come north to be coached by him would be likely to return south of the border if he did so, but Billy wants to encourage them, build on what he has created in Leith and keep Sam Ingram, who is one of the English athletes who have come north to have the excellence of training that is provided

here. He wants to inspire and encourage the 200-plus youngsters who attend the club and maintain the high standards of performance that encourage kids from Leith to be all that they can be.

I will now dive in at the deep end, which is still possible for a diver from Edinburgh. However, Sally Wood and Robyn Matthews, two young women who learned to dive here and have been coached to a standard that makes them realistic possibilities for the Commonwealth games, will have to find other facilities if they want to pursue their goals, because the Royal Commonwealth pool—known as the Commie pool to locals—is due to close next year for refurbishment and upgrading. It is estimated that that will take about two years so, if their family circumstances allow, Sally and Robyn will be off south to the most suitable facilities and coaching. Members should remember that they are still studying and that it will cost their parents a lot of money, but they will have to go south for the most suitable facilities and coaching.

Even with that disruption to their lives and studies, those two young women are probably envied by the two talented divers who have had to pack in their sport because of the closure of Bon Accord baths in Aberdeen. When the baths closed, it was inevitable that, without divers to work with, the diving coach would be forced to seek out venues with 5m and 10m fixed boards and 1m and 3m springboards. Once again, a dedicated and professional coach has been lost to those of Scotland's youngsters who are ready to have a shot at diving after being inspired by young Tom Daley's performance in Beijing—it is the time to take it up—and to the remaining diver in Aberdeen, who is a Commonwealth games prospect provided that she can move to another diving venue.

Those are three case studies of the reality of sport in our communities and the difficulties that our best—and potentially even better—sportsmen and women experience. We are now in an economic slow-down at best or a recession at worst for the next two, or possibly three, years. Local resources are already stretched so, if we are serious about the various programmes and initiatives that are designed to encourage people into sport, we dare not put them off until the economy recovers.

I move,

That the Parliament, in view of the reduction in lottery funding for the development of community sport in Scotland, supports calls for a substantial sum of National Lottery funding to be released as soon as possible, without prejudice to the outcome of ongoing consultations on aspects of the wider remits of lottery funding, thus ensuring both support for ongoing coaching programmes and a legacy from the 2014 Commonwealth Games in Glasgow that benefit the population of Glasgow and all of Scotland,

and believes that such funding is capable of enhancing the Glasgow games so that, in addition to supporting a spectacular event, the investment would lay the foundations for health and sporting improvements across the entire population of Scotland.

The Presiding Officer: I congratulate Miss MacDonald on perfect timing in the verbal equivalent of the 5,000m. I notice that Mr McAveety has completed his vocal warm-ups, so I ask him to speak to and move his amendment S3M-2589.1.

09:28

Mr Frank McAveety (Glasgow Shettleston) (Lab): Depending on your courteousness, Presiding Officer, it may be a marathon rather than a sprint, although I am up for the sprint, in case any member is willing to rise to the challenge. Margo MacDonald touched on good coaching; my sprint coach says that he has seen a week-on-week improvement in my performance, so I am looking forward to my challenge being taken up.

I thank Margo MacDonald for bringing the matter to the Parliament for debate. It is courageous of her to do so, because it takes up all her time for independent members' debates for the rest of the session. That shows her commitment, which she has demonstrated over a number of years, to using sport as one of the key agencies of improvement for the whole of Scotland. Members should look around the neighbourhoods and areas that she mentioned in her case studies, which make a welcome contribution to the debate.

My amendment's purpose is to amplify many of the issues that she has identified and try to ensure that we do not repeat some of the difficulties that have emerged in the necessary desire to find resources for the UK Olympics. Existing good causes in Scotland should not be jeopardised in future years. I hope that all members share a commitment to work together to find ways to ensure that the good causes that have received money from the lottery are not undermined by any further redirection of money. I also hope that we will seize the opportunities that their work provides to maximise what the 2014 Commonwealth games can achieve for the benefit not only of the city of Glasgow—especially the east end of Glasgow, which I represent—but, in particular, our aspirations for sport throughout Scotland.

We are not alone in that ambition. All members have recently received a document from the authorities in the former industrial areas throughout the UK expressing concerns about fair access to lottery allocation. That document was prepared by an organisation called the Alliance—I do not want to excite too many people in the Liberal Democrats about a great period in their recent history—and its purpose was to try to

identify the best way to maximise the use of lottery moneys.

Margo touched on some of the building blocks that are required. On that, I can speak from experience not only as a minister responsible for sport, but as a city councillor in Glasgow and someone who was central to the development of the sport for life strategy. That document's gestation more than 10 or 12 years ago was difficult. It moved from assumptions about the level of infrastructure to trying to identify more progressive provision throughout the city. It considered how to provide broader ranges of sporting activities, particularly in any new sports centres, and how to improve the quality and range of the sports infrastructure when we engaged in investment or partnerships with sportscotland or any other sports or voluntary organisation.

That has benefited the city, even though there were initial difficulties in some of the change agenda. I testify to the painfulness of that changeover in my constituency, which lost a local baths. However, a model is now emerging from the individuals who were involved in that campaign. We were sometimes on different sides, depending on our experience, but we are now working effectively together on the broader remit of a major project that we hope will receive funding from the local authority, the lottery and other sources.

There is an ambition to invest more effectively. The reason for the investment was an ambition to aim higher, which has resulted in Glasgow being successful in its bid for the 2014 games. However, we must ask what we want for Scotland from that success. Irrespective of where members have stood on the issues in the past, there is agreement across the Parliament that mechanisms exist that could be used creatively to address the need for additional lottery resources between 2008 and 2014. However, dialogue between UK ministers and the Scottish ministers is required to determine how best to do that. We cannot arrive at any definitive solutions this morning, but we have already had briefing papers from a variety of organisations that indicate where some resource allocation could come from.

The debate is about achieving a much wider commitment throughout Scotland. Margo MacDonald touched on the experiences in Dingwall, Leith and other parts of Scotland. Two local authorities in the areas that have the least participation in sport are Glasgow City Council and North Lanarkshire Council. Glasgow City Council has now given an additional £250,000 for elite performers from the 2014 commitment. Other authorities in the west of Scotland have emulated that. North Lanarkshire Council has a big commitment to use the children's Olympics to

promote sport more effectively. Reasonable ambitions are already in place and we want to develop them as a team effort, to ensure more effective resource allocation.

People often ask what the benefit will be for my constituency, which has unfortunately been described as one of the most disadvantaged areas in the UK. At the end of the process, we will have within an area of 2 square miles a games village with 1,500 houses—at least a third of which I hope can be allocated to social housing—a national arena and a new velodrome. I know that that might upset Margo MacDonald because of the debate around a velodrome for Edinburgh. However, I understand that she would be willing to campaign on the issue of the velodrome—I invite her to make a contribution.

Margo MacDonald: I am grateful to the shadow minister for allowing me in. I want him to get an all-bells-and-whistles, all-singing, all-dancing velodrome with a spectator arena. The facility that we want for Edinburgh is a top-flight coaching velodrome. I hope that that puts minds at rest.

Mr McAveety: I was speculating on your longer-term motives behind today's debate, but I think that you have just indicated what your next big campaign may well be, Margo. Members heard it here first—an exclusive for the Press Association.

We will have a games village in the east end of Glasgow that will provide a quality of housing that I hope will be emulated elsewhere in the UK. We will have a national arena and a velodrome. After much controversial discussion, we will also have headquarters in the east end, not just the HQ of sportscotland but the HQ of Culture and Sport Glasgow. We will have a national swimming centre in Tollcross and a national hockey centre on Glasgow Green. I can envisage already the 2011 election campaign being around the question, "What have you ever done for the east end of Glasgow?"

I did not articulate those opportunities for the east end because of my naturally partisan commitment to that area. The east end of Glasgow has had much difficulty for generations, but we now have the confidence in it to make a big infrastructure investment there and demonstrate that we want to use that for a much wider agenda. That is what I will focus on in the next few minutes.

Many of the papers that we have had from the lottery distributors, such as the Big Lottery Fund, have raised concerns similar to those raised by the voluntary sector and the Scottish Council for Voluntary Organisations, in that they have asked what ambition we have to use 2014 in a much more rounded way. The Government's initial consultation on legacy, as well as the local authority's consultation, show that there is an

ambition to think much more widely about the games legacy. The idea is that we should use the 2014 games for regeneration opportunities, not just for Glasgow but, with more ambition, for other parts of Scotland, with more resources being made available for infrastructure investment.

We can also use the opportunity to widen volunteering, because there is a direct connection between certain social groups and volunteer activity. If we can break through that barrier to find the 15,000 volunteers that are required for the games, that will have a real benefit for those communities and for those individuals' long-term self-esteem and job opportunities.

Christine Grahame: I thank Mr McAveety for giving way. I will refer to this matter later, but the Health and Sport Committee wrote to the cabinet secretary on 24 April about volunteering. Part of our concern about volunteering is that volunteers tend to be drawn from already active sporting participants. Does the member agree that we do not want that repeated at the 2014 games? We want people taken up as volunteers who are not, as it were, the usual suspects.

Mr McAveety: I concur with that view. We already have the Clyde gateway project in the inner east end, which has identified ways in which we can work with groups who have been excluded for a long time. There are many more things to add, but perhaps we can do that in the summing-up speeches.

We have a shared ambition to ensure that there is fairness and equity in the distribution of lottery funds for good causes. However, I think that the long-term concern of members across the chamber is to ensure that the UK Olympics are not funded at the expense of other sports commitments across the UK. I hope that, through today's debate, we can have a shared commitment to open up discussion with key decision makers at Scottish Government level, local authority level and, more important, UK level, given that the UK has responsibility for the lottery and for other commitments around the Olympics.

We want to employ a strategy that ensures that the Glasgow Commonwealth games will be as important to Scotland and the UK as the 2002 Manchester games were.

I move amendment S3M-2589.1, to insert at end:

"and also tackle poverty and deprivation, improve economic performance, protect the environment and historic heritage and support artistic endeavour, and notes the particular role of community and voluntary organisations in delivering this legacy."

The Presiding Officer: I do not want to be unnecessarily heavy handed in what has been a good-natured debate, but I ask members not to

use just other members' first names when referring to them, even when they refer to Miss MacDonald.

09:40

The Minister for Communities and Sport (Stewart Maxwell): I join Frank McAveety in congratulating Margo MacDonald on raising this important issue, as it provides Parliament with an opportunity to unite and send a clear and strong message.

Let me make the Government's position clear from the outset. Our vision is that the games will provide a lasting legacy across all Scotland and across a wide range of sectors. Our legacy will be as much for Gretna and Grampian as it will be for Glasgow. It will be as relevant to skills coaching as it will be to sports coaching. That is why we launched a series of consultations within 100 days of winning the bid and why we have created a formal legacy process.

We will deliver a legacy across Scotland through existing resources, but Scotland's legacy could be so much bolder and stronger, and be delivered faster, with substantial lottery funding. Our vision is that that lottery funding would support a wide range of initiatives including, but not limited to, sport. We would engage with the third sector to ensure that the funding was used across the range of good causes.

The enthusiasm of the people of Scotland for the successful bid for the Glasgow 2014 games was remarkable. Over one and three-quarter million individuals and organisations pledged their support for the bid, as did every political party represented in the Parliament. Much of that support was inspired by the great opportunities presented by the Glasgow 2014 games to make real improvements to people's lives, raise our sights as a nation and regenerate communities. From the outset of our bid, legacy has been at the centre of our plans. Delivering a games legacy is the heart of our overwhelming case for lottery funding to be returned to Scotland. That funding would help us to transform the wealth of ideas into a legacy that would benefit communities throughout Scotland and harness the passion and enthusiasm generated by the Commonwealth games.

Our vision is of a legacy that will help people live longer, healthier lives in strong, resilient and supportive communities, valuing and protecting the built and natural environment, with new and better skills development, and employment and volunteering opportunities. We want the games to be a catalyst to achieve and maintain historically high levels of physical activity across Scotland, and to create more opportunities for people to be

active at any stage of life. We would use lottery funds to provide a strong sporting legacy for Scotland. Retaining the diverted lottery funds in Scotland would help us to realise our ambition for Scottish sport and enrich our nation, create champions and boost Scotland's standing in the world as a country of sporting winners.

Margo MacDonald: I very much appreciate what the minister has just said about legacy. Does he agree that, while everyone is bathed in the warm afterglow of the Beijing Olympics, we should start building the legacy now?

Stewart Maxwell: As I said at the start of my speech, we started doing so within 100 days of winning the Commonwealth games bid. We launched the consultation document and we have had public meetings across the country, a written consultation and a consultation with young people in Scotland. It is not about starting now: we started last year.

We want to strengthen links between schools and clubs, improve facilities and access to them, especially in deprived areas, and increase the number of quality coaches and the availability of trained officials. We need strong club structures across all our communities, with clubs that are easily accessible and ready to embrace all abilities and which have strong links to the wider community infrastructure. At the local level, we must work more imaginatively to ensure that we maximise investment in facilities and make the most of existing facilities. We need to break down the barriers that stifle the growth of our existing coaches and officials, who are pivotal in nurturing future Scottish sporting stars.

The games present opportunities to embed ethics and equality throughout Scottish sport, tackling discrimination, promoting equality of opportunity and ensuring safe and fair participation. The games can help us tackle the significant inequalities in Scottish society. Our aspiration is that the games legacy will give fresh impetus to existing programmes and deliver new, sustainable programmes that give opportunities for Scotland's most disadvantaged to rebuild their lives, regain respect and restore their confidence so that they have a better share of Scotland's increased prosperity. The games can help us to create better-educated and more skilled communities, and to recognise those sometimes undervalued groups, such as older people and those with a disability.

We want to maximise the impact of imaginative initiatives that place sport and the arts at the heart of learning. We want to use sport, the arts, culture and creativity to help make our young people successful learners, confident individuals, effective contributors and responsible citizens.

The legacy of the games can help to build communities where people can live their lives safe from crime, disorder and danger. It is well recognised that sport and cultural activities can present desirable and exciting diversions for young people. They can also provide experiences that trigger young people to decide that they want to give something back to their community. We want to use the opportunity of the games to rekindle the sense of pride in our communities and increase community engagement.

The construction of the venues for the games and the delivery of the event should be exemplary in environmental terms. Legacy funding should support initiatives that promote a shift towards more sustainable, healthy and active forms of transport such as cycling. Such initiatives will help to deliver our goal of reducing Scotland's carbon footprint. We want to maximise the opportunity that the games present to showcase Scottish products and services, to enhance Scotland's reputation as a place to visit, and to show Scotland as a dynamic location for international businesses and an attractive place in which to work and study.

The people of Scotland are overwhelmingly positive about the opportunities that arise from the Glasgow 2014 Commonwealth games. However, Scotland's ambition will inevitably be constrained by the diversion of £150 million of lottery funds from Scotland to pay for the London 2012 Olympics. The Parliament is not calling for lottery money to fund the delivery of the Commonwealth games. Those costs are rightly being met by the Scottish Government and Glasgow City Council. However, we are seeking the return of Scotland's lottery funds to allow us to capitalise on the inspiration, ambition and levels of engagement that were generated throughout Scotland by our winning bid.

Now is the time to lay the foundations that will allow people throughout Scotland, especially those from disadvantaged communities, to improve the quality of their lives. Now is the time for the Parliament to stand united in a common cause, because the people of Scotland deserve no less.

09:47

Jamie McGrigor (Highlands and Islands) (Con): I am delighted that Margo MacDonald has chosen for debate today the important topic of the legacy from lottery funding for community sport. I also welcome the fact that she rewrote her motion to address some of the concerns that were being expressed. I note that, although we are debating Scottish sport and sports funding, we all recognise the importance of lottery funding in other sectors, especially the voluntary sector.

The Scottish Conservatives agree with Margo MacDonald that significant national lottery funding is needed in the development of community sport and community sport facilities in Scotland in the run-up to 2014. No one disagrees that some of the money that would otherwise have been destined for sportscotland has gone to support the development of the London 2012 Olympics. Although the Conservatives are happy to be 100 per cent behind the London 2012 games and want everything to be done that will make them a British success story, it is legitimate to argue that some additional lottery funding should, as a consequence, be allocated to grass-roots sports development in Scotland, especially as no lottery money is directly involved in funding the 2014 Commonwealth games in Glasgow, which should also be a British success story.

The 2002 Commonwealth games in Manchester received funds from the lottery. We agree with the highly respected Louise Martin, who said that, on current funding levels, sportscotland

“would not be able to both train elite athletes ahead of the 2014 Games and maintain grassroots support.”

The Scottish Government’s approach of seeking additional lottery support for community sport was endorsed by the Local Government and Communities Committee in its stage 1 report on the Glasgow Commonwealth Games Bill. The committee noted in section 87 of the report that

“the Scottish Government is not now precluded from making a policy decision”

to seek

“lottery funding, allowing more money to be invested in grass-roots sport development in Scottish communities. The Finance Committee strongly recommends that the Scottish Government pursues this issue, and reports to it on progress as soon as possible. This Committee endorses this recommendation.”

The UK Government has announced a legacy trust of £40 million for the Olympic games, £34 million of which will come from the national lottery. Perhaps we should consider an equivalent, or something similar, for the 2014 Commonwealth games in Scotland.

Margo MacDonald: I inform members that, if they want to check on where sportscotland stands on all this, Louise Martin will be the speaker at today’s lunchtime meeting of the cross-party group on sport.

Jamie McGrigor: I thank the member for that important intervention.

As a party, we are proud that it was a Conservative Government that set up the national lottery. Since it was created in 1994 under John Major, more than 300,000 local projects in the UK have benefited from lottery funding totalling more than £21 billion. It is clear that the recent

tremendous success of Britain’s Olympians and Paralympians was at least partly due to the decision to introduce a national lottery in 1994. Since 1997, more money could have gone into sport and other good causes. That is why we regret the UK Labour Government’s political decisions to divert lottery money into what John Major called—in an excellent *Telegraph* article on 28 August—Labour’s “pet projects”.

Research suggests that between 1997—when it took power—and 2006, the Blair Administration spent £3.2 billion of national lottery money on schools, hospitals and other state services. That is money that would otherwise have gone into the original five good causes. I am delighted that David Cameron and the Conservatives at Westminster are clearly committed to reforming the national lottery so that it supports only the five original good causes—sport, the arts, heritage, and the voluntary and community sectors. That pledge will be warmly welcomed throughout those sectors. If Labour wants to go to Mars, that is okay with us—but not on lottery funding, please.

We all agree that, if we are to secure a lasting legacy from the 2014 games, we must invest now in the sports infrastructure in our communities so that young people—indeed, people of all ages—can work towards the games; so that our top sportsmen and women can hope to achieve medal success; and so that the thousands of others who are inspired by the games to get involved in sport can do so in their communities.

Last week, in Jack McConnell’s excellent members’ business debate on making 2014 a year of sport in Scotland, I mentioned a letter that I had received from a constituent in Lochgilphead, who is in despair. The case is worth mentioning again. She has three children who are members of the Mid Argyll Athletics Club and who have excelled at long and middle-distance running. However, this term, they have had to abandon training altogether because there is no longer a suitable venue since the brand new high school was built with no track and field facilities. That is hugely ironic as many Lochgilphead residents, led by Hugh MacArthur and Bill MacAllum, founded a trust to build running facilities for mid-Argyll youth on the very ground where the new school has now been built. It is hugely frustrating to have young people who are dead keen on athletics and a dedicated coach, but no local facilities. I would be interested to hear the minister’s comments on that. The nearest proper running track is in Scotstoun, which is a 200-mile round trip from where my constituent lives.

I have also been approached by constituents in the Highlands whose children are involved in competitive rowing. They say that adequate resources are not made available through the Scottish Amateur Rowing Association and they

query the support that rowers receive when they represent their country. I lodged some written questions on that, but I would be grateful to hear more from the minister.

I note that there is a special national lottery game—dream number—dedicated to the 2012 Olympics. Perhaps there should be a similar game dedicated to the 2014 Commonwealth games.

I hope that all parties in the Parliament will unite to try to secure a positive legacy for Scotland from the 2014 games. That means investing in our communities in the run-up to the games.

In its response to the Government's consultation on delivering a lasting legacy for Scotland from the 2014 games, the Health and Sport Committee noted, tellingly:

"the committee is acutely aware ... that there is little, if any, evidence that other countries have achieved ongoing legacies as a result of hosting major sporting festivals."

We therefore face a real challenge. Let us all try to rise to it and make Scotland an international example of how to secure a lasting legacy for communities.

09:54

Ross Finnie (West of Scotland) (LD): I intimate my apologies to the Parliament for my impending discourtesy of leaving the debate before it has concluded. Just before I entered the chamber, my next-door neighbour informed me that she has discovered a leak. I am anxious not to remain in a condition of uncertainty about my property over the weekend. I hope that I have the sympathy of both the Presiding Officer and members.

I congratulate Margo MacDonald on securing this very important debate. I am sure that it is beyond dispute that we all want a legacy to be delivered, but as Jamie McGrigor has just pointed out, and as the convener of the Health and Sport Committee, Christine Grahame, will no doubt highlight, that committee's inquiry into pathways into sport has adduced no—or at least very slim—evidence that sporting legacies have been bequeathed to nations that have held major sporting events.

Of course, that it is not to say that such legacies cannot be bequeathed; certainly the Liberal Democrats and everyone else in the chamber want that to happen. However, we must be realistic, set achievable objectives, formulate a workable plan and then work very hard to deliver the kind of legacy that almost every major city that has hosted a major event has so far failed to secure.

The fact is that any such achievements have tended to centre on structural regeneration. For

example, we know that as a result of hosting the Olympic games Munich got its tube system, and that vast areas of the Barcelona waterfront were completely regenerated. Frank McAveety has just made it clear that not only will there be physical regeneration in Glasgow's east end but Glasgow City Council has recognised that such regeneration is seen not as an end in itself but as a means to a much more successful end.

The Liberal Democrats want a tangible legacy for communities not only in Glasgow but, as the Minister for Communities and Sport has made clear, right across Scotland, with support for sporting and leisure activities at grass-roots level. I do not think that such a legacy should necessarily be about creating elite athletes; that issue is being dealt with elsewhere, although perhaps not perfectly. Instead, we want a legacy that might stimulate people's engagement with and involvement in leisure and sporting activities. Although we certainly hope that that kind of stimulus will be provided in the run-up to and during the London Olympics and, again, in the run-up to the Commonwealth games, the evidence to support such a hope is simply not there.

Margo MacDonald: Will the member give way?

Ross Finnie: Certainly.

The Presiding Officer: I hope that this is an intervention, Ms MacDonald, and not an advertisement.

Margo MacDonald: It is a genuine intervention, Presiding Officer.

I can speak only from experience but I was, as a very small girl, a member of Hamilton baths swimming club when Eleanor Gordon won a bronze medal at the Helsinki Olympics. I realise that that dates me—it was in 1952, if anyone wants to check—but I assure Ross Finnie that simply training in the same water and with the same club as someone who had just won an Olympic medal was inspirational and created a legacy.

Ross Finnie: I want to be clear about this. Margo, you are too young to remember Anita Lonsbrough—

Margo MacDonald: I am not.

Ross Finnie: My point is that although many people have been inspired by successful athletes the evidence does not show that that provides the legacy to which we are all aspiring and in which cause you, Margo, have been one of the leading figures. *[Interruption.]* I just caught the Presiding Officer's starey eye. Oh, dearie me. *[Laughter.]*

Jamie McGrigor: Will the member give way?

Ross Finnie: No, I must make progress. I will not be lured into making another mistake.

We must examine what works or does not work in inducing people to take up sport and leisure activities. My experience is not in athletics; I spent 10 years as a youth rugby coach, which I suppose is rather different in that one has to play on what Margo MacDonald called “sloping, muddy” pitches. I found that the people who were crucial in inspiring people to join not only Greenock Wanderers—where I coached for 10 years—but every other sporting club, in running them and in making them work were the coaches, an overwhelming majority of whom were volunteers who invested huge amounts of time and effort. Coaches in many clubs—and, indeed, in the examples that have been cited by Margo MacDonald—face a conflict of interest: they are caught between the burden of having to perform in difficult circumstances and the inducement to move to a better club and raise standards. Of course, all that depends on whether the facilities exist. After all, different sports have different levels of requirements with regard to equipment.

The shopping list of the things that we might want to do—which will include supporting coaches and volunteers, putting more coaches into schools, providing access to facilities and improving or building new facilities—goes on and on. However, we have to decide on a plan, and I hope that the Government’s consultation document will give us an opportunity to concentrate on the areas that will allow more people to take an active interest in sport. People might well be inspired by the event, as Margo MacDonald has suggested, but they will probably be brought into activities more by the facilities that we put in place.

10:01

Bill Kidd (Glasgow) (SNP): I welcome this opportunity to speak in Margo MacDonald’s debate on the legacy that the 2014 Commonwealth games will leave for the people. Such events use lottery funding for precisely the purpose for which the lottery was first established. By the way, I will give a medal to any member who can tell me which person said:

“We’ve struck gold for Glasgow but the hard work starts from here. This is not about politicians taking glory, or about the sporting world coming to Glasgow on its own. It’s about making sure there is a lasting legacy.”

That was said by Elizabeth I of Scotland. I do not know whether the Queen does the lottery, but she can certainly recognise a legacy when she sees one.

The finest legacy we can hope to gain from such a great sporting occasion is a population that is free from the stigma of being the sick man of Europe. However, if we fail to retrieve the lottery money that is by right Scotland’s from the black

hole of the London Olympics, the legacy of the collapse of industry and job prospects that our young people living in the immediate vicinity of the Commonwealth games can look forward to—a life expectancy of 54 years, obesity levels that are through the roof and levels of smoking, alcohol abuse and drug taking that show few signs of going down—will bring shame on us all.

The Scottish Government is funding 80 per cent of our games and Glasgow City Council the other 20 per cent. What has happened to the £150 million of Scotland’s lottery share that could and should be used to ensure that there are sporting facilities to serve this generation and future generations in a lasting legacy of health and optimism?

For the 2002 Commonwealth games, Manchester received £112 million of national lottery funding that spurred the regeneration of the eastern part of the city and provided a number of excellent sporting facilities. However, the UK Secretary of State for Culture, Media and Sport, Andy Burnham, has insisted that there is no cash available for the 2014 Glasgow games. What he really means is that Westminster has allocated all the money to the London Olympics and that Glasgow can go sing for it. Well, this is our Commonwealth games and our east end and we want our money. Glasgow is not being narrow in this. After all, the amount of lottery money that is raised in Scotland is surely enough to support projects all over the country and ensure that the 2014 games leave a legacy in which we can all share.

We should by all means train up the next generation of Chris Hoys and Caitlin McClatcheys in facilities close to home. However, we must also breed the mentality that sport is not just for the elite, but is something that everyone can enjoy and benefit from physically and mentally.

Andy Kerr has spoken up well for the repatriation of this money, and Steven Purcell has stated that

“we need the funding in place to maximise the Games’ potential”

and that

“the legacy of the Games is more important in many ways than the Games themselves”.

I know that, among others, the LintelTrust, which has a fantastic record of working with people in positions of disadvantage, is working on legacy projects that are targeted at ensuring that the 2014 Commonwealth games will be remembered not only for feats of sporting prowess but—even mainly—for the long-term improvements in quality of life that they leave for all our people, particularly those whose lives are blighted by poverty or discrimination.

Let us remember that we are not holding out a begging-bowl and that we will not tug our forelocks as we demand our money back. Scotland contributes to the lottery and expects its share to be available to spend on good causes that will benefit the Scottish people.

I thank Margo MacDonald for choosing such a vital issue for debate, and emphasise that her desire as an Edinburgh MSP to see right done by the citizens of Glasgow will surely result in tangible long-term benefits for the whole population of Scotland.

10:05

Jackie Baillie (Dumbarton) (Lab): I join other members in congratulating Margo MacDonald on her speech. She is, of course, far too modest. She claims that she nags us all into submission, but, as the Presiding Officer, Alex Fergusson, would say, she charms us all into submission. I hope that at 5 pm, the Parliament will signal the strength of support for the 2014 Commonwealth games and our strong desire to ensure that they leave a lasting legacy for this generation and future generations.

Glasgow City Council and the Commonwealth Games Council for Scotland are to be congratulated on securing the games, whose potential is enormous. For the ordinary person in the street, there is a sense of anticipation, growing excitement and an inkling that we will witness something quite special when the best of our athletes compete with some of the best athletes in the world. For the athletes, the games represent an opportunity to compete, showcase their talents and have their hard work recognised. An unprecedented opportunity exists for Glasgow and Scotland that extends far beyond sport—important though sport is—to the regeneration of an area of the east end of Glasgow. Frank McAveety has already spoken about that, and I am sure that Margaret Curran will speak about it far more knowledgeably than I can.

We should consider the recent Olympics and the special Olympics in Beijing. Simply participating in those games was a significant achievement for many of our athletes. There was the glory of winning medals for a few, but people's drive, motivation, ambition and the sense that they were striving to do well stood out. We all shared their journeys through watching our television screens and reading our newspapers—none more so than the young people who were enthused by a new generation of athletes. The names of athletes such as Chris Hoy, Andy Murray and Katherine Grainger could be heard in conversations. My local tennis court down the road, which was previously used intermittently by those of a more mature age, is now enjoying a revival with a

stream of young people, some of whom are clad in white and some in jeans. All of them carry tennis racquets and dreams of being a tennis star. We need to harness that power and energy, mostly for our young people and our communities so that the legacy is theirs.

I want to talk a little about some of the extraordinary activities that are going on in my area in West Dunbartonshire. A programme that is on offer through West Dunbartonshire Council's outdoor education service, which Margo MacDonald has visited, underpins the need for holistic education for young people. The project improves their health and wellbeing and provides a grass-roots introduction to a range of sports. It covers children in their very early years—there is orienteering for three to five-year-olds—through to children in primary school, and there are taster courses and multi-activity residential courses for secondary pupils. There is also a summer watersports programme. Young people are sought out who might not otherwise have the opportunity to participate. The programme nurtures abilities or talents that could lead to a vocation in sport and the pursuit of excellence. The country might find its next Olympic or Commonwealth games medallist as a result of such small grass-roots programmes.

Margo MacDonald: I hope that the member will not think that I am being patronising in saying that that programme was the best example that I came across of coping with what we unfortunately call the NEET—not in employment, education or training—group. The boys whom I saw there were learning how to build and repair mountain bikes and were going on to work for professional qualifications that would lead them into employment.

Jackie Baillie: I entirely agree with Margo MacDonald. The programmes to which she is referring are the more choices, more chances pre and post-16 programmes, which are unique. They offer the lowest-performing 20 per cent of pupils in West Dunbartonshire the opportunity to participate in outdoor and sports activities, to obtain qualifications and to move on. The results so far are impressive. There is a 95 per cent attendance record, reduced exclusion records, positive changes in young people's behaviour and a growing sense of achievement in sporting activities. Many have gone on to further education and employment. That is the kind of legacy that we want to see from the 2014 games. We want our young people to have improved confidence, aspirations and abilities combined with the physical regeneration of the east end of Glasgow and beyond.

I turn to resources. Ross Finnie was right. We can have aspirations, but we need money to fulfil

them. The money for the London 2012 Olympics has come from a range of lottery funds. The contribution from Scotland is £116 million, not £150 million, towards a total of £1 billion in the UK. There are also a number of dedicated lottery games—the dream number and scratchcards. The UK Government has made it clear that income from those games will revert to general good causes after 2012. There is only one point on which I agree with Jamie McGrigor: that money could be a potential future funding stream for Glasgow 2014.

However, serious and mature dialogue is required. The Scottish Government is consulting on the Glasgow 2014 legacy, which is welcome, but I hope that it will send a signal that we need to impress on local government the importance of sport contributing to the achievement of national outcomes, that we need better data to guide and monitor progress, and that we need to develop a Scotland-wide approach to planning and investment in sports facilities.

Margo MacDonald is right that there is a lack of facilities. She is also right to point out that facilities are closing in many local authority areas in Scotland. One signal that the Government can send today is that that must stop if we are to build the legacy that we want from the 2014 Commonwealth games.

10:12

Ian McKee (Lothians) (SNP): I join other members in congratulating Margo MacDonald on facilitating this timely and important debate.

Estimates vary on exactly how much lottery funding Scotland has lost due to the need to finance the London Olympics, but we know that at least £13 million of funding, which should be delivered directly to sport in Scotland, is a casualty, and that the total shortfall exceeds £100 million. Diversionary sales away from mainstream lottery games to dedicated London 2012 games sales add to the cash haemorrhage from Scotland. Margo MacDonald is right to protest and to suggest that some form of redress is appropriate.

I am sorry to introduce a different note to the debate, but I should make it clear from the outset that I have personal reservations about how we view the Olympic and Commonwealth games and, indeed, elite sport in general. I am old-fashioned enough to regret the way in which those great sporting occasions are being turned into vehicles for a chauvinistic tendency of the worst sort—the “My country’s won more medals than your country” tendency. Sometimes I despair when I read about yet more athletes risking their health by injecting large doses of illegal and often dangerous drugs or simply by overtraining to the point at which their

body frames can take no more. The days when the Olympic ideal ruled, athletes found satisfaction in competing rather than in winning, and individuals were more important than countries probably never existed, except in people’s imaginations, but I am sure that I am not alone in being concerned not only about the increasing pressure to succeed at all costs, but about the obscene sums of money that those events now cost to mount. How can that possibly be justified when there are so many other things that need to be done in our country?

