

MEETING OF THE PARLIAMENT

Thursday 26 February 2009

Session 3

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Scottish Parliament

Thursday 26 February 2009

[THE PRESIDING OFFICER *opened the meeting at 09:00*]

Financial Services Advisory Board

The Presiding Officer (Alex Fergusson):

Good morning. The first item of business is a statement by John Swinney on the Financial Services Advisory Board. The cabinet secretary will take questions at the end of his statement, so there should be no interventions or interruptions.

09:00

The Cabinet Secretary for Finance and Sustainable Growth (John Swinney): On 5 February, we debated motion S3M-3384, on the creation of a financial sector jobs task force. The terms of the motion that was agreed were that the Scottish Government would ask the Financial Services Advisory Board—FiSAB—to consider how the financial services industry would adapt to address the current challenges in the sector. It was also requested that, through the Scottish Government, FiSAB would consider the establishment of a task force within its current structures, and that we would consider the role and remit of that task force. Today, as promised, I am reporting back to Parliament on progress following FiSAB's meeting on Tuesday, 10 February.

All the matters that I have mentioned were discussed by FiSAB, which readily agreed to the establishment of a task force. I will provide details of those discussions later, but it might be useful first to remind ourselves of FiSAB's remit, structure and workings so that we can put into context how the task force will operate.

FiSAB is a unique collaboration that involves the Government and the wider public sector, individual financial services organisations, Scottish Financial Enterprise and trade unions. It is chaired by the First Minister and oversees a joint strategy with a vision for the long-term success of the industry in Scotland that recognises that continued collaboration is needed in order to realise that vision. The Government's commitment to FiSAB's success is demonstrated by the fact that we have continued it since we came to office and that the First Minister, Jim Mather and I are members of the board.

The industry deputy chair of FiSAB is the much-respected John Campbell of State Street, and I take this opportunity to pay public tribute to him. After nearly four years, he is standing down from his roles of chair of Scottish Financial Enterprise and industry deputy chair of FiSAB. We have greatly benefited from his focused approach, his knowledge and his huge expertise.

As I explained during the debate on 5 February, FiSAB has met at least twice a year until now. It is supported in the day-to-day operational delivery of the financial services strategy by the financial services implementation group—FiSIG—which meets every two months. Smaller delivery groups meet to discuss specific issues when that is required in the intervening months.

The strategy document articulates a vision of

“an innovative, competitive and thriving international financial services industry in Scotland, underpinned by world-class infrastructure and universally recognised as a leader on the global stage.”

Even in pre-credit crunch times, that was an ambitious vision; it is even more ambitious now. However, I want to be clear that it remains our shared vision. Neither the current economic difficulties that businesses in Scotland face, nor the particular difficulties that our banking sector faces, are distracting us from trying to help Scotland's financial services industry to realise that vision.

The strategy has three aims—on people, profile and infrastructure—that underpin its vision. We will strengthen Scotland's world-class workforce through collaborative effort; we will work in partnership to build the industry's profile within and beyond Scotland; and we will identify and work together to achieve the business infrastructure that can support a highly successful financial services industry. A commitment to exploit market opportunities through innovation underlies all the work across those three pillars. The strategy is more relevant now than it was 18 months ago.

FiSAB noted that not all parts of the financial services industry are in difficulty. That is reflected in esure's announcement of 500 new jobs in the insurance sector in Glasgow—all members will want to join me in welcoming that—and in the results of companies such as Aberdeen Asset Management. FiSAB therefore remained convinced that the strategy was essential for the long-term success of the industry.

Following work undertaken by John Campbell to ensure that FiSAB membership continued to reflect the diversity and changing nature of our industry, action has been taken to recruit new members from across its sectors. It has also been agreed that invitations should be issued to the Bank of England and the Financial Services

Authority to join FiSAB, alongside Her Majesty's Treasury. That means that representatives of all three regulatory bodies will be around the table with leaders of the main Scottish companies and the trade unions.

I turn to some of the specific matters that FiSAB discussed on 10 February. First, FiSIG reported on progress against actions that are contained in the existing implementation plans and on its review of those plans to ensure that they still meet the new challenges that are faced in the current financial crisis and recession. FiSIG concluded that the aims and pillars that are set out in the strategy are still appropriate, but that some work was required in the coming months to reprioritise and reposition some plans. The main work priorities that were identified were reconsidering education, skills and financial capability priorities; repositioning and re-emphasising communications activity; and ensuring an appropriate regulatory response and that Scotland is a business-friendly location. FiSIG's work fed into a discussion around a presentation on the sector by Professor John Kay of the Council of Economic Advisers. We were also joined at the meeting by Lord Smith, another council member.

Competitive advantage in financial services nowadays depends on locational advantages, brand and reputational advantages, and innovation. Scotland's historical reputation for prudence and strengths in risk management must be built on as we come out of the current economic situation.

The Scottish financial services industry is diverse. Our banks have experienced significant difficulties, but we must be careful to ensure that we do not encourage negative perceptions of our industry as a whole. Many other elements of the industry remain very strong. We need to ensure that we fully understand how our industry is perceived as we take work forward to promote it further.

FiSAB agreed that business can create competitive advantage and that the Government must help with promotion, education, research and training. There has been reputational damage to the industry in Scotland, but we must keep that damage in perspective. The crisis is an international financial crisis, not a Scottish one.

Industry has work to do on rebuilding trust, and opportunities to grasp to help people look after their savings and prepare for their long-term future. As a result, FiSAB tasked FiSIG with ensuring that plans now reflect the outcomes of the discussions and ensure a focus on skills and careers, promotional activities and the need to work with our higher education institutions to reflect the importance of research. As members can see, on-going and targeted work is being done

on delivering the aims of the strategy for the financial services industry in Scotland.

Finally—and crucially—the FiSAB discussions focused on consideration of the financial sector jobs task force. FiSAB agreed that it was important that that task force be set up within the collaborative structure that FiSAB provides. It recommended that the task force should be a separate group that meets regularly and that it should report to FiSAB. That will enable it to merge its work with work that is already under way and make use of linkages that have already been created. A draft remit and membership paper was produced, which FiSAB members are now finalising. FiSAB also agreed that the board should meet more regularly and its next meeting will take place on 1 June.

The Government recognises and accepts that in the current economic climate and in light of the specific challenges that the financial services industry worldwide faces, additional work needs to be undertaken on the projected loss of jobs, skills and talented individuals from within the financial services industry and the related business services industry in Scotland. That additional work should supplement, not replace, that which is already being undertaken by various agencies. The partnership action for continuing employment—PACE—service ensures that local public sector agencies respond to potential and proposed large-scale redundancies as quickly and effectively as possible and provide tailored support and help to individuals. Scottish Development International is continuing to work to identify opportunities for future growth; indeed, the terrific announcement by esure on 18 February, which I mentioned earlier, is testament to SDI's continued efforts. Skills Development Scotland, which is Scotland's flagship skills agency, is working to achieve improvements in skills provision throughout Scotland. The Cabinet Secretary for Education and Lifelong Learning will deliver a parliamentary statement on the skills strategy this afternoon.

The task force will co-ordinate efforts throughout Scotland to ensure that maximum levels of employment are retained within the financial services industry. It will focus on understanding the needs of the industry as the industry adjusts to the future structures that will emerge as a result of the current climate. Where restructuring results in head-count reductions, the task force will take action to retain skills within the wider Scottish labour market. That will be done by ensuring the promotion of entrepreneurship and self-employment where appropriate, matching transferable skills within the wider economy, and enhancing skills and qualifications to meet the needs of alternative employers as well as the future needs of emerging industries and markets.

The task force will be a focus for information on and analysis of projected changes to the industry to enable full alignment of the current economic development, investment attraction and skills and careers work that is currently being progressed. More than that, it will provide added value by future proofing the high levels of skills in the pool of financial services talent that currently contributes to Scotland's worldwide reputation for excellence.

To achieve all those ambitions, the task force must harness the significant knowledge and expertise that are already available. Key public sector members will, therefore, be the Scottish Government, Scottish Enterprise, SDI, Skills Development Scotland and the Scottish Further and Higher Education Funding Council. The industry and its workforce must also be represented; therefore, invitations to join the task force will go to Unite and Scottish Financial Enterprise. There is a wealth of knowledge of and interest in the issue throughout the country, and the task force will engage with all that by taking advice from appropriate organisations and individuals as required.

On 5 February, I assured Parliament of the Government's willingness to progress issues within our proactive financial services strategy to meet the challenges that are raised by the current global economic crisis. We have taken on board all suggestions in terms of increasing the regularity of FISAB meetings and the establishment of a financial sector jobs task force. I hope that we can rely on colleagues across the chamber to support our actions.

The Presiding Officer: The cabinet secretary will now take questions on his statement.

John Park (Mid Scotland and Fife) (Lab): I thank the cabinet secretary for the advance copy of his statement. I also welcome the fact that his statement has been made very soon after the original debate. We have always said that we want the Parliament to be responsive to things that are happening in the financial services sector, and this is a step along the way. I associate myself with the comments about the work that has been done by John Campbell.

Most people in the financial services sector are very concerned about their employment. It is important that a jobs task force is set up to show them that we are doing things that matter. We all—particularly the employers—have a responsibility to the workforce and the wider industry. The cabinet secretary has spoken about the competitive advantages that Scotland has, among which are the people who work in the sector and the skills that they have.

I welcome the invitation that has been extended to the Unite trade union, which reflects the Labour amendment to the motion that was debated on 5 February. I welcome the fact that Unite will have the opportunity to sit on the task force. It is vital that the task force also interacts with the likes of PACE, SDI and SDS. I suggest that the task force could interact similarly with the forthcoming apprenticeships summit and other Government initiatives to improve employment in the area.

I have a couple of questions for the cabinet secretary. He has given us some detail about the task force meetings, but can he clarify that further? He says that the task force will meet regularly, but when will it meet, when will its first meeting be held and how many meetings does he envisage will take place over the next year? Given the fact that the task force is an initiative that came from Parliament, has the cabinet secretary considered how it will report to Parliament? Members would appreciate the opportunity to consider its work and to contribute to it.

We look forward to the establishment of the task force and to its making a difference for the people who work in the financial services sector in Scotland.

John Swinney: I thank Mr Park for his constructive remarks. I assure him that it is our intention—it was in the spirit of my statement—to ensure that we draw together all aspects of relevant Government activity in the work of the task force. His point about the apprenticeships summit is well made and I will ensure that that is taken forward.

He is also correct to say that, although times are tough and there are many distressing headlines about the industry, there remains in Scotland a significant volume of expertise as well as high-quality employment and talented individuals in the sector. We must retain those if we are to retain our competitive advantage in the years to come.

On the regularity of meetings, I envisage that the task force will, more than likely, meet on a monthly basis. Obviously, if there were an acute announcement about employment loss, I would expect the task force to meet more frequently than that and to be responsive to the conditions and circumstances that we faced. I hope that that is not required, but if it is we will ensure that those meetings take place. The task force will hold its first meeting in the next few weeks. Since the parliamentary debate, there have been preliminary discussions to establish the arrangements, and I expect the first meeting to take place very shortly.

Mr Park said that the task force is a parliamentary initiative and asked how it will interact with the Parliament. I acknowledge that it was the Liberal Democrats who suggested the

establishment of the task force in Parliament during our discussions on the budget, and I am happy to consider how the task force should interact with the Parliament. The appropriate route for that might be through the Economy, Energy and Tourism Committee, of which Iain Smith is the convener; however, there may be other forums. Ministers will be happy to appear before Parliament in any circumstances to do that. I expect that the task force will be chaired by a Scottish Government official, who will also be available to appear before a committee of the Parliament if required.

Derek Brownlee (South of Scotland) (Con): I thank the cabinet secretary for the advance copy of his statement and I welcome the speed with which the Government has reported back to Parliament on the progress that has been made.

The minister mentioned the projected loss of jobs. We have heard some pretty horrendous figures bandied around in relation to that. Does FiSAB or the Scottish Government have a specific projection of the job losses that are likely or, indeed, possible? If so, what is that projection?

The other part of the motion that was agreed to by Parliament on 5 February stated that each report back by ministers should include details of the number of jobs in the financial sector—both direct and indirect—to enable us to assess the scale of the challenge. When are we likely to see the first official figures from the Government in relation to that part of the motion?

John Swinney: FiSAB has not made any projections on the loss of employment. We can all read the newspapers and the announcements that have been made. This morning, I had a conversation with Gordon Pell of the Royal Bank of Scotland on the results that RBS has just announced. There has been significant speculation about employment loss within RBS. However, I take considerable comfort from the decision that has been taken by RBS to establish a core retail trading operation as a distinct business entity within the United Kingdom. As a consequence of that decision to separate the core, very profitable retail business of the Royal Bank of Scotland from the more unprofitable, loss-making ventures that have been associated with some of its international transactions—particularly its acquisition of ABN AMRO—the employment loss in the Royal Bank of Scotland that has been speculated about may not materialise in this country to the extent that we might, at first, have feared. Nevertheless, that remains a point of consistent dialogue with RBS and other organisations. Obviously, we are continuing our dialogue with Lloyds TSB following its acquisition of HBOS.

Work is being undertaken on information regarding employment in the financial services industry in Scotland. Some initial material has been presented to me, which I will consider further. When we have more information to provide to Parliament, we will do that expeditiously and will deposit it in the Scottish Parliament information centre.

Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD): These are significant times for the financial services sector in Scotland and we are pleased that the Government is establishing a task force on financial sector jobs. In addition, this afternoon it will hold the first meeting of the strategic review of the budget process, which is also highly significant. Following the Conservatives, one might say that the next best thing to a Liberal Democrat Government is a Government that does Liberal Democrat things.

Local authorities will, in partnership, play a key role in ensuring the success of the task force. The cabinet secretary will know that the City of Edinburgh Council and other local authorities that cover travel-to-work areas for the financial services sector are already undertaking work that could play a key role, but that needs to be co-ordinated. There was no mention of local authorities in the cabinet secretary's statement. I wonder whether he is able to outline the view of the Government—and, indeed, of FiSAB and the task force—with regard to local authority involvement.

Can the cabinet secretary also provide more detail about the proposed format of the information on the workforce, skills and employability in the financial services sector and the way in which it will be published and reported on? How will that information inform the on-going work of the task force?

Finally, can he provide an assurance that the private sector companies involved with the task force will work with it proactively, so that it is not just a reactive body that responds to the job loss announcements that we fear, but one that can act proactively to make a real difference?

John Swinney: I thank Mr Purvis for his contribution and his warm endorsement of the direction of Government policy, albeit that he had a hand in inspiring it. That should not make it a bad thing, per se; I say that as generously as I can.

On the point about local authority involvement, obviously some parts of the country will have more acute involvement in the financial services sector. Clearly, there will be issues for the City of Edinburgh Council, Midlothian Council, West Lothian Council, East Dunbartonshire Council and Perth and Kinross Council. There are

concentrations of local authority involvement, so I will certainly invite local authority participation in the task force's work.

On employment information, we are doing the work that Parliament asked us to do and we will lodge the results in SPICe. Obviously, ministers will be happy to follow up any subsequent inquiries that members raise in that respect.

On Mr Purvis's final point about the work and role of private sector companies, I say to him and Parliament that one of the points that hugely impresses me about FiSAB, an organisation that we inherited from our predecessors, is that a climate has been created whereby private sector companies willingly, positively and enthusiastically contribute to a dialogue with Government about how the sector develops. Clearly, we are in a very different situation from the one that we imagined we would be in—and that we certainly were in when we came to office in May 2007—but there is every evidence of companies being willing to co-operate with, and volunteer information for, FiSAB's work. We have appreciated that since we came to office, and I have every expectation that it will continue in the period ahead.

The Presiding Officer: We come to open questions.

Joe FitzPatrick (Dundee West) (SNP): The cabinet secretary touched on esure's welcome announcement that it will create 500 new jobs in Scotland. In the light of that, and of chairman Peter Wood's praise for our excellent people, superb infrastructure and can-do ethic, what else does the cabinet secretary believe that we can do to make Scotland a more attractive place to do business, in not just the financial sector, but all sectors?

John Swinney: Peter Wood's comments at the esure launch were tremendously reassuring and are an effective counterbalance to some of the information that we have had about the condition of the financial services sector, which has been at the doom-and-gloom end of the spectrum. The Government is very much engaged with FiSAB as to how we can effectively promote the sector. Scottish Development International is using all those arguments and attributes to encourage investment in Scotland by financial services companies and to create the conditions that will allow different employers to see that there is a pool of talented individuals in Scotland. Obviously, the Government is interested in putting Scotland at a competitive advantage and we will seek every opportunity to realise that vision through the Government's agenda in Scotland.

David Whitton (Strathkelvin and Bearsden) (Lab): As the cabinet secretary will know, PACE works best when it gets in early, so what steps is

he taking to ensure that it does get involved early with those who declare job losses, even when we know that they will come from certain companies? What steps is he taking, even now, to get in and do that? Much of the investment that he is looking for will naturally come from the public sector, but does he believe that a contribution should come, too, from those who make people redundant? After all, if a chief executive can get a £16 million retirement pot, it is maybe not too much to ask that those on a much lower salary get some financial contribution from the company that makes them redundant.

John Swinney: On Mr Whitton's first point, the PACE system is structured to ensure that we have an early and active dialogue with companies that may be considering those employment issues. Of course, as I have already shared with Parliament, I had a conversation with RBS this morning and the First Minister has done likewise. We will be in dialogue with companies that may face those employment issues and will ensure that PACE is activated in that respect.

On the second point, about the involvement of companies, there must be a new culture of responsibility within the financial services sector—we all agree on that. Part of that culture is responsibility to the employees, as Mr Park said a moment ago. We will certainly encourage the participation of individual companies in working to support individuals who may face loss of employment and in supporting them to reskill and retrain to ensure that they are equipped for the challenges that lie ahead.

Andrew Welsh (Angus) (SNP): In addressing the immediate credit-crunch problems, will the minister ensure that FiSAB will also maintain focus on a medium to long-term strategy that will build on Scotland's traditional strengths in the financial industry, with safeguards to ensure that recent mistakes will never be repeated and that best practice and integrity become the hallmark and attitude of Scotland's financial industry?

John Swinney: The characteristics to which Mr Welsh refers have, of course, long been associated with the financial services sector. In a sense, what is regrettable about the situation in which we find ourselves is that literally hundreds of years of wise counsel in the sector have been undermined by a relatively short period of poor judgment. What we must do is ensure that the balance is rectified and that we trade on the strength of several hundred years of expertise, experience and wisdom and learn the lessons from the period of errors. That is very much the Scottish Government's focus in our interaction with FiSAB and is very much the approach that we will take in making representations to the UK Government, which is looking at many of the

regulatory issues that are associated with the questions of substance that Mr Welsh raised.

Iain Smith (North East Fife) (LD): I welcome the minister's indication that the task force will be willing to work with Parliament. I am sure that the Economy, Energy and Tourism Committee will welcome an early opportunity to engage with the task force once it is established. Does the minister agree that a key job for the task force will be to ensure that Scotland is the obvious place to locate any new businesses that emerge from the mergers, restructurings and sell-offs that are likely in the financial services sector?

John Swinney: From his role in the Economy, Energy and Tourism Committee, Mr Smith is obviously familiar with the enormous strength in the existing workforce of Scotland's financial services sector. If there is to be some change, we must ensure that we promote and present Scotland as a strong and competitive business location. We take great heart from the esure announcement, which indicates that there was a review of competitive locations and strengths in the area, and I am delighted that those esure jobs have gone to the city of Glasgow. Obviously, the sentiments that Mr Smith described will be very much at the heart of the agenda that SDI will pursue in trying to attract new investment to Scotland and to encourage anyone who may be rationalising or merging operations to look to Scotland as a credible venue for that operation.

John Wilson (Central Scotland) (SNP): What communications have there been with the Bank of England and the Financial Services Authority on bringing in representatives as observers at FiSAB meetings, as noted in the minutes of the FiSAB board meeting of September 2008?

John Swinney: We have extended an invitation to the Bank of England and the FSA to participate and we look forward to their doing so. We have had the participation for some time of a representative of Her Majesty's Treasury. I certainly know from a discussion that I had with the Bank of England's representative in Scotland, just on Tuesday, how acute is its interest in the prospects for the Scottish economy. I look forward to encouraging its participation in the work of FiSAB and the task force.

Malcolm Chisholm (Edinburgh North and Leith) (Lab): The cabinet secretary is aware that there are 30,000 financial services jobs in Edinburgh and he may be aware that senior officials of the City of Edinburgh Council are already actively involved with partners in retaining jobs and promoting the abundant skills to be found in Edinburgh. How will he ensure that the task force works alongside and co-operates with that important work that is already being carried out?

John Swinney: I gave a response to Mr Purvis on local authority involvement, which is perhaps best crystallised by the City of Edinburgh Council's involvement. Obviously, I will reflect on how best to take forward local authority participation in the task force with the Convention of Scottish Local Authorities.

In all those circumstances, the Government's view on the role and position of local authorities is that councils have a major opportunity to exercise local leadership of economic development. I know that the City of Edinburgh Council is very motivated in protecting employment and expanding Edinburgh's role in the financial services sector. The council will be able to rely on every support of the Scottish Government and its agencies in that task.

Margo MacDonald (Lothians) (Ind): Presiding Officer, I apologise for arriving late this morning. Picking up from where the cabinet secretary left off, I endorse Malcolm Chisholm's point that the Government should be guided by what the local authorities in Glasgow and Edinburgh are doing on the ground, rather than try to incorporate them artificially into the task force. The task force could grow far too big. It needs to be focused.

My second point is to pick up on what the cabinet secretary said in his statement about the profile of the financial services industry. He stressed the necessity of understanding

"how our industry is perceived as we take work forward to promote it further."

The Presiding Officer: Please be brief, Ms MacDonald.

Margo MacDonald: Will the cabinet secretary expand on where Scottish Development International comes into that? I am interested in what we are doing to promote ourselves outwith Scotland.

John Swinney: I assure Margo MacDonald that I have absolutely no intention of creating a task force that gets in the way of focused and constructive work of the type in which Glasgow City Council and the City of Edinburgh Council are already actively involved. Indeed, I stressed in my statement that the task force has the opportunity to build on the work of existing organisations, including PACE and Scottish Development International. By taking that approach, we will ensure that the task force has a focused work pattern.

On the member's second point, Scottish Development International is actively involved in promoting Scotland in countless markets around the world. As I pointed out to Mr Welsh, the characteristics of the industry that we must promote are those such as reliability, prudence,

value and long-term investment. All those have been characteristics of significance for hundreds of years, but they have been damaged by a few years of poor judgment. We need to ensure that Mr Welsh's point about taking a long-term view prevails in our promotion of Scotland abroad.

The Presiding Officer: I will allow a final question from Jack McConnell.

Jack McConnell (Motherwell and Wishaw)

(Lab): I welcome the cabinet secretary's statement and his willingness to consider any measures that might help the financial services industry at this difficult time. First, will he reconsider the support that might be made available for direct flights into and out of Scotland, which was mentioned in FiSAB's first strategy, which was agreed by the industry some years ago? Secondly, will he look again at the funding for Scotland's universities and colleges, which will be vital if we are to ensure that we have the talent in Scotland to keep the industry successful in the years to come? Thirdly, will he look again at how we promote Scotland internationally to ensure that we use the tools that are available to us to preserve and, if possible, to enhance the reputation of the industry in these difficult times?

John Swinney: First, I acknowledge that FiSAB was established during Mr McConnell's period in office as First Minister. We have been pleased to take it forward and I compliment him on the initiative.

On Mr McConnell's first question, over the past few years the position on direct flights to and from Scotland has improved significantly. The Government is anxious to encourage greater numbers of direct flights and to improve connectivity. We will consider different options and different approaches to the issue, but our aim is essentially to improve direct flights and to improve connectivity to London through high-speed rail links, on which we have active discussions with the United Kingdom Government.

On the question of universities and colleges, the Scottish funding council will be heavily involved in the work of the financial services sector task force. Universities Scotland is already represented on the task force. In the work that is being taken forward by the Cabinet Secretary for Education and Lifelong Learning and me, we need all our agencies—including the Scottish funding council, Scottish Enterprise and Highlands and Islands Enterprise—to be focused on ensuring that we provide the skills and support that are relevant to the circumstances that we face. That issue will dominate our discussions with the Scottish funding council in relation to the financial services sector.

On Mr McConnell's final question, I very much agree with his point about how we promote

Scotland. As I said to Mr Welsh and Margo MacDonald, our financial services sector has hundreds of years of credibility, experience and expertise. We cannot allow that to be lost because of a few years in which errors have been made. The Government is determined to ensure that that does not happen. That will form an integral part of how we promote the industry abroad.

Disabled Persons' Parking Places (Scotland) Bill: Stage 3

The Presiding Officer (Alex Fergusson): The next item of business is a debate on motion S3M-3128, in the name of Jackie Baillie, on the Disabled Persons' Parking Places (Scotland) Bill.

09:36

Karen Gillon (Clydesdale) (Lab): It is with great pleasure that I open today's debate. I begin by paying tribute to my colleague Jackie Baillie, whose unstinting commitment to this cause has brought us to this stage. She has ensured that Parliament takes the needs of disabled people seriously. Members of all parties will no doubt want to echo those thanks in sending Jackie Baillie our best wishes at this difficult time for her and her family.

The Minister for Transport, Infrastructure and Climate Change (Stewart Stevenson): I take this opportunity to echo that support for Jackie Baillie at this difficult time. I hope that there is the best possible outcome to the circumstances in which she finds herself.

Karen Gillon: I thank the minister for that.

Scotland has more than 230,000 blue badge holders, all of whom I imagine have faced difficulty at one time or another in accessing a disabled parking space to carry out day-to-day activities. I make no apologies for using the words of the Equalities and Human Rights Commission's Euan Page, who said:

"for the vast majority of disabled people, disability happens during the life process ... we live in a rapidly ageing society in Scotland."

The changes that the Parliament will make through the bill

"are of profound importance to everybody ... and their families."—[*Official Report, Local Government and Communities Committee*, 2 September 2008; c 1069.]

During the stage 1 debate, David McLetchie summed up what we can achieve today. He said that the legislation

"will improve quality of life for many disabled people in Scotland."—[*Official Report*, 26 November 2008; c 12750.]

As others have stated, the bill will bring about that improvement by

"removing a persistent barrier to disabled people's participation in society."

Throughout the passage of the bill, we have learnt many things, not least of which is the priority that we should give to the issue. Enforcing disabled parking places is the number 1 issue that is discussed when disabled people gather, and the

issue is top of the list of what disabled people consider are barriers to their getting out and living a life in Scotland in the same way as everyone else. This short member's bill can, and will, have a profound effect on people's lives.

When scrutinising the bill, the Local Government and Communities Committee heard time and again that action is now needed:

"the age of just relying on politeness has ended and the age of enforcement has come."

Members from all parties have indicated that the issue continually appears in their postbags—I certainly agree—and Parliament can rightly congratulate itself on taking the issue forward by putting into law, as I trust will happen later today, a bill that will improve the lot of so many people.

The bill's main policy objective is to prevent disabled parking places from being used by those who are not entitled to use them by providing the means and encouragement to make those places enforceable. The bill will provide the means to make enforceable all disabled street parking places that are required for disabled residents. We need to do that not only to deter those who are not entitled to park in bays reserved for disabled persons from doing so but to impose financial penalties on persistent abusers. Only in that way will a strong message be sent and a fairer society emerge.

I have seen many reports and photographs of abuse. It is clear that disabled persons parking bays are fair game across the board, even for a prominent human rights lawyer—indeed, even a ministerial Mondeo and police Panda cars have been spotted in those parking bays. People clearly deem their needs to be greater and more urgent than those of a disabled person.

As the unanimous support for the bill at stage 1 demonstrated, few would disagree that the aim of the bill is worthy, but some have queried the cost of implementation. I will take a few minutes to set the record straight. Some disquiet was expressed at the figures in the financial memorandum, and I think that it is fair to say that the comments were made in the face of a number of uncoded and unsubstantiated submissions from local authorities.

As requested, Jackie Baillie engaged with the Convention of Scottish Local Authorities in an attempt to identify the actual costs. The Scottish Parliament information centre undertook research on the private sector and English local authorities. COSLA was extremely helpful, and through SCOTS—the Society of Chief Officers of Transportation in Scotland—Jackie Baillie endeavoured to obtain the relevant information. Every local authority was surveyed to seek its costing of the component parts of the work that

would be required to convert bays. Although few authorities could provide accurate figures, many produced estimates, most of which were based on the cost of converting a single bay. A few authorities did better and produced clear and precise figures.

I make it clear that the earlier costings and all the revised costings that were discussed with COSLA derived directly from information and costings produced by local authorities. The figures in the policy memorandum were provided to Jackie Baillie by Fife Council and West Dunbartonshire Council, but SCOTS advised that the figures were incorrect. Following the SCOTS survey, revised figures were produced, some of which were used to produce new costings. When faced with the figures, SCOTS indicated that the information that Jackie Baillie had selected—which it had supplied—was incorrect. SCOTS supplied further figures, which—as members may already have guessed—it went on to say were incorrect.

What SCOTS did not do at any stage, but what Jackie Baillie did consistently with all the figures that she produced, was to apply a Scotland-wide best-practice and best-value approach. For example, if an authority quotes the cost of line painting at £50 and the private sector quote is as low as £25, it is clear that the maximum cost cannot be anywhere near the average cost of £108 that SCOTS produced. Indeed, 13 authorities claimed that line painting would cost £130, which was—coincidentally—the figure in the SCOTS survey.

A similar best-value approach was taken for all the component costs. Again based on figures that the local authorities provided, the unit cost was calculated to be £209. The figure covers the cost of promoting an order, removing existing lines, remarking, and erecting signs. The following example shows the variation in the cost of promoting an order that SCOTS produced, with the figure ranging from £19 in Fife to £1,342 in East Renfrewshire. SCOTS subsequently indicated that the Fife figure was incorrect—perhaps the East Renfrewshire figure also needs further work.

Given that 45 per cent of disabled persons parking bays are appropriately marked, COSLA agreed that only 55 per cent of bays require all such work to be done. Again, based on a best-value approach and using the best figures that the local authorities supplied, Jackie Baillie calculated the unit cost for conversion at £119. The private sector and authorities south of the border have verified the figure as achievable, but SCOTS maintains that the information that it received from the authorities down south that it contacted is incorrect.

Doubt remains over the total number of disabled persons parking bays. We accept that there will be a year-on-year increase on the original 14,000 estimate. The figure was obtained directly from local authorities using freedom of information inquiries, but SCOTS maintains that the information supplied as a result of those inquiries is incorrect.

Less clear is the situation for the number of redundant bays. Again, revised figures were produced, although only a few can be relied on. After they were compared with the figures that resulted from the FOI inquiries—which, under FOI, are required to be accurate—it was estimated that there are perhaps 15,000 bays. Cutting to the bottom line, on a best-value basis, Jackie Baillie calculated the likely cost at around £2.5 million. Allowing for a reasonable margin of error of 20 per cent, we expect the cost to be no more than £3 million, although we expect the figure to reduce further if economies can be made. COSLA has indicated that no additional costs will arise for enforcement.

The SCOTS approach of averaging costs that the local authorities supplied has produced a figure greatly in excess of our calculations. We maintain our position that the SCOTS approach is fundamentally incorrect, given that it takes absolutely no regard of best practice or best value. In addition, we understand that in Northern Ireland all spaces were converted using existing budgets and without the need for additional central funding.

The minister was closely involved in the discussions with COSLA, either directly or through his officials, and we are indebted to him and his officials for their support. If Parliament passes the bill today, it will have agreed a financial resolution that sets out the necessary expenditure, and it will then fall to the minister to agree who gets what.

Concern was expressed at stage 1 that the timetable for implementation would place an excessive burden on local authorities, but the bill is not highly prescriptive. It requires authorities to identify in the first year existing advisory disabled street parking places in their area and start, but not complete, the process. Councils therefore have 12 months to identify existing bays that they themselves have installed. In reality, and if they start promptly once the bill receives royal assent, councils will have 18 months to do that. The timetable also has the positive impact of enabling authorities to spread costs across three financial years. I welcome the commitment that the minister made at stage 2 to take forward a public information campaign to ensure that people are aware of the new legislation.

The bill goes as far as possible to cover private car parks such those at supermarkets, sports facilities and other shopping complexes. In such

places, the local authority is required to offer its services to make disabled persons parking bays enforceable but not to enforce the bays itself. Today, Asda celebrates a year of voluntarily enforcing disabled persons parking places, which it did in response to a growing number of complaints from customers and having exhausted its efforts to effect change through information campaigns. Asda says that the new scheme has resulted in a 60 per cent increase in the availability of disabled persons parking places at its stores. Having issued 1,400 penalty notices, Asda has raised £70,000 for charities. The will to make the system work exists in the private sector; it is now up to local authorities to work with it.

I assure members that the bill need not cost local authorities a penny. We believe that we are pushing at an open door and, through negotiations with private owners, the costs of implementation and enforcement should be covered—the example of Asda is there for all to see. As long as the abuse of disabled persons parking places is enforced and abusers are dissuaded, it is largely irrelevant who undertakes the enforcement.

On behalf of Jackie Baillie, I give special thanks to her staff and to Jillian Merchant in particular for their work, including the processing of 17,000 postcards in support of the bill. We thank the staff in the Parliament's non-Executive bills unit and David Cullum in particular for his attention to detail. My personal thanks are due to them for the full briefing that they have given me over the past few days.

As Hugh O'Donnell reminded members in the stage 1 debate, in the main it is society that disables people. I urge all members to follow the minister's example in supporting the bill. We want the Scottish Parliament to be recognised for taking the lead in making it clear that attitudes must change. Success for the bill will be measured not in the number of penalties that are imposed but in increased access for those in need. By passing the bill, the Parliament will remove

"a persistent barrier to disabled people's participation in society".

The ultimate goal is no abuse. I say to those who take a disabled person's parking place that, if they want to do that, they must take their disability, too. I have much pleasure in moving the motion in Jackie Baillie's name.

I move,

That the Parliament agrees that the Disabled Persons' Parking Places (Scotland) bill be passed.

The Presiding Officer: Given that virtually no additional time is available in the debate, I ask members to stick strictly to the guidance that is given to them.

09:48

The Minister for Transport, Infrastructure and Climate Change (Stewart Stevenson): I thank Jackie Baillie for introducing the Disabled Persons' Parking Places (Scotland) Bill. Her member's bill is an important and much-needed piece of legislation. I regret that she cannot be in the chamber to see her bill passed by the Parliament, as I am confident that it will be. A bill that has reached stage 3 with no amendments is a significant indicator of the consensus across the Parliament on the need for it.

Of course, a member's bill does not reach this stage without significant effort on the part of the member and their staff. In her remarks, Karen Gillon gave proper recognition to the work that Jackie Baillie and her staff have undertaken.

We welcome the bill because, like Ms Baillie, we take the abuse of disabled parking bays extremely seriously. The Government shares Ms Baillie's commitment to helping disabled people throughout Scotland have access to parking, which should in turn improve the quality of their lives.

Some of my colleagues have stated in earlier debates on the bill that legislation is not always the answer. I agree, but unfortunately we have reached a stage at which the evidence suggests that we will provide a real deterrent only by moving from the use of advisory disabled parking places to ensuring that the appropriate parking places are enforceable. We hope that the bill will bring to an end the abuse of disabled parking spaces and will result in the general public seeing it as socially unacceptable to misuse those spaces.

At a time when changes in the social structure mean that people with disabilities are viewed as no different from anyone else in having to adapt to a more independent lifestyle, we want a system to be implemented that is fair and understood by all. Change will not happen overnight, as local authorities require to do quite a lot of work to implement the bill, but I expect that coverage of today's debate and of previous debates will raise awareness of the abuse of disabled parking places and may help to deter some of the thoughtless drivers who exploit the current lack of enforcement.

The bill covers on-street and off-street parking and requires local authorities to contact private car park owners with a view to their making arrangements for the provision of enforceable disabled parking places in their car parks. We very much welcome the work that Asda has done, which Ms Gillon mentioned. I am sure that the charities concerned will welcome the £70,000 that has been raised to serve their aims, although we hope that that figure will diminish because the higher it is the more abuse is taking place.

