

MEETING OF THE PARLIAMENT

Thursday 7 May 2009

Session 3

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Scottish Parliament

Thursday 7 May 2009

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

School Discipline

The Presiding Officer (Alex Fergusson): Good morning. The first item of business is a debate on motion S3M-4067, in the name of Elizabeth Smith, on school discipline. We have a little flexibility on speaking times, but it is not measureless.

09:15

Elizabeth Smith (Mid Scotland and Fife) (Con): At the outset of the debate, I make it clear that it is my firm belief that the vast majority of pupils in our schools in Scotland are well behaved, well motivated and keen to succeed. However, it is sad that some pupils and their teachers have to put up with a small but nonetheless growing minority of persistent troublemakers who make life impossible for everyone else.

It is a source of considerable concern to me that groups such as the Educational Institute of Scotland, the Scottish Secondary Teachers' Association and the General Teaching Council for Scotland regard indiscipline in the classroom, particularly violent indiscipline, as an increasing problem for their members. The acting general secretary of the SSTA, Jim Docherty, said just a few months ago that the figures released by the Scottish Government bear no relation to the real situation in classrooms. Ronnie Smith of the EIS has said:

"the issue of pupil indiscipline is seldom far below the surface of the educational debate in Scotland ... the evidence is that the problem is getting worse and consuming more and more of each teachers time."

It is even more concerning that there is such indiscipline in primary schools. We know that around 40,000 pupils are excluded from Scottish schools each year and that almost half of the exclusions involve the same pupil on more than one occasion. The most worrying thing of all is that physical attacks with weapons increased from 286 in 2006-07 to 366 in 2007-08.

However, the Scottish Government still refuses to allow the publication of the full facts. That is a little surprising, because the now Cabinet Secretary for Education and Lifelong Learning said in a debate on a Conservative motion on education in 2005:

"At First Ministers question time on 20 January, I raised the serious issue of the proposal to end the publication of

annual indiscipline statistics and to replace them with a three-yearly survey. A couple of weeks later, the Conservatives woke up, smelled the coffee and realised that the matter should be taken up—I applaud them for doing so. If we regard indiscipline as a serious issue, it is important that regular statistics be produced so that there can be accountability. The production of statistics every three years is not good enough."—[*Official Report*, 17 March 2005; c 15444.]

Does the cabinet secretary still agree with that?

The statistics are bad enough, but the fact that in 85 per cent of exclusions there is no proper educational provision while the pupil is away from school is worse still. That is staggering and unacceptable by any standards. It is little wonder that many in the teaching profession despair about what can be done.

It is not for me or any other member to comment on the details of specific cases, but the sad events surrounding the Mike Barile case in Dundee threw up a major outpouring of public concern, anger and discomfort because of our inability to tackle the problem. There was a host of articles in the *Daily Express*, *The Courier*, *The Daily Telegraph* and *The Scotsman*—I have them in front of me—in which former teachers, former headteachers and former pupils said that indiscipline is the biggest problem that we face in Scottish schools. The Scottish Conservatives do not believe that any pupil who is guilty of such behaviour should be allowed anywhere near a mainstream classroom until they learn how to behave. We should learn lessons from the highly effective second chance units that have worked well in several states in America, in Northern Ireland and in Scandinavia, and we should pay strong attention to groups such as the Scottish Police Federation and our armed services personnel. Such groups believe that such policies can go a long way to sorting out persistent troublemakers and getting them to refocus their lives in a positive manner.

To those who think that I am being too harsh and that I have not signed up to the concept of inclusion in Scottish education, I say that inclusion should mean that all our pupils are able to work and learn in a disciplined environment without the fear of the bully or of retribution. If some people do not like that idea, that is tough.

We should not forget the huge range of voluntary sector groups that do much to help troubled youngsters make good. We have a wealth of talent in Scotland in Fairbridge, the Princes Trust, the eTEN project and in private sector groups such as Spark of Genius, for example. Those groups are often the unsung heroes when schools are unable to find a solution, and we need to do far more to support them. That is why we will support the Liberal Democrat amendment.

That takes me to another issue. Every member knows that the best form of discipline is self-discipline and that that comes when pupils feel fully engaged and supported by a loving and caring family—my colleagues will develop that point—and when they pursue courses that they see as relevant, enjoyable and constructive in respect of what and how they learn. The curriculum for excellence should be well equipped in that respect, but its success will be compromised if there is not also a more extensive co-curriculum for all pupils, no matter their background or academic abilities. Evidence that was given in the recent inquiry by the Health and Sport Committee into health, physical education and sport issues laid bare the postcode lottery that exists with regard to the ease with which pupils can access a range of extra-curricular activities, which are taken for granted in many schools. The Government claims that it is keen to do something about that, but under its watch we are already seeing cutbacks in staffing in music, drama and outdoor education. Those staff are often crucial in running extra-curricular activities, and we should not underestimate the effects of that. If we can harness a child's interests in and outside the classroom, we will go a long way to channelling self-discipline in the right direction.

It is wrong to get too prescriptive about discipline in individual cases, because it should always be a matter for headteachers to decide what discipline procedures should operate in his or her school. However, they must be able to do that without fear of compromise or contradiction from either an overburdensome local authority structure that tends to assume that the one-size-fits-all approach suits everyone or excessive red tape. It should be the duty of national and local politicians to stay out of interfering in headteachers' jobs, but it must also be our duty to debate the barriers that stand in their way and to give our fullest support to the teaching profession in its desire to remove those barriers.

I look forward to the Government's response and to the statement of a coherent strategy that says what needs to be done to tackle the bullies in the classrooms. The Scottish National Party said that it would provide that back in 2005.

I move,

That the Parliament deplores the rise in the number of exclusions from Scottish schools attributable to weapon attacks by pupils; notes the growing concern expressed by teachers and parents that serious and persistent offenders are not being punished appropriately; calls on the Scottish Government to publish detailed information at regular intervals on the level of reported physical and verbal attacks in schools, as called for by the Cabinet Secretary for Education and Lifelong Learning when in opposition, and believes that the Scottish Government should devolve more power to head teachers to deal with indiscipline in schools.

09:23

The Minister for Schools and Skills (Keith Brown): I welcome the opportunity to respond in the debate on behalf of the Government.

I welcome the decline in exclusions by more than 11 per cent between 2006-07 and 2007-08 and congratulate schools and local authorities on their concerted efforts to achieve that. However, like Liz Smith, I am concerned by the increase in exclusions as a result of physical assaults with weapons. Attacks with weapons are plainly wrong. They endanger and distress other pupils, teachers and staff as well as the perpetrators themselves. Apart from the serious physical danger that is involved, they are extremely disruptive to the education of our young people.

Although knife incidents in schools are extremely serious, they are rare. We must remember that the vast majority of our children and young people are well behaved and are a great credit to Scotland. However, the Government takes seriously the knife culture that is prevalent in certain areas of the country, and we are tackling it in partnership with other agencies in various ways. Our positive behaviour team, which receives more than £500,000 a year, is working throughout Scotland with schools and local authorities to promote a range of approaches to improve relationships and promote positive behaviour, from restorative practices to nurture groups.

The Government-funded national violence reduction unit, which receives £916,000 a year, has promoted programmes on the dangers of knife carrying. It has received further funding of around £80,000 to develop the medics against violence initiative, under which more than 65 senior medical practitioners will go into schools.

At a Government-hosted youth conference on violence and knife crime, we launched the Government's new knife crime youth engagement initiative. We have committed £500,000 to work with young people to prevent and reduce knife crime, under the new brand no knives better lives.

Elizabeth Smith: I totally accept that, but does the Government accept that pupils who carry out such physical attacks should not be in a mainstream classroom until they learn how to behave?

Keith Brown: When an attack takes place with a knife or a weapon, that often becomes a matter for the courts rather than the school system. Any disposal after that is a matter for the courts as well as the school system. We want the minimum possible danger and fear in the classroom, which is what those initiatives aim to achieve.

In the curriculum for excellence, which Liz Smith mentioned, knife crime and risk-taking behaviour are recognised in the experiences and outcomes, under health and wellbeing and religious and moral education. In partnership with the included, engaged and involved steering group and other key stakeholders, the Government is drafting new guidance on exclusion that will consider how we provide more support to children and young people who are at risk of exclusion, particularly those who have been excluded several times.

I agree that we need regular information and evidence on physical and verbal attacks on school staff, and on the reporting of those incidents. I welcome the fact that the behaviour in Scottish schools research for 2009 is well under way. We commissioned the survey in partnership with the Scottish advisory group on behaviour in schools, which I co-chair with the education spokesperson of the Convention of Scottish Local Authorities. We are committed to discussing the findings with the advisory group to inform future policy on behaviour in schools.

The survey is different from previous surveys and will give an up-to-date and accurate picture of behaviour in schools. A study is conducted every three years but, when the present one has reported, we will be able to determine better whether it provides sufficient information to monitor violence in schools and whether more frequent reporting or publication would add to our understanding of behaviour in schools. I recommend that members read the questions that are asked in the survey, which are different from those in previous surveys and which will elicit far more valuable information.

Murdo Fraser (Mid Scotland and Fife) (Con): I am grateful to Mr Brown for the information that he has provided on the collection of information. However, when in opposition, his colleague Fiona Hyslop was clear on the issue. There was no doubt about her stance. She said:

"The production of statistics every three years is not good enough."—[*Official Report*, 17 March 2005; c 15444.]

Why has the SNP changed its mind on that issue?

Keith Brown: The point that I have just made is that the present survey is substantially different from previous ones and will give us a lot more information. As I say, I recommend that members read the questions that are being asked. For example, there are questions about the nature of assaults, such as whether they are racially based and, if violence is involved, what type. The quality of the information that is gathered will allow us to decide on the need to publish on a three-year basis or otherwise. That is the sensible way in which to proceed. However, we are of course

open to all views and constructive suggestions and we will listen carefully to the debate today.

Karen Whitefield (Airdrie and Shotts) (Lab): Will the minister take an intervention?

Keith Brown: I must make progress.

Headteachers and teachers have significant and sufficient powers to deal with indiscipline in schools, including powers to develop and implement school behaviour policies and to exclude pupils, after consulting as appropriate on removals from the register, as the local authority has a duty to continue to provide education. We acknowledge the previous Administrations move to devolve control and decision making on exclusion by leaving headteachers to decide how to deal with each incident on a case-by-case basis.

Given those measures, and the generally excellent behaviour of our young people—which should be re-emphasised—I am happy to move that the Parliament

"welcomes the 11% reduction in exclusions from Scottish schools from 2006-07 to 2007-08",

which I have mentioned. We should also acknowledge

"that appropriate support should be provided to the small number of children and young people who persistently misbehave".

Margaret Mitchell (Central Scotland) (Con): Is the minister concerned about comments from the EIS and the SSTA, which have referred to the figures as unreliable and dumbed down?

Keith Brown: That is exactly why we are collecting information on a broader and much more scientific basis, which will be the basis for future decisions. I could read out several quotations from the EIS that do not have the same emphasis that the motion has on the general nature of the problem in schools. The EIS says that such incidents are rare and that teachers generally manage them very well.

As I have said, we should acknowledge that headteachers have considerable power over school discipline through their responsibility for school discipline policies and their devolved responsibility for excluding pupils. We take on board Liz Smith's point that we should always rely on the headteacher in such matters. A headteacher in Glasgow, who will remain nameless, has said:

"School is the place where the positive messages are delivered."

That is an important point. When pupils are taken out of school, they are taken out of the headteachers' control at the same time.

We should agree that the future policy on behaviour in schools should be informed by the survey that is being conducted, which will provide in-depth information. Before members consider pursuing further the aims that are set out in the motion, I suggest that they should read the detailed questions that are asked in the survey, if they have not already done so.

We should welcome the comments in Her Majesty's Inspectorate of Education report "Improving Scottish education—A report by HMIE on inspection and review 2005-2008", which in relation to secondary schools states:

"In almost all schools, climate and relationships are constructive and encouraging. While many schools have small numbers of young people with particularly challenging behaviour, any issues arising are usually handled effectively."

Liz Smith said that the vast majority of young pupils and students behave very well, but her motion does not say that, and that is the basis for the amendment in my name. For that reason, I ask members to support the SNP amendment.

I move amendment S3M-4067.3, to leave out from "as called" to end and insert:

"welcomes the 11% reduction in exclusions from Scottish schools from 2006-07 to 2007-08; acknowledges that appropriate support should be provided to the small number of children and young people who persistently misbehave; further acknowledges that head teachers already have considerable power over school discipline through their responsibility for school discipline policies and their devolved responsibility for excluding pupils; agrees that the future policy on behaviour in schools should be informed by the survey currently being conducted by the University of Edinburgh on behalf of the Scottish Government, which will provide in-depth information on this area, and further welcomes the comments in the HM Inspectorate of Education report, Improving Scottish Education 2005-2008, in relation to secondary schools, which states "In almost all schools, climate and relationships are constructive and encouraging. While many schools have small numbers of young people with particularly challenging behaviour, any issues arising are usually handled effectively. Most schools have clear and concerted strategies for promoting positive behaviour"."

09:30

Ken Macintosh (Eastwood) (Lab): What do parents want and expect when their child goes to school? Probably top of most families lists would be for their child to learn to read and write, but the next big anxiety is that their child will have friends and get on with their classmates. No parent wishes to hear that their child is being bullied or to feel that they are not safe in school or are not behaving in class. However, in too many schools in too many parts of Scotland, that is still the major cause of concern for parents.

Labour members are grateful to the Tories for lodging a motion on such an important subject,

although we have proposed an amendment that we hope reflects more fairly some of the good work that has been done in recent years and which flags up a clearer direction of travel. We can and should expect the highest standards from our children, but discipline is not the sole preserve of the classroom teacher or headteacher. Discipline begins in the home and we need to work with all who are involved—pupils, teachers, the wider community and, most important, parents—if we are to make progress. I am afraid that it is not enough for the Government to say that it supports positive behaviour, a partnership approach or early intervention—sufficient funds must be in place, too, but unfortunately that is no longer the case.

Although our amendment would delete the part of the Conservative motion on the publication of national discipline statistics, I appreciated the gentle dig from the Tories about the SNPs hypocrisy on that issue. I, too, remember Fiona Hyslop berating her predecessor Peter Peacock when he insisted on moving to three-yearly surveys. I remember her using what I thought was the unlikely and Schwarzenegger-like phrase, "You can run, but you can't hide." Who is hiding now, Ms Hyslop?

The Cabinet Secretary for Education and Lifelong Learning (Fiona Hyslop): One benefit of being in power is that it allows us to identify a great deal of variation between local authorities. The lack of robustness in the annual statistics was not helpful, as I think Liz Smith suggested. Does Ken Macintosh agree that it is important that we get accurate and consistent information, which is exactly what the current survey is doing?

Ken Macintosh: It is good to hear Peter Peacock's words come back from Fiona Hyslop's mouth. At least the cabinet secretary has recognised the error of her ways in moving from opposition to government.

I worry that the Tories answer to poor discipline lies in compiling league tables of indiscipline and—if I am to believe suggestions that I read in the newspapers this week—in private boarding school for the recalcitrant few. There is a whiff of the 1950s about some of the Tory policies. I wonder whether we will hear any of the Tory members say, "Bring back the cane."

Murdo Fraser: Will the member give way?

Ken Macintosh: Ah, yes—or the tawse.

Murdo Fraser: On the subject of ancient history and rewriting the past, I was interested to read in Mr Macintosh's amendment a reference to

"the significant steps made by the previous administration" to do several things, including

“the removal of restrictions on head teachers to exclude pupils if necessary”.

Will Mr Macintosh remind us who introduced those restrictions in the first place?

Ken Macintosh: To go slightly further back, I remind Murdo Fraser that the Parliament and the Labour Government took the important step of promoting inclusion in Scottish education. That has made a big difference, as it has ensured that children from all backgrounds are included. However, we also recognise that inclusion at all costs is not a supportable policy. I was pleased when Mr Peacock recognised that and changed the policy.

I am not sure whether we will agree on the amendments and motion, but we can agree on the nature of the indiscipline problem in our schools. Before I go any further, it is worth mentioning, as Liz Smith did, that most pupils in most schools are well behaved. I suspect that we also agree that the biggest problem is caused by low-level indiscipline, such as cheek and noisy behaviour, which is the most wearing on teachers and distracting for pupils.

There is good practice, too. I welcomed the list of measures from Mr Brown, most of which were Labour initiated—staged intervention, campus cops, restorative practices, buddying or mentoring schemes, to mention but a few—but I worry that the culture is such in some schools that bad behaviour is still played down; it is not ignored, but it is certainly not given the priority by school management and education authorities that it is by teachers, parents and, most of all, pupils.

We know from the work of the three-yearly survey that headteachers have a more positive view of school behaviour than their teaching staff and that parents and pupils have both the greatest levels of anxiety and the strongest desire for tougher sanctions. If schools are not open, transparent and, most of all, supportive, particularly when it comes to dealing with bullying, how can we expect in turn the support of parents in tackling such problems and behavioural issues?

May I just check, Presiding Officer—do I have five or six minutes?

The Presiding Officer: You were supposed to have four minutes, but I can give you another minute.

Ken Macintosh: I had noticed the anxious stares and was trying to work out what I had done wrong. Well, to sum up—[*Laughter.*]

We have fallen behind England, where a policy has been introduced that allows teachers to discipline pupils. There are more positive aspects, too. For example, work that is done by organisations such as Afasic Scotland, which has

a display in the members lobby this week, points up the importance of early intervention. However, if policies such as that, the early years strategy and continuing professional development for teachers are not funded, and if we cannot do all the work that we need to do to promote teachers and to increase, instead of cut, their numbers and those of classroom assistants, we cannot put such policies into practice. It is not enough to mean well; we have to deliver those policies.

I move amendment S3M-4067.1, to leave out from “notes” to end and insert:

“supports all appropriate measures to uphold the rights of teachers to teach and pupils to learn in a disciplined environment; notes the significant steps made by the previous administration to achieve this including the setting up of the Discipline Task Group, the removal of restrictions on head teachers to exclude pupils if necessary, the use of special units, support for teacher training, reduced class sizes and more classroom assistants, and calls on the Scottish Government to address the recent decline in teacher numbers and support staff, including behaviour support staff, and to work in partnership with key stakeholders to put in place a framework for a discipline code in every school incorporating rights and responsibilities for head teachers, teachers, parents and pupils.”

09:37

Margaret Smith (Edinburgh West) (LD): I welcome today's debate. I stand here as someone who had more than a passing acquaintance, in my youth, with Lochgelly's most famous product. I recall that every time I was belted in school, it was for talking too much—colleagues can make up their own minds on whether corporal punishment is successful and effective.

Discipline is a crucial issue in our schools. Although most pupils behave well, disruption takes teachers away from teaching. The consequences are substantial for those who are excluded and, most important, for their classmates.

We all know that teachers have to deal with a wider range of social and behavioural problems than ever before. Problems of indiscipline at school cannot be separated from wider social change and issues that arise from the challenges of inclusion. Those who are most likely to be excluded are children with social, emotional and behavioural difficulties, those with additional support needs, looked-after children and pupils who are entitled to free school meals. Those are the very pupils who benefit most from education, which is why it is right that they continue to have a right to access education. However, it is also important that we look at the curriculum and the alternatives, whether they are college-based vocational courses, or school or off-site solutions for those who fail to engage and those who cause trouble.

We should be in no doubt about the impact on those who are excluded repeatedly. Having previously been a justice spokesperson, I met young people who have been failed by their families and the system. They are the young men, in particular, who end up in Her Majestys Young Offenders Institution Polmont. They are the prisoners in our prisons who have a reading age of eight or nine, if they are lucky. Very often, they are young men and women whom a nursery teacher would have been able to point to at the age of two or three and say, "That's the child who may be at greater risk of ending up in those circumstances." That is why early intervention and intensive literacy and numeracy work are so important—so that people understand what is being taught and continue to engage in class rather than drift away into a very different future.

Although the vast majority of teachers still say that persistent, low-level disruption takes up more of their time, the escalation of violence has led to councils such as the City of Edinburgh Council putting police link officers into local high schools. The latest figures show that 4,831 pupils were excluded for physical assault against another pupil, a further 1,000 for assault against a member of staff and a growing number of others for physical assault with a weapon of one sort or another. However, the vast majority continue to be excluded for persistent disobedience and verbal abuse.

In government, we showed our genuine commitment to addressing indiscipline and disruptive behaviour. We achieved marked improvement through our better behaviour, better learning strategy and the establishment of the discipline task force, which is still in place. We developed a range of initiatives, including staged intervention, behaviour co-ordinators, restorative practices, nurture groups and motivated schools and we funded them all.

It is heartening that the vast majority of teachers surveyed, in the Wilkin study for example, acknowledge that measures are available to promote positive discipline, and that the HMIE 2005 report, which has been mentioned already this morning, made it clear that overall progress was good.

The Scottish Government leaflet that was published last year, "Improving relationships and promoting positive behaviour in Scotlands schools", amounts to a continuation of the work begun by the former Scottish Executive. It is rather galling then that, when in opposition, Fiona Hyslop and others spent their time attacking reviews and initiatives and yet all we heard about today from Keith Brown were reviews and initiatives.

Fiona Hyslop was clear about what needed to be done in a press release in 2005:

"Increasing the number of teachers and cutting class sizes is the key to improving discipline in Scottish schools. Today's proposal to increase the number of support staff is all about better management of a bad situation. What we need to do instead is attack school indiscipline at source, and that means reducing class sizes in all of Scotlands schools."

She also said:

"Its teachers we need, and an increase in the number of teachers to give us smaller class sizes. That's what the Minister should be looking at."

We agree, as does the EIS and the GTC.

To quote Barbra Streisand, it was "all so simple then". Is it not a pity that the SNP has so patently failed to deliver either of those crucial policies in Government? Our manifesto had clearly costed promises for 1,000 more teachers to reduce class sizes and improve discipline and a further 250 new and refurbished schools to inspire our children and our staff.

Each and every one of us knows how important headteachers are in shaping the ethos of a school. Research by Moray House school of education has highlighted the importance of the approach of senior management. It found that the attitude of senior staff and heads is the most important factor in explaining differences in exclusion rates between similar schools. In government, we devolved more powers to headteachers, but we believe that that process needs to go further to free them from enforced bureaucracy. Headteachers need to be able to address adequately the discipline issues that they face in their schools. Where possible, we need to see timeous solutions in schools. It makes sense for headteachers to make decisions about the children and circumstances that they know best.

I welcome the ministers comments about the complexity of statistics; other speakers have referred to comments by the EIS and others in that regard. Exclusion figures that were released earlier this year showed a decrease, which is to be welcomed, but it is clear that the figures do not show the full picture. Freedom of information requests submitted by the Liberal Democrats have uncovered large numbers of pupils who are removed from classes but are not classed as being excluded from the school roll. My colleague Hugh O'Donnell will cover that point in more detail.

It is vital that children who have been excluded from school are engaged in positive activities that are constructive and which help them back into the education system. We believe that there should be zero tolerance of violence in our schools, because everybody deserves to learn in peace and safety.

In government and opposition, we have supported alternatives to exclusion and we believe that it must be the last resort. We want to see a concerted effort to support local authority,

independent sector and voluntary sector schemes to intervene before schools have to resort to excluding pupils. Where pupils are being disruptive, it is vital that action is taken to address the negative impacts on the education of others.

I move amendment S3M-4067.2, to insert at end:

“and further believes that the Scottish Government should engage closely with pupils, staff, the voluntary sector and other partner organisations to improve formal and non-formal learning opportunities for young people to ensure that they are not excluded from education.”

09:43

Margaret Mitchell (Central Scotland) (Con):

Today's debate is long overdue, given the importance of tackling indiscipline in Scotland's schools. To put the matter in context, it is important to stress at the outset that every child deserves the right to learn in an environment that is conducive to their realising their full potential.

There is no disagreement about indiscipline being

“one of the biggest barriers to teaching and learning in Scotland.”—[*Official Report*, 20 January 2005; c 13733.]

That sentiment was expressed by the now Cabinet Secretary for Education and Lifelong Learning during First Ministers question time in 2005. Despite that, in Scotland today not only are incidents of indiscipline on the increase, they are becoming more serious and violent in nature. Ronnie Smith of the EIS summed up well the full extent of the problem when he said:

“Ask any teacher across Scotland about the most challenging part of their job, and you will receive near unanimity on the answer—the daily grind of maintaining effective discipline in the classroom.”

Let us be absolutely clear: it is unacceptable that persistently disruptive pupils are allowed to remain in mainstream classes causing havoc for the well-behaved majority, hindering their ability to learn and making teachers' lives a misery. What is the solution? There is no quick fix, but there is a need to send out a distinct and unambiguous message that persistent and serious incidents of disruptive behaviour, which worryingly increasingly involve a weapon, will simply not be tolerated in Scotland's schools.

That message must be backed by decisive action. In the first instance, it is crucial that the data identifying the number and type of exclusions are published. How on earth can the Scottish Government hope to begin to tackle the issue if it has no idea of the precise nature and extent of the problem?

At a time when the lack of parenting and parental co-operation with schools is sadly all too

evident, it has to be acknowledged that part of the problem—and therefore the solution—lies with a minority of parents themselves. Many of those parents had a bad experience of school as pupils and now find themselves with a little bit of power that they are determined to use to undermine teachers and the discipline that schools impose. More work has to be done to address that problem and promote positive parenting.

It is worth pointing out that with the increase in single parent families the presence of community police in secondary school campuses is having a number of positive effects that I can see in the area that I represent in Lanarkshire. Community police provide a male role model, which more often than not is absent from the families of many disruptive pupils; they help to establish a relationship with pupils to deter bad behaviour in and out of school; and they detect community crime early, as evidenced in Coatbridge, where an outbreak of graffiti was quickly recognised by the campus police officer as being the handiwork of a pupil, as identified from artwork and the doodlings on his jotters.

In the time available it is not possible for me to go into more detail about the necessity to remove persistently disruptive pupils from the school environment. As my colleague Liz Smith pointed out, the setting up of second chance units is certainly worth exploring.

I hope that the cabinet secretary will take that on board. If we achieve nothing else from this debate, I sincerely hope that the Scottish Government will ditch its preoccupation with reducing class sizes, which in itself will do absolutely nothing to tackle the disruptive behaviour in Scottish schools that is depriving far too many children of the opportunity to reach their full potential. The situation cannot be allowed to continue. I have much pleasure in supporting the motion.

09:48

Karen Whitefield (Airdrie and Shotts) (Lab):

Like all speakers today, I firmly believe that we must ensure that our teachers are able to teach in a safe and secure environment. It can never be acceptable for a teacher to be faced with threats of violence or actual violence. I support the many steps taken by Peter Peacock during his time as education minister to tackle indiscipline in schools and to ensure that headteachers had the lead role in combating violence against their staff.

It is important to recognise that the majority of Scotland's pupils are well behaved. While I agree that there is a need for firm and clear behaviour policies in our schools, as well as staff training and support, we also need to concentrate on how to prevent violence in our schools. That is why I will

focus the remainder of my speech on a more positive approach to pupil behaviour.

It is widely recognised that early intervention in antisocial and even criminal behaviour is the most effective way to challenge that behaviour. I will highlight an early intervention scheme that seeks not only to challenge and prevent disruptive behaviour but to improve the educational prospects of some of the most disadvantaged children.

Since 2005, North Lanarkshire Councils nurture group pilot has been running in a small number of primary schools. Two of those schools, Chapelside primary and St Serfs primary, are in my constituency in the most deprived communities in Airdrie. A number of children in the schools face complex problems, as indicated by higher than average levels of social work involvement and a relatively high percentage of looked-after children.

The aim of the nurture groups is to focus on early intervention through working with small groups of young children, usually from primary 1 to primary 3, with social, emotional and behavioural difficulties. Such children find certain elements of school life very difficult and exhibit a range of behaviours, including poor concentration, hyperactivity, underdeveloped fine motor skills, and speech and language problems.

The initiative is based on the theory and practice of Marjorie Boxall, a principal educational psychologist in Hackney. Recently, I had the privilege of visiting St Serfs primary's nurture service and was impressed not only by the dedication and commitment of the staff but by the relaxed atmosphere within the designated room. Such rooms usually have a living area, a kitchen area and a table for breakfast and snacks, which enable staff to work with young people on some of the most basic social skills and to provide a safe and relaxed environment in which to learn. Partnership work is also evident, with external professionals such as social workers, educational psychologists and speech and language therapists playing an important role in supporting children during their time in the group.

Headteachers have commented positively on the impact of the nurture groups, not just on individual children but on the whole school ethos. Improvements in the behaviour, attitude and social skills of some children have been evident not only in the units themselves but in the classroom, playground and canteen.

While we all want to ensure that firm action is taken against those who threaten or perpetrate violence in our schools, I am sure that we all agree that it is far better to take steps to prevent violence in the first place. Nurture groups, as demonstrated

in North Lanarkshire, can play a part in effecting such a change in behaviour.

The minister made a very brief reference to nurture groups in his speech. When the Cabinet Secretary for Education and Lifelong Learning winds up, will she state what she will do to ensure that nurture services are rolled out across Scotland? There is more to being a Government minister than saying that one agrees with something and that one welcomes good practice; one must resource and take seriously the responsibility of one's office. What will the Government do to support nurture services across Scotland?

09:52

Ian McKee (Lothians) (SNP): What disturbs me most about the Conservative motion is that while it is rightly concerned with the increasing number of weapon attacks by pupils—even though it reads as if the concern is with exclusions on that account rather than with the actual assaults—it does little except wring its hands over the issue, no matter what we were told by Elizabeth Smith in her introductory speech. The only positive statements are that punishments should be appropriate, whatever that means in this context, and that headteachers should be given more power to deal with indiscipline. What power? Do the Conservatives look back with nostalgia to the good old days when teachers ruled their classes with a rod of iron?

Elizabeth Smith: Will the member take an intervention?

Ian McKee: If the Presiding Officer gives me extra time.

The Presiding Officer: I will not give you extra time: you have up to four and a half minutes.

Ian McKee: Let me make some suggestions on the Conservatives' behalf. Look at the example from Charles Dickens's novel "Nicholas Nickleby", in which the tyrannical headmaster of Dotheboys Hall school, Mr Wackford Squeers, used the cane liberally and with some effect. The character of Squeers was based on the real life William Shaw, headteacher at Bowes academy in County Durham. Shaw made his pupils wash in a horse trough and sleep five to a bed, and he beat them if they did not kill all the fleas in their beds every morning. He allegedly beat one pupil so hard that he occasioned his death. This harsh treatment seems to have worked as there is no record of any Bowes academy pupil attacking another person with a weapon while that regime was in place.

Those days are thankfully past—perhaps beating culprits to death is going a little far even for those who approve of hanging and flogging.

However, members of the Conservative group who went to schools such as Eton or Fettes may remember, as I do, and wish to reintroduce, although I do not, the beatings with a cane that left bruises that would be of great interest to today's social workers. The rumour was that a silk handkerchief inserted under your pants mitigated the effect of such a beating, but I assure members that that was not true.

Other members of the Conservative party might look back with fond memories to that favourite tool of Scottish teachers, the famous Lochgelly tawse, which Margaret Smith loquaciously proved to be ineffective. I am sure that those members already know this, but I inform other members that they can still benefit an industry in Helen Eadie's constituency by purchasing a tawse via the internet. I will happily give details to other members in private after the debate, if they wish.

The Presiding Officer: We would be grateful if the member returned to the subject of the debate.

Ian McKee: Indeed. The cost of tawses varies: it is £100 for a lightweight model, which is suitable for use in primary school to achieve the discipline that the Conservatives so wish for; or, for secondary school, one can buy the magnificent extra-heavyweight three-tailer for £250. They are only available for sale to teachers who wish to keep discipline in their schools according to the Conservative motion, as the manufacturer frowns on what it regards as the misuse of tawses in the adult entertainment market.

Jackson Carlaw (West of Scotland) (Con): Can Dr McKee tell us whether he is recollecting recent suffering induced by all those items of torture or whether he is casting his mind further back? It all seems very familiar to him.

The Presiding Officer: Once Dr McKee has done that, I would be grateful if he returned to the subject of the debate.

Ian McKee: After noting the Conservative interest, I looked up tawses on the net last night, and I have the details here if members wish to benefit from them.

Attacks by pupils using weapons never seemed to occur in the days when a Lochgelly tawse was to hand. Is that the disciplinary power that the Conservatives wish to bestow on headteachers in their motion? Let us review the facts: there is a small but totally unacceptable incidence of violence by pupils against their teachers and fellow pupils. The origins of such behaviour lie in society—and the lack of community that was so encouraged by Margaret Thatcher—outside the school, which is where the problem must be tackled.

There is a place for punishment and exclusion, and the rights of teachers to teach and pupils to learn must be respected, but offending pupils also have needs. A high proportion come from fractured backgrounds, and they and we will suffer further if they are simply demonised. No child should be a lost cause; every case is different, and most schools have clear and concerted strategies for promoting positive behaviour. The SNP and Labour amendments positively reinforce those strategies, and I will support them both at decision time.

09:57

Johann Lamont (Glasgow Pollok) (Lab): I am not sure that I can follow Ian McKee's speech. I think that I would be ill advised even to attempt to do so.

Dr McKee's last points were significant, although it is unfortunate that he dwelt on a false debate at the beginning of his speech, which I do not think anybody really wants to talk about. The challenge for him is to square his view with what the SNP is doing in our local communities, and to understand the wider social issues.

I should declare an interest: I am a parent of children in late primary and early secondary school; I was a behaviour support teacher who, in an education support base, and as part of a broader team, latterly worked with youngsters to hold them in mainstream education; and I am someone who seeks to represent the views of constituents, such as youngsters who are bullied or intimidated in schools or who are struggling because they have not got the appropriate support in school.

I was concerned by what appeared to be the ministers' tone of complacency. Indiscipline is not just a problem now—it has always been with us—but the test for the Government is whether what it does makes the problem better or worse. I contend that, at the moment, the Government is making it worse.

I find it frustrating that when we talk about school discipline, we want to separate it off and put it in a policy box away from the broader issues. We talk about knife crime in schools, but it is disturbing that the Government is rolling back more broadly its policy on knives and the retail of knives. We cannot separate those issues.

We ought not to talk about indiscipline in schools as if it were one issue. There are issues to do with the appropriateness of the curriculum for some youngsters, and there is an issue around parents who mollycoddle their children so that the children go to school never having been told, "No." That difficulty, which is not specific to poor communities, must be challenged.

Some children who come to school are living in the most chaotic circumstances. We do not know—and neither does the Government, as it has not sought to find out—how many children are living with parents who have an addiction. Do we imagine that those children, who have to learn to be resilient within their homes, somehow come to school able to stay calm and cope with what is demanded of them? I ask the Conservatives to reflect on the fact that for those youngsters, school is sometimes the only security that they have, and the most remarkable journey that they make every day is to get themselves to school. We should be hesitant about saying that we simply expect those children to learn somewhere else. We should perhaps have to take them out of the classroom, but not necessarily out of the building.

Do we imagine that for certain young people, being on the fringes of a young male gang culture in our communities does not impact on what they do when they go to school? I am troubled by the Governments approach to antisocial behaviour. It somehow thinks that getting rid of antisocial behaviour orders for young people is a positive thing, when in fact those orders are about engagement and challenging young people about their behaviour at an early stage.

Some of what is happening in schools reflects the broader concerns. We must ensure that our schools are confident enough to deal with poor behaviour, but we must also consider the causes of such misbehaviour and address it accordingly.

In the past, when young people from poor communities misbehaved, people shrugged their shoulders, tolerated it and said, "So be it." That is unacceptable: those young people deserve to have us challenge their behaviour, and we must recognise the importance of early intervention, early parental involvement and engagement beyond the school. We need to challenge the childrens hearings system, the social work system and others to work with schools in addressing those difficult problems.

The Government must confront some of the consequences of its own actions. The council tax freeze, which is a squeeze on funding, means the end of behaviour support, so that children who should be included in mainstream education are denied the support that allows that to happen. There is a focus on bringing down class size numbers in primaries 1, 2 and 3, while our young boys are falling out of the education system in the first and second years of secondary school—and the numbers are going up as a consequence of that focus.

There is a freeze on recruitment and an increase in the use of supply teachers in our secondary schools, which makes life uncertain for young people, stops the continuity of their learning and

has an impact on behaviour. The direction project in my constituency, which in the past was supported by youth crime prevention moneys, is now ending its support for five to 12-year-olds because of funding decisions by the Scottish Government, which will have consequences for the ability of those youngsters to sustain a mainstream education and will impact on the quality of learning for young people who desperately need an education.

There has been a reduction in the number of classroom assistants and in flexibility—

The Deputy Presiding Officer (Trish Godman): The member should finish now.

Johann Lamont: I will finish on a final point—there has been a reduction in breakfast clubs, which have nothing to do with eating and everything to do with supporting children in the transition from their homes to school. School and education involve tackling indiscipline, but the broader social programme of funding and resources that the Government provides for communities is critical to addressing the problem inside and outside our schools.

10:03

Maureen Watt (North East Scotland) (SNP): I had hoped that my self-denying ordinance not to speak on education-related matters would last a bit longer, but when I saw the motion it was a case of haud me back.

The debate has nothing to do with our pupils, teachers or schools, and everything to do with the Tories pandering to the readership of the *Daily Mail* and promoting the private education sector at the expense of the public one. The record on school exclusions in the past two years, which has built on the foundations that were laid by the previous Executive, has been one of very good progress and is likely to continue to improve. The main reason for that is the enthusiasm with which many schools have embraced the positive behaviour initiative.

Elizabeth Smith: Will the member take an intervention?

Maureen Watt: I could speak about the issue for 40 minutes, never mind four, so I will not take any interventions.

We can clearly see that there has been a dramatic effect in school communities that have embraced positive behaviour methods. That is happening throughout Scotland, as each education authority has an officer who is dedicated to helping schools to introduce those methods. I cannot praise enough the positive behaviour team in the Scottish Government, who travel around the country offering advice and support. It is not just

public authorities that are working on the issue; I congratulate UNICEF UK and Bruce Wilkinson on introducing the rights respecting school initiative, through which children learn that they have rights but also responsibilities to ensure that those rights are respected. The majority of primary schools in Fife are adopting that initiative and are seeing real improvements in behaviour. Schools that have embraced positive behaviour, whether through the rights respecting school model, restorative practice, being cool in school or other methods, are experiencing a calmer, more positive atmosphere, which is more conducive to learning, and, crucially, teachers are reporting that they are much less stressed.

There is no denying that there is some way to go. It is much easier to introduce positive behaviour from day one of a child's school life, but the fact that it is being introduced in secondary schools shows that it can be introduced at a later stage.

If Inshes primary school in Inverness, which welcomes children with learning difficulties, can manage without any exclusions, other schools can do so, too.

We all acknowledge that there will be a very small number of disturbed children who might not respond. Prison governors tell us that as long as there are drugs in our communities, there are likely to be drugs in our prisons. In the same way, as Johann Lamont articulated thoughtfully, as long as children's family members are carrying knives on our streets, there remains the possibility that knives will enter our schools. In such cases, the child concerned must be assessed and treated individually by a number of agencies to determine the best way to deal with their offending behaviour.

Nothing should be ruled out. Headteachers can and should use exclusion, but they must consult local authorities, so that children are not just left to roam the streets and create further mayhem during their exclusion. Removal to a different setting might work in some cases, but, often, it leads to even more resentment and frustration when the individual is removed from their family and friends, and it does not lead to long-term behavioural change. Borstal regimes in modern buildings that are provided by private companies that charge the local authority huge sums are not necessarily the panacea for all ills in this area.

We must always focus on the child's needs and welfare. I urge the Government not to be blown off course by the motion.

10:07

Claire Baker (Mid Scotland and Fife) (Lab):
For our children to learn, teachers have to be able

to get on with their job and they need support through resources and the school culture and from the community.

Debates around school discipline often seem to focus on problem children disrupting the studies of the well-behaved majority. There often seems to be an implicit assumption that if those problem children were separated from the rest, all would be well, and that the inclusion agenda has caused the problem. However, that analysis is too simplistic. School indiscipline is not always about problem children. Often, it is about problems at home, problems with literacy, bullying, undiagnosed health or learning problems and, sometimes, there are problems with individual teachers.