The motion mentions the legacy of the 2014 Glasgow games, the funding of which, it is claimed, will support “a spectacular event” and

“lay the foundations for health and sporting improvements across the entire population of Scotland.”

The games certainly have the potential to be spectacular—they should be if we consider the money that is involved—but I hope that Margo MacDonald will forgive me for doubting that the health effects will be for more than a tiny proportion of the population, let alone the super-ambitious target for all of it.

Only yesterday, Heidi Victoria MP, a member of the equivalent of our Health and Sport Committee in the state of Victoria and a sports commentator on Australian television, told me that her view is that all major Australian sporting events are of benefit solely to the tourism industry and not to health at all. Indeed, as Ross Finnie has already said, there is little if any evidence of a health legacy from any major games in recent history. Furthermore, it seems that the boost to tourism lasts little longer than a year after the event.

I believe that tourism, important though that industry is to Scotland, need not be the only way that we benefit from holding the Commonwealth games in Glasgow. The smooth running of the games will require the services of thousands of volunteers. I support the idea that, as Christine Grahame said, the bulk of the volunteers should be recruited from among those who would benefit the most, rather than from among the usual suspects. We should involve people whose confidence and sense of worth would be increased by the experience of playing a major role in ensuring that things go smoothly. It is not too ambitious to expect that many people who gained that experience would find it easier to reconnect with the world of work afterwards. However, as Volunteer Development Scotland pointed out in its excellent briefing paper, such volunteers need to be trained, and training costs money. Lottery money could help in that regard.

Volunteer Development Scotland has also suggested that lottery money could go to support the 80,000 volunteer sports coaches in Scotland.

That is a great idea, but it would be no less great an idea if the Commonwealth games were not taking place in Glasgow. We could do tremendous things to encourage exercise among the general population—which is Margo MacDonald's target—if we had the £300 million that is the estimated net cost of the games to the public purse.

Although I support the immediate release of lottery money to encourage physical activity among all sections of the population of Scotland—although I doubt whether the investment would be sufficient to achieve all the goals in the Labour amendment—I must confess that I find more difficulty in associating that with the health benefit of the games. It is particularly ironic that one of the reasons why there will be no international diving pool in Scotland for about two years is because the only one that exists is being refurbished for the Commonwealth games.

Like Ebenezer Scrooge in Charles Dickens's "A Christmas Carol", I am tempted to say, "Bah! Humbug!" when the Commonwealth and Olympic games are mentioned in association with health. However, I appreciate that I am probably in a minority of one. Let us all hope that I am wrong and that the turn of events ultimately helps me, like Scrooge, to see the error of my ways.

10:18

James Kelly (Glasgow Rutherglen) (Lab): Like others, I pay tribute to Margo MacDonald for lodging the motion for debate, and congratulate her on the work that she has done over the years on the support and promotion of sport, particularly as chair of the cross-party group on sport, the lunch-time meeting of which she did a great job of advertising earlier. I have given it another mention, just in case members missed the earlier one.

Today's debate gives us an opportunity to showcase the benefits of sport and the benefits that the 2014 Commonwealth games will bring not only to Glasgow but to the wider community. It gives us a chance to build the case for additional funding and to show the link between sport and other policy areas that we discuss in this Parliament.

Jackie Baillie outlined how special she felt the Commonwealth games were, and I share that view. Sport is something that is central to a lot of our communities. When I embark on my weekly run, on a Sunday morning, I see people of all ages and profiles out running—they are a bit like me, struggling to get around the 3 or 4 miles that they are attempting. That very much brings home to me the fact that people are participating. I see it in my constituency, from Cambuslang and Rutherglen rugby club to Rutherglen Glencairn football club. I also acknowledge the work that volunteers do and

the work that people in the Rutherglen and Cambuslang sports council do to promote sport and to invigorate and inspire youngsters. That is important.

There are important policy areas with which we can find common ground. In recent weeks, we have discussed in the Parliament the obesity action plan. One of the facts that was raised in that discussion was that 21 per cent of primary 1 pupils are overweight. The Health and Sport Committee has considered in detail the issue of health inequalities. If we start to plan the sporting legacy of the Commonwealth games, we can encourage people to get on to the streets and the sports field to participate in sport and so become healthier. That will benefit the health service, as fewer people will have to use its facilities. It will also benefit the country's economy, because, hopefully, if the country is fitter, people will contribute more to our economic growth.

The Commonwealth games represent a fantastic opportunity for youngsters who are training just now and are considering joining sports clubs, because the event allows them to have the ambition of competing for their country in the 2014 games. I also acknowledge the benefits for infrastructure before and after the games. That is the case not only for my constituency, which straddles Glasgow and South Lanarkshire, but throughout Lanarkshire and the rest of Scotland.

Elaine Smith (Coatbridge and Chryston) (Lab): On that point, will Mr Kelly join me in welcoming the £5 million of heritage lottery funding that has allowed North Lanarkshire Council to refurbish Summerlee heritage park in Coatbridge, which will reopen this weekend as a national landmark heritage facility and a fabulous visitor attraction that Commonwealth games tourists might want to visit?

James Kelly: I thank the member for that intervention, which was another useful advert. I urge everyone to sign Elaine Smith's motion on the issue.

I welcome the Olympics coming to London in 2012. I am already seeing some of the benefits of that in my constituency, in that the Toryglen sports development centre has been appointed a football training venue for the Olympics. I know that that will inspire many young footballers in the Toryglen area.

I recognise the importance of lottery funding to the Commonwealth games. We won only one gold medal in the 1996 Olympic games, and our success in the recent Olympics shows that our lack of success in the 1996 games was due to underfunding. The additional funding this year made a big difference. I hope that further funding can contribute to our success in 2014.

On lottery funding for the games, we have to recognise that a balance must be struck between the needs of the voluntary sector and the requirements of other lottery fund recipients. I acknowledge the work that the Big Lottery Fund does to support sports projects, such as the recent grant that was made to St Anthony's primary school in my constituency, which enabled it to buy badminton equipment.

The SNP Administration must take on board some of the issues around targets for PE and improving the infrastructure of schools. There are also challenges for councils. The total budget for sport across the councils is £500 million, but that will come under pressure as council budgets are decided for next year.

This has been an excellent debate to promote the cause of sport and identify the other policy areas whose outcomes we can improve by increasing participation in sport. I congratulate Margo MacDonald on using this motion to keep sport on the agenda. Let us keep talking sport up.

10:24

Bob Doris (Glasgow) (SNP): I will start as James Kelly finished, by commending Margo MacDonald for using her limited debating time to debate this crucial subject. I also want to pay tribute to the terrier-like campaigning abilities that she brings to the cause of securing added funding for Edinburgh. Although I might not always agree with her on issues such as trams and capital city funding, I think that she is excellent at doing what she does.

Therefore, as a Glasgow MSP, I make no apology for saying—as Bill Kidd has said—that I would like the lion's share of any lottery funding that is recouped to return to the city. It would be nice to have the money: we can argue about where to allocate it once we have it.

There is a growing consensus that money for good causes has been plundered in the dash for cash to underwrite the spiralling cost of the London 2012 Olympics. It was a shame to hear Jackie Baillie being an apologist for the £116 million that has been directly plundered from Scottish funds.

Jackie Baillie: Does the member not believe that Scottish athletes will benefit from participating in the London Olympics?

Bob Doris: They will benefit from participation in the London Olympics, but they could benefit a heck of a lot more from £116 million.

I wish London a highly successful games, and any legacy benefit that can be achieved for Scotland will be welcome. However, if one were to ask community groups and voluntary sector

organisations in Glasgow—the area that I represent—whether they would choose to hope and pray, and hold their breath, for some form of legacy from London, or be given the opportunity to access up to £150 million that should be in the hands of lottery fund distributors in Scotland, they would say that they would rather have the cash.

I met an organisation in Royston in Glasgow called the Northern Rock Festival Group, which Frank McAveety knows quite well—I have seen a picture of him there, strumming a guitar. It is a community music group that works with young people. I have discussed ideas with the group for how a Commonwealth games legacy might benefit young people in Royston and Springburn—I will return to that later. However, the Northern Rock Festival Group tells me that given a choice between holding its breath for a London legacy and having the opportunity to reaccess up to £150 million, it would rather have the cash.

That is the crux of the matter. Communities and community groups throughout Scotland, and Scottish society—all of us—will suffer because of that funding shortfall. The money could be used to build grass-roots sporting facilities and to build on community activities to achieve a legacy, whether from London in 2012 or, more significantly, from Glasgow in 2014. Within that funding shortfall, there will be a loss of £13.1 million for sportscotland, but the loss to sport goes far deeper than that.

I am sure that Margo MacDonald will agree that sport is not a standalone activity: the aim is for sport to be a positive part of all our lives. Sport can bring people together, integrate and inspire people, and turn lives around. Last night, I had the pleasure of hosting a meeting of the cross-party group on racial equality in Scotland. We were joined by Ros Micklem, chair of the Equality and Human Rights Commission in Scotland. She said that, as part of the 2014 legacy, she wants to work to bring communities together in Glasgow and throughout Scotland. That is positive work that is not always related directly to sport.

Margo MacDonald: I heartily endorse what Bob Doris says about sport bringing different strands of the community together. Many of those good Scots who play for the Scottish Saltires are Asian Scots, who want to play for Scotland rather than the country of their parents' origin.

Bob Doris: I thank Margo MacDonald for that intervention.

I will give two further examples of how we can use the Commonwealth games and sport for a legacy in Glasgow. A project that I have mentioned before in the chamber is operation reclaim, which is based in Springburn in the north of Glasgow. It revolves around rugby, football and

cricket coaches and Strathclyde Police working with disadvantaged youngsters in the community to break down territorial boundaries and reduce crime. The project hopes to move into the Maryhill area, but it is cash strapped, so lottery funding could help to facilitate that move. The project is using the 2014 games, and sport in general, as a force for good in society.

The second example is the Northern Rock Festival Group, which I mentioned before. It is interested in producing a CD, for which young people would make up and record songs that represent each Commonwealth country that will participate in the Commonwealth games. Young people who might not go to an athletics track or a swimming pool can still connect with the Commonwealth games in their area. Such projects can give disadvantaged youngsters something positive from the Commonwealth games in Glasgow.

I endorse the fantastic idea of running on the dream number ticket, to recoup some money for Glasgow's Commonwealth games. I wanted to intervene on Jamie McGrigor, who I see has left the chamber. The Tories might have been about to say that if they were to get into power, they would return the £150 million to Scotland—I would like an acknowledgement of that in their summing-up.

10:30

Hugh Henry (Paisley South) (Lab): This debate gives some of us an opportunity to advance a powerful, unified and telling message about the contribution that lottery funding can make in Scotland, not only to sport but to quality of life. For other members, it is an opportunity to nitpick, score points and be negative. That is a price worth paying if, at the end of the debate, the Parliament can send a strong and powerful message that the lottery will make a difference in Scotland.

Margo MacDonald has been tireless in her efforts to promote the links between education, better health and sporting activity. We know that intervention and participation in sport at a young age can make a real difference to what young people achieve in their education, the quality of their life and their health. We should view the opportunity that the Commonwealth games bring to Scotland in that context.

Jamie McGrigor was right to raise the lack of development of facilities in our new schools. Those are once-in-a-generation opportunities to make a difference to a local community. We need to be more thoughtful about how we plan our investment and the range of facilities that we deliver, because they can make a difference to

local communities, particularly in more isolated areas of Scotland.

Ross Finnie was right to talk about realistic objectives, and to consider not only what the Commonwealth games bring to Scotland in terms of structural regeneration. Frank McAveety was right to speak about what the Commonwealth games can bring to Glasgow, and the east end in particular.

My family is from the east end of Glasgow—many still live there and, as people who know me will testify, I am a regular visitor to that part of the city. It breaks my heart to see what has happened there over generations: the deprivation, the poverty, the drug addiction, the alcohol abuse and the physical decline in the area. However, there is still pride and hope there, and many people in the area look forward to what the Commonwealth games will do to bring their quality of life up to the standard that others in Scotland currently take for granted.

We should not just assume that we are starting with a blank canvas. I give credit to what Glasgow City Council has done—and is doing—to make a difference in the city, through regeneration projects and building new schools. There is imagination there about capturing the opportunity that the Commonwealth games bring. We should aid and assist Glasgow in every way that we can.

What happens in the east end of Glasgow will spill out into the rest of the city, and to the surrounding areas. The people from the constituency that I represent will go to Glasgow to use the cultural and sporting facilities in which Glasgow City Council has invested, so it is clear that other areas will benefit from what goes on there.

We must grasp the bigger picture. I did not agree with the tone of some of what Bill Kidd said or with everything that he said, but he was absolutely right to put the games into the perspective of what they can do to transform the life of people in the city of Glasgow. As the minister rightly said, we want to use the Commonwealth games to boost Scotland's standing in the world. However, as Ian McKee said, the way in which to boost Glasgow and Scotland's standing in the world in the long term is not to provide a one-off event, but to get rid of our image as the sick man of Europe and of violence and educational underachievement. That means that, although lottery funding must be used to boost and enhance sport, it must also be used to tackle the endemic poverty and deprivation and the lack of educational opportunities. It must be used to boost the number of volunteers and the social infrastructure in areas.

If we transform Glasgow's statistics on matters such as poverty, ill health, violence and deprivation, at a stroke we will transform Scotland's statistics and push Scotland way up the international league. Therefore, let us use the Commonwealth games as an opportunity to invest in our sporting infrastructure but, more than that, let us ensure that we tackle the deep-seated and deep-rooted problems that have blighted our society for far too long.

10:36

Robert Brown (Glasgow) (LD): I am glad to follow that thoughtful speech by Hugh Henry, which was one of several good speeches. In recent weeks, we have had the exhilarating spectacle of our country's athletes winning medals in unprecedented numbers at the Beijing Olympics and Paralympics, and the warm afterglow from that, as Margo MacDonald put it. For most of us, that is a novelty never before seen or heard of, like a fortnight of sunny weather in Scotland in July. However, Ian McKee is right to make the caveat that we should not be carried away by the nationalist competition and should concentrate on the community and health aspects. The 2014 Glasgow Commonwealth games should lead to all-round improvement in the number of people involved in sport, including athletics, swimming and the sit-down sports, both competitively and through participation by people who want to enjoy themselves or get fitter. Margo MacDonald knows about that theme and has rightly banged on about it for several years.

I hope that the minister will not mind if I say that I was a little disappointed by his speech, which was rather heavy on public-relations speak and generality and light on commitment. I hope that that reflects the fact that he is awaiting the outcome of the consultation on the legacy of the games. On a broader point, it would be a sad mistake to set the Glasgow Commonwealth games against the London Olympics, as rivals. The opportunity is far greater than that. The Glasgow games should be the culmination of three years of events here—the London Olympics, the Glasgow world table tennis championships, the Ryder cup, which James Kelly has mentioned before, and other possibilities. In many ways, that is a PR man's heaven and the sort of publicity that no Scottish Government could purchase to raise the profile of sport and athletic endeavour in Scotland.

The phrase "raise the profile" is a PR man's phrase. In practice, as Jackie Baillie touched on, it means that young people will watch top-class sporting activities in their country on television, which is something special; that many will attend events in athletics, swimming, water sports or

team sports; that they will meet athletes personally; that they will see young people just like them performing at the highest levels, pushing themselves to the limit and providing aspirational role models; and they will think, "I can do that and win a medal," or just think that they would like a shot.

We have heard about the evidence suggesting that no link exists between such events and levels of competitive or participative activity. Frankly, I do not accept that. The relationship is complex, but I simply do not believe that the engagement of thousands of ordinary people, not least as spectators, volunteers and workers in shops, hotels, pubs and transport facilities, supporting the 2014 games and providing services to celebrity visitors from around the globe, will not lead to huge interest and opportunity and a step change in popular attitudes to and participation in athletic pursuits. On any view, the games must be at least an opportunity to be realised, so we must use all our endeavours to ensure that we take it. For example, we must develop a better symbiosis between the organisations that support international-class athletes and the local clubs that gave them their original opportunities. The volunteers whom Ross Finnie rightly talked about give endless time to youngsters, some of whom may have lesser talents, but for them sport is a motivator without parallel.

To capitalise on the opportunity, we need investment. The Liberal Democrats have said repeatedly that the erosion of lottery funding to support London 2012 must be tackled. We are told that £112 million of support from the lottery was provided for the Commonwealth games in Manchester. The Big Lottery Fund has helpfully identified that £116.4 million has been transferred back from Scottish lottery distributors to support the London games, with the proceeds of dedicated lottery games on top of that.

Stewart Maxwell: Just so that we are clear about the Big Lottery Fund's briefing, it has said that £116.4 million has been transferred directly from Scotland to the Olympics in 2012 but, in addition, the impact of diverted sales will take the figure up to nearer £184 million.

Robert Brown: I take that point. As I said, the dedicated lottery games for the Olympics will have an impact. The return of the money from the lottery in due course after 2012 would be, in practical terms and to an extent, too late. It takes time to develop programmes and build up the spend carefully and effectively. There must be ways of accessing moneys in advance, perhaps by phasing spending, utilising future lottery revenue stream or using the dream number, which Bob Doris mentioned. That would enable steady and planned investment in capacity building to

revolutionise community sport. The two Governments must have a positive dialogue on those issues.

Frank McAveety was right to say that we do not start from a standing start, as we have many good facilities in place and more are being developed. However, we have been seduced into believing that money alone is the ultimate need when, in fact, the central need is for expertise and capacity building in existing sports clubs. Many sports clubs do a great job, but they would do much more if they had the capacity and skills to move to a new level. Many do not have youth development policies or the ability to up their game in the organisational sense. The Government should make a commitment to support the expansion of local sports clubs of all kinds. We must help to build their capacity and expertise and link them with the development of modern, purpose-built facilities and effective recruitment of young people. We need the vital links to school clubs and facilities, so that we do not lose young people from life-enhancing activities when they leave school.

The Deputy Presiding Officer (Alasdair Morgan): You must finish now.

Robert Brown: My final point is simply that we should stick with the positive tone with which Margo MacDonald opened the debate and send a joint and united message from the Parliament to those who are involved in the issue of lottery funding.

The Deputy Presiding Officer: Several members have gone over time. I did not want to cut them off, but the debate is fully subscribed, so all that happens is that members at the end of the list have less time allocated to them.

10:43

Christine Grahame (South of Scotland) (SNP): I shall bear that in mind, Presiding Officer. Those rebukes always seem to happen just before I get to my feet.

I congratulate Margo MacDonald and I acknowledge the validity of her case studies. I will not be pessimistic, but I want to be realistic. I applaud all those who secured medals and competed at the Olympic games, which is indicative of their sacrifice, energy and talent. In particular, I applaud the Paralympians, who to an extent still have the Olympic spirit. However, I share Ian McKee's concerns about the motive behind holding substantial sporting events.

The Parliament should note that the air of caution in the debate has come from members of the Health and Sport Committee—Ross Finnie, Ian McKee and me. That is not because we want to rain on a sunny parade, but because we heard

the hard evidence—not anecdotal evidence, worthy though it is—about the impact of the legacy of international sporting events. The Parliament has committees because they have time to consider the detail.

I commend to the chamber the letter of 23 April 2008 that the committee sent to the Cabinet Secretary for Health and Wellbeing in response to the consultation. Members will find it on the committee pages of the Parliament website. The contents of the letter bring a hearty dose of realism to the debate. In saying that, I am not saying that any committee member wants to prevent all these good things from happening; we are simply saying that, if the bar is set too high and the aims are unrealistic, the whole thing will fail, and we do not want that to happen.

As Ross Finnie rightly said, we know the structural advantages of holding such events. The committee is simply concerned about the health and wellbeing of Glasgow people and those in the nation at large. That is what we are focused on in our inquiry.

I say to Margo MacDonald that there is no hard evidence that interest in the sport follows on from Olympic success. Rhona Martin told the committee that fewer people are taking up curling and we have fewer curling rinks than was the case in the years before she and her team won their gold medal. Liz McColgan told us that fewer people attend her athletics club than was the case in the years before she won her gold medal. I do not like telling the chamber these things, but that is what people on the front line told us. I accept that issues also arise in relation to facilities and transport, particularly in rural areas where populations tend to be more scattered. Those issues are part of the problem, but the committee is where it is on the subject.

I share Ian McKee's concerns about the selection and training of our potential Olympic gold medallists. On television earlier this morning, a young girl of 12 was being interviewed about her quest for sponsorship to become a gold medallist at the next Olympic games. How will that quest for gold distort her life? The girl is only 12. Is she going to commit herself to full-time training, special diets, psychiatric support and counselling—everything that we know it takes? We know that it takes all that to make an elite athlete because we have been told that that is what it takes; we have not invented it.

In the debate, we must distinguish between elite sports, sporting activity, physical recreation and physical activity. The committee's focus was on physical activity, and I am afraid that, when international events are held, people just buy in the Pringles crisps and cans of lager and sit with their feet up on the pouf watching our athletes and

other sportsmen and women on television and applauding them. People say, "That was just great. I stayed up till 2 o'clock in the morning to watch it." However, doing that does not mean that they will go on to take part in physical activity.

Margaret Curran (Glasgow Baillieston) (Lab)
rose—

Christine Grahame: I will continue, if I may.

The Cabinet Secretary for Health and Wellbeing and the minister should note that the committee was unanimous on the matter. There is nothing party political in all of this.

What happens elsewhere in the world? Ian McKee referred to what happens in Australia. The evidence that we heard from Australia told us that, if a country overemphasises its focus on elite sport, it can disfranchise people by

"creating an environment in which only the best can participate and in which other forms of intervention are given a much lower priority."

In other words, a country puts its money into people who might get a gold medal and not into those who simply want to participate in physical activity. That is wrong. It is a distortion of not only the Olympic tradition but the legacy to which we refer. The committee also found that Australia was not a fitter nation as a result of hosting the Olympics; Australians are just as fat and as prone to sit and watch sport on television with their Pringles crisps and cans of lager as people in Scotland are. The Olympics did not make Australia a fitter nation.

As I said, I want to bring a dose of realism to the debate. Cabinet secretaries and ministers may not like that, but the committee takes a cautious view of what must be done. We want our elite athletes to succeed, but we also want to reach the target of making Scots more physically fit and active. That is particularly the case for women in the west of Scotland. Perhaps, for that group, a simple target should be set. We should say, "We know that women in the west of Scotland are the least fit and active. Let's see how we can improve their health standards." We should not be overly ambitious. That could serve only to make the Parliament—not the Government, but the Parliament—fail.

I ask the chamber to look at what the committee has to say on the subject. Jackie Baillie and other Labour members may smile, but the committee has looked rigorously into the matter. I will not sprinkle my speech with fluffy, happy talk when the facts and the evidence do not support my doing so.

10:49

Margaret Curran (Glasgow Baillieston) (Lab):
Cue a woman from the west of Scotland.

In opening, I declare an interest. Along with other MSPs, I participated in a programme that was run by the Women's Sport and Fitness Foundation for the very reason that Christine Grahame outlined: busy women need to be encouraged to participate in sport and fitness regimes. I found the programme interesting. Indeed, one of the sports that I was introduced to was boxing, which I not only enjoyed but, surprisingly, was told that I was good at. I may continue with it—who knows?

The debate is welcome. I will return to the substantial issue that Christine Grahame raised later in my speech. I assure her that Labour members do not dismiss what she said. She injected into the debate a welcome dose of realism, to which we need to pay attention. However, the focus of my speech will be on the importance of sport in tackling the challenges that Scotland faces and, as members would expect, the legacy of the Commonwealth games, particularly for the east end of Glasgow.

Like many other members, I pay tribute to Margo MacDonald for bringing the debate to the chamber. When I was Minister for Parliament in the previous session, I worked with her on the many occasions when she brought debates to the chamber. She always tried to focus on issues that were of national importance to Scotland and on which the chamber could find a degree of consensus. Of course, her tireless commitment to sport is a willing example of that.

Notwithstanding the issue that Christine Grahame raised, awareness has been growing over recent years that we should not simply observe and glory in sport but try to facilitate and encourage participation in it at all levels. In the best tradition that Margo MacDonald has established for debates, I decided that I would not focus on the things that divide us. However, other members have done that and, given the nature of my personality, I will have to take the bait, so members will hear a slight note of discord from me. In his summation, I ask the minister to give details of the SNP commitment to PE in schools. If we are to rise to the challenge and to ensure a legacy, particularly in the east end of Glasgow, it is vital that we know when the commitment will be fulfilled and how much it will cost.

Leaving aside partisan divisions for a second, we know that access to sport needs to be widened. I agree that people can be inspired by elite athletes. Robert Brown was absolutely right in saying that we should not be dismissive of those who observe sports, as that can be the spark that inspires them to participate in any one of a number of sports. We have to give out the message that all forms of participation are worth while. Indeed, we are much more aware that sport is not just about

the achievement of winning medals but about improved health and quality of life for the people.

As I said, I will focus on the Commonwealth games in terms of the regeneration of the east end of Glasgow and what that wider legacy means for people in the east end. As I am sure Christine Grahame is aware, Richard Simpson has pointed out to many of us that the Health and Sport Committee heard evidence that no direct link can be found between hosting big events and health improvement. That is no act of God, however, and things need not always be thus. Given the huge opportunity that the Commonwealth games present, it is incumbent on all MSPs to work to achieve a shift in that outcome.

I do not want to be partisan in the debate. I understand absolutely that, in politics, there will always be arguments about money—about who gets it and how we share it. I hope that I will always be an advocate for Scotland and someone who fights my corner to get resources. However, in doing that, let us not be cynical about the opportunities that the London Olympics present for Scotland. We must not think that young Scots, including those from the east end of Glasgow, are not already thinking that those games are theirs, too. They will be inspired by those games and will respond to the opportunities. Members should be careful about the tone that they adopt in the debate. If we allow the debate on the London Olympics to become too divisive, we will simply waste a huge opportunity.

The achievement of Glasgow in gaining the Commonwealth games is a special one, particularly for those of us in the east end of Glasgow. The games give us an opportunity to begin to tackle the legacy of health inequalities in the east end. We can use the opportunity to think about regeneration across the whole of the east end. The local community can welcome people into the area and show their great achievements to them, with pride. The games also give local people an opportunity to shape the resources that are coming to the city and to ensure that they are made to work for the people.

The Deputy Presiding Officer (Trish Godman): One minute.

Margaret Curran: Oh, gosh!

If the recent Beijing Olympics and Paralympics inspired people, how much more inspired will they be if the games happen on their doorstep? The legacy of the Commonwealth games could be significant in tackling health inequalities, but only if we ensure that the inspiration of sport is deepened and networked throughout all our communities.

We must ensure that we maximise opportunities for those who need them most—those who are most distanced from access to sports. We must

work with the communities of the east end of Glasgow on planning, investment, construction and delivery. If we do that, we may be able to turn around some of the statistics that have been referred to.

Earlier, I mentioned Margo MacDonald. In the last 10 seconds of my speech, I would like to put a request to her. I hope that she will play a role in the work that I am doing in the east end of Glasgow to move this agenda forward. Notwithstanding her commitment to Edinburgh, I invite her to come to my constituency to talk to young people and communities there.

The Deputy Presiding Officer: I would like you to finish, Ms Curran.

Margaret Curran: I would like Margo MacDonald to come to the east end of Glasgow, to see whether she can inspire people there, as she inspires us, on the importance of sport in Scotland.

The Deputy Presiding Officer: I would be delighted to come to the east end of Glasgow.

10:55

Sandra White (Glasgow) (SNP): Christine Grahame may have upset some people, especially women from the west of Scotland and some Australians; she can expect a few e-mails and letters about what she said. Margaret Curran made a thoughtful speech. It is not the case that I and others do not want the London Olympics to be a success. For me, the nub of today's debate is that the money that is available must come to Scotland sooner rather than later; that is the issue on which I wish to concentrate.

I thank Margo MacDonald for lodging the motion that we are debating. Today's debate will enable us—constructively, I hope—to get to the nub of the problem. I will address some of the specific points in the motion, especially the call for

"National Lottery funding to be released as soon as possible".

As I have said before, that is one of the most important aspects of the debate. Margo MacDonalds has described eloquently some of the problems that arise when people do not have proper sporting facilities. A lack of modern, up-to-date facilities forces young people to go elsewhere not just to train but to take up their chosen sport in the first place. That is not acceptable when we are looking forward to the 2014 Commonwealth games. Sometimes, the problem leads kids to drop sport altogether. That should be of concern to all of us; it is certainly of great concern to me.

If we do not put the necessary facilities in place now, kids who hope to take part in the 2014 Commonwealth games will not be trained up in time to do so. I hope that Margo MacDonald will

agree that that is the nub of her motion. Eventually, the lack of proper facilities will cause us to lose young people who are training at the moment. It will also discourage other young people who want to take up sport or exercise from doing so. That is why we say that we need the money that has been taken from Scotland to fund the London Olympics—our money—to put facilities in place right away.

In its reply to the Scottish Government's consultation on securing a positive legacy from the 2014 Commonwealth games, the Big Lottery Fund states:

"We believe the 2014 Games present an unprecedented opportunity for Glasgow and for Scotland. Quite apart from the sporting significance, there are very big potential gains in terms of community involvement, ownership, cohesion and celebration; grassroots participation"—

that is very important—

"employment, employability ... regeneration of Glasgow and the wider region".

Frank McAveety's amendment is eminently sensible; the Big Lottery Fund made the same points in its response to the Scottish Government's consultation. However, we need the funds now to enable us to bring about regeneration. Those funds have been denied us—they have been taken away from Scotland at a crucial time. We should not forget that, unfortunately, what has happened in the east end and other parts of Glasgow has been going on for 50 years, rather than just one, two or three years. If we want regeneration, we must take that on board.

I hope that Frank McAveety will pay attention to what I am saying, instead of having a conversation with another MSP, as I am speaking to his amendment. I agree with what he is saying, but the problem has existed for 50 years. Certain politicians must take responsibility for that. We are trying to turn the situation around. There are many good people in the east end of Glasgow and throughout Scotland but, as elected members, we have a responsibility, not just to the people of the east end or Glasgow but to the whole of Scotland, to present a united front to Westminster. We must lead by example and demand that the money that has been taken from Scotland at a crucial time be given back now, to fund regeneration and increased participation in sport. I hope that, regardless of our politics, we can move forward together and say that, for the good of Scotland, Glasgow and the 2014 Commonwealth games, we need our lottery money now. We do not deny London the Olympic games; Westminster should not deny Scotland and Glasgow the 2014 Commonwealth games.

11:00

Pauline McNeill (Glasgow Kelvin) (Lab): This is my first contribution to a debate that is mainly about sport. I welcome Margo MacDonald's choice of subject and her emphasis on securing a legacy from lottery funding. As ever, she has brought a relevant issue to the chamber for discussion.

It is not the case that I am not interested in sport—I am. From case studies that I have carried out in my constituency, I can testify to the fact that there is no shortage of interest in sport in Glasgow Kelvin, which is home to the Kelvin hall, the Scotstoun leisure centre and Broomhill sports club. I am sure that there are examples around the country of small, community-based sports clubs like Broomhill, which are important. Parents and local people organise such clubs for children between the ages of five and 14. At Broomhill, 500 young people take part in all types of sport, including running and girls football. I will certainly not forget that, because, when Andy Kerr was the Minister for Health and Community Care, he twisted my arm up my back to take part in the early-morning run around Victoria park with the children, who had a good laugh at me because of how unfit I was. I told them that that was a good reason for them to continue to participate in activities at Broomhill sports club. I have the photographs to prove it, but members will not get to see them.

The importance of sport to our health and lives is unquestionable. It may not be in our psyche, but we should strive to support it. If we want to get young men and women active, we must ensure that there is a wide range of opportunities. Margo MacDonald shares my view that dance is not unrelated to sport. Modern dance—hip-hop and street dancing—is one way of enabling young people to become physically active, because they see themselves as future Justin Timberlakes. If members do not know who Justin Timberlake is, they should ask Jackie Baillie, because she is the fount of knowledge about popular music in the Parliament. On a recent visit to St Thomas Aquinas secondary school in my constituency, I was amazed to see 50 young men and women take part in street dancing in a PE class. I know that Frank McAveety does a bit of it at Labour socials, but we will not talk about that. I am making a serious point—if we can get young people to be active by doing something that they think is cool and hip, there is a chance that they will develop a wider interest in sport.

There is no doubt that winning the Olympics in 2012 and the Commonwealth games in 2014 has been an amazing catalyst for improving our commitment to sport at grass roots and beyond. We want to achieve a lasting legacy for Scotland. I will not forget standing with others at the back of

Glasgow city halls when it was announced that the Commonwealth games bid had been successful. Goodness knows whom I hugged that day, but being there was an amazing experience. The initial excitement was quickly transformed into the most exciting prospects for Glasgow and Scotland that we can remember. Glasgow sees the games as Scotland's Commonwealth games; I hope that we will all share in them. Labour members make no apology for supporting both the 2012 Olympics and the 2014 Commonwealth games, which will refocus our aims and expectations for athletes and for sport, which are central to our aspirations. As Hugh Henry and Margaret Curran ably set out, those aspirations extend beyond sport to opportunities to regenerate the poorest parts of our city.