The bill will require local authorities to prepare annual reports on their performance in relation to their functions on parking places for disabled persons' vehicles. The reports will include details of the action that local authorities have taken in fulfilling their duties under the bill, and I will ask my officials to consult local authorities on the drafting of guidance on the completion of annual reports. The adoption of a consistent approach will assist my officials in drawing up the Government's annual report, which is another requirement of the bill.

As we said in the stage 1 debate, the Government's position has always been one of support for the bill on the understanding that implementation costs are required that are more robust than the estimates in Jackie Baillie's financial memorandum. During that debate, I informed Parliament that my officials would facilitate meetings between Jackie Baillie and COSLA. Those meetings have taken place over the past few months, and I have attended several of them. My intention in doing so was to enforce the view that is shared by the Government and the member in charge of the bill that it is important for local authorities to engage seriously and robustly in the process of working out the costs involved.

It is obvious that a large amount of work was required to obtain a robust figure. As has been expressed several times, there is a lack of raw data to provide an instant figure. On previous occasions, Ms Baillie has mentioned that there are varying costs for the different elements of the work that is required to turn an advisory disabled parking place into an enforceable space as set out in the Traffic Signs Regulations and General Directions 2002.

Jackie Baillie agreed that her figure of £1.7 million was somewhat historical, and we have heard from Karen Gillon that the true figure is likely to be nearer £3 million. The local authorities still consider that to be on the low side and feel that, once geographic and regional variations are taken into account, the figure is more likely to be around £6 million. I am sure that Ms Gillon and Ms Baillie will agree that further work needs to be done to obtain an accurate figure for the number of spaces involved, including the number that will have to be removed. I am confident that further savings will be made through careful planning of the one-off national implementation programme.

To that effect, in the aftermath of today's debate and this evening's vote, in which I expect the bill to be passed, I will instruct my officials to continue to liaise with local authorities. They will ask the Society of Chief Officers of Transportation in Scotland to address the issue of how to take account of economies of scale and best value as the implementation programme is progressed.

At stage 1, Parliament not only supported the general principles of the bill but agreed to the financial resolution that my colleague Mr Swinney laid. Given that that happened in the context of the numbers that were incorporated in Ms Baillie's financial memorandum, I would not expect the funding that the Government will make available in due course to depart radically from the numbers that the bill's sponsor has put forward, but I will not name a particular figure until further work has been done.

One of the first duties that the bill places on local authorities is to carry out an audit of all the advisory disabled parking places in their areas. The uncertainty that we have heard about justifies that action—indeed, it justifies the passing of the bill—and the bill gives local authorities a year to carry out the audit. Once it has been completed, we will have a better idea of the number of spaces that require to be made enforceable.

Some suggestion has been made that the bill does not go far enough in that it does not tackle the abuse of the blue badge scheme by amending the blue badge regulations. The tight scope of the bill would not allow it to cover such matters, but members will be aware that the Department for Transport recently reviewed the blue badge scheme in England. That review will result in the making of changes over the next five years that will radically improve the scheme and provide a better service for severely disabled people. I can reassure members that my officials are working closely with colleagues in the DFT and that, with colleagues from the National Assembly for Wales and other key stakeholders, they will take part in a steering committee that the DFT has set up.

I know that the sponsoring of the bill has taken Ms Baillie on a long and sometimes interesting journey, on which she has travelled to places that she probably did not imagine that she would reach. I believe that she will think that it was worth the effort and that the bill will get not just the Government's backing but the full support of Parliament in this evening's vote. That vote should bring an end to the beginning of the process, but a lot of work has still to be done. I ask members to inform their constituents that changes will come, but not overnight. I commend the motion to Parliament.

09:58

Des McNulty (Clydebank and Milngavie) (Lab): I state for the record that Labour fully supports Jackie Baillie's Disabled Persons' Parking Places (Scotland) Bill and that we are grateful for the co-operation that Jackie Baillie has received from the minister and his civil servants. We are delighted that the bill has secured

overwhelming support from all sides, which means that it will be passed this evening.

The process of bringing a member's bill to fruition—which not many members have achieved—is arduous and requires a great deal of work by the member in charge of the bill and their staff, so it is entirely appropriate, as Karen Gillon did, to congratulate Jackie Baillie and her staff on their achievement. It is also appropriate to thank the non-Executive bills unit, the committee clerks and the many others who have helped during the passage of the bill.

The key people whom we must acknowledge are the disability groups and the individuals with disabilities who have campaigned over the years for something to be done about the difficulties that they and their families have faced in using disabled persons parking bays. They identified a series of problems that they had experienced at first hand: misuse of advisory parking bays outside residential property by people who have no right to use them; the lack of disabled persons bays in many locations, including shopping centres and workplaces; the unsuitability of the size of some bays for people who need equipment such as wheelchairs to allow them to get about; and the lack of enforcement, even in circumstances in which bays are statutory rather than advisory.

Jackie Baillie was able to marshal the information that was provided by groups and individuals, based on their direct experience, into an overwhelming case for change, which she was able to set out not just in the thorough consultation exercise before the bill was launched, but in her contributions at the various stages of its passage. Because the blue badge scheme and traffic regulation are reserved matters, the bill has had to focus on placing duties on local authorities rather than on the police, but the outcome is a package of measures that should make a significant difference in supporting the mobility of people with disabilities.

As a result of a successful postcard campaign—17,000 replies was not just a huge amount of work for Jackie Baillie's staff, but a significant achievement in carrying the campaign forward—every MSP has been made aware of the issues that are addressed by the bill, and of the strong support for it by their disabled constituents in particular. The number of postcards that I received may have been influenced by the facts that I represent the neighbouring constituency to Jackie Baillie's, and that there was considerable local publicity for her efforts, although the responses came from all over Scotland. Many colleagues in different parts of Scotland were contacted by constituents, who were keen to emphasise that the problems that the bill addresses require to be tackled and that thousands of disabled people

throughout Scotland will be helped once the bill is passed.

At stage 1, David McLetchie said:

"If common courtesy, respect and sensitivity to people's needs were more prevalent in society we would not need laws to enforce disabled parking bays or spaces, and social norms and peer pressure would combine to ensure that disabled parking facilities were not abused."—[*Official Report*, 26 November 2008; c 12748.]

Regrettably, moral pressure to be a good citizen has not worked as well as it should, and we need to take steps on behalf of disabled people to ensure that their rights as citizens—the right of access to shops and workplaces and the right to conveniently drive to and from their own homes without undue inconvenience—are protected.

There are concerns about costs, which, as a former convener of the Finance Committee, I am clear should never be forgotten about. It is of concern that there was so much variation in the estimated costs. Although we have more information now than was available at stage 1, the range of estimates is still uncomfortably wide. We have already heard from Karen Gillon and the minister, as well as from local government, on that subject. I hope that the range of cost estimates will be significantly reduced as the provisions of the bill are implemented.

I am reminded, however, of a comment that was made to me by one of my constituents, Jackie Maciera. Jackie has been a wheelchair user for most of his life, but his determination to live a normal life despite his disability is deeply impressive. He said that dealing with his disability is partly a matter of overcoming the physical limitations with which he has to contend, but that it is also a matter of dealing with the behaviour of other people when they thoughtlessly, or sometimes deliberately, make things more difficult for him as a disabled person. He has learned to live with his disability and accepts that it is permanent, but it disappoints him when people make it more difficult for him to overcome the consequences of his disability, when it would be just as easy for them to be considerate.

A non-disabled person using a marked parking space outside the home of a disabled person, or the failure to provide for disabled people to go to the shops, the cinema or any other public facility by making enforced spaces available, is something that we need to address in order for us to be sure that we are being fully inclusive. People such as Jackie Maciera have overcome many of the barriers that are consequent on their disability, but we in Parliament can help him and people like him by approving the legislation.

Ultimately, the test of the legislation will be whether we do the right thing by some of the most

vulnerable people in society—whether we do something that will improve their lives and assist them in making their individual contributions in whatever spheres they choose. Restrictions on mobility exist because of the abuses that were referred to in the consultation and evidence to the committee, but those abuses can be reduced by more effective enforcement and a more responsible approach by non-disabled drivers and local authorities. There is a need for the legislation to secure those improvements. On that basis, Labour supports the bill and looks forward to its being passed at decision time.

10:04

David McLetchie (Edinburgh Pentlands)
(Con): As I said at stage 1, it is a poor reflection on our society that legislation to deal with the problem of the abuse of parking bays should be considered necessary at all. Common courtesy and good manners should apply so that we treat people with disabilities with respect and consideration, and so that parking spaces that are designated for their exclusive use are not abused by the rest of us. Sadly, that is not the case, and the evidence that was presented to Parliament justifies legislative intervention. We have to conclude that if people will not behave in a considerate manner, the state—Parliament—has no option but to intervene to ensure that all our citizens are fairly treated and are not victims of the selfish or thoughtless behaviour of others.

That is why, like other members, I congratulate Jackie Baillie on championing this particular cause and on seeing the bill through to its final stage, at which it will have the support of Conservative members. As many members have noted, a lot of time and effort goes into a member's bill, so I commend Jackie Baillie and her team for their persistence and dedication in bringing the bill to this stage. I will, however, spare her further blushes, because a Conservative heaping praise on a Labour member is not the sort of testimonial that is highly sought after in her party.

There is one aspect of the bill of which I remain critical and that is its financial implications, which have already been discussed by members today. Members will recall the wide variation in the estimates of the costs that will fall on councils as a result of the measure. At one stage, the level of detailed scrutiny got down to the cost and colour of the paint that would be necessary to designate an enforceable parking bay. Ms Baillie and then the financial memorandum estimated that the cost throughout Scotland would be £1.7 million. That was based on estimates that Ms Baillie obtained from Fife and West Dunbartonshire councils. However, other councils, particularly Edinburgh and Glasgow, said that it would cost that much to

do their cities alone, never mind the rest of the country. Highland Council seemed to think that it would take 12 person years of staff time to deal with the estimated 300 advisory bays in its area. That does not strike me as the greatest advertisement for the productivity of labour in the Highland Council area, but there it is.

More seriously, however, those disparities were supposed to be resolved in discussions between the member in charge of the bill—Jackie Baillie—the Scottish Government and the Convention of Scottish Local Authorities in the period since Parliament approved the bill at stage 1. Unfortunately, as far as I am concerned—I am not much more enlightened following the speeches so far—we are not a great deal further forward in that regard.

Those discussions took place against the backdrop of the minister's statement to the Local Government and Communities Committee that the Scottish Government did not intend to make a commitment to put financial resources into the start-up costs. Further, as the minister reminded us, he said in the stage 1 debate that it was up to Jackie Baillie to negotiate with COSLA on the financial impact. It may be up to Jackie Baillie, as the member in charge of the bill, to ascertain further information for the enlightenment of members at later stages of the bill's parliamentary progress—we heard from Karen Gillon about the considerable efforts that were made to find further information—but it is not up to Jackie Baillie to fund the bill's cost. That is the responsibility of the individual councils on which those duties are being placed, and of the Scottish Government as the major provider of finance to our councils. As Des McNulty correctly said, the range of estimates of the cost of implementation of the bill remains "uncomfortably wide".

In that context, I note that the historic concordat recognises that in some instances—whether through the development of policy initiatives or for other reasons—there may be exceptional funding pressures that local authorities are unable to meet. In the honeyed obfuscations of the concordat, such difficulties are supposed to be "addressed jointly" as part of a "developing mature relationship" and so on and so forth. However, beneath all the blandness, the reality is that Parliament is placing further obligations on our councils, and those obligations have financial implications. Over the past nine years, when there have been rising levels of grants to councils in real terms, such obligations would have been much easier to absorb. However, they arise now against a backdrop in which funding for councils is likely to fall in real terms or may, at best, plateau. The implementation of the bill will not be pain-free, but that is not a reason to reject the bill. Equity may demand that it be part of the matrix of obligations

that our councils have to meet, but we should recognise that there is a cost.

Some years ago, I went with a parliamentary delegation to the United States, where we discussed relationships between Governments, states and municipalities. A key issue was unfunded mandates. An unfunded mandate arises when the federal Government passes a law that has financial implications for the states but fails to provide the additional federal funding to the states so that they can meet the costs of implementation. That situation is analogous to our situation with our councils. On a point of principle, we have to be very chary of situations in which we will a particular end but do not provide the means of implementing it. Over the next few years, we will have to be careful about not placing additional burdens on our councils.

I will end on a positive, rather than gloomy, note: I reiterate our support for the bill. I regret that legislation is necessary, and I regret that uncertainties remain over the cost, but I very much welcome the contribution that the bill will make to building an inclusive Scotland by improving the quality of life for people with disabilities.

10:11

Jim Tolson (Dunfermline West) (LD): I am pleased to open on behalf of the Liberal Democrat group in support of the Disabled Persons' Parking Places (Scotland) Bill. As a member of the Local Government and Communities committee, I have had the opportunity to look at the bill in detail over the past 20 months or so.

All our thoughts are with Jackie Baillie and her family at this most difficult of times. The Liberal Democrats congratulate her on bringing the bill forward, and we strongly agree with the principle behind it. The hard work that Ms Baillie and her staff have put in to bring the bill to fruition during this session of Parliament has been significant, as has been widely acknowledged throughout the chamber.

However, we have some concerns about the wildly varying estimates of the cost and administrative burden of the bill in terms of both on-street and off-street disabled persons parking bays. Others have expressed the same concern. The administrative burden on local authorities will prove to be significant, especially in the first year. All local authorities will be required to contact owners of private car parks, including supermarkets and out-of-town retail centres, to negotiate agreements to enable local authorities to promote orders that will make parking places for disabled persons enforceable. It is not clear from the evidence that was taken at committee whether that contact would simply be a couple of letters to

each private company, or whether it would be a series of letters, visits and discussions.

Each local authority will be required to identify within its area every advisory off-street disabled persons parking space that exists on the date on which the provisions of the act come into force. Where such spaces are provided directly by the local authority, or are in car parks that are managed or provided for the local authority by a third party, the local authority will be required to begin the designation order process within 12 months of the act coming into force. Given the large administrative burden, that seems to be a very ambitious deadline indeed. Urban and rural local authorities that gave evidence to the committee expressed concerns about the requirement.

Each local authority will also be required, within three months of planning permission being granted, to begin the designation order process for any disabled persons parking places that are to be created in new developments in its area. Where local authorities have failed to secure agreement to pursue designation orders for new and existing off-street parking places they must, at least every two years, make another attempt to secure agreement to create enforceable parking places for those sites. Although the administrative burden would be most significant in the first year of the act coming into force, the on-going burden will not exactly be insignificant, either.

Another concern is about costs. It is estimated that the total national cost of implementing designation orders for all existing advisory on-street parking places is £1.75 million. That figure was based on an estimate of 14,000 advisory parking places with an average cost of £125. The Finance Committee concluded that the overall estimate of £1.75 million for promoting and implementing orders across Scotland is subject to significant doubt, which has been expressed this morning.

Glasgow City Council's written evidence indicated that it is

"extremely concerned at the substantial additional costs to the Council of setting up and enforcing the new arrangements envisaged by the Bill".

It estimates that there would be more than £2 million in set-up costs alone in the first year.

Karen Gillon: I understand Jim Tolson's concern about costs, but will he explain why his local authority—Fife Council—estimates that an enforced bay will cost £19, while East Renfrewshire Council estimates that it will cost £1,342? The member has experience of local authorities. Does he not feel that the gap seems to be wide and unreasonable?

Jim Tolson: I certainly agree with Karen Gillon that the gap is wide. I cannot speak for Fife Council, or for any other local authority, on how the figures have been arrived at, but the wide gap in estimates causes us all concern. We have to be concerned about taxpayers' money.

West Lothian Council said in its written evidence that the financial memorandum significantly underestimates the bill's cost implications for local authorities. It estimated that converting its 700 existing advisory places to enforceable ones would cost around £350,000. That is a unit cost of £500 for each place—not the £125 that I mentioned earlier. The council feels that such costs could not be met from within its existing resources.

On a more positive note, good practice was highlighted by Asda. For the past year, it has engaged private monitoring of its car parks and fines offenders £60 for misusing disabled persons parking spaces. Cynics may say that that is a money-making ploy by Asda, but according to David Paterson, its Scottish corporate affairs manager, Asda's policy has resulted in a 60 per cent increase in the availability of disabled persons parking spaces at its stores. After covering the running costs of its scheme, Asda has donated £70,000 to two United Kingdom charities. That is a good example—one that I hope other organisations will follow.

Although the Scottish Government has indicated that it will contribute to a public information campaign on the change in legislation, it must also clarify whether it will assist in funding the bill's implementation costs and, if so, to what extent. I will be grateful if the minister can give some reassurances that he will not leave local authorities in the lurch over either the cost or the administrative burden.

Despite some concerns, the Liberal Democrats look forward to successful implementation of the bill, which will make such a difference to the lives of nearly a quarter of a million Scots.

The Deputy Presiding Officer (Trish Godman): After the opening speeches, we now move to the debate. Speakers will be allowed a very tight six minutes.

10:17

Patricia Ferguson (Glasgow Maryhill) (Lab): I add my congratulations to those that have already been offered to Jackie Baillie. Her hard work and determination have brought the bill to this point. I regret that she is, for understandable reasons, unable to be here to lead today's debate.

As we have heard, the bill is relatively small, but will make a significant difference to the lives of

people with disabilities. Of course, the bill should not be necessary. Most people respect bays that are clearly marked as being intended for citizens with disabilities, but the actions of a small minority of drivers who, often wilfully, disregard such bays have meant that the time has come when protection in law is necessary.

I am sure that all members have been visited by constituents who have shared their experiences of these issues. A constituent of mine is often afraid to leave home, because he knows that a neighbour will park in the disabled bay if it is left empty. Another constituent challenged another driver at a supermarket, only to be told, "It's raining, so first come, first served." Such constituents are the people who need the protection that the bill will undoubtedly provide.

This debate is not really about disability; it is about the prevention of an abuse. In the stage 1 debate, I raised the issue of the size of parking bays, which is of real concern because many disabled people must transfer to a wheelchair when they leave their cars and so need that little bit of extra space to transfer safely. That is one reason why bays for disabled people need to be protected. A system that makes bays enforceable will help to ensure that the spaces are of adequate size and are located appropriately.

As we know, the bill will require local authorities to pursue the owners of private car parks and attempt to reach agreement with them about providing bays for disabled people. In case any private operator should think that that will present them with a major problem, let me outline the experience of one company: Asda, as we have heard, has had a scheme up and running for over a year now. The store in my constituency, like other Asda stores, has the system of enforcement in place. The manager at Asda in Maryhill tells me that, for the first few months, they had to spend extra time and effort explaining that the bays were designated and why. However, they now find that the scheme enforces itself. Many shoppers have complimented the store on its approach, and it has not yet had to enforce the bays with fines. Car park operators should follow Asda's approach and be proactive, rather than wait for their local authority to get in touch. That might even win them more customers.

At stage 1, I also mentioned the consultation exercise that I conducted with the disability forum in my constituency. It has since had a name change, but it continues to do excellent work in the north of Glasgow. I am indebted to the forum for the insight that it has given me on this and many other subjects. It pointed out that it was one thing for us to pass legislation, but it asked how people were to find out about what it means for them. As the minister knows, I raised the idea of an

awareness-raising campaign by means of an amendment at stage 2. I was happy to withdraw the amendment, given the minister's assurance that a communication plan would be drawn up, so I would be grateful if, in closing, he would tell us what the Government is planning in that respect. I am sure he agrees that, as my local Asda store has shown, good information is key to making the legislation work.

Also in the stage 1 debate, my colleague Mary Mulligan made the point that Parliament has as one of its central purposes the power and, indeed, the duty to legislate, although it is fair to say that we have been slightly legislation light in the past two years. One of Parliament's strengths is that members have the opportunity to introduce legislation that directly reflects their constituents' problems and experiences. The bill had its genesis in the experiences of Jackie Baillie's constituents in Dumbarton, but it will offer protection to citizens throughout Scotland—to other members' constituents and mine. For that, we owe Jackie Baillie and her staff our support for the bill, along with our thanks for it and for all the hard work that was involved. As David McLetchie correctly said, the bill will help to make Scotland a more inclusive country, which is surely one of Parliament's aims.

10:22

Bob Doris (Glasgow) (SNP): It is a pity that Jackie Baillie cannot be with us today, when all her hard work and that of her team will, we hope, come to fruition. I send my best wishes to Jackie and her family.

My part in the passage of the Disabled Persons' Parking Places (Scotland) Bill has been both formal and personal. I will return to the personal aspect a little later. My formal role was as a member of the Local Government and Communities Committee, which was the lead committee for the bill—we have already heard from other members of the committee today—and as a speaker in the stage 1 debate. We hope that the bill will be passed into law following today's stage 3 debate.

Both in the Local Government and Communities Committee—which is known for robust exchanges at times—and in the debates in the chamber, we saw Parliament at its best, in our coming together across party divisions and providing effective and positive scrutiny. That is something that the new Parliament was established to do when it was reconvened in 1999, and I believe that today's passage of the bill into law is a part of achieving that. Looking back at the *Official Report* of stage 1, I am struck again by the amount of consensus on the issue.

At stage 1, I discussed the proposed fines for abusing bays and spoke of the light-touch rather than soft-touch enforcement by Asda stores and, hence, the 93 per cent approval rating from its customers. I whole-heartedly agree with Patricia Ferguson's comments on the Asda store in Maryhill. I, too, have visited that store—a remarkable job has been done there.

At stage 1, I also spoke of the need for routine enforcement in high streets throughout Scotland to ensure that there is equal access for people with special mobility needs. The aim of the enforcement measures in the bill is not just to levy fines but to achieve equality. Fines are needed as a tool, but let us not forget that the principle is not about charging motorists but about changing attitudes to achieve equality. The charge is merely a tool to be used to that end.

I said that I wanted to touch on a personal aspect in relation to the bill. My father is a blue badge holder and in the past couple of years his mobility has gone from bad to worse, quite frankly. Although he used to get out quite often using the blue badge, he now gets out maybe once or twice a month. His experience is that, if he cannot find a space when he goes to a store to go about his personal business, he has to park further away. He can use his walking stick to get into the store and spend five or 10 minutes there before returning to his car and his house, but people do not see the invisible side of such mobility issues. When someone sees a blue badge holder going about their business, they might question whether that person needs a blue badge, but they do not see the person in pain the next day, and perhaps in bed, because they have pushed themselves to do more than they are physically capable of doing. If the bill is passed today, my father and others like him will benefit.

Let us hope that the bill will change attitudes and banish ignorance. I consistently hear about cases—we have heard examples today—in which someone has used a disabled persons parking bay when they have just popped into the shop for a pint of milk or a newspaper, or are visiting a neighbour for a short while. At the same time, it could be my father or someone like him who is popping in for a pint of milk, to pay a bill, or to visit a relative. Blue badge holders do not want to be prisoners in their houses, but having a Motability car and the blue badge scheme could make them prisoners in their cars if they cannot get out. We must take that on board. I hope that, as well as the publicity campaign to ensure that people are aware of the new law, there will be a public information campaign to tackle ignorance of the mobility needs of blue badge holders and the unseen side of their disability.

Other members have spoken about the costs. I will not go into that in great detail as I mentioned it at stage 1, but I hope that the absurdity of some local authorities' costings will focus their minds and encourage them to give us some real figures. There are serious concerns that some local authorities have inflated the costs to avoid a statutory obligation to enforce bays. If that is the case, they should be ashamed of themselves. The Equality and Human Rights Commission said:

"there should be no additional administrative burdens on local authorities as a result of the Bill, because this should be part of their ongoing work under the Disability Equality Duty."

It is clear that that has not always been understood. It is time for local authorities to step up to the plate.

I finish by quoting the comments that I made at the beginning of my speech in the stage 1 debate, because they sum up how I feel about the bill.

"For me, the bill is about ensuring that everyone in Scottish society is treated with the same respect and dignity, no matter who they are. If a person found it more difficult to access or leave their home, to use local facilities, to visit local shops or to go and see their friends simply because of the colour of their skin, their sex or their religion, the Parliament would rightly be outraged. We should not stand for it."—[*Official Report*, 26 November 2008; c 12764.]

If the bill is passed today, we will ensure that people with special mobility needs are treated in the same way as others.

10:28

Charlie Gordon (Glasgow Cathcart) (Lab): I welcome the opportunity to speak in support of the Disabled Persons' Parking Places (Scotland) Bill at stage 3, having spoken in support of its general principles at stage 1. I congratulate Jackie Baillie on her diligence in developing the bill. Today should have been her day. It has turned out to be quite a different day for her, and our thoughts are with her.

Credit is also due to the parliamentary committees that scrutinised the bill, and to the Scottish Government for endorsing its general principles and—I hope and expect—agreeing to resource a public information campaign in the run-up to its implementation. The Scottish Government is right to recognise that the issue is not party political and that the improved quality of life that the bill will bring to families who cope with disabilities is strongly supported throughout the Parliament.

In the stage 1 debate, I said that, whatever the number of complaints local authorities receive about the abuse of existing advisory disabled parking bays, in my experience, such antisocial behaviour—to give it its proper name—can drive

affected families to distraction. In that debate, I gave an example that bears repetition today of a constituent of mine with two disabled children whose neighbours park in her bay. It is time that the law of Scotland put an end to such rotten behaviour.

Within 18 months to two years of the bill's enactment, it is possible that such abuse will be extremely rare and will not go unpunished. Much of the focus in the debate has been on on-street parking in a residential context, but the bill's coverage of off-street parking has been welcomed as well, and not just by MSPs and disabled drivers but, rather gratifyingly, by private sector car park operators. Graeme Taylor of National Car Parks said:

"As an off-street car park operator, we support the bill 100 per cent because it would work in the environment in which we operate."—[*Official Report, Local Government and Communities Committee*, 1 October 2008; c 1192.]

Some local government officials have expressed concerns that the costs of implementing the bill might have been underestimated. I think that they are doing their job when they express such concerns, but they should see their job through to completion by coming up with some accurate estimates.

That is a tricky area because, although it is possible to benchmark the operational costs of physically signing and lining the new generation of enforceable parking bays, it is more difficult to estimate the emerging administrative costs of dealing with the objections that will be lodged to the traffic regulation orders that councils will use to create the new bays and make existing bays enforceable. Jackie Baillie's latest gross cost estimate is around £3 million. In the stage 1 debate, I suggested that the outturn cost in the first full year of operation, when there will be set-up costs and capital costs, might be as high as £5 million, but I still regard that as money well spent. A pound per head from every Scot to improve the quality of life of hundreds of thousands of disabled Scots—that is what I call best value.

10:32

Ian McKee (Lothians) (SNP): I hope that members will forgive me if, like Bob Doris, I share with the chamber a family anecdote. My mother—who, sadly, died last year—was a keen driver for all her adult life. She was taught to drive by an early boyfriend—so long ago that the driving test had not yet been introduced. Her father drove her to the licensing authority when she reached the age of 17, and she drove the car back on the journey home. Fortunately, there were not many other road users in those days.

As my mother grew older and more physically disabled, the car became a more important part of her life. It kept her mobile, and she was able to fulfil the role of named driver for a group of her contemporaries in their 80s who met regularly for lunch in various local pubs. The car enabled her to go to bridge sessions, to shop and, occasionally, to travel further afield, such as when she made the journey from her home on Tyneside to visit me in Edinburgh.

It gradually became obvious to family members that mother's personal mobility was failing fast and we suggested that she apply for a blue badge. Like many folk of her generation, she was at first reluctant to accept that she required any form of help at all. However, a combination of pressure from her family and her general practitioner, as well as the pressure of circumstances, prevailed and she was accepted into the scheme. That was a godsend because it extended her liberty and sense of independence for several more years.

However, as mother's physical mobility deteriorated still further, another problem arose. By now she needed to park very near indeed to any intended destination, but it was often impossible to find an unoccupied disabled parking place, and many of the spaces that were already occupied contained cars that were driven by folk with no disability whatsoever. On one occasion, as she was parking at the supermarket, a car drew up in the next door space—the only one vacant—and her young next-door neighbour jumped out. "But you aren't disabled," said my mother. "Oh, don't be old fashioned, Marjory," the neighbour said, "It's everyone for themselves these days," and, with that, she strutted into the shop.

My mother's experiences illustrated graphically for me two important issues. The first is the extreme value of enabling someone who is disabled in any way to continue to live life as normally as possible. Had my mum not been able to get out and about as she did, I am sure that she would have become less fit, depressed and a burden on society, rather than being able to contribute to society as she did, and she would not have been able to support her peers. The possession of a blue badge contributed to that enablement.

The second issue is the way in which disabled parking places are regarded by some members of the fit community. I have been tempted myself, when car parking spaces have been in short supply, by that welcoming space by the door of the shop or theatre, and we know that many people do not resist that temptation.

Research that was commissioned by the previous Administration showed that many abusers are in denial about the fact that they are doing something wrong. They invent justifications,

such as shortage of time or the fact that they have young children, or they have a temporary physical impairment. Persistent offenders or those who fraudulently use someone else's blue badge need to feel the full weight of the law, but the others I have just mentioned are likely to be deterred if they are brought face to face with reality by the presence of legislation, which will cause them to think twice before breaking the law. That is why I strongly support the bill. Disabled drivers need that protection.

I am aware that many potential supporters have some justifiable reservations. It is true that there is a cost implication, that the law will not apply to private parking areas, and that many local authorities do not even know how many disabled parking bays they have. However, those are obstacles that can and must be overcome. In the greater scheme of things, the cost is not likely to be huge, reluctant private companies can be cajoled or shamed, and a proper audit of disabled parking places is long overdue. The welfare of disabled people is easily worth that effort.

I cannot finish without congratulating Jackie Baillie on her tenacity in progressing the bill. I have a tongue-in-cheek nickname for her, and I am sorry that I am not able to tell her what it is to her face today—with her sense of humour, I am sure that she would have enjoyed hearing it. I call her the smiling assassin because of the charming way in which she smiles sweetly at her opponents, including me, as she skilfully plunges in the political stiletto. She is a most skilful operator—not that Karen Gillon is a novice in that respect. What a pleasure it is to be on the same side as Jackie Baillie for once, and how sad it is that family circumstances prevent her from being present at this most important point in the progress of her bill. I join others in the chamber in wishing her well.

10:38

Duncan McNeil (Greenock and Inverclyde (Lab): I became convinced of the need for action on disabled persons parking places after a conversation with a constituent of mine, a young woman who is a full-time carer for her elderly mother. She described to me in graphic terms the amount of time, energy, physical effort and planning that was involved in taking her mother on her weekly outing to the local supermarket, and she told me of the anger and frustration that she felt when she was denied a parking space there by an inconsiderate able-bodied person. For someone with an impairment, that is not simply an inconvenience. Only a carer can truly know how difficult and undignified it is to manoeuvre someone into a wheelchair in a standard car-parking space. Even the most mundane but important task, such as going to the shops, the

post office, the GP or the hospital, can be a real challenge.

Evidence that was presented to the Local Government and Communities Committee confirmed the scale of the problem. One in five disabled parking bays is used by drivers without a blue badge. More than a third of our car parks have no accessible bays free for disabled people because of the level of abuse. Some 85 per cent of disabled spaces are not enforceable in law. A survey in Dumfries and Galloway found that 50 per cent of bays in hospital car parks were taken by drivers who did not have a disabled badge.

Amidst the gloom, there are notable exceptions, as we have heard. Asda, which gave good evidence to the committee, is leading the way with an enforcement scheme that has increased the availability of disabled parking spaces at its stores by 60 per cent. That evidence gave us an insight into what the bill can achieve. Sadly, others stores have not followed Asda's example. It pains me to say it, but a scant inspection this week of supermarket car parks in my constituency that are not part of the Asda chain—whose inspection officer is in the public gallery today—found many disabled car parking spaces that were occupied by people who were not displaying a blue badge, apparently fearless of challenge. We accept that there will be an implementation stage, as the minister said, but I suggest that, once the bill is passed, stores that do not already reach the Asda mark should not hang around much longer. They should listen to the message and act to achieve what Asda has already achieved.

For too long, disabled people have had to rely on other drivers not to take reserved parking spaces out of courtesy and consideration. The committee heard evidence that, sadly, when disabled people complain to drivers who abuse disabled spaces, the complainers can receive abuse and even threats of violence. Therefore, as has been said today and in evidence to the committee:

"the age of relying on politeness has ended and the age of enforcement has come."

That is welcome and long overdue.

Although the bill will in due course change the quality of life of many Scots, it is worth mentioning that the benefits may be wider than the mobility benefits for disabled people. Evidence to the committee confirmed that people who break rules in one part of their lives are likely to break rules in other illegal ways. Research shows that those who are careless and thoughtless enough to take up disabled parking bays are more likely to have a criminal record, and that 50 per cent of them have a history of traffic violations. One in 10 cars that are found abusing disabled parking spaces is in an

illegal condition. The top criminologist Sylvia Chenery of University College London's Jill Dando institute of crime science supports the bill and says that a crackdown on the abuse of disabled parking spaces could nail some of our most wanted criminals. She has reminded us that the Yorkshire ripper was caught because he had a dodgy licence plate. Perhaps the minister can discuss that issue with his colleagues. Enforcement of disabled parking spaces might be an efficient way in which to target active criminals and offenders, as well as illegal vehicles.

Today is a day to celebrate all the efforts of disability campaigners over many years, including those involved in the eye-catching campaigns such as the space invaders and baywatch campaigns. A lot of work has gone on for a long time. My committee colleagues will take pleasure in the passage of the bill. Those campaigners have had their concerns listened to and, more important, acted on. There is no doubt that the change will improve the lives of many Scots. The campaigners are also to be congratulated on recognising that, in Jackie Baillie, they found a politician who shared their concerns and their determination to change things for the better. As has been acknowledged today, she is a politician with all the necessary skills to ensure the safe passage of the bill without amendment, with the support of the Government and, I hope, with the unanimous support of the Parliament. That is a commendation of her work and effort. We are all sad that she is not here to share today's events.

10:45

John Wilson (Central Scotland) (SNP): As members have said, in this stage 3 debate, it is important to acknowledge Jackie Baillie's contribution in championing the key principles of her member's bill. Members have already stated—but it is worth reinforcing—that Jackie Baillie and her staff deserve credit for their work on the Disabled Persons' Parking Places (Scotland) Bill. My role in the proposed legislation has been to examine the proposals as a member of the Local Government and Communities Committee, particularly through the evidence-gathering sessions. I have taken an active interest in the bill.

I will touch on the committee's findings in its report on the proposed legislation. It is important that we examine carefully the context and background of the bill and the reasons for its introduction. Anyone with even a passing knowledge of the issue knows about the on-going problems with the blue badge scheme and the abuse of disabled parking bays by non-blue badge holders. In essence, the scheme is about assisting disabled people to travel and live their lives independently. It is worth reinforcing the point that

I made in the stage 1 debate that it is more than a pity that no in-depth research on the issue has been commissioned by any governmental agency. For far too long, not enough has been done to tackle what amounts to no less than a flagrant abuse of disabled people's rights.

Members have referred to the baywatch campaign, which found that at least one in five disabled parking spaces is abused by non-blue badge drivers. Supermarkets and private car park operators have not been opposed to the bill at any stage of its progress through the Parliament. In fact, as members have said, Asda has led the way by introducing a fine system for those who abuse disabled persons bays. Mr Guy Mason from Asda highlighted the fact that four out of five customers support the system of fines. However, as the Local Government and Communities Committee detailed clearly in its report, there is an on-going debate about advisory versus enforceable disabled persons parking bays, which in turn has followed through into a debate on the costs associated with the proposed legislation. The committee recognises the difficulty that local authorities throughout Scotland face in conducting an audit of existing advisory disabled persons parking bays, but it agrees that a period of a year after the act comes into force is a reasonable timeframe for completion of the exercise.

The evidence-gathering sessions were a more-than-useful exercise in fleshing out important points about the proposed legislation that need to be addressed. Today and in the stage 1 debate, we have had much discussion of the associated costs, particularly in relation to the figures that the Parliament's Finance Committee identified. I reinforce the assertion that I made in the stage 1 debate that we need more clarification of the matter from the Convention of Scottish Local Authorities and local authorities. As I have argued previously, local authority budgets should be prioritised better to take account of established best practice in relation to existing disability discrimination legislation. Bearing in mind that there are 32 local authorities in Scotland, it was not an especially helpful response rate for only 21 of them to respond to the member's consultation.

