

MEETING OF THE PARLIAMENT

Thursday 3 September 2009

Session 3

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Scottish Parliament

Thursday 3 September 2009

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

Influenza A(H1N1)

The Presiding Officer (Alex Fergusson):

Good morning. The first item of business is a statement by Nicola Sturgeon on influenza A(H1N1). The cabinet secretary will take questions at the end of her 10-minute statement, so there should be no interruptions or interventions.

09:15

The Deputy First Minister and Cabinet Secretary for Health and Wellbeing (Nicola Sturgeon): During the summer recess there were a number of developments in relation to the A(H1N1) virus, and I am grateful for the opportunity to update Parliament on the current situation.

Following the move from the containment to the treatment phase that I announced on 2 July, new surveillance arrangements for monitoring the number of cases in Scotland were put in place. Health Protection Scotland monitors the number of consultations with general practitioners for flu-like symptoms and the number of hospitalised cases and deaths, and we now report those weekly.

We know from that information that although the virus continues to circulate in Scotland, the rates remain relatively low. Figures published today show that last week there were 40.2 GP consultations per 100,000 of the population. We estimate that around 2,500 people contracted H1N1 over the past week. In Scotland, the numbers are still below seasonal flu numbers, although they are high for this time of year. For most people, the virus remains relatively mild and self-limiting, although for some people it can be severe. A total of seven deaths have been associated with the virus in Scotland.

As many members will be aware, the national pandemic flu service was launched in England on 23 July. So far, we have chosen not to use the service, because our primary care services—Scotland's GPs, supported by NHS 24 and the Scottish flu response centre—continue to respond well to the demands that they face. We have, of course, retained the option to join the service when and if we think it necessary.

In so far as prescribing antivirals is concerned, the chief medical officer has issued guidance to all GPs that gives clear advice on prescribing and on

who to treat, and it recommends that decisions should be based on clinical judgment. That means that in Scotland, antivirals are provided only following assessment by a GP, which is in line with current World Health Organization guidance.

Since the Parliament rose for the summer recess, there have been a number of developments in relation to the vaccination programme. We continue to work closely with the other United Kingdom nations to develop the programme, and I will now set out where things currently stand.

On 13 August, on the basis of advice from the Joint Committee on Vaccination and Immunisation and the Scientific Advisory Group for Emergencies, I announced the first priority groups for the vaccine. Once the vaccine has been licensed, it will be offered initially to individuals aged between six months and 65 years in the current seasonal flu vaccine clinical at-risk groups; all pregnant women, subject to licensing considerations; household contacts of people whose immune system is compromised; and people aged 65 and over in the current seasonal flu vaccine clinical at-risk groups. Those groups have been prioritised because they represent individuals who are most at risk of serious complications from the virus. The vaccination will provide protection to reduce the incidence of serious illness and reduce the burden of serious illness on the national health service over the winter.

In addition to the clinical priority groups, health and social care workers who have direct contact with patients will be prioritised for vaccination. Those staff are more likely to be exposed to the virus in the course of their work and could act as a transmission route to vulnerable patients. Offering vaccination to those groups will also help to ensure the resilience of the NHS and social care services. Definitions have been agreed for each of the groups, and local authorities will continue to engage with health boards to progress planning for delivery of the vaccine to those groups.

Vaccination will also be offered to NHS 24 staff who work closely with NHS boards to provide out-of-hours services in Scotland and who make a significant contribution to the management of the pandemic in Scotland. Currently, there are no plans to vaccinate other occupational groups on the basis of business continuity or resilience, although that will be kept under review. The emerging evidence on the severity of the virus will continue to be monitored closely over the coming months. We will review priorities for the vaccination of other population groups in light of further expert advice.

At this stage, we anticipate that licences for the vaccine will be granted by the European

Medicines Agency in late September or early October. If that is the case, we anticipate being able to commence the vaccination programme in the middle of October. Estimates of vaccine deliveries from the manufacturers are subject to change, but the current assessment suggests that more than 54 million vaccine doses will be delivered to the UK by the end of December. From that, we estimate a potential delivery to Scotland of approximately 300,000 to 350,000 doses per week from the date when the vaccine is licensed.

A UK-wide communication campaign to support the programme is being developed. It will include both professional and public materials to support the delivery of the programme. It will also provide advice and information to those members of the public who are prioritised for vaccination to ensure that they are able to make an informed choice about the vaccine.

NHS boards are actively progressing their planning for the delivery of the vaccination programme. Over the past few months, we have been closely involved in discussions with the British Medical Association on payments to GPs for the administration of the vaccine. Those discussions continue, and I hope to be able to announce the outcome shortly. I am confident that the NHS in Scotland will be ready and able to deliver the programme as soon as licensed vaccine is available.

I turn briefly to the situation with our schools. Since schools returned for the new term in the week beginning 17 August, pupil and staff absence levels have been at or below normal levels. However, with local authorities, we have established a mechanism for monitoring rates of staff and pupil absence to give early warning of any increases in absence rates. Work is also continuing to ensure that suitable contingency plans are in place should there be a rise in swine flu cases over the autumn and winter. We have relaunched the national hand washing campaign, emphasising its importance in reducing the spread of infections. The response from schools has been very positive. It remains the case for everyone that regular hand washing and good respiratory hygiene are vital in helping to limit the spread of the virus.

It remains the case that we cannot predict accurately when the epidemic will peak, how many people will be absent from work or how many people will require hospital care. However, our preparations must ensure that we can respond to any scenario, including the worst case. Members will recall that reasonable worst case planning assumptions were published in July. Those assumptions have now been updated in line with our experience of the virus so far.

The updated planning assumptions, which are for the whole of the UK, are being published today and copies are available at the back of the chamber. First, they indicate that up to 30 per cent of the population might become ill with flu at some point over the course of the pandemic, which is unchanged from our earlier assumptions. Secondly, they indicate that up to 1 per cent of people who become ill with flu might require hospitalisation, which is down from the earlier assumption of 2 per cent. Thirdly, up to 0.1 per cent of people who become ill might die from the virus, which is also down from the earlier assumption of 0.35 per cent. Lastly, during the peak weeks, sickness absence rates might reach 12 per cent of the workforce.

I stress that those assumptions do not yet take account of the impact of our vaccination programme. Furthermore, they are not predictions; they are assumptions that allow us to plan for the worst while continuing to hope for the best. Although having lower estimates for hospitalised cases and fatalities is positive, the assumptions will be kept under review.

Contingency planning is being conducted across a number of public bodies and the business community. Understandably, much of the emphasis so far has been on health issues. Anticipating and preparing for the wider impacts of the pandemic is vital. That is why across Government we have been working closely with stakeholders and delivery partners, focusing on assessing the readiness of key sectors and their ability to maintain the delivery of core services. We are mindful, too, of the potential impact on economic recovery and on businesses large and small as they work to rebuild confidence.

Over the summer, officials met regularly the eight strategic co-ordinating groups, which bring together the key emergency responder agencies. That partnership is critical in tackling effectively what has proved so far to be a novel and at times fast-developing situation. We very much value the continued support of the SCGs as we move into the autumn and the work that has been done by local authorities, health boards and other key partners in helping to ensure Scotland's preparedness.

The potential threat from H1N1 remains. Even if it remains, for most, a relatively mild virus, its effects on the health service and on the wider economy could be highly disruptive. That is why we continue to press ahead with prudent preparations for responding to the virus and the impact of seasonal flu. I believe that we are in a very strong position to cope with the peak in cases that is expected over the autumn and winter, and we will continue to prepare in a way that neither exaggerates the threat nor encourages

complacency. I will of course ensure that Parliament is kept updated as further developments take place.

The Presiding Officer: The cabinet secretary will now take questions, for which we have almost exactly 20 minutes, before we move to the next item of business.

Cathy Jamieson (Carrick, Cumnock and Doon Valley) (Lab): I thank the cabinet secretary for her statement and all the NHS staff and others in local authorities and elsewhere who have worked so hard on this issue at the front line. Although our thoughts are with the families who have been bereaved as a result of the H1N1 virus, I think that we are all relieved that the virus has so far not mutated or been as virulent as we might initially have feared.

I note what the cabinet secretary said about the negotiations that have taken place with GPs over the past months. However, given that the vaccination programme is now predicted to start within the next five to six weeks, we might reasonably have expected the cabinet secretary to be able to come to Parliament today to tell us that those negotiations had been successfully concluded. Will the cabinet secretary tell us why there has been a delay and whether there are any barriers to reaching agreement?

There is still concern that the second wave of H1N1 will coincide with the normal seasonal flu outbreak. What arrangements are being put in place to ensure that the two vaccination programmes are able to run simultaneously, making the best use of our resources?

Given the unfortunate return of delayed discharges, has the cabinet secretary taken any specific action to increase the number of available hospital beds to deal with an increase in admissions as a result of H1N1 in addition to the normal pressures from winter seasonal flu?

Nicola Sturgeon: I thank Cathy Jamieson for her questions. She is right to express her thanks to NHS staff and staff in other agencies who have been working very hard. I am sure that we all join her in expressing condolences to the families of those who sadly have died from the virus.

I am sure that Cathy Jamieson will accept that I would very much have liked to come to Parliament today to announce the conclusion of the negotiations with the BMA. However, given her trade union background, she will know that such negotiations do not always happen in the timescale that we would like. She will appreciate that I cannot say much more about the detail of the negotiations today, because they are on-going, but I hope that they will conclude shortly, and as soon as they do I will make known to Parliament

the conclusions and the detail of what has been agreed.

Health boards are planning the delivery of the vaccination campaign that I have made clear I hope will start in mid-October. Health boards have plans, including contingency plans, to ensure that whatever the outcome of negotiations with GPs, the vaccination campaign can be delivered. I will keep Parliament updated on that issue over the days and weeks ahead.

All expert advice is that the seasonal flu vaccination campaign can run in tandem with a pandemic flu vaccination campaign. Clearly, the communication campaign that we prepare will have to take account of the two vaccination campaigns and ensure that people are given the right advice about not only the importance of the H1N1 vaccine but the importance of the seasonal flu campaign. The fact that—certainly in the early stages—we are in the main, although not exclusively, dealing with the same groups of people should, I hope, make that easier.

Cathy Jamieson's final question was about delayed discharge. I have said all along that I am not going to conduct any of the discussions around swine flu in a party-political way, and I will stick to that today. This Government is determined to keep delayed discharge at the targets that we have set—which is zero delayed discharge. That is a challenge for health boards and local authorities, and we will continue to ensure that they work together to meet those targets. I simply point out that although the Minister for Public Health and Sport and I were disappointed that the latest figures showed 55 delayed discharges throughout Scotland, that was considerably better than the 627 delayed discharges that were the last figure under the previous Administration.

Mary Scanlon (Highlands and Islands) (Con): I thank Nicola Sturgeon for the updates over the recess and I acknowledge the excellent work of the NHS to date.

How will the cabinet secretary ensure that patients with pneumococcal meningitis, the symptoms of which are similar to those of swine flu, are not overlooked during this period, given that swine flu patients should stay at home and meningitis patients should get to hospital as quickly as possible?

Someone asked me this question, so I ask the cabinet secretary to forgive me for asking her it. I have been asked whether the thousands of patients in Scotland who have already had swine flu will still have to get the vaccine when it comes out in October.

Given the recent media coverage on people's fears about the safety of the vaccine, the BMA has reported that many health professionals are

reluctant to be vaccinated. What advice would the health secretary give in that situation and will she give us an assurance about the safety of the vaccine?

Nicola Sturgeon: I thank Mary Scanlon for those three questions.

I understand that the point about meningitis was raised at a meeting that many MSPs attended last night, so Mary Scanlon is right to raise it today. She is also right to point out that in the early stages of any infection, whether it is viral, such as flu, or bacterial, the symptoms, such as raised temperature or aches and pains, can be similar. That is why the consistent message that has been given to members of the public since the start of the H1N1 virus outbreak is that if they have any concern about flu-like symptoms, they should contact their GP or NHS 24. Both NHS 24 and GPs are well aware of the importance of being able to differentiate between those who may be seriously ill and those who can be given advice to self-care at home. All the systems and clinical algorithms to manage callers are designed to identify seriously ill patients and ensure that, if required, urgent medical attention is provided to them. Receiving staff and junior medical staff in hospitals have also been provided with clinical algorithms to ensure that patients who are seriously ill, or perhaps are even in life-threatening situations, can be identified and treated appropriately. The Scottish flu response centre, unlike the national pandemic flu service, is clinically supervised, which is an important point of reassurance.

I will be as brief as I can in answering Mary Scanlon's questions about the vaccine. Anybody who is in the priority groups for vaccination will be encouraged to have the vaccine. Given that we stopped laboratory testing for H1N1, there are some people who might think that they have had H1N1 but who might not in fact have had that particular strain of flu. The advice to anybody in the priority groups will be to go for vaccination.

On the safety of the vaccine, I assure Mary Scanlon and the Parliament that no vaccine will be used unless it is safe and no vaccine will be used unless it is licensed. Subject to satisfactory review of the data, we anticipate that the European Medicines Agency will grant a licence some time later this month or early next month. However, that is of course subject to the satisfactory review of the data. When we have a licensed vaccine, I will be encouraging all those who are in priority groups, and those in subsequent groups that are recommended to be vaccinated, to take the vaccine, because vaccines can and do save lives.

Ross Finnie (West of Scotland) (LD): I, too, am grateful to the cabinet secretary for her continuous updating of members of Parliament on

the situation. I join others in expressing our gratitude to NHS and other professionals who have effectively contained the disease.

First, I am grateful that in response to Cathy Jamieson's questions, the cabinet secretary clarified the issue of the two vaccination programmes, which is important. I regret that there appears to be some confusion about that, because of press reports on, for example, the way in which the virus reappeared in Australia, where it appeared to be replacing existing flu, which gave the impression that somehow people could take one vaccine and not the other. There is a need for communication. I seek further assurances on whether both programmes will be adequately publicised.

Secondly, I note that the cabinet secretary repeated the chief medical officer's clear advice that in Scotland, antivirals will be issued only following assessment. Members accept that, but it is disturbing that in its briefing, the BMA says that medical staff are suffering intimidation and threats of violence from members of the public who clearly have not listened to, have not heard or do not wish to understand that advice from the chief medical officer. Will the cabinet secretary advise what further steps might be taken to ensure that such intimidation is brought to an end?

Finally, the advice from down south is clear that one should not refer a young person to a GP unless they have a temperature of more than 38°C. I understand that one of NHS 24's early questions is about the person's temperature. Has the cabinet secretary given any further thought to whether, in order to avoid unnecessary communication, the issuance of thermometers should be part and parcel of efforts to control the way in which we use the NHS?

Nicola Sturgeon: On Ross Finnie's first point about the importance of clear and consistent communication, I could not agree more. None of us has complete control over what appears in the media, but we all have a responsibility and a duty to ensure that we do everything in our power to ensure that consistent messages are communicated, whether they are messages about the severity of or preparedness for the virus, or messages about vaccination programmes.

On antivirals, I unreservedly condemn any intimidation or threats of violence against any medical practitioner. Such behaviour will always be taken very seriously indeed. I stress that antivirals are available for anyone in the population who, in the clinical judgment of their GP, would benefit from them. The key difference between England, and Scotland, Wales and Northern Ireland is that, at this stage, antivirals are not available without prescription in Scotland, Wales and Northern Ireland. That is the right way

to conduct the matter, which is why we have chosen to go down that route for as long as we can.

On Ross Finnie's final point, the importance of temperature for diagnosing flu is well known and important. We have clear and clinically robust algorithms for determining the correct advice to give to patients. In the spirit of working together and openness, I will consider any constructive suggestions, including Ross Finnie's about thermometers.

The Presiding Officer: We come to open questions. We have pretty limited time, so I stress one question and one brief answer, please, if at all possible.