We should not be surprised that while antisocial behaviour by and against young people has become more of a concern in our communities, it has also become more of a concern in our schools. The statistics are concerning. Although we have seen an 11 per cent decrease in the number of exclusions, we have to be assured that that has happened for the right reasons. As has already been said, exclusions for carrying a knife increased by 28 per cent last year. However, thankfully, such extreme behaviour is still perpetrated by only a small minority. General, day-to-day, low-level disruption is much more common and much more corrosive.

As has been said, the previous Executive did a great deal to address the issue, including setting up the national discipline task group and other actions that are outlined in the Labour amendment. However, more is required from the Government.

Overall, we need parents to take greater responsibility. The behaviour displayed in school is a reflection of behaviour in wider society, so we have to work with families in communities throughout Scotland to reduce antisocial behaviour in schools. We have to encourage families to value education and involve them more in education in school, and in education in general, so that it is not alien or irrelevant to them.

Last year, the Minister for Children and Early Years and I visited Cupar nursery, which provides a good example of integrating children's education with parents' education in partnership with Elmwood College.

Schools have to have the resources to identify problem behaviour and its cause and to intervene to address it. Tackling illiteracy and bullying and identifying learning difficulties or health problems at the earliest opportunity is crucial. Cuts in school budgets and the numbers of teachers, classroom assistants, support staff and truancy officers will do nothing but harm in the area of school

indiscipline and to Scotland's education system in general.

Schools need the correct leadership to get the culture right for children and staff—members have commented on the importance of headteachers in that—so that pupils know where the boundaries are and teachers are supported fully when those boundaries are crossed.

At the extreme end, when we are talking about exclusions leading to expulsions, we have to ensure that the alternatives to school are working properly. We have to ensure that children know the consequences of their actions while minimising the long-term damage to their education and life chances. A temporary exclusion is a punishment and, we hope, a wake-up call, but it should also be an opportunity to intervene with the child and the family. Having a child at home for a few days, excluded from school, sometimes serves the needs of the school but not the needs of the child.

To improve school discipline we must address problems as soon as they arise, and we must consider not just the poor behaviour but the reasons for it. We have to get school right for the majority of well-behaved children, but that cannot be done at the expense of cutting loose the minority for whom school is not working. We cannot write off any child at any age.

I hope that the SNP raises its game, as someone said recently. So far under the SNP Government, education has not been given the priority that it deserves. I hope that the Government makes changes fast, so that our schools, teachers and pupils get the support from the Government that they deserve.

10:11

Hugh O'Donnell (Central Scotland) (LD): I do not think that anyone doubts the importance of good discipline in our schools or questions the unacceptability of aggressive or violent behaviour or the extent to which our pupils' academic studies can be disrupted by bad behaviour. As Ken Macintosh said, disruption in schools is often of a low level, but the frustration that classroom teachers feel when they face it can manifest in unacceptable ways, such as in the case to which Liz Smith referred in her opening speech.

Although the Tory motion seems reasonable, it reveals a lack of understanding of the complicated nature of school indiscipline. Johann Lamont's speech was particularly thoughtful, and she explored many of the issues.

I was disappointed to hear Maureen Watt refer to borstal, which is a term from the past. I am quite sure that the Church of Scotland, which runs the Ballikinrain residential unit, would be a little

disappointed to hear its facilities described in those terms.

I was equally shocked by Dr Ian McKee's wide-ranging knowledge of corporal punishment. I did not expect that from the SNP.

Notwithstanding the merits of the Tory motion, it is narrowly focused. "Remove, expel and punish children" seems to be the mantra. If we do that, we will simply consign another batch of our most disadvantaged young people to disaffection and economic and social isolation.

Margaret Mitchell: Does the member acknowledge that implicit in our motion is the idea that children would be removed in order to address their offending behaviour, and then returned to mainstream education?

Hugh O'Donnell: Yes. Various Conservative speakers have made that point, but I would be happier if that were in the motion.

As with too many issues, there is the danger that behaviour will become generational. We will not fix the behaviour of many youngsters unless we fix the chaos in their lives. Simple exclusion on its own will not fix that.

For the most part, headteachers have the authority and responsibility to address indiscipline in their schools. Our political obsession with trying to make capital out of the numbers game in relation to exclusions and suspensions undermines that, and sometimes has a negative effect on how local authorities deal with discipline.

No matter how we calculate them, the figures that we and the Government get are nonsense, because local authorities use a variety of strategies, which means that the figures are not accurate. Some young people who have been excluded from mainstream school remain on school rolls despite being taught in other facilities, simply because of the political imperative for local authorities not to be in the headlines as having the worst-disciplined schools in the country. We need to find a way of remedying that. We must be honest and have some integrity about the figures that we ask local authorities to produce.

Fiona Hyslop: One of my concerns when I came into post was the variability of the figures. They can be relied on to an extent, but does Hugh O'Donnell realise that there is a contradiction between saying that the surveys are inaccurate and the Conservatives call for us to produce them more regularly even if, as he says, they are not robust?

The Deputy Presiding Officer: Mr O'Donnell, you should be finishing.

Hugh O'Donnell: I apologise to the cabinet secretary for not having a chance to respond to her point.

Early intervention is the key. Karen Whitefield referred to nurture groups, of which I am a firm supporter, but there are alternatives. Community alternatives in my region and the inclusion zone in St Maurices high school are good examples of innovative practice that need to be rolled out. We do not need a narrowly focused reaction from any political party.

10:16

Rhona Brankin (Midlothian) (Lab): Margaret Smith referred to being belted for talking too much; I am afraid that I stand guilty as charged.

Johann Lamont referred to her experience of working with pupils with emotional and behavioural difficulties. I, too, spent many years running a behaviour support base in a secondary school, so I welcome the opportunity to discuss and debate school discipline. It is a serious issue and it is at the front of every teachers' mind in a variety of ways.

Many members have referred to the vast majority of pupils in schools throughout Scotland who behave well and work hard every day of the week. We acknowledge that. As members have said, it is persistent low-level indiscipline that makes teaching difficult at times—in fact, often. However, there is also a small minority of pupils who make teaching impossible. That can happen, so it is vital that we ensure that every school has a discipline code that sets out clearly the responsibilities of pupils, teachers and parents and that gives clear guidance on the steps that should be taken to provide a safe and secure environment, as well as clarity on the exclusion process. Headteachers must be able to exclude the worst-behaved pupils, so I welcome the fact that the previous Government introduced that power.

We must also ensure that schools have a range of resources and strategies to tackle ill discipline—from minor to serious incidents—and to tackle the at times violent incidents that we have also discussed and which it is important to discuss. That requires a whole-school approach to promoting positive behaviour, but there must also be a continuum of physical provision inside and outside schools. Behaviour support bases are necessary not only in schools but off site for pupils whose presence in school is unacceptable or too disruptive. However, given the current rate of investment in schools and the Government's failure to implement its Scottish Futures Trust, that is a rather vain hope.

Many pupils require support in school. As a former teacher, I recognise the challenges of maintaining discipline, which is hugely important. That is a massive issue for pre-service training, and we must also ensure that in-service courses are run to support teachers in those challenges. However, there is evidence of cutbacks in behaviour support staff, and we know that teacher numbers have fallen by 1,000 in only one year. That is simply not good enough.

Karen Whitefield referred to important work on development of nurture units in her constituency and in Glasgow. We have a lot to learn from those.

I have concerns that the Education (Additional Support for Learning) (Scotland) Act 2004 is not working as well as it should for pupils with social, emotional and behavioural difficulties. Few such children have been assessed for co-ordinated support plans, although they are among the pupils who require the most intensive interagency work. That is a serious problem.

The Labour Party welcomes the opportunity to debate discipline in schools. Every Labour member supports Scottish teachers and knows that discipline is a major issue for them. We need to ensure that we have information that accurately reflects what is happening in schools, which is why we support the survey on behaviour. However, I welcome Keith Brown's reassurance that that survey will be kept under review.

If the Government is serious about tackling indiscipline, it must halt and reverse the fall in the numbers of teachers and behaviour support staff and it must implement the Scottish Futures Trust to ensure that schools have a range of up-to-date physical provision for teachers who deal with difficult and challenging behaviour.

10:21

The Cabinet Secretary for Education and Lifelong Learning (Fiona Hyslop): The Government is committed to promoting positive and peaceful learning environments in our schools. The starting point for learning is a positive ethos and a climate of respect and trust, based on values that are shared by all the school community, including parents. All members of staff should contribute through open, positive and supportive relationships in which children and young people feel that they are listened to, and staff should model behaviour that promotes effective learning and wellbeing within the school community.

I am pleased that members from all parties have emphasised the fact that the majority of pupils are well behaved—the pupils who are in the public gallery will recognise that message. However, a minority of pupils are not well behaved. Any

violence against school staff or other pupils is absolutely unacceptable, so when children or young people are involved in offending behaviour, we need to work in partnership with other agencies, including criminal justice agencies, where necessary.

The Government is committed to working with local authorities to support schools to introduce the most effective approaches to promoting positive behaviour. We have formalised the discipline stakeholder group, which comprises the Association of Directors of Education in Scotland, the General Teaching Council for Scotland, HMIE and all the teaching unions. It is now a permanent Scottish advisory group on behaviour in schools for national and local government, and co-chaired with COSLA. Through a sub-group of that new advisory group, we will develop and promote guidance and best practice on improving relationships and promoting positive behaviour.

We will continue to be supported by the positive behaviour team, which is funded with £500,000 to work with local authorities and others to promote positive behaviour policies. Maureen Watt identified that many of those policies are making significant progress, including work on restorative practices, solution-oriented approaches, curriculum programmes in social, emotional and behavioural skills—which Johann Lamont touched on—and nurture groups. I say to Karen Whitefield that we have organised and run three national training events on nurture groups and that HMIE is currently evaluating that approach, which will help in the sharing of best practice.

Tackling poor behaviour is not only about punishment. Restorative practices, for example, are about working with peers, staff and other agencies to make children and young people face up to their responsibilities and the consequences of their actions. We will also continue to fund the pupil inclusion network Scotland—which networks voluntary and independent agencies that work with disengaged youngsters—so that policies and good practice can be shared across provision for children and young people wherever they are educated.

I look forward to the findings of our national evaluation of campus-based police officers in schools. It is under way, is due to report in the autumn this year and will inform local decision making.

Johann Lamont: Does the minister share my concern about campus police officers being withdrawn in my constituency?

Fiona Hyslop: The evaluation of the role of campus police officers that will report in the autumn might be helpful in progressing the positive actions that are being taken throughout

the country and might inform the situation to which Johann Lamont refers.

I also look forward to seeing what the survey on behaviour in Scottish schools later this year tells us about low-level indiscipline and more serious indiscipline and violence, as well as the wide range of approaches that schools and local authorities employ and the training and support that staff receive.

We are developing guidance on school exclusions—Hugh O'Donnell will be particularly interested in this point—which will be published for consultation this year. It will provide an opportunity to address how we work with children and young people who persistently misbehave in class. Staged interventions of joint assessment and planning for children with behavioural needs are well embedded, but we need to develop and innovate continually to ensure that all children and young people are included in, and engaged with, the new curriculum.

Local authorities can and do devolve powers to headteachers to exclude. In practice, temporary exclusions, which account for 99 per cent of all exclusions, are devolved to headteachers. Where a headteacher wants to remove a pupil from the register, local authorities retain that power in practice because they are responsible for the continuing education of the child or young person.

I congratulate schools and local authorities on their concerted efforts to reduce exclusions significantly—not as a target-driven process, as it was in the first half of the devolution decade—through early intervention and preventive work. Schools are developing strong behaviour policy codes for pupils and staff. I do not underestimate the drip-drip effect of low-level indiscipline or the problem of more serious negative behaviour. I value the input of the Scottish advisory group on behaviour in schools and I look forward to working with it as the research findings come through.

Ken Cunningham, general secretary of School Leaders Scotland, stated in *The Herald* on Tuesday 27 January 2009 that

“the government, schools and the teaching unions have worked together to come up with a range of strategies to reduce exclusions and that has shifted the focus towards doing the best for all young people—those who are disruptive and those whose education is being disrupted. That has led to the introduction of a range of behavioural strategies dealing with the underlying problems being faced by a disruptive child—and we have also looked at making the curriculum more interesting and more flexible to give pupils a wider range of options, such as going to college. Taken together, these strategies have had an impact on the number of exclusions as these new figures show.”

I agree with that sentiment and I support the SNP amendment.

10:26

Murdo Fraser (Mid Scotland and Fife) (Con):

This has been a useful debate, which Elizabeth Smith ably kicked off. Members will probably agree that the most memorable speech was from Dr Ian McKee. In an entertaining but utterly irrelevant speech, he demonstrated a decidedly unhealthy interest in the details of corporal punishment. I am surely not the only member who is concerned that Dr McKee spends his evenings surfing the web checking the prices of various instruments of punishment.

For the benefit of Dr McKee, I should say that most Conservative members of the Scottish Parliament went, as I did, to comprehensive schools. We have no old Fettesians on the Conservative seats. Some might say that it is a sad reflection on the modern Conservative party that we are down to our last old Etonian.

Maureen Watt displayed the sunny disposition that was the hallmark of her tenure as Minister for Schools and Skills. She seems to think that all in the garden is rosy, citing the 11 per cent fall in exclusions last year as a sign of good progress. However, that is not the full picture. Indeed, as Elizabeth Smith said at the start of the debate, when that statistic was published, it generated a robust response from the teaching unions, including the SSTA. Jim Docherty, acting general secretary of the SSTA, said that the released figures bore no relation to the real situation in Scotland's schools. Other statistics are equally concerning. The number of exclusions for physical assault with a weapon went up from 286 in 2006-07 to 366 in 2007-08, and the number of exclusions due to drinking alcohol increased from 332 to 383 in the same period.

Fiona Hyslop: Which of the statistics does Murdo Fraser believe?

Murdo Fraser: Unlike the cabinet secretary, I believe what those at the coalface—the teachers and parents of the pupils—tell us. They are the ones who express real concern.

On statistics, it is a remarkable conversion for the cabinet secretary to take a completely different stance today from her stance in opposition. In January 2005, during First Ministers question time, Fiona Hyslop asked the then First Minister, Jack McConnell why the Executive had moved from producing an annual survey of discipline to producing one every three or four years. Mrs Hyslop, with righteous indignation, raged at the First Minister, asking what he had to hide by not publishing the statistics annually. Well—the transition from opposition to government has changed Mrs Hyslop's mind on that issue, as it has on so many others. I do not know whether the civil servants have got to her.

Rhona Brankin: Will the member give way?

Murdo Fraser: I will give way in a second.

The fact is that Mrs Hyslop is not prepared now to publish the statistical information annually.

I was interested to hear what Mrs Hyslop said about the survey that is being done because we—of course—want accurate information. However, why did she not know that three years ago when she was in opposition? Surely an Opposition spokesman worth his or her salt would have known the facts before attacking the other party.

Rhona Brankin: As my colleague Ken Macintosh said, we welcome Fiona Hyslop's conversion. Is it not the case that, as far as the Conservative party is concerned, there have been somewhat large changes in tack and approach by Mr David Cameron? Is there anything wrong with that?

Murdo Fraser: Mr Cameron does many things excellently, of course.

All we are calling for in this instance is consistency between what parties do in opposition and what they do in government. On that note, I say to Mrs Brankin that the Labour Party has gone in the opposite direction and is doing exactly the same trick. As I pointed out to Mr Macintosh in an earlier intervention, the Labour amendment refers to

“the removal of restrictions on headteachers”,

and conveniently forgets to mention that the Labour Party introduced those restrictions, although Mr Macintosh had the good grace to acknowledge that when I intervened.

Let me reiterate a point that Elizabeth Smith made in her opening remarks. The great majority of pupils in Scottish schools behave well and only a small minority cause problems, but they cause disproportionate concern. The reality is that pupils like discipline. They want to have boundaries and to go to school in an environment in which they can get on and learn, and in which the classroom is not disrupted by fellow pupils acting in irresponsible and possibly dangerous ways.

Moreover, our teachers want to be able to get on and teach in classrooms in which they are not threatened by verbal abuse or, which is worse, by physical abuse or, which is worse still, by physical abuse with a weapon. Those problems are happening, but we simply do not do enough to tackle them. We have in our motion one suggestion as to how we should set about dealing with that problem.

We do not believe that it is right that a headteacher's decision to exclude a pupil should be second-guessed by the education authority. Indiscipline is dealt with far more effectively if the

final decision is left to the headteacher. It should be the headteacher, in consultation with staff, parents and pupils, who is responsible for drawing up discipline policies and ensuring that they are enforced. If we are to trust headteachers to do that and to take a lead, we must be prepared to trust them to take the final decisions. That means that a headteachers excluding a pupil should be the end of the matter. We should not see the headteacher undermined by education authority officials seeking to overturn that ruling.

We concur with the Liberal Democrat amendment; members made fair points about the voluntary sector and its good work. I have seen the work that Fairbridge does in helping youngsters who are excluded from school, and such work is very welcome. In that regard, I thought that Karen Whitefield made excellent remarks about nurture groups—I have seen a nurture group in operation—which fulfil a vital role. We require a menu of options and a range of solutions in this area, not just one. However, we must do more than we currently do.

Fundamentally, it is at school level that we will deal with the indiscipline problem, not with more top-down policies from the Scottish Government or, indeed, local authorities. If we set our headteachers free to run their schools, we will soon see a safer environment for the benefit of all our pupils and teachers. I am pleased to support the motion in Elizabeth Smiths name.

The Deputy Presiding Officer: I will allow a few seconds for members to change places. Be quick, please.

Community Courts

The Deputy Presiding Officer (Trish Godman): The next item of business is a debate on motion S3M-4065, in the name of Bill Aitken, on community courts.

10:34

Bill Aitken (Glasgow) (Con): I will introduce the motion in what I hope are consensual terms, with acknowledgement that while some things work in our justice system, some do not. We should not be inhibited about reviewing best practice elsewhere and incorporating it in our approach. We are all concerned about high prison numbers and—contrary to what the Minister for Community Safety might believe—Conservatives would like to see lower prison numbers. However, the most obvious way to achieve that is to achieve a significant reduction in crime. I am sure that there is nothing wrong with that premise.

In central New York—a city that for years was regarded as dangerous and, some might say, lawless—a new approach to crime was adopted some time ago. Much of that approach was about increased and more intensive policing, but the policy was also predicated on speedy and effective justice. An offender now comes before the court within 24 hours. Where a guilty plea is tendered, the sentence is immediate. In the vast majority of cases, the sentence is community service, although the range of options that are available to the court includes drug treatment, monetary penalties and custody. For community service disposals, the work begins immediately and is intensive and closely supervised. Work is also carried out with the offender during the period of his compulsory work: parts of the allocated time are used to give appropriate advice on health and employment issues.

It is important to stress that, in New York city, community service is not a soft option. Breaches are not tolerated and result in custody. The effect is that offenders recognise that the court must be respected and that the work must be done. There has been a positive reaction from a number of offenders, who have gone on to lead much more ordered lives. Many of them have found employment.

In the central New York area that is covered by Midtown community court, a 48 per cent reduction has been achieved in nuisance-type crimes such as breaches of the peace, thefts by shoplifting, prostitution and small-time drug dealing.

Another New York city court based at Red Hook works on a similar basis, although a degree of artificiality is perhaps caused by the fact that, due to slum clearance and a major motorway project,

the Red Hook population has been dramatically reduced. The court still does valuable work, however.

The need for more direct judicial intervention than is available under the conventional court system has been acknowledged by the Government by the inclusion in the Criminal Justice and Licensing (Scotland) Bill of a provision to allow for such interventions. The drugs court at Glasgow sheriff court is already allowed that greater degree of intervention and has, I think, been worth while. However, the drugs court has not—no matter how it is spun—been an unalloyed success. From my experience of having viewed the court several times, I think that its success is highly dependent on the approach that is taken by the presiding sheriff. At least one of the presiding sheriffs is prepared to intervene in a robust and direct manner that seems to pay dividends.

The Minister for Community Safety (Fergus Ewing): Does Bill Aitken agree that the drugs courts success is attributable not to the building in which it is located but to the way in which it operates, which is different from the traditional court process?

Bill Aitken: That was my point. There is room for such processes, but I would guard against the view that the drugs court has been the success that we all hoped for, although it has achieved a measure of success.

There is a unanimous view among those who have visited the New York courts. As Minister for Justice, Cathy Jamieson visited the city, and I know that current Scottish Government ministers have also visited. I have visited the city on two occasions and was extremely impressed. That unanimity of view has prompted the Scottish Government to do some initial work with a view to operating a community court in the east end of Glasgow. It is a matter of profound regret that that will now not proceed. The Government has proposed the view—which has some merit—that the cost implications of that work would have been considerable. I point out that the costs of fitting out the appropriate building and the associated property costs would have fallen in the current financial year, when we have no particular difficulty. With some imagination, the revenue costs in the years ahead could, I would have thought, have resulted in a significant reduction in the amount of money involved. Why could not some attempt have been made to apply lateral thinking?

Given that Mr Ewing's boss, Mr MacAskill, has stated time and again that offenders should be out on the streets working and paying back the community by the sweat of their brow, we need to consider—although I fully accept that we must not take work away from law-abiding people and that it

is not for the Government, council or other public body to act as a provider of labour gangs—what other things we could do. We could sit down and work those out collectively and achieve a solution.

Let us compare and contrast that proposal with what happens at the moment: fines are not paid, direct measures are ignored, and we have an appalling and absolutely unacceptable level of breaches of probation orders and community service. The current approach is not working. The value of the proposal would have been in its ensuring that such disposals were made to work and that local people would have seen work being carried out. That would significantly improve the attitude of the victims of crime and it would act as a deterrent to those who are likely to commit crime. Frankly, I think that it is very disappointing that we have not made further progress.

In Midtown, justice is visible and swift, but in our system, delays are endemic. I accept that the Midtown system is not, in some respects, totally cohesive with the Scottish legal system, but we could have worked out a solution by sitting down and considering the issues. Instead, the Government has simply carried out an exercise in accountancy and now feels that it would not work. The Government has lost a real opportunity to have an impact on crime levels and, in time, on prison population levels. When the Midtown project was started, the number of community sentences was minimal and the number of jail sentences was very high. After the system had been in operation for a few years, that situation was reversed, with the disposals being largely for community service and a fairly minimal amount of sentences of imprisonment being handed down. Because offenders know that a breach of an order will result in custody, the work is done, the conduct improves and crime is cut.

Even at this late stage, I urge the Scottish Government to think again.

I move,

That the Parliament notes with regret the decision of the Scottish Government not to proceed with the establishment of a community court in Glasgow; recognises that community courts based on the New York City model in Midtown can address patterns of offending behaviour by providing for swift and effective summary justice coupled with a range of rehabilitation services to break the cycle of reoffending, and believes that the recent action taken by the Scottish Government demonstrates its incoherent approach towards addressing crime and the causes of crime and to providing viable and robust alternatives to custody.

10:42

The Minister for Community Safety (Fergus Ewing): As members will see, my amendment shares some common ground with the Conservative motion, but on the big issue—the

coherence of the Governments strategy on crime—it will come as no surprise to anyone that we entirely disagree.

Let us first consider the areas of agreement. Bill Aitkens motion recognises the positive lessons that can be learned from the establishment of community courts such as those in Midtown, New York. I accept that point. I hasten to add that I have been on no foreign trips to New York—I get to go to places such as Aberdeen, Peterhead and Dumfries and Galloway—but, nonetheless, I learn from others that lessons can be learned from the practices that have been applied in New York. To some extent, I agree with the analysis of those who support that model.

However, the key point in todays debate—at least in respect of the wording of the motion and of the amendments other than our own—is that the essence of the New York model is not the building but how the services work together. That is the fundamental disagreement between where we stand in the debate and where other parties at least appear to stand—in so far as we can discern that from their amendments.

Mr Frank McAveety (Glasgow Shettleston) (Lab): Will the minister take an intervention?

Fergus Ewing: I will do so later. Let me just develop the argument.

The swiftness in starting the community payback sentence is what seems to be the holy grail for such courts, not the expense for a new building that the Conservative motion asks us to incur. I see that Mr Brownlee is listening with studious intent at this point.

Derek Brownlee (South of Scotland) (Con): If the minister is worried about the lack of capital funding for such a building, he might have a quiet word with Mr Swinney who, in next years budget, had allocated £20 million to a local income tax. Thankfully, that money is now available. A little word in his ear might draw some dividends.

Fergus Ewing: While we are on the topic of quiet words—not something I excel at—Mr Brownlee might wish to have one with Mr McLetchie and ask him why he supported the spending of £500 million on trams, which we sought to oppose. Two can play at that game.

The effective working together of all agencies to provide services is the key to delivery of the results that we all want. We did not dismiss the community justice centre concept out of hand. We appreciate the value of community courts in other areas, so we undertook a feasibility study to establish the costs of building and running such a centre and to identify the potential benefits but—it is a big “but”—the study showed that the cost of

the building would be around £3.73 million, which would need to be found from the public purse.

Robert Brown (Glasgow) (LD): Will the minister give way?

Fergus Ewing: Just a second.

The running costs would be around £750,000 a year. That money would have to be spent before any service gains were made. We must be realistic: in the current financial climate, the community court proposal does not offer best value for money.

Robert Brown: Is the feasibility study that underlies our discussion in the public domain, or will the Government put it in the public domain? It is an important document.

Fergus Ewing: I believe in complete transparency with regard to provision of documents that can properly and appropriately be made available in accordance with the rules and regulations that applied to the previous Executive. The same rules and regulations apply to this Government.

We will work with Glasgow City Council to establish how we can achieve the service gains that were sought from a community justice centre. We want to explore how payback can be targeted at the communities that are most in need of reinvestment, with a strong focus on community buy-in. We want to examine how local services can be directed to support people out of a lifetime of crime. Officials will meet Glasgow City Councils director of social work later this month. The council should be allowed to come up with local solutions to local problems, but we share its commitment to putting resources back into the communities that are most blighted by crime.

I hope that members will recognise that resources are not infinite—we are in a recession. We are told by the Government in Westminster that it is essential that we make cuts. The Labour Party in London criticises us and tells us that we must make deeper cuts. It is extremely ironic, and a tad inconsistent, that the Labour Party in Scotland calls on us to do the very opposite—to spend, spend, spend. It used to be the members of the Scottish Socialist Party—who, as I recall, were not known for having quiet words, either—who believed that every leaf of every tree was a high-denomination note. It now appears that that belief is shared not only by members of the Labour Party, whose strange view of arboriculture we are used to hearing about, but by the Conservatives. There is a new alliance of spendthrifts—Labour, Tory and Liberal members are all invoking us to spend, spend, spend.

The Government has a strong and coherent strategy to deliver a safer and stronger Scotland.

In such a short speech, I have not had time to address all the issues, but we most certainly will. We will continue to work with our partners in Glasgow to procure the best possible results as regards justice for their citizens.

I move amendment S3M-4065.3, to leave out from “notes” to end and insert:

“recognises that community courts based on the New York City model in Midtown can help to address patterns of offending behaviour by providing for swift and effective summary justice coupled with a range of rehabilitation services to break the cycle of reoffending; notes the decision by the project board for the Glasgow Community Justice Centre that in the current economic circumstances they should not proceed with the development of a new court building, and supports the joint work underway between Glasgow City Council and the Scottish Government to identify how best offenders can pay back for their crimes to the communities most in need of reinvestment and local services can be directed to support offenders out of a life of crime.”

The Deputy Presiding Officer: I call Richard Baker to speak to and move amendment S3M-4065.1. You have four minutes.

10:48

Richard Baker (North East Scotland) (Lab): Is that right? I was told that I would have six minutes.

The Deputy Presiding Officer: You have four minutes.

Richard Baker: Okay.

Scottish Labour has supported enthusiastically the proposal for a community court in Glasgow, which Labour ministers in the previous Executive were keen to take forward. It had been intended that the court would deal with some 2,000 cases every year, and its main aim would have been to deal quickly and effectively with criminal incidents and antisocial behaviour. When the plans were announced, it was hoped that the court would be up and running in 2009. The Scottish National Party is now in power and, although it is 2009, the court is not up and running. Indeed, the plan has been abandoned.

The situation that we have reached, in which an excellent proposal has been ditched, is deeply disappointing, so I welcome the debate. In pointing to the incoherence of the Scottish Governments policy, the motion addresses the nub of the issue. The Government seeks to expand massively the number of community disposals through what amounts to the abolition of sentences of less than six months, but it is failing to provide anything like the investment that is required to make such an expansion achievable.

As we have heard, the planned community court in Glasgow was based on proven models of success at Red Hook and Midtown, and in

England. Members who visited New York have said how impressed they were by the swiftness with which offenders are dealt—they usually appear in court a day after they have been arrested, and when sentences are awarded they begin there and then. That is a far cry from the situation here, in which only 1 per cent of sentences begin within the Scottish Governments seven-day target. We are nowhere near making the progress that the minister says that we need to make if we are to achieve the overall objective. A community court would have been a focal point for those efforts.

The sentences that are handed out by community courts, which involve work that is identified by the local community, are exactly the community payback that is supported across the Parliament. The idea of progress courts, which the Scottish Prisons Commission advanced in its report, was incorporated in the plans for the community court. It was proposed that the judge would play a key role in community engagement and that the new approach to sentencing would help to engender greater confidence in communities.

The cabinet secretary's approach threatens public confidence in community sentencing and will not advance community safety. Labour wants more use to be made of community sentences, and we advanced the principle of payback when we were in government. Although the Cabinet Secretary for Justice has proposed a trebling of community sentences, only a 20 per cent increase in funding is to be provided. At the same time, organisations such as Sacro are having their budgets cut, there is stasis on the development of the domestic abuse and drugs courts that were introduced in the previous session of Parliament, and there has been a 14 per cent drop in the number of drug treatment and testing orders. The decision not to proceed with the proposed community court leaves the SNPs policy without any credibility.

The Scottish Governments approach is a recipe for disaster in our justice system. We know that even many of those who support the abolition of sentences of less than six months have made it clear that the measure requires major up-front investment, which the Government is not providing. That message is conveyed in the Liberal amendment, which we will seriously consider supporting, and the motions description of the Governments strategy as “incoherent” is a good one.

We do not believe that the matter should be allowed to rest. The Governments amendment is entirely inadequate. The Government should reverse its decision and seek to continue to work in partnership with Glasgow City Council to

develop the plans for a community court. We have stated that we believe that the proposal can be afforded; Bill Aitken made the same point, Derek Brownlee suggested as much in his intervention, and we point out that the cabinet secretary has said that the Scottish Prison Service has made some £4 million-worth of VAT savings. There will be a real cost if we do not proceed with the proposal: a great opportunity will be lost to make progress on community sentencing in Scotland and to develop what could be a blueprint for delivery throughout the country.

The Scottish Government might believe that the proposed community court should not go ahead, but I am confident that the Parliament thinks that we should proceed with the idea. That is why we will support the motion.

I move amendment S3M-4065.1, to insert at end:

"and further believes that the Scottish Government should reverse its decision and seek to progress plans for a community court in Glasgow."

10:53

Robert Brown (Glasgow) (LD): The Conservatives have brought to Parliament a motion on an extremely relevant and topical issue. It goes to the heart of whether the SNP Government is serious about its programme of criminal justice reform, which the Liberal Democrats broadly support. We will support the Labour amendment, as the point that it makes is intrinsic to our amendment.

Mr Ewing said that he had not had time to deal with all the issues; the difficulty is that he did not deal with any of them. There is no question but that much of the current system is struggling, and the effectiveness of community sentences is patchy to say the least—42 per cent of those who receive them reoffend within two years. If we are to reduce that figure, such sentences must be implemented speedily, must be effective and must concentrate on tackling the causes of the offenders criminality. In many council areas, none of those requirements is met.

To its credit, the Government is trying to improve matters by replacing the 21-day commencement period with a target of seven days. There is some distance to go, given that last year only 2.16 per cent of community service orders in South Lanarkshire were inducted within seven days. The figure for Glasgow was only 29 per cent, which will now be worse because of the protracted strike that is affecting the service there.

Bill Aitken: Will Robert Brown give way?

Robert Brown: I will continue because I have only four minutes.

The Glasgow community justice centre and community court project involves an extremely dynamic and innovative concept that was set in motion by the previous Executive. As has been pointed out, it had sign-up across the political spectrum. A reforming policy that gets warm words even from John Lamont is reaching parts that other justice initiatives have failed to reach.

It is no wonder that the model has worked spectacularly well. It was pioneered in New York and carried through in Liverpool, and it has been adopted in other parts of the United States of America and in Canada, South Africa and Australia—it is not a new concept in any sense of the word. It would not be going too far to say that success in the Glasgow project, targeted as it is on the wards with the highest offending and the greatest concentration of multiple problems in Scotland, would slash national crime rates dramatically and improve the quality of life for many hard-pressed communities, to say nothing of salvaging the lives of some offenders, which are going to waste under the current system.

On any view, the community court model offers the potential for a new start on rehabilitative community sentences. It is a necessary precursor to the policy of replacing ineffective and costly short-term prison sentences with tough and effective community sentences. That is why the Liberal Democrat amendment puts community courts in the proper context.

An ominous silence had surrounded the community court project in recent months—no one knew what was happening—but we now know that it has joined the long list of the Scottish National Party's broken commitments. We understand that the independent business plan, which Mr Ewing has said he may be prepared to put into the public domain, refers to safer communities and success in reducing rates of offending, and predicts more accountability to communities. We believe also that there was a strong recommendation in the business plan for the community court to proceed, which has been ignored by the Government and the community justice authority. It is vital that it is put in the public domain—I am astonished that that has not happened in advance of the debate.

The exact trail of responsibility for the deplorable decision to abandon the community court is unclear; what is clear, however, is that responsibility lies with the justice secretary to reverse the decision by working positively with the community justice project board. The community court was and is about fast and effective justice—a spend-to-save initiative, as Cathy Jamieson has rightly described it. It is a dynamic way of revitalising community service and, as Bill Aitken rightly said, it can build community confidence in the ability of the system to deliver. Whatever the

difference of nuance about community courts, Parliament will speak clearly tonight on the matter and support the reinstatement of the community court concept. Thereafter, the justice secretary must listen and he must act.

I move amendment S3M-4065.2, to leave out from “and believes” to “custody” and insert:

“notes that the independent business plan in March 2009 anticipated numerous benefits from a community court project, including improved community safety, greater offender accountability and reduced rates of reoffending; believes that the cancellation of the community court project also undermines the Scottish Governments own stated commitment to replace short-term prison sentences with tough and effective community sentences, and calls on the Scottish Government to continue to work with the Community Justice Project Board.”

10:57

Bill Butler (Glasgow Anniesland) (Lab): I suspect that I was not alone in my great disappointment at learning last week of the decision by the Cabinet Secretary for Justice to abandon the Glasgow community court project. I sincerely hope that he understands—and I hope that he will tell his boss—that the news comes as a blow to the city, part of which I represent. My constituents have made it crystal clear to me that they want to see a fast, effective and responsive justice system in Scotland. That is exactly the model from which the cabinet secretary has made a conscious decision to walk away.

A lot of time, dedication and effort have been put into the proposals. Since 2006, an expert working group consisting of sheriffs, procurators fiscal, police and public officials has been developing the community court model to tailor it to fit Scotlands needs. Planning was at an extremely advanced stage, with Glasgow City Council receiving thousands of pounds to fund a detailed business case for the court—a case, I might add, that strongly supported the need for such an imaginative plan.

The report presented a strong and convincing rationale for the adoption of the community court model: it recognised its potential for increasing community safety by contributing to crime reduction; it acknowledged that it afforded communities and individuals directly affected by crime a real stake in the justice system through restorative justice projects; and it agreed that such a court would have the ability to begin to tackle unacceptable reoffending rates.

The Glasgow court was to be Scotlands first genuine community justice centre, bringing all the various justice agencies under one roof. It would be ready to respond quickly and effectively to the offence, to the offender and, importantly, to the victim. It is a model that understands that the

quicker that we get people into the system and the offence is appropriately dealt with, the sooner justice is served and the more faith the public have in the judicial system. It also provides practical benefits to the courts and an increasingly overcrowded prison system. That was highlighted by Clive Fairweather in a letter to *The Herald* on 21 April.

The unique “restorative justice” ethos of community courts not only means that offenders are properly punished for their behaviour but ensures that they pay back their debts directly to the communities that have had to suffer the consequences of their actions. For example, they provide swift, visible justice, often through supervised work schemes that provide environmental and other benefits to the community.

Additionally, community courts offer a range of support services aimed at effectively tackling the root causes of an offenders behaviour. Community courts can quickly identify and respond to an individuals circumstances and problems, such as addiction issues, and have agencies on hand to begin rehabilitation work. It is a proper balance. As Bill Aitken said, the model of Red Hook community justice centre is one that Scotland should follow.

Community courts present us with a real opportunity to change the way in which we view and dispense justice in this country. They are exactly the sort of innovation that the people of Scotland expected Government to introduce when they voted to establish the Parliament more than a decade ago. The SNP Governments decision is short-sighted and reactionary. Why is the cabinet secretary choosing to turn his back on such an imaginative, speedy and effective model of justice? If, as he is doing, he claims that it is a question of money, he and his boss are being penny-wise but pound-foolish.

The amendment in the name of my colleague Richard Baker states that

“the Scottish Government should reverse its decision and seek to progress plans for a community court in Glasgow.”

I understand that the Red Hook community justice centre in New York is known as the court of second chances. I hope that, at decision time, Parliament will vote for Labours amendment and offer the cabinet secretary that second chance. He and Mr Ewing should grasp it with both hands.

11:01

Nigel Don (North East Scotland) (SNP): Despite the rhetoric, it is clear that—perhaps unsurprisingly—there is a great deal of unanimity among members and that we agree that a community court would be a good thing.

Experience around the world would seem to indicate that such a court works.

We agree fundamentally that the point of such courts is immediate justice. Those of us who are privileged to be parents will understand me when I reflect on this. Let us suppose that my son and heir has just done something that he should not have done and that he knows he should not have done. I say to him, "Aye, lad. You shouldnt have done that. Well talk about it in a week and a halfs time." The absurdity of that as parental discipline makes the point that we all agree on: if our justice system is to have any reasonable effect on those who come before it, it needs to act swiftly.

As far as I can tell, the court that was proposed for Glasgow was about trying to get all the services in the same place so that the whole process could be fast. However, at the moment, alternatives to custody are not being implemented quickly, and there is no point in spending money on a building to put people in if the system is not yet working fast. We need to get the system to work fast.

I therefore agree with what I think is the ministers central point, which is that the money for the building is not the issue. Where we need to spend money, and where we need to change things, is in the systems around the court so that whatever penalty or community disposal comes up can be implemented quickly. That is not specifically about the building, although the building might help us to get people in the right place to do that.

Bill Aitken: Does Nigel Don agree that part of the success of Red Hook and Midtown in New York is down to the fact that the buildings, within those communities, are identifiable as where justice is administered and that the support services are located locally within those buildings, which enables speedy reaction?

Nigel Don: I do not think that that is in dispute, although if the support services were a few miles away it would not really slow down the process. That is why I commend the Governments insistence on continuing to work with the project board and the council to speed up the process of justice. That is what is important: it is not about a building, whether it is £3 million or £5 million.

I have heard members saying that the community court would be a good thing and that the Government should spend the money. In the current circumstances, with a fixed budget, we need to adopt the discipline of asking, "If were going to spend more money on this, wheres it going to come from?" It is not fair on any Government to ask it to spend more on something without telling it where the money will come from,

although I have heard some suggestions from members.

In my remaining seconds, I will talk briefly about the coherence of the strategy. To be fair, the Government has a strategy and is trying to make it work. The strategy is that the people in prison should be the people who need to be in prison—either for the protection of society, as is usually the case, or for their own protection—and that the people whose imprisonment would not benefit either them or society should be kept out of prison. That is very much the cheaper option, and in the long term it will be far better for society.

We need fast systems in place. Whatever non-prison disposals we come up with, they will have to work quickly or they will not work at all. I will stop now because I have come to the end of my time.

11:05

Cathy Jamieson (Carrick, Cumnock and Doon Valley) (Lab): This debate ought to be about the principles of justice and about how justice should not only be done but be seen to be done in local communities.