Margo MacDonald (Lothians) (Ind): I declare an interest as a blue badge holder.

What comparison has been made with other European countries as regards compliance with the blue badge legislation? From personal experience, I believe that our compliance is probably greater than that in other countries, such as Portugal, where Jackie Baillie is just now.

John Wilson: I cannot possibly answer Margo MacDonald's question, but I am sure that she can take it up with others.

Although authorities responded on the issue of the costs associated with implementing the bill, there was significant variation in those costs. The Local Government and Communities Committee states clearly in its stage 1 report that the overall estimate of £1.7 million to implement the bill is

"subject to a significant degree of doubt".

The argument made by one local authority seemed to be more about the potential for more funding—in anticipation of a one-off cost—rather than service delivery for disabled people in the community.

As witnesses stated in the evidence-gathering sessions, which have had an impact on the wider debate inside and outside the Parliament, there is significant crossover between the committee's report and the research that has been conducted by other organisations in relation to the Disability Discrimination Act 2005 and the disability equality duty on local authorities.

In its submission, Leonard Cheshire Disability noted that, in undertaking their functions, public bodies in Scotland should have due regard to promoting equality of opportunity for disabled persons and other persons. Under the existing legislation, there is a duty on public bodies to encourage participation by disabled persons in public life.

The bill underpins the concept of independent living in a practical sense, not just in the abstract. In getting to the heart of the matter, one has only to examine the Equality and Human Rights Commission's submission, which states that the bill will remove

"a persistent barrier to disabled people's participation in society."

I welcome the bill and support its general principles. When it is enacted, it will make a meaningful contribution to tackling social exclusion for disabled individuals who rely on the blue badge scheme to be active citizens.

The Deputy Presiding Officer (Alasdair Morgan): The member should really conclude now.

John Wilson: Sorry, Presiding Officer. I want to comment finally on the consensual manner in which members of all parties have dealt with the bill, despite some reservations. That highlights the work that we can do together to benefit vulnerable and disadvantaged groups in Scotland.

10:52

Michael McMahon (Hamilton North and Bellshill) (Lab): I am delighted to take part in the debate. On behalf of the many disabled people who will benefit from the bill, I thank Jackie Baillie

for introducing it. I share others' sadness that she is not here today to see the bill being passed, given the hard work that she has put in. I am not sure that she would agree with Dr McKee's representation of her. I am confident that Karen Gillon, who is a fellow Lanarkshire politician, would not agree with the suggestion that a stiletto would be among the armoury that we would use on our political opponents—that is an insult! [*Laughter.*]

As the convener of the cross-party group on disability and the father of a disabled daughter, I know only too well the problems that disabled people experience when they try to find a suitable parking space. Not only do they often have a battle to get a car that suits them in the first place, but they then have to battle to park it—something that so many of us take for granted.

I have yet to meet a person who will admit to using a disabled parking bay to which they are not entitled, but the problem is widespread. As Duncan McNeil and John Wilson said, the baywatch campaign found that one in five disabled parking bays in Britain are used by drivers who do not have a blue badge.

I believe that people who misuse disabled parking bays know that they are doing something wrong but do not want others to think badly of them, which is why they are reluctant to confess to their inconsiderate behaviour. Passing the bill is the right thing to do for its own sake, but if the bill also makes people take note of the impact that their selfishness has on others, and on disabled people in particular, it will be a success in more ways than one.

We have all seen the selfish driver parking in a disabled spot outside the supermarket and jumping out of their car without putting a blue badge in the window. We all know that the space should be used for the benefit of the disabled, who are rightly entitled to park there. As others have said, it is regrettable that we have to legislate to enforce the necessary consideration that everyone else takes for granted.

There are more than 1 million disabled people in Scotland, of whom more than 225,000 are blue badge holders and 96,000 are wheelchair users. Nearly a quarter of the total population of Scotland are disabled and yet they have to fight their way into a parking space when carrying out a daily chore, such as visiting the supermarket.

We know that the blue badge scheme can be abused. However, people who use a blue badge might not be the stereotypical disabled person that we would recognise. I am sure that we have all made a comment or two about the selfish driver who parks in a disabled parking bay, but I urge everyone not to be too quick to judge. We must always be careful to look at the disabled person. I

concur with the personal perspective that Bob Doris outlined. I have lost count of the number of disabled people who have told me that they are often glared at if they park in a disabled bay because they can walk unaided.

Equally, the available figures tell us that not all disabled people use the blue badge scheme, but they do not tell us the reasons for that. Some disabled people say that they have not applied for the badge because they do not want to use it to take the space of someone more deserving. My daughter, who drives a Motability adapted car, does not have a blue badge, because she believes that the space that she could use should go to someone more in need. That does not make her any less disabled; it indicates her independent judgment on the issue.

For some disabled people, their car is their lifeline; it is not something that they use as a status symbol, as so many people do. Too often, public transport is not an effective option for disabled people. Leonard Cheshire Disability found that 70 per cent of disabled people state that they cannot rely on public transport. For them, the car is the only way that they can access what we take for granted. The Parliament must continue to address that issue, but, for now, we should support the only bill that promotes the rights of disabled drivers in Scotland. I commend Jackie Baillie, and all the disabled groups that have fought so hard, for making the bill possible.

10:57

Sandra White (Glasgow) (SNP): My thoughts are with Jackie Baillie and her family at this very sad time. I pay tribute to Jackie Baillie for her tenacity in pursuing the issue of parking bays for disabled people vigorously and I thank the many people from throughout Scotland who came to the Parliament to lobby for action. The passing of the bill today will be a victory for all the people in Scotland who have actively pursued the issue.

Disabled parking has always been close to my heart, having had an aunt who was disabled for many years and an elderly mother who could not get about in her later years. I would have liked the bill to look at the blue badge scheme as a whole and at extending it to deliver a range of other concessions, for example in relation to off-street parking. However, I realise that the scheme is a reserved issue. Perhaps we can look at it again at some other time, if we get the powers to do so. If the scheme was extended to cover off-street parking, it would be much more enforceable. Perhaps the minister will address that point in his summing up.

Parking for disabled people has been the subject of a parliamentary debate and numerous

petitions to the Public Petitions Committee, of which I was a member when they were lodged. I remember when the committee met in Dunfermline in the middle of winter. People from disability action groups came all the way from Glasgow and Greenock in their cars to speak to their petition—that is how strongly they felt about the issue.

The subject was also discussed in the previous Equal Opportunities Committee. I see Cathy Peattie here, who was the convener of the committee when the subject was covered in our report “Removing Barriers and Creating Opportunities”, which stated:

“The Committee also recommends that the Scottish Executive develop and promote suitable mechanisms for the effective enforcement of proper use of accessible parking for disabled people wherever it exists including encouraging local authorities to make full use of Traffic Regulation Orders.”

The bill will confirm that statement. I am pleased to support the bill in its entirety.

Like other members, Karen Gillon mentioned the variation in costs, which go from the extremes of the sublime to the ridiculous. Glasgow’s costs seem to be rocketing all the time. We must examine that and ask local authorities what their costs are. The costs that COSLA and local authorities have provided vary so much that it is not possible to say whether they are correct.

As Charlie Gordon said, financial costs should not take precedence over the human costs to people with disabilities. We cannot consider simply finance; we must look at the issue in the round and consider the human rights of disabled people. Financial costs are secondary to enabling people to live active lives.

What are the costs of being unable to park? Let us consider what we can do. Blue badge holders or members of other disability schemes who cannot park cannot, unlike us, get about and perform daily tasks such as going to the doctor, going shopping or attending appointments. They cannot get about socially to go to the theatre or the cinema, and they cannot participate in all the activities that we take for granted, because of the actions of selfish people. As David McLetchie said, if people will not behave considerately, we must, unfortunately, have enforceable legislation. It is unfortunate that, in this day and age, people do not treat others with humility and in the same manner in which they expect others to treat them.

I welcome the bill, which will be passed with the Parliament’s full support. It will go some way towards ensuring that we strive to achieve a fully inclusive Scotland.

Easter Ross (LD): As the husband of a disabled person, I am pleased to participate in the debate. I am sure that Jackie Baillie and her family are in all our thoughts.

Karen Gillon said that

“the age of relying on politeness”

was over, which is a theme of the debate. I thank her for her full explanation and for her contribution to the debate. Other members have commented on the style of the debate: Bob Doris’s speech caught the tone of it. Ten years on, if anyone asks us what the point of the Scottish Parliament is, we have the answer in today’s debate, which reaches out to people who are in need.

The minister, Stewart Stevenson, and David McLetchie referred to costs, on which we have gone back and forth. However, the point is that the bill is a step in what we are united in saying is the right direction.

I compliment Patricia Ferguson on a very good speech. Like my colleague Jim Tolson, she referred to the Asda experience. As other members have said, the fact that Asda is making contributions to charity shows us what can be done. The onus is on other supermarkets, to which I shall refer in a minute or two, to follow that example.

Members have not touched on parking at hospitals. I have had lengthy discussions with people at Caithness general hospital in Wick, which is in my constituency, about parking, which is a big problem for the hospital. The parking spaces for disabled people are clearly marked and signposted, yet many other visitors use them, despite being urged not to. Hospital staff receive many complaints about that. An example of the impact is that the hospital has a disabled member of staff who often cannot find a space and must park her car on the lawn beside the hospital.

The hospital is making an effort to deal with the situation. For instance, it tried putting stickers on the windows of cars that were not entitled to be parked in disabled spaces, but people complained that the stickers would not come off the cars, so the hospital stopped that practice. Wee tickets that say, “These spaces are for disabled people. Please park at the back of the building,” are now put under windscreen wipers. Staff have been told to keep an eye on the situation, but there is only so much that they can do. Is it right that their time should be diverted to such operations when they should be focusing on their main role—the delivery of health services to my constituents? Staff have told me that the bill will alleviate many struggles for them and for disabled people at the hospital, which is welcome.

11:02

Jamie Stone (Caithness, Sutherland and

I will give my experience from my area of Tain. I am the husband of a disabled person. Like Duncan McNeil and Michael McMahon, I have known the irritation of finding that all the disabled spaces are taken. What do we do? We have to park somewhere that is further away. Okay, that is fair enough, but if it is snowing or sleeting it is not funny for the disabled person. We choose our space carefully, because it must be wide enough—the width of spaces has been mentioned. We have all experienced coming back to our car with our messages to find that somebody has parked about a foot away from the passenger side of our car, which is no good, so the car must be reversed out before the passenger can enter. That is all extremely undignified for the person concerned.

Members all know what an angry Jamie Stone looks like. I have seen myself stalking up and down the disabled bays at Raigmore hospital noting that some of the cars displayed no blue badge. That is the case almost every time I am at Caithness general hospital and Raigmore hospital.

I will name check a man who will welcome the bill—Mr Herbie Giles. He is in charge of the car park at Tain Co-op. He told me this week that he will be absolutely delighted when the bill is passed. It is not his job to police the situation and, as we have heard, people can be quite unpleasant in the circumstances.

Stewart Stevenson, the minister, said that change is coming, but not overnight. The point is that change is coming, which is welcome to people such as me and my constituents. I think—in fact, I have no doubt and am perfectly certain—that the bill will be warmly welcomed the length and breadth of my constituency. As an MSP, an individual and a citizen of this country, I will do everything in my power to make the legislation work.

This is a great day for Jackie Baillie and it is an enormous shame that she cannot be with us. She can hold her head up high, because she has done something that will be hugely important to some of the most disadvantaged people in our society, whom we have a responsibility to look after. I warmly support the bill, as does my party.

11:07

Jackson Carlaw (West of Scotland) (Con): The debate marks the culmination for Jackie Baillie of a hard-fought campaign, on which I congratulate her. I send her my best wishes. I congratulate Karen Gillon, too, on standing in Jackie Baillie's shoes adeptly in her opening speech.

I support the bill, but I will draw the Parliament's attention to a concern of mine that arose during

my career with the Scottish retail motor industry. The issue is not so much the securing of dedicated parking places as the eligibility to use those places.

People who are entitled to use disabled persons parking spaces are registered blue badge drivers, the vast majority of whom benefit from the United Kingdom Motability car purchase scheme. The scheme's history is worth recalling. Most members of a certain age will remember—perhaps with some affection—the old rather lurid turquoise three-wheeled Reliant Robin motor vehicle that was made available to severely disabled people to give them essential mobility by car. As a teenager, I probably smirked at those cars as I drove about but, as an employer in my 20s, I most certainly did not smirk, because I had an employee for whom the car was a lifeline. *[Interruption.]* That might be my phone. The car gave him an opportunity to participate in the world of work and to engage. I recognised what an important aspect of his life that car became.

However, to be frank, the Robin outlived its usefulness, although its users treasured it to the end. It was determined during the tenure of a Conservative Government that, rather than create a replacement vehicle, a scheme should apply general discounts to and waive VAT on whatever motor vehicles manufacturers wished to make available through the scheme. Initially—and on the basis that those who were awarded and persevered with the Reliant Robin had shown a determined need—demand for the product remained stable. In the early days, most of the cars that we supplied under the scheme were entry-level models—the Ford Escort Popular was the most in demand.

It is crucial to note that a significant number of the vehicles that initially were supplied were adapted to reflect the driver's physical disability. However, something happened after then. Demand exploded as those who were eligible for the benefit but who had not fancied a Reliant Robin—many had been able to purchase an alternative—discovered that the benefit applied to any make or model of vehicle, subject to the manufacturer making it available under the scheme. At one point in the 1990s, before substantial European Union enlargement, and as a direct result of the substantial taxpayer-funded subsidy, the scheme had grown to the point that more people were registered on the UK Motability disabled driver scheme than were registered as disabled drivers in all the other EU countries put together. Perhaps that addresses in part the point that Margo MacDonald made.

Moreover, less than 2 per cent of the vehicles supplied were adapted in any way whatever. I am not suggesting that only people with a physical

disability should be eligible for the Motability scheme, but it is right to ask why the figure for adaptations has gone from a substantial number to less than 2 per cent. When I left the industry, 10 per cent of the UK market—200,000 vehicles—was being supplied annually under the scheme, subsidised by the taxpayer. I regret to say that, in some instances, I was aware of deliberate abuse and the frankly ridiculous—the customer who was eligible for the benefit because he was diagnosed as clinically bald, or the man who freely admitted to my salesman—

The Deputy Presiding Officer: Order. The member should get back to the bill or relate his remarks to it.

Jackson Carlaw: A man freely admitted to my salesman that he drove from Glasgow to Ayr on a cold day with his leg stuck out of the window before a doctor's appointment confirmed poor circulation, entitling him to the benefit.

I am concerned about the number of people who are using disabled spaces and the public subsidy that underpins the scheme, in relation to the essential need of the people who must use such spaces and may be denied the opportunity to do so. It is a serious matter, because taxpayers are now subsidising not just entry models but Mercedes, Audis and even more luxurious models. I contrast that situation with the injustice that is meted out to those who need an appropriate wheelchair—an issue that has concerned me since I was elected to the Parliament. By definition, every wheelchair user has a physical disability, so access to an appropriate chair is an even more essential lifeline. Although it is true that some also have access to a motor vehicle, only 2 per cent of cars are adapted. The amount of public money that is spent on wheelchair users is relatively pathetic. I am not making a party-political point, but I point to the contrast between spending on the essential transport and mobility needs of wheelchair users and the huge public subsidy that we provide for motor vehicles.

I do not wish to take away the incredible liberation and lifeline that are offered to people who rightly enjoy vehicles under the Motability scheme, or to detract from the screaming frustration that they can feel when they try to park and find that spaces have selfishly been blocked by others who are too lazy to park elsewhere. Des McNulty detailed the many and varied examples of that problem and the other difficulties that disabled drivers face. However, there are others who find on-street parking difficult but are not entitled to use reserved spaces. Ian McKee touched on the situation of elderly drivers whose joints are not as flexible as they once were and who appreciate the opportunity to park in end bays, as they find it difficult to negotiate the dimensions of mid-row

parking bays. Some get blue badges, but others do not actively think of doing so and give up driving, because they think that it will be too difficult. Ian McKee reflected the sentiments of many of those people. Michael McMahon reflected the sentiments of many people who feel that, even though they have a disability, spaces should be reserved for other people to use.

David McLetchie dealt in detail with the substantive concerns that we and others have expressed about the continued uncertainty about the funding that will be necessary to implement the bill. In his conclusion that we are placing a further cost obligation on our councils, the funding of which remains uncertain and has wider margins than we would wish, he spoke a candid truth. Although that is regrettable, we will not allow it to prevent us from lending our support to the bill at decision time. This is an important bill that will make the lives of many people better. However, we all want to ensure that it will be available to those people who most desperately need to use it.

11:13

Mary Mulligan (Linlithgow) (Lab): After such a positive and consensual debate, it is difficult to know what one can add. I start by putting on record how pleased I am to have contributed to this small but perfectly formed bill. I join other MSPs in congratulating the bill's sponsor, Jackie Baillie. I am sorry that she cannot be with us today, but she has already demonstrated ably why we are here. She saw a problem, recognised that some of the most vulnerable people were being disadvantaged and set about changing that situation. Those of us who know Jackie Baillie know not to stand in her way, whether she is smiling or otherwise. On this occasion, we are all willing accomplices, but the fact that today we will have a piece of legislation that will do what many of us want to do—make life better for people—is down to her. Given all the warm words and compliments that have been offered—some from unusual places—it is probably just as well that she is not with us today.

As a member of the Local Government and Communities Committee, I join others in thanking those who gave written and oral evidence on the bill. Although I joined the committee after it had started taking evidence, it was easy to identify the crucial issues. Like Des McNulty, I thank the disability groups and individuals who progressed the legislation.

Probably the most contentious aspect of the bill was the financial memorandum. Members such as David McLetchie, Jim Tolson and, in particular, Karen Gillon, in her opening speech, have mentioned it again today. The main difficulty that the proposer faced in producing a cost for the bill

was that local authorities—which we might have thought were best placed to say how much it would cost them—made a variety of statements on cost. Some of the variation could be explained by the different ways in which local authorities processed applications, but that did not provide the whole answer. The unanswered part of the question caused concern in both the Local Government and Communities Committee and the Finance Committee.

Members can have more confidence in the reassessment that Karen Gillon has provided today, which puts the cost of the bill at around £3 million. It will be for the Scottish Government and COSLA to oversee costs. I am glad that the minister has indicated that meetings are taking place to resolve the issue, but more work needs to be done if local authorities are not to be left with what David McLetchie termed an “unfunded mandate”. However, I agree with my colleague Charlie Gordon that the money will be well spent.

It is clear that responsibility for delivering the legislation will fall most heavily on local authorities. Given that they already have a disability equality duty, the added responsibility should not be too onerous. However, the intention to allow local authorities 12 months from the date of enactment of the legislation in which to conduct an audit of current spaces and to obtain orders to make enforceable those that are deemed necessary is reasonable. I sincerely hope that local authorities will avail themselves of best practice when carrying out their responsibilities. That will clearly make a difference not just to the cost but to the efficiency of establishing enforceable spaces.

Margo MacDonald: In terms of overall cost and cost benefit, would it be sensible for the Government to undertake an information and education campaign before the legislation comes into force? If people understand the legislation from all different points of view, the amount of work that local authorities will have to do when implementing it may be reduced.

Mary Mulligan: Margo MacDonald makes an interesting point. I was about to say that local authorities and the Scottish Government need to recognise that publicity and education will be required if the legislation is to work. That point was strongly and ably put by my colleague Patricia Ferguson. Although I am sure that it will be taken forward in joint meetings, the minister may want to respond to Patricia Ferguson’s invitation to say a little more about his intentions in that regard.

This has been a consensual debate. When that happens, it is sometimes easy to miss how important an issue is. The bill really has the potential to improve the quality of life of the almost 230,000 blue badge holders. They should not have to think twice about going out, either

because they cannot find a vacant space at their destination or because they cannot find a space close to home when they return. The bill covers public space but places a duty on local authorities to make contact with private car park owners. I urge those businesses that operate car parks to follow many of the examples about which we have heard today, especially in relation to Asda, and to make their spaces enforceable. That is the right thing to do. As other members have said, I am sure that it will also benefit them commercially.

Today is one of those days in the Parliament when we can all feel good about what we have done.

11:19

Stewart Stevenson: I thank Jackie Baillie for introducing the bill and I thank her alter ego—or doppelgänger, as Dr McKee might say—Karen Gillon, for so ably filling the breach. I also thank Mary Mulligan for the support that she provided. Jackie Baillie and members of all parties are aware that the Scottish Government is committed to the principles behind the bill.

I take the opportunity to thank all the members who contributed to the debate, which has been interesting and indicative of the Parliament’s engagement on supporting people with disabilities. I think that every member who spoke made a useful contribution, but I single out Patricia Ferguson, who made a particularly thoughtful and informative speech.

Thanks are also due to the Society of Chief Officers of Transportation in Scotland, COSLA and the non-Executive bills unit for their work in trying to obtain robust implementation costs. The task is not yet complete, but there has been honest endeavour, and at official and ministerial level we will continue to work in partnership with COSLA and local authorities to ensure that best value is achieved in the one-off national implementation exercise. Estimates of the likely cost appear to be coalescing around £3 million. That figure does not unduly alarm me.

A tangible result of the process will be the annual reports that local authorities and the Government produce. The reports will provide openness and transparency on the processes that surround the provision and enforcement of disabled parking bays and will let the public know whether local authorities are carrying out their duties in relation to the bill. I thank the Mobility and Access Committee for Scotland for its advice on the bill. I am sure that it is one of many organisations that will scrutinise the annual reports.

Patricia Ferguson said that the debate is not about disability, which was spot on. The reality is

that the debate is about changing the attitudes and behaviour of the able bodied, because only when that happens will we deliver for the disabled. That should perhaps be our primary focus. At stage 2, Patricia Ferguson asked about an information campaign and I confirmed that we will mount such a campaign. We will liaise with local authorities and other stakeholders in early course, to ensure that people have the good information that is necessary if the bill is to be a success.

Patricia Ferguson also said that the Parliament has been rather "legislation light" during the past two years. The Government is always happy to work with other parties in the Parliament to build consensus for legislation. The bill, which was introduced from the Labour benches, provides a good model for the work that can be done to build consensus before debates take place in the Parliament. It is clear from today's debate that the consensus that has been built will endure beyond decision time tonight.

Many members drew on familial experience. Bob Doris described his father's experiences. Of course, a charge or fine—whatever we call it—will be a mark of the system's failure; a mark of its success will be the change of behaviour that we all seek.

Charlie Gordon talked about disabled drivers. We should remember that not just drivers but passengers might be disabled. There are many blue badge holders who have not learned to drive or are unable to do so. We are talking about a wider community.

Ian McKee said that his mother drove without having passed the driving test. I am familiar with that situation, because my father drove on the roads without having taken the test. On many occasions I rather wished that he had had to go through the rigour of a test. Indeed, when, in his later years, he worked as a driver for the Women's Royal Voluntary Services, his passengers occasionally wished that, too.

My mother, Helen Mary Berry MacGregor, walked on sticks almost all her adult life—she could walk only from her knees—but when she was in a car she was a different animal altogether. She had the 47th Mini Cooper S to be built in 1962. That was before Barbara Castle introduced the national speed limit, and I recall being with my mother as she drove along the Baigle straight towards Bridge of Earn at 100mph, although when she reached the supermarket car park her speed was down to about half a mile per hour. For disabled people, the mobility that cars deliver is a significant part of their lives.

Duncan McNeil said that stores need not wait to follow Asda's example. I am not entirely sure whether it was Abraham Lincoln who said, "The

early bird gets the worm; the late bird eats the dirt." People who play catch-up play a dangerous game; people who show leadership often achieve commercial success, while supporting corporate social responsibility aims.

Duncan McNeil also talked about criminality in the context of the abuse of parking spaces. A chief constable told me that in his experience a person who abuses a disabled parking space is four times as likely to have a criminal conviction as a person who does not abuse such a space. A general pattern of disobeying society's rules and laws can often be illuminated by a person's willingness to break the rules about disabled parking spaces. Police forces have told me about the success that they have had in relation to criminal justice in general when they have focused on people who abuse parking spaces. To people who think of abusing disabled parking spaces, I say, "Think on this: you will be thought to be a criminal from the outset."

Michael McMahon's speech reminded me that cars can be status symbols, and Jackson Carlaw said that Mercedes and Audis are being converted under the Motability scheme. One of my aunts—she was called Stewart, too—had one of the three-wheelers that Jackson Carlaw mentioned. On one occasion she drove it into a ditch, and because it was so light helpful passing motorists were able to lift it out and put it back on the road for her. That would not have been possible if she had been driving a Mercedes ML55, so there were significant advantages to the three-wheelers—I do not think that my aunt Stewart would have been able to afford a Mercedes anyway.

Over the years, successive Administrations have sought to support people who have difficulty with mobility. The bill takes us further forward. Sandra White suggested that we consider extending the options for blue badge holders. We are working with the UK Government on the issue and we will continue to engage actively on it. In Scotland we are responsible for some of the regulations to do with the basic structure of the blue badge system, which was introduced to follow the orange badge system—my mother had an orange badge on her Mini Cooper S more than 40 years ago.

The bill will give dignity to people who have restricted mobility. It will give opportunity to disabled people. It is an earnest mark of the Parliament's commitment to people who suffer a degree of disadvantage in our society. I will take great pleasure in pressing the "yes" button when I am invited to vote for the bill at decision time at 5 o'clock.

11:30

Johann Lamont (Glasgow Pollok) (Lab): It

falls to me to speak for 10 minutes in a consensual debate.

The Deputy Presiding Officer: It is not compulsory.

Johann Lamont: It is challenging for me to speak consensually for more than two minutes, but I shall do my best.

I pay tribute to Jackie Baillie. I hope that other members will allow the Labour Party a little pride in our sister who has brought the bill to this stage. It is a regret that she is not with us today. We have long known her charms and persuasive abilities. She has shown in equal measure two qualities that were critical to taking the bill through: passion and persistence. That is why we have a bill that works and an underpinning policy and political commitment that have created supported across the Parliament.

I thank Jackie Baillie's staff, NEBU, SPICe, Stewart Stevenson and his officials. They have all contributed to ensuring that we were happily able to get to this stage. I also commend the campaigning groups that identified the problem, shared their experiences and captured the challenge that faced us as legislators in solving it. As Duncan McNeil said, the impact of constituents coming to individual MSPs' surgeries to describe their experience and demand that we take action was probably as powerful as the campaigning groups' work. That connection is a measure of the important work that the Parliament can do.

The bill is a practical measure on an issue that requires a practical approach. It addresses a specific problem. It does not do everything, but it ought not to be judged as if it should. I have long taken the view that it is correct to win hearts and minds but that, while we wait for hearts and minds to be won, we can take enforcement action. We must take that approach to equality because the bill is created and shaped by attitudes of hostility and discrimination the eradication of which will require more than a practical approach.

We should remind ourselves of the appalling context: disabled people are berated and insulted by able-bodied drivers; their carers are threatened; and they are denied access to the parking spaces they need simply because there are drivers who are so selfish or indolent that they treat disabled people as if they are swindling them to create a benefit for themselves. That is why we need action. Some drivers are so unembarrassable and display attitudes that are so blatant that we can feel overwhelmed and that it is not possible to address the problem. We cannot allow ourselves to be overwhelmed, because we are dealing with basic rights. It is necessary to confront the attitudes that are driven by such hostility and discrimination.

We should think of the bill as a mark of two things. First, it is a mark of the failure to change attitudes; it is evidence of real discrimination—it is not just theoretical and in politicians' heads—that is lived daily. Secondly, it is an acknowledgement of the need to drive further down into equality and equal opportunity and understand properly how discrimination operates. That is not an indulgence; it must be central to our work because it defines life chances. Understanding how people's life chances are shaped by their disabilities and the discrimination of the communities in which they live is not a party-political issue, but it is a deeply political issue.

Margo MacDonald made a point about the level of blue badge holding and compliance abroad. NEBU understands that the blue badge is recognised internationally and that a badge that is issued in another EU country is valid for use in Scotland and vice versa. I hope that that responds to that point.

Margo MacDonald: I have a point of information on compliance with the regulations. Some European countries—I instanced Portugal because of Jackie Baillie's connection with the country—have reserved blue badge parking not only for people with disabilities, but for expectant mothers and people who walk with sticks. They grade the disabilities and, therefore, the use to which the parking might be put. That was part of Michael McMahon's point.

Johann Lamont: The debate provides an opportunity to explore those further issues. There is always opportunity to develop understanding of how people with disabilities are affected and what rights and entitlements they should have. That does not take anything away from what we are attempting to do with the bill.

We must reflect on the cost of inhibiting people with disabilities from working, participating in society and being involved in their communities. Excluding people in that way involves a huge cost not only to those individuals and their families, but to broader society. I concur with the point, which Charlie Gordon made forcibly, that even if the bill costs £1 per Scot to implement, it will be good value and the mark of a decent society.

I also concur with John Wilson's point that the bill is about the core business of local authorities in fulfilling their duties to people with disabilities. If people are not able to participate in society because the parking bay system is not working, it is part of local government's core business to address that and it represents a necessary cost, not an additional one.

Jim Tolson mentioned the gap in the figures. The fact that a gap exists calls into question the seriousness with which the figures were

established. I would not define as a robust assessment figures that show such a difference between two local authorities. If there is an issue, local authorities and the minister must address it seriously together by understanding the real cost. Local authorities should not create the impression that implementing the bill is a luxury, a bonus or an imposition; it is a necessary part of the individual rights of people who live in their areas and pay council tax, as others do. I urge the minister to commit to continuing dialogue on that. The bill must not fail because we have been unable to agree an absolute cost. The cost must follow the political commitment to disabled individuals.

No battle against discrimination or inequality was ever won easily. There will always be doubters and easy opportunities to knock down individual cases, but we would never have secured any entitlements for disabled people—no rights to employment or access to mainstream education—if we had started from the point of view that it was too difficult. Winning the battle against discrimination is about taking practical measures and being optimistic about our capacity to deliver rights for people in our communities. A good example of that is blue badge abuse. I have been amazed at the extent to which normal, rational human beings would justify using disabled parking spaces, even though they were not themselves disabled, because they think that some people might be abusing the system; they discriminate against the people who are legally entitled to blue badges on the basis that somebody else is playing the system.

How come the person with a disadvantage suffers because somebody somewhere else is abusing the system? We must challenge that attitude. The matter is simple: a driver should not use a disabled space if they do not have a disability and they should demand that the authorities deal with the people who hold blue badges illegally. We will always find reasons for doing things for our own convenience. The challenge is to create legislation and an enforcement process that allow that attitude to be tackled.

I congratulate and thank all the members who have spoken in the debate and everyone who created the political context for the bill by understanding the need for particular measures. The fact that we take an individual experience from a local community, understand the general causes of it and address it politically is an expression of a key role of the Parliament. We do not often get the opportunity to feel proud of our Parliament, but the debate is rooted in an understanding that we work best when we give priority to the challenge of people's life

experiences as they describe them rather than as we imagine them to be.

I commend everyone who has brought us to this point. I thank Karen Gillon for opening the debate on Jackie Baillie's behalf. It is a privilege for me to play my small part. The next test is to ensure that this little bit of legislation delivers the things that we aspire to deliver through it.

Question Time

SCOTTISH EXECUTIVE

General Questions

11:40

Strategic Transport Projects Review

1. Dave Thompson (Highlands and Islands) (SNP): To ask the Scottish Government how many projects were removed by ministers from the recommendations of the strategic transport projects review prior to publication. (S3O-6044)

The Minister for Transport, Infrastructure and Climate Change (Stewart Stevenson): None. Ministers considered the recommendations from the strategic transport projects review following the completion of the detailed appraisal.

Dave Thompson: In view of the importance that completion of the Inverness trunk link route has for the city, is the minister willing to facilitate the establishment of an independent stakeholder group to explore the transport and development issues affecting the Caledonian canal and its relationship to the west of the city at Tomnahurich and Muirton, with particular regard to ensuring the free flow of traffic over the canal?

Stewart Stevenson: It is clear that partnership working will be an important part of delivering the trunk link route. I visited Tomnahurich on Monday and saw the circumstances of the western part of the connection. The British Waterways Board, for which I am responsible in Scotland, has to be a key partner, as does the council, which, when the Scottish National Party was part of the administration, provided the financial cover to allow the project to move forward.

The approach that the member has asked me about worked very effectively on the A96 and is one that I intend to explore as being likely to be the most effective way of drawing everyone together in common purpose to build on the investments that we are making in the north for Inverness through the TLR.

Mike Rumbles (West Aberdeenshire and Kincardine) (LD): If the minister is saying that no projects were removed by ministers, how many were added? If none was added, does that mean that the minister took what the civil servants gave him hook, line and sinker?

Stewart Stevenson: The important point about the strategic transport projects review is that it comes in two parts. The first and fundamentally more important part is the setting of a framework from which one can derive the projects that will be

undertaken over a couple of decades. That is the point at which ministers were most involved. By setting that framework with political involvement and the involvement of wider stakeholders, we depoliticised the choice of projects and made it an analytical process, which ministers reviewed and participated in. The process will endure and continue, and I hope that members will recognise that the three priorities for roads—safety, maximising the use of the network and making sure that we support economic development as funds become available—provide a way that commends itself not only to the Government but to members right across the chamber.

Diabetes (Insulin Pumps)

2. David Stewart (Highlands and Islands) (Lab): To ask the Scottish Executive what progress has been made in increasing access to insulin pumps for people with type 1 diabetes. (S3O-6019)

The Minister for Public Health and Sport (Shona Robison): National health service boards continue to make steady progress on making insulin pumps available. There are now 407 people with type 1 diabetes who are being supported in their use of a pump. The Scottish Government is committed to making sure that people in Scotland with type 1 diabetes who meet the criteria have access to insulin pump therapy.

David Stewart: The minister will be well aware of the National Institute for Health and Clinical Excellence guidelines that were issued last year, which recommended insulin pump therapy as a treatment option for adults and children over the age of 12 who have type 1 diabetes. As the minister is aware, there are major differences in health board performance on the provision of insulin pumps. What plans does the minister have to monitor health boards' progress to avoid a postcode lottery for patients with insulin-dependent diabetes?

Shona Robison: I recognise the member's long-standing interest in the matter. NICE's technology appraisal 151 of July 2008 has been approved by NHS Quality Improvement Scotland. The member asked about the monitoring of health boards' implementation of the recommendation. We continue to monitor progress on making insulin pumps available on a board-by-board basis and to encourage boards to maintain the current momentum. I will take a close interest in that. We will also continue to emphasise the importance of the issue in revising our diabetes action plan. I suggest to the member that there is potential for him and others to get involved in taking forward that revision.

Clostridium Difficile (Royal Alexandra Hospital)

3. Hugh Henry (Paisley South) (Lab): To ask the Scottish Executive how many deaths there were at the Royal Alexandra hospital in 2007 and 2008 where *Clostridium difficile* was a factor, and whether those figures differ from the figures published where *Clostridium difficile* was listed as the cause of death. (S3O-5997)

The Deputy First Minister and Cabinet Secretary for Health and Wellbeing (Nicola Sturgeon): That information is published on the General Register Office for Scotland website. Once published, it cannot be amended. Data for 2007 confirm that there were 19 *Clostridium difficile*-related deaths at the Royal Alexandra hospital. Data for 2008 will be published by the GROS in August.

Hugh Henry: I thank the minister for that but, in addition to cases in which *Clostridium difficile* was recorded as the reason for death, there are cases in which it was a factor in the cause of death but something else was listed as the main cause of death. A number of my constituents have approached me because they are concerned that their relatives were affected by *Clostridium difficile* but it was not listed as the cause of death. There is concern that the problem is wider than is recorded and admitted. Will the minister accept that there needs to be full publication of cases in which C diff was a contributory factor, and an investigation into just how serious the problem is at the RAH?

