

MEETING OF THE PARLIAMENT
COMMITTEE OF THE WHOLE PARLIAMENT
MEETING OF THE PARLIAMENT

Thursday 18 June 2009

Session 3

£5.00

© Parliamentary copyright. Scottish Parliamentary Corporate Body 2009.

Applications for reproduction should be made in writing to the Licensing Division,
Her Majesty's Stationery Office, St Clements House, 2-16 Colegate, Norwich NR3 1BQ
Fax 01603 723000, which is administering the copyright on behalf of the Scottish Parliamentary Corporate
Body.

Produced and published in Scotland on behalf of the Scottish Parliamentary Corporate Body by RR
Donnelley.

CONTENTS

Thursday 18 June 2009

Debates

Col.

MEETING OF THE PARLIAMENT

BUSINESS MOTION.....18517

Motion moved—[Kenny MacAskill]—and agreed to.

The Cabinet Secretary for Justice (Kenny MacAskill)18517

CONVENTION RIGHTS PROCEEDINGS (AMENDMENT) (SCOTLAND) BILL: STAGE 118519

Motion moved—[Kenny MacAskill].

The Cabinet Secretary for Justice (Kenny MacAskill)18519

Richard Baker (North East Scotland) (Lab)18522

Bill Aitken (Glasgow) (Con)18525

Robert Brown (Glasgow) (LD)18526

Nigel Don (North East Scotland) (SNP)18528

Angela Constance (Livingston) (SNP)18529

Mike Pringle (Edinburgh South) (LD)18530

Bill Aitken18532

Paul Martin (Glasgow Springburn) (Lab)18532

The Minister for Community Safety (Fergus Ewing)18534

REVIEW OF SPCB SUPPORTED BODIES COMMITTEE BILL PROPOSAL.....18540

Motion moved—[Trish Godman].

Trish Godman (West Renfrewshire) (Lab)18540

The Minister for Parliamentary Business (Bruce Crawford)18543

Johann Lamont (Glasgow Pollok) (Lab)18545

Jackson Carlaw (West of Scotland) (Con)18547

Ross Finnie (West of Scotland) (LD)18549

Gil Paterson (West of Scotland) (SNP)18551

Des McNulty (Clydebank and Milngavie) (Lab)18553

Joe FitzPatrick (Dundee West) (SNP)18554

Tom McCabe (Hamilton South) (Lab)18556

Ross Finnie18558

Derek Brownlee (South of Scotland) (Con)18559

Johann Lamont18561

The Minister for Culture, External Affairs and the Constitution (Michael Russell)18563

Jamie Hepburn (Central Scotland) (SNP)18566

QUESTION TIME18569

FIRST MINISTER'S QUESTION TIME18578

QUESTION TIME18590

COMMITTEE OF THE WHOLE PARLIAMENT

CONVENTION RIGHTS PROCEEDINGS (AMENDMENT) (SCOTLAND) BILL: STAGE 218608

MEETING OF THE PARLIAMENT

CONVENTION RIGHTS PROCEEDINGS (AMENDMENT) (SCOTLAND) BILL18609

Motion moved—[Kenny MacAskill].

The Cabinet Secretary for Justice (Kenny MacAskill)18609

Richard Baker (North East Scotland) (Lab)18611

Bill Aitken (Glasgow) (Con)18612

Robert Brown (Glasgow) (LD)18613

Mike Pringle (Edinburgh South) (LD)18615

The Minister for Community Safety (Fergus Ewing)18616

SCOTLAND'S FESTIVALS	18618
<i>Motion moved—[Michael Russell].</i>	
The Minister for Culture, External Affairs and the Constitution (Michael Russell)	18618
Karen Gillon (Clydesdale) (Lab)	18624
Ted Brocklebank (Mid Scotland and Fife) (Con)	18626
Iain Smith (North East Fife) (LD)	18629
Alasdair Allan (Western Isles) (SNP)	18631
Elaine Murray (Dumfries) (Lab)	18633
Rob Gibson (Highlands and Islands) (SNP)	18636
Shirley-Anne Somerville (Lothians) (SNP)	18638
Christopher Harvie (Mid Scotland and Fife) (SNP)	18639
Margaret Smith (Edinburgh West) (LD)	18641
Jamie McGrigor (Highlands and Islands) (Con)	18644
David Whittom (Strathkelvin and Bearsden) (Lab)	18646
Michael Russell	18649
POINT OF ORDER	18654
DECISION TIME	18655
FORMER GURKHA SOLDIERS' RIGHTS	18656
<i>Motion debated—[Jim Tolson].</i>	
Jim Tolson (Dunfermline West) (LD)	18656
Linda Fabiani (Central Scotland) (SNP)	18658
Murdo Fraser (Mid Scotland and Fife) (Con)	18660
Christopher Harvie (Mid Scotland and Fife) (SNP)	18661
The Minister for Housing and Communities (Alex Neil)	18662

Oral Answers

Col.

QUESTION TIME	
SCOTTISH EXECUTIVE	18569
GENERAL QUESTIONS	18569
Aberdeen Western Peripheral Route	18576
Antisocial Behaviour (Holiday Flats)	18571
Cycling (2020 Target)	18574
Hospital Catering (Fruit and Vegetables)	18573
Local Government Concordat (Progress Reports)	18574
Nuclear Material (Transportation)	18569
Sports Facilities	18569
FIRST MINISTER'S QUESTION TIME	18578
Cabinet (Meetings)	18582
Commission on Scottish Devolution	18587
Engagements	18578
Influenza A(H1N1)	18584
Prison Sentences	18588
Secretary of State for Scotland (Meetings)	18581
QUESTION TIME	
SCOTTISH EXECUTIVE	18590
EDUCATION AND LIFELONG LEARNING	18590
Apprenticeships	18592
Physical Education	18594
Primary Schools (Shared Headships)	18596
Schools (Glasgow East End)	18590
Schools (Local Food Procurement)	18597
Students (Drop-out Rates)	18595
EUROPE, EXTERNAL AFFAIRS AND CULTURE	18598
Commission on Scottish Devolution	18603
Cultural Developments (Borders)	18606
Edinburgh Festivals	18602
Latin America (Engagement)	18600

Latin America (Opportunities)	18601
Scottish Maritime Museum	18605
Scottish MEPs	18598

Scottish Parliament

Thursday 18 June 2009

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

Business Motion

The Presiding Officer (Alex Fergusson): Good morning. The first item of business is consideration of motion S3M-4395, in the name of Kenny MacAskill, which is to agree to treat the Convention Rights Proceedings (Amendment) (Scotland) Bill as an emergency bill.

09:15

The Cabinet Secretary for Justice (Kenny MacAskill): I propose that the Convention Rights Proceedings (Amendment) (Scotland) Bill be considered under the emergency legislation procedure. If Parliament allows the bill to be dealt with under that procedure, I will explain the background in more detail in the stage 1 debate. For now, I will outline why the bill should be handled under that exceptional procedure.

The need for the bill stems from the decision of the House of Lords in the Somerville case, which left the Scottish Government exposed to claims for damages that arise from alleged breaches of convention rights, but without the one-year time limit that was previously thought to apply. That has created uncertainty about which time limit—if any—applies in such cases and has led to tens of millions of pounds having to be put aside to meet possible compensation claims. It is generally agreed that the situation needs to be resolved as quickly as possible: passing the bill today would achieve that.

The bill deals with a particular problem that the Somerville decision highlighted. The bill is short and focused and its wording reflects the order under section 30 of the Scotland Act 1998 that Parliament recently considered and which gives Parliament the power to pass the bill.

Robert Brown (Glasgow) (LD): I accept the need for emergency legislation, but the bill was published only on 15 June. The cabinet secretary has told us that work has been done on the issue for quite a long time, and a draft bill was available for some time, but would it not have been helpful to have published the bill sooner, so that people could consider it in detail; to have consulted stakeholders, given that he announced his proposals in March; and to have asked the Justice Committee to examine the bill briefly, to ensure that we had got it right? We know from dangerous dogs legislation that such emergency legislation

has hazards. It is important that the details as well as the principle are right.

Kenny MacAskill: What Robert Brown said has much merit. It is clear that any Administration will use the emergency legislation procedure only sparingly. The Administration of which he was a part introduced emergency legislation that related to the circumstances of the Ruddle case. We would have preferred to deal with the current situation a considerable time ago but, because of the need for negotiations with bodies elsewhere, that did not happen.

That said, our intention has been on the public record. Through the media and other means, it is clear that people have been aware of the on-going matter. I give the assurance that we will not introduce emergency legislation as a matter of course. Normally, we will involve the Justice Committee—including Mr Brown as a member, and its eminent convener—to ensure that it plays its appropriate part in scrutinising proposals.

However, it is clear that it is in the public interest to act expeditiously now, before Parliament winds down for the recess. The Government makes no apology for proceeding under the emergency procedure, although I accept that in the normal course of events, legislation should be subject to the full procedure, which allows greater scrutiny. The proposals have none the less been subject to substantial scrutiny and have been a matter of public record.

I move,

That the Parliament agrees that the Convention Rights Proceedings (Amendment) (Scotland) Bill be treated as an Emergency Bill.

Motion agreed to.

Convention Rights Proceedings (Amendment) (Scotland) Bill: Stage 1

The Presiding Officer (Alex Fergusson): The next item of business is a debate on motion S3M-4396, in the name of Kenny MacAskill, on the Convention Rights Proceedings (Amendment) (Scotland) Bill. We have a little time—a little flexibility—available in the debate.

09:19

The Cabinet Secretary for Justice (Kenny MacAskill): As I just mentioned, the bill stems from the House of Lords judgment in the *Somerville v Scottish Ministers* case. Members will recall that we made a commitment to introduce before the summer recess legislation to deal with the issue. We have delivered on that commitment, so I hope that Parliament will take the final step by passing the bill.

The judgment has meant that, unlike every other public authority in Scotland and the United Kingdom Government, the Scottish Government does not have the protection of a one-year time limit for human rights claims. The bill will remove that anomaly by establishing for human rights claims under the Scotland Act 1998 the same one-year limitation period as exists for claims under the Human Rights Act 1998.

This is not just a theoretical legal issue. As I have told Parliament, as a result of the *Somerville* judgment, the Scottish Prison Service had to set aside £67 million of public money to meet claims for doubled-up slopping out, more than £11 million of which has been paid out. The bill will enable us to draw a line under that liability and will provide protection against indefinite exposure to future claims that might arise from alleged breaches of convention rights.

Since the issue stemmed from the wording of the Scotland Act 1998, we needed to secure the UK Government's agreement to the proposed change. After lengthy discussions, we succeeded in securing that agreement. The Scottish Parliament then had to be given competence to legislate. An order that gave Parliament such competence was made on 10 June, having been approved at the Westminster Parliament and here at Holyrood.

The bill is straightforward and reflects the approach that I outlined to Parliament in my statement on 11 March. It will require proceedings against the Scottish ministers for an alleged breach of convention rights to be brought within a year of the alleged breach, or such longer period as the court or tribunal considers equitable, having

had regard to all the circumstances. That will bring the Scotland Act 1998 into line with the equivalent provision in the Human Rights Act 1998. The new time limit will apply to proceedings that are brought on or after 2 November 2009, which means that it will apply not only in cases where the alleged breach took place after that date, but in cases where the alleged breach took place before 2 November but the petitioner had not brought their claim to court before then.

The broad discretion that will be given to the court to allow cases outwith the one-year time period will serve as an important safeguard. It will ensure that the court can allow a case to proceed after one year when it is equitable to do so. In reaching a decision on that matter, the court will be required to act compatibly with the petitioner's human rights.

Patrick Harvie (Glasgow) (Green): How does the cabinet secretary respond to the suggestion that although the justification for the bill in relation to prisoners slopping out might have popular appeal—many people feel that prisoners whose human rights have been abused do not deserve compensation—the bill will have far wider applications?

The bill could prevent members of the public whose human rights might be infringed in the future from taking action, if they were unaware that actions had been taken. For example, a long process of freedom of information requests and appeals, followed by appeals to the Scottish Information Commissioner, might be necessary before someone had sufficient facts at their disposal to know that their human rights had been violated or infringed. Given that, how does the cabinet secretary respond to the Law Society of Scotland's proposal that the one-year time bar should relate to the date when an individual became aware of the facts rather than the date when the event took place?

Kenny MacAskill: As I said, the ability to seek to overturn the time limit will be available, as with all damages cases in Scotland. In damages cases, the triennium applies. If somebody breaks a leg or their flight is delayed and they are absent because of circumstances that are beyond their control, so that a claim cannot be lodged within three years, the court takes action. However, such judicial discretion is not intended to apply to somebody who has not bothered to take an interest or make an investigation. The same provision will apply to the one-year time limit in the bill.

On the Law Society's point, I make it clear that we are seeking not to introduce anything new, but to restore what was thought to apply in Scotland—the one-year time limit. That position will not be unusual to Scotland. We seek to apply to Scotland what applies elsewhere, to give the Scottish

Government the same rights as other Scottish bodies and bodies south of the border. That is not predicated on a whim or a fancy by either the Scottish Government or the UK Government. The one-year period has been fixed after debate and discussion in Europe. Indeed, in Europe it is viewed as the norm.

Damages claims are complicated matters on which, for example, Bill Butler always has interesting points to make. We have a great deal of sympathy with such points, but human rights cases are distinct from cases to do with injuries that may result from asbestosis or a car crash, which is why the European norm of one year should apply, as happened with the UK Human Rights Act 1998. It was the norm that we thought applied in Scotland before the Somerville case made us think again. We are therefore now simply seeking to reaffirm in Scotland the position that we thought was the law, and to ensure that rights here are consistent with those south of the border and elsewhere.

The Law Society of Scotland is perhaps gilding the lily. On the issue of the one-year period, people will still have opportunities to claim if they have good reason for not having been able to pursue a human rights claim. That is similar to the way in which people still have opportunities to pursue a damages claim within the triennium if they have good reason for not having been previously able to pursue a claim.

I thank members throughout the chamber for the consensus on this important issue. It has been a good example of how all parties can work together in the public interest. I hope that the consensus will continue throughout today's deliberations.

Following my original statement, consultation was mentioned. We acknowledge that people need to be made aware of the change that is being made. Robert Brown made a similar point earlier when we considered whether to treat the bill as an emergency bill. That is why we have informed a range of interests—including all serving prisoners—of the proposed limitation period.

We stated publicly our desire for a change in the law as long ago as November 2007, so the change should not come as a surprise to anyone. We originally envisaged that the time limit would apply from 31 July, but parliamentary officials expressed concerns that that deadline might breach convention rights. The Government does not accept that view but, given the importance of the issue, we want as much consensus as possible about the bill. The bill therefore provides that the new one-year time limit will apply to proceedings brought on or after 2 November.

There has, of course, been comment about our proposals since first we made them. Let us be

quite clear: as I said to Mr Harvie, the bill is not about removing anybody's right to seek redress for breaches of human rights. The grounds on which individuals will be able to make such claims will remain completely unchanged, and the time limit that the bill will introduce is the same as the time limit that currently exists under the Human Rights Act 1998. Any suggestion that the bill will somehow deprive anyone of their fundamental rights is completely unfounded.

The Law Society has proposed certain amendments that would change the period from which the one-year time limit runs: instead of running from the date of the alleged breach, it would run from the date when the person became aware of the breach. I cannot support the amendments for a number of reasons. First, and crucially, they are incompetent. The section 30 order, which gives Parliament the power to pass the bill, is narrowly drawn and requires the time period to run from the date of the alleged breach.

Secondly, the amendments are unnecessary. No evidence has been provided as to why the formulation in the bill is problematic. Thirdly, they are inconsistent with the time limit in the Human Rights Act 1998. Our aim is to ensure that a consistent time limit applies to all human rights-based claims against public authorities. We should be wary of any amendment that, in seeking to cure one inconsistency, ends up creating another.

From day 1, there has been general agreement that the anomaly that was identified by the Somerville decision needs to be addressed. The bill will do that fairly and effectively. I therefore hope that Parliament will endorse our approach.

I move,

That the Parliament agrees to the general principles of the Convention Rights Proceedings (Amendment) (Scotland) Bill.

09:29

Richard Baker (North East Scotland) (Lab):

The issue of compensation payments for prisoners as a result of slopping out has been extremely controversial, but the debate today should not be. We all agree that Parliament must act to ensure that the payments can be curbed.

There has, understandably, been great concern among the public that the payments have been made. Of course we want the several million pounds involved to go not to offenders as a result of their incarceration, but to investment in key areas of Scottish life, such as health and education. There has been anger that people who have been put in custody because of serious offences can, as a result of their time in jail, receive some £2,000 in compensation payments if

they can show that their rights have been breached.

The Somerville judgment greatly extended the potential for the number of claims. A loophole in legislation has been exploited as claims against Scottish ministers have not been subject to a one-year time bar, as they are for UK ministers or indeed for other public authorities. It is right to seek to close that loophole today.

We understand the need to achieve our aims through the curtailed parliamentary process for emergency bills. As the Law Society points out in its briefing, that process has not allowed for the usual consideration of amendments. I am pleased that the society has scrutinised the bill and raised important matters for consideration, but I am satisfied by the arguments that the cabinet secretary has just made that we should proceed without amendment. I understand the legitimate reasons why the bill must be passed as an emergency bill, and therefore why there is not the usual capacity for further debate.

However—this relates to issues that Patrick Harvie raised—I wonder whether other consequences could be considered by Parliament if the Scottish Law Commission's draft limitations (Scotland) bill were to be progressed. If appropriate, we could have further opportunities to discuss the issues that Patrick Harvie and the Law Society have raised.

In his statement to Parliament in March, the Cabinet Secretary for Justice told us that the Scottish Prison Service had had to make provision in its annual accounts for £66.7 million in the financial year to meet the costs of claims for slopping out. He made it clear then, as he has today, that the introduction of a one-year time bar would enable us to draw a line under our liability in relation to claims of the kind that are being made in respect of the Somerville judgment, and that the result would be the release of up to £50 million for spending on other, more worthy, purposes.

I am pleased that we can now introduce this one-year time bar, following the successful conclusion of dialogue between the Scottish and UK Governments. The clear intention is that, after we vote on this bill today, the UK Government will seek the agreement of the Westminster Parliament to a comprehensive solution for all three devolved Administrations through primary legislation. The process has not been simple; it has taken considerable time, and complicated legal questions have been discussed, and are being discussed again today. The initial House of Lords judgment on the Somerville case itself was a split decision. There has also been some debate over the best legislative vehicle to achieve change.

However, through the discussions it has been clear that the legislative solution that has been pursued by ministers has been the right one. I am pleased that UK and Scottish ministers were able to reach agreement. Ministers here have clearly been right to pursue this issue to what we hope will be a satisfactory conclusion. I am pleased that the Secretary of State for Scotland has, in turn, used his good offices to help the process. It is clear that since he came to office he, too, has appreciated the need for the speediest possible resolution.

I have no doubt that there will be debate about the history of the issue, but there can also be no doubt that, during the previous session of Parliament in particular, there has been massive investment in Scotland's prison estate in order to end the practice of slopping out in our jails. Chemical sanitation still remains in Peterhead—although that will have to be resolved, it is a different procedure. It was right to invest in our prison infrastructure, not only because the Scottish Government must not be exposed to the potential for such claims in the future, but because our prison estate must be fit for purpose. Human rights should not be infringed. However, a key issue is the restriction of further claims—although they may not be eradicated by this legislation today. It would be helpful to know from the cabinet secretary how many claims the Scottish Government still expects to receive in the future. However, clearly and happily, there should not now be the potential for 20,000 claims, as was opened up by the Somerville judgment.

The fact that this is a complex issue has also been borne out by the revised position on the commencement of the legislation, which will now be in November rather than in July. I understand that that was done not on the basis of legal advice to either Government but on the basis of advice from the Parliament. I will defer to legal opinion on this, although it seemed to me that a July commencement was reasonable, especially given the discretion that will be afforded to the courts under the proposed new section 100(3B)(b) of the Scotland Act 1998. However, it would be useful to hear from ministers what impact that will have on potential future costs. Is it still hoped that there will be savings of some £50 million, or will that figure now be reduced? The other key question is about in what the Scottish Government intends to invest the savings.

There remain the issues of prison capacity and the proposal for a pilot community court in Glasgow. There is also the understanding that the cabinet secretary is to announce significant additional funding for community sentences. It would be helpful to know to what extent they can be funded from the savings. Of course there are pressures on public sector spending, but the

demands in the justice system are none the less important and significant.

There will be no savings if the bill is not passed, which is why we are pleased that it can be decided on today, in a single day, by Parliament. It is being concluded with co-operation between the Scottish and UK Governments and Parliaments.

Aware as we are of the need to pass the bill expeditiously, we intend to support it without amendment today.

09:35

Bill Aitken (Glasgow) (Con): We would all agree that the extraordinary procedures that are being adopted should be used only sparingly but, in this instance, it is totally justified to proceed in this fashion.

I concur completely with the views that the Cabinet Secretary for Justice expressed on the somewhat narrow legal points that exist. I accept the point that Patrick Harvie made and understand his concerns, but he must appreciate that those who have not been able to lodge claims timeously have always had available to them the remedy of application to the court for a waiver of the limitation of actions or the triennial prescription. The issues that he raised are perfectly worth raising, but procedures are in place to ensure that no one will fall through the cracks in that respect, so we can proceed with confidence.

The benefit of the bill—I do not wish to trawl through its history—is that it will remove a problem that has been a bit of a running sore for quite some time: there has been considerable public resentment at the fact that people who are considered to be undeserving can benefit at the expense of the Scottish taxpayer.

Patrick Harvie: I do not intend to press Bill Aitken on the point of substance, but does he at least agree that an individual whose human rights have been violated and who has then received compensation does not “benefit”? It is about something that should not have happened to them, not simply something that should not have happened to the public purse.

Bill Aitken: If Mr Harvie is asking whether I approve of slopping out, I state clearly that I do not. I have never suggested that prisoners should have to live in unsanitary or Dickensian conditions, but there is a simple way to avoid doing that: namely, not to commit crime and get a custodial sentence.

One or two issues are worth debating a little further. I concur with Richard Baker’s view on the date at which the bill comes into effect. The cabinet secretary and Government have similar concerns. On balance, we might have been as

well to pursue the 31 July date, but I appreciate that there are genuine risks in that and that, in the circumstances, it would not be wise or prudent to do other than what is proposed in the bill. We do not wish to be dragged once again through the courts and, possibly, to face losing recoverable revenue as a result.

I suspect that, in the days and months ahead, there will be various debates on budgetary considerations. For once we will, I hope, have more money than we thought we had. Members may have individual ideas as to how that money might be used within the justice account or elsewhere, but we must ensure that it is forthcoming.

What is happening today reflects well on everyone. The Westminster Government is to be congratulated—as, indeed, is the Scottish Government—for seeking to achieve an agreement that enables the bill to be processed as quickly as it will be. Were we not to pass it today, we would find ourselves under serious public criticism, bearing in mind the history of the matter. I reiterate the undertaking that I gave earlier on behalf of the Conservative party that we will process the bill as expeditiously as possible.

09:39

Robert Brown (Glasgow) (LD): Like other parties in the Parliament, the Liberal Democrats support the bill and have done so from the earliest stage. The need for it arose from a contentious and, as Richard Baker pointed out, divided ruling by the House of Lords in the Somerville case—which refers to an earlier contrary decision in the same case by the Court of Session—on the interaction of the Human Rights Act 1998 and the Scotland Act 1998. However, its real significance was the door that it opened to a flood of claims on slopping out as a result of the Robert Napier case.

It is clearly in the public interest that slopping out claims be restricted as narrowly as possible. It is also in the public interest that up to £50 million of public funds be released from compensating such claims to be spent on more beneficial public purposes. I agree with Bill Aitken that the action that the Westminster Government and the Scottish Government have taken to deal with the matter is a useful example of good co-operation.

At stage 3, I may say something about the further use of the funds, but this morning I will examine closely whether the bill is watertight, and will do what is intended and not do what is not intended. It is fine to agree to the principle of the bill, but it is the duty of Parliament and its committees to scrutinise its detail and to question the Government on that. That is why I asked whether it might have been possible, despite the

use of the emergency legislation procedure, to do a bit more to spread information about the issues and to have the opportunity for more detailed scrutiny earlier.

I will ask the Government some detailed questions. First, will it clarify precisely who and what the bill applies to? According to the bill, it applies to the Scottish ministers, but not to other public bodies such as councils. I think that that is for technical reasons that relate to the interaction of two acts. I presume that the bill applies to the Scottish Prison Service—that is its purpose—which is operationally independent of the Scottish ministers, but what about bodies such as NHS Greater Glasgow and Clyde, the Scottish Housing Regulator or Her Majesty's Inspectorate of Education? Is the Crown Office covered by the phrase "the Scottish Ministers"? What about the Scottish Children's Reporter Administration or, in this time of economic crisis, various enterprise bodies?

We must be clear exactly who and what the bill applies to so that we can understand its implications, which would have been the point of early scrutiny. It would be helpful if the minister would, when he replies, give a clear statement about those matters so that we know exactly what we are doing.

What does the bill apply to? We know from the Scottish Parliament information centre briefing that the independence of the planning system and inquiries into blood-borne infections from transfusions are the sorts of issues that might be challenged on human rights grounds. The issues are far wider than slopping out and apply not only to prisoners who, although they may have little public support, are entitled to their human rights. They cover all Scottish Government ministries and, I assume, agencies of various kinds.

The time bar is intended to provide a level playing field throughout the UK and, as I understand it, will be replaced by comprehensive UK legislation when a legislative opportunity offers itself. Will the minister confirm whether the wording is identical throughout the UK?

A more significant question is whether the extension to the one-year time limit is right as phrased. There is a difference between the wording of section 19A of the Prescription Limitation (Scotland) Act 1973, under which the judges have discretion over extending a time bar, and the provision in the bill, which perhaps supports the idea that they have discretion only over the length of the extension rather than over whether there should be an extension in the first place.

What of the date of knowledge and the date at which the time bar starts? Is the time bar one year

after the start of the breach of rights, as the Scottish Government apparently argued in the Somerville case or, as is more usual, after the end of the breach of rights—in other words, when it ceases? As Patrick Harvie pointed out and the Law Society's briefing stresses, there is no reference in the bill to the date of knowledge as there is in other prescriptive limitations. Are the bill's provisions tight enough to do what we want to do on the slopping out cases while not restricting too narrowly what might arise in other cases? In a slightly different context, asbestosis provided us with time-bar issues more recently.

The Liberal Democrats will support the bill, as I said, but it is appropriate that the Government respond in some detail to the technical questions that I have asked so that we know that we are addressing the matter in the right way and dealing properly with the application of the European convention on human rights, which Liberal Democrats support and which gives people across the board—some of whom we like and some of whom we do not like so much—rights that they are entitled to exercise against the Scottish ministers in appropriate conditions. Has the cabinet secretary got the detail right?

09:45

Nigel Don (North East Scotland) (SNP): I want to examine a number of issues in the bill, the first of which is, as Robert Brown has just highlighted, the time bar. I am grateful to Patrick Harvie for emphasising the Law Society of Scotland's point that there is a difference between the usual time bar for damages and injury claims and the one-year time bar in human rights legislation. We simply need to get our minds around that difference, which, I should add, is recognised throughout Europe. Of course, the question whether that is right is an interesting one, but perhaps not to be debated today.

However, I reiterate the question that Robert Brown posed: if a person is subject to certain conditions day after day for a year and, six months later, brings a claim under human rights legislation, can they claim for the whole year or only the last six months? That might seem like a legal technicality, but it is a significant issue, given that prison is all about serving time. I would be grateful if I received an answer to that question and was told the authority for it.

As I reflect on how we have reached this position, I cannot help but notice that even though the decision on the Somerville case was not substantive—the House of Lords was split on it—it has nevertheless produced a significant change in the law. Indeed, what comes to mind is the *Donoghue v Stevenson* case a couple of generations ago: although the House of Lords was

split on the matter and was never able to reach a substantive decision on the mythical snail, the decision changed consumer law out of all recognition. That highlights the interesting way in which our law can sometimes proceed.

Robert Brown: Does the member think that the decision of the House of Lords on *Donoghue v Stevenson* was a good one? After all, it sometimes makes good decisions, even though that is arguable in this case.

Nigel Don: I am not sure that it is worth commenting on whether the decision was good, given that everyone involved is now dead and buried. We certainly have reason to be very grateful for the way in which it changed the law, although it is not obvious to me whether the change had to happen then or would have come about later. The point is that, sometimes, changes in our law are precipitated by the most ridiculous things. That is the way it goes.

Clearly, we need to pass the bill. I entirely respect the point that people's human rights need to be looked after—they are, after all, our human rights as individuals—but I do not think that there is any serious desire among the public to pay significant sums of money to prisoners. The best way not to have a problem in prison is not to be put there in the first place. That is what I intend to do and I am sure that everyone else will be well advised to do the same.

09:48

Angela Constance (Livingston) (SNP): Although the crux of the bill is to ensure that the one-year time bar applies to human rights claims brought under the Scotland Act 1998, and although—withstanding issues about chemical sanitation—slopping out has become a thing of the past, I will for the record state my objections to the practice, as it forms an important backdrop to the bill. The situation that we are trying to rectify has arisen not only as a result of the House of Lords judgment but because of the time it has taken to end slopping out.

Anyone who has ever visited a prison and has had to interact with prisoners in cells with buckets of human waste sitting in the corner will know that the practice of slopping out adds absolutely nothing to the rehabilitation or punishment of offenders. The fact that it took so long to end slopping out was detrimental not only to our justice system but to public confidence in the system, as it created a situation in which people could make claims under human rights legislation.

The SPS's original target was to end slopping out by 1999, but a review in 2002 of the prison estate and plans to build two new prisons pushed the date back to 2008 at the earliest. In 2004, the

Napier case established that slopping out was indeed a breach of human rights. In 21st century Scotland, should it really have taken human rights legislation to end a Victorian practice? In that respect, we—and I mean that collectively—made a rod for our own backs to the detriment of taxpayers. The reticence of and feet dragging by politicians and the SPS showed what happens when we frame justice debates in terms of hard or soft measures instead of focusing on what is proportionate, what is right, what is just and what actually works. I hope that we can all learn this salutary lesson for future debates on the criminal justice system.

I have no doubt that, in overturning the Court of Session judgment on the *Somerville* case, the law lords were very erudite in the legal points on which they based their decision. What I did not understand was Jack Straw's reticence and the view that he expressed in December 2008 that he was not persuaded of the case for changing the law. As the Cabinet Secretary for Justice has made clear, it was wholly unjust and unacceptable for the Scottish ministers to be the only public authority in Scotland—and, indeed, in almost the whole of the UK—to be exposed to claims for damages under human rights legislation outwith the one-year time bar.

I am glad that the situation has been resolved and that, as a result of the bill, savings will be made to the public purse. Many people were alarmed to hear that the SPS had to set aside £67 million to deal with just over 1,200 outstanding cases and that it expected to deal with 200 new cases a month. I look forward to hearing how the cabinet secretary plans to put the savings to good use. For the record, I hope that some consideration is given to making extra funding available for community sentencing. Although I have never subscribed to the view that money alone can solve all the ills and difficulties faced by criminal justice social work departments and those who are tasked with supervising offenders, I think that, in introducing enhanced community payback orders and ending unconditional automatic early release, we have an opportunity to invest further in innovative and imaginative practices that will enhance public confidence in the criminal justice system.

09:52

Mike Pringle (Edinburgh South) (LD): I welcome this morning's debate. It has taken considerable time to reach this point, but it is my hope that if—as I fully expect—the bill is passed later today, the Scottish prison system will finally begin to move on from the slopping out row that has caused so much controversy in recent years.

I know that the Law Society of Scotland, among others, has expressed concern about the lack of public consultation on the bill, given its constitutional significance and the fact that its outcome will benefit the Scottish Government, and I note those concerns. However, given the nature of emergency legislation and the bill's purpose in bringing Scottish human rights law in line with that of the rest of the United Kingdom as a precursor to the Westminster Government introducing primary legislation at a future date, I am satisfied that the Government has thoroughly considered all the options and plans to do the right thing in resolving the legal anomaly. Surely it is not desirable to continue to allow claims that are brought against the Scottish Government under the Scotland Act 1998 to be subject to a different time bar to those that are pursued under the Human Rights Act 1998. The cabinet secretary gave a very full response to Patrick Harvie's question on that point.

As Bill Aitken and Richard Baker have pointed out, there has been some controversy over changing the effective date of the new time bar from 31 July to 2 November. The fact is that whenever one gets two lawyers in a room, it is always extremely difficult to get them to agree, and that seems to have been the case this time.

The crux of the matter, however, must be finding the correct balance between the rights of those who wish to make a claim under the Scotland Act 1998 and the Government's desire to make savings and allocate them effectively. As other members have said, if the Government is going to save substantial numbers of millions of pounds, surely it would be much better, in the current economic climate, to spend that money on schools, hospitals and other things that benefit us all.

Another factor that several members have remarked on is the issue of competence, and specifically the difficulty of an increased possibility of a legal challenge to a bill that the Presiding Officer indicated—because of the parliamentary lawyers—was outwith the Parliament's competence. I therefore welcome the fact that the parliamentary authorities and the Government have managed to reach a compromise position. By November, if someone has had more than a year to make a claim—and, in some cases, more than two years, since the Somerville ruling in late October 2007—and has not done so, they will have had a reasonable amount of time. The fact that a time bar has been drawn now is surely justifiable.

As noted in the policy memorandum, the European Court of Human Rights fully accepts that the proportionate limitation periods imposed in pursuance of a legitimate human rights claim do

not breach those rights. In adopting a compromise position, the bill will ensure that the letter and spirit of that statement are adhered to. I therefore fully support the aims of the bill, and welcome the fact that the legal loophole is finally being closed.

09:56

Bill Aitken: I will largely adopt the arguments that I previously canvassed on the subject. It is perhaps important to underline that no one disputes the fact that Lord Bonomy's decision in the original Napier case was correct. Clearly, slopping out is not acceptable, and Lord Bonomy was correct, in the terms of the European legislation, to find as he did. There is no point in raking through the history of the matter and speculating about what should then have happened, but, as Angela Constance suggests, action should have been taken much earlier.

Ms Constance commented on the use to which the £50 million might be put, but that is not a year-on-year windfall: once the £50 million has been spent, there will not be any more. In contrast, our considerations under the Criminal Justice and Licensing (Scotland) Bill are on-going. I flag up a danger sign that if we think that the £50 million will help us to cope with the increased expenditure in respect of alternatives to custody, we are wrong.

I have heard nothing this morning that dissuades me from my original proposition that the bill should proceed to stage 2.