I will start by dealing with the building. In some senses, it is right to say that the debate is not about the building. In Scotland, we sometimes become too hung up on what we think a court building, and the panoply that goes along with it, should look like. If we are serious about justice being delivered and being seen to be delivered, we have to get away from such notions and ensure instead that the workings of the court are located in local communities.

Members have mentioned Red Hook and Midtown in New York, and I have visited the Midtown community court. It is situated in a converted building in a local community. It is not a purpose-built court costing millions and millions of dollars but a building that is central to the community and in which the community therefore has some investment, as Bill Aitken and others have pointed out.

The debate is about more than simply ensuring that everybody works better together because we know that that has not been happening, despite our best efforts. In Midtown and Red Hook, services are co-located and people can see that they are in the same building. That makes a difference, as does the fact that the judge is community oriented—someone who talks to people in local communities, goes out to explain the workings of the court, and finds out what is important to people. Any community sentences are, to a large extent, driven by community interests; it is ensured that offenders are involved

in community projects and carry out work that is seen in the community.

In Glasgow, we had a once-in-a-generation opportunity to follow world-leading examples from elsewhere and change the face of community justice. We had an opportunity to focus on an area that, sadly, is sometimes known for its high levels of violent crime, drug use and alcohol misuse. It was not about simply putting another court building in place but using a catalyst for change to regenerate the local community. If the Government does not act on the will of this Parliament, the opportunity will be missed—and I believe that the Government will live to regret that.

All of us who support the principles of community justice want community sentences to be enacted more speedily. As has been suggested, even the Conservatives probably want the prison population to be reduced. However, none of us wants that reduction to come about by administrative means. Simply opening the doors and saying to people, “Go away, out of prison,” will not do one thing to reduce the rate of reoffending. To do that, we will have to change the whole culture of communities.

It is sad, but the current Cabinet Secretary for Justice has form on these issues. The youth courts, which were modelled on the principle of community justice centres abroad—bringing different organisations together and trying to ensure that people move quickly from the court into their sentences or programmes—have also been put at risk.

The Minister for Community Safety might admit today that he has got things wrong and should think again, but I wonder whether he will also tell us whether the youth courts will be put in place some time in 2009, as we were promised—and I have a quotation here from Mr MacAskill, which I will happily pass to the minister. Will the minister assure us that the courts will be put in place, and will he tell us when? Will he also agree to the reasonable request that has been made this morning—to put into the Scottish Parliament information centre a copy of the feasibility study on which the Government has based its decision to rule out the community court?

It looks to me as if a consensus is building up in the chamber. I hope that the minister will be big enough to say that he will rethink the issue and come back to Parliament with a plan to go ahead with the community justice centre in Glasgow.

11:10

Sandra White (Glasgow) (SNP): I fully support community courts. Cathy Jamieson said that this is not about the building, and she is correct—it is about the expediency of the system. However, in

Glasgow we would be pretty hard-pressed to find any empty buildings, with Glasgow City Council closing down schools and community centres. I therefore ask her to think over the point again. I fully concur with what the minister has said and with what my colleague Nigel Don has said.

I have heard many things about the Conservative party, many of which I cannot repeat here for obvious reasons, but until today I had thought that the party generally attempted to consider the facts. Today, however, we see Conservative members engaging in the very politics of spin and disinformation that their leader, David Cameron, has vowed to stamp out. His Scottish wing seems not to have heard about that and has decided on a policy of misinformation and soundbites in its quest to smear this Government.

Robert Brown rose—

Sandra White: I am sorry, but I have only four minutes.

Bill Aitkens motion is a work of fiction. It is built on the premise that the Scottish Government decided not to proceed with the community courts system, and Bill Aitken has gone on to reiterate that misleading and ill-informed statement. Let us look at the facts for a minute. Bill Aitken knows, as all of us in the chamber know, that the project board for the Glasgow community justice centre met in March and decided not to proceed with the service. That was the boards decision, not the Governments decision. It cheapens the member and others in this chamber to pretend otherwise. We have to correct the glaring inaccuracies in Mr Aitkens motion. There is nothing to it—no substance and no merit—and I am really disappointed in it. The Labour and Liberal Democrat amendments are no better.

It is to the credit of the Government and Glasgow City Council that they have continued to work on how their aims can be realised. As the minister and others have said, this is not about the bricks and mortar but about the expediency of services. It seems to me, and perhaps to others, that the other parties would be happier if all plans were simply dropped. That would give them the chance to criticise, rather than enter into constructive dialogue on how people in the Parliament and the country can work together to deal with the problems that crime creates for communities throughout Scotland. We should take that to heart.

I remind members that the Conservative party was the party that failed to build any extra prisons in Scotland and which introduced automatic early release.

What this Government is doing, in working with Glasgow City Council and others, is commendable. It is grown-up action that Scottish

people want to see—not juvenile point scoring and one-upmanship. Until the Conservatives realise that, they will continue to live and breathe the air of the political wilderness in Scotland. The Scottish Government stands accused of creating a “soft-touch Scotland”, yet it is the Conservatives who have a soft touch with the truth.

11:13

Mr Frank McAveety (Glasgow Shettleston) (Lab): Follow that. That was a remarkable conversion by Sandra White to loyalty to the Scottish Government. If this debate were being held two years ago, we would have heard Sandra White condemning any Scottish Executive that made such a daft, disappointing and dangerous decision.

Because she had been given a briefing note, Sandra White wanted to articulate a number of issues, and the minister tried to argue that the present economic circumstances make it difficult to pursue the choice under discussion. Like many ministers, he has been selective in the information that he uses. He mentioned the trams, about which a legitimate debate is to be had, but what about the £900 million that the former Executive did not receive from the United Kingdom Westminster Government but which was made available to John Swinney to disburse as he saw fit as Cabinet Secretary for Finance and Sustainable Growth? What about many of the other commitments that this Government is not revisiting, such as the national conversation and the debate on whether we should have a referendum in 2010? Those are political choices that members are entitled to make, but SNP members should not come here and lecture the other members of this Parliament, saying that we are not making wise choices but that the SNP, with its current proposal, is.

The reason why the Government's proposal is daft, dangerous and disappointing is that it misses a threefold opportunity—one in evidential terms—to make a real difference to the experience of justice in our communities. Years ago, someone said that justice delayed is justice denied. If the courts system can move from a three-month treatment of an individual to a one-day treatment, there will be major benefits. For the communities that I represent in the east end of Glasgow, which suffer too many small groups of individuals who create major problems in the community over the weekend without facing any consequences of their actions for the next two or three months, anything that could improve the situation would be a positive development.

Of course, it is about more than just a building but, if Sandra White had read the project reports, she would know that they were about constructing

a new building at a much lower cost than was initially anticipated by the former Scottish Executive. The building was to cost nearly 50 per cent less and the revenue costs were going to be 50 per cent less than was initially projected, yet Sandra White comes here today, some yapping dog for the Government, to claim that the SNP has a better response to the situation than the former minister.

The Deputy Presiding Officer (Alasdair Morgan): Order. Mr McAveety, I do not think that that kind of expression is really suitable.

Mr McAveety: Sorry about that. I apologise to the member if any offence was caused by that remark. However, it strikes me that the view that Sandra White articulated is not appropriate for the debate that we are having in the east end of Glasgow.

I have here a letter from Kenny MacAskill to Glasgow City Council, dated May 2008, in which he says:

“I know we both strongly support the concept of a Community Justice Centre and believe that it could bring very real benefits to Glasgow in terms of reducing crime and providing effective payback to the community.”

I also have the report that the councillors received from their community justice team. It states that

“it cannot be argued that the figures that were given were a surprise to the Scottish Government”

and that

“it is considered surprising that the Scottish Government has now withdrawn its support”.

That directly contradicts the claim that Sandra White made, which was also articulated by the minister.

The minister pointed out that he is here and said that he does not get to go on foreign trips. I know that the Cabinet Secretary for Justice goes on foreign trips, as the minister had to come to the knife crime summit because the cabinet secretary was elsewhere that day. The minister is here today, too, because the cabinet secretary cannot respond on the issue. Those are two fundamental issues that impact on the communities that I represent. I am of a relatively modest disposition, but I am quite angry about the Government's decision, as it rejects all the major developments that have been taking place to tackle injustice in the east end of Glasgow.

Many of us have been arguing for years that we must give commitment and investment—sometimes including quality buildings, I say to Sandra White—to the east end of Glasgow. Such developments are welcome as they send the signal that we are trying to make a material difference to communities such as those in the east end. I am therefore disappointed that the

minister has chosen to defend the Governments proposal and that we have not heard anything that suggests that the issue will be revisited.

I hope that, by the end of play and once the vote on the motion is recorded, the minister will reflect on the matter and put forward a much better idea of how to fill the small gap in funding in order to deliver something that would make a meaningful difference to the communities that we serve throughout the country.

11:18

Mike Pringle (Edinburgh South) (LD): Everybody knows that there is an urgent need for sentencing reform, to reduce reoffending and tackle acute overcrowding in Scotlands prisons. As my colleague Robert Brown made clear, the Scottish Liberal Democrats believe that very short prison sentences are ineffective and should be replaced with tough and effective community penalties whereby offenders can pay back the community that they have harmed. That ambition is shared by the Government and, if it is to be realised, the community courts must play a key role. Local community courts allow low-level offending to be tackled promptly and visibly, reducing serious criminality in the longer term.

Bill Aitken referred to Brooklyn in New York where community justice has transformed an area that was once synonymous with crime. That successful model is now being rolled out across the United States. Much closer to home, in Liverpool, the Community Justice Centre has succeeded in providing an integrated approach to tackling crime, combining the powers of the courtroom with a range of on-site community resources to tackle the problems behind offending. The on-site problem-solving team includes the judge, the Crown Prosecution Service, the National Probation Service and the youth offending team. Other on-site services address drug and alcohol problems, debt and housing issues. Volunteer mentors are available to provide practical support, and the judge uses regular reviews to check up on and encourage offenders progress. That is an excellent example of community-based justice in action. If the minister does not want to go to New York, perhaps he could go to Liverpool—it is not very far away—and examine what is being done there.

I therefore deeply regret the Governments decision last month to scrap plans for a new community court in Glasgow, despite the positive recommendations of its business plan. I am concerned that what the Government is now proposing is sentencing reform that has the right aims but is woefully short on substance.

The system is not working effectively. In Edinburgh, community service is considered to have begun when offenders are seen for their first interview. The 2007-08 figures show that 46 per cent of offenders are seen within the first seven days but only 1 per cent actually start work within seven days. If the public is to have faith in the justice system, community sentences must be seen to be efficient and effective. The well-publicised delays that plague the system serve only to send the wrong message to criminals and the law-abiding public.

As they stand, the Governments plans are overambitious and risk being rendered ineffective. Last Thursday, at First Ministers question time, I challenged the First Minister to shelve the Governments plans for replacing prison sentences of less than six months with community sentences, focusing initially on sentences of three months or less. I repeat that call today.

The latest sentencing figures for 2007-08, which were released by the Government last week, show that 12,681 custodial sentences were for six months or less. The Governments own officials admit that, following sentencing reform, the number of community service orders would increase by a maximum of only 1,240. Given the obvious need for reform, even in a best-case scenario those figures do not represent the progress that many—particularly the Liberal Democrats—had hoped for. If the Government is serious about sentencing reform, it must get serious about introducing community courts.

11:22

Paul Martin (Glasgow Springburn) (Lab): We have consistently argued, during many justice debates, that offenders must be dealt with robustly. We have also stressed the need for communities to have confidence in the justice system and for rehabilitation opportunities to be provided to offenders. As many members have suggested, the community courts model provides a structure for those opportunities to be delivered, but it is clear from the speeches of the apologists on the SNP benches that the SNP is out of touch with the reality that our communities face. Our communities want to see justice done, yet the SNP is the only main party in the Parliament that does not adequately support community courts.

It is not only the main political parties that support community courts; the Lord Advocate said, in March 2007:

“This court will be at the heart of the community, delivering justice that is swift, visible and informed by a thorough understanding of the offenders background and of the impact of the offence in the wider community.”

With the greatest respect to the High Court in Glasgow, I do not consider it to be at the heart of the community. That was wise counsel from the Lord Advocate, who has significant experience of the courts in delivering justice for our communities.

Frank McAveety referred to the proposal to develop a court in the Bridgeton area of his constituency. That proposal provided an opportunity to ensure that the courts would be seen as relevant and effective in providing solutions to many of the problems that Bridgeton and other parts of Glasgow face in respect of antisocial behaviour in our communities.

We show humility sometimes and realise the need to be objective. We recognise that courts alone cannot solve all the problems, and so do our communities. We believe strongly that communities have a role in contributing to solving many community problems.

Many communities sense that courts are removed, attitudinally and physically, from the problems they face. I do not believe that our courts properly appreciate the challenges that our communities face when they try to combat antisocial behaviour.

As Richard Baker and other Labour members said, we support the principle of payback. That is why, in government, Cathy Jamieson did not just talk a good game but delivered the game. She delivered community reparation orders, which were scrapped by this Government. I have yet to speak to any community representative who does not want certain offenders to be given the opportunity to face up to their unacceptable actions. Reparation orders provided that very opportunity, and so too would community courts.

The problem lies with the Governments unwillingness to fund community courts adequately. There can be no doubting that community courts will cost money but, with regard to the point Robert Brown made about the spend-to-save principle, I would say that spending money on community courts would save money in the long run.

Compare the cost of a community court—£3.75 million, with annual costs of £700,000—with the effect that vandalism and antisocial behaviour have on our communities throughout Scotland. Courts often talk about low-level offences, but those so-called low-level offences are not low level to the communities that are affected by antisocial behaviour. I say that on behalf of my constituents and the pupils of Balornock primary school, whose playground project has been vandalised. They want action to be taken to stop antisocial behaviour. We believe that the community courts would have provided an opportunity for that to happen.

The debate has exposed this Governments lack of innovation. It is evident that the Government is good at posting glossy documents on its website but that when it comes to following that up with action it is posted missing.

We call on the Scottish Parliament to support the amendment in the name of Richard Baker.

11:27

Fergus Ewing: We agree with the Liberal Democrats broad approach to sentencing policy. In 2007-08, three quarters of short prison sentences were for six months or less. The outcomes for defenders who are sentenced to prison are poor. We all know that only one out of four of those sentenced to jail for six months or less remains free of further convictions within two years of release and that, by contrast, three out of five of those sentenced to community service have a clean record after a similar time. That basic comparison justifies the broad approach that we and the Liberal Democrats take to sentencing.

The facts in relation to community sentencing merit some repetition—they might not have been mentioned so far because this is a short debate. More than 6,000 community service orders and 3,000 probation orders with a condition of unpaid work attached were imposed by Scotlands courts in 2007-08. That means that the courts ordered more than a million hours of work to be carried out in the community. I mention that because credit is due to those who are dealing with those orders on our behalf. We should not forget about that in the maelstrom of criticism that there has been today.

Nigel Don hit on the nub of the debate when he talked about swiftness of justice. I do not think that anyone is suggesting that the essential thing is that we spend money on a new building. I think that all members agree that it is the swiftness of the response, particularly with regard to the commencement of a community service order, that is important.

We have been accused of doing nothing, and the debate has been full of political knockabout, which is all great fun, but it is important to recognise that we are working extremely closely with professional stakeholders to agree a new, tighter framework for starting and completing community sentences. New guidance in respect of community service orders, which was issued on 27 February, will require post-sentence interviews to be carried out within one working day of the order being made by the court, with the work placement to start within seven working days. The new arrangements will take time to bed in. There are problems relating to community service orders in Scotland, not least in Glasgow, of which we are all well aware.

The new arrangements should lead to significant improvements over the current levels of performance. There is common ground between all parties in that regard. However, I respectfully disagree with the implicit proposition in the amendments, which is that we should spend a lot of money on a new building. That is what we are being asked to agree to today, but we do not agree with it. I have said so frankly and candidly, and we will be entirely open with members such as Frank McAveety and Sandra White who, quite rightly, stand up for their constituents. As I said at the outset of the debate, and as Cathy Jamieson also said, we recognise that the concept of community justice is good.

Cathy Jamieson: Does the minister accept that the model that has been adopted in the Red Hook community justice centre and the Midtown community court is not simply about the community service aspect but also about co-locating the court with, for example, addiction services, employment services, housing services and a range of other services? If so, does he accept that that is the opportunity that will be missed if the Glasgow project does not go ahead?

Fergus Ewing: I agree that that is a key feature of the community justice concept, but I respectfully disagree that we are missing that opportunity. We most certainly are not. From my former work as a solicitor in Glasgow sheriff court, I know that some services are co-located there. The social work service is present. I have seen the drugs court operating. I have seen Sheriff Lindsay Woods manifest and palpable desire to help those who come before his drugs court. That is admirable, and I hope that more sheriffs will undertake the necessary training that will enable them to provide the progress courts approach, which Richard Baker referred to.

I respectfully disagree with the proposition that we should progress community courts simply by investing in a new building. I do not think that, even if we did that, we would deliver the swiftness that is the nub of this debate. It is possible to incorporate those benefits of swiftness into the criminal justice system without a costly new building. In the current climate, we must all recognise that resources must be targeted to provide best value for money. The important thing is the swiftness of starting community work and of visible payment to the community—not a building.

We will work with Glasgow City Council to explore the scope for investment in a more focused service for the east end of Glasgow, testing out an improved payback scheme. Therefore, I urge members to support the amendment in my name.

11:33

John Lamont (Roxburgh and Berwickshire)

(Con): The debate has been useful: it has demonstrated yet again what it means to live in the SNPs soft-touch Scotland, it has shown the Governments attempts further to undermine the credibility of the Scottish justice system and it has helpfully demonstrated the broad coalition that is starting to gather around the SNPs plans.

The Scottish Government has continually argued that there are too many people in Scotlands prisons, yet when it has come to toughening up other disposals so that judges and sheriffs can feel confident in their sentencing choices, it has failed miserably. The Scottish Government cannot continue to talk about alternatives to custody with any credibility unless it strengthens current community sentences and ensures that they are completed on time.

The Glasgow community court provided an opportunity for the Scottish Government to show that it is serious not only about tackling crime but about tackling the causes of crime. It could have been a one-stop shop not only to ensure that effective and efficient punishment is meted out but to offer offenders every opportunity to start to make positive choices and changes in their lives.

Fergus Ewing: Will John Lamont give way?

John Lamont: No—I want to make progress.

Contrary to the picture that the minister and several SNP members tried to paint, the community court would have been a good use of the limited resources that are available to the Government. In relation to spending money, I remind the minister that he told the Parliament that

“There are costs associated with doing the right thing.”—*[Official Report, 11 March 2009; c 15652.]*

What does that say about the Governments attitude to the issue? We can assume only that the minister and the Government do not view tackling the underlying causes of crime as doing the right thing.

Definitive evidence shows that community courts produce results and provide value for money in the medium to long term. As we heard from my colleague Bill Aitken and from Richard Baker, we can look to the Midtown community court and the Red Hook community court in New York in the United States, which house a drug treatment service, domestic violence counselling, job training and a medical unit, all of which are made available to victims and offenders. The results speak for themselves—increased compliance, significant reductions in crime, increased use of alternative sanctions and, crucially, a slashing of the level of fear of crime.

As Mike Pringle said, closer to home, we can look to the community justice centre that has been established in Liverpool. Early evidence suggests that that has also been successful, particularly in reducing low-level offending and antisocial behaviour.

A recent YouGov poll discovered that, on witnessing low-level crime such as graffiti, vandalism or underage drinking, 30 per cent of Scots would report it but would think that nothing would be done and 34 per cent would not report it because they would think that nothing would be done. From those figures, we can have no doubt that the lack of public confidence in our justice system is at the heart of the problem. That is why the SNPs approach is fundamentally flawed—Cathy Jamieson made that point.

Fergus Ewing: Will John Lamont give way?

John Lamont: I am happy to give way.

Fergus Ewing: If the Conservatives regard the matter as such a priority, why did they not seek additional provision for new courts in their budget negotiations with John Swinney?

John Lamont: We wrongly assumed that, since the court was in the SNPs plans, the SNP would deliver it and the point was not for negotiation. That is another broken promise from the SNP Government.

Community courts in Glasgow and other parts of Scotland could have increased public confidence in the criminal justice system by creating visible and robust community sentences and by using local businesses and service providers to deliver justice and rehabilitation. The SNP Government has done nothing to instil public confidence in the criminal justice system; it has called for six-month sentences to be all but abolished, extended the use of home detention curfews and increased the number of offences for which fixed-penalty fines can be issued. The Scottish Government is watering down our criminal justice system at every opportunity.

We want to prevent people from ending up on the path to crime, but we have made it clear that those who blight our communities should face up to the consequences of their actions. Fines must be enforced, community service must be swift, effective and efficient and those who are sentenced to prison must serve the sentence that the judge hands down and not spend half their sentence in the community.

Soft on sentencing, soft on criminals, soft on prisons—the Government will not spend money on cutting crime by tackling the underlying causes of crime because it does not think that that is the right thing to do. We should be clear that we can forget the SNPs grand plans for an independent

Scotland—they are no more. Its new master plan seems to centre on the desire to create a soft-touch Scotland. That is a master plan that we utterly reject. We urge the Parliament to back our motion.

The Presiding Officer (Alex Fergusson): That concludes the Conservative debates. We are a few seconds early for general question time, but everybody is here so we will proceed.

Question Time

SCOTTISH EXECUTIVE

General Questions

11:39

Newly Qualified Teachers

1. Ken Macintosh (Eastwood) (Lab): To ask the Scottish Executive whether it considers that it has made sufficient progress in securing employment for newly qualified teachers following a probationary year. (S3O-6810)

The Minister for Schools and Skills (Keith Brown): We have said that we are disappointed with the results of the 2008 teacher census and the implications for teachers after their probation year. This year, we are providing an additional £4 million to enable local authorities to employ an additional 100 teachers. We will also discuss with each local authority its plans for teacher employment and class size reduction.

Ken Macintosh: I am pleased to hear of the ministers disappointment, which is widely shared in the Parliament and in the teaching profession. Is it acceptable to allow local authorities to reduce the number of teachers by 1,000, which means that the Scottish National Party is failing to deliver its manifesto promise? What discussions is the minister having with local authorities to increase the number of teachers and get it back on target?

Keith Brown: Yesterday, I had a discussion with a local authority that has had difficulties in encouraging teachers to apply for vacancies that it has advertised twice. That underlines the point that the situation is different in different parts of the country.

I emphasise that, as I am sure Ken Macintosh knows, councils—not the Scottish Government—employ teachers. We have given councils an extra £9 million, which should allow them to employ enough teachers to reduce class sizes, but that has not happened in the past year. We have taken action by holding a series of meetings with local authorities, which are on-going.

If Ken Macintosh is genuinely concerned, rather than just trying to throw political mud, perhaps he could have a word with some of his local government colleagues to ensure that local government employs the teachers about whom he professes to be concerned.

Aileen Campbell (South of Scotland) (SNP): Will the minister explain how the number of retirements by schoolteachers can skew statistics for workforce planning?

Keith Brown: Teacher workforce planning takes account of the number of teachers who are leaving the profession for a variety of reasons, including retirement. The expected number of leavers each year is based on historical trends. For example, the number of probationers who are to start in 2009 had to be set by using leaver rates from 2005-06.

Sudden changes in retiral patterns can imbalance supply and demand. The teacher employment working group considered the issue and recommended research, which is now under way, into whether the changing economic climate is affecting retirement decisions.

Elizabeth Smith (Mid Scotland and Fife) (Con): Did the recent joint working party on workforce planning formally discuss the effectiveness of the collection of data on how each local authority is filling teaching vacancies?

Keith Brown: Yes, that was discussed. I refer Elizabeth Smith to a previous response that I gave on the issue. We are talking about an inexact science, because there is a long time lag between planning for the education and training of teachers and employing those teachers. The Cabinet Secretary for Education and Lifelong Learning in particular is doing as much as she can to work with the working group to ensure that we get planning right in future years.

Scottish Qualifications Authority

2. Rhona Brankin (Midlothian) (Lab): To ask the Scottish Executive when it now expects to make a decision on the future of the Scottish Qualifications Authority's offices in Dalkeith. (S3O-6789)

The Cabinet Secretary for Education and Lifelong Learning (Fiona Hyslop): An announcement on the future of the Scottish Qualifications Authority's offices in Dalkeith will be made once consideration of the options has been completed. I know that the member has a keen constituency interest in a decision being made sooner rather than later, as I do, but she will acknowledge that the decision must deliver the best possible balance between value for money and the effective delivery of services to the public of Scotland at a time of increasing economic and public sector pressures. Resolving that has taken longer than expected.

Rhona Brankin: To be frank, that answer was pathetic. When I first expressed concerns in January 2007 about the future of the SQAs ageing offices in Midlothian, where 231 permanent jobs and countless more temporary positions are based, my Scottish National Party election opponent accused me of scaremongering and manufacturing a non-existent crisis. However, two

years into the term of the current Government, the minister still cannot give a simple guarantee that one of the biggest employers in Midlothian will not be moved out of the county. Is it not time for her to stop dithering and to end the uncertainty by giving a cast-iron guarantee today that the SQA will remain in Midlothian?

Fiona Hyslop: Far be it from me to comment on the scaremongering of Rhona Brankin. The matter is serious and the correct decision is needed. I will not compromise continuing negotiations by making the response that was described in her question. The right decision will be made for the SQAs future and—more important—for the service that it delivers to the pupils of Scotland.

Commission on Scottish Devolution

3. George Foulkes (Lothians) (Lab): To ask the Scottish Executive for what reason the First Minister has met the chairman of the Independent Commission on Funding and Finance for Wales but not the chairman of the Calman Commission on Scottish Devolution. (S3O-6796)

The Minister for Culture, External Affairs and the Constitution (Michael Russell): For reasons of open-mindedness. The Holtham commission is looking at a full range of options for funding the Welsh Assembly Government, including tax-varying and borrowing powers. By contrast, the Calman commission cannot examine all the options for the future of Scotland. Nevertheless, if it helps, I will meet Sir Kenneth Calman later this month to explain the work of the Governments national conversation in more detail.

George Foulkes: The minister is trying to mislead the chamber, just as the First Minister did when on 29 March he pointed out to the BBC that

“the Welsh finance commission was considering independence.”

According to the remit of the Holtham commission, which I have here, it is, like the Calman commission, not considering independence. When the First Minister made that comment, was he ignorant or was he lying?

The Presiding Officer (Alex Fergusson): I will not have the accusation made in this chamber that anyone is lying. Will you please withdraw that accusation?

George Foulkes: Then can I substitute—

Members: Withdraw!

George Foulkes: I withdraw the accusation. Was the First Minister being ignorant or was he being economical with the truth?

Michael Russell: I would have thought that a peer who apparently is one of the four wise men considering British intelligence matters might be

more careful with his language than he appears to be in this chamber. If anything, such comments reflect badly on him.

I make it entirely clear—and the member should know this if he is a man of intelligence—that the Holtham commission is considering a whole range of options including tax-varying and borrowing powers.

George Foulkes: But not independence.

The Presiding Officer: Order.

George Foulkes: But he is not answering the question.

The Presiding Officer: Order.

Michael Russell: I am afraid that Lord Foulkes is just not asking the right question.

The reality is that tax-varying and borrowing powers are being considered by the Holtham commission, a body that the First Minister and I have met. We should remember that the Calman commission has, by diktat of the party of which Lord Foulkes is a member, excluded from consideration all the options that face the people of Scotland.

Kenneth Gibson (Cunninghame North) (SNP): Does the minister agree that the Calman commission, whose 15 members include six peers and three knights of the realm, is hardly a representative cross-section of Scottish society; that a commission that specifically excludes the noble aim of Scottish independence has damaged its democratic credentials; and that the national conversation is a more open and inclusive way of addressing Scotland's constitutional future?

The Presiding Officer: Briefly, minister.

Michael Russell: I certainly concur. However, I advise the member not to judge all members of the House of Lords by the one from whom we have just heard.

Oil

4. Christopher Harvie (Mid Scotland and Fife) (SNP): To ask the Scottish Executive what measures are being put in place to enable Scotland to benefit from a higher price of oil in light of recent forecasts that the present economic crisis will not postpone the impact of peak oil. (S3O-6851)

The Minister for Enterprise, Energy and Tourism (Jim Mather): The North Sea is a vital resource for Scotland, employing over 100,000 people directly and indirectly and contributing almost £13 billion in tax revenue during the financial year ending April 2009. We continue to work closely and supportively with the industry directly and with Scottish Enterprise, Highlands

and Islands Enterprise, Scottish Development International and others to encourage a similar approach from the United Kingdom Government and its agencies.

We remain conscious of the industrys huge significance to Scotland and the experience of Norway, whose independent Government has been able to establish for the benefit of future generations a significant oil fund that is now worth £239 billion. By contrast, Europes other major oil producer, Scotland, has no such oil fund; instead, all the tax revenues from the North Sea flow to the UK Exchequer.

As part of the national conversation, the Scottish Government believes that Scotland should take full responsibility for oil and gas reserves. That would allow long-term production to be optimised and would enable a portion of this massive resource to be invested in an oil fund for the benefit of Scotland today and in the future.

Christopher Harvie: Is the minister able to set out some of the research and production ideas that he has in mind to combat the prospect of oil rising to \$300 a barrel by 2020? I point out that Denmark, which the Economy, Energy and Tourism Committee visited last week, is contemplating such a situation.

Jim Mather: In February, we announced 10 pledges to create new jobs and wealth and a successful low-carbon economy, including the delivery of a more sustainable transport system through the development and market take-up of electric and other low-carbon vehicles. Research in that respect has been undertaken by the Scottish Government and Scottish Enterprise, working with the industry, and the responses to that consultation will be analysed in June.

Lewis Macdonald (Aberdeen Central) (Lab): Does the minister agree that offshore wind energy offers an opportunity both to address the energy gap that Scotland will face in the next 15 to 20 years and to diversify the economy of Aberdeen and the north-east on the basis of proven technology and established offshore skills and expertise?

Jim Mather: I very much agree with that proposition. Indeed, that is why offshore wind energy, which was probably not on the radar even nine months ago, is now very much at the forefront of our thinking for both the east and west coasts.

Dumbarton Health Centre (Family Planning and Well Woman Clinic)

5. Jackie Baillie (Dumbarton) (Lab): To ask the Scottish Executive for what reason the family planning and well woman clinic is being withdrawn from Dumbarton health centre. (S3O-6785)

The Minister for Public Health and Sport (Shona Robison): The Dumbarton family planning and well woman clinic will now be part of a new integrated sexual health service based at the Vale of Leven hospital in Alexandria. The service will continue to provide all of the services that were available at the Dumbarton clinic.

Jackie Baillie: The minister will of course be aware that the level of teenage pregnancies in West Dunbartonshire and in the NHS Greater Glasgow and Clyde area continues to rise and that it is clearly linked to deprivation, with the rate of teenage pregnancy in deprived areas three times the rate elsewhere. Given those statistics and given her stated approach of keeping services local, will the minister intervene on this matter and review whether the removal of family planning and well woman services is appropriate?

Shona Robison: Jackie Baillie is quite right to highlight the challenge of teenage pregnancy in those and other areas. However, the service in question is designed to meet that need. It will run from 11 am to 7 pm two days a week, one day of which will be reserved entirely for young people. I would have thought that, given her concern about teenage pregnancy, the member would welcome that.

Pensioners Parliament

6. Sandra White (Glasgow) (SNP): To ask the Scottish Executive whether it is aware of any progress that has been made toward the establishment of a pensioners parliament. (S3O-6867)

The Minister for Public Health and Sport (Shona Robison): At the older peoples consultative forum in April last year, I proposed the establishment of an older peoples assembly or parliament, making it clear that it would have to come from and be organised by older people. The proposal is being taken forward by members of the older peoples consultative forum, facilitated by Age Concern and Help the Aged in Scotland, and it is hoped that the assembly will be held on 2 October, as close as possible to national older peoples day on 1 October.

Sandra White: As convener of the cross-party group on older people, age and ageing, I wonder whether the minister or her officials might be able to attend one of our meetings and explain the proposals for 2 October.

Shona Robison: I am certainly happy to take up that engagement, diary permitting. I am sure that people will be very keen to involve the cross-party group in what I think will be a tremendous event that will allow the views of older people throughout Scotland to be heard.

Jamie McGrigor (Highlands and Islands)

(Con): Does the minister accept that the council tax is still a huge worry and expense for many Scots pensioners? If so, will the Government look to implement Scottish Tory proposals for a 50 per cent discount for pensioners?

The Presiding Officer: I am not sure that that has a lot to do with the pensioners parliament, minister, but feel free to respond.

Shona Robison: We recognise the impact that the council tax has on older people, which is why we have frozen it for yet another year. I am sure that older people throughout Scotland welcome that action from the Scottish National Party Government.

Southern General Hospital (Clyde Fastlink)

7. Charlie Gordon (Glasgow Cathcart) (Lab):

To ask the Scottish Executive whether it is considering funding part of the Clyde fastlink project to enable it to serve the Southern general hospital. (S3O-6798)

The Minister for Transport, Infrastructure and Climate Change (Stewart Stevenson): As part of project 24 of the strategic transport projects review, which relates to west of Scotland strategic rail enhancements, we aim to increase public transport access to key public services. We are working with partners such as Strathclyde partnership for transport and Glasgow City Council on considering a range of options, including the possible development of a metro or light rapid transit network across Glasgow.

In addition, NHS Greater Glasgow and Clyde is committed to funding a package of public and active transport measures, including the provision of new infrastructure, as part of the on-going planning and development arrangements associated with the Southern general hospital project.

Charlie Gordon: Can I take it then that the health budget could supplement Stewart Stevensons transport budget for the project?

Stewart Stevenson: The next important step is the appraisal of the Clyde fastlink proposal that is currently being undertaken by Glasgow City Council. I understand that there will be a report on that in the summer of 2009, which will inform the way forward. That report will be a necessary precursor to any discussions that will follow.

Houses in Multiple Occupation

8. Pauline McNeill (Glasgow Kelvin) (Lab): To ask the Scottish Executive when it plans to increase the fines for landlords of houses in multiple occupation who do not have an HMO licence. (S3O-6813)

The Minister for Housing and Communities

(Alex Neil): Part 5 of the Housing (Scotland) Act 2006 revises the system of HMO licensing. Among the changes is a provision that makes an owner of a licensable HMO who is guilty of the offence of not holding a licence liable to a fine not exceeding £20,000, which is four times the current maximum. Later this year, we will discuss with stakeholders the options for implementing the provisions in part 5 of the act. We will then draw up a timetable for implementation.

Pauline McNeill: I moved an amendment to the Housing (Scotland) Bill to increase the penalties for landlords of HMOs who do not have an HMO licence as the minister has outlined. That provision and other important powers in part 5 of the act have not yet come into force. The fight against illegal HMOs is made harder by the delay, and authorities such as Glasgow City Council have been waiting for some time to use those powers. What are the reasons for that delay? Implementation was expected at the end of last year. Does the minister appreciate that there has been a long delay and that the provisions, which are important, are needed now?

Alex Neil: The Government is totally committed to implementing the provisions that Pauline McNeill mentions in consultation with the relevant stakeholders. However, we have consulted our local authority colleagues and have, at their request, implemented the landlord registration scheme first so that it is allowed to bed down. As the member knows, 87 per cent of landlords are now registered. That gives the local authorities the experience that is necessary to implement part 5 of the act successfully when we bring it into force later this year.

Margo MacDonald (Lothians) (Ind): When the minister is considering the provisions that relate to houses in multiple occupation, will he also consider a new nuisance that has arisen for people who live in buildings with communal stairwells: weekend lets for stag and hen nights, in which the participants behaviour is abominable?

Alex Neil: As I said last week when various members, including Malcolm Chisholm and Margo MacDonald, asked a similar question, we are considering covering short-term lets in HMO licensing, but there is a clear distinction between short-term lets and holiday lets. The primary way to deal with the problems that arise as a result of antisocial behaviour by a small minority of people who occupy holiday lets is the antisocial behaviour legislation rather than housing legislation.

Lottery Funding

9. Christine Grahame (South of Scotland) (SNP): To ask the Scottish Government what representations it has made to the British Olympic

Association and the United Kingdom Government regarding the estimated £150 million shortfall that could impact on Scottish good causes and voluntary organisations as a result of lottery funds being diverted to the London 2012 Olympic games. (S3O-6850)

The Minister for Public Health and Sport (Shona Robison): I met the Secretary of State for Culture, Media and Sport, Andy Burnham, on 31 March to press Scotland's case for the return of the £150 million that is being diverted to the London 2012 Olympic games. That meeting followed three letters to the Department of Culture, Media and Sport to pursue that matter. At my request, my officials are currently arranging a further meeting with Mr Burnham; the Secretary of State for Scotland, Jim Murphy; and the leader of Glasgow City Council, Councillor Purcell.

Christine Grahame: In light of the millions of pounds lost to Scottish good causes, will the minister or her colleagues consider a not-for-profit Scottish lottery so that money that is raised in Scotland is spent in Scotland?

Shona Robison: After the meeting that we had on 31 March, my officials and officials from the DCMS have been working to consider the available options to secure resources for the legacy. I hope to have an options paper soon and certainly in time for my meeting with those ministers and Steven Purcell.

The Presiding Officer: That concludes general questions. Before we come to questions to the First Minister, I am sure that members will wish to join me in welcoming to the gallery the Honourable Maria Antònia Munar, the President of the Parliament of the Balearic Islands, and her delegation. They are most welcome. *[Applause.]*

First Ministers 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-1668)

The First Minister (Alex Salmond): I have engagements to take forward the Government's programme for Scotland. However, in this week in which we celebrate the 10th anniversary of the first elections to the Parliament, all members, regardless of their political perspective, should spend at least some time considering and taking satisfaction from the advent of an institution that has changed life in our country fundamentally and for the better.

Iain Gray: We in the Labour Party echo those words of celebration of the 10-year anniversary of the institution. However, the First Minister and his Cabinet also found time this week to slap themselves on the back for their mid-term report. They said that it was

"a fantastic record of policy delivery".

We can picture the scene: "Well done, John Swinney; great job, Kenny MacAskill; great job, Fiona Hyslop—terrific job." Did they find time to think about the 1,000 teachers who have been cut from our schools, the 1,000 apprentices who have been made redundant and who are still waiting for their training guarantee or the 20,000 construction workers who are on the dole because of the First Ministers' failure to build schools and hospitals? Some of those people might be watching today, because they are certainly not at work. Can the First Minister look them in the eye and tell them how well he is doing?

The First Minister: That is the sort of question that probably sounded all right when Iain Gray was rehearsing it with Andy Kerr earlier on. In Iain Gray's accolades of individual ministers in the Government, which are much appreciated, he forgot the Deputy First Minister, Nicola Sturgeon, whose work, not least on the current flu outbreak, has been exceptional. I thank Iain Gray for his commendations of the Government's work, but he will excuse me if I am even more satisfied with the overwhelming evidence from the opinion polls that the people of Scotland back the Scottish National Party Government.

Iain Gray: Was that the answer? I have the First Ministers' list of so-called achievements. It probably looked good when he was writing it down, but it does not bear much examination. Number 30 states that the Government has

“Reviewed modern apprenticeship” programmes—he means that he cut them. I like number 41, which states, “Developed North Sea super-grid”. How did I miss that? Where is he hiding it—in the basement of Bute house? Not so much wired to Norway—more like wired to the moon. Number 28 states that the Scottish Futures Trust has been “achieved”. Now he really is having a laugh at our expense. In two years, the SFT has delivered two meetings, one e-mail and not a single school or hospital. Does the First Minister really consider the Scottish Futures Trust to be an achievement?

The First Minister: The North Sea grid and the achievements of the SNP Government are hugely important for Scotland. I have the list of 50 commitments that the Government has already met or exceeded in our first two years in office. I do not have time to address all 50, but let us try the first five: the council tax freeze in Scotland for two years in a row; the small business bonus, which is vital for employment in our communities; the abolition of tolls on the Forth and Tay bridges; the reversal of the decision to close the accident and emergency departments at Monklands and Ayr hospitals—it is a good job that we did not downgrade Monklands in light of recent events; and the delivery of funding for 1,000 more police officers on the streets of Scotland. I would like to go on to list the other 45 commitments, but we will make them available in the Scottish Parliament information centre. Perhaps the Labour Party should wonder why, in eight long, miserable years in government, it did not manage to achieve any one of those 50 commitments made by the Scottish National Party.