Nicola Sturgeon: I agree with Hugh Henry that wherever *Clostridium difficile* or any other hospital infection is either the underlying principal cause of death or a contributory cause of death, that should be recorded on the death certificate, and that will be done routinely. Obviously, as members appreciate, the completion of death certificates is a matter for the clinical judgment of the clinicians responsible. However, there is no doubt that accuracy and consistency in recording causes of death are of the utmost importance, which is why the chief medical officer in Scotland will shortly issue guidance to medical practitioners about the completion of death certificates. Once information is recorded on a death certificate, the GROS is responsible for collating it nationally and ensuring that it is published.

I hope that that reassures Hugh Henry about the seriousness with which we take these issues. Obviously, I cannot comment on individual cases, particularly when I do not know the details. If he cares to write to me about his constituency cases, I am more than happy to give the issue due consideration.

The Presiding Officer (Alex Fergusson): Mary Scanlon.

Mary Scanlon (Highlands and Islands) (Con): Thank you Presiding Officer, but my question has been answered.

The Presiding Officer: I am pleased to hear it.

International Markets (Assistance)

4. Michael Matheson (Falkirk West) (SNP): To ask the Scottish Government what action it is taking to assist companies in exporting to potential new markets. (S3O-6037)

The Minister for Enterprise, Energy and Tourism (Jim Mather): Our international trade and investment arm, Scottish Development International, provides a range of guidance and assistance for Scottish businesses that are looking to grow by entering new international markets through exporting or other internationalisation routes. That includes helping companies as they prepare to enter new markets; assisting companies to develop international strategies; assisting companies to discover and take advantage of new opportunities overseas; providing country and industry market information; and encouraging companies to participate in international exhibitions and outward missions.

Michael Matheson: The minister will be aware of the recently published Scottish Council for Development and Industry Scottish manufactured exports survey, which recorded a 2.4 per cent drop in export sales by Scottish companies. However, looking to the future, the survey highlighted Asia, identifying China and India as the top areas for potential new market growth. Is there a need to review the China plan and consider whether it should be altered as a result of the economic downturn? When the minister brings forward the India plan, will he ensure that it takes full account of the economic downturn, so that it can maximise the potential of our export market there?

Jim Mather: I appreciate that question. The SDI report reflects the global downturn but pinpoints reasons to be optimistic by showing that key sectors are holding up, such as food and drink, energy and transport. The non-electronic element is actually up by 8 per cent. That said, I take on board what the member says. The China plan has been refreshed to reflect Scottish priority industries such as the life sciences and renewable energy, which reflects what our customers in China want. Similarly, the Government is considering its role in strengthening links with India. We are working closely with SDI and, next week, Michael Russell and I will sit down to ensure that we take the India plan to the next level.

Local Government Funding Distribution Formula (Review)

5. Mike Rumbles (West Aberdeenshire and Kincardine) (LD): To ask the Scottish Executive for what reason it will not act on the findings of the review of the local authority funding distribution process, which are expected by the end of October 2009, until after the 2011 elections to the Scottish Parliament. (S3O-6057)

The Cabinet Secretary for Finance and Sustainable Growth (John Swinney): The current settlement was agreed with the Convention of Scottish Local Authorities as part of the concordat and COSLA has agreed that the review will feed into the next three-year settlement, which starts in 2011-12. Decisions on that will be taken well before the 2011 elections.

Mike Rumbles: Can we be sure not only that decisions are taken before the 2011 elections but that they are published, implemented and processed before then? The minister will know that Aberdeenshire Council gets 13 per cent less funding than the average for local authorities in Scotland, which works out at about £64 million less a year. We desperately need change in Aberdeenshire. Until now, we were getting 10 per cent less, but we are now getting 13 per cent less. We are looking forward to early implementation of the findings of the review, as we are sure that that will be helpful.

John Swinney: As I said in my original answer, the implications and decisions arising from the review of the distribution formula, which we expect to receive by the end of October 2009, will be applied to the financial settlement in 2011-12. That will commence before the 2011 elections—unless Mr Rumbles plans to push for an early election. That might be part of his reckless plan, but it is certainly not part of the Government's plan.

Aberdeenshire Council received an increase in revenue funding of 5.6 per cent in 2009-10, which is higher than the average increase in Scotland. I am fully aware of the concerns that have been expressed by Mr Rumbles on the application of the current distribution formula in Aberdeenshire, which we inherited from the previous Administration.

Lewis Macdonald (Aberdeen Central) (Lab): Is the cabinet secretary aware of the feasibility study that is under way on proposals for city centre regeneration in Aberdeen, which focus on Union Terrace Gardens? If the study produces recommendations for action before 2011, will the Scottish Government provide funding to assist with that regeneration project?

John Swinney: The Government remains in contact with all local authorities on relevant issues, and we would consider any proposal emanating

from Aberdeen. Nevertheless, I say two things to Lewis Macdonald. First, the Government has already set out the spending settlement for 2009-10 and that has been communicated to Aberdeen City Council, which has taken its decisions accordingly. Secondly, there is considerable uncertainty over the financial provision for 2010-11 because of the swingeing cuts in our budget that are proposed by the United Kingdom Government. Those cuts will be a major factor with which we will have to wrestle in 2010-11.

Town Centre Regeneration Fund (Fife)

6. Claire Baker (Mid Scotland and Fife) (Lab): To ask the Scottish Executive how the new town centre regeneration fund will benefit the people of Fife. (S3O-5984)

The Minister for Housing and Communities (Alex Neil): As this is my maiden answer, I take the opportunity to thank members from all sides of the chamber for their kindness and congratulations on my appointment.

The Scottish Government's £60 million town centre regeneration fund will be available in 2009-10 to support our town centres and local high streets. We are currently working on the details of the fund, which will be announced by the end of March 2009.

Claire Baker: The minister will be aware of the high expectations for the fund, with a number of towns in Fife, such as Glenrothes and Leven, already starting to make a case. I appreciate that he plans to make an announcement in March, but can he say when the fund will be available and when it will start to be spent on town centres?

Alex Neil: As I have said, the fund will be available during the next financial year. I expect that we will receive requests from members of all parties and from all parts of Scotland who have pet projects for the fund. It is quite right that members should promote the areas that they represent. Nevertheless, we must first make strategic decisions about where in Scotland the fund can have the greatest impact. One of our endeavours will be to ensure that we adopt a fair approach to the distribution of the fund and maximise the economic and social impact that it can have.

Tricia Marwick (Central Fife) (SNP): The minister may be aware that Glenrothes town centre is wholly privately owned, which means that we do not have a high street as such. When the minister draws up the criteria for the funding, will he consider the situation of town centres, especially in our new towns, that were sold to private companies by both the Tory Government and Labour local authorities? Will he consider

what areas such as Glenrothes town centre can do to benefit from the regeneration fund?

Alex Neil: As part of our consideration of the criteria, I am prepared to listen to representations from all members on what they think those criteria should be. At this stage, I can make no commitment on any individual town or city or on any individual application. However, I have an open mind on the criteria that we should apply.

Patricia Ferguson (Glasgow Maryhill) (Lab): Does the minister agree that local communities in urban areas such as Maryhill, Possilpark and Milton would also benefit from such investment? Will he ensure that the criteria that he sets reflect the ambition that those areas have for regeneration? Also, in the fullness of time, will he commit to making funds available to Glasgow to allow such schemes to go ahead?

Alex Neil: One of the first decisions that we will have to make concerns the definition of "town" for the purposes of the town centre regeneration fund. We will also have to define what is meant by "town centre". My colleague Bob Doris, from Glasgow, has already made the point to me privately that Patricia Ferguson makes to me publicly. We are in the early stages of working up our proposals, but I am prepared to listen to representations from members on the criteria without, at this stage, making any commitments on either the criteria or the final recipients.

Homelessness (2012 Target)

7. Malcolm Chisholm (Edinburgh North and Leith) (Lab): To ask the Scottish Executive what assessment it has made of the ability of individual local authorities to meet the 2012 homelessness target. (S3O-5988)

The Minister for Housing and Communities (Alex Neil): We are currently updating the 2012 modelling work in conjunction with local authorities, and we will work with local authorities over the course of this year to assess progress in meeting the 2009 interim targets. That will include a qualitative analysis of factors affecting progress as well as statistical information.

Malcolm Chisholm: In welcoming Alex Neil to his new post, I tell him that he has an opportunity to make a name for himself by ensuring that we are on course to meet the 2012 target by the end of the current session. However, the City of Edinburgh Council has no chance whatever of meeting that target with its current level of resources. As his first good deed, will he ensure that sufficient additional resources are given to the City of Edinburgh Council to make it possible for Edinburgh to meet that historic and internationally acclaimed target?

Alex Neil: I say to Malcolm Chisholm that I am already making a name for myself because, in the budget for affordable housing next year, I will spend 15 per cent more than he did when he was the housing minister.

I am conscious of the pressures in Edinburgh and in other areas. On the phasing out of priority need, against a baseline of 75 per cent, the target for March 2009 was 87 per cent and the outturn looks like being 82 per cent, which is 5 per cent short. I am aware that we must make more progress in Edinburgh to achieve the 2012 target. I have asked my officials to arrange an early meeting with those who are involved in housing development in Edinburgh, so that we can discuss that issue among other matters. I am keen for us to do whatever we need to do to ensure that we meet the 2012 target.

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-1472)

The First Minister (Alex Salmond): Later today, I will have meetings to take forward the Government's programme for Scotland.

With your permission, Presiding Officer. Members of the Westminster Parliament united yesterday in sympathy with David and Samantha Cameron on the loss of their young son Ivan. I know that everyone in the chamber will wish to express their deep condolences to the whole family and the many people who have been touched by this tragic bereavement. The loss of a child is the worst thing that can happen to any parent and we can only hope that the expressions of support and solidarity for David and Samantha Cameron from across the political spectrum are of some comfort in this time of extremity.

The Presiding Officer (Alex Fergusson): Thank you. Members might wish to know that I have written this morning, on behalf of the Parliament, to David and Samantha Cameron.

Iain Gray: Indeed; probably no words can express a parent's pain on the loss of a child, but the thoughts and prayers of Labour members are certainly with David Cameron and his family today.

This morning, the Royal Bank of Scotland announced the largest loss in Scottish and, indeed, British corporate history. We also discovered today that the outgoing chief executive of RBS is already, at 50 years old, drawing a pension of £650,000 per year. Does the First Minister think that that is right?

The First Minister: No, I do not and I do not think that the small shareholders, the bank's customers and the general public think that it is appropriate either. However, Iain Gray should note this morning's comments by the new chief executive of RBS, Stephen Hester, on that matter. When he was asked about it, he said:

"The arrangements for my predecessor's departure are part of a legal agreement that the Government—"

that is, the Westminster Government—

"was fully involved with at the time."

That is, last October.

Iain Gray: It is, indeed, the case that Fred Goodwin's contract probably entitles him legally to that bumper pay-off, although morally surely it

does not. However, the person who appointed him and who presumably put those contractual arrangements in place in the first place is Sir George Mathewson, the man whom the First Minister appointed as his key economic adviser. Is the First Minister still happy with that appointment?

The First Minister: First, when Sir George Mathewson was chief executive of the Royal Bank of Scotland it was, indeed, a highly profitable and successful institution. Iain Gray, or anyone else on the Labour seats, would be extremely unwise to attack Sir George Mathewson's reputation. However, let me turn to the complete misunderstanding of Fred Goodwin's departure from the post of chief executive of RBS. Stephen Hester dealt with that issue, too, this morning, saying:

"The arrangements negotiated for my predecessor with the Government on his departure are not something that I should be spending time on."

In other words, according to the new chief executive of the Royal Bank of Scotland the leaving, the arrangements for it and, presumably, the pension arrangements were part of negotiations in which the Westminster Government was directly involved. Now that Iain Gray has those facts at his disposal, would he care to rephrase his question or revise his opinions?

Iain Gray: I do not seek to examine George Mathewson's reputation, but I think that the views that he has recently expressed bear some examination. George Mathewson is the First Minister's adviser on the economy and it was he who defended short selling—he said that the First Minister's views were "ignorant". It was he whose hedge fund made millions out of the disastrous RBS-ABN Amro deal. It was he who said that bankers should not apologise and

"I don't believe in all this sorry bit."

It was he who said that his £2.5 million bonus would

"not give you bragging rights in a Soho wine bar."

It is he who still draws a large salary from RBS. Is the First Minister really still happy with his appointment of that adviser with those views?

The First Minister: Iain Gray is the Opposition leader in the Parliament, so let me give him some advice. He is meant to be attacking, criticising and examining me on my record, not on Sir George Mathewson's. The names of the people who regulated the banking and financial system are Gordon Brown and Alistair Darling. If it is the case—as Stephen Hester, the new chief executive of the Royal Bank of Scotland, said this morning—that the arrangements for Sir Fred Goodwin's departure from the bank fully involved the

Westminster Government, at what stage in this line of questioning will Iain Gray revisit the premise of his first question?

Iain Gray: Let us examine the First Minister's views. The regulatory system that he criticises is the one that he previously criticised for gold plating, which he said he would replace with light-touch regulation. However, the First Minister has changed his mind. At the weekend, the First Minister's spokesman said of banking:

"The first minister believes that ... a different set of values is required."

I think that the people of Scotland agree with that, but the First Minister's key economic adviser does not. George Mathewson is still defending short selling, big bonuses and obscene pay-offs. The First Minister should decide which side he is on. Is he with Sir George and the bonus bankers or the people of Scotland?

The First Minister: As it happens, Sir George Mathewson, to my personal knowledge, was the foremost opponent of the investment banking bonus culture spreading into retail banking.

Iain Gray should have had a mind to look at the evidence that the Financial Services Authority gave to the House of Commons committee this week. The FSA argued—admittedly, this might be self-serving—that the reason that it did not go in for the sort of regulation that would have uncovered the malpractices taking place throughout the financial sector was political direction from above. Who on earth might have been responsible for that political direction if not the long-standing chancellor who is now Prime Minister of the United Kingdom?

I know that it is difficult for the Opposition leader to respond to information that comes up during questions, but I take it that, despite his refusal to say so at any point, Iain Gray's initial premise that Sir George Mathewson was somehow responsible for Sir Fred Goodwin's pay-off has been revised in light of the information from the new RBS chief executive, who has said that Alistair Darling and the Westminster Government were fully involved in the process. When we on this side of chamber say that we do not think that Sir Fred Goodwin's pension level is justified, we are entitled to say that. It seems passing strange that the Labour Party is adopting that position now, given that last October it was fully implicated in making the arrangements.

Prime Minister (Meetings)

2. Annabel Goldie (West of Scotland) (Con): Presiding Officer, I thank the First Minister and Mr Gray for their thoughtful and kind remarks about the death of little Ivan Cameron. I know that such sentiments and messages from across the political

spectrum have been of great comfort to David and Samantha at this distressing time.

To ask the First Minister when he will next meet the Prime Minister. (S3F-1473)

The First Minister (Alex Salmond): I had a meeting with the Prime Minister yesterday on the dominating and vital subject of the proposed cuts in the budgets of Scotland, Wales and Northern Ireland the year after next. Those cuts entail serious consequences for public services, investment and jobs in this country.

Annabel Goldie: I am discouraged by the First Minister's failure to answer my question, which was on when he will next meet the Prime Minister. We cannot have an endurance of the Arctic silence that prevailed for 10 months. I think that Scotland expects the First Minister to schedule another meeting as quickly as possible.

On yesterday's meeting, there is considerable confusion about what actually happened. Whitehall claims that the Scottish Government agreed to find more efficiency savings in Scotland; the First Minister's spokesman described that claim as "nonsense". Will the First Minister confirm whether the Scottish Government will, or will not, find more efficiency savings?

The First Minister: The point is that the Scottish Government, in common with our Welsh and Northern Irish colleagues, has efficiency savings programmes. We have a 2 per cent a year efficiency savings programme that reinvests the proceeds in local government, the health service and other front-line public services.

The Westminster Government is proposing not a series of efficiency savings, but a top-line cut in the Scottish, Welsh and Northern Irish budgets. The devolved Administrations are keen to discuss these matters and to compare notes. That is because of the view that Rhodri Morgan, the Welsh First Minister—someone who seems able to speak for Wales, despite the Labour Party's inability to speak for Scotland—has articulated on the cash balances that are lying in English foundation hospitals. He has said that there is a severe danger that the so-called efficiency savings south of the border could result in accumulated underspends in foundation hospitals. At some point, Annabel Goldie and the Conservative party will have to choose which side they are on in the debate. Will they back the Labour Party's proposed cut of £500 million in Scottish public spending or stand on the side of Scottish public services, jobs and the Scottish people?

Annabel Goldie: The First Minister has been vociferous in what he has said on the impact of Labour's recession on the Scottish budget. We know that Labour's misconceived VAT cut has cost Britain £12.5 billion. By the First Minister's

rule of thumb, that equates to a £1.25 billion cost for Scotland—which, by definition, is £1.25 billion that is not available to spend in Scotland. Why did the First Minister order his Westminster Scottish National Party colleagues—naturally, he was not there himself—to vote for that cut and land Scotland with a billion pound bombshell?

The First Minister: We have made it quite clear that we argued that a capital investment programme would have yielded twice as many jobs in the economy as the misconceived VAT cut has done. Incidentally, our calculations are not rule of thumb. We have put the prospect of a £500 million cut in Scottish public spending through the Scottish input-output model. The results are very clear and absolutely staggering: the cut would mean potential job losses in Scotland of 8,600. That outcome would be disastrous and regrettable at any time, but to do such a thing in the teeth of a recession would be not only an act of economic vandalism but totally misplaced in terms of timing and intent.

Now that the information has been conveyed to the Prime Minister and the public at large, I hope that we can have some unity across the Parliament that such a cut in Scottish public spending at this moment, as we move through a difficult and deep recession, would be misplaced and utterly disastrous.

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-1474)

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

Tavish Scott: Thank you, Presiding Officer, for the letter that you have written on our behalf to Mr and Mrs Cameron. Indeed, I echo the sentiments of the First Minister and other party leaders this morning.

Stephen Hester, the new RBS boss, said this morning that the United Kingdom Government—the UK Labour Government—had agreed the details of Sir Fred Goodwin's departure from RBS. Sir Fred Goodwin is getting a pension of £650,000 every year that is paid for by the taxpayer. The figure is 140 times the size of the normal state pension. On the day when RBS announces that thousands of Scottish jobs—in which people earn a fraction of that pension money—are at risk and posts the worst losses in corporate history, and when billions more of taxpayers' money is being used to bail out Fred Goodwin's mistakes, does the First Minister think that Fred Goodwin should touch a penny of that pension?

The First Minister: As I have already made clear, the pension arrangements cannot be justified. I think that that is a generally held view. I am grateful to Tavish Scott for reiterating and confirming the point on the UK Government's involvement that I attempted to make to Iain Gray.

I have met Stephen Hester on two occasions to discuss the impact of the Royal Bank of Scotland's plans on the Scottish economy. No one should underrate the seriousness of the situation. Equally, it should be remembered that the core businesses of the bank that are concentrated domestically are doing well, when compared with the general financial climate. Stephen Hester made public this morning an indication that he gave me in our meetings: that the bank will stay headquartered in Scotland and that, therefore, as we anticipate and believe in the recovery, the benefits of that decision, regardless of the seriousness of the current situation, will be impacted on the Scottish economy.

Tavish Scott: People find it truly shocking that the first instinct of banking fat cats has been to arrange their bonuses and their pensions, and that a Labour Government can sign off such a scandalously sweet deal behind closed doors and then attack it in public.

Yesterday's report by the Fraser of Allander institute says that the Scottish economy will shrink by 2.6 per cent this year, that 159,000 Scottish jobs could be lost and that the overall effect of the Scottish Government's six-point plan is "negligible". There are big, clear challenges ahead, so why has the First Minister spent this week creating a new argument with London? Why do people see in the papers this morning only spin and counter-spin, when the Governments should be adopting a united front to tackling the recession? When will our First Minister change how we go about doing business?

The First Minister: Tavish Scott should support our articulation directly to the Prime Minister of the serious implications of a £500 million cut in the Scottish budget and the cost of 8,600 jobs. That is an issue on which he should support the Scottish Government's arguments.

Yesterday, I was not alone in pointing out the dangers of the United Kingdom Government's approach. The same position was taken by the First Minister of Northern Ireland and the First Minister for Wales, even though we all belong to different political parties. If a First Minister who represents the Democratic Unionist Party, a First Minister who represents the Labour Party and a First Minister who represents the Scottish National Party can unite to say to the UK Government that cutting public spending in the teeth of a recession is exactly the wrong thing to do, is it too much to

expect the support of the leader of the Scottish Liberal Democrats?

The Presiding Officer: I will take a constituency question from Margaret Curran.

Margaret Curran (Glasgow Baillieston) (Lab): Does the First Minister agree that urgent action is required to tackle the appalling level of rape convictions in Scotland, and that efforts to encourage women who have been raped to come forward have been seriously undermined by the actions of a temporary judge who, when faced with a woman who broke down because of the trauma of giving evidence and fled the court, sent her to the cells for a night? Will the First Minister join me in condemning that judge's behaviour? What action is his Government taking to tackle the level of rape convictions in Scotland and to counter the dreadful signal that has been sent to the people of Scotland?

The First Minister: On the first point, as the member knows, we must be extremely careful about commenting on judicial matters. However, I read about the case and was extremely concerned by what I read.

As far as the Government's approach to crimes of violence against women and to rape is concerned, the Lord Advocate has spelled out to Parliament exactly what the Government is doing in approaching the judicial system to improve Scotland's record on such matters, which is not good and so must be improved. That is what this Government intends, and is determined, to do.

Royal Bank of Scotland

4. Shirley-Anne Somerville (Lothians) (SNP): To ask the First Minister what discussions the Scottish Government has had with the Royal Bank of Scotland in light of its announcement that it plans to sell off around a fifth of its business. (S3F-1481)

The First Minister (Alex Salmond): RBS published its results at 7 o'clock this morning and made announcements about its restructuring plan. We are now analysing the details.

Our regular and continuing contact with RBS will be of assistance to all those in Scotland who may be affected by the restructuring announcement. As I said, I have already met the new chief executive, Stephen Hester, twice to discuss those matters. Those contacts will inform the full range of Scottish Government responses. We are ready to help everyone who is affected. Our responses include the partnership action for continuing employment initiative and the setting up of a financial services task force under the Financial Services Advisory Board, the details of which the Cabinet Secretary for Finance and Sustainable Growth announced this morning.

Shirley-Anne Somerville: As the First Minister is aware, the massive losses that have been announced today are due, in particular, to the poor judgment of senior management in foreign acquisitions, which has overshadowed the good work that RBS workers across Scotland have done for decades.

What is the Government doing to ensure that the good reputation not just of RBS but of the Scottish financial sector in general is protected against the folly of previous RBS senior management? Given the sector's importance to the Edinburgh economy, what reassurances has he had that the staff who are based in the city will gain from what is happening and that no losses will be suffered here?

The First Minister: It would be wrong to underestimate the seriousness of the job situation. There are 18,000 RBS employees in Scotland. However, as the new chief executive has said, it should be remembered that the core businesses remain the best-performing areas of the group. As I have said, the chief executive confirmed this morning that the group's headquarters will continue to be in Scotland. Every one of us has an interest in the recovery of RBS. There is no doubt that that recovery process will be protracted, but I am confident that it will happen.

The financial sector in Scotland does not consist only of our clearing banks, important though they are. More than half of it is in insurance, long-term investment, investment trusts and life offices. Members will note that last week, I had the pleasure of announcing 500 new jobs in insurance as a result of esure's investment in the great city of Glasgow.

Margaret Smith (Edinburgh West) (LD): As the First Minister is aware, the Royal Bank of Scotland headquarters at Gogarburn is in my constituency. I very much welcome the comments today about retention of the headquarters functions in Scotland. Many of my constituents work for the bank, and there is real concern that despite today's announcement, those individuals and their families are still in the dark about the future of their jobs.

Does the First Minister agree that our main focus must be on retaining as many Scottish jobs as possible? Does he accept that the Scottish Government and the Royal Bank must be proactive in working with the City of Edinburgh Council and the relevant agencies to ensure that the right support and job opportunities are in place in advance of the announcement of any further job losses in Scotland by the Royal Bank?

I associate myself with the First Minister's comments about the importance of the banking sector. There are some positives in what has been

announced today, such as the news about the headquarters, core business and increased lending to businesses.

The First Minister: I am grateful to Margaret Smith for those comments. The work of FiSAB is proactive, as is the financial services task force that we agreed to and which is being implemented. Proactive, also, is the series of meetings that we have had with the Royal Bank of Scotland, in anticipation of the jobs implications of today's announcement.

I want to be clear that no one should underestimate the serious threat to a substantial number of Scottish jobs. Equally, the core businesses—the ones that are centred domestically—are the best-performing areas of the Royal Bank of Scotland. I welcome Margaret Smith's understanding, given her constituency interest, of the critical importance that the assurance that Gogarburn will continue to be the group headquarters of the bank has for the future of the Scottish economy.

Alcohol Abuse

5. Paul Martin (Glasgow Springburn) (Lab): To ask the First Minister what action the Scottish Government is taking to tackle alcohol abuse. (S3F-1483)

The First Minister (Alex Salmond): We have taken considerable steps to tackle alcohol misuse. We have rolled out test purchasing across Scotland, we have regulated to restrict alcohol displays within stores and we have tripled the investment to £120 million over the course of the spending review. We have consulted on a package of further measures to address the issue. We will announce our next steps shortly.

Paul Martin: On 29 August 2007, the Cabinet Secretary for Justice said:

"The effects of alcohol on our city and town centres is not cost-free and those who profit from it must contribute to addressing it."

Despite recent media reports suggesting another U-turn on Government policy, will the First Minister confirm that he will continue to implement the policy announced by his cabinet secretary, which is the principle that the polluter should pay?

The First Minister: As I just indicated to Paul Martin, we will publish the consultation document and our proposals shortly. Every member, I think, agrees about the serious question that alcohol abuse represents for Scotland—for our health record and indeed for all Scottish communities. The difficulty for some members is that while they agree in broad and general terms that it is a huge issue to be confronted by Scottish society, they

manage to find a way of opposing virtually every proposal in the consultation document.

I have been looking carefully at the Labour Party's proposals. It proposes to make challenge 21 mandatory. That is currently a voluntary scheme, but it will become mandatory this September. Labour proposes that alcohol and treatment testing orders should be made available to courts. Under the current procedures, they are already available to courts; indeed, 989 such conditions were imposed in 2006-07.

I do not doubt Paul Martin's seriousness and commitment to the issue but perhaps he can prevail on some of his colleagues. If we, as a Parliament and a society, are jointly to address Scotland's battle with alcohol, for goodness' sake, will they start supporting the measures that are being put forward instead of finding any reason to oppose them?

Michael Matheson (Falkirk West) (SNP): The First Minister will be aware that Scotland's problem with alcohol has been allowed to develop over decades. The most recent figures demonstrate that previous Government policy on the issue has failed to tackle the problem effectively. Given the scale of the problem, will the First Minister outline the annual cost of alcohol misuse in financial terms to our national health service and justice system?

The First Minister: This issue has to be considered in terms that are much broader than just financial terms. The financial cost can be estimated at £2.25 billion a year in the extra services required, but the problems for society go well beyond any financial estimate.

I am proud of measures that the Government has been trying—in particular, the expenditure in the financial review, in these difficult times, to confront this problem. I am sure that our measures will be supported in the chamber.

I hope that people will acknowledge the evidence from trials in, for example, Michael Matheson's constituency. The trials indicate that agreed restrictions on the sale of alcohol to people under the age of 21 have produced substantial and sustained effects on criminality and disorderly behaviour. There is substantial evidence that such measures can make a contribution. However, many people in the chamber found themselves unable even to support the measures.

Bill Aitken (Glasgow) (Con): The First Minister is perfectly correct to highlight the difficulties that are caused by Scotland's relationship with alcohol. However, does not the First Minister agree that, before bringing in any further ideas—many of which, I say frankly, have been unworkable—it would be much preferable to ensure that the existing law is exercised to its fullest extent,

ensuring that prosecutions are brought against those who sell drink to underage people, those who enter licensed premises when drunk, and those who are on licensed premises when drunk? The present levels of prosecution and conviction are derisory.

The First Minister: Bill Aitken should have listened to my first answer to Paul Martin, when I pointed out the significant steps that have been taken to enforce the law on underage purchase through the rolling out of test purchasing. In fact, 1,134 off-sales were tested between February 2008 and January of this year. That was a substantial effort, which I am sure that even Bill Aitken will find it in his heart to support.

No amount of flannel can disguise the fact that the Conservative party, in its approach to the consultation—although it made a submission, unlike some others—has somehow contrived to oppose a range of measures that would undoubtedly make a substantial contribution to tackling what we all agree is a question for Scottish society.

Identity Cards

6. Robert Brown (Glasgow) (LD): To ask the First Minister whether the Scottish Government remains opposed to the United Kingdom Government's ID card scheme. (S3F-1488)

The First Minister (Alex Salmond): The Scottish Government remains opposed to the UK Government's ID card scheme. The Scottish Parliament debated this issue on 19 November 2008, and we indicated our opinion by voting for the UK Government to cancel its ID card scheme. The result was:

"For 69, Against 0, Abstentions 38."—[*Official Report*, 19 November 2008; c 12544.]

The costs are currently estimated as more than £5 billion. In my opinion, the UK Government would be better advised to use that money to protect vital public services instead of cutting £5 billion from public sector budgets in 2010-11.

Robert Brown: I am extremely grateful for the First Minister's reassurance, but actions speak louder than words. Will the First Minister explain to the chamber why the Cabinet Secretary for Justice is asking Parliament to cede to Westminster the power to legislate for data sharing by Scottish Government bodies with Westminster Government bodies; why that substantial power will be at the discretion of UK Government ministers, without the involvement of this Parliament; and whether his ministers have yet sought guarantees from the UK Government that such orders under the Coroners and Justice Bill cannot be used for the ID card scheme?

The First Minister: As has been indicated to Robert Brown a number of times, the provision would give UK ministers the power to enable, but not enforce, the sharing of information by bodies, by laying an order that the relevant Parliament must approve. As the cabinet secretary said in his letter to the convener of the Justice Committee on 21 February, ministers would be in a position to decline to participate in any proposed information gateway.

I would say two things to Robert Brown. The sharing of information is not, in itself, a bad thing. In plenty of ways, the sharing of information in the public sector can bring about better outcomes in society. Nor should it be thought that the Coroners and Justice Bill, in itself, is a bad thing. After all, one of its provisions is to allow fatal accident inquiries to hear the causes and investigate the deaths of Scottish servicemen on active service overseas—something that is supported throughout the chamber.

I assure Robert Brown that we absolutely oppose the introduction of an identity card scheme. We believe that the expenditure on it is misapplied and that the questions for civil liberty remain unanswered. We are therefore examining every provision in the Coroners and Justice Bill, and if it provides any loopholes by which the UK Government could implement by the back door, he can be assured that the justice secretary will take the required action.

12:30

Meeting suspended until 14:15.

14:15

On resuming—

Question Time

SCOTTISH EXECUTIVE

Justice and Law Officers

The Presiding Officer (Alex Fergusson): Question 1 was lodged by Mike Pringle, whom I do not see in the chamber. I will inform him accordingly.

George Foulkes (Lothians) (Lab): May I ask the question?

The Presiding Officer: No, I am afraid that you cannot.

Question 2 has not been lodged.

Alcohol-related Crime

3. Alasdair Morgan (South of Scotland) (SNP): To ask the Scottish Executive what progress was made in tackling alcohol-related criminal offences over the last festive period. (S3O-6041)

The Cabinet Secretary for Justice (Kenny MacAskill): We know how much damage alcohol-fuelled crime can do to communities, particularly over the festive period. That is why we announced in October 2008 that a third year of safer streets funding would be provided to community safety partnerships to conduct high-visibility and high-impact initiatives to reduce alcohol-related violence and disorder over the festive period. Total safer streets investment since 2006-07 now stands at £2.2 million.

There were significant successes in 2007-08, including in the member's constituency. There was a 45.8 per cent reduction in breach of the peace offences in South Lanarkshire and a 37 per cent reduction in violence and disorder incidents in hotspot areas of Midlothian compared with the same period in the previous year. We are currently evaluating the outcome of the 2008-09 initiative, and the initial indications are very encouraging.

Alasdair Morgan: The extra funding is welcome, but Dumfries and Galloway Constabulary has reported what it described as a shocking rise in arrests over the festive period for incidents in which alcohol abuse was a significant factor. Will the cabinet secretary undertake to consider what additional actions could be taken to encourage sensible drinking over the festive period and, indeed, throughout the rest of the year?

Kenny MacAskill: Absolutely. It is clear that local authorities use the money that we provide to them in a variety of ways. Some local authorities have used it for taxi marshal initiatives to reduce disorder, and others have been successful in the ways that I mentioned.

The member is correct: there have been shocking incidents involving alcohol abuse. As the Government has said, the problem is not the drink but how some people are drinking. It is clear that those who are responsible for law and order require to deal with the matter, but alcohol-related crime is equally a health and education issue. The member is well aware of the Government's commitment to ensuring that Scotland gets its relationship with alcohol back on to an even kilter and that we enable our communities to enjoy the festive period without its being blighted by the abuse of alcohol.

Debt Recovery (Public Authorities)

4. Hugh O'Donnell (Central Scotland) (LD): To ask the Scottish Executive what legal remedies are available to public authorities when pursuing individuals for debt. (S3O-6054)

The Minister for Community Safety (Fergus Ewing): The formal legal remedies that are available to a public authority when it is pursuing a debt are diligence and bankruptcy. The diligences that can be used are inhibition, arrestment, earnings arrestment or attachment.

Hugh O'Donnell: It has come to my attention as a result of representations from Citizens Advice Scotland that consumer debt can be pursued for something like five years. However, I have received representations from within my region that indicate that debts as old as 20 years are being pursued against people, many of whom do not have records. Many debts are being pursued using the summary warrant procedure, which denies people the opportunity to appear in court. Will the minister comment on that process and say whether the prescriptive period for community charges will be reviewed?

Fergus Ewing: I think that Hugh O'Donnell's description is accurate. The law of prescription of debt for ordinary debts between individual private contracting parties covers five years, but there is not the same period for the recovery process for Government debts in all their forms. Local authorities can apply for a summary warrant to collect outstanding council tax and community charge moneys up to 20 years after the amount becomes due, and they then have up to a further 20 years to collect it.

Anyone can see that there are obvious difficulties in proving what occurred after such a long period—a person does not need to have had

any involvement with the legal profession to see those difficulties. It is perfectly legitimate that Citizens Advice Scotland has indicated that it seeks a member's bill on the issue, and I would be happy to explore further with Hugh O'Donnell, other members and CAS the complex issues involved.

Direct Measures

5. Gavin Brown (Lothians) (Con): To ask the Scottish Executive how many people charged with assault to injury from 1 October 2008 to 31 January 2009 have received a direct measure. (S3O-5970)

The Solicitor General for Scotland (Frank Mulholland): Procurators fiscal received reports containing a total of 4,660 charges of assault to injury between 1 October 2008 and 31 January 2009, of which 4,492 have been dealt with to date.

Accused persons have been offered the direct measures that are available under the Criminal Proceedings etc (Reform) (Scotland) Act 2007—a fiscal fine, a compensation offer, a work order or a combined offer of a fiscal fine and compensation—in 207 charges, which is 4 per cent of the charges that have been dealt with.

Gavin Brown: That 207 figure should be added to the equally shocking figure of 521 between April and September 2008. The fact that so many people who commit assaults to injury are being given get-out-of-court-free cards is becoming a national scandal. Will the Government finally review the guidance and make it clear that a direct measure is wholly inappropriate for assault to injury?

The Solicitor General for Scotland: It should be made clear what direct measures are not appropriate for: any offence that is likely to attract a sentence of imprisonment or community service, domestic violence, drug dealing, serious violence, violence against police and emergency workers, possession of offensive weapons, possession of class A drugs, cases where there is a significant sexual element, persistent and serious offenders, racially or religiously aggravated offences, and any case where the offender suffers from mental illness.

Direct measures are appropriate for minor offending, including minor breach of the peace, possession of small amounts of class B or class C drugs, shoplifting and minor assaults. I suggest that the figures demonstrate that only a small number of assault-to-injury cases are being dealt with by direct measure and that such cases are very much at the bottom end of the scale.

