

MEETING OF THE PARLIAMENT

Thursday 12 February 2009

Session 3

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Scottish Parliament

Thursday 12 February 2009

[THE PRESIDING OFFICER *opened the meeting at 09:10*]

Oath

The Presiding Officer (Alex Fergusson): I invite our new member for Glasgow, Anne McLaughlin, to take the oath of allegiance.

The following member took the oath:

Anne McLaughlin (Glasgow) (SNP)

Health Care Associated Infections

The Presiding Officer (Alex Fergusson): The next item of business is a debate on motion S3M-3428, in the name of Cathy Jamieson, on health care associated infections. I remind members that one-minute warnings are no longer given during debates in the chamber.

09:11

Cathy Jamieson (Carrick, Cumnock and Doon Valley) (Lab): Labour has chosen this subject for debate this morning as the issue of effectively tackling health care associated infections is vital to ensuring patient confidence as well as patient safety. I particularly welcome Michelle Stewart and members of C Diff Justice Group and others who are in the public gallery.

I pay tribute to the families and members in all parties who have worked hard to raise awareness of the issue and ensure that it is taken seriously by the Scottish Government. I pay particular tribute to Jackie Baillie, who has campaigned tirelessly on behalf of her constituents who have been so deeply affected by the Clostridium difficile outbreak at the Vale of Leven hospital.

Our motion is designed to build on the consensus that was shown when Parliament voted to back calls for a public inquiry into events at the Vale of Leven. That was an important decision and, because Parliament has already decided to support that inquiry, we did not refer to it in our motion. However, we recognise why the Liberal Democrats have lodged an amendment to reinforce that position, and we therefore intend to support it.

We must look to the wider context. As the Health Protection Scotland report confirmed last year, the problem is not associated with only one hospital—indeed, it is not associated only with hospitals, as care in the home, primary care and care homes are all potentially involved. Although we recognise that the occurrence of HAIs is not new and might to some degree be inevitable in health care settings, there is no room for complacency. Indeed, as the British Medical Association has pointed out, the fact that we have an ageing population, combined with advances in medical technology and the ability to treat more severe and chronic disease, means that there are more patients who are potentially vulnerable.

In 2005, NHS Quality Improvement Scotland estimated that about 33,000 patients each year develop infections in hospitals alone. Research suggests that HAI is a major factor in around 450 deaths each year and contributes to around a

further 1,300 deaths. As C diff became apparent as a serious problem, the Labour-led Executive established the HAI task force, which first met in March of 2006 on the back of a considerable amount of work that had already been done on antibiotic policy, hand hygiene and cleanliness.

I know from hearing the Cabinet Secretary for Health and Wellbeing speak that she is personally aware of the impact that C diff can have on individuals and families. I hope that the debate and vote today will demonstrate that Parliament is united in its resolve to see further action taken to tackle the problem effectively.

We welcome the report of the expert team led by Professor Cairns Smith that was published earlier this week and which shows that progress has been made at the Vale of Leven. Vital refurbishment work is being carried out to ensure that infection control measures are effective. Impressive progress has been made on reducing the use of antibiotics, and the prescribing strategy is being carefully implemented and monitored—and, indeed, extended to primary care.

We acknowledge that steps are being taken to offer the public easy access to all published information on hospital infection rates and hand-hygiene compliance, although there are concerns about the validity of some of the compliance data. We welcome the announcement in January that, after some pressure from Labour, a web portal on the Scottish Government's HAI task force website will include links to information from all national health service boards and hospitals. Hospital-by-hospital reporting, for which members from across the chamber have been calling for some time, is also a significant step forward.

However, we believe that there are areas in which we can make further progress, which is why we are seeking Parliament's support for the implementation of our 15-point action plan, which has been endorsed by Professors Hugh Pennington and Brian Toft. I do not have time to detail each of the 15 points, but it is important to highlight a number of key points. First, we believe that it is appropriate to set a target to reduce the rate of *Clostridium difficile* cases by 50 per cent by March 2011. The Scottish Government target of reducing C diff cases by 30 per cent over the next three years is welcome, but it is less than the reduction that the NHS in England has already achieved.

Provision of isolation facilities for all C diff or MRSA patients must be a priority. We recognise that that cannot happen overnight, but the Scottish Government must set out a clear timescale for it to be achieved across the NHS and ensure that the resources are in place to ensure that it happens. Similarly, we want a programme to be put in place that will provide temperature-controlled, sensor-

operated, flow-regulated taps for hand washing, appropriately positioned in all wards.

The Government's latest drive to improve hand hygiene among health care staff will result in members of staff who repeatedly fail to meet hand-hygiene requirements being disciplined. Although it is important that standards are met, the BMA and the Royal College of Nursing agree that that approach will work only if all the appropriate facilities to allow effective and timely hand hygiene are first put in place to enable staff to meet the requirements that are placed on them.

As identified in the report that was published on 10 February 2009, the Scottish Government needs to implement national NHS dress code guidance. We also need immediate guidance from the Crown Office and the chief medical officer to address the need for clear data on fatalities arising from health care associated infections.

I appreciate that there can be reluctance to introduce more tsars or commissioners into our system, but given the numbers of people who are involved in monitoring—I am sure that my colleague, Richard Simpson, will expand on that later—I believe that there is a need for one person, whom we have described as an HAI commissioner, to develop best practice, co-ordinate action and bring a sharper focus to what is recognised as the institutional clutter of the agencies that are responsible for tackling HAIs.

HAI is a vitally important and serious issue for our NHS, and I am not suggesting that our 15-point plan is the final word on what needs to be done. Others might suggest additional reasonable and practical measures. In light of that, we believe that it would be right and proper for the cabinet secretary to continue to formally report progress to Parliament.

The plan has been drawn up in consultation with two acknowledged experts, who have publicly backed it. It also has the backing of the families who are involved in the C Diff Justice Group. I believe that it commands support across a wide range of people, including the members here today, and I therefore commend it to Parliament.

I move,

That the Parliament welcomes the 15-point plan for tackling healthcare associated infections drawn up with the assistance of Professor Hugh Pennington and Professor Brian Toft and endorsed by the C.diff Justice Group, which represents the latest group of families to be affected by this problem; notes that the plan proposes a range of measures, including a revised target to reduce *Clostridium difficile* in hospitals by 50% by March 2011 compared with the current target of 30%; believes that comprehensive strategic action is required to tackle healthcare associated infections, and calls on the Cabinet Secretary for Health and Wellbeing to implement this plan alongside other measures to combat healthcare associated infections and

report regularly to the Parliament on the Scottish Government's progress in tackling this issue.

09:19

The Deputy First Minister and Cabinet Secretary for Health and Wellbeing (Nicola Sturgeon): I welcome this debate as it allows me to reinforce further the importance that the Government places on driving down health care associated infection rates in our hospitals.

As members know, our comprehensive work programme is being overseen by the Scottish Government's HAI task force, whose expert members include people with clinical, scientific and education backgrounds as well as members of the public. It is also backed by record investment. We have increased investment by 260 per cent over a three-year period, which demonstrates the importance that the Government places on tackling infections.

It is vital that public confidence in the national health service is maintained. I am all too aware of the anxiety that patients and their families face in relation to the risk of infection when in hospital. That is why it is right that information about hospital performance on key indicators such as MRSA and C difficile rates, hand hygiene and environmental cleaning is published so that the public can understand how their local hospitals are performing.

In January, we announced the introduction of a new national reporting template for that purpose. It will require NHS boards to publish hospital-by-hospital performance on HAI and to discuss that level of detail at board meetings. It will ensure that the link from ward to NHS board is made, and it will allow for greater transparency about levels of infection at both local and national levels. The national HAI task force website has also been developed to act as a portal through which the public can access such information.

We have also set stretching targets for our NHS to reduce the levels of infection and improve standards of cleanliness and hand hygiene. I announced last year that a national target will be introduced to reduce C difficile rates by at least 30 per cent by March 2011—I stress that that is a minimum target. Delivery of that target has been underpinned by the provision of an additional £2 million to boards to ensure that local surveillance systems are further improved to track the progress that is being made.

We have also introduced a zero-tolerance approach to non-compliance with hand-hygiene policies. That is a cornerstone of the action plan, and all chief executives have received clear guidance on how it must be implemented at board level.

Our national approach to the monitoring of HAI performance at NHS board level will be further strengthened by establishment of the new care environment inspectorate. It will come into force from April 2009 and will ensure through a rolling programme that every acute hospital in Scotland is inspected when necessary on a random and unannounced basis. I will make a further announcement on the detail of the inspectorate and its leadership in due course.

Dr Richard Simpson (Mid Scotland and Fife) (Lab): Where will the new care environment inspectorate sit within the organisational structures that are currently involved in tackling HAI?

Nicola Sturgeon: As our consultation indicated, the care environment inspectorate will sit within NHS Quality Improvement Scotland, but further details on its governance and leadership will be announced shortly.

Other actions that we have taken include: implementation of a pilot MRSA screening programme and preparations for a national roll-out from next year; a requirement for all new-build hospitals to provide 100 per cent single-room accommodation for patients; integration of the cleanliness champions programme into nursing and medical undergraduate curricula; toughening up of cleaning standards; funding for antimicrobial pharmacists; and a new dress code and new national uniform for NHS Scotland from later this year.

There is no room for complacency, but our comprehensive programme is having an impact. MRSA rates are at their lowest since surveillance began and, although it is too early to determine any trends, C difficile rates are down by 17 per cent on the previous quarter and by 2 per cent on the same quarter last year.

I am fully aware of the detail of the Labour Party's 15-point action plan. Much of what is in it is already happening in Scotland, but I have formally asked the HAI task force to review the detail of the plan and consider the adoption of any actions in it that it considers will add value to our existing work programme.

This issue is not about party politics: the combined efforts of everyone in this Parliament, as well as the entire Scottish population, are required if we are to succeed in reducing infection rates. That is why the Government has already agreed to carry out a study on the electronic bed management system, which is being piloted in NHS Grampian and is supported by the Scottish Conservative party, to ensure that lessons learned from its use are available to other NHS boards quickly. I will consider ideas about how better to tackle infection from wherever they come.

The outbreak of C diff at the Vale of Leven hospital brought into sharp focus the challenge of tackling infection. The independent review team that I established to look into the events at the Vale of Leven hospital produced a report containing seven key recommendations. Supported by family and patient representatives, the review team published its follow-up report on Tuesday. I was encouraged by its findings, which confirmed that progress had been made on all the recommendations. Building sustainability in each of the seven areas will be crucial to maintaining the significant progress that has been made.

It is essential that we learn lessons from the tragedy, and I fully understand why repeated demands for a public inquiry have been made. Let me make it clear again that I have not ruled out a public inquiry. However, the fact remains that there are on-going detailed and complex investigations by the procurator fiscal, police and the Health and Safety Executive that, unlike the report published this week, are about looking back at what went wrong. While those investigations are under way, there would be a real risk of prejudice to any possible criminal proceedings and a risk of inhibiting a public inquiry doing its work. However, as I have said before, I will return to the Parliament to make a statement on any further action as soon as the views of the Crown Office are known.

I hope that everyone in Parliament recognises the priority that this Government has given to tackling infection. It is a big and difficult challenge, but I am committed to ensuring that we succeed. I look forward to hearing other members' speeches and will consider any positive suggestions that they make.

I move amendment S3M-3428.2, to leave out from "welcomes" to end and insert:

"acknowledges the high priority that the Scottish Government is placing on tackling and driving down healthcare associated infection, backed by investment of £54 million; notes that a national action plan is in place and that a national reporting template has been introduced to ensure that NHS boards have the necessary policies and practices in place to drive forward improvements in areas such as governance, leadership and surveillance; further notes that NHS boards are now required to report publicly on hospital by hospital performance on MRSA and Clostridium difficile rates, environmental cleaning and the causes of adverse incidents; further acknowledges that a target of a minimum 30% reduction in Clostridium difficile rates by 2011 is in place and that there is a zero tolerance approach on hand hygiene; also notes that the Healthcare Associated Infection Task Force has been asked to consider implementation of the elements of the Labour Party's 15-point plan not already underway, and further notes that the Scottish Government has agreed to progress the electronic bed management system supported by the Conservative Party and that the Cabinet Secretary for Health and Wellbeing will report regularly to the Parliament on the progress being made on tackling healthcare associated infection."

09:26

Ross Finnie (West of Scotland) (LD): This is certainly not the first time that the Parliament has addressed what is undoubtedly a crucial issue and one which the public rightly feels quite sore about. When someone goes to hospital there is a presumption that they will get well rather than acquire another infection, so there is a great deal of pressure on politicians to respond to the real and understandable public concern.

I welcome the work that the Labour Party has initiated and, in particular, the fact that it has used two experts to consider what might be required to bolster how we tackle HAI. It is particularly welcome that it added the name of Professor Pennington, who is well known to most people and is highly regarded in the field. The 15-point plan is a useful contribution: it leaves very few stones unturned and adds considerably to the debate. I am sure that the statement in the cabinet secretary's amendment that the HAI task force is considering how to implement the 15-point plan is genuine, and I hope that we can have a realistic expectation that this thought-out proposal—which as Cathy Jamieson said is not necessarily a party-political one but a plan that has been thought out by experts—will be taken on board and genuinely meshed in.

Although the 15-point plan makes a substantial contribution to the debate, it would be churlish of us not to acknowledge that the Government has set in train a number of measures that are contributing to the action to eliminate and eradicate the incidence of HAI across the health service in Scotland. There has been a substantial increase in the cash that has been allocated to address the problem over three years, which reflects the increase in the incidence of HAI infections across the health service. The initial report that came before us from the Smith inquiry indicated that there was a serious fault and a serious omission in monitoring and reporting and that that was one of the major problems behind the failure to identify the increasing incidence of the disease. Much of what is required has now been put in place.

I am glad that, in addition to acknowledging the 15-point plan, the cabinet secretary acknowledges in her amendment the proposals from the Conservative party on dealing with electronic bed management. I am also pleased that the reporting standard that she has set is on a hospital-by-hospital basis. All too often—on a range of issues—members have felt frustrated when figures have been aggregated on a health board basis, which masks the situation and makes it almost impossible to track down where the real problems are and where solutions are required.

As the cabinet secretary indicated, we continue to agree to disagree on the need for a public inquiry. If Professor Cairns Smith can continue both to monitor progress and to make recommendations that entail finding fault—finding things that need to be improved—I find it increasingly difficult to accept that a thorough review should not be carried out by a public inquiry, in the public glare and open to public scrutiny. Although the families have welcomed Cairns Smith's findings, how those are arrived at and determined is not open to public view.

I know that the cabinet secretary is strongly of the view that holding a public inquiry would imperil any further police inquiry. I repeat what I said when the issue was last debated: if at any point the Lord Advocate indicated to a public inquiry that its continuance was putting in peril a proper legal proceeding, the inquiry would be sisted. I stand by that position.

I move amendment S3M-3428.1, to insert at end:

"and, given that the cabinet secretary has deemed the publication of the report of the independent review team on *Clostridium difficile* at Vale of Leven Hospital as not being prejudicial to the police inquiry, calls on the Scottish Government to establish a public inquiry immediately."

09:31

Mary Scanlon (Highlands and Islands) (Con): Scottish Conservatives want a health service to which patients and their families do not fear hospital admission due to health care acquired infections, which not only add to a patient's stay in hospital and their suffering but, as we all know, can be fatal. Patients throughout Scotland should have confidence in the hygiene and cleanliness standards in our hospitals. They also need to understand why there should be a reduction in the prescribing of antibiotics.

We welcome as a major contribution to tackling hospital-acquired infections the 15-point plan that has been drawn up by Professors Pennington and Toft, which is mentioned in the Labour motion. We endorse the proposal to raise the target for the reduction of C diff in hospitals to 50 per cent, compared with the current minimum target of 30 per cent, and we therefore support the Labour motion. However, the measures that we are addressing today come against the background of an ageing population, more patients and more severe and chronic diseases being treated, higher bed occupancy and more patients vulnerable to infections, alongside a higher turnover of patients and, in some health care settings, inadequate standards of hygiene.

The British Medical Association briefing on health care associated infections highlights the need to inform and manage patient expectations

regarding antibiotics, as much prescribing is heavily influenced by patient pressure. The BMA states:

"Complacency, poor prescribing practice and misuse of antibiotics are major factors in the emergence of drug resistant infections."

I make that point today, as it is often lost in debates on hospital infections.

As Cathy Jamieson said, the 15-point plan is not exclusive, and neither do we want to give the impression that only the Vale of Leven hospital needs to address the issue of hospital-acquired infections. Lessons that have been learned need to be applied throughout Scotland. The Scottish Conservative bed management and hospital-acquired infection information technology system would be of enormous benefit in tackling infections; we thank the Scottish Government for its budget commitment to the issue.

In the best of Scottish traditions, where there is a problem, there are innovations. A small company in Inverness has developed an MRSA home testing kit, which saves time, travel to hospital and delays to surgery—in my opinion, it ticks all the boxes. I have sent a copy of a paper on the kit to the cabinet secretary.

I welcome the guidance on death and the procurator fiscal that the Crown Office and Procurator Fiscal Service has issued to medical practitioners. It includes guidance on any hospital-acquired infection, and I look forward to further clarification from the Crown Office. Many families have been fully aware that a hospital infection was either the direct cause of or a significant contributory factor in their relatives' deaths, but in recent years the NHS seems to have been reluctant to include any mention of such infections on death certificates. We welcome further clarity on the issue, as well as the other measures that have been announced. In the longer term, I hope that we will look at the design of our hospitals, including air conditioning and heating systems. The debate has been diverted on to the issue of private contracting, but it is for the NHS to ensure that standards set are standards met.

Today we will support the Government amendment but not the Liberal amendment, as we have already debated and voted on the issue of a public inquiry.

The Presiding Officer: As members will have picked up, there is a little flexibility on timings. I know that they will not abuse it.

09:36

Jackie Baillie (Dumbarton) (Lab): How can I refuse that invitation, Presiding Officer?

I welcome to the public gallery families from the C Diff Justice Group and representatives of many other families that have been affected by *Clostridium difficile* in hospitals across Scotland. I join other members in welcoming Hugh Pennington, emeritus professor of microbiology. I owe Professor Pennington and Professor Brian Toft, one of the United Kingdom's leading authorities on patient safety, an enormous debt of gratitude, because they gave up their time over Christmas to shape the 15-point action plan that is before the chamber today. The plan was also endorsed by the C Diff Justice Group.

I commend the plan to Parliament. It is not intended to be the final word on health care acquired infections. New microbes are evolving in real time, and all of us need to be open to new ideas in our constant battle against infection. Although the incidence of C diff may be constant, the number of cases has risen by 10 per cent over the past year, and new, more toxic strains are emerging.

It is just over a year since the outbreak of C diff started at the Vale of Leven hospital. Mary Scanlon was right to say that health care acquired infection affects not just that hospital but hospitals throughout Scotland, but the families cannot wait any longer. I call on members today to make 2009 the year in which we in Scotland get serious about tackling all health care acquired infections.

At the heart of the plan is a 50 per cent reduction in C diff cases by March 2011, rather than the Government target of 30 per cent over the same period. I will tell the chamber why. In England, the target has already been exceeded—cases of C diff are down by 38 per cent. In Maidstone and Tunbridge Wells, where there were significant outbreaks of C diff, the local target is to wipe out MRSA completely and to reduce C diff infections by 55 per cent by April 2011. Our target applies only to people over 65; in England, the target applies to everyone, from the age of two upwards. We need to be more ambitious. Raising the target will signal the seriousness of our intentions and drive change, if it is backed by a range of actions and resources.

The Royal College of Nursing was right to point out to the Health and Sport Committee and in a briefing to members that the sum of £54 million over three years that has been allocated to deal with HAIs is unchanged from the original spending review figure of 2007. I acknowledge that money and welcome it, but not one penny extra has been made available, despite the fact that 2008

witnessed the worst outbreak of C diff in Scotland, if not the UK.

I will deal briefly with a couple of issues, starting with hand hygiene. The cabinet secretary reports compliance rates of 93 per cent, but we are not measuring like with like across health boards. The number of observations varies in different hospitals and health boards. Our approach must be more rigorous than simply relying on self-assessment by clipboard. We need temperature-controlled, sensor-operated washing facilities in all hospitals. It is embarrassing that there are better facilities in our airports than in our hospitals.

The cabinet secretary announced that all new hospitals will have single rooms, to help to reduce infections. I welcome that, but there is no timescale or outline of resources for the programme. It will take more than a generation to cover the whole NHS estate, but we need a crash programme now—isolation facilities must be available in every hospital. Our proposal is proportionate, targeted and, therefore, more deliverable.

Turning to the Liberal amendment, the Parliament has already voted to support a public inquiry and, two weeks ago, the Public Petitions Committee unanimously agreed on the need for a public inquiry without further delay. The committee did not consider that on-going proceedings would be prejudiced, which is welcome.

Today, we have a chance to move the agenda on. We need a comprehensive strategy, not a piecemeal approach. Yesterday, the Tories and the Liberals supported the Labour motion that is before us today. Support for the Scottish National Party amendment would remove the support for implementing the 15-point plan. The Parliament will not be forgiven if we allow that to happen.

09:40

Christine Grahame (South of Scotland) (SNP): First, I extend my condolences to the families and friends of those who have died at the Vale of Leven hospital and elsewhere as a result of *C difficile* infection and other hospital-acquired infections. One death in which hospital-acquired infection is the main cause is one death too many.

In the period from May to August 2007, a link was established between the deaths at the Vale of Leven and *C difficile*. I, too, do not wish to politicise what should be a consensual debate. Families, especially those with elderly relatives in hospital, deserve better from the Parliament. It is undeniable, however, that between 2001 and 2006 the number of cases in which *C difficile* was mentioned as the underlying cause of death or as contributing to death rose from 170 to 417—a 145 per cent increase. That said, I commend Jackie

Baillie for rightfully and tenaciously pursuing the issue on behalf of her constituents so that we may all be confident and comforted that when we go into hospital we will, as Ross Finnie said, get better rather than worse through infection that can and should be avoided. I acknowledge Cathy Jamieson's important point that the quality of care and hygiene extends beyond our hospitals, into care homes, nursing homes and elsewhere.

Historically, the Vale of Leven hospital has been under threat of closure, which must have contributed to the hospital's decline and to falling morale among its staff. The independent report disclosed that surveillance systems were inadequate and that, in clinical and patient toilet areas, there was a serious lack of dedicated hygiene practices and equipment.

As is sometimes the case in our world, it took a particular tragedy—in this case concerning the failure of basic hygiene at the Vale of Leven—to shine a harsh light on an issue that many of us were already aware of anecdotally. I remember visiting my late mother when she was terminally ill in hospital some time ago. The walls were dirty. The family worked on a rota system to check that she was being properly cared for and kept clean when she was unable to move. It is a story that others have heard, too.

The cabinet secretary spoke about the action that is being taken and the £54 million that is being spent over three years to tackle hospital-acquired infection. That is a 260 per cent increase in spending. I think that members throughout the chamber recognise that, whoever is in government, the issue has to be taken very seriously and funding has to be provided.

I recognise the simple measures that the cabinet secretary is taking, which will assist with the situation. In particular, there is to be no more privatisation of cleaning. I know that it was not privatised at the Vale of Leven, but there is no doubt that when cleaners, porters, nurses and others feel that they are part of a team in a hospital, they work together and take pride in what they do. People who come through on contract work do not have the same engagement with the hospital.

Dr Simpson: I hope that Christine Grahame will acknowledge that it was Sam Galbraith who said, when he was a minister, that there should be no further privatisation of cleaning. That approach has been in place for almost a decade.

Christine Grahame: I am content to acknowledge that. My point—and the member is perhaps agreeing with me—is that when all the staff in a hospital are part of a team, there is a different kind of morale and a certain kind of commitment.

Among the other measures that the cabinet secretary has announced today that I welcome are those concerning nurses' uniforms. It is not appropriate for nurses to take their uniforms home to be cleaned or to travel on buses while wearing them.

Let us consider some of the new hospitals that have been built under public-private partnerships. The design of the royal infirmary of Edinburgh is appalling. There are carpets right up to the doors of the wards—that is a hobbyhorse of mine—and they are not even very clean carpets. Going into the RIE, we might think that we are entering an airport terminal. There are restaurants and cafes—food is being eaten all over the place. That cannot be appropriate for our hospitals. There are unlimited visiting hours on communal wards. Heaven help someone who is feeling very ill when there are lots of families bouncing about. Children bounce about on beds with their dirty little feet from the dirty little streets. Outdoor clothing carries unseen germs. We carry them around with us and we take them into the wards that house the ill and the vulnerable.

How I remember the days—I am saying this because I am so old—when the hospital matron would allow two people in for only two hours. Heaven forbid if a visitor sat on the end of the bed rather than on one of the wipe-down chairs. Practices must change.

I very much welcome the cabinet secretary's remarks. I say to the families concerned that their pain and loss will continue but, as with all bereavements, it will ease with time—it will not go, but it will ease. However, I know that their anger will be assuaged only when we get to the bottom of the matter and get the full facts, and when we make Scotland's hospital wards and care homes safe and clean places for the people we put into them.

09:45

Patricia Ferguson (Glasgow Maryhill) (Lab): A number of colleagues are probably aware that I underwent surgery some months ago. Of course, I was aware of the debate around hospital-acquired infection, but I admit that that was the last thing on my mind as I cleared my desk and cancelled appointments. I wanted to get into hospital, have the surgery and recover as quickly as I could. It was only an e-mail exchange with a local general practitioner with whom I was working on a campaign that reminded me that avoiding infection was something else that I might have to contend with. The GP told me not to allow anyone—nurse or doctor—to examine me without first washing and gelling their hands and putting on gloves. She told me that they should change their aprons every time they approached a patient and every time

they left a patient, too. She gave me a comprehensive list of dos and don'ts.

I remember wondering whether I would remember all those rules if I happened to be feeling particularly unwell. Would I have the courage to ask someone on whom I was relying for care to please wash their hands? I was fortunate, in that those who were caring for me were scrupulous in that and every other regard. However, on one occasion, I heard a young nurse reprimand a consultant who approached the patient in the bed next to me and told him in no uncertain terms that, although she was aware that the person was his patient, if he did not put gloves on he would not be examining any patient in that ward. The other patients in the ward resisted the temptation to applaud at that point. Should patients have to think like that, though? What of those patients who are too ill or too elderly, or who have problems communicating? Who will look out for them?

My treatment contrasted sharply with that received by an elderly constituent of mine. The lady in question went into hospital for a relatively minor operation and, having been discharged and readmitted, and discharged and readmitted again, she was eventually diagnosed as being infected with *Clostridium difficile*. Her family informed me that, unfortunately, they were never told that she had a C diff infection, nor were they aware that any particular infection controls were being used. A close family friend, herself a health professional, once had occasion to complain about the way in which sharps were being disposed of by a doctor, as well as about the attitude of staff who were asked about the patient's progress.

Unfortunately, the lady passed away. Some months later, because of the complaint that her family made, the death certificate is to be amended to show that *Clostridium difficile* was in fact a contributory factor. The family has received reassurance that the issues that they raised are being addressed in the hospital in question. In the meantime, however, a family has had to deal with anxiety for a wife and mother, and with a feeling of disbelief that our NHS could allow her to suffer in that way when she was vulnerable and afraid.

I posed the question earlier: what of the patients who are too ill or too elderly to help themselves? How are they to be protected? Their first defence must be the hospital or other health care staff, but we must give those staff the resources to allow them to do their job. Staff need to have information about how infections are caught and spread, and about the different ways of dealing with them. They need to know about the latest infection control methods, and they need the confidence to challenge others when they fail to follow the rules.

As I am sure we all agree, much has been done in recent years to tackle health care acquired infections but, if we are really serious about it, we have to adopt the 15-point plan and be flexible in the years ahead. Only through having a comprehensive plan for prevention and treatment will we ever be able to tackle the problem properly.

Reducing the number of cases of health care acquired infection needs to be our next big crusade. It should unite the chamber, not divide it. It should be tackled with the determination that previous generations brought to their efforts to control the spread of tuberculosis.

09:50

Ian McKee (Lothians) (SNP): The problem of how to deal with health care associated infections is one of the most intractable issues facing the health service. Since the turn of the century, the escalating figures for deaths from this cause show that it is a long-standing problem and not just one for the SNP Government. As the prefix "health care" suggests, HAI does not just affect hospital in-patients but extends its tentacles into the community, as thousands of women who get thrush after antibiotic treatment for urinary tract infections can readily testify.

During the years that I was in general practice, I frequently performed minor operations on my patients. I removed toenails, cysts, and lipomata, and I incised abscesses. Colleagues with more extensive surgical experience performed more exotic surgery. Rarely was there a wound infection, waiting lists were measured in weeks rather than months or years, and, with policy favouring a shift of care from the hospital to the community, we were all convinced that more surgery would be undertaken in the community.

What happened? Fear of the transmission of new variant Creutzfeldt-Jakob disease led to the Glennie report, which laid down strict guidelines for the facilities that were to be provided before surgery could be undertaken. Those guidelines were impossible to satisfy in many doctors' surgeries. Today, almost all people who would have undergone procedures locally are now referred to hospital, but in 2008 there was only one death from vCJD in the United Kingdom and five from CJD caused by health-related procedures. Patients who were formerly dealt with in the community to everyone's satisfaction are now being operated on in the accident and emergency departments of Scottish hospitals that, between July and September of last year alone, experienced 522 cases of MRSA infection, a condition that can be transmitted in accident and emergency departments as well as among in-patients. The law of unintended consequences strikes again.

Today's motion strongly emphasises *Clostridium difficile* infection as a source of HAI. Labour's 15-point action plan, although a little late on the scene from those who were in government when the number of Scottish deaths from C diff trebled, is an effort to get to grips with the problem. I do not decry that effort, although many of the suggestions are already being implemented. However, it is futile to have a target of a 50 per cent reduction in *Clostridium difficile* infection by 2011 unless a clear indication of how to reach that target is given. Although cleaner hospitals, better sterilisation procedures and a greater emphasis on hand washing can go some way towards meeting the target, the ability of C diff to form resistant spores means that those procedures are not always as effective as they would be for other HAIs.

Nanette Milne (North East Scotland) (Con):

Given that many of the elderly patients who contract C difficile have difficulty with faecal continence, does the member agree that using containment measures to prevent soiling of bed linen and so on is an important factor in controlling infection?

Ian McKee: Absolutely. The point I am trying to make is that cleansing methods are not the whole answer in dealing with C diff, because it is a very resistant bacterium.

A 2008 article in the *Journal of Antimicrobial Chemotherapy* showed that increased usage of alcohol-based hand wipes in hospitals significantly diminished the incidence of MRSA but had no effect on the incidence of C diff. According to the Association of Medical Microbiologists, the sensible use of antibiotics in hospital is the key to the prevention and control of C diff, as Mary Scanlon has already told us. However, there is little mention of that in Labour's action plan. A broad-spectrum antibiotic may be used to control or prevent infection for one reason or another, but it might interfere with the normal bacterial flora of the gut, allowing C diff a space to multiply. Using antibiotics less in primary and secondary care, and using bacteria-specific rather than broad-spectrum antibiotics, should do a lot to reduce the incidence of C diff. Will that increase morbidity and mortality among those who are denied the antibiotics that traditionally have been used in their treatment? The truth is that we do not know, but it might. If it does, Opposition MSPs, whichever party they are in, will have another stick with which to beat the Government of the day. HAIs are not susceptible to easy solutions, so let us not pretend that they are.

09:55

Helen Eadie (Dunfermline East) (Lab): I apologise to members for missing one or two of

the opening speeches because of today's traffic problems.

I welcome the opportunity to contribute to the debate, and am glad that we all agree that this is one of the most serious challenges facing the public. Everywhere I go, people agree that there is a crisis of confidence among the wider public on the issue that Patricia Ferguson spoke about so eloquently. We have seen the deaths in the Vale of Leven hospital, and the 90 deaths in Maidstone and Tunbridge Wells, where there were significant outbreaks. Following those outbreaks, the NHS on the south-east coast of England published the goals and priorities that it wants to deliver by April 2011. It pledges to have wiped out hospital-acquired MRSA by 2011 and reduced *Clostridium difficile* by 55 per cent.

We ask the Scottish Government to demonstrate a similar commitment in tackling health care acquired infections. The spin that accompanied the previous set of figures, which went against what Health Protection Scotland said, serves only to undermine public confidence in the figures. It is true to say that there was a fall in cases during the previous quarter, but there was an annual increase.

I am happy to join Jackie Baillie in thanking our academic professionals, whose diligence and commitment has shone a light on this vital issue for everyone in Scotland. I agree with others that we should pay tribute to Jackie Baillie, whose dogged determination has made such a mark in Scotland.

Later today, I will meet a number of my constituents who are following this debate, and we will talk about their reaction to it. I have worked with a number of them in recent times, and they or their relatives and loved ones have all been affected by hospital-acquired infections. Like members, they have raised the importance of what is recorded on death certificates. I have written to the cabinet secretary about that, and she has responded that she agrees that there is an issue and she plans to take action to address it. I look forward to seeing how that progresses.

I have also been in contact with a family that raised significant concerns about patient transfers. How can a patient leave one hospital, such as the Queen Margaret, having been told that they do not have a hospital-acquired infection, yet be told within an hour of arriving at another hospital, such as the Cameron hospital, that tests show that they have C difficile? That situation raises extreme concerns in families. The two brothers and sister who will be with me this morning have expressed profound concern about how one hospital can say that there is no infection while the other says within one hour of the patient transferring that there is.

Nanette Milne talked about hygiene and washing, which have been raised by a number of my constituents. When they arrive to take a patient's washing home, they are given it without being advised whether there is an outbreak on the wards. That is a matter of serious concern. Such washing should not be taken home; it should be washed properly within the hospital environment.

I welcome the submissions from various people across Scotland who have expressed their concerns. The Royal College of Nursing said that it has serious concerns about investment in the workforce, which needs to be increased. In preparing the budget in the past year, we saw a proposal to reduce the money for training, a point that I raised with the Health and Sport Committee and the cabinet secretary. In real terms, that money has gone down. Health boards need to employ more nurse epidemiologists, who provide expert advice on organisms that cause hospital-acquired infections and how to prevent them.

The resources that are available to the Scottish national reference laboratories should be assessed to establish whether they can analyse and monitor hospital-acquired infections in a timely manner that benefits patients. There might be new organisms that cause HAIs in the future. The laboratories need to be equipped to deal with that, so resources should not be cut. More resources should be targeted at improving hospital isolation facilities to allow HAIs to be treated more effectively and to help prevent their spread.

I warmly welcome the consensus in the debate. I am tempted to support the Liberal Democrat amendment. As Jackie Baillie said, the Public Petitions Committee's unanimous view is that there should be a public inquiry into the outbreak at the Vale of Leven hospital. I understand that public inquiries are expensive but, in this instance, it is vital that we have one.

10:00

Alasdair Allan (Western Isles) (SNP): The tone of the debate has suggested that members do not doubt one another's sincerity on the need to tackle hospital-acquired infections. In that spirit, I commend the motives behind Cathy Jamieson's motion. Many members will have relatives or constituents who have been affected by hospital-acquired infections—I can think of some harrowing examples. However, in supporting the amendment in the name of the cabinet secretary, I bring to the Parliament's attention the work that NHS staff are already doing to tackle the problems. Nobody should underestimate the size of the task ahead, but neither should we overlook the work that is being done.

Mary Scanlon: As the member represents the Western Isles, does he agree with the "NHSScotland National Cleaning Specification Monitoring Framework Independent Audit Report", which states that

"NHS Western Isles should be commended as a beacon site"

of best practice?