Ian McKee (Lothians) (SNP): The cabinet secretary provided information on the number of reported cases over the summer, and said that the rates remained relatively low. In the past couple of weeks, schools throughout Scotland returned from their summer break. Does the cabinet secretary believe that that low rate is a matter for optimism or does she consider that it is too soon to assess potential change?

Nicola Sturgeon: The number of cases throughout Scotland is relatively low compared with seasonal flu rates, although it is high for this time of year.

There is a great deal of discussion and speculation about the impact of flu on schools. There has been a slight increase in the flu rate since the schools returned, although, interestingly, it has not been as steep as it often is in August. We are monitoring the situation carefully. As I said in my statement, with local authorities we have put in place a mechanism for monitoring and reporting staff and pupil absences in schools in order to give us early warning of any increase in flu rates. The Cabinet Secretary for Education and Lifelong Learning and I jointly relaunched the hand and respiratory hygiene campaign in schools, which is the most effective way in which schools can help to combat the virus.

Dr Richard Simpson (Mid Scotland and Fife) (Lab): Is the cabinet secretary aware that, notwithstanding paragraph 27 of the pandemic flu guidance, two out of 14 health boards—Lothian and Grampian—do not even have lists of retirees, 11 out of 14 have not yet made any effort to contact retirees to assess their willingness or capacity to help, and almost all are waiting for national discussions on suitable training to be finalised? Is she satisfied with that level of complacency in our pandemic planning? Most boards seem to be waiting until things get bad enough to require them to take up the issue of trainees and to take any necessary action.

Nicola Sturgeon: The Government could be accused of many things, but complacency in its pandemic flu planning is certainly not one of them. It is a matter of slight regret that Labour seems to be keen to break the helpful consensus that we have had so far as we have faced up to what is a considerable crisis.

Richard Simpson should be aware—although, judging by his questions, he obviously is not—that guidance for NHS Scotland boards on pandemic flu and workforce issues was published in August 2009. It provides advice on preparing for and dealing with the workforce implications of pandemic flu. A national co-ordinating group has been set up to deliver an action plan for education and training to support the NHS during a pandemic. The group is chaired by the chief executive of NHS Education for Scotland, Malcolm Wright, and is due to produce its action plan by the beginning of November. I have always responded constructively to Richard Simpson's comments about retirees, and I will do so again. Further, I will raise his points with NHS boards, which I am sure will respond to him.

Christine Grahame (South of Scotland) (SNP): Scotland has not taken part in the national pandemic flu service, or the helpline, as it is called. However, the minister stated that she retained the option to join if necessary. Will she develop that point? For example, is she concerned that there is sufficient capacity for Scotland to join, given the overload that occurred at the UK launch?

Nicola Sturgeon: The reasons why we have chosen not to go into the national pandemic flu service at the moment are twofold, but they are connected. First, we do not require to join because our existing systems—NHS 24, with the addition of the Scottish flu response centre and our GPs—are responding very well to the demand that they face. I have always taken the view that as long as the existing systems can respond, it is right that we allow patients to access the NHS by traditional and familiar routes rather than by new routes. Secondly, it is important that clinical supervision is at the heart of our response to flu. For as long as possible, we should ensure that Tamiflu or other antivirals are available only on prescription. If we were part of the national pandemic flu service, we would not be able to ensure that. Therefore, if we can avoid joining we will do so, but we retain the option to join, and we will keep the situation under constant review.

Rhoda Grant (Highlands and Islands) (Lab): I want to ask the cabinet secretary about the ongoing work on contingency plans for schools. Will the plans include guidance on school closures and the information that should be made available to parents? When will they be ready?

Nicola Sturgeon: We are in regular discussion with local authorities and, through them, with schools. Very full information was distributed to schools at the start of the school term. We will keep that under review as the situation develops.

Since we have moved from the containment to the treatment phase, it is less likely in future that schools will close in order to try to limit spread, because the advice is that that is less effective as we get further into the pandemic than it is in the early stages. It is always possible, of course, that because of high levels of pupil or staff absences it may be necessary to close schools. Obviously, decisions will be taken locally, with full input from public health officials, in order to ensure that those decisions are based on the right factors. We will keep the situation with schools under close review. Our decision to reopen schools, as planned, in August is entirely in line with the decisions that other countries, in the UK and elsewhere in the world, have taken.

Jackson Carlaw (West of Scotland) (Con): In the next few weeks, thousands of young people will travel to Scotland from all over the world to attend Scotland's colleges and universities. Is any advice being given to them on the importance of registering with a GP, and on not confusing the symptoms of H1N1 with what might be described as a heady student lifestyle?

Nicola Sturgeon: Jackson Carlaw clearly has more experience of that than I have.

The short answer to his question is yes. There is discussion with colleges and universities on guidance, which will include the advice that students are encouraged to register with a GP wherever they go to college or university.

Hugh Henry (Paisley South) (Lab): The cabinet secretary mentioned the deaths that might occur in any pandemic. What steps have been taken to advise at-risk members of the public that they are in a particularly vulnerable group? What steps will be taken to give them assurances, given some of the concerns that have been expressed about the safety of the vaccine?

Nicola Sturgeon: I dealt with some of that in my statement. Hugh Henry is right to indicate the relatively small number of people who unfortunately might die, as in any flu outbreak. The planning assumptions that are being published today—although they are not predictions—lower the estimate of likely deaths during the pandemic. That is positive, although we must remain vigilant.

The communication campaign for the vaccine, which is being worked on at the moment, will very much focus on the priority groups, as they are the early groups for vaccination. I assure Hugh Henry that steps will be taken not just to advise the

priority groups of the importance of vaccination but to deal with any concerns about vaccine safety.

Scottish Government's Programme

The Presiding Officer (Alex Fergusson): The next item of business is a statement by Alex Salmond on the Scottish Government's programme. The First Minister's statement will be followed immediately by a debate. There should therefore be no interventions or interruptions during the statement, which may last up to 30 minutes.

09:46

The First Minister (Alex Salmond): It is with great pride that, for the third time, I deliver the annual statement on the Scottish Government's legislative programme, as we all strive for a more successful Scotland.

Since taking office in 2007 we have sought to govern with pace, with energy and, at all times, in the interests of the people of Scotland. We have made great strides, even since this time last year. Let me offer the Parliament a few of the highlights. As people will remember, we promised an extra 1,000 police officers in our communities. In June we passed that milestone, with an increase of 1,044 since March 2007 and a record high of 17,278 police officers in Scotland. *[Applause.]* I can see the note of approval from Iain Gray, and I can understand why that is: exactly a year ago, he forecast that it would take 13 years for the Scottish National Party to make good that commitment. We seem to have achieved it 12 years early. I know that that is approved of by the entire Parliament.

In the current year, we are helping 1,500 households to get on to the housing ladder, through our £60 million shared equity scheme. The Parliament as a whole put Scotland at the forefront of efforts to tackle climate change through the Climate Change (Scotland) Act 2009. We are making good our commitments to the Scottish people. Even since the Parliament last met, the Government has announced further support for apprenticeships and has unveiled Scotland's first ever zero waste plan. Just this week, with the co-operation and full endorsement of Glasgow City Council, we set out the planned investment of £23.5 million for the Commonwealth games legacy plan.

The world has changed substantially since 2007. Many of our citizens are feeling the impact of global recession. That impact will be intensified by the cuts that are being imposed by the Chancellor of the Exchequer on Scotland's budget. At the very moment when nations the world over are maximising their investment in infrastructure, and when a significant and meaningful stimulus

package is still needed, the chancellor intends to cut the Scottish budget.

Before the recess, we debated what the precise value of the cuts would be, and I can tell the Parliament that we now know the exact extent of the chancellor's cuts. The Government kept saying that the forecast suggested that there would be £500 million of cuts. Some members of the Opposition earnestly told us that that would not be the case. I freely concede that it is not actually £500 million of cuts—the exact estimate is £496.7 million of cuts. We now know exactly what is forecast, as it is established in the next year's budget. The circumstances in which we will operate this coming year will be trying, but they in no way diminish our determination or ambition for Scotland.

This Government's purpose has always been to focus Government and public services on creating a more successful country, with opportunities for all of Scotland to flourish through increasing sustainable economic growth. That remains our focus. More than ever, now is the time to make use of the talents of our people and the many natural advantages that this country has; together, to seize every single opportunity that comes our way; and to innovate and find constructive solutions to the challenges that we face. Together, Scotland has what it takes to recover and once again to prosper.

Over the past year the Government has implemented an economic recovery plan, which has been designed to support 15,000 jobs. We have outlined a £35 billion infrastructure investment programme over the next decade, with £3.8 billion being spent this year on transport projects, schools and hospitals. We will complete more schools, on average, every week than the previous Administration did, taking the rate from 0.8 schools per week during the eight years of the previous Government to an anticipated 1.2 schools per week over this four-year session. *[Applause.]* Once again, I see enthusiasm from the Labour benches for more facts and chieftains that winna ding in this homecoming year.

We are accelerating £350 million of capital spending, supporting jobs and projects across Scotland. However, with the economy still facing challenges in the year ahead, it is clear to this Administration that the United Kingdom Government should also bring forward capital spending into next year.

The wellbeing of our communities is key, so we have acted to put more money into the pockets and purses of Scottish families. The council tax has now been frozen for two years, tolls have been removed from the Forth and Tay road bridges, tens of thousands more schoolchildren are receiving free school meals and prescription

charges are well on the way to being abolished. In April, the small business bonus scheme was expanded, saving the average small business £1,400 each year and every year.

Across Scotland, we are taking the decisive action that is required to support our economy as we lay the foundations for future economic prosperity. In life sciences, engineering and construction, we are supporting new apprenticeships to ensure that our nation has the right skills for the future. In the field of renewable energy, where there is perhaps the greatest opportunity, we are also acting with determination. Just a few months ago, I had the privilege of performing the switch-on of Europe's largest onshore wind farm, at Whitelee in East Renfrewshire. We have launched the saltire prize, the world's largest prize for innovation in marine renewable energy. We have recently opened the Scottish European green energy centre in Aberdeen, to ensure that our nation is at the forefront of European green energy research.

The potential of renewable energy in Scotland is legion, and enough capacity exists across the North Sea to store our industrial carbon emissions for the next two centuries, if that technology can be developed. That is hugely significant as we strive to meet the targets that are laid out in Scotland's world-leading Climate Change (Scotland) Act 2009. It is hugely significant for Scotland's economy, and it can potentially support thousands of new jobs.

We won the natural lottery once, when we discovered North Sea oil. We have won it again with green energy. I am determined that, this time, the winnings will not be squandered. *[Applause.]*

The Presiding Officer: I ask for that to be the last such interruption—I asked for there to be no interruptions, and I ask for that now to be respected.

The First Minister: I will do my best not to stimulate more interruptions, Presiding Officer.

The Scottish Government will work hard to ensure Scotland's future as a world leader in green energy technology and green energy production. That is why we shall continue to make the case for Scotland to have the full economic and legislative levers that we need to maximise our success in that and other fields. Indeed, jobs, education and investment in the industries of the future are the issues that have arisen in the national conversation events during the summer in Dundee, Melrose, Stornoway, Aberdeen and Glasgow. There is a strong appetite in Scotland to engage in debate about the future of our country.

I have no doubt, and this Administration has no doubt, that independence offers the best opportunity for Scottish success. I have no doubt

that independence is the key if we are to take our nation to the next level of achievement. I acknowledge, of course, that there are different visions for Scotland. However, what is clear is that there is agreement that things need to change further.

That is why the people have been so engaged with the national conversation. More than 40 events have taken place the length and breadth of the country, with more than 4,500 people taking part—much beyond the scope of the imagination of the Liberal Democrat party—alongside the tens of thousands who have been involved in the national conversation online. That is a substantial degree of participation in a debate about the country's future.

We have just heard a statement on the threat from the H1N1 influenza virus. Alongside the challenges posed by the economic downturn, the threat from the virus has been and remains a key focus of Government actions, as was indicated in the statement. Thanks to the efforts of medical professionals, contingency planners and the Cabinet Secretary for Health and Wellbeing—who made the full statement this morning—Scotland is responding quickly and effectively to the threat. However, the threat remains real, and work will continue to mitigate its impact as far as possible.

Economic recovery is central to our programme for the coming year. We are determined to support jobs and the communities that depend on them throughout Scotland in these tough economic times. One of the keys to the future economic success of our country is the replacement Forth crossing. We will introduce a Forth crossing bill to enable the construction of a new bridge to the west of the existing Forth road bridge. The current bridge, as we know, is showing signs of serious deterioration. If we do not act, there is a risk that restrictions on freight traffic would have to be introduced in the relatively near future.

The bridge is hugely important to the Scottish economy. It will be the biggest single infrastructure investment that Scotland will ever commission. It would make great sense if, as a nation, we could borrow to spread the cost of building that gigantic infrastructure over several years. However, of course, under our current powers that is not an option. Without an alternative crossing, economic output could fall by around £1 billion and we could see the loss of around 3,200 jobs in Scotland. That should be all that is required to concentrate minds here and elsewhere on the need for this Parliament to have effective borrowing powers. I note that even the Calman Commission on Scottish Devolution understood the nonsense of having to account for capital spending in the current spending term.

We shall also introduce a legal services bill. The legal profession is a strong contributor to the Scottish economy, with an estimated turnover of more than £1 billion per annum. The bill will remove outdated restrictions on the legal profession's business models, while protecting its core values. It will encourage greater competition and allow our leading law firms to compete effectively not just with English companies but internationally.

However, it is not just Scottish industry and businesses that we want to assist. We shall introduce a range of legislation to support individuals and families who are encountering financial difficulties.

Social housing provides a secure and sustainable alternative to home ownership for 600,000 households throughout Scotland. We will introduce a housing bill to safeguard that housing for future generations. The bill will end the right to buy for all new-supply social housing. There will be plenty of such stock coming on stream, because we are putting record investment into social housing: £1.5 billion over the next three years. That includes £644 million this year in our affordable housing investment programme.

Approvals have already been made to allow work to start this financial year on 1,343 council houses, supported by the first tranche of £50 million—the first central Government funding to encourage local authorities to build new housing in 30 years. That compares with just six council houses built during the four years of the previous Administration—if I remember correctly, all six were in the Shetland Islands. The £50 million will support more than 3,000 jobs across Scotland. The bill will also modernise regulation to improve value for tenants and taxpayers.

We will introduce a debt and family homes bill as well. It is important to strike the right balance between the interests of debtors and the interests of creditors. Those who lend money under reasonable terms expect to be repaid, and those who provide services expect to be paid. However, we must ensure that people who become bankrupt are not made homeless unnecessarily. Subject to the outcome of a thorough review and, of course, the detailed consultation, the bill will realise our commitment to exempt the main dwelling house from land attachment.

A debtor protection bill will increase protection for people who are facing repossession or bankruptcy. It will require lenders to demonstrate that they have considered reasonable alternatives to repossession. It will build on our existing actions to support home owners and it will extend protection for family homes. It will improve access to debt relief, so that all debtors can have access to bankruptcy for unmanageable debts.

This year we will introduce a budget bill, with the goal of ensuring sustainable economic growth. This is a Parliament of minorities, as we all know, and in difficult circumstances—extremely difficult circumstances in the budget—there will be hard choices to be made. We will, as ever, look to work constructively across the chamber to secure a budget in Scotland's best interests.

During the past 10 years there have been a number of occasions on which this Parliament has led the way with groundbreaking new approaches in health and social legislation. In particular, we have made great strides in getting to grips with the health challenges that face our country. However, challenges remain. Alcohol misuse costs Scotland an estimated £2.25 billion per year in extra services and lost productivity—£500 for every adult, or nearly one tenth of Scotland's annual budget. Up to 50 per cent of men and 30 per cent of women regularly drink more than is advised in the sensible drinking guidelines. Alcohol-related mortality rates have doubled during the past 15 years.