The benefits of summary justice reform lie in saving victims and witnesses the inconvenience of attending court; in freeing up police officers from

bureaucracy and from attending court to give evidence; in allowing financial penalties to be imposed more speedily than is possible through the courts; and in a significant rise in the number of early pleas of guilty. Those measures were supported by all parties represented in the chamber, and they are delivering the results that were intended.

Proceeds of Crime Act 2002

6. Christine Grahame (South of Scotland) (SNP): To ask the Scottish Government what plans it has to review the effectiveness of the Proceeds of Crime Act 2002. (S3O-6032)

The Cabinet Secretary for Justice (Kenny MacAskill): We are determined to maximise the benefits of the proceeds of crime legislation. It has already helped to secure more than £23.5 million from major underworld figures, but we are not complacent.

We will shortly consult on improvements that we can make in the Scottish Parliament through secondary legislation. The serious organised crime task force has commissioned a review of the asset recovery process to see whether improvements can be made to its effectiveness. Her Majesty's inspectorate of constabulary for Scotland and the inspectorate of prosecution in Scotland are conducting a joint review of asset recovery performance. Both those reviews will assist us in making even more effective use of what is a powerful tool in the fight against serious and organised crime.

Christine Grahame: The cabinet secretary will be aware of a recent article in *The Herald* that suggested that the recovery of proceeds of crime is much better in the Republic of Ireland compared with our system. Does he agree? Even if he does not, will he consider that in his review?

Kenny MacAskill: The member may rest assured that we will look wherever there is good practice that we can build on. There are some aspects in which Ireland does well, although we must recognise that the Irish model is different. The Irish use the criminal assets bureau, which is a division of the Irish police, and they have a multi-agency approach, which includes taxation.

In Scotland, we have the police and the Crown Office and Procurator Fiscal Service. We deal with breaking up criminal activity but also try to ensure that we take assets and use financial measures both to ensure that people do not make money out of criminal offending and to drive home the message that ultimately they will be proceeded against and prosecuted and will lose their assets. If we can learn lessons from the Irish, we will be happy to do so. We can consider the system in the Irish Republic, but we should realise that our

system is remarkably good in many respects, even if it is formulated in a significantly different way.

Hugh O'Donnell (Central Scotland) (LD): The issue may not fall within the cabinet secretary's specific remit but, in considering the disbursement of such funds, will he consider my representations about the Scottish football museum's access to funding for a social inclusion scheme that it has in mind to help young people from deprived communities? Will he consider giving some of those funds to the museum for that scheme?

Kenny MacAskill: I do not know the precise details of the Scottish football museum's scheme, but I visited the museum not that long ago with various friends and enjoyed it immensely. We have put in a significant amount of money along with partners such as the Scottish Football Association, and we work with individual clubs on their initiatives to tackle drugs. If there is a viable and appropriate scheme, we will be more than happy to look at what the museum has to offer and establish how we can put money made from damaging our communities back in to improve and benefit those communities.

Domestic Violence (Compensation)

7. Sandra White (Glasgow) (SNP): To ask the Scottish Government whether it plans to support women seeking financial compensation through the legal system from partners convicted of domestic violence. (S3O-6046)

The Cabinet Secretary for Justice (Kenny MacAskill): The legal aid system already provides free or subsidised legal assistance for those who cannot afford to pay for it themselves, including those seeking financial compensation through the civil courts.

We laid regulations last week that will increase the disposable income limit for civil legal aid to £25,000 from this April. That should bring more than a million Scots into potential eligibility. Our forthcoming criminal justice and licensing bill will also introduce greater flexibility for criminal courts to award compensation against offenders.

Sandra White: I am very pleased by that reply. Does the cabinet secretary agree that in certain cases, as well as a prison sentence, the awarding of costs against a perpetrator of domestic violence goes some way to change the culture and tackle that despicable crime?

Kenny MacAskill: Absolutely. That applies to all offences, and it clearly applies to the heinous offence of domestic violence, which is a significant problem in Scotland. One difficulty with always providing a compensation order for some elements of domestic violence is that, rightly or wrongly, families sometimes get back together and

any compensation order or fine would affect the family budget and any children.

We must ensure that the sheriff or judge has the appropriate tools, but whether a compensation order or financial penalty should be used—in addition to or as an alternative to a period of imprisonment—is a decision for them. I agree that in many instances it is appropriate to ensure that a compensation order should be made available to the victims, but we must take cognisance of the fact that some cases of domestic violence are very complicated. We must ensure that the legislative framework is in place and encourage our sheriffs to use it imaginatively.

The Presiding Officer: Question 8 is withdrawn.

Young Offenders (Communication Difficulties)

9. Marlyn Glen (North East Scotland) (Lab): To ask the Scottish Executive how its policy takes account of the high incidence of communication difficulties among young offenders in terms of both direct provision of speech and language therapy and, more generally, the communication accessibility of criminal justice services. (S3O-5994)

The Cabinet Secretary for Justice (Kenny MacAskill): Young offenders should have access to the same opportunities as all other young people to ensure that they develop the communications skills that enable them to grow, live and work in the contemporary world. Local authorities have a statutory duty to provide those educational services to all young people of school age, including young offenders.

When in custody, young offenders have access to a community speech and language therapy service, following referral from prison health care services, as well as a wide variety of learning opportunities that aid the development of communication skills. As the independent Scottish Prisons Commission found, we need better outcomes for offenders and communities. We took account of that in "Protecting Scotland's Communities: Fair, Fast and Flexible Justice", which is our plan for a coherent and comprehensive management strategy to reduce reoffending and tackle the underlying causes of crime.

Marlyn Glen: Given that speech and language therapy provision is available for only 16 hours per week in Polmont and cannot be accessed at all by offenders in Cornton Vale, does the minister share my concern for the success of rehabilitation measures when there is a mismatch between the skills levels of offenders and the literacy and communication requirements for important programmes, including anger management and

drug rehabilitation courses? How will that mismatch be reduced?

Kenny MacAskill: The Scottish Prison Service is consistently on that case. Some services are provided by local authorities, some are provided by health boards, and some are required to be provided by the Scottish Prison Service. At my meeting with the Prison Reform Trust next Tuesday, one of the matters under discussion will be how we care for and deal with young offenders who have such difficulties. Clearly, many young offenders are in custody because they have committed serious offences—that goes with the turf—but we should also recognise that many have problems, whether with drug or alcohol addiction, learning or other difficulties.

Our hard-pressed Scottish Prison Service cannot possibly provide such youngsters with the skills and assistance that they need when it is overburdened with the continual churn in and out of prisoners on short-term sentences. The service tells us that assessment of such youngsters usually takes something like eight weeks. If a youngster is in prison for only a short period, the service cannot possibly carry out the literacy and numeracy analysis that is necessary. That is why, if we are to allow the service to do what is necessary, we need to provide it with headroom by ensuring that prisons are only for serious and dangerous offenders. Those who commit less serious offences should be dealt with either under the summary justice reforms or through tough community sentences.

Robert Brown (Glasgow) (LD): I want to press the cabinet secretary a little further on that. He did not really deal with Marlyn Glen's point, which was about the low level of support that young offenders institutions such as Polmont provide for dealing with speech and language communication problems. Does he appreciate the significance of the problems that are faced by some young people who end up in prison? Will he undertake to look at the provision of such services in young offenders institutions? Notwithstanding the wider context of the reforms to which he rightly referred, will he review the issue, perhaps by asking an outside body to consider whether current provision could be improved?

Kenny MacAskill: As I said, we as a Government are continually on the case. We recognise that youngsters coming into the system can have severe educational and learning difficulties. Not that long ago, issues such as dyslexia were not even identified or considered, but we now know that a significant element of the prison population not only has learning difficulties but suffers from conditions such as dyslexia. Clearly, we require to deal with that.

I have seen for myself how HM Young Offenders Institution Polmont tries to address the specific problem of the culture of violence that we face in Scotland. I can assure the member that the Scottish Prison Service is continually looking to beef up provision to ensure that we deal with offenders' needs and wants, which may involve not simply drug or alcohol addiction but the learning difficulties or disadvantages that they have when they come into prison. Equally, we need to deal with challenging behaviour, which can sometimes be due to personality disorders or other matters.

On Marlyn Glen's point, the position at Cornton Vale is frankly quite shameful. We know that many of the women come in with a mental health problem or a drug or alcohol addiction. Many of them have been victims of abuse in their own lives and have suffered a lack of educational attainment for a variety of reasons. Such matters are not simply a criminal justice problem but a social problem. We need to recognise that prison should be for those who commit serious offences or who are a danger to our communities. We should not continue to lock up people who would be better dealt with by having their alcohol or drug addiction treated in the community or by paying back the harm that they have done through the sweat of their brow.

Polmont Young Offenders Institution

10. Robert Brown (Glasgow) (LD): To some extent, this question continues the theme of question 9.

To ask the Scottish Executive what action it is taking to deal with overcrowding at Polmont young offenders institution. (S3O-6048)

The Cabinet Secretary for Justice (Kenny MacAskill): I understand from the Scottish Prison Service's chief executive, Mike Ewart, that the redevelopment of HMYOI Polmont includes the provision of a new residential unit, which is currently under construction and is due for completion in September 2009. Once opened, the new unit will provide an additional 137 prisoner places, which will increase the design capacity of that establishment to 760 prisoner places.

Robert Brown: That is welcome news, but is the cabinet secretary aware that 83 per cent of inmates in Polmont have been there before? Against that background, does he accept that the continued overcrowding, even under the new arrangements, handicaps the attempts to deal with the reasons why young men end up in Polmont in the first place? Will he make every effort to ensure that resource is put in place in Polmont to tackle the wider issues that the previous question touched on?

Kenny MacAskill: Absolutely—that is a valid point. There has been a substantial rise in numbers in Polmont, and the member is correct to say that that is due in many instances to the same offenders repeatedly going in and out of the institution. Some go in for a long time and then move on to the adult establishment, but far too many other youngsters go in for short sentences, after which they come out probably having learned more about criminality than they knew before they went in. That is why we have to make changes.

We face a specific problem with regard to the numbers of young men who are remanded. First, we know that almost 50 per cent of those who are remanded pending trial—it might be slightly more—do not get a custodial sentence. That is not to say that remand is not appropriate in some instances, but it is clear that there is some dislocation. We need to ensure that, for example, we have supervised bail facilities to ensure that, in the main, only those who need be remanded are remanded and that those who are remanded are there because they will in all likelihood face a custodial sentence.

As members know, we still face a problem in Scotland in the possession and use of knives, and we must remain vigilant on that. Tackling the knife culture does not come cost free. As the Solicitor General for Scotland has made clear, young men who carry weapons will not be dealt with under the summary justice reforms and through accelerated procedure. Because of that specific problem, we will ensure that the problems that there are in Polmont and elsewhere are faced. Prisons should be for those who need to be there, and not to give people free bed and board for three weeks or three months.

Rural Affairs and the Environment

Flood Prevention

1. David Whitton (Strathkelvin and Bearsden) (Lab): To ask the Scottish Executive whether it will guarantee funding for local authorities to carry out flood prevention work in line with recommendation 36 of the Rural Affairs and Environment Committee's stage 1 report on the Flood Risk Management (Scotland) Bill. (S3O-6021)

The Minister for Environment (Roseanna Cunningham): The Convention of Scottish Local Authorities and the Scottish Government are together reviewing the distribution of resources to local government. The review will include former ring-fenced capital funding for flood prevention and coast protection, which is now rolled up as part of the local government finance settlement. It will inform the next three-year local government finance settlement in 2011 to 2012.

David Whitton: I am pleased to ask my question first, as it offers me the chance to congratulate Roseanna Cunningham on her elevation to whatever it is that she has been elevated to—ministerial office.

It is clear that she has been busy, because there is a torrent of amendments to the Flood Risk Management (Scotland) Bill in today's *Business Bulletin*. However, a key amendment is missing—specifically, the one that I asked about. She will recall that the committee said that it wants the Scottish Government to reconsider the committee's inquiry recommendation that targeted funding be provided to local authorities. I take it from her answer that she has not forgotten her principles in favour of a ministerial Mondeo. It is down to her influence that the Government is now reconsidering its position. Can she confirm that?

Roseanna Cunningham: As David Whitton knows, there is a deal of difference between the role of committees and the role of Government. I do not want to subject him to a politics 101 lecture about the requirements of parliamentary scrutiny. In my previous role, I carried out my function regardless of Government; I am now in a different role, and I am looking at the issue with fresh eyes. The spending review will examine the funding for local government flood defences, and I have every confidence that the money that is needed will be there.

Stuart McMillan (West of Scotland) (SNP): I congratulate the minister on her promotion.

On 19 December last year, Inverclyde was severely affected by flooding and, as a consequence, a local councillor and I met representatives from Scottish Water and the Scottish Environment Protection Agency to try to find out who was responsible for the waterways in the area and to find solutions to resolve the matter.

What discussions have taken place between the minister's officials and Inverclyde Council about flooding, and in particular about the implications of the Flood Risk Management (Scotland) Bill? Will she accept my invitation, as per my earlier correspondence, to come to Inverclyde and see for herself some of the areas that are regularly devastated when there is inclement weather?

Roseanna Cunningham: I feel the pressures on the diary already, but I am happy to give that commitment to Stuart McMillan if I am able to find the time to get to Inverclyde.

Inverclyde Council does not have a current flood prevention scheme and it is therefore not included in current spending. The council produced a report in 2007 and copied it to the Scottish ministers for information, but the last funding that it received was for a small scheme in 2001. If councils find

themselves in situations similar to Inverclyde's and they intend to try to develop schemes, I urge them to do so in early course. I hope that Stuart McMillan will transmit that to Inverclyde Council.

The Presiding Officer: Question 2 was not lodged.

Hill Farms (Livestock)

3. Mary Scanlon (Highlands and Islands) (Con): To ask the Scottish Executive what is being done to reverse the decline in livestock numbers on Scotland's hills. (S3O-5964)

The Cabinet Secretary for Rural Affairs and the Environment (Richard Lochhead): Livestock farming in the hills is supported by single farm payments worth more than £200 million annually, by less favoured area payments worth £61 million annually, and by other measures, such as the Scottish beef calf scheme, which is worth £18 million annually. We do, of course, recognise the challenges presented by the current decline in livestock recorded on Scotland's hills and in remote areas.

Mary Scanlon: In the past 10 years, the national sheep flock has reduced by 23 per cent and the beef breeding herd by 12 per cent. Last week, the Crofters Commission stated that there is a real risk that the whole industry could collapse in certain parts of Scotland, namely north-west Sutherland, the western isles, Skye and, more recently, Argyll.

Given that insufficient numbers of people are entering farming in Scotland's hill and upland areas—notwithstanding the new entrants—what other plans does the minister have to encourage younger generations not only to come into farming but to stay in it?

Richard Lochhead: I largely agree with the member's analysis of the situation on Scotland's hills. The best way to attract new people into agriculture is to ensure that we have a sustainable and profitable industry in Scotland. I hope that the vision for agriculture outlined by the Scottish Government will help to deliver that in the years ahead.

As regards the immediate action that we are taking on this serious issue, 2009 is an important year for reviewing some of the support mechanisms for agriculture in Scotland, particularly direct support, large chunks of which come from Europe. We will be reviewing less favoured area payments, how we implement the common agricultural policy health check in Scotland and how we use the flexibility within it. I assure the member and Parliament that the future of our hills will be central to those reviews as well as to the on-going review of the Scottish rural development programme.

Rhoda Grant (Highlands and Islands) (Lab): Falling stock levels means additional stress on the infrastructure of industries such as hauliers and marts. Once it reaches a tipping point, it will be difficult to restart that infrastructure and, without it, the industry cannot survive. What work has the cabinet secretary carried out to gauge how close we are to that tipping point and what action is being taken to support that infrastructure?

Richard Lochhead: I hope that 2009 will offer an opportunity to stabilise livestock numbers on our hills. We have seen a steady decline over the previous 10 years, as I think Mary Scanlon said, and even beyond that. That decline was accelerated when direct support was decoupled from production in 2003.

I refer the member to my previous answer, in which I mentioned reviews of some of the schemes and how we can use them to look at how we make hill farming more sustainable. The member makes a very important point about the wider infrastructure that depends on livestock farming on hills and in our more remote areas. It is not just about the farmers rearing livestock; it is about the hauliers, the abattoirs and the wider infrastructure. I am confident that we can put in place measures to begin to stabilise the situation this year and beyond. It might not be easy, but it must be our aim.

Chlorofluorocarbons and Hydrofluorocarbons (Demolished Buildings)

4. Ms Wendy Alexander (Paisley North) (Lab): To ask the Scottish Executive what quantity of chlorofluorocarbons and hydrofluorocarbons was contained in buildings demolished in the last year. (S3O-5981)

The Minister for Environment (Roseanna Cunningham): That information is not held by the Scottish Government.

Ms Alexander: I hope that the minister is aware of concerns that a massive amount of those environmentally damaging materials is being disposed of illegally and is therefore contributing adversely to climate change.

In view of that, and her willingness to bring fresh eyes to the issues for which she now has responsibility, will she consider alterations to the Climate Change (Scotland) Bill to recognise CFCs and HFCs as greenhouse gases or will she use the bill to place duties on the Scottish Environment Protection Agency to better monitor and enforce European Union regulations in this field?

Roseanna Cunningham: We are aware of the problem. A considerable problem was identified at the Chunghwa demolition, where work was stopped by SEPA. We can at least have confidence that SEPA is on top of the problem.

when it arises, which is on demolition. Throughout the decades we have built buildings that are full of ozone-depleting substances, but it is only on demolition that the problem becomes manifest.

Ozone-depleting substances are not currently included in the climate change targets because they are covered by international agreement, through the Montreal protocol. In addition, considerable European and domestic regulations apply throughout the United Kingdom.

SEPA has published a briefing note that has been made available to the demolition industry. As I said, SEPA is already playing a direct part in the issues that are raised by the kind of thing that has happened with the demolition of Chunghwa.

If the member wishes to speak to me on the issue in more detail, I would be glad to have a conversation with her.

Packaging (Supermarkets)

5. Gil Paterson (West of Scotland) (SNP): To ask the Scottish Government when it will next meet representatives of supermarkets to discuss reducing unnecessary packaging on products. (S3O-6042)

The Cabinet Secretary for Rural Affairs and the Environment (Richard Lochhead): The First Minister and I hosted a summit with supermarket leaders last autumn, when we encouraged urgent action to reduce unnecessary packaging. That work is being carried forward by the zero waste retailers group, with my officials in attendance. The group last met on 27 January and will meet again at least twice in 2009. At its next meeting, I expect it to focus on carrier bag use—where we are looking for a 50 per cent reduction by next year—and on reducing the amount of unrecycled packaging.

Gil Paterson: What initiatives does the Scottish Government have to encourage people to do more to recycle packaging?

Richard Lochhead: The Scottish Government funds the delivery body Waste Aware Scotland, which has various campaigns to engage the public on that issue.

Engaging the retailers is an important dimension of the debate, and the zero waste retailers group is now up and running. We are developing a new relationship with retailers in Scotland to try to ensure that such issues are at the top of their agenda. One of the provisions on waste in the Climate Change (Scotland) Bill is the proposal to set targets for reducing and addressing packaging in Scotland.

I know that there is widespread desire both in the Parliament and outwith it to put the issue of packaging much higher up the recycling and

environmental agenda. We are determined to do that and we will ensure that the resources are made available for the relevant campaigns.

Elaine Murray (Dumfries) (Lab): Are ministers aware of the consequences in Ireland of the introduction of its plastic carrier bag tax? It has resulted in significant increases in the use of other packaging, especially for food, and an increase in sales of plastic bags of other types, such as bin liners, nappy sacks and dog excrement bags. I apologise for bringing such items to the attention of members.

Will the minister bear that in mind when considering whether to proceed with the section of the Climate Change (Scotland) Bill that would enable ministers to introduce a similar tax in Scotland?

Richard Lochhead: Yes, we certainly shall bear those points in mind when we are considering whether to use that provision, should Parliament endorse it.

One of the key reasons why the provision was included in the bill is because a similar provision was included in the UK Climate Change Bill. I am sure that members would agree that it is much more appropriate for the Scottish Government to decide when, if at all, such a provision should be exercised.

As we have said time and again, our preference is to go down the voluntary route. The initial indication is that the retailers are achieving some of the targets that have been agreed with Government. For instance, members may be aware that retailers achieved the 2008 target of stopping the overall growth in packaging. They have also achieved the target of reducing the use of carrier bags. Voluntary action is our preferred route, and we will see how it goes.

The Presiding Officer: Question 6 has been withdrawn.

Flooding (Coastal Areas)

7. Bill Wilson (West of Scotland) (SNP): To ask the Scottish Government whether it considers that Scottish Environment Protection Agency maps of coastal flood risk areas should specify the sea level changes on which the flooding models are based. (S3O-6047)

The Minister for Environment (Roseanna Cunningham): Under our Flood Risk Management (Scotland) Bill, SEPA will be required to take the impacts of climate change into account in preparing the flood risk assessments. At this stage, it is too early to say that the flood hazard maps would be based on modelling of sea level changes. This is a very complex technical issue and there is a degree of scientific

uncertainty. The need for further specific flood risk research on this issue will be informed by the latest United Kingdom climate impacts projections, due to be published later this year. We will be consulting closely with SEPA on this matter.

Bill Wilson: I thank the minister for her answer and, while I am on my feet, I congratulate her on her appointment.

Yesterday in Geneva, a report based on two years of research by scientists from 60 countries was released. It stated that the melting ice in Antarctica is much more widespread than previously thought, and that the rise in sea levels may be as much as 3ft to 5ft by the end of this century. In light of that, will the Scottish Government consider taking further action, either through the legislation presently being considered on flooding, or through planning legislation, to discourage significant developments below, say, 1m above sea level in coastal areas?

Roseanna Cunningham: I congratulate Bill Wilson on his assiduous following-up of this issue. From my previous incarnation on the Rural Affairs and Environment Committee I know that the issue is of particular concern to him. I see that I will not be allowed to escape it in my new role.

Current projections are based on figures from 2002, which came from the UK climate impacts programme. However, those data did not include information on storm surges, wave action or tidal range, and that is the basis of the scientific uncertainty. Recent research suggests that the current projections may be minimum estimates. Clearly, Governments around the world will have to consider how that will impact on their plans.

I guarantee Bill Wilson that we will continue to engage at UK level to consider the impact of new projections that may become available towards the end of this year. At that time, we will be in a better position to decide whether or not we should ban building below a certain level around our coasts.

Fife Coastal Path

8. Marilyn Livingstone (Kirkcaldy) (Lab): I welcome Roseanna Cunningham to her new post.

To ask the Scottish Executive what funding it is making available to support and maintain Fife's coastal paths. (S3O-6002)

The Minister for Environment (Roseanna Cunningham): Access authorities throughout Scotland have been provided with powers under the Land Reform (Scotland) Act 2003 to do whatever they consider appropriate for the purposes of supporting or maintaining paths in their areas. Each authority must develop access opportunities and make funds available as it sees

fit and in accordance with the terms of their single outcome agreements.

Marilyn Livingstone: Fife's coastal paths are vital to our tourism industry—particularly so in the present economic climate. To maintain the areas in my constituency and across Fife that are susceptible to coastal erosion, on-going funding is crucial. Will the minister assure me that the problem will be considered and that funding will be available to local government so that it can continue the work and monitoring that have been taking place?

Roseanna Cunningham: The member may be aware of my keen interest in long-distance footpaths. I am familiar with the Fife coastal path and its development; and I am familiar with a number of Scotland's other long-distance footpaths, existing and proposed. I hope that all local authorities are considering carefully the funding that they can make available to ensure that such developments proceed apace. Quite apart from any other considerations, that will be vital for the future of tourism in Scotland.

I intend to holiday in Scotland this year, and walking the Fife coastal path is one plan that I am considering. Perhaps Marilyn Livingstone and I can have a conversation about that later.

The Presiding Officer: Question 9. I call Richard Baker. [*Interruption.*] This is the second time today that a member has not been present in the chamber to ask their question. That constitutes a discourtesy to other members, because members who want to ask supplementaries are unable to do so if the member is not here to ask the original question.

I apologise to Jim Hume, but I must move on to the next item of business, which is heavily oversubscribed.

Skills Strategy

The Presiding Officer (Alex Fergusson): The next item of business is a statement by Fiona Hyslop providing an update on the skills strategy. The cabinet secretary will take questions at the end of her statement, so there should be no interruptions during it.

14:56

The Cabinet Secretary for Education and Lifelong Learning (Fiona Hyslop): When I launched the skills strategy in 2007, I set out three major areas in which the Government wanted to effect change: a focus on individual development, a response to the needs of the economy and the demands of employers, and the creation of cohesive structures. Significant progress has been made in all three areas during the past 18 months. The updated skills strategy, which provides more detail, is now available online, and its web address was circulated to all MSPs this morning.

It is important to note that the updated skills strategy sits alongside the Government's economic recovery plan in providing support to individuals and businesses in response to the economic downturn and in ensuring that we as a nation are best placed to take advantage of the upturn when it comes.

For individuals, we have set about implementing a programme of systematic reforms to the ways in which learning is promoted, delivered and funded. For the youngest Scots, we have launched an early years framework that recognises the need for every child to have the best start in life. The framework has been developed and launched in full partnership with the Convention of Scottish Local Authorities.

For our young people, we are pushing forward implementation of the curriculum for excellence and focusing on better learning and teaching for individual pupils. Our new model for guaranteeing that all young people have an appropriate offer of post-16 learning is the 16+ learning choices programme, through which we will provide young people for whom school is not the right setting with a set of tailored and positive options, the aim of which is to guarantee that all young people have the opportunity to access employment or training as an alternative to compulsory schooling until the age of 18. We believe that staying in learning is the best way to ensure long-term employability.

For people with literacy and numeracy needs, we are conducting the first major survey of literacy and numeracy in Scotland since 1996. The result will be vastly improved baseline information that will ensure that our future policies better suit individual needs.

The Scottish Government has also worked hard to improve how learning is funded. For example, the individual learning account offer has been refocused so that it is more relevant to learners in the workforce: for the first time, it can be used for workplace learning. We have also opened up higher education to a broader range of learners through ILA 500, under which grants replace loans for part-time students. The fact that 15,000 applications have already been made shows that we are meeting a clear demand from individuals.

Overall, we have about 40,000 people in training. The majority are undertaking modern apprenticeships, but the figure also includes those who are training under the skillseekers, get ready for work and training for work programmes. We intend to have 50,000 people in training by 2011.

Our second area of focus is the need to effect change to ensure that Scotland's skills policies can respond to the needs of employers and the economy. Within the changed economic climate, that is now even more important. Listening to employers and acting on their advice has been a top priority for the Government during the past 18 months. I have met the chief executives of all 25 sector skills councils to identify what employers need, what the councils can offer, and how the Government can respond. As a result, the colleges and the sector skills councils have for the first time signed up to a collaboration agreement, which will ensure that the parties continue to have a close working relationship as they deliver for employers and the wider economy.

Since 2007, I have engaged with hundreds of employers of all sizes to establish how best we can work together to meet Scotland's skills needs. I have established the skills utilisation leadership group, which aims to make better use of Scotland's skills in order to drive up productivity and growth. The group comprises employers—Microsoft, First Scotrail and BT—along with Skills Development Scotland, the Scottish Further and Higher Education Funding Council, the Scottish Trades Union Congress and the Scottish Council for Voluntary Organisations. It is a unique partnership.

All that activity with employers has resulted in a strong evidence base on which to build our policies. Employers understand that we are a Government that listens and acts. We listened to the tourism sector, and so are now funding a study into the possibility of creating a centre of excellence in hospitality and tourism. We listened to the food and drink sector, and are funding the development of a business case for a Scottish hub of the National Skills Academy for Food and Drink Manufacturing, and we have introduced adult modern apprenticeships in professional cookery.

We listened to the financial sector, and have helped to fund the establishment of an industry-led financial services skills gateway. We listened to the creative industries, and I am pleased to announce that, within the increased number of apprenticeship places for 2009 and as part of the Government's aim to develop new high-value sectors in the economy, 50 apprenticeship places will be set aside specifically for the creative industries sector in the coming year. That is in addition to the extra £5.8 million investment in Skillset's screen and media academies in Scotland, which was announced earlier this month and which will help to boost our country's position as a world leader in the creative industries.

We will continue to work closely with employers to ensure that we supply what they need. That is the purpose of the apprenticeship summit that will be held in spring, which will give us the opportunity for a frank discussion about the skills interventions and support that employers really want.

We have also been listening to employees. We have forged a strong relationship with the STUC as the communiqué on skills, which the First Minister and the STUC signed last year, demonstrates.

We need to promote development and innovation in cohesive structures: that is what we have done. At United Kingdom level, we play a central role in the UK Commission for Employment and Skills, and I have made sure that the commission recognises the importance of better use of skills in the workplace to improve productivity.

Major progress has been made by our partners in relation to the calls to action that were made in "Skills for Scotland: A Lifelong Skills Strategy". I am pleased that they have all addressed those challenges with enthusiasm and imagination. We have, for example, established a new set of relationships between the Government, the funding council and the universities. In particular, activity that is supported through the funding council's horizon fund is demonstrating how Government-funded higher education activity will respond better to the needs of students and the economy.

Scottish colleges have long had a reputation for responsiveness and flexibility. The way in which colleges such as Reid Kerr College have acted swiftly to ensure that redundant apprentices have access to alternative relevant training has been welcomed across the board, as has the £7 million that the funding council has set aside to ensure that training and support is available to redundant workers and for activities relating to partnership action on continuing employment.

The Scottish Qualifications Authority has played a hugely important role in working with the Scottish credit and qualifications framework and the sector skills councils to place an increasing number of Scottish vocational qualifications on to the framework, which will provide progression routes for individuals who choose to take a vocational path.

Skills Development Scotland has been established. In my guidance letter to the body, which I placed in the Scottish Parliament information centre this morning, I have made it clear that I expect it to be a catalyst for improved performance and better joint working on skills. It is already working effectively with the funding council and Jobcentre Plus on issues that support the economic recovery plan. To further support the plan, we need to be adaptable and flexible in order to meet the changing skills needs of the current economic climate. We have refreshed the PACE programme by increasing its scope and ensuring that it is well placed to address the rapidly changing needs of the workforce in the coming months.

The strategy update, which is now online at the Scottish Government website, focuses on adaptability and flexibility. We know that the ability to be agile and responsive is one of the most important attributes in difficult economic times. The strategy will continue to support that approach and we will focus effort and resources where they are most needed to support individuals and the Scottish economy in these difficult and challenging times of recession.

The Deputy Presiding Officer (Trish Godman): The cabinet secretary will now take questions on issues that were raised in her statement. I intend to allow 20 minutes for questions, after which we have to move on to the next item of business. I remind members that we are extremely tight for time, and that questions should therefore be short and to the point.

John Park (Mid Scotland and Fife) (Lab): I shall be quick, Presiding Officer.

I thank the cabinet secretary for providing us with early sight of her statement and for the earlier correspondence to members on the strategy. I have not yet had the opportunity to welcome Keith Brown to his front-bench role, so I do that now.

In September 2007, Labour members set out their concerns that the strategy had been rushed out and that an opportunity had been missed. We are now in a reactive situation, rather than a proactive one. However, we welcome the announcement of extra apprenticeships in the budget and in today's statement, the guarantee to apprentices who face unemployment—which was also in the budget and the statement—and the

improvements to PACE, which will help people who face redundancy.

The apprenticeship summit will consider the expansion of apprenticeship opportunities in the next financial year. Will the cabinet secretary confirm that the aim is to expand apprenticeship places not just in the next financial year, but in subsequent years, as we discussed as part of the budget discussions? I hope that the cabinet secretary will agree with that.

On the apprenticeship guarantee, I understand that some members have been contacted regarding apprentices who are facing redundancy and who want to know where to get help and support. How will the guarantee be highlighted and promoted through the apprenticeship system? If that work has started, will the cabinet secretary give a little more detail on it?

I am sure that the cabinet secretary accepts that, particularly in the financial services sector, we must tie employers into the work of PACE as early as possible. It is not only the public sector that must help people who face redundancy; all employers who make people redundant must consider what contribution they can make to helping those people into other employment, rather than their going on the dole.

Fiona Hyslop: There were several questions there, but they are important. I will answer as many as possible.

The apprenticeship guarantee is probably more developed in Scotland than it is in other parts of the UK. Work on that has been primarily with the construction sector, and particularly through the sector skills council, ConstructionSkills. Effective work has been done on placing individuals. If John Park has a look at our website and follows the connections to our partners' websites, he will find that a great deal of work is happening with employers, particularly those in growth areas such as engineering, in which there may be more opportunities to identify additional apprenticeships.

I am more than happy to tell members who are contacted by individual constituents who have been made redundant as apprentices about how to get in touch either with their sector skills council or with SDS, which is working on the guarantee. I recommend that anybody who is looking for an initial point of contact go to the website that was launched as part of the PACE initiative.

As part of the budget negotiations, we secured an additional £16 million for apprenticeships, which will be discussed at the apprenticeship summit. Clearly, apprenticeships carry on for several years, so the financial commitment in the budget is for that year, the next year and the financial year after that. It is a three-year commitment for those apprenticeships. However, I

think John Park seeks assurances from the Government that we will maintain the level and start another set of apprenticeships in the next year. We are considering that closely, but I remind him that we are in a time of difficulty and are facing a £500 million cut from Westminster. If he wants more apprenticeships, perhaps he will join us in trying to ensure that public sector funding is protected.

The member is right about the importance of employers in the financial services sector engaging with PACE and doing so early. I say to all members who work with employers in their constituencies that the sooner organisations let us know of difficulties, the better. Moving somebody who is in work to other employment is much better than their falling out of employment. The culture and approach is changing in Scotland and employers now feel more comfortable about sharing such issues. Those issues will be dealt with confidentially, but the sooner PACE knows about difficulties the better, so that we can help people to go from work to work. Several employers are acting extremely responsibly and trying to direct that and we have good opportunities to ensure that skilled workers who face redundancy move to other employers.

However, we have particular challenges in Scotland because of the number of small and medium-sized enterprises here. PACE is particularly effective at working with large companies, so one of its future challenges will be in supporting SMEs to place their workers, should they be made redundant.

Murdo Fraser (Mid Scotland and Fife) (Con): I thank the cabinet secretary for her statement, and for the advance copy of it, and I welcome Keith Brown to his new position. I am sure that his military experience will be invaluable as he defends the Government from attack from all sides.

I need not remind the cabinet secretary that the Government's skills strategy was rejected by Parliament back in September 2007. At that time, we felt that it was too vacuous and that it was lacking in detail. In May 2008, Parliament passed a motion calling on the Government to bring forward a revised strategy immediately after the summer recess. What we have today is more than six months late. I am, nevertheless, glad that we have something at last.

All Scotland is suffering from the impact of Labour's recession, so we must address skills gaps if we are to help turn around the economic downturn. My concern with today's announcement is that it is long on the creation of yet more committees—we have a strategic forum for the national performance framework, a skills utilisation leadership group, the Scottish Council of

Economic Advisers and a national economic forum, and the Scottish funding council has a skills committee. We could do with fewer talking shops and more delivery.

I have two specific questions for the cabinet secretary. First, she will be aware of concerns in the university sector about the horizon fund to which she referred. Will she give us a guarantee that the general fund for all universities will increase at least at inflationary levels in future years, given that we will otherwise simply be robbing Peter to pay Paul?

Secondly, how will the Government develop vocational education for school pupils who are above the age of 14, in order to help expand our skills base?

Fiona Hyslop: Murdo Fraser made a number of general points, but I will address his specific questions.

On the general fund and the horizon fund, the announcement that I made of £5 million for the creative industries was one of the first announcements in respect of the horizon fund. It is about pursuing the economies that will take us through the recession and beyond it, to future economic growth. Our intention is to ensure that funding for universities remains competitive—that means both the general fund and the horizon fund. The allocation of that funding is the role of the funding council. I am due to have the first of the tripartite advisory group meetings with the universities and the funding council to take forward these matters.