It is important to note that the decision to make sport a basis for regeneration was a deliberate choice by Glasgow City Council. Credit is due to the whole team at the council, whose objectives I support fully. That is not to say that other parts of the city will not benefit hugely, and in that I include the parts of the centre and west of Glasgow that I represent. As other members have mentioned, the games will drive existing plans to improve public transport, which will serve new residents and new communities in my constituency, especially at Glasgow harbour. The benefits go wider.

I agree with Bill Kidd that the legacy is more important than the games themselves, but that is where my agreement with him ends. His approach this morning was wrong. We in Labour will support a fair deal for Scotland on national lottery funding, but funds and support for the games must come from a variety of sources. Language such as the "repatriation" of our cash and

"money that is by right Scotland's"

will not bring about consensus between us. If we are to have a united front at all, we should be united in the idea that the London Olympics and the Scottish Commonwealth games in Glasgow will bring about a lasting legacy for the UK and Scotland from which we will all benefit. Alex Salmond said:

"the 2014 games will be cheap compared with the London Olympics".

It is not necessary to set one against the other, and we should stop doing that.

In Sri Lanka, when he heard the announcement about the 2014 games, our First Minister promised to put on

"the greatest sporting event our country has ever seen."

I hope that the Government will make that promise a real promise. Whatever happens, it is our obligation to work with Glasgow City Council to ensure that, whatever the sources of funding are,

we live up to that promise and make the Commonwealth games a lasting legacy for Scotland, while helping to bring about some of the regeneration and change that the country deserves.

11:07

Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): I warmly congratulate Margo MacDonald on having brought the debate before us. She set out the scene in Scotland very well and in great detail. Hearing Margo speaking as much as she did about Ross County Football Club and Dingwall, I began to wonder whether it was John Farquhar Munro in a frock who was among us. Then again, now that I look at Margo MacDonald, I have to say that I have never seen her smoking a pipe, so there is no cause for confusion on that front. Anyway, I warmly welcome what she said.

I cannot let the opportunity slip to say that funding problems have been faced by Ross County, Dunfermline Athletic, Dundee and, I think, Livingston, on the youth front. The minister is aware of the situation, and I believe that it has been resolved. I understand that fresh applications will be allowed in November.

The debate is about delivering sport and getting children off the streets and making their lives really worth while. I have seen that with my own eyes at Ross County, and I absolutely commend what has been done. Clubs have reached out to children who might otherwise never even have thought about sport of any type.

Frank McAveety brought his experiences as a former minister and councillor to the debate. His point about the necessity of continuing dialogue between UK and Scottish ministers was well put.

The Minister for Communities and Sport gave us a good overview of his role. I liked his mention of the links with schools and clubs, which must be built on.

Jamie McGrigor—quite apart from his mention of Labour going to Mars, which he will have to explain to me after we leave the chamber, as I did not quite understand it—raised the issue of the diversion of lottery funds away from what he saw as core functions. I would say yes and no to that. He should recall the link with the roles of community schools. It is not necessarily bad to put lottery funding towards education, provided that there is a community school or health aspect to it.

I will return to Ross Finnie's speech in a minute or two, but I will first refer to some other comments from around the chamber. Jackie Baillie spoke about taking a Scotland-wide approach to facilities, which I think is absolutely correct, and

that is a precursor to what I shall say in my concluding remarks about my own constituency. To Ian Ebenezer Scrooge McKee I say, "Bah! Humbug!" His points were in fact well made, and I fancy that he achieved rather more support in the chamber than he might have been aware of. I think that he was hinting at the fact that attainment, no matter the level of ability, leads to higher self-esteem. That leads straight to James Kelly's point about how health and self-esteem contribute to the economy. Hugh Henry—although he is not in the chamber at the moment—spoke about the very strong link between education and health, which we cannot forget.

Robert Brown said how good it will be for young people here to

"see young people just like them performing ... They will think, 'I can do that'".

That is absolutely the correct sort of attitude. If young people see Scots just like them on the telly performing, they might think, "Maybe I could do that." That attitude helps to encourage people.

Christine Grahame spoke about the importance of physical activity. Like my colleague Ross Finnie, she was adamant about the need for realism about what we can achieve and about the size of the task that is before us. Ross Finnie made play of the realism aspect, too. He was very honest when he announced to us that he was leaving the chamber for a leak—I think that that is a first in the chamber. We hope that his flat is all right. He spoke about the need for plans to be achievable. He said that we should have something like a leisure audit—if I understood him correctly—of what works and of what we must build on for the future. Ross Finnie associated himself with remarks that have been made about the importance of voluntary coaches.

Turning to my constituency, I mentioned the problems around rural access last week, as did Jamie McGrigor. I referred to a letter from my constituent Christina Raeburn, which referred to the sheer cost of allowing her children and other children in remote parts of Scotland to go to suitable sports facilities. We have heard from Margo MacDonald about how far away such facilities can be. That issue remains.

I commend and thank the Minister for Communities and Sport for meeting me and my constituent Billy Manson last week, and for discussing with us the lack of sports facilities in Caithness and Sutherland. That highlighted one of the things that has been standing in the way of lottery funding helping with plans to build a sports centre in the middle of Caithness. At first appearance, it does not sit absolutely happily with Highland Council's capital plan. Those of us who have been councillors know that there is a great

deal of difference between a capital plan and a capital programme. That is possibly an example of where we need to encourage more working together. It now falls to me to try and work the issue out with Highland Council, and I will liaise with the minister on the matter. Only when we get things like that right that can we start to deliver.

While we have different organisations looking at slightly different ways of delivering sports facilities, we will not get very far. I have one example of things going completely wrong. When I was a district councillor, we negotiated a deal with a housing developer to build a sports centre for my home town, Tain. It was in accordance with the plan, and it received a recommendation of approval from the planners and officials, yet the planning committee of the then Highland Regional Council voted it down. That was a great loss, and it is an example of exactly what we must not do in future.

I commend Margo MacDonald for a superb debate.

11:13

Mary Scanlon (Highlands and Islands) (Con):

Like other members, I pay tribute to Margo MacDonald for giving us the opportunity to discuss some of the more challenging aspects of this highly topical and controversial issue. When it comes to lottery funding, we need to focus more of our attention at the grass roots. We should be doing that irrespective of whether the Olympic and Commonwealth games are happening in the UK.

In talking about grass-roots sport and the promise of two hours of PE a week taught by specialist PE teachers, I do not include the walk to school, as Maureen Watt did in her proposal. The education ministers can do more to include some reference to access to facilities in the inspection and monitoring of schools, as well as physical literacy, which we heard about when the Health and Sport Committee met at Murrayfield stadium.

Scotland's champion athletes—be it Chris Hoy, Katherine Grainger, David Florence or Aileen McGlynn—would all tell us that grass-roots support launched them on their successful careers. The effort that is involved on their part and on the part of coaches, often in difficult circumstances and with tight budgets, is commendable. That was highlighted by Louise Martin, Liz McColgan, Craig Brewster, Shirley Robertson and the Scottish Rugby Union in evidence to the Health and Sport Committee.

The two key issues are undoubtedly the provision of suitable facilities and the availability of professional and amateur coaches. As Jamie Stone mentioned Caithness, I will use an example from Highland. Young competitive swimmers in

Inverness have to undertake a round trip of 300 miles to practise at the nearest 50m pool, which is in Stirling. I will also use an example from Moray. The Deanshaugh playing fields in Elgin were once a hive of football activity, with three full-sized pitches accommodating school games and adult football. In November 2006, Moray Council began environmental improvement work on the pitches, which are on a former landfill site; the work was due for completion by March 2007. The council issued a press release at the time, which stated:

"Once the project is completed there will be four full-sized football pitches and one seven-a-side pitch".

Almost two years on from the start of the work, people are still waiting and there is no prospect of football being played at Deanshaugh in the near future.

Colin Rennie of Fields in Trust Scotland said that

"three out of four pitches are not fit for purpose".

I acknowledge that some advances have been made, particularly in Glasgow and Edinburgh.

In coaching, one of the biggest problems is probably the decline, over a number of years, in the number of people who give voluntary assistance and the decline—mainly as a result of other pressures in modern teaching—in the number of teachers who offer extra-curricular activities. Taken together, those are serious concerns, which must be addressed with immediate effect.

In response to Bob Doris's question, our MP, David Mundell, has said several times that he supports the call for the £150 million in lottery funding for the Commonwealth games in exchange for the money that is being diverted to the London Olympics.

When people—I include myself in this—talk about obesity, they make the assumption that only young people are obese. In fact, Nigel Don and I learned last week at a meeting of the cross-party group in the Scottish Parliament on obesity that the greatest prevalence of obesity is among people between the ages of 65 and 74, so let us not assume that obesity affects only young people or those under 40.

The problem that we are debating is complex, but we must not shy away from addressing it. The Scottish Conservatives have developed an outdoor education policy whereby, between primary 7 and secondary 3, every pupil would be entitled to a week's residential course in outdoor education. I know that that in itself is not the answer, but it is a contribution towards it.

Greater support is needed for the voluntary sector. Volunteer Development Scotland's positive

suggestion that there should be accessible and tailored training of volunteer coaches is constructive, given that 80,000 of the 90,000 sports coaches in Scotland are volunteers.

Olympic medallist Rhona Martin confirmed in evidence to the Health and Sport Committee that her curling club went from 200 members to 30 after her success; Liz McColgan's club, the Hawkhill Harriers, went from 80 members to fewer than 30 following her success. Shirley Robertson confirmed that sailing training had to be done in the south-west of England; Craig Brewster spoke about all the open spaces with signs saying, "No ball games allowed"; and we have a limited number of 50m pools in Scotland. It is not a lasting legacy that we should be looking for, but a rescue package for sport in Scotland.

11:19

Mr McAveety: I thank all the members who have spoken in this measured and thoughtful debate on how we can secure a Commonwealth games legacy for 2014 and beyond. We can achieve that if we have the imagination and the vision to tackle the issue of resources through the lottery and other sources.

Ian McKee mentioned a Dickens character. Initially I thought of Micawber, as Ian McKee seemed to be hoping that something might turn up. After I had heard his whole speech, I thought that he was more like Gradgrind, because "facts, facts, facts" were central to his arguments in the debate. That point is important, because we must try either to change that debate or to recognise that it is not the only debate that is relevant to this agenda.

Depending on circumstances over the next few years, we may have to take a measured view of our intentions. In my opening speech, I argued that there is nothing wrong with cities or nations seeking to boost their status and gain recognition through hosting events. Such events are important for many of the other agendas that have been mentioned, such as tourism and our economic profile. However, the compelling argument has been that if we are serious about doing something about where we are, statistically, with regard to health and to social and economic disadvantage, we should try to use a big event such as the Commonwealth games much more imaginatively.

Christine Grahame: I think that I can speak as convener of the Health and Sport Committee. Does the member accept that the committee's intention was not to prevent that from happening, but to be realistic and to say, in effect, "This is terribly hard, so make your targets something that you can achieve and do not let people down"

Mr McAveety: I accept that, but I do not think that it is an either/or question. There is an intention to try to do the right thing.

One of my great political mentors said recently:

"The Games have the potential to inspire long-term change in Scotland by developing new skills, improving people's health and reaping the full benefit of the global coverage of Glasgow and Scotland as host to a major international sporting event."

I thank Alex Salmond for that contribution. I think that there is commonality across the chamber about what we want to achieve. The debate is about how we achieve it. I disagree with the tone of some of the comments. I do not think that we should argue with other ministers in the United Kingdom—I say this with due respect for our own Minister for Communities and Sport—by saying, "What you have done in the past is utterly and totally wrong and therefore you are guilty of neglect." We should say, "We recognise that that has happened, but we want to make a change over the next few years." The challenge is to move away from the curmudgeonly approach that one or two members have taken and instead to give credit where it is due.

One member identified an issue regarding the east end of Glasgow. Like Margaret Curran—and, to be fair, everyone else who represents the area—I try to make a difference. That is why we argued a number of years ago that regeneration should be a consideration in decisions on the siting of national facilities. If that had not been one of the factors that was considered, the east end of Glasgow would probably not have emerged as the ideal location for the national arena and it would not have got the consequential benefits that flow from that decision. I made a minor contribution to that decision, but the fundamental factor behind it was that we decided to use the location of a national facility as part of a drive for change.

A fundamental issue is raising young people's aspirations. I understand what was said earlier, but there is a young athlete called Mahad Ahmed—he is originally from Somalia, so he has come from a very difficult part of the world—who has made his home with his family in Glasgow. He is only 12, but he is the best sprinter for his age in the UK. He said, at the age of 12:

"You'll be seeing me collecting Gold at the Commonwealth Games".

That is a reasonable ambition for someone who has talent. Chris Hoy took a series of measures and sacrificed a large amount of his own time and his personal wellbeing—he could have done other things with his time—to find the extra little bit that made the difference between not getting a gold medal and getting the three gold medals that he won in Beijing. The coaching apparatus behind him—locally in Edinburgh and subsequently at the

major facility in Manchester—made him the incredible athlete that he has become and the role model that he will be.

The central point is that coaches matter. Frank Clements, who now works in Glasgow, said that money has to be pumped into sports development, especially the volunteer clubs, because they are the key to change. I agree with those comments.

We can contribute not only through the lottery: the minister and the Government have responsibility in respect of the resources that they put in year on year. I hope that additional resources will be provided in future spending rounds.

I see that John Lloyd, the esteemed former editor of the *New Statesman*, is in the press gallery. Forty years ago, in 1968, Parisians said that we should imagine what is possible rather than what has been. That should be our ambition in this debate. We can argue about the past, but the debate is about shaping the future. I hope that the Parliament can speak with one voice in that debate.

11:24

Stewart Maxwell: This morning's debate has sent out a clear message about the importance that the Parliament places on delivering a lasting legacy from the Glasgow Commonwealth games. Scotland is not unique in wanting such a legacy, but we are unique in starting to plan so early. This morning has been an example of Parliament at its best—united in its view that it is fundamentally wrong that our good causes should be penalised to pay for London 2012.

I welcome, and will reflect on, members' suggestions on how substantial lottery funding could best be used to capitalise on the potential of the games to inspire change across Scotland. Such ideas will make the difference between a good legacy and a great legacy. Although the legacy plan will be led by the Government, I know that we can achieve a successful legacy only by working in partnership. We will continue our work with local authorities and other organisations in the public, private and voluntary sectors to agree the priorities.

Our vision—let me stress again—is to inspire lasting change across all of Scotland. The lasting legacy of the games must not just help the people of Glasgow, but touch the lives of every community in Scotland and create opportunities from which the entire population of Scotland can benefit. The legacy must benefit not just sport, but all the good causes.

We heard many welcome and interesting speeches in the debate, so let me try to respond to

a few of them in the time that I have available. In his opening and closing speeches, Frank McAveety made some interesting points, especially on the issue of volunteers. We need not just the usual suspects—a phrase that I think he used—or long-time volunteers to be enthused by the games; we need to get new people to come in and get involved. I first volunteered for the 1986 Edinburgh Commonwealth games and thoroughly enjoyed the experience.

Jamie McGrigor talked about the funding for grass-roots and community sport. Such initiatives should be central to what we are trying to do. We want a genuine legacy not just for elite sports, but for grass-roots and community sport.

Both Ross Finnie and Christine Grahame pointed out—quite rightly—that achieving a legacy from the games will be difficult. However, that will not be impossible if we work together, plan early and—Christine Grahame made this point—have realistic ambitions. The games are a means to an end, as Ross Finnie said. I absolutely agree.

The main point that I took from Bill Kidd's speech was that the legacy for Glasgow should be about improved health and optimism in the city. I cannot agree more.

Jackie Baillie highlighted the more choices, more chances legacy in further education, skills and employment. Again, that is a central part of the legacy that we want to see. She also said that Scotland will lose not £150 million but only £116.4 million. I presume that she got that figure from the Big Lottery Fund briefing paper that we were all sent. Of course, £116.4 million is the direct loss in terms of the money that will be transferred from Scottish lottery distributors to the Olympics. However, the following sentence in the briefing paper, below that table, states:

"In addition, there will be an impact as a result of diversionary sales away from mainstream Lottery games to dedicated London 2012 games sales".

The briefing paper estimates that that will take the loss to Scotland to a total of £184 million. We have said, entirely reasonably, that £150 million of that should be retained here in Scotland to build our legacy plans.

James Kelly stated that there are challenges for Government and for local authorities. I agree. There are challenges for us all—for Parliament, for other organisations, for individuals, for charities and good causes—to get involved in the planning process if we are to achieve an overall legacy that is a success.

Bob Doris asked the very relevant question whether community groups want the chance to apply for the missing money. Of course they do. It would make an enormous difference if those groups got that chance.

Hugh Henry gave a very thoughtful speech. Particularly pertinent was his point about Glasgow's health statistics. If we could change those, we could transform the health statistics of our country.

Robert Brown complained that my opening remarks were a bit general. However, we are in the middle of analysing the consultation responses—as he mentioned—so it would be wrong for a minister to stand up at this stage to say which specific projects and proposals will be supported. Surely he agrees that we need to ensure that the interim plan, which will be published by the end of the year, gets the opportunity to be developed before the full plan is published next summer.

Sandra White mentioned that it is no good waiting until after 2012, as some have suggested, for some of the lottery money to return. We need to plan and invest now. We need to use the six years that we have available to ensure that we get the maximum out of 2014.

Margaret Curran and Pauline McNeill said that we are not in an either/or situation, in which we must choose between the Olympics and the Commonwealth games. I absolutely agree. The 2012 games are part of our plans in building towards 2014. The Olympic games will be a stepping stone towards 2014, so we should do all that we can to ensure that Scottish athletes get the maximum out of 2012.

The issue of PE in schools was raised by both Margaret Curran and Mary Scanlon. Clearly, our expectation is that schools will continue to work towards the provision of two hours of good-quality PE for each child every week. That expectation is explicitly reflected in the guidance supporting the new three-to-18 curriculum. We are also committed to increasing continuous professional development of primary teachers in the field of PE. Over the next three years, we are investing £1.8 million to support the University of Glasgow and the University of Edinburgh in running a postgraduate certificate in education for PE. Already, around 600 primary teachers have taken part.

Margaret Curran: Has the minister costed the provision of PE in schools by specialists?

Stewart Maxwell: As I said just a moment ago, we are committed to meeting that target and we are working with local authorities to do so. The target is stated explicitly within the three-to-18 curriculum guidance. We are also investing £1.8 million in the professional development of primary school teachers. That shows our commitment to increasing the amount of quality PE in our schools.

The Government is ambitious for Scotland. We are determined to do all that we can to use the

historic event to deliver a bold and innovative legacy. We believe that the games offer us an opportunity to make unprecedented progress in tackling our nation's health problems. We want to engage and galvanise people in Scotland—from all age groups, from disadvantaged communities and from across all social groupings—to challenge themselves to help to improve Scotland's health status and to make a difference, no matter how small.

We want to transform grass-roots sport so that we can increase and sustain high levels of participation in the physical activities that are witnessed throughout Scotland today.

Most athletes' interest and commitment to sport started at an early age. The continuous support of families, local sports clubs, community coaches, schools and teachers plays an invaluable role in contributing to the development of our young sportsmen and sportswomen.

Lottery funds could be used to recruit, train, motivate and support volunteers across all sports, in every area of Scotland. Sport brings to the surface Scotland's emotion—our energy, our pride and our passion—which we should use to maximise our opportunities in 2014.

Lottery funds could be used to increase the availability and affordability of access to community facilities. Local authorities will obviously play a key role, as they reach every community in Scotland. They can ensure that access to sport is a right, not a privilege.

We could use lottery funds to harness the tremendous interest in the games to get schools, communities and other groups to take part in experiences that would give young and old a better awareness of the benefits of, for example, a healthy lifestyle, volunteering, sport and culture. Lottery funds would allow us to deliver a range of innovative volunteering programmes.

I believe that the support and enthusiasm are there. Everyone that I speak to is genuinely excited about the 2014 games. However, lottery funding is crucial if we are to achieve that full potential. Today we must unite, stand up for Scotland and speak with one voice on behalf of all the groups across the country that will be badly hit by the siphoning off of money from Scotland to fill the Olympic budget black hole. Let us support the motion and the amendment to send out a clear united signal of our intent to claim back Scotland's lost lottery money.

11:33

Margo MacDonald: Unused as I am to having eight minutes in which to summarise a debate, I

hope that members will forgive me if I do not quite hit the target. However, the last shall be first.

I was pleased to hear the Minister for Communities and Sport, Stewart Maxwell, say that he had a clear vision for sport's contribution to community development, but then he went and spoiled it all when the words "quality PE" rolled off his lips. He mentioned that in conjunction with a somewhat truncated form of PE teacher training. However, we can talk about that at another time.

As usual, I agreed with almost everything that was said by the shadow minister, the former minister Frank McAveety—yes I did—and I was encouraged to hear about the investment that Glasgow City Council and North Lanarkshire Council have put into areas that need the sort of community and personal development that can be achieved through sport or, as some members called it, physical activity. There is a difference between physical activity, recreation and sport, which I have not time to go into. However, I am glad that Christine Grahame got that one right. She did not get some other things right, but I will mark her contribution later.

We should not deprecate the fact that it is often the usual faces who turn up to volunteer. Manchester created a cadre of 5,000 volunteers, many of whom used the experience, and the skills that they acquired, to move into employment. It is a good idea to have volunteers. Having said all that, I whole-heartedly accept Frank McAveety's amendment.

Other members picked up on Jamie McGrigor's initial comments on the importance of investment in schools and on the indivisible and unbreakable links that there should be between sport and physical activity and exercise in schools—properly taught by properly qualified physical education teachers—which carries over into community clubs. I was very pleased that Jamie McGrigor saw that link; to me, it is at the very nub of the debate.

Ross Finnie spoke about the importance of coaches and facilities. Of course, that is where the money comes in. We cannot offer people the opportunity to become coaches if we do not offer a bit of support where it is needed. I gave the example of a person from Dingwall, or the far north of Scotland, having to come to the central belt to achieve their sports qualifications. The people whom we would want to get involved in personal development and community development are the very people who would need that support. That point came out clearly in what Ross Finnie said.

At this stage, I should apologise to members who made excellent speeches that I may not have time to refer to.

Bill Kidd correctly identified the potential for community development. However, I share some of the reservations, voiced from other parts of the chamber, about the tone that is sometimes adopted. I took Bill Kidd's words at face value, and his analysis was correct. However, if we are to negotiate with Westminster, and I think that we will have to, we should perhaps remember that we can catch more flies with sugar than with vinegar.

I agree entirely with what Jackie Baillie said about the sense of excitement that already exists about the Glasgow games. However, I do not believe that the only important developments that come via sport are the ones that come via elite athletics events. That is not true. However, expectation has been created—perhaps because of the spectacular Beijing Olympics.

I confess that, before the Beijing Olympics burst on to our television screens, I was for the first time ever more interested in the politics of the games. However, I was absolutely knocked over by the quality of the sport and its presentation. I am sure that I was not alone in that. I am sure that the Olympics have had an impact on the sense of anticipation in Scotland about the Glasgow games. We should not talk them down.

Despite what I have just said, I agreed entirely with Ian McKee when he talked about big events and proportionality. We should not forget that sport is supposed to be about athletes and about personal development and the expression of excellence. It is not supposed to be about tables showing how many medals America got, and so on. We used to have an ersatz cold war every four years over the medals tables; I thought that we had at least got away from that, but no, we have put another one in its place. I greatly regret that.

The one thing on which I did not quite agree with Ian McKee was his questioning of the link to health. I believe that his point was answered later in the debate by the member who said that the feel-good factor and the growth of self-respect feed into a general holistic feeling of healthy living.

Christine Grahame: Will the member take an intervention?

Margo MacDonald: I am so sorry—if I were not into my final minute, I would have referred to Christine Grahame's terrible experience of running round a hockey field in outsize knickers, freezing. I am sure that that experience had an impact on some of the things that she said this morning.

In closing, I will say that most of the important points have been identified—the importance of

sport and PE in schools, the importance of community development, and the absolute necessity of having coaches of the best quality, because they will be the inspirers of future athletes and healthier Scots.

Question Time

SCOTTISH EXECUTIVE

General Questions

11:40

Sectarianism

1. David Whitton (Strathkelvin and Bearsden)

(Lab): To ask the Scottish Executive what action it is taking to eradicate sectarianism in Scotland. (S3O-4328)

The Minister for Community Safety (Fergus Ewing): From the outset of this Government, we have made it clear that there is no place in modern Scotland for the sectarian bigotry that has blighted the lives of so many of our people. This Government will continue to tackle sectarianism and believes very strongly that education and the promotion of constructive dialogue will deliver the sectarian-free Scotland that we all aspire to.

David Whitton: In a recent newspaper article, a source close to the First Minister said that the First Minister's

"commitment to and leadership in combating sectarianism is second to none."

In recent weeks, the Irish Government has asked questions about songs being sung by Rangers fans and the sports spokesman in the Northern Ireland Assembly has asked about songs sung by Celtic fans. Is it not now time for the First Minister to show his commitment and leadership, to take part in constructive dialogue, and to set a date for the next anti-sectarianism summit?

Fergus Ewing: I hope that all members believe that, of all issues, sectarianism is one for which we should eschew any temptation to indulge in any element of partisan or party politics. From the outset, the First Minister has made absolutely clear his commitment to opposing sectarianism in all its forms. His commitment was exemplified when he hosted in Edinburgh castle what I believe was the first reception of its kind, to thank the people who have worked so hard—in churches, football clubs, voluntary organisations and elsewhere—to tackle sectarianism. I hope that it is not in doubt that all members in this chamber are wholly committed to such objectives. The Government is working in a huge range of ways to exemplify that commitment.

Roseanna Cunningham (Perth) (SNP): Will the minister confirm that there are many ways of tackling sectarianism? That was evident right from the start of the process, and right back at the original cross-party Government working group, on

which I served. Will he confirm that it is a mistake to assume that, because one set of actions has been replaced by another, progress is not being made? Will he outline some of the events that have taken place beyond the Edinburgh castle event, to indicate to the chamber exactly what is being done to tackle this problem?

Fergus Ewing: Roseanna Cunningham is absolutely correct. In September last year I met the faith liaison advisory group, which represents religious communities across Scotland. I also hosted an anti-sectarianism event in Dynamic Earth to recognise the innovative ways in which young children have used art to show that we are all the same underneath the skin and underneath the football shirt.

In October I met Action of Churches Together in Scotland, and in November I took part in Nil by Mouth's "Sectarian Stories" launch and gave the keynote address at the churches' anti-sectarianism event.

In February, Dr Paisley and Martin McGuinness joined the First Minister and me in participating in another event involving young people, to show a united front against sectarianism.

We have also launched the Scottish working group on religion and belief relations, and in July I met Sense over Sectarianism to agree formally a further funding package that will provide the partnership with £412,500 to continue the good work that it does to attack sectarianism in all its forms.

On the question of a summit, there is no doubt that all religious leaders and all leaders of football clubs have already expressed their commitment to the task. On every occasion at which I have spoken, I have congratulated the former First Minister on his efforts. I congratulate him again here today. That commitment is not in doubt, but we need to move on towards the implementation of the campaign—especially among the young people of Scotland.

Renewable Energy

2. Nigel Don (North East Scotland) (SNP): To ask the Scottish Government what progress is being made towards the target of generating 50 per cent of Scotland's electricity from renewables by 2020. (S3O-4353)

The Minister for Enterprise, Energy and Tourism (Jim Mather): Excellent progress is being made. Since May last year, the Scottish Government has consented 14 large-scale renewable energy projects, representing 1.6GW of renewables capacity. As a result, we are on course to meet our interim target of generating 31 per cent of Scottish electricity from renewables by 2011. That target equates to around 5GW of

installed capacity. Currently, the capacity of projects that are operating or that have consent is 5.5GW. Most of those consented projects will be operating by 2011, and there is still time for more to be consented and constructed before 2011. Those achievements, alongside our support for emerging technologies, mean that we are confident of reaching the 2020 target, which will require around 8GW of installed capacity from renewables.

Nigel Don: I thank the minister for his encouraging reply. Does he think that the takeover of British Energy by the EDF Group and the United Kingdom Government's drive to build more nuclear power stations will have a negative impact on Scotland's reaching its renewables targets?

Jim Mather: No. We have a range of measures in place to promote renewable energy in Scotland, which will not be affected by parallel developments elsewhere in the UK. The early indications are that EDF Energy wants to be involved in developing more renewable capacity in Scotland. The First Minister met EDF Energy's chief executive, Vincent de Rivaz, in June and spoke to him again yesterday. EDF Energy understands our antipathy to the building of new nuclear power stations, and we agree on other aspects of energy development in Scotland.

The meeting with the First Minister took place on 18 June. Interestingly, on 19 June, EDF Energy issued a press release announcing its desire to work in conjunction with EDF Energies Nouvelles

"to become a major player in the UK renewables market."

We welcome that and look forward to working with EDF Energy on renewables projects in Scotland.

Gavin Brown (Lothians) (Con): According to the Scottish Government's energy policy document, Scotland today meets 16 per cent of its demand for electricity from renewable resources and the Government wants that figure to be 31 per cent by 2011. Can the minister explain how we are going to double the current figure within three years?

Jim Mather: The member should consider the totality of the situation. Local government alone has 910MW of renewable energy projects consented and in the pipeline. Meanwhile, our consents team is considering 36 renewable energy project applications—26 wind projects, nine hydro projects and one wave project—that will, in total, produce 2.5GW. We are on the cusp of a rising curve, and I am confident that more people will respond to the signals that the Government is sending out.

Malcolm Chisholm (Edinburgh North and Leith) (Lab): I welcome the recent change to the renewables obligation to help marine energy.

Does the minister agree that a rapid expansion of wave and tidal power will be necessary to reach the 50 per cent target? Does he accept that, for that to happen, support will have to be given to marine energy companies at an early stage, when they do not have large orders and are not profitable? He will know of Ocean Power Delivery, in my constituency, which I visited recently.

The Presiding Officer (Alex Fergusson): Briefly, please.

Malcolm Chisholm: Will the minister do everything possible to assist that company and other companies, so that they can expand rapidly as Scotland requires them to do?

Jim Mather: We are doing everything we can to develop that sector. We are sending out the right signals, not the least of which is the £10 million Saltire prize, which builds on the proposition that the member has just made. He would be wise also not to ignore the vast potential of offshore wind for Scotland. It is the blend of all the options that are covered in Scotland that gives us confidence that our renewables targets will be met.

School Meals

3. Marlyn Glen (North East Scotland) (Lab):

To ask the Scottish Executive when it will introduce legislation to extend entitlement to free school meals to all primary and secondary pupils whose parents or carers are in receipt of maximum child and working tax credit. (S3O-4300)

The Cabinet Secretary for Education and Lifelong Learning (Fiona Hyslop): We intend to introduce legislation to extend entitlement to free school meals to all primary school and secondary school pupils whose parents or carers are in receipt of both maximum child tax credit and maximum working tax credit in spring 2009, to enable the concordat commitment for that to be delivered as planned in August 2009 in all schools in Scotland.

Marlyn Glen: That is good news for children, but I understand that Dundee City Council will have great difficulty implementing any such extension because of the endless pressures that are being placed on local government budgets by the Scottish Government. Will the minister publish the cost to each local authority of implementing that SNP election promise? Is the Scottish Government prepared to fund local authorities fully to do it, or is the burden to be borne fully by local authorities? Can the minister name a local authority in Scotland that has informed her that it can pay the price, in full, of that so far uncosted promise?

Fiona Hyslop: So, the member welcomes our commitment—but. Local government has indicated that it wants to deliver the policy

because, like the Scottish Government, it wants to support vulnerable families who are in need. Had the Labour Party—including Marlyn Glen's colleagues, Cathie Craigie and Karen Whitefield—supported the bill last year when it was going through Parliament, the legislation would have been delivered sooner rather than later. It is the SNP Government that is delivering it. Local government has agreed to extend the entitlement to free school meals in 2009. Vulnerable families will be supported by the SNP Government.

Local Income Tax

4. Cathie Craigie (Cumbernauld and Kilsyth) (Lab): To ask the Scottish Executive how it proposes to collect local income tax. (S3O-4296)

The Cabinet Secretary for Finance and Sustainable Growth (John Swinney): The consultation paper that we published in March proposed that the local income tax should be collected by HM Revenue and Customs. We are currently considering the responses to the consultation exercise, and it would be premature to anticipate the outcome of that consideration.

Cathie Craigie: The Government's plans for the so-called local income tax should be well advanced by this stage. Experts tell us that collection of the local income tax will be complex and expensive. Local government is worried about resources, and the business community in my constituency has serious concerns about the additional burdens that will be placed on it. How are the cabinet secretary and the Government addressing those legitimate and serious concerns?

John Swinney: I take this opportunity to reassure Cathie Craigie and her constituents. The Government has taken pragmatic decisions about the way in which it intends to collect the local income tax. By ensuring that it is collected through HM Revenue and Customs, it simply adds another element to the collection of income tax that is already undertaken by every one of the businesses to which Cathie Craigie has referred.

In addition—this may not strike a concordant note with Conservative members—the Government has taken the view that to implement the local income tax efficiently and effectively, it is best if one rate is applied consistently across every local authority. That will increase the efficiency and reduce the cost of collection.

The council tax is an expensive tax to collect. We expect local income tax collection costs to be significantly lower than the collection costs for council tax, as we set out in the consultation document.