09:57

Paul Martin (Glasgow Springburn) (Lab): The debate has shown us that members are united in one respect: in an ideal world, we would not want prisoners to benefit from compensation payments. As far as I am concerned, prison should be seen as punishment, not as an opportunity for compensation payments. As Richard Baker said—other members have referred to this—the issue is complex, and we have faced it for many years. Legal minds have been challenged on the rights and wrongs of the issue but, as others have said, we are now required to face up to the Somerville judgment in such a way as to bring us into line with the rest of the United Kingdom.

Like Richard Baker, I am pleased that we can now introduce the one-year time bar, following constructive dialogue between our Westminster colleagues and the Scottish Government. On Angela Constance's point, according to all the reports from ministers, that dialogue has been helpful and has allowed us to take matters forward.

I appreciate that Conservative members want to highlight the issues that may have exposed us to the claims in the first place. The Government

press release refers to the prison estate that the Government inherited. It is important to recognise the work that was carried out by the previous Scottish Executive, under the leadership of Jim Wallace and Cathy Jamieson, to modernise the prison estate. In 2005, the previous Executive announced an investment in HM Prison Edinburgh of £16 million. That included a new prison house block and a health education centre, which enabled slopping out in Edinburgh to end. At HMP Glenochil, a £28 million investment enabled the construction of a new prison house block and a health centre. That investment also allowed us to move forward. Under the previous Executive, an investment of more than £35 million in HMP Perth enabled the construction of a new prison house block, a health centre and an activity centre, which allowed the ending of slopping out in Perth.

I could go on, but the important point is that the previous Executive highlighted concerns about slopping out and took action to ensure that the number of cells in which slopping out was required reduced from more than 1,900 in 2001 to the figures that have been referred to today. It made a significant investment in the prison estate, at an unprecedented level.

Such investment in the prison estate does not fit with the populist agenda. Understandably, the vast majority of our constituents want money to be invested in schools, community facilities, health centres and so on, and politicians respond to that. The passage of the bill will lead to savings of an estimated £50 million, so perhaps we can meet the aspirations of our local communities in that respect. Given the cross-party co-operation that has been displayed in the chamber today, I hope that we can work with the Cabinet Secretary for Justice on how best those savings can be expended.

Patrick Harvie: I hope that Paul Martin would agree that as well as serving the populist aspirations of constituents to which he refers, Parliament has a responsibility to serve their interests. In recognition that more brutal prisons make more brutal prisoners, perhaps the £50 million would be better spent within the prison estate than elsewhere.

Paul Martin: I have already exhibited the unprecedented investment in the prison estate by the previous Scottish Executive. Although it is important that such investment takes place, we must recognise that the populist agenda does not necessarily involve investing in the prison estate. However, I appreciate Patrick Harvie's point—it is important that we have a modern prison estate. The Justice 1 Committee reviewed the prison estate in 2001, when I was a member. I refer Patrick Harvie to the *Official Report*, in which he will see that I emphasised that it is important to

invest not just in the prison estate but in the rehabilitation of prisoners to prepare them for release.

The issue will not go away. The passage of the bill is crucial and should be taken seriously, because it will minimise the risk to the public purse in respect of future claims. I call on members to support the Convention Rights Proceedings (Amendment) (Scotland) Bill.

10:03

The Minister for Community Safety (Fergus Ewing): I am grateful to all members for the constructive way in which this morning's proceedings have been conducted. We have, of course, discussed the issues previously, so it is not surprising—but nonetheless it is welcome—that we have been able to make such rapid progress. Other members have set out the important issues behind the bill and the reasons why we need to take action quickly. I will do my best to respond to the important points that have rightly and properly been made.

At the outset, Robert Brown raised the issue of consultation. The cabinet secretary rightly responded by referring to the circumstances in which the emergency bill process is used. In fact, it has been used five times, for the Mental Health (Public Safety and Appeals) (Scotland) Bill in 1999, the Erskine Bridge Tolls Bill in 2001, the Criminal Procedure (Amendment) (Scotland) Bill in 2002, the Senior Judiciary (Vacancies and Incapacity) (Scotland) Bill in 2006 and the Budget (Scotland) (No 3) Bill in 2009. It is fair to canvass that for the sake of the record, and to provide a complete statement of the circumstances in which the procedure has been used.

Of course, the Somerville judgment has attracted a great deal of publicity. It became available in October 2007. Since then, it has been extremely well publicised, for obvious reasons, and has been a matter of great public concern for reasons that members have explained.

Robert Brown raised the issue of what opportunities there have been for consultation. Only in March were we able to proceed on the basis that we had the broad agreement of the UK Government that appropriate steps could be taken, and the Scottish Government gave ample notice of its intentions. Almost immediately after the judgment, in November 2007, we announced that we intended to seek the introduction of a one-year time bar. We then published a draft of the bill in March 2009. On 1 April, we announced the launch of the draft section 30 order. Finally, we advised a range of interests, including all serving prisoners, the Law Society of Scotland and the

Faculty of Advocates, of the planned legislation. That was the narrative of events.

Robert Brown: That is a helpful response. Nevertheless, does the minister accept that, although it was appropriate for the bill to proceed under the emergency procedure and although there is agreement on the general principles of the bill, it is important that we get the detail right and that, therefore, there might be scope for the Government to consider what might be done—when there is a little more time than was allowed by the Ruddle situation, which was urgent—to have wider involvement in the study of the detail of the bill? Could the bill be subject to an additional helpful process—maybe not a statutory process—through the committee system?

Fergus Ewing: We are always ready to respond to the parliamentary authorities' view on whether the emergency procedures need to be reconsidered. If Parliament decides that the matter should be revisited, we will be wholly co-operative in undertaking that task.

It would be not unreasonable for me to point out the extensive information and additional advice that has been provided to MSPs—and, therefore, made public to all those who are interested in the matter—in the policy memorandum and explanatory notes, which, perhaps because of the short time that is available to us this morning, have not been mentioned in detail. For example, in paragraph 13 of the policy memorandum we explained the alternative approaches that we considered and which could have been adopted. We did that because we wanted to be open and transparent in setting out the various approaches that could have been adopted in addressing the time-bar issue that the Somerville case raised. No approach other than primary legislation was identified. In other words, the first conclusion that we reached was that it was necessary to change the law by primary legislation, not secondary legislation.

Three possible courses of action were identified. The first was to amend the general law on time bar in Scotland by imposing a one-year time limit for all cases brought before the Scottish courts. However, we all agree that scrapping the triennium would have been absurd. It would have meant that the bill that we passed recently on pleural plaques was a bit of a nonsense. It would also have been extremely unfair and inappropriate for us to do that. We are dealing with a tightly focused situation, not the generality of all personal injury cases. The second option was to amend section 100 of the Scotland Act 1998 to make it clear that there was no right to damages under that act, thus requiring all such claims to be brought under the Human Rights Act 1998. The third option was to amend section 100 of the

Scotland Act 1998 to impose a one-year time bar on bringing convention rights claims under that act. It was considered that options (a) and (b) would be disproportionate and that, therefore, option (c) would be the most suitable.

It is important to point out that the Government's officials devoted a great deal of time and effort to addressing matters in thorough detail, describing all the options fully and explaining why we decided to proceed with option (c) in the documents that were submitted with the draft bill—which itself has been available for a considerable time.

Robert Brown asked whether the time bar will start to run one year from the start of the breach. The issue was considered but not determined in the Somerville judgment by the House of Lords. The lords who considered the matter took the view that the one-year period would run from the end of the breach. Ultimately, however, it is a matter for the courts to determine. Members will have noticed that proposed new section 100(3B) of the Scotland Act 1998 states:

"Proceedings to which this subsection applies must be brought before the end of—

(a) the period of one year beginning with the date on which the act complained of took place".

It will be for the courts to determine the interpretation of that. That said, my understanding is that the date on which slopping out ceased was some considerable time ago, so I suspect that whether it happened four years ago or four and a half years ago will not be a practical question.

As the cabinet secretary has said, the time limit will apply from 2 November, so not only has there been the notice that I have described and incessant publicity on the issue since October 2007, and not only has every serving prisoner received notice of the matter, but there will be an additional period between 31 July and 2 November—effectively, August, September and October—for claims to be made. These proceedings are available to everyone in Scotland—including all solicitors in Scotland who are active in the field—to ensure that any client who wants to make a claim can make that claim before the cut-off date.

Robert Brown: I am sorry to intrude again, but the issue applies more widely than just to slopping out cases, as we know from other discussions. It is, therefore, important that we know the Government's policy intent in using the phraseology that it has used in relation to the start and end of the claims period. It is a matter for determination by the courts, but it is also the responsibility of the Government to make clear what it intends to happen.

Fergus Ewing: We intend to bring the position in Scotland into line with the position that has

existed in the rest of the UK since the Human Rights Act 1998 was passed. However, the precise interpretation is rightly entirely a matter for the courts.

I hope that I have time to answer all the other perfectly legitimate questions that Robert Brown has raised, of which I have a list.

Proposed new section 100(3B)(b) of the Scotland Act 1998, which I had not got round to quoting, also gives the courts discretion to set the time bar at

“such longer period as the court or tribunal considers equitable having regard to all the circumstances”.

In other words, not only are we bringing the law into line with the rest of the UK in respect of the one-year time bar, we are exactly replicating the UK provision on the circumstances in which a court has discretion to disapply that one-year time limit.

Robert Brown asked why we did not follow the wording in the Prescription and Limitation (Scotland) Act 1973, which I am sure he and I spent many a happy hour studying in our former lives. It is because the bill's purpose is to bring human rights claims in Scotland into line with those that are brought under the Human Rights Act 1998 that the bill follows the model of section 7(5)(b) of the Human Rights Act 1998 rather than that of section 19A of the Prescription and Limitation (Scotland) Act 1973.

The substantive point—to get away from quoting sections of acts in a rather narrow legal debate—is that we are seeking to bring the law in Scotland entirely into line with the law in the rest of the UK, which is perhaps what many people thought was the law in Scotland until the Somerville judgment came along.

Robert Brown also, rightly, asked to whom and what the bill will apply. It is clear that the bill will apply to the Scottish ministers and any member of the Scottish Executive, including Scottish Government agencies such as the Scottish Prison Service. Other public bodies that are not caught within the definition in the bill are already caught by the Human Rights Act 1998. The bill will therefore ensure that a consistent time bar applies to all actions that are brought against public authorities in Scotland. That explains the methodology and the terminology that have been used in the bill.

Some members asked about the likely number of claims and whether the delay until 2 November 2009 will lead to increased costs. The later date will allow those with potential claims an additional three months within which to bring a claim, so it could lead to an increased number of cases before the time limit comes into effect.

Presiding Officer, I am not quite sure how much longer I have, but I will soldier on.

The Deputy Presiding Officer (Alasdair Morgan): The minister should not feel compelled to continue to speak if he does not wish to do so.

Fergus Ewing: I just want to ensure that I answer the main questions that members have asked. If any member feels that I have not answered their question, I would be happy to let them intervene.

Bill Aitken rose—

Fergus Ewing: I thought that I had cowed everyone into submission, but apparently that is not the case.

Bill Aitken: Should not Mr Brown and others who are concerned that prisoners and former prisoners might lack the appropriate knowledge to be aware that they have the potential to make a claim take some comfort from the fact that certain members of the legal profession—acting, no doubt, in accordance with philanthropic principles—have been actively canvassing such people to ensure that they are aware of the legal remedy that is available to them?

Fergus Ewing: I am certainly aware of the argument that Mr Aitken has made.

In conclusion, the need for action has been agreed on all sides, almost from the moment of the Somerville judgment. The bill is a good example of the rapid change that the Parliament can deliver when we work together. In that spirit of consensus, I am grateful to everyone who has taken part in the debate. It has been a very constructive morning.

The Deputy Presiding Officer: The question is, that motion S3M-4396, in the name of Kenny MacAskill, on the general principles of the Convention Rights Proceedings (Amendment) (Scotland) Bill, be agreed to.

Motion agreed to,

That the Parliament agrees to the general principles of the Convention Rights Proceedings (Amendment) (Scotland) Bill.

The Deputy Presiding Officer: The bill will now proceed to stage 2. Members have until 2 pm today to lodge amendments with the legislation team clerks. The Committee of the Whole Parliament will meet at 2.55 pm to consider the bill at stage 2.

The Minister for Parliamentary Business (Bruce Crawford): On a point of order, Presiding Officer. Could you take a bit more time to explain to us the full procedure for the bill at stage 1, stage 2 and stage 3? I think that we all need to know a bit more detail about when votes may occur. In the

circumstances, what will you do to help Parliament to understand exactly what is required of it?

The Deputy Presiding Officer: Under the circumstances, that is a very helpful point, Mr Crawford. However, I simply refer members to previous *Official Reports* on such proceedings, which are not unknown in the history of this Parliament. Indeed, the first act ever passed by the Parliament in 1999—as members will no doubt recall—was an exemplar of such proceedings.

Review of SPCB Supported Bodies Committee Bill Proposal

The Deputy Presiding Officer (Alasdair Morgan): The next item of business is a debate on motion S3M-4243, in the name of Trish Godman, on the review of Scottish Parliamentary Corporate Body supported bodies.

If the furniture is now in place and her lectern has been suitably adjusted, I call Trish Godman to speak to and move the motion.

10:18

Trish Godman (West Renfrewshire) (Lab): I am pleased to present to Parliament the Review of SPCB Supported Bodies Committee's report, which recommends that there be a committee bill to harmonise the SPCB-supported office-holders' terms and conditions of appointment and to enhance their governance arrangements.

Before I explain why we need such a bill, I thank all those who contributed to the process. First, I thank my fellow committee members for their valuable contributions in developing the committee's report. Secondly, I thank the committee's clerks and legal advisers, who worked hard to support committee members. Yet again, I am reminded of the fact that this place would not run without the help of our committee clerks. Thirdly, I thank those who responded to our general call for evidence and all those who gave oral evidence to the committee.

On 13 November 2008, the Parliament agreed to establish an ad hoc committee, to be known as the Review of SPCB Supported Bodies Committee. It was not considered appropriate for the Government to review and to recommend changes to the bodies that are sponsored by the corporate body, as such bodies are properly a matter for the Parliament.

The committee's remit was:

"To consider and report on whether alterations should be made to the terms and conditions of the office-holders and the structure of the bodies supported by the SPCB; to consider how any proposals, including the addition of any new functions, for future arrangements should be taken forward, including by way of a Committee Bill, and to make recommendations accordingly."

Having set out the background, I turn to the committee's recommendations. In reaching our conclusions, we were mindful of the recommendations of several previous reports: the previous Finance Committee's seventh report in 2006, on its inquiry into accountability and governance; Audit Scotland's report, "Scottish Parliamentary Corporate Body Ombudsman/Commissioners Shared Services";

Professor Crerar's report, "The Crerar Review: The Report of the Independent Review of Regulation, Audit, Inspection and Complaints Handling of Public Services in Scotland"; the Scottish Government's report, "Fit For Purpose Complaints System Action Group—Report to Ministers", which is also known as the Sinclair report; and the Scottish Commission for Public Audit's first report in 2008, on its review of the corporate governance of Audit Scotland.

We received some thought-provoking suggestions from the corporate body. The Scottish Government added suggestions to transfer other bodies that might come under the SPCB's support. We also sought and received considerable oral and written evidence. As members will appreciate, at 5 o'clock each Thursday night, we all rushed home to read all those papers.

In summary, the committee recommends a number of changes to the accountability and governance arrangements for office-holders; it also recommends that a new standards and public appointments body be created and that all functions of the Scottish prisons complaints commissioner be transferred to the Scottish Public Services Ombudsman. We recommend that the corporate body should continue to sponsor office-holders and that it should set office-holders' terms and conditions of appointment, including setting and reviewing their salaries. To enable the corporate body to undertake its role effectively—and in the light of the Finance Committee's recommendations of 2006—we recommend that the governance arrangements for the office-holders should be brought into line with those in the legislation that established the Scottish Human Rights Commission. That means that proposals covering expenditure, the appointment of staff and the location of offices will be subject to the approval of the corporate body. There should also be a requirement that strategic plans covering three to four business years be laid before Parliament.

To enhance the accountability of the office-holders' operational work, we recommend that committee scrutiny be undertaken at least once a year. We have invited the Standards, Procedures and Public Appointments Committee to consider any necessary changes to standing orders. In evidence to our committee, the office-holders indicated that they would welcome more opportunities to work with the committees of the Parliament.

We recommend that the proposals in the Crerar and Sinclair reports that relate to the Scottish Public Services Ombudsman should be implemented, but we consider that they should be introduced by the Scottish Government as part of its Public Services Reform (Scotland) Bill. We also

recommend that all functions of the Scottish prisons complaints commissioner should be transferred to the ombudsman and put on a statutory footing. Other ancillary amendments will be required to assist with the interpretation of certain provisions in the Scottish Public Services Ombudsman Act 2002. Those provisions fall to be covered within the proposed committee bill.

On structural changes, we recommend that the posts of Scottish Parliamentary Standards Commissioner and chief investigating officer—both part-time posts—should be combined into a single post and joined with the post of the Commissioner for Public Appointments in Scotland in order to create a new commission under the governance of the corporate body.

On the reporting arrangements for the standards commissioner, we recommend that no changes be made. Investigative reports on members of the Scottish Parliament should continue to be sent to the Parliament's Standards, Procedures and Public Appointments Committee. Reports on councillors and other elected members should be sent to the Standards Commission for Scotland. The Parliament's Standards, Procedures and Public Appointments Committee will continue to have an identified commissioner who will report to it. Our proposed changes in the area will increase the capacity and expertise that are available to that committee.

We were invited to consider merging Scotland's Commissioner for Children and Young People and the Scottish Human Rights Commission into a rights body. We deliberated about that particularly long and hard. The evidence that we received was finely balanced, but after careful consideration we were not persuaded that creating the proposed rights body was the correct thing to do at this stage. However, we urge the children's commissioner and the Scottish Human Rights Commission to collaborate where possible, and we have invited the Education, Lifelong Learning and Culture Committee to consider whether there are any overlaps in the work that is undertaken by the children's commissioner and children's organisations, to ensure that public funds are not spent on duplicating work.

We recommend that the Scottish Information Commissioner, the Scottish Public Services Ombudsman and Scotland's Commissioner for Children and Young People should remain as stand-alone posts but that they should be subject to enhanced scrutiny by the corporate body.

In summary, we believe that our recommendations will improve the accountability and governance of the SPCB-supported bodies and deliver benefits to the public through better performance and easier access to the services that the bodies provide. Over time, they are

expected to reduce expenditure. Our report has cross-party support and I hope that it will receive unanimous support from the Parliament at decision time.

I move,

That the Parliament agrees to the proposal for a Committee Bill, under Rule 9.15, contained in the Review of SPCB Supported Bodies Committee's 1st Report, 2009 *Review of SPCB Supported Bodies* (SP Paper 266).

10:26

The Minister for Parliamentary Business (Bruce Crawford): I thank the convener and members of the Review of SPCB Supported Bodies Committee for all their hard work and careful consideration of the often complex issues that they had to deal with. We are grateful for the Parliament's work on seeking to achieve a robust and proportionate scrutiny system and I am pleased that the committee has considered how to improve the Parliament's relationship with its bodies.

All but one of the six SPCB-supported bodies that are under discussion today were established by the previous Scottish Executive as a direct result of Government policy. Clearly, there will be circumstances in which proposed improvements will impact on the statutory responsibilities of Government-supported and SPCB-supported bodies.

I echo Trish Godman's comment that we did not begin the discussions with a blank sheet of paper. We have the 2006 report by the Finance Committee, Professor Crerar's independent report, and the report of the fit-for-purpose complaints system action group, which was chaired by Douglas Sinclair, the chair of Consumer Focus Scotland. That group worked with stakeholders to produce practical recommendations on how the complaints system can be streamlined and made more accessible to the public. I am pleased that the Review of SPCB Supported Bodies Committee firmly endorsed what Douglas Sinclair's group identified as the way forward: a strengthened role for the Scottish Public Services Ombudsman, with the SPSO leading the way in developing effective complaints-handling systems.

The committee recommends that, at stage 2 of the Public Services Reform (Scotland) Bill, the Government should include provisions for a new complaints-handling process. The fit-for-purpose complaints system action group's report was clear about the benefits for both consumers and service providers of simplifying the multiple complaints systems. Complaints processes that are easy to access, understand and use will help the less articulate and less confident to have the

confidence to complain, and simplification will also have benefits for service providers.

However, we also need a strong ethos throughout our public services that regards complaints as opportunities for learning and empowers complaints handlers to resolve as many complaints as possible at the first level, the first hurdle and the first goal, because the sooner complaints are resolved, the greater the saving to the public purse. Subject to the Parliament's agreement, the Government is therefore happy to propose such provisions at stage 2 of the Public Services Reform (Scotland) Bill. The creation of an easier, shorter, quicker and wholly user-focused approach to complaints about public services in Scotland should be a priority for us all.

Last November, the Government said that it would put its proposals for the improvement of complaints handling to the Review of SPCB Supported Bodies Committee for consideration. The proposals, which emerged from a broad consensus, include structural changes to the SPSO, Waterwatch Scotland and the Scottish Prisons Complaints Commission. I understand from the evidence that was given why the committee considered the transfer of complaints from Waterwatch to the SPSO a finely balanced issue.

It would have been useful to consider the benefits to users in the wider context, and the overarching benefits to the alignment of complaints-handling processes across all services. Those benefits could include simplification of the landscape for service users, a reduction in overall costs, and ensuring that lessons that are learned from complaints about one service lead to improvements in all services. In that wider context, we still believe that our proposal to transfer Waterwatch's complaints functions to the SPSO and its representative functions to Consumer Focus Scotland is a sensible rationalisation that accords with both Professor Crerar's view and Douglas Sinclair's work.

The Government also believes that the transfer of prison complaints to the SPSO might fit better in the Public Services Reform (Scotland) Bill than in the Review of SPCB Supported Bodies Committee's bill. However, we will be pleased to continue to discuss the best way forward as the two bills reach stage 2. Our rationale is simply that it is sensible—and easier for service users and the wider public—for all improvements to complaints handling to be dealt with in a single bill.

I remind the Parliament that the process began early in 2006. More than three years later, we owe it to the public to build on what has already been done and to deliver tangible benefits to the way in which they engage with public services. Now more than ever, in these difficult economic times, we

need to think about the needs of our country of five million people and ask how we can have fewer organisations, reduce duplication and have less bureaucracy in order to deliver better services for the people of Scotland.

I am happy to support the motion.

10:32

Johann Lamont (Glasgow Pollok) (Lab): I am happy to contribute to the debate, just as I was happy to contribute to the work of the Review of SPCB Supported Bodies Committee. I did not always go to the committee with a spring in my step, but I recognised that it had an important role to play. I thank my fellow committee members for their forbearance during some of the discussions, which came close to being tortuous.

I particularly thank the convener, Trish Godman, who kept us focused on the need to come to some conclusions and reminded us of the significance of our role. Like her, I thank the witnesses, who raised important issues, and particularly the clerks. I do not think that I have ever been on a committee where there was such a degree of support through well-organised materials that illuminated the difficult issues and made them accessible to us.

The committee dealt with important issues, but because we were dealing with structures, it was sometimes difficult to grasp the significance of the debate and gain clarity about what the structures and roles actually are. However, I believe that we produced a comprehensive and considered report. Although Bruce Crawford identified some areas that he wants to pursue further, I am confident that we tried to come to the right conclusions. Of course, a further opportunity will be afforded to the Parliament to explore the issues.

It is often more difficult than one imagines to act on an aspiration to declutter. It is certainly the Government's experience—and probably that of previous Administrations—that bodies tend to come into existence for a purpose. We cannot assume that they are surplus to requirements without identifying what their purpose is and how else services might be delivered. Also, we should not presume that big organisations will always deliver most effectively. There are diseconomies of scale as well as economies of scale, and we have to test that as we pursue conclusions.

Robin Harper (Lothians) (Green): Does the member agree that the Review of SPCB Supported Bodies Committee should be particularly commended for its decision to retain the office of the children's commissioner and to treat its work as distinctive?

Johann Lamont: I will come to that contentious issue shortly.

First, I want to make the point that people sometimes need to be close to the ground and the issues in order to be able to respond. A generic complaints body will not always be able to address people's specific issues. If we are going to have big bodies, they must still be close and sensitive to those who are pursuing complaints.

There is an interesting issue to do with the independence of commissioners, which we wrestled with. The instinctive desire to separate off bodies and make them independent of the political process is partly a product of the lack of confidence in politics and politicians that exists, yet, ironically, we have probably all expressed our concerns about the House of Lords precisely because it is not an elected body. We somehow manage to carry both things in our heads at the same time. We must find the right balance between independence and accountability, about which we must have an on-going debate and dialogue.

On the rights bodies, I think that my party would want to emphasise an important issue to do with individuals pursuing complaints about individual breaches of their rights. It is incumbent on us to recognise patterns of disadvantage and inequality. It is not just a matter of addressing individual issues; general messages should be considered in progressing policies.

On access, it is fair enough to say that there should be a one-stop shop, but we must understand the disadvantages for some people of such an arrangement. The issue should not be about rewarding the capacity to complain; sometimes we have to engage with communities and discuss with them the complaints that they might have. There is a responsibility on people to reach out into communities; they should not just be recipients of complaints.

Robin Harper referred to the particularly important issue of the children's commissioner. I recognise that the corporate body had a particular role in that respect, and I welcomed its provision of a proposed structure against which we could focus the debate. There is a symbolism about the children's commissioner and a strength of feeling among particular groups and individual MSPs about the importance of sustaining that role. However, I also recognise that it was legitimate to discuss its role. It is important that the commissioner clarifies the role, and that the body is seen as challenging the Government, not just in relation to what we aspire to, but in relation to the gap between what a Government claims that it cares about and what it delivers through its budgets and priorities. The Scottish Government is often found wanting in that regard. It cares about a

lot of things, but we should consider its budgets and what it prioritises. We want an on-going dialogue with the children's commissioner about that level of engagement. We also want a recognition that, although the commissioner is a voice for children, children's experiences can be very different. It is important to consider the inequalities and disadvantages that young people face, and their disparate experiences.

I again thank those who were engaged in producing the report. I recognise that the debate is on-going and that it does not sit comfortably in any box. There are lots of shades of grey. The Parliament and the committee have recognised that. We have tried to set up a structure that is not for all time, but which is underpinned by an understanding that, in time, organisations must become sufficiently flexible to be able to reflect on their own structures and on how they fit in with other structures across the landscape in order to meet needs.

10:38

Jackson Carlaw (West of Scotland) (Con): I, too, begin by thanking the clerks and all those who gave evidence to the Review of SPCB Supported Bodies Committee over several months. I also thank committee colleagues for their convivial exchanges. We are particularly indebted to the clerks, because the brief that we were working to and the wide range of both possibilities and probabilities on which we could have settled meant that they had to do their best to discern and anticipate the collective mind of the committee. Given that the individual minds of committee members were not that much clearer for long periods, that was an unenviable task. However, the clerks managed it with patience that was impressive to behold.

The committee met with the views of various interested parties ringing in our ears. I applaud the resolve, certainty, determination, passion and good humour with which some people advocated their positions. I instinctively sympathised with some of them, but it seemed at times that the arguments were of the "The country's gone to the dogs" and "There's nothing worth watching on the telly these days" variety. In other words, certain assertions were made, but they were not always evidenced or proven by the examination of the witnesses.

As well as the big-ticket considerations, we were persuaded that many of the general housekeeping recommendations to do with length of service, termination and subsequent employment were appropriate. I think that most members would have drawn the same conclusions. Those recommendations were not of the racy variety, but they will nonetheless be important to those who

currently hold office and they will be potentially influential in attracting their successors. Some of the existing provisions are certainly too restrictive. I think that the committee struck the correct balance through collective agreement.

Certain other potential consolidations were not without appeal, but they floundered in the face of practical obstacles. The future disposition of Waterwatch Scotland, to which the Minister for Parliamentary Business referred, is an example of that. The proposal to amalgamate Waterwatch Scotland and the Scottish Public Services Ombudsman was not without appeal, but because Waterwatch investigates both public sector and private sector complaints, with the latter supported by an industry levy, it was difficult to see how such an amalgamation could be achieved. Merging the public sector element while leaving the private sector element elsewhere would not have enhanced consumer understanding or operational efficiency. However, I note the comments that Bruce Crawford made about that.

The committee settled on consolidations that it thought enhanced public access and scrutiny and simplified operational structures. Perhaps we could have gone further. Arguments occasionally lay in the balance, and in future sessions, members may well wish to review matters again in the light of the operational experience that will arise should the recommendations in the committee's report be implemented. In that regard, I fear that I may disappoint Robin Harper with the remarks that I will make about the proposal to merge the Scottish Human Rights Commission and Scotland's Commissioner for Children and Young People.

Without being unkind to either body, I am not sure that the evidence that was presented on the current operational functions of those two organisations was in itself persuasive. The SHRC is hardly established, and in any event has so structured itself that an early accommodation of the SCCYP would be a fairly substantial, if not insurmountable, difficulty. In the case of the SCCYP, arguments were presented that demonstrated commendable operational practice, but they did not in themselves reinforce the need for a separate commission or commissioner, although SCCYP's work is seen as a benchmark internationally. I think that if we started afresh, Parliament would most likely have recommended the establishment of a rights commission, but we are not starting afresh. Given that both organisations are operationally incompatible, it was not certain what the consequences would be if a merger were forced on them, or whether a shotgun wedding would have been operationally efficient in any definable or quantifiable sense.

The committee was not convened to speculate on the hypothetical, but its members were aware of public suggestions that further rights commissioners may be established—for victims and for older people, for example. The creation of further rights commissioners did not excite—I am choosing my words diplomatically. It was not for the committee to set out in its report the work of the Parliament in any future session—indeed, now may not be the time to do that—but I at least believe that there will probably be merit in the Parliament specifically examining the arrangements again in the medium term. In the light of more substantial evidence and a more precisely defined proposition for further rights commissioners, an alternative structure may well prove more compelling at that time.

A report has been presented to the Parliament that will not meet the expectations of everyone in every respect; indeed, it possibly does not meet the expectations of every member of the committee. However, in the circumstances, in the face of the evidence that we heard, and in the light of the competing conclusions that were reached, the committee agreed the report. The report need not be an end in itself, but for the moment, and with the support of Parliament at decision time today, we support the early implementation of the report's recommendations by way of a committee bill and through other Government legislation, as comprehensively detailed by Trish Godman.

Finally, I offer Trish Godman my congratulations on and gratitude for her patience and courtesy as convener of the committee.

10:44

Ross Finnie (West of Scotland) (LD): I, too, was a member of the Review of SPCB Supported Bodies Committee. I thank its convener for the way in which she brought together the committee and held us in an exercise that proved to be more difficult than many of us had envisaged when we were nominated to serve on the committee. In particular, I thank the committee clerks. The volume of material that supported the original establishment of the bodies under consideration and which we were required to consider was substantial, given that each had been created by a separate act of Parliament.

I think that we were surprised in some ways by how difficult the process proved to be—Jackson Carlaw alluded to that. The witnesses felt passionately about the bodies to which they were attached; in the earlier sessions of Parliament, many of them had given evidence during the process by which those bodies were created, and they felt very committed to them.

We were considering a range of issues, and I found that the most difficult one was that, although the committee was not asked to in any way consider the functions of the ombudsmen or commissioners, it became clear that the committee could not recommend a change to the structure without giving due consideration to whether such a change would affect the proper discharge of the duties that had been imposed by the Parliament. That was an overarching point.

Unlike Johann Lamont, I found unhelpful the decision by the SPCB not simply to give evidence on the workings and the financial controls of the bodies of which it was the sponsor and about which it was, therefore, uniquely qualified to give an opinion, but to publish a report setting out how the bodies should be reorganised, even though it had not taken any evidence on the matter.

I am aware of the authority that Parliament gave to the Review of SPCB Supported Bodies Committee. However, I remain unaware of the authority that Parliament gave to the SPCB to publish a parliamentary report on the matter that would pre-empt the report that we are debating this morning. The SPCB is an important body and, following the publication of its report, many witnesses who took part in the process in which I was engaged were very unclear about whether that meant that Parliament had already given its opinion.

Moving on, however, I must say that we should not diminish the administrative matters that came within the terms and conditions of the review, such as the need for accountable officers and the question whether the bodies had effective financial controls. Those issues were relatively non-contentious but of great importance; I think that the committee gave them due and proper consideration and that the recommendations that it made in relation to them will make a substantial difference to the effectiveness and operation of the bodies.

The evidence on the cost savings that might be achieved as a result of merging the bodies was less persuasive. One of the main difficulties was the lack of evidence to support the proposition that, if the bodies were merged, it would be perfectly possible to retain their separate functions. For example, a real distinction can be drawn between examining a matter of maladministration in a public body and examining a breach of standards by either a parliamentarian or a local councillor. The former involves a test of competence on behalf of a corporate entity, while the latter founds upon the probity, honesty and integrity of an individual in public life. I regard those matters as entirely separate, and believe that it is necessary to keep separate the proposed

public life and appointments commission from the SPSO, as is recommended in the report.

I also found difficult the question of merging the posts of human rights commissioner and children's commissioner. Although, clearly, a case can be made—indeed, it was made—that human rights embrace the rights of the child, the evidence was less than persuasive that the existing internationally recognised functions of the children's commissioner would be adequately preserved in any merged body.

Therefore, as Jackson Carlaw and Johann Lamont said, we came to the view that, for the present, those bodies should remain separate. However, the need for closer collaboration between them is great, and I share Jackson Carlaw's view that the prospect of other rights commissioners being established was not persuasive.

The arguments were finely balanced, but I think that the committee's conclusions were right. The report might not have produced the recommendations for the merging of bodies that some people anticipated, but it has made a valuable contribution to the way in which the bodies operate and to the question of how the powers of the SPSO can be extended, particularly in view of the Crerar and Sinclair recommendations. The report is a significant piece of work, and I look forward to the bill being presented to Parliament.

10:50

Gil Paterson (West of Scotland) (SNP): As members are aware, the Scottish Parliamentary Standards Commissioner and the Office of the Commissioner for Public Appointments in Scotland have a direct reporting relationship with the Standards, Procedures and Public Appointments Committee, of which I am a member. That committee considered the recommendations of the Review of SPCB Supported Bodies Committee at its meeting on 9 June and agreed that I should speak on its behalf in the debate. I thank the officials and my fellow MSPs who were involved in the piece of work that we are discussing. We are dealing with business that, while somewhat dry, is very important to the running of the Parliament.

I will focus my comments on the proposed changes to the roles of the standards commissioner and the public appointments commissioner. The Review of SPCB Supported Bodies Committee proposes to combine the posts of the standards commissioner and the chief investigating officer. By happy coincidence, the current standards commissioner, Mr Stuart Allan, is also the chief investigating officer, which means that, in a sense, the proposal to combine those

posts has already been achieved. No doubt we will learn useful lessons from Mr Allan's experience in the two posts.