Enough is enough. We will introduce a bill to tackle alcohol misuse. The bill will introduce innovative measures to reduce alcohol consumption and alcohol-related harm. Our proposals will be firmly based on international best practice and evidence, such as that from the World Health Organization. That is why the cornerstone of the approach will be the introduction of a minimum pricing policy for alcohol.

Minimum pricing will be only one of a range of measures to tackle alcohol misuse. What is required is real, lasting, social and cultural change. We welcome the support that we have received for the proposals. There is agreement across the chamber that Scotland's relationship with alcohol requires to be rebalanced. However, we acknowledge that we need to work with others to build a consensus on the best way to move ahead. We look forward to further constructive discussion with stakeholders and with people from all parties in the Parliament.

We will fulfil another commitment with the introduction of the patients' rights bill, which will reinforce patients' place at the centre of the national health service in Scotland. A key part of the bill will be a waiting time guarantee for in-patients and day cases. That means that around 600,000 patients will have a waiting time guarantee for the first time. There are a number of existing patients' rights and entitlements, but they are not always widely understood or exercised by patients. The patients' rights bill will aim to give clarity and openness and will create a clear framework, so that patients know what their rights and, indeed, their responsibilities are.

A children's hearings bill will be introduced. We are committed to maintaining and supporting children's panels that are made up of local people, who are best placed to take decisions for children in their community. I know that there are strong views on the subject. We want what is best for our nation's children and we will listen to those views. The reforms in the bill will ensure that the children's hearings system continues to be the best way of providing support and assistance to our most vulnerable children and families in Scotland. It will introduce support for panel members, to drive up standards throughout Scotland and to improve children's rights.

We will introduce legislation to protect our unique environment and our heritage. The wildlife and natural environment bill will ensure that efficient, effective and proportionate legislation supports sustainable economic activity and the high quality of our natural environment. It will include changes to the legislation that underpins deer management, game law, species licensing and the control of invasive non-native species, snaring and muirburn—the controlled burning of moors.

Scotland's natural environment is, of course, important in itself but it is also important in economic terms. Indeed, it is worth an estimated £17 billion to the Scottish economy. Therefore, it is vital that we do all that we can to protect and enhance it and to ensure that our legislation on wildlife and the natural environment is capable of delivering on that shared ambition.

The historic environment (amendment) bill will enhance the ability of the regulatory and planning authorities to manage our historic environment for the benefit of future generations. The bill will address a series of gaps and weaknesses in the current heritage protection framework but will place no new burdens or duties on local or central Government, owners of assets, businesses or members of the public.

Members know that the Government is committed to ensuring the future prosperity of our rural communities in Scotland. That is why we are investing no less than £1.6 billion in the rural development programme of economic, environmental and social measures over the next six years. It is also why we are investing in the groundbreaking road equivalent tariff, which has seen a spectacular increase in passenger and car numbers on the pilot routes to the Western Isles. That is a real boost to our island communities. *[Interruption.]* I am glad to see Ted Brocklebank's enthusiastic support for the initiative.

That commitment is also the reason why we will introduce a crofting reform bill. Declining levels of activity, absenteeism and neglect are continuing problems for crofters, and there is broad

consensus that action needs to be taken to safeguard the future of their way of life. The bill will represent an opportunity to take that much-needed action. We will work with colleagues across the parties and other stakeholders to ensure that the best possible outcome is reached—that crofting remains a part of the heritage of the Highlands and Islands and a model for sustainable communities in the 21st century. We will listen, but we must act together as a Parliament.

It is ironic that the Parliament places such importance on the protection of our environment but has comparatively little say in the development of a great deal of environmental legislation. Much of the environmental legislation under which we work is led by the European Union, as are many of the policies on issues of vital national interest, such as fisheries. Responsibility for the environment may be devolved, but Scotland does not have a seat at the top table in Brussels where the key decisions are made. At present, it does not have a single vote to cast directly. When push comes to shove, land-locked Luxembourg has a greater say on the common fisheries policy than the nation of Scotland, which currently has the richest fishing grounds in the European Community.

That is a clear deficit. It is a democratic deficit and one that threatens our economic prospects. That is why I and the Government believe that only as an independent member state of the European Union will Scotland be properly represented in decision making on those and other crucial issues.

That is only one of the reasons why the Government will introduce a referendum bill in 2010. As I have noted, there is a consensus for change. The Calman commission has proposed areas for further devolution of responsibility to the Scots Parliament. We welcome those. I know of no disagreement on matters such as air-guns and speed limits. Those responsibilities can be transferred easily and simply. Let us do that now. We have already published the necessary draft orders. Those responsibilities can all be transferred with no primary legislation.

However, I recognise that there are different opinions on what other key responsibilities this Parliament should have. I know what I think is the right future for Scotland: I want it to have the same responsibilities and opportunities as similar nations. It follows that, until we can use all the economic and financial levers that are available to every other Government in the world, Scotland will always be at a competitive disadvantage.

The Scottish Parliament has led the way on banning smoking in public places, on free personal care and, recently, on climate change legislation. It is right that, collectively, we should be proud of

that but we should also recognise that it has been achieved within the confines of limited devolution.

With independence, the only limitation on what we can achieve would be our own creativity, determination and sense of principle. In my estimation, Scots should never be accused of lacking in any of those qualities, but Scotland needs to have the full powers of an independent nation if it is to flourish. We need those powers so that we can exploit our massive renewable energy potential; so that we will be better placed to respond to global challenges; so that we can set our tax regime to suit Scotland and encourage the growth of Scotland-based business; so that we can ensure that our fishermen, farmers and—on social legislation—working people in Scotland are properly represented in Brussels; so that our social security system can meet the needs of the people of Scotland; and so that we can attract talented people to live and work here and to contribute to Scottish life.

I am very proud of Scotland and what it has achieved. I am very proud to lead the Government in the Scottish Parliament, but a glass ceiling threatens Scotland's progress. For as long as limits are set on what we can do and what we can achieve, we will never achieve our full potential.

The Government was elected with a popular mandate to put the question of Scotland's future to the vote in a referendum.

Members: No. Rubbish.

The Presiding Officer: Order.

The First Minister: Indeed, over the years, the list of those who have supported a referendum that includes independence as an option is, if not wholly distinguished, certainly long. Only last month, Michael Forsyth—the man who encouraged us all to vote against the creation of a Scottish Parliament—was heard calling for a referendum on independence; only last year, Tavish Scott told us that he is

“not intuitively against making sure that people have a choice and opportunity to vote on these things”;

and we all know what Wendy Alexander thought when she was leader of the Labour Party.

None of those people was breaking new ground: Donald Dewar and John Smith both campaigned for a multi-option referendum. Even Gordon Brown called for a “persistent, determined and concerted” campaign for a multi-option referendum on Scotland's future.

It is time for the people of Scotland to have their say. Not everyone will agree with our vision for the future—we know that—but the people of Scotland must be heard. The Parliament should not stand in their way. Let the people speak.

Mike Rumbles (West Aberdeenshire and Kincardine) (LD): What a cheek.

The Presiding Officer: Order. There is a whole debate to come. We can all make the points later that members apparently wish to make now.

Scottish Government's Programme

The Presiding Officer (Alex Fergusson): The next item of business is the debate on the Scottish Government's programme.

10:13

Iain Gray (East Lothian) (Lab): It is traditional to begin this response with some amusing words of welcome back from recess, but I fear that circumstances have rather undermined the new-term feeling and I suspect that most of us feel like we have never really been away.

Indeed, that sense of one parliamentary term blurring into another might be compounded by the fact that, when we examine the programme for government that the First Minister announced last year, we find that only five of the 15 bills that were announced were taken through the Parliament in that year. Seven of them are still with us and a couple of them have reappeared in this year's programme. Those include the children's hearings bill, which is so incompetent that it has been delayed already—before its announcement in the programme. That must be some kind of record.

Looking back, last year's flagship bill was, of course, the council tax abolition bill. It was trailed extensively and with the usual bravado and bluster, but—alas—it was a flagship that was already holed below the waterline. A few weeks later it sank without trace, to the relief of business, trade unions and the families who had faced a 25 per cent hike in their income tax bills. Now that was action to support Scotland's economy. The truth is that this Government's record of delivery on its programmes is poor indeed. It famously brings forward little substantial legislation, and much of that is then delayed, botched or just plain dropped. Therefore, we should take this programme with a large pinch of salt.

This year's flagship bill—the referendum bill—was also pre-announced last year. It starts with even less support than the late, unlamented council tax abolition bill had last year. The First Minister's coy hints about multi-options are just game playing, when he should be governing. The test of a Government programme must surely be the extent to which it addresses the crucial matters that face our country. We are in the middle of a recession, so the measure of this year's programme should be how it protects and creates jobs, helps Scots through the economic downturn and prepares us to move ahead when the upturn comes. As Iain McMillan of the Confederation of British Industry said earlier this week:

"The overriding challenge to our politicians is simple—test all policies against a single benchmark: will it make

Scotland a better place to create jobs and wealth as the economic recovery takes hold?"

We should all take that test seriously. The Scottish National Party should take it seriously, but nowhere more so than in the showpiece of this programme for government: the referendum bill. If ever a piece of legislation failed to reach that benchmark, it is that bill.

This is about priorities. What good is the referendum bill to the men and women across Scotland who have lost their jobs or live in fear of losing their jobs? What help is it to those who are worried about losing their home? What use is it to the young men and women who fear that they will have no future if they cannot get the apprenticeship or training place that they so badly need?

The Cabinet Secretary for Finance and Sustainable Growth (John Swinney): I am grateful to Mr Gray for giving way. He mentioned the fact that every initiative should be tested against the measure of whether it contributes to economic growth and economic recovery. Does he therefore consider the Chancellor of the Exchequer's forthcoming public spending application of £521 million of cuts to the Scottish budget the right thing to do at a time when we need economic recovery?

Iain Gray: The action that the chancellor took over the past year to save and preserve our financial services system, including the two biggest banks in Scotland, is the only thing that has given us the opportunity to move forward. We have benefited from it and are part of it, and we should use that to move forward. I will say more about that.

As the banking crisis deepened last year, Alex Salmond's analysis and pronouncements became ever more eccentric. From, "Don't panic, our banks are sound," and, "Spivs and speculators did it," to the bizarre claim that the First Minister would extend £100 billion of credit in an independent Scotland—overblown, ill-informed and just plain wrong.

It was indeed Gordon Brown and Alistair Darling who took firm and decisive action to reflate the banks and prevent the collapse of our financial system. That action is working. Moreover, it took Labour, on these Opposition benches, to come up with an action plan for how devolution could be used to help Scottish families weather the worst of the global economic storm: fast-tracking capital expenditure; giving more help for home owners facing repossession; restarting public-private partnerships to remove the blockage in public building that was caused by the Scottish Futures Trust; ditching the local income tax; and restoring adult apprenticeship numbers. Those are just five

of the 15 practical suggestions that we made while the SNP stood frozen in the glare of the crisis. That is the core of the economic recovery programme that the First Minister has just boasted about. I am glad that he has implemented it. If he had thought of it, that might have been something to boast about.

There is worse, because at every turn the SNP Government has undermined its own economic recovery plans. Yes, it accelerated housing budgets, but it changed, changed again and changed back housing association grant arrangements, so that months went by and housing associations could not build. Accelerated capital investment is a good thing, but the Government then lost another year of school and hospital building in trying to make its Scottish Futures Trust work. In two years, the Government lost £2 billion of public sector infrastructure from the PPP pipeline and tore 20,000 jobs out of the construction industry.

The problem is not just in construction, however. Last week, I visited the Borders, the centre of Scotland's textile industry, which employs 17,000 Scots and is worth £1 billion to the economy—and it is paying people off. David Breckenridge, the chair of the Scottish Textile Industry Association, has declared himself staggered at ministers' inability to grasp what is happening and what is needed. Referring to Scottish ministers, he said that

"ministers dissemble and refer to an 'economic recovery programme' which is bereft of tangible support for businesses."

The First Minister should not have been telling us today what he has done; he should have been announcing new measures on the economy—for example, wage and training subsidies such as those that are already in place in Wales, top-ups for firms that take on new employees, or support for companies that use short-time working to keep staff on through the hard times rather than paying them off.

Last week, I also visited Borders College's excellent new campus in Galashiels, where I was told that two thirds of last year's first-year apprentices will not be coming back, because they have been laid off. The First Minister promised that that would not happen. Action should have been announced today to begin to make good the promise made to redundant apprentices that they can complete their training. The adopt an apprentice scheme is just not working.

The First Minister (Alex Salmond): I am glad that Iain Gray went to Borders College, which I opened a few months ago. Of course, he seems to have missed the succession of announcements on new apprenticeships that were made across the summer. I have a very specific question for him.

Does he agree with the Government's analysis that accelerating capital spending into this year was a good thing? Should the same exercise be repeated next year so that there is no downturn in vital capital expenditure—yes or no?

Iain Gray: Accelerating capital investment this year was a good thing, of course—we suggested it. However, the First Minister must first demonstrate that he can turn that money into schools and hospitals; then he can talk about bringing forward further capital investment. I am delighted that the First Minister opened the campus at Galashiels, because it was a Labour-led Administration that gave the college £30 million to build it. That is capital investment doing what it is supposed to do.

There are examples of what can be done, and Falkirk Council is showing the way. Its insistence on providing training places for young people with no other prospects, both in a proportion of its own vacancies and in contracts that it lets, is working. It has put 300 youngsters on the path to a future. The Government should be telling us how it will roll that out across councils and across the public sector.

Of course, action on the economy does not always require legislation, except when we come to the opportunities presented by the budget bill. Last year, the Government needed two attempts at a budget bill, exactly because it would not agree to measures to support the economy quickly enough. However, in the end, the bill included 8,000 more apprenticeships, £50 million funding for those who lose or face losing their jobs and £60 million for our town centres. We showed last year that we are willing to work towards a budget that serves Scotland's needs. I only hope that, this year, ministers will do that first time round, in good time and in good faith. They should have started today by giving priority to new plans on the economy and jobs.

People who face repossession have real fears. Almost three months ago, the First Minister conceded that, yes, Scottish families have less protection from repossession than those south of the border. I offered to bring Labour MSPs back to Parliament over the recess to support the Government and to get the legislation passed as quickly as possible, but that offer was declined. Every day that passes puts more Scottish families at risk and under pressure. When will the debtor protection bill actually become law, not just warm and weaselly words of comfort?

Like the First Minister, I spent the summer out and about across Scotland—although I travel a bit lighter and certainly more cheaply. In many towns, I joined knife crime campaigners to collect signatures for our petition. I was taken aback by what I found. Outside one supermarket in

Glasgow, the first three people I stopped all had close family members who had been knife crime victims. The next day in Greenock, the first person I met was the mother of a young man who was murdered a year ago this month. The second was a football team-mate of Damien Muir, who was stabbed by an assailant on bail for a previous knife attack. The programme for government should include action on knife crime, including the introduction of minimum sentences to send the message that anyone who carries a knife will go to jail. That would make Scotland safer.

Also during the summer, we had the report on the tragic death of Brandon Muir. I have said that even that tragedy is transcended by that of the 20,000 children who live with drug-dependent parents and the perhaps 100,000 children who live with alcohol-dependent parents. We do not know how many children are living the way that Brandon Muir lived. I want us to re-examine the circumstances in which we remove children from harm. I accept that the Government and local authorities are trying to fix the system where there are not enough social workers or procedures are failing, but we also need to change the system. Barnardo's, Professor Neil McKeganey and many Scots agree with me. The programme for government should include action now on that issue.

Of course, we will be able to support some of the bills in the programme for government. Colleagues will talk more about those in the course of the debate. On bills such as the budget bill and the alcohol bill, we are willing to look for consensus if the Government is willing seriously to seek it. However, our priorities every day will be jobs and the economy; crime and support for the victims of crime; and a refusal to accept that children should be at danger in their home in a modern Scotland. Those should be the Government's priorities every day as well.