Alasdair Allan: The Western Isles are, in every respect, a beacon, and I am happy to commend that particular example.

As I said, we should recognise the work that is being done. Nurses, doctors, health managers and, perhaps most important, cleaners have already made great progress. As Christine Grahame pointed out, between 2001 and 2006, the number of deaths in which *C difficile* was an underlying or contributory factor soared from 170 to 417. Such a massive increase requires dramatic action, and action is being taken that is paying dividends. The tragedy of a single death from a hospital-acquired infection renders all statistics redundant, but we should pay tribute to the health service in Scotland for reducing rates of hospital superbug infections to their lowest levels since records began in 2003.

Perhaps the most significant change of emphasis has been on the simple matter of hand hygiene. We have come a long way in the 100 years since an instruction went out to all doctors, particularly those dealing with infectious patients, to wash their hands before delivering a baby. It seems scarcely believable that such a reminder was required. No doubt it was resisted by some doctors at the time as an undue interference that called into question their clinical judgment. Patricia Ferguson's story about a consultant leaps to mind when I say that. That single measure 100 years ago resulted in a staggering decrease in mortalities among mothers and babies. Today, we cannot overestimate the enormous significance of improving the hand washing regime in hospitals in tackling superbugs. A zero-tolerance policy on hand hygiene has been announced and compliance is at the highest rate since records began—93 per cent, which exceeds the Government's targets.

That is one of the many ways in which the health service is already doing much of what the 15-point plan that is mentioned in the Labour motion calls for. I welcome the consensus that has emerged. Other measures include the HAI reporting template, which gives the public instant access to information on infection rates, and the plans for a care environment inspectorate. Further, there is the welcome news that all new-build hospitals will have 100 per cent single-room accommodation.

Jackie Baillie: Can the member possibly tell me when the entire estate of Scottish hospitals will have appropriate isolation facilities, using that single room analogy?

Alasdair Allan: No one pretends that the entire hospital estate can be rebuilt overnight, but the Government has made it clear that we are moving towards 50 per cent provision in existing hospitals. Everyone accepts that, in the longer term, single rooms are the way forward.

Nobody underestimates the scale of the task, which is why the Scottish Government has released £3 million to promote further development of local surveillance systems and to prepare for the roll-out of the national MRSA screening programme. Perhaps one of the most significant changes will be the ending of the privatisation of cleaning services in hospitals. I hope that, once more, cleaning staff will begin to feel as though they are the valued workforce that they deserve to be and that they will be able to play their vital role in the fight against infection without forever having to look over their shoulder at a contracting system that has, in the past, worked against those very ends.

10:05

Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): I acknowledge the evident sincerity with which all the speeches have been made. There is no doubt that the Parliament is united in the opinion that health care acquired infection must be tackled. Cathy Jamieson, for the Labour Party, spoke of patient confidence and patient safety—which are my themes, as they were for Ross Finnie—and how they also apply to care in the home, care homes and nursing homes. That is the extent of the problem. She correctly reminded us that the HAI task force was started by the previous Government and she mentioned the importance of isolation facilities.

The cabinet secretary, Nicola Sturgeon, spoke of addressing patient anxiety, which echoed Cathy Jamieson. She mentioned the role of the new care environment inspectorate, which should make a difference; the pilot MRSA screening programme; and the proposals to have only single rooms in new-build hospitals to provide isolation. She also mentioned Grampian NHS Board's electronic bed management scheme. It is important that we roll that out.

My colleague Ross Finnie said that the public feel quite sore about HAIs. He said that people want to go to hospital knowing that they are going to get well, not get worse. Like Ross Finnie, I acknowledge the work of the Labour Party in producing the 15-point plan, which is an extremely useful contribution. However, in the same breath, I

am bound to acknowledge that, as Ross Finnie said, the cabinet secretary has undertaken to try to mesh the plan with the action that the Government is taking. That is a generous proposal and it should be accepted. That said, it behoves all parties in the Parliament to monitor the situation to find out whether that really happens. We must ensure that we have additionality and that as much as possible of the 15-point plan is taken up and used, when it is practical and sensible to do so.

Mary Scanlon made the hugely important point, on which I have commented previously in the Parliament, that patient pressure is linked to the prescribing of antibiotics. I have humorously referred to my dear mother, who keeps drugs long beyond the time that they should be kept. That is precisely the sort of issue that we are talking about. Jackie Baillie, on a chill note that was nevertheless accurate and true, reminded us that, as more toxic strains of *Clostridium difficile* and other superbugs come to the fore, the fight will be extremely difficult. Christine Grahame referred to dirty little children with their dirty little feet and to the issue of uniforms. Those matters are important. We must ensure that carpets in hospitals go only as far as they should go. I commend Patricia Ferguson for bringing her personal experience to the debate, which reminded us of the sheer importance of the issue. I acknowledge the contributions of Ian McKee, Helen Eadie and Alasdair Allan.

Our amendment states:

“given that the cabinet secretary has deemed the publication of the report of the independent review team on *Clostridium difficile* at Vale of Leven Hospital as not being prejudicial to the police inquiry, calls on the Scottish Government to establish a public inquiry immediately.”

When I referred to Cathy Jamieson and the cabinet secretary, I talked about patient confidence and patient anxiety. The Liberal Democrats' point is that, if we are to maximise the patient confidence to which Ross Finnie referred, so that people know that they will get better and not worse by going into hospital, there must be public confidence in the light of proper examination of what went wrong. If the Lord Advocate tells us that a public inquiry would be prejudicial, we will heed that, but we have no evidence of that at this stage, so I ask members to support the amendment in Ross Finnie's name.

10:10

Jackson Carlaw (West of Scotland) (Con): I will start with a short story. Someone known to me recently underwent a third invasive procedure for a minor outpatient operation. When she was called back to hospital for the second procedure, under the national health service, she was somewhat

bewilderingly asked whether she had brought any dressings with her, as the hospital had run out. It reminded me of the occasion when a plumber who was trying to unblock a sink in the house asked my wife whether we had a plunger. There are certain things that we expect people to have and which we take for granted they will have.

For her third operation, the woman chose to use the independent sector. The point that surprised me and her was that she was asked to go to hospital in advance of the operation because she was told that, having been treated in the NHS, there was a presumption that she would carry MRSA and they needed to establish whether that was the case. That is something that ought to give us all considerable cause for concern.

The Vale of Leven case, if it has done nothing else, has reinforced in the wider public consciousness a concern about health care acquired infection in the NHS that, if allowed to take root and become part of the common currency of people's concerns, will be very damaging to the long-term reputation of the NHS. Decisive action is being taken, but it must be effective.

I say to Jackie Baillie in particular, if I may, that the political cynic in me, if I can call it that, made me perhaps somewhat sour and ungracious in my initial reaction to the 15-point plan that the Labour Party introduced a few weeks ago. I was cornered by Jackie Baillie, who told me that if I did that again I was to be advised that she was coming for me. Colleagues on this side of the chamber told me that that was a threat or a challenge that I ought to take very seriously. My staff were encouraging me and were very excited at the prospect, but the measured and serious way in which Cathy Jamieson addressed the 15-point plan in her speech has allayed many of my concerns. However, I will state for the record what they were.

I would almost have been better convinced by a plan that had 14 or 19 points. The 15 points led me to think that the plan was somewhat contrived in its construction—partly because, earlier this week, the leader of the Labour Party had a 15-point plan for the economy, too. I was just slightly anxious about Labour having 15-point plans for everything, but that may have been an unreasonable attitude.

I also felt that there was no prioritisation in the 15-point plan. It seemed to me that some points had more substance than others and that it would have helped if they had been prioritised. I would also have welcomed it if the plan had spent a bit of time analysing the contribution that the Government has made in advancing a number of points in the plan and saying what progress has been made against them.

Jackie Baillie: Does the member accept that we were building on what is happening and that the 15-point plan was offered as a contribution to what more needs to be done?

Jackson Carlaw: I think that I have done that. I accept that this is not a subject that any one party in the Parliament, conscious of the fact that there is now widespread public concern, is trying to address as a monopoly concern of its alone. Every party has a contribution to make. We have made a contribution in respect of the hospital bed management and acquired infection software, which is being piloted in Aberdeen—the health care acquired infection element is being done in Belford hospital. The software allows clinical staff, who have been involved in its design, to see exactly where outbreaks of infection have taken place and to ensure that they are properly monitored and that beds are cleaned thereafter.

Part of the problem with the current system is that a patient leaves a bed and it is sometimes established only post mortem that they had C diff, by which time nobody can remember which bed they were in and another patient has been put in it who subsequently becomes infected. The software will address that.

Our intention is to support the Scottish National Party amendment, which refers to the programme that we are progressing. Were that amendment not to succeed, we would be minded to support the Labour motion. We have a difficulty with the Liberal Democrats' amendment because we do not at this time support having a public inquiry.

10:14

The Minister for Public Health and Sport (Shona Robison): This has been a far-reaching debate on an issue that impacts on us all. I am very grateful indeed for the constructive contributions that have been made on all sides of the chamber, which shows the seriousness with which the whole Parliament treats this important issue.

The cabinet secretary took some time in her opening speech to set out the actions that we are taking across the NHS in Scotland and I want to use a little bit of my time to restate the significance of those actions and how they impact across the NHS. NHS boards now have better local surveillance systems in place, which are more transparent, robust, sensitive and reliable in identifying situations that require further investigation. A far better understanding of the different C diff strains is emerging through the work of the C diff national reference laboratory, a more robust reporting regime is in place and there is a zero tolerance approach to non-compliance with hand hygiene standards.

I was struck, as I think other members in the chamber were, by Patricia Ferguson's description of the nurse pulling up the doctor. I think that that is absolutely right; it should be understood throughout the NHS that it is everybody's responsibility, no matter how senior the person who breaches the guidelines, to speak out. I say well done to the nurse who did that.

It is important to reiterate that we are investing record levels of resources in tackling HAI and increasing spend by £39 million over three years, which is a 260 per cent increase. We have announced a target, from April 2009, for NHS boards to reduce C diff rates by at least 30 per cent by March 2011, but we will ask boards to set themselves a more challenging target for reducing C diff year on year.

Jackie Baillie: There has been talk this morning about the Government agreeing to mesh the 15-point action plan in. Will the Government agree to implement all of the 15-point action plan? Specifically, will the Government commit to a target of a 50 per cent reduction in C diff by March 2011 for all ages from two upwards?

Shona Robison: I was just coming on to talk about the 15-point action plan. We have confirmed our understanding that much of what is in the Labour Party's 15-point action plan—

Jackie Baillie *rose*—

Shona Robison: I will come on to Jackie Baillie's specific point if she just gives me a chance to do so.

Much of what is in the 15-point plan is already in place in Scotland in the 57-point action plan that is being actioned by the national HAI task force, which has been asked to review the detail and consider what actions would further enhance our already extensive HAI work programme. I can tell Jackie Baillie that it is on the agenda for the next meeting of the HAI task force on 24 February to take that work forward, so it is happening very quickly. I hope that that assures members across the chamber that the HAI task force will act on that very quickly indeed, as is quite right and proper.

It is also important to say that our rates of MRSA are now at their lowest since surveillance reporting began: C diff rates are down by 17 per cent on the previous quarter and by 2 per cent on the same quarter last year; and, of course, despite concerns that have been raised in the chamber about hand hygiene compliance, it is at its highest level—93 per cent—since reporting began, so that message is getting through to front-line staff in our health service. It is clear that only by continually improving and redoubling our efforts to tackle HAIs will we see those trends continue, so there is no room for complacency. Only by doing that will we

give the public the necessary reassurance that they deserve.

Cathy Jamieson: I want to follow up Jackie Baillie's point, particularly on the target. When it meets, will the task force consider whether to increase the target? Will the minister bring a report back to Parliament on that?

Shona Robison: I thought that I had made it clear that the task force will consider all elements of the 15-point plan. None is excluded. The task force will look at the 15 points and advise what further progress needs to be made, including in relation to the target in the 15-point plan. I can give the member that reassurance.

Finally, members can be assured that our HAI work programme will continue to engage with a wide variety of agencies through the national task force, which is responsible for overseeing actions on reducing infection rates in Scotland. I am sure that members will welcome the fact that we are also engaging with many linked sources, including the patient safety and patient experience programmes.

The Deputy Presiding Officer (Alasdair Morgan): The minister should wind up.

Shona Robison: With Parliament's co-operation, I am sure that we can make the progress that everyone wants to see. I urge members to support the amendment in the name of Nicola Sturgeon to take that important work forward.

10:20

Dr Richard Simpson (Mid Scotland and Fife (Lab): This has been a good debate, so let me begin with some positives. We welcome the follow-up report to the independent review of the Vale of Leven outbreak, which makes it clear that substantial progress has been made. We welcome the changes to the HAI task force programme that the cabinet secretary has announced, particularly the hospital-by-hospital reporting and the new web portal.

Let me be clear that we in no way doubt the Government's concern about making progress on HAI generally. Indeed, we welcome the undoubted progress on MRSA that NHS staff have achieved even before the pilots have reported. Despite what Dr McKee implied, we do not suggest that it might be possible in the future to eliminate all health care associated infections. Such a suggestion would be foolish, as that will not be possible. MRSA, C difficile, norovirus and vancomycin-resistant enterococci—which is another new infection on the horizon—will be with us, so they will need to be tackled effectively.

Our concern is that the current situation is not advancing quickly enough. For example, the cabinet secretary reminded us—quite rightly—of the substantial increase in funding that the Government has put into tackling HAIs, but that is mainly for the MRSA pilots, which will swallow a huge amount of the funding.

The recent Audit Scotland report highlighted a £512 million backlog in maintenance, which we need to deal with to tackle HAI infection. Hospitals with maintenance problems are more likely to have HAIs. Audit Scotland reported that PPP hospitals are well maintained, but all those other facilities need to be dealt with. For example, temperature-controlled and automatic washing basins are vital. Further to Alasdair Allan's comments, I point out that if people turn on the taps to wash their hands thoroughly and then need to turn the taps off, they will transfer the bacteria that they had put on the taps back on to their hands. We need modern facilities urgently.

Labour recognised that MRSA and C difficile were growing problems, as Christine Grahame mentioned. C difficile hardly existed 10 years ago. Previously, it was a commensal, largely non-symptomatic, organism. We recognised that C difficile had increased and, as it were, had come up on the rails, so we tried to draw together all the work on the issue by setting up a HAI task force in 2006, but items that were on the agenda of the task force's first meeting—the minutes of which I have read thoroughly—are still on the agenda today. For example, the dress code that is now being implemented was on the very first agenda. The Cairns Smith report identifies

"implementation of the NHS Dress Code"

as one of the issues that are still outstanding.

Christine Grahame: I am wondering where you were for eight years, when you were in government. You did nothing about the dress code then.

The Deputy Presiding Officer: I remind members not to address each other in the second person.

Dr Simpson: Christine Grahame has not listened to the point I have been making. We set up the HAI task force, which has been continued and has produced 56 points. Revised information and guidance on death associated with C difficile has been issued to medical practitioners. That was not an issue eight years ago, but it is an issue now.

Implementation of the outcome that we all want to achieve, which the HAI task force plan indicates, seems to be rather leisurely and slow in some places. The issue has not had the impetus

that it is now being given following the tragic incident at the Vale of Leven hospital.

As my colleagues mentioned, the health service in England has met the target of a 30 per cent reduction in C difficile. In the south-east and in other regions, targets of 50 and 55 per cent are now being set. We need to revise our targets and to make progress.

I ask the cabinet secretary to be cautious in interpreting the statistics that are reported. In England, the health service has met its target of a reduction in C difficile on the whole of the previous year of 2007. In Scotland, we have not achieved a reduction in the rate of C difficile associated disease in the rate per bed occupancy, which is Health Protection Scotland's preferred measure. The rate increased in the two winter quarters but decreased in the two summer quarters. HPS said that that was a "seasonal variation", but the cabinet secretary's press releases said that the reduction was a trend. That might be the case, but there is no way of telling. Given that public confidence was undermined by the Vale of Leven situation, I urge the cabinet secretary to be cautious in interpreting the statistics.

Nicola Sturgeon: I absolutely agree with Richard Simpson. I ask him to review the *Official Report* of today's debate tomorrow morning, where he will see that I said that it is too early to determine whether the figures on C difficile represent a trend.

Dr Simpson: I accept that entirely, but the cabinet secretary's press release called it a reduction. I just urge caution.

Do I have one minute left, cabinet secretary—I mean Presiding Officer—to conclude? [*Laughter.*] Sorry, all the promotions of the past week are getting to me.

I will finish by making a couple of serious points. First, we have an alphabet soup of organisations and systems. Their functions might be clear to the organisations themselves, but I can say as a doctor that it has taken me many days of work and many meetings with the individual organisations even to begin to comprehend their function and role. How can the public have clarity? We have HPS and HFS—health facilities Scotland—as well as NHS QIS, the care commission, health and safety at work, statistical process control, the SPORS reporting system, hand hygiene surveillance and even Audit Scotland. The system is too complex, so it needs to be simplified and focused. That is why we have recommended a single leader to help us achieve that focus. The Cairns Smith report that was published this week states:

"Restructuring ... has produced a much clearer and simpler structure, with clear lines of responsibility and accountability."

We need that nationally.

Presiding Officer, I realise that I should probably close now. This has been a good debate; members have drawn together a lot of serious issues and given some very good examples of their personal experiences and those of their constituents. Unless we draw together all the issues—hand washing, the environment, antibiotic policy, testing of toxins and death certification—and ensure that guidance is clear and standardised, we will not secure the public confidence that we all seek. I hope that the 15-point plan that we have produced will be seen as building on and complementing the 57 points that the HAI task force suggested. I hope that we will achieve that.

Let me make one last point. The public must be seen as our partners in this. Public involvement is taking place at a number of levels. In NHS Forth Valley, we now have members of the public on the team walking the wards—

The Deputy Presiding Officer: The member must conclude.

Dr Simpson: That is partnership.

Housing

The Deputy Presiding Officer (Alasdair Morgan): The next item of business is a debate on motion S3M-3427, in the name of Mary Mulligan, on housing.

10:29

Mary Mulligan (Linlithgow) (Lab): If it is not too presumptuous, I shall start by congratulating Alex Neil on his appointment later today as communities minister. I hope that the Cabinet Secretary for Health and Wellbeing will not be offended if I say that I was disappointed to learn that Mr Neil will not open the debate on behalf of the Government today. I am sure that the new minister will bring a fresh approach to the huge challenges that housing is facing. I am also sure that if he listens to the many people who have a great deal of experience in housing issues—especially tenants and owners—he will realise that there are actions that the Government can take and I assure him that he will have the support of Labour members.

Unfortunately, the new minister comes to housing at a time of crisis. Those are not my words but the view expressed by the Scottish Federation of Housing Associations in its submission to the Local Government and Communities Committee yesterday. It is a view that the Scottish Government appears to share, as it has not sought to amend our motion.

One of the many ways in which we can witness the crisis is by looking at the number of houses that are being built. The Scottish National Party Government has pledged to build 35,000 houses a year, but in the first six months of last year just over 11,000 houses were built—and let us remember that that is before the full force of the credit crunch has hit. There has been a fall of 1,600 houses from the previous year. Even worse, included in that fall is a fall of 600 houses in the social rented sector. That is something that this Government is responsible for.

Before we hear the Government criticise the previous Scottish Executive for building only six council houses in the previous session, as the First Minister said recently, let us get some facts on the record. During the first two sessions of the Parliament, the actual number of homes for rent through housing associations was more than 30,000, and the 432 houses built by councils since the election in 2007 were planned prior to the election and were possible only because of the changes in housing finance that the Labour-led Scottish Executive introduced.

The number of houses that the Scottish Government is completing is falling. What will the

Government do about it? One way in which the Scottish Government could reverse the fall would be by properly investing in housing associations. Housing associations have an excellent record on building new housing and renovating old stock, but the Government put that at risk by changing the housing association grant formula.

To be fair, I accept that the Scottish Government has taken action to try to get better value for the public pound, but the principle was wrong and the timing was absolutely wrong. I acknowledge that the cabinet secretary tried yesterday to reverse the damage—I suggest to the new minister that the cabinet secretary may be stealing a little of his thunder—but what she did was too little, too late. When ministers realised the damage that was being done, they should have reversed the changes and not just been satisfied with a half-hearted move.

Lenders were reluctant to lend under the new housing association grant formula, untested and riskier as it was. Only time will tell whether they will be more willing to lend after the limited change. It may be too late for some housing associations, which may already have agreed their development plans and rent levels for next year.

Having made one mistake, the cabinet secretary should not make another. I know that the proposals on the lead developer model are still out for consultation, but the measure is proving very unpopular. The cabinet secretary may do well to drop the proposal now. Johann Lamont will say more on the issue, but I want to say that I have no problem with housing associations working together—there are good examples of that across Scotland—but the competition that the proposal could introduce will not benefit housing associations or those in need of housing.

Yesterday at the Local Government and Communities Committee, members heard how progress to reach the 2012 homelessness target is stalling. Again, that is before the full effect of the credit crunch has set in. All the witnesses told the committee that increasing the supply of housing is essential. They also said that preventing homelessness is important.

Labour has welcomed the Scottish Government's recent announcements on extensions to the mortgage to rent scheme, and although we might be a little more sceptical about mortgage to shared equity we accept that it is yet another option for people in difficulty.

The cabinet secretary could be doing more. Why will she not follow the UK Government example for people who are facing court action? Last year, £10 million helped 160 households threatened with repossession, and the Scottish Government has said that there will be £15 million this year. That

can perhaps help 200 or 300 households, but when the number of households that are facing repossession is rising towards 1,000 a month, is it really enough?

I will listen to what the Conservatives say about their amendment, but at this stage I am not sure that we can support it.

I acknowledge that the Scottish Government has brought forward £120 million—I welcome that—but we are very concerned about how slow it was to get the money out and working. So far, £35 million has been allocated, but only £10.5 million is actually to build homes. I understand that buying land at this time might mean a good deal, but additional funding will be needed to make the £12.8 million worth while—by actually building houses.

Serious doubts have been expressed about the £11.5 million for stock already built. We have yet to see any evidence that that was a good deal. It certainly does not do anything for the construction industry or unemployed builders.

Today, the cabinet secretary has an opportunity to show that she understands the challenges that face housing and that she has plans to tackle them. The number of repossessions is rising; the number of houses being built, in the public sector and in the private sector, is falling; and measures to tackle homelessness are stalling. I say to the cabinet secretary that it is now time for action.

I move,

That the Parliament notes the growing crisis in Scottish housing with rising numbers of repossessions, the continuing challenge of homelessness and the falling number of houses being built; calls on the Scottish Government to ensure the urgent and effective implementation of the accelerated spending programme, introduce a realistic housing association grant formula and negotiate with the housing association movement a range of flexible models of procurement, and further calls on the Scottish Government to examine, as a matter of urgency, alternative means of expediting the provision of land and infrastructure and the regeneration of communities.

10:36

Jamie McGrigor (Highlands and Islands) (Con): I, too, congratulate Alex Neil on his new position. I look forward to debating with him in the future.

The Scottish Conservatives welcome today's debate. We have been consistent in that we have opposed the SNP Government's decision to sanction a new generation of council houses. We continue to believe that what funding is available to build new social housing for rent in Scotland should go to our housing associations. Housing associations have demonstrated that they have the expertise and experience to create good new housing in sustainable mixed communities. Their

record often stands in sharp contrast to that of councils. That is surely backed up by the recent second-stage stock transfer from the Glasgow Housing Association to smaller associations, which was voted for almost to a man and woman.

The SNP Government may be playing to its left-wing supporters by talking about taking over the mantle of John Wheatley, but I point out that, under the Conservative Government of Harold Macmillan, we built more council houses than almost anyone. However, those were different times; we do not now believe that that would be in the interest of people in Scotland who are waiting for a good-quality social home to rent. The people in former council houses in Glasgow have demonstrated by their votes that they prefer local housing associations.

Just for the record, in the past 25 years, the only year when more than 6,000 homes for rent were built by social landlords was 1995, under a Conservative Government.

I have listened to the concerns of housing associations about the negative impact that changes to the housing association grant are having on their ability to provide affordable homes. Indeed, on behalf of housing associations in the Highlands and Islands, I corresponded with the former minister repeatedly. It seems, judging by the cabinet secretary's announcements yesterday, that ministers have gone some way towards addressing some of the worries that exist—albeit at a very late stage for many housing associations, when many have already made financial decisions for the coming year, and for a temporary period only. I will be interested in the reaction of housing associations.

Our concern was to ensure that any changes in the HAG must result in more houses being built, not fewer, as seems to be the case. Ministers have yet to present a convincing case as to how housing associations will be able to find the estimated extra £5,000 or £6,000 private loan per unit—which they will still need even after yesterday's announcement—when the availability and costs of borrowing are more restricted and more expensive than when the changes were introduced.

I note the SFHA's concern that Scottish Government thinking is wrong to blame the housing associations for being inefficient developers and for rising HAG levels over the past five years when, in fact, housing associations, just like private developers, have had to deal with sharply rising land prices and higher construction costs. We always strive for efficiency and we welcome the void assumption being reduced from 2 per cent to 1 per cent, as we all want as few houses as possible to be empty, but we also understand that housing associations have to

compete with the private sector for available land. Ministers need to work as closely as possible with the housing association sector to deliver the affordable housing units that we all want to see.

The housing association sector stands ready to help the Government deliver its housing targets, but it needs the appropriate support to do that. The briefing that I received from Construction Skills Scotland was extremely useful. I am glad that it is undertaking a detailed analysis of the house-building sector's skills and training requirements as well as planning reform.

As our amendment makes clear, we believe that any debate about the future of our social housing in Scotland must also consider stock transfer. David McLetchie will say more about that later in the debate. As I noted in December, the very high percentage of tenants in all five areas of Glasgow who voted in favour of second-stage transfer—83.8 per cent was the lowest figure and 95.2 per cent the highest—demonstrates the genuine public support that exists for locally accountable housing associations that are rooted in our communities. The local authorities that have gone through the stock transfer process are reaping the benefits while those that have not are generally seeing only minimal investment in their council housing stock.

At the time, the Minister for Communities and Sport welcomed the result of the second-stage transfer in Glasgow. Will the new minister and the cabinet secretary follow the logic and allow tenants from across Scotland to vote for first-stage transfer with all the benefit that comes from it? It is surely a no-brainer financially to see housing debt wiped out by the Treasury, and at a time of pressure on public expenditure—which the Cabinet Secretary for Finance and Sustainable Growth spoke about yesterday—most people in Scotland would expect their Government to pursue that with every effort.

I move amendment S3M-3427.1, to insert at end:

“; welcomes the second-stage stock transfer to local housing associations in Glasgow; notes that housing stock transfer in Scotland would achieve £2 billion of debt write-off from HM Treasury, and therefore urges the Scottish Government to engage proactively with the 26 local authorities yet to transfer their stock with a view to effecting stock transfers to community-based housing associations and facilitating further investment in affordable housing in Scotland.”

10:41

The Deputy First Minister and Cabinet Secretary for Health and Wellbeing (Nicola Sturgeon): I thank Stewart Maxwell for his contribution over the past two years. Many of the achievements that I will talk about today are, in no

small measure, down to his hard work and commitment. Subject to Parliament's approval later today, I am very much looking forward to working with Alex Neil who, I am sure, will carry on that good work and create plenty of thunder of his own.

We will support Labour's motion today because, thanks to Gordon Brown's mishandling of the economy, the number of reposessions is rising. In response, the Scottish Government is providing more help and advice and a £35 million home owners support fund.

Duncan McNeil (Greenock and Inverclyde) (Lab): Will the cabinet secretary take an intervention?

Nicola Sturgeon: Not just now.

Homelessness is still a challenge, which is why we are working so hard towards the 2012 target. The construction industry needs support, which is why we have accelerated £120 million of housing investment to this year and next year—twice as much, pro rata, as England. This year's allocation is fully committed and will support the building of more than 1,700 new homes throughout Scotland.

Johann Lamont (Glasgow Pollok) (Lab): Can the cabinet secretary tell us what proportion of the money that the Government has brought forward is being spent on supporting development rather than on land banking or on buying off-the-shelf housing that already exists?

Nicola Sturgeon: Most people who know anything about housing recognise and agree that the sensible way to use the money is to support new development, to give housing associations the opportunity to purchase land and to help the housing industry by buying, where appropriate, off-the-shelf units. That is what we were asked to support and what we are supporting. For all those reasons, we will accept the Labour motion.

Nevertheless, the motion is lacking: it lacks contrition and, to be frank, it lacks an apology. Labour's record on affordable housing was simply woeful. In the words of Iain Gray, Labour passed

"the best homelessness legislation in the world"—

which it did—

"but ... didn't build the housing to make it work."

How true. Labour promised to build 7,000 social houses for rent a year. However, during its 10 years in government, it completed on average fewer than half that number. I know that Labour members do not like to hear this, but in the last four years of the previous Administration, Labour managed to build a grand total of six council houses. So, we will take no lessons from Labour on housing.

Mary Mulligan: Will the cabinet secretary give way?

Nicola Sturgeon: I will not, just now.

I contrast that record with the record of the current Government. Yes—the total number of houses being built is falling due to the downturn in the private market. However, in the first year of this SNP Government, we started more public sector houses—including more social houses for rent—than had been started at any time since the early 1990s. Since we took office, more than 430 council houses have been started and our £25 million fund will deliver up to 1,000 more.

Mary Mulligan referred to the number of completions in 2007-08: the number of completions in that year was driven by the number of houses that Labour had started in the previous year. The number of new-build completions is projected to be higher this year than it was last year and we have, in addition, made clear our intention to end the right to buy for new-build social housing—an intention which has been shamefully opposed by Labour. All that is backed by funding that has risen by 19 per cent over the previous spending review and which will, in the next financial year, reach a record spend on affordable housing.

Of course, it is incumbent on us not just to spend more but to get more houses for our money, which is why we revised the HAG assumptions last year. We were right to do so. Nevertheless, the world has changed and we have listened, which is why yesterday we announced new assumptions that have been welcomed by the SFHA and described as a "considered response". That demonstrates that we are a listening Government. We will continue to listen during the consultation on investment reform.

We recognise that we live in difficult times, but we are committed to working with all partners to get through them. This Government will not only oversee the best homelessness legislation in the world, but will build the houses to make it work.

10:46

Ross Finnie (West of Scotland) (LD): I await the vote of Parliament before I extend congratulations to whomever might be the new housing minister. Nevertheless, I say in passing that we are looking forward to housing debates being conducted on a calmer, more measured and more considered basis. I think that I speak for the whole Parliament in saying that we look forward to that—although not with much hope.

This is an extraordinarily serious issue. As we all know, economic conditions have changed dramatically. Often, when economic

circumstances change, we make decisions to pass off commitments or shuffle them to one side because they are further down the road and we think that that is the easier response. I am glad that, in the debate so far, there is an understanding that the homelessness target for 2012 must never be set aside simply because we face particularly difficult economic circumstances. We must not allow the people who are most affected by downturns in economic circumstances to become the victims of policy decisions that would make their position much worse.

The situation is extraordinarily complicated. Mary Mulligan was right to point to the very real dangers and difficulties that are emerging, particularly for people who are facing repossession. The mortgage to rent schemes and the variations on the mortgage to equity scheme that came about as a result of the recent report, which suggested improvements in those schemes, are a help, although like Mary Mulligan, I remain slightly sceptical about the suggestion that the existing legal protections will be sufficient to deal with the absolutely overwhelming increase in the number of repossessions.

The task that the motion sets us is to ensure that there is still a flow of houses becoming available on the market. I will make one observation on that, which I have made before. In reacting sensibly and responsibly to the current crisis, we should acknowledge that we are not trying to boost the availability of homes in order to recreate the market whose bubble has just burst. Rather, we are trying to build a market that recognises that some aspects of the previous model were much misguided. To that end, I hope that the emphasis in the private sector and among housing associations will be far more on building houses to rent than on building houses to buy. There is an urgent need to build a substantial rental sector in Scotland, taking into account the fact that the circumstances in the housing market will be very much changed for a long time.

I do not agree entirely with what Johann Lamont said in her intervention. The use of the £100 million to buy up land banks or houses is not necessarily a bad thing, provided that that money circulates round the housing market. It makes sense to enable those who are in the business to continue to develop housing, but it does not make sense to pay someone outside the market.

Johann Lamont: I was making a serious point about the balance of spending. One reason why the money has been brought forward is to sustain the construction industry, but that particular spend will not do that. The building industry is concerned about that.

Ross Finnie: I accept that proposition. The Government, in difficult and constrained times, has

seriously to consider the amount of money that is available. I am pleased that the HAG formula has been adjusted, although Mary Mulligan is right to point to the continuing difficulties with it. There must be closer discussion between the Scottish Government, which is funding HAG, and the banking sector. If that money comes from the public purse, the Government and the banking sector must discuss how that sector can be assisted back into the market to facilitate housing associations' tackling of the issue.

I note that Jamie McGrigor's amendment is not entirely dissimilar to the amendment that he moved on 8 May last year and which, notwithstanding the reservations that Labour has expressed this morning, Labour supported. If we are going to try to inject more money into the system and ensure that there is a greater flow of cash—which seems to be the nub of the matter—the policy instruments that we are discussing appear to be fit for purpose. However, if we cannot facilitate that flow of funding, we will all be extremely disappointed. We will, therefore, support Jamie McGrigor's amendment.

Finally, I make one plea to the cabinet secretary. I know that the point that she makes sounds terribly clever, but I find it childish and churlish that she distinguishes a house that is built with public money by a housing association from a house that is built with public money that goes to a local council. To go on and on about only building six houses is churlish. The member is a far better cabinet secretary than that, and the remark is not worthy of her—I wish that she would drop it.

The Deputy Presiding Officer: We move to the open debate. I can give members about five minutes each.

10:52

Hugh Henry (Paisley South) (Lab): If Parliament is disposed to sanction Alex Neil's appointment as minister, a gain for the ministerial team will be a loss for "Newsnight"—I am sure that the BBC is taking steps to plug the gap. One of the things that has unfortunately marked the housing debate over the past 18 months to two years has been a mixture of stubbornness and stupidity. Alex Neil is not known for stupidity, and I hope that he will bring his calming influence to change the stubborn attitude that has developed among his colleagues in the Administration.

The "Firm Foundations: The Future of Housing in Scotland" document would have been better titled "Building on Quicksand". It has managed to alienate and alarm the housing movement throughout Scotland, including people who are politically well disposed towards the SNP. They do

not have a good word to say about the current housing policy.

I could make a number of political points, but the problem that faces the housing sector in Scotland is too important for that. We need some sort of movement and solution, and I would rather that we were able to persuade the Administration to admit that it has been wrong and that it will change. I welcome the slight shift that has been announced this week, but it is too little too late: the damage has been and is being done. The increase that was announced comes too late for many schemes—housing associations will have to revise projects to see whether they stack up.

The work is time consuming, and the unhelpful delays will further undermine the construction industry at a time when fast and decisive action could make a real difference in providing not only houses, but jobs throughout Scotland. Housing associations will still have funding problems even under the revised proposals. There will be a rise in private finance contributions, rents could go up by as much as 20 per cent in all the new-build developments and—worryingly—standards could fall. The maintenance of those developments could be affected simply because the money will have to be used to service increased loan-repayment charges.