The Review of SPCB Supported Bodies Committee proposed that that combined role should result in a single post of investigations commissioner, and that that commissioner should be joined with the commissioner for public appointments. The Standards, Procedures and Public Appointments Committee considered the proposal, and, as it is consistent with the evidence that we presented to the Review of SPCB Supported Bodies Committee, we welcome it as a sensible step towards sharing offices and support staff. Although we note that the cost savings for the standards commissioner are likely to be minimal, we think that the office will benefit from the increased support that will be available under the proposed arrangements.

The Standards, Procedures and Public Appointments Committee also welcomes the recommendations that the investigations commissioner and the public appointments commissioner should report to that committee on their respective remits. We note the recommendation that each commissioner would have a lead responsibility for either the investigations commissioner post or the public appointments commissioner post. It was not clear whether it is envisaged that the two commissioners could perform each other's functions if required.

We did not have any general concerns with the potential for those roles to be interchangeable. I note, however, that further consideration might need to be given to the current parliamentary approvals process, given that, at present, the Parliament approves a specific named person to be the standards commissioner or to be the public appointments commissioner.

One other area on which the Standards, Procedures and Public Appointments Committee wished me to comment involves freedom of information. Under the recommendations, the chief investigating officer, the Standards Commission for Scotland and the public appointments commissioner would be subject to the Freedom of Information (Scotland) Act 2002, although the standards commissioner would not be. The committee agreed that that issue might need to be considered further as part of any proposals for shared office working. No doubt other things will come to light if we are looking to merge three different statutory frameworks. The committee is happy to contribute to the sensible resolution of each of those issues.

The Standards, Procedures and Public Appointments Committee broadly welcomes the Review of SPBC Supported Bodies Committee

report and looks forward to considering any proposals that might require changes to the code of conduct for members or the standing orders.

10:55

Des McNulty (Clydebank and Milngavie) (Lab): Unlike most of the previous speakers, I was not a member of the Review of SPCB Supported Bodies Committee. That was probably a deliberate move on the part of those who allocated members to the committee, given that I have some well-recognised concerns about the way in which the various commissioners and the empire of commissions—if I can put it that way—have sprung up in the Parliament.

Nonetheless, I acknowledge that the Review of SPCB Supported Bodies Committee, the Finance Committee and the SPCB have done valuable work by dealing with some of the more unacceptable aspects of the way in which the commissions operated previously. It really was unacceptable that the commissions that were set up were left free and unfettered to decide where there were located. That is why the Scottish Information Commissioner ended up in a castle in St Andrews and why the Scottish Public Services Ombudsman and Scotland's Commissioner for Children and Young People ended up with expensive premises. There are areas in Scotland that deserve the services of those people, but they are not located there. I would have far more interest in listening to concerns about poverty or inadequate services if the people who were expressing them lived closer to where the real problems in service delivery exist.

It seemed impossible for the Parliament to give the commissions any direction about how they were to report back to Parliament on what they did. Previously, in the negotiations that took place, or appeared to take place, between the commissioners and the SPCB, it was almost a case of the commissioners saying, "We'll tell you how much money you can give us, and there's nothing you can say about it." All that seems to have been changed, which is a positive development that was needed. I am grateful to the Review of SPCB Supported Bodies Committee for finalising that process.

As Johann Lamont pointed out, there is a balance to be struck between accountability and independence. We fight shy of dealing with where that balance should be. It is easy to be fought off by the commissioners who insist on the propriety of their position and the absoluteness of the independence that we have to accord them, and who do not accept that we in the Parliament are elected to have an overriding interest in public accountability, of which we are the custodians.

I do not regard the recommendations of the Review of SPCB Supported Bodies Committee to be finished. The financial circumstances under which we will be working in the next few years will require us to look again at this issue. To be blunt—I have been in local government, so I have faced up to this—the choice is between providing real services to help children and funding the bureaucracy that deals with the rights of children. Those are the choices that we in government have ultimately to make.

It is not impossible for this jurisdiction to make the kind of decisions that were made by the New Zealand Parliament, which has said that it will put a limit on the number of commissions and sort out the overlaps in their remits. I will not name names, but we have commissions that are still looking for a function; they are going round the country trying to find issues in which they can take an interest. I do not think that the Parliament should fund that automatically; it should certainly debate that and hold those commissions properly to account.

Scotland's Commissioner for Children and Young People, the Scottish Information Commissioner and the Scottish Public Services Ombudsman must be operationally independent, but it is not in the interests of the Parliament, or the people whom we represent, to write them a blank cheque—we cannot be seen to do so.

There are ways in which groups can be pushed together. The fact that something is established and that pushing two bodies together might cause problems is not necessarily a good reason for not doing it. Rather than finding ourselves in a financial crisis and looking at this issue again, we should have a rolling process of looking at what commissions and commissioners do. The committees of the Parliament have an important role to play in not simply accepting that the commissions have an automatic right to exist but scrutinising constantly whether they are doing the job that they were set up to do, or whether that job is still required, whether in a policy or financial context.

I commend the work of the committee, but we must keep this matter under review. We in the Parliament must not be frightened to acknowledge that we are the people who are elected and who are directly accountable to the electorate and that, in the end, the commissioners work through us on behalf of the people of Scotland—not the other way around.

11:01

Joe FitzPatrick (Dundee West) (SNP): When we were asked to be members of the Review of SPCB Supported Bodies Committee, we were advised that it would be a short-term committee

and, in fact, we completed our work and deliberation in a matter of months. However, in that time we were presented with a huge array of written and oral evidence, so I pay tribute to the clerks who helped us put it all into context to inform our decisions.

Contrary to what Ross Finnie said, I believe that the SPCB proposals, which Tom McCabe presented to the committee, were helpful in giving us a template to measure where we were going. I understand where Ross Finnie is coming from, but I put on record my thanks to Tom McCabe and the SPCB for taking the time to produce the template and giving us evidence, which I found helpful.

Given all the evidence and paperwork that we received, it would have been easy for us to become trapped like goldfish in a bowl, swimming around endlessly but getting nowhere. Our convener, Trish Godman, and our deputy convener, Jamie Hepburn, ensured that our efforts were not wasted. We have produced a report that, in the main, is supported by all members of the committee.

The committee worked well together and we were in broad agreement on the majority of issues. However, it would be remiss of me not to concentrate for a few minutes on one of the issues that split the committee: there were three votes for and three votes against the proposed merger of Waterwatch Scotland with the Scottish Public Services Ombudsman to form an all-encompassing complaints commission. The original idea behind the SPSO was to create a one-stop shop for complaints, which would allow ease of access for the public. However, in recent years, we have departed from that original concept by creating a number of different bodies to deal with complaints.

The proposal to merge Waterwatch and the SPSO was not motivated by a desire to save money; it was about improving service for the public. Our complaints-handling system should involve less duplication and bureaucracy, which might mean fewer organisations. Some of my constituents have said that when they make a complaint they are bounced between the local authority and the water authority. Who deals with the complaint? Is it Waterwatch or the ombudsman? If the two bodies are pulled together, the system will be much cleaner and more accessible to the public.

I appreciate the concerns of some members of the committee regarding the public's need for an ombudsman that can deal with complaints fully by drawing on detailed knowledge and expertise. However, I believe that the skill that is currently deployed in the SPSO in relation to a wide range of public services is no different to that which is

deployed in the types of process that are undertaken by bodies such as Waterwatch.

I am certain that if we were to merge the functions of Waterwatch with the role of the SPSO, we would provide the public with a more straightforward, effective and efficient system without compromising service. I believe that that would be in keeping with the recommendations of Professor Crerar, Douglas Sinclair and the previous Finance Committee.

I respect the committee's decisions, but I think that this issue would benefit from further scrutiny, either at a later stage in the proposed bill or at some future review. One thing on which we are all agreed is that ours will not be the final review. The subject would benefit from consideration by fresh bodies on any future committee. Our report took us some distance; indeed, it took us as far as we could go while also maintaining consensus. I commend it to the Parliament.

11:05

Tom McCabe (Hamilton South) (Lab): I apologise to Ms Godman for missing the first minute or so of her speech. I assure her that I will catch up on it later in the *Official Report*.

On behalf of my colleagues on the Scottish Parliamentary Corporate Body, I thank the committee for undertaking the inquiry and producing a detailed report and recommendations. The task was perhaps more onerous than it appeared at first.

Trish Godman: Hear, hear!

Tom McCabe: I am sure that all committee members agree with that. We are genuinely grateful to the committee for taking on that task and producing the report.

I am grateful to all committee members for the courtesy that they showed me when I gave evidence on behalf of the corporate body. I listened to what Mr Finnie said on the matter and have this to say in response: the corporate body was invited to give evidence and we sought to do that in a comprehensive manner. We could have avoided some of the more difficult questions. However, my personal view is that a tendency to do that is devaluing public life. We therefore decided to address some of the difficult areas. I hope that that was of benefit to committee members.

With the Government looking at public sector reform, it seemed appropriate for the Parliament to consider whether changes could be made to the structure of SPCB supported bodies. Driving the SPCB proposals were two underlying principles: making access to services as simple as possible

for service users; and achieving public services that provide the best value for money.

Achieving value for money is especially important given my firm belief that, before the Scottish Parliament is very much older, incredibly difficult public expenditure decisions will need to be made. It is possible to maintain the principles that lie behind the creation of these public services while facing up to hard financial facts. Some of the questions that we are addressing today may need to be revisited in the not-too-distant future.

For the purposes of today's consideration and taking account of the two principles that underline the corporate body's approach, the committee has delivered recommendations to improve the structure and governance of SPCB-supported bodies. It is worth remembering that those bodies now require funding in the region of £7.5 million.

We were pleased to see the report's recommendation of the realignment of the various standards functions into a single commission. We believe that that will be of public benefit. It will give people a single access office when they seek advice on issues that relate to the standards of elected members of the Scottish Parliament or local authorities in Scotland.

We support the proposal to amalgamate the functions of the Scottish Prisons Complaints Commission and the ombudsman and to give additional powers to the ombudsman to oversee all public sector complaints processes. That will ensure greater clarity and simplification, thereby reducing any perceived inconsistencies in the approach that is taken throughout the public sector. Those additional powers may have short-term cost implications, but they will provide considerable benefits to the public in the longer term. The SPCB will work jointly with the Government and the ombudsman's office to achieve the aims that the committee has set out.

As members are aware, the corporate body put forward a proposal to amalgamate the children's commissioner and the Scottish Human Rights Commission. Although we considered that there could have been benefits in such a merger, not least in protecting what the bodies do and who they do it for, we accept the committee's recommendation—based on the evidence that it received—to leave the bodies as they stand. We fully support the recommendation for a more co-ordinated approach to working between the two bodies. That will facilitate a more streamlined approach to rights in Scotland, avoid some duplication and may facilitate some savings.

Members may not be surprised to hear that the corporate body is pleased that the committee recommended enhanced governance powers for the SPCB in terms of the bodies that it supports. I

refer in particular to the sharing of premises, staff and services with a view to providing savings to the public purse. Some work has already been done in that regard, but those formal powers will assist us considerably in our future considerations.

From our experience over the past few years, the corporate body is acutely aware of its responsibilities in holding office-holders to account on their budgets and the terms and conditions that they offer to their staff. That said, we have always recognised that we cannot interfere with the independence of the office-holders with regard to the functions that they undertake. We are pleased therefore that the committee has recommended that other committees of the Parliament should engage actively with the office-holders. In that way, the Parliament can learn lessons from some of the decisions that office-holders have reached in the past and will reach in the future—taken together, those decisions can contribute to the effectiveness of our public services in Scotland.

The SPCB is supportive of the proposals. If the Parliament agrees to legislate to enact the recommendations, we will work together with the office-holders to ensure a smooth transition, as quickly as possible.

11:11

Ross Finnie: First, I turn to the issue of financial control, which Des McNulty, among others, raised in the debate and of which committee members were acutely aware. I find it difficult to read the recommendations at paragraphs 107 and 109 without believing that they will place considerable restraint on office-holders. Tom McCabe recognised that. Having uniform provision across all the bodies will require

"the office-holders proposals on expenditure to be subject to approval by the Scottish Parliamentary Corporate Body".

Some office-holders already have that, but it is not uniform across all the bodies. As a committee member, I was acutely aware that that had to be a uniform requirement and that the corporate body, as the sponsoring body, had to have greater control of, as Tom McCabe said, the appointment of advisers, the budget and the location.

The report contains substantive proposals, some of which are already in the public eye; others are more hidden away. Issues that capture the headlines include the function of these bodies and whether they ought, or ought not, to be merged, but the report contains a substantive body of work that will improve hugely the financial reporting and accountability of each commissioner.

Gil Paterson made a good point about the mergers of the posts of the chief investigating officer and the Scottish Parliamentary Standards Commissioner.

More important is the recommendation that the adjudication of any complaint that is found remains to be determined by an independent body. In the case of a councillor or other public official, a complaint will be determined by the SPSC and in terms of members of the Scottish Parliament, it will be determined by the Standards, Procedures and Public Appointments Committee. That important principle required to be preserved.

All committee members said that the report proved to be a much more difficult exercise than we had envisaged at the outset. That said, it is helpful that we all believe, on balance, that the broad thrust of the report is fair, including the recommendations on the way in which these bodies should operate in the future. If the bill goes forward, the terms, conditions and functions of these bodies will be radically changed. That will lead to a much more effective and efficient distribution of these bodies.

Even having heard the debate, I remain of the view that the committee's conclusions should be supported. I hope that the Parliament will do so having looked at the evidence that the committee adduced in coming to its views, including on a committee bill. Some suggestions that we heard were not evidence based. The committee has produced the evidence and those who care to look at it will find the arguments persuasive. They support the conclusions that the committee came to, albeit that some were narrowly reached and were made on balance. I respect the views of committee members who differed. Those views should not be ignored. Indeed, we should take account of them if a bill is to proceed through the Parliament.

11:15

Derek Brownlee (South of Scotland) (Con):

Like Des McNulty, I come to the debate not as a member of the Review of SPCB Supported Bodies Committee but as a veteran of the Finance Committee's inquiry into the corporate governance of and issues around commissioners and ombudsmen back in 2006. I rather wonder whether I am falling headlong into Joe FitzPatrick's invitation for fresh people to look into the issues. I will tread carefully.

That 2006 accountability and governance inquiry was long running, and it was quite controversial at the time. If memory serves me correctly, it achieved what would be considered unachievable these days: it united me, Wendy Alexander and John Swinney in unanimously supporting the Finance Committee's recommendations. That is some mean achievement. It is nice to see some of those recommendations flowing through into how we are considering the roles of commissioners and ombudsmen now. The committee inquiry in

2006 was a long one, as I have said, but it would be fair to summarise it in a very short way: the situation that we discovered was a guddle. It had been created not through any particular intent; things had arisen in an ad hoc manner, and that had led to a complicated and inconsistent set of arrangements.

I agree with what other members have said about the issues being difficult. I have also sat through the Scottish Commission for Public Audit's inquiry into the corporate governance of Audit Scotland. Admittedly, that is a rather different office, with certain statutory conditions attached to its work, but we have wrestled with difficult issues around how to preserve independence while also considering appropriate terms of office and how to restrict outside interests that might be perceived as giving rise to a conflict of interests. Such decisions are difficult, and there is perhaps no right or wrong answer—we simply have to try and find the best answer that we can.

I wish to go back to some of the issues that Des McNulty raised, in what I thought was an excellent speech, following on from our inquiry back in 2006. It struck me at that time, particularly when we were considering some of the decisions that had been taken about location and budget, that a perception was growing that any attempt to challenge decisions that had been made by a body or commission that had been set up by the will of the Parliament was somehow an attempt to interfere with its independence. I simply do not accept that assertion. Things have perhaps improved since, but I got the impression at that time that there was a reluctance on the part of the Scottish Parliamentary Corporate Body to go too far, particularly in challenging some of the budgetary arrangements that had been put in place by commissioners and ombudsmen. There was perhaps a feeling that we needed to tiptoe around such issues.

In his speech today, Des McNulty talked about the balance between independence and accountability. It is entirely appropriate to acknowledge that we can have independence without forgoing any attempt to restrict the finances that go to organisations. The issue for bodies will be that they will have to prioritise and make judgments as to how to deploy the resources that they are allocated. Reducing the resource that goes to a body does not in itself restrict its independence.

The Parliament and its corporate body could exempt the organisations concerned from the looming public sector spending squeeze, to which Tom McCabe alluded, because the Scottish Parliament's budget is top sliced, but it would be wrong to do so. As Des McNulty said, the choice is effectively between helping individuals and funding

organisations that sometimes provide advocacy for individuals.

It is important to consider the remit of the Review of SPCB Supported Bodies Committee. The committee did not—and was not asked to—consider the desirability or need for some of the organisations and commissioners, although we might need to reconsider that question in the future. No doubt some people will view the committee's report not just as a justification for not merging the children's commissioner with other organisations, for example, but as a validation of bodies' continued existence. That is not what the committee was asked to do, and it is unfair to characterise its remit as such.

Johann Lamont made a valid point about diseconomies of scale, and we need to be careful that we do not automatically make the assumption that larger is better. Equally, we must be keenly aware of the difficulties of ensuring that public money is spent appropriately. We should not fall into the trap of assuming that, simply because we have set up commissioners and ombudsmen in the past, they should somehow be exempted from the difficult decisions that will fall across Government.

11:20

Johann Lamont: To use Jackson Carlaw's expression, much of what the committee considered was not of the racy variety. I am not sure whether I would recognise it if it were of the racy variety, but I agree that many of the matters that we considered were simple and straightforward things that had to be addressed. Location, the management of budgets and the opening out of commissioners' roles to public and parliamentary scrutiny are subjects that people can agree on, and I do not think that anyone in the chamber wishes to give anybody a blank cheque, but we must recognise that organisations can be killed in a variety of ways—we have to be honest about that. If we do not think that an organisation should exist, we need to have a debate about that, rather than killing it by reducing its budget over time. People may express entirely reasonable concerns about that.

The Scottish Government clearly wishes to pursue some issues relating to the decluttering of the public landscape, and it might not be entirely happy with the committee's conclusions in that regard. It is entirely the Government's responsibility and opportunity if it wishes to introduce a bill to address that. A consideration of all the options is in no way precluded, and Government back benchers can decide on them as they choose.

On the role of the Review of SPCB Supported Bodies Committee and its conclusions, I make it clear to my good friend Des McNulty that he was not excluded from anything. Indeed, if I had realised the extent of his interest in the matter, I for one would happily have stood aside and allowed him to take on the very enjoyable experience of working our way through the 75 million folders full of papers. No one attempted to pack the committee in any way. Actually, most people who came to the committee did so with scepticism in their mind—I certainly did. Entirely sceptical towards most things about life, I was equally sceptical about the role of commissioners, and I was open minded about the options that were being identified by the corporate body.

Once we looked into the issues, however, it became very evident very quickly that they were not as simple as people had thought. There was a clear presumption among the parties of a certain direction of travel that the committee was going to follow. It did not turn out to be as easy as that when we started to deal with the realities of making the arrangements work for people who wanted a good complaints procedure, and who wanted some work to be done around the commissioners' roles that might not fit with that function.

People working in the bodies concerned would understandably argue for their organisation and for its role. There is an innate conservatism on the part of people who are in position and who want to protect what is already there. Far more telling, at least to my mind, was what other parliamentarians were saying, not because they were frightened of the commissioners, but because they saw a distinct and genuine role for the children's commissioner in particular. They were reluctant for that role to be given up. Although members wanted a decluttering of the landscape, with no presumption in favour of the various bodies for ever more, they made a telling case for the children's commissioner. It was not argued that the post should be left frozen in time from when it was first created, but the point was made that there was something significant about it that chimed with what was going on in other parts of the United Kingdom.

I do not think that it was fear of external organisations that led the committee to the conclusions that it reached—and those conclusions are not for all time and forever. Rather, it was a matter of recognising a political debate that we almost had to adjudicate upon. On balance, we came to the conclusions that we came to.

We recognise the reality for some, particularly in relation to complaints handling. The degree to which somebody is satisfied with the structure of a

complaints procedure is determined by their capacity to get the result that they want from it. Inevitably, we will not make everybody happy through the process that we have identified, but we have tried, on balance, to get things right, with a body that is accessible but sensitive to specific complaints.

Referring to a point that Bruce Crawford made, we might have all the structures and commissioners in place, but if the people who make the decisions do not have respect for those to whom they are delivering services, and if they do not have respect for the rights and entitlements of people in our communities, they will not make any procedure fit and they will not make any service work.

The big picture is about how we ensure that people who are charged with responsibilities meet people's needs, take account of people's rights and entitlements and deliver services in a way that addresses people's concerns and is respectful, so that people are not pushed down the complaints road. That is the bigger challenge, in which we are all involved.

The committee took its role seriously and during our debates many members abandoned assumptions that they had held. Our recommendations represent a serious attempt to acknowledge that there is an issue and to come up with a balanced conclusion. I hope that members acknowledge that if the Parliament agrees to the motion in Trish Godman's name, the committee bill that will be introduced will provide us with a further opportunity to explore the issues.

11:25

The Minister for Culture, External Affairs and the Constitution (Michael Russell): The debate has been good, valuable and important for the Parliament. It is appropriate that from time to time we review all the actions in which we are engaged and the structures that exist. It is equally important that we review the purposes of the structures that we have created, to ensure that they are fit for purpose and serve the people whom we serve. I took that point strongly from Mr Finnie's speech. The process of developing governance in Scotland is always unfinished and it is good to see the process move further forward.

I make it clear to Johann Lamont, who expressed doubt about this, that the Government supports the report of the Review of SPCB Supported Bodies Committee and the proposals that it contains and will want to do everything that it can to assist the passage of those proposals.

A number of important points have been made and I will respond to two such points before I make wider points. I was struck by Des McNulty's

speech, which was mirrored to some extent by the speeches of Tom McCabe and other members. It is important to say that the independence of the bodies that we are considering in no way negates their accountability to the Parliament. The difference between independence and accountability needs to be clearly understood. Parliament must be allowed scope to govern the overall size and scope of budgets. That is not about interference; it is about ensuring that we do the job that we are elected to do, which is to ensure that resources are properly used and services are properly provided.

The Crerar recommendation to reduce the overall number of commissions and scrutiny bodies was informed by experience in New Zealand. The Government is committed to a similar model, whereby when a new body is established another one ceases to exist. That principle exists in New Zealand, where there is a focus on the function and purpose of bodies.

As proposals for the creation of new rights commissioners come before the Parliament, we should remember the point that Jackson Carlaw made in that regard. It is not that the idea of new commissioners did not excite Mr Carlaw—I have never, ever, aimed to excite Mr Carlaw and I suspect that that is true of all members. However, the committee referred in paragraph 284 of its report to the recommendations that the Finance Committee made in 2006 and noted

"the need to explore all possible opportunities for an existing body to carry out any proposed new function and make use of existing resources before creating a new body."

As proposals come forward—they are already doing so—I ask all members to bear that key principle in mind. I am glad that the committee made the point again and I pay tribute to the committee and its convener for doing so and for the high quality of their work.

When it gave evidence to the committee, the Government made clear our stance on the potential to create a more streamlined landscape. We wanted a better co-ordinated and more proportionate approach to conduct and standards in public life, which would be balanced with the need to save resources. We were very much in accord with the SPCB's proposals, but it was clear to everyone that it is for the Parliament to take a view on the distinctiveness of commissioners' roles and performance.

The committee recommended that the Scottish Government include the necessary provisions for a new complaints handling process in the Public Services Reform (Scotland) Bill. I am happy to confirm that I will lodge amendments to the bill at stage 2 that will fulfil that requirement, subject to the Parliament's agreement. It is clear to us all that

the creation of an easier, shorter, quicker and wholly user-focused approach to complaints about public services in Scotland should be our priority, because such an approach will not just place an empowered user at the heart of the process but lead to a more effective use of public resources. If more complaints are resolved at the first point of contact, there will be less need for more expensive and difficult upper-tier complaints handling work and organisations should work more effectively.

An encompassing, design-authority role for the Scottish Public Services Ombudsman will take all complaints processes out of organisational silos and away from the complex landscapes that have bedevilled all previous efforts at reform. Johann Lamont drew attention to the fact that the approach represents neither rocket science nor new thinking. All Governments are attempting to take such an approach, but it is difficult to do.

Let us remember what is at the heart of the issue. As members know, each complaint is individual and unique. Each complaint has a human face and represents, at the minimum, disquiet about a service or organisation. As every elected representative knows, sometimes all that is required is to say, "Sorry." We need that human focus in our work. The complaints system is also the interface between the state and the citizen, and it must be efficient, effective and properly tuned. The proposals will take us down those lines.

I noted Joe FitzPatrick's point about Waterwatch Scotland. I think that the Government's proposals in that regard were the right ones. We wanted a co-ordinated and coherent approach across all public services—that aspiration was behind the proposal to transfer prison complaints. We will support the motion in its entirety, because we do not want our preference in relation to Waterwatch to disrupt the process. However, we will consider the matter and ensure that it gets the further attention that it needs.

The report considered the governance of the Parliament—how we look after ourselves. We must show that our attitude to governance is rigorous and comprehensive. We must show that we are always concerned with improving and strengthening governance and with improving our relationship with the Scottish people. We must show that our proposals add value to the procedures that deal with all elected representatives and that our proposals demonstrate the integrity of the system and the people in it. The Government will back the report's recommendations in that regard.

The work of the committee and its clerks was thorough. The report is well thought out and will allow us to make further changes. It is not the final word but it represents a significant step forward.

There are points of difference between the report's authors and the Government, but I stress that they relate to issues that are finely balanced, as many members said, and which we can discuss.

Overall, the Government endorses and agrees with many of the recommendations and looks forward to working with the corporate body to make the changes and improvements that will help to simplify not only the complaints handling process but the complaints landscape, to address the ultimate goal of the work, which is to continue to improve our public services so that we reduce the need for people to complain in the first place. We look forward to the constructive work that will go ahead and hope that a committee bill will be introduced.

11:33

Jamie Hepburn (Central Scotland) (SNP): I thank the convener of the Review of SPCB Supported Bodies Committee, Trish Godman, my other colleagues on the committee and the committee clerks. I also thank the people who submitted evidence to the committee and members who have spoken in the debate.

I am glad that there is widespread support from members of all parties for the broad sweep of our proposals. That reflects the manner in which the committee worked. Disagreements about the wider issues that we considered were relatively minor, and there are points of detail that we will consider further if the Parliament agrees to the proposal to introduce a committee bill. Overall, the committee has made sensible and measured recommendations for change. I encourage members to support the motion.

Bruce Crawford talked about the impact on Government bodies of proposals that arise from committees' work. I hope that the Government's work to reshape the parts of the public landscape for which it has responsibility will tie in with the committee's work. I was glad to hear Mr Crawford and Mr Russell suggest that that would be the case.

Mr Crawford and Mr Russell reiterated the Government's belief that the functions of Waterwatch Scotland should be transferred to the Scottish Public Services Ombudsman and Consumer Focus Scotland. The committee considered such a transfer of functions and thought that the issue was finely balanced, as Joe FitzPatrick said. I look forward to hearing the Government's arguments as it pursues the issue.

Johann Lamont made the point that the argument for creating one-stop shops is not convincing—there must be a coherent rationale for moving to merged bodies. Overall, the committee took that approach—Jackson Carlaw and Ross

Finnie articulated well the committee's thought process on that—which is why we recommended the merging of some bodies but not others.

However, as Trish Godman said in her opening remarks, some rationalisation is proposed. The committee considered 10 bodies, including four that the Government supported. Of those 10, we recommended that five be merged, which would reduce the number of bodies to seven. That would be achieved largely by the creation of a new body called the public life and appointments commission Scotland. I was disappointed that my committee colleagues did not share my enthusiasm for the alternative title of the Scottish public life and appointments tribunal—SPLAT for short—but I forgive them. The committee's merger proposals would affect 50 per cent of the public sector bodies that we considered and reduce their number by 30 per cent, so there would be some rationalisation.

Gil Paterson spoke about the creation of the public life and appointments commission. The key question is whether merging existing posts into that new body would improve the accountability of elected members, councillors and parliamentarians to the public. The underlying tasks of the posts that would be involved in the merger are similar in that they are to investigate admissible complaints that members of the Scottish Parliament, councillors or members of devolved bodies have breached their respective codes of conduct or other applicable rules on behaviour and standards. I therefore believe that the proposed rationalisation is sensible, and I was glad to learn from Gil Paterson that the Standards, Procedures and Public Appointments Committee seems to concur with that view.

Jackson Carlaw spoke about the decision to retain Scotland's Commissioner for Children and Young People and the Scottish Human Rights Commission as separate bodies. We were presented with a valid argument for merging those bodies, but the committee considered that the SCCYP has undertaken valuable work in support of children's issues, which has been recognised internationally, and that there was no case at this stage to merge the bodies. I am inclined to agree with Jackson Carlaw's observation that our decision might have been different if we had started with a blank page, but of course we did not. However, it is worth saying, as Mike Russell did in a similar vein, that the committee's position is that future proposals for new offices—there are current proposals in that regard—should be accommodated within the current landscape, if possible.

I turn to previous reports that the committee considered and which informed much of our work. We agreed with the recommendations of the

Finance Committee's 2006 report "Inquiry into Accountability and Governance". Our proposals include implementing those recommendations as they relate to the accountability of the bodies concerned. We also noted the Audit Scotland 2006 report "Scottish Parliamentary Corporate Body Ombudsman/Commissioners Shared Services", which recommended that the SPCB should retain responsibility for the bodies concerned. Again, we seek to implement that recommendation for holding the bodies to account for the effective running of their business operations. However, we are clear about the need to protect the office-holders' independence in undertaking their functions. I think that that deals with some concerns that Des McNulty raised.

If Parliament agrees to the motion, the recommendations requiring legislation will be incorporated in a committee bill that should be introduced by the end of this year, accompanied by a financial memorandum that will cover all the costs involved. Not all the recommendations require legislation. The report highlights those that we consider do require legislation, but other recommendations are directed at a range of bodies. For example, the SPCB is recommended to use the services of its audit advisory board to determine and review the salaries of office-holders; recommendation 12 suggests a close working arrangement between parliamentary committees and office-holders; and, as a matter of best practice, we recommend that there should be at least annual scrutiny.

I trust that the Parliament will welcome the committee's report, which is based on substantial amounts of evidence gathered during our deliberations and informed by previous committee inquiries. The committee's deliberations have, if nothing else, served as an audit of the operations of the various SPCB-supported bodies that the Parliament has created. It was right to do that and it is clear from the work that was undertaken that the framework that the committee report proposes will ensure a series of offices that are fit for purpose for Scotland in the coming years. I agree that matters may have to be considered further, but I also agree with Joe FitzPatrick that fresh faces will be required to do that. However, I have no hesitation in commending the committee's report "Review of SPCB Supported Bodies" to the Parliament.

Question Time

SCOTTISH EXECUTIVE

General Questions

11:40

Nuclear Material (Transportation)

1. Aileen Campbell (South of Scotland)

(SNP): To ask the Scottish Government what structures are in place to monitor the transportation of nuclear material in Scotland. (S3O-7463)

The Minister for Transport, Infrastructure and Climate Change (Stewart Stevenson): The transportation of irradiated or spent nuclear fuel is governed by internationally agreed standards that are recommended by the International Atomic Energy Agency and are in accordance with the Nuclear Industries Security Regulations 2003. Those regulations are administered and enforced by the office for civil nuclear security.

Aileen Campbell: The concerns of constituents in my region about nuclear convoys passing up and down the M74 have been reinforced by the recent screening in Lanark of the documentary "Deadly Cargo". Does the minister share my disappointment that the Calman commission saw no need to devolve further powers over nuclear materials to the Scottish Parliament? Does he agree that, far from frustrating United Kingdom Government plans for nuclear power stations and a new generation of Trident, the Scottish Government's opposition to those plans represents the views of the overwhelming majority of those who live close to the M74 and of people across Scotland who want our country to be nuclear free?

Stewart Stevenson: We clearly share the view that Scotland and, indeed, the world would be a safer place without nuclear weapons. We of course seek to manage the risks associated with those weapons while they are here. It is disappointing that the Calman commission did not include discussion about the wider issue of independence, which would give us the powers to engage with the nuclear issue directly, but the member should be assured that we will do everything within our powers and work with others to protect the safety of people as long as we, of necessity, have the convoys on our roads.

Sports Facilities

2. Margo MacDonald (Lothians) (Ind): To ask the Scottish Executive how it is monitoring local authorities through single outcome agreements to

ensure that they continue to commit to providing high-quality sports facilities, as detailed in "Reaching Higher", the national strategy for sport. (S3O-7404)

The Minister for Public Health and Sport (Shona Robison): In reaching agreement with community planning partnerships on their single outcome agreements, the Scottish Government is pleased to note that 25 local authorities have identified sport and physical activity as a priority area in the latest round. I am confident that local authorities are developing a range of initiatives to meet local needs, including the provision and development of facilities. They will be developed further as we roll out our legacy plan for the 2014 Commonwealth games with the support of the Convention of Scottish Local Authorities and the Voice of Chief Officers of Cultural and Leisure Services in Scotland.

Margo MacDonald: I thank the minister for her efforts in this field generally, but I draw her attention to what a BBC journalist recently reported about a sports facility:

"If you doubt my words take a trip to the dump that is Meadowbank velodrome. It is dilapidated, tumbledown and overgrown. ... Ramshackle stands, tired changing facilities and grass untroubled by a lawnmower".

Dare I suggest that the City of Edinburgh Council is trying hard to meet the national strategy? Can the minister comment on how the council will manage to do that, when we know that cuts to local government expenditure are coming?

Shona Robison: Sportscotland is engaged in visiting every local authority and discussing how each one can make the most of not just its current facilities but the opportunities to open them up through the community sports hubs initiative that will be a key part of the Commonwealth games legacy. Those discussions are going forward positively.

Margo MacDonald specifically mentioned Meadowbank. Clearly, the decision on its future is for the City of Edinburgh Council. Any support to be provided by the Government through sportscotland will depend on how the stadium fits into and supports the council's wider agenda for the development and provision of sport across the city. I am happy to write to Margo with any further detail, if she requires it, and to speak to her, while we continue the dialogue with the City of Edinburgh Council and the other local authorities that are striving hard to ensure that they make the most of 2014.

Sandra White (Glasgow) (SNP): Is the minister aware of the situation at Glasgow Gaelic school, where pupils have to use the assembly hall and the canteen for gym facilities, and where only limited use can be made of the blaes pitch

because of its poor condition? Although the parents body has put forward proposals that are backed by sportscotland, positive feedback from Glasgow City Council is still required. In the light of what the minister said to Margo MacDonald, will she facilitate similar dialogue with Glasgow City Council, with a view to it coming to a conclusion in the process?