On vocational training, there are strong relations between colleges and schools just now. Indeed, there is a considerable amount of funding in that area—skills for work courses are continuing and growing.

The experience of the 16+ learning choices initiative for those over 16 will be a valuable lesson on how we can include experiences for young people that are not necessarily school based but which give them vocational experience—sometimes in the third sector, too. Our learning of lessons from that can take us forward. Two thirds of councils are already involved in 16+ learning choices and more are joining as the months go by.

Margaret Smith (Edinburgh West) (LD): I thank the minister for a copy of her statement and I welcome Keith Brown to his new position.

We can welcome quite a lot of the statement, which is wide ranging. I suggest to the minister that it would be worth having a Government debate on the statement in the new few weeks, once we have had a chance to digest it a bit more.

On Skills Development Scotland, we are obviously concerned about the recent

announcement of job losses. I seek reassurances from the minister that front-line services will not only be safeguarded but perhaps enhanced by some of the restructuring changes.

I welcome the minister's comments on listening to employers, and I repeat the point that I made on the Royal Bank of Scotland and my constituency at First Minister's question time: early intervention with companies is very important.

We welcome the setting up of the skills utilisation leadership group, which involves a number of large employers. Will SMEs play any part in the group and what specific support will the Scottish Government give smaller companies, which might be less inclined to invest in skills development at this stage, because of the economic downturn?

Finally, will the minister give us further information on what is happening with the extra—or reassigned—£7 million that the funding council has found for PACE support in Scotland's colleges?

Fiona Hyslop: On Skills Development Scotland, the restructuring is about ensuring that centralisation is moved to local activity. Front-line services will be protected and there will be no compulsory redundancies. We have already seen an enhancement in that any reorganisation will provide for extra resources on the front line. We have seen 80 SDS workers being moved into working in Jobcentre Plus to provide an integrated employment skills service. With Tony McNulty, I visited one of the first pilots in Greenock. The evidence shows that, for employability, it is essential to drive forward and serve constituents' needs.

We have used input from the national economic forum—which Murdo Fraser derided—on what individual sectors need for skills development and utilisation. We will now take that to SMEs. Some larger companies have offered to work with smaller companies. It is probably more important than ever that all companies take the opportunity to use skills effectively to drive up productivity. Now is not the time to reduce training. It is essential that organisations—perhaps with fewer staff—work smarter to achieve more and maintain their competitiveness. There are great opportunities.

If I have not answered any of Margaret Smith's questions, I am sure that she can contact me later.

Christina McKelvie (Central Scotland) (SNP): I thank the cabinet secretary for the advance copy of her statement. I, too, welcome Keith Brown to the front bench.

How will the Government promote services such as ILA 500—which has been transformed from a

loan into a grant—and the modern apprenticeship programme? How will the website that the cabinet secretary mentioned in her statement add to the Government's promotional efforts?

Fiona Hyslop: Skills Development Scotland is to launch its corporate plan and much of its material to promote the services in the national training programme, so Christina McKelvie will hear more from Skills Development Scotland about promoting the offers that are available. The fact that 15,000 people have applied for the ILA 500 grant shows that demand exists, which we are meeting. At a time of difficulty, more people might want to undertake part-time university study, so it is fitting that we pursue that.

The skills strategy is for lifelong learning. The website allows all the many partners in the process to see where they are. We were criticised for a lack of detail in the skills strategy in September 2007. I hope that members will bear with me, as we have probably overindulged in detail on the website, but it is worth examining for its up-to-date information about what is happening. The website will be a live operation that is continually updated. I urge members who are interested in sectors that relate to their constituencies to visit the website to identify the most up-to-date information.

I recall the question from Margaret Smith that I did not answer. The £7 million of PACE money to colleges will be used initially for activity to help apprentices who have been made redundant, but another measure is short-term courses to help people to move into employment quickly. Some members—particularly Labour members—have asked us to consider the European social fund. If companies are operating reduced working hours, opportunities might be used for learning during some hours of the week. That is being considered in other countries of the UK and we can pursue it, too.

Many companies might also pursue literacy and numeracy training at this time. Training can be improved in an economic downturn, so that the workforce is upskilled for the future. My colleague Keith Brown will pursue that in the months ahead.

Rhona Brankin (Midlothian) (Lab): I, too, thank the cabinet secretary for early sight of her statement and I echo the welcome to Keith Brown in his new role. I pay tribute to Maureen Watt for her work as a minister; she has a strong commitment to the policy area.

The cabinet secretary says that the 16+ model will guarantee that

“all young people have an appropriate offer of post-16 learning”.

She will be aware of developments in England,

where young people will have a real post-16 guarantee of education, employment or training, which will be supported by new legislation. She has already set her face—

The Deputy Presiding Officer: Can we have a question, please, Ms Brankin?

Rhona Brankin: Yes.

The cabinet secretary has set her face against such legislation. How does she propose to guarantee that all young people can access appropriate education and training? What performance indicators will be put in place to measure progress to achieve that guarantee? Will she agree to bring together schools, colleges, sector skills councils, employers and Skills Development Scotland to discuss how the 16+ model can deliver for all young people, so that no young person falls through the net?

Fiona Hyslop: Rhona Brankin has just confirmed that the Labour Party still has a policy of compulsory schooling to age 18. The legislation in England to which she refers will not be available this year, whereas in Scotland 16+ learning choices is available to many youngsters this year and will be available to all youngsters by 2010. Even if one agrees with compulsory schooling to 18, which we do not—people in Scotland think that would be a retrograde step—the English legislation will not be in place for several years to come. It is important for us to act here and now and to face up to the recession. We cannot allow many youngsters to slip through the net, as happened during the recession of the 1980s, in particular. It is important for us to provide opportunities. If there is any age group that this set of Government ministers will support, it is 16 to 19-year-olds; we will ensure that provision is available to them. Members from all parties may question whether compulsory schooling to age 18 is the appropriate way forward. I reject it and think that other members will, too.

Michael Matheson (Falkirk West) (SNP): On a more constructive note, the cabinet secretary referred to the extensive work that she has undertaken with the private sector. She said that she has engaged with several hundred employers, along with sector skills councils and the skills utilisation leadership group. How does she see employers responding to the skills strategy? What does she expect them to do to ensure that it is implemented effectively?

Fiona Hyslop: Michael Matheson raises an important issue: not all training should be funded by the public sector. In fact, most training in the country is provided and funded by the private sector. It is important that that continues, especially in a difficult economic situation.

At this time, engagement with the private sector is primarily about looking for opportunities for it to support apprentices who have been made redundant. Another issue is workplace learning; the availability of ILAs that can be used in workplaces presents a great opportunity in that area. Outreach work with private sector employers by colleges is to be encouraged and driven forward at this time.

We must listen to the different sectors to find out what they need, which means being responsive. The clear message from all employers at the national economic forum was that we must respond differently to each sector. For example, we have launched a modern apprenticeship in life sciences to ensure that we have the technicians who are required to support an industry that will continue to provide wealth generation for this country. Many areas, such as construction, are facing difficulty, but we must remember that there are many successful employers. Our job is to support them through the skills strategy. *[Interruption.]* I say to members who are muttering in the corner that the strategy was supported by a large number of external employer organisations, which recognised that it is the way forward. The strategy provides the flexibility and responsiveness that are important.

The Deputy Presiding Officer: I will take a final brief question from Hugh O'Donnell.

Hugh O'Donnell (Central Scotland) (LD): I will try to be brief. First, can the cabinet secretary assure me that what is proposed in the updated skills strategy will not have a negative impact on money that is currently available through education maintenance allowances and under the get ready for work programme? Secondly, I ask her, with a great deal of sincerity, to look at the bureaucracy that surrounds access to all currently available training schemes. For example, people have to wait 13 weeks to get into the training for work programme. Will she also examine some of the criteria for access to Europe-funded programmes, which are not readily accessible early in the process of dealing with someone who has been made redundant?

Fiona Hyslop: As part of the 16+ consultation, we are looking at some of the issues relating to EMAs. Research shows that, by and large, EMAs do not encourage people to stay on at school, although they are effective with certain groups. The consultation recognises that and recommends that we continue to support them.

High O'Donnell is absolutely right about bureaucracy. We must be responsive and quick when dealing with skills, especially during a recession. He is also right about the training for work programme. We are actively pursuing the matter, and changes that are proposed for April

will help to shorten the process. There is a difficulty relating to benefits and I have made the point to Tony McNulty that people should not have to wait for six months before they are able to access the programme, but must have access to training even if they have been claiming benefits for only a short time. I have pursued the matter with Westminster, and it is recognised that we have a common goal and interest in the area. I understand that changes to the system may be piloted at an early stage in Glasgow. At a recent meeting with Tony McNulty here in Parliament, I encouraged him to pursue the issue.

Marine Bill Consultation

The Deputy Presiding Officer (Trish Godman): The next item of business is a debate on motion S3M-3528, in the name of Richard Lochhead, on the marine bill consultation.

15:25

The Cabinet Secretary for Rural Affairs and the Environment (Richard Lochhead): Scotland has a world-class marine environment and an enviable maritime heritage. We have 10 per cent of Europe's coastline, 20 per cent of Europe's seas and well over half of Great Britain's coast. Our seas are among the most biologically productive in the world. They contain more than 40,000 species and internationally important populations of marine mammals and seabirds. Some of the finest marine habitats in Europe can be found in Scottish waters.

Our seas are therefore a major asset. They are essential to the economic wellbeing of Scotland and our coastal communities. We are proud of our unique coastal and marine environment and of the many communities, jobs and industries that it sustains, but I wonder whether we are always aware of just how special it is. David Attenborough has said that the Bass Rock, with its extraordinary gannet population, which is on our doorstep, is one of the 12 wildlife wonders of the world. Some 20 per cent of the world's gannets are in Scotland. Yesterday, the Parliament debated the challenges that seabirds face.

Scotland's seas face a range of growing and competing demands from the energy, shipping, fisheries, tourism and conservation sectors. The Government is committed to resource use and resource protection. We are committed to delivering enhanced economic growth while ensuring that an iconic asset is looked after for future generations. We cannot forget that our activities on shore impact on our seas and oceans. That underlines the need for ambition in the Climate Change (Scotland) Bill if we are to tackle global warming.

The Scottish Government gave a commitment to introduce dedicated legislation on Scotland's seas. This debate provides an opportunity to seek and discuss the Parliament's views on our legislative proposals before a bill is introduced. The marine bill will be a special bill for Scotland that will create a framework for sustainable growth. Stakeholder involvement has been at the heart of the process from the beginning.

After our most recent debate on marine issues, which took place on 20 March last year, the Parliament supported our bid to gain additional responsibilities for the waters around Scotland, to

ensure that there was better integration and a coherent framework for planning and nature conservation. I am sure that the Parliament will be pleased to record that the Scottish Government secured additional responsibilities for Scotland. The cross-party support that we received in the Parliament was invaluable in achieving that. After the First Minister successfully pressed for the resurrection of the joint ministerial committee, we were delighted to announce on 27 November that agreement had been reached on a framework to devolve executive responsibility for marine planning and nature conservation to Scotland.

The agreement is complex and we admit that it does not go as far as we wanted it to go. We would have liked the Scottish Parliament to be able to legislate fully for the area out to 200 nautical miles. However, we have taken a significant step forward. In future, we will be able to integrate fishing policies with nature conservation and planning, which is a considerable advance. However, we must operate within two sets of laws from two Parliaments, which will be challenging.

The agreement provides a framework for the Scottish ministers to work co-operatively with the United Kingdom Government on marine management, and it provides a mechanism to meet our European and international obligations. I know that many members who take an interest in the sea support a clear framework that covers the seas that are administered by all parts of the UK. The deal that we arrived at reflects the complex sets of interests that we and the other Administrations have in the seas around us. It is a reasonable compromise that works for all sides. Above all, the deal allows us to join up with other parts of the UK to manage the seas. We have strong support for that way forward from environmental organisations and industry interests.

We hope shortly to bring forward our legislative proposals. We may soon be in a position in which two marine bills have been introduced in two Parliaments, north and south of the border—that illustrates how the marine environment has risen up the agenda on both sides of the border.

Responses to the consultation showed widespread support for more integrated, simpler, more effective and more efficient marine management arrangements. Ninety-one per cent of respondents agreed on the need for a new integrated structure to deliver sustainable seas for all.

On 9 February, I announced the creation of marine Scotland, which will begin operating on 1 April. It represents a groundbreaking approach to the integrated management of Scotland's seas that will combine core marine functions and

integrate science, policy and delivery. Marine Scotland will play a leadership role; it will combine and co-ordinate the efforts of existing bodies and will have the essential role of joining up with marine management organisations in the rest of the UK. It will be the champion of our marine environment. It will also be part of the Scottish Government, which will provide transparency and direct accountability to the Scottish Parliament on devolved Scottish marine matters through the Scottish ministers.

Kara Brydson, marine policy officer with RSPB Scotland, welcomed our announcement on 9 February, when she said:

“It’s great news for Scotland’s delicate marine wildlife”

and that RSPB Scotland looks forward

“to working with the new organisation to ensure that the environment is at the heart of Scottish marine management.”

Our consultation on the Scottish marine bill proposed a new legislative and management framework for sustainable development in the marine environment. It contained proposals on a new system of marine planning, reducing the regulatory burden, enhanced nature conservation and improving our understanding of the seas.

Since the consultation was launched last July, we have been extremely busy. Approximately 750 people attended the 21 consultation events that took place around Scotland’s coasts and islands—from Orkney and Shetland to Dumfries, and from Eyemouth to Stornoway. We also held meetings with representatives of specific sectors, such as aquaculture, renewables, fisheries and leisure.

We received 280 consultation responses from individuals and organisations. Most of the respondents agreed that we should put in place a new legislative and management framework to deliver a new planning system for the sustainable use of Scotland’s seas; improvements to marine nature conservation to safeguard and protect Scotland’s marine assets; a streamlined and modernised marine licensing and consents system; and better stewardship, which should be backed up by robust science and data. Those responses are broadly in line with the outcome of the work of the advisory group on marine and coastal strategy—AGMACS—which advised the previous Administration, and the Environment and Rural Development Committee’s report on the marine environment in the previous parliamentary session.

“Sustainable Seas for All: a consultation on Scotland’s first marine bill” proposed a new power on marine protected areas that would be used for the purposes of conservation and to complement existing powers. I propose that it should also be available to demonstrate and research new

methods of managing our marine environment and, in certain circumstances, to protect areas that communities propose. As stakeholders have made clear, designation based on science must be an important underpinning principle of the new conservation powers. I am sure that all members agree that science—rather than crude targets, for instance—must guide designations.

There were also more than 8,000 responses from three principle campaigns. Nearly 5,000 people took part in the Scottish Environment LINK campaign that called for greater environmental protection, a system of marine planning and a marine management organisation, which is in line with our proposals. Although the overall response was positive, it is clear that there is also a need for simplification and reduced bureaucracy. We envisage that our bill will ensure that that is delivered for our marine industries.

There is still some work to be done before we can introduce the bill to the Parliament, but we will introduce it shortly. The scale of the response to the consultation clearly illustrates that there is keen interest in our unique coastal and marine environment.

Stakeholders expressed views on a number of issues. Advocates for Animals and the Save Our Seals Fund called for a ban on killing seals, whereas our proposals were for increased protection for seals. Other responses contrasted with that call. However, we want to achieve an improved balance between seal conservation and sustainable fisheries and aquaculture. We are minded to tighten up on seals legislation but we do not believe that an outright ban is the best way forward. Nonetheless, we are keen to hear the Parliament’s views on the subject if any member wants to raise it.

Scottish marine regions will provide a way for local interests in Scotland to have a say over their local seas. It is clear from the consultation that there is strong support for that proposal but, in delivering marine regions, we must ensure that we do not create an additional layer of bureaucracy. We are committed to consulting on the characteristics that should be used to construct the regions. I want to think about that carefully so that we can build consensus.

Simplifying rather than complicating the delivery landscape for Scotland’s seas is the first key step towards developing an integrated package that joins together the environment, fishing, leisure and recreation, and other interests at the local level. That will clearly take some time, and the time taken is likely to vary around Scotland. Nonetheless, I would rather take time to implement robust arrangements and ensure that they are effective over the longer term than rush to deliver them and potentially create more problems.

I look forward to hearing members' views on Scottish marine regions.

A sustainable approach to marine management that balances improvements to marine conservation with the growth of marine industries will be at the heart of the bill. Along with the UK Marine and Coastal Access Bill, the Scottish bill will provide the basis for a coherent system of marine management for the seas around Scotland and provide an integrated framework to achieve a good outcome for Scotland's seas. That is good news for our marine industries, our communities and our precious marine environment.

In the times ahead, we must ensure that our seas continue to sustain species and habitats that make Scotland special and our planet richer, and that they sustain thousands of jobs in Scotland. In the future, our seas will continue to power our nation through wind and wave and to oil our economy. They must also continue to put food on our tables. In short, our seas help to make Scotland, and we need good, clean and productive seas to sustain us all. The challenge for all who care about the sea is to work with us to deliver the best system that we can to make that happen. I ask Parliament to support the Government motion.

I move,

That the Parliament notes the Scottish Government's commitment to deliver a Scottish Marine Bill to drive sustainable economic growth and improve the stewardship of the seas around Scotland; acknowledges the positive response to the consultation, *Sustainable Seas for All*, and the widespread support for the proposals, and further notes the recent agreement with the UK Government to secure executive responsibility for marine nature conservation and planning in the offshore zone.

15:36

Sarah Boyack (Edinburgh Central) (Lab): Nowadays, we regularly have debates in the chamber in advance of a stage 1 debate. In some ways, that is good, because it lets us focus on issues for proper discussion, and we on the Labour benches are very much in favour of extra discussion, particularly about a major bill such as the marine bill. Given the arithmetic in Parliament, it is important for us to tease out the issues, particularly in such a complex and substantial bill, which has been a long time in gestation and is incredibly important for our fishing industry and communities, for the development of the renewables industry, for nature conservation and for biodiversity in our seas.

I know that the minister would rather that we all agreed on exactly what we will end up with at the end of the day, but we on the Labour benches do not see the point in pretending that everyone agrees on everything at the outset, or that we always have a cosy consensus when one does not

exist. We are absolutely not going to pick fights where that is not appropriate—and that is not what we are doing today—but it is daft to pretend that everyone is happy with everything that the minister has proposed. In a way, it would have been better if the motion simply acknowledged that and focused on some of the issues that Richard Lochhead mentioned and some that he has not.

It is not just me who thinks that we need robust debate. I quote Roseanna Cunningham:

"We know how to do robust argument and debate in Scotland. It's important so that we know what comes out at the end is in Scotland's interest."

She said that to us at the Scottish Environment LINK reception last night. I welcomed her then to her new ministerial position and I do so again today. I very much look forward to debating with her in the months and years to come.

There is truth in what she said last night. It is worth taking the time to tease things out. It is not just those of us on opposite sides of the chamber who do not always agree with each other; some of the external representations that have been received need to be teased out. Today is a good chance to do that before we get into the detail of the bill at stage 2.

The Scottish National Party's motion classically accentuates the positive and ignores anything that does not agree with the Government. We agree with a three-tier marine planning framework and with Richard Lochhead's point about streamlining the decision process. That is not to say that there is unanimity on all the key details, and we will focus on that today. Given that we have a minority Government, the point of a parliamentary debate before the bill has been published—presumably it is not yet completely drafted—is to enable the SNP Government to test the water on some of the issues.

I will take this opportunity to quote three organisations on the issue of marine Scotland. The Labour amendment expresses our disappointment at the fact that the Scottish Government has already decided the body's status. That would have been more properly addressed in the bill.

The Scottish Fishermen's Federation says:

"the Federation has fundamental objections to the status, role and responsibilities of Marine Scotland."

Richard Lochhead: I was intrigued by the Scottish Fishermen's Federation's submission. I assure the member that I spoke to the organisation yesterday to clarify its position. It told me that it is comfortable with marine Scotland as we announced it. The proposal covers all the SFF's concerns and the organisation is quite happy with it.

Sarah Boyack: I have read the Scottish Fishermen's Federation's submission and the key points in it, and it does not seem to me that the cabinet secretary has dealt in detail with everything that it raised. I am happy to talk to the federation's representatives about that afterwards, but we are proceeding on the basis of the submission that it gave to us and to everybody else. Its points were about the management process and the clear intention, as the federation saw it,

"that Marine Scotland will champion the interests of Scottish Ministers. If those interests coincide with any wider interests, that will only be a happy coincidence."

The Scottish Fishermen's Federation has not written to us to say that it has withdrawn those comments.

I will now quote two other organisations. The minister might wish to intervene on me with regard to both, and to tell me that they, too, have now withdrawn their submissions to the consultation. However, we can only go on the submissions that have been received. Scottish Environment LINK stated that it

"strongly favours the status of Marine Scotland as a Non Departmental Public Body, thereby increasing the independence of Marine Scotland from Government."

I do not know whether the minister would like to intervene to tell me that Scottish Environment LINK has now clarified that point and withdrawn its objection to the proposed status of the new organisation.

Richard Lochhead: I simply ask the member to note the quote from RSPB Scotland that I read out in my opening speech. It is a major player in Scottish Environment LINK.

Sarah Boyack: I was just coming to RSPB Scotland. The quote that I am going to use was also given in response to the consultation. Again, RSPB Scotland's points about the status of the new body do not seem to have been addressed. There is absolute agreement about the need for a marine Scotland organisation—we all agree on that—but the issue is its status. RSPB Scotland said:

"given that Marine Scotland will also take responsibility for marine nature conservation, this would appear to be a clear conflict of interest"

in the context of increased economic growth. RSPB Scotland strongly recommended that

"Marine Scotland should have a duty to have regard to ... advice from SNH"

in all its decision making. The cabinet secretary did not mention that in his speech.

If organisations write in with their comments in good faith, we as the Opposition will pick up on them. The cabinet secretary does not seem to

have addressed the strong concerns that organisations have raised about the operation of marine Scotland. The cabinet secretary is not listening—he is whispering to the Liberal Democrats. The status of marine Scotland is fundamental—

Richard Lochhead: Will the member give way?

Sarah Boyack: No. I have taken a couple of responses from the cabinet secretary already.

Marine Scotland's status is important. We are being denied the opportunity to debate it in the proper way—we should be able to do that at stage 1, following the introduction of the marine (Scotland) bill. I will issue a series of questions to the cabinet secretary after this debate raising the objections of a whole range of organisations on the status of marine Scotland that I do not believe were addressed in the cabinet secretary's speech.

We need to start from a set of principles that involve the Scottish Government laying down the policy and marine Scotland implementing it and delivering on it. That framework needs to be clearly set out by the Scottish Government, which is accountable to us and to the Scottish people. There are issues around how marine Scotland will relate to the new marine management organisation that the UK Government is setting up. That was not addressed in the cabinet secretary's speech. Issues clearly need to be addressed. There needs to be a transparent and fair framework. That is why we have a problem with the proposals.

The Scottish Government is to centralise decision making and implementation in-house. What opportunity will local communities have to get involved in the process of marine planning? How will interested parties such as local communities, fishing interests, economic interests such as renewables companies, environmental organisations and animal welfare groups be able to take part in the planning and decision-making process?

There are understandable concerns about how marine Scotland will work with the Crown Estate, which has hugely ambitious plans for marine and coastal renewable energy across Scotland. How will the licensing regime actually work? That is a crucial issue for the many organisations that are involved in marine activities.

The cabinet secretary argues that we need to get on and establish marine Scotland to enable decisions to be made, but a whole raft of questions remain unanswered. It was not possible, in his brief speech, for the cabinet secretary to go through all the issues in the way that might be possible in committee.

What sort of appeals process will the Scottish Government develop? It cannot be judge and jury on all the issues. I would like to have heard the cabinet secretary's thinking on appeals, especially as they are a core concern of many organisations.

It is not fair for the cabinet secretary to say that all the issues have been resolved, because clearly they have not. We need to consider how marine Scotland will be organised and exactly how all the detailed questions that many stakeholders have put to the cabinet secretary will be addressed.

This debate is about teasing out those issues. We do not see why the cabinet secretary has to be precious about it and say that everybody agrees with everything. It would be unbelievable if everybody agreed with everything that the cabinet secretary is proposing at this stage. He is suggesting that when we come to the debate in committee, no one will have any concerns about anything in the bill. That is not sustainable—detailed questions need to be examined.

We will not have moved far today unless we get to the nub of some of the issues—we do not need to shy away from them. We have not taken a final view on all the issues—that is the point of not only today's debate but the detailed discussions that we will have in committee. We look forward to that debate and to hearing what other parties have to say on these crucial issues.

I move amendment S3M-3528.3, to leave out from “to drive” to end and insert:

“; acknowledges the positive response to the consultation, *Sustainable Seas for All*, but expresses its disappointment that the Scottish Government acted in advance of the Marine Bill to establish Marine Scotland; notes the concerns that have been expressed regarding its lack of independence and the lack of clarity regarding its status among stakeholders and other agencies; notes the importance of healthy marine ecosystems and the need for a coherent sustainable development marine policy framework to support economic development, nature conservation and decision making; further notes the recent agreement with the UK Government to secure executive responsibility for marine nature conservation and planning in the offshore zone, and calls on the Scottish Government to work with other legislatures to ensure a joined-up approach to marine management of our shared seas.”

15:45

John Scott (Ayr) (Con): I welcome the debate on the Scottish marine bill, which comes at an appropriate time, following the introduction of the UK Marine and Coastal Access Bill at Westminster. As noted in another context, we live in changing times, none more so than in relation to our marine and offshore environment, where much is happening and the potential for change has never been greater.

Key drivers for change are the growing world population, climate change and the increasing and

perhaps unsustainable demands that are being made of our precious onshore land resources. In the future, our coasts and seas will have to deliver, and they will have to complement some of our land-based industries. For example, our seas will have to be a source of renewable energy production through offshore wind farming, tidal energy and wave energy harvesting. The sea beds may, when appropriate, have to be used to produce biomass, such as seaweed and sea grass, to provide both fuel and protein to meet society's needs for those precious resources.

This new updating legislation will provide an opportunity to implement marine spatial planning, which is essential in reconciling all the competing sea-level and subsea demands—such as fishing, oil and gas extraction, and defence interests—withstanding some of the problems to which Sarah Boyack alluded. The Scottish Conservatives accept that the three-tier approach to marine planning and coastal zone management is reasonable and will build on and extend the already established concept of integrated coastal zone management.

Scottish marine regions will deliver local accountability and develop a role for local authorities and local interest groups, which they will welcome, provided that funding is made available to them—particularly to local authorities—for their new role.

The new licensing structure, administered by marine Scotland, must reduce the bureaucracy and eliminate inconsistencies in the licensing process. The creation of marine Scotland appears to be widely welcomed by the consultees—we certainly welcome it—and I believe that the Government was right to make an early start on it. In truth, I am surprised by the Labour Party's antipathy towards setting up marine Scotland and getting on with the job.

Elaine Murray (Dumfries) (Lab): I clarify that we have no antipathy towards marine Scotland. Our query is whether it should be an arm of Government or should be independent of Government. That is the point that we make in our amendment.

John Scott: Forgive me for misunderstanding Labour's amendment, but it seems to me that it expresses antipathy towards marine Scotland and making an early start on it. That is how I interpret the amendment, but I am sorry if I have misunderstood it.

It is essential that Scottish licensing is consistent with licensing in other parts of the UK and that a co-ordinated and coherent approach is developed. In particular, the proposals to license dredging are long overdue. I was surprised to learn that that

activity is not regulated, given the devastating consequences of its misuse.

Turning to our marine ecosystems, we welcome the three-pillar approach to marine nature conservation, involving the contribution of wider sea measures, species conservation and site protection.

As well as protecting the very legitimate rights of commercial fishermen and ensuring the future of their livelihoods, we want more attention to be paid to the interests of recreational sea anglers.

Some of our seabird population, such as kittiwakes, Arctic skuas and Arctic terns, are under enormous threat, as my colleague Nanette Milne eloquently outlined yesterday in her members' business debate. We must use the bill in any way we can to do more to protect all threatened species. In that regard, I share Scottish Environment LINK's concern that the UK bill currently includes no provisions to improve species protection. That gap should be addressed in the UK legislation. In the Scottish bill, the adoption of marine ecosystem objectives and marine protected areas seems entirely reasonable, but that must be compatible with and not exclude economic development—in particular the economic development of fisheries—for the reasons that I outlined earlier.

Onshore, economic activities and growth can be achieved in conjunction with environmental enhancement in a sustainable way. We must try to reproduce that arrangement offshore, while accommodating all reasonable points of view. Marine Scotland will have a difficult role in striking a balance in its decisions on what economic activity is acceptable and what is required for marine nature conservation. However, the organisation's success or failure will, in large part, depend on the political and financial support that it receives and on the legislation that will be—and, indeed, has been—passed in this Parliament and elsewhere.

We welcome the progress that has been made so far in developing a Scottish marine bill. The evidence from the consultation suggests that there is not a moment to lose. The Scottish Conservatives believe that the sooner we get started the better.

I move amendment S3M-3528.1, to insert at end:

"and considers that the forthcoming marine legislation must fully take into account the interests of commercial fisheries and recreational sea anglers and could provide an appropriate vehicle for tackling the severe decline in breeding sea bird populations."

15:51

Liam McArthur (Orkney) (LD): Like Sarah Boyack, I welcome Roseanna Cunningham to her new role, but I am disappointed that the Government's gain is the Rural Affairs and Environment Committee's loss.

On occasions such as today, tradition is that we welcome the fact that Parliament is being given an opportunity to debate an important subject, which in this case is the Government's putative marine bill proposals. However, although there is no argument about the bill's importance within the Government's legislative agenda, there are questions about the way in which ministers have chosen to engage with Parliament. We are now in a position to consider the responses that were submitted to the consultation that the Government launched in July but, despite the fact that the consultation closed in October, we still await sight of the Government's conclusions. I do not suggest that no progress has been made in the interim, nor do I suggest that the issues and competing interests involved do not present real challenges for ministers, but the issues will not become any more straightforward. As our amendment suggests, continued delay in the Government declaring its hand risks Scotland falling behind the rest of the UK.

The absence of certainty also allows concerns to develop in sections of our communities about how competing interests will be managed. John Scott's amendment highlights that issue in respect of fisheries, about which I know that concerns exist, but there are also concerns about other areas. No single interest will have a veto, but, without clarity, suspicions and fears grow.

All of that is disappointing, as the cabinet secretary is aware of the cross-party consensus on the bill. The proposals in the consultation paper enjoyed broad support. That is not surprising, perhaps, given the extent to which the proposals—as the cabinet secretary acknowledged—drew on the work of the advisory group on marine and coastal strategy, which was set up and chaired by my colleague Ross Finnie. The proposals on the establishment of a dedicated marine management organisation, the co-ordination of marine planning, an increased local focus, a three-tiered planning structure and the approach to marine conservation were all inherited from the work of AGMACS. To his credit, Mr Lochhead has decided to take those proposals forward.

Of course, AGMACS also called for the extension of certain responsibilities out to 200 nautical miles. My colleague Mike Rumbles was successful in securing the Parliament's agreement to an amendment that he moved to that effect last March. We welcome the agreement between the UK Government and Scottish Government that

essentially will give effect to that demand through executive devolution. Some of the Scottish ministers' claims at the time were a little inflated, but that should not detract from the valuable progress that the agreement represents.

Of course, another inflated claim was the cabinet secretary's commitment in June 2007 that he planned

"to announce plans for a new single piece of streamlined legislation to protect marine and coastal environments soon".

He produced a consultation paper a year later, but we still have no draft bill 18 months down the road, notwithstanding the volume of responses that were received. That does not square with the cabinet secretary's commitment. In addition, that explains why the Government has found itself under pressure to announce the establishment of marine Scotland ahead of the bill, which is not ideal. However, we cannot go as far as supporting Labour's amendment.

Richard Lochhead: I welcome that final sentence of the member's comments, but let me pick up on what he said about the timescale for the bill. Does he not recall that his party was in power for eight years? To expect us to publish the final bill within 18 months is asking quite a lot, given the complexity of the legislation.

Liam McArthur: The previous Administration had been in place for eight years when Mr Lochhead made his statement in June 2007—I am confused about the commitment that he gave at that stage.

Although I appreciate some of the arguments that the cabinet secretary used to justify his decision, he must accept that there are risks in detaching the establishment of marine Scotland from the publication of the bill. I contrast the approach to the marine bill with ministers' approach to the flood risk management proposals. The collaborative approach with the Parliament and stakeholders on flooding has rightly drawn praise and, I believe, will deliver results in the final legislation. In contrast, the more piecemeal approach to the marine bill does not augur well. There is a risk that the assurances and commitments that ministers give now are effectively second guessing the evidence that will be taken and the conclusions that the Parliament and its committees will reach, although time will tell.

However, the case for a single management organisation is widely accepted. One of the attractions—certainly for many of my constituents—is the prospect of a more streamlined licensing system. The consultation was unclear on whether marine Scotland will act as a single gateway for those who apply for a

license or whether it will undertake the licensing work in-house. There are pros and cons with both approaches, and although ministers seem to be clear that responsibility for licence monitoring and enforcement should rest with the new body, there is less clarity about which approach they favour in handling applications.

I note the intention in the consultation to include dredging within the licensing system. From my discussions with Orkney Harbours, there is confusion about how that might operate alongside the existing responsibility to maintain navigable channels. Perhaps the minister will address that in his winding-up speech. Ministers have emphasised their desire for increased consultation, to enable consistency of approach and local involvement, but until we know the detail, it is hard not to see potential conflicts with the streamlining objective.

We believe that the proposed three-tiered approach to marine planning is appropriate. It should enable Scotland to meet its international obligations while setting its own national marine plan and objectives, and allow more local planning and management to take place through Scottish marine regions. We also support the proposals for a marine science strategy to focus on marine scientific effort. In that regard, I make a passing plea for sea bed mapping and submerged architecture. Members will have to wait a little longer for my discourse on differential crustal rebound, but there is already ample evidence that there was a time when my Orkney constituents would have taken a more active interest in ministers' ill-conceived plans for forestry. Although our submerged heritage is now recognised, we are still some way from understanding—let alone being able to protect—our submerged architecture, be it wreck or tomb.

Progress has been made, and the debate among stakeholders has steadily improved, but tensions remain in relation to the detail. That is why the continued delays in the process are highly regrettable. Liberal Democrats urge the Government to come forward with a dedicated marine bill without further delay. I have pleasure in moving the amendment in my name.

I move amendment S3M-3528.4, to insert at end:

"and calls on the Scottish Government to publish its conclusions on the consultation and bring forward a dedicated Scottish Marine Bill as soon as possible to ensure that Scotland does not fall behind the rest of the United Kingdom in the sustainable management of its seas and coast."

15:57

Robin Harper (Lothians) (Green): My contribution will be short, but very sweet. My

amendment is motivated by the growing perception that the present world crisis offers an opportunity for us to move away from discussions that are fixed on economic growth and to focus on environmentally sustainable economic development. The difference between those two terms is critical.

I agree with the sentiments that Sarah Boyack expressed: the debate starts now, and we are really beginning to discuss the issue. There are many concerns, and what concerns me in particular about the tone of the Scottish National Party's motion is that it seems just a tad complacent.

The argument for including the environment at the core of things was forcefully and repeatedly made to the Government in many of the consultation responses. For example, the Marine Conservation Society wrote to say that it is

"very concerned that the new planning system is proposed to 'ensure sustainable economic growth in the seas around Scotland'"

before the environment is mentioned.

As the Greens have often pointed out, successive Governments do not appear to understand what we mean by sustainability. Ministers seem to think that any economic activity becomes sustainable if it is sustained, as long as the cost to the environment is not terminal. They call it their "central purpose"; I call it a central misunderstanding. It is a particularly dangerous misunderstanding when it is applied to Scotland's seas, which are a vulnerable and fragile environment. Our amendment is intended to clarify the aims of the bill and to keep us on track by placing that all-important word "environmentally" in front of the words "sustainable development".

Concern about the issue was also highlighted by the Joint Nature Conservation Committee in relation to national marine objectives. Although it supports a national marine plan that articulates marine objectives, it criticises the failure to commit absolutely to biodiversity in the development of objectives.