Iain Gray: The First Minister missed out the first-time buyers without their £2,000; the students with the debt that the SNP promised to ditch; the carers who are still waiting for their funding; and the children in classes whose size the SNP promised to reduce. He did not mention the teachers on the dole or the pensioners means tested out of the central heating programme. He did not mention his local income tax that has just been ditched. So many promises broken in so little time; I do not have time to go through them all. Is that not why one of our papers today asks of the First Ministers record whether it has been

“just all big talk from a wee man”?

The First Minister: I must say that I am delighted with the description of my size—it is very comforting indeed. On the local income tax, how can Iain Gray complain about the non-implementation of local income tax when he kept voting against it? I have to confess to one other aspect of our manifesto that we have not been able to achieve, unlike the 50 commitments that have been achieved in two years. It was the Governments ambition to cancel the Edinburgh

trams project and invest that money in capital infrastructure in the capital city and throughout Scotland. I wonder whether anybody in the Parliament or on the Labour benches—even Iain Gray—thinks that they were wise to combine with the Tories and Liberal party to foist that project on the people of Scotland. Is there a single person who believes that?

Of course, Iain Gray has something to celebrate too. It is not just that he is unable to quarrel with or question the 50 commitments met by the Government; he is unable to explain why he is the first Scottish Labour leader in history to be less popular, not than an SNP leader, but than the Tory leader in Scotland.

Iain Gray: There are two signs of desperation in politics. *[Interruption.]*

The Presiding Officer (Alex Fergusson): Order.

Iain Gray: One sign of desperation is to tell the electorate lies in order to get their votes; that is what local income tax is about. The second is when the First Minister is reduced to reading out poll results, especially when he bought and paid for the polls.

Let us go back to what really matters to the people of Scotland. The Scottish Building Federation says of the achievement that is the Scottish Futures Trust that it has destroyed 20,000 jobs. Ron Hewitt of the Edinburgh Chamber of Commerce called it a “scandal” and said that it could cost another 15,000 jobs. Labour is doing all that it can: 15,000 jobs for young Scots in the budget package and, yesterday, 11,000 jobs secured and 1,000 more created on the Clyde. Thanks to the First Ministers Futures Trust, he is destroying Scottish jobs faster than Margaret Thatcher did 30 years ago. Does he really think that that is something to be proud of?

The First Minister: Employment is a serious issue. Ten years ago, unemployment in Scotland was 25 per cent higher than the United Kingdom average, as indeed it was for most of the post-war period. One of the things that we should be satisfied about is that, although we are in a recession and in difficult times at present, unemployment in Scotland is now 25 per cent below the UK average. Iain Gray complains about our firm action to accelerate the economy in Scotland and to create jobs through our plans. He should look south of the border and wonder why the plans there are not being quite as successful.

Iain Gray talks about cuts. Is he the last man in Scotland still in denial about the £500 million of Labour cuts coming next year? Is Andy Kerr still in denial about the Labour Partys own economist warning of the real-terms cuts in Scottish public spending?

The threat to Scottish jobs does not come from an SNP Government that is not just popular in one poll but popular in all polls. It does not come from the recovery plan generating tens of thousands of jobs in Scotland. The threat to Scottish jobs and unemployment comes, as Glasgow City Council confirmed this week, from the Westminster cuts from a Labour Government—£500 million planned for next year and real-terms cuts in public spending planned for the next few years.

The fortunate thing is that not just in opinion polls but in elections the people of Scotland have the opportunity to decide to have economic powers for this Parliament and independence for this country.

Secretary of State for Scotland (Meetings)

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

To ask the First Minister when he will next meet the Secretary of State for Scotland. (S3F-1669)

The First Minister (Alex Salmond): I have no plans to meet the secretary of state in the near future, but a meeting is being arranged in a few weeks time.

Annabel Goldie: There are few certainties in life, but we have just been reminded forcibly of one this morning: a First Minister who is desperate to be liked. It is also becoming very clear that he does not have the guts to take tough decisions. The Parliaments Finance Committee took evidence last week that showed that Labours mishandling of the economy could mean massive long-term cuts to the Scottish budget. The First Minister says—he repeated it this morning—that Labours squeeze on the Scottish budget will be £500 million from next April. If that is the case, how is he going to tighten his belt—small or otherwise? What is he going to cut, or does he not have the courage to tell us?

The First Minister: As Annabel Goldie well knows because she supported the proposal, we set up a process in the budget debate to examine public spending in Scotland and invited contributions from the other parties to face that reality. She can be absolutely certain that that will be done in an orderly manner.

Annabel Goldie is right of course to point to the £500 million of cuts from the Labour Party. What she neglects to mention is that now, apparently, the Conservative party plans exactly the same perspective. We have cuts to the left of me, cuts to the right of me, or an alternative future with the Scottish National Party and real powers for this Parliament.

Annabel Goldie: Let us be clear that the Labour Party has created this horrific mess. The Conservatives, when elected to government, will have to deal with the consequences of that horrific

mess, and will have the courage to do that. The First Minister does not have the bottle to deal with the horrific mess.

The Government is hitting the buffers. On education, the First Ministers Minister for Schools and Skills, Keith Brown—in his Hazel Blears moment—said that the Government must do better. On justice, as the headline in *The Sun* said this week, the SNP is the criminals best friend. On taxpayers money, even the First Ministers own department is way short of hitting its efficiency targets. What kind of political leadership is that? Once again, we need an unpalatable truth. What is the SNP going to cut—or, in the fantasy land of the First Minister, is he denying that any cuts are required?

The First Minister: The Governments efficiency targets of 2 per cent across departments are being met; they have been met over the past two years; and they will continue to be met. There is a major difference between the Governments efficiency savings and cuts by the Labour Party and the Conservative party: the Governments efficiency savings are reinvested in public services and local councils across Scotland.

The Governments economic record, in terms of the competence and the flair displayed by my colleague Mr Swinney, is second to none. We will meet any funding situation from whatever Westminster Government with the competence that we have shown over the past two years, and we will do that in the interests of the Scottish people. That will not prevent us from pointing out, in elections that are coming up in the next few weeks or months, that the perspective, whether from a Labour Government at Westminster or from a Tory Government at Westminster, is one of long and severe cuts in public spending and vital services across Scotland. That is why there has to be a real political choice between the cuts of the Westminster parties, and investment and economic power from the SNP.

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-1670)

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

Tavish Scott: This week, the First Minister received a prisoner transfer request from the Libyan Government. I ask him where he stands on the statement that he made in June 2007, in which he said:

“The question of prisoner transfer is particularly important, not least in relation to the case of Mr Al Megrahi,

the Libyan who was convicted in a Scottish court of the Lockerbie bombing”.

He went on to say:

“the Scottish law officers and others, including the secretary-general of the United Nations, gave assurances that any sentence that was imposed would be served in Scotland.”—[*Official Report*, 7 June 2007; c 586.]

Does he stand by that statement, which he made as First Minister?

The First Minister: Tavish Scott will understand that nothing that I say should be taken to prejudice decisions that the Scottish Government will have to take on the prisoner transfer agreement or anything else. I point out to him, since we are looking into history, that he is absolutely right: in June 2007, I came to the Parliament with an emergency statement to warn of the implications of the memorandum of understanding that was agreed between the then Prime Minister and Colonel Gaddafi.

Some people in this Parliament mistakenly believed—I see that Lord Foulkes is nodding—that the memorandum of understanding would not affect the case of Mr Al Megrahi. As we now know, in late 2007, the Westminster Government, through the then Lord Chancellor, Jack Straw, said that it would try to negotiate on the face of the prisoner transfer agreement an exclusion for anybody connected with the Lockerbie atrocity. That did not happen, unfortunately, and we are now in a position in which the PTA was agreed and finalised last week, and an application for prisoner transfer has been made.

Throughout this process, I have said that, in everything that we do as a Government, we will uphold the integrity of the Scottish judicial system. I repeat that today, and I also say that the decision that is made by the Cabinet Secretary for Justice will be made not on economic or political grounds, but on judicial grounds, and judicial grounds alone.

Tavish Scott: That is as it should be, but I agree with the secretary-general of the United Nations and the Scottish law officers: Al Megrahi should serve his sentence in Scotland. The First Minister has announced today that he will reopen and revisit the assurance that was given by the secretary-general of the UN, yet elsewhere SNP members are saying that the transfer request is simply a conspiracy to prevent the criminal appeal from being heard in full.

Should the First Minister not end that uncertainty and prevent the matter from dragging on? Why does he not today reassert the position and the assurances that he voiced in June 2007, and ensure that the sentence that has been imposed is served?

The First Minister: Is Tavish Scott seriously suggesting that if a prisoner transfer request is made, it should not receive proper consideration in terms of due process? That is an absolutely extraordinary thing to say.

We are in a position in which a prisoner transfer agreement has been negotiated between the United Kingdom Government and the Libyan Government. A request has been made, and we are duty bound to consider that request properly and fully, in line with the terms of the prisoner transfer agreement.

I have no doubt—and I maintain the position—that it would have been greatly to be preferred if the judicial processes of Scotland were allowed to take their course. I have absolutely no doubt about that whatsoever, for a whole range of reasons. However, if a PTA application is made, it must of course be properly considered by the justice secretary on advice from Scottish Government justice and other officials. That will be done, and nothing that I say to Tavish Scott in this Parliament or elsewhere can be taken to prejudice that decision, which will be made on judicial grounds, and judicial grounds alone.

The Presiding Officer: I will take a constituency question from Elaine Smith.

Elaine Smith (Coatbridge and Chryston) (Lab): What support can the First Ministers Government offer the total workforce of 57 people at Glen Shaw Knitwear—formerly Mackinnons—in Coatbridge, who were dismissed in an appalling way last week, with no prior notice or consultation?

Does the First Minister agree in general that Governments of whatever political persuasion should not simply pander to a pro-business agenda in which greedy companies can make excessive profits at the expense of the working class?

The First Minister: As in all situations of redundancy, this Government will give whatever support we can to the employees involved. If the constituency member wishes to pursue the matter with the Cabinet Secretary for Finance and Sustainable Growth, we can arrange for that to be done.

As the member will know, we have doubled the resources that are available for intervention and redundancy situations to enable us to reskill workers and do our utmost to find every workforce that is affected by the current recession alternative employment if at all possible.

Economic Support

4. Brian Adam (Aberdeen North) (SNP): To ask the First Minister what action the Scottish

Government is taking to support jobs and economic recovery. (S3F-1672)

The First Minister (Alex Salmond): The economic recovery plan is focused on jobs, skills and investment in the industries of the future, and we are working hard to ensure that Scotland weathers the current economic storm and recovers strongly.

For example, our plans to accelerate capital spending protect thousands of construction jobs, and we are working with social partners on our plans for a Scottish investment bank, which have been warmly welcomed by the Scottish Trades Union Congress and others. The Parliament should also be aware of the recent announcements on European funding—I am sure that those are warmly welcomed throughout the chamber—which will support 8,000 jobs in Scotland and 75,000 new training opportunities.

Brian Adam: I welcome the action that is being taken by the Scottish Government, but does the First Minister agree that, although such local stimulus is welcome, it will be badly affected by the decision of the United Kingdom Government to remove resources from investment in jobs by cutting £500 million from Scotlands budget? That is in stark contrast to the action of the Australian state of Victoria, which is supporting its population of 5 million with an £8 billion fiscal stimulus, including resources that are being raised through borrowing powers. What impact will the UK cuts have on jobs in Aberdeen and the north-east?

The First Minister: I welcome the question, because it gives us an opportunity to put these matters into stark contrast. As I said, the European funding, which I know is welcomed throughout the chamber, will help the creation of 8,000 jobs throughout the country. Six thousand jobs are supported by the acceleration of capital investment. The new-build plan for local authority housing—this Administration is actually building council houses in Scotland—will create 3,000 jobs. All those jobs are valuable and add to a considerable total of tens of thousands of jobs that will be supported by this Administrations recovery plan.

Is it not interesting that, in contrast to that recovery plan, which is designed to fight the recession and lead this country out of it as quickly as possible, in a single afternoon last week, by confirming the £500 million of cuts in the Scottish economy next year, the Chancellor of the Exchequer removed, with a stroke of his pen, 9,000 jobs from the Scottish economy? What a contrast between job creation by the Scottish National Party Government and job destruction by the Labour Party at Westminster.

Andy Kerr (East Kilbride) (Lab): What a contrast indeed, between truth and fiction around the Scottish budget. Would the First Minister care to agree with his own director general of finance that the Scottish budget will grow by 1.3 per cent next year, in the teeth of this recession? Does he agree with the fiscal stimulus measure of £2 billion for the Scottish economy, which has already been put in by the UK Government, and, of course, the £50 billion that has been put in place to save Scottish workers in our banks and leave Scottish mortgage payers in homes throughout Scotland?

The First Minister: Both the red book and the Scottish Governments director general of finance indicated that, because of Labours cuts, there will be less spending in the Scottish economy next year in comparison with this year, in the teeth of a recession. That is in contrast not just with what is happening in Australia but with what is happening in President Obamas America, where, next year, there will be counter-recessionary fiscal stimulus in the economy. Will Labour finally get its head around the reality that, in addition to the £500 million of cuts, which Andy Kerr said that he could not calculate even up to the last moment, there is the threat of a real-terms reduction in public spending year on year in the red book, which was also confirmed at the start of this session of Parliament by Labours own former economist, Mr John McLaren? Labour Party front benchers that are reduced to attacking their own economist are no semblance of authority for Scotlands future. We have investment and jobs from the SNP, but cuts in public services from the Labour Party.

The Presiding Officer: Before we come to question 5, I point out that Mr Al Megrahi has an active appeal against his conviction. Where he serves his sentence is not under appeal, but whether he is guilty of the crime is sub judice and, therefore, supplementary questions should not stray on to the subject of the appeal itself—whether the evidence or the accuseds guilt or innocence—as that would be in breach of rule 7.5.1 of standing orders.

Abdelbaset Ali Mohamed Al Megrahi

5. Elaine Murray (Dumfries) (Lab): To ask the First Minister what consideration the Scottish Government has given to the possible transfer of Abdelbaset Ali Mohamed Al Megrahi to a prison in Libya. (S3F-1678)

The First Minister (Alex Salmond): The United Kingdom and Libyan Governments ratified a prisoner transfer agreement on Wednesday 29 April 2009. An application for prisoner transfer has now been received from the Libyan authorities on behalf of Mr Al Megrahi. The application will be considered according to the agreement, relevant legislation and the merits of the individual case.

Any decision on the transfer of prisoners who are held in Scotland is for the Scottish ministers. In practice, the Cabinet Secretary for Justice makes the decision on any prisoner transfer request. That emphasises our point that, whatever decisions are made elsewhere, our decisions will be made on judicial grounds, not economic or political ones.

Elaine Murray: On 2 February 2008, the First Minister told the BBC news:

“it would be appropriate if anyone connected with the Lockerbie atrocity was excluded specifically from any prisoner transfer agreement.”

That sentiment was repeated by a spokesman for the First Minister on 16 February 2008.

On 15 January this year, the First Minister advised the Parliament that he believed that it was critical that the integrity of the Scottish judicial system be upheld, and he has repeated that today. His views on the matter seem clear. Do those statements indicate that the Scottish ministers had predetermined their response to a request from the Libyan Government? If so, would that enable the Libyans to seek judicial review if the request was turned down?

The First Minister: For obvious reasons, it is not possible to predetermine a response before a prisoner transfer agreement is in place. The warnings that we gave in the statements that I made in June 2007 in the Parliament, and in the attempt—which, initially, seemed successful—to persuade the United Kingdom Government to exclude from the face of the prisoner transfer agreement people connected with the Lockerbie bombing, have been amply demonstrated in what has come to pass.

Elaine Murray should look very carefully at the record. Warnings were given in June 2007 about the agreement that was made by Mr Blair and President Gaddafi. After the talks with Jack Straw, the new Lord Chancellor, Mr Straw gave an undertaking to seek to exclude people connected with Lockerbie from the face of the agreement. Then there was the information last year that that had not proved possible. Now we have the conclusion of the PTA between the UK and Libyan Governments. We were absolutely right—demonstrably right—to warn of the possible consequences of the sequence of events that was set in place in June 2007, just as we are absolutely duty bound to consider a prisoner transfer request on its merits, given the relevant legislation. There can be no prejudging of that request before such a PTA comes into place.

David McLetchie (Edinburgh Pentlands)
(Con): Will the First Minister clarify the process? He has said several times this morning—most recently in response to Elaine Murray’s question—that, in practice, the decision on the request will be

taken by Mr MacAskill as Cabinet Secretary for Justice. Members will be aware that *The Scotsman* newspaper suggested this morning that the decision would be taken by the First Minister and would be the subject of a discussion in the Cabinet. Will he confirm whether that is correct?

The First Minister: The decision will be made by Mr MacAskill as Cabinet Secretary for Justice. That is the right thing to do, because it emphasises that we are making a decision on judicial grounds and no other. Given Mr McLetchie’s history and mine, it would be unwise to believe everything that is reported, even in *The Scotsman*.

Christine Grahame (South of Scotland) (SNP): Does the First Minister agree, further to all his answers, that the prisoner transfer agreement that Tony Blair conjured up in the desert has simply muddied the waters? Does he also agree that, in the interest of the victims’ relatives—those who believe that Mr Al Megrahi is guilty and those who believe that he is innocent—due process through the Scottish courts is preferable, delivering justice that we all wish to see after 20 long years?

The First Minister: Yes, I agree with that. I think that due process—I have made the point a number of times—is to be preferred to any other process, and Christine Grahame is perfectly right to point to that.

In terms of the agreement back in June 2007, I do not think I could have been clearer or warned this Parliament more clearly of the potential implications of the then Prime Minister going down that particular route. However, we are now faced with a decision, and we have to take that decision on proper judicial grounds, because to do anything else would open us to some of the questions that some members asked about earlier. That is why we will make this decision on judicial grounds. We will give it the proper consideration, and our decision will be made judicially; it will not be made on any other grounds, such as economic or political grounds.

Departmental Expenditure Limit

6. Murdo Fraser (Mid Scotland and Fife)
(Con): To ask the First Minister what action the Scottish Government is taking in response to research by the Centre for Public Policy for Regions, which predicts that in real terms the Scottish Governments’ departmental expenditure limit will be between £2.1 billion and £3.8 billion lower in 2013-14 than in 2009-10. (S3F-1685)

The First Minister (Alex Salmond): The member is right: this is a serious issue for all of us, with cuts next year of £500 million threatening our

actions to support economic recovery and putting at risk 9,000 jobs in Scotland.

As we agreed during the budget process, the Cabinet Secretary for Finance and Sustainable Growth will shortly meet the finance spokesmen from the other parties to look at future budget issues. I am sure that the member would not want me to pre-empt that discussion today.

Of course, in the end—and as it should be—it will be up to the people of Scotland at the ballot box to decide what priority they place on public expenditure and what areas of public expenditure they would like to be forthcoming.

Murdo Fraser: I am sure that the First Minister agrees that the blame for this sorry state of affairs rests firmly and solely at the door of Gordon Brown and Alistair Darling for their mismanagement of the British finances. However, given that we know that the cuts are coming, can the First Minister commit to trying his hardest to preserve front-line services and cut out extraneous expenditure in the Scottish Governments budget? Will he commit to scrapping free prescription charges for people who, like him, can well afford to pay for them? Will he agree to mutualise Scottish Water and free up millions of pounds that could be spent elsewhere? Will he cut back on the army of Government spin doctors and special advisers, who are unnecessary? Will he commit to scrapping the Scottish National Partys futile and unwanted referendum?

The First Minister: As I remember, the last time that Murdo Fraser asked me about Scottish Water—I was one of the Conservatives, anyway—I had to point out that, under any criteria, it is one of the best-performing organisations in Scotland, with lower charges than those that prevail south of the border. If Murdo Fraser is saying that we should have lower investment in and higher charges from Scottish Water, I do not think that he will find much support for his proposition.

Perhaps I have been too hard on the Conservative party—who knows? No, perhaps not. I said earlier that there were £500 million of cuts on offer from Labour and from the Conservatives. However, I have been listening very carefully to some of David Camerons comments over the past few days and I have seen a chink of light in what he says with regard to both the Trident missile system and identity cards. I hope that, whether in the talks with Mr Swinney or elsewhere—perhaps even in talks with the people of Scotland—the Conservative party, on the road to Damascus, will say that it prefers investment in health, education and jobs in Scotland to waste and expenditure on a new nuclear programme and prestige projects such as identity cards.

The Presiding Officer: We will have a very brief final question from Mike Rumbles.

Mike Rumbles (West Aberdeenshire and Kincardine) (LD): Is not the First Minister duty bound, in this tight monetary situation, to cut out the waste, as has already been suggested to him? There is huge waste in the Scottish Executives budget. Free school meals for rich kids and the introduction of the beaver in Argyll all cost money.

The Cabinet Secretary for Finance and Sustainable Growth (John Swinney): The beaver?

Mike Rumbles: Yes. It is a joke, is it not?

The Presiding Officer: Very briefly, please.

Mike Rumbles: Most wasteful of all is the money that is being spent on the so-called national conversation and the independence referendum, which the First Minister knows will not survive a vote in this Parliament—it is a complete waste of money.

The First Minister: As I recall, in his leadership campaign, Mike Rumbles was in favour of a referendum—or at least he did not want to oppose it. *[Interruption.]* I have been assaulted with a paper clip! Now we know the Liberal Democrat recipe for Scotlands recovery from recession: we have to sacrifice the beaver! *[Laughter.]* If that is not bad enough, the plan to save the beaver actually started in the term of office of the Labour Party and the Liberal Democrats.

Mike Rumbles: What a joke.

The First Minister: Mike Rumbles says “What a joke.” There is nothing like self-analysis in this Parliament. *[Laughter.]*

The Presiding Officer: That concludes First Ministers question time—

Jack McConnell (Motherwell and Wishaw) (Lab): On a point of order, Presiding Officer. I realise that it was hard to hear over the noise, but those of us who listened carefully to the exchange on question 5 distinctly heard Christine Grahame ask the First Minister whether he felt that due process through the courts should be followed in the case of the convicted Lockerbie bomber. The First Minister might not have heard the question entirely clearly—I understand that sometimes, when sitting in the First Ministers chair, it is possible to misunderstand part of the question—because, in his answer, he agreed with that part of the question. That would imply that due process through the courts for the appeal should follow, rather than prisoner transfer. That could be seen to prejudice the decision that must be made by Mr MacAskill. I raise this point of order simply to highlight that possible discrepancy so that the First Minister might be given an opportunity later this

afternoon to make it clear that he did not mean to give out that intention, which is clearly what we understood listening up here in the back row.

The Presiding Officer: One thing on which I would agree with Mr McConnell at this stage is that there was quite a lot of noise in the chamber. I, too, did not entirely pick up the question. If I may, I will look at the matter and come back to the chamber later after considering it.

Margo MacDonald (Lothians) (Ind): On a point of order, Presiding Officer. I do not wish to detract from the point of order that Jack McConnell has outlined, but can you rule whether a First Minister, or any other member of the Parliament, can lie? The First Minister was accused of lying today.

The Presiding Officer: There is no such concept in this Parliament. The word "lie" does not come into it. As members know, they may not accuse other members of lying.

12:37

Meeting suspended until 14:15.

14:15

On resuming—

Question Time

SCOTTISH EXECUTIVE Justice and Law Officers

"The Road to Recovery"

1. John Lamont (Roxburgh and Berwickshire) (Con): To ask the Scottish Executive what discussions it has had with the Scottish Prison Service regarding the incorporation of "The Road to Recovery" drug strategy into prison policy on drugs. (S3O-6775)

The Minister for Community Safety (Fergus Ewing): The Scottish Prison Service is committed, through its substance misuse policy, to meeting the aims outlined in "The Road to Recovery". As an executive agency of the Scottish Government, the Scottish Prison Service maintains close and regular contact with colleagues in the justice and health portfolios on this and other areas of policy.

John Lamont: I acknowledge that all prisoners need access to drug rehabilitation, but it is important that the Government recognises that some prisoners need additional support to get free from drugs and to be put into an environment from which the temptation of drugs has been completely removed. Will the Scottish Government consider creating drug-free wings in Scotland's prisons?

Fergus Ewing: There is some merit in what the member says. He will be aware of the visit that I undertook with his colleague Bill Aitken to HMP Edinburgh in Saughton, where an addiction support area has been developed and introduced. In that area, treatment and support are offered to those who are motivated to change their behaviour and become drug free. They have a common aim and desire and are not in the generality of the prison, where prisoners may not share that desire and may want others to take drugs. The initiative is a welcome step forward; I hope that it will command support from all members.

Dr Richard Simpson (Mid Scotland and Fife) (Lab): I thank the minister for his response to John Lamont's question. Given the success of the time-out centre in Bath Street in Glasgow in diverting annually from short-term custody 500 women whose main offence or problem involves drugs, will he and the Cabinet Secretary for Justice give serious consideration to establishing a second centre for women, and a pilot centre for men, to increase the diversion of those with drug

problems? Will he also seek a review by SPS of the management of remand prisoners who have a drug problem, as part of discussions about the national health service taking over medical and nursing care in the Prison Service?

Fergus Ewing: I have visited the centre in Bath Street in Glasgow to which Dr Simpson refers and, like him, I was extremely impressed. The females at the centre were positive, confident about their recovery, safe and held in an environment that is far preferable to Cornton Vale. We would like the centres approach to be extended elsewhere and are happy to work with all parties towards that. It would have a serious cost implication—an issue that the Government must always take into account—but I hope that all members can unite behind it as an extremely desirable aim.

The treatment of prisoners on remand is and has always been a challenging issue. It is more difficult for prison officers to handle prisoners on remand than it is for them to handle long-term prisoners, and members are united in seeing that as a serious issue on which we need to do more. The Scottish Prison Service has a well-established policy, of which all members will be aware. More generally, we learn from prison officers that short sentences make it extremely difficult for prisons to provide any realistic form of structured drug treatment, especially for prisoners who spend fewer than 30 days in prison. That is why I hope that all parties will welcome the Scottish National Partys policy on sentencing.

Strathclyde Police

2. Patrick Harvie (Glasgow) (Green): To ask the Scottish Executive whether it is satisfied with Strathclyde Polices approach to policing non-violent protest. (S3O-6783)

The Cabinet Secretary for Justice (Kenny MacAskill): Yes, we are. Policing requires a balance between protecting the right to non-violent protest and the right of members of the wider community to go about their daily lives without disruption. I am satisfied that the Scottish police service, in conjunction with local authorities and other partner agencies, works hard to maintain that balance.

Patrick Harvie: In recent weeks, a number of police forces south of the border—including the Metropolitan Police—and now Strathclyde Police have been caught deploying some pretty dodgy tactics. That has been going on for years, but they are now being caught on camera or audio because of the proliferation of technology in the hands of citizens.

Is the cabinet secretary really saying that he is satisfied with the idea that non-violent, peaceful protesters should be the subject of attempts to

bribe, intimidate and threaten? Are there not some tactics that, although they may be legitimate in the pursuance of combating serious crime, are quite inappropriate when it comes to political, non-violent protest?

Kenny MacAskill: As I said in response to the initial question, it is a matter of balancing the rights of individual citizens with the broader rights of our communities. Irrespective of the nature of protests, they can have huge implications. We have seen the effects that they can have at airports, for example. We must ensure that the response by the police is proportionate and that their actions are subject to scrutiny and review. That is the case under RIPSA and RIPA—the Regulation of Investigatory Powers (Scotland) Act 2000 and the Regulation of Investigatory Powers Act 2000. Such matters are subject to overall scrutiny not just by myself, in respect of some areas, but by commissioners in other areas.

Mr Harvie refers to events south of the border, and those matters must be addressed there, but whatever difficulties we might have—occasionally, officers, like politicians, make judgments that go wrong or that are perhaps inappropriate—we are well served by our police. They act proportionately, and I believe that the actions that they take continue to maintain that balance between rights and broader responsibilities.

Bill Aitken (Glasgow) (Con): Does the cabinet secretary agree that, historically, the reaction of the Scottish police has been entirely proportionate in such cases? Does he also agree that, because occasionally—I stress occasionally—those who seek to demonstrate are prepared to take extreme measures, the police have every justification in trying to get intelligence regarding demonstrations and some of the tactics that might be adopted at them?

Kenny MacAskill: Absolutely. I am more than happy to confirm that, and I am on record as frequently praising our police service, who do an excellent job protecting our communities. Sometimes, protests that initially appear peaceful result in significant consequences for communities.

We are at the stage of the calendar when the so-called marching season is about to begin. Those events are viewed by many as part of the right of individuals to proclaim things that they claim to be part of their history. Equally, they can have significant effects and be disturbing, if not threatening, to individuals. Those are matters of balance that must be considered not only by the police and local authorities. As a Government, we believe that such events are dealt with proportionately and appropriately, and we will continue to work with and support the police and local authorities.

The Presiding Officer (Alex Fergusson): Questions 3 and 4 were not lodged.

McKenzie Friends

5. Margo MacDonald (Lothians) (Ind): To ask the Scottish Executive whether it will introduce the practice of allowing a McKenzies friend into law courts. (S3O-6781)

The Cabinet Secretary for Justice (Kenny MacAskill): The term “McKenzie friend” refers to the practice in English and Welsh courts in which parties are given assistance from someone other than a lawyer in presenting their case in court. At present, a party may be represented by a friend, relative or lay representative, such as a citizens advice bureau representative, in the small claims and summary cause sheriff courts. That covers actions up to a value of £5,000.

The right hon Lord Gills civil courts review is considering the issue of McKenzie friends. I look forward to receiving his report, which is expected in June, and I will carefully consider all his recommendations about McKenzie friends and about wider issues concerning those who represent themselves in court. Those wider issues include the funding of court actions, improved court procedure and other methods of dispute resolution.

Margo MacDonald: I thank the cabinet secretary for his reply and for his attention to Lord Gills upcoming report. Before its publication, he will see the petition on the matter that was discussed in committee just two days ago.

I draw to the cabinet secretaries attention that the McKenzie friend system, which we advocate, does not allow anyone to advocate on behalf of someone in court; the McKenzie friend is simply there to advise or support a person who might be without legal representation. The cabinet secretary must agree with me that that would only enhance the procedure in Scottish courts.

Kenny MacAskill: Anything that makes people more comfortable in a court environment is to be welcomed. There must be majesty of the court and the experience of court can be traumatic for whatever reason, so peoples ability to have support is important.

The question of who has formal representation rights is of greater complexity and must be considered in the round. We have addressed the issue at small claims and summary levels, and there can be representation in some debt cases in ordinary actions. We have broadened the approach to give the Association of Commercial Attorneys various powers, which have been signed off by the Lord President. One thing that differentiates Scotland from England is that there is wider access to legal aid in Scotland than there

is south of the border, which means that there is greater opportunity for representation.

Lord Gill must consider the matter because it is not simply about comfort and peoples ability to be assisted in court, whether by a lay or legal representative, but about whether court is the appropriate forum in which to deal with a matter. That is why the issue should be considered in its totality. I look forward to Lord Gills review, and I will be more than happy to discuss the matter thereafter.

Paid Informants

6. Ross Finnie (West of Scotland) (LD): To ask the Scottish Executive to what extent paid informants are used by police forces. (S3O-6826)

The Cabinet Secretary for Justice (Kenny MacAskill): That is an operational matter for individual chief constables.

Ross Finnie: That was an illuminating reply. Does the cabinet secretary welcome the Scottish Information Commissioners decision to compel Strathclyde Police and Lothian and Borders Police to release information on how much they spend on so-called covert human intelligence sources?

I press the cabinet secretary on his answer to Patrick Harvie. Is he satisfied that Scottish police forces conduct such operations with proper regard to the civil liberties of individuals and the wider community, given the revelation that Strathclyde Police offered money to a member of the protest group Plane Stupid?

Kenny MacAskill: It is not a question of my being for or against the Scottish Information Commissioners decision; it is my obligation as Cabinet Secretary for Justice to accept his decision—and I do accept it. Indeed, the chief constables of the relevant forces accepted it, and I understand that the information has been produced. The chief constables and I will abide by the decision.

Covert human intelligence sources are important in addressing crime and public disorder. As I said to Patrick Harvie, such matters are supervised under the Regulation of Investigatory Powers (Scotland) Act 2000, which was passed before the Government in which I serve came into office. It is appropriate that funding should be given to enable the police to have appropriate intelligence and information. It is a question of proportionality and balance: difficult judgment calls must be made, and there might be occasions when a judgment call is inappropriate or the terminology that is used and other aspects of the matter are not the best.

In the round, the system works well and has safeguards. I meet the commissioner annually to discuss matters, and the police review the system.

I believe that we are well served by the police. There can be difficulties in public demonstrations. Whether we are talking about Boys Brigade marches, Orange order walks or demonstrations about the environment, such events have implications for traffic and the economy. We must continue to support our local authorities and police to make the appropriate judgment call and to balance the individual rights of the citizen with the broader rights of the community.

The Presiding Officer: Question 7 has been withdrawn.

Antisocial Behaviour (Short-term Holiday Lets)

8. Sarah Boyack (Edinburgh Central) (Lab): To ask the Scottish Executive in what ways the Antisocial Behaviour etc (Scotland) Act 2004 contributes to addressing antisocial behaviour carried out by people using short-term holiday lets. (S3O-6788)

The Minister for Community Safety (Fergus Ewing): Local authorities and chief constables acting jointly are required by the Antisocial Behaviour etc (Scotland) Act 2004 to prepare a strategy for dealing with antisocial behaviour in the authority's area. The 2004 act also contains a range of measures to reduce antisocial behaviour across all tenures, including among tenants in short-term or holiday lets.

Our new framework, "Promoting Positive Outcomes: Working Together to Prevent Antisocial Behaviour in Scotland" sets out a new, shared vision for how antisocial behaviour should be tackled.

Sarah Boyack: Is the minister aware of the growing problem, which has been brought to the attention of the Parliament by members of different political parties? Will he examine part 7 of the 2004 act and, in particular, commit to examining the use of powers in section 68(6) in part 7 to amend the act to make it absolutely clear and beyond doubt that antisocial behaviour notices can be applied to circumstances particular to holiday lets?

We have a cross-party meeting of councillors and MSPs next week. It appears that the issue is growing in Edinburgh and beyond the city. An intolerable strain is being put on local residents, and I have been made aware of serious health and safety issues.

Fergus Ewing: I certainly appreciate that the lives of those who are the victims of antisocial behaviour can be made an absolutely misery. Perhaps I and other members will know that from our own experience. That said, officials from the City of Edinburgh Council have told us that the problem appears to relate to a very small number

of properties in the city compared with the very large number of holiday lets.

The position that we take at the moment—although of course we are willing to consider specific proposals for change if any are put to us—is that existing antisocial behaviour legislation is sufficient to deal with, for example, hen and stag parties, which I think are behind some of the problems to which the member refers. Officials at the City of Edinburgh Council take the same view. I am also aware that, as Sarah Boyack said, this has been raised by other members—Shirley-Anne Somerville and Malcolm Chisholm being two.

The Scottish Government is aware that short holiday lets are very important to Edinburgh, especially during the festival—I hope that all members understand that concern. The vast majority of landlords operate responsibly and respectably, and therefore to impose regulation on a sector where the problem is with a few—problems that may amount to criminal behaviour that should be dealt with by the police—may well be to take a legal sledgehammer to crack a nut. I advise proceeding with caution, but we are certainly willing to listen to any specific proposals, should any such be put to us.

Shirley-Anne Somerville (Lothians) (SNP): As Sarah Boyack mentioned, the issue has been brought to the attention of many MSPs. Although it involves a small number of flats in the city, those in the areas surrounding them are suffering greatly. Is the minister willing to examine the issue if specific proposals are brought forward? We are willing to examine a number of avenues to ensure that we get the right solution to the problem and sort it out for the long term. If we can find a solution that we can bring to him on a cross-party basis, is he willing to consider it fully and examine the individual cases involved?

Fergus Ewing: I reiterate that, in the event of any specific proposal for legislative reform being put to us, we will consider it. Members have raised the general issue. Houses in multiple occupation are a long-established concept in housing legislation, and one of their defining characteristics is that they comprise living accommodation and not holiday accommodation. A holiday let cannot be an HMO but there are certain technical matters that Shirley-Anne Somerville has already raised in her correspondence with Stewart Maxwell on 4 February.

I am aware that Alex Neil, the Minister for Housing and Communities, spoke about the matter earlier today. He was right that antisocial behaviour legislation, and not housing legislation, is the key to tackling the issue. Therefore, I am happy to consider further specific representations from members across the chamber.

Drug Addiction Services

9. Jamie McGrigor (Highlands and Islands)

(Con): To ask the Scottish Executive what action it is taking to improve drug addiction services. (S30-6772)

The Minister for Community Safety (Fergus Ewing): On Monday 20 April we held an alcohol and drugs delivery summit at which we, along with the Convention of Scottish Local Authorities, launched a new framework for action on alcohol and drugs. Members of the Parliament who attended the summit, including Annabel Goldie and Dr Ian McKee, welcomed the announcement of the framework.

We have a national drugs strategy that provides a clear plan for how we will tackle the damage that problem drug use has caused to too many of our society for too long. Having the right delivery framework in place will ensure our record investment in drug services will be better targeted to help recover those lives.

Jamie McGrigor: I thank the minister for that answer and hope that what he says will come to pass. However, does he share my concern that the most recent data show that 25 per cent of addicts who want treatment have to wait for more than a year before they are assessed and that 30 per cent have to wait for more than a year for the actual treatment? Does he agree that, when an addict is ready to accept help, the help must be given within days rather than years? Will he assure me that the support system will be delivered?

Fergus Ewing: Jamie McGrigor's general point is correct—indeed, I discussed it this week during my visit to Turning Point Scotland in Peterhead. Turning Point is a charity that is successfully involved in helping drug addicts to find recovery. The member is right to say that some problem drug users have to wait too long for appropriate treatment. We have been determined to tackle the problem, which is why we have substantially increased the available funding. We have substantially reduced the amount of the drugs budget that is spent at the centre so that the maximum amount is available around the country to tackle the problem.

I am encouraged that in some areas—such as Aberdeen city, which had and still has a particularly acute problem—the waiting times are going down. I pay tribute to all those in the public and sectors who are carrying out excellent work—difficult, demanding and exacting work—in dealing with problem drug users who need help to find recovery.

Tricia Marwick (Central Fife) (SNP): On a point of order, Presiding Officer. I seek your guidance

on the circumstances in which a member can withdraw a question for answer by a minister.

Today Claire Baker withdrew question 7, which referred to her false claim of a rise in violent crime in Fife. Last week Ms Baker issued press releases and spoke on the local radio stations, saying that she would be demanding an explanation from the Cabinet Secretary for Justice for why crime in Fife was rising. In fact, crime in Fife has reduced by 16 per cent in the past year—the largest reduction in the whole of Scotland. Ms Baker withdrew her question today, denying the justice secretary the opportunity to put the record straight.

The Presiding Officer: I ask the member to come to the point of order.

Tricia Marwick: Presiding Officer, will you consider whether it is acceptable for a member to behave in that way? Will you look at tightening the circumstances in which a member can withdraw a question at the last minute, particularly if it is just to protect her from humiliation?

Richard Baker (North East Scotland) (Lab): On a point of order—

The Presiding Officer: I will answer one point of order before I come to another.

I have no evidence that what Ms Marwick says is the case. The withdrawal of a question is a matter for the individual member but, although members are perfectly entitled to do that, I hope that it is not a course that they take lightly.

Richard Baker: On a point of order, Presiding Officer. I refer to the code of conduct in relation to courtesy to other members, given that Ms Marwick has made several inaccurate comments with regard to the circumstances in which the question was withdrawn.

The Presiding Officer: I am afraid that that is another spurious point of order. However, I understand where the member is coming from, and Ms Baker will be informed of the content of these points of order.

Mike Pringle (Edinburgh South) (LD): On a point of order, Presiding Officer. The member must be wrong—the question could not have been withdrawn this morning, as today's *Business Bulletin* will have been printed long before today.