Jamie Hepburn (Central Scotland) (SNP): The cabinet secretary will be aware that, last year,

some 6 per cent of the council tax that was billed in Scotland went uncollected. Does he agree that a local income tax is likely to lead to a much lower rate of non-payment, which is one reason why the Convention of Scottish Local Authorities supports it?

John Swinney: The statistics bear out what Mr Hepburn says. The rate of income tax collection is higher than the rate of council tax collection, and there is no reason why the collection of a local income tax would be different from the collection of national income tax. Mr Hepburn adds some substance to the debate on that question.

Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD): What information has the cabinet secretary received from HMRC to say that collection of the tax would be more cumbersome if local authorities had the power to set local rates than if there was a nationally set rate? Will he confirm that the Burt review—the last independent review of local government finance—found that the likely cost of collecting the tax at locally set rates was cheaper than the cost of collecting the council tax?

John Swinney: Mr Purvis is correct in his second point. I addressed the matter in my answer to Cathie Craigie's question.

The discussions with HM Revenue and Customs are on-going, but the Government expects that there would be additional costs—particularly for businesses—if there was local variation of the rate. That will be part of the consideration and discussion that the Government takes forward in advancing its policy agenda on the issue.

Andy Kerr (East Kilbride) (Lab): The cabinet secretary chose his words very carefully when he spoke about collection, but many of the consultation responses indicate that there would be a much higher rate of evasion and avoidance of the local income tax due to the smart work of accountants and others. How does he contest the point on collection rates when, although they may be higher, the money brought in will be lower?

John Swinney: Mr Kerr needs to go on a course about terminology and what he approves and does not approve of. We now have remarks about accountants to add to his other comments on the record in the past few days. Perhaps a tad of consistency from Mr Kerr would not go amiss, even in these days of political consensus.

I have already put on record, in response to Mr Hepburn's question, the fact that income tax has a higher rate of collection than the council tax. If Mr Kerr is casting doubt on the veracity and effectiveness of the income tax system, he casts some significant doubt on the ability of Her Majesty's Revenue and Customs, and by extension the United Kingdom Government, to

fulfil their statutory duties to collect income tax. I do not think that that was one of the inadvertent messages that he wanted to put across.

A96 and A90 (Dualling)

5. Nanette Milne (North East Scotland) (Con):

To ask the Scottish Executive what plans it has to dual the A96 and A90. (S3O-4281)

The Minister for Transport, Infrastructure and Climate Change (Stewart Stevenson): The future transport needs of the north-east are being considered by the strategic transport projects review. Drafting of the STPR summary report is progressing well, and the Government will update Parliament on the emerging findings before the turn of the year.

Nanette Milne: Presiding Officer,

"We are all paying the price for the lack of investment in our roads network at the hands of the Labour/Liberal Government".

Those are not my words but those of the First Minister during the 2007 Holyrood elections. Alex Salmond pledged to local voters in Gordon that he would lead a step change to bring our beleaguered transport network into the 21st century, including the dualling of the A96 and A90.

I am informed by Transport Scotland that there are currently no plans to carry out any studies into the dualling of those roads—only into the projects put in place by the previous Executive. Has the First Minister gone back on his word to the voters of Gordon? If not, when will the SNP Government act to implement its election promises?

Stewart Stevenson: The voters of Gordon have a formidable champion in my colleague the First Minister. [*Interruption.*]

The Presiding Officer: Order.

Stewart Stevenson: The member will be aware of discussions about each end and the middle of the A96. In the strategic transport projects review we are looking seriously at the interventions that we want to bring about. She should not talk down the outcome until she sees it.

Alcohol Strategy

6. David McLetchie (Edinburgh Pentlands) (Con): To ask the Scottish Executive whether it considers permitting the sale of alcohol at Murrayfield on the occasion of international rugby matches to be consistent with its alcohol strategy. (S3O-4282)

The Cabinet Secretary for Justice (Kenny MacAskill): Yes. Our proposals are about tackling alcohol misuse. We are not anti-alcohol, and the core of our message has always been about sensible and responsible drinking.

We sought assurances that alcohol would be sold responsibly, and the Scottish Rugby Union has worked with the Scottish Government to ensure that that is the case. The trust put in Scottish rugby fans has been repaid by their good behaviour.

David McLetchie: I agree with the last of the cabinet secretary's remarks, but will he explain why young people between the ages of 18 and 21 can now buy a drink at Murrayfield on the occasion of an international rugby match with his full blessing but, if he gets his way, will be banned from buying a few cans of lager from an off-licence to watch the game on the telly? [*Interruption.*]

The Presiding Officer: Order.

David McLetchie: If even the Federation of Student Nationalists can see that that is an illogical nonsense, why can the cabinet secretary not?

Kenny MacAskill: I am not going to prejudge the outcome of the consultation.

I was grateful to the member for Edinburgh Central, who welcomed the success of Murrayfield and pointed out its substantial contribution to the economy. We should bear in mind the concern that previously existed among communities there, because of the abuse of alcohol—carry-outs were frequently consumed in Roseburn park, as opposed to alcohol being consumed safely and sensibly within the stadium.

The difference between us is that whereas Mr McLetchie clearly has a fixed position, the Government is listening to the communities in Cupar, Armadale and Stenhousemuir who have benefited from a substantial reduction in antisocial behaviour brought about by the responsible actions that have been taken by the police, licensing boards and local communities.

First Minister's Question Time

12:00

Engagements

1. Iain Gray (East Lothian) (Lab): To ask the First Minister what engagements he has planned for the rest of the day. (S3F-1028)

The First Minister (Alex Salmond): Later today, I will have meetings to take forward the Government's programme for Scotland. I will also be delighted to host the first part of the British-Irish Council summit, which will bring together representatives of the British and Irish Governments and other groups. I will welcome Rhodri Morgan and Ieuan Wyn Jones—the First Minister and Deputy First Minister of Wales—as well as the Taoiseach, Brian Cowen, who is making his first visit to Scotland. In particular, I am delighted that it has been confirmed that the First Minister and Deputy First Minister of Northern Ireland will attend. After a somewhat difficult period for the Northern Irish Executive, I am sure that the whole Parliament will welcome that news. [Applause.]

Iain Gray: I am happy to associate the Labour Party with those remarks.

Once again, Scotland's economy and the importance of corporate headquarters lead the news. Fortunately, the First Minister's Council of Economic Advisers meets next week. Unfortunately, it seems to be entirely at odds with him: Frances Cairncross praised the United Kingdom Government's action on HBOS, John Kay said that the takeover was not caused by spivs and speculators, and Sir George Mathewson said that the First Minister's views are ignorant. Who is right: the First Minister or his advisers?

The First Minister: Actually, Iain Gray is right. He said this time last week:

"I have every sympathy with his anger at speculation and short selling. Frankly, anyone who is today celebrating a profit from what has happened should go to the fire."—[Official Report, 18 September 2008; c 10986.]

All I wanted to do was take their money away; Iain Gray was sending them to hellfire. I think he is right.

Iain Gray: The First Minister ran that line in the debate yesterday, but it had no impact then and it has had none again today. I went on to say that there were many other factors in the takeover, but the First Minister is right that I agreed that we must pull together to ensure that corporate headquarters are retained in Scotland. When he told EDF Energy that he wanted to keep British Energy's headquarters in East Kilbride but drive its

industry out of Scotland, did EDF think that he was being ironic or, as *The Sun* has it, hypocritical or, as the *Daily Record* says, bonkers?

The First Minister: It sounds like the newspapers are recycling Andy Gray's quotations. [Interruption.]

The Presiding Officer (Alex Fergusson): Order.

The First Minister: I was taking both the first and the third in the Labour leadership campaign. Incidentally, I think that Andy Kerr has had a substantial influence on Iain Gray's moving away from the consensus that he showed last week—consensus that is absolutely necessary to win the best deal for Scotland in the merger of HBOS and Lloyds TSB.

I met Vincent de Rivaz in June because it is my duty as First Minister to maintain jobs in Scotland. I am delighted that there was a successful outcome to that meeting. Iain Gray should remember that EDF is not only a nuclear generator; it has a substantial interest in renewables. That is not the case in Scotland at present, but that position will change substantially—at least, that was the bullish and positive view of the company's chief executive. Surely, on that at least, Iain Gray can welcome the retention of jobs and future investment for Scotland.

Iain Gray: Let us talk about consensus and retaining jobs and headquarters. With HBOS, the First Minister promised to "strain every sinew" to keep its headquarters here. To achieve that, we have to make Scotland as attractive as possible, but there is consensus that his Scottish national income tax plan will do the opposite. Listen to the Confederation of British Industry, which said that local income tax

"could undermine the Scottish Government's avowed purpose of growing the economy ... and ... attracting talent and corporate headquarters to Scotland".

All business organisations and the trade unions agree—there is consensus. [Interruption.]

The Presiding Officer: Order.

Iain Gray: Will the First Minister strengthen Scotland's case for the HBOS HQ right here and now by committing today to ditch his damaging local income tax plans?

The First Minister: Iain Gray accused me of repeating my lines from yesterday, but he seems intent on repeating Wendy Alexander's lines from the past year.

Local income tax carries the consensus support of the Scottish people. We will see in due course whether it carries the support of the Scottish Parliament. It should do so, because not just the

vast majority of people and families in Scotland but the vast majority of workers in the financial sector would benefit from fairer and lower local taxation. Of course, Iain Gray and many people in the chamber would be among those who would pay a bit more, but I am sure that that is not what colours the Labour Party's attitude to the question of local income tax. Surely Iain Gray should join the consensus with the Scottish people, who think that the days of the council tax should be over and that local income tax should be introduced.

Iain Gray: The First Minister well knows that the most recent polling evidence says that only 46 per cent of the people support his tax proposals. I repeat this statement because it matters: thousands of jobs are at stake. Those workers are concerned that if we fail to keep those jobs here in Scotland, they will not pay any tax—certainly not income tax—because their jobs will have been lost. I say to the First Minister, think of the signal that his proposals send to Lloyds TSB and those workers about how serious he is about making the case for those jobs. Does he care enough? Is he big enough? He said that he would “strain every sinew”, but in reality he is standing idly by. I ask again: will he drop the discredited local income tax now?

The First Minister: I could be accused of many things over the past week, but I do not think that standing idly by on this issue would be one of them. The reality is that, as we sought to build a consensus—indeed, I acknowledge Iain Gray's role in that wonderful summit meeting on Monday—the third candidate in the Labour leadership election was out trying to undermine it, as we saw yesterday.

The jobs and HQ issues in HBOS and across the Scottish economy are fundamental. As First Minister, I should demand that the chamber unite behind the positive Scottish case that we are presenting to HBOS.

Whatever anyone might say about the reasons why we are where we are, we have certainly got here under the watch of the United Kingdom Government and the current monetary authorities. However, how much better it would be in making the case to any corporate headquarters if we could argue for a competitive corporation tax in Scotland that would bring jobs, investment and real decision making into this economy.

The Presiding Officer: You can make a brief point, Mr Gray.

Iain Gray: There is consensus that the local income tax proposal damages the case for keeping the headquarters here. I ask the First Minister to join the consensus and show that he is serious about that case.

The First Minister: If you have an extra question, it is best to change the record.

The consensus among the Scottish people is that they want a fairer, local tax. The local income tax will benefit the vast majority of families in Scotland and the vast majority of workers in the financial sector. *[Interruption.]*

The Presiding Officer: Order.

The First Minister: That is one reason why it is so popular.

Secretary of State for Scotland (Meetings)

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

To ask the First Minister when he will next meet the Secretary of State for Scotland. (S3F-1029)

The First Minister (Alex Salmond): I have no plans to meet the Secretary of State for Scotland in the near future. Of course, there is a question over whether, by this time next week, we will be in a different constitutional environment as far as that post is concerned.

Annabel Goldie: Yesterday, the Lloyds TSB business monitor described Scotland's economy as having ground to a halt in the summer and warned that overall business turnover will slump in the next six months. The Scottish housing industry estimates that it has lost 30,000 jobs, and house sales have plummeted. The housing industry is crying out for help and house owners are desperate. What they need is help, not the hindrance of the costly and unwanted home report. At this critical time, why does the First Minister insist on saddling every house seller in Scotland with a levy of more than £800?

The First Minister: It is the majority view of the Parliament that it is useful to introduce a measure that undoubtedly will help house buyers and give them more certainty than they have at present. That is the basis on which the housing report is being introduced.

Annabel Goldie: I was a lawyer, not an economist, but even I know that before someone can buy a house, someone has to be selling it.

Let us face facts. The home report pilot was an unmitigated disaster. The price has rocketed by more than a third, and the report has a shelf life of only a few weeks. The Scottish Consumer Council says that it will hit the lowest paid the hardest, and there are warnings that it will destroy our already fragile Scottish property market, yet the First Minister still thinks that it is a good idea.

Against the background of that overwhelming condemnation, and for the sake of desperately worried home owners, will the First Minister scrap this deeply damaging proposal? If he does not

have the courage or even the humility to do that, will he at least postpone this nightmare?

The First Minister: I disagree with Annabel Goldie: the point at the moment—it seems pretty obvious—is that there is no shortage of house sellers, but there is a distinct shortage of buyers, not because of wish, but because of the availability of mortgages. The position in Scotland is extremely serious, given the volume of houses that are being sold. Prices are holding up rather better than they are elsewhere, and indeed volumes are holding up slightly better, but the position is extremely serious.

I say to Annabel Goldie that the way to tackle that is for liquidity and interest rates to be such that people have available to them the mortgages that they need to enter the housing market, but any help that house buyers can get at present would be extremely useful.

I do not accept Annabel Goldie's general comments about the Government's attitude. When, in August, we announced a series of measures to assist the Scottish economy—because we anticipated some of the dark developments that have taken place in the downturn—we introduced specific measures to help the housing market. On 19 August, Jonathan Fair, the chief executive of Homes for Scotland, said:

"The Scottish Government has demonstrated a willingness to address the devastating impact that the credit crunch has had on the housebuilding industry ... Now it is time for Westminster and the Treasury to wake up to the UK-wide housing market crisis by dealing with the base issue of liquidity".

Can we not unite behind that statement?

Cabinet (Meetings)

3. Tavish Scott (Shetland) (LD): To ask the First Minister what issues will be discussed at the next meeting of the Cabinet. (S3F-1030)

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

Tavish Scott: Today's assessment of Scotland's economy makes grim reading. Business turnover is predicted to fall by 28 per cent in six months. However, things are already tough for families and individuals. Electricity costs are up by 18 per cent, gas is up by 28 per cent and food is up by 14 per cent. By what percentage has the First Minister changed his budget plans to respond?

The First Minister: If I remember correctly, Tavish Scott is a former convener of the Finance Committee and a former minister. I would have thought, therefore, that at some point in his career

he might have stumbled on the fact that the Scottish Parliament, unfortunately, lives on a fixed budget. If we increase expenditure in one area, we have to reduce it in another, and if, as Mr Scott has advocated, we cut taxes, we have to reduce expenditure. At the moment, we do not have the capacity in the Parliament to reflate the economy, which undoubtedly is something that both of us support.

If we accept those facts as given, and that accelerating the capital investment plans has been welcomed as a useful idea by the housing industry in Scotland, we should accept that we ought to reinvigorate our joint approach to obtain real economic teeth and financial powers for this Parliament.

Tavish Scott: I can help the First Minister: his budget makes 0.3 per cent of a change. He needs to choose; there is an offer on the table. Do his new quangos and their budgets really come first? Families and individuals face big challenges now and through the winter, but the First Minister's budget is 99 per cent old news. If this was anyone else's Government, he would accuse it of idly standing by. People do not understand why Government will not tighten its spending belt when families have to do so every day. The Parliament has the powers to cut income tax and deliver hundreds of pounds back into people's pockets, and this is the time to meet the real challenge that people face. I am up for it—is the First Minister?

The First Minister: We have, of course, frozen the council tax in Scotland to help people with their household bills and we have substantially reduced the business rates burden to help employment and the economy—which, incidentally, might be one reason why the Scottish employment figures look rather better than those south of the border.

As for the Liberals' new-found enthusiasm for a 2p income tax cut out of the Scottish budget, the measure was initially costed at £400 million. However, within 24 hours, the cost had reached £800 million, which indeed is the right figure. I could do a range of things to find that £800 million, but it would mean deep cuts to some of Scotland's essential services. Is it not incumbent on the leader who has suggested making £800 million-worth of cuts to tell us how on earth he thinks he will find that sum?

Andy Kerr (East Kilbride) (Lab): What words of comfort and support can the First Minister offer British Energy employees in Scotland and, indeed, in my East Kilbride constituency, given his Government's closed mind on the issue of a balanced energy policy and given that his own policy will make Scotland an energy importer? As his Government threatens those jobs, many of which are highly skilled, can those workers expect

proper support or the cold shoulder of SNP dogma?

The First Minister: They can expect the early activity that this Government has undertaken to secure those jobs and which should be welcomed by most constituency members.

On the future energy profile, there are two things that we should be encouraged about, the first of which is the rapid growth in the renewables sector in Scotland. Over the past year or so, this Administration has approved 14 major projects: the average for the previous Administration was three. Indeed, in its last year, it managed to approve only one. The growth of investment in energy projects is absolutely fundamental.

Secondly, I say to Andy Kerr:

"I do not believe that the case for nuclear power has been made. I just don't believe it".

Those are not my words, but the words of Sarah Boyack, the Labour party's energy and environment spokesperson.

Alasdair Allan (Western Isles) (SNP): Following this week's announcement that Lighthouse Caledonia Ltd is reviewing its fish processing operations, putting at risk 130 jobs in my constituency, what action is the Scottish Government taking to find a more secure future for that area and for related industries in the Western Isles?

The First Minister: The Cabinet Secretary for Rural Affairs and the Environment is leading a co-ordinating group with the fish processing sector in Scotland.

The road equivalent tariff experiment, which the local member has welcomed, has been introduced to find out whether reducing transport costs might help the Western Isles economy. We look forward to making that substantial move, which I hope will help the competitive position not just of fish processors but of all industries on the islands, and so should be welcomed by the whole chamber.

Scottish Crime and Drug Enforcement Agency

4. Angela Constance (Livingston) (SNP): To ask the First Minister what progress the Scottish Crime and Drug Enforcement Agency has made in tackling the supply of drugs. (S3F-1043)

The First Minister (Alex Salmond): In 2007-08, the Scottish Crime and Drug Enforcement Agency seized 220kg of class A drugs, which had an estimated street value of £15.8 million. That quantity is nearly three times the quantity that was seized in the previous year.

That information was published in the agency's annual report on Monday. Copies of the report are

available in the Scottish Parliament information centre.

Angela Constance: I congratulate the SCDEA on its success with drugs seizures, but does the First Minister agree that we will not begin to win the battle against drugs until we successfully disrupt the organised criminal gangs, including the Mr Bigs of the criminal underworld, who are responsible for spreading so much misery in communities throughout Scotland?

The First Minister: Yes, I do. The Cabinet Secretary for Justice and the authorities are certainly going after the Mr Bigs, as the member describes them, and the criminal gangs, as well as the lieutenants and foot-soldiers who do the dirty work. We set up the serious organised crime task force to ensure that Scotland can respond robustly to the threat that organised crime poses, and the criminal justice and licensing bill will include new offences that target those who direct serious organised crime, those who work for serious organised crime groups and those who live off the profits. The bill will also encourage the greater use of financial reporting orders, which will require convicted gangsters to report their financial dealings to the police. That will, of course, be a significant help in increasing the already substantial and increasing cashback for communities funds, which have been of great use to many sporting organisations and communities throughout Scotland.

Robert Brown (Glasgow) (LD): Does the First Minister accept that although tackling the supply of drugs is welcome, it must be matched by progress on cutting the demand for drugs? Has his Government mapped the availability and effectiveness of drugs projects throughout Scotland that specialise in tackling drug addiction and reducing the number of people who start to use drugs? In particular, does he recognise and support the key role of stable voluntary sector projects in that area?

The First Minister: Yes, I do, and I approve of them. The member will know that funding has been substantially increased in the area. He will also know that the new drugs strategy—which was taken forward after great, consensual talks that were led by Fergus Ewing and encompassed the range of political parties—has met much more acceptance and consensus across the parties than the previous policies did.

Richard Baker (North East Scotland) (Lab): An important new weapon in tackling drugs crime will be the bringing together of the key drug enforcement agencies at a new crime campus at Gartcosh. When will that campus open? Will the First Minister reassure me that it is not being delayed for two years?

The First Minister: We are making good progress with that project. We have appointed a design team, a cost consultant, a construction designer and a management co-ordinator, who are working with the agencies that the member mentioned to develop the full project brief and produce designs and associated costings. All of that work is necessary before we can appoint the construction team and firm up the final dates for completion. We are still working towards an occupation date of 2011.

Higher Education (Funding)

5. Claire Baker (Mid Scotland and Fife) (Lab): To ask the First Minister, in light of concerns regarding universities' budgets from October, what the Scottish Government will do to avoid a funding crisis in the higher education sector. (S3F-1035)

The First Minister (Alex Salmond): The Government has already taken action to invest in Scottish higher education. As Claire Baker will remember, one of our earliest actions in government was to provide an additional £100 million of capital investment in the university and college estate over and above the plans of the previous Administration. We are investing more than £1 billion a year in Scotland's universities and increasing the allocation to universities by 2.9 per cent in real terms across the spending review period. The member will also know that, on top of that, universities have benefited from a further £20 million to help them meet pay pressures in the last year of the current settlement.

Claire Baker: The First Minister paints a positive picture of funding in the university sector, but the principal of the University of Edinburgh, the convener of Universities Scotland, all five rectors and even the First Minister's Council of Economic Advisers have recently expressed concern about the funding of universities in Scotland. Indeed, only this week, we heard news of up to 35 redundancies at Queen Margaret University. The truth is that the First Minister must accept some responsibility for the funding problems that universities in Scotland are facing. Does he accept Universities Scotland's statement that universities are facing a real-terms cut of 0.2 per cent next year? Will he admit that the Scottish Government's poor universities settlement left no room for manoeuvre to absorb the unplanned costs that are now being faced?

The First Minister: Claire Baker mentioned unplanned costs. Those unplanned costs are facing an inflation rate of 4.7 and 4.8 per cent. Perhaps she should join this entire chamber in suggesting to the Chancellor of the Exchequer and the Prime Minister that that has put pressure on the Scottish Government, local government, the universities and every family in this country.

The Presiding Officer: I call Christina McKelvie.

The First Minister: The real test is whether the percentage of public spending that is available to universities is increasing across this Administration. In that regard, I am delighted to tell Claire Baker that, compared with the situation under the Government that she supported, the percentage has gone up from 3.73 per cent to 3.79 per cent. In other words, the universities' share of public spending is increasing under this Administration compared with under the previous Labour-Liberal Democrat Executive.

The Presiding Officer: Apologies, First Minister; I thought that you had concluded your answer.

I call Christina McKelvie.

Christina McKelvie (Central Scotland) (SNP): In today's economic environment, does the First Minister agree that Scotland's universities will be essential in delivering technological and academic advances that will result in renewed economic growth in Scotland?

The First Minister: Yes, I do. [*Laughter.*]

The Presiding Officer: Order.

The First Minister: I am not quite finished, Presiding Officer.

Out of the many wonderful projects that are being pioneered by universities, I commend the new informatics centre that was opened at the University of Edinburgh a couple of weeks ago and recommend that members visit it. Not only is it a wonderful example of Scotland leading the field in a major part of the new economy, it is a university and science project that is creating a large number of new companies in Scotland. Not only is it fantastic for the University of Edinburgh, it is fantastic for the whole country.

Murdo Fraser (Mid Scotland and Fife) (Con): Does the First Minister agree that, although the Government's joint future thinking task force was, in some ways, a useful exercise, its work has not alleviated concerns about the funding of universities? If so, does he agree that it is now time for an independently chaired review of higher education, so that all voices in the sector can be heard, including those of students, lecturers and the business community, rather than only those of university principals and the Government?

The First Minister: We have regular dialogue with all those interest groups across higher education. I remind Murdo Fraser, since he gave the task force such a poor welcome when it was announced, that the university principals wanted it to be established so that its valuable work could be completed and discussed in a reasonable

period of time. If we had followed Murdo Fraser's advice, we would still be waiting for the report.

Nursery Education (Teachers)

6. Margaret Smith (Edinburgh West) (LD): To ask the First Minister what progress the Scottish Government is making on the Scottish National Party manifesto commitment to provide every nursery-age child with access to a fully qualified nursery teacher. (S3F-1053)

The First Minister (Alex Salmond): We are making very fine progress indeed, in line with our manifesto commitment to improve the position of pre-school children in Scotland. We have, for example, made the most significant enhancement to pre-school education since 2002, by increasing the entitlement to 475 hours from the start of the last academic year, and we have announced that the entitlement will increase to 570 hours from August 2010. In addition, we have made a commitment to deliver access to a teacher for all pre-school children, and we have included that commitment in the historic concordat with local government.

Margaret Smith: We know that the proportion of staff who are registered nursery teachers has actually dropped.

Those of us who shared a platform with Professor Harvie at the University of Stirling last Friday know, thanks to him, that the SNP's manifesto promises on student debt were made in the knowledge that they would not be met. Now, it is the SNP's promises on nursery education that are being broken.

This week, Ronnie Smith of the Educational Institute of Scotland accused the Scottish Government of

"presiding over the dilution – in some areas the dismantling – of one of the most valuable and successful strands of Scottish education."

Will that appalling assessment finally shake the First Minister out of his complacency and spin on this important issue?

The First Minister: I am delighted to tell Margaret Smith that the numbers of registered teachers in pre-school education are not dropping. The table that was published included some 200 teachers who had been double-counted by the previous Administration because they taught in more than one school. Margaret Smith should welcome the fact that the real figures for teachers—who are delivering the enhanced hours—are, under this Government, substantially increasing.

12:30

Meeting suspended until 14:15.

14:15

On resuming—

Question Time

SCOTTISH EXECUTIVE

Health and Wellbeing

Young Carers

1. Alasdair Morgan (South of Scotland) (SNP): To ask the Scottish Government what key issues arose from the recent young carers festival in West Linton. (S3O-4280)

The Minister for Public Health (Shona Robison): Adam Ingram and I were pleased to take part in Scotland's first young carers festival on Sunday 14 September. As well as providing an enjoyable break for 350 young carers from across Scotland, the event provided the largest single consultation with young carers. It generated significant media coverage, helping to raise the profile of this vulnerable group. Initial feedback from the event includes calls for more secure funding for local young carers projects and for the festival to continue in future years.

Alasdair Morgan: Last week, the Princess Royal Trust for Carers said that only 5,000 out of 14,000 carers in Dumfries and Galloway are accessing carer support services. Clearly, a substantial proportion of those 14,000 will be young people. What steps can the Government take to ensure that all young carers are aware of the support services that are available?

Shona Robison: Much of the support for young carers is the responsibility of local authorities and health boards, working in partnership at local level. The Scottish Government has developed measures to support that local partnership. For example, the national health service carer information strategies that are in place in all health boards must include measures to identify and support young carers, and we are investing £9 million over three years to support the implementation of those strategies. We have urged boards to prioritise front-line services when allocating that funding, and we address carer issues in our annual reviews of boards.

In addition, we have secured agreement with the Convention of Scottish Local Authorities for an additional 10,000 respite weeks over the next three years. Finally, we will consider additional support for young carers as we develop the young carers section of the revised carers strategy next year.

Mary Mulligan (Linlithgow) (Lab): The minister may be aware of the excellent work that has been

carried out by Wilma Philpot and her colleagues in Carers of West Lothian. They visit schools, identify young carers, such as those whom Alasdair Morgan referred to, and offer them support. Some of those young people accompanied Wilma to the young carers festival last week. The main challenge for Carers of West Lothian is funding. It is currently part funded by the Big Lottery Fund. What can the minister do to ensure that its funding is put on a more secure footing?

Shona Robison: As I said in response to Alasdair Morgan, one issue that was raised at the young carers festival was that young carers projects are funded in a variety of ways: some are funded by the Big Lottery Fund, some by charities, and others by local authorities. The support is a mixed bag.

The message that I got from young carers was that there needs to be a look across Scotland at where young carers projects are strong and where they need more support. As I said in response to Alasdair Morgan, we want to take that work forward as part of the development of the important young carers section of the revised carers strategy. I am keen for that section to become almost a stand-alone policy on young carers, although it has to be within the wider context of the carers strategy. Funding is one issue that we want to take forward as part of that work.

Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD): I assure the minister that the festival would be warmly welcomed back to West Linton in my constituency. I suspect that it is the only time the minister and I have been part of political speed dating in our careers, but it was nevertheless a great success.

One point that was made by a young carer was that the ratio of supporters to young carers is 1:60. Does the Government have any best practice in respect of the ratio between supporters and young carers? A ratio of 1:60 really is not tolerable.

Shona Robison: It was an interesting experience that we shared. I cannot promise that future young carers festivals will return to Jeremy Purvis's constituency, but we will bear his offer in mind.

It is extremely important that we take a Scotland-wide look at the support that is provided to young carers. As I said in my earlier reply, that work will identify where there are strengths and where there are gaps in service provision. To my knowledge, there is not a set ratio, but we must examine situations in which young carers might be waiting for support from particular projects because those projects are under pressure. I want to progress that work as part of our work on the young carers element of the carers strategy.

Rhoda Grant (Highlands and Islands) (Lab): I recently watched a young carer being told that they could go to the festival and saw the look of excitement on their face. However, I knew that the care worker who supported that young person was to be removed from post as a result of a lack of funding, and that another care worker had already lost their job. The Government giving £200,000 to the festival seemed a bit hollow to that group. I ask the minister to consider core funding that would keep such groups working. I know of three really good groups in my constituency. Every young carer should have the support of such a group, which should be funded properly.

Shona Robison: I have asked officials to find out why some young carers were not able to come to the festival and to establish whether that was because they did not have enough support in the home to enable them to do that. I have also asked officials to find out whether the more vulnerable young carers are in that situation.

The backdrop is that we have provided local authorities with record levels of funding and that we have an agreement with them to provide a higher level of respite care than ever before. We have also provided health boards with new funding to identify young carers. None of that work has been done before now. However, I acknowledge that there are gaps in the service, particularly in on-going support for young carers projects that provide vital continuing support to vulnerable young people. I want to address that as part of our work.

General Practice (Opening Hours)

2. Elaine Murray (Dumfries) (Lab): To ask the Scottish Executive how much flexibility is available to GP practices with regard to the organisation of their extended opening hours. (S3O-4319)

The Deputy First Minister and Cabinet Secretary for Health and Wellbeing (Nicola Sturgeon): A range of specific flexibilities have been built into the extended hours arrangements in Scotland. In addition, health boards have the discretion to exercise additional flexibility on a case-by-case basis, to take account of the specific circumstances of each particular GP practice.

Elaine Murray: I am pleased to hear that. I and other MSPs recently met local GPs, who advised us that they are prepared to offer extended opening hours. However, they are extremely concerned that the hours that the health board has permitted them to offer are not sufficient to meet the needs of their communities. Will the minister provide further guidance to health boards on giving individual GP practices the ability to structure extended opening hours around the needs of their patients and the size and composition of their practices?

Nicola Sturgeon: I am happy to look into the circumstances that Elaine Murray describes. We have offered flexibilities nationally and locally to ensure that the specific arrangements that GP practices put in place meet the needs of their local communities. I highlight the fact that Dumfries and Galloway has the highest uptake of extended hours of any health board area in Scotland—some 31 out of 35 practices have signed up to participate in extended hours. On the face of it, that suggests to me that arrangements locally are working well.

I congratulate GPs on their participation in the extended hours scheme. Across the country, more than 50 per cent of GP practices have already signed on the dotted line or are about to operate the scheme. The fact that a higher proportion of practices are participating in the scheme here than is the case south of the border is a vindication of the highly flexible approach that we have taken in Scotland.

Kenneth Gibson (Cunninghame North) (SNP): I, too, welcome the GP extended hours scheme but I have concerns about how it operates. A health centre in my constituency is open by only an extra 50 minutes a week. Although it sees patients during that time, it does no screening, it does not issue repeat prescriptions and it does not even allow people to make appointments. The Scottish Government's payment of about £2.95 per patient per year is a considerable sum for less than one hour's extra consultation a week. Are we sure that we are getting value for money from the scheme? If not, what can we do to ensure not only that we get value for money but that patients get the service they need and deserve?

Nicola Sturgeon: Notwithstanding the comments that I have already made about flexibility, the core requirement for a GP practice that is participating in the extended hours scheme is to provide an additional 30 minutes per 1,000 patients. I know from talking to GPs and patients throughout the country that the scheme is appreciated and that it is beginning to open up access for patients outside core hours. A couple of weeks ago, I visited a GP practice in South Queensferry that is offering early morning extended opening every day in the week, which is being taken up enthusiastically by patients.

I am on record as saying that I want to build on the foundations that we have laid with regard to more flexible access for patients. We have made a good start. The fact that so many GPs are participating—I hope that many more will decide to do so—means that an enhanced service for patients is being delivered. As we do for all other services that are provided in the NHS, we will keep a close eye on cost-effectiveness and value for money.

Scottish Football Association (Youth Football)

3. John Park (Mid Scotland and Fife) (Lab): To ask the Scottish Executive what discussions it has had with the Scottish Football Association about the development of youth football. (S3O-4321)

The Minister for Communities and Sport (Stewart Maxwell): The Scottish Government and sportscotland meet the Scottish Football Association regularly to discuss a wide range of matters, including the implementation of the action plan for youth football.