Scottish Environment LINK is

"extremely concerned that marine ecosystem objectives appear to be 'balanced' by social and economic objectives."

The objectives should be central, not balanced.

The term "presumption of use" is of concern to many and is in conflict with the principles of sustainable development. The Scottish Wildlife Trust wrote:

"a presumption of use is unfair and unsustainable ... The aim of Marine Planning should be to achieve a functional and biodiverse marine environment supported by Sustainable Development principles and the Ecosystem-based Approach",

which is a rather long way of saying "environmentally sustainable development". It continues:

"Presumption of use appears to undermine Sustainable Development principles."

Further, if marine biodiversity is to be respected, will the Government confirm that it will adopt a science-based approach to the selection of marine protected areas—I got a hint of that in the minister's speech—as set out in the consultation paper, and that it will not introduce a ministerial veto, as the UK Government has in the UK Marine and Coastal Access Bill? I would also like confirmation that there will be a duty, and not simply a power, to create an ecologically coherent network of marine protected areas. Again, mention has been made of that. Concerns have been raised by the RSPB and others around the use of the word "proportionately" with regard to how new site protection powers will be used. What exactly does "proportionately" mean in relation to those new powers?

Scotland's seas are a simply stunning natural asset with an intrinsic value all their own, as the minister said. That demands that we give them more respect and better protection from here on. Scots do not look out at those waters and their wildlife and see only a price tag, and it would be a mistake for ministers to continue to do so. Any economic benefit that we are to gain from the sea, as we must, depends on the health of the ecosystem, which means that we must work within the system and respect the environmental limits of our seas.

Protection of the marine environment must be at the forefront of the legislation; it must not simply be an afterthought or a supportive measure, thus ensuring continued unsustainable economic growth. We must acknowledge the many concerns that remain, which were highlighted in the consultation responses, and ensure that we produce a bill that will respect the limits of the marine environment and its natural resources and biodiversity.

I move amendment S3M-3528.2, to leave out from "to drive" to "proposals" and insert:

"to accommodate environmentally sustainable economic development and improve the stewardship of the marine environment; acknowledges the positive response to the consultation, *Sustainable Seas for All*, the widespread support for the proposals and the concerns that remain".

The Deputy Presiding Officer (Alasdair Morgan): The debate is fully subscribed so I will stop members as soon as their time limit is reached.

16:03

Kenneth Gibson (Cunninghame North) (SNP):

Our coasts and seas provide food from fisheries, energy and mineral resources, routes and harbours for shipping, tourism and recreation opportunities and sites of cultural and historic interest, meeting many economic and social needs, particularly in rural and island areas. At the same time, they contain distinctive and important habitats and support diverse species that we need to protect, conserve and enhance.

The sea is suffering. Human intervention in that vast ecosystem has led to devastating effects on the environment, and evidence of pollution and overexploitation abound. Fish that once seemed an inexhaustible resource are now in decline almost everywhere. Globally, 90 per cent of large predatory fish, such as tuna, swordfish and shark, have gone. In estuaries and coastal waters, 85 per cent of large whales and 60 per cent of small whales have disappeared. Many smaller fish species are also in decline. Indeed, most familiar sea creatures, from albatrosses to walruses and from seals to oysters, have suffered huge losses.

All those losses happened fairly recently. Cod was caught off Nova Scotia for centuries, but its systematic slaughter began only after 1852, and its biomass is now 96 per cent depleted. The killing of turtles in the Caribbean started in the 1700s, and their numbers are down by 99 per cent. Shark hunting in the Gulf of Mexico, which began only in the 1950s, has depleted the number of sharks by 45 to 99 per cent, depending on variety.

The marine bill will contain a section to reform the Conservation of Seals Act 1970, which is generally agreed to be ineffective and unenforceable. The shameful act of Jimmy Stewart, who clubbed 21 grey seal pups on Shetland, merely shows a blatant disregard for marine wildlife and maintaining the ecosystems of Scotland's oceans. Seals should have the same status as other piscivorous marine mammals such as otters, dolphins and porpoises.

The UK Marine and Coastal Access Bill provides the tools that are needed to designate and protect a network of marine conservation zones. It places a duty on the UK to exercise powers to establish a network of sites to assist in the conservation or improvement of the marine environment. The Scottish equivalent is the marine protected area. The co-ordination of MCZs and MPAs between the Scottish Government and the Westminster Government will form an ecologically coherent network of protected sites.

MPAs will enable better protection of the marine environment. They can be established for a multitude of reasons—for example, to protect a

certain species, to benefit fisheries management or to protect full ecosystems, rare habitats or nursing grounds for fish. They can even protect historical sites such as shipwrecks. In other countries, MPAs can be very large, such as the Great Barrier Reef, or very small, such as the Dry Tortugas in the Florida Keys. They can help to conserve the diversity of rare or threatened representative species and habitats, such as the rare fanshell and the ocean quahog clam and seagrass and maerl beds.

No-take zones are MPAs with specific restrictions. In them, fishing is banned to allow ecosystem regeneration. NTZs enable the local ecosystem to recover from the effects of overfishing and other damaging activities such as scallop dredging. Scotland's first no-take zone was created in Lamlash Bay, on the Isle of Arran, in my constituency. There, scientists will investigate biodiversity and the benefits of leaving the seabed to regenerate naturally without disturbance.

The Community of Arran Seabed Trust—COAST—worked for 13 years to build bridges between islanders, fishermen, Scottish Natural Heritage and the Scottish Government's marine directorate. COAST was formed to redress the dramatic collapse of marine life around Arran's shores and in the Firth of Clyde, drawing on positive examples of similar schemes from around the world, including those in the Isle of Man, Lundy island and New Zealand. The NTZ seemed a final step in that endeavour, and the cabinet secretary played a fundamental part in its delivery. However, there remain concerns that management of the NTZ and the MPAs will be in the hands of inshore fisheries groups, with conservation no longer at centre stage. I seek assurances from the minister that erosion of the conservation imperative will not happen.

The Arran NTZ will have long-term benefits for marine wildlife, research and the tourism economy. Protected populations of commercial species such as lobsters and scallops will also help to replenish the stocks in surrounding areas, thus benefiting fishing communities. The inhabitants of small rural and island communities often depend on several sources of income to survive, and the level of income is generally much lower than in the cities. Few towns and villages depend wholly on fishing, but small, often single-handed, fishing businesses are part of the fabric of local communities. Although not exclusively, those businesses tend to be the creel boats and divers who collectively offer the most sustainable and environmentally friendly methods of fishing. With the strategic siting of no-take zones taking into account local knowledge, those fisheries will benefit from zoning.

Most of our understanding of the oceans and seas has been gathered during the past 50 years, and it is vital to include that knowledge and understanding in marine planning. In order to bring our systems up to date, the plans and frameworks should consider the welfare of both wild and farmed animals. The plans must also include no-take zones, highly protected marine areas and fishery protection zones, which include no-take zones. With 130,000 square miles of sea soon to be under Scottish control, there is room for a strong fishing industry and a number of strongly protected marine areas.

16:08

Peter Peacock (Highlands and Islands) (Lab):

I have spoken many times about the importance of the seas to our basic existence as human beings. Indeed, the seas provide the basis for life on our planet and largely determine the global climate and, in particular, local coastal environments. They also support a hugely economically valuable industry as well as a wide range of species from whales and dolphins to fish, birds and the humble plankton.

The seas are under enormous pressure from a huge range of competing uses, both inshore and offshore, to which the minister has alluded. There is growing pressure for offshore wind energy generation and for tidal energy generation. There is the extraction of oil, the fishing industry, which Kenny Gibson touched on, and sea angling in inshore waters. There are also recreational pursuits such as sailing, kayaking, the dreaded jet-skiing, and bird watching. Those are enormous competing pressures on our resource.

There are also pressures from pollution, following years of our dumping things in the sea and expecting the sea to take care of them. We know that there are limits. We also know that the sea is subject to climate change, with coastal erosion taking place partly because of greater tidal surges than we have seen before. On top of that, rising sea levels and temperatures are changing the existing ecosystems.

In addition, the seas are covered by a range of agencies that seek to govern what happens in them. The Crown Estate and local authorities have a role, as do SNH, the fisheries organisations and the Maritime and Coastguard Agency. I could name a whole range of organisations with a vital interest in the seas.

We have a resource that is vital and complex but also pressured. The proposed marine bill will give us a chance to address many issues. We have to reconcile the competing interests and seek management solutions. We have to develop the concept of spatial planning, which I hope will

provide a basis for agreement on the use of our seas.

The bill will have to be founded on a firm principle, and I would like to pick up on some of Robin Harper's themes. The principle that the bill is based on will, itself, have to be based on sustainability and biodiversity. On those bases, we will be able to build sustainable economic growth. However, if sustainability and biodiversity do not come first, it will not be possible to sustain economic growth in the long term. The bill will have to build on those foundations. I hope that the bill will place a clear duty on Scottish ministers to promote biodiversity and to seek to secure the health of our seas in future. That duty should underpin all ministerial actions that flow from the bill.

In future, good pollution controls will be necessary, as will the sustainable exploitation of our fishing resource. We will have to protect the different species, and we will have to consider protected areas, as Kenny Gibson suggested. This is not just about halting the current decline in the condition of our seas; it is about recovering from damage that has been done for generations.

Sea anglers and others can tell us about the huge damage that has been done to our inshore waters. Whole species have disappeared, the seabed has been destroyed in parts, and corals have vanished. In that context, there must be a case for having protected areas. That is a controversial point. People need only visit the Sound of Barra to hear the reaction of local communities on what might happen if there is the imposition—as the communities might see it—of protected areas. I do not believe that we should force protected areas on communities; we have to try to take communities with us. However, in so doing, we must take the time and make the effort to spell out the conservation value of such measures and the potential for economic growth and activity that would result from effective conservation. Marine protected areas are one part of the strategy for the future.

In all our work, today's ministers and future ministers need to be bound and guided by the science that helps us to understand what is happening in the seas. I welcome the minister's recognition of the need for a marine science strategy and the like, but I say again that I would like the bill to put ministers under a duty not only to secure the scientific research that is required to understand what is happening in the marine environment but to—

The Deputy Presiding Officer: I am sorry, but the member's time is up.

16:13

John Farquhar Munro (Ross, Skye and Inverness West) (LD): I am pleased to be involved in this debate on the proposed marine bill. If the bill is eventually passed, it will impact on the lives and wellbeing of many of our coastal communities. I would like to be convinced—absolutely assured—that any new legislation will not create more bureaucracy for those who wish to promote innovative businesses and developments in protected areas.

Members will appreciate that large areas of the Highlands and Islands are already covered by various designations and protections. That is causing difficulty for developments in those areas, especially for local fishermen and people involved in the cultivation of shellfish and in other forms of aquaculture. So many different agencies control marine activities that it is almost impossible to secure clear and unambiguous consent for even the most minor of developments. Any change to procedures and overall management is certainly to be welcomed. The Executive has suggested that a single agency, such as marine Scotland, would be the ultimate governing body. I am sure that that is welcome news for all potential developers.

There is provision under the Wildlife and Countryside Act 1981 that would allow for marine nature reserves, but we already have a proliferation of sites of special scientific interest, national nature reserves, local nature reserves, areas of special protection, national scenic areas and marine consultation areas. Those are just a few of the numerous designations.

Members will know that most of the foreshore and seabed around our coasts is under the control of the Crown Estate, which traditionally levies fees and rental charges for the privilege of attaching to the foreshore or seabed. Who is going to curb its activities? Use of the seabed below the high tide mark for any purpose remains the sole preserve of the Crown Estate.

I welcome the Government's main aims for marine Scotland, but I remain sceptical about how the organisation will work. I fear that it will be just another layer of bureaucracy that will make life even more difficult for those who make their living from the marine environment or who live next to the sea. I would like an agency to be set up to take a balanced view of marine regulation and protection.

I live at the head of Loch Duich in Wester Ross, which, like Loch Alsh and Loch Long, is already a heavily designated marine environment. In spite of that, for six months of the year, dredgers and trawlers are allowed to desecrate the seabed and fish farms are allowed to pour tonnes of waste fish food and sewage into those sea lochs every day.

Meanwhile, in the name of environmental protection, local businesses and individuals have to suffer endless bureaucracy and costs even to build a small structure or put in a sewage outfall for domestic dwellings.

Planning approvals, whether on land or sea, should remain under the control of the local authority, particularly as the elected members of each authority live and work in their areas and have a clear understanding and knowledge of local issues. They are in the best position to determine sensible and practical solutions to promote and protect sustainable developments around our coastal waters.

I cautiously welcome the proposed bill and the establishment of marine Scotland, but I hope that the bill will properly balance the need for conservation and the need for development without creating more bureaucrats and bureaucracy in the process.

16:18

Alasdair Allan (Western Isles) (SNP): It will come as little surprise to hear the member for the Western Isles speak in favour of a marine bill. The sea has represented life and, often, death for generations of my constituents. The sea gives my constituency its outstanding beauty and distinctive way of life, and it represents a powerful argument to boundary commissions. I welcome the Scottish Government's commitment to deliver a marine bill and the bill's likely impact on Scotland's seas and marine habitats.

The Scottish Government's intention to introduce a marine bill follows its success in reaching an agreement with the United Kingdom Government to devolve to Scotland responsibility for all planning and marine conservation issues in Scottish seas to a distance of 200 nautical miles. That agreement, which was announced on 27 November 2008, has been welcomed by interests as varied as Oil and Gas UK, the RSPB and the Scottish Fishermen's Federation. Any proposed legislation that appeals to all three of those at once surely deserves a prize.

As we heard, the current situation is confusing. Scotland is defined in the Scotland Act 1998 as the land and territorial waters out to 12 nautical miles, but Scottish ministers are responsible for regulating some industries, such as fisheries and renewable energy, beyond those limits to 200 nautical miles. Even within the 12 nautical miles, some activities are reserved to the UK Government, such as shipping, navigation and safety at sea. The situation is arbitrary and makes little sense to those who use our seas for a living or who seek to preserve their environment.

There are a number of specific differences between Scotland's seas and those of the rest of the UK, which explains why a distinctive approach is needed. The environmental status of most seas around Scotland differs from that of the seas around the rest of the UK, with most Scottish seas being classed as good or excellent environmentally, whereas the environmental status of most seas around the rest of the UK is compromised or severely degraded. In addition, most of the exceptionally long coast around Scotland is underdeveloped, inaccessible and sparsely populated. Scotland has an incredible 11,000km of coastline, which is 10 per cent of the coastline of Europe.

There are many good economic reasons for the bill. Scotland's fisheries zone—that is, the waters that are within 200 miles of the coast—covers 127,000 square miles of sea, which, amazingly, is nearly a quarter of total European Union waters.

Scotland accounts for 90 per cent of the UK's farmed fish. There are a significant number of fish farms in the Western Isles and elsewhere. I am sorry to say, of course, that we do not currently have the number of local fish processing jobs that we used to have, or could yet have. The seas around Scotland are some of the most productive in the world and support around 16,000 fishing and aquaculture-related jobs, with more than 60 per cent of the UK's total catch coming from Scottish vessels.

Scotland's seas are, obviously, essential to fishing communities around Scotland, which is a point that I made recently to the European Commission in Brussels, which seems determined to press Scotland into designating a deeply controversial marine special area of conservation around Mingulay and Barra.

Perhaps the most immediate and practical argument for the bill is that it will overhaul and consolidate the complete mess of around 80 acts that regulate Scotland's seas at the moment.

It has often been said, rightly, that this Parliament's land reform legislation is an example of something that Westminster never had—and never would have—the parliamentary time or political inclination to do. What goes for Scotland's land probably also goes for its seas. Consolidating all the legislation into one bill should bring cohesion to an area that is vital to the economy and environment of Scotland.

The complexity of the proposed bill is undeniable. However, that is only because of the complexity of the mess that it seeks to clear up. Scotland's seas deserve a single bill and a single agency. Unfortunately, we might have to leave to another day discussion of the really interesting questions, such as the role of the Crown, what the

rights to mineral exploitation should be or what the definition is of where the border in the Solway Firth really lies on any given day and at any given level of the tide. The proposed bill will give Scotland's seas the legislative protection and definition that they surely deserve.

16:22

Rhoda Grant (Highlands and Islands) (Lab): I join other members in wishing Roseanna Cunningham well in her new post.

I agree with other speakers about the need for a robust and overarching marine policy that is drawn up in collaboration with the rest of the UK and, indeed, Europe, and is informed by the reform of the common fisheries policy. At a Scottish level, our policy direction must be informed by the wider EU and UK strategies. However, we must devolve as far as possible the management of the seas to the communities that are dependent on them for their survival.

The consultation is not clear about the interaction and relationship between marine Scotland and the Scottish marine regions. Organisations that responded to the consultation seemed unsure about the area that the marine regions would cover. Will they be big enough to allow strategic planning, or will that power be held by local government or marine Scotland? Are they small enough to ensure that all stakeholders and communities that are dependent on the seas for their livelihoods are involved?

The bill is also about structural planning for renewable energy and so on. It also has to be about managing the seas, which means that the involvement of our fisheries sector is imperative. When local communities are involved in the management of the seas, we see benefits with regard to sustainability, as fishermen sign up to conservation initiatives. They need a strong voice in any management system.

How are the Scottish marine regions to be devised? What geographical area will they cover? Who is involved in their structure? How do communities become involved? How does the industry become involved? What is the role for non-governmental organisations and industrial developers? Those questions need to be answered if people are to be able to respond more fully. I heard the Cabinet Secretary for Rural Affairs and the Environment say that he will listen to people's thoughts on those matters before coming to a final decision, but I also ask that that final decision be consulted on.

Colleagues have talked about the proposed structure of marine Scotland in detail. It is unfortunate that a decision has been made before any parliamentary scrutiny. Will the structure of

marine Scotland be set out in the bill and will it be possible to amend it at that stage? I hope so. The approach is more about political expediency than it is about what is good for our marine environment. For years, work has taken place between Fisheries Research Services and fishermen. Bringing them together has been a long and tortuous process, but it is bearing fruit. However, the new structure will tear apart that fragile relationship and undo the good practice that has been developed.

Placing Fisheries Research Services and the Scottish Fisheries Protection Agency together in one organisation will immediately breed concern, because of the enforcement aspects of the protection agency. I am not an apologist for anyone who has anything to hide from the agency, but I am realistic. Good research is based on an open and transparent flow of information. Putting the organisations together will ensure that the relationship between fishermen and scientists is no longer open and transparent. Which one of us, when driving along observing the highway code, does not feel uncomfortable when a police car draws up behind us and follows us down the road? Every fishing crew that works with fishery researchers on board will feel the same discomfort, because those researchers will be part of the enforcement agency.

We will lose the joint working that has had a real impact on our fisheries science and research. The proposals are unnecessary and damaging, and they bring nothing to the table but political dogma. In Prospect's response to the consultation, it states:

"the merger of regulation and research could impact upon FRS's ability to collect fisheries data."

Prospect goes further and states that the loss of FRS's independence will be damaging, pointing out that it is a respected international centre for independent marine science and advice and that

"There is a real danger that FRS will lose its reputation for independent scientific advice if it becomes too close to its customer the Marine Directorate."

This week, the cabinet secretary has set up a quota management system that is more about constitutional wrangling than it is about the industry's needs. It is centralising rather than devolving, and it is creating a bureaucracy that will wrap our fishing communities in red tape rather than supporting the industry.

Richard Lochhead: Will the member take an intervention?

Rhoda Grant: Do I have time, Presiding Officer?

The Deputy Presiding Officer: I suspect not.

Rhoda Grant: Okay. I am sorry, Mr Lochhead.

In the proposed bill, political ideology again comes ahead of the needs of the communities that we serve. The minister must change the balance and put our communities before that dogma.

16:27

Robin Harper: The debate has been interesting and I welcome much of what has been said. There is a growing consensus around the fact that, through a combination of no-take zones, marine protected areas and marine conservation areas, we can give ourselves the opportunity to grow the stock and biodiversity in Scotland's seas. We must accept that the primary aim of conservation is to increase biomass, not just to keep things as they are, and to increase biodiversity, not simply to conserve the few species that might remain in a particular area of the sea. The aim is also to conserve ecosystems. The most important point is that we have an ecosystem approach. Because the ecosystem off Nova Scotia has broken down and changed so much, the cod are unlikely ever to return, as there is nothing left to support them. We are talking not about individual stocks but about entire ecosystems.

If the proposed bill simply consolidates 80 acts, simplifies the legislation and makes things easier for people, it will have failed. The bill must have a central aim, and I believe that such an aim is developing in the conversations. It is part of the Government's aim to conserve and maintain the seas around Scotland.

I was very disappointed by Rhoda Grant's rather gloomy view of the idea of co-working and fishermen's likely reaction to having people from the fisheries protection service on their boats, who will be there to protect the stocks; to work with the fishermen to increase stock sizes; to observe the effects of fishing; and to work out ways to fish in our waters at the same time as growing stocks.

Rhoda Grant: Robin Harper misses my point. The problem is that scientists are different from fishery protection. The scientists should have full and free access to fishing data and should work closely with fishermen, but if fishermen feel that they are being policed at the same time, they might not be as open.

Robin Harper: I thank Rhoda Grant for that clarification. We certainly must have scientists working with the fishermen. I was glad to hear references to the science from the Government.

In my opening speech I neglected to congratulate Roseanna Cunningham on her promotion to ministerial rank and I look forward to having some pretty robust discussions during consideration of the bill.

I am afraid that I have a difficulty with the Labour amendment. My supporters have lobbied me quite intensely on that, so I will not be able to support the amendment.

I was delighted to see the references in the Tory amendment to seabirds, but the straightforward reference to commercial development was unqualified by the words “environmentally sustainable”. That is in opposition to a motion that I lost, so I will not be able to support the amendment.

Sarah Boyack: Will Robin Harper tell us what is so problematic about our amendment? It has been lodged for only a few hours, so I am wondering why it has generated such huge opposition from the Green Party.

Robin Harper: I would love to be able to explain that in detail but, as Sarah Boyack will well know, getting full clarity on that will come subsequent to the debate. I have only 15 seconds left, anyway.

I would welcome from the Government—

The Deputy Presiding Officer: I am afraid that the member's time is up. I am sorry.

16:32

Jim Hume (South of Scotland) (LD): I warmly welcome Roseanna Cunningham to her new post and I look forward to shadowing her as closely as I shadowed Mr Russell.

The debate has highlighted our marine and coastal environment, which contains many special and unique landscapes of national and international renown. We have distinctive habitats such as sea lochs and maerl beds, which are as synonymous with Scotland as tulips are with Amsterdam. Scottish waters are among the most diverse in the world, as they support 8,000 complex and more than 36,000 single-cell species. Two examples that come to mind are leatherback turtles and basking sharks.

My South of Scotland region includes a large part of the Scottish coastline—the mild Solway and Ayrshire coast in the west and the East Lothian and Berwickshire coast in the east. I estimate that it has more than 600 km of coastline. The Bass Rock in the east and Ailsa Craig in the far west, which were mentioned by the cabinet secretary—unfortunately, he is now absent—are both in my region and both have gannet populations. The Solway Firth was one of the five contenders for the national park location. I hope that that will come in the future. I seek an assurance from the Government that those plans have not been put on the back burner.

As John Scott and John Farquhar Munro said, the coastline is important economically as it

supports communities, whether through fishing, aquaculture or tourism. It has been well noted that 16,000 jobs in fishing and aquaculture generate a landing value of £300 million from Scottish boats and a farm-gate value of £340 million. Alasdair Allan said that Scotland produces about 90 per cent of UK farmed fish and shellfish. People visiting Historic Scotland's staffed coastal and island properties generate £2.5 million of income per annum and recreational diving opportunities attract many thousands of divers every year. St Abbs has flora wrecks that include U-boats, and businesses such as Eyemouth-based Marine Quest have grasped such opportunities following the decommissioning of their fishing boats. John Scott mentioned that the oil and gas industry supports 164,000 jobs.

There is cross-party agreement that Scotland's seas should be managed coherently and in a manner that addresses social, economic and environmental factors. Of course, the difficulty is working out how to achieve that in practice. I emphasise that a sensible balance must be struck between economic activity and other uses of our seas, given their economic importance to Scotland.

I welcome the prospect of a Scottish marine bill, which must complement UK legislation—the reference to the UK is an important part of our amendment—although the process might be complex. However, I share my colleagues' disappointment that, well over a year since the previous debate on the subject, and despite the cabinet secretary's upbeat words back in June 2007, proposals have still not been produced.

Key issues should be addressed in producing a Scottish bill. Scotland will have responsibility for planning and conservation measures out to 200 nautical miles, as the Scottish Liberal Democrats originally suggested. An integrated system of marine spatial planning is needed. It is crucial that those two aspects build on current powers over sea fisheries and offshore renewable energy. The Government must therefore continue positive dialogue with UK ministers to achieve the benefits that we all want from the use of the sea.

Without a streamlined framework for coastal zone management, evidence of environmental degradation has increased. A more integrated approach would reduce uncertainty and bring benefits to all users of the marine and coastal environments. It is therefore vital that the Westminster and Holyrood bills complement each other, to achieve consistency in planning our uses of the sea and in protecting sites for rare wildlife.

I welcome the consultation document. I am pleased that many of the proposals in it were recommended by AGMACS, which Liam McArthur mentioned. The previous Administration founded

that group, which Ross Finnie chaired. Those recommendations included the creation of a dedicated marine management organisation; the co-ordination of marine planning; an increased local focus; a three-tiered planning structure; the extension of some responsibilities up to 200 nautical miles; and a three-pillared approach to marine conservation.

I ask the minister to assure us that licensing arrangements will be aligned with proposals to protect the marine environment under the bill. Concern has been expressed that gas and oil have been removed from the marine management organisation's remit under the UK Marine and Coastal Access Bill and that it is not guaranteed to be given responsibility for carbon capture and storage. That suggests that protection of the marine environment is not being sufficiently considered. Will marine Scotland play a part in such matters?

Full account of environmental risks needs to be taken in licensing for offshore storage of natural gas and carbon dioxide. I ask the Government to provide assurances that that is being considered.

Liberal Democrats welcome a better and more streamlined approach to marine conservation and management. We have called repeatedly for the introduction of a marine bill, which should be introduced sooner rather than later. Liam McArthur and I hope that, a year from now, we will not have the same debate. The Scottish Government should not delay the delivery of better marine management. I sincerely hope that the cabinet secretary or the minister will offer a timescale for introducing the bill and I look for support from throughout the chamber for our amendment.

16:38

Nanette Milne (North East Scotland) (Con):

The debate has highlighted the crucial importance of the Government's proposed marine bill to the future of Scotland's marine environment and the need to get that right. As my colleague John Scott said, Scottish Conservatives welcome the Government's commitment to deliver a Scottish marine bill that aims to protect Scotland's marine environment and to drive growth sustainably.

Our marine environment is world class. It contains a wealth of biodiversity that supplies commercial and recreational fishing interests, supports our renowned seabird colonies and underpins a significant tourism industry, particularly in more remote parts of the country. That environment is increasingly threatened by overexploitation, climate change and development, such as the now-mature offshore oil industry and the growing renewable energy sector, which plans to harness wind, wave and tidal

power. Of course, such activity is important for our current and future energy needs and our economic wellbeing.

The many activities that take place around our shores and a growing awareness that we need to manage our seas in a sustained, integrated way have led to demand for the marine bill that is now promised by the Scottish Government and which was welcomed by most respondents to the recent consultation. Current legislation has developed in a piecemeal, fragmented manner and has become overly complex and bureaucratic; there is clearly a desire to simplify that. The analysis of responses to the consultation showed that the need for simplification and a reduction in bureaucracy were the chief reason given for welcoming legislative change. That must be put at the heart of the bill.

We see an overarching strategic spatial plan as essential for the marine environment. We agree with the proposal for a three-tier marine planning framework. We have long been supportive of a devolved marine management organisation for Scottish waters, so we strongly support the Government's creation of marine Scotland, with responsibility for marine science, planning and policy development. The body will bring together under one umbrella the work of the Fisheries Research Services, the Scottish Fisheries Protection Agency and the Government's marine directorate. Provided that an associated appeals process is set up, we see that as the best means of enabling the provisions that are planned for the bill to be implemented. We think that the sooner marine Scotland is up and running, the better, so we are unwilling to support Labour's amendment, despite the explanation that Elaine Murray gave to John Scott.

We welcome the Liberal Democrats' positive approach and will vote for their amendment. We will also support the Green amendment, although I must respond to Robin Harper. As John Scott and Jim Hume said, there need not be incompatibility between sustainable development and economic development—surely they can progress together.

John Scott explained our amendment, which I hope will have the support of the Parliament. Our commercial fishermen, who have weathered significant problems in recent years, need to be involved in all plans for marine conservation measures, to ensure that they benefit from the sustainable management of fish stocks. Likewise, recreational sea-angling interests should have a strong voice in marine Scotland, as a healthy marine environment is crucial to the continuing future of an activity that makes a major financial contribution to the many coastal communities that depend on the business that visiting sea anglers create. We are concerned about the European Commission's article 47 proposals to regulate sea

angling and ask the Government to consider whether it can use the marine bill as a means of safeguarding recreational angling off the Scottish coastline from the Commission's potentially damaging plans.

Following yesterday's members' business debate on seabirds, at which there was general agreement that action is needed to protect our iconic seabirds from the impact of climate change and depletion of their food sources, we look forward to the forthcoming marine bill containing measures that are designed to tackle the severe decline in our breeding seabird colonies.

We welcome the general thrust of the proposals for the marine bill, which have received the support of many of those who responded to the consultation. Clearly, the devil will be in the detail, and many diverse interests will plead their case during consideration of the bill. However, I hope that the Government will remain true to its intentions, so that we end up with simplified legislation that will ensure the future protection of our marine biodiversity and a sustainable economic future for our diverse marine industries.

16:43

Elaine Murray (Dumfries) (Lab): This is an important topic for debate. It has come to Parliament early in the process; both Liam McArthur and Jim Hume made the point that members have not yet seen the Government's response to its consultation, still less the draft bill. However, this being environment week, it is appropriate for us to discuss a subject as important as the conservation and enhancement of the marine environment around Scotland.

Labour is broadly supportive of the Scottish Government's proposals. Indeed, the UK counterpart of those proposals, the Marine and Coastal Access Bill, was a Labour Party commitment in the 2005 elections. The bill commenced its committee stage last month. Both the UK bill and the Scottish bill will transpose the EU marine directive into international law, a process that must be completed by 15 July next year.

However, we have some concerns about the Scottish Government's proposals, which we have highlighted in our amendment and today's debate. We have no wish to delay the proposed marine bill, which is important, and we support the establishment of marine Scotland, but the decision to establish it as a Government directorate runs counter to some of the representations that were made during the consultation. I have no knowledge of telephone conversations between the cabinet secretary and organisations; we are

basing our response on what is in the public domain.

The proposed approach raises subsidiary issues that require to be resolved. Scottish Environment LINK, the umbrella group that represents more than 30 environmental organisations, obtained independent legal advice that marine Scotland ought to be a non-departmental public body, to ensure its independence from Government. The proposed UK marine management organisation will be an NDPB, and Scottish Environment LINK said in its submission to the consultation that it is

"desirable that both bodies operate in the same way."

However, the decision has been made and a number of questions require answers. Will advice to ministers be published? How will transparency be ensured? How will appeals be dealt with? Scottish Environment LINK suggested that if marine Scotland is not to be an NDPB, an environmental court should be established. Will there be a conflict if marine Scotland is responsible for economic growth and environmental protection? Will marine Scotland be responsible for the control of aquaculture? Why is it proposed that the research functions of the Fisheries Research Services will be absorbed into marine Scotland, given that there is a strong case for retaining those functions in an independent advisory body?

Rhoda Grant talked about the tensions that might arise in relation to the Scottish Fisheries Protection Agency's enforcement role. I reassure Robin Harper that we support scientists working with fishermen. However, the subsuming of organisations into a Government directorate will potentially cause problems.

I am sorry that Robin Harper cannot support Labour's amendment, because we support the amendment in his name. I am concerned that too much emphasis has been placed on economic growth and not enough on the five principles of sustainable development. Scottish Environment LINK pointed out in its response to the consultation:

"the five guiding principles of sustainable development ... are not hierarchical but mutually supporting and do not include economic growth as a maxim."

The Scottish Council for National Parks said in its submission:

"we should not approach this issue by trying to balance conservation objectives with socio-economic objectives. In this case it is not just a matter of applying the Sandford Principle to deal with conflicts between conservation and socio-economic objectives, it is a matter of ensuring that we regain a fully functioning marine ecosystem which then can be cropped at a sustainable level."

Like those respondents and others, we think that the purpose of the marine bill must be to ensure

the recovery of the marine ecosystem. The purpose is not simply to conserve the ecosystem's current state of health and prevent it from getting worse, or indeed to ensure that we can continue to exploit the seas as we have become accustomed to doing.

In the consultation document, the Scottish Government claimed:

"The seas are generally healthy and biologically diverse".

The Scottish Sea Angling Conservation Network responded to that claim:

"This of course is untrue when one considers the state of our inshore waters. Fish stocks around our coasts have collapsed ... Sustainable exploitation is NOT the answer, we need to REGENERATE the biodiversity of our inshore waters".

Peter Peacock referred to the pressure on our seas. In its submission, Greenpeace said:

"the busy seas around highly-populated areas like the UK are among the most under pressure."

The Whale and Dolphin Conservation Society said:

"We are not operating in a healthy environment from which we can move forward. There are considerable efforts to be made to reverse declines of populations of marine species".

Under the UK Marine and Coastal Access Bill, sea fisheries committees will be replaced by inshore fisheries and conservation authorities for coastal waters out to 3 nautical miles. If the inshore fisheries group's membership in Scotland is restricted to commercial interests and the group has no input from organisations that have an interest in conservation and recreation, such as the Scottish Sea Angling Conservation Network, we will not address the local depletion of many species that has happened during the past 20 years to the extent that there is local extinction in some places. Kenny Gibson and Peter Peacock made that point.

Many respondents to the consultation stressed the importance of taking an approach that is coherent with that of other legislatures. In a joint letter to the Cabinet Secretary for Rural Affairs and the Environment on 1 October 2008, the Scottish Fishermen's Federation, RSPB Scotland and WWF Scotland argued strongly for "clear, overarching arrangements". The organisations referred to the Irish Sea pilot and said:

"a duty of coordination should be placed on both Marine Scotland and the UK MMO."

Alasdair Allan mentioned the Solway. Of course, I have a particular interest in it. I noticed the response from Dumfries and Galloway Council, which states:

"There needs to be an integrated cross-border approach for the Solway as a single Marine Region with links to both

the Scottish and UK Marine Plans."

The Solway Firth Partnership stressed the need to ensure

"a truly integrated management approach in and between Scottish waters, Manx waters, UK waters, 'regional seas' such as the Irish Sea and the wider oceans such as the Atlantic."

The UK bill, as its title implies, proposes a coastal protection zone and the development of an English coastal path. In a members' business debate just before the February recess, we discussed a motion by the Deputy Presiding Officer, Alasdair Morgan, on the desirability of developing a Scottish coastal path. During that debate, I pointed out that, in addition to the UK proposals, Belgium, the Netherlands, France, Latvia, Norway, Spain and Sweden were among some of our European neighbours that had introduced some form of coastal protection zone. I repeat my request that the Scottish Government give serious consideration to introducing something similar in its forthcoming marine bill. I understand that the new minister is an enthusiastic walker and I am sure that she will have some sympathy for that position. I would be interested to hear her thoughts on the matter.

We support all the other amendments. The proposed bill is important, but it is extremely important that we strike the right balance between economic growth and the need for not only conservation but regeneration of our marine environment. That must be the focus of the bill.

16:51

The Minister for Environment (Roseanna Cunningham): I have a lot of scribbled notes, because members have raised a great many points. I will deal with as many of them as I can.

First, it is worth recapping the reality of Scotland's seas and why they are vital. They hold 40,000 species and internationally important populations of marine mammals and seabirds. Scotland has renowned seabird populations, some of which are in serious decline, as we debated last night, and the largest seabird colony in Great Britain and Ireland, which has more than 1 million breeding seabirds—a number that it is virtually impossible to conceive of. We also have around 30 per cent of the world population of grey seals and 45 per cent of the European Community population of common seals. Scottish waters also contain 22 species of porpoise, dolphin and whales, as well as some of the finest marine habitats in Europe.