The Presiding Officer: Thank you—that is a fair point.

Rural Affairs and the Environment

National Food Policy (Local Food)

1. Mike Pringle (Edinburgh South) (LD): To ask the Scottish Executive what action it has taken to encourage the use of fresh, local food

throughout the public sector as part of its national food policy. (S3O-6832)

The Cabinet Secretary for Rural Affairs and the Environment (Richard Lochhead): The Government supports the use of fresh, seasonal food throughout the public sector and is setting an example. The Scottish Governments own catering contract sources 75 per cent of all perishable goods locally.

Mike Pringle: Despite cross-party support for changing public procurement rules to favour local suppliers, and the promise of rapid action that was made by the Cabinet Secretary for Rural Affairs and the Environment when he was in opposition, nothing has changed two years into the Governments term of office except the Governments own catering contract. Although it is good that the shortbread for ministers meetings is now local, that simply does not go far enough. Will the minister support the Scottish Liberal Democrats call to change public procurement rules to ensure that the public sector leads by example when it comes to buying local?

Richard Lochhead: I assure the member that we have made more progress on the promotion of Scottish and local food and drink produce over the past two years than his Administration did over eight years. Indeed, we are developing Scotlands first national food and drink policy, at the heart of which will be public procurement policies to help promote the fantastic food and drink that are produced on our doorstep and ensure that the public sector plays a role in that.

We have taken a number of measures. Robin Gourlay of East Ayrshire Council, who is respected across the chamber for his local authority work, is leading one work stream under the development of the food policy. Given that the work streams are reaching a conclusion, he is about to report to Government. I am sure that the report will contain a number of worthwhile recommendations; I have not seen it, but I am assured that it contains a number of good ideas. I hope that those ideas will attract support from across the chamber in taking forward this important debate.

Sarah Boyack (Edinburgh Central) (Lab): I associate myself with Mike Pringles question. Members have had several goes at getting the cabinet secretary to tell the chamber exactly when fresh local food will become part and parcel of day-to-day procurement work. We are particularly keen for schools, hospitals and prisons across the country to benefit from this procurement exercise, particularly given the situation of our local farmers. We want to see local food that is directly sourced. As the East Ayrshire Council project under the previous Government shows, it can be done.

Richard Lochhead: A number of measures have already been taken, over and above the recommendations that we await from Robin Gourlay. For instance, under the food processing, marketing and co-operation grants scheme, the Soil Association was awarded funds to build on the food for life programme to which the member refers. The programme seeks to ensure that more meals that are served in schools and hospitals have ingredients that are 75 per cent unprocessed, 50 per cent local and 30 per cent organic. In addition, the Scottish Agricultural Organisation Society has developed a road map for supplying local authorities, the aim of which is to help producers and producer groups bid for upcoming tenders. Those are examples of measures that we have taken over the past year or two.

The member is aware of the complexities of the issue. She knows that they led to the previous Administration being unable to make more progress over eight years of attempting to address the situation. I am confident that we will make good progress and that we will support our primary producers as the member wishes.

Greener Scotland Objectives

2. John Park (Mid Scotland and Fife) (Lab): To ask the Scottish Executive what progress has been made in achieving its greener Scotland objectives. (S3O-6818)

The Cabinet Secretary for Rural Affairs and the Environment (Richard Lochhead): We have made considerable progress in a number of important areas. For example, in taking advantage of Scotlands renewable energy resources, we have 5.5GW installed and consented capacity. We are working with the renewable energy skills group, in which key stakeholders are involved, to ensure that Scotland has the necessary skills to deliver its potential in the renewables sector; making homes warmer and more energy efficient; bringing forward landmark legislation—indeed, we are debating the Climate Change (Scotland) Bill today; and further improving Scotlands recycling rate, which now stands at 32.9 per cent.

John Park: Again, I am focusing on procurement, which is a wider issue than the procurement of local food. The Scottish Government procures £8 billion of goods and services each year, and its key intervention in the marketplace includes the procurement of vehicles. Has the Government considered including in its vehicle pool the electric vehicles that leading manufacturer Allied Vehicles in Glasgow is producing? What other interventions can the Government make, not only in food procurement but in other areas, that will lead to reductions in carbon emissions?

Richard Lochhead: The member raises a number of good points. The Government has been encouraging the public sector across Scotland to indulge in more sustainable procurement. The sector should give more consideration to the examples that the member cites. The Scottish Governments policy on vehicle procurement takes account of our carbon footprint. We are making inroads to improving that. The public sector in Scotland must take account of such issues in procurement policies. I refer not only to sustainable and local food, but to the other goods and services that the public sector puts out to tender. I agree wholly with the sentiment that the member expresses.

Rob Gibson (Highlands and Islands) (SNP): Does the cabinet secretary agree that the £27 million climate challenge fund plays a crucial role at grass-roots level across Scotland? Does he welcome projects such as Assynt Renewables, which was awarded £74,220 in April for an energy audit of houses and buildings throughout the Lochinver area?

Richard Lochhead: Yes. I agree with the member. I offer my congratulations to local initiatives such as the one to which he refers. The climate challenge fund has supported 120 communities throughout Scotland in undertaking grass-roots action. It has helped them to come up with their own ideas and to use their ingenuity to reduce their carbon footprint. Examples such as the one that the member gave—which are celebrated across the chamber—show the way forward for Scotland.

The Presiding Officer: I hope that members understand that I will take only one supplementary per question. We lost five minutes to points of order, and I want to get through as many questions as possible.

Scotland Rural Development Programme

3. Richard Baker (North East Scotland) (Lab): To ask the Scottish Executive what steps it is taking to improve the application process for the Scotland rural development programme. (S30-6786)

The Cabinet Secretary for Rural Affairs and the Environment (Richard Lochhead): An independent review of the SRDP is being carried out by Peter Cook, the former head of the rural business unit for the Scottish Agricultural College. The review includes a re-examination of the application process for the rural priorities element of the programme.

Peter Cook is finalising his advice and recommendations, and I hope that they will be submitted to me shortly. Once I have received them, I will be able to make decisions on the

SRDP and associated application processes. In the meantime, we are pressing ahead with implementing a number of measures to improve the application process for rural priorities, including: providing additional training for case officers; improving guidance and communication with applicants; removing area limits on payment of the farmland premium for forestry projects; enabling applicants to mandate more than one agent to work on complex cases; and making arrangements to allow successful applicants to start work on their projects as soon as possible.

Richard Baker: When will the new deadline for applications in the next round of the rural priorities scheme be published? I have received complaints from constituents about the length of time that grant applications take in the wider programme. Will the SRDP review examine the potential to speed up the application process?

Richard Lochhead: Yes. We are keen to speed up the application process. We have tried to accelerate a number of applications and have been victims of our own success to some extent, because we had a huge number of applications in the February round. To date, we have given awards to more than 1,800 cases, which represents a significant number of rural businesses. More than 1,000 of those were given awards in the February round.

That is why we wanted to take stock before we gave the deadline for the next round of applications, but I am delighted to tell Richard Baker and other members that we are announcing today the date for the next round of applications. It will be late June for the August round. There will also be one further application round this year. I will ensure that all members are sent details of those rounds this afternoon, but I have already written to the Rural Affairs and Environment Committee with them today.

Jim Hume (South of Scotland) (LD): During the debate on the Scottish National Partys proposal to sell off leases of the countrys forest, the then Minister for Environment stated:

“by dropping the leasing proposal, we face a short-term funding problem for woodland creation”

However, the Governments rural priorities budgetary position from 27 April states that there is “ample headroom” in forestry funding. Which is right: the former ministers statement or the Governments rural priorities budgetary position that was updated 10 days ago?

Richard Lochhead: One reason why we have to review the forestry schemes in the SRDP is that they have been underspent because the economics of the forestry sector in Scotland have made some of the current options unattractive. As the programme progresses, we will have to adapt

it to current economic conditions, particularly in the forestry sector. There are budgets available for that sector, and I hope that we can come up with amendments to the schemes to make them more attractive to it, as well as tackle concerns that people have expressed about complexities and bureaucracy, which we must accept. The SRDP was designed by the previous Administration, which could have given more thought to how it would be implemented once it was up and running. However, we are where we are and we must ensure that the forestry schemes become more attractive to the forestry sector in Scotland.

I take the opportunity to correct misleading information from Jim Hume. He started off by saying that we had a proposal to sell off the forestry and then corrected himself a few seconds later by saying that it was a proposal to lease some forest rights.

Energy Generation (Waste)

4. Lewis Macdonald (Aberdeen Central (Lab)): To ask the Scottish Executive what level of energy generation from waste it intends to achieve as part of its commitment to reduce the amount of waste to landfill. (S3O-6809)

The Cabinet Secretary for Rural Affairs and the Environment (Richard Lochhead): The Scottish Government has set a limit of no more than 25 per cent of municipal solid waste to be used for energy generation. The zero-waste policy for Scotland prioritises waste reduction, reuse, recycling and composting over other forms of waste treatment, including energy from waste.

Lewis Macdonald: Does the minister recognise the large potential for energy from waste to support district heating schemes in a way that generates fewer emissions than sending waste to landfill or generation from fossil fuels? Will he consider what potential exists to grow that sector? I commend to him the model of Denmark, where there are some 29 energy-from-waste plants throughout the country. Will he consider what he can do to stimulate such developments in an environmentally friendly way?

Richard Lochhead: Yes. I will consider what more the Scottish Government can do to encourage district heating systems to form part of any proposals for energy-from-waste plants. Indeed, one of the reasons why we gave such detailed consideration to the role of energy from waste was that we wanted to ensure that any projects that were proposed were efficient and incorporated the kind of benefit to which the member refers. I am aware that the Scottish Environment Protection Agency withdrew its opposition to some proposals once more evidence was given of the benefits of district heating and of other by-products from energy from waste. I agree

with what the member said and I will be happy to look into the issue for him.

Bob Doris (Glasgow) (SNP): The cabinet secretary is aware that Glasgow City Council sends a higher proportion of its waste to landfill—almost four fifths—than any other local authority does. What contacts have there been between the Scottish Government and Glasgow City Council to try to tackle that rather disappointing figure?

Richard Lochhead: The member raises the important issue of the effort that is required by Glasgow City Council to improve its recycling rate. It is certainly the case that if we, as a nation, are to achieve our national targets, we need Glasgow City Council to make progress with its efforts. However, I am pleased that efforts are being made to improve the recycling rate in Glasgow. I understand that a number of proposals are being worked up.

The member asked what contact there has been between the Scottish Government and Glasgow City Council. I visited the council a few months ago and met officials and elected representatives to discuss the future of their waste strategy. In addition, Scottish Government officials are in regular contact with the council to offer it support, given the disproportionate influence that it will have over our success or otherwise in achieving the national targets.

Flooding (Kinross-shire)

5. Elizabeth Smith (Mid Scotland and Fife) (Con): To ask the Scottish Executive what progress is being made to address flooding in Kinross-shire. (S3O-6766)

The Minister for Environment (Roseanna Cunningham): As the member knows, that is a matter for Perth and Kinross Council, which has wide powers under the Flood Prevention (Scotland) Act 1961 to mitigate the flooding of non-agricultural land in its area. I hope that the council will welcome the Flood Risk Management (Scotland) Bill, which will be debated at stage 3 next week.

Elizabeth Smith: I very much welcome the Flood Risk Management (Scotland) Bill. The minister is right to say that Perth and Kinross Council has full responsibility in the sense that she indicated. However, are discussions taking place between the council and the Government about speeding up progress to allay concerns that not very much is happening in Kinross-shire about flood prevention?

Roseanna Cunningham: I am aware of the issues in Kinross-shire, particularly the outstanding issue of Milnathort. The member will be happy to know that the council will introduce a further flood prevention scheme in the summer

that will deal with outstanding issues. The council has, in fact, commissioned a study of flooding in Kinross from the difficulties that have been identified there. Again, a report on that will be available in the summer. I hope that, when those reports are available, the member will be satisfied that the council is doing the work that it needs to do to ensure that the flood risk in its area is managed well.

Fish and Shellfish (Promotion)

6. Nigel Don (North East Scotland) (SNP): To ask the Scottish Government what steps are being taken to promote Scottish fish and shellfish. (S3O-6844)

The Cabinet Secretary for Rural Affairs and the Environment (Richard Lochhead): Scottish seafood has an excellent reputation for quality, which is recognised in both domestic and export markets. Roseanna Cunningham and I supported Scottish companies in promoting that at last weeks European seafood exposition in Brussels.

Nigel Don: The cabinet secretary is aware of the trade credit insurance situation that faces the seafood industry. He is also aware that some exporters premiums are being increased considerably and that some exporters are being refused insurance. What action is the Scottish Government taking to support Scotlands seafood industry as it struggles with that matter?

Richard Lochhead: I am pleased that the member has raised that issue at question time. During our productive visit last week to Brussels, where I was proud to see the number of saltires that were flying at the worlds biggest seafood exposition, the most common issue that was raised with me by the companies from Scotland that were represented there was their current inability to get adequate trade credit insurance. That is hampering the massive opportunity that seafood companies have to increase the number of exports from Scotland.

In March, I wrote to Peter Mandelson, the Secretary of State for Business, Enterprise and Regulatory Reform in the United Kingdom Government, asking him to ensure that the UK Government addressed the issue of trade credit insurance for the Scottish seafood industry. I was therefore disappointed, as I am sure that members and the industry were, that no adequate measures were included in the recent budget. I wrote again this week to the secretary of state, asking him to reply to my previous letter on this very important issue for Scotlands economy and our seafood sector and to address our companies specific concerns.

A massive economic opportunity is open to our seafood companies. Despite some of the

challenges that the seafood sector faces, many of the people to whom I spoke at last weeks exhibition—they were mainly from companies in the pelagic sector—said that the show was their busiest for some years. We need to grasp that opportunity as a nation. As long as companies are unable to get trade credit insurance because of the current economic backdrop, that task will be all the more difficult.

The Presiding Officer: We can just squeeze in question 7 if it is kept brief.

Incinerators

7. Karen Whitefield (Airdrie and Shotts) (Lab): To ask the Scottish Executive what its policy is with regard to the use of incinerators for waste management. (S3O-6823)

The Cabinet Secretary for Rural Affairs and the Environment (Richard Lochhead): The Scottish Government has a zero-waste policy that prioritises waste reduction, reuse, recycling and composting over other forms of waste treatment such as incineration. There is a role for energy-from-waste plants. The Scottish Government has set a 25 per cent cap on the amount of waste that goes to energy-from-waste schemes. That cap has been included in the proposed national planning framework.

Karen Whitefield: Is the minister aware of the concerns of my constituents in Greengairs, Plains, Glenmavis and north Airdrie about the environmental impact of a planned incinerator that has been given planning consent today? My constituents have serious concerns about the environmental and health impacts of the incinerator. Will the Scottish ministers listen to those concerns and call in the decision so that the environmental concerns can be fully examined?

Richard Lochhead: The member has eloquently highlighted the concerns of her constituents but, as she is aware, the application will need to go through the planning process. Let me make just a couple of quick points. First, any proposal will need the relevant permit from the Scottish Environment Protection Agency before it can proceed. Therefore, as well as going through the planning process, the application will need to follow that procedure. Secondly, the environmental footprint of energy-from-waste technology has improved dramatically in recent decades. Although I cannot comment on the particulars of the proposal in the members constituency, that is a general observation.

Climate Change (Scotland) Bill: Stage 1

Resumed debate.

The Presiding Officer (Alex Fergusson): For the sake of people in the public gallery, I should explain that the next item of business is a continuation of yesterdays debate on motion S3M-3963, in the name of Stewart Stevenson, on the general principles of the Climate Change (Scotland) Bill. Speeches should be no longer than six minutes. I will allow a couple of seconds for the ministers to change places.

If he is ready, I call Jim Mather. You have six minutes.

14:57

The Minister for Enterprise, Energy and Tourism (Jim Mather): Thank you very much, Presiding Officer. I have just passed the manual dexterity test.

I am delighted to have the opportunity to speak on day 2 of the stage 1 debate on the Climate Change (Scotland) Bill. Clearly, the bill is a flagship piece of legislation for the Scottish Government, the Scottish Parliament and Scotland itself. Therefore, I welcome Labours absolute support for our strengthening of the interim 2020 target. I am also encouraged by the evident consensus in Parliament that our emissions reduction target of 80 per cent is right. Liam McArthur acknowledged that the bills central objective is “bold” and “ambitious” and Alex Johnstone recognised that the target is “appropriate and ambitious”.

Our aim is to deliver world-leading legislation on climate change—which is of global importance—at a crucial time as we all work towards what we hope will be an ambitious new international agreement on climate change in Copenhagen in December this year. All along, our intention has been that Scotland should act as a model of international good practice in order to influence decisive world action. We are committed to acting in co-operation with the United Kingdom Government, with which we are already working on the delivery of European Union commitments.

With Scotlands wide and material array of natural resources, we are well placed to respond to climate change. As a result, we can deliver a solid and persuasive plan of action to follow on from the self-evident political commitment. In so doing, the foundation of our response to climate change and to the challenge that it presents is our energy policy. As I have said, Scotland has vast potential in renewable energy. Onshore wind power is an established green energy technology,

and offshore wind is rapidly opening up huge new opportunities. The emerging wave and tidal marine power technologies are also attracting great new interest. That is being augmented by the saltire prize, which we are working on with the National Geographic Society.

Marine energy obviously presents many technical engineering challenges, but Scotlands history of North Sea exploration puts us in a good position to develop the required expertise to meet those challenges. We have comprehensively done that in North Sea exploration, which is proven by our exporting of those skills around the globe. Our blend of track record, natural resources, expertise and commitment reinforces the belief that Scotland can be the green energy capital of Europe. Given that we have a quarter of Europes renewable energy potential, there is no doubt that Scotland will always be on the global energy map. We already enjoy that status, as we are well on the way to achieving our target of meeting 50 per cent of our electricity demand from renewable sources by 2020.

Patrick Harvie (Glasgow) (Green): Given what the minister has said about renewable energy, does he agree with the Transport, Infrastructure and Climate Change Committees recommendation that the Government should provide us with more detail on the emissions cuts that are expected in electricity generation and three other key sectors? What can he say in response to that recommendation?

Jim Mather: The delivery plan will provide that additional detail. I expect it to evolve along the lines that Patrick Harvie suggests.

Our status and standing will be further established and enhanced as we do more, for example by encouraging the development of renewable heat. As the First Minister announced last week, Scotland is uniquely positioned in terms of geography, technology and ambition to become Europes leader in carbon capture and storage, which is the key technology for decarbonisation of emissions from fossil-fuel power generation and heavy industry. It is obvious that Scotland can be a world leader in the generation of clean, green energy.

Gavin Brown (Lothians) (Con): The minister mentioned renewable heat. Does he think that section 51 of the bill, which deals with renewable heat, goes far enough to make Scotland lead the world in that area, or could the Government go a bit further?

Jim Mather: There is always scope to improve, but I think that section 51 contributes to our being allowed to make the claim that we are world leading.

In addition to our work on carbon capture and storage, I am well aware that we must carry out work at the other end of the spectrum if we want to have the maximum impact and to continue to be a net exporter of low-carbon power. We need to tackle our domestic energy use, which we are doing through a range of actions on energy efficiency, including use of building standards and energy performance certificates, our support for the work of the Carbon Trust and the Energy Saving Trust, and our funding for a new area-based approach to energy efficiency.

All that emphasises that the climate change agenda is not just an issue of moral responsibility or just an environmental issue. The actions that we in Scotland take on climate change are inextricably linked to our economic aim of effectively managing the move to a low-carbon economy. We must ensure that that generates the economic impetus that we expect from a low-carbon future, and that it creates the green jobs that it is evident will be part of Scotland's national economic recovery. I look forward to further progress on that and other fronts as the bill progresses into law.

15:02

Lewis Macdonald (Aberdeen Central) (Lab): Yesterday, Sarah Boyack said that the Climate Change (Scotland) Bill is potentially the most important legislation that we will pass in the current session. The challenge is in how we will ensure that the bill's outcomes are as significant in practice as its words will be on paper. That was the spirit in which I and other members of the Economy, Energy and Tourism Committee approached our consideration of the sections of the bill that deal with energy efficiency and renewable heat. I am glad that we did so but, in my view, the bill falls short of expectations in a number of areas.

The first surprise comes in the opening provision on energy efficiency, which states:

"The Scottish Ministers must prepare and publish a plan for the promotion of energy efficiency in Scotland",

and stipulates that that plan

"must include provision about the promotion of the energy efficiency of living accommodation."

The surprise was that that form of words highlighted the promotion of energy efficiency, when ministers proposed to repeal section 179 of the Housing (Scotland) Act 2006, which committed them to preparing

"a strategy for improving the energy efficiency of living accommodation."

On 4 March, we asked the minister why he proposed such a dilution of the existing provision.

We did so in vain, although I am pleased to say that ministers have since then accepted the point and have indicated that they will support amendments at stage 2 to restore and, perhaps, to extend the existing provision, whereby they will have to produce an energy efficiency plan that is focused on outcomes as well as aspirations.

I hope that the minister will be able to tell us that the discussions between his officials and their Westminster counterparts, which he mentioned to the committee on 4 March, have not thrown up any fresh anxieties about what the Scottish ministers can and cannot do in respect of energy efficiency.

The Minister for Transport, Infrastructure and Climate Change (Stewart Stevenson): I believe that we and the Administration at Westminster have a common purpose. Our targets are part of the UK targets, so I am confident that we will be able to work together to ensure that we deliver. There is mutual interest at work.

Lewis Macdonald: I welcome that statement of intent, although it is not quite a response to my question about the discussions that the ministers' officials have had; perhaps we will hear that in the winding-up speech.

The Economy, Energy and Tourism Committee also recommended that ministers should include in the bill the setting of targets for energy efficiency. Unfortunately, that recommendation has not yet received a positive response. Of course, setting targets on its own does not deliver outcomes, but it stimulates activity, shows seriousness of intent and allows progress to be measured. The committee heard yesterday from Jeremy Sainsbury of Natural Power, who has been a member of the forum for renewable energy development in Scotland since its inception some five years ago. His evidence was very clear, and I suspect that it would be echoed throughout the renewable energy sector. Scotland's devolved Government, by setting ambitious targets from the beginning, sent a clear message that we wanted to see the renewable energy sector grow. The raft of proposed developments that are now coming through the system is a direct consequence of that proactive approach.

I hope that ministers will think again about taking the same approach to energy efficiency. A positive signal now, which other parties could support and industry could rely on, would stimulate confidence in the sector and help to maximise the contribution of energy efficiency to cutting carbon emissions.

The committee called on ministers to publish a full draft of their proposed energy efficiency action plan before stage 2 of the bill. Thus far, they have chosen not to do so, but have offered one of those circular arguments that are well suited to not doing

very much. I quote from the ministerial response to the committee:

“Ministers could publish an action plan before the Climate Change Bill becomes an Act but this would not fulfil our requirements under the Act—Scottish Ministers would still have to produce and publish another action plan within 12 months.”

That would be true, unless ministers were so bold as to amend the bill to allow themselves to introduce their energy efficiency action plan early. It seems that that is what committee members from all parties were calling on ministers to do.

The committee would like ministers to be ambitious in the promotion of renewable heat. Again, the first sight of section 51 was disappointing. It will require ministers to

“take such steps as they consider appropriate”,

which is not a clear or demanding statutory obligation. It does not give great confidence that detailed plans are already in place.

However, ministers have now said that they will publish a renewable heat action plan this summer, following action at Westminster. That is welcome. They have set a target of 11 per cent of demand for heat in Scotland to come from renewable sources by 2020, which is less than the 14 per cent target elsewhere, but it is a start. I hope that there will be amendments to put more substance and more detailed targets in the bill.

The committee called for combined heat and power schemes to be part of the Governments plans on both energy efficiency and renewable heat. I am pleased to say that that has been agreed to and I look forward to seeing the substance of it. It is important that lessons that have been learned to date from the experience of CHP and district heating lead to action. The Climate Change (Scotland) Bill provides that opportunity.

When the committee visited Aberdeen Heat and Power Company in March, we heard about an important difference between Scotland and England in the assessment for rates liability of CHP schemes. In Scotland, the mains distribution pipes, the risers and the CHP building itself are charged business rates, but in England, they are not. The difference for a scheme such as the one at Stockethill in my constituency is some £18,000 a year, which is added to the cost of heat and power to the consumer. As, I am sure, we will hear this afternoon, local tax discounts to stimulate energy efficiency measures have huge potential but so, too, do business rates exemptions for stimulating CHP. I hope that ministers will consider that.

Overall, the recommendations of the range of committees, with cross-party support, provide a

solid base for further improvements to the bill. I hope that more of those proposed changes are accepted at stage 2 and taken forward by ministers.

15:09

Jim Hume (South of Scotland) (LD): It is easy for us to ask what difference a small country like ours can make, but there is no doubt that we can make a difference. Climate change is complex, and there are natural cycles at work, too, but no one can doubt that we are polluting. That point was illustrated by the recent Stop Climate Chaos Coalition rally.

Green issues have always been at the heart of Liberal Democrat policy. In coalition, we made great strides on renewable energy. We invested about £100 million in renewables and support for energy efficiency—ahead of any other part of Britain or Ireland—and we have provided support for more than 600 small renewables and microrenewables projects. Lib Dems have delivered record recycling rates, which have trebled under our governance, and we have a proven track record in delivering green policies. We know what is achievable.

As a continuation of the good work, we support the bills headline target of an 80 per cent reduction in emissions by 2050. However, two important points arise. First, the Government has so far offered no precise details on how it will achieve that reduction. Work to tackle climate change must begin now. Many members have spoken about the Stern report, which emphasises the importance of speedy action. That important point is also made in the report of the Transport, Infrastructure and Climate Change Committee. It is a point that my party has been making for many months.

Stewart Stevenson: I absolutely accept that the previous Administration worked on tackling climate change. It will be important that we build on that work, rather than start anew, and that we keep going until 2050.

Jim Hume: Yes. As I said, this is “a continuation of the good work”.

The second point to arise is that, as my colleagues have said repeatedly, what we need to see from the Scottish Government now are clearly defined and detailed plans on how it will tackle climate change—plans that will take forward the targets that are set in the bill. We believe that the interim target could be brought forward from 2030 to 2020.

I welcome today's debate—and, of course, yesterdays—and the committee report, which echoes much of what my party has been saying for some time. However, I could not take part in

the debate without talking a little bit about forestry and land use. First, the leasing proposal threatened the Climate Change (Scotland) Bill. Those are not my words—they were the words of RSPB Scotland and the like. The proposal has been dropped after there was overpowering opposition to it, but the powers that will enable ministers to change the functions of forestry commissioners remain in section 47. I will lodge an amendment at a later stage if the Government does not address that issue.

Secondly, according to the then minister, we are now left with the prospect of a huge funding gap for climate change measures such as tree planting. The lease option was supposed to raise a one-off £200 million. We were told by the minister that

“by dropping the leasing proposal, we face a short-term funding problem for woodland creation for up to five years.”

However, the Scotland rural development programme figures that were released last week—and with which Mr Lochhead agreed, just about 20 minutes ago—directly contradict that statement. We can now see that there is “ample headroom” for forestry under rural priorities funding. I hope that it was a miscalculation on the ministers part, rather than a misrepresentation. Clarification would be welcome.

We know that tree planting has a role to play in acting as a carbon sink, although there is still debate about how significant a role it can play. Tree planting has to be done in a balanced way, taking other land uses into consideration and not displacing existing and commercially viable activities. Tree planting can be only a part of the solution. There is no point in planting up hundreds of acres of land if nothing is done to address renewable energies or our energy consumption; and there is no point in planting without considering other land use and without considering soil types. Planting in peat-based soils releases a large amount of carbon, and it can take 30 years of tree growth to negate that release.

We need an integrated land use strategy that will take into account all types of land use—from commercial and agricultural, through to leisure and environmental. The recent forestry debates have highlighted the fact that forestry is a lot more than just wood production or a carbon sink.

My concern with the bill as it stands is the lack of detail on management of Scotland's land. The forestry sector has been acknowledged in the bill, but ministers have so far failed to provide direction for Scotland's major land user, which is agriculture—of course, I declare an interest in that respect. If the Scottish Government is determined to tackle climate change, it can ill afford to mismanage one of our most important resources.

We all await the results of the rural land use study towards the end of this year, but what will come of the study, and will the Government be in a position to formulate a proper strategy on its conclusion?

This bill is welcome. I hope that ministers will heed the committees recommendations, and I also hope that a sensible land use strategy will be produced sooner rather than later. It would, of course, go hand in hand with the Climate Change (Scotland) Bill.

15:14

Bill Wilson (West of Scotland) (SNP): The Scottish Governments proposed actions to tackle climate change are both bold and essential—and rather more clear-throated than I am. The urgency of the situation hardly needs to be stressed. We were presented with a graphic example of that urgency last month, when the ice bridge that pinned the Wilkins ice shelf to the land shattered, threatening the shelf itself. That shelf, which is almost half the size of Wales, is the 10th to break away or shrink to a fraction of its original size in the past 50 years.

Climate change has already wreaked havoc in Africa. A 2007 report states:

“The climate change threat is greater in Africa than many parts of the world. The changing weather patterns are already creating new complex emergencies where areas are simultaneously hit by droughts and floods, often accompanied by outbreaks of infectious diseases. Many communities are living through almost permanent disaster conditions.”

It is a relief, therefore, that the new United States Administration is taking climate change seriously. Unfortunately, the previous US Administration, and far too many people in general, swallowed the myths of professional climate change deniers—people who were funded by the likes of ExxonMobil to lie and obfuscate. Only a year ago, according to *The Guardian*, ExxonMobil admitted that its support for lobby groups that question the science of climate change may have hindered action to tackle global warming. In its “2007 Corporate Citizenship Report”, ExxonMobil said that it intended to cut funds to several groups that “divert attention” from the need to find new sources of clean energy. So, ExxonMobil has publicly recanted; however, many of the myths that it has paid for live on, such as the one that volcanoes are a major cause of climate change. All such myths are easily debunked. I refer members to a handy website—www.grist.org/article/series/skeptics/—in which they may be interested.

Far from being in thrall to the short-term vested interests of climate change deniers, the Scottish Government is, with its ambitious proposals, leading the world in tackling climate change.

Scotland was ahead of the field in pushing for an 80 per cent reduction in greenhouse gas emissions by 2050 and has dragged the UK behind it. I welcome the commitment to a minimum annual reduction in emissions of 3 per cent from 2020, and I am pleased by the move from a 34 per cent reduction to a 42 per cent reduction by 2020 if the EU agrees to a 30 per cent reduction by that year.

Aviation is responsible for at least 3 per cent of the total man-made contribution to climate change, and shipping is responsible for 3.5 to 4 per cent. Both threaten to be increasingly important. Therefore, I am particularly pleased that the Scottish Government is including Scotland's share of emissions from international aviation and shipping in its greenhouse gas targets.

I will make a slight digression: shipping also contributes 18 to 30 per cent of the world's nitrogen oxide pollution, 9 per cent of global sulphur oxide pollution and a significant amount of particulate matter, which are major contributors to asthma, heart disease and cancer. It is estimated that pollution from shipping causes 60,000 deaths a year in the US and 1,000 deaths a year in Denmark. The UK figure lies somewhere between the two.

There is talk of setting up low-emissions shipping zones. I encourage the Scottish Government to take an active interest in that and in the use of novel ship-propulsion methods such as solar power, fuel cells and high-tech kites, which could significantly reduce the consumption of fossil fuels. I am confident that the country that instituted the £10 million saltire prize could also innovate in shipping propulsion.

As far as aviation goes, I congratulate the Transport, Infrastructure and Climate Change Committee on its suggestion that the Scottish Government should examine how to account for additional damage to the atmosphere that occurs when emissions take place at high altitude. I note the proposed measurement of fuel intake at our airports as an initial step in monitoring the impact of aviation. That has the advantage of being relatively straightforward but the disadvantage that flights with stopovers will count only the fuel that is used to fly to the stopover points and not the total fuel that is used in the flight from Scotland.

With regard not just to aviation but to other causes of climate change, I am of the opinion that there is great merit in individual carbon budgets—or, as discussed in the March/April issue of *Resurgence* magazine, "Tradable Energy Quotas". Time does not permit me to discuss TEQs in detail, but one of their many advantages is that they are redistributive: people who could afford air travel would have to buy TEQs from those who could not. Not only would such a scheme tackle

climate change, with a reduced quota of TEQs being issued every year; it would also tackle local, regional and global inequality, which in themselves are major threats to health and wellbeing.

The Climate Change (Scotland) Bill is leading the way. I applaud those who have contributed to it: environmental groups, the Transport, Infrastructure and Climate Change Committee and the Scottish Government, which is a responsible and responsive Government that has sought, listened to and acted on the best available advice. Let this be the start of Scotland's resurgence as a global leader. Let the words of Voltaire ring true once more:

"We look to Scotland for all our ideas of civilisation."

Climate change could be an opportunity for Scotland rather than a malign threat; it could be a driver for truly sustainable development. We will be a greener country, of course, but we should also use climate change to become a fairer, healthier and wealthier, smarter, safer and stronger country. We could, and should, show other countries how to do that. Margaret Mead said:

"Never doubt that a small group of thoughtful, committed citizens can change the world. Indeed, it is the only thing that ever has."

Why not the citizens of Scotland?

15:20

Marilyn Livingstone (Kirkcaldy) (Lab): Like my colleagues on the Economy, Energy and Tourism Committee, I welcome the Scottish Government's interim targets towards reducing greenhouse gas emissions by 2020. Achievement of the targets that are outlined in the Climate Change (Scotland) Bill for investing in energy efficiency and renewable heat initiatives will depend on the Scottish Government being able to maintain a sustainable and highly skilled workforce in the environmental sector.

In February 2009, the Cabinet Secretary for Finance and Sustainable Growth outlined his plans to create up to 16,000 green jobs over the next decade and claimed to be engaging with industry, skills providers and potential employers to deliver those opportunities. However, the Economy, Energy and Tourism Committee has heard evidence from Northern Energy Developments and the Carbon Trust that there remain considerable skills shortages in renewable energy and in the basic energy efficiency sector. That has implications for potential employees, from those with level 2 Scottish vocational qualifications to those with degrees and postgraduate qualifications.

In my constituency of Kirkcaldy, the Adam Smith College has reported an anticipated shortfall in its ability to meet bursary commitments to its existing body of full-time students, which currently exceed £500,000. If the situation is not tackled, the Adam Smith College will have to make up for the shortfall from within its already strained budget, which will result in inevitable cuts.

I have used the example of my local college, but across Scotland the shortfall in bursary funding in the college sector is £4.1 million, which will impact on bridging the skills shortages in the renewable energy field. We have also heard that college applications have risen by between 30 and 40 per cent, and that some of those courses are already filled, which leaves no provision for school leavers who are awaiting their exam results. Addressing those skills gaps is a key part of realising renewable heat and energy efficiency targets. The Scottish Government must assess the employment implications of the plans that are outlined in the bill and work with employers and trade unions to maximise job opportunities and take a joined-up approach to the Governments skills agenda.

Further to the failings on skills, the target of reducing emissions from new buildings by 30 per cent is inconsistent with the ambitious target that was set by the Scottish Government to reduce greenhouse gas emissions by at least 80 per cent by 2050. Section 179 of the Housing (Scotland) Act 2006 requires a strategy to improve energy efficiency, while the bill only outlines a plan to promote it, which makes the bill weaker than existing provisions for the domestic sector.

My constituency starts at Burntisland and finishes at Buckhaven. It is bounded along its length by the Firth of Forth, so I know only too well the impact that climate change is having on seawall structures. At the well-reported Adam Smith lecture in Kirkcaldy the other week, Kofi Annan made strong points about the impact of climate change on the poorest people in Africa, which other members have spoken about.

Buildings make up the single largest component of our carbon footprint, so if emissions from new buildings are not reduced effectively, the Government will not tackle climate change. The Government must explain the inconsistencies in the bill and say why it does not include requirements that would improve on Scottish planning policy 6. Evidence that was given to the Economy, Energy and Tourism Committee indicates that low-carbon and zero-carbon technologies will be essential to meet the revised energy targets.

Although the bill includes provisions on assessing the energy performance of existing non-domestic buildings in order to raise awareness of

their contribution to greenhouse gases, the Scottish Government has failed to outline its intentions on the energy performance certification of domestic buildings.

The provisions in the bill will enable the Scottish ministers to create regulations to oblige building owners, responsible authorities and other bodies to improve the energy performance of non-domestic buildings. However, through the Economy, Energy and Tourism Committee, the Energy Saving Trust has called for the bill to include such provisions for the domestic building sector. That was also recommended by the committee but the Government has failed to take it into account.

Stewart Stevenson: It might be useful if I say that, through building regulations, we have a three-yearly programme of upgrading standards. To use that method is more appropriate than relying on a provision in a bill, which applies at a single point in time.

Marilyn Livingstone: I take that point on board but, as a committee member, I am presenting to Parliament evidence that we heard from experts.

A programme is urgently needed to improve energy efficiency in the domestic sector by providing households with advice on, and financial support for, energy-saving measures and introducing a stricter standard for new housing. The Scottish Government must outline how it intends to proceed with energy performance certification of domestic buildings, in order to make a serious attempt to tackle climate change.

I support all the committees recommendations, which would, among other things, ensure a commitment to drive forward improvements in insulation and provide the opportunity to install small-scale renewables in houses and businesses throughout Scotland. That would be achieved if the Government were to accept the committees recommendations and the measures that are outlined in Sarah Boyacks members bill. I present those recommendations seriously and on the basis of the evidence that the committee took.

15:26

John Scott (Ayr) (Con): As ever, I begin by declaring an interest as a farmer in this important debate on climate change. I will quote Robert Burns, rather than Voltaire, who said:

"Facts are chieftains that winna ding".

Today—and not before time—we must face the facts of climate change. Temperatures are rising, sea levels are rising, Arctic summer ice is disappearing and summer heat waves are increasing, as is the intensity of localised tropical storms. Essentially, that is being brought about by

the greenhouse effect and the emission of greenhouse gases. We will all—individually and collectively—have to start to address the problem. That is why Conservatives welcome the bill.

However, the Royal Society of Edinburgh and the Transport, Infrastructure and Climate Change Committee have expressed concern that the bill creates only a framework when we should be producing a strategy with details of solutions and costings. The challenge is to produce such a budgeted strategy as soon as possible, to pull together into a coherent policy the diverse and competing demands of energy production, food production and economic and social development in the face of fast-moving climate change.

The Rural Affairs and Environment Committee dealt with part 5 of the bill, on which my colleague Nanette Milne spoke yesterday. It is fair to say that Conservatives believe that that part could be stronger and that its introduction could have been better managed. When she was the committee's convener, the Minister for Environment condemned the fact that the consultation on forestry was not undertaken timeously. Perhaps that contributed to the Government's eventual withdrawal of its poorly thought-through leasing proposal. However, that is in the past, and lessons will be learned, but we must find out soon what further forestry proposals—if any—the Government will produce.

It is unquestionable that increased afforestation—perhaps funded by joint ventures—will reduce our carbon footprint, but only if trees are planted on land that is capable of food production. That is a key point. Planting on peat soils appears no longer to be good practice for carbon reduction, so planting on mineral soils is the alternative. In the face of climate change, a growing world population and crop substitution, a strategic decision needs to be taken about our food-producing capability here in the UK and in Scotland. From a UK perspective, it is unwise to reduce still further our strategic ability to feed ourselves and to increase daily—as we are doing—our dependence on importing food from elsewhere in the world, so I say to the minister that we need an integrated land use policy soon, as that will have a huge impact on climate change.

Waste reduction and recycling have been mentioned. Scottish Conservatives fully understand and support the Government's intention and measures to drive towards a zero-waste position and reduce our dependence on landfill. However, the Federation of Small Businesses and other respected witnesses expressed serious concern to the Rural Affairs and Environment Committee about the lack of infrastructure to achieve a zero-waste position or anything approaching it, or even to comply with

existing European obligations. Dirk Hazell of the Scottish Environmental Services Association noted that

“we need to accelerate our transition from a disposal to a recycling society, but to do so requires more infrastructure.”—[*Official Report, Rural Affairs and Environment Committee*, 28 January 2009; c 1361.]

and John Ferguson of the Scottish Environment Protection Agency said that the required infrastructure development would be

“a challenge to the planning system.”—[*Official Report, Rural Affairs and Environment Committee*, 4 February 2009; c 1389.]