Lenders are not offering favourable rates, if they are offering to lend money at all. Many are worried about the future viability of some housing associations because of what is going on. Why should housing associations use their own reserves to plug financial gaps? The Administration has ignored warnings from the housing movement. Reserves are built up over time from the rents of existing tenants, and are designated mainly for future maintenance of properties. Why should those reserves be used to subsidise new housing for future tenants?

Bob Doris (Glasgow) (SNP): Does Hugh Henry agree that the reserves estimates in previous HAG assumptions were wrong and that it was the input of new numbers that led to the revised HAG assumptions last year?

Hugh Henry: Mr Doris might want to reflect on the matter and to talk to housing associations about how what happened previously pertains to what is happening now. Housing associations would appeal to return to the levels that were previously available. The Administration needs to revert to the HAG assumptions that were used in the previous financial year to kick-start affordable house building programmes in Scotland. It needs to use the expertise of housing associations, which I think members agree have a proven track record throughout Scotland.

I appeal to ministers to abandon the idea of a lead developer. That model has failed in England, and there is no evidence in the document that any cost savings will be made or that the model has worked elsewhere. Lead developers are just another level of bureaucracy that could cost more money to set up than would be generated in savings. The problem with the rhetoric over the past 18 months or so has been, as Ross Finnie suggested, that it has created an artificial division between council housing and houses that are provided and built by housing associations. I worry that that rhetoric has sought to downplay—if not to undermine—the role of housing associations.

Housing associations in Scotland have proved themselves: it is time for the Government to undo the damage, ditch the dogma and admit that it has got it wrong.

10:58

Sandra White (Glasgow) (SNP): I thank Stewart Maxwell for the work that he did during his term as housing minister, especially the work that he has undertaken with the Glasgow Housing Association, which has been very important to the people of Glasgow. I look forward to working with the new minister if the motion is passed tonight, as I am sure it will be.

The Government has taken steps to increase substantially the position and the provision of social and affordable housing, for which I applaud it. Other members—the cabinet secretary in particular—have mentioned that under this Government more houses have been built, although I will not repeat all the figures. The right to buy that Labour extended to housing associations has been abolished by this Government. Labour applauds those housing associations, and yet it extended the right to buy to include them.

It is a great pity that Mary Mulligan and the Labour Party cannot acknowledge the fact that this Government has, in less than two short years, continued to put in more money and to listen to housing associations. Housing is an important issue, so it is a shame that the Labour Party is, once again, using it as a political football. We should all unite to rid this country of homelessness. It is about time the Labour Party acknowledged that and listened to what the Government has been doing.

Hugh Henry: Will the member take an intervention?

Sandra White: I do not have much time, but I will let Hugh Henry in shortly.

The Labour motion mentions the urgent need to examine

"the provision of land and ... the regeneration of communities",

which is an important point. If those issues are to be tackled, joined-up thinking involving local councils, central Government and housing associations will be necessary. The new planning legislation that is being considered should help in that regard. I sincerely hope that the forthcoming Commonwealth games will ensure that the much-needed regeneration of the east end of Glasgow goes ahead.

Hugh Henry: Sandra White's criticism of the Labour Party is misplaced because we are only reflecting the fears and concerns of housing associations across Scotland. Those worries are being expressed not by us but by the SNP's partners in the housing movement in Scotland. The SNP needs to listen to them.

Sandra White: I have met them and listened to them. I am critical of the Labour Party because it denies that, over the past two years, the SNP Government has done the work that it failed to do over the previous eight years. Labour members should bow their heads in shame, because Labour did nothing on housing. Only the SNP has spoken to the housing associations and addressed the issues that they have raised. Credit should be given where credit is due—that is my point.

Jamie McGrigor's amendment deals with second-stage stock transfer. I mentioned Stewart Maxwell's work with the GHA, which has been extremely important to the people of Glasgow. I have some facts and figures for Jamie McGrigor, to add to those that the cabinet secretary gave. Second-stage transfer is important and will be welcomed in Glasgow, provided that it is supported by the tenants and the housing associations can get a good deal from the GHA. We have learned lessons; people should look at what is happening with second-stage transfer in Glasgow.

I agree with Hugh Henry in one respect—we should reconsider the lead developer model. It might be a bit tricky having one main developer, particularly when it comes to second-stage transfer, so that needs to be examined.

I welcome the increase in HAG funds, which I am sure will help with second-stage transfer in Glasgow, but I caution against their use by the GHA to increase the price of each unit and I seek an assurance that that will not happen.

The road to second-stage transfer has not been an easy one and I understand that some housing associations are still waiting for valuations from the GHA, even though the cut-off point is 30 March. That is worrying, and I ask for ministerial clarification on that. Second-stage transfer in Glasgow has at times been difficult, so I applaud

Stewart Maxwell for meeting the GHA to try to iron out the problems. Second-stage transfer to small housing associations is welcome and represents a benefit to the community. I hope that the lessons that we have learned in Glasgow will be learned by other parts of the country that proceed with second-stage transfer.

I welcome the debate. Housing is an extremely important issue. We must get it right, not just for homeless people, but for people who live in houses that are deemed to be unfit for habitation. I look forward to my questions being answered. Perhaps the Minister for Transport, Infrastructure and Climate Change can tell us about regeneration and land banking, which Johann Lamont mentioned. We must get best value and we must ensure that the people of Scotland have decent housing. Second-stage transfer must go ahead, but only if the tenants want it, and not at just any price.

11:04

Rhoda Grant (Highlands and Islands) (Lab):

As an MSP for the Highlands and Islands, I cannot but be aware of the challenges that are faced in providing affordable housing in rural areas. There are no economies of scale; indeed, we would not want building on a large scale, as that would have a disproportionate effect on a small community.

However, it is vital that people have access to affordable housing. House prices on the open market are often well beyond the means of people in my area, who tend to have to have several jobs, some of which are seasonal and few of which provide the stable income that is required to enable them to borrow privately. We must set against that the fact that the area is sought after by folk who want to buy second homes or who want to move in from other areas. As such people tend to have comparatively large amounts of capital, they often outbid locals.

People should be enabled to live in the communities that they were brought up in and should not be forced out. Only yesterday, there was a story in *The Press and Journal* about a young family from Portmahomack whose private rented lease is coming to an end. Although they cannot afford to buy in the village, they cannot, based solely on their local connections, be guaranteed one of the nine new Albyn Housing Society Ltd houses that are being built there. They face uprooting their family, moving their children out of school and moving elsewhere. However, we should not become so parochial that we allow no one to move into rural areas. More affordable housing provides the answer to the problem.

From speaking to housing associations in my area, I know that the announcement that was

made ahead of the debate—that the housing association grant will be increased by an average of 6 per cent will be welcomed—but that increase will not affect their ability to deliver small developments. The cost of building is much higher in rural areas because of the lack of economies of scale and because of the higher costs of land and of providing water, electricity and other services to developments. That means that rural housing associations will continue to need to apply for additional HAG money.

Such additional funding normally comes with conditions. The Government imposes a higher rent level on properties that receive it. I have mentioned the work patterns in smaller communities, which mean that those higher rents cannot be passed on to tenants because they are unaffordable, with the result that the whole funding equation falls apart because the assumed rent is higher than the actual rent. As it is the actual rent that is borrowed against, there will always be a funding gap between the HAG level and the mortgage on the property. For example, on a house that costs about £125,000 to build, the rental income is £2,800 per annum. The funding gap for that property alone is £7,500. Small rural housing associations cannot afford to finance such gaps, so they cannot afford to build.

If the Government is to allow small rural housing associations to build, it must stop imposing unaffordable rent levels in such communities. Housing associations know their tenants and they know what rent level is affordable in their area, so they are the right people to set a fair rent that takes into account local circumstances. Many of the housing associations in my area tell me that they cannot build under the present regime, which needs to change. Although HAG rises are welcome, the real problem is the imposition of rent levels. That is without taking into account the effect of the credit crunch, which means that a mortgage that was available under the previous rent assumptions might no longer be available. Something needs to be done.

As regards lead developers, I can understand why people might want them, given some of the benefits that they could bring but, unfortunately, we are not working with the right model. I ask the minister to consider the model that has been adopted by the Highland Housing Alliance, which brings all the benefits of a lead developer without causing competition among housing associations. The HHA brings together housing associations, councils and private developers to ensure that development is unblocked and that more housing is developed at efficient costing levels.

As a representative of remote and rural communities, the most important issue for me is that the Government should stop imposing rent

assumptions in cases in which additional HAG is provided. That practice must change if much-needed housing is to be provided in such communities. The impact on the public purse would be small, but the impact on the number of affordable houses that could be built in rural areas would be huge.

11:09

Bob Doris (Glasgow) (SNP): I begin by paying tribute to Stewart Maxwell for all his hard work and commitment as housing minister, for which I thank him. In addition, I congratulate Alex Neil on the new post to which he will, we anticipate, be appointed this afternoon.

I genuinely welcome the Labour motion. Repossessions are a growing and significant problem, and I am glad that the motion acknowledges that. I also welcome the tone of the language that the motion uses in relation to the housing association grant, even if it has not been reflected in Labour members' speeches—although Rhoda Grant's speech was excellent. If time allows, I will return to HAG later.

I hope that we can build a consensus on repossessions. Members will know that I have talked regularly about my massive concerns about private companies offering sell and rent back products. In doing so, I have echoed the serious concerns of the Office of Fair Trading, which has called on the UK Government to regulate the practice via the Financial Services Authority. The Office of Fair Trading has evidence that companies that offer such products significantly undervalue the houses of struggling home owners at the very time when they must count every penny and are becoming increasingly resigned to having to sell their homes in order to tackle mounting debt. The last thing they need is property cowboys robbing them blind by giving them far too little cash for the property that they are being forced to sell.

Of course, the one benefit that families that are forced to sell their homes are supposed to derive is that they can stay in the family property. However, we have seen that that is not always the case, because rent level and security of tenure guarantees are often undermined and people are lied to or misled. The OFT found that that has happened. We hope that the UK Government will very soon regulate the shocking black market in repossessions, which results in pain, heartache and injustice for victims. I received a "wait and see" reply when I wrote to the UK Government on the matter. It is genuinely still considering regulation, which I expect will be introduced shortly. The Scottish Government is also pressing for regulation.

I am a member of the Local Government and Communities Committee. At the committee's meeting this week, the SFHA and Shelter agreed with me that regulation is needed and that such reposessions put pressure on councils and housing associations throughout Scotland in respect of their meeting housing need and homelessness targets for 2012. The Labour committee members also agreed that movement is needed. I think that genuine cross-party support exists in the chamber to work with the UK Government on that.

Mary Mulligan: Given that nobody could see any benefits of the scheme in question, does the member agree with the suggestion that my colleague Patricia Ferguson made which was that to simply abolish it might be more productive?

Bob Doris: I thank Mary Mulligan for her constructive intervention. I listened with interest to what was said during the meeting, and my immediate reaction was that the scheme should be abolished. On that level, I agree with Patricia Ferguson, but I am not sure how someone's ability to sell their house to a third party can be abolished without infringing their individual rights. However, I am interested in the UK Government's proposals. All options are on the table. Let us hope that we get the matter resolved very soon.

I have met the SFHA and housing associations throughout Scotland to discuss HAG levels—as other members have—and it is clear to me that there were two core elements to the call for HAG level adjustments. Our discussions on that were useful, as I think the Government's discussions with those bodies were. My understanding is that the Government has been clear about ensuring that the assumptions that have been used to calculate HAG levels are accurate. The formula was not an issue; the aim was to ensure that the figures in it were accurate. In working out subsidies, under the old HAG assumptions the figures for rent levels, uncollected rent, inflation levels, housing association reserves and so on were not accurate, which led to the revisions for 2008-09. I am delighted that we have a Scottish Government that has moved quickly and confidently to revise HAG levels for 2009-10 in the light of changed circumstances. If the numbers change, the subsidy will change. That gets to the crux of the matter. It is up to members to move forward with cross-party consensus to support local authorities and the housing association movement.

I am not sure how much time I have left. The Presiding Officer has indicated that I can keep on talking, so I will do so. It is not often that she indicates that I can do that.

I want to mention one or two other things that I am proud of. I am proud of the end of the right to

buy new-build properties. That is a core issue. There has been a lot of heat around the issue of six new council houses being built under the previous Administration. We can argue about the numbers as much as we like, but how can local authorities be incentivised to build new council houses if those houses will simply be bought under the right to buy? That approach must end, and we must incentivise local authorities to get back in the market to build affordable social housing. I am delighted that 1,000 or so such houses will come online as a result of a £25 million investment. I hope that they will do so soon.

I thank the Presiding Officer for her patience, and am glad to have taken part in the debate.

11:15

Johann Lamont (Glasgow Pollok) (Lab): I welcome the opportunity to speak in this important debate, although we are necessarily constrained by time. I hope that whoever is appointed as the new housing minister after 5 o'clock this evening will reflect on having a full debate in the chamber on the important subject of housing.

It is important for members to discuss housing and to end the Government's obsession with assertion over action. If ever there was an example of government by alibi, it was Nicola Sturgeon's speech. She talked about what everybody else's responsibilities are and wilfully refused to reflect on her own policy, "Firm Foundations". I hope that she listened to what Ross Finnie said about the six council houses, particularly as her Government has emphasised the continuing and critical role of housing associations in its policy.

The power of the threat of a Labour debate on housing is remarkable: there has been half a U-turn on a key policy on HAG spending. Given the absolute certainty about previous HAG assumptions, perhaps the minister could clarify what consultation of the housing sector took place on the new assumptions. I fear that they may have been plucked out of the air in a panic. Two Mondays ago, the then housing minister, Stewart Maxwell—to whom I pay tribute; I have enjoyed debating with him—stated that the grant formula was costing housing associations an extra £10,000 per house, but that that could be tackled by using reserves or borrowing. Four days later, the Cabinet Secretary for Health and Wellbeing announced that the issue was being revisited. Poor Mr Maxwell. He gallantly defended the Scottish National Party's policy while both the policy's demise and his own were being plotted.

The Parliament has already agreed that the Scottish Government's housing policy is seriously flawed. Despite that, the Scottish Government

persists with it. Cuts in HAG levels will lead to rent increases or increased borrowing at the worst possible time, and the introduction of a lead developer model can be seen as undermining entirely the critical role of community-based housing associations. Are we to assume that the cabinet secretary, in supporting our motion and agreeing that there should be flexibility on procurement, is finally burying the lead developer role? Will she confirm that, given the GHA's role as a transitional body, its aspiration to be a lead developer will simply not be allowed to be fulfilled?

The problem with the "Firm Foundations" approach is that if the Scottish Government persists with it, it will seriously undermine the role of community-controlled housing associations. The approach is predicated on an assumption that housing associations have been feather-bedded in some ways. Reserves are talked about, but the reality is that they are used to plan not two years ahead, but five, 10, 15 and 20 years in advance. The very thing that sustained housing associations at a time when council houses were falling into disrepair because they had been starved of investment is now being used inappropriately.

There is talk of economies of scale. We know the pressures of diseconomies of scale. A big organisation spends without thinking. We need to reassert the importance of housing associations in community regeneration and in sustaining local communities. The Scottish Government must listen to those who tell it that such an approach will strengthen the role of the national housing associations at the expense of local housing associations.

The cabinet secretary must back off. In particular, in summing up, she should address a key point about the implications of the lead developer role that has been raised with me. The lead developer proposals would not allow charities—which the vast majority of the housing associations are—to undertake such a role. Things would need to be changed to allow subsidiaries to do that. Subsidiaries will not be registered social landlords, so they will not be able to receive HAG, which will then go to end users. The reason for the proposal in the first place—to give all the resources to a one-stop shop of regional experts—would be undermined, European procurement rules would apply to the procurement of the lead developer and things would have to be opened up to the private sector. Surely that is not the Government's intention.

We should apply the Swinney test to that policy, bearing in mind that destroying community-controlled housing associations was not in the SNP's manifesto. The Parliament has voted against the policy and times have changed. The worrying conclusion that we have to draw is that

the reason why we shall not get the cabinet secretary to admit that she is wrong—and she is—and the reason why she will not dump the policy along with the local income tax, is that it does not require parliamentary endorsement. The Scottish Government will persist with the policy not because it is right, but because it can. That is the approach of the pre-1999 Scottish Office and its administrative devolution for ministers, rather than that of a Scottish Government that is accountable to Parliament and, through it, to all those who are highly exercised and concerned about the current approach. We all agree that we are in challenging, fast-changing and difficult times, but the test of Government is whether it makes the situation better or worse. This Scottish Government currently fails that test in relation to housing and the sustainability of social rented housing at community level. It is time for the cabinet secretary to recognise that graciously, think again, dump the "Firm Foundations" document and policy—which the Parliament has opposed—and work with housing associations, MSPs and those in the housing sector to develop a housing policy that will make a difference to our communities.

11:21

Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): I put on record my personal thanks to Stewart Maxwell, whom I have shadowed. We had a cordial relationship—the relationship between Government and Opposition spokesmen is one of the better things that we do here—and I am grateful for that.

I look forward to the probable, or possibly probable, appointment of Alex Neil as Stewart Maxwell's successor this afternoon. Despite the fact that he brings what I might call a whiff of brimstone to the job, it will not stop me from engaging with him warmly at all times, although possibly while wearing asbestos gloves.

Mary Mulligan referred to a time of crisis. I state the bindingly obvious: when we go through our post bags and do our constituency work, it is evident that the number of problems that people encounter when seeking houses, new builds or becoming homeless is increasing all the time. I link that with a point that Rhoda Grant made. In my constituency, Portmahomack is an area of housing pressure, as is Dornoch where a lot of wealthy people live. Getting affordable housing there is not easy and the same applies to the west coast of my constituency and some of the remotest locations.

Ross Finnie's point about the redundancy of the six houses argument is well made because we must look at housing in the round. Jamie McGrigor made a pro-housing association speech, but I suggest that he went a little too far in castigating Scotland's local authorities. When I think back to

my time as a member of a housing authority, I remain proud of what we achieved on the ground in providing homes to people who needed them in the Highlands. Years on, those houses are still recognised as being well built and are very much sought after. Sadly, they were also the subject of the first right-to-buy applications. I say to Jamie McGrigor that there is a role for local government and housing associations to work together on land use. Rhoda Grant referred to Albyn Housing Society in the Highlands, which has been successful in working with Highland Council to develop land in a way that the council could not do itself.

My colleague Ross Finnie rightly reminded us that we absolutely must not take our eye off the homelessness target because to miss it would be to let down those people for whom we must work hardest. Ross Finnie also said something to which we will both probably return: there is a place for socially responsible private-sector landlords. There is also a role for local government and, although it is not appropriate for today's debate, if we think back to the powers of district councils in the 1980s and early 1990s, we will remember that there was engagement with the private sector that was productive in housing people.

I refer to Rhoda Grant again and compliment her on her speech. Nicola Sturgeon referred to the £120 million accelerated housing intervention fund. Referring again to my constituency, I hope that the money will be spread throughout Scotland and reach some of its remotest parts.

It would be wrong of me not to refer to the crisis that we are all aware is hitting the building trade. Every such business is feeling the pinch. New housing developments that do not go ahead, or that slow down, hit those businesses hard. I have had many representations from businesses in my constituency in the very far north of Scotland that are feeling the pinch. If that trend is allowed to continue, what will happen? We will see businesses folding, which will make it harder still to return to house building when times are better.

I say to the new minister, who might or might not be Mr Alex Neil, that if he will engage with the problems of the building trade, which are fundamentally wrapped up in building houses, that will be useful and constructive work. I conclude my remarks there, only five seconds over my time.

11:25

David McLetchie (Edinburgh Pentlands) (Con): I welcome today's debate on housing and the measured terms in which the Labour motion is framed. I also welcome Nicola Sturgeon's boast that the SNP Government is at last matching the housing achievements of the Conservative

Government in the 1990s—a Government that, as we know, did more to make housing affordable for the working people of this country than any other in the history of our nation.

The Government is right to say that we need to maximise value for the taxpayer contribution, by way of the housing association grant, to the building of new social housing for rent. However, it would have been foolish to ignore the concerns raised by housing associations throughout Scotland that the proposed changes would have a negative impact on their development plans. We should welcome Nicola Sturgeon's announcement yesterday of the increase in HAG levels. Despite all that is said about new council house building, the fact is that the Government's plans in that area are so modest and tokenistic that housing associations will be responsible for building 90 per cent of the new social housing in Scotland for the foreseeable future. They need to be backed in that task.

I acknowledge that the use of lead developers is designed to maximise value for the taxpayer and the prospective tenant, but I wonder whether a lead developer model is necessarily the best model for every area. Creating a local development monopoly strikes me as anticompetitive, a situation which, in the long term, normally drives prices up, not down, by comparison with a more open market. The Government should not be dogmatic in that respect.

Our amendment focuses once again on housing stock transfer and we make no apologies for it. I welcome the support expressed by Ross Finnie, but I am somewhat surprised that Mary Mulligan was more equivocal, given that we are doing no more than stating the housing policy of the previous Scottish Executive.

It seems extraordinary to us on this side of the chamber that, at a time when it is constantly warning of the impact of forthcoming cuts to Scotland's block grant from the Treasury, the SNP Government should wilfully turn a blind eye to the £2 billion that the Treasury has put on the table to wipe out the accumulated housing debt of local authorities, in return for them transferring their stock to community-based associations. It is all very well for SNP ministers to welcome the partial implementation of second-stage transfer from Glasgow Housing Association to community-based housing associations, but that does not go far enough. It does not disguise the fact that up until 2007 the SNP was hostile to the whole concept of stock transfer and, since coming into Government, it has been pathetically passive. Time and again we have invited ministers to take a more proactive role with councils to facilitate transfers, achieve write-off and leverage in

additional investment but, time and again, SNP ministers have refused to act, notwithstanding the need for affordable housing, which is particularly acute in Edinburgh.

Because of financial constraints, building a few council houses here and there is not the answer, whereas stock transfer could unlock a significant investment that would make a real difference. I hope that the new housing minister, who could never be described as pathetically passive while sitting on the back benches, will bring some of his brio and dynamism to the brief and look again at stock transfer to see whether we can bring about real change. If Parliament agrees to our amendment, it will be the green light that the new minister needs to take a fresh look at the matter. That is why members should support it.

11:29

The Minister for Transport, Infrastructure and Climate Change (Stewart Stevenson): My participation in the debate in no way adumbrates a change in my responsibilities, but it allows me to talk about land provision and infrastructure, to which the last part of the motion refers. In the five minutes that I have, I will try to deal with as many members' points as possible with brio and dynamism.

First, I will make a general point. The first law of epigenetics is that the more highly optimised an organism is for one environment, the more adversely it is affected by a change in that environment. The point is that taking a diverse approach has an intrinsic value. That is precisely why we disagree with and do not sign up to Jamie McGrigor's comment that there is no place for council housing. Of course there is a place for council housing, as part of the diverse housing provision that is necessary to meet our needs.

It is worth noting that the nature of housing tenure is not necessarily linked to how nations work. Twenty years ago, among the countries that now form the EU 27, the country with the highest proportion of rented accommodation was Germany and the country with the highest proportion of owner-occupied property was Bulgaria. Therefore, even with political systems and political leadership, diversity is significant.

Money has—of course—been a thread that has run through much of the debate. Yes—money is difficult to obtain for the Government, for housing associations and for businesses. That is precisely why it is important that the Government has put money on the table to help with cash flow for companies that have unsold stock, for example. This year, we have put in place £35 million of accelerated funding. Of that, £10.235 million is for construction, to deliver 716 new homes, and

£12.72 million is for land purchase. When the former Minister for Communities and Sport and I visited the Irish Government a couple of weeks ago, we found that land purchase has been the key to that Government's ability to engage in many housing developments and in economic development. Land banks give Governments something to bring to the table. The accelerated funding also includes £12.11 million to secure 204 unsold new properties. In total, 1,700 new homes will be supported. More fundamental is the fact that cash will flow back into the system, which will make a real difference.

Ross Finnie chided us somewhat for talking about the low number of council houses that the previous Administration built, so I will say nothing about that. However, by excluding council houses from the way forward and saying that his party will support the Tory amendment, he makes a grosser error than he thinks we made by focusing on the low number of houses that were built. I urge him to think more carefully.

Rhoda Grant made a good point about difficulties in rural areas because of incomers outbidding locals. We recognise those difficulties, which are the reason why diversity and more affordable housing are needed.

Lead developers have been a thread in the debate. The consultation is still in progress. Rhoda Grant said that she had suggestions—let us hear them and we will of course consider them.

In a pretty standard speech, Johann Lamont agreed with many of the Government's arguments yet managed to express her points in a way that suggested otherwise. I will ignore that. However, she made one good point that is worth exploring—that about the tension between economies and diseconomies of scale. Of course room exists for big and efficient national organisations. However, we also need organisations that respond to local needs and are connected to local people. We must achieve the right balance, because that tension exists.

Johann Lamont: Will the minister give way?

Stewart Stevenson: I am sorry—I am almost out of time.

The Government is—undoubtedly—responsible and reliable. We are resilient in the face of change and responsive to change. I am happy to support everything that my colleague Nicola Sturgeon said and, of course, we will support the Labour Party at 5 o'clock.

11:34

Mary Mulligan: The debate has been good. It is clear that most members agree with the Labour group and housing organisations that housing is in

crisis and that the Scottish Government needs to up its game.

First, I will address a couple of linked issues that I did not have time to mention in my opening speech. Labour's motion calls on the Government to respond to the recommendation of the housing supply task force, which reported last Friday, that it should

"examine, as a matter of urgency, alternative means of expediting the provision of land and infrastructure and the regeneration of communities."

I acknowledge the positive contribution that all members of the task force made. The task force's report considers the role of public sector land and asks the Government to consider new models for financing infrastructure. That is particularly relevant when private housing developments, whose developers contributed to infrastructure under section 75 agreements, have been put on hold.

Both those issues could be addressed through a nationally co-ordinated approach along the lines of that of the UK Homes and Communities Agency. Perhaps the Scottish Government's abolition of Communities Scotland was premature.

I will respond to points that were made in the debate. The Conservatives' amendment refers to stock transfer. We welcome second-stage stock transfer in Glasgow to local housing associations, but the amendment is too prescriptive. Not all local authorities carry significant housing debt, so why would they all want to transfer their housing stock? Labour sees the benefits of stock transfer, but its use must be decided case by case and local tenants must have the final say.

David McLetchie: The amendment is not prescriptive or dogmatic; its purpose is simply to ask the Government to engage more proactively with local authorities. Ultimately, deciding whether to proceed is a matter for each tenant area.

Mary Mulligan: I am not sure whether that is what the amendment says.

Mr McGrigor did not make many friends with his speech when, as Jamie Stone said, he criticised council housing. Many councils struggled to maintain their stock when the Tory Government squeezed and restricted their funding. Labour will support all those who seek to build affordable rented housing, whether they are housing associations or councils, where that is appropriate.

Jamie McGrigor: Will the member give way?

Mary Mulligan: I am sorry; I do not have time.

Many members, including Rhoda Grant, Hugh Henry and Ross Finnie, mentioned the problems with operating the housing association grant formula. I am sure that the cabinet secretary

listened to members' concerns and that she will recognise that she needs to go further than her announcement yesterday.

Members around the chamber opposed lead developer status—my colleague Johann Lamont ably underlined that. Perhaps the cabinet secretary could do another U-turn and reverse her position.

As I said, the debate was intended to highlight the housing crisis and urge the Scottish Government to do something about it. Outside the Parliament today, we are being lobbied by the Scottish Trades Union Congress, which is supported by the Scottish Tenants Organisation and other housing concerns. They are not standing in the snow for the fun of it; they do so because they have concerns about the state of housing. Their concerns are that housing need is not being met and that jobs are being lost in the construction industry. Like members, they want the Scottish Government to take action.

I understand that £120 million has been brought forward. However, people are concerned that the Government has been slow to spend that money, does not really know what to do with it and is sticking to house building targets that were set before the money was brought forward and definitely before the present credit difficulties. Finally, as the money is only accelerated and not additional, what will happen in 2010-11?

The Parliament is becoming accustomed to SNP broken promises, such as the dropping of the £2,000 grant for first-time buyers and yesterday's momentous announcement that the Scottish Government has abandoned its plans for a local income tax. I sincerely hope that the cabinet secretary will fight her corner in the Cabinet and will find new money for house building. Perhaps the new minister will help her to find that courage and to keep the promises on house building.

Question Time

SCOTTISH EXECUTIVE

General Questions

11:40

Freight (Far North Line)

1. Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): To ask the Scottish Executive what proposals it has to move freight on to the far north line. (S3O-5919)

The Minister for Transport, Infrastructure and Climate Change (Stewart Stevenson): The Scottish Government offers a number of freight facilities grant schemes to encourage a shift from road to rail. However, the mode of transport for freight is a commercial decision for the freight service provider and the customer.

Jamie Stone: As I drive home on a Thursday night, I find myself having to overtake an endless line of Tesco lorries as I travel between Edinburgh and the far north. Why cannot Tesco put those loads on to trains in the way that Safeway did in the good old days, when goods travelled by rail to Georgemas junction? What are the constraints on the minister that prevent him from making that happen?

Stewart Stevenson: The member will be aware of my recent visit to Inverness, during which I cracked a bottle of champagne over the front end of the new Tesco train that the company will use in that part of the Highlands. In the past, freight travelled to the far north by rail, but recent takeovers have resulted in changes to the distribution network of the supermarkets in question.

I have made it clear to the supermarkets that the Government can make money available to them to help them fund delivery by rail of containers to the far north. If any member can facilitate further discussions on the matter, I would be happy to assist them. Cognisant of my climate change responsibilities, I hope that the member will consider using the train and not the car for his journeys to Tain.

Rob Gibson (Highlands and Islands) (SNP): Can the minister be more specific about the powers that are available to him to ensure that all multiple stores along the route to which Jamie Stone referred furnish their stocks via the rail network? I am thinking of powers that the Parliament has agreed to, including planning powers, and the fact that 95 per cent of those stores are within a mile of the railway line.

Stewart Stevenson: I do not believe that we have such powers. That said, we have the power of persuasion and the capability to offer financial support. The powers that are available to us are applicable in certain limited circumstances and include designating parts of the road network as unavailable to lorries. However, I doubt whether those powers could be applied in this case. I am always happy to look at innovative ways of ensuring that we get freight traffic off the roads. We want on the roads north of Inverness fewer lorries than the 400 vehicles to which I have heard Mr Stone refer.

Mary Scanlon (Highlands and Islands) (Con): I look forward to the day when we follow Asda lorries up the A9 on our way north.

It takes three hours and 40 minutes to travel by rail from Inverness to Caithness. What plans does the Government have to reduce that journey time?

Stewart Stevenson: In terms of the railway network across Scotland and, in particular, rail journeys north of Inverness, the main and early intervention that can be made is to revise signalling arrangements. The signalling north of Inverness is reaching the end of its life. We may follow the example of the Cambrian line south of the border, which was an early adopter of the European signalling system. If we were to follow that route, it would help not only to refettle the infrastructure but to reduce journey times. Although we have yet to make the decision, that would be our likely approach.

Transport Infrastructure (Linlithgow)

2. Mary Mulligan (Linlithgow) (Lab): To ask the Scottish Executive what improvements have been made to transport infrastructure in the Linlithgow constituency since May 2007. (S3O-5953)

The Minister for Transport, Infrastructure and Climate Change (Stewart Stevenson): I am pleased to state that work will commence this month on the Airdrie to Bathgate line. Improvements will also be undertaken to passenger facilities along the entire length of the route. Additionally, under the access for all small schemes programme, work is taking place to install two smart help points and the React navigation system at Linlithgow station. Of course, there is the on-going maintenance of the trunk roads in the Linlithgow constituency, which is covered by Transport Scotland's maintenance contracts.

Mary Mulligan: The minister is aware of my consistent support for a station at Blackridge on the new Airdrie to Bathgate line. He is also aware that the housing company that was to contribute to the funding of the new station by way of a section

75 consent has gone into receivership. The Labour-Liberal Democrat Scottish Executive committed £300 million to the Airdrie to Bathgate line. Will the minister commit the funds that are necessary to ensure that Blackridge station is built, as a number of Scottish National Party MSPs have promised, or will this become another broken SNP promise?

Stewart Stevenson: Mary Mulligan has heard from this minister on many occasions his absolute commitment to the delivery of Blackridge station. We now have to deal with the administrator on the technical and legal issues that relate to the land for the station. On finance, we have identified efficiencies elsewhere in the delivery of the line. As a result, it is likely that financial inhibitions will not cause us any problems.

Mary Mulligan and all members in the chamber should be absolutely assured that I am committed to the delivery of that station. I am working very hard to ensure that, in the face of difficult circumstances, we shall deliver it.

Retired and Senior Volunteer Programme

3. Mike Pringle (Edinburgh South) (LD): To ask the Scottish Executive what support it will offer retired and senior people wishing to volunteer following its decision to withdraw funding from the retired and senior volunteer programme. (S3O-5913)

The Minister for Enterprise, Energy and Tourism (Jim Mather): We believe that volunteering plays an important part in creating strong communities. We support Volunteer Development Scotland in its role as the Scottish centre of excellence in volunteering and we have provided £11 million over three years to support the 32 volunteer centres across Scotland. Many retired and senior volunteers make considerable use of the services that are offered by the volunteer centres.

Mike Pringle: In his written response to a constituent of mine who raised concerns about the ending of the RSVP grant, the minister said that he had encouraged Community Service Volunteers to engage further with community planning partnerships and local authorities to find funding.

As much as the minister would like to pass the buck to local government, he knows that councils with hard-pressed local budgets and burdensome central Government targets will struggle to fund the programme. Given that the March deadline is fast approaching, will he offer some central support for retired and senior volunteers, or will he persist in making the £1 million funding cut?

Jim Mather: I do not agree with the member's analysis. The grant has run its natural course of

three years, and CSV has known for many months that funding will come from the local level. Transitional funding could divert focus from the need to make strong connections with the CPPs and weaken the single outcome agreements. The change is on the table, and there is broad acceptance of the new reality. We have had meetings with Claire Stevens, who is CSV's director in Scotland, and Hammy Smillie, who is a member of the CSV Scotland advisory board. They accept the new reality; the member should do that, too.

Sarah Boyack (Edinburgh Central) (Lab): Is the minister aware that the RSVP supports a range of initiatives across the country, one of which is energy efficiency advice? That service is being rolled out on a peer basis: older people are giving advice to other older people. The service has had huge success in generating lower bills for older people, thereby saving them huge amounts of money. Energy costs are a major issue for older people who are strapped for cash. Is he not concerned that we could lose that service across the country if local authority funding to meet its costs is not found?

Jim Mather: I appreciate the point and value the work that has been done. The fact is that £21 million will be spent on volunteer centres and CSV over the next three years. We have had the conversation with Claire Stevens and Hammy Smillie on how we can help to bind CSV to the Scottish local authority economic development group, the Scottish Chambers of Commerce, the Federation of Small Businesses and the national health service in Scotland. In essence, we are trying to develop a new localism. I believe that that will be forthcoming. I look to the members who have put these questions to help us in that process.

Alcohol Sales (Enforcement of Legal Age Limit)

4. Mr Frank McAveety (Glasgow Shettleston) (Lab): To ask the Scottish Executive what steps it will take to strengthen enforcement of the legal age limit for the purchase of alcohol. (S3O-5945)

The Cabinet Secretary for Justice (Kenny MacAskill): We are implementing the Licensing (Scotland) Act 2005 in line with the previous Government's timetable. The act allows licensing boards to take tough action and crack down on rogue retailers. We have rolled out test purchasing, thereby providing the police with an additional tool—one that is based on intelligence—to tackle underage sales. The police have carried out more than 1,200 test purchases and there is already evidence that that work is proving successful.