10:27

Annabel Goldie (West of Scotland) (Con): Today we have had not so much a programme for government bound together by a common theme as a rambling list of 13 bills, which range from the feeble to the fantasy. Not for the first time has that happened under this First Minister.

Last year, Alex Salmond said that Scotland would judge harshly any MSP who voted to retain the council tax. We did not even get the chance. The First Minister blinked and threw in the towel. In the face of strong opposition from organisations all over Scotland, he abandoned his discredited local income tax before the bill was even published. It went from being the SNP's flagship to an abandoned pedalo in the blink of an eye.

I warn Alex Salmond that, far from it being the Opposition parties who will be judged harshly on the council tax, he and his SNP Government are the ones who will be judged harshly for breaking yet another promise. This Salmond Government simply cannot be trusted. It has a list of broken promises as large as Mr Salmond's ego—yes, we are talking magnitude here. In 2007, he conned the voters into voting for him, but he should be very wary of trying to pull that stunt again.

Whereas last year the First Minister's legislative obsession was local income tax, this year his new legislative obsession is separation. That will go the same way as last year's obsession—absolutely nowhere. Last year, the vast majority of Scots were against his discredited local income tax. That was why he was forced to abandon a vote on the issue. This year, the vast majority of Scots are against separation. By his own logic, Alex Salmond should abandon that bill too. He knows full well that, just like his discredited local income tax, separation will be rejected by the Scottish Parliament and the Scottish people. Whatever else Scotland needs, we do not need Alex Salmond's referendum.

Margo MacDonald (Lothians) (Ind): Will the member give way?

Annabel Goldie: I want to make progress.

Scotland needs a Government that is prepared to face up to the big challenges and a First Minister who is prepared to take the tough decisions. We need a Government that is focused on economic recovery, not constitutional vandalism. We need a Government that is focused on reforming our public sector, not wrecking our political partnership. We need a Government that is focused on restoring Scotland's battered international reputation.

On the constitution, Alex Salmond is on the extremes of Scottish politics. Let me take something right on the chin: the Conservatives were on the extremes of the constitutional debate in the 1990s, when we opposed a Scottish Parliament. We are now well and truly back in the main stream once again. We are the party that understands devolution. We know that there needs to be a basis of mutual respect between Governments and Parliaments—something that the SNP and Labour do not understand. Alex Salmond is a lone voice representing a minority view, but his obsession with independence is harmful to the best interests of the people of Scotland.

My final point on this unnecessary and opportunistic piece of legislation is that Mr Salmond knows that he has no chance of getting the referendum bill through. As a result, he wants to fiddle it to tempt the Liberal Democrats to join

his team. He thinks that, by offering more powers as an option, he will split the unionist vote and come steaming through the middle to take his independence prize. My message to Mr Salmond is that he should stop the smoke and mirrors and just ditch the bill.

I turn to the real challenges. For some time now, I have been warning about the consequences of what Labour has done to this country through record levels of borrowing that will saddle future generations with massive debts. I have challenged the First Minister on how he will respond to Labour's £500 million budget squeeze. Where will he take the tough decisions? What will he cut? I have yet to get an answer to that from the First Minister. In fact, we have had a silence that Gordon Brown would be proud of.

Gordon Brown's Government may well be in its death-throes, but Labour's debt—and the harsh impact that paying it back will have on devolved spending—will be with us for years. Tackling Labour's debt while protecting the public services that we all value will be the Scottish Government's main responsibility this year and next. It will also be the main responsibility of whoever is in government from 2011.

Only this morning economists from the University of Glasgow said that, because of Labour's recession, Scotland's budget will be cut by £2.5 billion over the next four years. If this Salmond Government, rather than deal with that situation, chooses simply to ignore it or to make political capital out of it, Scotland will be in big trouble. Being First Minister is about more than just turning up to open everything in sight and pressing for independence. The First Minister has a job to do. From the evidence of his legislative programme, he is ducking that responsibility. Although Labour has created this mess, we must all play our part in getting out of it. That requires leadership from the Government, not parochial party posturing.

Where in the First Minister's statement are the signs of a Government that is willing to take the tough decisions that we need to reform public services to make them sustainable and affordable while we repay Labour's mountain of debt? Where are the plans for real public sector reform? We heard no serious announcements on reform today. That will make it all the more difficult to improve our public services in the future.

Where was the announcement about the reform of Scottish Water? The organisation does not need to sit in the public sector, where it consumes almost £200 million of public funds every year. The Scottish Conservatives would take Scottish Water out of state control. Will the First Minister support us?

Alex Salmond had a choice to make in framing his legislative programme and, typically, he ducked it. He chose posturing rather than public service reform. That is not good enough, because Scotland is facing unprecedented challenges.

John Swinney: Will the member give way?

Annabel Goldie: I will first continue this point.

Alex Salmond said that

"a glass ceiling threatens Scotland's progress."

What utter rubbish. Having a self-indulgent leader who is unable to take tough decisions is what threatens Scotland's progress.

John Swinney: On public service reform, Ms Goldie's only proposal was for the privatisation of Scottish Water. In the interests of open debate and consensus, will she share some other ideas with Parliament about what else she would do to reform public services?

Annabel Goldie: I am just coming to an example of a glaring problem to which we must attend, the scope of which is absolutely devastating. Every week nearly 500 people go bankrupt, and every minute of every hour of every working day someone in Scotland loses their job.

Let me take one public service—education. Education in Scotland was once the envy of the world, and it can be so again, but where in the First Minister's statement are the measures that will allow that to happen? Where are the proposals to tackle the 1 million teaching days that are lost to truancy each year in Scotland or the increasing number of attacks on teachers in school? Where are the measures that focus on discipline and rigorous testing of the basics, and which allow parents a greater say in their children's education?

The Deputy Presiding Officer (Alasdair Morgan): The member should begin to wind up.

Annabel Goldie: Why is the future of 680,000 children less important to this Government than a dodgy referendum? Education is calling out for public sector reform. My party is prepared to look at that and to explain our thinking.

We need leadership, not showmanship. It is not credible for the First Minister in one breath to call for blanket minimum pricing on alcohol and in the next to argue against job losses in the Scottish whisky industry. My party is proud of the achievements that we have made possible in this Parliament. Without us, there would not have been the increase in the number of police officers of which Mr Salmond boasts. My party is proud of the contribution that it has made to helping small businesses, which, without our intervention, would have been paying more rates in the midst of Labour's recession.

I have one conclusion. Recent events have confirmed that Alex Salmond did not step up to the mark on the international stage. Today, he has failed to step up to the mark on the domestic stage.

10:36

Tavish Scott (Shetland) (LD): Amid the hustle and bustle of politics over the past few weeks, it is worth pausing to consider how events and memories come together. In his widely acclaimed eulogy to his fallen brother, Robert, in New York in 1968, the late Ted Kennedy said:

"My brother need not be idealised, or enlarged in death beyond what he was in life; to be remembered simply as a good and decent man, who saw wrong and tried to right it, saw suffering and tried to heal it, saw war and tried to stop it."

Today is the 70th anniversary of Britain going to war in Europe; 70 years on, our troops are still at war. Two brave Scottish soldiers lost their lives this week in Afghanistan; another did so today. In the most extraordinary week of the past 10 years, perhaps we should take some time to reflect on a war that continues and the Scots who are involved in it.

I am grateful to the First Minister for advance sight of his statement, but I hope that after the past fortnight, the parliamentary authorities and the Parliamentary Bureau will discover some backbone in handling this Government's approach to Parliament. I cannot say that I am holding my breath.

The First Minister's statement to Parliament used to be a significant event. That is no longer the case. It is not even called a statement on the legislative programme. To describe it as such would be a challenge even for the highly talented SNP spin machine. This Government no longer stands for change—it is all desk management now. On the crucial challenges of our day—the need to tackle recession, to deal with a budget crisis and to promote reform of the public sector—the Government is stalled. Despite its bold rhetoric of this time last year, this Government lacks the commitment and desire to see through major reforms.

On reform of the children's hearings system, it is back to the drawing board. The Government lost a statutory instrument in committee this week because ministers did not tell MSPs that there were live proceedings in the Court of Session. That is not very competent.

I suspect that reform of crofting will never see the committee corridor. This week, the minister responsible lectured the crofting counties. I can tell Parliament that that went down like a lead balloon.

If the Government wants to work with people, it needs a new phrase book.

Public service reform is bogged down, as the number of people who work in Mr Salmond's quangos reaches an all-time high. How the SNP made fun of previous bonfires of public sector bodies, but the SNP's record is laughable. A record number of new brass plates have been put on the same doors in the same buildings; the same well-paid bosses and the same policies are in place. The record that the SNP will defend will be one of even more people working for the Government.

The main task of this Government—and of any Government—is to tackle recession, lift people back into work and get the banks lending again. The economy shrunk by 0.8 per cent between April and June. Economists predict a 3 per cent decline in 2009. In July, public debt reached £800 billion or 56.8 per cent of gross domestic product, which is the highest level on record. Unemployment in Scotland is rising faster than in the rest of the country.

As the recession bites in Scotland, the SNP has taken apart the local enterprise networks, completely emasculated Highlands and Islands Enterprise and narrowed Scottish Enterprise's role. No plans have been announced to reverse that. GDP in the Highlands will fall by 2.8 per cent this year. The Highland board will be rebuilt in the future, but not by the SNP.

On the biggest financial issue of the past year—banking—the SNP was ominously quiet. It did not support Vince Cable or my call for those taxpayer-owned monoliths to be broken up to help customers, competition and Scottish business. The First Minister agreed with Gordon Brown—the First Minister called the Lloyds takeover of HBOS the "deal of the century". That takeover has been an utter disaster for the taxpayer, for the customer and for every business that cannot get credit and therefore cannot get the economy moving again. They expect to have the support of their Government. From Lerwick to Linlithgow, bank branches in Scotland will close in the coming months. Deal of the century? I think not.

As far as driving our economy is concerned, Labour has put up fuel three times in a year, which has hit every Scottish motorist. Worst hit have been those in rural and island areas. Jim Murphy briefed *The Press and Journal* that he would introduce a pilot to cut costs in Argyll and then denied it. What has the SNP done? We could have agreed on rural fuel, but it was a Liberal Democrat motion, not a Government one, that called for action. A freedom of information request shows that the Scottish Government did not respond when it had the chance to do so. Why does the Government not use the European levers

that are available, which would enable credit to be provided to small businesses?

We will support the Government when it concentrates on people's jobs, on the recession and on credit for business. We will not support the Government when the SNP's internal party politics are more important than the country. The referendum is about the SNP. The recession and jobs are about Scotland. We will put Scotland before the SNP.

There are legislative reforms that should command support across Parliament, but the SNP approach is to centralise, control and dictate. That is not our approach. On housing, we need to kick-start building work and help joiners, bricklayers and plumbers, but the SNP's legislative proposal is about centralising, controlling and dictating to Scotland's housing associations.

It is clear where the Government wants to go on policing—it wants to have one Scottish police force. We can tell how wrong that would be because Labour wants to do exactly the same. Convening a national policing board that would be chaired by the justice secretary is a slippery slope towards a single Scottish police service.

In previous statements, Mr Salmond said that reforming local government finance would be the hallmark of his term in office and that the council tax would be swept away. No legislation was produced, never mind introduced. This time last year, the SNP warned that people would harshly judge any MSP who voted to keep the council tax. That was fighting talk, but the Cabinet voted to keep the council tax. We should be told why.

I want a Government that proposes real change, that has the courage to argue for what it believes in and that wants to reform, change and improve the place of our people, but which will trust people to make decisions free from the grip of the centre. Mr Salmond's statement showed that on those tests, his Government is failing.

The Deputy Presiding Officer: We move to the open debate.

10:44

Linda Fabiani (Central Scotland) (SNP): Like the First Minister, I was delighted to note this week that there are now 1,000 more police officers in Scotland than there were when the SNP took the reins of government in 2007. That represents the fulfilment—ahead of schedule—of another election promise, and it is a mark of the effectiveness of this SNP Government.

The election of the SNP more than two years ago did not change just who was in government; it changed the way in which we are governed. Scottish ministers now lead the country, make

space for Scotland in the world and stand up for Scotland's interests. The third programme for government will take Scotland further forward. Its aspirations are to make Scotland a better and fairer place, and to build the foundations of a more successful, responsible and confident country.

I am pleased that the national conversation will come to a climax with the referendum bill, as was laid out in the manifesto on which we were elected—we are bringing it on exactly on timetable. The national conversation has engaged people throughout Scotland: there has been standing room only at some events, and responses have flooded in. Scotland's people delivered devolution by referendum—they have the right to be heard again. There are understandable differences of opinion about the constitutional direction that Scotland should take—that is healthy—but surely no member would not defend and support democracy. Who among us would deny the democratic right of a nation to choose its own future? Who would deny the right of citizens or subjects to cast their votes for that future? Scotland is moving forward, and it is for the Scottish people to decide how far and how fast it should do so.

While seeking to move our nation forward on the constitution, the SNP Government also intends to move forward Scotland's legal profession. It intends to review and renew the framework within which that profession operates. I am sure that that will be supported across the chamber. The key points are to maintain access to justice and to ensure that the integrity of Scotland's legal system is protected. That is an important piece of work.

The same applies to the debtor protection bill and the debt and family homes bill. Such bills may not create big headlines, but they will deliver improvements in the law on debt. Such legislation can show our Parliament at its best. In considering such bills, members across political divides work solidly and constructively in committees to ensure good outcomes. SNP ministers have shown their willingness to engage with committees, which I am sure will continue.

There are also proposed bills on crofting reform and on wildlife and the natural environment, further legislation on alcohol, and the Forth crossing bill. I am delighted that there will be a housing bill, which must finally end the right to buy new social housing and extend the opportunities for pressured area status. Those are sensible ways to preserve public investment in housing and to work towards everyone having a decent roof over their head.

Johann Lamont (Glasgow Pollok) (Lab): I acknowledge that Linda Fabiani has a record of supporting housing associations. Does she share my concern about the proposal to open up

registered social landlords to private companies that are entitled to distribute and make profits? Surely that is a break with the past that she would resist, as I do.

Linda Fabiani: I contend that the Labour Party broke with the past when it extended the right to buy to housing associations some years ago.

In the housing bill, there will be amending provisions for ancient monuments and listed buildings that are informed by the excellent work that the Historic Environment Advisory Council for Scotland has carried out.

The proposed introduction of patients' rights legislation and legislation to reform the children's hearings system are particularly welcome. Both will improve services for people who are at their most vulnerable. I am sure that many colleagues in the chamber will expand on those themes.

Mary Scanlon (Highlands and Islands) (Con): In commending her Government for dealing with patients' rights, will Linda Fabiani also commend the Conservatives, who were the first to bring in a patients charter in Scotland that gave patients rights and responsibilities?

Linda Fabiani: I commend my Government for working as a minority Government with other parties around the chamber. It has often worked with the Conservatives in that context. One role of Government is that it should continue things, just as it should innovate—a Government should look back and see how things can be improved. The Scottish Government works innovatively and continues things that have happened in the past.

In addition to the bills that I have mentioned, seven bills are already making their way through the system. As in this year's programme, there are elements of legislative housekeeping. However, some of the legislation—in train and in prospect—is radical. It looks to the future and finds Scottish ways of dealing with Scottish issues.

The programme for government—the legislative outline that we are debating—is a continuation of the path on which the SNP set out two years ago. It is a necessary refreshment of government in Scotland. The mere administration of Scotland—which for far too long we had through the Scottish Office and then, with a couple of exceptions, from the Scottish Executive coalition for eight years—is now genuine government for Scotland. The Scottish Government is engaging with Scotland and the wider world. Recent events have shown that Scottish ministers can, and do, face extremely difficult situations. They meet those situations head on and take the correct decisions.

Parliament and the Government that has been appointed from within it are proving that Scotland can rule itself. That is what has been achieved

over the past two years. The programme for government gives me confidence that improvement will continue.