None of those statements takes account of the costs to already cash-strapped local authorities.

Stewart Stevenson: Is the member aware that, in my parliamentary constituency, there is an excellent facility that is recycling food waste? In fact, the private sector is in many ways stepping up to the mark and providing considerable useful infrastructure to complement and supplement what comes from elsewhere.

John Scott: The minister should forgive me for not being aware of what is going on in his constituency, but I am sure that the facility to which he refers is of enormous value.

We need to know how these laudable objectives will be met. In addition, we need to know how food waste will contribute to recycling and composting targets—indeed, the excellent example that the minister highlighted from his own constituency might provide a model for us all—and whether energy from food waste will be counted as contributing towards the cap on energy from waste.

We support the Government's position on carrier bags. As long as the voluntary approach is working, there is no need for legislation.

I welcome the Government's view that the length of the muirburning season should at least stay the same. In fact, given the predicted increase in rainfall, I go further and suggest that the start of the season be brought forward to earlier in the autumn. After all, it is often difficult—and, due to increasing rainfall, becoming more so with every year—to get the right weather conditions to carry out this skilled and essential work in the spring.

Notwithstanding the bills' lack of detail and its dependence on secondary legislation being laid at a later date, we welcome its general principles. We also welcome the fact that the Government has revised the 2020 targets—with a 34 per cent reduction in CO₂ rising to 42 per cent if Europe plays ball—and acknowledge that they are ambitious.

We need to learn from what has happened in other countries that are further down the legislative

route and use their experiences and ideas in developing the bill—putting flesh on its bones, one might say—with constructive amendments at stages 2 and 3. We desperately need to focus on reducing commercial and industrial waste—in fact, we need to make a start on that soon.

We will work constructively with the Government to develop and improve the bill at stages 2 and 3, and we look forward to meeting our commitment—indeed, our duty—to the next generation to leave things better than we found them.

15:32

Angela Constance (Livingston) (SNP): I am grateful for the opportunity to speak in this debate, as I truly believe that the Climate Change (Scotland) Bill will be part of this Governments—and, indeed, the Parliaments—lasting legacy. Like many members, I have received a sizeable number of representations in support of the bill. Eco-congregations, eco-schools, fair trade groups and the many community councils in my constituency are actively engaged in combating climate change by changing behaviour at every level of society.

I have lost count of the number of times that I have visited a primary school, only to be blown away by finding that very young children know exactly what we need to do to save our planet. That is very uplifting and it gives me great hope for the future. However, the responsibility of parliamentarians is to bequeath to our children the right building blocks. As John Swinney said in the debate yesterday, the challenge is to create “enduring” legislation. With that in mind, we must bore down into the detail of this substantial bill. I have no hesitation in proffering my support for this world-leading and ambitious bill, and although I take exception to small parts of some of the detail, I do not want that to detract from my overall support for it.

That said, I seriously question the inclusion of section 59, which enables the current or any future Government to introduce, if it so wishes, charges for supplying carrier bags. I am grateful to my constituent Mr Bill MacDonald for bringing to my attention the problems in principle with that proposal.

The merits of charging for carrier bags were fully debated and tested by the Environment and Rural Development Committee in the previous parliamentary session during consideration of Mike Pringles Environmental Levy on Plastic Bags (Scotland) Bill. The committee did not recommend Mr Pringles bill to Parliament and it was withdrawn—for good reasons. More recently, when scrutinising the Climate Change (Scotland) Bill, the Rural Affairs and Environment Committee

clearly pointed the Government back to the work of the Environment and Rural Development Committee and the issues that it highlighted. On pages 67 and 68 of its stage 1 report, the Transport, Infrastructure and Climate Change Committee states:

“In relation to the specific issue of charging for the supply of carrier bags, the RAE Committee noted that it had received numerous written submissions opposing the policy behind this section of the Bill. This opposition was based on evidence which suggested that proceeding with this policy is unlikely to deliver the intended environmental benefits and instead lead to increased emissions.”

Alex Johnstone (North East Scotland) (Con):

Does the member agree that on this issue—uniquely to date—the largest retail businesses and their customers are doing great work to reduce the number of carrier bags, by using renewable bags and, in some cases, not using bags at all?

Angela Constance: I accept that the voluntary agreement is resulting in reduced use of plastic carrier bags, but I am concerned that that may be counterproductive and that we will merely replace the lightweight carrier bags with which we are all familiar with heavier plastic, paper, cotton or jute bags, which are often coated in plastic. Such products have a carbon footprint, are often bulkier and can lead to increased transportation costs. Evidence was presented to the Rural Affairs and Environment Committee that waste could increase by 13,700 tonnes per annum. The Irish experience has demonstrated clearly the unintended consequences of replacing plastic bags with so-called environmentally friendly bags for life, which has resulted in an increase in food packaging for loose items for health and hygiene reasons. That is an example of a counterproductive policy.

It is regrettable that the focus has been on lightweight plastic carrier bags, because—as I know—they are reusable as nappy bags, sandwich bags, freezer bags, pedal-bin liners and dog-poop bags; they can also be recycled. Surely the issue should be to improve plastics recycling. With that in mind, I welcome the cabinet secretary's announcement earlier this year that £5 million from the zero waste fund will be used to develop a home market for reprocessing plastics.

I am well aware that the Governments stated intention is not to introduce charging at this point but to retain the option to do so. Matthew Farrow of the Confederation of British Industry hit the nail on the head when he said in evidence to the Transport, Infrastructure and Climate Change Committee:

“The carrier bag issue is endlessly rehearsed and is a symbolic issue, and to be honest I would say that the proposal for carrier bag charges is probably not the best way to increase diversion from landfill. The effort that would be put into that policy could be better expended

elsewhere.”—[*Official Report, Transport, Infrastructure and Climate Change Committee*, 3 March 2009; c 1620.]

If we are to create what Mr Swinney calls “enduring” legislation, we should not make symbolic proposals; instead, our proposals should be robust, rigorous and evidence based. In my view, section 59 is ill conceived. The merits of the case have already been rejected twice. Plastic bags account for 0.2 per cent of our waste, so our energy should be focused elsewhere. I urge ministers to put the issue to bed once and for all and delete section 59 from this otherwise ambitious and world-leading bill.

15:39

Peter Peacock (Highlands and Islands) (Lab):

As members know, I have been pottering about as an elected politician for more than a quarter of a century. I have seldom seen an issue rise up the political agenda as fast as climate change has. The Parliament is reflecting that development in its consideration of the bill. It is right that we should do so, because, without question, climate change is one of the biggest challenges facing the entire population of the world.

We all know about changes in the environment from personal experience and going out and about: there is much more intense rainfall; winters are much milder; there is more flooding in winter, because of the increased rainfall; we get less snow and frost than we used to; we get more squally wind; and the wind is much stronger during certain periods. The seasons are starting to change, too. Birds are nesting earlier, to mention just one illustration of that. Farmers and people involved in forestry, fishing, ornithology and climbing can reflect their personal experiences of the climate changing around them.

I pay tribute to Al Gores part in the process of raising worldwide awareness of climate change with his film, his lecture work and his book “An Inconvenient Truth”. I went to hear him speak in Glasgow a couple of years ago. His was an impressive exposition of the challenges that we face. Unquestionably, Al Gore has been partly responsible for the shift in American public opinion that allows the Obama Government to do the things that it will now do. That is an important point in a world context.

Controversial though Al Gores thesis is in many quarters—people take issue with some of the detail of what he says—he has unquestionably focused the minds of people around the globe on the issues. Even for those who do not accept the fine detail of some of his points and arguments, it surely cannot be right to keep pumping out into the environment the amount of carbon dioxide that we do, needlessly and wastefully.

Stewart Stevenson: I very much agree with that. When Barack Obama said,

“We will harness the sun and the wind and the soil”,

he left the tides to Scotland. Is that not a key opportunity?

Peter Peacock: I am glad to see that the SNP has bought into the claims that the Pentland Firth will be the Saudi Arabia of renewables. I support what will be going on there, and I hope that more renewable energy generation will take place there, and more widely.

Along with changes in public opinion, public awareness of climate change issues has become much more acute, sensitive and alert. Individual citizens want to do the right thing by the environment, although they are often not clear what the right thing is. That brings me to the theme of considering the issue from the individual citizens perspective and thinking about what we can do individually to contribute to the aggregate change that we want to take place. Central to that is empowering citizens. Information, in turn, is central to empowering individuals to make changes in their lives. That can be information on, for example, insulating their homes, public transport choices or buying a certain type of car. It might also be information on the type of housing that they construct, or on recycling, composting or a whole range of other things that they can individually take part in or do.

In my experience, it is not easy for people to access good, comprehensive, independent, impartial advice about what they should do. What is the optimal depth of insulation for lofts? How should people treat their windows to make them more energy efficient? Is triple glazing definitely better than double glazing? In my circumstances, I might ask whether an air-source heat pump or a ground-source heat pump would be better. What about solar panels and photovoltaic cells? What is the right thing for my household to do to help combat the changes in the climate? What about converting cars to run on liquefied petroleum gas? What about the question of an electric car versus a modern diesel engine? Individuals have 101 questions—even 1,001 questions—that they want to ask, but getting ready access to the answers is not straightforward. In moving the debate forward, it is important that more information is made available. Might we wish to place a duty on local authorities to help ensure that information is supplied throughout the country?

I will move on to my own experience of building a house, and I will develop the argument about information, advice and consultancy. I built my own house about five to six years ago. The design stage started about eight years ago. I can tell members that it was not a thing to do when I was

a busy minister, as it took up a lot of time. My house was built to the proper standards, but it contains no renewable devices. That is a matter of great regret. I accept a large part of the blame for that, but not once during the process was I ever advised by my architect, by the planners or by the building warrant people about what was the right thing to do or about the range of options that were open to me.

Retrofitting my house would be expensive. I can find all sorts of commercial products in the marketplace, and all sorts of people advancing why I should buy one product over another, but it is virtually impossible to find a single point of contact for advice on what I can do to make a difference in my home. That brings me back to the role of advice and consultancy. During our consideration of the bill, we might consider whether there is a way of placing a duty on architects, planners and people who are involved in building control to give such advice, to help individuals contribute to change.

Robin Harper (Lothians) (Green): The new Acharacle primary school will need hardly any extra heat put into it. Does the member agree that it is best to build houses that will need no energy in the first place?

Peter Peacock: I completely agree. That intervention brings me neatly to my next point, which is about regulation—

The Deputy Presiding Officer (Alasdair Morgan): It is your last point, Mr Peacock.

Peter Peacock: It is my last point and I will make it quickly. If the individual citizen cannot act, we must act collectively, for example through regulation. The need to improve building standards to encourage projects like the one that Robin Harper mentioned is central. I could go on for ever, Presiding Officer, but you are scowling at me, so I will sit down.

15:45

Iain Smith (North East Fife) (LD): I did not believe that we would ever see the Deputy Presiding Officer scowl.

I welcome the opportunity to speak in a debate on perhaps the most important bill ever to come before the Parliament. I am convener of the Economy, Energy and Tourism Committee, so I will speak mainly about the recommendations in our report on the sections of the bill that cover energy efficiency and renewable heat. I stress that I am not speaking on behalf of the committee. Although the committee was not formally designated a secondary committee—I guess that that makes us a tertiary committee—it was agreed with the lead committee that we would deal with

chapter 3 of part 5, which falls within our energy remit.

It is fair to say that the committee was surprised and disappointed by the lack of substance behind the very general provisions in chapter 3. Moreover, I am very disappointed by the Government's poor response to our report. Indeed, it would be wrong to say that the Government has responded to our report, because the response that was published on Tuesday appears to address only the recommendations from our committee's report that were referred to in the lead committee's report. Of the 17 recommendations that were unanimously agreed by the Economy, Energy and Tourism Committee, the Government has ignored six completely, failed to address three, rejected three outright and rejected one in part. However, it has generously accepted the points that we made in the remaining four. That inadequate response leaves unanswered the fundamental question about exactly what the bill will achieve.

The Government's excuse that the bill is a framework bill does not wash. It is simply not good enough to ask the Parliament and the Scottish people to take so much on trust. When the Economy, Energy and Tourism Committee tried to probe Government officials on the policy intent behind the framework, I was shocked by the paucity of substance in the responses. Indeed, the committee was so shocked that we had to ask the Minister for Transport, Infrastructure and Climate Change, Stewart Stevenson, to come before the committee to try to put policy flesh on the bones—it was that bad.

Stewart Stevenson: Thank you.

Iain Smith: It is unfortunate that even after hearing from the minister and receiving the Government's response to the report, many of the committee's questions remain unanswered.

I turn to issues of substance. I think that members of all parties would agree that it is crucial that we address Scotland's appalling record on energy inefficiency if we are to meet our climate change objectives. Half our energy use is on heating, and much of that is wasted, due to poor insulation standards in many of our domestic and non-domestic buildings—let alone the wasted heat from power generation. We need not just a plan to promote energy efficiency but positive action to improve energy efficiency. We need such a plan today, not within 12 months of the bill being enacted. We have waited too long for the publication of an energy efficiency action plan, and it appears that the Government is using the bill as an excuse to delay the plan further.

Lewis Macdonald mentioned the Governments response to our comments on the energy efficiency action plan. The Government said:

“Ministers could publish an action plan before the Climate Change Bill becomes an Act but ... Ministers would still have to produce and publish another action plan within 12 months.”

What utter nonsense. Sir Humphrey would be proud. It is surely not beyond the collective wit and wisdom of the entire Scottish Government to come up with wording that would allow the action plan to be published now. It is equally important that the Parliament knows what the Government intends to put into the action plan. What energy efficiencies are to be achieved through the plan? How will the approach be monitored? The Parliament needs to be certain that the provisions in the bill are sufficient to deliver what is needed.

On setting targets, the Governments response was:

“For energy efficiency we are keen to focus on outcomes rather than targets”.

Ministers may call it what they like, but we need to know the target outcomes for energy efficiency. However, members should not worry; we have been promised another discussion document in the summer, which will cover that work. I say to the minister that that is not good enough. We do not want more discussion; let us have action.

It is also difficult to judge whether the bills provisions on energy performance certificates are adequate, because the policy intent is not clear. During the Economy, Energy and Tourism Committees inquiry, I sought clarity on what the proposed new regulations would seek to achieve, and specifically on how the Government would determine whether the approach that it opted for—out of the seven proposed options that it put before us—was delivering. One presumes that the intention is to drive up the energy efficiency of non-domestic buildings, but what level of improvement is being sought, over what period, and when will a judgment be made on whether the regulations are delivering? We look forward to seeing the mock regulations that have been promised. I hope that they will be published ahead of stage 2.

It is probably in the area of renewable heat that the bill needs most strengthening. I urge the Government to look beyond renewable heat to address the whole issue of heat, and wasted heat in particular. We must address issues such as the wasted heat from power generation, the promotion of waste to energy and the development of district heating schemes, as well as renewable heat sources such as biomass, air-source and ground-source heat pumps and solar. I therefore hope that

the Government will strengthen section 51 at stage 2. It is important that we do so.

We asked the minister to set out the Governments intentions regarding Sarah Boyacks energy efficiency and microgeneration bill in the stage 1 debate. I do not think that any of the three ministers who have spoken so far have done so; I hope that the minister will do so in winding up.

Finally, in response to the committees recommendation that the Government should report on whether some form of rebate through local taxation systems to incentivise energy efficiency, renewable heat or microgeneration should be introduced, the Government said:

“councils in Scotland do not have the same level of discretionary powers to offer council tax discounts as councils in England. To give Scottish councils similar powers would require primary legislation.”

The bill will be primary legislation. Surely it must be possible to put in this framework bill a provision to enable the introduction of a council tax discount scheme if the Government at some future date decides that such a scheme would be beneficial?

This is an important bill, but it needs to be substantially amended and strengthened at stage 2 if it is to meet the challenges of climate change.

15:51

Rob Gibson (Highlands and Islands) (SNP):

The radical Scots academic Dr Malcolm Slesser died at the age of 80 only two months after the Scottish National Party Government was elected in 2007. He was twice an SNP candidate, a renowned mountaineer and a valued fellow of the Centre for Human Ecology. Before that, he lectured at the University of Strathclyde in the 1970s, where he wrote about his concerns for the planet.

In his groundbreaking book “The Politics of Environment: Including a Guide to Scottish Thought and Action”, which was published in 1972, he examined how modern technology was being exploited by an irrational economy of

“unlimited industrial expansion in limited space”,

which, as the blurb in his book states,

“must inevitably destroy itself, the land, the community and very probably, hazard the future of mankind”.

He was an inspiration to many of us in the SNP, an eco-hero who will not be forgotten. His message appeals across party lines, so it is most fitting that in addressing the challenges of climate change, the bill puts practical steps in place to reduce radically greenhouse gases, a science that was in its infancy and of which Malcolm Slesser was only beginning to be aware in the 1970s.

We need action plans to ensure that Scotland shows a lead to other nations by taking our full share of the fight against climate chaos in time for the Copenhagen conference in December. I want to focus on a couple of issues that can make a real difference via the bill. Scotland has many advantages in playing its carbon-busting part. We now know how blessed Scotland is with the largest proportion of high winds, big waves and strong tides in Europe. That gives us a huge economic opportunity to contribute to the UK contribution to the EUs 2020 targets. Tidal and wave power in the Pentland Firth will follow on from the huge arrays of offshore wind turbines to provide secure and safe green power to ourselves and our neighbours to the south and across the North Sea.

Heat represents more than 50 per cent of our energy needs in Scotland, yet heat generated from renewable sources represents less than 1 per cent of demand. A massive increase in the delivery of renewable heat will be required in the domestic and commercial sectors in the years ahead if overall targets for greenhouse gas emission reduction are to be met alongside the targets for renewable energy. The further behind we get on delivering renewable heat, the steeper the targets will need to be in the electricity and transport sectors to meet overall energy targets, and the steeper the targets will need to be across the whole of society in order to meet climate change targets.

I therefore welcome the response from the Minister for Transport, Infrastructure and Climate Change to the Economy, Energy and Tourism Committees report, in which he pledged that the renewable heat action plan will contain a target to supply 11 per cent of heat demand from renewable heat by 2020 as part of the overall EU targets.

With regard to job opportunities from climate change mitigation, the Transport, Infrastructure and Climate Change Committees conclusion on the financial memorandum in its stage 1 report discusses the Governments estimate that 16,000 jobs will be created in the field of renewable energy. Members were "extremely concerned" about the veracity of that estimate, but I am glad to say that at the Economy, Energy and Tourism Committee yesterday we heard evidence that verifies that figure—indeed, we heard evidence from some who believe it to be a conservative estimate.

As a member who represents the Highlands and Islands and has a long-standing interest in land use and tenure, I agree with RSPB Scotland on the need for an holistic approach to rural land use. Scottish land plays a big part in our greenhouse gas emissions. Emissions are falling slightly, but they must fall faster. Scottish risk impacts reports

must be prepared for our Government, to complement the advice from the UK Committee on Climate Change. Particular features, such as the huge blanket peat bogs in the flow country in my region and our precious native pine woods, would then be subject to technical scrutiny from dedicated Scotland-based scientists. Such reports would provide that scrutiny and an annual reporting mechanism. Annual reporting is already provided for in the UK Climate Change Act 2008, and it should appear in our bill. I hope to hear from the minister on that.

I was privileged to visit Eigg last weekend to see its self-sufficiency drive for renewable energy for all houses on the island. From four windmills, a solar voltaic array and a run-of-river hydro plant, each home gets 5kW of electricity. Few in the cities could cope with such low amounts of electricity, but Eigg folk are leading the fight in limiting demand and securing clean energy supplies.

Malcolm Slesser would be proud that we, as members of the Scottish Parliament, are finding our way to the best means to stop climate chaos. Some 37 years ago, in "The Politics of Environment", he wrote:

"Modern technology need no longer be the servant of economics. It is now able to halt expansion-for-expansions sake without entailing unemployment and recession. There is now no excuse whatever for trying to impose this servant economics willy-nilly over the more biological, nourishing, attributes of human communities".

The principles of the bill are world class, and the amendments at stage 2 must make it easier for Scots to adapt to climate change. I believe that members of the Parliament can empower the citizens by our scrutiny of the bill now and after it is passed, and I fully support it.

15:57

Elaine Murray (Dumfries) (Lab): I, too, am pleased to take part in the stage 1 debate on the bill, which is widely considered to be very important.

I will concentrate on waste strategy. Although the Minister for Environment stated yesterday that she assumed that the lack of major comment on the bills proposals suggests that they have a degree of general support, there are a number of points to be considered, as Angela Constance ably demonstrated in her contribution a few minutes ago.

Waste policy is important in tackling climate change. First, waste is, as a derivative of production and consumption, a strong indicator of inefficiencies at one or more points of a commodities useful life. Secondly, waste itself may contain greenhouse gases or, more often, it may

contribute by producing greenhouse gases—frequently methane—as a product of anaerobic degradation, as happens in landfill sites.

Methane is 21 times more powerful as a greenhouse gas by weight than carbon dioxide. However, with an atmospheric lifetime of around 12 years, it is reasonably short lived, and controlling its production now can therefore make a real contribution to shorter-term targets.

Despite the Governments 25 per cent cap on energy from waste, waste processes such as the anaerobic digestion of agricultural or food waste, which produces methane that is used to produce power, should be encouraged, although wasting food should be discouraged as far as possible.

I commend Dumfries and Galloway Council—I do not always do so, but in this instance I will—for its capping of the Locharmoss landfill site, and the use of the methane that is produced there for the generation of electricity, which contributes to the national grid.

The bill does not transpose the European revised waste framework directive into Scots law, as is required by 12 December next year. In referring to recycling, the bill does not distinguish between reuse, recycling and recovery, as the directive requires. The directive also requires 50 per cent of household waste and 70 per cent of construction and demolition waste to be recycled or reused by 2020. Those may appear to be challenging targets but, back in 2005, Flanders, whose population of 6 million is only slightly higher than Scotlands, achieved 70 per cent recycling, reuse or composting of household waste.

The Rural Affairs and Environment Committee heard evidence on the need to subject commercial and industrial waste to the same requirements as domestic waste. The bill requires business and public bodies to provide information to SEPA on the waste that they produce, thereby identifying opportunities for a reduction in waste management costs and a means of comparison with businesses of a similar size and sector. The committee recognised the need for internationally agreed measures of carbon accounting across the life-cycle of a commodity. At times, it seems as if the evidence is counterintuitive: what one thinks of as low carbon can turn out to be high carbon, and vice versa.

Many small businesses want to recycle their waste, but find it hard to do so because of a lack of infrastructure. In evidence to the Rural Affairs and Environment Committee, Susan Love, of the Federation of Small Businesses, stated that

“It will not be remotely possible to implement many of the bills measures unless we make progress with facilities”,

and Dirk Hazell, of the Scottish Environment Services Association, advised that

“There is nowhere near enough waste infrastructure ... to comply with existing European obligations.”—[*Official Report, Rural Affairs and Environment Committee*, 28 January 2009; c 1362, 1361.]

However, it is highly unlikely that local authorities can fund the development of such infrastructure. They are already struggling, as their current funding regime allows them to address only their existing obligations. The duty must rest on producer responsibilities, coupled with increases in landfill cost and—in certain cases—a ban on certain materials going to landfill. A duty on producers would encourage them to decrease waste and its toxicity and promote recycling and reuse.

Both SEPA and WRAP suggested that some forms of industrial and commercial waste should be banned from being sent to landfill. Stop Climate Chaos Scotland is looking into the possibility of strengthening the waste provisions along the lines of the Flanders policy on selected landfill and incineration bans.

Friends of the Earth has suggested that penalties for sending waste to landfill could be differentiated between small and larger businesses, perhaps by way of a link to turnover. In its response to the consultation on the bill, SEPA expressed disappointment that the suggestion that it had made in 2006 that direct variable charging should be made the subject of further consultation appears to have been withdrawn.

The bill addresses the six greenhouse gases that are mentioned in the Kyoto treaty, which includes action on hydrofluorocarbons but not chlorofluorocarbons and hydrochlorofluorocarbons, both of which are often referred to as ozone-depleting substances—ODS—because of the damage that they can do to the ozone layer. They are used in refrigerators and require careful end-of-life-cycle disposal. Prior to 2004, those compounds were also widely used in plastic foam insulation as the blowing agents that formed the core of insulating sandwich panels in industrial steel-clad buildings.

As the law stands, when such buildings are demolished, those materials have to be disposed of as hazardous waste and only in hazardous waste landfill. However, those gases are also significant greenhouse gases. As such, their carbon footprint is some 300 million to 400 million times that of carbon dioxide. It is unfortunate that similar care is not required with ODS-containing materials in the construction industry. Albeit that they are put to hazardous landfill, those gases can leach into the atmosphere, wreaking damage on the ozone layer, adding to atmospheric

greenhouse gases and contributing to Scotland's carbon footprint. A strong case can be made for those compounds to be included in the list of greenhouse gases in section 9. On this subject, Scotland has the opportunity to lead the rest of the world.

The waste provisions in the bill are enabling provisions, but that does not mean that they are not controversial. I therefore support the Rural Affairs and Environment Committees suggestion of the use of the super-affirmative procedure.

16:04

Robin Harper (Lothians) (Green): I recommend that everyone should pay close attention to nearly every speech that I have heard over the past two days.

In her closing remarks yesterday, Roseanna Cunningham reminded us all that the bill is our chance to leave a legacy for the long-term future of Scotland. I agree with those remarks. The bill is perhaps the most important piece of legislation that the Scottish Parliament will ever pass. However, the minister went on to say that she hoped that "petty squabbling" would not sink the bill. Is she really happy for the bill to proceed, more or less in its current form, straight to stage 3?

Thankfully, as the Government would do well to remember, it is a Government without a majority. As so many members said yesterday, in the end, the bill will be Parliament's bill. We will not be harassed or made to feel that our attempts to strengthen and improve its provisions are simply "petty squabbling". I am afraid that, as far as my party and I are concerned, the bill does not yet strike the right balance.

Over the course of stage 1, campaigners and experts—including, of course, the environmental movement but also social justice and international development groups—worked hard to build a case for a strong bill. I thank and commend them for their work, but I also urge them not to rest when the bill is passed. Their energy will be needed urgently if we are to see the radical policy shift that will turn targets into realities.

In large part because of the work of those experts and campaigners, many key arguments have already been won. One such is the argument for a cap on international credits. The Government has agreed to introduce such a limit at stage 2. That is thoroughly welcome, as transformation must begin at home. The whole world cannot pay someone else to solve the problem. Countries such as Scotland, with high current emissions, high historical emissions and huge renewable energy potential, must take the lead.

Stewart Stevenson: I echo what Robin Harper said and congratulate the environmental lobbyists on the work that they have done. I agree absolutely that they should remain engaged all the way to 2050 because we will probably be engaged but the wider community will always need encouragement to continue to move forward.

Robin Harper: I thank the minister for his intervention.

The argument to include aviation and shipping emissions has also been won. It is essential to include the emissions from those sources. We want to count them so that we can see them fall, not so that we can watch them rise inexorably as they have done for a decade. Even the Government's own adviser, the Sustainable Development Commission, says that we cannot commit to aviation expansion.

The argument for setting strong early cuts to put us on the right trajectory has been won too. It is good news that the Government will bring the 2030 target forward to 2020, but it follows logically and automatically that the annual targets should and must be strengthened to make it achievable.

We need to follow those arguments through and reflect those changes in the bill. Roseanna Cunningham should not be too nervous. We have in mind many straightforward and constructive amendments that will help the bill to deliver real, effective change without making it "unfeasibly large" and will give it some ambition, which is important.

Despite claims to the contrary, the bill lacks ambition. To be frank, it is disappointing in many respects and little better than a simple copy-and-paste job from the UK legislation. The most obvious example of that lack of ambition has been cited many times in the Parliament, but it is a fundamental part of the bill, so I feel no shame in going over it again. It relates to targets. We must have long-term and annual targets—the long-term targets to lock future ministers into the long-term task and the short-term targets to ensure that each serving minister is held accountable during their term in office.

The annual targets must be set in the bill at 3 per cent at the very least. The Green view, which is backed by the evidence of the Tyndall centre for climate change research and many others, is that we need a 4.5 per cent annual reduction, leading to a 30 per cent reduction by 2010, a 70 per cent reduction by 2030 and a 90 per cent reduction by 2050. Those figures are realistically closer to the cuts that are necessary according to more recent science.

The world is reaching a tipping point. Marine and terrestrial environments are under attack from levels of chemical pollution and overexploitation

that are already causing one of the swiftest species extinctions in geological history. To overheat our fragile earth at this point would be catastrophic.

Ten years ago today—not yesterday—my election on an environmental ticket was announced. Over that time, it has caused me considerable content that many good Green policies have moved from being the preserve of our party into the mainstream. Some of those policies are embodied in the Climate Change (Scotland) Bill and I am sure that others will be written into it during the amendment stages. It may take more time for others still to be accepted, but the direction of travel is clear: a sustainable future in which Scotland lives within its ecological means. That is the only survival strategy open to us and I, for one, remain hopeful that people in and outside the Parliament will, ultimately, vote for our survival.

I have time to refer to some of the speeches that I heard during the debate. I commend Iain Smith's speech for its content, for being focused and for its reference to energy efficiency action plans. I commend, too, Rob Gibson's speech for its references to what should be done and what should be offered to our communities. I commend other members' speeches for referring to what we still need with regard to science and accurate figures and information on which to base the policies that we should follow in the future.

16:10

Stuart McMillan (West of Scotland) (SNP): I am pleased to take part in this important debate. I acknowledge the hard work and determination of the Scottish Government in introducing the Climate Change (Scotland) Bill and of members who have taken part in the debate.

Many aspects of the bill have been discussed, so I will not attempt to cover too much old ground. I will focus my contribution on how a recent visit to Berlin by a delegation from the Economy, Energy and Tourism Committee relates to the bill. The purpose of the visit was to learn more about energy policy and usage in Berlin and in Germany as a whole.

The Economy, Energy and Tourism Committee has been undertaking an energy inquiry for some months. It started formally last September, before I became a member of the committee. We are now at the inquiry's tail-end, and a report is due to be completed by the summer. As a new member of the committee, I have found the debate extremely informative. It has got me thinking even more about my own energy usage and my contribution to CO₂ emissions as well as those of the country as a whole. I was particularly interested to hear

the contribution of Peter Peacock, who is unfortunately not here at the moment.

The trip to Berlin ties in well with the bill. I will highlight two meetings and their relevance to the bill, particularly to section 48, which is on the duty of ministers to promote energy efficiency. Our programme of events included a meeting with two members of the German Bundestag: Dr Axel Berg, the SPD spokesman on energy; and Herr Laurenz Meyer, the CDU/CSU spokesman on the economy. While discussing the effects of energy consumption and energy loss in domestic properties, both Bundestag members acknowledged that there are major problems with German buildings and that it is up to the state to provide solutions.

We were informed that approximately 60 per cent of the current housing stock in Germany is rented, which will facilitate a domestic property improvement programme. In Scotland, however, 76 per cent of the housing stock is privately owned and 24 per cent is rented. It will therefore be a bit more challenging to have such a programme in Scotland. I said to Dr Berg that it was refreshing that there was an acknowledgment of the housing problem and that it was being examined. However, Germany appears to have acknowledged the problem some years ago. It was obvious to me that Scotland and the UK are some years behind Germany. I stated to Dr Berg that very little had been done in Scotland or, indeed, the UK to tackle this domestic problem. Dr Berg replied with a most startling response, "Sir, you must be a very poor country."

As everyone in the chamber knows, however, Scotland and the UK are not very poor countries—far from it. However, there appears to have been little drive to promote energy efficiency in the past. Many buildings throughout Scotland that are energy inefficient can and must be improved. Providing resources to deal with that is obviously vital, as is promoting energy efficiency plans, for which section 48 provides.

We had a meeting with the German energy agency and were informed that Germany plans to retrofit 50 per cent of buildings within the next 20 years. Given that 75 per cent of buildings in Germany were built before 1978, it is easy to understand that the retrofit will be a massive undertaking. Even if the 50 per cent retrofit is achieved, the target of a 2.5 per cent reduction in emissions will not be met, because it is currently calculated at 1.7 per cent. Even with retrofitting, there will therefore still be challenges for Germany, but at least it will be moving in the right direction.

Robin Harper: Is the member indicating that the SNP would like to look again at the Scottish Green

Party's proposition for a 10-year plan to insulate every house in Scotland?

Stuart McMillan: I am not suggesting that at all. I am just highlighting a point that was raised at one of the meetings that we had in Germany.

The Germans have a progressive idea for any new building to use a third of its energy from renewable sources. That has already been agreed and I commend the German Government for that action.

No single solution will eradicate climate change or provide Scotland's contribution to tackling climate change, but the measures in the bill will surely play a valuable and important role. Yesterday, the Cabinet Secretary for Finance and Sustainable Growth said:

"Climate change is the greatest environmental threat facing humankind."—[*Official Report*, 6 May 2009; c 17081.]

No one in the Parliament could disagree with that. Judging by the contributions in the debate so far, I get the feeling that members are all singing from the same hymn sheet, but we must improve Scotland's contribution by ensuring that the Parliament passes the bill at stage 1 this afternoon. I certainly do not think that the bill will be voted down, as that would send a message to the wider world that Scotland does not really care about the environment. As Robin Harper said a few moments ago—on this I could not agree with him more—the bill is a parliamentary bill. Together, the Scottish Parliament and everyone in Scotland have what it takes to lead the fight to combat climate change. I am sure that the bill will provide that opportunity for Scotland and the wider world.

16:16

Ms Wendy Alexander (Paisley North) (Lab): Like others, I welcome the fact that the United Kingdom and, with the passage of the bill, Scotland are providing leadership in the strategic framework for tackling climate change.

As others have said, the bill is a vital start, but it still leaves us with a choice: either we can stop at setting ambitious targets for tomorrow's policy makers or we can challenge ourselves now to start setting targets for the current generation and to put in place policies to deliver those cuts in emissions. As Angela Constance said, people all over Scotland and at every level will be disappointed if the height of our ambition is not to set any short-term statutory duties for the current parliamentary session, for the next parliamentary session, between 2011 and 2015, or for the subsequent session, from 2015 to 2019. That is not what the people of Scotland want from us. The important thing is that we work with the bill to

ensure that we act now rather than later. As the Stern review concluded—and as others have alluded to—it is clear that

"the benefits of ... early action far outweigh the ... costs of not acting."

However, the bill as it stands manifestly lacks strong early action.

Our second challenge with the bill is that we need not simply to set the right targets but to put in place the hard policy measures to make things happen. As we have learned to our cost over the past decade—Robin Harper alluded to this in a very powerful speech—simply defining the problem does not necessarily lead to the solution. To make that happen, the bill must tackle the system failures that are slowing the rate of green transformation. That means that the bill must go further in addressing market failures, providing the right financial incentives and ensuring that we take brave decisions on regulation.

The need for us to do that can be demonstrated by looking no further than our near European neighbours. We might now have the most ambitious strategic framework for the next 40 or 50 years, but the size of the green economy in each of our European neighbours—including Denmark, Germany, the Netherlands and Spain—is significantly larger than that in Scotland. That is not because people in Scotland have a lesser wish to be green; it is about our responsibility to create the right policy framework. I hope that the Government will try to meet the environmental ambitions of the people of Scotland by giving serious consideration to the advice of the three parliamentary committees and by making some of the brave decisions required for actual delivery.

Stewart Stevenson: Does the member regret, as I do, the loss of the pre-combustion CO₂ sequestration opportunity at the Peterhead plant that is now being developed in the middle east?

Ms Alexander: I certainly welcome the fact that there are to be four CCS plants across the UK and a much larger number in Europe. CCS is an example of an area in which we need to work together and not try to score points if we want to secure the scale of investment that is required. I refrained from saying that we had been leapfrogged by the UK on targets, but I predict that we will be leapfrogged again unless we deal with the issue of short-term targets.

I return to the areas in which we need policy action. As has been mentioned, energy efficiency has been the Cinderella of the energy and climate change debate for decades, and it would be a shame if we allowed it to be a Cinderella in the bill, but that is the position as things stand. The provisions on energy efficiency, the energy performance of buildings and renewable heat lack

the necessary policy bite. In the case of energy efficiency and renewable heat, there are no targets at all. The bill should include new financial incentives on energy efficiency and renewable heat. When that has been done, those new commitments must be reflected in a revised financial memorandum.

As the Economy, Energy and Tourism Committee suggested, we would like local tax rebates to be provided to incentivise the take-up of energy efficiency, renewable heat and microgeneration. In the case of microgeneration, one need look no further than the evidence of Ian Marchant, who chairs the Governments business advisory group, on the wisdom of the provision of financial incentives in that area. That has been requested by the coalition that supports Sarah Boyacks proposed members bill on energy efficiency and microgeneration, and it would be respectful to the member, the coalition and Parliament if the Government could set out its intentions with regard to that bill—and, in particular, the proposal that general permitted development rights should be extended in the ways that the committee described—as soon as possible.

I am aware that time is pressing. The state of our domestic housing stock should shame us all. We cannot achieve the climate change targets unless we make it fit for purpose. That is an area that the bill leaves behind, and it is one that should dominate our thinking at stage 2.

Scots do not want to be less green. We are less green because of an inadequate policy framework, for which we should all take responsibility. The bill represents the only opportunity that we have to pass primary legislation that will address that inadequate policy framework. The next generation will judge the bill not on the ambition of our targets but on whether it fixed the policy framework so that we could deliver. I hope that we will put in place the necessary policy framework by amending the bill as it goes through its parliamentary stages. If we fail, we will have failed the many Scots who look to us not simply for targets but for delivery.

The Deputy Presiding Officer: We move to the winding-up speeches.

16:23

Ross Finnie (West of Scotland) (LD): Since its introduction, ministers have described the bill as “world leading”. However, as Alison McInnes, who opened for the Liberal Democrats, and many others have said, both yesterday and today, that is not yet the case. Liberal Democrats will be extremely happy if the bill is world leading when it

emerges from stage 2, but there is a lot of work to do before then.

Liberal Democrats totally support the overarching target of reducing emissions by 80 per cent by 2050. We support the adoption of a scientifically credible target for 2020 and the setting of more ambitious early years targets and broad sectoral targets. However, the setting of targets and the giving of undertakings to Parliament to report on those targets are not in themselves sufficient to qualify for the title “bill”.

I welcome the ministers acknowledgement that much of the content of the bill builds on “Changing Our Ways”, Scotlands first climate change programme, which was published by the coalition Government and was a subset of the sustainable development programme. I believe that climate change must be set in the context of sustainable development.

I recall that, after the strategy was published and when the UK Government introduced proposals for a climate change bill, there were discussions on the difference between a strategy, which is a series of objectives and undertakings that a Government gives and for the delivery of which its ministers are accountable to Parliament, and an act of Parliament, whereby a public policy is brought within the mischief of the law by being given a statutory framework and is ultimately judiciable in the courts.

Yesterday, in response to a question from my colleague Mike Rumbles, the Cabinet Secretary for Finance and Sustainable Growth eschewed the notion of a Government imposing fines on itself. That is a fair point, but if the targets and undertakings are not enforceable in law, do the measures merit the status of an act of Parliament? Therefore, apart from the policy issues that still wait to be addressed, which Robin Harper and Wendy Alexander narrated, more work is necessary before the targets and undertakings better fit the test of qualifying as a bill.

The Cabinet Secretary for Finance and Sustainable Growth (John Swinney): I am sure that Ross Finnie will accept that not every requirement of policy intervention is stated in legislation that Parliament passes. With a bill that has to give effect to the creation of a framework and a responsibility for a 40 to 50-year period, stating every requirement is a particularly difficult challenge. Will he reflect on that?

Ross Finnie: I do not doubt that we cannot specify everything. However, my fundamental point is that I do not believe that Parliament will accede to a doctrine that undertakings that are given by a minister in the Parliament have force and effect only if they are enshrined in an act of Parliament. That is the distinction that we have to

draw. At present, there is very little to suggest that anything in the bill will be enforceable in law. That matter must be addressed at stage 2.