However, we need to get out of the mindset that this issue is only about enforcement and only about young people. We know that many young people get alcohol from their home, not from shops. We also know that alcohol misuse affects all age groups, not just young people. That is why we need to kick-start a culture change and to try some new approaches, and that is what we will do.

Mr McAveety: My local Co-operative store in Shettleston Road has developed policies that are aimed at enforcement and at educating younger citizens about access to alcohol. Will the cabinet secretary support Labour's call to make challenge 21 mandatory? Is that a real possibility—yes or no?

Kenny MacAskill: That is the law that was brought in by the previous Administration in the Licensing (Scotland) Act 2005, which will kick in in September. Retailers should not sell alcohol to under-21s unless they are absolutely certain that they are over 18, and should require proof of their age where there is any doubt. Any retailer who breaches that instruction is in breach of licensing law. Mr McAveety is behind the times. That is the law. We accept that it should be enforced, and we commit fully to ensuring that it is.

Having been out in Mr McAveety's city with members of the licensing board on Saturday night, I can assure him that I know that his colleagues on the licensing board also view the matter as vital.

Alasdair Morgan (South of Scotland) (SNP): Does the cabinet secretary agree that the control of underage and irresponsible drinking is far better done via the public house than via the off-licence, where it cannot really be done at all? What measures can he take to switch the balance of advantage from the off-licence to the public house, which is often priced out of the market by supermarkets?

Kenny MacAskill: The Government has been discussing and consulting on that matter. A variety of interested groups and parties are taking positions on the issue of minimum pricing.

I agree with the member that there has been a continuing professionalisation of the on-sale trade and that there is a benefit from the supervision of alcohol consumption by a professional body that should seek to ensure that that consumption is regulated. Last Saturday in Glasgow, I saw that the situation is, in the main, well policed and that matters are well dealt with, and I am aware that the situation is the same in other jurisdictions.

As the Deputy First Minister has said, the sale of alcohol at pocket-money prices is unacceptable, and there is, frankly, something wrong in our society when someone can buy cheap, high-strength alcohol for far less than a bottle of water.

Christine Grahame (South of Scotland) (SNP): Will the cabinet secretary give thought to the idea of transferring the responsibility for policing underage sales of alcohol from the police to trading standards officers, who currently have responsibility for detecting underage tobacco sales? I submit that that would be a more efficient arrangement and would release police for other duties.

Kenny MacAskill: There is some merit in that suggestion. These matters are under constant discussion. In my experience, the arrangement between the police and the licensing standards officers works well.

If I may hark back once more to my visit to Glasgow on Saturday night, I can tell the member that I met two sets of two licensing standards officers who were out and about. In rural areas, the situation might be different, because the size of the area that is involved often means that the role of licensing standards officers is conjoined with the role of trading standards officers.

We must ensure that the law is enforced. Who should do that is a matter that is, perhaps, best dealt with in partnership, bearing in mind the fact that different arrangements will apply in different localities.

The issue depends fundamentally on the vigorous enforcement of the law to ensure that our youngsters are not sold alcohol when they should not be. Frankly, that is not just a matter for enforcers. As Alasdair Morgan implied, each and every person in the community has a responsibility in that regard. Far too many adults purchase alcohol for youngsters. The real problem is not so much rogue retailers but agency purchase, whether deliberate or misguided, and that has to stop.

Banking Sector Recapitalisation

5. Jamie Hepburn (Central Scotland) (SNP): To ask the Scottish Executive what discussions it has had with Her Majesty's Government regarding its recapitalisation of the banking sector and any impact that this might have on Scottish Government spending. (S3O-5891)

The Cabinet Secretary for Finance and Sustainable Growth (John Swinney): I have been in correspondence with the Chancellor of the Exchequer regarding the recapitalisation of the banking sector and the work of UK Financial Investments Ltd. Any direct impact on Scottish Government spending is likely to arise through the reductions in public spending that are expected to be made by the United Kingdom Government in 2010-11 and 2011-12.

Jamie Hepburn: Although I agree that we should all be concerned about those impending

cuts, I would like to explore another issue relating to the recapitalisation of the banks.

The cabinet secretary will be aware that private finance initiative payments between now and the end of 2033-34 across the UK come to £216 billion. Does he agree that, in the interests of securing better value for the public purse, the recapitalisation of banks that are involved in public-private partnerships or PFI consortia could be renegotiated? Is he as concerned as I am that, in a letter to me, the Treasury ruled that out on the basis that it would undermine the share price of those banks?

John Swinney: Clearly, there is a possibility that those PFI and PPP contracts could be renegotiated. Where doing so would be in the public interest, I would like that to happen, so that we can try to deliver greater value for the public purse and more effective use of those funds as a consequence of the climate in which we now operate.

Malcolm Chisholm (Edinburgh North and Leith) (Lab): Does the cabinet secretary accept that increased levels of borrowing by the UK Government have had a positive effect on Scottish banks, consumers and public services? If so, does he also accept that those increased levels of borrowing will have an effect in due course on levels of public expenditure?

John Swinney: Mr Chisholm takes us on to ground that is certainly causing me a great deal of concern, because the prognosis for public expenditure in the period from 2010-11 onwards is extremely serious. I am aware that the Parliament, which operates within a fixed financial envelope, will be directly challenged by the impact of those UK public expenditure cuts. That is what lies at the heart of the Government's unease at the situation that we face. Quite clearly, Parliament will have to wrestle with the issue in the course of considering the preparations for the 2010-11 budget. That is why I welcomed the initiative from the Liberal Democrats to encourage greater dialogue within the political parties in Parliament on how we can address that situation. I will be taking forward action on that as a matter of priority.

Public Services (Management)

6. Ian McKee (Lothians) (SNP): To ask the Scottish Executive what measures it is taking to introduce the benefits of modern business management techniques to public services. (S3O-5895)

The Cabinet Secretary for Finance and Sustainable Growth (John Swinney): We are committed to ensuring that an appropriate range of modern techniques is used across the public

sector in Scotland. We particularly welcome examples of best practice.

Ian McKee: Will the cabinet secretary join me in acknowledging the success of NHS Lothian's modernisation team, lean in Lothian, in reducing waiting times for computed tomography scans, improving the efficiency of sterilisation of surgical instruments and effecting improvements in many other fields? Does he share my belief that a crucial factor in the team's success is the fact that it involves staff at all levels in effecting change? Does he recommend the adoption of lean techniques, including kaizen blitzes, in other areas of the public sector?

John Swinney: Dr McKee quite rightly applauds the work of the lean in Lothian team, which is particularly commendable. The reduction in waiting times for CT scans from 21 weeks to four weeks is a great tribute to the improvements in methodology that have been deployed.

The Deputy First Minister and I are anxious to ensure that examples of best practice are taken from one aspect of the public services and applied to others. I know that, within the health service, there is a great appetite to ensure that, in many of the areas of activity that Dr McKee mentioned and across the national health service in Scotland, the lessons of the lean in Lothian team are learned.

Secondary School Pupils (Work Experience)

7. John Wilson (Central Scotland) (SNP): To ask the Scottish Executive whether it has proposals with regard to updating and increasing flexibility of the traditional one-week work experience for secondary school pupils. (S3O-5864)

The Cabinet Secretary for Education and Lifelong Learning (Fiona Hyslop): The Scottish Government recognises that work placements for secondary school pupils are an important part of the senior phase of learning in the curriculum for excellence. We will consider fully the findings of our recent research on work experience, and we will work with local authorities and other stakeholders to maximise flexibility and choice and to ensure that placements are relevant and meaningful for all young people.

John Wilson: The cabinet secretary mentioned the "Work Experience in Scotland" report that was commissioned by the Scottish Government. It indicated that work experience has not been updated since the 1980s. Will it be updated to take account of the number of students who remain in school in secondary 5 and secondary 6, in order to ensure that they receive more targeted and relevant work placements?

Fiona Hyslop: It is appropriate that we update work placements. Vocational learning has to be

improved. Traditionally, there is one block of vocational training in S4, but I think that flexibility to depart from the traditional one-week block would be in order. Suggestions on that will be welcome as we move towards rolling out improvements to work placements for senior pupils in secondary schools.

Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD): The cabinet secretary will be aware that, until last year, work experience for pupils at Borders schools was co-ordinated within the Borders with Careers Scotland staff. As a result of the creation of the centralised quango, Skills Development Scotland, that co-ordination is now done from Paisley. How on earth can the Government expand work placements when the necessary organisational work is not being carried out at a local level?

Fiona Hyslop: Scottish Borders Council is more than capable of ensuring that pupils from its secondary schools have relevant placements with employers. The curriculum for excellence provides us with great opportunities for innovative and more flexible delivery. Scottish Borders Council is fully capable of rising to the challenge.

The Presiding Officer (Alex Fergusson): Before we move to questions to the First Minister, I invite members to join me in welcoming to the gallery His Excellency Jan Winkler, the Czech Republic's ambassador to the United Kingdom. *[Applause.]*

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-1446)

The First Minister (Alex Salmond): I have a variety of engagements to take forward the Government's programme for Scotland, including an arranged call with Rhodri Morgan, the Welsh First Minister.

Iain Gray: That will be a change from yesterday, when the First Minister threw the Government's programme for Scotland into reverse. Yesterday, when he dumped his flagship local income tax, he was caught redhanded selling short Scottish voters—his own definition of a spiv and speculator. This week, even the bankers had to say sorry. Will he say sorry to the Scottish voters for the way that he conned them?

The First Minister: Apologies are required from the council tax cabal of Labour and the Tories, who have voted to uphold the council tax in Scotland—it is a Valentine's day love-in between the Labour and Conservative parties. There should also be apologies from those at Westminster who are planning £500 million of cuts in Scottish public services.

As I said, I am calling Rhodri Morgan this afternoon. In preparation for that call, I looked through what Rhodri Morgan has had to say about proposed public spending cuts from Westminster. In December, he said:

"now is the wrong time to be cutting public spending".

If Rhodri Morgan can speak for Wales, why is Iain Gray not allowed to speak for Scotland?

Iain Gray: Sorry truly is the hardest word. As usual, the First Minister, in a crisis, blames everyone, blames early and blames often. As the First Minister retreats in the snow from his local income tax, like Napoleon from Moscow, he is still shaking his fist and declaring that local income tax will be back. However, we all know that LIT is just a bad policy. It would damage the Scottish economy and destroy local services. Even the Tories have told the Scottish National Party that, and they know all about bad taxes and destroying services. The First Minister conned the voters once with LIT; it would be shameless to try to con them again. Will he dump this unwanted and unworkable tax for good?

The First Minister: There is no point in Iain Gray attacking the Conservatives—he and the

Conservatives have been combining to vote down local income tax in the Parliament.

The SNP manifesto had 94 headline manifesto commitments. I am delighted to tell Parliament that we have already achieved 46 of them—almost half—and, as Labour members know, we are not yet halfway through the parliamentary session.

I remember a revealing interview given by Iain Gray, when he became the Opposition leader, in which he explained why Labour had not implemented its promises to reform council tax. He said that the previous proposals were drawn up

“on the back of a fag packet”,

so I do not think that Iain Gray is in a position to lecture any party about proposals for local government finance.

Iain Gray: Let us see what position the First Minister is in to lecture us about competence. Two weeks ago, the Parliament threw out the First Minister's budget, because it was not up to the job. This week, the First Minister threw out three of his ministers, because they were not up to the job. Yesterday, he threw out his flagship policy, because it is not up to the job. The First Minister's credibility is shot to pieces. Is it not Alex Salmond who is not up to the job?

The First Minister: Last week, the budget was passed by a resounding majority, with the support of the Labour Party. As for ministerial changes, I have been glancing back at the previous two sessions. If we exclude changes that were made for tragic reasons, there were 21 changes to the Labour-Liberal Democrat Administration in two sessions. The figure includes Frank McAveety, who managed to resign twice—once in each session. This Administration is a sea of calm compared with the chaos that reigned during the Labour-Liberal Administrations. Perhaps that is why we are leading in the opinion polls and support for Scottish independence is strengthening, as people recognise the implications of a £500 million cut in Scottish public expenditure, planned by Westminster and accepted by Iain Gray.

The Presiding Officer (Alex Fergusson): This is Iain Gray's final question.

Iain Gray: Here is the manifesto that Mr Salmond was talking about. Paying off student debts—that is gone. A replacement for public-private partnership—that is gone. Replacing the council tax—that, too, is now gone. The only flagship policy in the SNP manifesto that is left is independence—tearing Scotland out of the UK. Business does not want that. Trade unions do not want that. It would ruin Scotland's economy. Not a single opinion poll has shown that the Scottish public want independence—not one, not ever.

There is no majority in the Parliament for independence. If that is good enough for LIT, it is good enough for independence. Let us finish the job of tearing up the SNP manifesto. Will the First Minister dump independence, as well, right now?

The First Minister: If Iain Gray wanted the fair system of local tax that we have proposed, why on earth did he not vote for it in the Parliament?

I notice that Iain Gray is trying to avoid the subject of the £500 million of Labour cuts. Is he doing so because of Andy Kerr's remarkable interview on “Good Morning Scotland”, which should be put on the record so that everyone can be treated to the full extent of its absurdity? The highlight was Andy Kerr's response when he was asked what he thought the level of cuts would be. He answered that well, funnily,

“no one knows the exact figure, because it has not been worked through the system.”

However, the analysis that is before the Parliament's Finance Committee points to £500 million of Labour cuts.

As for the referendum on independence, is that really Iain Gray's strongest suit? Let us say that SNP members are still with the Duncan declaration—the commitment from Duncan McNeil on 6 May last year. He said that all Labour MSPs

“agreed with the new policy, some were relieved and that they would support a referendum whenever it was called.”

We are confident that, having made the blunder of stopping a fair system of local taxation in Scotland, even the Labour Party would not try to deny the people of Scotland the right to vote on their future.

The Presiding Officer: We will have one final brief question from Iain Gray.

Iain Gray: Here is what David Bell, the adviser to the Parliament's Finance Committee, said:

“The effect of the changes announced in the 2008 PBR on Scotland's DEL resource allocation coming through Barnett consequential will not be significant.”

This is a fig-leaf to cover up a U-turn on a policy that would not work.

The First Minister: Funnily enough, I have David Bell's paper in front of me here. On the 2010-11 resources, David Bell said:

“If these savings are shared equally across DEL budgets, then the Scottish Government's budget would fall by £380m”.

He went on to analyse the health budget:

“This is not a reprofiling and will mean a recurring reduction of around £125m in the Scottish Government capital budget.”

I point out to Iain Gray that £380 million plus £125 million comes to £505 million. That is a figure that Iain Gray and Andy Kerr had better get used to,

because it will haunt them every day from now until the Scottish general election.

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-1447)

The First Minister (Alex Salmond): I have a couple of meetings with the secretary of state coming up over the next few weeks.

Annabel Goldie: The exchange between the First Minister and Mr Gray highlights two things: that the Scottish Government has indeed scrapped another flagship policy; and that the Labour Party has nothing to offer apart from volumes of verbosity. One thing is clear, however: the council tax remains with us, and only the Scottish Conservatives have a viable plan to reform it, to cut it for every household in Scotland and to go further for our pensioners.

In Labour's recession, a council tax freeze is a welcome first step. Just a few weeks ago, the First Minister agreed with the Scottish Conservatives that a council tax freeze is not enough. Given that we are now keeping the council tax, just what does the Scottish Government propose to do?

The First Minister: I would be the first to acknowledge the Conservative party's enthusiasm for having policies on the matter. Indeed, it has had five policies in the past five years. There was the real-terms freeze—real-terms, note—in 2003. There was a discount of £500 million in the 2005 manifesto. There was cutting half of council tax for pensioners under the manifesto of 2007. Then there was Derek Brownlee's declaration last year that council tax would be cut by about 25 per cent. It culminated in David Cameron's agreement, towards the end of last year, that a council tax freeze was an excellent thing to propose.

I accept that there are elements of sense in those five policies, particularly in the argument for a council tax freeze. When any party in the Parliament puts forward elements of sense, the Government is of course willing to listen. However, I cannot help feeling that what people in Scotland want is a new system of taxation that is fair and based on the ability to pay, rather than attempts to mitigate the impact of the unfair council tax.

Annabel Goldie: The First Minister has just stated the absurd. If the local income tax policy were such a sound, solid, workable and fair one, as he claimed at the time of the election, when he was so intent on wooing voters, why is he not prepared to go to the ramparts to fight and argue for it, and to get it delivered?

The First Minister knows that his policy has been discredited, that it is unmanageable, that it is

incapable of being delivered and that it has been meeting with increasing criticism and condemnation from just about every quarter of opinion in Scottish society. I thank him for giving credit to the Conservatives for at least having a policy on council tax, but he has failed to tell me what the Scottish Government proposes to do, now that it has ditched its discredited local income tax and is leaving us with the council tax. What exactly has he got that he can tell council tax payers about?

We now know—

The Presiding Officer: A question, please.

Annabel Goldie: The jobless total in Scotland has risen by nearly 50 per cent in the past 12 months and all predictions for the economy are chilling. Repeatedly, the Cabinet Secretary for Finance—

The Presiding Officer: No—a question, please, Miss Goldie. I must press you.

Annabel Goldie: Mr Fergusson, given that Mr Gray was allowed five questions, I think that I might be allowed an expanded second one.

The Presiding Officer: Come to a question, please, Miss Goldie.

Annabel Goldie: The Cabinet Secretary for Finance and Sustainable Growth explained that he had the £281 million that would have been necessary to subsidise his now defunct local income tax. Will the First Minister, as the Scottish Conservatives have repeatedly demanded, cut council tax bills for every household in Scotland using that money? That is the only proposal in town at the moment.

The First Minister: Annabel Goldie should come to terms with the £500 million cut in public spending that is proposed by the Westminster Government. We and all sensible parties in the chamber will fight against that, but we cannot ignore that it—or something like it—is being proposed in the pre-budget report. That is something that is coming at the Scottish people, the Scottish Government and the Scottish Parliament.

Annabel Goldie asks what we are going to do. We have every confidence that councils around Scotland will today follow the lead of the four that have already voted for a council tax freeze. We hope and believe that another 18 councils will vote for a council tax freeze in council chambers this afternoon. Why is that significant? It is because the Conservative party, which introduced the council tax, put it up by 40 per cent and, in the 10 years from 1997, under Labour, it went up another 60 per cent. The reason why the council tax freeze in Scotland is so widely welcomed is that those parties—the council tax parties—between them

managed to double the council tax. That is why people in Scotland will think that effective action by the Scottish National Party Government is providing relief for household bills. That is why they continue to support the SNP Government.

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-1448)

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

Tavish Scott: The First Minister's election address for Gordon features smiling people, who said that they were voting for Alex Salmond because he would abolish the unfair council tax. Are they still smiling, or will he simply use the same photo for the next election address?

The First Minister: Tavish Scott and the Liberal Democrats should accept—the votes in the Parliament certainly indicated as much—that it was not going to be possible for us to find an agreement on a proposal for a local income tax to replace the council tax. They should accept that the vote on 4 December indicated that our support for the local income tax was not going to produce enough votes to carry the chamber. It is only a week or so since Tavish Scott accepted that his proposal for a 2p cut in income tax did not carry the support of the chamber. Where am I wrong in saying that, despite our support for a fair system of local taxation, we did not have the votes in the chamber to carry it?

Tavish Scott: I am grateful to the First Minister for mentioning votes in Parliament. This week, the First Minister has got his priorities wrong. He did not appoint a new minister for economic recovery; he appointed a new superminister for independence, grandstanding in Parliament, holding roadshows in every town, wasting taxpayers' money and soaking up time—time that should be used to strengthen small business in the face of recession, to help the eight unemployed people chasing every vacancy, and to turn round stalled economic growth.

We need action on recession, not rhetoric on secession. Why does the First Minister not follow his new Salmond rule of government, which says, "You can abandon any promise, however solemn, as long as you've got a long enough list of people to blame." He can drop the independence bill and put my name on the list of people to blame. Will he focus the Government on finding the way out of recession and abandon the independence bill here and now?

The First Minister: It is only a week since Tavish Scott and the Liberal Democrats supported

the Government's budget. They were able to do so precisely because we accepted and have as policies a range of measures that are helping Scotland to combat recession. As far as small business is concerned, one of the key measures is the small business bonus, which is helping tens of thousands of businesses across the country.

As I interpreted Tavish Scott's first supplementary question, he was attacking the Scottish National Party for being unable to secure a parliamentary majority to implement a manifesto commitment on local income tax. In the second question, he was asking us to abandon a manifesto commitment for an independence referendum. On the day he was elected as leader of the Liberal Democrats, he said that he was "not intuitively against" giving the people of Scotland a choice in their own future. He should go back to what he said on the day of his election, accept the democratic will of the people and support a referendum bill when it is introduced.

Peter Peacock (Highlands and Islands) (Lab): The First Minister will be aware of the shocking report on child protection services in the Moray Council area that was published by inspectors today. The report shows major failings in very basic and necessary child protection procedures. Will he, along with the Minister for Children and Early Years, ensure that the agencies in Moray are left in no doubt about the need for radical improvement in their services? Further, will the First Minister ensure that, within the next six months, inspectors return to Moray to give assurance to the population there and to the Parliament that progress is being made on the change agenda that is required?

The First Minister: The straight answer to the question is yes, I will. The Parliament should recognise the seriousness of the report on Moray Council. We should also recognise that the system of inspection that has been established in Scotland is proving to be extremely effective. Of the reports that we have had so far, 11 have shown no weaknesses in council provision, 12 have shown some areas for concern, which are being addressed, and three, including that on Moray, have shown serious deficiencies or an unacceptable level of performance. Now that an action plan is in place, it is imperative that we have strong and committed leadership from Moray Council and its partners to ensure that the plan is delivered fully. As Peter Peacock suggested, there must be no excuses or buck passing by those who are responsible. We are monitoring Moray Council's performance closely. Any failure to act will be met by action from the Scottish Government.

One issue that should give us optimism on such a serious matter is that, in the other two councils in

which reports have identified serious deficiencies in the vital area of children's services—Midlothian Council and Aberdeen City Council—substantial progress has been made. I hope that I can reassure the member that the Scottish Government will ensure that the same pattern of substantial progress is repeated in Moray Council.

Universities (International Student Visas)

4. Kenneth Gibson (Cunninghame North) (SNP): To ask the First Minister what impact new United Kingdom visa rules for international students will have on Scotland's universities. (S3F-1449)

The First Minister (Alex Salmond): International students make an important contribution to Scotland and they help to sustain and drive forward our economy, even in these difficult times. They also enhance the cultural diversity of our country. We are concerned about the possibility of fewer international students from outside the European Union coming to Scotland. The new system limits them to a four-year visa in the first instance and will introduce additional costs. We are also concerned about the additional administrative burden and expense for our universities and colleges in implementing the system. The Cabinet Secretary for Education and Lifelong Learning has on several occasions written and spoken to UK ministers about our concerns. We will continue to press UK ministers on the issues. Specifically, we urge that dialogue between Home Office officials and stakeholders should continue through the joint education task force.

Kenneth Gibson: As the First Minister is aware, more than 58,000 overseas students study in Scotland. Based on the experience in the United States post-9/11, the Labour Government's plan to introduce new and incredibly complex visa rules could cost Scotland's universities up to £50 million a year, which is why Universities Scotland has expressed serious concerns. Does he agree with Universities Scotland that scaring away overseas students

"with complex regulations would be madness for our economy and madness for our society",

and that

"With America opening its doors to students again, and many other countries stepping up recruitment strategies, this is the worst possible time to tie the hands of Scottish universities recruiting overseas"?

The First Minister: Yes, I agree. I saw a story on that in the *Sunday Herald* at the weekend, which I think contained that quotation from Universities Scotland. Some progress has been made in the past year, although not enough. The new system originally would have required

students to have substantial funds—£800 a month—but, following representations, that was cut. We have lost the Scottish advantage through the fresh talent initiative's two years' leave to remain, as that now applies throughout the UK, but we successfully retained the higher national diploma qualification as a criterion for the scheme. As that pertains only in Scotland, that is therefore still an advantage. We successfully opposed the proposal in a consultation document to cut the leave to remain for academic visitors from 12 months to three months. After representations, that proposal was reversed.

However, those concessions are not enough. The attitude that seems to be displayed through the new system is fundamentally wrong-headed. We should encourage more overseas students into our universities because they strengthen our academic system, universities' finances and cultural diversity. I hope and believe that the entire chamber can unite on that point in getting the argument across to the UK Government.

Claire Baker (Mid Scotland and Fife) (Lab): Does the First Minister recognise that the four-year visa covers the vast majority of Scottish degrees, that renewing the visa should be straightforward for genuine students and that the visa charges are not significant compared with international students' fees? Scottish colleges strongly welcomed the visa moves, believing that they will weed out bogus institutions and students. As he recognises, the previous Scottish Government showed, through the fresh talent initiative, that negotiation can secure more suitable terms for Scotland in relation to immigration and border control. Will he work with the whole Parliament on a cross-party basis so that we can all focus on delivering the improvements that Scottish universities want to see?

The First Minister: Yes, we will work with the whole Parliament, which is what I said in my first answer. However, Claire Baker should recognise that the universities and colleges have very serious concerns about the proposed system. I outlined some of the concessions that we have been able to win from, or agree with, the UK Government over the past year, which will mitigate some of the effects that people are concerned about. However, make no mistake—the colleges and universities are seriously concerned about the nature of the proposals. Although I welcome the opportunity to work with the whole Parliament, and Fiona Hyslop and others will of course make representations to UK ministers to try to persuade them to change their mind on these issues, I merely ask Labour and other members whether it would not be better if we could take decisions on these issues for ourselves as opposed to having to depend on lobbying people from elsewhere.

Human Trafficking

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

To ask the First Minister, in light of reports that around 700 victims of human trafficking for sexual exploitation are living in Scotland, whether the Scottish Government will ask the Scottish Crime and Drug Enforcement Agency to set up an internal specialist unit to tackle this problem. (S3F-1464)

The First Minister (Alex Salmond): Human trafficking is a high priority for the Scottish Government and, indeed, for the Scottish police service. In Scotland, the pentameter 2 operation to target human trafficking in 2007-08 resulted in 56 premises being visited, 35 arrests, 59 potential adult victims being recovered and cash seizures of £17,500.

The Scottish Government has provided funding of £70,950 to the trafficking awareness-raising alliance, which provides support to women who have been trafficked for commercial sexual exploitation and aims to raise awareness among front-line staff in agencies that are likely to come into contact with victims of trafficking.

The SCDEA will continue to work with the eight Scottish forces and with United Kingdom law enforcement agencies to identify and address those responsible for human trafficking.

Richard Baker: Given those disturbing reports and Amnesty International UK's research showing that, within the UK, Scotland has a disproportionate number of victims of such offences, is it not time to establish a unit in the SCDEA to tackle trafficking? Will the First Minister not only continue constructive engagement with UK counterparts on trafficking but consider reform of the law, because the successful police operations in Scotland against these appalling crimes of exploitation, to which he referred, have not been followed by prosecutions?

The First Minister: We will listen to any constructive proposals to address what is a serious problem. The estimate that we provided was based on research that focused on data from the police, the statutory agencies, victims services and non-governmental organisations. They were substantial data. Richard Baker should acknowledge that Amnesty International UK said that it

"welcomes the funding made available by the Scottish Government for local authorities to support victims of other forms of trafficking. Scotland is the only part of the UK with this provision."

Free Personal Care (Food Preparation Charges)

6. Jackson Carlaw (West of Scotland) (Con):

To ask the First Minister, in light of the decision to

prevent local authorities from charging pensioners for assistance with food preparation, what guarantees the Scottish Government will offer that charges hitherto levied will be refunded. (S3F-1455)

The First Minister (Alex Salmond): In her statement to Parliament on 7 May 2008, the Cabinet Secretary for Health and Wellbeing accepted Lord Sutherland's finding that the current legislation on charging for food preparation was not clear. She committed to working with the Convention of Scottish Local Authorities to prepare clarifying legislation.

We have prepared the revised legislation with the support and assistance of COSLA and the Association of Directors of Social Work, and we laid it before Parliament on Monday. That will ensure that there is clarity on those food preparation services for which vulnerable older people who need help with food preparation in their own homes cannot be charged.

The issue of possible refunds of previous charges is a matter for each council. It depends on the specific circumstances and assessed needs of each individual client, in the light of legislation as it applied at that time.

Jackson Carlaw: I thank the First Minister for the first part of his reply, but he must accept that, after two years in government, the new regulations, however welcome, have been a long time coming. Given that his Government supported the resolution of the Parliament last May, what action will he personally take to instruct councils—including Argyll and Bute Council and Renfrewshire Council in the west of Scotland—to reimburse all pensioners who have been illegally charged?

The First Minister: Action has been taken. For the first time, the Parliament's aspiration for free personal care as it was originally envisaged is being backed by the legislative process and by the Government's implementation of the policy. Jackson Carlaw should welcome that, as pensioners and their families around the country most certainly do.

I do not need to tell Jackson Carlaw about the difficulties with retrospective legislation. He knows as well as I do that retrospective legislation is extremely difficult. Obviously, before introducing legislation, we have been encouraging councils to do the right thing by their pensioners. Only a very few councils in Scotland are still charging. For example, Argyll and Bute Council stopped charging from September 2008. I note that one of the few remaining councils that is still charging—Scottish Borders Council—is one of the few that have a Conservative administration. In terms of exhorting councils, we should be exhorting all the

parties involved. Jackson Carlaw should face his responsibilities in that, as we in the Scottish Government are facing ours.

14:15

On resuming—

12:31

Meeting suspended until 14:15.

Question Time

SCOTTISH EXECUTIVE

Health and Wellbeing

General Practitioner Services (Privatisation)

1. Shirley-Anne Somerville (Lothians) (SNP):

To ask the Scottish Government what progress is being made on banning the privatisation of GP services. (S3O-5901)

The Deputy First Minister and Cabinet Secretary for Health and Wellbeing (Nicola Sturgeon): We issued a consultation paper on 22 October last year on our proposals to amend the eligibility criteria for providers of primary medical services. The responses to the consultation supported the Government's key proposal, and we will shortly introduce legislation that will preclude the commercialisation of GP practices.

Shirley-Anne Somerville: The Government's swift action on the matter has been welcomed by both health professionals and members of the public, as the threat of the commercialisation of health services has been a great concern to many. Will the cabinet secretary give further details of the changes that will happen following the recent consultation to ensure that there will be no privatisation of GP services in Scotland?

Nicola Sturgeon: I thank Shirley-Anne Somerville for raising the matter. As she and other members will be aware, vacant GP practices in Scotland are rare, but when a vacancy arose in Harthill a couple of years ago a bid was received from the commercial sector. That brought to everybody's attention the loophole that exists in the legislation.

The new eligibility criteria for which we intend to legislate will require all parties to the contract—all the partners in the case of a partnership and all the shareholders in the case of a company—to be individuals who are engaged in the provision of primary medical services to patients. That will support the principle of a mutual national health service. If a company has shareholders who have only a financial interest in the company and are not actively involved in providing primary medical services, it will not be eligible to hold a contract. That is an important step forward. The approach was warmly supported in the consultation, and members will be aware that the British Medical Association strongly supports it as well.

Housing Associations (West Highlands)

2. Jamie McGrigor (Highlands and Islands)

(Con): To ask the Scottish Executive what support it is giving to housing associations in the west Highlands. (S3O-5863)

The Deputy First Minister and Cabinet Secretary for Health and Wellbeing (Nicola Sturgeon): In the current financial year, the Scottish Government has allocated a total of £20.69 million from the affordable housing investment programme to the six housing associations that operate primarily in the west Highlands. This year's AHIP across the wider Highlands and Islands and Argyll and Bute has increased by 12.3 per cent from £54.45 million to £61.17 million.

Taking into account the accelerated spend and pre-budget report consequentials, we are making £531 million available across Scotland in 2008-09. In the next financial year, that will rise to £644 million, which represents a 21 per cent increase.

Jamie McGrigor: Can the cabinet secretary confirm that Argyll Community Housing Association is measured against a housing association grant benchmark of £73,000 but that the corresponding figure for Lochaber Housing Association is £108,000 per unit? If that is correct, does she agree that the matter needs to be revisited? Surely two neighbouring housing associations that operate in similar geography and housing markets should not have such different benchmarks.

Nicola Sturgeon: The member will be aware that there is flexibility in the HAG system. He is right to say—if this is what he was saying—that there is a national subsidy target of £73,000 per unit. However, the Scottish Government has approved and will continue to approve higher costs under certain circumstances—for example, in rural or island areas—when they can be objectively justified. We will offer higher allowances for smaller associations because we recognise that their costs can be higher. There is scope for local variation when projects are approved if there are additional costs that can be objectively justified.

If different HAG subsidy rates are applied to the two housing associations that the member mentioned, that is presumably because one has been able to demonstrate objectively that it has higher costs and the other has not. If the member wishes to discuss the matter in more detail, I will be more than happy to do so in person or in writing.

Green Spaces (Deprived Communities)

3. Bill Wilson (West of Scotland) (SNP): To ask the Scottish Government, in light of a study by

Scottish researchers published in *The Lancet* on 8 November 2008 showing that populations exposed to the greenest environments have the lowest levels of health inequality related to income deprivation, what it is doing to ensure equitable access to quality green space for the most deprived communities. (S3O-5905)

The Minister for Public Health (Shona Robison): The Scottish Government supports the delivery of well-designed, sustainable places where everyone can access the amenities and services that they need. We provide direct support for the promotion of green space through the funding of organisations such as Greenspace Scotland and initiatives such as paths to health and green gyms. We also fund research into the links between green space and health. "Equally Well", the report of the Scottish Government's task force on health inequalities, recognises the importance of healthy physical environments in tackling health inequalities and outlines the actions that are taken as a result of that link.

Bill Wilson: According to Greenspace Scotland and Dr Richard Mitchell, accurate data on green space are essential for research into health benefits. Green space has been mapped in 25 local authority areas using geographic information system maps and aerial photography. Renfrewshire Council is one of the first to complete that and to put in place systems to update its data. Does the Scottish Government have any plans to support the mapping of the remaining seven local authority areas?

Shona Robison: I will certainly look at that, because it is important that we identify which areas to focus our attention on. It is obviously important for our partnership working with local authorities that we are able to do that.

As part of improving our understanding, we are funding research into the links between green space and health, which will input into policy development across a range of areas. I am sure that we will take that forward with our local authority partners to improve their understanding, too.

St Margaret of Scotland Hospice (Funding)

4. Jackson Carlaw (West of Scotland) (Con):

To ask the Scottish Executive what steps it has taken to secure an agreement over funding between St Margaret of Scotland Hospice and NHS Greater Glasgow and Clyde. (S3O-5870)

The Deputy First Minister and Cabinet Secretary for Health and Wellbeing (Nicola Sturgeon): I understand that NHS Greater Glasgow and Clyde will discuss that matter at its next board meeting which will be held on 24 February. I have said before, and I will say again,

that it is essential that an appropriate and sustainable solution that reflects national and local priorities is achieved without undue delay.

Jackson Carlaw: I recently wrote to the cabinet secretary regarding the progress, or lack of it, in the on-going discussions about the future of the hospice. It appears that those charged with reaching an agreement have lost all confidence in one another, which has led to a complete breakdown in discussions. That Scotland's oldest and largest hospice could be lost on that basis is ludicrous.

I appreciate that the cabinet secretary cannot force a deal, but will she appoint a special representative who enjoys the confidence of both parties and who can realistically be charged with brokering an urgent agreement before the sand runs out on the midnight hour glass for vital continuing and end-of-life care at St Margaret of Scotland Hospice?