Shona Robison: Sportscotland is heavily engaged with Glasgow City Council. Given that the authority will host the 2014 Commonwealth games, it has a key role to play in ensuring that it makes the most of the opportunities that the event will bring for the city. I would be happy to bring Sandra White up to date on how those discussions are proceeding, but I can assure her that our ambition is to ensure, through the community sports hubs and the other measures that we are taking, that the legacy that the games leave to Scotland comprises not just improved facilities but improved participation and greater use of those facilities.

Jamie McGrigor (Highlands and Islands) (Con): How can the Scottish Government ensure that new-build schools offer top-quality sports infrastructure that includes running tracks to encourage athletics?

Shona Robison: That is made a lot easier by the £2 billion of investment that the Cabinet Secretary for Education and Lifelong Learning has already committed. The additional £1.25 billion that she announced in yesterday's statement will help to rejuvenate not just the school estate in general but the sports facilities in schools.

Antisocial Behaviour (Holiday Flats)

3. Sarah Boyack (Edinburgh Central) (Lab): To ask the Scottish Executive how the "Promoting Positive Outcomes: Working Together to Prevent Antisocial Behaviour in Scotland" framework will contribute to resolving repeated instances of antisocial behaviour by users of holiday flats. (S3O-7423)

The Cabinet Secretary for Justice (Kenny MacAskill): Antisocial behaviour should not be tolerated wherever it occurs, and our new framework will help local agencies to work together, in partnership with local communities and others, to respond in a proportionate, appropriate and timely fashion.

I recognise the efforts that Sarah Boyack and other members have made in raising the issue of holiday flats. In light of that, we are engaging with local agencies to establish the scale of the problem and the extent to which existing measures can deal with it. Once that exercise is complete, we will be well placed to consider what further action, if any, may be appropriate.

Sarah Boyack: I welcome the fact that the minister is beginning to look at the issue. The focus is on addressing the causes of antisocial behaviour but, if antisocial behaviour by users of holiday flats is to be dealt with, effective enforcement of antisocial behaviour measures is required. Does the minister agree that it is difficult to identify who lets such flats, as section 83(6)(d) in part 8 of the Antisocial Behaviour etc (Scotland) Act 2004 exempts owners of holiday accommodation from having to register with the council? Will he use the powers under section 83(7) to amend the act to ensure that local authorities have the right range of tools to apply antisocial behaviour notices in such circumstances?

Kenny MacAskill: Those matters are under review. I am aware that there is an issue even in my constituency—I have had meetings about it in Lochend, as Sarah Boyack is aware. In addition to the Government's work, I have engaged with the City of Edinburgh Council on the issue, and it believes that the current antisocial behaviour legislation is adequate and appropriate. That said, we are reviewing other matters, such as houses in multiple occupancy. We must address the problem because it is clear that it represents a significant nuisance.

In my experience, people tend to know who the landlord is. The landlords of the properties in question are frequently absentee landlords. In Lochend, the factors knew that the landlord owned not just one but 40 premises in the locality. It is a question of ensuring the appropriate balance. We must engage with agencies and local authorities to ensure not only that we protect from harassment every weekend those citizens who rent or buy a flat but that we do not constrain people who seek to let property for tourism purposes, as that would damage our economy and many parts of rural Scotland.

We are investigating the issue. We accept that there is a problem and we will work with local authorities to ensure that they have the appropriate powers.

Malcolm Chisholm (Edinburgh North and Leith) (Lab): Can the cabinet secretary confirm that he is open-minded about modifying section 7 of the 2004 act so that antisocial behaviour notices can be enforced on landlords? In questions to and correspondence with the Scottish Government, I have so far been told that it has no intention of doing so. If there has been a shift in the Government's position, I very much welcome it.

Kenny MacAskill: From discussions at official level and with councils, it seems that section 7 is not necessarily the panacea that people seem to think that it is, because the short nature of the tenancies means that it is difficult for the

legislation to be used effectively. We are happy to discuss the matter with members. We understand that antisocial behaviour notices have been served on landlords in only a few cases, and not at all in relation to holiday lets. It is not necessarily the case that section 7 offers a quick fix.

We recognise that there is a problem. We must keep the issue in proportion and recognise that holiday lets are important in many parts of Scotland, especially rural areas. Equally, we must ensure that people who are trying to get on with living their lives, who have to get up for work the next day and who want their kids to have a sound night in bed are not disturbed by party flats.

Hospital Catering (Fruit and Vegetables)

4. Patricia Ferguson (Glasgow Maryhill (Lab)): To ask the Scottish Executive how many portions of fresh fruit and vegetables patients in hospitals operating a cook-chill system receive on a daily basis. (S3O-7430)

The Minister for Public Health and Sport (Shona Robison): The cook-chill system of food delivery is only one method of delivering hot plated meals to patients, and it has no direct bearing on the number of portions of fruit and vegetables that patients receive while they are in hospital care.

The national dietary food standard of five portions of fresh fruit and vegetables per day is only one aspect of the nutritional standards that the Scottish Government has set for patients in hospital care.

Patricia Ferguson: I agree with the minister that the system of catering in a hospital should not influence the number of portions of fresh fruit and vegetables that patients receive but, unfortunately, it seems that it does have such an influence on the ground.

Regardless of the system that is in place in any particular hospital, can the minister advise what monitoring happens at ward level to ensure that the reality for patients who are unfortunately in hospital matches the aspiration that we would all have for them?

Shona Robison: The national catering and nutrition specification advises:

"The menu must provide the opportunity for patients to choose at least five servings of fruit and vegetables across a day including as wide a variety as possible (can be included as snacks)."

The nutritional care of patients in hospital is a priority that is backed by £1.5 million of new investment, which covers the screening of patients, the introduction of the nutrition specification, to which I have just referred, and the provision of nutrition leaders in national health service boards to ensure that nutrition is a priority.

As far as monitoring is concerned, senior charge nurses play an important role in ensuring that patients are given the care and support that they require, and protected meal times ensure that patients' meals are not interrupted. I hope that the member agrees that the present position is far better than it used to be.

Cycling (2020 Target)

5. Alison McInnes (North East Scotland) (LD): To ask the Scottish Executive what investment it will make in the current financial year towards achieving the target of having 10 per cent of all journeys made by bicycle by 2020. (S3O-7409)

The Minister for Transport, Infrastructure and Climate Change (Stewart Stevenson): The 10 per cent target in the "Cycling Action Plan for Scotland" is proposed as part of the consultation process. Scottish Government investment in cycling this year will be in the region of £18 million. If they wish, local authorities can add to that total from their own budgets.

Alison McInnes: European-style targets deserve European levels of funding. According to recent research by Spokes, funding for cycling has fallen even further behind since the Scottish National Party took over. Is the minister prepared to act on the suggestion, which Spokes made in its recent letter to John Swinney, that an additional allocation of £5 million, funded from underspends, should be made to Sustrans in the current financial year? Is the minister serious about achieving the 2020 target, or is that another slice of pie in the sky from the SNP?

Stewart Stevenson: I was happy to support bike week yesterday, and I am sure that other members will wish to do likewise. The support that the Government has given to cycling, through local authority funding, which is increasing and which now represents a greater share of Government spending than previously, and through direct subventions, is contributing to a significant increase in the proportion of journeys that are made by cycle. For example, in Moray 8 per cent of children cycle to school, which is eight times the national average. We know that we can achieve significant improvements within the existing spending framework. I hope that other council areas will take note of what has been achieved in Moray and follow its lead.

Local Government Concordat (Progress Reports)

6. David McLetchie (Edinburgh Pentlands) (Con): To ask the Scottish Executive whether it will publish regular progress reports on the implementation of the specified set of commitments contained in the concordat agreed between the Scottish Government and the

Convention of Scottish Local Authorities. (S3O-7396)

The Cabinet Secretary for Finance and Sustainable Growth (John Swinney): Information from the Scottish Government and local authorities on progress on each concordat commitment is already in the public domain. We have no plans to produce further reports beyond what is already available.

David McLetchie: The cabinet secretary has confirmed that no formal, comprehensive and all-embracing reporting mechanism exists to monitor progress on the specified set of commitments, which are reviewed at private meetings between COSLA and ministers for which no minutes, agendas or background papers to inform discussions are published.

A glaring gap exists in the accountability for and public scrutiny of key commitments that cover major policy issues, such as class size reductions. If the cabinet secretary and COSLA have no intention of publishing an annual progress report, would he welcome an annual progress report from the Accounts Commission and Audit Scotland, pursuant to their annual audits of Scotland's 32 councils?

John Swinney: I fear that Mr McLetchie did not listen to my answer, in which I said that information from the Scottish Government and local authorities on progress on each concordat commitment is already in the public domain. Mr McLetchie suggests that the Accounts Commission and Audit Scotland might consider the point. As he well knows, that is a matter for them. I do not intend—and it would be inappropriate for me—to invite them to undertake such work.

I am genuinely surprised that Mr McLetchie, who is such a champion of efficient government, wants the Government to duplicate effort by publishing information—all ring-bound and possibly in a glossy document—when all the information is available, if only he could join it all together.

Andy Kerr (East Kilbride) (Lab): I fear that the cabinet secretary worries about the accountability of his Government. The Scottish National Party manifesto commitments totalled £500 million; he gave local government £87 million. That is why he does not want clarity about such matters. Is it not the case that the Parliament and the public deserve a better insight into the fudge that exists at the heart of the concordat?

John Swinney: I was surprised that Mr McLetchie did not listen, because he normally pays attention, but Mr Kerr never pays attention to what is going on. If Mr Kerr had listened carefully to me, he would understand that the information

on progress on each concordat commitment is already in the public domain.

Andy Kerr: No, it is not.

John Swinney: I encourage Mr Kerr to work just a little bit harder to get that information at his ready disposal—*[Interruption.]*

The Presiding Officer (Alex Fergusson): Order.

John Swinney: That would allow him to understand the full progress that has been made.

Of course, if Mr McLetchie had continued his question, he would generously have acknowledged that the Government has delivered a substantial number of commitments in the concordat even after just two years in office, such as the reduction in small business rates, which Mr Kerr voted against when it was in our first budget, and the council tax freeze, which Mr Kerr also voted against when it was in our first budget—actually, he did not manage to vote against it—

The First Minister (Alex Salmond): He abstained.

John Swinney: Mr Kerr abstained—I thank the First Minister for correcting me.

Let us remember that, even just two years into the Government's term, significant parts of the concordat have been delivered.

Aberdeen Western Peripheral Route

7. Mike Rumbles (West Aberdeenshire and Kincardine) (LD): To ask the Scottish Executive whether it will announce the findings of the public local inquiry into the Aberdeen western peripheral route before the summer recess. (S3O-7413)

The Minister for Transport, Infrastructure and Climate Change (Stewart Stevenson): When the report is available from the reporters in the summer, it may contain findings and recommendations. We remain confident that the first traffic will travel on the Aberdeen western peripheral route in 2012, as previously announced.

Mike Rumbles: The Scottish Government has said that it will bring the Aberdeen western peripheral route back to Parliament for a final decision. We now know that that cannot happen until September at the earliest. The minister said that travel on the route would begin by 2012. Does he still believe that that will happen? More important, how will he fund the route?

Stewart Stevenson: The relevant Scottish statutory instrument will come in the earliest possible order and will of course be dealt with under the proper parliamentary processes.

As I have told the member before, we will fund the route with money.

The Presiding Officer: That concludes general questions. Before we come to our next item of business, I am sure that members will wish to join me in welcoming to the gallery the ambassador to the United Kingdom from the Netherlands, His Excellency Mr Pim Waldeck. Your Excellency, you are most welcome. *[Applause.]*

First Minister's Question Time

SCOTTISH EXECUTIVE

Engagements

1. Iain Gray (East Lothian) (Lab): To ask the First Minister what engagements he has planned for the rest of the day. (S3F-1784)

The First Minister (Alex Salmond): For the rest of the day I have a range of engagements to carry forward the Government's programme for Scotland.

Iain Gray: I would like to start by thanking the Calman commission on behalf of this Parliament for its report "Serving Scotland Better", which was published this week. I look forward to debating the Calman report next week.

Today, I want to ask the First Minister about the problems that he seems to have in exercising the powers that this Parliament already has. We have the power to make our bill on climate change the most ambitious in the world. Indeed, the First Minister promised that we would. Has the First Minister not told us that Scotland won the lottery of life in renewables potential and that we are the Saudi Arabia of the seas?

The United Kingdom target is to reduce carbon emissions by 34 per cent by 2020. At the moment, the Scottish target is the same. Does the First Minister agree that devolution and our green potential mean that we can be more ambitious than that?

The First Minister: Let me start, as ever, in a generous mode. I welcome the sensible Calman commission proposals for devolution of control of our own elections in Scotland and devolution of important road safety issues—the alcohol limit and the speed limit. Those are important matters and I see no reason for any further delay in getting them implemented—since we all now agree on them.

We should recall that, but for the Scottish National Party victory, there would have been no change at all. How do we know that? Because, in a speech he made in East Lothian before the 2007 election, my predecessor sent his troops into battle on a no-change platform. Only two weeks ago, we saw what the people of East Lothian thought of no-change positions from the Labour Party.

With the Climate Change (Scotland) Bill, we have the most ambitious legislation in the world. It is true that our interim 2020 target is 34 per cent, as it is in Westminster, but did Iain Gray not notice the implementation plan that was outlined in such spectacular detail yesterday? It pointed out that even within the powers of this Parliament at the

present moment we can implement up to 36 per cent. Of course, if we had more powers—the powers of an independent Parliament—we could do even more.

Iain Gray: If it is true that, as it stands, this Parliament's Climate Change (Scotland) Bill is the most ambitious in the world, why did Duncan McLaren of Friends of the Earth Scotland say this morning:

"As drafted Scotland's Bill would not lead to tougher targets than the UK's and is therefore not world-leading."

He went on to say that

"in terms of the key issue of the interim target for 2020, it is the target set under the UK Act that is currently world-leading."

That was this morning, after the publication of the delivery plan. Will the First Minister just admit that his climate change bill is following, not leading, the United Kingdom? Then perhaps we can do something about it.

The First Minister: Iain Gray should acknowledge that we have led the UK and have led internationally in introducing the Climate Change (Scotland) Bill.

Iain Gray is less than generous with the quotations that have been made following the publication of the delivery plan. In a news release yesterday, Dr Richard Dixon of Stop Climate Chaos said:

"New commitments on decarbonising the energy and transport sectors are particularly welcome. The SNP have gone further than the Westminster government by making these ... promises."

Iain Gray will have to explain not only why we have dragged Westminster in our wake in this crucial issue, but why he, Calman and the Conservatives—I am not so sure about the Liberals—do not want to transfer the powers to this Parliament that would enable us to be even more ambitious in what we do to tackle climate change.

Iain Gray: I want to be more ambitious in what we do to tackle climate change but we can do that with the powers that the Parliament already has. This morning, Richard Dixon said:

"There is no reason that Scotland should do 34% just because the UK is doing 34%. Devolution is about Scotland being able to play to its strengths and set its own targets."

Not only the environmental lobby thinks that; Ian Marchant, the chair of Scottish and Southern Energy—Scotland's biggest company—today calls for

"at least 40 per cent"

and says:

"every single additional percentage point will see more jobs for Scotland."

The truth is that the Parliament has the power to do better right now. The question is, does the First Minister have the will to do that or is he just all wind?

The First Minister: The Parliament has the power to set a target but unless we get control over the powers that will enable us to get to the more ambitious target, we will not be able to achieve it. That is why the delivery plan set it out in such detail this morning.

I shall give Iain Gray an example, because I know that he wants to understand what type of power we need. Two years ago, Ian Marchant's company, Scottish and Southern Energy, in conjunction with BP, had a plan to build the first commercially sized carbon capture station in the world at Peterhead. The Scottish Government sanctioned that, but the support mechanism lay with Westminster and Alistair Darling vetoed it.

If the power had been with us, we would now have the world's first carbon capture station moving into production. Instead, under the timid approach of Iain Gray, that wonderful project has gone to Abu Dhabi—an independent country with the power to manage its own resources.

Iain Gray: That is all just bluster and excuse.

The First Minister has repeatedly promised us the most ambitious climate change bill in the world, delivered through the Parliament's powers—rightly so, because climate change is the single biggest threat to our future. Churches, students, trade unionists, business leaders, bird watchers, cyclists, gardeners, the Women's Institute and the people at home all look to us to be ambitious on climate change. Many of our schools fly the green environmental flag and our children need us to be ambitious on climate change.

This afternoon, the Labour Party will lodge an amendment to the Climate Change (Scotland) Bill that will increase Scotland's target for carbon reduction to 40 per cent by 2020 and direct ministers to seek the advice of the UK's top climate change experts to come up with an action plan for Scotland. Surely we can do better with the advantages that we have in Scotland. Between us, the First Minister and I have the votes to do that deal here and now. Is he ambitious enough for Scotland to do it now?

The First Minister: Iain Gray talks about ambition; we already have the advice of the world's top climate change experts.

Professor Jan Bebbington, the vice chair of the Sustainable Development Commission Scotland, said this morning:

“The Delivery Plan”—

that is the SNP Government’s delivery plan—

“shows that it is possible to fulfil very ambitious climate change targets but not without business and civil society backing the Government’s efforts.”

One other thing is required: the powers—which I have outlined in enormous detail so that Iain Gray understands them—to enable us to move to the 40 per cent target.

This Government and this Parliament led the way on the 80 per cent target while Westminster was stuck at 60 per cent. We are the first country in the world to measure and promise to report on emissions from goods and services consumed in its borders. Given the line of Iain Gray’s questioning, I take it that we will revisit the Calman commission so that the Labour Party and Conservative party will accept—as I think the Liberal Democrats do—the increase in powers that is required to enable Scotland not only to set the target of 40 per cent but to deliver it within the powers of an independent and autonomous Parliament.

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-1785)

The First Minister (Alex Salmond): I can give a very specific answer to that: I shall meet the secretary of state next Tuesday.

Annabel Goldie: Today, this Parliament unites to close the ludicrous loophole, which has arisen out of the European convention on human rights, that allows Scottish prisoners an open-ended period of time within which to make stopping-out claims. That loophole has been costly for Scotland and an affront to many victims and their families.

However, the storm clouds are gathering again. Senior lawyers have warned of dire consequences for Scotland’s criminal justice system following a ruling by Europe’s highest court that any evidence or confession given to police in the absence of a lawyer is not admissible in court. What steps has the First Minister taken to assess the potential impact of that ruling on Scotland?

The First Minister: I know that, last night, the Cabinet Secretary for Justice spoke to the Lord Advocate. We are constantly vigilant to ensure that the Scottish criminal justice system maintains its integrity and that its ability to work for the people of Scotland is fulfilled.

Just as we have been successful in many areas of justice, we have successfully found ways of pursuing what the people of Scotland would see as fair and equitable in the administration of justice. Indeed, after considerable delays by

Westminster, the Convention Rights Proceedings (Amendment) (Scotland) Bill that Annabel Goldie has cited will be successful—and I am grateful for the cross-party support for the bill, which will be agreed to this afternoon. I just wish that we had been able to introduce it earlier—but, of course, that would have required everyone in elected office to understand the importance of such matters.

Annabel Goldie: It is precisely because of the challenges in the past in addressing stopping out, to which the First Minister has just referred and in respect of which the previous Executive was undoubtedly caught exposed and unprepared, that I think it important for the First Minister to give some indication of the Government’s contingency plans if the European ruling is ultimately incorporated into Scots law. What is he doing to protect the public purse and, more important, the safety of our communities and the peace of mind of victims and their families?

The First Minister: As Annabel Goldie well knows, the bill that we are uniting to pass today will have a substantial effect in protecting the public purse in Scotland. In fact, in addition to ensuring what most people will see as an equitable distribution of human rights and justice for the entire community, that is one of the reasons for introducing it. Indeed, it is one of its main aims. As with judicial systems across western Europe, the Scottish judicial system faces constant challenges from not just one thing but a range of matters, and our law officers and our Cabinet Secretary for Justice are always alert and vigilant in ensuring that the system has the ability and freedom to pursue the judicial process in a way that most if not all of us would find compatible not just with human rights but with the equitable performance of a judicial system.

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-1786)

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

Tavish Scott: In eight weeks’ time, 180 children will start their first day at secondary school at Inverurie academy. Will any of those children have a new school built for them in Inverurie before they sit their standard grades?

The First Minister: I cannot predict which schools will be part of the ambitious schools programme that was announced yesterday by the Cabinet Secretary for Education and Lifelong Learning and it would be improper of me to do so, but I know that around the country a variety of

local authorities have identified many schools as suitable candidates for inclusion in such a programme.

Of course, this new £1.2 billion programme comes as a substantial bonus. After all, as the cabinet secretary reminded the chamber yesterday, it is in addition to the 250 schools that will be built or substantially refurbished in this Administration's term of office. I wish that that figure were more but—and I see that Margaret Smith has got to where I am going before I even get there myself—I point out that 250 is rather more than the mere 200 built under the previous Administration that, unfortunately, Tavish Scott supported.

Tavish Scott: Is that it? The First Minister ignored the point; 180 children and their parents will be very surprised that he does not know, will not say or—as usual—thinks that it is someone else's job. Aberdeenshire Council has had plans ready for two years, while it has waited for schools funding from the Government, but the Government has wasted two years failing to get the Scottish Futures Trust to work—two years of blind alleys, garden paths and dead ends. Two years of delay should have given ministers time to answer the basic question about which schools will be built. Some children will wait a decade for a new Scottish National Party school. Will that include Inverurie?

The First Minister: As I said, 250 schools will be substantially refurbished or built under this Administration. In addition, there is the new schools programme.

I know that Tavish Scott is interested in the ministerial code. He is less interested in apologising after, having referred the First Minister under the ministerial code, his case was found to be wanting. However, even Tavish Scott should acknowledge that if I stood up and committed to a school in my constituency instead of going through the established process, he would be the very first to refer me under the ministerial code. I am astonished, because Tavish Scott has been a minister and presumably faced the same issues of constituency interest and ministerial responsibilities when he was in office.

As to whether Tavish Scott's argument about a delay introducing the schools programme has any substance, I was struck by the question and decided to examine the history of the Parliament. I know that members love it when I look back at the records of the Parliament. I decided to look at when the first schools programme was introduced by Labour and the Liberal Democrats, in the first session. It was 25 June 2002—three years into their first term of office. Not only have we beaten them with 250 schools as against 200, we have

beaten them by a year in introducing a new schools programme.

Alasdair Allan (Western Isles) (SNP): The First Minister will be aware of the devastating effect on my constituents of yesterday's announcement that the 120 people who work for QinetiQ, the Ministry of Defence's contractor in Uist, will lose their jobs. What representations will the Scottish Government make to the United Kingdom Government about that body blow by UK ministers to an already fragile island economy?

George Foulkes (Lothians) (Lab): Total hypocrisy. There would be no MOD jobs in an independent Scotland.

The Presiding Officer (Alex Fergusson): Order.

Alasdair Allan: What action will be taken in Scotland to address the needs of the people who are most directly affected by the announcement?

The First Minister: First, I say to some Labour members that one thing that I have never done in politics is criticise when a member talks about jobs in their constituency. I will never do that to a Labour member. I will never do it to a member of any other party. In a Parliament, when a constituency member asks about jobs in their constituency, it is a matter of civility that they should be heard with some respect.

There was a substantial lack of consultation from the Ministry of Defence in relation to yesterday's announcement. I shall ensure that representations are made to the Westminster Government to enable it to understand fully the impact on fragile communities of announcements of major job losses. We have worked extremely hard to support the creation of jobs in the Western Isles, with some success. In the past few weeks, 40 jobs have been created at BiFab, at the Arnish yard.

Meanwhile, the UK Government appears to be abandoning the islands and their communities. Yesterday, the MP for the Western Isles requested an emergency debate in the UK Parliament. I can announce today that Jim Mather, the Minister for Enterprise, Energy, and Tourism, has already agreed to set up a task force, alongside Highlands and Islands Enterprise and the local council. The Scottish Government and those partners, in a united front, will do everything possible to protect the economy and the fragile communities of the Western Isles.

Influenza A(H1N1)

4. Bill Wilson (West of Scotland) (SNP): I am sure that the First Minister and members will join me in extending deep sympathy to the family and

friends of Jacqueline Fleming, who recently died of swine flu in Paisley's—

The Presiding Officer: Mr Wilson, I do not disagree with you, but you must ask the question as lodged on the paper.

Bill Wilson: To ask the First Minister what steps are being taken to limit the spread of the influenza A(H1N1) virus. (S3F-1801)

The First Minister (Alex Salmond): I know that the whole chamber will want to take the opportunity to express sympathy to the family of Jacqueline Fleming in their tragic loss, both of Jacqueline and of course of her baby.

Scotland is among the best prepared countries in the world to respond to a flu pandemic. We experienced the first cases of H1N1 in the United Kingdom some eight weeks ago. Throughout the current outbreak, national health boards, Health Protection Scotland and their partner agencies have ensured that all necessary arrangements are in place to attempt to limit the spread of the virus. The risk to the general public remains low and the vast majority of those who get the virus display relatively mild symptoms. However, as the tragic death of Jacqueline Fleming at the weekend has shown, for a variety of reasons—usually underlying health reasons—some people are particularly susceptible to this dangerous virus.

Bill Wilson: Is the First Minister aware of the concern that has been expressed that the narrow criteria that are used for testing H1N1 in many European countries will result in a significant number of cases going undetected, leading to community spread being underestimated? Does the First Minister agree that the Scottish approach to testing should take account of that concern?

The First Minister: I suspect—indeed, I know—that the Scottish approach to testing is the most thorough in the world. We have not only been very active in containing the present outbreak; we have achieved that through the substantial testing of thousands of possible cases. We are testing more people with well-developed algorithms that mean that the data that have been derived for surveillance purposes have been better and the process has been more efficient than has been the case in most other countries. I understand that other countries in Europe are not taking the same active approach to containment and are not testing so actively for H1N1. Nevertheless, I think that we are taking the right approach. It is vital that we know the full extent of the spread of the virus; hence our commitment to continued testing at this stage. It is clear that, with our wide-ranging system of testing, Scotland is at the forefront of efforts to stem the flow of the disease.

Dr Richard Simpson (Mid Scotland and Fife) (Lab): I agree with the First Minister that continued

testing will tell us more about the epidemiology of this novel virus, but as we will experience a course of events similar to those of previous pandemics—a modest first wave and a much more widespread second wave in the autumn—what steps are being taken now to assist small and medium-sized businesses, especially non-statutory organisations that provide care in the community, to prepare for that second wave so that continuity of care will be ensured for our most vulnerable citizens if we experience a severe second wave?

The First Minister: Social partners across Scotland—not just in the business community, but other key social partners—are fully involved in the resilience planning process. I am grateful for Richard Simpson's strong support—which is echoed across the chamber—on the issue. I hope that he will acknowledge the fact that the Deputy First Minister has been keeping people fully informed on a political level since the start of the outbreak. That has also happened with social partners—not just the business community, but local government and a range of other social partners—in terms of our contingency planning.

Richard Simpson will know that we are pursuing a strategy of containment. We will contain the virus as long as we possibly can. He will also know that, in conjunction with the other UK health authorities, we have ordered supplies of the vaccine, which will be ready towards the end of the year.

Bob Doris (Glasgow) (SNP): I know that Jacqueline Fleming had serious underlying health problems, but pregnant NHS staff may feel that they are at higher risk than other front-line workers. I therefore ask the First Minister to consider authorising risk assessments on front-line NHS staff who are pregnant, to ensure that they are as safe as they can be at their work. In doing so, will he bear in mind the fact that, as we are unsure of the side effects of Tamiflu on mothers and unborn children, there may be an increased risk of complications in pregnancy, of premature birth or of miscarriage?

The First Minister: I assure Bob Doris that guidance on infection control for pregnant women who work in the NHS already exists and will be followed in the treatment of persons who are suspected of having the virus. If such women suspect that they may have the virus themselves, they follow the advice that is given to all pregnant women to seek a medical opinion and appropriate treatment. It should be understood that, although pregnancy can make people more susceptible to viruses under certain conditions, in the tragic case of Jacqueline Fleming, which has been well documented, there were underlying medical problems as well. I note that Bob Doris framed his question in such a way as not to give the

impression that her pregnancy was the only underlying health condition involved in that tragic case.

Commission on Scottish Devolution

5. Pauline McNeill (Glasgow Kelvin) (Lab): To ask the First Minister whether the Scottish Government welcomes the conclusion in the final report of the Calman commission on Scottish devolution that devolution has been a real success and is popular with the people of Scotland. (S3F-1796)

The First Minister (Alex Salmond): Yes, I think that this Parliament is popular with the people of Scotland. Not only that, we know that the Parliament is more popular now than it was under the previous Administration. We know that because of the excellent Scottish social attitudes survey, which has shown shoring respect—

Tavish Scott (Shetland) (LD): Shoring?

The First Minister: Shoring and soaring—I may be meeting Sean Connery later on today. *[Laughter.]*

For example, the survey found that the proportion who trust the Scottish Government to act in Scotland's interests "just about always" or "most of the time" increased from the—in my opinion—relatively high level of 51 per cent in 2006 to a more fulsome 71 per cent during the term of office of the current Administration. That suggests to me that the people of Scotland, as they indicated in last week's election results, trust this Government—in stark contrast to Labour, the Conservatives and, unfortunately, the Liberals, who seem unable to trust the people of Scotland with determining their own future—to stand up for Scotland.

Pauline McNeill: Surely the First Minister should act, and be seen to act, for the whole of Scotland, not just the nationalist cause, when it comes to Scotland's future. Perhaps he could start by welcoming the Calman proposals on strengthening financial accountability by the setting of a new Scottish income tax rate. How will he demonstrate that his Government is able to work in the wider interests of Scotland, which favours devolution? Does he fear that an SNP Government will no longer be able to blame Westminster for the levels of public spending?

The First Minister: I cannot believe that Pauline McNeill listened to my first answer to Iain Gray, when I was so anxious to say that those powers that Calman proposed that were until recently opposed by Labour—the devolution of our own elections, of drink-driving limits and of the right to legislate on firearms so that we can restrict and ban airguns in Scotland—are welcome and, now

that we have consensus, should be implemented now.

On the guts of the proposal, is Pauline McNeill really telling us that the ability to vary a tax set by the Treasury is the same as control over taxation across the resources and revenue of Scotland? Does she really mistake that incredibly modest taxation proposal for the full panoply of powers that an independent—or, indeed, financially autonomous—Government and Parliament would have? If she thinks that the proposal is a reason for debate, why on earth will she not trust the people of Scotland with determining that in a full-scale referendum?

As to whether we are the Scottish National Party or the national party of Scotland, is it not the case that our European elections victory the length and breadth of the country at least puts forward a partial claim to our being truly a national party?

Prison Sentences

6. Bill Aitken (Glasgow) (Con): To ask the First Minister how many sentences of six months or less were imposed by the courts in the 12 months to 1 May 2009 and what the average time served was. (S3F-1797)

The First Minister (Alex Salmond): Twelve thousand six hundred and forty-six sentences of six months or less were handed down during 2007-08. The average time served by prisoners who were liberated during that period was 40 days.

Three out of four of those who are sentenced to six months or less in prison will—on current and recent statistics—offend again within two years, compared with just 42 per cent of those on community service. That is why we have introduced legislative proposals for a presumption against prison sentences of six months or less.

Bill Aitken: The First Minister did not reply to the question, which related to a later period, but let us leave that aside.

The First Minister seeks to justify the ludicrous proposal to restrict the courts' powers to impose short prison sentences by saying that the short periods served allow no time to have an impact on a prisoner's pattern of offending. Does he not realise that many offenders spend such a low proportion of their sentence in custody because of his Government's early release policies, which mean that, in the past 12 months, many offenders who were sentenced to six months served only six weeks, or a quarter of their sentence, in custody? Surely that is an affront to justice.

The First Minister: I gave Bill Aitken the most recent statistics that are available. I was trying to be as helpful as possible. However, I cannot let

him get away with talking about early release given that it is well known and documented that the Conservative party formed the Government that introduced automatic early release in Scotland and the current Administration is introducing legislation to end it.

I know that, particularly in these days when Michael Forsyth has re-entered the political debate in Scotland, Bill Aitken does not want to look back to the dark days when Mr Forsyth was the Secretary of State for Scotland and prison absconds from the open estate were running at eight times their level last year under the Cabinet Secretary for Justice, but I had a wee look at something that I know both Bill Aitken and I feel is important—I looked at the average time for which people went to prison for knife crime in Scotland in the last year of the Conservative Government. Under the tutelage of Michael Forsyth as secretary of state, it was 115 days. Ten years later, it had increased to 217 days.

I am sure that most people in the chamber regard knife crime as a serious offence that requires a serious sentence. Has it occurred to Bill Aitken that a sentence of 115 days for knife crime under the Tories is less than six months and that 217 days is more than six months? People who commit serious crimes should be sentenced to serious periods of time and not as they were under the soft touch of Michael Forsyth.

12:31

Meeting suspended until 14:15.

14:15

On resuming—

Question Time

SCOTTISH EXECUTIVE

Education and Lifelong Learning

Schools (Glasgow East End)

1. Margaret Curran (Glasgow Baillieston) (Lab): To ask the Scottish Executive whether it plans to commission any school building in the east end of Glasgow. (S3O-7428)

The Cabinet Secretary for Education and Lifelong Learning (Fiona Hyslop): The Government is supporting local authorities in their responsibility to replace school buildings. Yesterday, I announced a new national programme of additional Government support for the building of new schools across Scotland. In addition to the £2 billion that is already being provided for school buildings, we will provide up to two thirds funding support for a £1.25 billion school building programme. Our £800 million is in addition to the record funding that is already set out in the local government settlement. The 55 schools that will be built will be in addition to the 250 schools that we and our local government partners are already committed to delivering by 2011. The 35,000 pupils who will benefit will be in addition to the 100,000 who will benefit from those 250 schools.

I expect that all local authorities will share in the benefits of the new funding. We will work with the Convention of Scottish Local Authorities and the Scottish Futures Trust to identify which will benefit first. Decisions on investment priorities and commissioning of Glasgow schools—from the £2 billion of capital funds that are already being provided to authorities, from Glasgow's continued share of capital funding that is provided through local government allocations or from the newly announced funding—will remain matters for Glasgow City Council.

Margaret Curran: In the preparation for, and work around, the cabinet secretary's statement, were the needs of schools in Glasgow, especially in the east end, discussed? What proportion of the new funding will go to Glasgow? Did the cabinet secretary's department undertake modelling to indicate the likely geographical distribution of the new schools to which she is committed? Finally, can she provide the indicative timescale for the primary school building programme, from proposal to delivery?