Liberal Democrats accept that the world and the science have moved on since we produced the climate change programme when we were in government. However, the case for more ambitious targets in the early years has not changed fundamentally. The Government will advance its 2020 target from 34 per cent to 42 per cent only if the EU agrees to such a target. I have two points on that. First, is there an inference to be drawn that, if the Copenhagen summit failed to adopt the target of 80 per cent by 2050, the Government would retreat from that figure? Surely not.

Secondly, and more important, what is the domestic arithmetic that shows that a more ambitious target cannot be set in the early years? The previous Governments strategy document showed that Scotlands share of meeting the then much lower short-term target of 20 per cent by 2010 was a reduction of 1.7 million tonnes of carbon, but the then Scottish Government set the target at 2.7 million tonnes of carbon. I put it to the ministers that the increase in renewable energy production alone suggests that a more ambitious early target is appropriate.

The need for broad sectoral targets is also essential to give credibility to the overarching target. The work of the previous Government showed the difficulties to which the cabinet secretary has referred—the variability of contribution between the elements and the different achievements by sectors. Unless we produce broad targets for the sectors and take account of the fact that some sectors can and should be pressed to perform above the average, there is a risk that we will fail to meet the overall target.

Public sector bodies must be brought within the ambit of the bill. Liberal Democrats are not, as the cabinet secretary said yesterday, suggesting that the Government should take a unilateral approach, but agreement must surely be reached with the health service and local government, for example, on targets that are consonant with the Governments overall targets. That must form part of the bill because, otherwise, vast tracts of public expenditure will not be subject to the necessary scrutiny of climate change policy.

My colleagues Liam McArthur, Iain Smith and Jim Hume set out the reasons why the introduction of an energy efficiency strategy is urgent, why we need to pay more attention to renewable heat and why a land use strategy is important. We are pleased that the Government has accepted the need to include aviation and shipping emissions in

its targets and to limit the use of international carbon credits.

Liberal Democrats will therefore have pleasure in supporting the general principles of the bill, but our amendment is designed to ensure that the bill emerges from stage 2 fit to be passed as an act of Parliament and is not simply a strategy by another name. I commend to Parliament the amendment in the name of Alison McInnes.

16:30

Gavin Brown (Lothians) (Con): This bill is vital for Scotland and for the world, and it is vital in the short, medium and long term. For those reasons, Scottish Conservatives are happy to support the key principles of the bill. Of course, the bill is not perfect, and the Government has been gracious enough to accept that. There is work to be done today, tomorrow and thereafter.

I want to focus on some specific areas where I think that the bill ought to be strengthened. I will consider the rhetoric of Government ministers. Yesterday, we heard from Mr Swinney that the bill was groundbreaking, and we have heard today from Jim Mather that the bill is world leading. Groundbreaking and world leading are therefore the yardsticks by which each section of the bill ought to be measured.

The first issue that I want to consider is the green council tax rebate. Scottish Conservatives have been in favour of such a rebate for some time. South of the border, 40 of the 60 councils that have adopted such a policy are Conservative councils. My colleague Alex Johnstone said yesterday that he intends to lodge amendments on the issue.

The policy works: it is proven south of the border, and it is about to be put in place in Northern Ireland as well. It works because people get a rebate of somewhere between £50 and £125 per house for taking forward measures on energy efficiency, heat or microgeneration. There is no real reason why that cannot happen in Scotland, too. The Economy, Energy and Tourism Committee considered the policy, and made a clear recommendation—without division—that it ought to be taken further.

Sarah Boyack (Edinburgh Central) (Lab): I am very gratified to hear support for that strong policy. Will the member also comment on the proposal to incentivise businesses through business rates? Is there scope to pick up on the point that Stewart Milne made about new developments all being required to have an appropriate level of renewables development?

Gavin Brown: The short answer is yes—all such areas ought to be considered. If a measure

works in relation to domestic households, there is no reason why it cannot be made to work in the commercial sector as well.

We should consider the evidence that was given by the Energy Saving Trust, which stated clearly in its submission that a rebate is a tax incentive that is most likely to work. We also had positive evidence from Scottish and Southern Energy and Northern Energy Developments, and in the Halcrow report. The British Gas research into the local authorities where measures had been implemented shows that 35 per cent of those interviewed said that they would not have taken energy efficiency measures without the council tax rebate, and that 60 per cent of those interviewed said that they would prefer a council tax rebate to other grants or incentives to take up measures.

The policy is strong. One of the reasons given by the Scottish Government for rejecting a rebate was that it was about to introduce a local income tax. That, of course, is not going to happen in the foreseeable future. Another reason given by the Government related to primary legislation, but that reason has been dealt with during the debate. There is no strong, tangible reason why the measure cannot be adopted. As I said, the committee agreed its recommendation without division. A rebate is popular with consumers, councils and energy companies, and it could provide a real step-change in the take-up of energy efficiency measures. Energy efficiency measures are critical because, in the hierarchy of measures to reduce carbon emissions, they are the simplest and most important.

I turn now to sections 48 and 49 of the bill. At the moment, the language that is used on energy efficiency is neither groundbreaking nor world leading. Section 48(1) says:

"The Scottish Ministers must prepare and publish a plan for the promotion of energy efficiency in Scotland."

Ministers then have up to 12 months from the point at which the section comes into force to produce the plan.

Consultations on energy efficiency have taken place over a number of years. Some of the evidence that we heard suggested that the plan is ready to go now. It is extremely important that the Government shows leadership in this area. The timing is also critical. If the Government has 12 months from the date on which the section comes into force, we could be at the end of 2010 before a plan is in place. We have carbon emissions targets from the beginning of 2010, but if we do not get any benefit from the target that is at the top of the hierarchy in year one, that will not be a very good start to the process.

The same applies to renewable heat, which is dealt with in section 51. I asked Jim Mather

whether he thought that the response in sections 48 and 49 is strong enough, but the response in section 51 is even weaker:

"Scottish Ministers must take such steps as they consider appropriate to promote the use of heat produced from renewable sources."

It does not ask even for a plan, and there is no timeframe whatever. Such provisions are absolutely vital, as heat makes an enormous contribution to carbon dioxide emissions—more so than electricity and transport. We need to see stronger action from the Government on renewable heat.

We will support the general principles of the bill. It is a good bill, but there is much work still to be done on it. We hope that the Government can take that work forward, as we will get only one shot at it.

16:36

Des McNulty (Clydebank and Milngavie)
(Lab): I agreed with John Swinney yesterday when he said that it is highly appropriate that, on the 10th anniversary of the first elections to the Scottish Parliament, we are debating arguably the most important and far-reaching legislation to have come before us. The decision of the parliamentary authorities to set aside two afternoons for the debate has proven to be correct, and we have had some very worthwhile contributions from all sides of the chamber. I highlight particularly Angela Constances speech, with which I agreed completely. I will return to the issues that she discussed later.

It is worth pointing out that the work that has been undertaken by the various committees that have examined the bill reflects the best practice that has evolved in the Parliament—comprehensive and inclusive evidence taking and rigorous scrutiny not just of the bill, but of the mass of evidence put forward in connection with it, culminating in clearly argued and constructive reports to the Parliament, which I hope will inform members consideration. This is legislating as it should be done.

However, we cannot afford to indulge in too much back slapping. People who are anxious to claim that the bill is groundbreaking or world leading should recognise that making the most ringing declarations of intent with regard to tackling climate change or, indeed, setting, but not meeting, higher targets than those set by any other jurisdiction will not slow down the melting of the polar ice cap, halt the inexorable rise in average temperatures that is being experienced in many parts of the world or stop the increasing pollution of the atmosphere. Only action will do, and I believe that only early action will succeed.

Declaratory legislation must be accompanied by a strategy and an implementation plan that people will sign up to—if not with the same enthusiasm with which they sign up to the principles of the bill, then with the same determination to carry those principles forward in actions, many of which will turn out to be difficult and unpopular with some constituents.

If the committees recommendations are accepted and if the current Scottish Government comes up with a programme of quantified targets for the reduction of emissions, the delivery of which it and future Governments that are elected in 2011 and 2015 will be held to account for, we can have an excellent bill. However, the test of the bill is not in the setting of targets but in the delivery of action that is linked to the targets. I am pleased that the cabinet secretary accepts the Labour amendment in the spirit in which it was lodged. Our priority is, and has been throughout the scrutiny process, early action. We welcome the Scottish Governments acceptance of the case for bringing forward the interim target date from 2030 to 2020. Like the Scottish Government, we believe that the percentage reduction target that is set for 2020 should be based on the best available scientific advice.

Our objective should be in line with the maximum achievable targets that have been identified by the UK Committee on Climate Change, within the band between the extended ambition target of 34 per cent and the stretch target of a 42 per cent reduction in emissions by 2020.

Our preference is to look towards the more ambitious 42 per cent target, recognising that changes initiated by Europe will be required to enable some of the measures to be brought in. If that does not happen, the 42 per cent target will be much more difficult to achieve. However, I still believe that we should frame our aspirations around the 42 per cent target, partly to make a statement of intent, but also to make it clear to those involved in the summit at Copenhagen that we have support in our Parliament for a truly radical approach to dealing with global climate change.

Having spoken to the minister, I do not think that we are at odds, in principle, and I believe that a way forward can be found that will bring together all our ambitions.

However, it is not enough to set a challenging target for 2020. As the Royal Society of Edinburgh and many other witnesses who appeared before the Transport, Infrastructure and Climate Change Committee told us, we need to have in place quantified targets that cover the period between now and 2020 and plot out the area under the curve of projected emissions reductions that we

believe can be achieved through concerted short-term and medium-term action. I hope that the minister will be able to confirm that he shares our belief that quantified targets are needed for his Government and the next two Governments. We need targets that enable us to focus on short-term trends—a running mean over two or three years, or three or four years—so that we can ensure that the trajectory of change is in line with what is required to meet the challenging 2020 target that I hope we will agree on in the next few weeks.

Stewart Stevenson: I confirm that we have had helpful discussions and that we are very much travelling in the same direction. We believe that, if we can find an appropriate way of incorporating a target of 42 per cent, that will challenge others, which is important because joint action will lead to successful action.

Des McNulty: That is a positive statement, and I hope that we can proceed on that basis.

To make the required progress, we need quickly to implement the necessary steps to reduce emissions in the areas of land use, energy generation, energy efficiency and transport. Labour supports measures that will substantially increase low-carbon electricity generation capacity in Scotland and, in particular, the development of renewables. I hope that we can agree that renewables development should be accompanied by reducing emissions from existing coal-fired generation and that we can do more to develop local generation and distribution capacity through, for example, combined heat and power stations.

As members have pointed out, we need an urgent programme to improve energy efficiency in the residential sector, providing householders with advice on and financial support for energy saving measures and introducing tougher building standards for new houses. As Sarah Boyack has repeatedly argued, energy saving technologies such as ground-source heat pumps and microgeneration offer a way forward. Peter Peacock gave a much longer list of such technologies, and I am sure that a complete list would be extremely long. The introduction of incentives such as council tax rebates, a policy that now has the support of Alex Johnstone and Liam McArthur, would supply an additional impetus to the adoption of some of those measures by domestic consumers.

Money that is put into energy efficiency does not deal only with climate change issues; it can help to create local jobs in local authorities and the voluntary sector, which will take forward the green jobs agenda.

In transport, radical measures are needed to deliver significant modal shift. We need to make public transport more price competitive and

quicker from door to door than private transport so that people will shift from the car to the bus, the train or the tram for commuting and leisure travel.

We accept that statutory sectoral targets are not appropriate at this point, but we want the contribution that each of the sectors is expected to make to overall reductions to be quantified, so that there will be a benchmark and so that we can ensure transparency. Such information needs to be part of a detailed strategy and implementation plan that covers the period between now and 2020, spelling out how agreed targets are to be met. In line with what we have suggested about targets, the aim should be to hold whichever politicians are in charge in each electoral or budgetary cycle to account for their share of the responsibility for meeting Scotland's climate change commitments. Scotland has to realise its full potential in reducing its carbon footprint. However, it is also necessary to ensure that we get the right balance between our climate change aspirations and our other aspirations, such as those around sustainable growth, developing better health and education services and so on. Doing that will not be easy and we will have a tough task. When we start to see the detail, we will deal with the toughness.

I highlight the importance of jobs when tackling climate change. We have argued that employers and trade unions need to be involved early in discussions about job impacts. We need a full risk assessment of the job implications of the climate change strategy and any implementation plan.

Our emissions levels have been driven by the transfer of manufacturing overseas—especially to China and other parts of the far east. We are now in a somewhat different situation as a result of the economic downturn, and the situation will move on again. Our strategy must be robust enough to take account of whatever circumstances we experience. We need to reduce the prospect of inaction or slow progress in the early years; to quantify the expected contribution to meeting our emissions targets from the key sectors; to increase transparency; to reduce the scope for evading political accountability, so that every Administration must shoulder its continuing responsibilities; to send a positive message from Scotland to the rest of the world; and to engage the people of Scotland in the process.

I will highlight one or two issues from the Transport, Infrastructure and Climate Change Committees stage 1 report. A substantial body of evidence shows that section 59 is ill conceived and inconsistent with the bills overall aims, and I ask the minister again to review the provision and to consider whether it is appropriate.

I do not want reporting arrangements to be overelaborate. We need to streamline

arrangements so that the Parliament has a sensible route to scrutinise what this Government and successive Governments are doing. The danger is that we will become overelaborate at stage 2. We all have an interest in guarding against that.

I listened to the Cabinet Secretary for Finance and Sustainable Growths response to Brian Adam on the engagement strategy, which is a theme that I have pursued. I am happy to work with Brian Adam and any other member on an engagement strategy.

As for international credits, I think that we should seek domestic delivery of 80 per cent reductions. We should examine the argument in the committees report for establishing a Scottish panel to work alongside the UK Committee on Climate Change and add the Scottish dimension on what is required. A role exists for Audit Scotland and perhaps the Accounts Commission in technical monitoring of progress through government.

One of the most difficult issues will be duties on public bodies. The SNP has expressed its view on that, and I know that many people have a different view. However, I hope that we can reach a sensible resolution that suits all sides and is not seen to place a disproportionate burden on local government.

The debate has been positive. I expect us to go on from here to produce a very good bill. I return to the point that the difference that we make will be through action, and I hope that we are girded up for that.

16:48

The Minister for Transport, Infrastructure and Climate Change (Stewart Stevenson): I am fully girded for the occasion.

I welcome the scope of the debate over the past two days, which has been of good quality. At least part of every member's speech has taken us forward and usefully informed the debate. I was particularly taken by Des McNulty's concluding remark that one of his key aims is to ensure that we keep it simple at stage 2. As the minister who has the pleasant duty of taking the bill through stage 2 on the Governments behalf, I heartily subscribe to his view and hope that we can deliver on it.

The debate has been unusual as, at least in this parliamentary session, it is unique in that four ministers have contributed to it. That does not just indicate the day-to-day engagement of those four ministers, but generally reflects the fact that every minister—like every member and everyone in the wider community—must be their own climate change champion in their own circumstances. I

want to work with other members of the Parliament to put flesh on those bones and identify common ground and ways of taking things forward that sustain the very positive tone of today's debate.

Although we find ourselves able to support the Labour amendment, we cannot support the Liberal Democrat amendment because of its reference to the public duties. We are prepared to continue to discuss the subject, but we must recognise the very real sensitivities of the Convention of Scottish Local Authorities and local councils on this matter. Although we might be able to find some convergence and strike the right balance, the Liberal Democrat amendment does not do so and, as I say, we cannot support it.

The support for the bills general principles that, unless I am very much mistaken, we will see at 5 o'clock this afternoon is but the first step in the process. Discussions will continue through stages 2 and 3, and we will have to do a great deal more work to justify what we all want: legislation and actions that will act as a beacon for others. I certainly think that challenging the EU to step up to the mark on a 2020 target of 30 per cent is an ambition that we all share.

As I turn to the points that have been raised during the two days of debate, I have to say that I expect that I will not deal with them all, but we will look very carefully at the *Official Report* and get back to members directly on any significant matters.

A discussion that I had with Mr McNulty and Ms Boyack after yesterday's debate suggests that we might have a greater common understanding on the annual targets that we will put in place in secondary legislation next year and the need for those to form the core of what ministers will be accountable for over the coming period. Within a couple of years, we will have set targets that take us half way to 2050. That will certainly be a substantial set of commitments.

Ms Boyack described the provisions on public duties as vague commitments. We are looking at them again but, as I said earlier, we want to be very careful about how we progress in that respect.

Alison McInnes urged us to take early action. Earlier, I pointed out that we are building on action that has already been taken. This is a continuum of activity that transcends the transition from the previous Administration to this Administration and, indeed, will continue after many of us are no longer on this earth to see it in operation.

I sensed a suggestion that we might be able to disregard expert advice, but something that each and every one of us has to cling to is the need to use expert advice to determine the figures. The

very moment politicians start to pluck figures out of the air, however well they might justify doing so by selecting what might have been stated elsewhere, they give future generations of politicians a hook for reneging on, moving back from or being less ambitious with commitments.

Alison McInnes (North East Scotland) (LD): Will the minister advise the Parliament on whose expert advice he has set the interim 2020 target?

Stewart Stevenson: The 34 per cent and 42 per cent figures came from the UK Committee on Climate Change. If things go to plan and we are able to set targets in June 2010, advice from that committee might give us a different answer. We will of course respect that. The fact is that, in this situation, information is evolving and understanding increasing.

With regard to the debate on how Parliament will scrutinise the Government's efforts, Alison McInnes made the interesting suggestion that we consider the model that was adopted for the national planning framework in the Planning etc (Scotland) Act 2006. We are looking at the text of the 2006 act to find out whether we can lift it and put it into the bill. Should we conclude that we can simply incorporate the wording of the 2006 act in the bill, it is more likely that we will do so at stage 3, given the tight targets for stage 2. We are looking seriously at that approach—it is not yet a commitment, but we are doing the work to see whether it is possible.

Patrick Harvie and I had a wee exchange on the subject of the Maldives, which is seeking to go carbon neutral. That is extremely admirable but, having looked into the subject, I make the point that aviation is not included in the Maldives ambition. Given that tourism is the country's main industry, its situation is not quite the same as Scotland's; that illustrates the point that every country must find its own salvation. Patrick Harvie also referred to aviation and shipping; it is important that we continue to look at those issues.

Alex Johnstone commended the 34 to 42 per cent approach as one that would find favour with Conservative members.

Patrick Harvie: The minister will be aware that not everyone commended the 34 to 42 per cent approach that the Government has decided to take. Regardless of whether annual targets are included in the bill or in secondary legislation, how is a minister to set them after the bill has been passed if the Government has not yet decided—and will not decide for several years—whether it is aiming for a 34 per cent target or a 42 per cent target?

Stewart Stevenson: That is to misunderstand. Both the 34 per cent and the 42 per cent figure, together with the up-to-date advice that the

Committee on Climate Change will provide next year, will inform the annual targets that will be set—there is an absolute linkage.

I must make some fairly rapid progress. Charlie Gordon came up with the best question of the debate, as he often does, when he asked:

“what are you actually gonnae dae?”—[*Official Report*, 6 May 2009; c 17120.]

That is absolutely focused and on the money. Once we get the bill out of the way, we must focus on delivery and on ensuring that we get the outcomes that we want.

Liam McArthur advocated a bottom-up approach to developing initiatives, which is commendable. However, I suggest gently that that is a little at odds with the idea that we should direct centrally, through public duties, what happens.

The Presiding Officer (Alex Fergusson): Order. I am sorry to interrupt, minister. Members who have just come into the chamber should do others the common courtesy of allowing them to hear what is being said by members who have taken part in this two-day debate.

Stewart Stevenson: Thank you, Presiding Officer.

Lewis Macdonald spoke about the target of 11 per cent that has been set for heat from renewable energy. That is part of an overall 20 per cent that includes a range of other things—we are aiming to do a little better than the UK as a whole. That is reasonable.

I can tell John Scott that we are conducting a rural land use study, information on which we will provide shortly.

I am pleased to hear that Peter Peacock has the carpentry skills to build his own house. When I am building my next house, he can help me.

The community on Eigg that Rob Gibson mentioned was supported by the Scottish Government, under the excellent Scottish community and householder renewables initiative. We look with continuing interest at what is happening on Eigg.

This has been an interesting and engaging debate. It is the beginning of what will be a continuing engagement for years to come. Some years ago, John F Kennedy said that man can solve any problem that man creates. [*Interruption.*]

The Presiding Officer: Order. I have already asked members to be quiet. Would they please do that?

Stewart Stevenson: We must hope that John F Kennedy was correct, but there is no absolute certainty in that regard.

Yesterday, when we were discussing the electrification of the whole of Scotland's rail network, one of the senior Government directors said to me, “Surely we will have to have battery-powered trains to go to Kyle of Lochalsh and places like that.” The good news is that some battery-powered trains are already operating in England. We will copy a good idea, wherever it comes from.

I support the motion in my name.

Climate Change (Scotland) Bill: Financial Resolution

16:59

The Presiding Officer (Alex Fergusson): The next item of business is consideration of motion S3M-3923, in the name of John Swinney, on the financial resolution for the Climate Change (Scotland) Bill.

Motion moved,

That the Parliament, for the purposes of any Act of the Scottish Parliament resulting from the Climate Change (Scotland) Bill, agrees to any expenditure or increase in expenditure of a kind referred to in Rule 9.12.3(b)(ii) or (iii) of the Parliaments Standing Orders arising in consequence of the Act.—[*Stewart Stevenson.*]

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

Presiding Officers Rulings

17:00

The Presiding Officer (Alex Fergusson): I will respond to the points of order that were raised earlier today, as I promised to do.

Regarding Margo MacDonalds point of order, I have studied the transcript carefully and, while I am absolutely satisfied that Mr Grays remarks were not aimed at any individual in particular, I take this opportunity to remind all members that the words “lies”, “lying” or “liar” should not be used in this chamber in relation to other members—and preferably not at all.

Regarding Mr McConnells point of order, having studied the transcript very carefully I can rule only that it is not a point of order for me and it is therefore not a matter on which I can rule; I can only advise Mr McConnell that, if he wishes to pursue the matter further, he should take it up directly with the First Minister.

Decision Time

17:01

The Presiding Officer (Alex Fergusson):

There are 12 questions to be put as a result of today's business. Members should note that the question on motion S3M-3963, in the name of Stewart Stevenson, on the Climate Change (Scotland) Bill, and those on the two amendments to that motion, will be put before the questions on this morning's business.

Members should also be aware that, if motion S3M-4065.3, in the name of Fergus Ewing, on community courts, is agreed to, amendments S3M-4065.1 and S3M-4065.2, in the names of Richard Baker and Robert Brown respectively, will fall.

The first question is, that amendment S3M-3963.2, in the name of Sarah Boyack, which seeks to amend motion S3M-3963, in the name of Stewart Stevenson, on the Climate Change (Scotland) Bill, be agreed to.

Amendment agreed to.

The Presiding Officer: The second question is, that amendment S3M-3963.1, in the name of Alison McInnes, which seeks to amend motion S3M-3963, in the name of Stewart Stevenson, on the Climate Change (Scotland) Bill, be agreed to. Are we all agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Margaret (Glasgow Baillieston) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Foulkes, George (Lothians) (Lab)
 Glen, Marilyn (North East Scotland) (Lab)
 Gordon, Charlie (Glasgow Cathcart) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Hume, Jim (South of Scotland) (LD)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Kelly, James (Glasgow Rutherglen) (Lab)
 Kerr, Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)

Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McArthur, Liam (Orkney) (LD)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Tom (Hamilton South) (Lab)
 McConnell, Jack (Motherwell and Wishaw) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Mulligan, Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Elaine (Dumfries) (Lab)
 O'Donnell, Hugh (Central Scotland) (LD)
 Park, John (Mid Scotland and Fife) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stewart, David (Highlands and Islands) (Lab)
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Whitton, David (Strathkelvin and Bearsden) (Lab)

AGAINST

Adam, Brian (Aberdeen North) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Allan, Alasdair (Western Isles) (SNP)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brown, Keith (Ochil) (SNP)
 Brownlee, Derek (South of Scotland) (Con)
 Campbell, Aileen (South of Scotland) (SNP)
 Carlaw, Jackson (West of Scotland) (Con)
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 Constance, Angela (Livingston) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Don, Nigel (North East Scotland) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 FitzPatrick, Joe (Dundee West) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Goldie, Annabel (West of Scotland) (Con)
 Grahame, Christine (South of Scotland) (SNP)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Hepburn, Jamie (Central Scotland) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)

McLaughlin, Anne (Glasgow) (SNP)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMillan, Stuart (West of Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Morgan, Alasdair (South of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Gil (West of Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Alex (Gordon) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Lothians) (SNP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow Govan) (SNP)
 Swinney, John (North Tayside) (SNP)
 Thompson, Dave (Highlands and Islands) (SNP)
 Watt, Maureen (North East Scotland) (SNP)
 Welsh, Andrew (Angus) (SNP)
 White, Sandra (Glasgow) (SNP)
 Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

The Presiding Officer: The result of the division is: For 57, Against 62, Abstentions 0.

Amendment disagreed to.

The Presiding Officer: The third question is, that motion S3M-3963, in the name of Stewart Stevenson, on the Climate Change (Scotland) Bill, as amended, be agreed to.

Motion, as amended, agreed to,

That the Parliament agrees to the general principles of the Climate Change (Scotland) Bill and, in so doing, further agrees that unambiguous quantified targets for the reduction of greenhouse gas emissions for the period between 2010 and 2019 are needed so that the current government and governments elected in 2011 and 2015 can be held to account for delivering early action on tackling climate change.

The Presiding Officer: The next question is, that amendment S3M-4067.3, in the name of Keith Brown, which seeks to amend motion S3M-4067, in the name of Elizabeth Smith, on school discipline, be agreed to. Are we all agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Adam, Brian (Aberdeen North) (SNP)
 Allan, Alasdair (Western Isles) (SNP)
 Brown, Keith (Ochil) (SNP)
 Campbell, Aileen (South of Scotland) (SNP)
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 Constance, Angela (Livingston) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Don, Nigel (North East Scotland) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 FitzPatrick, Joe (Dundee West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Grahame, Christine (South of Scotland) (SNP)

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)
 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)
 McMillan, Stuart (West of Scotland) (SNP)
 Morgan, Alasdair (South of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Gil (West of Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Alex (Gordon) (SNP)
 Somerville, Shirley-Anne (Lothians) (SNP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow Govan) (SNP)
 Swinney, John (North Tayside) (SNP)
 Thompson, Dave (Highlands and Islands) (SNP)
 Watt, Maureen (North East Scotland) (SNP)
 Welsh, Andrew (Angus) (SNP)
 White, Sandra (Glasgow) (SNP)
 Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brown, Robert (Glasgow) (LD)
 Brownlee, Derek (South of Scotland) (Con)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Carlaw, Jackson (West of Scotland) (Con)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Margaret (Glasgow Baillieston) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Foulkes, George (Lothians) (Lab)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Glen, Marlyn (North East Scotland) (Lab)
 Goldie, Annabel (West of Scotland) (Con)
 Gordon, Charlie (Glasgow Cathcart) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Hume, Jim (South of Scotland) (LD)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Johnstone, Alex (North East Scotland) (Con)
 Kelly, James (Glasgow Rutherglen) (Lab)
 Kerr, Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)

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

The Presiding Officer: The result of the division is: For 48, Against 71, Abstentions 0.

Amendment disagreed to.

The Presiding Officer: The next question is, that amendment S3M-4067.1, in the name of Ken Macintosh, which seeks to amend motion S3M-4067, in the name of Elizabeth Smith, on school discipline, be agreed to. Are we all agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Adam, Brian (Aberdeen North) (SNP)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Allan, Alasdair (Western Isles) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Keith (Ochil) (SNP)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Campbell, Aileen (South of Scotland) (SNP)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 Constance, Angela (Livingston) (SNP)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Margaret (Glasgow Baillieston) (Lab)
 Don, Nigel (North East Scotland) (SNP)

Doris, Bob (Glasgow) (SNP)
 Eadie, Helen (Dunfermline East) (Lab)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 FitzPatrick, Joe (Dundee West) (SNP)
 Foulkes, George (Lothians) (Lab)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Glen, Marlyn (North East Scotland) (Lab)
 Gordon, Charlie (Glasgow Cathcart) (Lab)
 Grahame, Christine (South of Scotland) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Harper, Robin (Lothians) (Green)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Hepburn, Jamie (Central Scotland) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Kelly, James (Glasgow Rutherglen) (Lab)
 Kerr, Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Tom (Hamilton South) (Lab)
 McConnell, Jack (Motherwell and Wishaw) (Lab)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McLaughlin, Anne (Glasgow) (SNP)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McMillan, Stuart (West of Scotland) (SNP)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morgan, Alasdair (South of Scotland) (SNP)
 Mulligan, Mary (Linlithgow) (Lab)
 Murray, Elaine (Dumfries) (Lab)
 Neil, Alex (Central Scotland) (SNP)
 Park, John (Mid Scotland and Fife) (Lab)
 Paterson, Gil (West of Scotland) (SNP)
 Peacock, Peter (Highlands and Islands) (Lab)
 Robison, Shona (Dundee East) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Alex (Gordon) (SNP)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Somerville, Shirley-Anne (Lothians) (SNP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Stewart, David (Highlands and Islands) (Lab)
 Sturgeon, Nicola (Glasgow Govan) (SNP)
 Swinney, John (North Tayside) (SNP)
 Thompson, Dave (Highlands and Islands) (SNP)
 Watt, Maureen (North East Scotland) (SNP)
 Welsh, Andrew (Angus) (SNP)
 White, Sandra (Glasgow) (SNP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Whitton, David (Strathkelvin and Bearsden) (Lab)
 Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brownlee, Derek (South of Scotland) (Con)
 Carlaw, Jackson (West of Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Goldie, Annabel (West of Scotland) (Con)
 Johnstone, Alex (North East Scotland) (Con)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McLetchie, David (Edinburgh Pentlands) (Con)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)

ABSTENTIONS

Brown, Robert (Glasgow) (LD)
 Finnie, Ross (West of Scotland) (LD)
 Hume, Jim (South of Scotland) (LD)
 McArthur, Liam (Orkney) (LD)
 McInnes, Alison (North East Scotland) (LD)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 O'Donnell, Hugh (Central Scotland) (LD)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)

The Presiding Officer: The result of the division is: For 89, Against 16, Abstentions 14.

Amendment agreed to.

The Presiding Officer: The next question is, that amendment S3M-4067.2, in the name of Margaret Smith, which seeks to amend motion S3M-4067, in the name of Elizabeth Smith, on school discipline, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Adam, Brian (Aberdeen North) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Allan, Alasdair (Western Isles) (SNP)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brown, Keith (Ochil) (SNP)
 Brown, Robert (Glasgow) (LD)
 Brownlee, Derek (South of Scotland) (Con)
 Campbell, Aileen (South of Scotland) (SNP)
 Carlaw, Jackson (West of Scotland) (Con)
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 Constance, Angela (Livingston) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Don, Nigel (North East Scotland) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Finnie, Ross (West of Scotland) (LD)
 FitzPatrick, Joe (Dundee West) (SNP)

Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Goldie, Annabel (West of Scotland) (Con)
 Grahame, Christine (South of Scotland) (SNP)
 Harper, Robin (Lothians) (Green)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Hepburn, Jamie (Central Scotland) (SNP)
 Hume, Jim (South of Scotland) (LD)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McArthur, Liam (Orkney) (LD)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McLaughlin, Anne (Glasgow) (SNP)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMillan, Stuart (West of Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Morgan, Alasdair (South of Scotland) (SNP)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Neil, Alex (Central Scotland) (SNP)
 O'Donnell, Hugh (Central Scotland) (LD)
 Paterson, Gil (West of Scotland) (SNP)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Robison, Shona (Dundee East) (SNP)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Alex (Gordon) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Somerville, Shirley-Anne (Lothians) (SNP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Sturgeon, Nicola (Glasgow Govan) (SNP)
 Swinney, John (North Tayside) (SNP)
 Thompson, Dave (Highlands and Islands) (SNP)
 Watt, Maureen (North East Scotland) (SNP)
 Welsh, Andrew (Angus) (SNP)
 White, Sandra (Glasgow) (SNP)
 Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

AGAINST

Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Margaret (Glasgow Baillieston) (Lab)

Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Foulkes, George (Lothians) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Gordon, Charlie (Glasgow Cathcart) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Kelly, James (Glasgow Rutherglen) (Lab)
 Kerr, Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Tom (Hamilton South) (Lab)
 McConnell, Jack (Motherwell and Wishaw) (Lab)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Mulligan, Mary (Linlithgow) (Lab)
 Murray, Elaine (Dumfries) (Lab)
 Park, John (Mid Scotland and Fife) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Stewart, David (Highlands and Islands) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Whitton, David (Strathkelvin and Bearsden) (Lab)

The Presiding Officer: The result of the division is: For 78, Against 41, Abstentions 0.

Amendment agreed to.

The Presiding Officer: The next question is, that motion S3M-4067, in the name of Elizabeth Smith, on school discipline, as amended, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Adam, Brian (Aberdeen North) (SNP)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Allan, Alasdair (Western Isles) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Keith (Ochil) (SNP)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Campbell, Aileen (South of Scotland) (SNP)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 Constance, Angela (Livingston) (SNP)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Margaret (Glasgow Baillieston) (Lab)
 Don, Nigel (North East Scotland) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Eadie, Helen (Dunfermline East) (Lab)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)

FitzPatrick, Joe (Dundee West) (SNP)
 Foulkes, George (Lothians) (Lab)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Glen, Marlyn (North East Scotland) (Lab)
 Gordon, Charlie (Glasgow Cathcart) (Lab)
 Grahame, Christine (South of Scotland) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Harper, Robin (Lothians) (Green)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Hepburn, Jamie (Central Scotland) (SNP)
 Hume, Jim (South of Scotland) (LD)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Kelly, James (Glasgow Rutherglen) (Lab)
 Kerr, Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McArthur, Liam (Orkney) (LD)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Tom (Hamilton South) (Lab)
 McConnell, Jack (Motherwell and Wishaw) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McLaughlin, Anne (Glasgow) (SNP)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McMillan, Stuart (West of Scotland) (SNP)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morgan, Alasdair (South of Scotland) (SNP)
 Mulligan, Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Elaine (Dumfries) (Lab)
 Neil, Alex (Central Scotland) (SNP)
 O'Donnell, Hugh (Central Scotland) (LD)
 Park, John (Mid Scotland and Fife) (Lab)
 Paterson, Gil (West of Scotland) (SNP)
 Peacock, Peter (Highlands and Islands) (Lab)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Robison, Shona (Dundee East) (SNP)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Alex (Gordon) (SNP)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Somerville, Shirley-Anne (Lothians) (SNP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Stewart, David (Highlands and Islands) (Lab)
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Sturgeon, Nicola (Glasgow Govan) (SNP)
 Swinney, John (North Tayside) (SNP)

Thompson, Dave (Highlands and Islands) (SNP)
 Watt, Maureen (North East Scotland) (SNP)
 Welsh, Andrew (Angus) (SNP)
 White, Sandra (Glasgow) (SNP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Whitton, David (Strathkelvin and Bearsden) (Lab)
 Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brownlee, Derek (South of Scotland) (Con)
 Carlaw, Jackson (West of Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Goldie, Annabel (West of Scotland) (Con)
 Johnstone, Alex (North East Scotland) (Con)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McLetchie, David (Edinburgh Pentlands) (Con)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)

The Presiding Officer: The result of the division is: For 102, Against 16, Abstentions 0.

Motion, as amended, agreed to,

That the Parliament deplores the rise in the number of exclusions from Scottish schools attributable to weapon attacks by pupils; supports all appropriate measures to uphold the rights of teachers to teach and pupils to learn in a disciplined environment; notes the significant steps made by the previous administration to achieve this including the setting up of the Discipline Task Group, the removal of restrictions on head teachers to exclude pupils if necessary, the use of special units, support for teacher training, reduced class sizes and more classroom assistants; calls on the Scottish Government to address the recent decline in teacher numbers and support staff, including behaviour support staff, and to work in partnership with key stakeholders to put in place a framework for a discipline code in every school incorporating rights and responsibilities for head teachers, teachers, parents and pupils, and further believes that the Scottish Government should engage closely with pupils, staff, the voluntary sector and other partner organisations to improve formal and non-formal learning opportunities for young people to ensure that they are not excluded from education.

The Presiding Officer: The next question is, that amendment S3M-4065.3, in the name of Fergus Ewing, which seeks to amend motion S3M-4065, in the name of Bill Aitken, on community courts, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Adam, Brian (Aberdeen North) (SNP)
 Allan, Alasdair (Western Isles) (SNP)
 Brown, Keith (Ochil) (SNP)
 Campbell, Aileen (South of Scotland) (SNP)
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 Constance, Angela (Livingston) (SNP)
 Crawford, Bruce (Stirling) (SNP)

Cunningham, Roseanna (Perth) (SNP)
 Don, Nigel (North East Scotland) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 FitzPatrick, Joe (Dundee West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Hepburn, Jamie (Central Scotland) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 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)
 McMillan, Stuart (West of Scotland) (SNP)
 Morgan, Alasdair (South of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Gil (West of Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Alex (Gordon) (SNP)
 Somerville, Shirley-Anne (Lothians) (SNP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow Govan) (SNP)
 Swinney, John (North Tayside) (SNP)
 Thompson, Dave (Highlands and Islands) (SNP)
 Watt, Maureen (North East Scotland) (SNP)
 Welsh, Andrew (Angus) (SNP)
 White, Sandra (Glasgow) (SNP)
 Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brown, Robert (Glasgow) (LD)
 Brownlee, Derek (South of Scotland) (Con)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Carlaw, Jackson (West of Scotland) (Con)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Margaret (Glasgow Baillieston) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Foulkes, George (Lothians) (Lab)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Glen, Marlyn (North East Scotland) (Lab)
 Goldie, Annabel (West of Scotland) (Con)
 Gordon, Charlie (Glasgow Cathcart) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Hume, Jim (South of Scotland) (LD)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)

Johnstone, Alex (North East Scotland) (Con)
 Kelly, James (Glasgow Rutherglen) (Lab)
 Kerr, Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McArthur, Liam (Orkney) (LD)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Tom (Hamilton South) (Lab)
 McConnell, Jack (Motherwell and Wishaw) (Lab)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Mulligan, Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Elaine (Dumfries) (Lab)
 O'Donnell, Hugh (Central Scotland) (LD)
 Park, John (Mid Scotland and Fife) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stewart, David (Highlands and Islands) (Lab)
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Whitton, David (Strathkelvin and Bearsden) (Lab)

The Presiding Officer: The result of the division is: For 46, Against 73, Abstentions 0.

Amendment disagreed to.

The Presiding Officer: The next question is, that amendment S3M-4065.1, in the name of Richard Baker, which seeks to amend motion S3M-4065, in the name of Bill Aitken, on community courts, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brown, Robert (Glasgow) (LD)

Brownlee, Derek (South of Scotland) (Con)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Carlaw, Jackson (West of Scotland) (Con)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Margaret (Glasgow Baillieston) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Foulkes, George (Lothians) (Lab)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Glen, Marlyn (North East Scotland) (Lab)
 Goldie, Annabel (West of Scotland) (Con)
 Gordon, Charlie (Glasgow Cathcart) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Hume, Jim (South of Scotland) (LD)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Johnstone, Alex (North East Scotland) (Con)
 Kelly, James (Glasgow Rutherglen) (Lab)
 Kerr, Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McArthur, Liam (Orkney) (LD)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Tom (Hamilton South) (Lab)
 McConnell, Jack (Motherwell and Wishaw) (Lab)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Mulligan, Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Elaine (Dumfries) (Lab)
 O'Donnell, Hugh (Central Scotland) (LD)
 Park, John (Mid Scotland and Fife) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stewart, David (Highlands and Islands) (Lab)
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Whitton, David (Strathkelvin and Bearsden) (Lab)

AGAINST

Adam, Brian (Aberdeen North) (SNP)
 Allan, Alasdair (Western Isles) (SNP)
 Brown, Keith (Ochil) (SNP)
 Campbell, Aileen (South of Scotland) (SNP)

Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 Constance, Angela (Livingston) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Don, Nigel (North East Scotland) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 FitzPatrick, Joe (Dundee West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Hepburn, Jamie (Central Scotland) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 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)
 McMillan, Stuart (West of Scotland) (SNP)
 Morgan, Alasdair (South of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Gil (West of Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Alex (Gordon) (SNP)
 Somerville, Shirley-Anne (Lothians) (SNP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow Govan) (SNP)
 Swinney, John (North Tayside) (SNP)
 Thompson, Dave (Highlands and Islands) (SNP)
 Watt, Maureen (North East Scotland) (SNP)
 Welsh, Andrew (Angus) (SNP)
 White, Sandra (Glasgow) (SNP)
 Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

The Presiding Officer: The result of the division is: For 73, Against 46, Abstentions 0.