Nicola Sturgeon: I thank Jackson Carlaw for the interest that he has shown in this issue and for the constructive way in which he has pursued it. I recognise that members throughout the chamber have a genuine interest in the hospice.

I have said before that I value the services that St Margaret of Scotland Hospice provides, and I believe that NHS Greater Glasgow and Clyde does, too. It is clear that NHS Greater Glasgow and Clyde needs to commission services that it considers are required for the population that it serves and, of course, the hospice has a right to consider what services it feels able to provide.

I note the suggestion that Jackson Carlaw has made—indeed, others have made it before. I understand that substantive options will be discussed at the next meeting of Greater Glasgow and Clyde NHS Board, which will take place later this month. That discussion will provide the basis for future dialogue with the hospice. Given the imminence of the meeting, I do not think that it would be helpful for me to pre-empt it at this stage. However, I appreciate that members will continue to raise the issue and will want to return to it once the outcome of the meeting is known.

Des McNulty (Clydebank and Milngavie) (Lab): I am sure that the minister is aware that the deadline that was originally set for moving from the current arrangements to new arrangements was 1 April. In that context, would it not be appropriate for a meeting to take place between the hospice and the health board in advance of the board meeting on 24 February, so that the hospice has at least some idea of the proposals that will be brought forward for discussion? That would give us the maximum opportunity for the matter to be resolved successfully.

Nicola Sturgeon: I thank Des McNulty for his suggestion and I acknowledge his interest as the constituency member. I am well aware of the deadline, as is NHS Greater Glasgow and Clyde, and I am sure that it will be in the minds of board members when they discuss the issue on 24 February.

I will pass Des McNulty's suggestion to the health board. There has been considerable dialogue—albeit not dialogue that has resulted in a conclusion—between the health board and the board of St Margaret of Scotland Hospice. The most important next step is for the health board to have the discussion on substantive options that will allow it to formulate its response to the hospice's proposals.

I acknowledge the urgency of the issue, as I have always done. Although members might have different views on the process and some of the issues that are at stake, I think that we are all of one mind in wanting the board and the hospice to reach an outcome that satisfies both sides. I hope that that will happen following the next board meeting.

Gil Paterson (West of Scotland) (SNP): I spoke to hospice staff recently, who face uncertainty in their workplace and their lives. Will the cabinet secretary use her influence to encourage the board to say what it intends to do and when it intends to do it? If changes are to be made, will she encourage the board to defer them for as long as possible, to give the hospice time to adapt to whatever is suggested?

Nicola Sturgeon: I thank Gil Paterson for his helpful comments. I hope that there will be clarity after the board meeting on 24 February. I will make no comment about blame or who is in the right and who is in the wrong. I genuinely regret that both sides have not been able to reach a conclusion before now, and I hope that clarity is provided on 24 February and that a basis is found on which the matter can be taken forward.

I will ensure that the health board is aware of the comments of members, including Gil Paterson, and I will ensure that it reflects on those comments as part of the discussions that take place later this month.

Care and Nursing Homes (Waiting Lists)

5. Hugh O'Donnell (Central Scotland) (LD): To ask the Scottish Executive how many elderly people are in hospital waiting for places in care or nursing homes. (S3O-5912)

The Minister for Public Health (Shona Robison): According to the most recently published delayed discharge census, in October 2008, 263 elderly patients in hospital were waiting to move to a care home. Of those patients, 50

were delayed for more than the agreed discharge planning period of six weeks.

Although the level of delayed discharges at the October census was 87 per cent lower than was the case in October 2006, under the previous Administration, the Scottish Government is determined to ensure a positive return to zero as soon as possible.

Hugh O'Donnell: It is helpful to know that the Government is still committed to reducing bed blockages, as they are called. I have anecdotal evidence from people throughout Central Scotland who are concerned that a prime difficulty is to do with funding for places. Will the minister give guidance on that and reassure me that she will do what she can to ensure that funding is available to local authorities and other funders to speed up transfers?

Shona Robison: Local authorities have received record levels of funding, which were reflected in yesterday's announcement by the Cabinet Secretary for Finance and Sustainable Growth. Of course, the priority that delayed discharge is given is shared between ourselves and colleagues in local government. I hope that, because of that shared priority and because of the extensive work that is going on between local authorities and health boards to redesign services, to make them more fit for purpose and to ensure that people can have as quick as possible a transition from hospital, not only will there be a return to zero but—this is important—such a position will be sustained. I am confident that the work of local partners will deliver that.

Community Health Care (Parking)

6. Brian Adam (Aberdeen North) (SNP): To ask the Scottish Government what guidance it gives to local authorities, police and health authorities on parking rights for health care professionals as part of their duties to deliver care in the community. (S3O-5876)

The Deputy First Minister and Cabinet Secretary for Health and Wellbeing (Nicola Sturgeon): No such guidance has been issued. Local authorities are responsible for the operation of parking controls in their areas. We would, of course, expect a council routinely to work with the relevant health boards to ensure that parking controls support health care workers in delivering care to patients.

Brian Adam: Does the cabinet secretary agree that there is a need for a constructive attitude towards the use of residents' car parking spaces and permit-only areas by care-in-the-community health professionals, especially in cities where there is more parking regulation and spaces are

scarce, so that those professionals can carry out their jobs in a timely manner?

Nicola Sturgeon: I agree with Brian Adam that there is a need for such a constructive attitude. Community health workers, by definition, travel around to do their job, visiting people in their communities. I encourage all health boards and local authorities to work together as far as possible—acknowledging that demand for parking always outstrips supply—to ensure that the needs of that important group of health workers are properly taken into account. If there are specific issues in Brian Adam's constituency that he wishes to pursue in more detail, I would be happy to consider them.

Male Survivors of Childhood Sexual Abuse

7. Marilyn Livingstone (Kirkcaldy) (Lab): To ask the Scottish Executive what resources it will make available to meet the needs of male survivors of childhood sexual abuse in light of the recent research report launched at the turning research into action conference. (S3O-5943)

The Minister for Public Health (Shona Robison): As I indicated when I spoke at the conference, which launched the research on the subject, the Scottish Government has still fully to consider the recommendations that were made in the report. SurvivorScotland, the national strategy for adult survivors of childhood sexual abuse, will continue to address the needs of all survivors, including male survivors. The national reference group that was set up to implement the strategy will discuss any relevant action arising from the report.

Marilyn Livingstone: As convener of the cross-party group on survivors of childhood sexual abuse, I am very much aware of the complexity of the issues. I welcome the work done under the survivors strategy, and I congratulate everyone, past and present, who has made the strategy a reality.

As the minister is aware, many male survivors find it difficult to ask for help and support. What steps is the Government taking to ensure that the most vulnerable people are reached and that, when those people come forward, appropriate local services are available to all those who need them the length and breadth of Scotland's communities?

Shona Robison: I acknowledge the long-standing commitment of Marilyn Livingstone as convener of the cross-party group, and I can outline a couple of things that we are doing. We have provided thrive, a Glasgow-based service specifically for men, with funding for a three-year period provided under section 10 of the Social Work (Scotland) Act 1968. We have also provided

health in mind, a service that carries out specific work with male survivors, with funding for the forthcoming period.

That work is important, but it is also important that mainstream service providers throughout Scotland, which might well come into contact with male survivors, are sufficiently sensitive and can signpost people to the right support. I am happy to work with the member to consider how that could be done better. One of the recommendations of the research report dealt with that issue, and I am happy to keep the member informed about how we take it forward.

Affordable Housing

8. David Whitton (Strathkelvin and Bearsden) (Lab): To ask the Scottish Executive what progress has been made in the allocation of accelerated spending on affordable housing. (S3O-5962)

The Deputy First Minister and Cabinet Secretary for Health and Wellbeing (Nicola Sturgeon): The accelerated funding of £40 million for 2008-09 has been fully allocated. Of that, £5 million has been directed towards an increased mortgage to rent scheme and £35 million has been allocated to enable accelerated housing starts, the acquisition of land and the purchase of off-the-shelf units from private developers. The £80 million of accelerated funding in 2009-10 will be allocated as part of the wider affordable housing investment programme process.

David Whitton: First, I commiserate with the former housing minister, Mr Maxwell, who is to be commended for being present in the chamber this afternoon. I always found him to be a decent guy to deal with. Indeed, I wrote to him only last week about a situation in my constituency—I hope that his successor replies to the letter as quickly as I know Mr Maxwell would have done.

The minister has indicated how much is being spent on buying land and unsold private sector stock, but will she tell us exactly how much of the funding has gone into new-build social rented housing, how many houses she thinks will be built with that funding, and when the first brick will be laid?

Nicola Sturgeon: I am glad that David Whitton has welcomed the accelerated funding, albeit perhaps a bit grudgingly. I echo his comments about Stewart Maxwell. I only wish that Labour members were as nice about us when we hold ministerial office as they have been today to those who have left.

I am not sure whether David Whitton managed to catch the Labour debate on housing this morning. It was a good debate, in which the split of the accelerated funding between the three

different options was discussed. Roughly speaking, of the £35 million that has been allocated in this financial year, just under a third—just over £10 million—has gone to accelerated site starts, about £12 million has gone to buying houses off the shelf and another £12 million or thereabouts has gone to land acquisition.

As I said this morning, I believe that it is right to focus on each of those three strands, as long as we can be sure that we are meeting the objectives of our affordable housing programme. Other members agreed that the spend of money in each of those three categories was appropriate and brings economic and other benefits. As I said this morning, the £35 million that has been allocated in this financial year will support a total of around 1,700 additional houses in Scotland, which is very good news.

Cathie Craigie (Cumbernauld and Kilsyth) (Lab): In the cabinet secretary's response to David Whitton's original question, she mentioned the Government's support for the mortgage to rent scheme. The cabinet secretary may be aware that I have raised concerns regarding eligibility for the scheme. Does she agree that in the exceptional financial circumstances in which we are living, it would be an advantage to those people who wish to move from mortgage to rent to have their decision processed before they are faced with repossession orders?

Nicola Sturgeon: I am glad that the member welcomed the mortgage to rent scheme, which has recently been expanded to include mortgage to shared equity, and has attracted significant additional funding.

As the member will be aware, and as Stewart Maxwell covered in his statement to Parliament a couple of weeks ago, we recently concluded a review of the mortgage to rent scheme. I am sure that I will be corrected if I am wrong, but I think that the review was started by the previous Administration. That review has led to some changes in the operation of mortgage to rent, which have been welcomed as sensible.

Suffice to say, though, we want to ensure that mortgage to rent and mortgage to shared equity provide as much support as possible to people who run into mortgage difficulties. However, we have to ensure that we cast the rules of those schemes in such a way that we not only help the maximum number of people but use the money as sensibly as possible. If Cathie Craigie or any other member wants to propose any changes to the eligibility criteria, they are free to do so and we will give them due consideration.

Malcolm Chisholm (Edinburgh North and Leith) (Lab): Will the cabinet secretary tell us approximately when announcements will be made

about the £80 million that is being brought forward to next year? Will she also tell us whether the indicative housing allocations that were given to the Convention of Scottish Local Authorities on Monday contained any of that £80 million?

Nicola Sturgeon: As I indicated in my original answer to David Whitton, whereas the accelerated funding in this financial year has been a separate pot of money that has been allocated to particular projects, the £80 million of accelerated funding for the next financial year will be mainstreamed into the affordable housing investment programme process and budget. The allocations that are given from the AHIP budget will include that £80 million of accelerated funding. As I said this morning, next year's AHIP budget will be record investment, partly because of our decision to accelerate funding.

I forgot to say to David Whitton that East Dunbartonshire and other areas are likely to see a substantial increase in their allocation next year due to the pressures that those areas face. It is right that we are making that record investment, not only in the interests of housing need in the country but because of the significant benefits that it can bring to the economy at a very difficult time.

Housing

9. Jim Tolson (Dunfermline West) (LD): To ask the Scottish Executive what plans it has to upgrade or replace poor-quality housing stock. (S3O-5920)

The Deputy First Minister and Cabinet Secretary for Health and Wellbeing (Nicola Sturgeon): It is the individual responsibility of every social landlord to invest in their stock to ensure that it meets the Scottish housing quality standard by 2015. Where necessary, the Scottish Government and the Scottish Housing Regulator will work with individual social landlords who are having difficulty meeting the standard to ensure that all options are explored fully. Local authorities also have a range of powers and duties to tackle poor-quality housing in the private sector in line with their local housing strategies.

Jim Tolson: Will the cabinet secretary ask her new minister to help my constituents in Crombie? They include Ms Dawne Ireland and her three children, who live in a statutorily defective, damp house with warped metal window frames and doors. Ms Ireland suffers from chronic obstructive pulmonary disease and it is impossible to heat the house adequately using its inefficient coal-fired central heating system. The family faces that situation while living on benefits. I invite the new minister to visit Crombie with me to speak to the residents and to view the unitary housing for himself. Perhaps then he will be able to appreciate

the urgent need for housing association grant to repair or replace those 50 homes.

Nicola Sturgeon: I am aware of the situation in Crombie and thank Jim Tolson for raising it. It is for Fife Housing Association to make decisions about the repair and maintenance of the rented properties in question. The housing association owns the stock and receives the rental income to generate the necessary investment.

Jim Tolson will be aware that the original Scottish housing quality standard guidance made it clear that social landlords were expected to achieve the standard from their own resources. We have advised Fife Housing Association that, if the properties are classed as statutorily defective, it is unlikely that they will be able to meet the standard by 2015. In such circumstances, the landlord has the option to seek an exemption.

I understand that Fife Council included the replacement of the houses as a priority project in its strategic housing investment plan. That is a matter for the council. The properties were included on the basis that the landlord had decided to demolish them and seek to provide replacement houses, but I understand from our latest communication with Fife Housing Association that it now seeks grant funding to upgrade the properties. The Scottish Government and the council need clarity from the landlord about its plans and proposals for the properties. No doubt Jim Tolson will continue to correspond with us on the issue.

Jamie McGrigor (Highlands and Islands) (Con): What is the cabinet secretary doing to encourage uptake of the rural empty properties grant, which can create good-quality affordable housing in rural Scotland?

Nicola Sturgeon: Jamie McGrigor raises an important point. The rural empty properties grant is a good mechanism for upgrading properties. I am more than happy to correspond with him to give him the details on the uptake of the grant. If he has any suggestions for how it could be better advertised or explained to people, we would be happy to consider them.

Des McNulty (Clydebank and Milngavie) (Lab): The minister will be aware of the successful programme of demolition of older high-rise buildings in Glasgow, but is she aware of the problems that exist in West Dunbartonshire, particularly Clydebank, which has a high concentration of older multistorey buildings? I ask her to consider that particular problem in the context of reaching the refurbishment standard for houses in the future.

Nicola Sturgeon: I undertake to consider that. As I said earlier, it is the responsibility of social landlords to bring the houses that they own up to

standard. However, if there are issues, the Scottish Government and the regulator regularly have discussions to determine what further can be done.

From memory, I think that discussions on the issues in Clydebank are under way. I will confirm that to Des McNulty in writing in case my memory is leading me astray. If discussions are under way, I will update him; if they are not, I will correct the false memory.

Scottish Ambulance Service (Meetings)

10. Bill Aitken (Glasgow) (Con): To ask the Scottish Executive when the Cabinet Secretary for Health and Wellbeing last met the Scottish Ambulance Service. (S3O-5871)

The Deputy First Minister and Cabinet Secretary for Health and Wellbeing (Nicola Sturgeon): I chaired the public annual review of the Scottish Ambulance Service on 24 September last year and I meet the chair of the Scottish Ambulance Service every month at my regular meeting with all national health service board chairs. In addition, Scottish Government officials meet with the service on a regular basis. I last met the chair and, indeed, the acting chief executive of the Ambulance Service when I officially opened Caledonia house in Cardonald, which is where the west emergency medical dispatch centre is now based.

Bill Aitken: The cabinet secretary is no doubt aware that in an NHS Scotland staff opinion survey that was carried out three months ago, which was prior to some of her meetings, only 12 per cent of ambulance staff agreed that their board managed change effectively, only 36 per cent of staff said that health and safety was taken seriously, and only 35 per cent agreed that they were treated with dignity and respect in the Scottish Ambulance Service. What is the Cabinet Secretary for Health and Wellbeing doing to address those issues?

Nicola Sturgeon: It is, of course, for the Scottish Ambulance Service to address the issues that were identified in the staff survey, and I know that it is doing so. It is incumbent on any NHS board to respond seriously to such issues. I accept Bill Aitken's points about the Ambulance Service, but it would be remiss of me not to point out that the staff survey, which is carried out every two years, demonstrated improvements in almost all indicators, which is cause for encouragement.

It is also appropriate at this stage, given that we are talking about the staff survey, to place on record the thanks of us all to NHS staff, who do difficult jobs well in the circumstances. I am more than happy to keep Bill Aitken up to date on the

things that the Ambulance Service will do to respond to the messages from the staff survey.

Dr Richard Simpson (Mid Scotland and Fife) (Lab): Given the challenging targets that, rightly, have been set for the Scottish Ambulance Service, does the cabinet secretary feel that the funding for the service will be adequate to provide for an effective inter-hospital transfer service—which is supposed to be developed—the service that is needed for percutaneous coronary intervention across the west and east of the central belt, and the implementation of the new Health Facilities Scotland guidance on cleaning that is being discussed?

Nicola Sturgeon: Yes, is the short answer. Budgets are tight not only in the NHS but across the public sector, which flows from the tightest financial settlement to the Government and Parliament since devolution. However, within that, like every other NHS board in the country, the Scottish Ambulance Service is enjoying increases in its budget. In addition, the requirement across the public sector for 2 per cent efficiency savings to be recycled into front-line patient care will help the Ambulance Service to ensure that it can continue to meet the very exacting standards and targets that we set for it. All the issues that Richard Simpson cites are important. On the inter-hospital transfer system, for example, the Ambulance Service will have to discuss it and, if appropriate, progress it with other NHS boards. The initiatives are important, and our support for the Ambulance Service is very strong to enable it not only to meet its day-to-day work but to progress as necessary.

Vale of Leven Hospital (Anaesthetics)

11. Ross Finnie (West of Scotland) (LD): To ask the Scottish Executive what action it is taking to retain anaesthetics at the Vale of Leven hospital. (S3O-5907)

The Deputy First Minister and Cabinet Secretary for Health and Wellbeing (Nicola Sturgeon): NHS Greater Glasgow and Clyde's consultation on the future shape of services at the Vale of Leven hospital concluded on 30 January. The health board is meeting on 24 February to consider the responses to the consultation and to agree a set of service proposals that will then be forwarded for my approval.

Ross Finnie: As the cabinet secretary is well aware, the consultation document essentially was predicated on the view that anaesthetic services could not continue at Vale of Leven, which in turn was predicated on the Paisley-centric view of NHS Greater Glasgow and Clyde that we have services either at Vale of Leven or in Paisley. When the cabinet secretary considers the responses, will she undertake to acknowledge at least that

anaesthetic services are provided at the Golden Jubilee hospital and that a more imaginative solution to the problem might be to extend the catchment area for Vale of Leven and provide a service that meets the needs of those who live in that area, rather than pursue the dogmatic approach of NHS Greater Glasgow and Clyde to centralise services in Paisley?

Nicola Sturgeon: I never like correcting Ross Finnie, but since he is such a stickler for accuracy, I feel duty bound to do so. The proposals on anaesthetics in the "Vision for the Vale of Leven Hospital" consultation document are based on the conclusions of two independent reports. I will not pre-empt my final judgment on the issue—that would be wrong—because the proposals will come to me in due course.

I ask all members to acknowledge that the future for the Vale of Leven hospital is now much brighter than it was under the previous Administration, of which Ross Finnie was a member. When I took office as Cabinet Secretary for Health and Wellbeing, the hospital's community midwife unit was to be closed, its mental health wards were under threat and all unscheduled medical admissions to the hospital were to stop. In "Vision for the Vale of Leven Hospital", the future for all those services is significantly brighter than it was, even before we consider the significant increase in planned procedures that the document proposes. Possibly for the first time in a decade or more, the Vale of Leven hospital has a guaranteed future in serving the people of that community. That big step forward is thanks to the efforts of the Scottish Government.

Gil Paterson (West of Scotland) (SNP): Does the cabinet secretary agree that, if services at the Vale of Leven hospital had not been salami sliced under the previous Labour-Liberal Government, anaesthetics at the hospital would not be under any threat?

Nicola Sturgeon: Gil Paterson is absolutely right. There is no doubt whatsoever that the sustainability of anaesthetics at the Vale of Leven hospital has been affected by previous decisions to remove, for example, accident and emergency services. We know that the previous Administration was fond of closing accident and emergency units, but, thankfully, we have reversed that policy and people can breathe a bit easier today. There is no doubt that the Vale of Leven hospital has suffered from the decisions of previous Administrations. That is why it is such good news that the hospital now has a guaranteed and secure future.

National Health Service Dentists (Roxburgh and Berwickshire)

12. John Lamont (Roxburgh and Berwickshire) (Con): To ask the Scottish Executive how many new dentists would need to be deployed in Roxburgh and Berwickshire to deal with patients registered as waiting to see an NHS dentist. (S3O-5865)

The Minister for Public Health (Shona Robison): The responsibility for the overall provision of NHS general dental services in the area rests with NHS Borders, which has plans in place to increase access in its area. The number of dentists providing NHS general dental services in the NHS Borders area has increased from 47 in September 2006 to 54 in September 2008.

John Lamont: As the minister will be aware, more than 6,000 adults in the Scottish Borders are waiting to see an NHS dentist. Does she agree that that number is unacceptably high? Furthermore, will she give me an undertaking that NHS Borders will be instructed significantly to reduce the waiting list in the coming 12 months?

Shona Robison: Access to NHS dentistry has been a long-standing issue in too many areas in Scotland, but the Government is determined to resolve it. I advise the member—I am sure that he will be aware of this—that the new dental centres at Hawick and Coldstream are nearing completion and will be opened by 27 April 2009. They will have state-of-the-art facilities both for staff and for patients. Altogether, 11 new surgeries will come on stream. That will go some way towards relieving the waiting list situation in NHS Borders. I will be happy to keep the member up to date with how NHS Borders plans to address what is a serious situation.

Raigmore Hospital (Parking Charges)

13. John Farquhar Munro (Ross, Skye and Inverness West) (LD): To ask the Scottish Executive for what reasons parking charges at Raigmore hospital diabetic clinic are still being enforced. (S3O-5911)

The Deputy First Minister and Cabinet Secretary for Health and Wellbeing (Nicola Sturgeon): Car parking charges are not being enforced at NHS Scotland car parks. NHS Highland provides diabetes out-patient clinics and dental services from accommodation within the Inverness centre for health science, which is adjacent to Raigmore hospital but is owned by Highland and Islands Enterprise. The centre, which focuses on medical research and training, is served by a car park on its own grounds that is subject to the centre's own car parking policy. The centre's car park is separate from the national

health service-operated car park for Raigmore hospital.

John Farquhar Munro: I thank the cabinet secretary for her answer, but it is quite unreasonable that NHS Highland is prepared to discriminate against a particular section of society in such a way. Will the cabinet secretary agree to intervene at an early date to ensure a level playing field? There should be free parking for all patients and all escorts at Raigmore hospital.

Nicola Sturgeon: The short answer is that I might if I could. However, the clinic and its land are owned and operated by Highlands and Islands Enterprise, which has its own car parks that are subject to charges. I understand that the charges were part of the planning conditions set by the local planning authority. The NHS is blamed and maligned for lots of things, but the issue that John Farquhar Munro raises is not the fault or responsibility of NHS Highland.

Sexual Offences (Scotland) Bill: Stage 1

The Deputy Presiding Officer (Trish Godman): The next item of business is a debate on motion S3M-3308, in the name of Kenny MacAskill, on the Sexual Offences (Scotland) Bill.

14:56

The Cabinet Secretary for Justice (Kenny MacAskill): I begin by acknowledging the work of the Justice Committee in preparing the stage 1 report on the Sexual Offences (Scotland) Bill. I also thank the groups and individuals who gave oral and written evidence on the bill. The bill deals with difficult and legally complex matters, and I am sure that the whole Parliament acknowledges people's contributions.

The Justice Committee's stage 1 report is considered and balanced. I thank the committee for its agreement to the general principles of the bill and I appreciate its detailed and careful consideration of the issues. I wrote to Bill Aitken on 3 February to record our response to the report. I do not wish to repeat everything that was said in the letter, but I will say something about the main issues that were raised.

First, though, I want to set out the broader context of the bill. The previous Administration asked the Scottish Law Commission to review the law on rape and other sexual offences in Scotland and to make recommendations for reform. There is widespread agreement that existing law in this area is unclear and derives from a time when attitudes were very different from today. The bill presents an historic opportunity to reform a complex patchwork of common law and statute, replacing it with a clear, robust legal framework that reflects the values of our modern society.

The question of consent is absolutely central to the definition of sexual offences. Sexual activity without consent is criminal, and yet at present "consent" is not defined in law. It is important that we ensure that the law on consent is easily understood, not only by specialist lawyers but by everyone. That is why there has to be a definition. For the first time, the bill provides a statutory definition of consent as "free agreement", which I think is a concept that can be easily understood by anyone. The bill makes it clear that consent may be withdrawn at any time and that consent to one instance of sexual activity does not automatically mean consent to any other.

The bill widens the definition of rape to include anal and oral rape. Such attacks are perceived by their victims as rape, and it is right that the law should recognise that. Currently, as the Lord

Advocate has remarked, Scotland has one of the narrowest definitions of rape in the world.

By equalising at 16 the age of consent for boys and girls, the bill also addresses a number of inconsistencies in law that protects children from sexually predatory behaviour. The bill will also enable us to prosecute anyone from Scotland who commits a sex crime under Scots law against children abroad.

I take this opportunity to thank the Scottish Law Commission for its detailed and considered report on reform of the law on rape and other sexual offences. The report formed the basis for the bill, and I would welcome the views of members on the provisions.

I will now outline the Government's position on some of the key recommendations in the Justice Committee's stage 1 report. The report recommends that the Government give consideration to the creation of a separate offence of "rape with an object", which would be distinct from sexual assault and would cover situations in which the victim was subjected to a penetrative assault on his or her anus or vagina with an object or other body part. There can be no doubt that penetrative assaults involving objects can be extremely violent and may be perceived by their victims as constituting rape. In view of that, I recognise that there are strong arguments for distinguishing such behaviour from other forms of sexual assault and including it within the definition of the offence of rape.

However, there is a risk that if the definition does not match the public conception, and hence jury members' conception, of what constitutes rape, juries may be reluctant to convict people of the offence of rape with an object. It might, therefore, be more appropriate to create a separate offence of "assault by penetration", which is the approach that was taken in the Sexual Offences Act 2003 in England and Wales. I have made it clear, in my response to the Justice Committee on the matter, that I am keen to reach a consensus on the issue, and I have offered to discuss it with the committee before lodging amendments at stage 2 that reflect the consensus view on this important issue.

Turning to the question of sexual activity between children, I welcome the committee's support for the retention of the age of consent at 16, which the Government considers to be essential. I am pleased that the committee also agrees that children below the age of consent who engage in sexual activity should, in the overwhelming majority of cases, be dealt with by the children's hearings system, which is best placed to consider the welfare of the child, rather than be subject to criminal prosecution.

The committee has recommended that the offence concerning sexual intercourse between consenting teenagers be extended to include oral sex. Members will recall that the Scottish Law Commission proposed decriminalising all consensual sexual activity between 13 to 15-year-olds. However, we had concerns that that might be interpreted by young people as a lowering of the age of consent and a condoning of underage sex. We therefore amended the commission's draft bill to ensure that consensual sexual intercourse between 13 to 15-year-olds would continue to be unlawful. We had restricted the scope of the offence to those activities that carry the greatest risk of adverse consequences, including sexually transmitted infection and unintended pregnancy but, in the light of the committee's recommendation, we will consider whether the scope of the offence should be extended before lodging amendments at stage 2. Before reaching a conclusion on the matter, I would welcome the views of Parliament more widely.

The report states that the committee considers that there is objective justification for treating the genders differently with respect to the criminalisation of consensual underage sex. The committee gives the example of two children engaging in consensual penetrative sex that results in the girl's becoming pregnant. It is stated that it would be highly undesirable and potentially damaging to subject the girl to a criminal prosecution and that referral to the children's panel would be a more appropriate response. It is important to emphasise that the vast majority of children who commit criminal offences will continue to be dealt with by the children's reporter rather than be prosecuted in the criminal courts. It is highly unlikely that the Crown would consider it to be in the public interest to prosecute a girl or boy—pregnant or otherwise—for engaging in consensual sexual activity.

However, the Government's view is that there is a risk that criminalising the conduct only of boys who engage in such activity would violate articles 8 and 14 of the European convention on human rights. In our view, there is not sufficient objective justification for providing as a matter of law that one of the parties is guilty of an offence and the other is not when the act is consensual. We therefore take the view that the offence at section 27 should apply to both boys and girls.

Bill Butler (Glasgow Anniesland) (Lab): Is the Government absolutely certain that not having gender neutrality in the bill would violate articles 8 and 14 of the ECHR? The Government's position is baldly stated in the cabinet secretary's response to the report, but I would be grateful—as, I imagine, other members would be—for some detail on why the cabinet secretary reached that conclusion.

Kenny MacAskill: The best legal advice that we have received to date is that the ECHR requires us to be gender neutral. However, I am happy to give an undertaking to the member and to the Justice Committee to ensure that we provide a more fulsome explanation of the basis of that legal advice. We are driven by the legal advice on the matter, although we note that there are other good reasons.

The bill is not the complete solution to the justice system's response to rape and other sexual offending. We must recognise that reform of the legislative framework alone, although it will bring much-needed clarity to the law, will not in itself be sufficient to address Scotland's low conviction rate for rape. There are other strands of work to reform the law on rape and other sexual offences. The Crown Office and Procurator Fiscal Service conducted a review of how cases of rape and serious sexual offences are investigated and prosecuted, and published a report in 2006. The report made 50 recommendations for reform, which the Crown Office is now well on its way to implementing to improve the way in which rape is investigated and prosecuted.

Robert Brown (Glasgow) (LD): Does the cabinet secretary accept that the gist of that report relates to the issues of the under reporting of such offences, of people being frightened to report them, and of having enough evidence, rather than to the conviction rate in court, which appears to be very similar to that of other European countries?

Kenny MacAskill: Absolutely. We as a Government are clear that matters need to be addressed in relation to legislative changes, which is why the previous Administration asked the Scottish Law Commission to report, and why we are driving the issue forward. Other matters need to be addressed, such as the treatment of victims by the Crown and by police, and attitudes that are held in Scottish society need to be challenged. That is just one part of the way in which we are driving matters forward.

The Scottish ministers recognise that other matters—the law of evidence in particular—need to be addressed. We have therefore asked the commission to undertake a review of certain aspects of criminal procedure and evidence, including the use of the Moorov doctrine. The commission has indicated that it believes that the Moorov doctrine would be best considered in the context of a wider review of the requirement for corroboration. Its conclusions on those issues will be particularly important for the prosecution of rape and other sexual offences.

We as a Government recognise that we need to challenge attitudes. Too many people are prepared to blame the victim. It is shocking that a recent survey found that 25 per cent of people

thought that a woman bore some responsibility for being raped if she wore revealing clothing, and 24 per cent thought that a woman can be at least partially responsible if she was drunk at the time of the attack. That is why we have provided funding to Rape Crisis Scotland for its campaign, "This is not an invitation to rape me", which sets out to challenge myths about rape and negative attitudes towards women.

Challenging myths, assumptions and unacceptable attitudes can contribute to the culture change that is needed to underpin the legislative reforms that we are making as we seek to make Scotland a safer and stronger place.

I move,

That the Parliament agrees to the general principles of the Sexual Offences (Scotland) Bill.

15:07

Bill Aitken (Glasgow) (Con): The genesis of the bill was a decision that the then Minister for Justice, Cathy Jamieson, took in 2004 to remit to the Scottish Law Commission the duty of examining the law that relates to rape and other sexual offences. Her decision was predicated in part by the appeal court's ruling and the Lord Advocate's reference in the case of Reid, but it also reflected a growing public debate with regard to the law on sexual offences in general, with particular questions being asked about whether the law was in touch with the present time and circumstances.

Following the introduction of the bill, the Justice Committee took oral evidence over five sessions in October and November. Evidence was given by 34 witnesses from differing backgrounds, such as charities, church groups, the police, the legal profession and academics, as well as, of course, the Cabinet Secretary for Justice. The committee thanks those witnesses for giving evidence in a coherent and measured manner. Some of the evidence that we had to take was sensitive, graphic and sometimes indelicate. Accordingly, I express my personal appreciation for the professionalism that the witnesses and my committee colleagues demonstrated in dealing with those matters, which were, as I said, sometimes quite difficult.

The committee has reported on the bill in generally favourable terms, although some matters are still outstanding. I thank the cabinet secretary for what I regard as a positive and constructive approach, as outlined in the letter that he sent to me. That will be progressed further in early course.

The committee's methodology involved examining in depth each of the principal sections of the bill in turn. The first issue that concerned us

was the definition of rape. The current legal definition in Scotland is that rape is the offence whereby a man inserts his penis into a woman's vagina without her consent. It is true that the victims of other forms of sexual assault are protected by the laws that relate to sodomy and lewd and libidinous behaviour and, in some cases, by those that relate to assault to severe injury, but the committee was unanimous in its view that an extension of the present law was necessary. The offence of rape should be gender neutral and should include so-called gay rape, penetration of other orifices and wider assaults. In particular, we were convinced that action had to be taken on assaults involving an implement. I am pleased that the cabinet secretary has agreed with that viewpoint, because such assaults sometimes have long-lasting effects and cause horrendous injury. It is imperative that the Parliament and the Government respond.

The second issue that concerned us was that of consent. So-called stranger rape frequently involves violence—which is sometimes extreme—or the threat of violence. It is a terrible offence, but it is an easy one to prove, as consent is not an issue. The investigating and prosecuting authorities find things much more difficult when an alleged assault occurs between parties who are or have been involved in a relationship. In such cases, when the issue is whether consent was granted, it is immeasurably more difficult to prove that an offence has been committed. We have already departed—quite rightly, in my view—from the standards of corroboration that are normally required under Scots law.

It will be interesting to find out what emerges from the Scottish Law Commission's report, but I detect no great political appetite for going any further on the rule of corroboration. However, it can be argued that there is a strong case for examining the operation of the Moorov doctrine to establish whether an extension is necessary. At the end of the day, we will always have to weigh up one person's word against that of another. Although the Contempt of Court Act 1981 precludes us from finding out what is in the mind of a properly directed jury when it acquits, there can be no doubt that juries genuinely find the issue extremely difficult to determine. We will see what happens.

The framework in the bill offers a way forward. Many cases of sexual assault involve heavy drinking or the use of illegal substances. People frequently behave unwisely and they sometimes behave irresponsibly, but they are still entitled to the protection that the courts and the Parliament can offer them. The fact that a woman was drunk is not an excuse for her rape, nor is it a mitigating factor. Indeed, in many respects, it amounts to an aggravation of the offence.

The bill seeks to apply the doctrine—if I may use that term—of reasonable belief. The basis of all law is what is reasonable in the circumstances. One person's reasonableness might be someone else's unreasonableness, but the vast majority of people apply sensible considerations when it comes to human behaviour. I believe that the bill's provisions enable that exercise to be carried out.