Fiona Hyslop: It will be possible to start building the first primary school in 2010. Glasgow can already proceed with building new schools. I understand that the capital support that it will receive from the Government in the period 2008 to 2010 is £400 million. Although £228 million is ring fenced, mostly for housing, and a further £18 million is allocated to flood prevention schemes, £158 million is available in those two years to Glasgow City Council for investment in infrastructure, according to its priorities. It is up to the council to invest that money in schools in the east end, if it so chooses. If Margaret Curran has concerns about the ability of Glasgow City Council to make such decisions, I will be more than happy to make representations to it on her behalf.

Anne McLaughlin (Glasgow) (SNP): The cabinet secretary and Margaret Curran will be aware that, although the Scottish National Party Government is providing all the additional money for new school buildings that has been mentioned, the Labour council in Glasgow has embarked on a savage school and nursery closure programme. Is the cabinet secretary aware that for children from Barmulloch primary in the north-east to get to St Gilbert's primary, which will house their new school, they will daily pass the Red Road flats, the site of Europe's largest asbestos removal programme? Does she share my concerns about that?

Fiona Hyslop: I have had the opportunity to meet a number of parents from the Glasgow schools to which Anne McLaughlin refers, and they expressed to me their concerns about the issue that she has highlighted. The First Minister agreed previously in the chamber to meet parents from the schools that it is proposed will be closed. There are concerns about the issues that the member raises, but we must respect the ability of councils to take decisions, whether we like them or not. Glasgow City Council has made its decisions and must take responsibility for them. I sincerely hope that it will support parents on health and safety and transport issues. The member is right to raise such concerns but, as she knows, they are a responsibility of Glasgow City Council.

Ken Macintosh (Eastwood) (Lab): Will any of the £800 million that was announced yesterday for the Scottish Futures Trust school building programme be available to spend on commissions in Glasgow during the financial years 2009-10 and 2010-11?

Fiona Hyslop: Ken Macintosh may be aware that we have already ensured an acceleration of capital from 2010-11, which has been done to help during the present economic situation. Money has been brought forward to 2009-10 and is benefiting a number of schools. Indeed, the Isobel Mair school in East Renfrewshire has benefited.

The acceleration of capital will give Glasgow City Council the opportunity to bring forward any plans that it may have. Obviously, if the council wants to take part in the scheme that we announced yesterday, it can propose plans. Other local authorities are already making representations and have already spoken to the Scottish Futures Trust, and the door is open for Glasgow City Council to make representations.

Ken Macintosh: On a point of order. Perhaps the cabinet secretary did not hear the question, which was about £800 million of Scottish Futures Trust funding. Would it be in order for the Presiding Officer to advise the member on what the question was about?

The Presiding Officer (Alex Fergusson): I have to assume that the cabinet secretary knows what the question was about. The content of her reply is not for me to determine.

Apprenticeships

2. John Park (Mid Scotland and Fife) (Lab): To ask the Scottish Executive when the measures agreed at the apprenticeship summit held on 28 April 2009 will be implemented. (S3O-7453)

The Cabinet Secretary for Education and Lifelong Learning (Fiona Hyslop): We published the report from the apprenticeship summit on 5 June, and I have already implemented some of the recommendations contained in the report.

On 10 June, I announced ScotAction, which is an integrated skills package combining new and improved measures that offer skills assistance—including wage subsidies in some cases—to help individuals and businesses through this recession. The first phase of ScotAction was the adopt an apprentice scheme that I announced last week. That scheme gives employers up to £2,000 to take on a redundant apprentice and let them continue their training.

Earlier this week, I announced that we would double the number of hospitality apprenticeships by funding 300 adult apprenticeships in that sector. That is in addition to funding 200 all-age apprenticeships in professional cookery that were announced in April.

Only this morning, I announced 1,250 apprenticeships for health and social care and will make further announcements in the next few days.

John Park: I thank the cabinet secretary for that answer, and I congratulate her on starting to spend wisely the money that Labour managed to secure for her budget during the recent negotiations.

I want to ask about adult apprenticeships. We have seen a decrease in management apprenticeships for people over the age of 20. A

key objective of the Scottish Government is to ensure that skills utilisation is to the forefront of any future decisions, and managerial skills are key to utilising skills in the workplace. Following representations that were made during the apprenticeship summit, is the cabinet secretary considering reinstating managerial modern apprenticeships? I am sure that such representations were made to her after the summit, as well.

Fiona Hyslop: I thank John Park for his question—it is just a pity that Labour did not manage to support the budget the first time around, when funding was available for apprenticeships. However, we got there in the end, and I am very keen about the support that we have received from Labour for the programme. In a number of areas, very constructive recommendations and advice have come from Labour, and from John Park in particular.

John Park raises an important point about management and leadership, and we will certainly consider the situation with regard to modern apprenticeships. An issue that came out of the apprenticeship summit—it has increasingly been a theme with sector skills councils and others—was the importance of embedding skills utilisation and capacity in management and leadership, not just in a stand-alone qualification, but across all the different sectors. To get ourselves through the recession and into recovery, we will have to mobilise the skills and abilities of everybody in every sector. We will therefore be considering a review of the content of all qualifications, to ensure that the capacity for management and leadership, and for skills utilisation, is embedded in all of them.

Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD): If I understand correctly, there will be a £2,000 wage subsidy for apprentices to help them to secure employment so that they can continue their apprenticeships. However, the Government has not put in place a similar subsidy for people who are currently in employment. Three weeks ago, I and representatives of the textiles sector in Scotland met the Minister for Enterprise, Energy and Tourism with regard to an appeal for exactly such a subsidy. The sector has not received a reply from the minister, so I wonder whether the cabinet secretary and the minister will work fast to ensure that such support is available. The textiles sector desperately needs it now.

Fiona Hyslop: I will certainly ask the minister to reply as promptly as he can to the correspondence.

A key focus of our attention—and of representations that we have received—is the need for us to ensure that any support and subsidy is directed towards maintaining skills in

the economy. At this time, that is especially important in construction. The ability to take on an apprentice and attract the £2,000 subsidy can make a key difference. Indeed, the employer that I met who had signed up the first redundant apprentice under the scheme last week was grateful for it. MSPs across the parties have a responsibility to publicise the availability of the support to their constituents and local businesses in order to help to ensure that redundant apprentices, particularly young people and those who have been made redundant in their third and fourth years, can complete their apprenticeships. The £2,000 one-off payment can help them to do that.

Physical Education

3. Dr Richard Simpson (Mid Scotland and Fife) (Lab): To ask the Scottish Executive whether it is confident that it will, in this parliamentary session, fulfil the pledge in the SNP manifesto to ensure that every pupil has two hours of quality physical education each week delivered by specialist PE teachers. (S3O-7456)

The Minister for Schools and Skills (Keith Brown): I am confident that local authorities will be able to demonstrate significant progress in securing two hours of quality physical education for every pupil by the end of this parliamentary session. We have been assured by every local authority's commitment to deliver the curriculum for excellence through the 2009 single outcome agreement process. Our expectation that schools will continue to work towards providing two hours of physical education is embedded in the curriculum for excellence, which is in turn embedded in the national performance framework.

Dr Simpson: I think that that is a rather longwinded “No.” We are promised progress, not that the manifesto commitment will be fulfilled.

Paragraph 71 of the Health and Sport Committee's report on pathways into sport showed that only one council—East Renfrewshire Council—had so far achieved the target of two hours or three 40-minute periods for all pupils, and the Government restated to the committee its aim of achieving the target by August 2010. Will the minister comment on the 1 June report from West Lothian Council's review group on physical education? It states:

“The West Lothian recommendation is that a baseline target of 100 minutes or two 50-minute classes for every pupil every week should be made.”

Taking into account changing time and travel time, that means that West Lothian Council will not achieve the target and clearly has no intention of achieving it, so how will the minister be able to fulfil his manifesto promise or even make reasonable progress towards it?

Keith Brown: I will not comment on the West Lothian Council report—which I have not seen—and especially not on Richard Simpson's interpretation of it, given that his interpretation of what I said to the committee is so far wide of the mark. The committee asked when we expected to fulfil the pledge, and it was 2011 that was mentioned, not 2010.

We intend to achieve that goal by meeting councils. I met one today that has already achieved more than two hours of PE every week for every pupil in its schools. Many other councils are already achieving that. I appreciate that there was not much progress from when the target was first set in 2004, but progress is happening now. In addition, the Cabinet Secretary for Education and Lifelong Learning has asked Her Majesty's Inspectorate of Education to report more transparently on councils' progress in achieving the target. It will not be left until the last minute—perhaps Richard Simpson should have more faith in some of Scotland's councils to deliver it.

Elizabeth Smith (Mid Scotland and Fife) (Con): Will the Scottish Executive acknowledge that one of the main difficulties that it faces in implementing the policy is the lack of precise definitions of PE, outdoor learning and outdoor education? Will it agree to tighten up those definitions so that we can make progress on the strategy?

Keith Brown: I am willing to look into that further, but it has been said before that physical education, as distinct from physical activity, is a part of the structured curriculum and that teachers should have specialist training to deliver the subject. There is a commonly understood distinction between physical activity and physical education, but there is still some ambiguity about it, which came out to some extent during discussions with the Health and Sport Committee. I will consider how we can clarify it further.

Students (Drop-out Rates)

4. Pauline McNeill (Glasgow Kelvin) (Lab): To ask the Scottish Executive what the most recent statistics are on drop-out rates among full-time first-degree students and whether it has any concerns regarding these statistics. (S3O-7448)

The Cabinet Secretary for Education and Lifelong Learning (Fiona Hyslop): The most recent statistics on drop-out rates among full-time first-degree students were released by the Higher Education Statistics Agency on 4 June 2009. Although there is still more to be done, we welcome the fact that the figures show an improvement in completion rates over the past five years, with the rate of students not continuing their studies reducing from 10.7 per cent to 9 per cent.

Pauline McNeill: Although I welcome any reduction in drop-out rates in Scotland, rates here are still the worst in the United Kingdom. Given that, does the cabinet secretary agree that there is an urgent need to address the issue, and that one way of doing so is to use existing resources to provide a £7,000 minimum income guarantee for the poorest students? In Glasgow Caledonian University in my constituency, which is a key institution in attracting students from poorer backgrounds, the drop-out rate is 13 per cent. Will the cabinet secretary tell Parliament how the Government will tackle drop-out rates?

Fiona Hyslop: I understand that a number of institutions, including the Glasgow School of Art, Edinburgh College of Art and the University of Abertay Dundee have, in benchmarking, better rates than others, so obviously lessons can be learned. It is important to reflect that some of the figures are affected by the fact that, although colleges deliver a large part of higher education provision in Scotland, their provision of first-degree-level studies is comparatively low. However, I acknowledge that there is a big issue and that the approach must be not only about recruitment, but about retention and support for students once they are in—particularly in their first year. That is one reason why I have written to the spokespeople of other parties on their proposals for a £7,000 support package for students, which Pauline McNeill mentioned. There are issues about the calculations, so I have asked for clarification of how the figures were calculated, with a view to a meeting later in the summer to discuss whether we can make progress on anything in the proposals.

The Presiding Officer: Question 5 has been withdrawn.

Primary Schools (Shared Headships)

6. John Lamont (Roxburgh and Berwickshire) (Con): To ask the Scottish Executive whether it has evidence that shared headships for rural primary schools impact positively on the education of children. (S3O-7387)

The Minister for Schools and Skills (Keith Brown): There is no evidence to suggest that shared headships impact negatively on the education of children. Some local authorities view the sharing of a headteacher by two schools as preferable to having a teaching headteacher. Shared headship can be a means of protecting the viability of the smallest rural schools.

John Lamont: The minister will be aware of the proposals in the Scottish Borders to link several primary schools under shared headships. That has caused considerable concern in Newcastleton, where the local primary school is to be paired with Stirches primary school in Hawick, which is more

than 20 miles away. Does the Scottish Government acknowledge that it is, wherever possible, preferable to have a dedicated headteacher based on site in rural schools such as Newcastleton primary school and that local authorities that have large rural areas, such as Scottish Borders Council, often require additional resources to support such schools?

Keith Brown: I am aware of the situation that John Lamont mentions, and I have been in correspondence with him on it. All I can say is that it is up to each individual authority to decide how best to proceed. There are sometimes advantages from shared headships, not least of which is that a head who is not teaching has more time for management. It can also result in a better calibre of applicant for the post. Her Majesty's Inspectorate of Education, which has looked into the issue, says that whether a shared headteacher post works really comes down to the quality of the headteacher. The decision is for councils to take—the Scottish Government does not impose a decision or direct councils on this. Councils sometimes decide to have shared headships in the best interests of the teaching in a particular school and to keep rural schools available and open.

Schools (Local Food Procurement)

7. Nanette Milne (North East Scotland) (Con): To ask the Scottish Executive what progress it is making in encouraging schools to procure food from local sources. (S3O-7394)

The Minister for Children and Early Years (Adam Ingram): Under the Schools (Health Promotion and Nutrition) (Scotland) Act 2007, local authorities have a duty to have regard to Scottish Government guidance on sustainable development when procuring food and drink or catering services for schools. Our guidance document "Integrating sustainable development into procurement of food and catering services" gives advice on how aspects such as freshness, quality standards and asking for seasonally available produce can lead to more engagement from local suppliers while staying within European Union procurement law.

We all know about the excellent work in East Ayrshire on purchasing fresh local food for school lunches. However, anecdotal evidence suggests that local authorities and individual schools throughout Scotland are promoting sustainability in their food choices and are, among other things, increasingly using local suppliers and producers and promoting local ingredients in school menus. The challenge is to make that approach mainstream. Our national food and drink policy will help to make progress on that.

Nanette Milne: Will the minister expand on what practical measures the Government has taken to make it easier for public agencies such as schools to procure locally produced food?

Adam Ingram: As I indicated, some work streams are on-going. For example, Robin Gourlay of East Ayrshire Council chaired the national food and drink policy work stream on public procurement, which consulted widely with producers, processors, the hospitality industry and public sector procurement specialists. Recommendations from his draft report are currently being considered by officials as the next steps of the food and drink policy are taken forward. Nanette Milne will probably be aware that Aberdeenshire is making particular progress in that area.

Europe, External Affairs and Culture

Scottish MEPs

1. Rob Gibson (Highlands and Islands) (SNP): To ask the Scottish Government how it will make use of the six Scottish MEPs to further Scotland's best interests in the European Union. (S3O-7471)

The Minister for Culture, External Affairs and the Constitution (Michael Russell): First, I congratulate all six of Scotland's newly elected MEPs. The Scottish Government has already begun to engage proactively with them—as a team and individually—in order that they may deliver the best possible outcomes for Scotland in key EU areas such as fisheries and renewable energy.

Rob Gibson: I wonder how they might help us to gain the best from the European recovery programme, which contains not only renewables elements but broadband, carbon capture and storage, and the North Sea grid.

Michael Russell: The recovery programme that is under way has a number of priorities. On broadband, it is fair to say that while Scotland still needs some development, it is not in a category in which substantial investment is needed to complete the coverage, which is an issue in north Wales, for example.

Energy is a key area. The recovery programme, which is focused on a variety of renewables, will help to support the Aberdeen offshore demonstrator and will be involved in the carbon capture plant. Those are good examples arising from strong lobbying by Scotland's MEPs and a strong team effort to put forward a case for Scotland. A strong follow-through of support for the actions of this Government, to ensure that we get our policy outcomes for the good of Scotland, will be very welcome. I see the six MEPs as a

team, and I have offered them my support and the support of Scotland House in Brussels to ensure that they can achieve the maximum possible.

Liam McArthur (Orkney) (LD): The minister will be aware from his previous incarnation of the cross-party team effort of Scotland's MEPs in resisting the introduction of the current proposals for the electronic identification of Scotland's sheep flock. Does he agree that as those efforts continue, the addition of George Lyon, a former NFU Scotland president, as one of Scotland's six MEPs will be enormously helpful? Will he do all that he can, as Europe minister, to facilitate a meeting between his former boss the Cabinet Secretary for Rural Affairs and the Environment and Commissioner Vassiliou to agree a voluntary on-farm sheep ID scheme?

Michael Russell: The member used the word "incarnation". I always welcome incarnation and reincarnation. In the case of George Lyon, that is precisely what has happened: he is reborn as an MEP. I am sure that members will be delighted to hear that, typical of the constructive approach of both of us, we have already had a telephone conversation. I hope that I will meet George Lyon shortly—not something that I have said often—to discuss the role that he will play. He has indicated that he wishes to have a positive relationship with this Government, which is what I want with all of our MEPs. Together, I am sure that we will make a difference.

Ian McKee (Lothians) (SNP): How can the Scottish Parliament further co-operate with the six Scottish MEPs to increase the understanding of the European issues that have a direct impact on Scotland and to allow MSPs to express their views on European affairs?

Michael Russell: Dr McKee asks a good question. There are two aspects. One aspect is the role of the Parliament in issues of subsidiarity. The Lisbon treaty anticipates an enhanced role for sub-national Parliaments. In those circumstances, as the Presiding Officer and members will be aware, the Parliament itself is endeavouring to engage with Westminster on the issue, and the Government is engaging with the United Kingdom Government on the issue, to ensure that our parliamentary scrutiny activities are kept up to speed and improved. MEPs have a strong role to play in being an early warning system for material that is going through Europe.

I am keen to develop a number of structures in Scotland, including the European elected members information liaison and exchange structure, which has been slightly unwieldy up until now. EMILE is a committee of all six MEPs, local authority representatives and the convener of the European and External Relations Committee. I hope that we can focus EMILE so that it is a body

with action at its heart. If we do so, I hope that the MEPs will play a full and active part.

Latin America (Engagement)

2. Elaine Smith (Coatbridge and Chryston) (Lab): To ask the Scottish Executive what plans it has to engage with Latin American countries. (S3O-7457)

The Minister for Culture, External Affairs and the Constitution (Michael Russell): I am aware of the member's keen interest in Latin American countries, particularly Cuba. I had the privilege of having dinner with a Cuban delegation and the member some time ago.

As I said at my appearance before the European and External Relations Committee, I am keen to consider all new opportunities to promote Scotland overseas. The fact that the value of exports from Scotland to central and South America nearly doubled from 2004 to 2007 is of immediate interest, as are the opportunities in the energy sector that exist across the continent. There are, of course, cultural links with a number of countries in South America, as well as links of friendship.

As I said to the committee, I intend to turn to engagement with Latin American countries in the coming months, in order to identify the right priorities. We will be led by the existence of opportunity and the need to prioritise to meet the Government's economic purpose of increasing sustainable economic growth.

Elaine Smith: The minister guessed correctly about my specific interest in Latin American countries. Is he aware that the Assembly Government has successfully developed a number of formal links with Cuba in education and is looking to foster agricultural links, with a particular interest in Cuba's permaculture urban food movement? In light of that, and given his previous answer, will the minister seriously consider engaging with Cuba, particularly in this historic year of the 50th anniversary of the socialist revolution in that country?

Michael Russell: I am happy to say that I will seriously consider our relationship with Cuba as part of our relationship with Latin America. I would welcome an opportunity to talk to the member about that. I invite her to come and see me about it. I stress that no decision has been made about how exactly we are to proceed, but it makes sense for us to engage as constructively as possible in each area of the globe, and also to address language issues where major languages are likely to be part of our efforts. That must be led not only by economic matters, but by cultural and political matters.

I invite the member to talk to me about Cuba. Our conversations have been very constructive in

the past and I am sure that they will be in the future.

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

Will the minister ensure that, in any engagement with Cuba, human rights are at the top of the agenda, in particular the suppression of free speech in Cuba and the oppression of those who express political views that are contrary to those of the current authoritarian regime?

Michael Russell: I am certain that anybody with whom we work will want to emulate the wonderful freedom of speech that we have in Scotland, where Mr Fraser and I can discuss these matters fully in the open and agree on them. Human rights are very important. In all our work, we should encourage people to offer the same opportunities that we enjoy. I encourage Mr Fraser to take his interest a step further and support an independence referendum in Scotland that will allow the people to choose.

Latin America (Opportunities)

3. Sandra White (Glasgow) (SNP): To ask the Scottish Government whether it plans to explore areas of opportunity in Latin America that would prove beneficial to Scotland. (S3O-7488)

It seems that Latin America is the flavour of the month.

Liam McArthur (Orkney) (LD): Darien.

The Minister for Culture, External Affairs and the Constitution (Michael Russell): I am tempted to comment on the Darien expedition, but I will resist. That expedition included the sending of a large number of woollen bonnets from Dundee, which is perhaps not the trade activity that I had in mind when I talked about trade links with South America.

I refer the member to the answer that I have just given to Elaine Smith. We are defining what we want to do in terms of economic opportunity, cultural opportunity, friendship and our desire to normalise our relations in every part of the world. I am not sure that Darien is at the forefront of our ideas, but it must be in there somewhere.

The Presiding Officer: Darien—[*Laughter.*] Sorry. Sandra White.

Sandra White: I hear what the minister says and agree with his reply to Elaine Smith, but I am interested specifically in the green energy production that not just Cuba, but other Latin American countries are at the forefront of. Has the minister thought about speaking to those countries about their green energy production? Scotland has expertise in green energy, too.

Michael Russell: Following his meeting with the First Minister during Scotland week in 2008, Luis

Alberto Moreno, the president of the Inter-American Development Bank, visited Scotland in October 2008. The IDB is working on a number of proposals to promote renewable energy partnerships between Scotland and Latin American. While President Moreno was here, he had meetings with a number of companies that are involved in renewables.

Scottish Development International has been working with the IDB to promote the contribution that Scotland and Scottish companies can make in renewable energy. Like Scotland, Chile has significant wave and tidal resources. SDI has supported outward and inward missions from Chile for marine energy and other projects that are under way in Latin America.

The member might also want to be aware that the University of Strathclyde will launch a regional centre on renewable energy and environmental protection in Mexico in August 2009.

A great deal of work is under way, but we want to encourage even more, because that emphasises Scotland's world-leading position in some of these technologies.

The Presiding Officer: Question 4 has been withdrawn.

Edinburgh Festivals

5. Margaret Smith (Edinburgh West) (LD): To ask the Scottish Executive what discussions the Minister for Culture, External Affairs and the Constitution has had with the organisers of the Edinburgh festivals about the impact on the festivals of the economic downturn. (S3O-7415)

The Minister for Culture, External Affairs and the Constitution (Michael Russell): Of course, the festivals—not just the Edinburgh festivals but all Scotland's festivals—will be the subject of a debate later this afternoon.

It is fair to say—as I will say in the debate—that it is too early to be able to assess the impact of the economic downturn on the Edinburgh festivals, but the early signs are positive. For example, only last week, the Edinburgh fringe announced its largest ever programme. We are all determined to ensure that the Edinburgh festivals continue to flourish. The Government's commitment is demonstrated by the significant investment that we are making in the festivals through the Scottish Government's Edinburgh festivals expo fund.

Margaret Smith: I thank the minister for his optimistic answer.

The Government has certainly supported the festivals, both directly and indirectly. Will it continue to give financial support as well as support for council initiatives, such as the festival business breakfast in August, given the cultural

and economic importance of the Edinburgh festivals to the country? What progress has been made in implementing the key recommendations of the report “Thundering Hooves: Maintaining the Global Competitive Edge of Edinburgh’s Festivals”?

Michael Russell: I can certainly confirm for the member—who has a strong interest in the matter—that we intend to continue with the expo fund, which has another year to run. Our commitment to the Edinburgh festivals is strong and constant. We take seriously indeed the conclusions of the “Thundering Hooves” report, on which a great deal of progress has been made. The essential message of that report should always be kept in mind: the excellence of the Edinburgh festivals must be a perpetual excellence. Year on year, those festivals must be the greatest arts festivals in the world. Certainly, the fringe is the largest festival of its kind, but we must ensure that Edinburgh’s unique collection of 12 festivals continues to grow and develop.

Just last night, I had the opportunity to attend the launch event of the Edinburgh international film festival. In conversation with Sam Mendes—the director whose film was being shown—I made the point that his allowing that film to be shown here at the start of the festival was a vital contribution. To every artist, director, performer or other person with distinction in the arts throughout the world, I say that we want to ensure that they come here to maintain the quality of our festivals.

Commission on Scottish Devolution

6. David Whitton (Strathkelvin and Bearsden) (Lab): To ask the Scottish Executive whether it will support the recommendations of the Calman Commission on Scottish Devolution. (S3O-7460)

The Minister for Culture, External Affairs and the Constitution (Michael Russell): The member will not be surprised to know that we support some of the Calman recommendations, in particular those that we argued for—the member has usually been on the other side in those arguments, so I welcome his conversion—on matters such as air-guns, drink driving and a range of other issues. We have made those arguments for some time, so I am glad that others are now catching up with us.

However, the report as a whole—Professor Calman indicated that the report should not be taken as a whole, but we can take it as a whole, if the member wishes—is a missed opportunity. In contrast, the Government’s national conversation provides a genuinely open debate with the people of Scotland about our future. [*Interruption.*]

As ever, I hear the tinkling laughter of the member for Midlothian. That somewhat annoying noise, which I try not to be annoyed by, tinkles

away. However, the member for Midlothian has not attended a national conversation event. I invite her to turn up to such an event to debate with me. Then it will be the audience whose laughter tinkles.

We are intensifying the national conversation. That will lead to a white paper in November that lays out our proposals and a choice for the people in a referendum next year. I am sure that the people of Midlothian will choose wisely and choose independence.

The Presiding Officer: I call Alasdair Morgan.

David Whitton rose—

The Presiding Officer: Sorry. I meant to call David Whitton.

David Whitton: That is all right, Presiding Officer. It would be easy to lose track after that very long answer.

Earlier today, the First Minister said that he saw no reason why some of the Calman commission recommendations could not be implemented now. Laying aside the national conversation, which is really just a nationalist blog, does the minister agree that the process would be aided greatly if the Scottish Government lifted its petty and ludicrous ban on Scottish civil servants co-operating with the continuing work of the Calman commission?

Michael Russell: Were there such a ban, I would ask for it to be lifted now. As the minister responsible for this area of work, I know the amount of time and effort that the civil servants who work with me have put into answering questions from the Calman commission and working constructively. I attended the launch of the commission’s report on Monday, but I do not think that the member was there, so I have better first-hand knowledge of what Ken Calman said than the member does.

I make it clear that we are very keen to see forward movement on these matters. I hope to come to the chamber shortly to talk about how we can take the issues forward without further delay and without the long-grass tactics of which Mr Jim Murphy seems fond. We will move forward. Just as I suggested to Mr Fraser that openness was required on the referendum, I say to the member, let the people of Scotland have the final say. Until he does that, he is no democrat.

Alasdair Morgan (South of Scotland) (SNP): Does the minister agree that, given that the Labour Party has argued for the past 10 years that the current devolution settlement is somehow the immutable will of the Scottish people, the fact that it is now offering extensions to that settlement only gives weight to the arguments for full independence for Scotland?

Michael Russell: As ever, I find myself in complete agreement with my friend Mr Morgan. I could not put it better myself.

The Presiding Officer: Question 7 was lodged by Helen Eadie, but I do not think that she is in the chamber, which is unfortunate, shall we say.

Scottish Maritime Museum

8. Jackie Baillie (Dumbarton) (Lab): To ask the Scottish Executive what support it provides for the Scottish maritime museum. (S3O-7420)

The Minister for Culture, External Affairs and the Constitution (Michael Russell): Support for non-national museums, including the Scottish maritime museum, is routed through Museums Galleries Scotland, which makes decisions on funding, taking into account the business needs of the museums and competing demands for the grant fund. The planned funding for the Scottish maritime museum from Museums Galleries Scotland in 2009-10 is £305,000.

Jackie Baillie: The minister will recall the report that he and I wrote way back in October 2002, a copy of which I dusted down, and he will know that some of the issues that we identified remain. Now that he is the minister, will he ensure that a robust and consistent funding framework is in place for the museums sector? Might I invite him to give a specific commitment to provide continual financial assistance to industrial museums and to announce that wonderfully good news at an event at the Scottish maritime museum in my constituency?

Michael Russell: In the interest of accuracy, I point out that part of the Scottish maritime museum is in Jackie Baillie's constituency. I have already committed to visiting the Denny tank, which is in her constituency, and I am a long-time supporter of not just the Scottish maritime museum but the industrial museum sector.

Three weeks ago, we held a Scottish museums summit and brought together the entire museums sector, because I, too, was concerned that some of the issues that Jackie Baillie and I identified in the work that we did together on that report while on the Education, Culture and Sport Committee in the first session of Parliament have not been resolved. It is important that the entire sector is involved in helping to resolve them.

We are setting up a policy group to work with me and my officials, the key issue for which will be the need for a consistent, long-term funding framework throughout the sector. It is obvious that we are seeking that at a time of constrained resources, but the sector's response to that day meeting was positive. I think that Jackie Baillie will know that from the Scottish maritime museum, because Jim Tildesley was there. We will take forward the work to try to get the sustainable

solution that Scotland's industrial and other museums deserve.

Rhona Brankin (Midlothian) (Lab): The member alluded to the fact that the maritime museum is part of a group of industrial museums, as is the Scottish mining museum. There has been some additional capital funding, but there is no long-term, sustainable funding for that museum. Will the minister commit today to taking the Scottish mining museum into the group of national museums, as it already has a national collection?

Michael Russell: No, I will not make that commitment, and I regret that I have been asked to do so. If the member was trying to be helpful—which she should be, because it is co-operation that makes a difference on such issues—she would have told the Parliament, as I am about to, that Henry McLeish, the chair of the Scottish mining museum, spoke to the museums summit, was part of the debate and discussion, and will be part of the process of setting the national strategy.

I visited the Scottish mining museum some time ago, first in order to announce the capital funding, but secondly to engage with all those who are involved in the museum and to say that it is an immensely valuable resource and that we need to find the right way forward. If all that we have is attempts to score press releases for the "Midlothian Courier" or some such, the member is not part of the solution but remains part of the problem.

Cultural Developments (Borders)

9. Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD): To ask the Scottish Executive how it is supporting cultural development in the Borders. (S3O-7412)

The Minister for Culture, External Affairs and the Constitution (Michael Russell): The Scottish Government, through the Scottish Arts Council, is supporting a wide variety of cultural developments in the Borders. It is supporting, for example, the Eastgate theatre and the Wynd theatre, the Borders book festival—which I will attend this week; I will be there tomorrow—young people through the youth music initiative, and artists. We welcome the enthusiastic way in which the Borders has embraced the year of homecoming, which features the return to the ridings and the in the footsteps of the reivers events and the clan Scott gathering, which homecoming Scotland is supporting.

Jeremy Purvis: I look forward to seeing the minister tomorrow in Melrose.

I have nothing against the Dumfries house project and the Scottish Government's committing £5 million to it to fill a funding gap, but does the minister agree that the Abbotsford house project is

of much greater cultural and historical significance to Scotland and that, as such, it should be a very good candidate for Government support to fill a funding gap if such a gap arises, despite the excellent Heritage Lottery Fund bid for £4.5 million, which it has already received? Does he agree that it would be a tragedy if that project did not proceed because of a lack of central Government support?

Michael Russell: It is important not to be against projects, but to be in favour of them. I am happy to say that I am strongly in favour of the Abbotsford project. My visit to Abbotsford just before the HLF decision shows my support for it. I have had conversations with the member about Abbotsford and I hope to go back there again. A fundraising event is being held this evening by the Faculty of Advocates. Alas, I do not think that I will get to that event, but I express my support for it. We must ensure that Abbotsford is secured. These are difficult times financially—nobody is saying anything other than that—but I have given a commitment to the member that I will work as closely with him and the Abbotsford trustees as I can on something that Scotland needs to have: a place where we can remember the extraordinary genius of Walter Scott and reflect on his cultural influence on the nation and, more widely, on the importance of the writer not just as an entertainer or storyteller, but as a conscience of the nation.

14:57

Meeting suspended.

Committee of the Whole Parliament

[THE CONVENER *opened the meeting at 14:57*]

Convention Rights Proceedings (Amendment) (Scotland) Bill: Stage 2

The Convener (Alasdair Morgan): We move to stage 2 proceedings on the Convention Rights Proceedings (Amendment) (Scotland) Bill. The bill will be considered by the Committee of the Whole Parliament, for which the occupant of this chair is known as the convener.

Sections 1 and 2 agreed to.

Long title agreed to.

Meeting closed at 14:57.

Scottish Parliament

14:57

On resuming—

Convention Rights Proceedings (Amendment) (Scotland) Bill

The Deputy Presiding Officer (Alasdair Morgan): I reconvene today's meeting of Parliament. The next item of business is a debate on motion S3M-4397, in the name of Kenny MacAskill, that the Convention Rights Proceedings (Amendment) (Scotland) Bill be passed.

14:58

The Cabinet Secretary for Justice (Kenny MacAskill): I am grateful to members for their forbearance. There has been some turbulence in the journey to achieve what I think all of us recognise is necessary. I will attempt to deal with some points that were raised during stage 1 and allay concerns that Mr Brown and Mr Harvie expressed. Legitimate points were made. I thank members for the co-operation that has been shown.

It is clear that issues to do with the constitution and the Criminal Justice and Licensing (Scotland) Bill, which is being considered by the Justice Committee, will continue to divide us, but we are talking about a matter that affects the national interest. Therefore, it is right that members have united to ensure that the bill's provisions are delivered and that they recognise the considerable problem faced by the Scottish Prison Service and the anger that that was causing to people outside, who wanted us to deal with matters as expeditiously as possible.

Obviously, there was some turbulence in ensuring that matters were dealt with, with the requirement for co-operation from south of the border. However, I do not wish to go over old ground; suffice it to say, we are grateful for the eventual agreement that matters should be proceeded with. It is clear that action still has to be taken, but what has happened shows that, when there is a necessity to solve a clear and manifest wrong, that can be dealt with. I pay tribute to the bill team and everybody else who has ensured that matters have been dealt with as speedily as possible.

Many of the matters that have been raised can be summarised as questions of who, when and what. Clearly, the "who" is the Scottish Government and a number of agencies, such as the Scottish Prison Service, that need to be protected. Health boards, which might see

challenges in months and years to come, are currently protected by the Human Rights Act 1998.

The bill's purpose is to give the Government and its agencies the same protection that is available to other public bodies that might be pursued not under the Scotland Act 1998 but under the Human Rights Act 1998. Indeed, the protection that we seek is the protection that we thought that we had until the Somerville decision came out in the House of Lords. We want protection that, as Mr Aitken said during stage 1 of the bill, is uniform and is to the standard that was discussed in the European Parliament and elsewhere. In those discussions, it was agreed that a period of one year was appropriate for the matters with which the bill is concerned. We are not talking about accident claims or litigation about pecuniary affairs; we are talking about matters that relate specifically to human rights, so it is appropriate that we should operate under the European norm.