I commend to Parliament the referendum bill and the rest of the programme for government. May we legislate in harmony.

10:50

Des McNulty (Clydebank and Milngavie)

(Lab): In June, Parliament approved what ministers like to claim is world-leading legislation on climate change. The Climate Change (Scotland) Bill set challenging targets and created expectations that action would speedily follow. I have no doubt that officials are working behind the scenes to introduce statutory instruments to meet the various deadlines in that bill. One of the deeply disappointing things in the legislative programme that we are discussing is the lack of follow-up to that bill. There was no evidence in the First Minister's statement that his Government has altered either its legislative programme or its longer-term spending programme in the light of the climate change obligations. We will have to wait and see what changes will be in the budget for next year, when it is published shortly.

However, for the First Minister and his party, it is business as usual. Pride of place this year goes to an unnecessary and unwanted independence referendum. At a time when economic uncertainty and environmental considerations are dominant concerns among the people of Scotland, the SNP is offering a bill that animates only its committed supporters, although it does not animate them much: barely half the SNP members turned up to listen to the First Minister's statement.

The First Minister enjoys talking about Scotland's green energy potential. However, apart from giving a list of his visits, he had nothing new to say about what he will do to turn that potential into new technologies and green jobs. Security of energy supply is an issue that dominates energy debates in every other country in Europe and throughout the world, but it has not been highlighted because of the Government's blinkered approach to nuclear power. Why waste time talking about energy if there is nothing to say?

In June, we discussed the urgent need for measures to reduce emissions from energy generation, energy efficiency, and transport and land use, especially in the agricultural sector. We agreed that mitigation is not a key priority for the distant future, but something that should be tackled now, if we are to make our contribution to halting global warming.

However, no new primary legislation has been proposed to address any of those matters. We are

to have a housing bill, but not one that will address the carbon footprint of our housing or its residents. Given the contribution that is expected from the housing sector in the Government's climate change delivery plan, could not legislation have been proposed to help to drive change?

We are to have a transport bill, but not one that takes forward any of the mitigation options that are suggested in the recently published Atkins report. The SNP's insistence on a road-only replacement bridge across the Forth is inconsistent with its professed transport policies. At a time when priority should be given to measures that would help to reduce car use, Labour members have grave doubts about whether a road-only replacement bridge is an appropriate response to the transport needs of the residents of Fife and the Lothians. Yet again, we have received no indication from the Scottish Government about how that project will be funded and the impact that its funding will have on other transport schemes. Will the bill have a financial memorandum? If so, what will it say? There has been nothing from the Government on that.

Of course, we recognise the need to address the consequences of the deterioration of the existing Forth crossing, but the Government has failed to publish not only financial information, but the professional advice that it says it sought from international experts. It has not alleviated the concerns that have been expressed by residents who will be affected, and there are clear inconsistencies in its approach to the replacement bridge, use of the existing bridge and the balance between public and private transport.

In the meantime, before the bridge soaks up the lion's share of infrastructure investment in Scotland, there have been spending cuts in cycling infrastructure, in safer streets and in support for additional bus services. Of course, legislation may not be needed to promote walking and cycling or to increase bus use. It may be more appropriate to increase the funding that is available for such measures, which may deliver results more quickly. The fact that the First Minister's speech made no mention of transport—other than the new bridge—or of mitigation, leads me to believe that the delivery, as opposed to the trumpeting, of the Government's commitments to tackling climate change does not figure greatly in the Government's list of priorities.

It is clear from everything that has been done and said by the Government that short-term political considerations, rather than policies that are based on sound analysis, will continue to prevail in prioritisation of the Government's transport infrastructure programme. Moreover, those considerations will prevent the introduction of key measures that the Government's own

research, which was published last Friday without any fanfare, suggests are needed if we are to measure up to the challenge of reducing emissions from the transport budget.

The campaigners for a Scottish Parliament based their case on the need for legislative powers. Ten years on, we have a Scottish Government that appears reluctant to use the Parliament for the purpose for which it was intended. As Iain Gray said, the programme before us does not address the concerns of the people of Scotland or progress the measures that are needed to meet our commitments on climate change. It is geared towards shielding the exercise of power from democratic influence in the Parliament. Why else would the SNP try to govern without legislating?

A lot was said yesterday about difficult choices. In his statement, the First Minister referred to difficult budget choices. The economic downturn, the pressure on public finances and the impossibility of meeting the costs of current commitments mean that hard choices are being faced by every minister. A responsible Government would examine the options and use its legislative powers to put forward its proposals. A responsible Opposition would then use the legislative process to advance its own ideas, with both sides seeking consensus. To a large degree, that is what happened in the passage of the Climate Change (Scotland) Bill. However, the Government seems determined to avoid a similar process happening this year.

We face big challenges in Scotland. There are big issues ahead of us; yet, the Government has a bankrupt and minimal programme. We need to address not just transport, energy and climate change issues, but a whole series of other issues, which will be highlighted by my colleagues. The SNP Government is determined to exclude Parliament from that process by presenting a minimal legislative programme. We need to change that situation, and it will be changed in 2011. In the time between now and then, we will make our best efforts to hold the Government to account not just for what it is doing, but for what it is not doing.

10:57

Alex Johnstone (North East Scotland) (Con):

I welcome this opportunity to speak in the debate on the Government's legislative programme—such as it is. I will comment on some of the priorities that seem to have been identified by the First Minister this morning.

The First Minister has obviously failed to notice that we are in the deepest economic crisis that this country has perhaps seen within living memory.

The consequences of debt that exceeds in real terms that which existed at the end of the second world war are things that the United Kingdom and all its people will have to deal with over a period of time, and will endure a great deal of hardship in the process. The idea that Scottish independence is, for some reason, the solution to all the problems displays a level of naivety that the vast majority of the Scottish people will find difficult to understand.

The truth is that when people are losing their jobs daily and when, every day, small businessmen are giving up their unequal struggle and are finding alternative means to keep their heads above water, it is inevitable that they will focus on the key elements of daily life. The aspirations of a Government in Scotland that wants independence will become less and less attractive to many of Scotland's people.

I know that many people within the Conservative party—Michael Forsyth has been named—think that this would be the right time for a referendum, because it would kill the idea of independence stone dead for many years. I understand why some people hold that view, but I do not agree with it. I believe that the economic recovery of the United Kingdom—and that of Scotland as part of the United Kingdom—is the main priority that we politicians must face. We must tackle that challenge head on before we begin to deal with the airy ideas of those who would make Scotland a separate country and split it off from its main markets.

Margo MacDonald: Will Alex Johnstone explain the source of his faith that the incoming Conservative Government at Westminster will close the gap in economic performance between Scotland and the rest of the UK? That is something that no previous Government has managed to do.

Alex Johnstone: The statistics show that Scotland did relatively well in comparison with the UK averages between 1988 and 1991—a period in which Scotland had a great deal of which to boast. Many politicians—although not in the Conservative party—choose to forget the positives of that time and instead to concentrate on the negatives from other times.

I will speak about one or two key elements of what the Government has proposed today with which I have a serious problem. The proposed housing bill has been mentioned. I will not go into great detail on that. However, the First Minister's stated objective to end the right to buy—which seems to have attracted support from several corners of the chamber—is something that I find wholly unacceptable. As I go around communities in Scotland, I find that the safest, most sustainable communities anywhere are those where a large

proportion of the traditional council houses have now become the property of their occupiers. Those are the kind of communities that I want to be created in the future.

Mike Rumbles (West Aberdeenshire and Kincardine) (LD): Will the member give way?

Alex Johnstone: I am afraid that I cannot. I need to make progress.

I believe that, if we are to have safe and sustainable communities in the future, we must not only create the opportunity for individuals to find affordable rented housing, but where possible create communities that mix rented and owner-occupied housing. The right to buy council property in Scotland achieved that in spades, and we should not ignore the opportunity that it affords us in the future. If we cannot go down that road, we must produce a housing bill that will deliver some alternative means of creating mixed-ownership communities, which will ensure that we have safe, sustainable communities in the long term.

I will also say a little about the Government's proposals to discourage alcohol consumption. I have had particularly close contact with one company on the issue of minimum pricing. In the north-east of Scotland, not far from my home, is the Fettercairn distillery, which is owned by Whyte & Mackay. The distillery produces a local malt but it is not marketed heavily. The bulk of the distillery's production goes into Whyte & Mackay's blend or own-brand products that sell in all our supermarkets. If the minimum price is set too high, there will be a closing up of the price gap between the products that the company produces. The price gap between the product that is sold to the supermarkets for their own brands and the product that goes into the Whyte & Mackay blend, which is also widely sold, will close up. In turn, the price gap that exists between that blend and other products will also close up. That will undermine the distillery's market and will threaten jobs in some of the weakest parts of our community. All that is being done in the name of health at a time when there is no evidence to suggest that it is our whisky companies that are responsible for the problem.

The Deputy First Minister and Cabinet Secretary for Health and Wellbeing (Nicola Sturgeon): Will Alex Johnstone concede that whisky will not be affected by minimum pricing? Furthermore, is he arguing that the British Medical Association, the Royal College of Nursing and all four chief medical officers in the UK are wrong in saying that minimum pricing would help to prevent alcohol misuse? If not, what does he suggest we do to tackle that problem, which is costing us dear?

The Deputy Presiding Officer (Trish Godman): Mr Johnstone, you should keep your eye on the time.

Alex Johnstone: I am opposed to minimum pricing. However, I am asking that, if the Government cannot be dissuaded from its minimum pricing policy, the price be set at a level that will not impact on essential local industries in areas where we need to protect jobs.

Some aspects of Alex Salmond's demeanour seem to indicate that he plans to do to Scotland what Derek Hatton did to Liverpool: he wants to turn Scotland into a country in which he provokes dispute and discord. He is willing to see the economy of Scotland sacrificed, undermined or underperforming simply to prove that Scotland would be better off independent. I do not accept that argument and will not support any measure that takes us down that road. I believe that Scotland's place is in the union and that we must ensure that the economy recovers before we begin to consider the SNP's flippant attitudes towards independence, constitutional reform or any other reform.

11:05

Margaret Smith (Edinburgh West) (LD): The Government's programme should have been a programme to re-energise Scotland's economy. Instead, in the face of continued recession, our nationalist Government puts party before country and focuses on a doomed referendum bill. Alex Salmond says that his Government was elected with a popular mandate for a referendum. The Opposition parties, which represent the majority of seats in this Parliament, stood on manifestos that made clear our opposition to that referendum, so the majority of representatives in Scotland's Parliament were elected on a popular mandate of opposition to a referendum. The issue is quite simple.

Liberal Democrats prefer to focus on the issues that matter to Scots—health, the economy, justice and education. On education in particular, we listened in vain to the First Minister's statement for anything that we could welcome. Indeed, for some time we have looked in vain to the Government for something to welcome in education, in which we have seen more broken promises and U-turns than in any other policy area.

As we speak, many of Scotland's children are sitting in crumbling schools, with no news of when money will be available to fix them. Many of Scotland's parents will be wondering why, when they dropped their children off at school this morning, it was not to a class of 18 children, as they had been promised. Many of Scotland's students will be preparing for a new year at

college or university and worrying about how they will support themselves until the end of their courses, and many of Scotland's bright and enthusiastic newly qualified teachers are sitting at home watching Jeremy Kyle.

In fact, the SNP has failed to deliver on so many of its promises that it is difficult to know where to begin. Perhaps I should begin at the start, in primary 1, where just 13 per cent of children are in classes of 18 or fewer, and progress towards the target is now actually slowing down. However, that is no surprise. A Government that can lose 1,000 teachers in one year—a record slump—should not be relied on to deliver class size promises.

Now, the Government is ordering universities to slash their intake for teaching courses, and talented students are being turned away from teacher-training places. The loss of those individuals from the teaching profession will mean that the SNP's legacy of failure on education will last well beyond its limited years in power. There will be a lost generation of teachers, thanks to Alex Salmond's Government.

Scottish Liberal Democrats have continually warned the Government that local authorities were struggling with their education budgets and class size targets. Where is the legislation to back up the class sizes pledge in the face of legal challenges? Where is the investment? Figures from last March show a decrease in revenue expenditure on secondary education, which is critical for our future.

The problem can only get worse in the coming term, as SNP's cuts and the economic downturn hit councils hard. That is without even mentioning the delays of up to a decade that the SNP Government has caused in the building and refurbishment of schools. We know that, because of the SNP's delay and failure around the Scottish Futures Trust, our construction industry has been hit hard, and many councils will not receive final payments until 2018, when many of the pupils who are currently in school will long since have left—an entire generation let down by the SNP Government.

The truth is that the SNP is in disarray when it comes to education legislation. In our first week back, we have heard the announcement of a delay in children's hearings legislation and we have seen a committee defeat on a related Scottish statutory instrument. We have also heard in the Education, Lifelong Learning and Culture Committee evidence on the Public Services Reform (Scotland) Bill that left many of us wondering, for at least part of the meeting, what benefits the legislation would actually achieve for service users. Further, only yesterday in this chamber, we were debating another SNP U-turn

on the legislative presumption against closure of rural schools.

For those who have already left school, things are not much better. Colleges are turning away record numbers of applicants. Just last week, the Liberal Democrats revealed the true extent of student hardship across Scotland, with applications for hardship funds reaching a new high of 14,386 in 2008-09. However, the SNP Government remains fixated on replacing loans with grants, and is doing nothing to tackle immediate hardship. I am not sure whether that is because of guilt at having abandoned its earlier undeliverable pledge to drop student debt altogether.

We think that there is a better way to address student hardship right now, which is why we have joined forces with the Conservatives and Labour, as well as with NUS Scotland, to call for a new approach. What is on offer is £30 million, not the £2 billion that it would have cost to dump the debt. We think that that £30 million can be used for a £500 increase in grant for the poorest students, which will bring them up to the minimum income of £7,000, which we support. It will also give each student access to an extra £200 of student loan, so they do not have to incur as much commercial debt, and will enable £2 million to be channelled into hardship and child care funds. Those suggestions have cross-party support and are designed to help a generation of students right now. We will discuss them with the cabinet secretary this afternoon. I hope that she is ready to listen, because we are ready to talk and listen to her.

The Government also promised better local support for young people through a reformed children's hearings system. However, after delay upon delay, it brought out plans that raised such serious concerns among children's panel members and chairs that the Government has been sent back to the drawing board to think again. It would be churlish of me not to welcome the fact that the Government is prepared to do that, so I absolutely do so. However, it is unfortunate that the consultation was not conducted properly and that the Government did not get it right first time. However, we are all supportive of the children's hearings system, and it is more important that we get this right.

An issue that is particularly important to me, as the constituency member who represents South Queensferry, Kirkliston and the surrounding areas, is the new Forth crossing, which is also important to my constituents and everyone else in Scotland. There is insufficient time today to detail all my concerns about the proposals and the process to date. Let us just say that the ministers who are responsible for the matter are well aware of many

of those concerns, as I have articulated them to them on many occasions. I have concerns about some of the detail of the proposals on the sites for the construction compounds, on road access and on compensation for my constituents, but I am also broadly disappointed in the Government's short-sighted approach, which has resulted in plans for a road-only crossing rather than the multimodal crossing that we were expecting. I am also disappointed that my view that a tunnel would be preferable—which was the option that was favoured by the vast majority of my constituents—was cast aside.

I urge the minister to learn from the mistakes that have been made, and ensure that residents are informed and consulted properly. The new crossing will have a massive impact on South Queensferry. The MSPs who will sit on the committee that will consider the bill have quite a challenge before them when it comes to examining funding costs.

Finally, I would like the Government to consider procurement in order to ensure that the contractors who are given the tender do not hold clients to ransom at tremendous cost to the taxpayer, and that they have a good Scottish track record of working with others.

11:12

Stewart Maxwell (West of Scotland) (SNP): I begin my remarks by focusing on the upcoming bill on alcohol.