As the cabinet secretary said, the bill will certainly result in a change in the present culture. There will still be profound difficulties and no one should be under any illusion that the bill will be a cure-all, but it might well change the culture. It will certainly prompt people to think about their actions. In that respect, it must surely be no bad thing.

Part 4 of the bill, which relates to children and the more vulnerable members of society, to whom we have a special duty, caused us considerable anxiety. There was a unanimous and firm belief that the age of 16 should be retained as the age of consent. Despite what people might say of us, we live in the real world and recognise that children are maturing earlier, but there is no case for reducing the age of consent. That we should not do so came out loud and clear in the evidence.

We were concerned about the risks of certain aspects of sexual behaviour; in particular, we had concerns about oral sex, because it can increase the risk of sexually transmitted disease. Again, I am pleased that the cabinet secretary responded positively on that.

We recognise that regrettable and wrong things happen from time to time, but we must also recognise that children growing up will want to have relationships. In the vast majority of cases, their relationships are perfectly innocent and a normal part of growing up.

The committee considered the issue of legality and the possibility of prosecutions. Again, the unanimous view of committee members was that cases should be dealt with on a welfare basis, except the small handful of cases in which a degree of coercion could be demonstrated. We are conscious that, sometimes, the law should not interfere. Sometimes the law requires to get involved, but only in cases where there exists force that cannot be proven as rape, or where the behaviour of one of the parties has been coercive. We certainly did not want a 15-year-old pregnant girl, for example, to be prosecuted. That would be totally unacceptable.

The bill will help. It will introduce a degree of clarity. Quite a number of issues still require to be clarified—the cabinet secretary recognised that in his correspondence—but there is a sufficiency in the bill for the committee to be able to recommend that it should progress.

Again, I record my appreciation of my colleagues on the Justice Committee for dealing with such a delicate piece of work with subtlety and concern. That is a credit to them.

15:17

Paul Martin (Glasgow Springburn) (Lab): As we conclude our consideration of the bill at stage 1, it would, on reflection, be fair to say that all the parties that are represented on the Justice Committee have made a genuine attempt to ensure that we meet the many challenges that face modern society, particularly those relating to sexual offences. In the short time that is available to me, I will touch on a few of the key issues.

Part 4 of the bill is on children. The policy memorandum states that sections 14 to 19 aim to protect young people. I welcome that. I have no doubt that all members support the public's view that we must ensure that we protect young children at every possible opportunity. Many provisions in part 4 of the bill will do that. We welcome the Government's approach in that respect and its commitment to progressing the issues involved.

We also welcome the cabinet secretary's statement on the provisions in the bill that send out a message to young people that it will be possible to prosecute those aged 13 to 15 who engage in sexual activity. In addition, I welcome his statement that that will happen in a minority of cases and that every opportunity will be sought to use services that are available through the children's hearings system. However, we should ensure that young people are aware that engaging in underage sex presents many long-term health problems and we should seek to prevent those problems at every possible opportunity. We also need to make it clear to young people that we will support them at every possible opportunity.

Margo MacDonald (Lothians) (Ind): A short question: how does the member propose to do that?

Paul Martin: Margo MacDonald makes a good point. Sometimes we in this chamber have to show humility and say that we are not very good at consulting young people and I am sure that other committee members agree that we need to be more effective at communicating with young people. I assure Margo MacDonald that I will come back to that point later in my speech.

If the Government genuinely wants to make progress, it must ensure that it takes on board some of the views that were raised by those who gave evidence to the committee at stage 1. The Government has got it wrong in its justification for treating oral sex differently from penetrative sex and it should reconsider its position. I understand

that the minister will consider that point and I look forward to having constructive discussions.

In response to Margo MacDonald's question, I refer her to one of the committee's recommendations, which was the need for meaningful and age-appropriate materials to be provided to young people in order to support them during the difficult adolescent period of their lives and to give them every opportunity to make positive lifestyle choices. I hope that in his summing up, the minister will give us some assurances that he will consider how we can communicate more effectively with young people and ensure that they are given such opportunities.

Section 35 creates the offence of the

"Sexual abuse of trust of a mentally disordered person".

We on the Labour benches welcome that provision. We all recognise that those who have mental health conditions can be extremely vulnerable. We should take steps to ensure that individuals who are in a position of trust are not provided with an opportunity to abuse. The Lord Advocate offered a powerful statement in her evidence to the committee:

"The exploitation of mentally disordered people's vulnerability must be dealt with in the most draconian way and should include a deterrence element."—[*Official Report, Justice Committee*, 25 November 2008; c 1438.]

The Lord Advocate's commitment to dealing with the issue is to be welcomed and we should ensure that her point is developed in the enforcement of the legislation after the bill is passed at stage 3.

The committee considered carefully the subject of sexual assault by penetration. We received authoritative evidence from many organisations that deal with victims throughout the country, setting out the trauma endured by those who have been assaulted. The committee reached the unanimous view that there should be a separate offence of rape with an object, or with another part of the body, limited to vaginal or anal penetration. What is key is that the committee recommended unanimously that the offence should attract the same penalties as rape. We acknowledge that such a provision exists in England and Wales and we on the Labour benches call on the Scottish Government to take that recommendation forward, ensuring that we learn lessons from the challenges that England and Wales have faced in that respect.

I refer the chamber to schedule 1 to the bill, which sets out the penalties for offences. As I read schedule 1, it sets out the frightening anomaly that the rape of a child could result in a fine. I am convinced that no member in the chamber, or any sensible person in society, wants to envisage a situation in which an offender was fined for such a despicable act. The cabinet secretary has advised

us, in his response to the committee's stage 1 report, that he will ensure that the possibility of imposing a fine as a sole penalty for rape will be dealt with at stage 2 and that under no circumstances will the anomaly apply. I welcome that, and the mature and constructive discussion that has taken place about the matter.

I repeat that we agree with the bill's general principles, subject to the committee's constructive points being dealt with positively by the Scottish Government.

15:25

John Lamont (Roxburgh and Berwickshire) (Con): The bill will update the law on rape and other sexual offences. The Scottish Conservatives agree with the general principles of the bill and will vote for the motion.

The bill deals with an extremely complex area of the law. I acknowledge the Justice Committee's hard work on the bill. I am sure that the debate will be as well informed and constructive as was our previous debate on the subject.

In the short time that is available for my speech, I will touch on several aspects of the bill. First, there is no doubt that reform of the law of rape is long overdue—indeed, academics and practitioners have criticised the Scots law on rape for many years. The non-gendered approach that will be taken towards rape is particularly to be welcomed. It is also important to modernise the law of rape. The old common law related the offence of rape to the possibility of conception. Changing the law to take a gender-neutral approach and to include other forms of sexual penetration is entirely appropriate. I welcome the cabinet secretary's comments on that at the start of the debate.

The bill will create a new definition of consent, which has created many difficulties in the past—the McKearney case in 2004 demonstrated some of those. The bill provides a general definition of consent as free agreement and supplements that with a non-exhaustive list of factual circumstances in which free agreement is not present.

In the debate on the Scottish Law Commission's report on rape and other sexual offences, I made the point that introducing a statutory definition of consent would not necessarily solve all the concerns and problems with regard to rape cases. For example, questions about whether the victim gave his or her true or valid consent will remain, because the line between true consent and mere submission is not always easy to draw. It has been suggested that it might be preferable to avoid using the word "consent" altogether and to focus instead on whether the accused had sexual intercourse with a person who did not have the

freedom or capacity to choose in the circumstances.

The Justice Committee resisted the pressure to lower the age of consent from 16 and we support its approach. That view is supported by church groups and I am sure that members have received a number of representations along those lines. We must recognise that children are maturing earlier, but there is certainly no case for permitting full penetrative sex between people who are 15 or younger.

It is right that the law should state clearly that sex below the age of consent is wrong and that those who do not abide by the law face legal consequences. We must continue to support the use of the children's hearings system to address offending behaviour by children in most cases. The Scottish Government's decision to retain in the bill the option of criminal prosecution for consensual penetrative sex between older children, at the Lord Advocate's discretion, is appropriate. We as legislators must ensure that nothing is done to water down that important principle or give the impression that the age of consent has been lowered or can be ignored.

The Scottish Government is right to seek to amend the bill's provisions in relation to oral sex between older children who are aged between 13 and 15, to ensure that that sexual act is not legalised for that age group. The risk of sexually transmitted diseases must be borne in mind. We therefore welcome the Scottish Government's moves to address the issue.

I will briefly consider the law of evidence. In the circumstances of a sexual offence or rape, it is inevitable that only two people might have been present—the complainer and the accused. Scots law has long recognised that difficulty and has departed from the standard of corroboration that is normal in serious criminal cases. That is entirely appropriate, but we do not support any change in the law of evidence to specify that corroboration is not required. It is necessary for an accused person to have a defence.

Hugh O'Donnell (Central Scotland) (LD): Given developments in forensic science, does the member agree that forensic science might at some point reach the stage at which it, rather than a witness, could provide the necessary corroboration?

John Lamont: I am not sure that that addresses the point that I was making. The accused person is entitled to a defence. We must bear it in mind that sexual assault rightly attracts a high-tariff sentence, so it is only fair that the principle of the presumption of innocence should stand, as should the requirement on the Crown to prove the offence beyond reasonable doubt. I am not sure that

anything further can be done to limit that important principle.

We welcome the bill, which goes a long way in clarifying the law. However, we must also be conscious that more must be done to tackle attitudes to women and men who are raped.

15:30

Robert Brown (Glasgow) (LD): I adopt most of the comments that Bill Aitken made, as convener of the Justice Committee, about the difficulties that the committee found with the bill and the Government's approach.

The bill touches on many issues that lie at the heart of human relations. I refer to the protection of children; the changes in sexual experience and attitudes in society, particularly among young people; the high rates of teenage pregnancy and sexually transmitted diseases; the relationships between men and women, and, for that matter, relationships between people of the same sex; the exercise of power and control in intimate relationships; the legacy of sexual abuse in childhood; the deterrence, prevention and punishment of rape and serious sexual assaults; and the concept of sexual autonomy.

The issues that the Justice Committee considered are delicate and difficult. We have brought them to the chamber today by way of our stage 1 report. Not least of our challenges was the fact that sex, which is central to human relations and the continuance of our race, is an entirely legal activity when carried out between consenting adults but an entirely illegal and highly reprehensible act when forced on an unwilling adult victim or a child. When children and young people experiment with sex, we enter into a murky area of huge sensitivity and complexity, great mystery and greater or lesser ignorance.

I welcome the cabinet secretary's acceptance that modern, appropriate and gender-neutral language should be used in the statute. I also welcome his acceptance of the need to get rid of outmoded offences in related legislation. I pressed him on that during our stage 1 evidence taking. His acceptance shows an important recognition of those points.

I will devote the majority of my opening speech to part 4 of the bill, which relates to children. The committee was rightly critical of the SNP Government for not carrying out any exercise to obtain the input of young people. Given that around a third of young people have sexual relations under the age of 16, and given the high rates of teenage pregnancy and sexually transmitted diseases, it is absolutely central that we have an insight into how children and young people view these matters. We need to find out

what encourages them to delay or initiate their first sexual experience, what influences them in seeking or failing to seek appropriate sexual health advice, and whether the age of consent influences their attitudes or helps them to resist peer pressure.

Scotland's Commissioner for Children and Young People, and many other experienced people, said that the Government's position on the matter was unacceptable. Frankly, I was surprised and disappointed by the attitude that the cabinet secretary adopted when he was asked about the subject in committee. There can be no question but that, in failing to look for the views of young people, the SNP Government is in breach of the United Nations Convention on the Rights of the Child. I note that Government and committees have taken young people's views on many occasions, such as during the passage of the Additional Support for Learning (Scotland) Act 2004.

The committee's recommendations on the bill are proportionate and compelling. We said that the Government should implement an age-appropriate information and publicity campaign once it had consulted young people appropriately. The Government's response is not adequate: there is to be a campaign, but there is no word that it will be informed by consultation with young people. The Government is getting very experienced at U-turns and, frankly, in this instance, we would welcome one. I hope that I am not being unfair to the cabinet secretary in describing his position on the matter as mystifying and even truculent. He should think again.

Let me re-emphasise the point. Children in Scotland told the committee that "the guidance and practice" should be

"informed by what will actually work with children and young people, because we will know what they are thinking, instead of guessing what they might be thinking or how they might interpret our messages."—[*Official Report, Justice Committee*, 4 November 2008; c 1265.]

The cabinet secretary and his officials have left themselves guessing on the matter. That is unacceptable in developing the sexual health campaign that must accompany the bill.

There are many questions that the Government should have put to children and young people. Who are the best points of contact? Should contacts be school nurses, counsellors or teachers, or should they be people who are unconnected with school? What is the role of parents? What are young people's dilemmas? In whom do they confide? Is there a role for peer-group discussion? What sort of support and information is best? How are young people particularly those in the most vulnerable groups, encouraged—rather than deterred—to seek help

and advice? How do they view the idea of a legal age of consent?

The Justice Committee is strongly of the view that the age of consent for sexual intercourse should remain 16. I agree with that. Sixteen as the age of consent is a well-known, widely supported and long-established restriction. It is an important reference point that most people feel helps young people to resist peer pressure. There are also good social, developmental and health reasons for its retention. As Dr Jonathan Sher from Children in Scotland said:

"No one argues that underage sexual intercourse is a good thing—it is not".—[*Official Report, Justice Committee*, 4 November 2008; c 1264.]

In reality, however, it appears that a substantial proportion of people have sexual intercourse before the age of 16. Many more, of course, kiss, cuddle, touch and experiment, and most of that activity is entirely normal, consensual and legal. Young people have rights to privacy as well, and we emphatically do not want police investigations into much of that activity. That is why the committee strongly supported taking a welfare-based approach to addressing underage sexual activity where that is necessary to safeguard young people's health and wellbeing.

Sex between an adult and a minor under 16 should, of course, remain illegal and should be prosecuted, subject to limited defences. Many people argue that all cases involving sexual relations between young people of 13, 14 or 15 should be dealt with by the children's hearings system, and I have a lot of sympathy with that, as did other members of the committee. However, the committee decided that such behaviour should be examined as part of the wider examination of the age of criminal responsibility. Of course, a ground for reference to the children's hearings system will be triggered anyway if there are thought to be welfare concerns.

A key principle of the bill is the theme of gender equality, which of course I support. However, the consequence is that the participation of girls in sexual intercourse, which is currently not a criminal activity, is made so under the bill's proposals. I am not wildly keen on a proposal that criminalises people for the sake of a general proposition. Like the Commissioner for Children and Young People, I do not accept the Government's position that that concern can be struck down because there is ample scope for distinguishing between the consequences for boys and the consequences for girls, not least in the prospect of an unwanted teenage pregnancy. It is true that that does not apply to same-sex relationships or to oral sex, but it still seems to me to be a questionable logic that unnecessarily

criminalises young girls as a by-blow of such arguments.

The bill is important, but there are important caveats, which I hope the minister will consider further. The committee will continue to debate many issues with the Government as we move to stage 2. Nevertheless, the bill is important, necessary and non-partisan, and I urge the Parliament to support it at stage 1.

15:37

Stuart McMillan (West of Scotland) (SNP):

First, I pay tribute to the Justice Committee's clerks and adviser for all their hard work and efforts during our stage 1 consideration of the bill. I concur with the convener's comments about the way in which the committee dealt with the sensitive issues that the bill throws up for everyone. I am sure that the committee and all members will continue to act accordingly as the bill proceeds in the weeks and months ahead.

As others have said, the bill was originated by the previous Labour and Lib Dem Scottish Executive. I pay tribute to it for doing so. I am sure that colleagues know that I do not usually praise the previous Executive. However, I give praise where it is due: its instruction to the Scottish Law Commission to examine the law relating to rape and other sexual offences was certainly a worthwhile action. When the bill is passed, as I hope it will be, Scotland will possess a piece of legislation that provides greater protection for all of society.

I congratulate the Scottish Government on continuing with the process that was set in motion by the previous Executive. I am sure that the Cabinet Secretary for Justice will be hoping that the end result of the bill will profit the nation.

I will not be able to discuss all the issues that I think are important within the time that has been allotted to me, but I will touch on a few of them. First, I have to say that listening to and reading the evidence has taken me on a personal journey. Previously, I had a personal view on one issue in particular, but our stage 1 scrutiny of the bill altered my view. I believed that anyone under 16 who participates in sexual activity should be charged automatically and that legal proceedings should follow. Whether they became pregnant or not was irrelevant. As 16 was and will remain the legal age of consent, why should those under-16s who break the law be protected? I was aware that the children's hearings system deals with the vast majority of those cases and that the Lord Advocate can prosecute at her discretion, if appropriate. My opinion was that there were not enough prosecutions. Thankfully, my view has changed, not because I have become more liberal

or less pious, but because the evidence that was presented was extremely strong.

Paragraph 273 of the Justice Committee's report supports the use of the children's hearings system for the vast majority of cases, with the Lord Advocate retaining her discretion in that regard. I think that that recommendation will benefit society.

The last thing that I want to see is a number of people in our society becoming saddled with a criminal record when a more appropriate way of dealing with them would be beneficial. I also came to the conclusion that if a girl aged under 16 becomes pregnant, the last thing that she needs is to be marched into a courtroom, with all the pressures that that involves. She will need some other mechanism to assist her and the baby.

Another aspect of the bill that I welcome—as did the committee—relates to gender neutrality. Paragraph 279 of the committee report was quite clear in its support for compliance with the ECHR, while noting the important evidence from the Lord Advocate that a different path from the one in the bill could be taken if that was justified.

I am sure that committee members will debate further the Scottish Government's response to paragraphs 280 and 281 as the bill proceeds—Bill Butler touched on that earlier. Having read the Government's response, I am keen to hear the cabinet secretary address those paragraphs today. I was intrigued by the written response that he provided, but I stand by the recommendation

“that the Scottish Government gives further consideration to the provisions of section 27 of the Bill.”

Widening the definition of rape is an important aspect of the bill. The committee recommended that there should be a separate offence of rape with an object. I welcome the cabinet secretary's response to the recommendation and his intention to have further discussion with the committee and to lodge amendments at stage 2. The important point for me is that an object could cause more damage to a person than a body part could. I accept that a sexual offence would still have been committed, but, given the even greater physical damage, as well as the psychological damage, that would be done, I find it difficult not to believe that the strongest possible label should be given to those who perpetrate such acts.

I want to introduce a personal thought into the debate. Life imprisonment seems to be a sentence of approximately 15 years, whether for a rape or for some other act. I would like that tariff to be increased for those convicted of rape. Violating a person's body must be the most despicable thing that one person can do to another and, as such, it deserves to be punished by means of a long prison sentence.

Having sat through all the oral evidence sessions and read the paperwork on the bill, I am in no doubt that the bill should proceed through the Parliament. I am also in no doubt about the difficulties that all members in the chamber will have to deal with concerning some of the issues that the bill raises.

I remind myself of a few key points when I think about the bill. First, I want justice to be done, and to be seen to be done, for victims of rape and other sexual offences. Secondly, I do not want to criminalise every young person who starts to experiment as they go through the growing-up process, but I do not want them to think that it is okay to indulge in underage sexual activities. Thirdly, I want young people to have sex education, via schools or health professionals. There has to be an understanding of the consequences of sexual activity: child parents, for example, sexually transmitted infections and law breaking. Fourthly, with rights come responsibilities. If adults cannot act responsibly, their right to liberty should be removed. Therefore, are the proposed sentences really high enough? Given that research from Children 1st shows that around 30 per cent of Scots have sex before the age of 16, I have to query why society is failing in its responsibilities in that regard. I agree with the Catholic Parliamentary Office that

“the sexualisation of young people in our society is a problem”.

I am sure that the bill will go some way towards achieving a better and safer Scotland. For that reason, I support it whole-heartedly.

15:44

Cathie Craigie (Cumbernauld and Kilsyth) (Lab): I thank the clerks to the Justice Committee and all the organisations that engaged with the committee as we considered the bill. Our report truly reflects the evidence that we received, and our conclusions and recommendations were agreed unanimously.

I am happy to support the general principles of the bill and I agree with the cabinet secretary about the real need to change attitudes in Scotland to rape and to women in general. I welcome his acknowledgement of the need to strengthen the law and his commitment to a collaborative and consensual approach to the sensitive issues that the bill raises.

However, I question the Government's response to a number of areas that were raised in the committee's report. Scotland needs a clear definition of rape, in the hope that a more realistic prosecution rate can be achieved by ensuring that sound cases are put before juries. I am constrained by time in the debate, so in the few

minutes that I have I will highlight areas about which I have outstanding concerns.

During its stage 1 consideration of the bill, the committee heard evidence about rape with an object—many members have mentioned that. It is a difficult area, but I strongly believe that a separate offence of rape with an object should be created. The bill sets out the offences of rape, which is penile penetration, and sexual assault, which includes non-consensual penetration by an object. I think that in the minds of the general public and jurors sexual assault often seems a less severe offence, which merits a less severe punishment than rape does. However, an individual who is raped with an object suffers just as much mentally and can sometimes suffer more horrendous injuries. Rape with an object is a serious crime. I welcome the cabinet secretary's commitment to consider the matter further with the committee and I hope that the Government will lodge an amendment at stage 2 on the issue. If penetrative assault with an object is rape, we should legislate in those terms.

The committee heard vivid evidence from Louise Johnson, from Scottish Women's Aid. She told us how the women with whom she deals want the law to differentiate between sexual assault and rape with an object. She said of penile penetration and penetration with an object:

"When someone's personal integrity has been transgressed and abused by someone else in either of those ways, the trauma is equal."—[*Official Report, Justice Committee*, 28 October 2008; c 1222.]

I ask the cabinet secretary to accept that evidence.

I am concerned that the Government's response does not address concerns that were expressed to the committee by organisations that provide sexual health information to people who have a range of disabilities. People who work with learners who use tactile communication deserve clarification on the bill and we are duty-bound to ensure that they receive clarification. Further consideration should be given to the needs of people who have learning difficulties. Threats to harm a pet or deprive someone of a treat might seem trivial to some of us but are real and serious to some individuals. I do not accept the Government's response on the matter and I ask the cabinet secretary to think again.

Part 4 deals with children and young people. I remain convinced that sexual activity by young people who are under 16 is of concern; I do not think that sexual activity by 13 to 16-year-olds is appropriate. From the evidence that Children 1st provided, we know that about 30 per cent of Scots have sex before they are 16. That means that sex in that age group is not the norm, although it is common. Children 1st said that its research shows

that some young people's early sexual experiences are problematic and place them at risk. That is understandable and is borne out by the vast majority of evidence.

I have given my views. It is unfortunate that the committee was not able to hear young people's views on how this major bill will affect their lives, and it is disgraceful that young people were not consulted on the proposals. The views that the committee considered came mainly from adults, who do not always know best. An information and publicity campaign would be welcome, but I doubt that any other group in society would be consulted only after a bill on important matters that affected them had been enacted.

Scotland's Commissioner for Children and Young People, whose role is to promote and safeguard the rights of children and young people living in Scotland, has serious concerns about the effects of the proposed legislation on young people. Her views must be taken seriously by the cabinet secretary, and I refer him and his officials to the submission that the commissioner made to members today.

How am I for time, Presiding Officer?

The Deputy Presiding Officer (Alasdair Morgan): You have another minute.

Cathie Craigie: Thank you.

The Justice Committee asked the cabinet secretary to give further consideration to the provisions in section 27. I do not believe that it is in the interests of young people who are under the age of 16 to engage in sexual activity, given the many implications for their future relationships and health. I am concerned about the omission of oral sex from section 27, given the often serious health risks.

On the criminalisation of young girls, I do not think that any of us here would wish to criminalise young people, and I strongly believe that we should be ensuring that welfare interventions, rather than criminal interventions, take place. I ask the cabinet secretary to reconsider the point about young girls and the way in which the issue of gender neutrality has been treated. There are differing views, and we could put up a strong argument for retaining the law as it is if we wanted to.

There is a difference. Young men do not become pregnant; young men do not have responsibility for another human for the rest of their lives; and young men do not get ovarian cancers and all the dangers that they bring. There is an argument for dealing with the genders differently.

The Deputy Presiding Officer: That minute is now up.

Cathie Craigie: Thank you for your indulgence, Presiding Officer.

15:51

Nigel Don (North East Scotland) (SNP): I thank the Scottish Law Commission for its original piece of work. We have talked about a great number of the details, and the bill largely sticks with the commission's original text and most of its meaning. Although we disagree on one major point, on the criminalisation of consensual sex between older children, I am grateful to the commission for giving us a framework within which to work. It has been acknowledged that the subject is not easy to discuss, and a good framework is a very good place to start from.

I note that the bill is largely a consolidating one. Paragraph 9 of the policy memorandum points out that the bill will, largely,

"improve the clarity and consistency of the law."

Specifically, the bill includes

"the definition of consent as 'free agreement'"

and makes provisions about "'honest' belief in consent". However, paragraph 10 of the policy memorandum says:

"despite such improvements, reform of the substantive law on rape and other sexual offences will not, on its own, be sufficient to improve Scotland's low conviction rate for rape. That is why work is underway on a number of other fronts".

It is important to recognise that that other work must continue. The Scottish Law Commission is examining the law of evidence, and of character evidence in particular, as well as the Moorov rule. I encourage the Scottish Law Commission to proceed with its work as fast as is reasonably possible. I am not suggesting that it is slow, but the faster we can amend the law and, in particular, the faster we can get the Moorov rule back before the courts as a working hypothesis, the better for those rare occasions when that consideration is really important, which tend to be very serious cases.

Like other members, I wish to address issues around older children. It is in that area where we seem to have disagreed with the Scottish Law Commission's report, for one simple reason: we have inherited a law that states that boys who have underage sex are committing a criminal offence. Had we not started from that position, I am not sure that we would have finished in the present one, but that is where we started. We have not wanted to decriminalise such activity simply because that would have sent entirely the wrong message. I am not sure whether, if we started from a position where that activity was not criminal, we would want to criminalise it—that, too,

would probably send the wrong message. We need to be very careful about where we are coming from when we consider what it is that we are suggesting.

We heard evidence from the British Medical Association and from Barnardo's and other organisations that represent children that, one way or another—I take Robert Brown's point on this—we should decriminalise. Those organisations should understand that uppermost in the minds of Justice Committee members was the point that I just made about where we started from.

The committee also made a recommendation on oral sex, and I note that the cabinet secretary's response is that he will consider the issue, which I understand and respect. I add my personal voice to the suggestion that he should consider it positively. Some medical evidence supports the recommendation and, if we are making a law that is essentially a backdrop against which our youngsters will conduct themselves and which we know will not normally be pursued rigorously through the courts, it is important that we send the right, complete message. Putting oral sex back into that backdrop seems to be part of a consistent message about what is wise and what is not.

There has been some discussion of section 39 and the defences for people involved counselling. I know that some are concerned that section 39 might provide a defence for those who would incite underage sex. However, it is clear from the text of the bill that that is not the case. That might be one of the good reasons for retaining the criminal offence of underage sex. In the by-going, it means that inciting underage sex is a crime, and we, as a Parliament, would want to support that. There is far too much pressure on our youngsters to become sexually active. I think that people in the media take a cavalier attitude. If they reflected on the fact that incitement is a criminal offence, will remain a criminal offence and will be a gender-neutral offence, they might also reflect on what they sometimes suggest in the messages that they give our children.

Robert Brown: I am curious to know whether Nigel Don has any information about the extent to which the charge of incitement has been used by the Scottish courts in recent years.

Nigel Don: I have no evidence at all, and I suspect that there might have been no such charges. However, extending the law and making it gender neutral makes Parliament's thinking clearer and clarifies the law of the land, and is therefore what people in the media should reflect. Perhaps that is part of the message.

We should also recognise that the law is not going to change what our youngsters do: we all know that, and we might just as well say so. If we

are to change youngsters' attitudes to the risks that are inherent in early sexual activity, education is the key. I am quite clear that, in itself, education does not change behaviours, but educating young people is essential if we are to make any progress at all.

I leave members with the thought that we need to change the law. I could have discussed many other things, but we do not have time. Educating youngsters appropriately is the key; without that, we will achieve very little by changing the law.

The Deputy Presiding Officer: We now move to winding-up speeches, for which I can give members about a minute more than they might have been expecting. I call Robert Brown, who has seven minutes.

15:58

Robert Brown: I am somewhat surprised to be called so soon, Presiding Officer.

The Deputy Presiding Officer: All your Christmases have come at once.

Robert Brown: Indeed.

In my opening speech, I said that the bill is delicate and difficult, and the debate has been handled sensibly by those who have taken part. In opening, I focused on the issues that affect young people and, in closing, I will look at more general matters and respond to one or two points that have been made by colleagues. I also want to make a couple of points about children that I did not have time to make earlier.

The particular issue that I want to put to the cabinet secretary concerns children ending up on the sex offenders register, although he has responded to that point to a degree. The Government probably needs to go further and hold an expert review and public consultation. It is quite a complicated area, and I do not pretend to understand all the implications. I suspect that that is the case with my committee colleagues as well. I accept that there are rare cases involving minors where registration would be appropriate, but I am not entirely satisfied that the brief review to which the letter from the Government referred, which I assume has been carried out in the few weeks since the stage 1 report was published, is adequate.

I have a comment about some marginal matters. The committee expressed concern that kissing and other such behaviour should not be the subject of potential interference from the police. It is worth making the point, which the bill—rightly or wrongly—emphasises, that the Lord Advocate and procurators fiscal are the gateways to prosecution. That is right, as we have an independent prosecution system. The prosecutor has a broad

public responsibility—I have some experience of that, as I was a procurator fiscal depute some years ago—which has normally been exercised sensibly. It is probably the principal barrier to trivial or unnecessary prosecution in such cases, which was a concern to the committee.

The Lord Advocate put it well when she said:

“We imbue ... the Lord Advocate and her representatives ... with the discretion to interpret the public interest”

in making decisions on prosecution in the light of broader social views. That is a more broadly applicable point. She gave a good example when she said:

“A case involving the scenario of a 12-year-old touching another 12-year-old would never see the light of day in the criminal courts.”—[*Official Report, Justice Committee*, 25 November 2008; c 1432, 1427.]

She is right to illustrate that point.

The bill began with a report by the Scottish Law Commission. Nigel Don referred to the good work that the commission did, which has largely survived in the bill. It was asked by the Scottish Executive of the time to examine the law on rape and other sexual offences and the evidential requirements for those offences. A major part of the motivation was concern about the low conviction rates for sexual offences but, in the event, the commission did not really make recommendations on the evidential matters on the basis that they should be considered as part of a review of the general law of evidence, as a number of members have mentioned.

However, I emphasise the point that I made in my intervention on the cabinet secretary, which was that the conviction rate for rape and other similar offences in Scotland is, as the Lord Advocate confirmed, pretty similar to that in other parts of the world. Indeed, in recent years, the conviction rate for rape cases that went to court has varied from 45 to 67 per cent. The issue is more to do with underreporting, having insufficient evidence to pursue cases to court in the first place and reluctance on the part of some complainants to subject themselves to the embarrassing and difficult procedures that are involved in providing the evidence on such cases. As the Lord Advocate mentioned in her evidence, the offence that is known as date rape presents particular challenges, possibly within the context of an otherwise consensual sexual relationship.

A number of members talked about adding a new offence of rape with an object. I support that. Although I accept some of the caveats about whether juries will convict on it, I also support the use of the word “rape” because juries that are properly instructed by the judge on such matters will understand exactly what is being talked about and will understand that “rape” implies the

seriousness of the offence as well as the generic description of it. That is an important aspect on which I concur with the committee's view.

There was a lot of discussion about what constituted consent, particularly when the victim—usually a woman—is asleep, unconscious or heavily intoxicated and, therefore, cannot give immediate, active consent. Such situations have been crimes in Scots law since at least the middle of the 19th century, but defining them in statute is quite challenging. The committee asked the Government to reconsider the concept of prior consent, which seemed to be highly artificial. However, we must bear it in mind that we are dealing with a criminal charge that is not only serious but, in the case of rape, so serious that it is prosecuted in the High Court.

I do not like the concept of prior consent, but I am not prepared to say that sex with a person who is unconscious through drink is necessarily a crime in every circumstance whether committed by a stranger, partner or spouse, albeit that the victim may regard it as such. The issue is ultimately consent or the lack of it. As Professor Gerry Maher put it:

“Scots law should spell out that having sex with a person who is unconscious or asleep is rape or sexual assault, except in one defined circumstance—when they have consented to having sex in that state.”—[*Official Report, Justice Committee*, 18 November 2008; c 1365.]

However, not even he pinned down the matter entirely. Under our legal system, the jury—with, one hopes, a robust dose of common sense—will ultimately decide whether there was any express, implied or reasonably assumed consent in such difficult situations and will do so using its joint knowledge of life and the human condition.

Cathie Craigie was right to mention people who advise or counsel those with communication difficulties and the problems that tactile communication can present. That bears further exploration. There does not necessarily need to be an amendment to the bill on that, although I do not rule it out, but we must consider the matter carefully to ensure that we do not accidentally criminalise something that should not be criminalised.

Nigel Don, in his usual esoteric fashion, gave us a number of interesting thoughts about where we were coming from on the age of consent and the effect of the law on that. Neither I nor, I think, most members of the committee entirely accept the proposition that what the law says will not have an effect on what youngsters do. Education, however, certainly is key. Advice and information and the question whether people are deterred from doing something by its criminality are important issues with which we must deal.

Since 1999, I have learned that struggling with definitions and passing well-honed legislation is important, but what goes with the bill and the cultural changes that the bill spearheads are even more important. The bill marks much cultural change in relation to attitudes towards same-sex relationships, respect for sexual autonomy, the attitudes and actions of young people and the support given to victims and complainers. We still have a bit of work to do on the bill and the Government must reflect on what has been said on it. However, my plea to ministers is that they seek effective input, particularly from young people, to help them in their important task.

16:05

Margaret Mitchell (Central Scotland) (Con):

Like everyone who has spoken in the debate, I very much welcome the introduction of the bill, particularly the following key aspects. Part 2 contains the definition of consent as “free agreement”, which brings a clarity to the law that is absent at present under common law, despite the fact that the absence of consent is a core element of the *actus reus* and *mens rea* of rape. Under current common law, rape involves penile penetration of a woman's vagina without consent, so it is a huge improvement that the bill extends that to include other forms of penile penetration, bringing it in line with legislation in England and Wales. The cabinet secretary's announcement that provision will be made at stages 2 and 3 to go further and include penetration with an object in the list of forms of penetration that the bill covers is also welcome. Cathie Craigie made a particularly powerful contribution on why that should be included as rape. The introduction of rape as a sexual offence that is no longer gender specific is long overdue and rectifies the injustice that, under common law, rape is recognised as a criminal offence only when it involves male sexual intercourse with a female without consent.

Parts 4 and 5 have provisions to deal with protective offences that are, sadly, very much evident in today's society, as a number of speakers pointed out. I am therefore pleased to see the protection that the bill will afford the vulnerable through the introduction of new protective offences that will criminalise sexual activity with someone whose capacity to consent to sexual activity is either entirely absent or not fully formed because of their age or a medical disorder. With Paul Martin and Robert Brown, I particularly welcome the introduction of the offence of sexual abuse of trust in section 31, which seeks to address that heinous betrayal, abuse and manipulation by providing that it is an offence for anyone over 18 to engage intentionally in sexual activity with someone under 18 in

respect of whom the older person is in a position of trust.