John Park: I thank the minister for his response. I also thank the cabinet secretary, Nicola Sturgeon, for writing to me in the summer about concerns I had expressed about the situation that is faced by Dundee, Dunfermline Athletic and Ross County football clubs regarding entrance into the performance league for youth football.

There is a wider concern, however, about how clubs raise finance, and how that finance matches up to their youth structures. Will the Scottish Government guarantee that it will consider the support that clubs in the Scottish Premier League receive compared to clubs in the lower divisions? Will the Government also consider how the criteria are met, in order to show those clubs that they have the full support of the Government and so that they can have every confidence in the structures that are in place?

Stewart Maxwell: Many members will be pleased that the SFA has reviewed its decision and that the clubs can reapply in October and November this year. Beyond that, we are investing substantial sums—£12.2 million over 10 years—for the action plan for youth football. I am assured that there is an unbiased application process into the scheme. All auditing is carried out anonymously so that it is conducted fairly and so that there is no bias in the process. If John Park has particular concerns, I will be more than happy to take up those concerns with the appropriate bodies. If he wishes to write to me about specific concerns, I will be more than happy to discuss those with him and perhaps the correct authorities.

Jamie McGrigor (Highlands and Islands) (Con): Does the minister recognise the excellent work that has been done by Supporters Direct, and has he met it recently to discuss the positive role that it is playing in supporting the development of youth football?

Stewart Maxwell: I am aware of the organisation to which Jamie McGrigor refers—in fact, I have praised it in Parliament in the recent past. Officials have been in discussions on funding for Supporters Direct, and we have come to an agreement about future support for the organisation, which does a marvellous job of

representing supporters' views. I am happy to put on the record again my support for that organisation.

NHS Dentists (Roxburgh and Berwickshire)

4. John Lamont (Roxburgh and Berwickshire) (Con): To ask the Scottish Executive how it intends to improve access to national health service dentists in Roxburgh and Berwickshire, given that only 17 per cent of adults in the constituency are registered with an NHS dentist. (S3O-4274)

The Minister for Public Health (Shona Robison): NHS Borders is committed to improving access to NHS dental services in Roxburgh and Berwickshire. Of course, patients may be registered with a dentist in a neighbouring constituency, so John Lamont's figure is therefore likely to be an understatement of the number of residents who are registered with NHS dentists. However, access remains a challenge and that is why work has started on the creation of two dental units—one in Coldstream and the other in Hawick—that will improve access in Roxburgh and Berwickshire. It is hoped that work on those centres will be completed by early 2009.

I understand that Borders NHS Board has plans to upgrade the existing dental suite at the Borders general hospital and to submit dental proposals under the recently announced primary and community care premises modernisation programme for 2009-10 and 2010-11.

John Lamont: Will the minister confirm that, once the new dentists become available in Coldstream and Hawick, no patients will be waiting for an NHS dentist in Roxburgh and Berwickshire?

Shona Robison: The dentists will certainly go a long way towards helping the access problems. We have asked NHS Borders and the other health boards to ensure that they continue to expand their commitment to NHS dentistry either by having salaried dentists on their premises or through support to general dental practitioners. The modernisation fund gave a clear steer to health boards that dental premises were to be a priority. We know from the figures—John Lamont cited 17 per cent—that we still have some way to go to fix the problem so that no one in Scotland who wants access to an NHS dentist is denied that. We have made good progress along that road, but we still have some way to go.

NHS Grampian (Hospitals)

5. Richard Baker (North East Scotland) (Lab): To ask the Scottish Executive what steps it is taking to ensure the highest standards of cleanliness in NHS Grampian hospitals. (S3O-4290)

The Deputy First Minister and Cabinet Secretary for Health and Wellbeing (Nicola Sturgeon): NHS Grampian, in line with all NHS boards, is required to report on compliance with the national cleaning services specification. The last quarterly report for the period April to June this year shows that NHS Grampian is performing at 97.2 per cent. A revised cleaning compliance specification is currently out for consultation to ensure that it continues to set rigorous and demanding standards for NHS boards.

NHS Education for Scotland develops hospital acquired infection—related training and education programmes, most notably the cleanliness champions programme. I am pleased to say that that programme continues to expand and has been used in postgraduate and undergraduate training for health professionals. To date, 561 staff members at NHS Grampian have completed the programme and 1,117 staff members have registered for it.

Richard Baker: Is the minister aware that there has been a marked increase in cases of *Clostridium difficile* at Aberdeen royal infirmary and that it has been identified as a factor in 34 deaths? What action is she taking to drive down those figures and improve hospital cleanliness, and how will she monitor progress by NHS Grampian?

Nicola Sturgeon: I am concerned by the rate of *C difficile* cases, not just in Grampian but throughout Scotland. We have discussed the matter in this chamber on many occasions in recent months and it is very high up—if not at the top—of my priority list. As I am sure people know, tackling infections is not easy, but it must be given the greatest priority because it strikes at the heart of patient confidence in our NHS.

The member will be aware that following the inquiry into the situation at the Vale of Leven hospital and the related Health Protection Scotland report into cases of and deaths from *C difficile* throughout the country, we published a new action plan to supplement the existing HAI action plan. The new plan contains a range of actions and although I will not go through them all, as far as *C difficile* is concerned, we need to continue to improve standards of hand-hygiene compliance. I have made it clear that I want to develop a zero tolerance approach in the NHS in that regard.

Antibiotic prescribing in relation to *C difficile* in particular is extremely important. We have published an antimicrobial policy and additional funding is being made available to all NHS boards to ensure that they have antimicrobial teams in place. We will continue to take all those actions and a range of others so that we are doing absolutely everything possible to ensure

cleanliness standards in our hospitals and that we drive down infection rates.

In addition, as I said previously, we are considering what steps we will take to ensure that external inspection of hospital facilities, including cleaning standards, is transparent and robust and in a shape in which people can have total confidence.

One Scotland, Many Cultures

6. Michael McMahon (Hamilton North and Bellshill) (Lab): To ask the Scottish Executive what progress it is making on the one Scotland, many cultures campaign. (S3O-4314)

The Minister for Communities and Sport (Stewart Maxwell): The Scottish Government is fully committed to building on the good work of the one Scotland campaign in promoting the diversity of Scotland and in tackling racism and discrimination within our society.

Development work has now begun on the next phase of the campaign. We expect the campaign to continue to challenge the damaging and unacceptable effects of racism and discrimination and to promote the benefits of a culturally diverse Scotland.

Michael McMahon: The minister will be aware that in March 2004, Margaret Curran, the then Minister for Communities, initiated a strategic review of local race equality work in Scotland and that that review was carried out between June 2004 and January 2005. Recommendations for a way forward were presented for consideration in November 2005 and we got a response to those recommendations at that time. One of the outcomes was the establishment of the race equality, integration and community support fund, which was worth £2 million over two years. What was the take-up of that specific fund? How much funding, in whatever guise it is now delivered, is available to meet the recommendations of the review? For how long will that funding remain available? Has it been assessed to determine whether it has been distributed on a pro rata basis among minority ethnic communities?

Stewart Maxwell: I will answer now, but I will also give Mr McMahon a detailed response in writing to the several questions that he asked. The race, religion and refugee integration fund, of which he is well aware, has four key objectives: to improve opportunities for people from minority ethnic, refugee, asylum seeker and faith communities; to encourage better and more responsive service provision for those communities; to build lasting connections between people from different ethnic and faith communities; and to help achieve more active and vibrant communities and increase participation by people

from minority ethnic and faith communities. In total, 136 organisations applied for RRRI funding this year. The total amount of funding that was requested exceeded £25 million, but we had only £5.6 million to award. Projects from 33 organisations will receive funding from that funding stream over the next three years.

Christina McKelvie (Central Scotland) (SNP): I am sure the minister will join me in welcoming the United Kingdom Government's commitment to sign up to the United Nations Convention on the Rights of the Child after 17 years of opting out. How are refugees and asylum seekers being seen in the one Scotland, many cultures campaign?

Stewart Maxwell: The one Scotland campaign sought previously to include asylum seeker and refugee issues. One of the adverts that is most recognised by the public is the one entitled "Canada", which was launched in 2005 and which specifically targeted attitudes to asylum seekers and refugees. Those attitudes, which are abhorrent, and issues around asylum seekers and refugees, will continue to be a big consideration in the further development of the campaign. We are analysing the outcomes of the previous part of the campaign to ensure that the work that we take forward will address the current priorities of Scottish communities. We will announce details of that future campaign shortly.

Junior Doctors

7. Andy Kerr (East Kilbride) (Lab): The cabinet secretary—sorry, that is my supplementary question.

To ask the Scottish Executive what progress is being made on the recruitment of junior doctors across Scotland. (S3O-4306)

The Deputy First Minister and Cabinet Secretary for Health and Wellbeing (Nicola Sturgeon): If the member had got a bit further, he would have given me a head start in providing the answer.

Recruitment to specialty training posts has gone well this year. In the first round of recruitment 86 per cent of all vacancies were filled, including 99 per cent of run-through training posts. As expected, there remain fixed-term and locum appointment for training vacancies and further recruitment processes are under way at local national health service board level.

Andy Kerr: The cabinet secretary might be aware that some boards—particularly my local board, Lanarkshire NHS Board—are cautioning us about significant pressures around the recruitment of junior doctors, particularly in relation to modernising medical careers and implementing the final stages of the European working time directive by August 2009. Boards describe the

position as challenging and the British Medical Association describes the position in the west of Scotland as a particular problem. I would be grateful to know what plans are in place in terms of monitoring and supporting local health boards to ensure that services continue and that we have service sustainability. Will the cabinet secretary advise me about the decision to appoint only to locum appointment for training posts, rather than substantive specialty training posts? Some doctors have taken the decision to go elsewhere in the United Kingdom, particularly England, where they can get substantive posts, as opposed to the different, locum appointment for training posts?

Nicola Sturgeon: Andy Kerr is absolutely right to point out that NHS Lanarkshire is facing challenges. It is not the only health board that is doing so. My officials remain in close and on-going contact with all boards as they manage their way through those immediate challenges. Most recently, at its annual review, I had direct discussions with NHS Lanarkshire about this very issue.

Two separate but related issues have a bearing on this discussion, both of which are being managed by health boards. The first is vacancies for short-term training posts. As I said in my initial answer, recruitment for run-through training has gone well, but vacancies remain for fixed short-term training posts and locum appointments.

The second issue is the reduction in the pool of doctors who are qualified to cover middle-grade rotas. A significant reason for that—although not the only reason—is recent changes to immigration rules that make Scotland a less attractive destination for international medical graduates.

All boards have in place contingency plans to manage such pressures in the short term and ensure on-going service delivery. We are working with boards to find solutions in the medium term. One issue that we are considering is ensuring that Scotland is not less attractive for fixed-term specialty training appointments than England is.

Andy Kerr will appreciate that, in the longer term, we are seeing a transition from a service that has depended on doctors in training to a service that is delivered by trained doctors. That is at the heart of the MMC philosophy. That will mean that, in the longer term, boards will have to redesign their services. Work to do that continues. The hospital at night initiative is one example of the redesign that we are considering.

I hope that I have reassured Andy Kerr and other members that we are working closely with boards to ensure that they can face up to the challenges in the short, medium and long term.

Scoliosis

8. Dave Thompson (Highlands and Islands) (SNP): To ask the Scottish Government how many adults have been diagnosed with scoliosis. (S3O-4368)

The Minister for Public Health (Shona Robison): That information is not held centrally. However, 281 patients over the age of 16 were referred to the scoliosis surgeons in Edinburgh during 2007-08.

Dave Thompson: What progress is being made towards establishing specialist surgery services for adult scoliosis sufferers?

Shona Robison: The national service for adult scoliosis surgery has been approved and will come into effect in April 2009. As the service develops, treatment will become available to young people with neuromuscular conditions, including spinal deformity. I hope that the member is reassured that the national service will improve the situation for patients.

Edinburgh Royal Infirmary (Spinal Injury Unit)

9. Angela Constance (Livingston) (SNP): To ask the Scottish Executive what the current waiting times are between referral by a general practitioner and consultation with a specialist at the spinal injury unit at the Edinburgh Royal infirmary. (S3O-4352)

The Deputy First Minister and Cabinet Secretary for Health and Wellbeing (Nicola Sturgeon): The national maximum waiting time target is 18 weeks following a GP referral to see a consultant at the spinal injury unit, which provides a national service for the whole of Scotland.

I recognise the importance of waiting times to patients, which is why we have set a whole-journey maximum waiting time target of 18 weeks from GP referral to treatment, which is to be delivered by the end of 2011. As a milestone towards delivery of that target, the NHS is working towards a 15-week target for out-patient consultation and in-patient and day-case treatment by 31 March next year.

Angela Constance: Does the cabinet secretary agree that it is wholly unacceptable for my 15-year-old constituent who has suspected scoliosis, visible curvature of the spine and a twisted ribcage and who is in severe pain to wait 21 weeks for an initial hospital appointment, given the detrimental consequences of untreated scoliosis in adolescence?

Nicola Sturgeon: As Angela Constance appreciates, it is inappropriate for me to go into the details of individual cases. She has corresponded with me about the case that she cited and I understand that the patient to whom

she referred has now been seen, although I stand to be corrected if that is not the case.

Aside from a minority of cases in which the patient's condition might mean that it is not possible, I want patients to be treated within national waiting time guarantees. We are working to ensure that and I want that to continue to be the case as we reduce waiting times further with the referral-to-treatment waiting time target.

If Angela Constance wants to raise additional issues about the case to which she referred, I am more than happy to deal with them in correspondence.

Suicide

10. Gavin Brown (Lothians) (Con): To ask the Scottish Executive what action it intends to take in relation to the prevention of suicide. (S3O-4285)

The Minister for Public Health (Shona Robison): Lead national action on implementing our national strategy and action plan to prevent suicide—choose life—is being taken by NHS Health Scotland. As part of that, each local authority area now has an identified suicide prevention co-ordinator, who works with community planning partners to ensure that local suicide prevention activities are tailored to local circumstances and needs.

Some 240 suicide prevention trainers are running courses across Scotland and more than 14,000 people have been trained. We are also committed to training 50 per cent of key front-line staff in mental health, primary care, accident and emergency and substance misuse services in the use of suicide assessment tools. We aim to do that by 2010.

Gavin Brown: Depression Alliance Scotland told me that in the Lothians there is a 12 to 18-month wait to access psychological support from referral by a general practitioner. That is far too long a wait. Will the minister investigate the situation and get back to me on what can be done about it?

Shona Robison: I will investigate the issue that the member raised.

We are taking action to improve the provision of psychological support through a number of initiatives. The member might be aware of initiatives such as the living life pilot service—a telephone-based support service. There is also the breathing space service, which is geared towards people who are experiencing low mood or depression and has been very successful. Support mechanisms are in place and more are being initiated and piloted.

Dr Richard Simpson (Mid Scotland and Fife) (Lab): I congratulate the minister on pursuing the

anti-suicide work of the previous Administration. Is she aware that choose life funding has been reduced in four of the 23 local authorities who replied to me on a freedom of information inquiry? Will she comment on that?

Has the minister or her team discussed a possible legislative consent motion in relation to the United Kingdom Government taking powers to control suicide sites on the internet?

Shona Robison: Our officials are discussing what more can be done to control such sites and I will be happy to keep the member informed on the matter.

On local authority funding, local authorities have allocated about £3 million in 2008-09 to suicide prevention action. All local authorities are committed to delivering the suicide prevention strategy. Good work is going on throughout Scotland and we very much value the partnership with local authorities in delivering the strategy.

I hope that we have all members' support in taking forward the don't hide it, talk about it campaign, which tries to ensure that we are a nation in which people can talk about their feelings more than perhaps we did in the past—particularly young men, who are a target audience for the choose life strategy.

Vitamin D

11. Alex Johnstone (North East Scotland) (Con): To ask the Scottish Executive what action it is taking in response to the report, "Scotland's Health Deficit: An Explanation and a Plan", published by Dr Gillie on Monday 15 September 2008, which identified low levels of vitamin D in people in Scotland. (S3O-4284)

The Minister for Public Health (Shona Robison): Oliver Gillie has made an important contribution to the debate on Scotland's health. The Scottish Government has been considering the evidence on vitamin D and has arranged a meeting of experts in the field, which will take place later this year, to consider the significance of existing research and to recommend further action.

Alex Johnstone: It appears that conditions such as diabetes and impaired cardiovascular function might be part of the evidence to suggest that vitamin D deficiency exists and is causing damage in Scotland. Dealing with the problem could therefore provide a solution to some of the 10,000 deaths a year in Scotland from heart attacks. Does the minister intend to take action to improve vitamin D levels through existing policies on diet, such as encouraging people to eat oily fish and take cod liver oil, or does she believe that direct supplementation—either through diet or prescribed supplements—might be necessary?

Shona Robison: Vitamin A and vitamin D supplements for children and vitamin D and folic acid for women are available through the healthy start scheme. As part of the follow-up to the ministerial task force on health inequalities, the health directorate has begun a review of the evidence on vitamin D as a promoter of better health. A meeting of experts has been arranged to consider what actions might be taken in the light of that evidence, but we need to gather clear evidence.

A meeting will be held on 25 November to bring together researchers and funders to review all the current research, discuss the practical issues of giving supplements and advice throughout the whole population, and draw up a research programme that links with others who are involved in such work around the world. I am happy to keep the member informed of progress in that area.

Health Facilities (Transport)

12. Karen Whitefield (Airdrie and Shotts) (Lab): To ask the Scottish Executive what steps it is taking to improve transport facilities at and services to and from health facilities. (S3O-4327)

The Deputy First Minister and Cabinet Secretary for Health and Wellbeing (Nicola Sturgeon): The national transport strategy and the “Better Health, Better Care” plan include actions for national health service boards to develop and publish operational travel plans by April this year.

Karen Whitefield: Is the cabinet secretary aware of the difficulties that my constituents and other Lanarkshire residents face in attending Monklands hospital due to the lack of sufficient car parking spaces, which often makes a trip to hospital even more stressful? Is she aware that the situation also impacts on people who live close to the hospital? They are regularly unable to access their homes because a car has been abandoned by an owner who has failed to find a space in the hospital car park.

Has NHS Lanarkshire raised the issue with the cabinet secretary, and will moneys be made available to address the problem?

Nicola Sturgeon: NHS Lanarkshire has not, to my knowledge, raised that specific issue directly with me. It is free to do so at any time, although I point out to the board that it has responsibility for ensuring that it puts in place appropriate arrangements so that patients, visitors and staff can easily get to and from hospitals.

As I said in my initial answer, NHS boards were required to have travel plans in place by April this year. The boards are all in the process of reporting to officials in the transport directorate on the status of and progress made against those plans, which

must be done by the end of this month. My officials will work closely with the transport officials to analyse the reports to date.

I will put my hand up and admit that the problem might be an unintended consequence of Scottish National Party policy, since patients in Karen Whitefield's constituency still have an accident and emergency department at Monklands to visit, which might be increasing the traffic flow. Thanks also to Scottish National Party policy, there is no prospect that patients at Monklands hospital will have to pay car parking charges in future.

Talking Therapies

13. Robin Harper (Lothians) (Green): To ask the Scottish Executive what action it intends to take, in addition to the introduction of two telephone-based cognitive behavioural therapy pilots, given the need for people to be able to access a wide range of talking therapies. (S3O-4330)

The Minister for Public Health (Shona Robison): The Scottish Government is working with our national health service, local authority and voluntary sector partners to deliver an ambitious programme of change and improvement and to increase the availability of evidence-based psychological therapies—including, but not restricted to, CBT—for everyone who needs them, where and when they are needed.

Robin Harper: What is the Executive doing to reduce waiting times for psychological therapies and to improve the recording of those times, which appear to be anecdotal at present?

Shona Robison: As the member will probably be aware, I have commissioned work to examine how we can improve the scope of waiting time targets in the area of mental health. That on-going work will consider what can be achieved and what the time frame will be.

Business Motion

14:55

The Presiding Officer (Alex Fergusson): The next item of business is consideration of business motion S3M-2591, in the name of Bruce Crawford, on behalf of the Parliamentary Bureau, setting out a timetable for the stage 3 consideration of the Judiciary and Courts (Scotland) Bill.

Motion moved,

That the Parliament agrees that, during Stage 3 of the Judiciary and Courts (Scotland) Bill, debate on groups of amendments shall, subject to Rule 9.8.4A, be brought to a conclusion by the time limit indicated, that time limit being calculated from when the Stage begins and excluding any periods when other business is under consideration or when a meeting of the Parliament is suspended (other than a suspension following the first division in the Stage being called) or otherwise not in progress:

Groups 1 to 4: 35 minutes

Groups 5 to 7: 1 hour 5 minutes.—[*Bruce Crawford.*]

Motion agreed to.

Judiciary and Courts (Scotland) Bill: Stage 3

14:55

The Presiding Officer (Alex Fergusson): The next item of business is the stage 3 proceedings on the Judiciary and Courts (Scotland) Bill. In dealing with amendments, members should have the bill as amended at stage 2, SP bill 6A; the marshalled list of amendments, SP bill 6A-ML; and the groupings that I have agreed. The division bell will sound and proceedings will be suspended for five minutes for the first division this afternoon. The period for voting for the first division will be 30 seconds. Thereafter, I will allow a voting time of one minute for the first division after a debate, and 30 seconds for all other divisions.

Section 2—Head of the Scottish Judiciary

The Presiding Officer: The first group is on the Lord President's accountability to ministers and the Parliament. Amendment 18, in the name of Paul Martin, is grouped with amendment 19.

Paul Martin (Glasgow Springburn) (Lab): Amendment 18 would entitle the Parliament to request the Lord President to give evidence only on matters relating to the management of court services, which will be transferred to his remit if the bill is successful.

I believe strongly that, in our democratic society, we should protect judicial independence, and I would defend the right of the Lord President to protect his judicial independence from any political interference. However, amendment 18 would allow the Parliament to request the Lord President to give evidence only on matters relating to the management of courts or, in other words, the services that the Scottish Court Service currently provides. If the bill is successful today, the Lord President's job description will change to include the management of court services. As that is a matter of public interest, it is perfectly legitimate for democratically elected representatives of the Parliament to pose questions to the Lord President on how the services are being delivered.

Amendment 19, in the name of my colleague Cathie Craigie, would in effect retain the status quo, in that the minister would remain the titular head of our court services. I believe strongly that Cathie Craigie is right to raise the issue, which she will no doubt develop further.

We seek assurances from the minister on how the Parliament will interact with the Lord President on matters relating to court services.

I move amendment 18.

Cathie Craigie (Cumbernauld and Kilsyth)

(Lab): The Cabinet Secretary for Justice is aware of my concerns regarding the accountability issues that the bill raises, particularly in relation to the management and administration of our court services, which are key functions of government.

The bill will rightly enshrine in legislation the independence of our judiciary and will establish in legislation our Lord President as the head of the judiciary. That is a planned and welcome piece of legislation. However, the cabinet secretary is aware of my concerns about the Scottish Court Service and about the transfer of powers

“for making and maintaining arrangements for securing the efficient disposal of business in the Scottish courts”

from the Scottish ministers to the Lord President. My concerns are about accountability and whether it is a good idea to pass responsibility from ministers, who are democratically elected by the people of Scotland, with their ministerial positions endorsed by the Parliament, to unelected judges. Although, of course, it is for the Parliament to decide whether that is a good idea, I look to the cabinet secretary to address my concerns.

15:00

I welcome the amendments that the chamber will consider later on responsibility for final decisions on the alteration of court boundaries. I appreciate that the cabinet secretary has listened to what committee members had to say on the matter.

In speaking to amendment 19, I will highlight areas where I foresee difficulties. I would welcome any reassuring words that the cabinet secretary can offer on these concerns. After the bill is enacted, how will questions of policy direction on Scottish courts be taken forward and who will be able to do that? For example, will the cabinet secretary be able to request or introduce an expansion of the successful youth courts initiative in future? The establishment of those courts was driven by ministers in a bid to speed up the youth justice process and allow victims to see justice being done. Having youth courts allows cases to be brought forward quickly, so that they do not drag on.

As we all know, drugs courts have also been a success; again, that initiative was driven by the policy of the previous Administration. Domestic violence courts are another initiative that was driven by politicians, delivered by the Scottish Court Service and presided over by the judiciary. Indeed, there are many other specialist courts that politicians believe would be of benefit to the smooth running of court services.

How can the Government and Parliament engage in the modernisation of our court services

in future to ensure that they are responsive to the needs of victims? How can the operation of our court services be accountable to the Parliament? Is it in the interest of the Scottish public to give up the democratic accountability that the Scottish Court Service enjoys at present, through the offices of the Scottish ministers, and hand it over to an unelected person and a non-ministerial body?

Amendment 19 seeks to retain powers with the Scottish ministers in order to deliver an effective and efficient Scottish Court Service. As Paul Martin said, we are seeking to retain the status quo—accountability of ministers to Parliament and to the Scottish public. I lodged amendment 19 for that reason and think that the bill would be improved by its inclusion. I look forward to hearing what the cabinet secretary has to say.

Bill Aitken (Glasgow) (Con): During the committee process, Cathie Craigie canvassed support for the substance of these amendments in her inimitable style.

Albeit that some of Cathie Craigie's arguments have a degree of validity, the amendments are wrong and ill founded in not recognising the differing functions in any democratic state of the judiciary, Government and Parliament. I listened to what Paul Martin said on the independence of the judiciary. There is genuine agreement throughout the chamber that that has to be paramount. However, if the chamber were to agree to the amendments, we would create a situation whereby Scotland's de facto chief judge would be accountable to ministers and the Parliament. That would not be a healthy situation; indeed, it could be a recipe for conflict in the years ahead.

That is not to say that there does not require to be dialogue, where appropriate. At stage 1, the Lord President made it perfectly clear that he would view favourably an invitation to appear before a parliamentary committee when the situation merited it.

Pauline McNeill (Glasgow Kelvin) (Lab): Will the member give way?

Bill Aitken: I will first finish the point.

It is most unlikely that any future Lord President would take a different view from that of Lord Hamilton. I am therefore content that the bill as it stands is sufficient, although I am willing to hear whether Pauline McNeill can persuade me otherwise.

Pauline McNeill: As the member rightly said, the current Lord President has said that he is happy to come before the Scottish Parliament's Justice Committee and report to it. However, how can we ensure that any future Lord President will take the same view? If there is no mechanism to

ensure that the Lord President reports to the Parliament, could not a future Lord President rightly say that it is not his job to do so?

Bill Aitken: I cannot ensure that a future Lord President will not take a different view from Lord Hamilton, but trust must be present in any relationship. Any Lord President who refused to appear before a parliamentary committee when there were reasonable grounds for asking him to do so would be very foolish. I accept that that would be a recipe for conflict, but we must deal with situations as we find them. The present incumbent has given the undertaking to which I referred; I do not think that any future Lord President would take a different view. If that were to happen, it might be necessary to revisit the issue but, for the moment, I am content to deal with situations as they arise.

Cathie Craigie: I accept some of the points that the current Lord President made in evidence to the Justice Committee. How does the member address the points that were made by a past Lord President, who indicated that he would have had difficulty taking on the extra administrative burden that the bill will place on the Lord President? He suggested that that burden might take the Lord President away from the job of judging—the work that people expect him to do, rather than pushing a pen.

Bill Aitken: Not for the first time, Mrs Craigie makes a valid point. When the matter arose in discussions, I made the point to Lord Rodger that the bill is driven by the judiciary—it is for the judiciary to make it work. If I were not content that that will happen, I would not be supporting the bill today.

Mrs Craigie will recollect that I asked the Lord President on two separate occasions in committee whether he was content that the resources would be in place to ensure that the bill did not detract from his primary function, which is judicial rather than administrative; he assured us that they would. On that basis, I am prepared to allow the bill to be passed. Labour members have advanced valid arguments, but I am convinced that, at the end of the day, there is no merit in the amendments that they have lodged. If we were to agree to them, we would dilute the principle of the bill, which Paul Martin encapsulated in his statement of support for judicial independence.

Richard Baker (North East Scotland) (Lab): The amendments go to the heart of what has been a largely consensual debate on the bill. The legislation that we are discussing has its origins in the previous session; the draft judiciary (Scotland) bill that was published in February last year proposed that the Lord President become more actively involved in the management of the Scottish Court Service. Nevertheless, it is

important at this final juncture of the Judiciary and Courts (Scotland) Bill's progress to seek assurances from the cabinet secretary on how the Parliament will be able to continue to scrutinise to its satisfaction operational matters in the courts.

The Lord President said that he is willing to appear before the Justice Committee if he is requested to give evidence specifically on the management of the Scottish Court Service. That is welcome and, indeed, necessary to enable members to engage in proper scrutiny of the service's operation, which is their role. The bill places judicial independence in statute, so it would not be right for the Lord President to be compelled to appear before the committee. Amendment 18, in the name of Paul Martin, which would give the Parliament the power to request the Lord President's attendance, states clearly the hope and expectation of the Parliament that not only the current Lord President but his successors will be willing to accept invitations from the Justice Committee for that purpose. At the very least, it is important that we stress the significance of the issue in the chamber today.

Although the bill may promote efficient management of the courts, we seek reassurance that that will not come at the expense of ministers' ability to seek specific developments in the Scottish Court Service—for example, drugs courts or domestic abuse courts. Such concerns drive amendment 19, in the name of Cathie Craigie. We must be reassured that ministers' legitimate policy intentions will not be frustrated by the change for which the bill provides, however desirable it may otherwise be. In his letter to the convener of the Justice Committee, the cabinet secretary emphasised the importance of the framework document, which will define the relationships between the SCS, ministers and Parliament. I understand that he intends to consult the Justice Committee before finalising the document's terms, so he may be able to offer us some comfort in that context. The consultation on the framework document may allow the committee to discuss the issues further.

I hope that the cabinet secretary can reassure us on the issues that have been pursued by Cathie Craigie and Paul Martin through their amendments and that, as a result, it will be possible for us to develop a consensus.

Robert Brown (Glasgow) (LD): As I am a new member of the Justice Committee, I have not had the benefit of hearing the arguments being developed during stage 2. I must confess, however, that I am attracted by the viewpoint that Bill Aitken has advanced on these matters. Members are, properly, susceptible to arguments concerning the separation of powers. Behind that lies the distinction between the Lord President in

his judicial capacity and the Lord President as the chair of the Scottish Court Service.

On amendment 19, there is already provision in sections 64 and 65 for the Scottish Court Service to provide information in pretty much the same terms as those in which Cathie Craigie would wish the Lord President to provide information. That is the right approach, which focuses on the operational requirements of the service rather than on broader issues.

On amendment 18, nobody doubts for a minute that there needs to be a good relationship between the various authorities, with the possibility of dialogue between the judiciary, the legislature and the Executive. The amendments are not necessary, as they contain provisions that exist anyway in effect. In most circumstances, we try to avoid inserting into bills provisions that state the obvious and that do not add anything to the context of the powers available to and duties on individuals and public bodies. With that in mind—and obviously subject to the cabinet secretary's comments—I am minded to oppose amendments 18 and 19.

The Cabinet Secretary for Justice (Kenny MacAskill): I thank Paul Martin and Cathie Craigie for their engagement with the Government not just on the issues to which amendments 18 and 19 relate, but on the bill as a whole. I accept the perfectly legitimate points that they raise and I will attempt to provide them with the assurances that they seek.

The two amendments have a common purpose: to further secure accountability and to retain some measure of control over the running of the court system. However, they are unnecessary, as the bill already contains a number of measures that are designed to ensure the accountability of the Scottish Court Service. We also believe that the amendments are misconceived. In its own way, each of them runs the risk of undermining the very principle that the bill sets out to enshrine in law: judicial independence.

Although I understand what Paul Martin is correctly trying to achieve, by making it clear in the bill that Parliament may invite the Lord President to attend, we have heard the Lord President's assurance that he will accept invitations from Parliament on matters that are properly of concern to it. Amendment 18 could do more harm than good. Parliament already has the power to invite the Lord President and, indeed, anyone else to give evidence. It would be wrong to suggest that that depends on statutory provision. Such a provision would cut across Parliament's inherent powers to regulate its own procedure, and it could undermine its standing orders. Rule 2.6 states:

"The Parliament may ... invite any person ... to attend its proceedings for the purpose of giving evidence; or ... to produce documents".

Rule 12.4 provides the same for committees. Apart from its effect on standing orders, amendment 18 would call into question whether the Parliament may invite any person if there is not an express power so to do. It would also call into question whether a committee could invite the Lord President to attend.

Cathie Craigie has understandably expressed concern about the changes that the bill introduces, but her proposals in amendment 19 would seriously undermine the principles of the separation of powers and judicial independence, which are fundamental themes in the bill. The amendment also undermines the coherence and strength of the arrangements for a judicially managed system that the bill puts in place. I firmly believe that the court system will be improved by establishing in the Lord President a single point of headship for the judiciary and the management of the system.