The question of "when" has two parts. One is the date when the bill should come into force. I am grateful for the forbearance of Mr Aitken and other members. Obviously, we had one view but, as in with legal matters, there exists legal advice that is of a different complexion. Again, we want to achieve consensus and ensure that we avoid challenge. We are conscious that, despite the fact that this Parliament united to bring in compensation in relation to pleural plaques, the Government is being pursued through the courts by those who represent the insurance companies. However, in that regard, I should say that even the first orders of the cases of those who are pursuing us appear to be taking considerably longer than the entire parliamentary process took. That perhaps explains why we look forward with interest to Lord Gill's report. Something is manifestly wrong if the parliamentary process is significantly quicker than the first order in a judicial review.

I am grateful to members for the points that they have raised, and I understand why people queried issues. We believe that the date in November for the arrangements to come into force will provide greater certainty. It will not prevent people from seeking to make challenges and, as Bill Aitken said during stage 1, there are those who trawl around for issues on which they can base challenges, but that is a bridge that we will just have to cross when we come to it.

The issue of when the arrangements will kick in was raised earlier. The issue arose in relation to the Somerville judgment, but, as Fergus Ewing said earlier, that judgment involved a point of principle rather than the question of when the wrong took place. The issues will involve facts and circumstances, to some extent, and the decision will be a matter for judicial interpretation. Clearly, a

breach of someone's human rights can take place over a short time or a long time. If someone has not done much about a breach that has gone on for 20 years and raises the matter after 18 months, it might be that that case will be treated differently from a breach that occurred when someone was detained for a shorter period.

To Patrick Harvie, I say that neither the Government nor the Parliament is seeking to prevent prisoners from being able to pursue claims against the Government or the Scottish Prison Service. We have signed up to certain standards, and the recognition of the European convention on human rights is within our founding principles. If there are manifest breaches of people's human rights by a Government agency, it is correct that those people—regardless of whether they are prisoners—should have the opportunity to pursue claims against it. The bill is about closing a gap and ensuring that the public purse—which was in danger of being bled dry—can be used to fund other things.

There will be instances in which there are opportunities to challenge, appropriately, the Government and its agencies. Rights are not being taken away; we are simply ensuring that we strike the right balance so that we can protect the public interest.

The question of "what" involves cost. There are savings but, as Bill Aitken said, they will not be recurrent. The saving of £50 million is to be welcomed, but it is one tenth of the sum of the cuts that we are facing as a result of decisions in Westminster. The opportunity for bounty, therefore, is limited.

I am grateful for the forbearance of the Parliament, and I thank members for their constructive attitude. It has been a long and difficult journey, which will doubtless continue and go through further turbulence.

I move,

That the Parliament agrees that the Convention Rights Proceedings (Amendment) (Scotland) Bill be passed.

15:04

Richard Baker (North East Scotland) (Lab):

This morning's stage 1 debate on this crucial issue was good and productive, as was stage 2—albeit that it was brief. Everyone in the Parliament realises the necessity to pass the bill today. The sums of public money at stake are high and there is substantial concern, and indeed anger, among the public, who think that payments to prisoners for stopping out should be restricted. The emergency bill procedure is rarely used because it curtails debate, but in this instance it has been entirely justified.

In the course of the day, I have been contacted by members of the legal community who are concerned about potential unintended consequences of the bill, which addresses a narrow situation. I was reassured by the comments that the Cabinet Secretary for Justice made in his speech and by his responses to Patrick Harvie's points in the stage 1 debate.

The issue of how the bill and the one-year time bar might affect other situations in which claims are made about breaches of human rights has been raised with me. I am persuaded by the discretion that the bill affords to the courts, which is an important aspect of the debate, but I acknowledge that others remain concerned. There is a strong argument for ministers to introduce into Parliament the draft limitation (Scotland) bill, which has been prepared by the Scottish Law Commission, because it deals with those issues more comprehensively, and I urge them to do so. The concerns that have been raised highlight the fact that the issue is complex, which has contributed to the time that it has taken to reach this point.

I take issue with what Angela Constance said this morning and what the First Minister said this afternoon. It is clear that there has been a genuine desire to resolve the situation. Co-operation between Governments has been to the fore in the way that the matter has been dealt with. The fact that we are uniting in the chamber to pass the bill is indicative of collaboration between parties here and between ministers at Holyrood and Westminster.

I do not think that there is any need to pick out further points of debate, although the issue of what the hoped-for savings should be spent on will be a matter for discussion. We will continue to have a debate about cuts or increased spending for the Scottish Government in the next two years, but I do not think that it would be productive to spend more time on that now. This morning I referred to potential areas for investment, to which I am sure that others will return this afternoon and on other occasions.

The key point is that we do all we can to limit further compensation payments in the future because they are unacceptable. For that reason, the emergency bill will receive support from the Labour Party and, I am sure, from members throughout the chamber.

15:07

Bill Aitken (Glasgow) (Con): Members might be aware that, just occasionally, I am perhaps not the most enthusiastic endorser of the European convention on human rights. That is not to say that I do not believe in human rights. I accept that we

are where we are, and I have to acknowledge that we are signed up to the convention whether I like it or not.

It is incumbent on us to recognise that the original judgment was correct. Although it sticks in the throat more than a little that some of the most undeserving people in Scotland were in effect ripping off the Scottish taxpayer for not insignificant sums, we have at last done something about it, which reflects well on all concerned—the Westminster Government, the Scottish Government and the Scottish Parliament.

The wider debate on the European convention on human rights will continue to tax us for some years. Some decisions from European courts and some legislation from Europe are problematic. That leads me to think that perhaps a one-hat-fits-all solution in respect of European human rights is not particularly appropriate. We have not been without our difficulties, but our record on human rights in the United Kingdom, and Scotland in particular, bears favourable comparison with records elsewhere. As such, I do not think that, historically, there has been a strong case for our having to sign up to what is in most cases common sense but which, unfortunately, in other cases seems to defy logical rationale.

That is all largely historical, because we have moved forward. There will be considerable public relief that we no longer face the prospect of compensation payments, which engendered considerable irritation, annoyance and anger. By 5 o'clock, that will all be finished, which is no bad thing.

15:09

Robert Brown (Glasgow) (LD): There is a certain sense of déjà vu in this afternoon's debate. That said, I confirm the support of the Liberal Democrats for the Convention Rights Proceedings (Amendment) (Scotland) Bill. We do so in the knowledge that the bill potentially affects not only prisoners in our jails who have made claims because of slopping out. This morning, we heard from Angela Constance about the real experience of slopping out. She is one of the few MSPs with personal and practical knowledge of the issue—I hasten to say that that is from her professional career in social work. She told the Parliament that the practice neither rehabilitates nor appropriately punishes people who have committed crimes.

This morning, I did my best to test out the detail of the Government's proposals for this emergency legislation. I believe that it is the duty of MSPs not only to agree and support the principle of legislation but to ensure that the detail stands up. We need to be sure that legislation does what it says on the tin—no more and no less—and,

particularly in the case of emergency legislation, that it creates no unintended consequences. I am grateful to the ministers for their full answers on the issues that I raised. In essence, they said that they want a uniform situation to prevail across the United Kingdom—and, indeed, across Europe. In this case, their wish has the full support of the Liberal Democrats.

I want to say a word on the implications of the bill. The primary aim—which is a great public good—is that up to £50 million of public funds will be released to serve a more positive purpose. As Bill Aitken rightly pointed out, it is a one-off and not a repeating annual sum—the cabinet secretary also touched on that in his speech. Nevertheless, the money is a substantial boost to the public coffers at a time of difficulty and constraint.

The SNP Government may already have spent the money in anticipation of its release—indeed, I suspect that that may be the case. However, just as it is manifest that slopping out had to be dealt with, it is clear that the increased number of community sentences that are consequent on the reduction in the number of short-term sentences under the Criminal Justice and Licensing (Scotland) Bill should be supported. Community sentences require up-front funding if they are to achieve their dual objectives of securing effective payback to communities that suffer from criminal and antisocial activities and of providing better rehabilitation of offenders so that they bother the public less in future.

Today is not the day for a detailed examination of the issues, but I want to say as clearly as I can that the cabinet secretary's stated desire to spend the money on pensioners not prisoners must also mean adequate investment in the criminal justice system. That funding is needed to support speedier, targeted and relevant community payback orders, which, if they do not work properly, give pensioners and the wider community so much angst and travail.

I know that that funding is not earmarked in a direct sense, but I want the cabinet secretary to be in no doubt that the support of the Liberal Democrats in due course for the worthwhile and necessary reforms that he has set out is likely to be closely dependent on the availability of significant funding to support those reforms and reassure communities. It would be a modern alchemy if we were to transform money that had been used for an unsatisfactory purpose into a resource with the potential to bring about real public advantage.

On this day of consensus, I want to distance myself from the Justice Committee convener's comments on the European convention on human rights. From time to time, the convention can have unanticipated consequences, but it nevertheless

offers a powerful analysis of and tool for our justice system—the dusty corners of which may not have been looked at for many years. The convention takes a modern approach and has been of particular advantage to our criminal justice system in Scotland.

There is not much more to say on the bill. It is a necessary and a desirable bill; one that is in the public interest. I am sure that the Parliament will pass it without dissent at 5 o'clock.

The Deputy Presiding Officer: We move to the open debate. I call Mike Pringle.

15:13

Mike Pringle (Edinburgh South) (LD): The closing debate, Presiding Officer.

The Deputy Presiding Officer: The programme that the Parliamentary Bureau agreed has no closing speeches—that was agreed for such a short debate. You can speak in any case, Mr Pringle.

Mike Pringle: Thank you, Presiding Officer.

As I said in my closing speech earlier in the day, many people have put in a great deal of work and effort over a considerable length of time in bringing the bill to the chamber. I congratulate all of them on getting it to this stage.

Today, we expect to resolve a legal anomaly. The bill represents a significant milestone in overcoming what has been a difficult period for Scottish prisons. As the cabinet secretary said, it will put Scotland into the same position as other parts of the UK and other countries in Europe. Of course, it is right to put Scotland in the same position as others.

There has been much talk about the money that will be saved—Richard Baker and Robert Brown referred to that. If the amount is £50 million—and I realise that it is a one-off payment—I hope, as Robert Brown said, that the money will be directed towards the criminal justice system in one way or another to the benefit of our communities.

The changes in Scotland's prison system since Jim Wallace began the reform process have been significant. I take this opportunity to acknowledge the great work that Andrew McLellan has done. He has made an immense contribution as Her Majesty's chief inspector of prisons, and I am sure that the whole Parliament will join me in wishing him all the best for his retirement.

In his final annual report, for 2008-09, Andrew McLellan captured the scale of change, particularly in accommodation standards, better than I could ever express it:

"The biggest single difference in Scotland's prisons in the last seven years has been the transformation in the living

conditions of prisoners. This transformation is not yet complete; but it has been remarkable. My earliest reports make comments like *'the conditions in "C" Hall (Perth) are dreadful; and conditions in Argyll and Spey Halls (Polmont) are very bad.'* Recent reports, on the other hand, say *'It provides a much improved standard of cell, furniture and toilet access'*."

That is what the bill is all about—improving conditions. As Andrew McLellan said:

"these better conditions are good for prisoners and also help to improve the working environment for staff".

He went on to remark:

"Unfortunately, it still cannot be said that all prisoners live in civilised accommodation."

While the practice of slopping out continues at HMP Peterhead, that might continue to be the case. However, there is no question but that, during Andrew McLellan's seven-year tenure, Scotland's prisons turned the corner. It is my hope that, with continued sentencing reform, prisoner rehabilitation will continue to improve.

15:16

The Minister for Community Safety (Fergus Ewing): I thank members for their contributions. I will briefly comment on the matters raised in this debate that were not raised in this morning's stage 1 debate or to which I did not respond this morning—thus avoiding repetition of what I did say this morning.

I say to Robert Brown and Richard Baker that no decisions have been made about how to spend money that, at this moment, we do not have. It is the Government's practice not to spend money that we do not have. I commend that practice, especially to the Liberal Democrats who are with us here in the chamber.

When I appeared in the sheriff court, like Mr Brown used to, I invariably found that I was slapped down when I strayed from relevance. It is fortunate that that does not always happen here, Presiding Officer. I will not respond to some of the other points that have been made.

We have made good progress today. The bill will end an anomaly, as all members have said. It will protect the public and strike a fair balance with the human rights of individuals.

I thank the officials for the work that they did on the bill. It was a sterling effort on their part, under considerable pressure, and they paid painstaking attention to detail. I am sure that we all wish to recognise the efforts that the officials made in that regard. Finally, I am grateful to all those members who have contributed to the debate. I hope that the Parliament will vote unanimously to pass the bill.

The Deputy Presiding Officer: In the interests of good parliamentary management of business, I suspend proceedings for five minutes.

15:18

Meeting suspended.

15:23

On resuming—

Scotland's Festivals

The Deputy Presiding Officer (Alasdair Morgan): The next item of business is a debate on motion S3M-4421, in the name of Michael Russell, on the energy, commitment and creativity of Scotland's festivals and their contribution to the financial success of, and quality of life in, Scotland.

15:24

The Minister for Culture, External Affairs and the Constitution (Michael Russell): I apologise for arriving in the chamber just seconds too late to be able to follow on—in cricketing parlance.

I am pleased to speak about the success of the Edinburgh festivals and Scotland's other festivals, their contribution to the Scottish economy, their role in the cultural and wider life of the nation and the positive message that they promote about Scotland's cultural confidence and ambition.

We should remind ourselves of what that success looks like. Edinburgh is the pre-eminent festival capital of the world. Our festivals radiate creative excellence and artistic quality, which attracts hundreds of thousands of visitors to Scotland every year and in so doing generates at least £185 million for the Scottish economy.

Although the focus of the debate will be Edinburgh, I take the opportunity to acknowledge the wonderful work that is under way throughout the nation on a diverse array of festivals and events, which do so much for our economy, our sense of who we are and our national creative spirit and reputation. They are also thoroughly enjoyable—that is an important part of what I will talk about.

It would be invidious to pluck any out of the air, but I will mention a couple of very different festivals. The St Magnus festival in Orkney is a wonderful celebration of a composer and his work; and T in the Park is a celebration of artistic excellence and many composers, if we can call them that, which attracts many thousands of people. In every part of Scotland, we could touch on one festival or event or another that celebrates the things that we need to celebrate. However, it is Edinburgh, of course, that is our festival city—but not just ours, because its position is of global significance. Scotland is a festivals nation and we have the world capital of festivals as our capital.

There is so much to talk about that I will not be able to capture the full festivals picture. I have already mentioned the St Magnus festival, Orkney's midsummer arts celebration, at which the

National Theatre of Scotland and the Royal Scottish National Orchestra will perform this year. We also have festivals that are not music based, such as the Wigtown book festival, which is held annually in what is Scotland's national book town. This autumn, as part of Scotland's homecoming 2009 celebrations, Wigtown will host a unique festival within a festival, celebrating the connections between whisky and writing.

Let us remember, too, festivals that are in our other languages—for example, the Blas festival in the Highlands offers in the autumn a unique celebration of traditional music and Gaelic. For other festivals, we can go to the east for the St Andrews StAnza poetry festival, the Coast visual arts festival in Banff, or Pittenweem for a painting festival. In the west, there is Celtic Connections, which celebrates music from across the world alongside home-grown Scottish talent. I was pleased to make my own festivals performing debut at Celtic Connections earlier this year.

David Whitton (Strathkelvin and Bearsden (Lab)): I am astonished to learn of Mr Russell's debut. Will he tell us what he contributed? What song did he sing?

Michael Russell: Of course, I am a modest person and do not wish to talk too much about my own performances—[*Interruption.*] There is a strange sound of laughter to my right, from Margaret Smith.

David Whitton: That is because you described yourself as modest.

Michael Russell: Well, it is a definition that I recognise, even if no one else does. I appeared in a work called "The Flight of the Arctic Tern", by a composer called Mark Sheridan, which is a work for narrators and music. I myself did not fly, but such was the success of the performance that, I am glad to say, a second performance took place in March on the Tall Ship, which was recorded. The CD will be available shortly and I am willing to take orders this afternoon. The next in a series of performances will take place during the homecoming festival in Inverness later this year. I will be very glad to offer cut-price tickets to any MSPs who would like to attend, and a bus tour.

I will not just talk about my own small performances. There are many festivals and performances to applaud and acknowledge across Scotland. There really is something for everyone, which is true of Edinburgh, too. I want to focus our attention on Edinburgh for the rest of my speech. From the mela to hogmanay, from storytelling to jazz, the breadth of the cultural offering in this city is truly world quality.

Last year was a vintage year for the Edinburgh festivals, despite the summer's wet weather and distractions elsewhere. The Edinburgh

International Film Festival moved to a June slot, with enormous success, and it fills that slot again this year. Last night, I was privileged to be at the event's opening. The mela moved from a weekend to a week-long event and found a new location in Leith, ensuring its status as the country's biggest interfaith festival. Despite well-documented challenges, which do not need to be rehearsed here today, the Edinburgh festival fringe still sold more than 1.5 million tickets for the third year in a row. In a rain-sodden Charlotte Square, the Edinburgh international book festival celebrated its 25th anniversary in style, closing with the launch of a book called "Being a Scot". On his 78th birthday, Sir Sean Connery made his only public appearance to talk about the book. I am sure that Opposition members will not be surprised to know that the Connery event was the fastest-selling event in the book festival's history, with all 570 tickets gone in under an hour.

Ted Brocklebank (Mid Scotland and Fife (Con)): I am grateful that the minister reminded us of how many people attended the launch of Sir Sean's book. Can he tell us how many copies of the book Sir Sean sold?

The Deputy Presiding Officer: Mr Russell, I think we may now be straying from the point of the debate.

Michael Russell: Well, that is a great pity. I will simply say that the book was, as befits a Scot of international celebration and reputation, a wonderful seller.

The fact that 25,000 people turned out to watch the fireworks finale across the skyline was a fitting tribute to the most successful year to date for the Edinburgh international festival. Matthew Bourne's "Dorian Gray" became the festival's biggest-selling dance event, and overall box office takings were up by 7 per cent.

Ticket sales are, of course, a good thing, but they are just part of the story. If we go beyond the headline figures, we can see how the Edinburgh festivals contribute to the cultural and wider life of the nation. It is clear from the representation of 45 countries at the book festival, the presence of fringe performers from all corners of the world and the international acclaim for the hogmanay celebrations that Edinburgh's festivals speak an international language. It is a language that an increasing number of people want to learn. There was an enormous sense of inquiry across the range of festival programmes last year. Audiences for talks and conversations increased, as people sought to engage not just with the artistry, but with the ideas and the artists. Such engagement is typical of the impact that the festivals have on the cultural life of the city and the nation.

The Edinburgh art festival, which, with just five years' experience under its belt, is a relative newcomer to the Edinburgh festivals group, is already helping to consolidate and build on the city's reputation as a vibrant destination for the visual arts. Established venues, such as Inverleith house, the national galleries and the Talbot Rice gallery, are embracing the new possibilities that are afforded by an annual focus on the visual arts sector, which during 2008 alone brought to Edinburgh a Tracey Emin retrospective, Turner prize winner Mark Wallinger and celebrated artist Richard Hamilton.

It was not just international visitors who pounded the streets—local support was out in force and local ticket sales rose, too. Outside Edinburgh, the sharing the festival initiative, which is now in its second year, took the festival to those who otherwise might not experience the occasion. The production of "Class Enemy" went on tour to Rutherglen, Stirling and Cumbernauld. This Administration not only recognises but supports such activities. The festivals make such an enormous contribution to communities and the economy that they must be sustained and underpinned.

I will give some examples of how we do that. At the science education summit on 5 May, my colleague Ms Hyslop announced a new science festivals fund, which will be worth £225,000 this year. That funding, which has been offered outside a formal grant scheme for the first time this year, will help to nurture new festivals in areas that are remote from science centres, thereby ensuring that local events achieve stability and have the chance to grow. The fund also makes provision of £60,000 for the Edinburgh international science festival, to increase the programme's scope to work with further and higher education, local science businesses and research institutes.

We provide other means of support. The Edinburgh festivals expo fund is an enormously important part of Scotland's festivals infrastructure. Earlier this month, I was delighted to announce the provision of £1 million over the next two years to showcase Scotland-based dance and theatre artists through the fringe's made in Scotland programme. Funding from the expo fund will bring a fantastic suite of performances to this year's fringe. There will be radical interventions at, for example, the Royal Botanic Garden Edinburgh, and the drama in Grid Iron's "Barflies" will unfold in the company's local—the Barony bar. I am sure that that production will attract some members that pure arts might not.

The expo fund supports Scotland's creative sector at the grass-roots level by expanding the opportunities for those involved and developing the capacity of the sector to produce and deliver

on an international stage. The fund is born out of a desire to ensure that the Edinburgh festivals continue to flourish, develop and innovate, which is extremely important. During question time, Margaret Smith asked about the "Thundering Hooves: Maintaining the Global Competitive Edge of Edinburgh's Festivals" report and what happened next. It is by investing in the future that we will keep the festivals, and the contributions of the artists who participate in them, great. The expo fund invests in the future. The provision last year of £1.3 million of funding enabled the creation of a wide array of high-quality artistic collaborations that premiered throughout the year and which promoted the best of Scottish talent at home and abroad. This year's allocation of just over £2 million, through which we will continue to support ambitious projects from each of the 12 festivals, demonstrates the importance that this Government places on creativity and artistic endeavours.

I cannot overemphasise just how important the festivals are in terms of international profile, creativity and the economy. That will continue to be the case. Last year, the Edinburgh mela received money from the expo fund to produce a piece called "Yatra", or "The Journey", which was performed twice over the mela weekend. It was an unforgettable experience that saw Scotland-based artists from three diverse musical cultures—south Asian, Scottish traditional and Japanese taiko—working and performing together in Edinburgh.

I am delighted to announce that we have approved a grant of £30,000 from the expo fund for the mela to research and develop the possibility of a bold, large-scale, outdoor performance, "Cargo", which will focus on stories of immigration and the myriad diverse cultures that have settled in Scotland throughout our history, and will examine Scotland's own identity as an evolving nation. The project will engage with minority ethnic communities in Scotland and build international links. That is particularly significant in this, the year of homecoming, as we seek to reach out to our diaspora community across the world.

Homecoming 2009 is at the centre of many of the events that will take place this year. The international film-making diaspora is featured at the film festival. The Edinburgh international festival programme will include the themes of homecoming and the enlightenment. It is a good, diverse programme that balances the best of the world with the best of Scotland. The science festival will showcase some of the great contributions that Scots have made to scientific and technological advances, both at home and abroad. The book festival is creating a series of special events, focusing on the importance of Burns and the Scottish enlightenment. The tattoo will go on tour to four additional venues around

Scotland. As 2009 is the 250th anniversary of the birth of Robert Burns, a feature of this year's show will be a series of vignettes depicting episodes from the popular poet's works.

The Edinburgh festivals are uniquely placed to speak to communities at home and abroad and to convey what Scotland has to offer. They attract a huge international audience—a wonderfully cosmopolitan, colourful, open-minded audience—and make Edinburgh a must-see destination and a place that comes even more alive. That leads to international success for Scottish artists and underpins what we want to continue to achieve. Everything that we do must underpin not just Edinburgh's position now but what it can and will achieve. We seek constant innovation, investment and celebration. The festivals are a living thing and need to be treated in a way that encourages them to grow and develop all the time. Their global marketing strategy—the first cross-festival collaborative project, with investment by the Scottish Government, through its Edinburgh festivals expo fund—is being put in place, will be essential and can be built on.

Edinburgh's major festivals have continued to grow in strength since their foundation. This is a 60-year-old festival city. We should be proud of it, must support it and must understand that it is key to the economic and cultural life not just of the capital city and the region but of the entire country. It defines some of our place in the world. Scotland's burgeoning festival scene—this nation of festivals, right across the country—delights and entertains us all and underpins Edinburgh's success. It reaffirms what it is to live and be part of the social and cultural life of this country and supports the creative and social confidence of the people, who need to become all that they can be.

Long may we continue to promote and make a noise about our collective talents, creativity and ambitions on the global stage. Long may these crucial annual happenings encapsulate the confident, proud, diverse, dynamic and inclusive nation that we know ourselves to be. The work that the Government is doing to set up creative Scotland will help that process, but the real treasure in all our festivals, artistry and events is the artists themselves. Long may they be supported by our festivals.

I move,

That the Parliament recognises the international success of the Edinburgh festivals, along with Scotland's other festivals, their contribution to the Scottish economy, their role in the cultural life of the nation and the positive messages that they promote about Scotland's cultural confidence and ambition in this Year of Homecoming.

15:38

Karen Gillon (Clydesdale) (Lab): The vision of Mike Russell and modesty is not one that easily comes to mind, but I look forward to buying tickets to his forthcoming show. It will be an interesting experience.

There can be no doubt that Scotland loves its festivals and events, which define Scotland as a nation that is modern and vibrant as well as traditional. They can also be a measure of our cultural success and appeal internationally. When people are asked about festivals, all of them have a different view. For someone like me, from the Borders, a festival involves horses and a celebration of ancient traditions. It has always been a time of homecoming, as locals living away make their way back for the festivities—it is a time to meet up with family and friends.

A person's home town festival is always something special. For me, there is nothing quite like the feeling when the Jethart Callant stands astride his horse and shouts "Jethart's here" on the morning of the festival. There are festivals and common ridings all over Scotland. In Lanark, we have just had our annual Lanimer celebrations. I know that the minister is well aware of that fabulous event, which shows all that is good about the town in a vibrant display of decorated lorries and folk of all ages decked out for the occasion, led on horseback by the lord cornet. Biggar, too, has its annual marches, again led by the cornet, with the burgh standard. Each town supports the other—the same is true across Scotland. Perhaps the minister will consider hosting an event here in the Parliament, to bring together all the local principals and to celebrate not only the ancient traditions but the boost that festivals and community events bring to local economies.

As I said, festivals come in all shapes and sizes. For my 18-year-old nephew, the only festival is, without doubt, T in the Park. It is Scotland's largest music festival; it helps to define Scotland as a nation of music lovers; it attracts the best acts to Scotland; and it is now three days long. Perhaps Mike Russell will join the crowds this year. The minister would certainly get some cred points for attending the slam tent, where the festival hosts some of Scotland's best DJs.

This year, T in the Park has an incredible line up including Kings of Leon, The Killers, Franz Ferdinand, The View and Lady Gaga. What a line-up. The only thing missing to make it the world's premier music event is Cliff Richard.

Margaret Smith (Edinburgh West) (LD): I thought the member was going to say "Mike Russell".

Karen Gillon: Well, there is always a chance.

Seriously though, T in the Park compares favourably with any festival in the world. It should be celebrated. Last year, virtually all festival goers—96 per cent of them—came from outwith the local Perth and Kinross area, and 30 per cent travelled from outside Scotland. In its advertising campaigns, VisitScotland uses footage of T in the Park to attract new visitors to Scotland.

Although the event takes place in Perth and Kinross, the benefits spread throughout Scotland. T in the Park brings in £18 million for the country and provides hours of television time as it is broadcast on the BBC network. There continue to be industry concerns over whether Scotland has done enough to ensure that Scottish companies can compete for the huge business that the festival generates in lighting and staging in particular. Perhaps the minister will want to discuss such issues with the industry, so that we can take advantage of such wonderful opportunities.

Edinburgh has its fair share of festivals, and I want to focus on one—the Edinburgh military tattoo. The tattoo makes a vital economic contribution to Scotland and to Edinburgh itself. It is of huge importance to the Scottish tourism industry, and it directly benefits Scottish businesses—including hotels, restaurants and other attractions. The tattoo generates more than £50 million for the Scottish economy. Visitors come to the tattoo from all over the world, and many name the tattoo as their sole purpose in coming to Scotland. Yesterday I spoke to a parliamentarian from Guernsey who, at 70, will fulfil a lifetime ambition when she attends this year's tattoo. The event will play an important part in helping the Scottish Government to achieve its ambition of increasing revenue from tourism by 50 per cent by 2015.

I am delighted that, as part of homecoming Scotland, the tattoo will hold a number of satellite shows around the country—including shows in Glasgow, Linlithgow, Cumnock and, of course, Jedburgh. Those shows will be an excellent opportunity to showcase the tattoo to a wider audience.

Back in Clydesdale, we are again playing host to one of the biggest re-enactment festivals in the United Kingdom. It has grown in size and attraction since its beginning in 2002. Now entitled Scotland's Festival of History, it started about seven years ago as a half-day event to promote Lanark as William Wallace's home town. Today, it is a two-day national event showcasing more than 2,000 years of Scottish history, right up to the second world war. It is not only unique in Scotland, but one of the top handful of events in the UK. There will be more than 500 history specialists from 11 European countries on the site, and the

festival will attract visitors from across the world—including people from China, Thailand, Russia and Canada. I know that the minister is attending this year's event. I am sure that he will enjoy himself; other members would be very welcome too, I am sure.

The town also hosts a Christmas festival. It began as a small street market promoting trade in the town; now it is one of the largest one-day markets in Scotland.

The two events together are a huge boost to the local economy. Studies have shown that their combined annual value to the local area is in the region of £750,000. That is an amazing achievement for a small band of dedicated volunteers, supported by the local council.

Festivals are very much part of Scotland. However, we can do more. Ministers must be ambitious in their demands for Scotland to get a share of the big UK events—which would be a bonus of being part of the UK. Scotland sells more tickets for live music than anywhere else in the UK. We punch above our weight in all genres of music, so let us pool all our resources to host more big-profile events—such as the MTV awards—here in Scotland.

Energy is not enough. There must be commitment, funding and a cohesive policy that demonstrates a shared commitment to Scotland's festivals and creative industries.

I ask the minister to examine the provision of cultural co-ordinators, because evidence from throughout Scotland shows that services are becoming more difficult to access and are being scaled back. We need links between culture and education. I hope that he will reconsider how those can best be achieved and will work with his colleagues in local government to re-examine the role of cultural co-ordinators in our schools.

Festivals are more than tradition. They are innovative, exciting and modern. Each area of Scotland has its own festivals, from the traditional miners gala days that are held throughout my constituency to the Highland games that we all celebrate and the huge music events, book festivals and cultural events that all Scotland shares in. Each area celebrates its success, but there is no doubt that our festivals make an economic contribution to Scotland. I look forward to working with the minister—as do all Labour members—to ensure that Scotland fully realises the potential of our culture, our heritage and our people in modern, innovative festivals.

15:46

Ted Brocklebank (Mid Scotland and Fife)
(Con): I was tempted to restrict my speech to the

observation that festivals are generally good things, especially those that are held close to my home or those to which transport has been provided. The only aspect of the minister's role that I envy is that he has a chauffeur on hand to whisk him home from the many festivals and events that he must attend. We lesser mortals must abstain, or stagger into the night after one too many, wishing that we had abstained.

Having concluded those brief observations, I am tempted to sit down. However, recognising the Government's difficulty in coming up with subjects to debate that can attract any support and as a born consensualist, I will try to enter into the spirit of things. I think that it was Liz Taylor's seventh or eighth husband who, when asked how he was looking forward to his forthcoming nuptials, remarked:

"I think I know what is expected of me. The problem is how to make it interesting."

This afternoon, I think I know what is expected but I, too, fear that it will be hard to make things interesting—many members might ask what is new in that.

The motion rightly focuses on our capital city, Edinburgh, which hosts 12 annual festivals, from the book festival to the jazz and blues festival, the film festival and our outstanding Edinburgh international festival. Together, those 12 events contribute more than £75 million a year to the Scottish economy. I may have been a bit flippant in my opening remarks, but I do not underestimate the important difference that festivals make not only to our cultural life but to our finances.

The Edinburgh international film festival—now in its 63rd year—is the world's oldest film festival. It has a remit to showcase established talent and promote newcomers to the industry. It is the one event that persuades my old friend Sir Sean Connery to return to these shores. We should all be glad that he is back among us, albeit fleetingly—I understand that he is giving the First Minister an audience later this afternoon.

This year, the film festival will screen 135 features from more than 30 countries. The organisers of that world-class event, which began its 2009 season yesterday, made the right decision to move from August to June, especially when we consider that attendance numbers have increased and now stand at well over 50,000. I am glad that, even in these difficult economic times and despite the challenges that the fringe faced last year and those that the festival might face this year because of the trams project, the Edinburgh festivals are still a world attraction and a considerable financial success.

However, it is not only the capital that showcases the best of our culture. I have long

enjoyed festivals throughout the nation, from Shetland's Up-Helly-Aa, to Hawick's common riding; from the booming Pittenweem arts festival in my native Fife to those in places such as Stornoway, Portree, Oban and Fort William, to which I try to make an annual pilgrimage to the Gaelic Mod.

I like the quirky events. The numbers attending StAnza, the festival of poetry in St Andrews to which the minister referred, have doubled since the event was launched a decade ago. I enjoy the folk festivals at places such as Auchtermuchty and Keith, where we can still listen to competing bothy balladeers.

The Muchty festival, I am delighted to say, will celebrate its 30th anniversary next year. Another event celebrating its 30-somethingth anniversary is the Aberdeen international youth festival—I remember being there at its inception, which ages me. My colleague Nanette Milne has been a staunch supporter and trustee of that festival over the years.

My annual calendar is punctuated by festivals and events, which, as I get older, become more and more unmissable. The nation's festival year begins in the depths of January with Up-Helly-Aa, which welcomes the return of the sun, and it comes to a close with my own dear St Andrews festival event a few weeks before the Christmas and hogmanay revels. In between, there are of course, as we have heard—and we will hear a lot more about them—a host of other festivals. I am sure that colleagues, with an eye to press releases in their local newspapers, will ensure that no local festival across the land is left unmentioned.

Of course, all those events can be maintained and built on only if the funding is secured. The funding is especially important in this year of homecoming. My local poetry festival could not exist without support from, among others, Fife Council and the Scottish Arts Council. I hope that the minister helps to ensure that the SAC's successor, creative Scotland, continues to play a role in allocating adequate funding to such innovative small festivals.

In that regard, I ask the minister to look again at the financial arrangements for the St Andrew's day week, which faces uncertainty over funding in this year of homecoming. Surely the town that is named after our patron saint—and whose university is the alma mater of our sainted First Minister—cannot be left strapped for funds for its local festival as the year of homecoming reaches its climax on St Andrew's day. Festivals are not only essential to showcase the best of our national and local culture, whether that is music, drama or the arts, or simply a reflection of community life and trade; they are also great places to meet old friends—as Karen Gillon said—to have a craic and

to marvel at the diversity of talent that our small nation continues to produce. Yes—I have occasionally recognised a song that is performed at T in the Park. In the spirit of consensus, we on the Tory benches are happy to support the motion.

15:52

Iain Smith (North East Fife) (LD): Inevitably, the motion concentrates on the iconic Edinburgh festivals, and probably rightly so, as they are known throughout the world in a way that others are not and they produce important benefits for Edinburgh and for Scotland more widely. It is estimated that, together, the Edinburgh festivals contribute about £184 million to the Scottish economy. They sell more than 4 million tickets, with 40,000 individual performances in more than 300 venues involving more than 25,000 artists. Some of us who attend fringe events might get a bit cynical and think that most of the 4 million tickets are being sold to those 25,000 artists. Nonetheless, the festivals make a major contribution. The money that local venues get from hosting fringe events is probably crucial to their survival throughout the year. Those events therefore play a vital role for the local communities.