Section 32 sets out five conditions, any of which satisfies the definition of being in a position of trust. It is to be hoped that that will give more protection to children and young people and those with mental disorders who are institutionalised or vulnerable through a family relationship. I also welcome the provision that gives Scottish ministers the power to make an order under the negative resolution procedure to specify, as they materialise, other conditions that constitute a position of trust, especially in view of the fact that the submission by the Association of Chief Police Officers in Scotland highlighted that young people in accommodation provided by a local authority who are at least 18 but not yet 21 would not be covered. That group of young people is potentially vulnerable, so I hope that the ACPOS submission will be given further consideration.

Although trafficking is not covered in the bill, section 10 provides, as one of the circumstances in which conduct takes place without free consent, that there is no consent if the only expression or indication of the victim's consent to sexual activity is from someone other than the victim. That is precisely the situation in which many trafficked women and, indeed, children find themselves.

Part 4 contains provisions that would lower the age of consent for oral sex. As several members have pointed out, that is the issue that has generated most controversy—and rightly so. Although it is true that young people are maturing earlier, there can be no case for permitting sex involving persons of 15 years or less. The Scottish Conservatives are very supportive of the committee's stance on that issue.

In that context, I read with interest the BMA's arguments in favour of decriminalising such activity in light of concerns that older children might otherwise be reluctant to come forward with any sexual health problems. I understand the well-intentioned reasoning behind that position, but I believe that lowering the age of consent would have the opposite effect by giving rise to a potentially far greater number of sexual health problems among young persons. With Nigel Don, I believe that education has an important role to play in that.

Finally, the prosecution of rape and of other serious offences has traditionally been dogged by myths and prejudices, which often surface in the courtroom during the giving of evidence and invariably involve the victim's character. I sincerely hope that the statutory definition of consent as "free agreement"—together with the provision covering reasonable belief and coupled with the reasonable person test that is to be applied—will help to correct those prejudices. However, as Bill

Aitken and John Lamont emphasised, any such correction must not be at the expense of an attempt to water down the presumption of innocence or the requirement for corroboration, given that the accused may be facing a high-tariff sentence for what are, without doubt, some of the most serious crimes in Scots law.

With those comments, I believe that the bill strikes the right balance. The Scottish Conservatives have much pleasure in supporting the bill at stage 1.

16:12

Richard Baker (North East Scotland) (Lab): In ensuring that Scotland's laws on sexual offences are reformed, the Scottish Government is moving forward with broad support. We are happy to endorse the general principles of the bill.

As Stuart McMillan said, the previous Scottish Executive asked the Scottish Law Commission to examine the law relating to rape and other sexual offences and the evidential requirements for proving such offences. I welcome the fact that the commission's recommendations have been taken forward by the Scottish Government in the bill to ensure that our sexual offence laws provide clarity and reflect the circumstances of Scotland today. I echo the comments of others about the good work that the Scottish Law Commission has done, which informs the bill that is before us.

As someone who was not a member of the Justice Committee but who was an observer of its proceedings, I congratulate the convener, deputy convener and members of the committee on their thorough scrutiny of the bill. The bill process has benefited immensely from the way in which the committee ensured that so many who have expertise on the issues played a full role in giving evidence at stage 1. That was Parliament at its best in developing legislation. Clearly, that work is reflected in an informed stage 1 report that provides constructive and sensible proposals. I believe that the Scottish Government's response to the committee's report is indicative of the constructive dialogue on the bill that ministers have had with the committee, which has been reflected in this afternoon's debate.

The debate has also shown that the bill deals with difficult issues relating to what can be a challenging relationship between the law and sexual activity. The need to foresee as wide a range as possible of scenarios and cases seems to me to be at the centre of some of the discussion over terminology and definition. It is right that those matters will continue to be discussed as the bill progresses.

Of course, there is still concern about the conviction rates for rape. In her evidence to the committee, the Lord Advocate rightly pointed out:

"There is no panacea for the low conviction rates for these types of crime."—[*Official Report, Justice Committee*, 25 November 2008; c 1408.]

She also said that the bill is not about improving conviction rates specifically. In its briefing for the debate, the Law Society of Scotland is right to say that the bill, in itself, will not resolve any of the apprehended difficulties in the low conviction rate for rape cases. A number of different, additional measures will indeed be needed, which is a point that the cabinet secretary made in his speech. The Law Society is right to call for further detailed research into the whole system of investigation, prosecution and consideration of verdicts. In its response to the committee, the Scottish Government has said that it will carry out further research into attrition in rape cases.

Robert Brown highlighted the problem of getting complaints of rape into court. His point is borne out by the statistics. Rape Crisis Scotland informs us that, in 2006-07, 942 rapes were reported to the police. Of those, 65 cases were prosecuted, and there were 27 convictions for rape. I do not think that anyone reflecting on those figures will feel at all comfortable. It is important that research is carried out into what lies behind such figures. A package of measures is required to address the issues.

The Lord Advocate pointed out that, under the current legal framework, juries have a narrow notion of what rape is. We are now widening the definition of rape. That must be understood. In the continuing education campaigns on these issues, to which the cabinet secretary referred, work must be done on wider issues such as women's rights, but work must also be done so that the public understand that rape will no longer be the narrow crime that it was before the bill. I hope that ministers will not only make progress with such work but update Parliament on that progress—and on the wider work that the Government is doing, beyond the bill, to ensure that rapes are reported and effectively prosecuted.

The Scottish Government has asked the Scottish Law Commission to review aspects of the law of evidence, and I took on board the points that Conservative members have made today. Those aspects of the law will have a bearing on the issues that we are discussing today, and I echo what Nigel Don said. We look forward to discussing the Law Commission's review.

In the debate, members have discussed the issue of consensual sexual relationships between 13 to 16-year-olds. It was clearly an area of considerable debate in the Justice Committee. We have broadly taken the position of reflecting the

status quo, so that flexibility remains with the Lord Advocate. However, as Bill Aitken said, it would be expected that prosecution would remain a very exceptional circumstance. The restatement in the bill of existing statutory provisions is superfluous, but it emphasises that point.

The cabinet secretary was right, in his response to the committee, to say that he will give further consideration at stage 2 to the committee's concerns over the exclusion of oral sex from the provisions of section 27. I share the concerns that other members have expressed.

The welfare issues that have been raised in relation to this area of the bill, particularly by many organisations working with children and young people, need to be addressed beyond the bill. It will be important to implement the committee's recommendation that multi-agency co-operation should provide effective support to children involved in underage sexual activity. The cabinet secretary has expressed support for the recommendation.

Education campaigns will be vital. As Robert Brown and Cathie Craigie said, such campaigns should be informed by consultation with young people themselves. Such measures are particularly important with regard to the issues that Cathie Craigie has highlighted, where pregnancy is involved. Such situations have to be handled appropriately, with support provided for the prospective mother.

These issues are not easy, and they will require further consideration. However, Bill Aitken made clear the committee's intention, and Cathie Craigie's points require careful consideration. The intention should be given effect.

The other major area of continuing discussion is on the committee's proposal for a separate offence of rape with an object. Rape Crisis Scotland has instead called for a separate offence of sexual assault by penetration. It is clear that the committee's proposal comes from a desire to see effective prosecution of this serious crime. Scottish Women's Aid has argued that this crime is different but equally severe. I know that the committee gave the issue very serious consideration before arriving at its conclusion on the most effective way to proceed in order to ensure that such offences were appropriately prosecuted. Paul Martin referred to that. I am pleased that the cabinet secretary has emphasised that he wants to achieve consensus on the issue. That is the right way in which to proceed.

Further consideration is required in a number of areas, such as prior consent, and historical abuse and threats. The committee has also stated that trafficking for sexual exploitation is not a matter for

the bill. Margaret Mitchell referred to that. However, we know how important the issues around sexual exploitation as a result of trafficking are, which have been raised at stage 1. We had a constructive members' business debate on the issue, on a motion that was lodged by Murdo Fraser, in which the Minister for Community Safety indicated that the Scottish Government would do further work on the issue.

It is clear, from its constructive response to the committee in general, that the Scottish Government is considering all the arguments carefully with a view to producing legislation that we can all agree is designed to be as clear and effective as possible. We are glad to support that approach. We are pleased to give our support to the bill to ensure that we have the best possible legislative framework for tackling these most serious issues and crimes.

16: 21

Kenny MacAskill: This has been a consensual debate. Most, if not all, debates in the chamber are more hotly contested—indeed, Thursdays, with First Minister's question time, are usually more rumbustious, but this debate has shown the Parliament at its best. We recognise that there is a significant problem, which was flagged up by the Lord Advocate and correctly remitted to the Law Commission by the previous Administration. Now, the Government, the Justice Committee and the Parliament as a whole are considering how we can get matters right.

It is accepted—Richard Baker mentioned that the issue was raised by the Law Society—that the bill alone will not necessarily deal with some of the more shameful aspects that still exist in our society, which are driven by attitudes. Further legislative changes will be necessary; nevertheless, the bill is a start. It builds on what was done before and the fine work of the Law Commission.

Patrick Harvie (Glasgow) (Green): I wonder whether the cabinet secretary will address one of the Law Commission's recommendations that the Government has chosen not to act on—the recommendation to decriminalise sadomasochism. I understand the Government's desire not to create a defence that could be misused in cases of assault or domestic violence, but what other approaches have been considered, bearing in mind the rights of those who freely consent to sadomasochistic sex? For example, would it be appropriate for the Government to issue guidance specifying that prosecution would not be appropriate when consent is uncontested?

Kenny MacAskill: No, I do not think that it would be appropriate for the Government to issue

guidance. Such matters are dealt with through the Crown and the Lord Advocate. The Government's decision was based on the clear advice of a variety of organisations and, in particular, the Lord Advocate that such a measure would be misused by those who would make spurious defences after perpetrating heinous attacks on people.

We have discussed a variety of issues, including consensual sexual relationships between 13 to 15-year-olds. The Government disagreed with the Law Commission's proposal, and I welcome the comments on the issue that have been made from all parts of the chamber. It is important that we make clear the possible health consequences of such relationships and the view that, as a society, we cannot justify or condone the actions of those who seek to have consensual sexual relationships between the ages of 13 and 16. Furthermore, anybody who seeks to have such relationships in a manner beyond consent will be most vigorously treated. Equally, we must recognise the fact that such individuals are children who, in the main, will act misguidedly. The comments that have been made by members are, therefore, welcome. When the Crown considers whether such matters should be dealt with by the children's panel or through the courts, the Lord Advocate and other law officers will have to take account of what has been discussed and debated in Parliament.

I welcome the general acceptance around the chamber that we, as a society, must send out the message that the age of consent is not being lowered. There are good reasons for setting the age of consent at 16 to protect our youngsters. Nevertheless, in the main, when youngsters participate in sexual activity for a variety of reasons, unless there is some good reason, we should not seek to prosecute them.

Mike Rumbles (West Aberdeenshire and Kincardine) (LD): I am concerned about a possible unintended consequence of section 17:

"Causing a young child to be present during a sexual activity".

Would that not criminalise a young couple with a baby in a one-bedroom flat?

Kenny MacAskill: Such a situation could come about, as the committee convener has commented, but nobody seeks to deal with the unintentional consequences of those circumstances. We are talking about circumstances in which there is a flagrant abuse. It is important that we put on the record the fact that Parliament seeks to deal with those who would act in an entirely inappropriate way that would be an abuse of a child, as opposed to circumstances that are regrettable but may come about. Those matters are dealt with by the sound common sense and judgment that is exercised not only by

the Lord Advocate and the Crown, but by police constables and regional procurators fiscal day to day.

Margo MacDonald: I am intrigued by the cabinet secretary's statement that the object is to protect our young people, which is why the age of consent will be maintained at 16 years. The statistics for sexually transmitted diseases and unwanted pregnancies are much lower in continental countries, which have lower ages of consent.

Kenny MacAskill: It is accepted that we have a significant problem in Scotland, but we have to accept that although some steps are being taken through legislation, other matters require information and action through a variety of other measures, some of which are not governmental but relate to health boards and other bodies. The problems that we face such as unwanted teenage pregnancies and relationships between youngsters cannot be resolved simply by legislation.

It is clear that Parliament does not seek to lower the age of consent, but nor do we wish to criminalise youngsters who are acting in a manner that we think is inappropriate. I think that all members accept that, to protect our youngsters, we have to do better to try to change the patterns that have grown up.

With regard to the question of rape with an object, which was raised by Bill Aitken and Cathie Craigie, the Government accepts that there has to be action. We want to ensure that all members in the chamber wish that action to happen, and that it is correct. It is clear that there are some differences between the Crown and some agencies, including Rape Crisis Scotland, about what should be done. I reiterate that I am happy to sit down with the Justice Committee to ensure that we get the appropriate law.

The phrase about legislating in haste and repenting at leisure is sometimes used. We want to ensure that the committee and the Government sit down and bring in what we feel is appropriate to ensure that we deal with the matter. Nobody disputes that certain circumstances occur that are heinous and have to be punished, but we must ensure that we get the correct legal position and statutory protection.

The Government has said that it is happy to listen to the clear will of Parliament on the matter of oral sex. We have heard from members on all sides of the chamber a desire for action to be taken on that point, and I tell the committee that we will seriously consider the recommendation and seek to bring it forward.

The issue of gender neutrality that Bill Butler raised relates to the matter that was raised by Bill

Aitken, Robert Brown and others: one of the purposes of the bill is to attain gender neutrality to deal with male rape and other such matters. That is understandable, but the bill does not simply address male rape; we live in a world in which we have to recognise that the ECHR exists and that we have to deal with matters in a more gender neutral way.

Cathie Craigie is correct to say that the consequences for young females are significantly different—a lot of that comes down to common sense. We are happy to share with the committee the advice that we are allowed to disclose—the clear advice that we have received is, as I said, that we require gender neutrality when we live in the world of the ECHR. That does not, however, detract from how we implement the legislation and—

Cathie Craigie: Will the member give way?

Kenny MacAskill: I am sorry, but I am in my last minute.

Paul Martin was correct to raise the issue of fines for rape—it has been, to some extent, a lacuna in the drafting of the bill. We have made it clear that we are intent on ensuring that any gap is closed. I remind Paul Martin that nobody has ever intended to impose a fine for the crime of rape; the provision was intended to deal with a wealthy person who commits a heinous crime of rape by not only imposing the criminal sentence and the period of imprisonment they merit, but taking their assets away. Not only the poor perpetrate the crime of rape; the wealthy do, too. The Government will ensure that if people have the assets, we will take those from them under the proceeds of crime legislation. If they perpetrate the crime of rape, they face a criminal and jail sentence in addition to a fine if they have the wherewithal.

We are grateful to the Parliament for the consensual way in which it has considered a bill that deals with an extremely difficult issue. Legislative change on its own will not deal with some of the significant problems that we face, such as those to do with the health of our youngsters, which Margo MacDonald mentioned, nor will it necessarily change attitudes, but legislative change is necessary and I believe that it will drive cultural change. We are on a journey. I reiterate that I will work with the Justice Committee in due course.

Sexual Offences (Scotland) Bill: Financial Resolution

16:30

The Presiding Officer (Alex Fergusson): The next item of business is consideration of motion S3M-3417, in the name of John Swinney, on the financial resolution to the Sexual Offences (Scotland) Bill. I call Kenny MacAskill to move the motion.

Motion moved,

That the Parliament, for the purposes of any Act of the Scottish Parliament resulting from the Sexual Offences (Scotland) Bill, agrees to any expenditure of a kind referred to in paragraph 3(b)(iii) of Rule 9.12 of the Parliament's Standing Orders arising in consequence of the Act.—
[Kenny MacAskill.]

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

Junior Ministers

The Presiding Officer (Alex Fergusson): The next item of business is a debate on motion S3M-3431, in the name of the First Minister, on the appointment of junior Scottish ministers. Members should note that the question on amendment S3M-3431.1, in the name of Murdo Fraser, and the question on the motion, will be put at the conclusion of this debate rather than at decision time. I remind members that one-minute warnings are no longer given.

16:31

The First Minister (Alex Salmond): Today, the Government seeks parliamentary approval for changes to the ministerial team. I begin by putting on record my gratitude to Stewart Maxwell, Linda Fabiani and Maureen Watt for their dedication and service as Scottish ministers. [Applause.] Each of them has played an important role in delivering a successful start for the first ever Scottish National Party-led Government.

Stewart Maxwell played a pivotal role in bringing the 2014 Commonwealth games to Scotland, building on the commendable efforts of the previous Administration. The games will transform Scottish sport and leave a hugely positive legacy for future generations. Maureen Watt not only advanced the skills agenda in Scotland; she has worked tirelessly with partners the length and breadth of Scotland to prepare for the introduction of the curriculum for excellence. As Minister for Europe, External Affairs and Culture, Linda Fabiani oversaw a doubling of Scotland's international aid budget, enhanced the status of the Gaelic and Scots languages, and strengthened the arts, not least by helping to bring the superb d'Offay collection to Scotland. Those are records of achievement, and I am sure that the Parliament will wish to show its appreciation for that service to Scotland. [Applause.]

Scotland's Parliament and therefore its Government face greater challenges today than anyone imagined a year ago, never mind when we took office in May 2007. Our shared responsibility is to strengthen the country, to protect jobs and to promote recovery, and to do that within a tight and, indeed, tightening budget. The Government and the Parliament are responding. Last week's approval of the budget was a tremendously positive step towards recovery and for our public services. It was a huge success that the budget was agreed to by such a resounding majority across the Parliament; indeed, I think that it was worth submitting the budget twice to achieve that resounding majority.

Today, the Government seeks parliamentary approval for the appointment of three new Scottish ministers. We are bringing in fresh talent, fresh faces and the energy and experience to help move Scotland forward.

Hugh O'Donnell (Central Scotland) (LD): Mike Russell cannot be called a fresh face.

Mike Rumbles (West Aberdeenshire and Kincardine) (LD): He did pause after "fresh faces".

The First Minister: Mr Rumbles—

Mike Rumbles: The answer is no.

The First Minister: I shall have to defend the face of Mr Russell from such attacks.

From day one, this Government has run a smaller Cabinet, which is supported by a smaller, closer-knit ministerial team. I submit that that model is working well. It has embodied the purpose of sustainable economic growth at the very heart of the Government.

Today we are making practical changes to some ministerial portfolios, which I will outline for the Parliament. Let me talk about the new ministerial team. Alex Neil, ever a man of independent mind, joins the Government as the Minister for Housing and Communities. He brings with him substantial experience in economic affairs and private business, and he has been a member and a convener of some key parliamentary committees, so he has the heavyweight experience to take the right decisions on the future of housing and regeneration in Scotland.

Shona Robison will take on responsibility for sport, as Minister for Public Health and Sport. I have explained to Alex Neil that that decision had nothing whatsoever to do with ageism; rather, there was an overwhelming practical case for it. The Commonwealth games have given Scotland the opportunity for a revolution in sport, but also for a revolution in lifestyles and our people's health.

Keith Brown is battle hardened by his years in local government, the Royal Marines and his two years in the Parliament. He is appointed as Minister for Schools and Skills. I know that he is committed to maintaining the highest standards in Scottish education and training. In doing so, he will oversee the implementation of the expanded modern apprenticeships programme and the curriculum for excellence.

I am delighted to welcome Roseanna Cunningham to the ministerial team. She has distinguished herself as convener of the Rural Affairs and Environment Committee and takes over from Michael Russell as the Minister for Environment. I know that colleagues throughout

the chamber recognise her abilities. We look forward to working together on vital new bills on climate change and flooding.

Finally, Michael Russell will move to become minister with responsibility for culture, external affairs and the constitution. His work as the Minister for Environment has brought progress on tackling wildlife crime, crofting reform, protecting Scottish aquaculture, and, in the spirit of the year of homecoming, the return of the beaver to Scotland after 400 years of exile. He will have responsibility in the office of the First Minister for Scotland's arts and creative sectors, the long-term success of which he is committed to, and he will lead on the reform of the constitution, which is, obviously, a signal issue for the Government and Scotland. Reform of the constitution offers the only sure prospect of a strong, wealthier and fairer nation. Of course, the work will also involve the revived joint ministerial committees, the British-Irish Council, evidence from the national conversation and, indeed, evidence to other bodies, which we will submit after the budget talks.

The proposed changes that we are submitting to Parliament are strong. The Government is focused on protecting Scotland from the downturn, promoting recovery and seeking the new responsibilities for our society and economy that are needed for them to truly flourish. We are seeking the Parliament's approval for the new ministerial team to take forward that vital work.

I move,

That the Parliament agrees that Roseanna Cunningham, Alex Neil and Keith Brown be appointed as junior Scottish Ministers.

16:37

Murdo Fraser (Mid Scotland and Fife) (Con): I rise to oppose the appointment of Alex Neil as minister with responsibility for communities. In doing so, I make it clear that I have no personal issue with Mr Neil. He and I have enjoyed many lively exchanges in the past, when he was convener of the Enterprise and Culture Committee. That was back in the days when he was a man of independent mind. Now, of course, the one-time fundamentalist has sold his soul to the gradualists. The firebrand of the Scottish National Party back benches has had his flames well and truly doused by the lure of an office in the ministerial tower and a seat in the back of a ministerial Mondeo. He is the man who famously once said that hell would freeze over before he was appointed as a minister. I know that it has been snowing today, but I did not realise that it was quite as cold as that. We genuinely wish him well in his new role.

Of course, Mr Neil's promotion has created a new vacancy for minister for "Newsnight". No calamity for the Government over the past two years has been too great for Alex Neil not to be trotted out late at night to defend the indefensible and develop a brass neck to match his ruddy complexion. The minister for "Newsnight" is a vital role. It is, sadly, unremunerated and usually filled by an ultra-loyal and obsequious back bencher with an eye on the future. Observers who are less generous than I am might comment that Mr Neil initially seemed to be poorly qualified and an unlikely choice for that essential position, but he nevertheless performed adeptly and ditched principles and pride faster than the Government could ditch manifesto commitments.

Margo MacDonald (Lothians) (Ind): I inform members that not everyone who goes on "Newsnight" is obsequious.

Murdo Fraser: The question on members' lips is who will fulfil the vital role of minister for "Newsnight" now that Mr Neil has gone. Could it go to a rising star from the new intake with a "Newsnight" track record—Christina McKelvie, say, or another member? We wait with bated breath.

Of course, it is not just Alex Neil who has been promoted in the reshuffle; in addition to Keith Brown, Michael Russell will move up, and Roseanna Cunningham will come into the Government. There will be three former challengers for the SNP leadership in the Government. Back in 2004 they were all at one another's throats. We have to ask how much bad blood there will be in the Government with all those big egos battling for attention.

The Government now contains all previous SNP leadership candidates in the Parliament with the sole exception of poor Bill Wilson, who still languishes on the back benches. He should not be despondent. Surely it is only a matter of time before his distinct skills and expertise are required on the front bench. Sooner or later, we are bound to be faced with a national infestation of mouse droppings and Alex Salmond will be on the phone to Bill Wilson in an instant, inviting him to join the Government.

Let us spare a thought for the other big beasts of the SNP who have been left out in the cold. Just imagine poor Christine Grahame sitting by the phone all day on Tuesday waiting for it to ring, but not a call came from Bute house. Never mind, her time may well come, because the striking thing about the reshuffle is how limited it is. The First Minister had the chance to freshen up his Cabinet and cut out the dead wood, but he has fluffed it. He has a Cabinet Secretary for Justice who prefers Burns suppers in Canada to knife crime summits in Edinburgh; a Cabinet Secretary for

Rural Affairs and the Environment who seems to have forgotten the meaning of collective cabinet responsibility when it comes to the Elgin bypass; and a Cabinet Secretary for Education and Lifelong Learning who is undoubtedly the weakest link, having lost seven parliamentary votes in the past year. The Government is running out of steam as fast as it is running out of ideas and it is desperately in need of new blood, instead of which the First Minister has filled it with bad blood.

So I say to Christine Grahame, Bill Wilson, Alasdair Allan, Christina McKelvie and all the other wannabe ministers on the SNP back benches that they should not despair for their time will surely come. Keep sucking up, no matter how humiliating it is—it worked for Alex Neil. If they keep accepting the invitations to appear on "Newsnight", one day that ministerial car can be theirs.

As I have made my points, and in view of the high personal regard that I have for Mr Neil, I will not move the amendment in my name.

16:41

Johann Lamont (Glasgow Pollok) (Lab): One of the few pleasures of being in opposition is spectating as the Government party experiences a reshuffle and watching its impact on the selected individuals who have lost their jobs, on those who have gained the exciting opportunity that ministerial office presents and, of course, on those who have doggedly sought preferment but been disappointed. Perhaps next time. I should predicate my comments by saying that it is a great privilege to be in ministerial office. I wish those who are departing office well and send every good wish to those who are going into office, which is a privilege to which we all aspire.

As ever, the First Minister's cohorts have been spinning fit to burst but, even by the First Minister's standards, the spin has stretched credibility to breaking point. First, we are told that Mike Russell is to be responsible for the national conversation. That responsibility is to be given to a man who has shown no evidence whatever throughout his parliamentary career that he understands that conversation includes people other than himself speaking and that it might possibly involve listening rather than lecturing.

Secondly, we are told that Alex Neil represents fresh talent and that he is a critic being brought into the fold. With all due respect, I go back a long way with Alex Neil—so far that I can remember when he believed that social justice should be at the centre of Government policy, not in the margins where Mr Salmond's trickle-down economics place it—but not even he, who has shown a remarkable ability to argue for anything in the past year and a half, could possibly

characterise himself as a fresh face. I can only hazard a guess at how those SNP members whose faces are a deal fresher than mine or Mr Neil's feel about that.

I considered for a moment the possibility that, in this Parliament of minorities, we should all be allowed to choose an SNP back bencher to be given the job—perhaps someone who has displayed a scintilla of independent thought—but even I, optimistic soul that I am, recognise a tough job when I see one. In the unreal world that is the Parliament, where the first rule should always be to expect the unexpected, the transformation of Alex Neil, the alleged critic, from thorn in the flesh to Salmond's little helper has been breathtaking. Week after week, we have witnessed him in full flow, shouting, bawling and crawling in equal measure. The reality of course is that the loyalty of the back benchers has been bought by the promise of the one thing that unites them—a Government that is focused entirely on seeking constitutional fights as a means of separating us from the rest of the United Kingdom. That is the key message of the ministerial and other decisions that Mr Salmond has made this week: separation is now everything.

Ministers who are departing office should not blame themselves or allow themselves to be joined to the long list of alibis that the First Minister uses at every opportunity. They could work only with the cards that they were dealt.

The Government has failed in its housing policy, which prompted the lobbying today by trade unionists, housing organisations and community volunteers; in its environmental policy, which seeks to privatise our forests, as a result of listening to Rothschild rather than rural workers; in its culture policy, which prompted unprecedented unity of artists in protest; and its schools policy, which—remarkably—has not resulted in the building of one school being commissioned in nearly two years.

I welcome the new ministers to their posts and urge them to do in government what they did not do on the back benches—to speak up. I urge them to do what their boss regularly fails to do—to listen to those who live with the consequences of the misguided action in their ministerial portfolios and the wilful lack of action by the Government on the economy. If the new ministers do that, perhaps the First Minister's failed policies might be challenged.

Labour members understand that the critical issue is that the Government should work in the interests of the people of Scotland. All the reshuffles in the world will not make the difference that we need, which would come from the First Minister, the Cabinet, ministers and the governing party putting aside their constitutional obsessions and using their existing powers to support families

and communities throughout Scotland. If the ministerial change brings about such a change, that will be welcome.

16:46

Mike Rumbles (West Aberdeenshire and Kincardine) (LD): When I heard of the First Minister's proposed ministerial appointments, my first instinct was to phone the administrators of the Geneva convention. What cruel and unusual punishment had the First Minister inflicted on Alex Neil? As we have heard, Mr Neil was the minister for "Newsnight". Now, he is not. We can only imagine what torture it will be for him to turn on "Newsnight Scotland" every night and find that he is not on the programme. However, we have heard enough about Mr Neil this afternoon. I am sure that we will hear much more in the future.

I will take this opportunity to ask questions about the proposed appointment of Roseanna Cunningham and any changes to Government policy that might flow from her appointment. Roseanna Cunningham has advocated to Parliament three distinctive policy positions on the environment. First, she called for the decision on the Beaulieu to Denny transmission line to be delayed until the option of burying the cable underground for the entire route had been fully investigated and more recently, in a debate just last month on 22 January, she urged the then Minister for Environment to change the funding system for flood relief. Did she win that argument when she discussed her appointment with the First Minister? We would all like to know the answer. Will she present to Parliament a better system of paying for flood prevention, which she has frequently advocated? She has also said that she supports a moratorium on wind farm developments and a "suspension of applications". Is she to be the Minister for Environment? Will those three personal policies that Ms Cunningham championed from the back benches accompany her and become official Government policy? We need to hear a single view from the Government. Will the First Minister tell us that view?

Will the First Minister also respond to my principal concern about the reshuffle, which is that it does nothing to tackle the recession and unemployment? The SNP Government's priority is to have a stronger team that is ready for the independence bill—the First Minister just mentioned that. Its top priority is more powers for the SNP, not more action for the economy. We know that the SNP is embarrassed about that, because it announced the ministerial changes at the moment when the nation's attention was on high noon for the bankers in London. When Scotland faces an economic storm, the First Minister appoints a minister for independence,

rather than a minister for economic recovery. If he is not embarrassed about that, he certainly should be.

16:49

Patrick Harvie (Glasgow) (Green): I enjoyed Murdo Fraser's speech. I am sorry to say that there will not be quite as many jokes in my speech as there were in his. My speech is more an expression of genuine sorrow at our decision not to support the appointments.

The loss of Alex Neil from our television screens is somewhat different for Robin Harper and me because we are also losing him as a neighbour; the fourth floor will not be the same. That said, Alex is welcome to join Linda, Robin and me up on the fourth floor for a wee whisky some evening, if time permits.

Margaret Smith (Edinburgh West) (LD): Can we come, too?

Patrick Harvie: The invitation is on a first come, first served basis.

In 2007, following what was a difficult election for us, we entered into an agreement with the Government to support its ministerial appointments. I am glad that we did that. At the time, the political party that had come into power had strong commitments on, for example, a 3 per cent annual cut in greenhouse gas emissions. It also had a strong commitment against nuclear power in Scotland and was committed to a range of policies including a transition away from the use of fossil fuels. We also shared a common response to certain economic issues. However, I regret the fact that the political party that is in power has dropped its commitment to a 3 per cent annual cut in greenhouse gas emissions and that it appears to be willing to review its opposition to nuclear power in Scotland.

Roseanna Cunningham (Perth) (SNP): Rubbish.

Patrick Harvie: Yes—indeed it has. That was acknowledged in the chamber recently. *[Interruption.]* If I may, Presiding Officer, I would like to continue.

The Presiding Officer: Order.

Patrick Harvie: As we have all seen over recent weeks, the SNP is a political party that does not always engage as constructively on budget issues as it could.

I recognise that abstaining in the vote will be merely symbolic. However, I hope that the Government understands that it will be a symbol not of scathing criticism, but of hope—hope that the SNP will continue to improve its track record, restore its commitment to a 3 per cent minimum

annual cut in greenhouse gas emissions and begin to adopt coherent and radical responses to the economic crisis, climate crisis, and energy crisis to come. Sadly, thus far, it has not done enough to convince us. As the months go on, it will have the opportunity to do so.

The Presiding Officer: I call Margo MacDonald. You have no more than four minutes, Ms MacDonald.

16:52

Margo MacDonald (Lothians) (Ind): I cannot think what I would fill four minutes with, Presiding Officer.

I came into the debate only because I wanted to find out about the squirrels, but no one has mentioned them. I assume that Roseanna Cunningham will be more thoughtful in how she dispatches them than Mike Russell was. He had every intention of hitting them over the head. It is just as well that the First Minister has had the wisdom to move Mike Russell to a department where he is not allowed to hit people over the head—or perhaps he will.

My real concern is for the SNP members who were not given a job.

Members: Ah.

Margo MacDonald: Yes. I have this message for them: say what you think all the time and you will end up just like me—going on “Newsnight”.

16:53

The First Minister: Actually, Margo, I was thinking of taking over the role of minister for “Newsnight”. I say to Murdo Fraser that Alex Neil took extremely well his demotion from minister for “Newsnight” to being a Government minister. In case there is any suggestion of favouritism towards Mr Neil, I acknowledge that he is the only one of the three new ministerial appointments who did not stand against me for leadership of the Scottish National Party.

I know that Murdo Fraser was speaking more in jest than in anger. I take his not moving his amendment as a sign that Alex Neil's persuasive powers go beyond even the ranks of the SNP and have affected Murdo, too. Even in jest, I think that Murdo Fraser recognises that there is in Alex Neil a substantial parliamentary contributor. I believe that he will make a very substantial contribution to the Government.

Johann Lamont was lighter on the jokes than were other members, but I am sure that that was just for this occasion. You should beware of the idea that everybody who gets into Government and stays there is guilty of “crawling” and “sucking

up". Johann, your name does not appear among the 21 ministerial resignations of the previous Administration. Under that criterion, you were more successful in those days of sucking up and crawling than the 21 who demitted office in one form or another.

Sometimes it is true that people get promoted into Government to see what their talents and abilities can do for the good of the party, the Parliament and the country. That is why I offer the three new ministerial appointments to the Parliament.

Patrick, I—

The Presiding Officer: First Minister, I am sorry to interrupt. I know this is a relatively light-hearted debate, but I like members to be called by their full names. Thank you.

The First Minister: I beg your pardon, Presiding Officer.

I say to Patrick Harvie that we seem to have upset him somewhat. My attitude and the Government's attitude to nuclear power remains absolutely unchanged. I think I said at First Minister's question time last week that my view is that every additional billion pounds—and it would be billions—that was invested in new nuclear generation would be a billion pounds not invested in either renewable power or carbon capture generation. On the other matters that he mentioned, perhaps we can take the time to carry on the discussion elsewhere.

I say to Mike Rumbles that the basis of collective governmental responsibility means that, in policy terms, people occasionally have to put their own views to one side in order to be part of a collective, coherent team. People have always wondered whether Mike Rumbles would, if the occasion presented itself at some time, entirely manage to do that. He picked on a few of Roseanna Cunningham's views: if the process was reversed and she was picking on a range of Mr Rumbles's views, she would perhaps have slightly more material.

On the Beaulieu to Denny project, the procedure was set up by the previous Government. It would not be sensible to interfere with that procedure because doing so would invalidate the process. I have every confidence that Roseanna Cunningham will retain her individuality and her independence of thought and action, as well as being part of a collective, coherent team.

Finally, I turn to the shortest speech, which came from Margo MacDonald. Because she is not in the Scottish National Party any more, Margo's name did not come across my desk as a potential candidate, but I would not in any circumstances have denied the people of this country the

opportunity to see her on "Newsnight", where I confidently expect to join her, now that I have taken over as minister for that particular function.

With those remarks, I ask Parliament to agree that Keith Brown, Roseanna Cunningham and Alex Neil be appointed as junior ministers in the Government.