In 2004, I was appointed as the SNP spokesperson on public health by the now Deputy First Minister and Cabinet Secretary for Health and Wellbeing. It was around that time that I started to look seriously at the damage that alcohol abuse was doing to Scotland. Although I thought that I had a reasonable idea of what was going on, I was shocked by the extent of the problem that we were faced with. Over the past five years, things have only got worse.

Billions of pounds are wasted on health and justice services as a result of alcohol abuse, but more important is the damage that is done to individuals, families and communities. For far too long, our society has been only too happy to demand action on the scourge of illegal drugs while ignoring the catastrophe of legal drugs. We finally took action on smoking, and I am delighted that we are now facing up to the issue of alcohol abuse.

As public health spokesperson, I took policy resolutions to the SNP conferences between 2004 and 2006, asking the party to support a range of public health measures including a ban on smoking in public places, a cut in the drink-drive limit, an end to the off-trade's use of alcohol as a

loss-leader and the abolition of cheap drink promotions in both the on and off-trade.

A few short years ago, it was tough to make the argument that we should tackle alcohol abuse and the resultant problems, but we have moved on and I hope that we now all accept that it is time for action.

The introduction of a minimum price per unit of alcohol will target the type of strong, cheap drink that is particularly being abused. Alcohol sales are price-sensitive and, with alcohol now half the cost that it was a generation ago in real terms, I believe that we must reverse a pricing trend that has contributed to the devastation that we see in too many of our town centres and communities, as well as in our courts and hospitals.

Last Saturday night, in advance of this debate, I took the opportunity to spend several hours with the police in Paisley—I would like to thank the officers for their help in arranging that visit. They confirmed the fact that cheap drink that is bought from the off-trade is a considerable problem, and that the drinks of choice fell into the cheap and strong category at which minimum pricing is targeted. They mentioned cheap, large bottles of cider and supermarket vodka, and they related a story of a boy who spent a night in accident and emergency after his first taste of alcohol—or perhaps, I should say, his first bucket of cheap booze from his local supermarket.

I am sure that some members will trot out the usual lame arguments about why we should not interfere with the supermarkets and the off-sales right to trade, but the sale of alcohol cannot be compared with the sale of tins of soup or packets of washing powder. The likely effect of a two-for-one promotion on washing powder might be cleaner clothes, but the same offer on alcohol might mean a visit to A and E, a night in the cells or something much worse.

We might also hear the well-worn argument that the problem has nothing to do with price, given that countries such as Spain or Italy do not have such problems. However, although it is true that there are different issues and different cultures in those countries, it would be wrong to claim that they have no such problems. New laws have very recently been introduced in parts of Italy to ban drinking in the street and to impose fines on the parents of children who are found to be drinking. Those laws are being brought in because Italy is facing a rising tide of problems as a result of alcohol abuse. Although countries on the continent may be lagging behind us in this area, they are facing similar and growing problems.

When we come to consider the bill, I ask members to look at who supports and who opposes the measures, and their reasons for

doing so. I have no doubt that opposition will come from the supermarkets, but it is clear that support will come from the medical profession, the police and even those who represent the on-trade and who realise that it is the irresponsible promotion of cheap, strong drink by some in the off-trade that fuels many of the problems that we face.

I urge the Government to stand firm and be bold with its proposals on tackling alcohol abuse, particularly on the minimum price. It must be set at a price that has the desired effect, as anything less would be a missed opportunity. I say to Alex Johnstone that setting a minimum price so low that it has no effect is frankly laughable.

I turn briefly to the housing bill that will be introduced. I was privileged to be able to work as a minister on the housing bill proposals that are now being brought forward, and I am delighted that there will finally be an end to the right to buy for new-build social housing. I accept that that policy has had some positive impact—in producing some more mixed communities, for example—but the downside has been enormous. The loss of thousands of some of the highest-quality rented housing stock to future generations has been detrimental to our efforts to house people who are in desperate need of a home. The change in the bill redresses the balance and will be widely welcomed.

However, that alone will not solve the problems that we face. I am delighted that the latest figures for house building show that the SNP Scottish Government is building more social rented houses than the previous Lib-Lab Executive, and that we are seeing the start of a new generation of council houses.

David McLetchie (Edinburgh Pentlands) (Con): Will the member concede that the Scottish National Party's council house building programme will in no way match the Conservative Government's programme, part of which was financed from the proceeds of sale under the right to buy?

Stewart Maxwell: I am happy to concede that the previous Labour-Lib Dem Executive at no point built the same number of houses as the previous Tory Government did in 1995. That is true, and it shows how desperate things have become in the past 10 years.

The Scottish Government's programme includes a wide-ranging package of bills that are designed for the benefit of the people of Scotland, and I look forward to the successful passage of those bills through the Parliament.

11:18

Margo MacDonald (Lothians) (Ind): Before I attempt to dissuade the Government from its foolish referendum policy, I want to say how glad I am that it overestimated the £500 million that Labour will keep from it. I have figured out that £3.3 million is going spare, which suits me fine for the capital city grant. I thought I would get that in quickly.

Why on earth is the Government persisting in bringing forward a referendum bill? It knows that it cannot get the thing through. It does not really have to stand on the dignity of its manifesto commitment; these days, people outside the Parliament like politicians who are able to say, "Whoops—I got that one wrong, and I'd like to change it." Why does the Government not do that? It did so with the local income tax, and, as far as I am aware, its rating has not gone down in the opinion polls.

Unfortunately, the SNP has tactically boxed itself into a corner. It confused—as the Deputy First Minister and I once discussed—a tactic with a policy or strategy. It is a tactic that one would only use to pursue a campaign, and the Government will not manage to deploy it properly, so it should forget it. The time is not right, as umpteen members in the chamber have said. People are not concerned with that just now; it is not their priority.

The Government has not done enough to inform people in Scotland of what independence feels like, what it actually is and how it applies to them in their small corner of the world. Not nearly enough work is being done to get the Parliament to start thinking constitutionally. I do not see why the SNP feels that it has to shoulder the whole burden now, because there are members on all sides of the chamber who agree that the present set-up is not satisfactory. We need to explore together how we can advance the Parliament.

I would like there to be sovereign powers, because I am certain that that is the best delivery mechanism for the policies of any of the parties in the Parliament that might be elected to Government. There is much more common ground among current members of the Parliament than they allow themselves to express, but the constitutional question has become so enmeshed with party politics that members cannot concede that their party opponent might have a good idea. The aspirations that the First Minister outlined this morning were noble: the sort of standards that we should set ourselves and the targets for which we should aim. I do not believe that any member in the chamber disagreed with those aspirations, but they could not say, "Oh, I agree with that," because they were in the wrong party. I would like the SNP to drop the whole idea of forcing people

into a position that their experience of being an MSP has possibly taken them out of, if ever they were in it.

We waste time in party politicking when the world is marching ahead. The world is setting up all sorts of new institutions and forms of co-operation, and methods of delivering services for people. We should be thinking about that, but we cannot do so properly if we are too busy playing ducks and drakes in the chamber over a constitutional question that is still very academic for most people outside the Parliament. They do not view it as the delivery mechanism for policies, and I sometimes think that the SNP does not either.

We heard from Annabel Goldie, who thinks that it will all happen when David Cameron gets into power. That will be another false dawn. I have nothing against the man, but he is operating in a system that has been failing us for a very long time now. It has kept us relatively successful, but I do not want to be relatively successful compared to some regions in the United Kingdom. I want us to be optimally successful: as successful as we possibly can be.

We know that the Westminster model does not deliver that, so I cannot see why Alex Johnstone persists—oh well, perhaps I can. Perhaps he will relax a bit in the next session of Parliament when he, along with Annabel Goldie, realises that David Cameron does not have all the answers.

Des McNulty made an excellent speech in which he pointed out some of the things that we could and should be doing. I wonder whether he will be as enthusiastic and feel that those things are as feasible when the Tories are in power. He should be thinking structurally rather than along party-political lines; I certainly agreed with much of what he said.

I wish that the SNP had stuck to explaining that sovereign power for Scotland would deliver customised policies for Scotland. That is what we need, as it is obvious not only that our economy is different, but that even our society has diverged so much from the way in which society south of the border has developed. We have different potential and different futures, but that does not mean that we have to separate—for goodness' sake, the Government should get that out of the lexicon. People are interested not in separating, but in finding new ways of working together to their mutual advantage.

That is how we should be talking in the chamber. We can still fall out over whether, as Margaret Smith said, the SNP's education policies are rubbish—some of them are, but not all—but we can separate discussion of that particular specific from the constitutional question. I wish the

SNP would do that. It should perhaps take a tip from someone who has been through quite a number of referendums: just forget this one.

11:25

Pauline McNeill (Glasgow Kelvin) (Lab): This year's programme for government is another unambitious one—the third in succession. The central aim of any Government at this difficult time should be to do everything possible to boost economic recovery to help small businesses and ordinary families that are struggling and nervous about their future. They look to both Governments—the United Kingdom Government and the Scottish Government—to prioritise their issues.

The Government will be judged on its concern for the person on the street—the first-time home buyer, the struggling small business, the person who unexpectedly becomes unemployed in the twilight of their career, and the school leaver who is now competing against more applicants than usual to get into higher education. A recession with global trends, a global impact and worldwide ramifications is not the time to reduce our focus to asking the public whether Scotland should look inwards and be independent from the UK by divorcing ourselves from the union that has protected Scotland's interests during the global recession.

This is not the time for a referendum on whether the SNP Government should be given a mandate to enter negotiations to take Scotland out of the United Kingdom. It is a time to pull out all the stops and give Scotland's economic recovery every possible chance, to get back on track and to return to strength. No distraction from that goal is justified or supported in the Parliament. The people out there want their Government to govern for the people and not for the party. The masses out there are not lobbying the Scottish Parliament for a referendum. There have been no petitions and no campaigns. The single obstacle to independence is the lack of support from the Scottish people, not the Opposition parties.

People are petitioning the Scottish Parliament on issues such as the rights of disabled people, better housing, hospital cleanliness and knife crime. There are no petitions for a referendum on independence. The SNP chickened out with a no-thanks response. It did not really suit its carefully crafted timetable. It thinks that it can woo the Scottish public into feeling patriotic on St Andrew's day and voting for independence. Margo MacDonald wrote in her column yesterday that it is a strategy and not a policy. She is right. It is a tactic. Whatever reason the SNP has for its 2010 timing, we can be sure that it is for its own ends.

The SNP is desperately trying to force an interest where one does not exist. The nationalist conversation has persuaded no one of the need for independence.

The Minister for Culture, External Affairs and the Constitution (Michael Russell): Will the member give way?

Pauline McNeill: Support for independence has actually fallen. It has never risen above—

Michael Russell: Will the member give way?

Pauline McNeill: If Mike Russell gives me a chance to develop the point, I will be delighted to take an intervention.

The nationalist conversation has not yet persuaded anyone that support for independence has risen. Indeed, it has fallen. It has never really risen above a third of those who have been asked for their view.

Michael Russell: I simply wanted to repeat my invitation to every Labour member who raises the issue, as none has attended a national conversation event. They are prescient about what takes place. If they attend an event, I think everybody will listen to them. Unfortunately, they have not been to any, so they do not know.

Pauline McNeill: We were told earlier that there is standing room only. I do not really believe it.

Despite the 40 meetings around the country and the fact that the Government has made the nationalist conversation its centrepiece, Mike Russell cannot get away from the fact that it has not shifted public opinion one iota. If anything, the current climate has resulted in more Scots supporting the union, perhaps with some changes. We call for the Government to end this waste of public money. Its monologue is impressing no one.

It was indeed Mike Russell who said that the current economic circumstances make the case for Scotland to have more say in its own affairs even more urgent and compelling, but the only person I can find out there who agrees with him is Michael Forsyth. The First Minister says that there is a consensus for change. That may be true, but the consensus is for Scotland to remain part of the United Kingdom. Devolution is still the settled will of the Scottish people and we believe that it will continue to be so for the foreseeable future, although there is a consensus that we should work towards stronger devolution. In the form of the Calman commission recommendations, there is work that can be taken forward as a package of measures to improve our governance of Scotland, but they are not a menu of convenience from which the SNP can cherry pick the measures that suit its purpose—we on this side of the chamber will not allow that. New powers for Scotland, new financial arrangements, more accountability,

borrowing powers—there is some consensus on those issues and we should take them forward, but not for the SNP's ends.

Margo MacDonald: Will the member say what would satisfy her as regards an improvement in Scottish life and our economy if the powers that she advocates were introduced? Would she be like Alex Johnstone and want just a relative improvement or would she want something much better than that?

Pauline McNeill: It is easy to answer that. Whatever the powers of the Parliament are, or are changed to be, I, like everyone else, want the most successful Scotland that we can have.

That leads me to an important point. The Scottish Parliament led the way on issues such as the smoking ban and climate change, but we did not need independence to do that. In case the SNP has not noticed, those achievements, which were mentioned in the First Minister's statement, came about through devolution. The suggestion that we can be proud Scots only if Scotland is an independent nation is nonsense, if not insulting. It is suggested that we can choose to exploit our massive renewable energy potential only if we have independence, but that is certainly not a fact. Tell that to those who work on renewable energy in Scottish universities and collaborate with English universities within a UK framework.

Margo MacDonald is right to say that the SNP's tactics are about what is in its own interests. To discredit the union is part of its propaganda campaign. It says that Scotland faces cuts, but the reason why the SNP cannot fulfil its promises is its own behaviour. As Gordon Brewer said on "Newsnight" when he was questioning the finance minister, the SNP is not batting with a straight bat on this one.

11:32

Mike Rumbles (West Aberdeenshire and Kincardine) (LD): I will concentrate my remarks on the proposed referendum bill. We all know that independence for Scotland is the objective of the Scottish National Party and that it is intent on pursuing a referendum as its favoured way of securing independence. Unfortunately for the SNP, the desire to break up the United Kingdom is not shared by the majority of people in Scotland and, as a result, a clear minority of votes cast at the most recent Scottish Parliament election were for the SNP—I repeat, a clear minority. That is reflected in the current minority Government.

This morning, the First Minister outrageously and entirely wrongly said that his Government has a mandate from the people to introduce such a bill and that the Parliament should not stand in his way. We are used to arrogance from Mr Salmond,

but that takes the biscuit. What arrogance to treat the people's Parliament and the people of Scotland with such contempt. Mr Salmond does not have a mandate of any kind from the people of Scotland. It was the Parliament that was elected by the people. The First Minister was elected by the Parliament, and what a mistake that has turned out to be.

Joe FitzPatrick (Dundee West) (SNP): Will the member acknowledge that a clear majority of the Scottish public and a majority of Liberal Democrat voters support being given the right to choose in a referendum?

Mike Rumbles: What absolute nonsense. If we asked the people of Scotland whether they would like to change the future of the country by armed insurrection or by a referendum, I think that they might choose the latter. What the member says is complete nonsense. [*Interruption.*]

Earlier, Annabel Goldie talked about the lack of a majority in Parliament for the abolition of the council tax. [*Interruption.*]

The Deputy Presiding Officer: Order.

Mike Rumbles: On 11 February, the Cabinet Secretary for Finance and Sustainable Growth said:

"In short, we cannot put together a stable majority to enable us successfully to steer detailed local income tax legislation through this Parliament. Indeed, Parliament's vote in December last year made it clear that there is no consensus on the best way forward for local taxation.

The Cabinet has therefore decided not to introduce legislation to abolish the unfair council tax and replace it with a local income tax".—[*Official Report*, 11 February 2009; c 14896.]

As someone who supports the abolition of the council tax and its replacement with a local income tax, I regret that the cabinet secretary felt it necessary to drop the proposed legislation. However, I appreciate his pragmatism on the matter and accept that at the present time there is no parliamentary majority for abolishing the council tax. It therefore makes sense for the Government and the Parliament to spend our limited time on matters that can make a difference to the people of Scotland. Unfortunately, as we have heard today, the SNP Government is not acting pragmatically on the issue of the referendum; instead, it is bulldozing ahead with it dogmatically.