I enjoy attending events at the fringe. As I am a canny Scot, I usually go along to the two-for-one fringe Sunday, where I can see everything from world-class comedians to breathtaking contemporary dance and, sadly, some of the world's worst drama performances, although there are some of the best, too. The fireworks concert that brings the festivals to a close is perhaps the only time of the year when many people listen to classical music. That is a great free event, for those who do not pay to go into Princes Street gardens.

Scotland has a wide range of festivals. Some of the rock festivals have been mentioned. We have RockNess and the award-winning T in the Park, which is at Balado just outside my constituency and which is seen as one of the best rock festivals in the United Kingdom. There is also the Wickerman festival in Dumfriesshire. We have traditional music festivals throughout the country, the most famous of which is the Mod. The Aberdeen international youth festival, which is often forgotten about because it happens at around the same time as the Edinburgh festivals, is an important event in its own right. We also have events such as Glasgay.

We have many other festivals throughout Scotland that play key roles in their local communities and which make major contributions to our overall community. Ted Brocklebank was right to say that all members will hope to promote some of the events in our constituencies, and I will

be no different. In my constituency, there are several events throughout the year. The minister and Ted Brocklebank have already mentioned the StAnza international poetry festival. This weekend sees the start of the Falkland festival and its fourth traditional music festival. We have the East Neuk festival from 1 to 5 July, which includes international musicians playing in everything from churches to scout huts and even a cave. We have the Crail festival, which includes community events, string quartets, jazz, buskers, junior drama workshops, a history of Scotland in 60 minutes or less and even beach volleyball. I do not know whether the minister might take me on at beach volleyball—perhaps we are both more suited to being beached whales.

The Big Tent festival in Falkland, Scotland's largest ecofestival, is a family event packed with great debates, activities, music and food. The Pittenweem arts festival from 1 to 9 August, which was mentioned by the minister and Ted Brocklebank, has 100 exhibitions in a variety of venues, including people's homes—it is a great opportunity to have a nose round. Halls, galleries and the harbour itself make an excellent background for a great exhibition of the visual arts.

Ted Brocklebank mentioned the Auchtermuchty festival, which is a major part of the Scottish traditional music scene. It is a 10-day music and community event, which is in its 29th year this year; I was at the first one, and have been at several since. There is the Lammas market in St Andrews, which is the oldest surviving medieval street fair in Scotland, featuring market stalls, food, drink, concerts, dances, public functions and shows. The Anstruther muster attracts 100 visiting yachts and has something for everyone, including art exhibitions, stalls, music, dancing, singing, eating and—most important—sailing.

St Monans community arts festival in September crams into a weekend music, song, dance, poetry, workshops, exhibitions, displays, arts and crafts. In October, there is the Cupar arts festival, which is in its second year; there is visual and public art throughout the town, including music, performance, poetry, film and workshops. We finish off with the St Andrews festival week, which is a unique week of festivities celebrating the nation's patron saint, including the première of a spectacular son et lumière depicting the nation's historic journey projected on to the walls of the town.

That does not include all the individual gala days, Highland games and so on that contribute to our communities and to the festival atmosphere throughout Scotland all year long, but particularly during the summer months. Festivals play an important part in attracting visitors to return to Scotland. People come to Scotland thinking that

there might not be much to do, and discover that such a wide range of different events is going on that they come back year after year.

Ian McKee (Lothians) (SNP): What does it cost to enter these events?

Iain Smith: I do not have the price list in front of me. What is great about community festivals is that entry to many of the events is free, so that people can participate and enjoy themselves without great cost. I am sure that if the member looks at the “What’s on in Fife” web pages and fifedirect.org.uk, he will get more details about how to participate in the events in Fife. Similar websites are available for other areas of the country.

I finish on what will not necessarily be a negative note. In the current financial climate, funding is a difficult issue for all festivals. There is the issue of whether major sponsors will be able to continue to provide sponsorship money, particularly if those sponsors are banks. Many community events rely on local branches of banks to provide support for their events.

The key issue is not just the amount of money—it is when the festival organisers know whether they will get any money. Many organisers find it difficult that they do not know how much support they will get, not just from private sector sponsors but from the public sector, such as councils, and from the Scottish Arts Council, EventScotland and so on. If they want to book the best performers, festival organisers need to know in advance how much money they will have. If they want to be able to finalise and publicise their programme, and get it into the homecoming Scotland events brochure, for example, they need to know well in advance. Unfortunately, at the moment, some of our funding streams are not set up to give the grants sufficiently far in advance. People have applied as late as May for the support that they need for the homecoming events in St Andrews week this year.

We need to address that problem in the longer term. We need to be able to give funding commitments further in advance, and we even need to consider multiyear funding for some events to ensure that they can plan in the long term, secure in the knowledge that they will be able to put on the best programmes, make a better and bigger contribution, and attract more and more visitors to Scotland.

15:59

Alasdair Allan (Western Isles) (SNP): Aside from the Edinburgh festival, I am sure that there will be healthy competition among us all today to get in the most references to the local festivals in our respective constituencies.

Strangely enough, I was anxious to get into the debate before Jim Hume—who is now not here—who represents the other end of Scotland. I have the twin advantages not only of representing the Western Isles, but of being—as a certain Labour publication tirelessly reminds my constituents, although apparently without the desired effect—a borderer. In the Borders, local festivals are both enjoyed and taken very seriously.

Selkirk common riding is the classic example of a local festival that exists for a reason. It has not been concocted for tourists but is held by and for the benefit of a community that wants to celebrate its identity. Selkirk common riding provokes a powerful response in souters—the natives of Selkirk, of whom there are three in the Parliament. Like all genuine festivals, it has things about it the reasons for which are lost in the mists of time or which are pleasantly incomprehensible to anyone who might stumble on it. I am thinking of the fact that it begins at 4 am—or, rather, that it is unclear at what point on the night afore the morn it begins—and the fact that the standard bearer must be unmarried. The sight of the casting of the colours is impressive, as the town eerily remembers its fallen at the battle of Flodden. The fact that any town—without prompting from historians or politicians—genuinely seems collectively to recall something that happened in 1513 is profoundly impressive.

The most impressive festivals in Scotland take place, as in Selkirk, not because someone has decided that there is a benefit to the local tourist economy, however welcome that benefit may be—I do not detract from the important point that the motion makes about that—but because people in a community feel that the festival is important to the community. In many cases, the reasons for the festival go back so far that no one can remember them and that is what makes them interesting. People in Selkirk ride around the marches of the burgh because they have to—some neighbouring landlord might pinch a bit of the town if they did not. Likewise, in my constituency, there are a variety of local festivals, the best known of which are connected to the Gaelic musical tradition. Each year, boat-loads of singers take off for the Mod, a test of social as well as musical stamina. I declare an interest as a member of Back district choir. In 2011, the Mod will come home to the Western Isles.

The Mod is a national rather than local festival, which has done as much as any other event or organisation to maintain the Gaelic language and promote a truly unique musical tradition. However, there are many other local musical festivals, from Ceolas, in South Uist and Eriskay, to the local mods in Lewis and Harris as well as all the informal ceilidhs—in the original sense of that word—that still take place around the islands.

At the risk of missing out many community festivals, I also mention the Grimsay boat festival, the fishermen's mass in Barra, the Vatersay Boys on tour somewhere, Tattoo Hebrides, the MacNeil clan gathering, several Highland games, Stornoway carnival and the massively popular Hebridean Celtic festival, which now draws almost 20,000 people in a single week to the Isle of Lewis—a festival that truly has social, economic and cultural impacts on its community. I might even include the annual guga hunt on Sula Sgeir among the islands' annual festivals, albeit a very private one. It is an astonishing, ancient and impressive feat, and one that is deeply ingrained in the life of the community of Ness. I will say no more about it than that, though. Previously, my high praise for the guga hunt has earned me a permanent place in the demonology of certain militant, London-based supporters of gannet rights.

I could go on, but my point is this: the things that tourists want to see when they come to Scotland are, to a large extent, things that have some basis and support within the community. That is not a case against innovation—far from it. The more communities with festivals, the better. However, the strongest and most enduring festivals always focus on something in the community—be it urban or rural—that is specific to that place and celebrates it. Tourists like our festivals and, despite what we may imagine, the more mysterious and incomprehensible they are—the more inscrutably local they are—the better they like them.

16:04

Elaine Murray (Dumfries) (Lab): The major festivals such as the Edinburgh international festival, T in the Park, Celtic Connections, the St Magnus festival and so on are all hugely important to Scotland's culture and economy. I was slightly surprised to learn that the minister had made his festival debut only within the past year. My festival debut preceded his by almost 10 years. In 1999, I and a number of other MSPs including Mr McGrigor took part in the Edinburgh festival fringe, where Mr McGrigor's rendition of "Hairy Mary" was a stunning success, possibly because it starred the Presiding Officer wearing fishnet tights. He will probably never call me again at First Minister's question time now that I have divulged that information.

Like other colleagues such as Karen Gillon and Alasdair Allan, I want to highlight the contribution of local festivals to the wellbeing, identity, confidence and economy of the area in which they take place. I place on record my gratitude to the volunteers in my constituency who, year after

year, invest time, effort, and commitment into making such events a success.

As Alasdair Allan said, the common ridings and ridings of the marches in the Borders and elsewhere in the south of Scotland are famous. The origins of many festivals date back to the time of the Border reivers, when the young men of the community would ride round the burgh boundaries to check that its landmarks had not been tampered with—either by marauding English people or, indeed, by other families trying to gain advantage over the warring factions in the Borders.

None of the ridings events is a single-day celebration. Each is preceded by a week or a fortnight of cultural, leisure and sporting activities, which are organised to bring the community together. Such activities reinforce community identity and confidence. The first such event in my constituency—the popular Lockerbie gala and common riding—took place last Saturday.

Following that, the guid nychburris festival in Dumfries has been going on all this week. The riding of the marches and the crowning of the queen of the south on Saturday celebrate the granting of royal burgh status to Dumfries by King Robert III in 1186. Indeed, my own horse will take part in the riding, although—I say this before the Minister for Culture, External Affairs and the Constitution becomes too excited about the prospect of a by-election—it will not be I who will be on his back.

Annan riding of the marches, which takes places on the first Saturday in July, lays claim—as do others—to a tradition that is well over 600 years old. However, the event has developed over time and has added a gala. A more recent addition is the pipe band contest, which is an increasingly important part of the day. The contest, which now attracts more than 25 bands from across Scotland, culminates in a massed pipe bands and drums performance in Annan High Street in the evening. The closing rendition of "Highland Cathedral" cannot fail to make the hairs rise on the back of the neck of those who listen to it.

Langholm common riding, like Selkirk's, may lay claim to an even more ancient heritage. The common riding, which takes place on the last Friday of July, attracts tourists from across the United Kingdom. As Karen Gillon said, the occasion is a true homecoming event, because visitors come back year after year. Langholm common riding celebrates the definition of the boundaries of the town and of the rights of the community that were granted by the Court of Session in Edinburgh.

In fact, the origins of these ancient common ridings might be the Celtic Lughnasadh—or, in Anglo-Saxon, Lammas—festivals that took place

around the end of July or beginning of August to mark the beginning of the harvest. Such festivals were associated with horsemanship and horse-racing in honour of the Celtic goddess Epona. Indeed, horse-racing and horsemanship are very much part of the Langholm common riding. I am always amazed that the gallop up the narrow Kirk Wynd, lined with observers, still manages to escape the health and safety police, but long may it do so. However—as my mother is currently in the public gallery—I must confess that my decision once to invite my mother and father and all our dogs to stand at the bottom of Kirk Wynd as the cornet and the entire procession of horses passed by at full gallop was probably one of the most foolhardy decisions that I have taken.

Galas also take place in Moffat, Lochmaben, Eastriggs, Brydekirk and Kirkpatrick Fleming. In each case, the gala—whether large or small—promotes a sense of community identity, attracts visitors and thereby supports the local economy.

However, the organisers of such marvellous events have been subject to increased bureaucracy as a result of the Parliament passing legislation such as the Police, Public Order and Criminal Justice (Scotland) Act 2006. The relevant provisions of that act were intended to deal with the important public order issues that can arise from sectarian marches and political demonstrations. Councils now require the organisers of events to provide various bits of information, some of which are totally irrelevant to common ridings, galas or remembrance parades.

When I raised the issue of the burden of such unnecessary bureaucracy on traditional galas and so on last year, the Cabinet Secretary for Justice advised me that Dumfries and Galloway Council could apply to the Scottish ministers for an exemption for certain types of procession, such as common ridings, galas or remembrance day parades. Dumfries and Galloway Council wrote to the Cabinet Secretary for Justice in November 2008 to apply for an exemption for such events. Five months later, with the common riding and gala season only weeks away, Mr MacAskill eventually responded and turned down the council's request.

I understand that one of the long-standing organisers of the Langholm common riding, Stuart Thomson, has already spoken to the culture minister about that, but I, too, ask him to support Dumfries and Galloway Council's request for an exemption. Such events rely on the good will of volunteers who give up huge amounts of their time, without pay. As soon as one event is finished, the organisers start to arrange the following year's event. They do not need to be treated as if they were organisers of political demonstrations or sectarian marches. Will the

minister speak to Mr MacAskill about that so that, if Dumfries and Galloway Council repeats its request next year, we can perhaps get it granted?

16:10

Rob Gibson (Highlands and Islands) (SNP):

Our opportunity to debate festivals and their success in Scotland is a valuable contribution as we look towards the future, celebrating place and aspects of human activity and the life of our communities.

I suppose that the Edinburgh festivals represent the epitome of festivals, given their size and complexity. That brings me to my first point, which is that festivals and culture need to be celebrated more in our media. We talk about people's right to see particular international football matches on terrestrial television, but I believe that some of our cultural phenomena ought to be available to us as well, and not in the middle of the night. I hope that the Government will take up the free-to-air issue with the UK Government. Parts of the Edinburgh festivals, Celtic Connections and so on deserve to be shown for more than half an hour late in the evening.

The celebration of various parts of the country is epitomised by the fact that people like to have a good time. I suspect that we have developed festivals that try to make things better for us in a harsh climate. I hope that the climate will not be too harsh the weekend after next in Wick, where HarbourFest has been resurrected. It was started in 1937 and has taken place occasionally since then. It raises the aspirations of Wick folk for the importance of the historic harbour and its future. It was such a fantastic celebration two years ago that it was decided to try to make it a regular event. Indeed, it is hoped that, eventually, sailing ships and others will join us in the north and use the string of marinas that has opened up, and that HarbourFest will be a part of that.

I want to talk about some other aspects of the way in which festivals are affected. Recently, I was involved in trying to get publicity and access to this country for a Canadian musician called Allison Crowe. We have problems with the UK Border Agency, which demands particular certificates of sponsorship and so on. That is extremely draconian, particularly for small festivals. The Edinburgh international festival might have exemptions, but it is important that we go back to the new Home Secretary, Alan Johnson, and ask him to change the laws for artists, because the rules cut down the opportunities to get a variety of people from around the world to take part.

Thinking about festivals, we need to plan ahead. In a recent motion, I proposed:

"That the Parliament recalls the birth of Robert Bontine Cunninghame Graham on 24 May 1852"

and celebrates the 160th anniversary of his birth in 2012. I look to the Government to help us to think how best to celebrate that amazing, multitalented Scot. Thinking along similar lines—Cunninghame Graham was a man who spoke at Bannockburn—we should consider the current state of the Bannockburn experience, over which the National Trust for Scotland has control. It will be a sin if we do not have world-class facilities there to celebrate the 700th anniversary of the battle of Bannockburn in 2014. The planning for that must start now.

This afternoon's debate on festivals is an opportunity to consider how we measure their success. VisitScotland tells us that its perfect day campaign had a public relations value of £2 million.

Part of the problem is that we need to standardise things. In a recent Economy, Energy and Tourism Committee meeting, it was pointed out that patterns of activity in the years before and after festivals need to be considered before differences can be measured. Measuring the success of the year of homecoming will be difficult because of that. Nevertheless, the small investment in the year of homecoming has been welcomed throughout the country. I see that at festival after festival, some of which I have taken part in.

I want to mention a couple of those festivals and to look forward again. The local authorities that control the 96 or so inhabited islands in Scotland are planning a festival of island cultures in 2011. That is a natural follow-on from the year of homecoming. I hope that the whole Parliament and all the parties can get behind celebrating that particular aspect of our lives, and that we ensure that we invest in that festival to give islands their place in the future.

I get the chance to go to many festivals, and I was an organiser for a traditional music festival in Dingwall for 20 years, so I know quite a lot about how festivals are run and how tight money is. If people in particular areas want to celebrate, it is up to them to make the most of what is available and ensure that they take part in festivals. It is a great joy to me that Hands Up for Trad will host an awards event in Dumfries at the end of the year of homecoming. That event is now a celebration of all traditional culture and the festivals that take place throughout the year. It is one of the best things that can happen and is a great way to close the year of culture.

I hope that we not only continue to celebrate, but consider what has worked and what should work in the future, and that we plan well for the festivals that celebrate our life in Scotland.

16:16

Shirley-Anne Somerville (Lothians) (SNP): Edinburgh without festivals is simply unimaginable. Our capital city is the world's foremost festival city; it provides a beautiful historic backdrop for an unrivalled mix of cultural events that inspire and engage people from all walks of life.

The capital city's many festivals are integral to its cultural and economic success. They drive tourism, support thousands of jobs and bring visitors not just to Edinburgh, but to the rest of the country. Indeed, in a recent study, 65 per cent of visitors to the city said that the festivals were their sole or a very important reason for coming to Edinburgh. Some 50 per cent were influenced by the fringe alone. It has been estimated that the summer festivals generate more than £200 million of investment and attract more than 1.5 million visitors. This year, when the capital's other major employer, the financial services industry, is facing serious job losses, the importance of successful festivals to the city's economy cannot be overestimated.

I welcome the steps that the Scottish Government has taken to attract more visitors this year—the homecoming campaign has promoted Scotland's festivals in 40 countries as well as within the UK and added events such as the largest-ever clan gathering in Holyrood park to the busy programme. Encouraging people in the UK and Scotland to visit festivals in other parts of our country is particularly important, given the number of stay-at-home holidays that we will have this year.

I also welcome the new expo fund's provision of opportunities to showcase Scottish performers internationally in all 12 major Edinburgh festivals. The expo fund has provided a new platform for talent, from new writers to jazz singers, throughout Scotland. The record-breaking fringe programme for 2009 contains 500 Scottish performances, which is a 48 per cent increase on last year's performances, thanks to the new made in Scotland strand funded through the expo fund.

Those who say that festivals are not what they used to be are right, because they continually evolve, adapt and grow. Diversity is another major strength of our city's festivals, which are not afraid of change. When the international film festival moved from August to June, there were fears about the impact that that move would have, but it proved to be incredibly popular last year. I wish the event even greater success this year.

The fact that the fringe had a tough year last year has already been mentioned. That was due to problems with its box office, and things were not helped by the relentless rain. Problems with

sponsorship and tram road works—a speech would not be a speech by me if I did not try to mention the trams—add to the challenges this year. However, as the new fringe chief executive, Kath Mainland, has pointed out, people from throughout the world really care about the future of the fringe and want it to succeed.

Edinburgh's reputation for festivals is not just about the major headline-grabbing events such as the Edinburgh international festival, the fringe and hogmanay. Since I do not think that anyone else has mentioned it, I will put in a plug for the festival of politics, which plays an important role in our festival city.

There are many important community festivals, too. Last weekend, I spent a thoroughly enjoyable Saturday—between the torrential rain showers—at the Leith festival, which is one of the largest community festivals in the city. Its roots date back more than 100 years, but it has expanded beyond recognition in the past five years and it is a tremendous family day out.

We also have the Edinburgh mela in August, which was started in 1995 by the city's ethnic minority communities and is now Scotland's biggest multicultural gathering. I warmly welcome the minister's announcement of further support for it.

Other festivals are designed to deal with certain issues, such as the "Take One: Action!" festival, which is the UK's first major film festival that is dedicated to people and movies that are changing the world. Running at Edinburgh's Filmhouse in September, the festival explores global challenges in which Scotland has a vital role to play, from climate change to world trade.

Although there are difficult economic times ahead that will prove challenging for our festivals, there is no doubt that there has never been a better time for communities to come together to celebrate our culture, our heritage and the future through festivals in Edinburgh and the rest of Scotland.

16:21

Christopher Harvie (Mid Scotland and Fife) (SNP): I would like to join my colleagues in celebrating Scotland's festival cultures. I am slightly older than the Edinburgh festival and I can still remember its effect on our grim, austere, year-zero Britain. We were just about to see the launch of the national health service, but around us were the ghosts of Dresden, Auschwitz and the members of Scotland's Italian community who had gone down with the *Arandora Star* when they were being deported. Many of the performers in the festival had come to this country as exiles. My first classical music experience was, amazingly, a

concert by the Amadeus string quartet, who had met when they were banged up on the Isle of Man as alien internees.

The festival was a bringing together of the exiled of the world—a homecoming, of sorts. It was deeply moving, and it was wonderful that, in 1948, we Scots contributed to it one of the most astonishing literary revivals of all time—Robert Kemp and Tyrone Guthrie's staging of that great radical play, Sir David Lindsay's "The Three Estates".

About 50 years earlier, W B Yeats, who was also a professional dramatist and theatre manager, said:

"A nation should be like an audience in some great theatre—'In the theatre,' ... 'the mob becomes a people'".

I think that the staging of "The Three Estates" was the moment when we wised up to that.

I would like to think that we will approach our festivals in a rather more strategic way in the future. In Scotland, we have that grim period between November and late January when, as Hugh McDiarmid said

"it is scarce grey licht at noon".

We might try doing in that period something that is not dissimilar to what happens in Europe during advent—a gentle succession of celebrations, farmers markets and craft markets from the end of November until January. Kids have a lot of fun at those events. That would be better than the national catatonia that we have around Christmas, when entire families are banged up in their houses because the public transport system is not functioning, watching reruns of "The Great Escape", which is the most popular film during that period.

No one will come to see a Scotland that is not itself attractive and which has run-down town centres and supermarkets—and car parks that, while they might be quite magnificent, will never be the cynosure of people's attention. We also have to be a country that welcomes people from abroad. We frequently mention festivals such as the mela in that regard, but as Rob Gibson pointed out, to get here people must first negotiate the Home Office's requirements.

I shall throw in a suggestion for another festival. The Glasgow riverside museum is about to reach completion. It will include one of the greatest exhibits of shipping in the world, from the collection of the art galleries and museums in Glasgow. When I met some Polish friends a couple of weeks ago, it occurred to me that we could combine that with a literary celebration of the greatest novelist in English of the sea, who was also a Pole: Joseph Conrad. Conrad visited Scotland in the 1880s as the captain of sailing

ships and he was a great friend of Robert Cunninghame Graham—to whom Rob Gibson referred—as one of the leading modernist writers of the time.

I hope that we will start building the Borders railway in 2010 and open it in 2011 or 2012. As Karen Gillon said, we could celebrate Borders culture by having a Borders festival to open the railway. The festival would be in honour of Hogg, Buchan, Walter Scott, the Romans, the ballads, the common ridings and the rugby pitches. In the words of the greatest of all the Marxes—Groucho:

“Let joy be unconfined, let there be drinking in the bars, necking in the parlours, and dancing in the streets!”

16:26

Margaret Smith (Edinburgh West) (LD): I thank the minister for his optimistic contribution, if only for a highly unusual show of modesty—that leaves only 999 things to do before I die. He was absolutely right to refer to Scotland’s festivals as living things; contributions from throughout the chamber this afternoon have shown that festivals are alive and kicking. Although, as we heard from Alasdair Allan and others, many festivals are reminders of the histories and traditions on which they are founded, many others are modern—our festivals are always changing.

Ted Brocklebank said that no local festival is going to go unmentioned. We will probably find that we are wrong about that; there are probably hundreds that have not been mentioned. Nevertheless, this afternoon we have travelled the length and breadth of our country, from the Borders ridings and marches to Celtic Connections, Up-Helly-Aa and events in the Western Isles.

As an Edinburgh MSP, I welcome the opportunity to speak in the debate, which is timely given that Edinburgh’s 63rd film festival opened just last night with the world premiere of “Away We Go” by Sam Mendes. I enjoyed it very much and recommend it to members as an ideal film for homecoming.

Any time would be equally suitable for this debate given that Edinburgh hosts festivals for nine months of the year, starting with hogmanay. The science festival and the Imagine festival have already taken place and the jazz festival and book festival are still to come, along with the fringe, the international festival and our own successful festival of politics, which involves MSPs as contributors, hosts and audience members. There are also 12 younger festivals growing up in the gaps between Edinburgh’s other festivals and there are a wide range of attractions all year round.

Edinburgh is quite simply a world-leading festival destination. As a local resident, I am grateful to have such a fantastic array of events on my doorstep. The festivals not only bring quality work to Scotland but allow us in Scotland to showcase our talent and cultures—and our capital city—to the world. They present incredible opportunities for Scottish artists and performers, so I agree totally with the point about the difference that Edinburgh’s festivals make to the quality of life of its residents.

I have an array of memories thanks to the festivals, such as my earliest experiences of Ibsen, Shakespeare and stand-up comedy. Along with other highlights such as the festival fireworks every year, I have memories of those wonderful performances, which we might call fringe-cringe performances, that end up with more people on the stage than in the audience. When I was a student I flew around from venue to venue trying to cram as much as possible into those few summer weeks when it felt as if the whole world was on the streets of Edinburgh and in every church hall in the city. I believe that Edinburgh has drawn the line at performances in caves—which seems to be something that happens in Fife—but most places in the city have been used for performances at the festival at some point.

The festivals contribute to the unique Edinburgh summer mix of the genteel and the cosmopolitan. A few years ago, I read an article about a man who, one day in August—I hope it was a sunny day—shopped naked the length of Princes Street. He had gone in and out of the major stores, all the way from the west to the east end, before he was finally arrested. When the *Edinburgh Evening News* interviewed a local elderly lady who had witnessed it all—she had probably followed him the length and breadth of Princes Street—she said, “I saw him shopping in Marks and Spencer, but I thought it was something to do with the fringe.”

The festivals are a serious business. We have 12 major festivals that bring in a total of 4 million ticket sales and contribute around £184 million to our national economy. The fringe remains the world’s largest arts festival. Each year, the festivals deliver 40,000 individual performances in more than 300 venues and involve more than 25,000 artists.

Michael Russell: I draw the member’s attention to the fact that although this year’s fringe tickets went on general sale only on Monday, the fringe has sold £500,000 worth of tickets, which is £150,000 more than it has ever sold at this point in the year.

Margaret Smith: I am as optimistic as the minister about this year’s festivals, particularly the fringe, which is often a victim of its own success.

We will see wonderful performances this year. I am optimistic about what we will experience this summer in Edinburgh.

As Edinburgh's festivals have highlighted to members, Scotland's best prospects for economic growth are in the areas where we offer a distinctive product. The experience of Edinburgh's festivals is nothing if not distinctive. They are iconic and recognised internationally as such—they are a huge attraction to people beyond Scotland and the United Kingdom. A worldwide audience of 100 million people watched the tattoo on television last year. Karen Gillon was absolutely right to highlight its importance.

Rob Gibson also rightly spoke of the need to extend media and TV coverage to more of our festivals in Scotland. They contribute a great deal, not only to our economy but to our culture. Supporting our capital city and country's cultural endeavours and recognising their contribution is vital, given that culture touches so many areas of people's lives and our country's policies.

I share some of the concerns about funding. Obviously, this is a difficult time. As the 2006 "Thundering Hooves" report made clear, Edinburgh cannot rest on its laurels. The report suggested that we look at cities such as Manchester, Liverpool or Dubai, which are following Edinburgh's example. We must try to ensure that the city and its events keep up with the times. Edinburgh must remain at the forefront in terms of world festivals and tourist destinations.

These are difficult times. In the past, Edinburgh's festivals have relied strongly on the financial sector. They have attracted important sponsorship from the Bank of Scotland, the Royal Bank of Scotland and Standard Life. I thank those companies for the support that they have given. I also welcome the injection of support from the Scottish Government through the expo fund and in other ways. I was pleased to hear the minister confirm his strong and constant future support for the festivals.

Edinburgh's festivals have changed on the back of the "Thundering Hooves" report and in other ways. I am confident that this homecoming year will be another huge success for them. I am confident of that because of the collaboration between and hard work of the groups, organisations and agencies that are involved.

I am sure that many people from our own shores and within the United Kingdom who choose to holiday in Edinburgh will be delighted to discover the range of events and attractions that the city has to offer. They will find a colourful, exciting and diverse set of experiences and a friendly welcome in a unique city. As Christopher Harvie reminded the chamber, visitors will also find a city with

exactly the same ethos that inspired the first Edinburgh international festival back in 1947, which is that our festivals are, and will always be, a platform for the flowering of the human spirit.

16:34

Jamie McGrigor (Highlands and Islands (Con)): I am sure that ticket sales are up because the minister is performing in the festival.

I am pleased to be winding up for the Scottish Conservatives in this short but useful debate. The Highlands and Islands are blessed with a wonderful array of festivals of all varieties and sizes, from the Islay festival of malt and music to Cowalfest, the Cowal walking and arts festival. I have attended a good many of them and will continue to do so. They make a big contribution to the economy of my region.

I have to issue a warning, though. Only this morning I was contacted urgently by constituents in Oban who run the Dunollie museum and are involved with "The Hidden Jewel", one of the 56 core events and festivals for the 2009 year of homecoming; 2009 should be a special year for festivals, but those constituents expressed dismay that a young lady of MacDougall descent, one of our Scottish diaspora who was coming to help, in a voluntary capacity, with this core EventScotland-funded event, has been refused entry into Scotland and is to be ignominiously flown home to America.

I have spoken to the chief immigration officer in Scotland, who was most courteous and helpful and informed me that the situation I have described is the result of a change of immigration rules in November—yet volunteers for the Edinburgh festival are exempt. Perhaps the minister can tell me what the Scottish Government has done to organise immigration clearance for genuine volunteers such as Rachel Rogerson, who wants to help with the homecoming. Such incidents send out the wrong message to the diaspora, who have been invited to come home in 2009, not to go home.

Festivals are brilliant for the Highlands and Islands. The Hebridean Celtic festival is a brilliant example of how something that starts out relatively small can become an international favourite. In 1996 it attracted 1,500 people to Stornoway; now, 14,000 go. That festival is hugely important not just to the local economies of Lewis and Harris but to those of the Uists, Benbecula, Eriskay, Barra and Vatersay. There is so much local talent from the Western Isles, inspired by the hills, the wind, the beaches and the sea. Highland festivals offer a window for people to experience not just the music but the beauty that inspired it.

I attended the original RockNess festival, deejayed by Fatboy Slim. There was a particularly enjoyable moment when

"What's that coming over the hill?
Is it a monster?"

was played. RockNess is inspirational and has gone from strength to strength. Its line-up this year included the Flaming Lips, Dizzee's Rascals, Basement Jaxx and Orbital.

Orkney's folk festival—a different kind of festival—passed successfully last month despite an economic climate that has made sponsorship harder to find. The festival's organisers do a very good job of combining well-established folk musicians and emerging talent from outside with the multitalented local musicians in a celebration of storytelling, ceilidhs, song-writing workshops, concerts and musical pub crawls. Orkney is of course famed for its hospitality, as well as for its music and its brilliant branding of foods, from crab to cheese and ice cream.

Looking ahead, the Tartan Heart festival at Belladrum, which was the inspiration of Highland impresario Joe Gibbs, has the Editors and Ocean Colour Scene headlining, with British Sea Power, Shed Seven and many more on the bill. It is so important for the Highlands and Islands to offer a diverse mix of tourist attractions. Tartan Heart certainly offers a varied mix, and it truly ranks alongside international music festivals.

A recent added bonus to festivals has been the interest in local foods and the ensuing change from a burger culture to home-made mutton stovies and delicious fresh local products. An innovative partnership founded by Fergus Younger of the Argyll and Bute agricultural forum takes a large tent with foods from Argyll to many of the festivals, and it is an eye-opener to see how people flock to the "Food from Argyll" tent, where quality reigns supreme at a reasonable cost. Those large music festivals have allowed such small businesses to prosper, which is a good thing for both the producer and the consumer, and it has heightened the profile of Highland food culture for visitors.

Festivals will feel the icy blast of recession, but the Scottish Government should remember how important they are to local Scottish economies and to so many small businesses. Scotland provides a perfect natural stage; people just need an excuse to go. The Outsider at Aviemore and the Connect festival at Inveraray, which I attended last year, are now not going ahead. Local businesses will miss them very much.

As other members have said, the Edinburgh festival and fringe is the largest festival of its kind in the world. I had direct involvement with the fringe last year, to help my daughter, Sarah

McGrigor, put on a play that she had written at school—a religious comedy that, for some reason, is entitled "Forgive Me Father". My point in mentioning that is that friends and relatives travelled to Edinburgh to see the play, some of them from across Europe, and they stayed in local hotels, used the restaurants and travelled the Highlands and Islands. That emphasises how important the fringe is as a magnet to Scotland.

Like Elaine Murray, I very much enjoyed performing at the Edinburgh festival. I have done it twice, albeit in a very modest way—like the minister.

The Scottish Conservatives are happy to put on record our gratitude to all the individuals in Scotland who do so much good in organising so diverse a range of festivals. We recognise the massive importance of the sector to Scotland's economy and we look to the Scottish Government to do what it can to underpin its future success.

I am looking forward to attending the new festival at Kelburn castle in Largs, which opens this weekend.

16:40

David Whitton (Strathkelvin and Bearsden)
(Lab): Like the other members who have spoken, I am delighted to participate in the debate and take the opportunity to talk about a couple of festivals that take place in my constituency. Like many of the festivals that we have heard about, both festivals that I will mention had humble beginnings but now occupy a prominent place in the local social calendar and bring economic benefit to the area.

The G66+Live festival—G66 is the local postcode—got under way this week with the official opening of an art exhibition in the Kirkintilloch campus of Cumbernauld College. It was unfortunate that Mr Russell, who was due to officiate, was unable to attend and do the honours. However, Mr Fergus Ewing pulled on the substitute's jersey and was an able deputy. Perhaps Mr Russell will make it next year, if he has not secured a lucrative recording deal by then.

G66+Live began in 2005 as a result of bad press about living in Kirkintilloch—goodness knows where anyone got that idea. Gordon Carmichael, a local parent and chair of the school board forum, whose cousin runs a festival in his home town in New Zealand, brought together a band of people, which became the committee that ran the first festival. The aim was to promote all the good things about living and working in and around Kirkintilloch and Lenzie, Milton of Campsie, Lennoxton, Twechar and Torrance.