The Presiding Officer: As the amendment in the name of Murdo Fraser was not moved, the question is simply that motion S3M-3431, in the name of the First Minister, on the appointment of junior Scottish ministers, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Adam, Brian (Aberdeen North) (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)
 MacDonald, Margo (Lothians) (Ind)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McLaughlin, Anne (Glasgow) (SNP)
 McMillan, Stuart (West of Scotland) (SNP)
 Morgan, Alasdair (South of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Gil (West of Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Alex (Gordon) (SNP)
 Somerville, Shirley-Anne (Lothians) (SNP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow Govan) (SNP)
 Swinney, John (North Tayside) (SNP)
 Thompson, Dave (Highlands and Islands) (SNP)
 Watt, Maureen (North East Scotland) (SNP)
 Welsh, Andrew (Angus) (SNP)
 White, Sandra (Glasgow) (SNP)
 Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

ABSTENTIONS

Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brown, Robert (Glasgow) (LD)
 Brownlee, Derek (South of Scotland) (Con)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Carlaw, Jackson (West of Scotland) (Con)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Margaret (Glasgow Baillieston) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Foulkes, George (Lothians) (Lab)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gillon, Karen (Clydesdale) (Lab)
 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)
 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)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McArthur, Liam (Orkney) (LD)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Tom (Hamilton South) (Lab)
 McConnell, Jack (Motherwell and Wishaw) (Lab)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Mulligan, Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Elaine (Dumfries) (Lab)
 O'Donnell, Hugh (Central Scotland) (LD)
 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)
 Scott, Tavish (Shetland) (LD)

Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stewart, David (Highlands and Islands) (Lab)
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Tolson, Jim (Dunfermline West) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Whitton, David (Strathkelvin and Bearsden) (Lab)

The Presiding Officer: The result of the division is: For 48, Against 0, Abstentions 79.

Motion agreed to,

That the Parliament agrees that Roseanna Cunningham, Alex Neil and Keith Brown be appointed as junior Scottish Ministers.

Parliamentary Bureau Motion

17:00

The Presiding Officer (Alex Fergusson): The next item of business is consideration of a parliamentary bureau motion. I invite Bruce Crawford to move motion S3M-3438, on committee membership.

Motion moved,

That the Parliament agrees that—

Maureen Watt be appointed to replace Roseanna Cunningham on the Rural Affairs and Environment Committee;

Linda Fabiani be appointed to replace Alex Neil on the Finance Committee.—[*Bruce Crawford.*]

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

Decision Time

17:00

The Presiding Officer (Alex Fergusson): There are eight questions to be put as a result of today's business.

The first question is, that amendment S3M-3428.2, in the name of Nicola Sturgeon, which seeks to amend motion S3M-3428, in the name of Cathy Jamieson, on health care associated infections, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Adam, Brian (Aberdeen North) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Allan, Alasdair (Western Isles) (SNP)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brown, Keith (Ochil) (SNP)
 Brown, Robert (Glasgow) (LD)
 Brownlee, Derek (South of Scotland) (Con)
 Campbell, Aileen (South of Scotland) (SNP)
 Carlaw, Jackson (West of Scotland) (Con)
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 Constance, Angela (Livingston) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Don, Nigel (North East Scotland) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Finnie, Ross (West of Scotland) (LD)
 FitzPatrick, Joe (Dundee West) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Goldie, Annabel (West of Scotland) (Con)
 Grahame, Christine (South of Scotland) (SNP)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Hepburn, Jamie (Central Scotland) (SNP)
 Hume, Jim (South of Scotland) (LD)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Kidd, Bill (Glasgow) (SNP)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McArthur, Liam (Orkney) (LD)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McLaughlin, Anne (Glasgow) (SNP)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMillan, Stuart (West of Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Morgan, Alasdair (South of Scotland) (SNP)
 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)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Somerville, Shirley-Anne (Lothians) (SNP)
 Stephen, Nicol (Aberdeen South) (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)

AGAINST

Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Margaret (Glasgow Baillieston) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Foulkes, George (Lothians) (Lab)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gordon, Charlie (Glasgow Cathcart) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Henry, Hugh (Paisley South) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Kelly, James (Glasgow Rutherglen) (Lab)
 Kerr, Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Tom (Hamilton South) (Lab)
 McConnell, Jack (Motherwell and Wishaw) (Lab)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Mulligan, Mary (Linlithgow) (Lab)
 Murray, Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Park, John (Mid Scotland and Fife) (Lab)

Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Stewart, David (Highlands and Islands) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Whitton, David (Strathkelvin and Bearsden) (Lab)

ABSTENTIONS

Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 MacDonald, Margo (Lothians) (Ind)

The Presiding Officer: The result of the division is: For 79, Against 45, Abstentions 3.

Amendment agreed to.

The Presiding Officer: The next question is, that amendment S3M-3428.1, in the name of Ross Finnie, which also seeks to amend motion S3M-3428, in the name of Cathy Jamieson, on health care associated infections, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

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)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Margaret (Glasgow Baillieston) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Foulkes, George (Lothians) (Lab)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gordon, Charlie (Glasgow Cathcart) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 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)
 Kelly, James (Glasgow Rutherglen) (Lab)
 Kerr, Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McArthur, Liam (Orkney) (LD)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Tom (Hamilton South) (Lab)
 McConnell, Jack (Motherwell and Wishaw) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)

Mulligan, Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Elaine (Dumfries) (Lab)
 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)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stewart, David (Highlands and Islands) (Lab)
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Tolson, Jim (Dunfermline West) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Whitton, David (Strathkelvin and Bearsden) (Lab)

AGAINST

Adam, Brian (Aberdeen North) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Allan, Alasdair (Western Isles) (SNP)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brown, Keith (Ochil) (SNP)
 Brownlee, Derek (South of Scotland) (Con)
 Campbell, Aileen (South of Scotland) (SNP)
 Carlaw, Jackson (West of Scotland) (Con)
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 Constance, Angela (Livingston) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Don, Nigel (North East Scotland) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 FitzPatrick, Joe (Dundee West) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Goldie, Annabel (West of Scotland) (Con)
 Grahame, Christine (South of Scotland) (SNP)
 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)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McLaughlin, Anne (Glasgow) (SNP)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMillan, Stuart (West of Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Morgan, Alasdair (South of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Gil (West of Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)

Russell, Michael (South of Scotland) (SNP)
 Salmond, Alex (Gordon) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Lothians) (SNP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow Govan) (SNP)
 Swinney, John (North Tayside) (SNP)
 Thompson, Dave (Highlands and Islands) (SNP)
 Watt, Maureen (North East Scotland) (SNP)
 Welsh, Andrew (Angus) (SNP)
 White, Sandra (Glasgow) (SNP)
 Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

ABSTENTIONS

Johnstone, Alex (North East Scotland) (Con)
 MacDonald, Margo (Lothians) (Ind)

The Presiding Officer: The result of the division is: For 63, Against 62, Abstentions 2.

Amendment agreed to.

The Presiding Officer: The next question is, that motion S3M-3428, in the name of Cathy Jamieson, on health care associated infections, as amended, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

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)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Margaret (Glasgow Baillieston) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Foulkes, George (Lothians) (Lab)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gordon, Charlie (Glasgow Cathcart) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 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)
 Kelly, James (Glasgow Rutherglen) (Lab)
 Kerr, Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollak) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 MacDonald, Margo (Lothians) (Ind)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McArthur, Liam (Orkney) (LD)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Tom (Hamilton South) (Lab)

McConnell, Jack (Motherwell and Wishaw) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Mulligan, Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Elaine (Dumfries) (Lab)
 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)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stewart, David (Highlands and Islands) (Lab)
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Tolson, Jim (Dunfermline West) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Whitton, David (Strathkelvin and Bearsden) (Lab)

AGAINST

Adam, Brian (Aberdeen North) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Allan, Alasdair (Western Isles) (SNP)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brown, Keith (Ochil) (SNP)
 Brownlee, Derek (South of Scotland) (Con)
 Campbell, Aileen (South of Scotland) (SNP)
 Carlaw, Jackson (West of Scotland) (Con)
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 Constance, Angela (Livingston) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Don, Nigel (North East Scotland) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 FitzPatrick, Joe (Dundee West) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Goldie, Annabel (West of Scotland) (Con)
 Grahame, Christine (South of Scotland) (SNP)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Hepburn, Jamie (Central Scotland) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Kidd, Bill (Glasgow) (SNP)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McLaughlin, Anne (Glasgow) (SNP)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMillan, Stuart (West of Scotland) (SNP)

Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Morgan, Alasdair (South of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Gil (West of Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Alex (Gordon) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Lothians) (SNP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow Govan) (SNP)
 Swinney, John (North Tayside) (SNP)
 Thompson, Dave (Highlands and Islands) (SNP)
 Watt, Maureen (North East Scotland) (SNP)
 Welsh, Andrew (Angus) (SNP)
 White, Sandra (Glasgow) (SNP)
 Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

The Presiding Officer: The result of the division is: For 63, Against 63, Abstentions 0.

I will therefore have to use my casting vote and, as always, I will vote against the amended motion.

Motion, as amended, disagreed to.

The Presiding Officer: The next question is, that amendment S3M-3427.1, in the name of Jamie McGrigor, which seeks to amend motion S3M-3427, in the name of Mary Mulligan, on housing, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Aitken, Bill (Glasgow) (Con)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brown, Robert (Glasgow) (LD)
 Brownlee, Derek (South of Scotland) (Con)
 Carlaw, Jackson (West of Scotland) (Con)
 Finnie, Ross (West of Scotland) (LD)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Goldie, Annabel (West of Scotland) (Con)
 Hume, Jim (South of Scotland) (LD)
 Johnstone, Alex (North East Scotland) (Con)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 MacDonald, Margo (Lothians) (Ind)
 McArthur, Liam (Orkney) (LD)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 McLetchie, David (Edinburgh Pentlands) (Con)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 O'Donnell, Hugh (Central Scotland) (LD)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)

Stephen, Nicol (Aberdeen South) (LD)
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Tolson, Jim (Dunfermline West) (LD)

AGAINST

Adam, Brian (Aberdeen North) (SNP)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Allan, Alasdair (Western Isles) (SNP)
 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)
 Brown, Keith (Ochil) (SNP)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Campbell, Aileen (South of Scotland) (SNP)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 Constance, Angela (Livingston) (SNP)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Margaret (Glasgow Baillieston) (Lab)
 Don, Nigel (North East Scotland) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Eadie, Helen (Dunfermline East) (Lab)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 FitzPatrick, Joe (Dundee West) (SNP)
 Foulkes, George (Lothians) (Lab)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gordon, Charlie (Glasgow Cathcart) (Lab)
 Grahame, Christine (South of Scotland) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Harper, Robin (Lothians) (Green)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Paisley South) (Lab)
 Hepburn, Jamie (Central Scotland) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Kelly, James (Glasgow Rutherglen) (Lab)
 Kerr, Andy (East Kilbride) (Lab)
 Kidd, Bill (Glasgow) (SNP)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Tom (Hamilton South) (Lab)
 McConnell, Jack (Motherwell and Wishaw) (Lab)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McLaughlin, Anne (Glasgow) (SNP)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McMillan, Stuart (West of Scotland) (SNP)

McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morgan, Alasdair (South of Scotland) (SNP)
 Mulligan, Mary (Linlithgow) (Lab)
 Murray, Elaine (Dumfries) (Lab)
 Neil, Alex (Central Scotland) (SNP)
 Oldfather, Irene (Cunninghame South) (Lab)
 Park, John (Mid Scotland and Fife) (Lab)
 Paterson, Gil (West of Scotland) (SNP)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Robison, Shona (Dundee East) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Alex (Gordon) (SNP)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Somerville, Shirley-Anne (Lothians) (SNP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Stewart, David (Highlands and Islands) (Lab)
 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)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Whitton, David (Strathkelvin and Bearsden) (Lab)
 Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

The Presiding Officer: The result of the division is: For 33, Against 94, Abstentions 0.

Amendment disagreed to.

The Presiding Officer: The next question is, that motion S3M-3427, in the name of Mary Mulligan, on housing, be agreed to.

Motion agreed to,

That the Parliament notes the growing crisis in Scottish housing with rising numbers of repossessions, the continuing challenge of homelessness and the falling number of houses being built; calls on the Scottish Government to ensure the urgent and effective implementation of the accelerated spending programme, introduce a realistic housing association grant formula and negotiate with the housing association movement a range of flexible models of procurement, and further calls on the Scottish Government to examine, as a matter of urgency, alternative means of expediting the provision of land and infrastructure and the regeneration of communities.

The Presiding Officer: The next question is, that motion S3M-3308, in the name of Kenny MacAskill, on the Sexual Offences (Scotland) Bill, be agreed to.

Motion agreed to,

That the Parliament agrees to the general principles of the Sexual Offences (Scotland) Bill.

The Presiding Officer: The next question is, that motion S3M-3417, in the name of John Swinney, on the Sexual Offences (Scotland) Bill financial resolution, be agreed to.

Motion agreed to,

That the Parliament, for the purposes of any Act of the Scottish Parliament resulting from the Sexual Offences

(Scotland) Bill, agrees to any expenditure of a kind referred to in paragraph 3(b)(iii) of Rule 9.12 of the Parliament's Standing Orders arising in consequence of the Act.

The Presiding Officer: The final question is, that motion S3M-3438, in the name of Bruce Crawford, on committee membership, be agreed to.

Motion agreed to,

That the Parliament agrees that—

Maureen Watt be appointed to replace Roseanna Cunningham on the Rural Affairs and Environment Committee;

Linda Fabiani be appointed to replace Alex Neil on the Finance Committee.

Scottish Coastal Path

The Deputy Presiding Officer (Trish Godman): The final item of business is a members' business debate on motion S3M-3095, in the name of Alasdair Morgan, on a Scottish coastal path. The debate will be concluded without any question being put.

Motion debated,

That the Parliament welcomes the development of core path networks, which it believes can make a major contribution to both encouraging healthy exercise and attracting tourists to Scotland, and particularly welcomes those in the South of Scotland; considers that coastal paths have a particular attractiveness because of the beauty of Scotland's coastline; further considers that long-distance paths have a particular role to play in attracting walkers to undertake at least part of the journey along such paths; congratulates those councils that have already created and marked paths along all or part of their coastlines, and believes that the creation of a Scottish coastal path, marked and marketed as such, would be a worthwhile long-term objective and would provide a national asset.

17:07

Alasdair Morgan (South of Scotland) (SNP): I am grateful for the opportunity to speak in this debate on a Scottish coastal path. I thank the members who signed the motion and the members of the public who have e-mailed me since the idea received publicity earlier this week. I welcome Michael Russell to what must be one of his last official actions as an environment minister and I congratulate him on his new appointment; I also welcome his successor, who would have spoken in the debate but for her elevation.

Paths tie into many aspects of Government policy. Their existence encourages people to get out and exercise more and to see the beauties of our countryside. Visitors are encouraged to come to Scotland for the same reasons. Hence, paths contribute significantly to our economy.

Coastal paths have a particular attraction for many people. The contrast between land and the ever-changing sea, the variety of wildlife habitats, and the townscapes of the villages, ports and towns through which the paths pass make for a substantial and stimulating walking experience.

Long-distance paths are significant, not only in Scotland but throughout the world. They have a particular draw. Some people want to walk the entire length of a path; others are attracted to walking just a few miles, simply to say that they have been on that long-distance path. In Scotland, we have four, largely inland, long-distance paths. The longest coastal path in the United Kingdom is the south-west coast path, which mostly runs through Devon and Cornwall and is 630 miles long. France has a network of grandes

randonnées and some countries have very long paths. One such path is the Appalachian trail in the United States, which is more than 2,000 miles long. A coastal path in Scotland would be longer than that.

A little while ago, the minister kindly got his officials to do a desk exercise for me, to try to establish how many paths there are along the coastline of Scotland. It was surprising to learn how many there are. The Fife coastal path is complete, if one starts at the Forth road bridge, and there are complete paths in Moray and Inverclyde. Edinburgh's path is complete, if one uses streets, and a project is under way to develop a waterfront promenade. Many other areas have partial coverage. I am sure that members will correct me if I have missed any, but the fact that it is possible to do so perhaps makes my point.

To complete the jigsaw would be a significant undertaking. Some local authorities face particular challenges—I am thinking in particular of Highland Council and Argyll and Bute Council, whose areas have very long coastlines. Decisions have to be made about which estuaries to go round and which to cross, and about whether ferry journeys may be included as part of the path, as they are for some Norwegian paths. There is a project to develop a North Sea trail, linking countries with a North Sea coast such as Norway, Germany and Scotland. The Scottish coastal path would be a logical extension of that.

If all the gaps could eventually be filled in and all the existing paths, plus the missing bits, branded and marketed as a single entity—the Scottish coastal path—we would have a tremendous asset to sell to our own people and to visitors. It would open up some of our most attractive scenic areas so that the public could enjoy them responsibly. Individual paths do not need to lose their identities. For example, the Moray coastal path would remain the Moray coastal path, but it would be part of the Scottish coastal path as well. In that way, we would get the best of both worlds. If that could be achieved, the value of a complete coastal path would be much greater than the value of its individual components.

Translating a good idea into reality, especially a reality of such a length, is going to be no easy matter. Budgets are always under pressure, no more so than now, and the budgets that are available to local authorities for path-related purposes are not limitless. That would be the case even if local authorities were not already drawing up their own core path networks, much of which by definition will be, and should be, inland.

The running costs of paths, particularly as they become popular, can be substantial, so I am not asking for a commitment to fund a Scottish coastal

path. Scottish Natural Heritage may feel that its current four long-distance routes absorb considerable resources. However, a report that was commissioned by SNH and published last year included a recommendation that consideration be given to the establishment of a complete Scottish mainland coastal path.

The Government might wish to say that, in the long term—however long that term might be—it thinks that a Scottish coastal path would be a good idea. If that is the case, we then need some kind of co-ordination of the idea, so that it does not fester in the pile of good ideas somewhere on the shelf of one of our ministers. We need somebody to be given the responsibility of ensuring that the idea moves forward, albeit slowly, as an idea that is going to be realised in the long term.

If that responsibility were allocated, the first step might be as simple as establishing the name and a branding, so that if Fife Council, for example, has to erect a new sign somewhere on the existing Fife coastal path, it might be persuaded to make the sign also say “part of the Scottish coastal path”. It should also be possible to produce a leaflet, at minimum cost, which could be updated as appropriate, perhaps annually, to show just how much of the coastal path existed.

None of our motorways was built in one go; some of them are not finished even yet. Paths, I would argue, are much more beneficial in the long run than motorways, so even if we cannot see the end of this project, we should at least be willing to start on it.

17:13

Elizabeth Smith (Mid Scotland and Fife)
(Con): I begin by congratulating Alasdair Morgan on securing the debate. I warmly welcome the huge amount of work that has already been done on constructing a network of core paths around Scotland, and particularly the concept of a Scottish coastal path. History proves the success of walks such as the west highland way, the southern upland way and the Cape Wrath trail, of which I had the privilege of walking approximately 80 miles last year, in fairly treacherous conditions, a bit like those of today. That tested my Gore-Tex clothing and map-reading skills to their fullest extent. Those routes are well known in Scotland as excellent facilities.

It goes without saying that some of the most magnificent scenery in Scotland is on the coastal edges—a fact that, for many centuries, has drawn our artists, photographers, musicians, authors and, of course, tourists. There are also many benefits to be enjoyed by local people, and I have no doubt whatever that, by securing a well-mapped and well-marked Scottish coastal path,

we would be providing much greater incentives for people to enjoy their immediate environment and the best resource that Scotland can provide, namely her scenery. Who can deny the outstanding beauty and solitude of being at one with the elements in locations such as Sandwood Bay, with its extraordinary mixtures of Torridonian gritstone and Lewisian gneiss? Those sites are testimony to the rich geological, archaeological and cultural history of Scotland, and it is little wonder that they have become a Mecca for tourists from all over the world.

In John Muir, we have the perfect example of a pioneer in the field of ecology and environmentalism, who showed why it is so essential that we ensure that everything possible is done to preserve and enhance our natural world.

Members are aware of my lifelong passion for outdoor learning and the benefits that it can bring, particularly to young people as they learn more about themselves and how to cope with life in a different environment and acquire the essential life skills that they need when they move away from school. There has been a very encouraging growth in the number of schools participating in the John Muir Trust, and I have no doubt that a Scottish coastal path would bring more opportunities and an enriched learning experience to a wider school community. If the Fife Coast and Countryside Trust is able to report an increase of 100,000 visitors between 2005 and 2006 on 90 miles of coastline, what numbers might appear if all 2,300 miles were opened up. I got that figure from the 11th edition of the "Encyclopaedia Britannica", incidentally.

Although the prime interest must be in making best use of Scotland's outstanding natural resources, there are many other dimensions to the issue, not least of which is the benefit to the economy. There are obvious benefits in terms of the revenue from visitor spending, but there are other benefits that might be less obvious but are nevertheless hugely important, and they concern the use of many places of accommodation along the routes.

This week, I was passed information by one of our top-class outdoor education experts, who told me that two local authorities have been in contact with him to tell him that they might no longer have the resources to use his centre because of budget cuts. That concern is shared by many other outdoor education centres. How tragic it would be if excellent work were done to ensure that Scotland has a coastal path but some people were not able to get there because of inappropriate accommodation or, in some cases, a lack of expertise in staffing. Once again, I appeal to all parties in the chamber to ensure that our outdoor

facilities are used to the best possible advantage, especially now when there is so much economic uncertainty.

There is also a marketing issue. We should learn from other tourist attractions about how we can improve marketing methods. I agree with what Alasdair Morgan said about focusing on articulating the best interests of neighbouring communities, as well as of those who are likely to benefit directly from the new amenity. Scotland needs some joined-up thinking in that respect. Perhaps we should look to best practice in countries such as Switzerland.

There is also the issue of the much needed marine bill for Scotland. A coastal path would be crucial in raising public awareness of our precious marine environment, and allowing us a better understanding of why it is so important to future generations that we look after that environment better than we have done in the past.

When the nation's health is under intense scrutiny, and more of us are being advised to take regular exercise, the motion could hardly come at a more important time. With our rights to enjoy Scotland's natural resources must come an even more important sense of responsibility, which must be to the fore when planning Scotland's coastal path. On bringing the motion to Parliament and into the public domain, I congratulate Alasdair Morgan.

17:18

Elaine Murray (Dumfries) (Lab): I congratulate Alasdair Morgan on securing the debate and drawing Parliament's attention to the value of the coastal path network and the opportunities offered by the development of a national coastal path.

I also congratulate the current and former Ministers for Environment on their new appointments. I am sorry to be left alone in the cross-party group on grammatical accuracy, although I believe that John Scott wishes to be a member. I hope that the new Minister for Environment never finds an errant apostrophe in her ministerial briefings.

To the subject. Ramblers Scotland believes that, consequent to the passing of the Land Reform (Scotland) Act 2003, Scotland now has one of the best arrangements for public access to land and inland waters in all Europe but, in its briefing for tonight's debate, it says that it is not optimistic that the first single outcome agreements will result in better path networks across the country. It takes the view that it is not yet the case that all local authorities appreciate the role that path networks can play in promoting the wider health, environment and economic development agendas.

In November last year, when I asked ministers whether the Government would consider the promotion of a coastal path, I was advised that Scottish Natural Heritage was consulting on a paths policy statement and seeking views on whether path resources needed to be improved in particular areas. A draft policy was published last October. I would be grateful if, in his summing up, the minister could give an update on the progress of that policy.

I also asked for information on the estimated value to the Scottish economy of outdoor recreation on the coast and was advised that the World Wildlife Fund estimates that coastal tourism contributes £375 million to the Scottish economy as a whole. It will, of course, be of particular value to the economies of rural coastal areas such as Dumfries and Galloway.

As the Royal Society for the Protection of Birds points out in its briefing for the debate, the protection of coastal and wildlife habitat is not incompatible with the development of a coastal path. Nevertheless, inappropriate development poses a threat to coastal areas, so a number of European countries have introduced coastal protection zones to ensure access for recreation, preserve habitat and biodiversity and protect against erosion as sea levels rise due to climate change. The UK Parliament is considering an access margin around the coast under the Marine and Coastal Access Bill. Belgium, the Netherlands, France, Latvia, Norway, Spain and Sweden are among our European neighbours that have introduced some form of coastal protection zone. I ask the Scottish Government to give serious consideration to introducing similar provisions in its forthcoming marine bill.

National planning policy guideline 13, on coastal planning, is widely felt to provide insufficient guidance to planning authorities and, therefore, insufficient protection against inappropriate development. I hope that its successor, Scottish planning policy 13, will be a stronger instrument, although there are some concerns that that much slimmer document may not provide sufficiently detailed guidance. Therefore, a statutory underpinning via the marine bill could be beneficial.

I have one request to make of the outgoing Minister for Environment—that he update us on progress with the paths policy statement—and one to make of the new minister: that she consider giving SPP 13 a statutory underpinning in the marine bill.

Like Scotland as a whole, Dumfries and Galloway has a diverse and fascinating coastline that already contributes to the economy through leisure and tourism, to healthy activity through facilities for walking and cycling and to biodiversity

through the range of habitats that are to be found along the shoreline. It is a tremendous local and national asset that can be enhanced only by the development of the core path network into a Scottish coastal path.

17:22

John Scott (Ayr) (Con): I congratulate Alasdair Morgan on securing the debate on coastal path networks and Roseanna Cunningham on her new appointment.

Unsurprisingly, I will focus my brief speech on the recently completed Ayrshire coastal path, which stretches the 100-miles between Skelmorlie at the northernmost point of Ayrshire to Glenapp, where the county meets Galloway. The path is the creation of the Rotary Club of Ayr, of which I am proud to be a member, although I should make it clear that my membership did not start until after the coastal path was complete so, sadly, I can claim no credit for, or involvement in, the work.

The Ayr Rotarians undertook the massive task of planning and fund raising for the creation of the Ayrshire coastal path in celebration of their centenary in 2005. It is a huge tribute to their drive and enthusiasm that such a huge project was so successfully completed. The Rotarians, ably led by Jimmy Begg, put in much physical work, which included clearing waste, digging paths and creating gates and markers all along the 100-mile route. The project also won the support of the wider community in Ayrshire and backing from South Ayrshire Council, North Ayrshire Council, landowners along the route and the local business community.

The route takes in some of the most impressive landscapes in Scotland, set against the backdrop of Ailsa Craig and the isles of Arran, Cumbrae and Bute. Ayrshire's rich history is also evident. By following the coastal path and the recommended detours, one can take in a host of fascinating sites, including the ancient castles of Ardstinchar, Turnberry, Culzean, Dunure, Greenan, Dundonald, Seagate, Ardrossan, Portencross and Kelburn, as well as Burns's cottage in Alloway, St John's tower—the venue for the first Scottish Parliament after Bannockburn—and the old Stinchar bridge, which was built in 1776 from the stones of Ardstinchar castle near my home in Ballantrae.

As Alasdair Morgan's motion makes clear, coastal paths not only have great value in opening up some of the most beautiful landscapes in Scotland to regular use but have an important role to play in promoting healthy physical exercise and encouraging visitors to holiday in Scotland.

In this year of homecoming and of the British open being held at Turnberry in Cathy Jamieson's

constituency, Ayrshire's coastal path network is another attraction that we have to offer to our visitors to the riviera of Scotland. It complements our written heritage in Burns, our built heritage at Culzean and Dumfries house, as well as our free championship golf courses and many municipal golf courses.

I agree with Alasdair Morgan that a Scottish coastal path network is a national goal that is well worth pursuing. Indeed, it is an idea whose time has come. My colleagues in the Rotary Club of Ayr would very much subscribe to that goal, too. The Burns suppers are past and now is the time, as spring approaches—in calendar terms at least—to start walking our coastal paths. I commend the Ayrshire one to all members and offer my support for Alasdair Morgan's motion.

17:25

Cathy Jamieson (Carrick, Cumnock and Doon Valley) (Lab): I, too, congratulate Alasdair Morgan on securing the debate and welcome the ministers to their new positions.

As John Scott was speaking, I was reflecting on another landmark on that coastline: Sawney Bean's cave. I would not necessarily suggest that the ministers made that their first stop on the coastal path, but they may wish to come along and visit some of the other sites that John Scott mentioned.

John Scott also mentioned the valuable work that was done by the Rotary Club of Ayr, particularly by Jimmy Begg, in ensuring that the coastal path became a reality. There is a guidebook to the coastal path—I will do my advert now: "Ayrshire Coastal Path: The Official Guide Book"—which describes it for anyone who wants to walk along it. Originally, the rotary club members thought of having a relatively short path to link up some of the attractions along the way, taking in Dunure, Ayr and Girvan, but they realised that there was an opportunity to link up a number of other paths and parts of paths along the way, without a huge amount of additional cost. They are to be commended for that superb piece of work.

The work was not without its difficulties. For a particular section in my constituency in south Ayrshire, it took my intervention with Transport Scotland, Amey and the council to ensure that a commonsense approach was arrived at to allow part of the path to link up a section alongside the trunk road. I say to the ministers, in case they get the opportunity to talk to the Minister for Transport, Infrastructure and Climate Change, that there are similar issues in other parts of Ayrshire, particularly along the A76. It is not a coastal path, but it is important to recognise that there is the

opportunity to link up existing path networks with the River Ayr walk.

John Scott: Has the member for Carrick, Cumnock and Doon Valley made any progress with creating a pavement on the A77 south of Girvan, which she mentioned?

Cathy Jamieson: Some progress has been made, but it is not entirely the progress that we would like. Further work needs to be done on that. Perhaps the ministers can take that point back to the relevant authorities.

In the wider context of access to the outdoors and people's ability to get out and enjoy themselves and keep healthy, it is worth considering the opportunity to link up other existing path networks. As well as the Ayrshire coastal path, we have the River Ayr walk, which is 44 miles from the source of the river to the sea. There are plans for people to develop a Carrick way and link up a number of existing path networks. If the Scottish Government gave that its backing and ensured that the relatively modest amount of resources required were available, that would be very much welcomed.

I echo John Scott's comment that, if we are serious in this year of homecoming about attracting tourists to our local area, we must highlight the varied opportunities that are there. John Scott mentioned golf, the opportunities for walking and the sights along the way. However, that requires that basic facilities are provided for tourists. People will not be surprised to hear me say that I find it astonishing that South Ayrshire Council has just decided to close another batch of public conveniences in villages throughout south Ayrshire and on the coast at a time when we should try to encourage visitors.

I realise that I have probably strayed entirely from the path during the course of my speech, but it is an important debate because the success of the Ayrshire coastal path and how it was put together is a model that could be followed in other areas with the aid of a relatively small amount of money. I hope that ministers will take account of that.

17:30

The Minister for Culture, External Affairs and the Constitution (Michael Russell): At the outset, let me say that this should be my final appearance in fulfilling my previous ministerial role. I thank those whom I have worked with—and against—over the past 21 months. I pay a warm tribute and welcome to my successor, Roseanna Cunningham. She will be free to act as she will, of course, so I will not bind her in any way in what I say today.

I congratulate Alasdair Morgan on securing the debate. The Scottish coastal path is an important issue that, as he indicated, he has discussed with me on a number of occasions. I am glad to say that, with officials, I have been able to help to begin at least to scope the task. The indicative map that we now have, which shows where some of the Scottish coastal path exists, is a foundation on which to build.

I welcome to the public gallery Gil Campbell, who is running a Facebook campaign for a Scottish coastal path. Many people are interested in the idea and many of them are online—not many of them are in the chamber—but I am sure that Gil Campbell will take away the message that the Scottish Government has a commitment to the on-going development and promotion of the core path network throughout Scotland. We need to find ways to build upon that.

I was struck by Elizabeth Smith's comments on the significance of the coast, which came to the heart of understanding the matter. The coast is not just an arbitrary line of some sort or even just a definition—although it is a definition—of who we are and where we are. It is a route and an explanation, and it has a huge significance for us all.

A coastal path has more significance than many other long-distance ways—in Scotland most of all, probably—because the Scottish coastal path will be very long indeed. Alasdair Morgan suggested that the path might well exceed the Appalachian trail, and I think that there is no doubt about that. In fact, we do not know how long the path will be, as there are lots of questions about where it will run. Even if we have just a mainland coastal path—I am particularly fond of the idea of including certainly the larger islands—the Scottish coastal path will be one of the longest paths in the world. That is why our ambition will take some time to achieve.

I entirely agree with Elaine Murray that the Land Reform (Scotland) Act 2003 is a foundation on which we can build such an achievement. I pay tribute to the previous Administration on that. She and I will both regret that, so far, some of the weaker contributions to the core path network have been in Dumfries and Galloway—an area that both of us know well—under both the previous and current Administrations. I hope that Dumfries and Galloway Council is back on track—as I believe that it is—to be a contributor, as is required of all local authorities, in building the core path network in Scotland.

Paths contribute in all sorts of ways, as Alasdair Morgan indicated. They contribute to the wellbeing and health of all our citizens by providing the opportunity to get outdoors. One of the 45 national indicators that were chosen to track progress

towards the achievement of our national outcomes relates to outdoor access. During 2007, 44 per cent of adults are estimated to have visited the outdoors once or more than once a week. That was the same as the figure in 2006. If we continue to develop, market and expand what is available, more people will go and see. The more that we talk about the paths and actively promote them by changing and developing things, the more we will achieve progress. I think that we can build on the success of the access legislation and be ambitious in taking the matter forward.

Of course, there has been success. Examples of recent local approaches—coming from the bottom up rather than from the top down, which is an important point—include the Fife coastal path, St Cuthbert's way, the Catechan trail, the Kintyre way and the River Ayr way. I should also give special mention to the Cowal way; the path runs within sight of the house in which, some of the time, I live. Given that Cathy Jamieson has advertised a publication, let me advertise a new book, "The Cowal Way", which was written by Michael Kaufman and Jim McLuckie, who are members of the local community council. I believe that the publication is available now, at very modest cost.

We now need a specific way of moving forward. Scottish Natural Heritage—I will come to Dr Murray's point about SNH in a second—believes that a bottom-up partnership is more effective than a top-down imposition. Of course, we need to work out a strategy that will make that work. SNH's paths policy paper will go to the SNH board this summer. Recommendations will likely be made in the autumn, so there is plenty of time to have an influence. I will come on to discuss the actions that my successor might, or might not, wish to take.

Following the concordat between the Scottish Government and the Convention of Scottish Local Authorities, it will be for access authorities, in consultation with communities and other relevant partner bodies, to make progress and create long-distance paths. The Scottish coastal path proposal is ambitious. Another existing proposal is for a pilgrim way. The origin of that proposal lies with someone who may have some influence in the days and months to come. The future of those proposals lies in the hands of Roseanna Cunningham and in the work that she chooses to do.

At present, around 2,700km of the Scottish coast is served with paths. That is nearly 25 per cent. Of course it is right to make progress now, so I will respond to Alasdair Morgan's closing request. Yes, there is a commitment within this Government to take this issue forward. The path cannot be completed in a day, a month or a year. The issue will be affected by a shortage of resources, and, as I have said, ideas need to

come from the bottom up. We need to get the people around the coast to agree that joining up what they have, and developing new ideas, will be the best way to go. Out of such ideas will come a successful venture. This is a project for the long term, but there is a commitment to get moving. A quarter of the path is already there; how we use it and develop it will be a key issue.

As I say, SNH will be considering a paper in the summer. There will be an opportunity—say, for a Minister for Environment—to talk to SNH about these issues and to indicate the will of this chamber. Even though we are few in number this evening, there clearly is a will to take the idea forward. We cannot commit vast resources to it, but we can take it forward. That minister might suggest to SNH, as it develops its paper, that it should take notice of what has been said this evening; should think about how to make progress; should perhaps think about other existing ideas for long-distance paths; and should see whether recommendations will emerge that we can take action on. That minister might want to bring the topic back to the chamber for a discussion on the contributions that long-distance paths can make to Scotland.

In conclusion, I will say that I have greatly enjoyed all the work that I have done on the environment. It has been an enormous privilege. I have learned a great deal; I might say that I have had a ball. I look forward to my future role, and I very much look forward to supporting Roseanna Cunningham in hers.

Meeting closed at 17:37.

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