Amendment agreed to.

The Presiding Officer: The next question is, that amendment S3M-4065.2, in the name of Robert Brown, which seeks to amend motion S3M-4065, in the name of Bill Aitken, on community courts, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brown, Robert (Glasgow) (LD)
 Brownlee, Derek (South of Scotland) (Con)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Carlaw, Jackson (West of Scotland) (Con)

Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Margaret (Glasgow Baillieston) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Foulkes, George (Lothians) (Lab)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Glen, Marlyn (North East Scotland) (Lab)
 Goldie, Annabel (West of Scotland) (Con)
 Gordon, Charlie (Glasgow Cathcart) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Hume, Jim (South of Scotland) (LD)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Johnstone, Alex (North East Scotland) (Con)
 Kelly, James (Glasgow Rutherglen) (Lab)
 Kerr, Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McArthur, Liam (Orkney) (LD)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Tom (Hamilton South) (Lab)
 McConnell, Jack (Motherwell and Wishaw) (Lab)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Mulligan, Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Elaine (Dumfries) (Lab)
 O'Donnell, Hugh (Central Scotland) (LD)
 Park, John (Mid Scotland and Fife) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stewart, David (Highlands and Islands) (Lab)
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Whitton, David (Strathkelvin and Bearsden) (Lab)

AGAINST

Adam, Brian (Aberdeen North) (SNP)
 Allan, Alasdair (Western Isles) (SNP)
 Brown, Keith (Ochil) (SNP)
 Campbell, Aileen (South of Scotland) (SNP)
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 Constance, Angela (Livingston) (SNP)
 Crawford, Bruce (Stirling) (SNP)

Cunningham, Roseanna (Perth) (SNP)
 Don, Nigel (North East Scotland) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 FitzPatrick, Joe (Dundee West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Hepburn, Jamie (Central Scotland) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 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)
 McMillan, Stuart (West of Scotland) (SNP)
 Morgan, Alasdair (South of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Gil (West of Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Alex (Gordon) (SNP)
 Somerville, Shirley-Anne (Lothians) (SNP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow Govan) (SNP)
 Swinney, John (North Tayside) (SNP)
 Thompson, Dave (Highlands and Islands) (SNP)
 Watt, Maureen (North East Scotland) (SNP)
 Welsh, Andrew (Angus) (SNP)
 White, Sandra (Glasgow) (SNP)
 Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

The Presiding Officer: The result of the division is: For 73, Against 46, Abstentions 0.

Amendment agreed to.

The Presiding Officer: The next question is, that motion S3M-4065, in the name of Bill Aitken, on community courts, as amended, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brown, Robert (Glasgow) (LD)
 Brownlee, Derek (South of Scotland) (Con)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Carlaw, Jackson (West of Scotland) (Con)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Margaret (Glasgow Baillieston) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)

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

AGAINST

Adam, Brian (Aberdeen North) (SNP)
 Allan, Alasdair (Western Isles) (SNP)
 Brown, Keith (Ochil) (SNP)
 Campbell, Aileen (South of Scotland) (SNP)
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 Constance, Angela (Livingston) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Don, Nigel (North East Scotland) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)

FitzPatrick, Joe (Dundee West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Hepburn, Jamie (Central Scotland) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 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)
 McMillan, Stuart (West of Scotland) (SNP)
 Morgan, Alasdair (South of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Gil (West of Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Alex (Gordon) (SNP)
 Somerville, Shirley-Anne (Lothians) (SNP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow Govan) (SNP)
 Swinney, John (North Tayside) (SNP)
 Thompson, Dave (Highlands and Islands) (SNP)
 Watt, Maureen (North East Scotland) (SNP)
 Welsh, Andrew (Angus) (SNP)
 White, Sandra (Glasgow) (SNP)
 Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

The Presiding Officer: The result of the division is: For 73, Against 46, Abstentions 0.

Motion, as amended, agreed to,

That the Parliament notes with regret the decision of the Scottish Government not to proceed with the establishment of a community court in Glasgow; recognises that community courts based on the New York City model in Midtown can address patterns of offending behaviour by providing for swift and effective summary justice coupled with a range of rehabilitation services to break the cycle of reoffending; notes that the independent business plan in March 2009 anticipated numerous benefits from a community court project, including improved community safety, greater offender accountability and reduced rates of reoffending; believes that the cancellation of the community court project also undermines the Scottish Government's own stated commitment to replace short-term prison sentences with tough and effective community sentences; calls on the Scottish Government to continue to work with the Community Justice Project Board, and further believes that the Scottish Government should reverse its decision and seek to progress plans for a community court in Glasgow.

The Presiding Officer: The final question is, that motion S3M-3923, in the name of John Swinney, on the Climate Change (Scotland) Bill financial resolution, be agreed to.

Motion agreed to,

That the Parliament, for the purposes of any Act of the Scottish Parliament resulting from the Climate Change (Scotland) Bill, agrees to any expenditure or increase in expenditure of a kind referred to in Rule 9.12.3(b)(ii) or (iii)

of the Parliament's Standing Orders arising in consequence of the Act.

Robert Brown (Glasgow) (LD): On a point of order, Presiding Officer.

In the final vote on the community court in Glasgow, the Parliament roundly castigated the Scottish National Party Government's decision to close the court. That raises quite serious issues of a disagreement between the Scottish Parliament and the Scottish Government on the matter. Is it appropriate that, at its next meeting on Tuesday, the Parliamentary Bureau considers whether time should be allowed for a ministerial statement to be made so that the Scottish Government can clarify what it will do about the impasse that has now arisen?

The Presiding Officer: That is not a point of order for me. It will up to the bureau what business it agrees to discuss on Tuesday.

Royal Mail (Part-privatisation)

The Deputy Presiding Officer (Alasdair Morgan): The final item of business today is a members business debate on motion S3M-3691, in the name of Jamie Hepburn, on the proposed part-privatisation of Royal Mail. The debate will be concluded without any question being put.

Motion debated,

That the Parliament notes the continuing debate at Westminster about the possible part-privatisation of the Royal Mail; further notes that over 170 MPs, including over 140 Labour members, have signed the Early Day Motion in the name of Geraldine Smith MP opposing the plans; welcomes the leading role played by the Communication Workers Union in the campaign against the proposals, and believes that any privatisation of the Royal Mail will have a detrimental effect on postal services in central Scotland and across the country.

17:13

Jamie Hepburn (Central Scotland) (SNP): Let me state my gratitude to members who have supported the motion and allowed it to be brought for debate. I am also grateful to the members who have stayed this evening to participate. I look forward to their contributions—I even look forward to hearing the case for the United Kingdom Governments plans if anyone is prepared to make it, although looking at the Labour benches I am not sure there will be.

Control over postal services may remain reserved to Westminster, but concern about the future of the Royal Mail is shared by many of my constituents in Central Scotland, and by others across the country. In recent years, Parliament has been no stranger to the fight against decimation of our mail and postal services. There have been many motions, debates, questions, briefings, lobbies and discussions about the network change programme that has led to the closure of so many Post Office branches across the country.

Just last year, I ran surveys which showed massive opposition to the closure of branches in Kildrum, Banton, Queenzieburn, Plains and Grangepans—opposition that went ignored in the face of the UK Governments determination to rid the Post Office of what it saw as burdensome and unprofitable branches. To many of my constituents, who used those branches daily and saw them as providing not just a commercial service but a social and economic heart for their communities, the question was, simply, “Why?”

David Whitton (Strathkelvin and Bearsden) (Lab): Is it not the case that the man who owns the post office at Kildrum did not want the member to campaign for it to stay open because he wanted to take the money and close it?

Jamie Hepburn: Frankly, that is news to me. I have met the man who runs the post office branch in Kildrum—that message was not communicated to me, although I thank David Whitton for passing it on.

Just when we thought the worst was over, Peter Mandelson was resurrected, with his plans to part-privatise the Royal Mail. We hear a lot in the chamber about broken promises, but these proposals do not simply tear up what was in new Labours 2005 manifesto—they drive a delivery van through the commitment to keeping the post public.

There is rightly outrage at the proposals—not only in this chamber, but in communities throughout Scotland that are already hurting from the network change programme, among the 5,500 people who have signed the petition on number 10s website, and on the Labour benches in Westminster, where more than 140 Labour members of Parliament have signed an early day motion condemning the proposals, joined by all seven Scottish National Party MPs and members from other parties.

The defence against that massive opposition is the Government-commissioned Hooper report. The only way to protect the Royal Mails pension fund is, apparently, by privatising the Royal Mail, yet in a devastating critique, the Communication Workers Union says that the report

“fails to provide any new data or analysis of the postal industry. It proposes the privatisation of Royal Mail although it provides no convincing arguments for this.”

It is hardly surprising that many people view the Hooper report as a fig leaf for an ideological decision that was already made by Peter Mandelson before the report was even commissioned, and the pension fund argument as a red herring.

Such is the opposition and disarray surrounding the plans that we have today heard that Deutsche Post DHL has decided to pull out of any possible bid for a privatised part of the Royal Mail, and that TNT is apparently losing interest, as well. Not only is the idea not attractive to parliamentarians, the workers and the public, but it now seems that not even the prospective bidders have any confidence in Brown and Mandelsons great sell-off.

The concern that exists about the proposals is based on principle and on a strong practical case. First, there is the simple principle that the Royal Mail should remain part of the public sector landscape, with the ethos that serving people comes first. The Royal Mail would be closer to the communities that it serves, and would be able to cross-subsidise and provide a universal service. A public sector ethos recognises that delivering services is about more than just making money.

Bill Butler (Glasgow Anniesland) (Lab): I agree that the principle of public ownership is a good one. Why, if the member agrees with that principle, did he not criticise his own Government for its privatisation proposal in relation to forestry?

The Deputy Presiding Officer: It would be helpful if the member stuck to speaking about the motion that is before us.

Jamie Hepburn: Thank you, Presiding Officer.

On a practical basis, we have only to look at the rail network to see what a botched privatisation—trying to create a market where there is a natural monopoly—looks like. Only the dogma of new Labour can square the circle of nationalising banks on one hand while insisting on privatising the mail infrastructure on the other. Perhaps it is an underhand ploy: given that the UK Government has taken over the banks and bought back Network Rail and the London underground network from private hands, perhaps it wants to sell off the Royal Mail just so that it can buy it back in a few years time.

The practical reasons, however, go deeper than that. This week, the Communication Workers Union stepped up its campaign against the UK Government's proposals to part-privatise the Royal Mail. We have probably all seen photos of the giant post box that is currently making its way from John OGroats to Lands End—I believe it has been in Glasgow today and will visit Edinburgh tomorrow.

As the motion notes, the Communication Workers Union is to be commended for its work in keeping the pressure on the UK Government, and for reflecting the very real concerns of postal workers and customers about the consequences of privatisation.

Gavin Brown (Lothians) (Con): Will the member give way?

Jamie Hepburn: No—I am afraid I have given way more than enough times.

The travelling campaign reminds us of the universal nature of our postal service. The universal service obligation keeps the cost of postage the same no matter where a letter or packet begins and ends its journey. That, as we know, is particularly important for people and businesses in rural areas, but it works both ways. People in the urban areas of central Scotland and beyond depend on receiving goods and services from remote parts of the country, just as much as people in rural areas depend on deliveries from our towns and cities.

People in the Royal Mail workforce are concerned about the future of their jobs if part-privatisation goes ahead. I share those concerns. In the face of a recession, the introduction of a

private operator leads to fears of declining wages and poorer terms and conditions, if not outright downsizing and redundancy.

Perhaps the greatest irony is that many workable alternatives exist to take our postal services forward. Nobody disagrees that the Royal Mail and the Post Office need to adapt to declining letter numbers and changing demands from businesses that are using the internet to buy and sell goods. The service is functional; it makes a profit of more than £1 million per day, which is more than can be said for the nationalised banks. It contributes to UK Government funds and yet, as the Communication Workers Union says, the UK Government wants to privatise the profit while nationalising the pension fund debt. As such, it is clear that the measures are motivated by Peter Mandelson's ideological obsession with privatisation.

The motions that other members have lodged on the subject give an idea of how we can revitalise our postal services for the 21st century. They include the idea of a peoples bank, using the Post Office network—an idea that could help to boost the sustainability of the Royal Mail Group as a whole—which Hugh Henry set out in a motion that he lodged. Also, as Cathy Peattie has set out, the UK Government agreed to a £1.2 billion loan facility on commercial terms to modernise Royal Mail operations in 2007 and yet, only two years later, just half of the money has been spent. I was delighted to add my name in support of those motions. It is a pity that, as of this morning, no Labour MSP saw fit to support my motion. For the purpose of consensual debate, perhaps that fact is best glossed over.

There are options for modernising the Royal Mail but retaining it as part of the public sector. What seems to be lacking on the part of the UK Government is political will. I return to the question that so many of my constituents ask me: why? Doubtless, other members are asked the same question. Why close all these post office branches, given the lifeline services that they provide? Why part-privatise the Royal Mail when so much else has been brought into public ownership. I think that I am not alone in wondering whether there is a hidden agenda behind the proposals for the part-privatisation of the Royal Mail—

The Deputy Presiding Officer: The member should wind up.

Jamie Hepburn: If we look back at the post office closure programme, it all becomes clear: the branches that were deemed to be unprofitable and unattractive to private investors were the ones to be closed. If all the reasons against privatisation that we hear this evening are not enough, one reason alone stands out: the Post Office network may be next. I hope that the UK Government

listens to the public, the Scottish Parliament and its own back benchers and scraps its plans to privatise the Royal Mail.

The Deputy Presiding Officer: We move to the open debate. I call for speeches of four minutes. A fair number of members want to speak, so I ask members to stick to timing.

17:22

Marlyn Glen (North East Scotland) (Lab): I congratulate Jamie Hepburn on securing this debate on the Royal Mail. It gives us the opportunity to praise the achievements of the Royal Mail and to repeat the points that my Labour colleague, Cathy Peattie, made in her motion: "Keep the Post Public". Unfortunately, Cathy Peattie cannot be with us tonight.

The debate gives us the chance to restate our support for the continued public ownership of the Royal Mail and to underline the importance of the universal service obligation to people across Scotland and the UK. It is a matter of social justice that a letter can be posted at the same price to any address in the UK. I am pleased that there are continuing discussions on the subject. I, too, support the Communication Workers Unions position that the best way in which to protect the universal service obligation, including six-day-a-week delivery, is to keep the post publicly owned.

At a time of economic recession, the Royal Mail and its staff are making a profit. The Royal Mail Group third quarter results show revenue of £2.6 billion, up from £2.5 billion last year. All four businesses are in profit. This years profit to date of £255 million compares favourably to the £162 million profit for the whole of last year. This years full-year profits are expected to be double those of last year. The profits would be higher were it not for the uncompetitive conditions under which the Royal Mail has to deliver mail for rival companies. For instance, there is the inbuilt difficulty for the Royal Mail of having to deliver over the last mile. That obligation is essential for the public, but expensive for the Royal Mail.

Although many Labour MSPs have strong opinions on tonight's topic for debate, they also know that the matter is reserved. That said, there can be no doubt that Labour MPs are standing up for the principles. Dundee West MP Jim McGovern, a former parliamentary private secretary, is one of the 140 Labour MPs to sign the early day motion on the subject.

As Bill Butler said in his intervention, we should contrast what the SNP is saying in the motion with what it said on forestry privatisation. The SNP Administration eventually backed down from privatising our forests, but no SNP member made

a principled opposition and that was on a devolved issue that is within our competence.

Jamie Hepburn: Will the member give way?

Marlyn Glen: No. I have only four minutes.

Kenneth Gibson (Cunninghame North) (SNP): Feartie.

The Deputy Presiding Officer: Mr Gibson, that kind of remark is not appropriate. It will not be repeated.

Marlyn Glen: Thank you, Presiding Officer.

The fundamental problem with the Royal Mail is a lack of capital. I urge consideration of alternatives to recapitalise it to allow it to compete on a level playing field. In 2007, the UK Government agreed to a £1.2 billion loan facility on commercial terms to modernise the Royal Mails operations but, two years later, only half that money has been spent.

Gavin Brown: Will the member give way?

Marlyn Glen: I will not take an intervention because I have no confidence in what the Conservatives might do to the Royal Mail should they be in power. I am sure that that feeling is shared by members of other parties. That is an important point.

The current proposals could lead to profitable services being cherry-picked and the core Post Office being left with massive obligations and no real earning capacity. I also share the unions concerns about possible job losses at a time when job retention should be a priority.

The Royal Mail is an integral part of the country's social fabric. I urge cross-party support for the call for a new relationship between management and postal unions and welcome the Communication Workers Unions commitment to negotiate an agreement that would support the modernisation of the industry while retaining universal provision.

17:26

Gavin Brown (Lothians) (Con): I, too, congratulate Jamie Hepburn on securing the debate. It will probably not come as a huge surprise to him or the other members that I disagree with much of what he suggested for taking the Royal Mail forward.

The Labour Party's stance has been quite confused so far. Not a single Labour MSP was prepared to sign Mr Hepburn's motion, but I guarantee that not a single one will have the courage to stand up and defend Gordon Brown's actions. That, in itself, is worrying.

Jamie Hepburn: For clarity, I should point out that not a single Tory MSP signed the motion, either.

Gavin Brown: Well, yes. As I said clearly, it will not surprise Mr Hepburn that I disagree with much of what he said. That is my reason for not signing the motion.

I will pick up on one of Mr Hepburn's points. It was regrettable that 2,500 post offices were closed UK-wide, but the Scottish Government made precious little attempt to save any by running extra services through them. Members should consider the example of Conservative-run Essex County Council, which managed to save a dozen post offices by running council services through them. One Conservative council saved more post offices than the entire Scottish Government.

Let us turn to the subject of the debate. The starting point was the Hooper review, which spelled out clearly the fact that there was a real danger of losing the universal postal service without urgent reform. So far, we have heard no sense of urgent reform from the Scottish National Party or the Labour Party.

The technological advance is unstoppable. The rise of e-mail and text messaging means that far fewer letters are sent. There are 5 million fewer sent today than only two years ago and the figure is due to fall by 8 per cent this year, which will cost the Royal Mail something in the region of £560 million, so there are clear problems for it.

There are also inefficiencies within the system. There is little automation within the Royal Mail and all the local sorting is done by hand. In comparison something like 89 per cent of letters are sorted by Deutsche Post using machines. The Postal Services Commission and the Royal Mail's leaders acknowledge that it is somewhere between 25 per cent and 40 per cent less efficient than its competitors.

How on earth can the Royal Mail combat the slide if it is less efficient than its competitors and the mail services market as a whole is on the slide due to text messages and the rise of e-mail? We need solutions. I note that even the Scottish Government has accepted that the status quo is untenable, which Mr Hepburn did not seem prepared to do.

The starting point must be protection of the universal service obligation. The suggestion of bringing in some private expertise and capital is good in principle. We will want to see every clause in the bill so that we can ascertain whether things will be achieved, but we support the idea in principle. We must bring in the private expertise of those who have experience of change management through technological advances in

the sector and we need to bring in private capital because the Government simply does not have the capital. In a recession, the Royal Mail trying to compete with health, education and justice for scant funds is unlikely to happen.

17:30

Stuart McMillan (West of Scotland) (SNP): I, too, congratulate my Scottish National Party colleague Jamie Hepburn on securing the debate.

According to the Labour back-bench MP John Grogan, there will soon be a climb-down on the Postal Services Bill because more than 100 Labour MPs are prepared to vote against that part-privatisation bill. In addition, more than 140 Labour MPs have signed the early day motion at the Palace of Westminster. I fully congratulate all MPs who have signed that motion, but particularly the Labour MPs who are prepared to stand up against Gordon Brown to prevent him from taking this kamikaze decision on Royal Mail.

What the EDM proposes would be the sensible course of action, but Gordon Brown is in charge and we all know that the sensible course of action does not always prove to be his chosen one. The fact that the Government's proposal reneges on a Labour manifesto pledge should set alarm bells ringing, but it appears that Gordon Brown is oblivious to public perception and opinion.

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

Stuart McMillan: I do not have much time, I am afraid.

The manifesto pledge stated:

"Our ambition is to see a publicly owned Royal Mail fully restored to good health, providing customers with an excellent service and its employees with rewarding employment."

I am not sure which bit of that statement allows the comeback kid, Lord Mandelson, to claim that his plans to sell a minority stake in Royal Mail are consistent with party policy. Lord Mandelson was one of the architects of new Labour, alongside Blair and Brown, and recent history has shown that, for Lord Mandelson, the substance of a debate comes a distant second to spin.

Any form of privatisation of the Post Office network has already been widely criticised by unions and the public alike. The main concerns about the proposed action are that there would be major job losses, cuts to vital services and a lack of provision for the staff who remained in place. The future of Royal Mail as a public service should be of the utmost importance.

Gavin Brown: Will the member give way on that point?

Stuart McMillan: I do not have much time.

The network change programme has already proved unpopular, as we have heard and as I discovered through receiving a large volume of correspondence on the matter from my constituents. I have therefore supported the campaign to prevent post office closures in the west of Scotland. In one Inverclyde post office alone, there were around 700 signatures on a petition against the facility's closure.

I am sure that we all agree that the elderly, the disabled and people in rural areas are worst affected by such closures. Post offices are highly valued by local communities and in many cases are a key part of the fabric of the community they serve. The privatisation of Royal Mail could put undue pressure on other local businesses and services and would create service access difficulties and unnecessary extra expense for many residents.

I welcome this debate in this Parliament and the fact that there were so many signatories to the EDM that was tabled in the Palace of Westminster. I urge Prime Minister Brown, who is known in some circles as Jonah Brown, to take a long hard look at what he proposes. Does he really want a back-bench rebellion on his hands that would mean that he would need and want the support of the Tories to force the proposal through? I sincerely hope that he does not. I urge him to think again and to maintain Royal Mail as a fully public entity that can provide services to all our communities in Scotland and those in the other three nations of the UK.

17:34

Bill Butler (Glasgow Anniesland) (Lab): I refer to my entry in the register of members interests and congratulate Mr Jamie Hepburn on securing this debate.

Like my colleague Marlyn Glen, and echoing my colleague Cathy Peatties detailed motion of 26 February, I welcome the debate as a chance to praise publicly the Royal Mail workforce for their unstinting service in challenging circumstances to all our communities and to declare my admiration for their union—the Communication Workers Union—and its diligent and imaginative modern campaign to keep the Post Office public. I agree unreservedly with the unions campaign slogan, “The Royal Mail is not for sale.” I also wish to place on public record my support for the 150 Labour MPs who have signed the EDM in the name of my Labour colleague Geraldine Smith MP, which urges the Labour Government in Westminster to drop its proposal to part-privatise the Royal Mail.

It is perfectly reasonable that we discuss this reserved matter at Holyrood—I have no quibble about that—but we must acknowledge that any decisions on this service, which is vital to all our constituents, lie with our Westminster colleagues. That is why we must support their principled opposition to this unnecessary proposal.

Like Marlyn Glen, I have no doubt whatever that Labour MPs are standing up for the principle of a Royal Mail that is a publicly owned business with its universal service obligation intact. To be fair, Mr Hepburn refers to that in his motion, which pays tribute to the vast number of Labour parliamentarians who have put their name to the EDM. I know that the overwhelming majority of Labour members at Holyrood and Westminster agree with the position of the workforce as evinced by the CWU. That position also has the overwhelming support of the general public throughout the UK. A major point is that a recent set of opinion polls clearly demonstrate that public support for continued common ownership is in the region of 97 per cent. People view the Royal Mail as a prized part of the social make-up of all the countries within the UK.

The CWU is committed to negotiating an agreement that supports the modernisation of the industry. I do not know where Gavin Brown has been, as the union is willing and eager to work with the Government to deliver the reforms necessary to improve the service for the public. Part-privatisation is not part of any rational solution.

Gavin Brown: Will the member give way?

Bill Butler: No thanks.

The current proposal does not bear close examination. We must work with all who oppose the proposed irrelevant measure to persuade all those who still need persuading at Westminster—whether lord or commoner—to ditch the proposal and to ditch it now.

I also wish to place on record Labour members support for the Hooper reports recommendation that the UK Government take responsibility for the Royal Mails pension deficit. That deficit followed an extended contributions policy that was started by the previous Conservative Government—if people can remember that far back. Of course severe financial problems have resulted from the crisis in the present economic system, but those are no fault of the workers in the Royal Mail. They should not be made to pay for the failures of the present world economy. If it is correct to find resources to keep banks in business and bank workers in work—it is indeed correct—it is also right to take the same approach to bridge the pension deficit.

The Royal Mail is a cherished public service and a profitable business. It requires appropriate modernisation and support to prosper. Let us support—without political rancour if we can manage it—the campaign to keep the post public. Let us do what we can to assist the CWU and our fellow parliamentarians at Westminster in achieving that objective.

The Royal Mail is not for sale. It is not just me who says that, but 97 per cent of our citizens.

17:38

Liam McArthur (Orkney) (LD): I, too, congratulate Jamie Hepburn on securing the debate. Indeed, I take my hat off to him; I was under the impression that members business debates are the preserve of issues that are less controversial and that are of a constituency or regional interest. Although there is no doubt that a debate on the future of our postal services fully satisfies the latter criterion, not even Lord Mandelson would attempt to claim that his proposals have been without their critics.

One issue on which there has been full agreement this evening is the importance of the Royal Mail and of the Post Office network to the constituents we represent. Consensus also seems achievable on the proposition that the Royal Mail and the Post Office network face some serious challenges.

Like most parts of the country, Orkney recently went through a process of post office closures. A worrying point is that a small number of branches that were not included in that programme have subsequently found themselves in difficulties. The branch at Lyness has already shut its doors.

Meanwhile, the Royal Mail is asked to compete with private operators, few of which consider the islands to be part of the United Kingdom. While continuing to deliver an excellent service to my constituents, the Royal Mail is often faced with covering the final mile not only for itself but for operators that happily surcharge their island customers.

Responsibility for the mess is not hard to identify. A series of decisions by UK ministers, which were taken with little consideration for the consequences, have each had a significant and cumulative impact. A succession of services—from benefits and bank accounts to television and driving licence renewals—have systematically been removed. Individually and collectively, those decisions have progressively undermined the viability of many branches across the network. The truth is that there is a limit to how many financial services products the post office in Finstown or Flotta will ever be able to sell.

With the Royal Mail, too, the UK Government sold the pass when it liberalised the bulk mail market. Whatever benefits ministers felt would result from liberalisation, the way in which they implemented it has ensured that they have come at a very high price, which is now being paid by Royal Mail customers and staff, not to mention taxpayers.

My argument with Lord Mandelson is not that nothing needs to be done—it is clear that something needs to be done—but that I have serious problems with his proposals and do not accept that they will achieve what he has suggested they will achieve. The UK Postal Services Bill fails to offer the investment that is needed to modernise the Post Office network and it will not enable the network to develop new services and regain its vibrancy and viability, particularly in rural areas. I agree with Gavin Brown that more can and should be done to examine ways in which post offices can become the first point of contact between the public and government.

The bill also fails to facilitate the creation of a post bank—a service that could simultaneously build on the reputation of the Post Office and the trust that people have in it and address structural issues of financial exclusion by offering banking services to all. In addition, the bill fails to allow the Royal Mail to borrow on capital markets or extend its range of services. It is silent on employee share ownership and it will do nothing to level the playing field as regards a statutory universal service obligation throughout the UK.

I assure Jamie Hepburn that Liberal Democrats will continue to oppose the bill in the Lords and the Commons—for all the reasons I have given—but it is doubtful whether that will have any effect on the SNP spin machine, which has its dial set firmly on “outrageous”. By way of example, I cite the recent comments of Dave Thompson, who appears to be endlessly capable of working himself up into a lather of synthetic rage. His desire to name and shame Scottish MPs who have not signed Geraldine Smiths EDM presumably stems from his ignorance of Westminster procedure and the fact that there are at least half a dozen EDMs that express opposition to the bill.

Given that a recent members business debate involved only two MSPs, one of whom was the relevant minister, I congratulate Jamie Hepburn on giving us the opportunity to participate in a lively and well-attended debate on an issue that is of fundamental importance to all our constituents in all the communities we represent.

17:42

David Whitton (Strathkelvin and Bearsden) (Lab): Members can imagine that, as someone who is the son of a retired Communication Workers Union member and who is married to another, I take a rather jaundiced view of the proposals on the part-privatisation of the Royal Mail that the Westminster Parliament is considering. I remain unconvinced by the argument that part-privatisation is the only way to deal with the current pension debt and to provide the sums that are required to pay for the modernisation of the Royal Mail.

Like other members, I attended the CWUs recent lobby of Parliament and listened carefully to what its officials had to say. I am not sure whether Mr Hepburn was there that day; he was certainly not there at the same time as me. Be that as it may, I certainly support the CWU in its current campaign.

We were told of the unions efforts to get meaningful dialogue going with management on the modernisation proposals that Mr Brown alluded to. It is a recurring theme of members business debates—one need only think of the recent debate on redundancies at Trinity Mirror—that some managements seem to be reluctant to engage with unions, the representatives of their workforce, so that they can plot a way of competing in the current challenging economic environment.

Despite what might have been said, I know that the CWU is not luddite in its approach; indeed, it wants to talk to management about modernisation. It is doing what any decent trade union would do—defending its members. Part of that defence is to be forward looking and to negotiate with bosses with a view to making the company as competitive as possible.

I am under no illusion about Mr Hepburns reason for lodging his motion. It is typical of the SNPs in-government-but-want-to-be-in-opposition tactics. He said that a delivery van had been driven through Labours manifesto promises but made no mention of the 40-tonne truck that made off with broken SNP manifesto promises on issues such as local income tax, student debt and class size reduction.

I am happy to repeat that I am against the proposed measure. If I were a member in another place, I would have signed the early day motion against it. I just wonder whether Mr Hepburn would have voted against the part-privatisation of Scotlands forests if his Government had not withdrawn that policy.

Jamie Hepburn: Labour members keep referring to the part-privatisation of the forests. Does Mr Whitton not accept that there is a world of

difference between a proposal that would have involved the leasing of parts of Scotlands forests, the ownership of which would have been retained by the Government, and the proposals that we are debating?

The Deputy Presiding Officer: I will make the point that I made earlier: I do not want the debate to develop into a debate on forestry, given that we have just spent two days discussing the Climate Change (Scotland) Bill.

David Whitton: The debate is simply about privatisation, and the answer to Mr Hepburns question is no.

I am opposed to the proposals not because of political dogma but simply because I believe that the Royal Mail service is best kept in public hands. With proper Government investment, it can still provide a world-class service. The terrific service that our postmen and women provide in this country is often forgotten or taken for granted. Where else can people get a next-day delivery of letters and parcels at a very reasonable cost? Certainly not in the countries where the companies that are said to be interested in investing in the Royal Mail are based. For example, TNT from Holland has made inroads into the UK delivery system and some companies and even local authorities use it to post their mail. However, TNT simply collects mail from its customers and carries it to the nearest Royal Mail sorting office—the final delivery is still carried out by Royal Mail staff. My dear old dad, who used to run a sorting office in Dundee, is mystified by the fact that we deliver competitors mail for them and do not get them to pay through the nose for the privilege.

There is much to be said against the current Government proposals. My colleagues at Westminster are making their views known. The proposals might have seemed like a good idea a few months ago, but the economics, not to mention the politics, have changed. I hope that there is a change of mind.

I ask the minister to address a couple of questions when he sums up the debate. First, what would be the shape of the Royal Mail in an independent Scotland? Would there still be a universal next-day delivery service six days a week for the cost of a first-class stamp at 39p? Secondly, if the minister says that the SNP would not break up the Royal Mail and would do some deal, will he accept that the SNP would not have members at Westminster to vote on any future changes and that we would have a postal service that was run from another country? It is all very well—

The Deputy Presiding Officer: The member should wind up.

David Whitton: I am in my final sentence. It is all very well for Mr Hepburn to bring reserved matters to the Parliament for debate, but he and his ministerial colleagues should also try to bring some solutions.

17:47

Patrick Harvie (Glasgow) (Green): There was once a legend that members business debates were consensual. I congratulate Jamie Hepburn on securing the debate, which is on an important issue. However, the tone of the debate has not been ideal. If members of any political party in either Parliament are willing to challenge and oppose the proposals, we should welcome that. We really ought to find a way to play nicely together and to work together constructively to form a successful challenge and opposition to the proposals.

I was six when Margaret Thatcher came to power, so I spent a lot of my childhood seeing news stories on the television about public services being privatised. There was a time when we were told that only by getting rid of her lot would we see an end to that practice. Sadly, the UK Government has not begun to think again during its term in office. Throughout my childhood, energy utilities were privatised, but fuel poverty continues to rise. Train services were privatised, and now one of the most environmentally friendly modes of transport is out of reach of many people financially. With that kind of record, why on earth do Lord Mandelson and his Cabinet colleagues continue to pursue the blinkered and provocative campaign against the Royal Mail?

As many members have said, the problem with privatising public services is that the priority will become shareholder interests and not the interests of the citizens who rely on the service or the workers who deliver it. In particular, the profitable parts of a service are often cherry picked and the parts with smaller margins or less convenient operations are scrapped. I fear that that would happen with the Royal Mail, however vital its services are to communities, including the rural and remote island communities that Liam McArthur mentioned.

I was struck by something that Lord Mandelson said in March, which gives me a little optimism and hope. He said:

“the shrill nature of some of the current debate is making it harder to make this case to potential partners.”—[*Official Report, House of Lords*, 10 March 2009; Vol 708, c 1066.]

I urge members who oppose the proposals, and the people in communities and campaign groups who value the Royal Mail as a public service, to get shrill. Let us be more shrill and more assertive in our criticisms.

By our shrillness, we may even convince those companies that would snap up the Royal Mail and recast its functions in terms of profitability that it would be a deeply unwelcome and unpopular move. TNT has confirmed that it would like to buy about a third of Royal Mail. As David Whitton said, TNT has many clients in the private sector as well as in the public sector. As an MSP, I am forever seeing items delivered to my office in TNT bags, with the company's logos all over them. I therefore urge everyone who supports keeping the Royal Mail as a public service in the public sector to boycott TNT and to argue that other organisations—particularly organisations in the public sector—should not be using TNT's services. That would send a specific message to the company that it is welcome to take part in the private sector in delivering private services, but it should keep its hands off the Royal Mail.

If members have been reading the press recently, they will know that I have developed a bit of a Twitter habit, although I am not the only member in the chamber to have done that. However, I have gone one further, and have set up a Facebook group to campaign for a boycott of TNT. I want to encourage people—whether they run small, independent businesses, or procurement operations for large parts of the public sector—to take a stance against TNT that sends a clear message to TNT and to the UK Government that what is happening is not welcome.

As Jamie Hepburn's motion states, more than 170 MPs have signed the early day motion. There is also a petition on number 10's website that has more than 10,000 signatures. If I can get anywhere near that number on the Facebook group, we have a very good chance of scrapping this proposal, whichever Parliament we sit in.

17:51

The Minister for Enterprise, Energy and Tourism (Jim Mather): I, too, congratulate Jamie Hepburn on securing this debate on the proposed privatisation of Royal Mail. Jamie will recall that I set out the Scottish Government's views in response to an oral question just a few weeks ago. However, I welcome this further opportunity to state our views—especially as the tide of opinion, including that of 148 Labour MPs at Westminster, increasingly condemns the Government's plans to part-privatise Royal Mail.

Tonight, we have had Stuart McMillan, Marlyn Glen, Bill Butler, Liam McArthur, David Whitton and Patrick Harvie all finding common cause. There were two dissenting voices: Gavin Brown took a certain position and David Whitton had a strange way of building an alliance and finding a

common cause. I will try to do better when I am with him in Kirkintilloch on Monday.

Patrick Harvie touched on a really interesting element—that of the potentially incoming private owner and its shareholder interest. In fact, we are currently shareholders; the people of Scotland are shareholders. I am a great fan of a guy called Eric Beinhocker, who says that shareholder interest is never enough and that the job is to endure and grow, to adapt, innovate and execute better in alignment with customer need. The shrill response that Patrick Harvie mentioned can be informed by such ideas, and by an expectation that the current management should manage better—especially when it has a willing workforce.

The present situation is clearly not in Scotland's best interests. I share the sentiments of my colleague Christine Grahame, who said recently that the plans to privatise Royal Mail are “simply madness”. It is extraordinary that privatisation is on the table when it will not promote sustainable growth or quality of life for people in rural Scotland, or for people who are in a difficult phase in their lives. We are convinced that it would be folly to go down the road of privatisation.

The SNP spokesman on postal affairs, Mike Weir, has made it clear that privatisation would spell the beginning of the end for Royal Mail. It would be the thin end of the wedge and would open the door to job losses, service cuts, and a deterioration in working conditions. However, we can see how Scottish Water has achieved continuous efficiencies and an alignment of interests with its population and its businesses. Such efficiencies and alignment are especially necessary in the case of Royal Mail, when Scotland's geography and its proportionally larger rural and small business sectors mean that continuation of the universal service obligation is absolutely vital. It will ensure that we have social cohesion and a reduction of social exclusion. We have to maintain the ability of our fragile local economies to compete effectively in the wider world.

If the privatisation goes ahead, the fear is that there will be a negative impact. Geraldine Smith's early day motion is therefore worth close scrutiny. It makes sensible observations and suggestions, which is no doubt why it has received the support that it has received. I also welcome aspects of the Hooper report in its focus on the necessity of the current universal service obligation being maintained and protected as a primary element of the service. To my mind, that is crucial.

We have been clear from the outset that the key issue of post offices and postal services is not one that the Scottish Government can influence directly. Nevertheless, I acknowledge the call for shrillness, which has enormous legitimacy. That

call can be based on Geraldine Smith's early day motion.

Patrick Harvie: I am greatly encouraged by the ministers' words. I agree that the Scottish Government cannot make a direct decision. However, does the minister agree that the Scottish Government could encourage public sector organisations not to use TNT to deliver or collect their mail while the proposal stands?

Jim Mather: Taking moves against any business that is legitimately seeking its own advancement would be a retrograde step and I will not go down that path. However, I will host a discussion in Glasgow on 16 June to explore how all stakeholders and allies can work together to support and develop the postal service and the Post Office network. That discussion will be useful in bringing into the room many others who feel that they have a part to play, an advance to gain or a contribution to make in taking that forward.

I am convinced that we will have—as we have had in our conversations about newspapers—early engagement with the Communication Workers Union. I welcome the leading role that the union has played in the campaign against the privatisation proposal. Its members' livelihoods are under threat, and the union is rightly taking their message to the Labour Party, the Government and the public. Their message is clear: keep the Post Office public. I spent four years of my life working on maintaining that status for Scottish Water, and I believe that that alignment is utterly crucial. The great danger is that, over time, the shareholders of such a company will have absolutely no alignment with the wider Scottish economy, the unions' members or the wider Scottish communities that the company serves.

Bill Butler: Does the minister, after extolling the unions' role, agree with the unions' view that the unfair advantages that private companies have should be removed and that there should be a level playing field?

Jim Mather: I am very much in favour of level playing fields across the board—that is an absolute given. The Government is determined to ensure that, when we get people talking together, the prerequisite is a level playing field that gives everyone a chance to compete on a fair and equal basis. Part of that level playing field involves the management of the Royal Mail rolling up its sleeves and doing what management has done in other places—achieving a turnaround in effectiveness, which can be achieved in most organisations.

The Scottish Government is clear that the UK Government must reverse its position and withdraw the proposal to go down the route of privatisation. It must focus on investing in the

Royal Mail as a public service for the public good. I congratulate Jamie Hepburn on securing the debate, which has been interesting and worth while.

Meeting closed at 17:58.

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