The festival's tag line is "celebrating success, developing potential". The aim is also to encourage local businesses to pick up on opportunities to generate more business and encourage local people to spend more of their money locally. G66 is intended to be an umbrella body that supports groups who want to put on an event during the defined festival period. Events are promoted free to every home in and around the G66 postcode area, using the Royal Mail's door-to-door delivery service, which is paid for by sponsorship from the local businesses who advertise in the programme. I have a programme with me: members might be able to see who is advertising in it—I refrain from mentioning names. Roughly 60 to 70 per cent of the funding comes from a community grant from East Dunbartonshire Council; the remainder comes from other grants and support from the local shopping centre. In practice, the committee organises many of the key events and an administrator is paid to organise the "our creative community" exhibition.

I am pleased to report that over the years the festival has grown steadily. It looks like this year's festival will beat all previous years, selling more tickets—that relates to a point that Dr McKee made, so it is sad that he has left the chamber—and generating more awareness. Many local groups are involved, including artists, dancers, musicians, businesses and charities. A browse through the programme reveals the variety of local organisations that take part.

The partnership between G66+Live and Cumbernauld College has been particularly successful and the "our creative community" exhibition involves many local artists. I am sure that if Mr Russell had been able to attend Monday's opening, he would have marvelled at some of the work that is on display.

Building up good audiences is a slow process and an active committee is needed to drive the process. At some point the festival must generate enough revenue to pay organisers and expenses. We are waiting to see what the future holds for G66+Live.

The Kirkintilloch canal festival is in its 10th year. Because the Antonine wall received world heritage status this year, the theme in 2009 is the Romans. The festival started life in 2000 as a small open day, which was entitled, "Coppers and Canals". Over the years, it has grown in popularity and size and it now attracts thousands of people every summer. Indeed, the minister for canals, Mr Stewart Stevenson, was a guest in 2007. He had a great time, although he did not sing for us, which was sad. The festival's profile has risen over the years. Indeed, it was nominated in 2000 for a VisitScotland thistle award in the best regional event category. East Dunbartonshire Council

organises the canal festival in partnership with British Waterways Scotland, Strathclyde Police, Peel park community heritage association, the Seagull Trust, the Forth and Clyde Canal Society, the Auld Kirk museum, the Kirkintilloch initiative and the East Dunbartonshire campus of further and higher education. Last year's event was held on a particularly hot day and it attracted over 10,000 people, making a substantial contribution to the local economy. This year's event will be on the last weekend in August, which will mean another big boost locally, if the weather is kind. That is what happens with successful festivals, as we have heard.

Much has already been made of the impact of T in the Park, which is now second only to the Glastonbury festival in importance and audience numbers. However, just because it is sold out again this year does not mean that it will always be so—the experience of the Edinburgh festival tells us that. As the minister said, ways must be found to build and nurture successful festivals. With a captive audience at T in the Park, I suggest that the Government should, for example, put up its own culture tent and expose an enthusiastic young audience to the delights of, say, Scottish Ballet, the Royal Scottish National Orchestra or some of our more traditional music. For example, the Red Hot Chilli Pipers have shown what can be done to popularise bagpiping. Celtic Connections, which began in Glasgow to fill a wet week in January, now generates around £6 million in income for the city of Glasgow and around £8 million for Scotland as a whole. For every £1 spent by Glasgow City Council, another £37 comes back in income. In addition, it would be remiss not to welcome the minister's announcement of a £30,000 boost for the Edinburgh mela.

Mr Russell spoke earlier of his recording career, but the debate has unearthed other talent in our midst: Dr Allan and the Back district choir and Elaine Murray and Jamie McGrigor at the festival fringe. Who knows? We may have the makings of a fringe event at the festival of politics, although I hope that Elaine Murray's horse will not make an appearance. We have also heard about Ted Brocklebank's nocturnal habits, and it is no wonder that he carefully marks in his diary all the festivals that he wants to attend. We also had the bizarre suggestion of Iain Smith challenging the minister to a game of beach volleyball. Could that be another fringe event for the festival of politics? Well, let us hope not. However, if the minister wants to visit Twechar beach day this Saturday, I am sure that people will be pleased to see him.

Dr Allan spoke also of events whose origins are lost in the mists of time rather than being manufactured in the way that the two festivals that I mentioned earlier were. However, many gala days in towns around my area go back through the

years, including the Kirkintilloch agricultural show, which celebrated its 150th anniversary this year. Jamie McGrigor referred to Dizzee Rascals—I think—but I should tell him that Dizzee Rascal is, in fact, a person and not a band. The song that Jamie McGrigor mentioned—

“What’s that coming over the hill?
Is it a monster?”—

is a particular favourite of my three-year-old grandson. However, the pay-off line for him is to say, “It’s my grandpa!”

The festivals that we have heard about are replicated across Scotland. Indeed, the list of them with which I was provided is many miles long, so I will not bore members by reading them all out. However, one in particular has been mentioned a couple of times: the Edinburgh military tattoo. As has been said, it not only generates a huge amount of money for Scotland, but celebrates Scottish music and brings visitors and performers from across the world, which gives it its unique atmosphere. The tattoo has achieved all that without receiving any Government subsidy or grant in the nearly 60 years that it has been going. A recent survey found that, among those asked, it was the most highly recalled Scottish tourist event or attraction, and over 90 cent believed that it is one of the very best events of the year and truly unique.

What we have been talking about and what we are celebrating are unique events in each of our own areas, and we should continue to celebrate them.

16:49

Michael Russell: It has been a good-natured and informative debate, although it has included some odd moments, to which I will refer, in passing, as I sum up. Before I do so, I want to respond to some of the positive and serious suggestions that have been made.

Karen Gillon suggested a festivals event in the Parliament, through which we could spread knowledge of the work that the festivals do and allow members to provide information about the festivals in their areas. That is an excellent idea, which we will try to take forward collaboratively. Another strong suggestion that I thought was a good idea was that festivals could share knowledge of what was taking place and art forms could speak to each other. There is an element of such collaboration already, and I think that some of the programmes that we are developing under the innovation fund that will be announced next week might give us an opportunity to resource such an intervention at a future festival. I thank Mr Whitton for that idea; we will take it away and see what we can do with it.

By and large, the points that have been made in the debate apply to us all. We have heard some interesting personal reflections. Karen Gillon said that we should ensure that events are drawn in from other places, including the rest of the UK. When the Music of Black Origin awards are held in Glasgow in September, it will be the first time that the event has been held outside London. The fact that that extremely important event was secured for Scotland was the result of a Scottish group of organisations ensuring that they could bid for an event that would make a difference in Glasgow.

I thought that Mr Brocklebank was a little churlish in his introduction to an entertaining speech. To suggest that the debate was a filler was probably the wrong thing to do; it has been an opportunity for the Parliament to exchange information and to celebrate good things in Scotland, and I know that Mr Brocklebank eventually came round to that point of view.

Iain Smith made some interesting points about the need to take a longer-term view of the resourcing of festivals. By and large, a long-term view is taken, but when that does not happen, which is often the case with smaller festivals—I have been working with Mr Smith on a festival in his area of which that is true—we need to help as much as possible. However, it is a two-way street. Organisations need to know what they will spend and to plan ahead. Before other organisations can join in, they need to be sure of what their commitment is. It is necessary for a longer-term view to be taken of certain events if we are to ensure that they are not single events.

Elaine Murray made an important point about licensing. I am happy to commit myself to speaking to my friend the Cabinet Secretary for Justice, who is now in the chamber, to see whether we can make progress on the issue. Repetitive form filling should not be necessary for local festivals, into which members of local organisations put a great deal of time and effort. They need to be helped as much as possible by the organisations that are there to support them, which should not hinder them. I will take the issue up and will ensure that I communicate directly with the member and with the organisations that have raised it with me.

I am not sure that I will do the same for the festival of guga hunting, to which Alasdair Allan drew attention. I am familiar with what takes place on Sula Sgeir and although I have supported it, and been condemned for so doing, it is perhaps stretching the idea of a festival just that little bit too far to define it as such.

A number of festivals with interesting origins have been mentioned. Elaine Murray made an important point about the fact that some festivals arise out of the natural rhythm of the year and the

age-old rhythm of communities, whereas other festivals—such as the G66+Live festival, to which Mr Whitton referred—arise out of a particular need. They are the result of people deciding that they need to do something about their community. I was extremely sorry that I was not able to attend the G66+Live festival—it was not my fault but Sir Kenneth Calman's. I hope that I will be there next year to take part.

Mr Whitton was right to say that one good year should, but does not always, lead to another, so festivals need to be constantly ambitious and constantly aware of the pitfalls that they might face. As several members have said, we do not know what effect the recession will have on the arts or the festivals in Scotland. It is possible—we hope that this is true—that there will be more people in Scotland this year. The idea of the year of homecoming is that not only will people come from other places, but that people from Scotland will travel around the country taking holidays and going to events. If that turns out to be the case—and the signs are good—that will be tremendous. However, we must always be aware that there are difficulties and pitfalls, and that nothing is guaranteed. Inventiveness and ideas are needed.

Mr McGrigor was right to draw attention to food festivals. Festivals should celebrate the best of Scotland, and we should certainly invest in the celebration of Scottish food. I did not learn from Mr McGrigor's speech whether Shed Seven was a place or a performance; no doubt he will tell me at some stage. I claim absolutely no cred. Karen Gillon asked me to get some cred, but I do not think that it would be legitimate for me to do so—I admit my ignorance on such matters. However, I recognise that T in the Park is a huge economic force, as well as a huge cultural and entertainment force.

Karen Gillon: Will the minister undertake to meet some of the industry organisers in Scotland to look at how we can make the lighting, staging and public address systems that are used at major events more vibrant and improve the ability of Scottish companies to compete in that area?

Michael Russell: I would be happy to do so. I note the concerns that various social enterprise organisations have expressed on the matter—procurement is an issue. Last night I had a brief conversation with Pete Irvine, whom I have known for some time and who has been an important force in the area. He made the point, as he has often done, that festivals come and go and that sometimes opportunities exist and sometimes they do not. However, it would be excellent if we could smooth out the process for businesses in Scotland.

I will conclude by addressing the issue of economic impact. As I said earlier, in 2005

Edinburgh festivals were worth £184 million to the Scottish economy; I am sure that the figure is now much greater. Margaret Smith will be aware that statistics for festivals tend to be slightly outmoded. We should not spend all our time studying them—we should snapshot them.

George Foulkes (Lothians) (Lab): Has the minister been contacted by Mr Ian McFarlane asking why no Burns productions are included in the Edinburgh international festival? If so, what reply did he give?

Michael Russell: I am sorry that Lord Foulkes was not in the chamber for the rest of the debate, because he would have enjoyed it and would have found a range of issues to entertain him. I doubt that there is a living being in Scotland who has not been contacted by Mr McFarlane—he sends regular e-mails to Lord Foulkes and to me. I admire Mr McFarlane as a creator and writer of materials, but I disagree with him profoundly on this year's Edinburgh international festival programme. At issue is whether Mr McFarlane's work on Robert Burns should have featured in the programme. That is a decision for the director of the Edinburgh international festival and no one else. The accusation that having Handel's "Judas Maccabaeus" open the festival is an act of cultural genocide, in which I am complicit, is not one with which I tend to agree.

When Lord Foulkes distracted me, I was about to give figures for the period between August 2004 and July 2005.

The Deputy Presiding Officer: One moment, minister. I ask members to be quiet.

Michael Russell: There were 3.1 million attendances at festival events and an estimated 1.4 million trips to Edinburgh, which generated output of about £170 million in Edinburgh, £40 million of new income, support for 3,200 jobs and new visitor expenditure—an increase in income of £31 million from accommodation and £22 million for bars and restaurants. Those are significant figures.

Let us contrast them with the figures for public support, because the festivals provide very good value for money. Forty-eight per cent of the Edinburgh international festival's income comes from private funding. Public funding is the smallest part of the funding for the great infrastructure of the 12 festivals. In 2009-10, the festivals received £3.1 million from the Scottish Arts Council and £3.3 million from the City of Edinburgh Council, plus money from the expo fund, which started last year. There are announcements still to come for this year—I am glad to have made one of them this afternoon—but so far the children's festival has received £350,000, the film festival £110,000, the jazz and blues festival £100,000, the art

festival £100,000, the Edinburgh international festival £180,000, the book festival £55,000 and the fringe £460,000, which includes an element for bringing more companies into the fringe. Today I was pleased to confirm that the mela will receive £30,000.

There is still work to be done for the storytelling festival, the winter festival, the science festival and the tattoo. A great deal of resource is being provided to festivals in Edinburgh through the expo fund and from public money, through the Scottish Arts Council and the City of Edinburgh Council, but a huge amount is coming from elsewhere. However, that is a small input compared with the output to which I referred.

This debate has shown the affection and support that exist for the Edinburgh festivals across the chamber. It has also shown that there is support for festivals of a variety of types throughout Scotland. It has been a productive and good-humoured debate. I hope that the chamber will support the motion in my name and, what is more important, that people will buy tickets and attend every event that they can at all the festivals in Edinburgh this year.

Point of Order

17:00

Mike Rumbles (West Aberdeenshire and Kincardine) (LD): On a point of order, Presiding Officer. I wish to raise a point of order in relation to paragraphs 3.1.10 and 3.1.11 of the introduction to the code of conduct for members of the Scottish Parliament. The code says:

“Members should be as open as possible about their decisions and actions.”

It also says:

“Members should promote and support these principles by leadership and example, to maintain and strengthen the public’s trust and confidence in the integrity of the Parliament and its members in conducting public business.”

Earlier today in the chamber, in response to a question on the funding of the Aberdeen western peripheral route, Stewart Stevenson replied that it would be funded “with money”. [*Laughter.*]

The Presiding Officer (Alex Fergusson): Order.

Mike Rumbles: It was not the first time that Stewart Stevenson has responded to colleagues in such a way. I would appreciate your guidance on an important matter, Presiding Officer, and I am sure that the Parliament would too. Could all MSPs—and Stewart Stevenson in particular—be encouraged to abide by the aspirational aspects laid out in our code of conduct?

The Presiding Officer: I am grateful for having received prior notice of Mike Rumbles’s point. I regret to say that it is not a point of order, because it applies to parts of the code of conduct that do not represent obligations on members. However, on reflection, the minister might want to consider whether his response to Mr Rumbles was quite as constructive as it might have been.

Decision Time

17:01

The Presiding Officer (Alex Fergusson): There are three questions to be put as a result of today's business.

The first question is, that motion S3M-4243, in the name of Trish Godman, on behalf of the Review of SPCB Supported Bodies Committee, on its proposal for a committee bill, be agreed to.

Motion agreed to,

That the Parliament agrees to the proposal for a Committee Bill, under Rule 9.15, contained in the Review of SPCB Supported Bodies Committee's 1st Report, 2009 *Review of SPCB Supported Bodies* (SP Paper 266).

The Presiding Officer: The second question is, that motion S3M-4397, in the name of Kenny MacAskill, on the Convention Rights Proceedings (Amendment) (Scotland) Bill, be agreed to.

Motion agreed to,

That the Parliament agrees that the Convention Rights Proceedings (Amendment) (Scotland) Bill be passed.

The Presiding Officer: The Convention Rights Proceedings (Amendment) (Scotland) Bill is passed. [*Applause.*]

The final question is, that motion S3M-4421, in the name of Michael Russell, on the energy, commitment and creativity of Scotland's festivals and their contribution to the financial success and quality of life in Scotland, be agreed to.

Motion agreed to,

That the Parliament recognises the international success of the Edinburgh festivals, along with Scotland's other festivals, their contribution to the Scottish economy, their role in the cultural life of the nation and the positive messages that they promote about Scotland's cultural confidence and ambition in this Year of Homecoming.

Former Gurkha Soldiers' Rights

The Deputy Presiding Officer (Alasdair Morgan): The final item of business today is a members' business debate on motion S3M-4032, in the name of Jim Tolson, on the rights of former Gurkha soldiers. The debate will be concluded without any question being put.

Motion debated,

That the Parliament welcomes the victory for the rights of Gurkha soldiers achieved in the Commons defeat on 29 April 2009 when MPs voted by 267 to 246 for a Liberal Democrat motion offering all Gurkhas equal right of residence in Britain; believes that this is a historic victory for the Gurkhas who have served the United Kingdom so bravely; notes the widespread opposition to the UK Government's proposed guidelines, which are considered to permit only a small minority of Gurkhas and their families to settle while preventing the vast majority from doing so; believes that the UK Government's decision fails to recognise the long history of dedicated service by Gurkha soldiers; welcomes the support for justice for the Gurkha soldiers by former Gurkha officer, Major Bill MacKay of Dunfermline; commends the 70 years of continuous service given by Sergeant Sunar Gurung, who served with Major MacKay, and Sergeant Gurung's six sons who all served with the Gurkha regiment, and believes that such service should be recognised.

17:03

Jim Tolson (Dunfermline West) (LD): The Gurkhas have served in the British Army for almost 200 years and, with 26 Victoria Crosses, the Brigade of Gurkhas is among the most decorated British Army regiments. More than 200,000 Gurkhas fought in the two world wars, and in the past 50 years they have served in Hong Kong, Malaysia, Borneo, Cyprus, the Falklands and Kosovo, and now in Iraq and Afghanistan.

It is no wonder, therefore, that there was widespread opposition to the United Kingdom Government's proposed Gurkha residency guidelines, which would have permitted only a small minority of Gurkhas and their families to settle and prevented the vast majority from doing so. Under the Government's provisions, announced in April 2009, Gurkhas who retired before 1997 needed to satisfy conditions that were for the most part unachievable. Few issues have united people in such a way, across the parties and across the UK. No wonder the Government had to rethink the issue. Gurkhas who retired before 1997 and who wanted to live here had to have served five times longer than the time required of a Commonwealth soldier or of the Gurkhas who retired from service after 1997.

Interestingly, before July 1997, regular Gurkha soldiers were not permitted to serve 20 years. Riflemen served for 15 years, so only a small number would actually have qualified. The same applied to the other proposed conditions, which

would have made it nearly impossible for the majority of Gurkhas to qualify. The conditions seemed to be carefully designed to ensure that only a small number of Gurkhas could successfully seek settlement.

One Gurkha, Mr Pun, who won the Victoria Cross for storming a Japanese gun post in the second world war, was denied entry to the UK because he could not show a strong enough link to the country. I am delighted to learn that he has now been granted a visa to visit the UK and apply for indefinite leave to remain.

On 29 April, there was an historic victory for the Liberal Democrat motion in Westminster to offer all Gurkhas equal right of residence in Britain. The Government was defeated by a vote of 267 to 246. That was the first success for any Opposition motion for more than 30 years and only the third Government defeat in the Commons since 1997. The UK Government was forced to retreat and rethink its strategy. On 21 May, it announced a change of heart: Gurkhas with more than four years' service and their immediate family would be given the option to make their homes in the UK. It was success at long last.

That U-turn would not have happened without the high-profile campaign run by Joanna Lumley and other supporters of the Gurkhas' rights. Nick Clegg and the Lib Dems have been campaigning for a better deal for serving and retired Gurkha soldiers for more than five years. What started as a small, local campaign became part of a huge national campaign fought in the courts, the media and the UK Parliament. To quote Nick Clegg, the Lib Dem leader:

"If someone is willing to die for this country, they should be allowed to live in our country".

That phrase will strike a chord with many veterans and serving soldiers from around the world.

No doubt we all have constituents who served alongside Gurkhas in world war one, world war two, the Falklands or, more recently, Iraq and Afghanistan. Former Gurkha officer Major Bill MacKay from my constituency tells of serving with Sergeant Sunar Gurung, whose six sons also served with the regiment. Between them, they gave well over 70 years' service to this country. I am delighted to see that Bill MacKay and his wife, Sheila, are in the public gallery for this debate.

It is not only this Parliament or the UK Parliament that supports the efforts of Gurkhas at home and abroad. The Gurkha Welfare Trust supports the Gurkhas with residency claims and the retired Gurkhas in Nepal who do not receive a pension for military service. In particular, it supports those who served in world war two or the conflicts shortly afterwards. The trust's core activity is the provision of a monthly welfare

pension to 10,000 Gurkha soldiers—and widows—who did not serve the 15 years needed to earn an army pension. For many, it is the only source of income and all that stands between them and destitution.

The trust runs 19 area welfare centres throughout Nepal and one in India. They are manned by retired Gurkhas who investigate cases of hardship and distress and recommend appropriate aid. It also runs a medical scheme for the welfare of pensioners and their dependants, which provided treatment free of charge to 122,000 cases last year alone.

One of the trust's most successful fundraising events takes place in Scotland each year. In August, the Gurkha Highland march will take place with six serving Gurkhas and a Gurkha British officer. It involves a 200-mile march across Scotland from Mallaig to Stonehaven. I wish them well with that endeavour, and I am sure that the Parliament will join me in doing so. In fact, I hope to join them in Stonehaven on 17 August on the completion of their march.

Generations of Gurkhas have been prepared to fight and die for the UK and should be treated fairly and equally. Following the historic vote in Westminster on 29 April and the subsequent announcement on 21 May 2009, they will be treated fairly at long last in recognition of the long history of dedicated service that they have given to this country. It was a hard-fought battle but one worthy of a 27th Gurkha Victoria Cross.

17:09

Linda Fabiani (Central Scotland) (SNP): I welcome the debate, which has been initiated by Jim Tolson. It is apposite that we are having it in the run-up to armed forces day on 27 June.

It is absolutely true that the armed forces have great respect for any soldier who fights within the ranks, no matter where they were raised or from where they were recruited. The Gurkhas are almost the stuff of legend. People hear about those strong and committed soldiers and the fiercely contested recruitment process that goes on in Nepal to win the right to be a Gurkha soldier. There was therefore general revulsion when people realised, as a result of a campaign, how the Gurkha widows were being treated. There was also outrage with the recognition that the Government at Westminster tried to put what I would call disingenuous conditions on the right of retired Gurkhas to live here. Jim Tolson talked about the very basic condition, which was that soldiers had to serve 20 years for automatic qualification, but rank-and-file Gurkhas serve only 15 years. That seemed a very strange condition.

The Gurkha campaign did not arrive from nowhere. A lot of people have worked for the campaign for many years, and it has been fuelled by individual cases of injustice. At the time, I was shocked by the story of Honorary Lieutenant Tul Bahadur Pun, who had to get special leave to enter the UK for medical treatment in 2007 and in fact had to rely on the charity of the Gurkha brigade for welfare support while he was here. This was a soldier who won the Victoria Cross for his bravery in Burma in 1944, when he took on and defeated Japanese machine-gun bunkers single-handedly after they had killed the rest of his section. After he was refused treatment at a national health service hospital, he was so disgusted that he turned in his medals at Downing Street. I understand that he was told that he was due the NHS thousands of pounds in payment for the treatment that he had already received. I pay tribute to Nick Clegg, who joined Mr Pun on that demonstration in June 2008.

By one of those strange coincidences that come round, it turned out that that soldier had saved the life of Joanna Lumley's father by carrying him back to a medical post under fire after he had been shot. As we all now know, it was after reading her father's diary that Ms Lumley became involved in the Gurkha campaign—and a very good profile she gave to it. We should all honour her for that, as well as honouring all the other people who have campaigned so hard over the years, such as Major Bill MacKay of Dunfermline, who was mentioned by Jim Tolson and who is mentioned in the motion.

As I said, those who fight for this country deserve equal respect, whether they come from Scotland, England, Wales, Ireland, Commonwealth countries or Nepal. I believe that the armed forces have that feeling and give that recognition. My colleague the Minister for Schools and Skills, Keith Brown, served alongside the Gurkhas in the Falklands when he was a marine. As Jim Tolson said, Gurkhas have been part of the army for almost 200 years, and 200,000 Gurkhas fought in the two world wars, with 45,000 believed to have lost their lives fighting for Britain. I absolutely endorse the point that, if someone is willing to die for this country, they should be allowed to live in it.

When the then Home Secretary, Jacqui Smith, made her announcements about the UK Government turnaround, she made some commitments, one of which was that the 1,400 outstanding applications for settlement that were currently with the UK Border Agency would be processed on the basis of the new policy as a matter of urgency before 11 June. That date has now passed, and I have been unable to find out whether the target was met. I hope that someone here who has been closely involved will be able to

find out and reassure people that the action has matched the rhetoric.

17:14

Murdo Fraser (Mid Scotland and Fife) (Con): I congratulate Jim Tolson on bringing his motion to the chamber. I agree with everything that he said when he outlined the United Kingdom's historic and important bond with the Gurkhas over many years. The Commons victory over the Government earlier this year, to which he referred, was a hard-won victory for the Gurkhas and for basic decency.

As Jim Tolson said, it is right that all pre-1997 Gurkhas with more than four years service and their dependents should have the right to settle in this country. Conservatives believe that former Gurkhas—and indeed other veterans who are not UK nationals—have contributed to our society and have therefore earned the presumption that they should be allowed to settle here. It was never justifiable to deny a group of people who have long lived in the nation's affections, and who have risked—and whose members often gave—their lives for its protection the right to live in the UK.

As Jim Tolson said, it is a shame that the UK Government had to be dragged kicking and screaming through the courts and then through the crowds of Gurkhas outside Parliament before it finally did the right thing. It is a shame that not a single Labour member is prepared to contribute to the debate—perhaps they are too embarrassed.

I agree with what Jim Tolson said when he referred to Joanna Lumley, who, in redoubtable fashion, led the campaign to win rights for Gurkhas, with support from across the political spectrum. The campaign was based on decency, common sense and fairness, which is why it won the day. I think that we all enjoyed the sight on television of Joanna Lumley publicly embarrassing Phil Woolas and other Labour ministers, while eloquently and gently reminding us all of the role that the Gurkhas have played in defending this country over the centuries.

The Gurkhas have an important role in the British Army and are renowned for their loyalty, discipline and courage in battle. Linda Fabiani reminded us of the fiercely contested recruitment battle in Nepal. In 2008, the British Army recruited 230 Gurkhas but received more than 28,000 applications from young men. It shows how important the opportunity to serve in the Gurkhas is to young men in Nepal.

It is hard to believe the attitude adopted by the Labour Government at Westminster when we consider that about 200,000 Gurkhas fought for Britain in the first and second world wars, and that more than 45,000 Gurkhas have died in British uniform. The Gurkhas have given total

commitment to Britain and the British Army, and it is welcome news that they can now settle here. When a Conservative Government is elected at the next general election, we will honour that agreement and ensure that Gurkhas who want to come here are treated as honoured veterans of our armed forces.

In the few moments I have left, I want to mention the Black Watch, which is currently serving in Afghanistan. Like the Gurkhas, it is a proud regiment. The Black Watch is based in the area of Fife and Tayside that Jim Tolson and I represent. Sadly, two Black Watch soldiers died recently in Afghanistan. Everyone in the regiment will feel that loss deeply.

Whether they are from the Black Watch or the Gurkhas, all those who contribute to the British Army should be valued. It is hugely significant that a victory has been won to allow Gurkhas who have served this country to come and settle here. I congratulate all those who brought about that victory.

17:18

Christopher Harvie (Mid Scotland and Fife) (SNP): I, too, thank Jim Tolson for securing the debate. I agree completely with the sentiment in his motion.

We have heard statistics on the Gurkhas, but Scotland has an almost direct literary connection with that society through George MacDonald Fraser, who I regard as one of the greatest Scottish novelists of the 20th century, with his stories of the great game.

The Nepali community is a fixture of contemporary Scotland that I believe is of increasing importance. Like the Scots, they are a martial people who have loyally served in two world wars. However, they can still find it difficult to cope with a fast-changing subcontinent.

I have a certain personal link with that, because my late wife was a Buddhist. She was a rather odd type of Buddhist: an Anglican Buddhist—there is such a thing. Her belief gave her great satisfaction and great courage when coping with the illness from which she died. It is a personal link with that type of belief.

Along with Buddhists in this country, I recently played some part in trying to strengthen the Nepali community here and to retain in it the activist Kishor Dangol. Through him, I have come into contact with the Nepali community as a whole, which is one in which serving Gurkha officers and retirees are blended with entrepreneurs, doctors, medical men and people working in social work. They are a resilient and logical group of people.

Last Friday, we were able to agree on a scheme of action for creating a—*[Interruption.]*

The Deputy Presiding Officer: Order. The member has an electronic device near him.

Christopher Harvie: I apologise. I shall throw it remote from the microphone.

I was struck by how logical and well organised their plea was. They would like a Nepali centre in Scotland, which they are prepared to organise completely themselves. They are anxious to serve our country as well as their own tradition. They are a very logical and possessed group, and in many ways they have coped much better than others with the aftermath of the experience of modern war. They seem to have a resilience that aids them in dealing with that.

That area of the Himalayas has contributed two links to the subcontinent in which Scotland has had a role; the military and the botanical. Would it not be marvellous if we could get a solution from the present-day Nepalese to our problem with the rhododendron, that curse of the Highlands and a upas tree of our own growing? I think that we probably will get that action because the Nepalese are accustomed to that type of landscape and territory. Members have referred to the notion of the Nepalese taking their place among the folk of the Highlands.

We ought not just to welcome the deal that has been done, which has erased a very bad chapter in our treatment of our former soldiers; we should try to bring the Gurkhas into our society in Scotland so that we can profit from their hardiness, effectiveness and awareness of the natural world. We should express respect for the services that have been done to Britain and Scotland by the Gurkhas and the Nepali community as a whole. I hope that we develop that co-operation in the future.

17:22

The Minister for Housing and Communities (Alex Neil): I, too, congratulate Jim Tolson on securing the debate on a substantive and worthwhile subject. In my role as the minister with responsibility for veterans affairs, I am replying on behalf of the Scottish Government. Like Murdo Fraser, I think that it is a matter of regret that no one from the party that is in government in London has been bothered even to sit through the debate, let alone to speak in it.

I associate myself with Murdo Fraser's remarks about the Black Watch. Both my grandfathers served in the Black Watch during the first world war and one of them was seriously injured as a young man. Our thoughts are with the Black Watch and all the other serving personnel in

Afghanistan and in the other 19 countries where members of the armed forces are currently serving.

I pay special tribute to the work that Major Bill MacKay has done in campaigning for the Gurkhas.

It may be helpful if I run through some of the figures concerning the impact of the U-turn by the UK Government. In 2004, the UK Government granted the Gurkhas the right of settlement in the UK if they had served on or after 1 July 1997. Since then, more than 6,000 Gurkhas and their families have settled in the UK. When I became the minister with responsibility for veterans affairs, I asked my officials to find out, through the Gurkha Welfare Trust, how many of those 6,000 Gurkhas live in Scotland. It appears that not many—if any—Gurkhas are currently permanently living in Scotland. According to the campaigners, the UK Government's ruling denied residency to almost 36,000 Gurkhas.

As we have heard, the Home Secretary then made her announcement on 21 May. As a result of the new arrangements, between 10,000 and 15,000 applications are expected to be made over the next two years by Gurkhas who want to come and live in the UK. Those will be in addition to the 1,400 applications that were already outstanding with the UK Border Agency. As Linda Fabiani said, we were promised that the 1,400 applications would be processed by 11 June. We will attempt to find out the exact status of those applications. I shall write to every member who has participated in tonight's debate to update them on the position once we receive that information from the UK Government.

As Jim Tolson said, 200,000 Gurkhas served in two world wars and, down the years, 26 of them have received the Victoria Cross. As all members have said, loyalty is a two-way process. For 200 years, the Gurkhas have been very loyal in the fights in which this country has been involved. We owe a loyalty to the Gurkhas.

There are few subjects on which the average person in the street feels—almost unanimously—a sense of injustice, but, on the day that Phil Woolas announced that the Gurkhas would not be given the right to settle in the UK, one could almost feel the sense of disgust and anger, let alone disappointment, not just among Opposition politicians but among the ordinary people of this country both north and south of the border. No matter where in the UK they are from, people recognise the debt of gratitude that we owe to the Gurkhas.

I am delighted that Joanna Lumley, working with the Gurkhas, was able to gain the support of all the Opposition parties—on this occasion led, to be fair, by Nick Clegg—to secure the reversal of the

decision that was made by Phil Woolas. When I have the pleasure of meeting Mr Woolas in London next month, I will take the opportunity to convey to him—pleasantly—the feelings of the Scottish Parliament about how the Gurkhas have been treated by the UK Government.

We are united on the Gurkhas. My only wish is that many more of them would come and settle in Scotland, where they would benefit from all the work that we are doing for all the veterans in Scotland in conjunction with, and with the co-operation of, the Ministry of Defence and the armed forces. Indeed, I had a meeting with John Hutton last month—just before he left the UK Government—to develop further the range of services that we provide to veterans in Scotland.

It is with great pleasure that I can say, on behalf of the Scottish Government, that we are at one with Jim Tolson, Murdo Fraser, Linda Fabiani, Christopher Harvie and everyone else who believes in the justice of the Gurkhas' cause.

Meeting closed at 17:28.

Members who would like a printed copy of the *Official Report* to be forwarded to them should give notice at the Document Supply Centre.

No proofs of the *Official Report* can be supplied. Members who want to suggest corrections for the archive edition should mark them clearly in the daily edition, and send it to the Official Report, Scottish Parliament, Edinburgh EH99 1SP. Suggested corrections in any other form cannot be accepted.

The deadline for corrections to this edition is:

Thursday 25 June 2009

PRICES AND SUBSCRIPTION RATES

OFFICIAL REPORT daily editions

Single copies: £5.00

Meetings of the Parliament annual subscriptions: £350.00

The archive edition of the *Official Report* of meetings of the Parliament, written answers and public meetings of committees will be published on CD-ROM.

WRITTEN ANSWERS TO PARLIAMENTARY QUESTIONS weekly compilation

Single copies: £3.75

Annual subscriptions: £150.00

Standing orders will be accepted at Document Supply.

Published in Edinburgh by RR Donnelley and available from:

Blackwell's Bookshop

**53 South Bridge
Edinburgh EH1 1YS
0131 622 8222**

Blackwell's Bookshops:
243-244 High Holborn
London WC1 7DZ
Tel 020 7831 9501

All trade orders for Scottish Parliament documents should be placed through Blackwell's Edinburgh.

Blackwell's Scottish Parliament Documentation
Helpline may be able to assist with additional information on publications of or about the Scottish Parliament, their availability and cost:

Telephone orders and inquiries
0131 622 8283 or
0131 622 8258

Fax orders
0131 557 8149

E-mail orders
business.edinburgh@blackwell.co.uk

Subscriptions & Standing Orders
business.edinburgh@blackwell.co.uk

Scottish Parliament

RNID Typetalk calls welcome on
18001 0131 348 5000
Textphone 0845 270 0152

sp.info@scottish.parliament.uk

All documents are available on the Scottish Parliament website at:

www.scottish.parliament.uk

Accredited Agents
(see Yellow Pages)

and through good booksellers