The SNP knows that it will lose a vote on the referendum. After all, it has done so already. Less than six months ago, our Parliament voted by a clear majority for an amendment that I lodged calling

"on the Scottish Government to concentrate its efforts on economic recovery and abandon its divisive plans for a Referendum Bill for the remainder of its term of office."

It is a matter of sincere regret and disappointment that the minority SNP Administration has, once again, chosen to disregard the clear will of Parliament. The contempt—and I use that word correctly—that the nationalists have consistently shown Parliament and the people of Scotland on this and other issues by ignoring parliamentary votes is to the detriment of not only Parliament as an institution but the people of Scotland. I remind Mr Russell that we serve those people.

Margo MacDonald: Will the member give way?

Mike Rumbles: I will, in a moment.

The parliamentary time and, of course, monetary costs associated with taking forward a bill that the Government knows has no hope of being passed could be put to better use in taking forward measures to aid economic recovery and to improve the lives of millions of people throughout Scotland.

Although the Government sometimes forgets the fact, we live in a representative parliamentary democracy. Anyone who wanted the United Kingdom to be broken up had the opportunity to vote for it by supporting the SNP at the previous elections. Two years ago, more than two thirds of those who exercised their right to vote chose not to vote for the SNP and for the break-up of the UK. Those of us who were returned to this Parliament by the people have a duty to respect the clear view expressed at that election that the break-up of the UK is not wanted; indeed, as I have already said, the Parliament did so six months ago. The SNP continues to ignore the Scottish people's wishes.

Margo MacDonald: Will the member give way?

Mike Rumbles: I am afraid that I am in my last minute.

The Deputy Presiding Officer: It is all right, Mr Rumbles. You can give way if you wish.

Margo MacDonald: I have already nailed my colours to the mast. For the reasons that I outlined in my speech, I do not think that there should be a referendum. That said, does the member accept that we have a difficulty as a result of the habit of referring back to the manifesto and claiming that that is what people voted for? Of course, I do not think that that is what they voted for, but I presume that that difficulty is shared by all the parties in the chamber. My plea to them is, "Get out o' it!" After all, we are in the 21st century; no one expects them to keep stupid promises.

The Deputy Presiding Officer: Mr Rumbles, you should keep your eye on the time now.

Mike Rumbles: Oh come on, Presiding Officer! Can I respond to the intervention? [*Laughter.*] When people vote for the parties in the

Parliament, they expect them to keep their promises. That is a fundamental part of parliamentary democracy. However, the parties must recognise that if they cannot get support for an issue it is fair enough to drop it.

We are being told that the proposed referendum bill is the flagship of the SNP. I compare it to the Swedish flagship, the *Vasa*. When, in 1628, the ship started out on its maiden voyage, the beaches around Stockholm were filled with spectators, among them foreign diplomats and the equivalent of the modern media pack. This maiden voyage was to be an act of propaganda for the ambitious Swedish leader Gustavus Adolphus. The ship set sail, fired a salute and, after only a few minutes of sailing, began to heel over. She righted herself slightly—then heeled over again. Water began to gush in through the open gunports and the mighty warship suddenly sank. This flagship referendum bill is the homegrown product of our First Minister's personal ambition. Just like the *Vasa*, it is an act of vainglorious propaganda—something that Mike Russell is, of course, very much used to—and it, too, will sink before it ever leaves the harbour.

The Presiding Officer (Alex Fergusson): That concludes the morning part of the debate, which will continue this afternoon.

Question Time

SCOTTISH EXECUTIVE

General Questions

11:40

VisitScotland

1. Helen Eadie (Dunfermline East) (Lab): To ask the Scottish Executive when it last had discussions with VisitScotland. (S3O-7658)

The Minister for Enterprise, Energy and Tourism (Jim Mather): Scottish Government officials are in almost daily touch with VisitScotland, discussing matters concerning the wellbeing and development of tourism in Scotland. Indeed, over the summer recess, the Cabinet Secretary for Finance and Sustainable Growth and I visited many parts of Scotland and met representatives of VisitScotland as well as very many tourism businesses.

Helen Eadie: How is it that, at the VisitScotland information point in Zeebrugge, there is not one item of literature or handout of any sort for tourists destined for Rosyth? Moreover, how has the minister's SNP Government managed to persuade Norfolkline, Scotland's only passenger ferry, to carry tourist brochures only for the SNP-controlled areas of Perth, Angus and Tayside? Why is the ferry not carrying any tourist brochures for Fife and all the other parts of Scotland that rely so heavily on tourism? What deal have he and his colleagues done with Norfolkline and VisitScotland? *[Interruption.]*

The Presiding Officer (Alex Fergusson): Order.

Jim Mather: I thank the member for that question. Fortunately, when I visited Fife in the summer, I encountered a more positive frame of mind.

VisitScotland now lives on the web and the high-quality brochures that it has produced are there for all to see, access and receive. I hope that those that the member flagged up in her question take full advantage of that facility.

Liam McArthur (Orkney) (LD): During his discussions with VisitScotland, has the minister asked for an assessment of the displacement of tourists from Orkney and Shetland to the Western Isles as a result of the decision by ministers to heavily subsidise ferry services to the latter area? If not, why not?

Jim Mather: I am sure that that issue will feature in the full assessment of the road

equivalent tariff. My anecdotal experience in Argyll and Bute suggests that even routes that have not yet benefited from RET have benefited from increased traffic.

Climate Change (Scotland) Act 2009

2. Sarah Boyack (Edinburgh Central) (Lab): To ask the Scottish Executive whether it has a timetable for implementation of the measures contained in the Climate Change (Scotland) Act 2009. (S3O-7652)

The Minister for Transport, Infrastructure and Climate Change (Stewart Stevenson): The Scottish Government intends to lay the commencement order to the 2009 act in October. The majority of provisions in the act will commence in that month.

Sarah Boyack: What timetable does the minister have for implementing the provisions on council tax and business rate discounts that we agreed to in the act? What discussions has he had with the Convention of Scottish Local Authorities on implementation? Finally, does he agree with the suggestion that a stakeholder working party should be set up to ensure that all the key players are pulled together and to iron out the details? Such a move was suggested by his officials in discussions before stage 3. Even if he does not want to say yes to the idea today, will the minister agree to look favourably on and consider it?

Stewart Stevenson: The provisions for council tax and business rate reductions related to improvements in buildings are clearly important parts of the armoury in taking forward the climate change agenda. We are still in the early days of working up those proposals, but the member can absolutely rest assured that we will do so in partnership with councils and stakeholders more widely. After all, the proposals will affect industries' ability to supply to householders and building owners and operators the equipment that will qualify for the rate reductions. It is important that we bring together all the stakeholders to take forward these important proposals.

Rob Gibson (Highlands and Islands) (SNP): Will the minister agree to publish information that compares the carbon footprint of recycling with that of incineration and tell us how it will inform the secondary legislation on decarbonised heat and energy production that will be made under the 2009 act?

Stewart Stevenson: The member makes an important point. Clearly, when we recycle things that we no longer require, we can recover much of what is in them. Incineration is a way of capturing energy. It is important that we understand the role that each of those methods can play in reducing our carbon footprint.

High-speed Rail Link

3. Gil Paterson (West of Scotland) (SNP): To ask the Scottish Government what representations it will make to the United Kingdom Government on the proposed high-speed rail link connecting central Scotland to London. (S3O-7640)

The Minister for Transport, Infrastructure and Climate Change (Stewart Stevenson): Our high-level Scottish stakeholder group, which was announced in June, is well on the way to developing a robust business case for high-speed rail links between Scotland and London. It will submit its report in October. The group has maintained regular contact with High Speed Two throughout its work and will submit its report to HS2. That will be used to press the case for Scotland and will feed into HS2's work in advance of its report to the Department for Transport at the end of the year. I will meet Sir David Rowlands, chairman of HS2, in the near future.

Gil Paterson: Scotland was promised a direct link to and through the Channel tunnel, but that promise was not kept. It is vital that any development of high-speed rail infrastructure includes Scotland. Will the minister do his very best to encourage the UK Government not to do the same again and ignore Scotland's travelling public and commerce?

Stewart Stevenson: Our not getting a link to the Channel tunnel was indeed a lost opportunity. I welcome the work that Network Rail published recently, which shows that the addition of Scotland to a high-speed rail network would improve the rate of return on investment. Andrew Adonis, who is Secretary of State for Transport in the Westminster Administration, shares my enthusiasm on the issue. However, I note that Theresa Villiers, speaking on "Beyond Westminster" on Saturday morning, said:

"if there's a Conservative government elected we will build a high-speed rail connection between London, Birmingham, Manchester and Leeds. That's our commitment."

There are real dangers when some of the potential players in future decision making do not understand the importance of Scotland.

Patrick Harvie (Glasgow) (Green): Does the minister accept that the increasingly acknowledged environmental case for high-speed rail services is contingent on the impact on aviation? If we grow both modes, emissions will go up, not down. If short-haul flights are replaced by long-haul ones, emissions will go up, not down. Does the minister accept that we must have a substantial reduction in aviation if high-speed rail services are to be justified in environmental terms, and will he raise that issue with the UK Government?

Stewart Stevenson: It is clear that one environmental benefit that would derive from reducing the journey time from London to Glasgow to two hours and 16 minutes and from London to Edinburgh to two hours and nine minutes—as the Network Rail study suggests is possible—would be wholesale transfer of journeys from aircraft to rail. I do not think that we would ever see an expansion of long-haul flying that would offset that. That issue will certainly form an important part of the discussions between the Administration here and the Westminster Administration.

Alasdair Morgan (South of Scotland) (SNP): The minister will be aware that, even if the trains get to Edinburgh and Glasgow, Network Rail has left its options open as to exactly where they will terminate. Does the minister agree that, for reasons of public connectivity, it is essential that the trains terminate at, near or under existing stations, and that it is perfectly possible for high-speed trains to run the last couple of miles on conventional tracks, as the French have done with the Gare de Lyon, for example?

Stewart Stevenson: We see the value of central city termini for high-speed rail, as we do for other important connections. That is why we welcome the Network Rail study, which shows that the line should go straight to the centre of London in the south and to the centre of our cities in the north, and that it should not go by an international connection point at Heathrow, which we think would not best serve the need for high-speed connections to the south.

Biotechnology Industries (Aberdeen)

4. Brian Adam (Aberdeen North) (SNP): To ask the Scottish Government what support it will give to further develop the biotechnology industries in Aberdeen. (S3O-7618)

The Minister for Enterprise, Energy and Tourism (Jim Mather): The Scottish Government is supporting Aberdeen's strengths in biotechnology and life sciences. For example, we invested in an incubator facility at the Foresterhill biomedical campus. Scottish Enterprise and the University of Aberdeen are discussing the next stage in that exciting development. In addition, Scottish Enterprise is promoting an ambitious project to accelerate the development of new food and health products to capture a greater share of that growing market. The Scottish food and health innovation centre will be based at the Foresterhill campus in Aberdeen.

Brian Adam: I am glad that the minister recognises the successes in the north-east. Will he commit to encouraging Scottish Enterprise nationally to reinforce success, wherever that happens in Scotland, by showing flexibility in its future capital programme?

Jim Mather: The Scottish Government and Scottish Enterprise show flexibility wherever success happens in Scotland. That will increasingly be the characteristic of the Government and our enterprise agencies. We recognise that success comes from increased interaction that helps maximise activity and investment. We take a comprehensive view of investment and intervention across Scotland—which means across all of Scotland.

Lewis Macdonald (Aberdeen Central) (Lab): Does the minister recognise that Foresterhill is the largest medical campus in Europe and that the recent investment by Wyeth adds to Aberdeen's success in attracting private finance to biotechnological research? Will he ensure that the prominence of Aberdeen, particularly the Foresterhill campus, is reflected in the priorities that Scottish Enterprise sets and that the investment that Scottish Enterprise makes in the field is not restricted to any one city?

Jim Mather: The member is absolutely right—£17.5 million is being invested in the translational medicine research collaboration. In addition, 12 Aberdeen life sciences companies are being account managed going forward. The Government is considering the totality of the life sciences sector in Scotland. We will continue to do that and to prioritise the sector on that basis.

Scottish Futures Trust (School Building)

5. Rhona Brankin (Midlothian) (Lab): To ask the Scottish Executive what criteria are being used to select the 55 schools to be built by 2018 under the Scottish Futures Trust. (S3O-7653)

The Cabinet Secretary for Education and Lifelong Learning (Fiona Hyslop): We are engaging with the Convention of Scottish Local Authorities, councils and the Scottish Futures Trust on the £1.25 billion school building programme that will follow on from the current £2 billion of school investment that is being supported by the Government. In identifying the first tranche of secondary schools that will benefit, I am taking into account the distribution of needs throughout Scotland; the best available information about schools' condition and unsuitability to deliver the curriculum for excellence; additionality; and authorities' plans and priorities and readiness to proceed.

Rhona Brankin: After two and a half years of the Scottish National Party Government, we are still waiting for an announcement on new schools. That is simply not good enough. Will the minister give the Parliament a cast-iron guarantee that the criteria and the workings that are used to make the decisions on the first 14 schools will be published? Will she guarantee that the process will not be influenced by the political composition of the local

authorities in which the schools are based? In the interests of transparency, will she publish those workings?

Fiona Hyslop: Having heard my explanation of the criteria, the member might have changed her question. I point out that it took the previous Administration until 25 June 2002—three years into its term in office—before it announced its programme, and that it took it five and a half years to deliver the first refurbished school, which was Dunbar grammar school. I am delighted that, under the SFT programme, a primary school will be delivered in 2011, on top of the 250 schools that will be supported and built under the present Administration.

Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): If the cabinet secretary has not already met Highland Council to discuss how a new Wick high school can be built, will she undertake to do so? Furthermore, will she discuss with the council how it can meet its share of the big bill that will ensue?

Fiona Hyslop: As I outlined, part of the discussions will be with individual councils on what they consider to be appropriate schools in their areas, and on their plans and readiness to proceed. Many councils have already done that work. We are engaging not only with COSLA and the Scottish Futures Trust but with individual councils such as Highland Council.

George Foulkes (Lothians) (Lab): Will the cabinet secretary confirm that she is able to build so many schools because of the generous settlement from the UK Government?

Fiona Hyslop: The Scottish Government is able to invest in schools because we prioritised capital investment in local authorities. In this year alone, we are accelerating £75 million of capital to support construction workers and to ensure that schools are built. The £2 billion of investment in our schools is a result of the Government's spending priorities to ensure that we have schools that are fit for Scotland's children.

Scottish Clinical Leadership and Excellence Award Scheme

6. Ian McKee (Lothians) (SNP): To ask the Scottish Executive in what way the new Scottish clinical leadership and excellence award scheme for hospital consultants will reward outstanding performance in a fairer manner. (S3O-7636)

The Deputy First Minister and Cabinet Secretary for Health and Wellbeing (Nicola Sturgeon): The new scheme has been developed to ensure that it is as fair and transparent as possible. It will emphasise contributions to the national health service above and beyond those contractually required and will be linked to NHS

objectives. It is subject to equality proofing to provide equality of opportunity, whatever a consultant's role. The route from nomination to award has been simplified and streamlined. There will now be a consistent, standard format of electronic self-nomination as the sole route to an award. In addition, the requirement to publish the objective scoring system for the evaluation of applications underlines the scheme's commitment to greater fairness and transparency.

Ian McKee: Although outstanding performance over and above the call of duty deserves to be rewarded, I am sure that the cabinet secretary is as concerned as I am that the current system results in half of all retiring consultants being in receipt of distinction awards. In view of the fact that other health service workers, such as nurses, are taking on more responsibility for decision making in patient care these days, does the cabinet secretary feel that a system that relates only to hospital consultants is still fit for purpose?