We have set out in section 1 our commitment to the independence of the judiciary, which I think is welcomed throughout the Parliament. We have set out a structure that gives the judiciary responsibilities for running the system, supported by a judicially governed Scottish Court Service. Having established the institutional independence of the judiciary, it would be fundamentally inconsistent for us to give ministers power to issue binding guidance to the Lord President about how he should run the business of the courts. It is constitutionally wrong for a minister to tell judges how to run their courts. The Lord President would be in an untenable position. He would have responsibility for securing the efficient disposal of business, yet he would have to follow guidance from ministers. That is a recipe for confusion and uncertainty, and it could undermine the whole point of having a single person with overall responsibility and power of action. There is already a power in section 65 for ministers to issue guidance to the Scottish Court Service about the carrying out of its functions. Ministers have scope to influence activities, through the process of approving the service's corporate plan, and I believe that that strikes the right balance.

15:15

Cathie Craigie: If, for example, youth courts, which are being piloted, were not in place, would the bill allow the minister to drive that initiative forward?

Kenny MacAskill: The position at present is that such an initiative could not be driven forward if the sheriffs principal and the Lord President were unable to deliver it. This is ultimately about respect

for the separation of powers, which Robert Brown and Bill Aitken mentioned, but I will address some of the issues that Paul Martin and others have raised about how we can exercise influence.

Pauline McNeill raised legitimate points about how members interact with the judiciary and what level of accountability and response can be expected. Ministers will, as at present, be able to propose that the courts should operate in particular ways. If, for example, we saw merit in a roll-out of specialist domestic abuse courts, it would be for the Lord President and sheriffs principal to decide whether to implement the proposals, as it is at present. The current situation is neither enhanced nor impacted on negatively.

The bill sets out a clearer duty on the judicially led Scottish Court Service to consider the proposals within a clearer planning framework. Under section 62, the SCS must submit a corporate plan to ministers. As part of considering that corporate plan, ministers will consider whether the SCS's plans are aligned with the Government's priorities and may seek change. That applies now and in the future. Ministers may, at any time, give guidance to which the SCS must have regard. The Lord President, as chair of the SCS and head of the judiciary, will have to consider the resource management and judicial deployment consequences of proposals from ministers. A better structure is therefore in place to ensure that ministers and the judiciary have an informed negotiation about how to implement changes in Scotland's court system. In response to the point that Ms Craigie raised, ministers can set directions. Currently, if the Lord President or the sheriffs principal felt that those were impractical or impossible, they would have to so advise.

Amendment 19 would require the Lord President to provide ministers with any information for which they asked about the arrangements that he was making to secure the efficient disposal of business. I do not believe that that is right or necessary. It would interfere with the Lord President's independence. I outlined many ways of obtaining information in my letter of 17 September to Bill Aitken. In section 64, there is already a requirement on the SCS to provide information to ministers. The chief executive of the SCS can be called to appear before the Parliament, and the Lord President has said that he would accept an invitation to attend if there were significant issues.

I intend to produce a framework document that will define the relationships between the Scottish Court Service, ministers and Parliament, which should also provide reassurance. It will deal with the provision of information, in particular in response to a request from members—an issue

which Pauline McNeill correctly and understandably raised.

I acknowledge that members have a legitimate interest in being able to obtain information about the running of the courts and I hope that I have allayed fears that that will not be the case if the bill is passed. The Lord President has made it clear that he sees the bill as an important constitutional measure. That he will not be willing to play his part in the new arrangements is unthinkable. He will, of course, undertake to participate.

I therefore urge Paul Martin and Cathie Craigie not to press the amendments. Given the different circumstances that may arise, it is difficult for any legislation at any stage to provide absolute assurances, but I think that our proposals provide a correct balance. The separation of powers will be ensured in respect of the Lord President, and he will be in control of the secretariat that is necessary to ensure the separation of powers, but the points that Paul Martin and Cathie Craigie correctly make about interaction with elected members are vital, not only for members but for their communities. We believe that that aspect will be properly focused on, dealt with and, perhaps for the first time, specified in a memorandum of understanding that will allow everybody to know who is accountable for what and what is to be expected by each party in these circumstances.

The Presiding Officer: I ask Paul Martin to wind up and to either press or withdraw amendment 18.

Paul Martin: I commend the minister for the co-operative fashion in which he has followed up the issues.

I will raise two important issues. The first relates to Robert Brown's point about whether it is necessary for the provision to be placed in the bill. It is not unprecedented for us to state the obvious in a bill. There are references in the Sexual Offences (Scotland) Bill, which we debated recently, to the role of the Lord Advocate in the dispensation of justice. Arguably, the obvious was stated in that legislation, so it would not be unprecedented for us to include in this bill the wording that has been proposed.

Secondly, although it is important to recognise that we welcome the co-operative exchanges that the Parliament has had with the current Lord President, the issue is not with the current holder of that post. The current Lord President will not always be Lord President. It is important that any legislation that the Parliament passes takes account of the distant future.

However, I intend not to press amendment 18, given the minister's assurance that he will come forward with a framework document—or historic concordat or whatever he wants to call it—that will

ensure both that the Lord President is made accountable and that the issues that members raise in Parliament are taken into consideration.

Amendment 18, by agreement, withdrawn.

After section 3

Amendment 19 not moved.

Section 11—Recommendations of the Board

The Presiding Officer: Group 2 is on the Judicial Appointments Board for Scotland—recommendations and ranking. Amendment 20, in the name of Bill Aitken, is grouped with amendments 21 and 22.

Bill Aitken: When the Judicial Appointments Board was established with a fanfare of trumpets some years ago, it was set up on the basis that the new appointments system would be, among other things, transparent. Indeed, I can recollect the then Minister for Justice comparing and contrasting the new system with that which had existed previously. Many of his comments about the previous arrangements were perfectly apposite. The previous set-up, whereby judicial appointments were made by the Lord Advocate after consultations and takings of soundings, were in effect secret, nepotistic and highly undemocratic. It ensured that judicial appointments were restricted to the few. The former system had everything wrong with it, apart from the fact that it seemed to have worked for a couple of hundred years. However, sceptic though I am, I do not suggest any return to the previous approach.

Amendments 20 to 22 seek to highlight a situation in which there is an absence of transparency. As members of the Justice Committee are aware from the committee's stage 2 consideration of the bill, the Judicial Appointments Board interviews candidates, decides whether the candidates are appropriate for selection and, if they are appropriate, places them on a list from which the candidates will be appointed to the judiciary in due course and in no particular order. By contrast, anyone who is interviewed by the civil service, a local authority or a private company with the aim of seeking promotion or inclusion on a list to undertake a higher-graded post is notified of his or her success and given some indication of when they are likely to obtain that post.

Although I accept that there can be difficulties with timing, amendment 20 seeks to obviate the problem that can arise when two or more individuals make successful applications. For example, if there are four vacancies—as, coincidentally, is currently the case in the supreme courts—those who have been interviewed should

be told not only whether they have been recommended for appointment but also any ranking that they have been given. That would not breach confidentiality and would give the applicants some indication of when they would be likely to be appointed to the bench.

The existing uncertainty is not only unsatisfactory but unfair on applicants and, in some instances, prevents them from making the usual mid-term plans that we are all required to make in our everyday lives. More important, such uncertainty can sometimes cause real problems. The classic example is where an applicant is a senior counsel who is a planning specialist who has been asked to act for an individual or company in a planning inquiry that, as we all know, could last for several months. Clearly, if the applicant was aware that an early elevation to the bench was likely, by studying the movements within the senate it would be possible for the applicant to anticipate what might happen so that an informed decision could be taken. Basically, amendment 20 would deal with that aspect.

Amendment 21 would simply ensure total independence. Again, I use the example of a situation in which a number of successful applications are made. Without amendment 21, it could be open to ministers to arrange the order of appointments to suit themselves. I am certain that that would not happen with this minister; I have every confidence in Mr MacAskill—under this heading, at any rate. However, amendment 21 would offer an important constitutional safeguard.

Amendment 22 would simply enable applicants to know where they were with regard to any potential appointment.

The principal argument against amendments 20, 21 and 22 would be that circumstances could change. I accept that circumstances could arise whereby the appropriate cabinet secretary or minister might wish to break with the ranking order as laid down by the Judicial Appointments Board. However, I am confident that that would not be done without good reason. The cabinet secretary could make that reason known, and I am sure that that would receive universal support, because we all accept that such circumstances could arise.

The three amendments seek to build on, rather than detract from, the role of the Judicial Appointments Board. Transparency was one of the principal reasons for the foundation of the board. As the bill stands, there is an absence of transparency under several headings. Amendments 20, 21 and 22 seek to improve transparency.

I move amendment 20.

The Presiding Officer: We are short of time, so I ask Richard Baker to be brief.

Richard Baker: We are happy to support Bill Aitken's amendments 20, 21 and 22, which we regard as sensible and beneficial in making the appointments process fair to candidates. It is fair that candidates should know where they are ranked on a list of successful applicants. As Bill Aitken says, that could make a material difference to whether successful applicants who are waiting to take up a position take on other commitments in the meantime.

The amendments seem to me to aid transparency and accountability in the process, which is the drive behind the proposed changes. We therefore support amendments 20, 21 and 22.

The Presiding Officer: I ask Robert Brown to be equally brief.

Robert Brown: Again, I have no knowledge of the earlier discussion in committee, but I would like to make a couple of points. There is some merit in Bill Aitken's proposals, and I would like to hear a bit more clarity from the cabinet secretary. I would like him to expand on what he said at stage 2, when he talked about normally following the order of appointments as recommended by the Judicial Appointments Board, unless there were a reason to depart from it. That reason could be relatively incidental—for example, a health reason. Alternatively, we could adopt the approach that we have adopted for many public appointments—I think that it is recommended in our procedures for public appointments—in which ministers have choice and discretion. It is important that we get the cabinet secretary's views on the record.

Kenny MacAskill: I sympathise with Bill Aitken's view that an individual who has successfully passed a recruitment round managed by the Judicial Appointments Board should know that they are likely to get a commission. I agree. Not only should they know that they are likely to get a commission, but they should be given a general indication of where they are on the list. That is what happens now, and it will continue to happen once the bill is enacted. However, amendments 20 and 21 seek to give a responsibility to the Judicial Appointments Board that would not be appropriate.

The board's remit is to provide the First Minister with a list of candidates who have been recommended for judicial appointment, and the final decision then rests with the Scottish ministers. Ministers retain statutory responsibility for judicial appointments, and it is therefore for ministers, not the board, to inform successful candidates that they have been selected for appointment. If appropriate, Her Majesty would then be invited to appoint them to judicial office.

Amendment 22 cuts across the appointments process and attempts to address an issue that is,

and should remain, part of the confidential consideration that the Judicial Appointments Board gives to each candidate before recommending candidates for appointment. That recommendation is then approved by ministers.

Amendment 21 deals with the order of appointments. I assure members that, where a ranked list of candidates is the appropriate vehicle, successful candidates are appointed in the order in which they appear on the list—unless, of course, there is a reason to depart from the order. As Robert Brown suggests, there could be a number of reasons for departing from the order. Bill Aitken's amendment addresses some of those reasons, but there are other situations that he has not covered. A list can have currency for some months. What if, for example, an accusation or complaint were to be made against an individual whose name was on the list? In such circumstances, it would be right and proper for ministers to await the outcome of any investigation before moving either to appoint the individual concerned or to seek to remove their name from the list entirely. To fail to do that would be negligent and could cause problems.

15:30

I know that there is a perception in some quarters that, for some reason, ministers might seek to engineer appointments to the detriment of the individual concerned. However, I assure members that that will not happen on my watch, and I do not believe that it will happen on any minister's watch. Nevertheless, in the unlikely event that, in the future, there were to be any cause for concern, it should be noted that the members of the Judicial Appointments Board for Scotland are well aware of the rankings that they have made and are in a position to monitor the appointments as they are made in years to come. I am sure that, if the board members had any reason to suspect me, other ministers or anybody else of behaving in an unacceptable manner, they would soon make their views known.

The bill, as drafted, allows for an appropriate level of flexibility in the appointment process. The circumstances that Bill Aitken and I have touched on are simply exceptional ones that could arise. It would be unhelpful to impose an artificial restraint such as is proposed for eventualities that we hope may never occur but which just might. I therefore invite Bill Aitken to withdraw amendment 20.

Bill Aitken: I will deal briefly with Mr MacAskill's point regarding the necessity for change. I fully accept that, were one of the successful applicants to be the subject of an inquiry, ministers would inevitably be required to address the situation. I would fully support any cabinet secretary who went down that route. However, as I said, the bill

is designed to build on the transparency of the system and changes are necessary. I am certain that Mr MacAskill would never do anything underhand on his watch. Nevertheless, my amendments would safeguard the position for the future. I intend to press amendment 20.

The Presiding Officer: The question is, that amendment 20 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division. As it is the first division of the afternoon, I will suspend the meeting for five minutes. The division will take us beyond the time limit for groups 1 to 4. I therefore exercise my power under rule 9.8.4A of the standing orders to extend the time limit to allow members with a right to speak on groups 3 and 4 to do so.

15:32

Meeting suspended.

15:37

On resuming—

The Presiding Officer: We move to the division on amendment 20.

FOR

Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brownlee, Derek (South of Scotland) (Con)
 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)
 Foulkes, George (Lothians) (Lab)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Glen, Marlyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Goldie, Annabel (West of Scotland) (Con)
 Gordon, Charlie (Glasgow Cathcart) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Henry, Hugh (Paisley South) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Johnstone, Alex (North East Scotland) (Con)
 Kelly, James (Glasgow Rutherglen) (Lab)
 Kerr, Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McGrigor, Jamie (Highlands and Islands) (Con)

McLetchie, David (Edinburgh Pentlands) (Con)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Mulligan, Mary (Linlithgow) (Lab)
 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)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)
 Stewart, David (Highlands and Islands) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Whitton, David (Strathkelvin and Bearsden) (Lab)

AGAINST

Adam, Brian (Aberdeen North) (SNP)
 Ahmad, Bashir (Glasgow) (SNP)
 Allan, Alasdair (Western Isles) (SNP)
 Brown, Keith (Ochil) (SNP)
 Brown, Robert (Glasgow) (LD)
 Campbell, Aileen (South of Scotland) (SNP)
 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)
 Finnie, Ross (West of Scotland) (LD)
 FitzPatrick, Joe (Dundee West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Harper, Robin (Lothians) (Green)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Hepburn, Jamie (Central Scotland) (SNP)
 Hume, Jim (South of Scotland) (LD)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 Kidd, Bill (Glasgow) (SNP)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McArthur, Liam (Orkney) (LD)
 McInnes, Alison (North East Scotland) (LD)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McMillan, Stuart (West of Scotland) (SNP)
 Morgan, Alasdair (South of Scotland) (SNP)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Neil, Alex (Central Scotland) (SNP)
 O'Donnell, Hugh (Central Scotland) (LD)
 Paterson, Gil (West of Scotland) (SNP)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Robison, Shona (Dundee East) (SNP)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Russell, Michael (South of Scotland) (SNP)

Salmond, Alex (Gordon) (SNP)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Sturgeon, Nicola (Glasgow Govan) (SNP)
 Swinney, John (North Tayside) (SNP)
 Thompson, Dave (Highlands and Islands) (SNP)
 Tolson, Jim (Dunfermline West) (LD)
 Watt, Maureen (North East Scotland) (SNP)
 Welsh, Andrew (Angus) (SNP)
 White, Sandra (Glasgow) (SNP)
 Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

The Presiding Officer: The result of the division is: For 56, Against 62, Abstentions 0.

Amendment 20 disagreed to.

Amendment 21 moved—[Bill Aitken].

The Presiding Officer: The question is, that amendment 21 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brownlee, Derek (South of Scotland) (Con)
 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)
 Foulkes, George (Lothians) (Lab)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Glen, Marilyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Goldie, Annabel (West of Scotland) (Con)
 Gordon, Charlie (Glasgow Cathcart) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Henry, Hugh (Paisley South) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Johnstone, Alex (North East Scotland) (Con)
 Kelly, James (Glasgow Rutherglen) (Lab)
 Kerr, Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Nanette (North East Scotland) (Con)

Mitchell, Margaret (Central Scotland) (Con)
 Mulligan, Mary (Linlithgow) (Lab)
 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)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)
 Stewart, David (Highlands and Islands) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Whitton, David (Strathkelvin and Bearsden) (Lab)

AGAINST

Adam, Brian (Aberdeen North) (SNP)
 Ahmad, Bashir (Glasgow) (SNP)
 Allan, Alasdair (Western Isles) (SNP)
 Brown, Keith (Ochil) (SNP)
 Brown, Robert (Glasgow) (LD)
 Campbell, Aileen (South of Scotland) (SNP)
 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)
 Finnie, Ross (West of Scotland) (LD)
 FitzPatrick, Joe (Dundee West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Harper, Robin (Lothians) (Green)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Hepburn, Jamie (Central Scotland) (SNP)
 Hume, Jim (South of Scotland) (LD)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 Kidd, Bill (Glasgow) (SNP)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McArthur, Liam (Orkney) (LD)
 McInnes, Alison (North East Scotland) (LD)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McMillan, Stuart (West of Scotland) (SNP)
 Morgan, Alasdair (South of Scotland) (SNP)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Neil, Alex (Central Scotland) (SNP)
 O'Donnell, Hugh (Central Scotland) (LD)
 Paterson, Gil (West of Scotland) (SNP)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Robison, Shona (Dundee East) (SNP)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Alex (Gordon) (SNP)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)

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

The Presiding Officer: The result of the division is: For 56, Against 62, Abstentions 0.

Amendment 21 disagreed to.

Amendment 22 not moved.

Section 38—Consideration of fitness for, and removal from, shrieval office

The Presiding Officer: Group 3 is on removal from shrieval office—procedure. Amendment 2, in the name of the minister, is the only amendment in the group.

Kenny MacAskill: Section 38 inserts in the Sheriff Courts (Scotland) Act 1971 new section 12E, which requires that an order be laid in Parliament by the First Minister before a sheriff principal or sheriff can be removed from office following a tribunal's report that he or she is unfit to hold office. [*Interruption.*]

The Presiding Officer: Order. I am sorry, minister, but there are far too many conversations going on. Can we have a level of silence, please?

Kenny MacAskill: New section 12E in the 1971 act provides for a 40-day rule to apply to such an instrument, rather than the 21-day rule that applies to other negative instruments. Amendment 2 is a purely technical amendment that makes it clear that the standard procedure for negative instruments is modified to properly reflect that, thereby removing any potential for ambiguity.

I move amendment 2.

Amendment 2 agreed to.

Section 39—Meaning of “judicial office holder”

The Presiding Officer: Group 4 is on the meaning of “judicial office holder”. Amendment 3, in the name of the minister, is the only amendment in the group.

Kenny MacAskill: Section 2 unifies the judiciary under the Lord President as head of the Scottish judiciary. It places a range of responsibilities on the Lord President, including responsibility for

“the efficient disposal of business in the Scottish courts”;

responsibility for representing the views of judicial office holders; responsibility for making arrangements for

“the welfare, training and guidance of judicial office holders”;

and responsibility for making arrangements for a conduct scheme for the judiciary.

Section 2 defines the Scottish courts and section 39 defines the judicial office holders for those purposes. Section 2 also provides that the Scottish ministers may by order add to the list of courts over which the Lord President has responsibility, after first consulting him. Amendment 3 addresses the other side of the coin by giving the Scottish ministers the power to add to the list of judicial office holders in section 39. It seeks to ensure that when courts are added to the Lord President's remit, the members of those courts also fall under his stewardship.

I move amendment 3.

Amendment 3 agreed to.

Section 47—Alteration of boundaries of sheriffdoms

The Presiding Officer: Group 5 is on boundaries, locations and justice of the peace court establishment and constitution. Amendment 4, in the name of the minister, is grouped with amendments 5 to 17.

Kenny MacAskill: The bill as introduced gave the Lord President responsibility for promoting statutory instruments about the alteration of boundaries of sheriffdoms, sheriff court districts, places where sheriff courts are held and the establishment of justice of the peace courts. That had a certain neatness, as such matters relate to the Lord President's decisions about the deployment of the judiciary.

However, during the bill's passage, I listened to members of various parties who felt that ministers should retain a role in decisions about where courts are located that are likely to be matters of some local political controversy. The point was made that communities are often concerned if, for example, a proposal is made to close or relocate a local court, and that MSPs want to be able to debate the case for closure or relocation with an elected representative. Members felt that such potentially contentious decisions should be the subject of a decision by ministers and Parliament. I found those arguments persuasive, so I have lodged amendments to provide that statutory instruments on sheriffdom boundaries and court locations should be promoted by ministers to Parliament and should be capable of annulment by Parliament.

Bill Aitken: I welcome the cabinet secretary's change of mind in that respect. In future, will he be open to persuasion by the Justice Committee to proceed along more sensible lines?

Kenny MacAskill: I am always happy to listen to the committee and its convener. To be fair, such

matters were also raised by members who are not members of the committee—in particular, Ms McNeill. I pay tribute to Bill Aitken and to the other members who were correct to raise the issue.

As a matter of practice, I would normally expect proposals for changes in court locations or sheriffdom boundaries to come from the Scottish Court Service and the Lord President, after consultation with the people who would be affected, as those are, in the first instance, operational matters for the SCS and the Lord President to reach a view on.

Amendments 4 to 17 provide that ministers and Parliament could not, at their own hand, change sheriffdom boundaries or court locations without the consent of the Lord President and the SCS. That must be right, as such decisions affect the Lord President's responsibilities for deployment of the judiciary and the efficient disposal of business by the courts.

The combined effect of amendments 4 to 17 is that ministers and Parliament will have an effective say over whether proposals that have a potentially significant impact on communities, such as court closure proposals, should go ahead, and that they will require to be consulted about any such proposals.

I move amendment 4.

15:45

Pauline McNeill: I have waited a long time for a tribute from Kenny MacAskill, so I accept it in the spirit in which it was given. In all fairness, I think that the Cabinet Secretary for Justice genuinely listened to the arguments of Justice Committee members, and me, on concerns about the transfer of functions from the Scottish ministers and the Scottish Government to Scottish judges. The committee made strong representations at stage 2, and I am pleased that the cabinet secretary has agreed that the right place for final decisions about sheriff court boundaries is the Parliament, with the Justice Committee scrutinising the process.

Sheriff court boundaries are a sensitive issue for us all. It is not that I think that we are planning to change them—let us hope that that does not happen in the foreseeable future. If it did, the issue would become very sensitive for elected members in their representation of their communities. It would be right for judges and sheriffs to have a say in the determination of boundaries for our courts but, ultimately, the final decision should remain with ministers and elected members. I very much welcome the change of heart.

Robert Brown: I, too, welcome the change of heart. The minister has produced an elegant solution to an issue that was pushed by, among

others, my colleague Margaret Smith in committee. Disentangling the issues around sheriff court boundaries and locations from other issues around operation or policy is the right approach. I am pleased that the cabinet secretary has listened to the Justice Committee, and has followed its view and shown the worth of its work.

Kenny MacAskill: I welcome the consensus among members. These matters have often given rise to significant differences. For example, a campaign relating to the potential closure of Peebles sheriff court was led in past sessions of the Parliament by Christine Grahame. Pauline McNeill and Robert Brown are correct to say that such issues cause considerable controversy. I am grateful for the kind words from members. We have reached a solution that is appropriate and which will strike the correct balance. At the end of the day, the Lord President and the SCS have to do what is appropriate. Ultimately, though, the decision has to be capable of being challenged by those who are elected to represent their communities.

Amendment 4 agreed to.

Amendments 5 and 6 moved—[Kenny MacAskill]—and agreed to.

Section 48—Sheriff court districts and places where sheriff courts are to be held

Amendments 7 to 9 moved—[Kenny MacAskill]—and agreed to.

Section 54—Establishment, constitution etc

Amendments 10 to 15 moved—[Kenny MacAskill]—and agreed to.

Schedule 1

THE JUDICIAL APPOINTMENTS BOARD FOR SCOTLAND

The Presiding Officer: Group 6 is on the Judicial Appointments Board, removal of members. Amendment 23, in the name of Bill Aitken, is the only amendment in the group.

Bill Aitken: This matter is fairly simple and straightforward, but nonetheless it is one to which we should attach some importance. Amendment 23 seeks that, in the highly unusual situation whereby someone is removed from the Judicial Appointments Board as a result of misconduct or incompetence, that person has the opportunity to speak in their defence. As it stands, the person can be removed without being able to make any representations or denials of the allegations. That is surely contrary to natural justice. It is highly unlikely that the situation would ever arise, but sometimes we have to legislate for the unusual if not the unique.

A question of fairness and justice is involved. I very much hope that the cabinet secretary can be persuaded to accept amendment 23, which is worthy of support. Of course, if he is not persuaded, I would say that somewhere down the road, if a situation arises in which someone is removed without being granted rights of audience and a hearing, a compliance issue could arise, which might be pursued by that person in another place.

I move amendment 23.

Robert Brown: I support amendment 23. It is a matter of natural justice, and it concerns something that ought specifically to be stated. Grounds are given in schedule 1 for the removal of members. For example, a member can be removed if they have

“failed without reasonable excuse to discharge”

their functions, or if they have

“been convicted of any offence”.

Does that mean a road traffic offence or something else? The seriousness of the offence must be made clear. Another ground for removal is that the member “has become insolvent”; that is a matter of fact, so no issue arises there. The final ground for removal is that the member

“is otherwise unfit to be a member or unable for any reason to discharge the functions of a member.”

Removal cannot occur without engagement between the person concerned and those who are responsible for their removal, so it is entirely appropriate that that should be on the face of the bill. I would be surprised if employment legislation did not give specific rights to people where such circumstances arise. It is important that that should also be the case for an important body such as the Judicial Appointments Board.

Paul Martin: In the interests of natural justice, we, too, support Bill Aitken’s amendment 23. The evidence that we received at stage 1 was powerful in its support of the issue that is raised in amendment 23.

Kenny MacAskill: I understand members’ genuine concerns, but they are based on a misconception. The bill’s provisions on the removal of members are enabling. They set out the circumstances in which the Lord President or, as the case might be, the Scottish ministers might consider whether a member should be removed from office. They do not, and should not, prescribe the process to be undertaken.

I understand and sympathise with Bill Aitken’s concern that the process should be fair, and that it should accord with the principles of natural justice, as Robert Brown commented. However, amendment 23 is completely unnecessary. It is

impossible to conceive of a situation in which the Lord President or the Scottish ministers, in contemplating a situation as serious as removing a member from the board, would do so without a proper investigation and discussion with the member concerned.

Amendment 23 would add a rigidity that could have the effect of interfering with the efficient working of the board. If, for example, a member of the board were to disappear, fall into a coma or be so seriously ill that any approach would be entirely inappropriate, there would be no way to move forward. The board might then have to operate with one member short. That would not be a satisfactory result. Amendment 23 applies only to the removal of members of the Judicial Appointments Board, although the bill also provides for the removal of the chair of that board and of members of the Scottish Court Service. An express provision in schedule 1 would create doubt about whether members had a right to be heard before being removed.

With that clarification given and the assurance that I hope to provide, I urge Bill Aitken to withdraw amendment 23. I recognise his sincerity and the genuine basis of his amendment, but he has fundamentally misconceived the situation.

Bill Aitken: Although I am intrigued by the thought of the comatose member of the Judicial Appointments Board, I am not persuaded by the cabinet secretary’s arguments. Similar arguments could be used on practically every issue, such as cases of employment law or when someone faces dismissal from an appointment. I press amendment 23.

The Presiding Officer: The question is, that amendment 23 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brown, Robert (Glasgow) (LD)
 Brownlee, Derek (South of Scotland) (Con)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Margaret (Glasgow Baillieston) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Foulkes, George (Lothians) (Lab)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Glen, Marlyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)

Goldie, Annabel (West of Scotland) (Con)
 Gordon, Charlie (Glasgow Cathcart) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Paisley South) (Lab)
 Hume, Jim (South of Scotland) (LD)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Johnstone, Alex (North East Scotland) (Con)
 Kelly, James (Glasgow Rutherglen) (Lab)
 Kerr, Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McArthur, Liam (Orkney) (LD)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Mulligan, Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 O'Donnell, Hugh (Central Scotland) (LD)
 Oldfather, Irene (Cunninghame South) (Lab)
 Park, John (Mid Scotland and Fife) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stewart, David (Highlands and Islands) (Lab)
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Tolson, Jim (Dunfermline West) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Whitton, David (Strathkelvin and Bearsden) (Lab)

AGAINST

Adam, Brian (Aberdeen North) (SNP)
 Ahmad, Bashir (Glasgow) (SNP)
 Allan, Alasdair (Western Isles) (SNP)
 Brown, Keith (Ochil) (SNP)
 Campbell, Aileen (South of Scotland) (SNP)
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 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)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Grahame, Christine (South of Scotland) (SNP)

Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Hepburn, Jamie (Central Scotland) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 Kidd, Bill (Glasgow) (SNP)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McMillan, Stuart (West of Scotland) (SNP)
 Morgan, Alasdair (South of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Gil (West of Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Alex (Gordon) (SNP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow Govan) (SNP)
 Swinney, John (North Tayside) (SNP)
 Thompson, Dave (Highlands and Islands) (SNP)
 Watt, Maureen (North East Scotland) (SNP)
 Welsh, Andrew (Angus) (SNP)
 White, Sandra (Glasgow) (SNP)
 Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

The Presiding Officer: The result of the division is: For 71, Against 46, Abstentions 0.

Amendment 23 agreed to.

Schedule 3

THE SCOTTISH COURT SERVICE

The Presiding Officer: Group 7 is on Scottish Court Service membership. Amendment 1, in the name of Pauline McNeill, is the only amendment in the group.

Pauline McNeill: Amendment 1 is, in essence, about ensuring that sheriffs who work part time in our courts have representation on the Scottish Court Service board. I have been asked to raise the issue at stage 3 and I am happy to do so.

Part-time sheriffs have a client base in private practice and they think that they should also have a voice in the system. Some are company directors; indeed, the fact that the president of the Part-time Sheriffs Association, John McCormick, is a solicitor advocate with an MBA demonstrates that sheriffs have many different skills.

Every other branch of the judiciary is represented on the board, including full-time sheriffs and justices of the peace. The Part-time Sheriffs Association is represented on the Judicial Council for Scotland, so why is it not to be represented on the Scottish Court Service board?

There are 80 part-time sheriffs in Scotland and they have in-depth experience of the Scottish courts. In fact, there are 20 to 25 part-time sheriffs sitting in courts on any one day. They have the

same powers as full-time sheriffs, but they argue that they would bring a different perspective to the administration of Scottish courts and the administration of justice, because, given that they are part-time, they practise outwith the court system as well as make judicial decisions. They believe that they would bring a distinct perspective to the management of the Scottish Court Service, which might be lost if they are not given a specific place.

If part-time sheriffs are not to be represented separately, why are JPs, who are also judges, represented separately on the board?

It seems odd for the cabinet secretary to ignore the views of part-time sheriffs. I seek an explanation as to why the cabinet secretary does not think that part-time sheriffs can bring a different perspective to bear in the running of our court services. Given that part-time sheriffs were not given the opportunity to give evidence to the Justice Committee, I felt it appropriate to air the issue at stage 3, so that we can hear an explanation from the cabinet secretary.

The Part-time Sheriffs Association asked for a meeting with the chief executive of the Scottish Court Service, but it has not managed to secure one yet. I hope that the cabinet secretary will consider the importance of the fact that the association will not be able to meet the Scottish Court Service until after the bill has been passed, as I hope it will be today.

If the view is that part-time sheriffs do not need to be represented separately—I am pretty sure that the cabinet secretary will say that, because they fulfil the same functions as full-time sheriffs, they do not need to be represented separately—the right thing for him to do would be to sit down with them and talk them through that view.

I raise the issue because part-time sheriffs form an important branch of the judiciary and it is wrong to exclude them from the process. Even at stage 3, we should at least get an explanation as to why the cabinet secretary has not included them on the Scottish Court Service board. If we get an understanding of how he reached his conclusion, the process will be all the better for it.

I move amendment 1.

Richard Baker: Pauline McNeill has raised the distinct role and experience of part-time sheriffs, and that role and experience are driving their concern about not being represented on the board of the Scottish Court Service and not having had a dialogue with the Scottish Court Service on the matter.

On the issue of consultation, I hope that the cabinet secretary will agree that if part-time sheriffs are not to be represented on the board,

there should have been dialogue with them not only about that but more widely to ensure that their views were heard on important developments in the SCS. Will the cabinet secretary assure us that they will be consulted properly on such issues in future?

Kenny MacAskill: I thank Pauline McNeill for the manner in which she has spoken to her amendment and for giving us prior notification of it. To some extent, she answered the questions that she raised. However, I put it on record that we as a Government recognise the important role that part-time sheriffs play. I have many friends who are part-time sheriffs, as, no doubt, does Pauline McNeill, so I do not underestimate their importance, and there is no suggestion that they are being denigrated in any way.

The association's failure to have a meeting with the Scottish Court Service is regrettable, but I give members an undertaking that Eleanor Emberson will seek to meet it. I understand that there was simply a diary problem. There is certainly no suggestion that the association's position is not recognised or that part-time sheriffs are not to be treated with the dignity to which they are entitled because of the office that they hold. I assure Pauline McNeill and all members that the situation will be remedied and rectified.

The position regarding justices of the peace is that they are in a different sector, to an extent—they operate in a different court—and it is important that they should be on the SCS board.

The objective of the proposed membership is to ensure that the Scottish Court Service has the necessary balance of experience, expertise and independence to secure the effective administration of the courts. The amendment would add a part-time sheriff to the proposed membership, but I do not accept that that is necessary or appropriate.