That is all important in and of itself, and it is important that we cherish what we have. It is also important because it is part and parcel of Scotland's economic wellbeing. I do not consider

the two to be mutually exclusive. The Scottish fishing zone is one of the largest of any EU nation and sea fishing has always been a way of life in Scotland. It is a fundamental part of our food production. Scotland's seas provide £2.2 billion-worth of economic activity to the country. We cannot ignore that, but our aim is to create a framework for faster economic growth in a greener way. That is achievable.

The truth is that there is agreement with Westminster on marine management that is already delivering some of the Government's goals. The executive devolution of marine planning and nature conservation to Scotland is a significant achievement. We must build on that.

The creation and role of marine Scotland took up a substantial part of the debate. Getting marine Scotland up and running as soon as possible is essential if we are to deliver our vision and to do so as quickly as possible. The word "deliver" is important, because marine Scotland is the delivery mechanism for what we are trying to achieve through the bill. I am sorry that the Labour Party has taken the approach that it has taken in its amendment, which seems a little bit like saying "Hurry up and wait." Marine Scotland will be our champion for the marine environment. As part of the Scottish Government, it will provide direct accountability by Scottish ministers to the Parliament.

Sarah Boyack: Does the minister accept that our amendment concerns a point of principle about how we debate in the Parliament? A major consultation has been held, with many responses that we welcome. However, not seeing the Government's response to those responses has made the debate difficult, because we have been unable to focus on how we move forward and we are stuck having the same debate as we had a year ago.

Roseanna Cunningham: That is not necessarily the case. If Sarah Boyack thinks about it, she will see that marine Scotland is reconfiguring what already exists within Government, bringing it together, and providing it in a more focused and sensible way. The Scottish Fisheries Protection Agency and the Fisheries Research Services are already accountable to the Scottish Government marine directorate. They will all be part of marine Scotland.

We need to give the staff of those bodies certainty and not simply wait yet another year or two to get it going. It is right to make the decision now on the status of marine Scotland before we introduce the bill in the next few months. That will avoid a year of delay and missed opportunities—a year that we cannot afford to lose. Marine Scotland will be taking on its new responsibilities as soon as the marine bill is enacted. We are

getting ahead of the game by doing it this way. Of course, we are listening to what stakeholders say about marine Scotland operating transparently, efficiently and fairly, but we have to get moving.

The Deputy Presiding Officer: Order. There are too many conversations going on.

Roseanna Cunningham: I will try to deal with some of the issues that have been raised. Stakeholder input was enormous, and many of the proposals—such as the new planning system, streamlined licensing, the improved conservation power, greater protection for seals and, yes, the creation of marine Scotland—received a favourable response.

Today's debate brought up a number of useful points, and this is the final opportunity for them to be raised. John Scott talked about the UK bill, which does not give us the wider powers that we might want. However, we are discussing further devolution of wider nature conservation powers and we hope to get moving on that.

Kenneth Gibson rightly raised the concerns of his constituents on Arran, with whom we are in constant dialogue.

Liam McArthur wanted to raise the issue of dredging. We are aware of the harbour authorities' statutory duties, and we are considering how we can better achieve a balance between necessary controls while avoiding additional burdens. I hope to hear more from Liam McArthur on that.

Robin Harper and Peter Peacock talked about the need for good science in what we are doing. There will be a scientific board in marine Scotland, so we are talking about delivering on the science already.

Alasdair Allan raised a specific constituency interest of which I am well aware. No decisions have been made yet.

I want to ensure that I do not run out of time, so I will try to get to those whom I have missed later.

The important point is that today's debate was about the consultation on the bill. We owe it to everyone to ensure that we achieve the maximum economic growth that we can achieve, but that must be tempered by the realisation that the environment in which growth takes place—*[Interruption.]*

The Presiding Officer (Alex Fergusson): Order. Far too many conversations are taking place around the chamber. I am sorry, minister; please continue.

Roseanna Cunningham: That environment cannot be an afterthought. The truth is that if we approach environmental collapse, there will be no economic growth; the two things are bound together. It cannot be an afterthought; it must

become part of the equation of growth, enhancing growth and, in turn, being enhanced by growth. That is what we are about, and I ask members to support the motion.

I am sorry that Sarah Boyack's tone was the way it was, but we will not accept the Labour amendment. Being accused of being too positive is quite astonishing—the Labour Party should reflect on that. We are happy to accept all the other amendments. Some points were well made; we listened to them and we still have time to bring some of the issues on board. I hope to get back to all members on points that I have not been able to deal with in my closing speech.

I ask members to support the motion.

Parliamentary Bureau Motions

16:59

The Presiding Officer (Alex Fergusson): The next item of business is consideration of a Parliamentary Bureau motion. I ask Michael McMahon to move motion S3M-3534, on committee membership.

Motion moved,

That the Parliament agrees that—

Stuart McMillan be appointed to replace Dave Thompson on the Economy, Energy and Tourism Committee;

Willie Coffey be appointed to replace Sandra White on the Equal Opportunities Committee;

Michael Matheson be appointed to replace Alex Neil on the European and External Relations Committee;

Sandra White be appointed to replace Keith Brown on the European and External Relations Committee;

Stewart Maxwell be appointed to replace Stuart McMillan on the Justice Committee;

Anne McLaughlin be appointed to replace Stuart McMillan on the Public Audit Committee;

Anne McLaughlin be appointed to the Public Petitions Committee.—[*Michael McMahon.*]

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

The next item is consideration of a further Parliamentary Bureau motion. I ask Michael McMahon to move motion S3M-3535, on substitution on committees.

Motion moved,

That the Parliament agrees that—

Shirley-Anne Somerville be appointed to replace Willie Coffey as the Scottish National Party substitute on the Equal Opportunities Committee;

Kenneth Gibson be appointed to replace Roseanna Cunningham as the Scottish National Party substitute on the Finance Committee;

Linda Fabiani be appointed to replace Sandra White as the Scottish National Party substitute on the Public Audit Committee.—[*Michael McMahon.*]

The Presiding Officer: The question on that motion, too, 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. Members should note that if amendment S3M-3528.3, in the name of Sarah Boyack, is agreed to, amendment S3M-3528.2, in the name of Robin Harper, will fall.

The first question is, that motion S3M-3128, in the name of Jackie Baillie, on the Disabled Persons' Parking Places (Scotland) Bill, be agreed to.

Motion agreed to,

That the Parliament agrees that the Disabled Persons' Parking Places (Scotland) Bill be passed.

The Presiding Officer: I am delighted to say that the Disabled Persons' Parking Places (Scotland) Bill is passed. [*Applause.*]

The next question is, that amendment S3M-3528.3, in the name of Sarah Boyack, which seeks to amend motion S3M-3528, in the name of Richard Lochhead, on the marine bill consultation, be agreed to. Are we all agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Alexander, Ms Wendy (Paisley North) (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)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Foulkes, George (Lothians) (Lab)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marilyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gordon, Charlie (Glasgow Cathcart) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Henry, Hugh (Paisley South) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Kelly, James (Glasgow Rutherglen) (Lab)
 Kerr, Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (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)
 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)
 Stewart, David (Highlands and Islands) (Lab)
 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)
 Cunningham, Roseanna (Perth) (SNP)
 Don, Nigel (North East Scotland) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 FitzPatrick, Joe (Dundee West) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Goldie, Annabel (West of Scotland) (Con)
 Grahame, Christine (South of Scotland) (SNP)
 Harper, Robin (Lothians) (Green)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Hepburn, Jamie (Central Scotland) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 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)
 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)
 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

Brown, Robert (Glasgow) (LD)
 Hume, Jim (South of Scotland) (LD)
 MacDonald, Margo (Lothians) (Ind)
 McArthur, Liam (Orkney) (LD)
 McInnes, Alison (North East Scotland) (LD)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 O'Donnell, Hugh (Central Scotland) (LD)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Tolson, Jim (Dunfermline West) (LD)

The Presiding Officer: The result of the division is: For 40, Against 61, Abstentions 16.

Amendment disagreed to.

The Presiding Officer: The next question is, that amendment S3M-3528.1, in the name of John Scott, which also seeks to amend motion S3M-3528, on the marine bill consultation, be agreed to.

Amendment agreed to.

The Presiding Officer: The next question is, that amendment S3M-3528.4, in the name of Liam McArthur, which also seeks to amend motion S3M-3528, on the marine bill consultation, be agreed to.

Amendment agreed to.

The Presiding Officer: The next question is, that amendment S3M-3528.2, in the name of Robin Harper, which also seeks to amend motion S3M-3528, on the marine bill consultation, be agreed to.

Amendment agreed to.

The Presiding Officer: The next question is, that motion S3M-3528, in the name of Richard Lochhead, on the marine bill consultation, as amended, be agreed to.

Motion, as amended, agreed to.

That the Parliament notes the Scottish Government's commitment to deliver a Scottish Marine Bill to accommodate environmentally sustainable economic development and improve the stewardship of the marine environment; acknowledges the positive response to the consultation, *Sustainable Seas for All*, the widespread support for the proposals and the concerns that remain; considers that the forthcoming marine legislation must fully take into account the interests of commercial fisheries and recreational sea anglers and could provide an appropriate vehicle for tackling the severe decline in breeding sea bird populations, and calls on the Scottish Government to publish its conclusions on the consultation and bring forward a dedicated Scottish Marine Bill as soon as possible to ensure that Scotland does not fall behind the rest of the United Kingdom in the sustainable management of its seas and coast.

The Presiding Officer: The next question is, that motion S3M-3534, in the name of Bruce Crawford, on committee membership, be agreed to.

Motion agreed to,

That the Parliament agrees that—

Stuart McMillan be appointed to replace Dave Thompson on the Economy, Energy and Tourism Committee;

Willie Coffey be appointed to replace Sandra White on the Equal Opportunities Committee;

Michael Matheson be appointed to replace Alex Neil on the European and External Relations Committee;

Sandra White be appointed to replace Keith Brown on the European and External Relations Committee;

Stewart Maxwell be appointed to replace Stuart McMillan on the Justice Committee;

Anne McLaughlin be appointed to replace Stuart McMillan on the Public Audit Committee;

Anne McLaughlin be appointed to the Public Petitions Committee.

The Presiding Officer: The final question is, that motion S3M-3535, in the name of Bruce Crawford, on substitution on committees, be agreed to.

Motion agreed to,

That the Parliament agrees that—

Shirley-Anne Somerville be appointed to replace Willie Coffey as the Scottish National Party substitute on the Equal Opportunities Committee;

Kenneth Gibson be appointed to replace Roseanna Cunningham as the Scottish National Party substitute on the Finance Committee;

Linda Fabiani be appointed to replace Sandra White as the Scottish National Party substitute on the Public Audit Committee.

Mesothelioma

The Deputy Presiding Officer (Alasdair Morgan): The final item of business today is a members' business debate on motion S3M-3432, in the name of Bill Kidd, on action mesothelioma day.

Motion debated,

That the Parliament supports national Action Mesothelioma Day, which takes place on 27 February 2009, in recognition of people who have died and those who continue to suffer from mesothelioma; commends the work of Clydeside Action on Asbestos in providing an invaluable service to sufferers of mesothelioma, providing support for more than 80% of people affected in Scotland with representation in health, legal and financial matters, while contributing to public policy; notes the need to increase awareness and understanding of the illness and to identify the needs of people diagnosed and of their families and friends; recognises that many people who have developed mesothelioma have done so from going to work and contributing to the growth of the Scottish economy in a range of professions, including not only people employed in heavy industry and construction but also people employed in hospitals, teachers and lab technicians, and therefore recognises the continued need for research into the management and treatment of this condition.

17:04

Bill Kidd (Glasgow) (SNP): It is an honour to bring this members' business debate to the Scottish Parliament. I welcome to the public gallery the delegation from Clydeside Action on Asbestos. Without them, my colleagues and I would not have been able to acquaint ourselves fully with the issues that are to be debated this evening.

The national mesothelioma action day takes place tomorrow. Its aim is to highlight this terrible disease, which is caused by exposure to asbestos, and to increase awareness of the condition, particularly among the medical profession.

Mesothelioma is only one of the conditions that are related to exposure to asbestos; others are asbestosis, lung cancer, diffuse pleural thickening and pleural plaque. Pleural plaque has been no stranger to debate in this chamber since the shameful House of Lords judgment removed the rights of sufferers to insured compensation. I am proud that we in the Scottish Parliament, with support from across the chamber, raised the rights of our fellow citizens above that shabby treatment and that the minister is piloting a bill that will soon reverse that state of affairs in Scotland. It is my genuine desire that similar sense will prevail in other parts of the United Kingdom and that sufferers will be able to access some degree of compensation for their condition.

Medical assessment of any respiratory problem necessitates taking a full history of any possible

asbestos exposure. In the case of mesothelioma, it is important that the doctor asks specifically about the patient's occupation, all previous occupations and the occupations of their spouse and parents.

Mesothelioma is an insidious disease that can affect a huge range of individuals and their families through secondary exposure. There is no standard curative treatment for mesothelioma; it is a case of management options, which include surgery, radiotherapy, chemotherapy and palliative care. Mesothelioma is not a clean, pain-free, Hollywood-style illness. Asbestos-related illnesses have not been sexy politics and they have been below the radar of all but those who suffer from them and their families. In the case of mesothelioma, an average of 165 cases a year end in death.

Clydeside Action on Asbestos has been to the forefront in respect of identification, support and campaigning on all aspects of asbestos-related illness. It provides expert advice on benefits and the pursuit of civil compensation and damages. We owe those people a great debt of gratitude for their dogged determination to ensure, with limited funding, that the victims of mesothelioma and other asbestos-related illnesses are neither forgotten nor forsaken.

I have a sheaf of letters of support for Clydeside Action on Asbestos from consultant specialists and cancer nurses throughout Scotland who know of the great work it does. The letters are from hospitals in every constituency in the country—all members should remember the great work done by Clydeside Action on Asbestos.

I also have a copy of the invaluable guide that Clydeside Action on Asbestos has produced to brief junior doctors on mesothelioma. On the back is a picture of the lung of a sufferer. It is not a pretty sight and anyone who tries to deny asbestos sufferers compensation should have it tattooed on their forehead. The guide is important—Clydeside Action on Asbestos has experienced a notable rise in inquiries, in line with the prediction of Professor Julian Peto at the London institute of cancer that the incidence of mesothelioma will continue to rise year-on-year until at least 2020.

National mesothelioma action day is a day of acknowledgement of all fellow Scots who, in the course of their working lives, contracted a foul disease while building a nation for us all. We owe them due recognition and support, and national mesothelioma action day is a due reward for the hard work that has been done on their behalf.

17:09

Des McNulty (Clydebank and Milngavie) (Lab): I congratulate Bill Kidd on securing the debate. I apologise to the chamber as I will not be able to stay until the end of the debate.

It is appropriate to recognise the work of Clydeside Action on Asbestos, as it has done an outstanding job over the years. I would also like to mention the Clydebank Asbestos Group, which along with Clydeside Action on Asbestos has driven the campaign for justice for asbestos sufferers and, in particular, for mesothelioma sufferers.

The campaign has been driven in a way that provides a model for other campaigning organisations. A sober, sensible and well-argued case has always been put forward on behalf of sufferers. The campaigners have a strong moral argument about the fact that people contracted mesothelioma in the workplace, but their argument has not rested purely on that moral dimension; they have provided worked-out statements on what was wrong with legislation and the financial arrangements that existed at particular points in time. They have also suggested solutions to the problem.

Both groups have been very well supported. The trade union movement—unions such as Unite, the GMB and the Union of Construction, Allied Trades and Technicians—has played an important role in campaigning and financing actions on behalf of individuals. The campaigns have also been ably supported by Thompsons Solicitors, which deals with about 90 per cent of the cases in Scotland. Frank Maguire in particular should be recognised for the role that he has played in providing legal advice to individuals and campaigners.

Many members of the Clydebank Asbestos Group have a strong industrial history in the shipyards. They came through those industrial struggles and they have drawn on that experience to continue the struggle over mesothelioma. They have first-hand experience of the causes of the condition, but they are also dealing with its consequences. We should pay particular tribute to those veterans of the trade union movement in the Clydebank Asbestos Group and Clydeside Action on Asbestos. Many of them have continued and widened a commitment that began with trying to help workmates or relatives.

It is also worth highlighting that this Parliament has a proud record in dealing with mesothelioma sufferers. As I remember, the Parliament's first debate on mesothelioma was on a motion lodged by Duncan McNeil, given his Greenock connections. I have certainly been heavily involved on behalf of people in Clydebank. Other members with a strong constituency interest, such as Bill

Butler, have also been involved, but so have Scottish National Party members. Margaret Ewing was one of the first to offer her support and Stewart Stevenson has been an important supporter. In addition, Bill Aitken has constantly offered a sympathetic ear to mesothelioma sufferers, as has Robert Brown. We have had cross-party support for the campaign. I am pleased to see new members who entered the Parliament at the most recent election taking an interest in the issue and ensuring the continuity of the campaign.

Good campaigning from Scotland has also taken place in the Westminster Parliament. People such as John McFall—and Tony Worthington before him—have constantly been on the side of the asbestos sufferers. Such people have taken up issues such as the scandal with Chester Street Insurance Holdings Ltd and other matters connected with the insurance companies. The insurance industry has heard—and will continue to hear—plenty from Scottish representatives and Scottish campaigners.

The fact that asbestos cases are now fast-tracked through the Scottish courts, with a dedicated judge coming in to hear asbestos cases, is an important development in ensuring that cases are heard quickly.

The Deputy Presiding Officer: The member should wind up.

Des McNulty: The Rights of Relatives to Damages (Mesothelioma) (Scotland) Bill, which we passed in the previous parliamentary session, has also been important.

However, the argument will continue. Let us continue to support the campaigners who have been constant in arguing for what is right. Let us hope that we can continue to support them.

17:14

Bill Aitken (Glasgow) (Con): I, too, congratulate Bill Kidd on lodging the motion. It is correct that we should debate such a motion, particularly on the eve of national action on mesothelioma day.

When I first became involved in the issue some six years ago, I did so through a profound feeling of injustice—the way in which cases were being defended in the Court of Session was really quite unconscionable. Delays and all sorts of impediments were put in the way of pursuers in a way that was totally inappropriate. Accordingly, I was pleased to be part of a fairly formidable team of members who made representations to the then Lord President to ensure that mesothelioma sufferers could see their actions concluded prior to their death.

Bill Kidd spoke about the condition, but he did not say what we all know: for mesothelioma sufferers, there is unlikely to be a happy outcome. It is a disease that is 100 per cent fatal. Death from mesothelioma is not pretty or easy. That being the case, the Parliament unanimously took the view that something had to be done, and we legislated accordingly in one of the Parliament's finer moments.

The motion—which, had it been debated under the normal rules of Parliament, would have passed unamended—gives us the opportunity to congratulate Clydeside Action on Asbestos on, and thank it for, the tremendous contribution that it has made in this particular field. Campaigners can, to be frank, sometimes be a nuisance for us parliamentarians. Clydeside Action on Asbestos has been a nuisance for a very good cause. I congratulate the group's members—I have enjoyed working with them and they have always put forward their case in a moderate and measured manner, which is not always the case in other directions. That has, in many respects, made it easy to support them.

An awful lot more work needs to be done—Bill Kidd's motion refers to it—with regard to treatment for and research into mesothelioma. It is always an evocative subject, bearing in mind the profile of Scottish industry, in which so many people have worked in shipyards and heavy engineering where asbestos was almost *de rigueur* in some of the processes that were used. Although a lot of those conditions were created as a result of ignorance of the dangers of asbestos at the time, others have been created by absolute negligence. It is imperative that people obtain a recovery in that respect.

I congratulate Clydeside Action on Asbestos—I have no doubt that it will carry on its work, spreading a lot of hope among the sufferers of mesothelioma in the unhappy event of individuals developing the condition. It can only be of great comfort to them to know that they have the backing of an organisation that has the respect of the Parliament. I wish the group all the best for the future.

17:17

Stuart McMillan (West of Scotland) (SNP): I congratulate my colleague Bill Kidd MSP on securing this timely debate and I, too, welcome to the public gallery the delegation from Clydeside Action on Asbestos. During the current session of Parliament, members on all sides of the chamber have been working closely with Clydeside Action on Asbestos. Bill Kidd, Gil Paterson and I have worked with the group on a range of issues over the past 22 months.

The Parliament has a history of bringing justice to people who have been affected by asbestos-related conditions. Tomorrow is action mesothelioma day, which is a reminder to everyone in the chamber—and, more important, to those outside the chamber—of the industrial legacy that still affects many people and their families throughout Scotland. Action mesothelioma day is, of course, not taking place solely in Scotland—events are taking place in other nations in the UK, and I wish them success tomorrow.

We have heard what mesothelioma is, and I do not want to repeat what has been said, but it is important to reiterate that mesothelioma is a cancer that affects the lining of the lung, the lining of the abdominal cavity and the lining around the heart. Mesothelioma is not something that anyone would wish upon their worst enemy, never mind a work colleague. Thankfully, Parliament has a history of taking action to help the victims of mesothelioma, so we should give credit where it is due. Petition PE336 ultimately led to the Rights of Relatives to Damages (Mesothelioma) (Scotland) Act 2007, which the previous Scottish Executive introduced. That action shows that Parliament values victims of asbestos-related illnesses and is prepared to act accordingly. I would very much like other places to consider the issue fully, to act accordingly and to give credit where it is due.

As we know, asbestos-related conditions are varied and mesothelioma is just one example of such a condition. With the support of members of all parties, the Scottish Government is taking action on the Clydeside Action on Asbestos campaign to provide justice for victims of pleural plaques. The Damages (Asbestos-related Conditions) (Scotland) Bill will be considered at stage 3 on 11 March, and I hope that the cross-party support for the bill continues.

I am grateful for the Government's response to the Justice Committee's request for further information on the financial estimates relating to the bill and its expression of concern about the statement of funding issue. I will read the response with a keen eye over the next few days.

It is clear that victims must get justice. On 7 November 2007, I led a members' business debate on the back of the shameful House of Lords ruling that overturned the previous position, whereby victims of pleural plaques had been entitled to justice. Like all MSPs, I was disappointed by that ruling but, thankfully in Scotland at least, we are on the cusp of overturning it. I am sure that if the Damages (Asbestos-related Conditions) (Scotland) Bill is passed, the pressure on the Westminster Parliament to overturn the decision by the House of Lords, so that victims in other nations of the UK

can get justice, will increase. All sufferers deserve justice.

An aspect of the continual campaign for justice that disappoints me is the insurance industry's apparent reluctance to work in tandem with groups such as Clydeside Action on Asbestos, which would allow victims to obtain speedy outcomes. I fully accept that the insurance industry cannot hand out money on a whim—no member would expect that to happen—but I am convinced that its practice of continually fighting cases and lodging appeals, thus delaying payments to victims, leaves a bad taste in the mouth. I respectfully suggest that the insurance industry should take a different approach and try to work with organisations such as Clydeside Action on Asbestos instead of fighting claims at every turn.

People with asbestos-related conditions did not ask to have the illness. They went to work and did a hard day's honest graft. They do not deserve to suffer the ill health that has befallen them. Groups such as Clydeside Action on Asbestos are invaluable in providing assistance, and action mesothelioma day is vital in keeping in the public eye the industrial legacy that has affected many people in our society. I again congratulate Bill Kidd on securing such a timely debate and on helping to keep asbestos-related illnesses in the public eye.

17:22

Bill Butler (Glasgow Anniesland) (Lab): I congratulate my colleague Bill Kidd on securing this evening's members' business debate on an issue that is of real importance to the people of Scotland. Mesothelioma and other asbestos-related illnesses affect the lives of hundreds of families across this nation and across the UK. It is vital to have such debates, in which we can discuss the needs of victims and their families.

I should add that I intend to be present, along with a number of colleagues from all parties, at the memorial service that will be held tomorrow in the office of Clydeside Action on Asbestos.

Clydeside Action on Asbestos provides advice, information and practical help to victims who have asbestos-related diseases; indeed, it provides invaluable assistance to more than 80 per cent of mesothelioma sufferers in Scotland. I want to put on the parliamentary record my appreciation of the sterling work of the staff and volunteers at Clydeside Action on Asbestos. They deserve our unending thanks.

There is an indisputable need for the organisations that work in this field and the essential support that they provide. As parliamentarians, we must use opportunities such as this evening's debate to help raise public

awareness of the illness and thus encourage victims and families to seek support and assistance.

As Phyllis Craig, who is a senior welfare rights officer at Clydeside Action on Asbestos, says:

"It is important to raise public awareness of this illness and improve understanding of the effect a diagnosis has."

The trauma and disbelief that inevitably accompany such a diagnosis cannot possibly be exaggerated. Some victims may have had only limited exposure to asbestos, which may have occurred 40 years previously. The shock must be beyond belief, and the difficulty of coming to terms with such devastating news must be enormous. Allied to that is a very real fear about what the future holds as regards management of the condition, the implications of having to stop working and the reality of facing a limited lifespan.

It is worth noting that such trauma is experienced by more than 2,000 people in the UK each year who are found to have the disease, of whom approximately 10 to 15 per cent are women. Given those statistics, Mr Frank Maguire of Thompsons Solicitors is correct when he reminds us all that victims and their families

"not only have to come to terms with the diagnosis and life expectancy, but also the issues of negligence, liability and justice."

Action mesothelioma day also gives us an opportunity to remember those who have died, those who continue to be diagnosed with the disease and those who continue to be exposed to asbestos even today. As legislators, we must never forget who those victims are. They are our fellow citizens who spent their working lives in shipbuilding, the construction industry and the fishing industry. They are the retired Rosyth dockyard worker who was exposed to asbestos with no protection of any kind over a period of two and a half years in the late 1950s, and the retired pipe fitter from Leith who was never told of the dangers of asbestos and was forced into retirement at the age of 53. Those are the real victims—real people, real lives affected, real lives blighted. They are our friends and neighbours, and we must never forget their suffering or that of their families.

Our task here is to pass laws that seek to redress the gross injustice that those people have suffered. As members have said, this Parliament has a good record in passing such legislation. I hope that that tradition continues on Wednesday 11 March and that we pass unanimously the Damages (Asbestos-related Conditions) (Scotland) Bill, thus reversing the scandalous judgment of the House of Lords regarding pleural plaques that was made on 17 October 2007. It will certainly have the support of all the millions of

people throughout Scotland and the UK who place the rights of working people above the interests of those whose only god is profit.

17:27

Robert Brown (Glasgow) (LD): I, too, congratulate Bill Kidd on obtaining the debate and on his motion on action mesothelioma day. Like him, I will attend the event tomorrow that has been organised by Clydeside Action on Asbestos. It is to be one of a number of events of the same kind throughout the UK. I have known people who have died from mesothelioma and I pursued a number of legal claims on the issue in my time in legal practice. As Bill Butler rightly says, we are dealing with real people, real lives, real families and real communities.

The toll of death and disablement that has resulted from Scotland's and Britain's industrial past is heavy, not just in respect of exposure to asbestos, which is the subject of today's debate, but in terms of the consequences of people working in the mines, the shipyards, the steelworks, the pottery industries and many more. However, it is a particularly grim record for those who worked with asbestos, both because of the long lead-up period to the consequences—often 30 or 40 years—and because of the serious and unpleasant nature of the illnesses that are sustained, mesothelioma and lung cancer in particular.

Several quite famous people have died from mesothelioma. Steve McQueen, the actor, died of the disease probably as a result of his exposure to asbestos when he served in the marines during the war. More recently, the Glenrothes by-election was triggered by the death of John MacDougall MP from the disease.

As has been remarked before, exposure to asbestos fibres affects whole families and whole communities. It affects brothers who worked together in the shipyard, lagging engines or pipes; fathers and sons who worked together in the engineering and construction industries; the wives who washed their husbands' overalls, which were white with asbestos dust; and whole streets and districts that had a common major employer. Somehow, that shared misfortune can make asbestos-related diseases particularly tragic, and the incidence of the disease may not reach its peak until as late as 2020 or even 2025.

Clydeside Action on Asbestos has been a beacon of sympathy and support for mesothelioma sufferers. It has campaigned for information about and understanding of the problem, for changes in the law and for the rights of people who suffer from the disease. It is probably one of the most

successful single-issue groups in the country, and we are very grateful for its work over the years.

Mesothelioma and asbestos-related ailments have been one of the prices that have been paid for the development of our economy, the defence of the realm and the vast expansion in the number of public and private buildings that has transformed the landscape of our country. However, it is a price that has been paid on behalf of the many by the few. We owe it to those who have suffered or died from mesothelioma to continue to research how best to tackle it, to manage and to treat it and to provide support in financial and other ways.

Even today, it is said that 20 tradespeople a week die from asbestos-related conditions. These issues are not just history; they are a present and future reality for many people.

17:30

Gil Paterson (West of Scotland) (SNP): I thank Bill Kidd for securing tonight's debate. In the Parliament, we can find many issues that separate parties and members and generate publicity and controversy, but to no good end. However, when it comes to issues such as the damage that is caused by asbestos, the Parliament comes into its own.

The debate was not originally set for tonight. However, when the significance of the date was brought to the attention of my good friend here, Joe FitzPatrick, who had a members' business debate scheduled for tonight, he instantly agreed to make way for it. I thank Joe very much for that, and I am sure that everybody else appreciates it too.

Since the establishment of the Parliament, the quiet but effective work done on asbestos-related health issues, such as mesothelioma, has been legend. The Parliament has been solid in its commitment to right the wrongs of the past in cases where asbestos victims have been treated badly. None of that would be seen on CNN, but our press corps here has well understood the significance of our work and has assisted greatly in bringing these issues to the attention of the wider public. In turn, that has garnered the support needed for change.

The Government has been running a publicity campaign that is aimed at innocent workers, who are being alerted to the ever-present hidden dangers of asbestos in the workplace. Those people work in all sorts of activities, but mainly in trades that are engaged in renewals and repairs. They are carrying out everyday work, unaware of the potential killer under the next plank or above the next ceiling. I fully support prevention and believe that the campaign is money well spent.

We should be aware that people contract asbestos-related diseases in the most seemingly secure places. I am thinking of people such as teachers who have never set foot on an industrial site in their lives but who are at risk because of working in buildings that were built with asbestos, and who then contract an illness. Such people need our help and they need the support of organisations such as Clydeside Action on Asbestos and the Clydebank Asbestos Group. Both those groups have been in the vanguard of the fight for recognition, compensation and so much more.

The job is not yet done. A bill on pleural plaques, which are a consequence of inhaling asbestos, is progressing through the Parliament. Yet again, there has been support from all quarters of the chamber. Concern continues for those who need our help. Presiding Officer, let us mark this day with a pledge to see the job done.

17:33

The Minister for Community Safety (Fergus Ewing): I thank Bill Kidd for lodging the motion on action mesothelioma day, and I welcome the compassionate and consensual tone and manner of the debate. The Scottish Government is very pleased to be able to support the motion.

We have already heard that mesothelioma is a terrible disease. It is a rare form of cancer that attacks the inner lining of internal organs. As Bill Aitken said, it is almost always caused by exposure to asbestos. It takes, on average, 20 years to develop. However, as many members have said, sufferers often die within just a few months of diagnosis. There is no known cure for the disease, and victims spend their final months in considerable pain and suffering.

It goes without saying that, particularly when there is no cure, prevention is the best policy. I am pleased that much has been done to control the risks from asbestos. The use, supply and importation of asbestos and asbestos products have been banned, with only a few exceptions. Work with asbestos generally requires a licence and the use of strict control measures, including personal protective equipment such as respirators.

As has been mentioned, the Health and Safety Executive has been running a campaign called "Asbestos—the hidden killer" to raise awareness among tradesmen and tradeswomen that they are at risk from exposure to asbestos. Launching that campaign at Hampden Park last October, Jim Murphy, the Secretary of State for Scotland, said:

"The occupational safety of workers throughout Scotland is a major priority for us all".

I am happy to endorse that view.

However, as we heard from members throughout the chamber this evening, this devastating problem will not go away quickly. The long latency period means that, sadly, despite far better controls on exposure to asbestos and the elimination of asbestos imports, the rate is still rising. Generally, only about one in 10 of those who are diagnosed with mesothelioma will be alive three years later and only one in 20 will be alive five years later. The latest information from the Health and Safety Executive shows that the total number of mesothelioma deaths in Great Britain in 2006 was 2,056. I think that Bill Butler alluded to that. The latest projections suggest that the annual number of mesothelioma deaths in Great Britain will peak somewhere between current levels and 2,450 deaths a year some time before 2015. That is a shocking and appalling toll of death in the UK.

No useful test is currently available that would detect people who have been exposed to asbestos and are likely to get mesothelioma. Unfortunately, mesothelioma can be difficult if not impossible to treat. Nearly all treatment is aimed at controlling the disease for as long as possible and keeping symptoms under control. However, as Bill Kidd mentioned, doctors and researchers are working all the time to improve treatment. Obviously, we all encourage clinicians to ensure that as many patients as possible are included in the relevant clinical trials.

There are debates about drugs such as Alimta. Arrangements are in place in Scotland for the assessment of new drugs and treatments through bodies such as the Scottish Medicines Consortium and NHS Quality Improvement Scotland. Those bodies operate independently of the Scottish Government and are widely acknowledged to be robust. I understand that NHS QIS considered the National Institute for Health and Clinical Excellence appraisal and has advised that its positive recommendation for Alimta is as valid for Scotland as it is for England and Wales.

As many members said, a great deal of good work has been done to ensure that there are appropriate rights to compensation. The fact that that work has not been easy is exemplified by the fact that it has taken so many years for so many of the problems to be solved. I pay tribute to the work of members throughout the Parliament, notably Bill Butler, who this evening made a typically eloquent and impassioned plea for justice to be done for all those who suffer from diseases that are caused by exposure to asbestos.

The good work to ensure that there are appropriate rights to compensation has been supported in the Parliament in a great number of respects. The amendments to the Damages (Scotland) Act 1976 enabled the families of sufferers to make claims, thereby removing the

dilemma that existed hitherto. Previously, the sufferer himself, while coping with the horrific symptoms of the disease in his last days, also had to cope with consulting a lawyer and all the stress and difficulty that that involved for him and his family. That was dealt with. In addition, action was taken in the legal system. The Coulsfield rules were brought in to ensure that claims were dealt with more swiftly than in normal cases.

Robert Brown mentioned in his less impassioned but nonetheless equally effective presentation of the arguments—it was, if I may say so, rather like the closing submission in a civil proof—some of the action that has rightly been taken across the Parliaments and countries of the UK. There has been co-operation between the Parliaments. For example, the Scottish Parliament used a legislative consent motion to allow the Compensation Bill at Westminster to tackle the problems that arose from the case of *Barker v Corus*. We were happy to co-operate with Westminster on that, and we remain happy to co-operate with Westminster in tackling the issues surrounding exposure to asbestos.

I was pleased that many members indicated their continuing support for the Damages (Asbestos-related Conditions) (Scotland) Bill, which we hope to pass shortly. As a Scot, I hope that everyone in the UK who suffers from pleural plaques as a result of exposure to asbestos through their employers' negligence will have the opportunity to obtain compensation. We will seek to ensure that the bill is passed in Scotland, but we very much hope that the Parliament in Westminster will also take the same or a similar approach in the interests of people throughout the UK who suffer from ill health as a result of the accident of the work that they devoted their lives to. That is the position of the Government.

I acknowledge the important contribution that has been made by campaigning groups such as Clydeside Action on Asbestos and Asbestos Action (Tayside). Those groups have been mentioned by many members. Bill Aitken said that one of them became a nuisance. I am sure that, if it was a nuisance, it was a pleasant form of nuisance—not unlike Bill Aitken himself, on occasion. It is the persistence, commitment and dogged determination of those groups that has brought this issue to the Scottish Parliament and Westminster time and again, year in, year out. I congratulate them.

Although there are occasions on which the Scottish Government and the Scottish Parliament do not see eye to eye, this is not one of them. On this issue, we speak with one voice.

Meeting closed at 17:42.

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