16:00

Paragraph 2 of schedule 3 provides that the Scottish Court Service shall have 13 members, a narrow majority of seven of whom shall be judicial members. I have strong reservations about increasing the judicial majority in the service, as a balance is needed from strong independent voices, for the service's good governance. The constitution of the Scottish Court Service as proposed in the bill was considered carefully in conjunction with the judiciary and is right.

It is important to add that members will be there not to represent interest groups, but to bring their experience to running the Court Service. Members will not represent the busiest court in Europe—we have that in Glasgow—or a sheriffdom, for example. They will bring their skills and talents to

the job.

The Scottish Court Service's proposed membership includes two permanent sheriffs and a sheriff principal, who will bring significant judicial experience to the table. It is unclear what perspective a part-time sheriff could add, although I do not seek in any way to undermine the important contribution that part-time sheriffs make.

Anyone who holds office as a part-time or full-time sheriff may of course be considered for appointment as a solicitor or advocate member of the Scottish Court Service.

I urge Pauline McNeill to withdraw amendment 1.

Pauline McNeill: I will not press the amendment, although I am pleased that I have had the opportunity to air the issue. I do not argue that part-time sheriffs do a different job, but they have a different perspective, which would be beneficial. I accept and welcome the cabinet secretary's undertaking that a meeting will occur. That is important at the end of the bill process, because all parts of the judiciary should at least be fully on board—as they will be—with the changes. I felt that part-time sheriffs were a missing link and I wanted to ensure that everyone felt that their views were heard.

Amendment 1, by agreement, withdrawn.

Schedule 5

CONSEQUENTIAL AMENDMENTS AND REPEALS

Amendments 16 and 17 moved—[Kenny MacAskill]—and agreed to.

Judiciary and Courts (Scotland) Bill

The Deputy Presiding Officer (Alasdair Morgan): The next item of business is a debate on motion S3M-2342, in the name of Kenny MacAskill, on the Judiciary and Courts (Scotland) Bill.

16:03

The Cabinet Secretary for Justice (Kenny MacAskill): We come to the final stage in a reform process that began back in 2006. The work was originated not by this Government, but by my predecessor Cathy Jamieson and her colleagues in the previous Liberal-Labour Administration. I pay tribute to her for her work in commencing the process. We have managed to keep the bill as non-partisan as possible, and I pay tribute to members who have participated in ensuring that we deliver good governance not simply for our courts, but for our country.

As we have seen throughout consideration of the bill, the topic is serious, even if it does not ignite the nation's passions. The bill is an important constitutional measure that provides a rare opportunity to refresh the relationship between the judicial, legislative and executive arms of government, which is fundamental to democracy.

It is right that the bill had the benefit of two formal consultations and the Justice Committee's detailed and careful attention, as the committee's convener reminded me today. I thank the committee's members and staff for all their work. The bill's progress offers an excellent example of how the Government and a committee can work together to achieve a first-rate outcome. The bill also benefited from the collaboration of members of all parties, who were prepared to discuss matters and put their points of view. In some instances, members persuaded the Government; in others, they accepted the points that the Government made. I pay tribute to my team and secretariat, who worked seamlessly under different Governments to deliver the bill.

I also thank the Lord President and his judicial colleagues for the constructive and helpful way in which they approached the bill. In particular, I thank the members of the judiciary and others who worked with my officials in the lead-up to the bill's introduction, to ensure that we brought forward a comprehensive and measured package of reforms. I also thank all the individuals and organisations who commented on the proposals and on the bill at its various stages. We welcome their participation and have benefited from their insight.

The Government is clear about the need for a strong, independent judiciary. The bill enshrines that independence in statute. It will give the Lord President additional responsibilities for the courts in Scotland and for the judiciary, together with a complementary leadership role in the strategic management of the administrative service on which he and his colleagues will rely. It will place the Judicial Appointments Board for Scotland on a statutory footing, which is important, and it will introduce a framework for a structured judicial complaints system.

During stage 2 and in discussions during the past weeks, I listened carefully to members of other parties who were concerned that the bill as introduced removed ministers' role in making decisions about opening or closing court buildings. For instance, Bill Aitken was concerned to ensure that there would be effective local consultation on changes to the location of courts, and Margaret Smith felt strongly that the location of courts was a matter in which communities and their elected representatives had a strong democratic interest. That concern was shared by Labour Party colleagues, as Richard Baker and other members said during the debate on the stage 3 amendments.

I listened to those views and was persuaded by the arguments that were put forward. The bill was therefore amended today to provide that statutory instruments on sheriffdom boundaries and court locations should be promoted by ministers and should be capable of annulment by the Parliament. Ministers and the Parliament will therefore have an effective say over whether proposals that have a potentially significant impact on communities, such as court closures, should go ahead. I am grateful to colleagues in all parties for the constructive way in which they approached the discussions on the issue.

It is important to reiterate that although there are issues on which we might disagree, some of which were considered today, our ability to focus in has served the Parliament, our communities and indeed the Scottish Court Service, which will be improved. With the changes that we made today, I firmly believe that the bill does the right thing in giving a judicially chaired body the front-line responsibility for running the courts, while safeguarding the legitimate interests of ministers and the Parliament.

We had quite robust debate about the role of the Lord President and the accountability of the SCS. I welcomed the independent study that showed that the Lord President's increased workload would be manageable without his having to sacrifice his vital role on the bench. It was appropriate that the committee flagged up the issue and I am grateful to it for that. In addition to the robust accountability

of the SCS to Parliament through its chief executive as accountable officer, I welcomed the Lord President's assurance that he will accept the Parliament's invitation to him to attend, if the Parliament has serious concerns about the operation of the SCS.

Mr Martin has pursued that matter with vigour and principle and I hope that we can satisfy him through the memorandum or concordat—historic or otherwise—that we will have in the democratic system into which we are entering. I understand that he has received assurances on the matter directly from the Lord President, which I welcome. The Lord President agreed that the matter should be set out for him and his successors in a framework document, which will define the relations between the SCS, ministers and the Parliament. That is the correct basis on which future relationships should rest. It is clear that the document will have to be discussed and knocked about. The Justice Committee will have the opportunity to ensure that we get it right. I am sure that we can achieve that, as we got the bill right through discussions between ministers, the judiciary and the committee.

The bill provides a strong, coherent structure for a modern judiciary and the effective management of our court system. It offers a package of reforms that will strengthen Scotland's judiciary as an institution—I know that the judiciary welcomes the bill—and introduce a number of practical reforms to improve the way in which the system operates.

I move,

That the Parliament agrees that the Judiciary and Courts (Scotland) Bill be passed.

16:10

Richard Baker (North East Scotland) (Lab): I welcome the fact that today's debate has been consensual, and I acknowledge the Cabinet Secretary for Justice's constructive approach to the legislation—although I look forward to a more robust exchange of ideas on future matters.

The bill was born of a process that began under the previous Executive, which introduced the white paper in February last year. In the introduction to the white paper, Cathy Jamieson stated:

"it is important that legislative provisions and other arrangements are in place for the judiciary which reflect the modern day circumstances and considerations they face."

She also proposed that "a future Administration" could take forward the work on the bill. The current Administration is, of course, not the one that she had in mind, but it has nevertheless taken that work forward, and it is therefore right that we reach agreement on the legislation that is before us.

It is sensible to create a unified judiciary with the Lord President at its head, and to place in statute the independence of that judiciary, as it is a fundamental pillar of our democracy. That makes it all the more important to have the right processes in place for judicial appointments, and the Judicial Appointments Board for Scotland will put in place a clearer process. That is a move forward from the opaque nature of the previous arrangements—although Bill Aitken seemed to be rather nostalgic for those at certain points in the debate.

The fact that the Judicial Appointments Board will have both lay and judicial membership reflects the will to ensure public confidence in the process. I noted with interest that the board's role of encouraging diversity in the judiciary sparked some debate at committee. Establishing a judiciary that is as representative as possible of our society cannot be achieved by the board alone. Merit must be pre-eminent in appointments, but diversity is an important issue for the board to bear in mind.

Responsibility for judicial training now passes to the Lord President, and although the Justice Committee agreed that the Lord President should make arrangements for training, it also stressed that confidence in the judiciary would be enhanced if there was a mandatory element to training. I hope that the Lord President will take that forward.

With the establishment of the Judicial Council and the oversight of the Lord President in matters of judicial conduct, the logic and benefit of a unified judiciary are made clear. The provisions in the bill on those matters are clearly steps forward from the current situation. The fact that the bill has provided for the incapacity of the Lord President by repealing the Senior Judiciary (Vacancies and Incapacity) (Scotland) Act 2006 and re-enacting it with minor modifications gives us and the public confidence that the right structures and systems are in place for the effective organisation of the judiciary.

The previous Executive welcomed the greater involvement of the judiciary in the running of the Scottish Court Service, and the white paper put forward the proposal for a non-executive board, to be chaired by the Lord President. There was force behind that argument: if the Lord President was to have overall responsibility for the efficient disposal of business, that would need to be aligned with giving the Lord President authority over administrative support for the courts.

The logic behind that is clear, but it is right and proper that it should be tested through the legislative process. My colleagues have sought to do that: testing the proposal was the motivation behind the amendments from Paul Martin and Cathie Craigie. It is important that members have stressed in the chamber today that MSPs must be

able to engage in legitimate scrutiny of the operation of court processes, which can be so important to wider approaches to court reforms. Although Paul Martin did not press amendment 18, it was important that we placed on record the importance of the Lord President being able to give evidence on the operation of the Scottish Court Service to a committee. We hope that not only the current Lord President, but his successors will be prepared to engage with committees in that area.

Cathie Craigie mentioned the importance of ministers being able to effect legitimate policy aspirations for developments in court services after the changes come in. The cabinet secretary has referred constructively to the framework, which we expect to ensure effective joint working between the board and ministers on policy goals, as Parliament would wish.

The changes will, of course, take time to come into effect. A future committee might wish to engage in post-legislative scrutiny of the area, so that once the transfer of responsibilities has taken place and has had time to bed in, we can be satisfied that the questions that members have raised today have been addressed.

There has been debate over the membership of the SCS board. Pauline McNeill raised the concerns of part-time sheriffs. Although that did not result in a change to the board's membership, it is important that members of the board, and the service as a whole, take those views into consideration in future.

A broad consensus has developed on the bill. The developments in the independence, appointment and organisation of the judiciary can only benefit public confidence in those matters, which are of fundamental importance to the Scottish legal system. That is why we are happy to support the bill.

16:15

Bill Aitken (Glasgow) (Con): As has been said, the bill had its genesis under the previous Administration, with the work continued by the present Government. It has been a rare co-operative venture. Let us hope that that augurs well for when more controversial matters come before the Parliament.

The bill underlines the principle of judicial independence, which, as I have said, every one of us in the Parliament accepts and respects. It is important to pass the legislation to underline that principle. I look forward to the cabinet secretary showing a similar degree of respect for judicial independence by not interfering with sentences or doing anything to detract from judicial decisions. We shall see about that in due course.

I had some personal unhappiness with certain aspects of the bill but, in the spirit of consensus, I ignored that. One issue was the rather convoluted complaints procedure, which is a bit akin to taking a sledgehammer to crack a nut. Nevertheless, we will live with it. I compliment the cabinet secretary—sincerely, on this occasion—for acknowledging members' real concerns about the potential workload for the judiciary. It was useful that the cabinet secretary arranged for Douglas Osler to prepare a supplementary report for the Justice Committee, as that provided us with some reassurance. I underline the fact that the proposals were judicially led. On two separate occasions, I asked the Lord President whether there would be any detracting from his judicial duties, in answer to which he said no. Therefore, we can be content on that matter. The bill will underline and strengthen the tripartite system, essential in any democracy, of the Government, the Parliament and the judiciary all operating from separate legs to strengthen the body politic in its widest extent.

Other interesting issues came to light during the committee's consideration of the bill. The operation of the Judicial Appointments Board for Scotland is extremely interesting and provided a topic of conversation for the committee when we formulated our report in private. We are basically satisfied that the board operates reasonably, but I do not preclude the possibility of the committee returning to the issue to carry out a brief inquiry into the operation of the board when time is available, so that we can satisfy ourselves that everything is as it should be.

I have probably spoken enough this afternoon. The debate is reasonably consensual, so there is no need to overload the Parliament. I will simply say that the Conservatives will support the bill at decision time.

16:18

Mike Pringle (Edinburgh South) (LD): As we have heard, the bill is important. Work on it was started in the previous parliamentary session by the Scottish Executive, and the Liberal Democrats are pleased that it is reaching its conclusion. In the previous two sessions, the Scottish Parliament passed a range of bills on the justice system in Scotland. The bill follows on from those important changes and deals with new issues that needed to be addressed.

The Liberal Democrats believe that the independence of the judiciary is the foundation on which our legal system is built. The bill will set out in statute for the first time in Scotland a guarantee of judicial independence, which is important symbolically and sends out the right message. The bill will unify the judiciary under the Lord President

and, according to him, it presents an opportunity for the Scottish Parliament to make a law of considerable constitutional significance that will place the relationship of the judiciary with the Scottish Government and the Parliament on a completely new footing. The bill will strengthen the independence of the judiciary by placing an obligation on the First Minister, the Lord Advocate, the Scottish ministers and all those with responsibility for matters relating to the judiciary to uphold its continued independence. I reiterate that that is particularly welcomed by the Liberal Democrats.

The bill also establishes a Judicial Appointments Board for Scotland by putting the existing board on a statutory footing. We welcome that, as it will enable processes and procedures to be developed and built on. The board was established in June 2002 on a non-statutory basis. Its creation was intended by the then Scottish Executive to ensure that the way in which judges are appointed is seen to be entirely free from inappropriate influence. The board appoints individuals to all Scottish courts. The Scottish Government can make a judicial appointment only if the board has recommended the individual for appointment.

When the committee agreed to the general principles of the bill, members addressed a number of points, one of which was the question of making judicial training mandatory. I am sure that, in the past, all judges and sheriffs more than adequately kept up with changes in legislation. However, the fact that they were not required to undergo any judicial training has been addressed in the bill. The Government believes that the Lord President should be responsible for judicial training, but I am pleased that it accepted Margaret Smith's stage 2 amendment whereby

"the Lord President must require any judicial office holder ... to attend such training as the Lord President determines."

We believe that more should and must be done to help victims of crime. That work will be enhanced by providing judges with adequate training on the needs of vulnerable people, particularly with reference to the limits of acceptable examination and judicial intervention.

Training seemed to be a difficult issue, and it also seems strange that it has been so difficult to remove somebody who sits in the High Court, the sheriff court or even the district court. Chapter 5 of the bill deals with the subject of removal from office: sections 33 to 37 deals with judges; section 38 deals with sheriffs; and section 38A deals with justices of the peace. The bill provides for the establishment of a tribunal to consider the fitness of all judicial office-holders, and proposes that the Lord President be given unqualified power to suspend and that the First Minister be given the

power to suspend on the recommendation of the tribunal. Again, I believe that that will enhance the public's confidence in the judicial system.

My colleague Margaret Smith lodged an amendment at stage 2, which was not agreed to, which proposed that responsibility for decisions about boundaries and the location of sheriff courts remain with the Scottish ministers rather than being transferred to the Lord President. I am pleased that the stage 3 amendments that the cabinet secretary lodged in that regard were agreed earlier this afternoon.

I congratulate the Justice Committee on getting the bill to this stage. I would have been interested to serve on the committee during the passage of the bill, as I am sure that its debates were interesting. If passed at decision time, the bill will make important changes to the justice system that should make it more accountable and more open. I am sure that those in the justice system will welcome the bill as a positive and important way forward. The Liberal Democrats will be happy to support the bill at decision time.

16:22

Stuart McMillan (West of Scotland) (SNP): I speak as a member of the Justice Committee who sat through the committee's consideration of the bill, on which, in the main, it agreed. That is not to say that there were no areas of debate or contention; simply that, in the main, we welcomed it. I would have been surprised if the committee had not welcomed the bill, given the work that the former Scottish Executive undertook and which the new Scottish National Party Government continued.

The bill seeks to provide for the good governance of the Scottish Court Service by enabling it to deal with matters itself rather than by Government diktat. I fully agree with that approach, given that it appears to be similar to the one the Scottish Government took in discussions with the Convention of Scottish Local Authorities on its historic concordat.

The bill enables the Parliament to continue to question and have a say on the SCS. Section 64 requires the SCS to provide information to the Scottish ministers, section 62 allows ministers to determine priorities for the service when dealing with the corporate plan and section 65 provides for ministers to issue guidance to the SCS.

As we have heard, the Lord President has said that if he is invited to come to the committee he will attend, although he does not expect that to be routine as that is the role of the SCS chief executive. There is adequate provision to make the SCS accountable to the Parliament.

Throughout the passage of the bill, members have debated the role of the Lord President and the accountability of the SCS. Those concerns have been raised again today. They are legitimate, but I am confident that the bill contains sufficient safeguards to ensure accountability.

Unlike the proposed abolition of the council tax bill or referendum bill, the bill that we are debating today is unlikely to receive many column inches in the media. I doubt that many people who do not work in the legal industry will be too bothered about our proceedings today, but the bill will provide a new and clear direction for the judiciary and courts in Scotland and various aspects of it will certainly benefit both the judiciary and Parliament.

Section 9(3), which guarantees that the Judicial Appointments Board for Scotland will not

"be subject to the direction or control of"

Government, is welcome. Section 28, which introduces a judicial complaints reviewer, will provide a greater sense of transparency to the public when they are attempting to establish the accuracy of a complaint's handling. Chapter 5, which provides for the removal from office of judges, sheriffs and justices of the peace, is a welcome addition. The public perception of the legal establishment is that it is an untouchable group in society. I cannot comment on whether that perception is correct or incorrect, but I am sure that in time chapter 5 will provide a clearer picture, ensure transparency and make it clear to the wider public that the legal establishment is working for the benefit of everyone in Scotland.

I am sure that the bill will provide some clarity for the public and enshrine in statute the benefits of independence, albeit only for the judiciary and courts in Scotland.

16:26

Cathie Craigie (Cumbernauld and Kilsyth) (Lab): I am sure that the chamber will be relieved to know that I do not intend to take up too much time this afternoon, as I have had my say on the bill. It is important that members should have their say. It has been a pleasure for me to be involved in scrutinising the bill, as a member of the Justice Committee. The committee and the cabinet secretary ensured that every provision of the bill was examined carefully; it could be said that we lifted the carpet and swept underneath it.

The Justice Committee and I will have our say again when the legislation is implemented. No doubt we will have more to say about the framework document that will come before the committee. It will be obvious to anyone who has followed the debate that I support the principle of

an independent judiciary with greater transparency, which will be enshrined in legislation if the Parliament so decides this evening. My concerns, which have been well documented, relate to accountability. The position of the cabinet secretary and the Government has become clearer as the bill has progressed.

The Justice Committee's work is not done. The next stage in the process will be the publication of the framework document. I look forward to working with other committee members and the cabinet secretary to ensure that that document provides the accountability and the agreements between the SCS and the Parliament that we seek.

Like the cabinet secretary, I pay tribute to Cathy Jamieson for the work that was carried out in 2006 and the early part of 2007. She has been a champion for change in the justice system. I hope that the bill will not remove the ability of future cabinet secretaries and justice ministers to champion the changes that both we and the public require. I accept that not everyone has been waiting for the bill and that people will not be sitting at home clapping their hands tonight, but it is an important piece of legislation.

There were robust exchanges during the committee's consideration of the bill. The purpose of the Parliament's committee system is to hold the Government to account, and the Justice Committee was able to do that when it scrutinised the bill. I hope that the cabinet secretary did not take personally some of the exchanges that took place; I look forward to further robust exchanges with him as we move forward. I hope that this evening the Parliament will agree to pass the bill.

16:29

Nigel Don (North East Scotland) (SNP): I cannot help reflecting that, in generations ahead, people will wonder how on earth it took us so long to get here. The notion of the separation of powers seems to have been in our literature for centuries, yet only today—assuming the bill is passed—will we reach the point at which the separate institution of our courts, and the power of the Lord President to control them, is enshrined in statute; and only now are we clearly establishing that the people who are appointed are appointed by an independent Judicial Appointments Board that is outwith the control of the Government. We will finally have enshrined in statute the fact that it is not only ministers' and the First Minister's job to uphold the independence of the judiciary, but the job of MSPs.

It has taken us an awful long time to get here, but we have probably reached the right place. I reflect that we have reached the right place in peaceful times. That is the right time to legislate

on such matters. We have a pretty robust system set down now, which will stand us well if, in what are unthinkable times to many of us, we arrive at constitutional crises. We have, in times of peace, laid down the way in which things should be done.

Like other members, I look forward to the publication of the memorandum of understanding—or whatever it will be called—between the Lord President and the cabinet secretary. It will be an important document, and we will have to consider it carefully.

It is a very good thing that the training of the judiciary is now clearly in the Lord President's hands. I am glad that he also has the power to enforce that, as I think Mike Pringle said.

I pay tribute to the workings of the Justice Committee. I confess that before I came into Parliament I thought that the committees were battlegrounds. It is a joy to reflect, after almost 15 months of this session, that the Justice Committee has not worked like that. We have shown that we can address issues, including those on which we do not agree, in a constructive fashion. The substantial work that went into scrutinising the bill has demonstrated that.

I pay tribute—I do not think that anybody else has—to the work of Margaret Smith and John Wilson, who are no longer on the Justice Committee but who contributed to the scrutiny process. I thank them for that contribution. I notice that they have not said very much this afternoon, although I was not expecting them to.

16:32

Bill Butler (Glasgow Anniesland) (Lab): I welcome Richard Baker to his place on the front bench. I am certain that he will do a thorough and efficient job in holding the Government to account on matters of justice. As deputy convener of the Justice Committee, I place on record my thanks to the clerking team and to Scottish Parliament information centre staff for their sterling efforts in support of our scrutiny of the bill. Like Nigel Don, I acknowledge the efforts of Margaret Smith and John Wilson.

I welcome the first piece of justice legislation by the SNP Government in this, the second year of its tenure. The bill follows a programme of reviews and consultations initiated by the previous Labour-led Executive. The bill's policy thrust is progressive, and its provisions are worthy of support across the Parliament.

The Justice Committee raised a concern at stage 1 in respect of the new governance arrangements for the SCS and the additional administrative and organisational burden that will be placed on the judiciary. I was pleased that the

cabinet secretary instructed an independent review, under Douglas Osler, to determine

“whether the formalisation of existing responsibilities and the addition of new duties will change the nature of the Lord President’s office in particular from one that is predominantly judicial to one that is heavily administrative.”

Like other members, I took comfort from Douglas Osler’s conclusion that

“the proposed structures represent a more effective way of using the time available within the judiciary and the SCS in support of the management and administration of justice”.

He describes such a commitment as “manageable”. I believe that it is.

The stage 2 amendment moved by my committee colleague Nigel Don to add

“members of the Scottish Parliament”

to those people with a specific obligation to

“uphold the continued independence of the judiciary”

was rational and welcome, as are most of the comments he has made.

Margaret Smith, who has now moved on from the Justice Committee to other responsibilities, pushed an amendment at stage 2 relating to continuing

“training for judicial office holders”,

which effectively ensured that the Lord President must require any judicial office-holder

“to attend such training as the Lord President determines”

to be necessary. Like other colleagues, I felt that that presented a welcome strengthening of the bill in respect of the need to ensure that training is viewed as being of central importance.

There has been discussion about the removal of the Scottish Court Service from the direct authority of the Scottish ministers. I am, on the whole, satisfied—and have been for some time—with the assurances the cabinet secretary gave Cathie Craigie and the assurances that were given during consideration of the bill. Indeed, paragraph 131 of the policy memorandum sets out that there is a provision—I believe that it is called a default clause—that if the SCS is not operating within a set of priorities set out in a corporate plan agreed with the Scottish ministers,

“in the event of a serious failure by the SCS to carry out its functions the Scottish Ministers may by order made by statutory instrument provide for those functions to be carried out instead by them.”

I believe that that provides a sufficient safeguard and avoids the

“potentially unsatisfactory situation of ministers giving direction to the SCS, which it may not have the capacity to carry out.”

The provision is plain, clear and gives me comfort.

The bill is good and, among other things, puts the Judicial Appointments Board for Scotland, which was set up by Labour, on a statutory footing, thus ensuring greater transparency. It also provides a statutory commitment to ensure judicial independence and modernises the organisation and leadership of the judiciary. The bill is rational, timely and worthy of support. I commend it to the chamber.

16:36

Robert Brown (Glasgow) (LD): I am glad to make the closing speech on behalf of the Liberal Democrats in this debate on the Judiciary and Courts (Scotland) Bill. This is my first stage 3 since I joined the Justice Committee. I pay tribute to the committee for the work it has done and to my predecessor, Margaret Smith, who, as has been said, was involved in the detailed work at stages 1 and 2. I also pay tribute to the cabinet secretary, who displayed a helpful approach by responding to legitimate points as the debate progressed.

The bill deals with vital and central concepts. We do not have a formal written constitution in the United Kingdom, although we have a number of important pieces of constitutional legislation, including the Scotland Act 1998. Neither do we have a formal separation of powers such as is in the United States constitution and the constitutions of many other countries. Nevertheless, the judiciary’s independence from the Executive and the legislature is in our bones and our culture; it is supported as an article of faith by the public and worried over, as we have seen during the debates on the bill, by politicians.

Despite what Nigel Don said, the independence of the judiciary has been delivered by struggle and civil strife over many years, is enshrined in the Claim of Right Act 1689 and has been at the heart of all our arrangements for our courts over the years since then. Members may be interested to know that, among other things, the claim of right protested against many abuses by King James VII. In particular, the Scots Parliament of the day alleged that he had acted

“contrairy to the knoune lawes statutes and freedomes of this realme ... by chainging the nature of the Judge’s gifts”—

that is, his appointment—

“ad vitam aut culpam and giving them Commissions ad beneplacitum to dispose them to compliance with arbitrary Courses and turneing them out of their offices when they did not comply”.

I guess that Mr MacAskill and Mr Ewing will be fairly familiar with those phraseologies, but what the passage means is that judges should be independent and appointed for life, not at the

pleasure of the Government of the day. That has been a guiding principle of our law.

I can remember when appointment to the judicial bench was reserved to the Lord Advocate. Replacing that approach with a much more open and formal structure, which has culminated in the bill, is an improvement.

In establishing a modern structure of support and accountability for the Scottish Court Service, sensitivity to judicial independence has been a central consideration. Put generally, the dilemma is how to put in place a modern and efficient legal system and get value from it for the public purse and the public who use it so that unnecessary process, delay and cost is taken out while at the same time the independence of our judges is enhanced.

The statutory declaration in the bill, combined with the administrative arrangements whereby the chief executive of the SCS will normally be the accountable person, gets it right. In addition, it is helpful that the Lord President has undertaken to engage on policy and other issues about training, specialist courts and so forth, but it is right that the Lord President cannot be compelled to account to Parliament on those issues.

The acceptance of Margaret Smith's proposal that boundaries and the location of sheriff courts should be more clearly left as a political decision is also a substantial improvement.

The bill reforms the arrangements for appointing judges, to ensure that it happens in an open and transparent way, and for dealing with complaints about the conduct—as opposed to the decisions—of judges. It also deals with the arrangements for, in what would be an unusual extremity, getting rid of a judge if that is required. It is right that the removal process should be difficult and involve both the judiciary—which would normally instigate the process—and the Government. The bill will provide a modern structure and framework for the Scottish courts that is suitable for the modern age but retains and enhances the customary high standing and reputation of the courts and the judges who serve in them.

It will now be up to the Lord President and the Scottish Court Service to use the framework and powers under the bill in a way that is administratively streamlined and efficient and does not turn judges into administrators or overburden them with red tape. As we have heard, the possible administrative burden on the Lord President was an ever central concern of the Justice Committee. I urge members to pass the bill as amended, for which I promise the support of the Liberal Democrats.

16:40

John Lamont (Roxburgh and Berwickshire)

(Con): As members have heard already this evening, the Scottish Conservatives have no difficulty supporting the Judiciary and Courts (Scotland) Bill. We believe that it is of the utmost importance that the judiciary in Scotland remains independent. As I said during the stage 2 debate, we support the principle that a free and democratic society can flourish only if the members of that society have access to an independent judicial system. Therefore, we welcome what the bill achieves in so far as it further promotes judicial independence.

During the stage 1 debate, we expressed concerns about the establishment of the judicial complaints reviewer. Our primary concern was that the system for handling complaints would be unnecessarily elaborate and bureaucratic. Furthermore, although we agree that the public should be able to complain, understand the complaints process easily and feel comfortable using it, we shared the Justice Committee's concerns, which Bill Aitken repeated earlier in the debate. We remain concerned about those provisions and are interested to see how they will work in practice. The complaints system may need to be fine-tuned in future. I hope that the Scottish Government and ministers will be mindful of that.

We also had reservations about the amount of time the Lord President might need to dedicate to administrative work. That issue was picked up by the Justice Committee as well as by Cathie Craigie and others during the consideration of stage 3 amendments. In particular, parts 2 and 3 appear to place significant extra responsibilities on the Lord President. However, like the cabinet secretary, we are reassured by the conclusions of the Osler review, which notes that the increase in administrative duties will be accompanied by additional resources to ensure that the administrative burden is reduced.

We welcome the concessions that the Government has made today in responding to Bill Aitken, who spoke to and moved several amendments. We are sorry that some of our amendments were not agreed to but, although the bill and the various amendments to it might not be widely reported in the media tomorrow, we note that the SNP Government today suffered its first ever defeat on a piece of legislation in the Parliament.

I am happy to confirm that we will support the bill.

16:43

Paul Martin (Glasgow Springburn) (Lab):

Scrutiny of the bill has provided us with an

opportunity to improve the way we deliver justice in Scotland. As the minister correctly pointed out, the bill has been developed over several years, especially since 2006, when Cathy Jamieson was a minister.

We have heard many good speeches today, but I do not expect today's debate, which has had an historically unprecedented degree of consensus, to be widely reported. I do not expect Sky News or the BBC to report how consensual we have been today, but neither do I expect the man or woman in the street to get excited about the bill. However, it is important to recognise that the Parliament plays an important role in engaging with the judicial authorities and responding to their concerns in the context that Robert Brown mentioned. We need such legislation to deliver a fair justice system in our communities throughout Scotland.

The transfer of Scottish Court Service functions to the Lord President has been a continuing issue. Throughout the process we have been advised by the judiciary that widening the role of the judiciary to include the management of our courts will improve the delivery of justice. We will hold the Lord President to that commitment. We on the Labour benches support the proposed transfer, but we will carefully monitor how effective that transfer is. We expect the Lord President to recognise that, as democratically elected representatives, we will want to interact with him in ensuring that we are able to scrutinise the management of our courts service. I have not yet received the correspondence that the Lord President has apparently sent me. I look forward to receiving it, and anticipate that it will be helpful and will show how far we have moved forward in the debate.

Unlike Bill Aitken and John Lamont, we supported the provision on a complaints reviewer. Chapter 4 refers to judicial conduct, and I refer in particular to the proposal for a complaints reviewer. The world we live in is, helpfully, now more open and accountable, so more than ever it is good that we should ensure that the independence of the judiciary continues. We also have a responsibility to ensure that procedures are being followed properly, and we believe that the complaints reviewer will provide that opportunity. In the modern world, that should be welcomed.

Like others, including Richard Baker and Nigel Don, we strongly support the case for mandatory training. There is compelling evidence, particularly in relation to cases in which children give evidence—that we require certain levels of sensitivity and experience. Like others, I have the greatest respect for those who serve on our judicial benches; many have many years' experience and we should commend them for their

hard work over the years but, like others—including us—they are not infallible, and they, too, can benefit from training and, in turn, provide a better service to the public. If the Lord President is determined to ensure that that is the outcome of this legislation, that will be a step forward. We will monitor the delivery of mandatory training carefully.

It should be noted that, once again, we have placed greater responsibility on the judiciary. Their destiny is now in their hands and they must ensure that better justice is delivered. Today, our exchanges have been constructive and consensual to an unprecedented level. It is now for the judiciary to take on board all the issues that have been raised and to deliver fair and natural justice in our courts.

16:48

Kenny MacAskill: I agree with Paul Martin—we have to make progress now. I, too, pay tribute to the Scottish judiciary. Paul Martin is right to say that the judiciary has to rise to the challenge: I am certain that it will. As Bill Aitken suggested earlier, we have been well served throughout the centuries. The whole purpose of the bill is to assist our judiciary to serve our communities better. We would not in any way seek to constrain, hector or lecture our judges.

Many members, including Paul Martin, Stuart McMillan and Cathie Craigie, pointed out that the media spotlight has not fallen on this bill. Indeed, the press gallery is empty, and it has been almost constantly empty since the start of the debate.

I was intrigued by a point that Nigel Don made: it is indeed surprising that it has taken us so long to get here. Cathy Jamieson was instrumental in raising the issues during the previous Administration—as, to be fair, were the Liberal Democrats. We are delighted to continue with that. I am one of those sad people who, either out of choice or because of course requirements, have read Thomas Paine, John Stuart Mill and Jean-Jacques Rousseau. These arguments have intrigued people through the centuries.

We will be ensuring that the courts run better—Paul Martin was right to emphasise that point—but we will also be enshrining and preserving democracy. It is not simply rhetorical to say that the separation of powers is vital. That fundamental point has been made through the centuries. The bill is an important constitutional measure, not simply some adornment for Parliament to provide. Its aim is to assist, not to lecture, our sheriffs, who have served us well, as have all the judiciary, and it will take us further.

Legitimate concerns have been raised in the debate. Bill Aitken was correct to say that we must

monitor the situation, as were other members of the Justice Committee, who raised worries about the judiciary's workload. That must be continually monitored.

Cathie Craigie was right to say that, although we have the legislation, the memorandum and framework are still to come. I hope that those will be discussed not just between me and the Justice Committee but with other members who are not on the committee, in particular Richard Baker. We must also include the Scottish Court Service and the Lord President in those discussions.

Like other members, I pay tribute to Cathy Jamieson for the important role that she has played in matters such as the provision of training for sheriffs. We are well served by our judiciary, but every job must recognise that we live in a fast-changing world and that, no matter how able or talented someone is as a solicitor or advocate, or how skilful they are on the bench, society changes and we must be ever vigilant of that. As constituency representatives, we will all be aware of problems that have arisen, for example in dealing with child witnesses. It is legitimate that the Lord President should be able to ensure that appropriate and adequate training is given to members of the judiciary.

The Lord President and the judiciary were correct in arguing that it would be wrong for Parliament to seek to dictate to them what training should be provided. However, it is equally appropriate that Parliament should be able to demand that there will be training for those who are given that important job. They are entrusted with the safety of our communities, and they have to make important decisions regarding not just people's wealth and bank balances but their whole lives—for example, they decide whether marriages are annulled. Robert Brown will be aware, as I am, of the difficulties—which would tax the wisdom of Solomon—in deciding the relationships between parents and children. Those are fundamental matters, and we must ensure that our judiciary are properly and adequately prepared to make those decisions. We must strike the right balance and have not a judiciary that can be dictated to by Parliament or directed by Government, but a judiciary that is properly empowered.

This is the first piece of our justice legislation, as Mr Butler is always keen to remind me. We believe that we have been and will continue to be well served by the common law of Scotland, but, where necessary, we will not hesitate to legislate in due course.

I reiterate the importance of having a strong trident of government. Parliament today has the opportunity to pass a measure of constitutional significance. The separation of powers is a key principle of our system of governance, and it is

fundamental to our constitutional arrangements and the idea of fairness under the law. The bill will strengthen the relationship between the legislature, the Executive and the judicial arm of the trident, enshrining in law the independence of the judiciary and ensuring that it is supported by an efficient courts administration. I commend the bill to Parliament.

16:53

Meeting suspended.

17:00

On resuming—

Decision Time

The Presiding Officer (Alex Fergusson): There are three questions to be put as a result of today's business.

The first question is, that amendment S3M-2589.1, in the name of Frank McAveety, which seeks to amend motion S3M-2589, in the name of Margo MacDonald, on the legacy from lottery funding for community sport, be agreed to.

Amendment agreed to.

The Presiding Officer: The second question is, that motion S3M-2589, in the name of Margo MacDonald, on the legacy from lottery funding for community sport, as amended, be agreed to.

Motion, as amended, agreed to.

Resolved,

That the Parliament, in view of the reduction in lottery funding for the development of community sport in Scotland, supports calls for a substantial sum of National Lottery funding to be released as soon as possible, without prejudice to the outcome of ongoing consultations on aspects of the wider remits of lottery funding, thus ensuring both support for ongoing coaching programmes and a legacy from the 2014 Commonwealth Games in Glasgow that benefit the population of Glasgow and all of Scotland; believes that such funding is capable of enhancing the Glasgow games so that, in addition to supporting a spectacular event, the investment would lay the foundations for health and sporting improvements across the entire population of Scotland and also tackle poverty and deprivation, improve economic performance, protect the environment and historic heritage and support artistic endeavour, and notes the particular role of community and voluntary organisations in delivering this legacy.

The Presiding Officer: The third question is, that motion S3M-2342, in the name of Kenny MacAskill, on the Judiciary and Courts (Scotland) Bill, be agreed to.

Motion agreed to.

That the Parliament agrees that the Judiciary and Courts (Scotland) Bill be passed.

Red Squirrels

The Deputy Presiding Officer (Trish Godman): The final item of business is a members' business debate on motion S3M-1950, in the name of Murdo Fraser, on action to protect the red squirrel. The debate will be concluded without any question being put.

Motion debated,

That the Parliament is concerned at the continuing encroachment of the non-native grey squirrel in Scotland on native red squirrel territory, including parts of Mid-Scotland and Fife; notes that Scotland is the last stronghold in the United Kingdom for red squirrels and is home to approximately 120,000 reds, which accounts for 75% of the UK red squirrel population; observes that red and grey squirrels are unable to co-exist together in the same territory and that red squirrels eventually disappear due to competition for food and the carrying of the squirrel pox virus by grey squirrels which is harmless to them but fatal to reds; is alarmed to learn that the first grey squirrel was officially reported in the Highlands near Inverness in April 2008 and that the first red squirrel in Scotland contracted squirrel pox in the South of Scotland in May 2007, underlining the growing threat to red squirrels in Scotland, and believes that urgent action is required to protect the red squirrel, including research into immunocontraception for grey squirrels.

17:02

Murdo Fraser (Mid Scotland and Fife) (Con): I thank the many members who signed my motion and those who have stayed behind for this evening's debate.

At the outset, I put on record my thanks to all the conservation groups, organisations, landowners and individuals who have been working to protect the red squirrel in Scotland. Although much of their work and commitment goes unnoticed, it is vital for the survival of one of Scotland's most iconic mammals.

We are debating a serious subject, which I first raised in the Scottish Parliament in June 2006. Amazingly, and to my great disappointment, some people still react with amusement when I mention the issue, but we are talking about protecting the red squirrel from extinction in the United Kingdom. As Scotland is the last stronghold for red squirrels in the UK, we must play a leading role in saving them, and the longer we leave it, the harder it will be to reverse the decline in their numbers.

Why is the red squirrel under threat? As I set out in my motion, the threat comes from its cousin the grey squirrel. I will give some facts and figures. It is estimated that there are 160,000 red squirrels in the UK, 120,000 of which are in Scotland. In comparison, the UK's grey squirrel population is estimated to be between 3.5 million and 5 million.

Grey squirrels and red squirrels do not fight each other, but they cannot co-exist, and red

squirrels eventually disappear from areas that have both reds and greys, because grey squirrels outcompete the reds for food and shelter. Since grey squirrels were first introduced in the UK from America in 1876, they have continuously encroached on red squirrel territory.

To make matters worse, grey squirrels now carry the squirrel pox virus, which is harmless to greys but fatal to reds. The first confirmation, in summer 2007, that a red squirrel in Scotland had died from squirrel pox showed that the disease had entered the country.

The red squirrel is under serious threat and may eventually become extinct in the wild if no action is taken. There are groups and individuals who believe that we should leave nature to take its course and allow red squirrels to become extinct. I reject such a pseudo-Thatcherite view. I do not want the red squirrel to become extinct. I believe that we need Government intervention to help the conservation groups that have been set up to protect the red squirrel. To the credit of the Scottish Government, with the Minister for Environment, Mike Russell, taking the lead, it has acted to help the red squirrel. I have a great deal of admiration for anyone who can coin the slogan, "Tough on seagulls, tough on the causes of seagulls," as the minister did in a different context. To paraphrase him, it is time to be tough on grey squirrels and tough on the causes of grey squirrels.

The Minister for Environment recently launched a new project in south Scotland. The red squirrels in south Scotland project has brought together a number of organisations and landowners, including Buccleuch Estates, to stop the spread of squirrel pox into Scotland by controlling the invasive grey species in the region. The project covers Dumfries and Galloway, the Borders, East Ayrshire, South Ayrshire and South Lanarkshire. The plan is to create a border, as such, to stop the spread of squirrel pox into Scotland, the idea being that anything north of that border will be free of squirrel pox.

What should be done next? At the moment, the red squirrels in south Scotland project needs to take precedence. It is right that we are concentrating on stopping the immediate threat of squirrel pox infiltrating the squirrel population in Scotland, but grey squirrels will continue to displace red squirrels, and action needs to be taken in other parts of the country, such as Angus and Perthshire.

The Minister for Environment (Michael Russell): I am sure that the member would agree that it is important to put on record that the project in the south of Scotland, which does take precedence, is a collaborative project between Scottish Natural Heritage, the Forestry

Commission, the Scottish Wildlife Trust—a non-governmental organisation—and the private sector. Its strength comes from that broadly based approach, which is what we need in every part of Scotland.

Murdo Fraser: I am grateful to the minister for clarifying that point, and I am entirely happy to endorse his comments.

At the moment, the red squirrel faces one of two futures. The first is that grey squirrels will eventually populate the whole of the United Kingdom and the reds will be gone. The second is that we will continue on our current path, which involves having a dozen or so control officers in Scotland and continuing to reduce the number of greys, but allowing them to repopulate areas again and again. The first outcome is not wanted and the second is not sustainable, which is why we need a long-term strategy. No doubt some members will believe that a mass cull of greys is the long-term plan that is needed. However, there have been large culls in the past. In the 1950s, 1.5 million grey squirrels were culled but, with millions of greys in the UK today, it is clear that that has had little long-term impact on the grey squirrel population.

As set out in my motion, I want the Scottish Government to consider other strategies, such as research into the possibility of immunocontraception for grey squirrels to stop them breeding. Essentially, that would involve putting something in the feedstuffs of grey squirrels to stop them breeding. It would be a form of chemical sterilisation. Although it would be difficult to ensure that other species did not eat the feedstuffs in question, it needs to be investigated. We should also consider plans that would help to improve the red squirrel habitat throughout Scotland by, for example, planting trees that are red squirrel friendly, such as a mix of broad-leaved and coniferous trees.

I hope that this debate acts as a catalyst for ideas and strategies to help protect the red squirrel—ideas and strategies that the Scottish Government can use and build on. I thank the minister for the work that he has personally put in to protect the red squirrel. The positive and proactive role that he has taken is exactly what is needed if we are to be successful.

I have a number of questions for the minister. First, will the Scottish Government consider immunocontraception for the grey squirrel population? What other long-term approaches will the Government consider? Clearly, it is a cross-border issue, so will the minister take it up with his counterparts at Westminster? Does he agree that we need joined-up thinking and a collaborative approach, as has already been demonstrated in the south of Scotland?

Today's debate is about protecting our red squirrels. We must find a long-term strategy to save the red squirrel from extinction in Scotland. I hope that members will join together to try to achieve that worthwhile objective.

17:10

John Wilson (Central Scotland) (SNP): I congratulate Murdo Fraser on initiating this members' business debate. One need only research the list of written parliamentary questions on red squirrels to see the considerable contribution that he has made and his consistent interest in the subject.

Securing the red squirrel's future is important because the species has a particular influence and impact in the Scottish context. As the motion states, Scotland

"is home to ... 75% of the UK red squirrel population".

The motion and what has been said so far indicate the seriousness of the situation. The red squirrel is under serious attack, especially as a result of the arrival of pox-carrying grey squirrels from England. Despite the best efforts of Scottish Natural Heritage, which has funded grey squirrel control officer posts throughout Scotland, the squirrel pox virus has arrived in Lockerbie, as Murdo Fraser said, and is causing much anxiety. However, I am concerned that it appears that there are no control officers along the central belt. It is clear that most squirrel groups in Scotland are covered, but there seems to be a gap almost right across the central belt in the barrier to stop the spread of the grey squirrel pox.

Protection of Scotland's species and habitats is becoming new. As far back as February 2004, various agencies and conservationists realised that there was a substantial threat to red squirrels, and that co-ordinated action to protect them was required. The plan that was developed back then by Scottish Natural Heritage and the Forestry Commission, with the support of voluntary bodies, led to the creation of 25 refuges in large coniferous planted areas. That was a welcome step to protect the species, especially as grey squirrels dislike such plantations.

Today, I spoke to Andy Gallacher, who is a Forestry Commission beat ranger. He said that there is a large population of red squirrels in the Carron valley, but he fears that encroachment by grey squirrels from surrounding areas may deplete that population, particularly if the squirrel pox virus is introduced there.

Investment in and support of projects such as the red squirrels in south Scotland project are necessary, as conservationists are attempting to halt the decline of the red squirrel population

throughout Scotland. It has been said that the red squirrel population has been in steady decline for the past 50 years. Murdo Fraser's motion rightly focuses on the situation in Mid-Scotland and Fife, but the decline of the red squirrel population from Argyll and Bute to Aberdeenshire means that any discussion of the red squirrel involves serious time factors. Species that are native to Scotland, such as the red squirrel, have been under sustained attack and constant threat. One has only to observe the regular cull in North Lanarkshire of ruddy ducks that have been imported from America to realise that there are long-term implications for Scotland's sustainability agenda when man meddles with the ecosystem.

There is much more that I could say. As Murdo Fraser did, I thank the many groups throughout Scotland that are watching the impact of the grey squirrel's encroachment. In particular, I thank those who are involved in the online Scottish squirrel survey. Individuals can report daily or hourly where they have seen grey squirrel and red squirrel habitats. That way, where the grey squirrels are and whether they are encroaching on red squirrel habitats to the danger of red squirrels can be found out. I also thank the other organisations that have taken the time and effort to continue to raise the issue of red squirrels: the Scottish Countryside Alliance, for example, raised the issue in its latest publication. It is clear that a problem exists. I await with interest what the minister will say about what he intends to do to ensure the continued existence of the red squirrel in Scotland.

17:14

Peter Peacock (Highlands and Islands) (Lab): I very much welcome the effort that Murdo Fraser has put into this subject and congratulate him on securing the debate. As some members will know, although I live in the Highlands now, I was brought up on the edge of Hawick in the Borders. Outside our house was a large beech tree and, as a child, I used to watch red squirrels occupying it in the late summer and autumn. I remember being fascinated and enthralled by these delicate, agile creatures as I watched them collecting, storing and eating beech nuts. The town park just beyond where I lived was full of red squirrels. It was not uncommon to see them in that community when I was a child; they were part of the fabric of the Scottish countryside in which I grew up.

I am now fortunate to live on the edge of woodland outside Inverness. I still see red squirrels there, but only occasionally. I would hate to think that the day could come when there were no red squirrels left in this country—that is an appalling thought. The Highlands and Islands—the Highland mainland in particular—have some of the

last sanctuaries for red squirrels but, as Murdo Fraser said, even that is potentially threatened.

My dilemma in all this is that I also quite like grey squirrels. When I walk to work through Princes Street gardens—which I do not infrequently—I like to see grey squirrels, which are among the few wild mammals we see in a city centre. I remember vividly being in a pub—a rare occurrence for me, as all members know—in London in which all the windows were open and, lo and behold, a grey squirrel came in, hopped on to the bar and started eating the peanuts. Most people fled, screaming, but I found it fascinating. Seeing grey squirrels is one of the few ways of getting close to nature in a cityscape.

However, as the motion states correctly, the sad truth of the matter is that the reds and the greys simply cannot co-exist. In the end, the greys will win out and the reds will lose out. The sad reality is that if we want to see red squirrels in Scotland in the long term, we have to take action.

So, what is to be done? First, we must ensure that the issue stays at the top of our list of priorities in nature conservation. As Murdo Fraser said rightly, a long-term strategy should be part of that approach. This issue crosses all the political parties. It is a subject that gets widespread local coverage and action on it is taken by people throughout the country who have an interest in it.

Rhona Brankin called for action on the issue back in 2006 when she was a minister, and the red squirrel had been identified as a conservation priority in the UK biodiversity action plan in 1995. The Scottish red squirrel action plan was designed to try to reduce the decline in distribution and numbers of red squirrels in Scotland. As others have said, SNH and the Forestry Commission are working closely on the matter.

The Highland area is going to be critical to the long-term survival of the red squirrel. Part of the fight, notwithstanding what is happening properly in the south of Scotland, is about protecting the Highlands and maintaining its near integrity against grey squirrels.

As the motion states, the grey squirrel has reached far north in Perthshire; perhaps the mountains prevent it getting further up the A9. In the east, they have been sighted in Alford in Aberdeenshire. The Grampian squirrel group is taking action to reduce grey squirrel numbers. As Murdo Fraser said, there has been a sighting of a grey squirrel in Inverness. To the south and west, grey squirrels have been seen at the Rest and be thankful in Argyll. That is important, because there could be incursions into the Highlands from Argyll.

The motion calls for research on immunocontraception. I have no problem with that and I hope that such research progresses, but

other actions are also needed. We must ensure that there is more habitat that is suitable for reds, which will allow them to survive. That is a big part of what needs to happen.

If there is a case for culling in selected areas to prevent intrusion, that might have regrettably to be undertaken. However, if there is to be targeted culling as a last resort, it needs to be humane. I hope that the minister will consider the practices that currently exist in that regard.

I look forward to the minister's summing up. Murdo Fraser has asked important questions, which I hope the minister can answer.

The minister will know that I do not generally wish his Government well, but I do wish it well on this issue. I would like to think that my granddaughter, who arrived only last weekend, will have the same opportunity to look at red squirrels in Scotland that I had as a child.

17:19

Alex Johnstone (North East Scotland) (Con):

I declare an interest—I want to ensure that all members are aware of my childhood membership of the Tufty club. I do not say that entirely frivolously because it shows that, for many of us, the red squirrel is a cultural icon of which we should be proud.

The red squirrel's situation in Scotland is not of our making but—unfortunately—the human race was responsible for transporting grey squirrels across the Atlantic to Scotland. Grey squirrels are far better than the indigenous red squirrel at competing in the available environment.

The previous speaker—Peter Peacock—described one problem. He said that he has no particular dislike of the grey squirrel and that he sees them often. I dislike the grey squirrel. The reason why we see grey squirrels is that they are not afraid of areas that are more heavily populated with human beings. The grey squirrel will live in such an environment, whereas the red squirrel will not choose to live near or among human beings. As the country's population becomes bigger and as our species spreads out, we consequently restrict the opportunity for red squirrels to live in our environment.

The red squirrel has survived well in Scotland when it has become almost extinct in other parts of the United Kingdom because we can provide an acceptable environment for it. However, we must accept that that environment is not perfect for the red squirrel. Often, the surviving red squirrel populations are in commercial pine plantations, when they would rather live in a mixed deciduous and pine environment. However, because such restricted man-made environments support red

squirrels and are significantly less attractive to greys—particularly higher up the hills, where the environment and weather can be more severe—Scotland has allowed the reds to survive longer.

It is ironic that, if we talk to half a dozen conservationists about the importance of preserving indigenous species, we will hear at least a dozen opinions. It is extraordinary that species that have been extinct in Scotland for some time are being reintroduced, when we should perhaps exert more of our effort on ensuring that we lose no more species. It is ironic that species are being reintroduced that will predate on red squirrels, if they are given the opportunity.

Some people exploit the red squirrel. It is ironic that, at the public inquiry into the Aberdeen western peripheral route this week, the squirrel became the centre of attention. Opponents of the road used the red squirrel's situation as an opportunity—perhaps as an excuse—to demand that habitats be protected and that the road be moved or perhaps even stopped altogether. The red squirrel is not responsible for that situation, but attempts by human beings to exploit it give it a bad name, at times.

A battle line has been drawn—the grey squirrel continues to encroach and the red squirrel continues to give ground. Where the line is drawn at the moment is perhaps insignificant; where it will be in a few years worries me more. By encouraging proper economic development of Scotland's hills, supporting commercial forestry and perhaps changing the rules to link areas of forest so that populations of squirrels can move through them, we can create not the ideal environment, but an environment that will allow the red squirrel to survive, to continue its rearguard action and to remain a relatively common species in some areas of Scotland for the foreseeable future.

I have seen more red squirrels dead than alive this year. I do not want that to continue.

17:24

Marlyn Glen (North East Scotland) (Lab): I, too, congratulate Murdo Fraser on securing the debate.

As we can see, lots of people like red and grey squirrels. As we have heard, the problem is that the two species cannot live together. Grey squirrels, which were introduced to Scotland from America more than a century ago, are causing the endangered red squirrels to disappear slowly. It is our responsibility to prevent that from happening.

Conservation and land management are not easy subjects. Some people are upset by talk of

culling, whether we are discussing deer, hedgehogs or squirrels. However, if action is not taken the red squirrel will disappear from our woods altogether, so I support Murdo Fraser's call for action. Although it is unlikely that the minister will announce new funding for research into immunocontraception, I urge him to take action—I encourage him to surprise us with an announcement on funding, too.

My interest in the subject is a result of the existence of a colony of red squirrels in Camperdown park and its surroundings, in the city of Dundee. Dundee boasts that it is the best city in Britain for people who want to see red squirrels; in fact, it is the only city in Britain that is lucky enough to have a population of red squirrels. Red squirrels can be seen in Camperdown park, Templeton Woods, Caird park and other wooded areas in the city.

It is well documented that the most serious threat to red squirrels is the ever-expanding population of grey squirrels, with the attendant risk of squirrel pox, which is fatal to red but not grey squirrels, as members have said. Grey squirrel control has historically been done by landowners, farmers and gamekeepers. Control must continue alongside positive measures to encourage reds.

The Dundee red squirrel project aims to protect and enhance the population of red squirrels in the area. It is highly successful and seeks to protect red squirrels in Dundee from the takeover of their habitats and food supplies by grey squirrels from easter Angus, by encouraging local people to record sightings. With that aim, a tailored public awareness campaign—meet the neighbours—was launched throughout Tayside, to increase awareness of issues to do with conservation of the Scottish red squirrel population. Local schools, nurseries and young people's groups are undertaking red squirrel projects. All libraries in Tayside, including mobile libraries, have information and free postcards, and displays are touring all libraries in the region. The project has a wonderful, user-friendly website at dundeeredredsquirrels.co.uk, which I encourage members to look at.

Concerted effort is required on the main sources of incursion by greys, so that we can at least stem their further spread into highland Scotland via the Tay valley and northern Angus. The SNH strategy promotes land use and forestation that supports diverse ages, classes and species of tree. Grey squirrels prefer broad-leaved trees, but restricting the planting of such trees would have an impact on biodiversity in other areas.

We need to control grey squirrels, but we need evidence that establishes the right method of doing so. That requires properly funded research. It has been estimated that a programme of

research would cost approximately £3 million over four years. I encourage the minister to discuss with SNH the possibility of taking such positive action to conserve an endangered species.

17:28

Kenneth Gibson (Cunninghame North) (SNP):

I, too, congratulate Murdo Fraser on securing this interesting and important debate.

The "Scottish Red Squirrel Action Plan 2006-2011" was produced in 2006 by a working group that comprised SNH, Forestry Commission Scotland and the Scottish Executive. The previous Administration and the current Administration have addressed an important issue.

The grey squirrel is not the only invasive species. Japanese knotweed, mink, and hedgehogs in the Western Isles are all invasive species, but of course humans are the most significant invasive species and our impact on the environment has been greater than that of all other species combined.

We know that there might be 160,000 red squirrels. There might be as many as 50 million to 60 million grey squirrels in the British Isles, so it is unrealistic to consider eradicating the species. It would be unrealistic to attempt eradication even in Scotland, given that grey squirrels could simply move over the border while people's guards were down. A better approach is to dedicate to the red squirrel specific areas, which I hope could be controlled by buffer zones of about 3km. That was suggested in the action plan.

I do not have memories of red squirrels from when I was a boy, because I am a lot younger than most members. However, there are a number of red squirrels in my constituency. On the island of Arran there are no grey squirrels and there is a healthy population of reds.

I hope that if the pressure on red squirrels south of the border continues in future years, a reservoir of red squirrels could perhaps be used to repopulate some of the rural areas. As members have mentioned, some species that were formerly extinct in Scotland have been reintroduced: the osprey in the 1970s and, more recently, the sea eagle and the European elk. There may be an opportunity to do that in the future.

We must preserve not only the red squirrel, but the biodiversity within the species itself. It is not only the grey squirrel that is undermining the red squirrel, but habitat destruction and fragmentation of population, which must be addressed. Priority woodlands, stronghold sites and islands are the best places in which species can thrive, with the caveats that I mentioned in relation to biological diversity.

Immunocontraception is an excellent idea. Many years ago, it was used in Venice as a way to try to control the pigeon population. The fruit fly, *drosophila*, was controlled in Florida by the same method. There, it was done by releasing vast numbers of sterile *drosophila*, which is slightly different from the proposal here, but within a year that parasite had been virtually wiped out.

Support is needed from the Scottish Government, and that has to be embedded. We do not want something that might be neglected by a future Administration in five or 10 years' time. We do not want to save the red squirrel for 50 years, only for it to become extinct in 100 years. We have to consider how we deal with the issue, not just in the short and medium term, but in the future.

Many years ago, I made my first visit to the wildlife park at Aviemore, which is a reservoir of species that used to inhabit Scotland, such as the bear, the wolf, and Przewalski's horse, which is now very rare indeed. I hope that we do not have to add the red squirrel to that menagerie in future years.

17:32

Jamie McGrigor (Highlands and Islands) (Con): I did not know that the Scottish National Party name for the grey squirrel is the English squirrel, but you learn something new every day.

I agree with Peter Peacock: I am often delighted by the antics of grey squirrels in city parks, and I know that they amuse lots of children in the botanic gardens and parks all over Edinburgh. It is unfortunate, however, that where grey squirrels exist in large numbers, red ones are hardly ever seen.

I am happy to say that where I live, near the Eredine forest in Argyll, there has been an increase in red squirrels over the past 40 years, until perhaps just recently. There are no grey squirrels in the area, and on my way to Dunoon the other day I saw two red squirrels cross the road on the approach to Dunoon through the Argyll forest park. It is a credit to the Forestry Commission rangers that they have managed to help the red squirrel population through the introduction of squirrel boxes and other measures. The red squirrel is a delightful, harmless, pretty little animal, which makes hearts soar whenever it is seen, and it is certainly worth protecting.

I was horrified to see on the map that the Scottish squirrel survey produced two green blobs near Dunoon, which mean that there are now grey squirrels in the vicinity where I saw the red ones. I hope that they do not spread, particularly because

of the threat of squirrel pox, which is carried by the greys and fatal to the reds.

From another angle, I was alarmed recently while watching television—I think it was an edition of that very good programme on the BBC, “Autumnwatch”. I witnessed a red squirrel literally screaming with fear as it fled the clutches of a pine marten, which was chasing it with obvious intent to kill.

Not only grey squirrels pose a threat to red squirrels; the pine marten, which is now prevalent all over Argyll and the north-west, in areas where 20 years ago it was hardly ever seen, does too. I cannot prove where it came from, but rumour has it that it was introduced. As many people who work with poultry will tell you, it is a terrible killer on the ground and in the tree canopy.

The sudden multiplication of any predatory species can cause havoc to native species and the biodiversity of an area, and I find it notable that the scientific adviser to SNH said recently that the pine marten should have its protected status removed because of its effect on other species. The first study to assess the impact of pine martens will be published later this year by the RSPB, which set up hidden cameras on 20 different capercaillie nests at Abernethy. It shows pine martens stealing eggs from almost all the nests and suggests that up to 80 per cent of all capercaillie eggs are eaten by pine martens.

I wonder how many red squirrels are killed by pine martens. What I saw on “Autumnwatch” suggests that the number could be substantial. I hope that the minister will take note of what SNH and the RSPB are saying, which echoes what gamekeepers in managed areas have been saying for years. He might wish to read the wonderful book “A Hundred Years in the Highlands” by Osgood Mackenzie, the celebrated centenarian who lived at Inverewe. It contains a chapter on pine martens that it would be good for the minister to read.

Paragraph 1.3 of “The Invasive Non-Native Species Framework Strategy for Great Britain”, which was compiled by the minister’s Government, along with the Welsh Assembly Government and the Department for Environment, Food and Rural Affairs, states:

“The most important direct drivers of biodiversity loss and ecosystem service changes are habitat change ... climate change”

and

“invasive alien species”.

It is obvious to me that, to a red squirrel in an area of Scotland that did not previously have grey squirrels, the grey squirrel is indeed an invasive alien species that must be controlled.

17:36

The Minister for Environment (Michael Russell): I, too, congratulate Murdo Fraser on achieving the debate. I also congratulate members on the wealth of knowledge and erudition that has been displayed. All the members who are present—they are a small but select number—recognise the importance of the subject.

Murdo Fraser was right to say that the time has passed when if one raised the issue of squirrels with political colleagues they seemed to find it amusing. The issue is important—those of us who came into politics to change the world and who have ended up talking about squirrel contraception do not in any way feel that we have diminished our contribution. There are important issues to be addressed.

I hope that I will cover many of the issues that members have asked me to respond to. The ultimate prize will be to give Peter Peacock reassurance that, as his granddaughter grows, there will be red squirrels in all parts of Scotland that she can watch and enjoy as he enjoyed watching them when he was a child. It is important to keep in mind that we are talking about the continuation of an important part of our heritage and biodiversity that is genuinely at risk.

As members have said, several cases of squirrel pox in red squirrels have been discovered in the south of Scotland in the past year. I distinguish between the issue of squirrel pox and the more general issue of grey squirrels and their nature as an invasive species. It is an urgent priority that we do something about the squirrel pox in the south of Scotland. It exists only in the south of Scotland, but we must ensure that it travels no further. On 27 August at Drumlanrig, I launched a new stage in the red squirrels in south Scotland project that is particularly focused on that threat. The project brings together resources from the private and public sectors and focuses them where the need is greatest. I say to John Wilson that the need at present is to create a cordon sanitaire in the south of Scotland that prevents squirrel pox from travelling north. If it travels north, it will begin to decimate the red squirrel population in an even greater way than the presence of grey squirrels does.

Work is being done. I am glad to report that the Forestry Commission Scotland will deploy an additional four full-time-equivalent grey squirrel control officers to contribute to the effort. That is in addition to the two grey squirrel control officers and the four red squirrel conservation officers that SNH employs. The private sector is matching that effort. We have a comprehensive effort throughout the south of Scotland, with a clear aim and that is supported by Government, the private sector and non-governmental organisations. It is important

that organisations such as the Scottish Wildlife Trust are involved.

We have the prospect of stopping the spread of squirrel pox. That is our aim and what we will try to do. If we achieve that, we must then consider what we need to do more broadly in Scotland. We are already taking action. As members probably know, in April, a grey squirrel was reported at Farr in the Highlands, on the outskirts of Inverness. A second grey squirrel was also found in the vicinity. Both of them, I think, are no longer there. [*Laughter.*] I am using a euphemism.

We are currently preparing a strategy under which we will look at the distribution of grey squirrels and match our effort to that distribution. As Mr Wilson mentioned, the Fife and central Scotland area is one of our priorities.

We have, however, to do more. The issue is not simply how to remove grey squirrels but how to strengthen the presence of red squirrels. At present, the Forestry Commission Scotland and SNH are working to identify red squirrel woodland stronghold areas across Scotland. If the greys spread further through the country, those woodland areas will offer the best opportunity for long-term retention of the reds.

I am pleased that the chamber is unanimous on the need for a mix of actions, both positive and—regrettably—those that will remove grey squirrels, including by way of their humane despatch. As long as we agree on the range of activities, we can make progress. One activity is the development of habitats to encourage red squirrels. Our aim is to identify 20 sites that can be managed as active refuges for red squirrels. We hope to complete the process of identification by the end of the year and publish the list for consultation in early 2009.

Jamie McGrigor: Will the minister consider the management of red squirrels as part of the Scottish rural development programme under the Government's agricultural schemes?

Michael Russell: I was about to come on to that.

Funding for the process that I have outlined will range across a number of bodies. As I said, the Forestry Commission Scotland and SNH are involved and there are, of course, resources in the SRDP to deal with invasive non-native species. The work that we can do to remove grey squirrels and increase better habitats for red squirrels can therefore be funded under that programme. I am sure that many of Mr McGrigor's constituents will wish to respond to that confirmation.

The non-native species strategy is an important part of our work in this area, as is the Forestry Commission Scotland's biodiversity programme and our wider work on biodiversity. In that wider

strategic work, we have to focus on squirrels as we do on other species.

I am pleased to be able to tell Marlyn Glen that Scottish Natural Heritage is providing partnership funding of £18,000 a year to support research into immunocontraception. Investigations into the development of an oral option for the existing injectable fertility control vaccines that are used in the United States of America are under way. That may require us to spread it on peanuts in pubs in London, as Mr Peacock indicated. We need to find a way to ensure that it works, but let us hope that we do not have to go that far.

Peter Peacock: As long as there is good labelling.

Michael Russell: Indeed.

On 1 October this year, the Moredun Research Institute will begin work on developing a different vaccine. The institute is trying to devise a means of distinguishing between the reds and the greys in providing a vaccine against squirrel pox for red squirrels. The work is being undertaken under a three-year Scottish Government funding programme. I am pleased to say that funding is also being provided by the Wildlife Ark Trust, which has raised £300,000 for that purpose. We are looking into immunocontraception and for a way of vaccinating red squirrels against squirrel pox.

As I said at the outset, the issue is important. Work to stop the spread of squirrel pox and to encourage areas where red squirrels can flourish and grey squirrels can be removed is under way. A variety of actions will be required if we are to succeed. I am grateful to each and every member in the chamber who was interested enough to attend or speak in the debate. I hope, too, that they will be interested enough to encourage action in their areas. In that way, we will ultimately succeed in our aims.

Meeting closed at 17:43.

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