Nicola Sturgeon: I thank Ian McKee for his question and his interest in the subject. As I have explained before, the purpose of the scheme is to ensure that we are able to attract and retain the very best medical professionals to the NHS in Scotland. This Government did not introduce the scheme; it has existed since 1948. We did not establish the review group either, although I am happy to endorse its conclusions.

Ian McKee asks about other staff groups, and it is a legitimate question. He will appreciate, however, that the remit of the review group was to review existing schemes and make recommendations to improve them. It was not asked to look at other staff groups—that would require an additional review. In the interests of being open and constructive, I am more than happy to consider any suggestions from Ian McKee or others.

Stromness Ferry Terminal

7. Liam McArthur (Orkney) (LD): To ask the Scottish Executive whether it will work with Orkney Islands Council to find an acceptable alternative site for the Stromness ferry terminal lorry parking and marshalling area if a new school is built on the existing site. (S3O-7605)

The Minister for Transport, Infrastructure and Climate Change (Stewart Stevenson): As it is a council planning matter that could still be appealed to the Scottish ministers, it would not be appropriate for the Scottish Government to be involved yet, as any involvement could potentially compromise the appeals procedure.

Liam McArthur: I appreciate the constraints that the minister mentions. I confirm that my constituents are also looking forward to having a

new grammar school and halls of residence in Kirkwall, as well as a new primary school in Stromness. However, in relation to the latter, is the minister aware of concerns about the potential knock-on consequences of siting the lorry park in front of the existing ferry terminal close to the centre of town? Should it be necessary, will he agree to work closely with OIC to explore what alternative options might be available to safeguard delivery of all three school projects while meeting the needs of ferry travellers and the local community in Stromness?

Stewart Stevenson: I am sure that the new school will be very much welcomed by people in Stromness and surrounding areas. I have a keen interest in ensuring that the ferry terminal continues to deliver on its part of the transport infrastructure. Within the limitations of the planning system I will ensure that we step up to the mark so that no unnecessary barriers to good decision making derive from this Government's activities and that we assist the council in a proper way at the appropriate time.

Draft Children's Hearings (Scotland) Bill

8. James Kelly (Glasgow Rutherglen) (Lab): To ask the Scottish Executive what discussions have taken place on the draft children's hearings (Scotland) bill. (S3O-7666)

The Minister for Children and Early Years (Adam Ingram): The Scottish Government has held a wide range of discussions with a variety of stakeholders on the draft children's hearings (Scotland) bill. That follows our publication of the draft bill in June to seek the views of key partners.

As I am sure that the member will already know, we have decided to take the necessary time to discuss proposals further with stakeholders before bringing the bill to Parliament early next year. Given the wide range of comments that we have received about the proposals, it is clear that the reforms must be right, not rushed.

James Kelly: I welcome the fact that the draft bill has been withdrawn in order to be reconsidered. The minister will be aware of concerns about proposals to scrap the 32 local children's panels and replace them with one body. Will he give an assurance that the view expressed by a Scottish Government official before the Finance Committee on Tuesday—that the Government is still actively considering that proposal to help meet its target to reduce the number of public bodies by 25 per cent—will not see the light of day?

Adam Ingram: I have had interesting and enjoyable discussions with all the stakeholders, all of whom are committed to the children's hearings system and, in particular, to the objective of

improving outcomes for vulnerable children and young people. That is what we are focused on with the bill on children's hearings reform.

First Minister's Question Time

12:00

Engagements

1. Iain Gray (East Lothian) (Lab): To ask the First Minister what engagements he has planned for the rest of the day. (S3F-1827)

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

I ask that the chamber gets the opportunity to recognise the tragic news of the deaths of Sergeant Stuart Millar from Inverness and Private Kevin Elliott from Dundee of the Black Watch, 3rd Battalion the Royal Regiment of Scotland. Those men were killed as a result of an explosion while on active service in Helmand province on Monday morning. I know that all colleagues throughout the chamber will wish to join me in sending condolences to the men's families.

Iain Gray: The First Minister knows that he has the condolences of the Labour Party to pass on, too.

Perhaps members will indulge me in asking them to note that, within the next few minutes, Royal National Lifeboats Institution stations throughout Britain will be paying tribute to the 778 lifesavers lost in the line of duty. Like many others, my constituency, which has stations at Dunbar and North Berwick, owes much to its lifeboat volunteers.

Yesterday, the First Minister and his Government were resoundingly defeated in the Parliament over the most important decision that they have had to take. He personally failed to carry the chamber. All the evidence shows that he has failed to carry Scottish opinion. Most Scots believe that the reputation of Scotland has been damaged. Does the First Minister have any regrets about how his Government has handled this matter?

The First Minister: I have regrets about how the matter was handled in the chamber. In particular, I have regrets that Opposition parties, on what was a matter of principle and justice, chose to whip and dragoon their members into voting against the Government. Iain Gray should understand that choosing to use such a vital issue of justice in an attempt to destabilise a Government is a very foolhardy strategy, particularly given that the Government that he has started to destabilise is his own one in London.

Iain Gray: Let us talk about principle and justice. If a single thing characterises what was wrong about how this decision was taken, it is Mr

MacAskill's visit to Greenock prison, which compromised the whole process. Every explanation for it has collapsed.

Yesterday, Mr MacAskill said that he did not want a media circus if al-Megrahi stayed in Scotland, so why did he orchestrate one in Greenock? I refer to the Press Association diary from the night before the visit. In between references to the exam helpline and a rehearsal for the tattoo, it states,

"Justice Secretary meets Lockerbie bomber",

and provides a Scottish Government press officer's contact number. If the First Minister cannot explain—he failed to do so yesterday—why Mr MacAskill had to go to Greenock, can he explain why the media had to go, too?

The First Minister: The note on that was exactly the same as the notes for the Cabinet Secretary for Justice's meetings with the American Government, the Libyan Government, the United Kingdom families, the Lockerbie family and the Spanish family. All the justice secretary's intentions to conduct meetings were announced in public, because it would have been a grave mistake to hold secret meetings as part of a judicial process.

Although we have been over this territory a number of times, I have yet to hear a convincing answer to this point that the justice secretary made: if we were conducting direct meetings with all interested parties in the case, if this was the first prisoner transfer agreement that did not require the consent of the person to be transferred, and if direct meetings were held with all other parties, why would it not have been a breach of natural justice and an open invitation to judicial review if a meeting was not held with a party under discussion? Perhaps Iain Gray will take the opportunity to make an observation on that rather simple point.

Iain Gray: I am happy to do so because those meetings were not all the same. Although the justice secretary was prepared to go to Greenock to meet the bomber face to face, he chose not to cross the Atlantic to afford the American families the same courtesy. We know that he was prepared to cross the Atlantic earlier this year to go to a Burns supper when he should have been right here with knife crime victims. Does the First Minister now accept that he should have insisted that his justice secretary afforded the same respect to the families of the victims as he did al-Megrahi by meeting them face to face? Would that not have been natural justice?

The First Minister: There were meetings with the families by videolink to the United States. There were direct meetings in person with families in the United Kingdom, the Lockerbie relatives and

the Spanish relatives. The justice minister was totally open about the process that he was following and totally punctilious about the prisoner transfer agreement. I remind Iain Gray that the prisoner transfer agreement was not sought by the justice minister or by this governing party but signed between the Governments in Libya and Westminster. However, once it became part of the law of Scotland, a justice minister was duty bound to carry out the issue by due process.

The problem that Iain Gray has on this matter, and the reason why he concentrates unavailingly on process, is that he cannot take on the issue of principle. The heart of this matter is the one that is being consistently addressed by the justice secretary, which is whether we should, in our justice system, be able to offer compassion and mercy to a dying man, even one who has committed a great atrocity. That is the issue of principle that people in Scotland are debating. It is unfortunate that in his desire for party-political advantage, Iain Gray cannot rise to that issue of principle.

Iain Gray: The issue of principle here is the balance that is struck between compassion for the prisoner, and compassion for the victims, the length of the sentence remaining, and the courts' view of that sentence. At no stage, either yesterday or last Monday, has that issue of balance been addressed.

At the beginning of the Lockerbie story is an act of terror. I agree that the principles and integrity of our justice system are exactly our greatest bulwarks against terror, but so, too, are our parliamentary democracy and its integrity. Yesterday, the First Minister lost, in the Parliament. He cannot simply, like the Sid James of minority government, carry on governing, as he said last night he would. Will he at least support my suggestion of a Justice Committee inquiry to look further into the Scottish Government's handling of this matter? We can then find out how, for example, the American families feel about the equivalence of treatment they have received in the process.

The First Minister: The justice minister and I will be delighted to appear at the Justice Committee to account for the Government's actions. I hope that there is the same enthusiasm on the part of ministers at Westminster to appear before their committees to account for the actions of their Government. The contrast between Labour's posturing in Scotland and Labour's silence in London has been glaringly obvious over the past few weeks. It illustrates the great mistake that Iain Gray has made in trying to party politick on the grave issue of justice.

On the question of removing the Government, Iain Gray has his opportunity. It is only two weeks

since Labour members were speculating and briefing the press that there would be motions of no confidence and motions of censure. They ran away from that as they run away from every big issue in Scottish politics.

Secretary of State for Scotland (Meetings)

The Presiding Officer (Alex Fergusson): I call question 2.

Annabel Goldie (West of Scotland) (Con): The Scottish Parliament has established that, in deciding to release the Lockerbie bomber, the Salmond Government made a bad decision badly. It has also been established that the United Kingdom Labour Government was involved in double-dealing diplomacy. I now want to move on to whether the Scottish Government also failed to act in an up-front and proper way and whether it was involved in dubious deals and nudge-and-wink diplomacy. In all the Scottish Government's dealings with Arab states, seeking money for the First Minister's Scottish Futures Trust, did the issue of Mr al-Megrahi's release ever come into play? Was it raised in any form?

The First Minister (Alex Salmond): The documents that we published are all the documents that we have relating to the decisions on Mr al-Megrahi. That is why we put them in the public domain. I am sure that Annabel Goldie, as a woman of fairness and dispassion on such matters and one who has read those documents, will agree that the commitment that I gave to the Parliament in May that the Government would always look on such issues on a judicial basis is borne out by every single one of the documents. We released so many documents into the public domain not just in the interests of transparency, to which I am committed, but because we were confident that they would vindicate our position that, right through this matter, judicial considerations and the protection of the integrity of the Scottish judicial system were the sole and only motivation for Kenny MacAskill's decision.

Annabel Goldie: I am afraid that there are suspicions—and facts. Fact: the First Minister is seeking money for his Scottish Futures Trust from Arab states. Fact: on 11 June 2009, he met the Qatari Government and discussed trade and Mr al-Megrahi's release at the same time. Fact: on 17 July 2009, the Qatari Government wrote to the Scottish Government, supporting compassionate release. Fact: one week later, Mr al-Megrahi applied for compassionate release. That does not look good.

The First Minister has told Mr Gray that it would be a grave mistake to hold secret meetings. Is the First Minister still going to Qatar later this year to ask for money? Will he publish all the correspondence, notes and minutes of meetings—

and the details of all proposed meetings—between his Government and Arab states?

The First Minister: All the information that we have that is relevant to Mr al-Megrahi's case has been published by the Government. If Annabel Goldie revisits the correspondence, she will find that everyone who contacted the Government was advised to put their views to Mr MacAskill, who was adjudicating on the issue as the justice minister of Scotland. In that correspondence, she will read that some people, including a former Conservative defence minister and a current Conservative MP, suggested that we should use Mr al-Megrahi as a "bargaining chip" for other issues or suggested that the matter should be considered as one of trade and investment. She will also see that the Government gave exactly the same answer to anyone making representations: that the justice secretary would consider his decisions only on the basis of matters of justice and upholding the integrity of our legal 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-1839)

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

Tavish Scott: Nothing that we can do can bring back the 270 lives of the Lockerbie victims. What faces us now is to reflect that many victims' families feel that they will now never know the true story of Pan Am 103. Does the First Minister believe that the Scottish Government has a duty to those families? Will he explore any avenues where any new information and evidence can be considered? Have any discussions taken place between ministers and the judiciary to consider whether, in the special circumstances of the case, evidence that has been gathered for the appeal can be made public?

The First Minister: Kenny MacAskill addressed that issue in his statement on 20 August, when he indicated our full confidence in the prosecution and police forces of Scotland. In the context of wider international matters, which many people think are relevant to the case, he also indicated that if a legitimate authority made inquiry into those matters, the Scottish Government would of course fully co-operate.

I draw Tavish Scott's attention to the fact that a body of examination, the Scottish Criminal Cases Review Commission, sat, if I remember correctly, for three years considering the issue. Although in practice not all its evidence can be released into the public domain, the body published a full account of its conclusion. I believe that there were

four grounds on the basis of which the matter was sent back to the appeal court. That indicates that within our justice system there has been review, care and examination and that information has been published on which people can base their arguments and interest in the case.

Tavish Scott: Because of the appeal, which was dropped, these matters are within Scottish jurisdiction. Will the First Minister agree to start discussions with the judiciary to examine how the evidence that has accumulated could be taken further, as I asked? The Scottish Criminal Cases Review Commission believes that it has information of value, but that has now in part been locked away as a result of the ending of the appeal. The victims' families want the opportunity to see and test that information and to learn what closure and resolution it can bring for them. If the First Minister takes action on the matter, including by changing the law, he will have our support. Does he agree that securing closure and resolution for the families is particularly important?

The First Minister: I certainly believe in the interests of the families in the Lockerbie case. I met two of the families yesterday evening and considered some of those matters. As I have said before, I would never criticise a grief-stricken family for its comments on the case, but it is wrong to assume that all families have the same view of the decision that was taken. Indeed, the families who were with us yesterday supported the decision on compassionate release.

On the Scottish Criminal Cases Review Commission and its report, I have discussed with law officers what matters could be published. I am prepared to continue those discussions, because if it were possible—and if it were helpful to people—to publish more information than the commission was able to publish under its normal procedure, under current circumstances I would be interested in seeing that done. Throughout this affair, the Scottish Government has been committed to the maximum possible transparency.

During yesterday's debate, I found it interesting that material that was published in 2007 was perhaps not familiar to all the members who contributed. If it helps Tavish Scott, I can confirm that I have already had discussions to see whether further matters could be published, over and above the summary of 2007.

The Presiding Officer: As we were unable to call her in yesterday's debate, I will take a supplementary question from Margo MacDonald.

Margo MacDonald (Lothians) (Ind): Thank you. Will the First Minister consider a further inquiry, which might be elicited from organisations in Scandinavia that specialise in conflict resolution, mediation and so on? Does he intend to co-

operate with the American senator who has flagged up the possibility of a Senate investigation?

The First Minister: I stand by what Mr MacAskill said on 20 August. Members should acknowledge two things. First, the Cabinet Secretary for Justice has expressed his full confidence in the Scottish prosecution services, the Scottish judiciary and the Scottish police forces in terms of the conduct of the case. We have nothing whatever to be ashamed of in our country about the way in which our judicial forces acted. Secondly, the wider international ramifications of many aspects of the Lockerbie atrocity are beyond the jurisdiction of Scottish courts or indeed Scottish inquiries, which would not have the ability to summon either key witnesses or, indeed, key documents. Mr Kenny MacAskill made that point on 20 August.

Of course, if a legitimate international authority launches an inquiry, the Scottish authorities will co-operate with that, because we have nothing to hide in the matter and have given maximum transparency at every stage in the entire process.

Short Sentences (Impact on Reconviction Rates)

4. Stewart Maxwell (West of Scotland) (SNP): To ask the First Minister what impact short sentences have on reconviction rates. (S3F-1846)

The First Minister (Alex Salmond): The statistics that were published on Monday show that almost three out of four of those who were sentenced to six months or less in prison will offend again within two years. By contrast, three out of five of those who were sentenced to community service have a clean record after that time. The figures are entirely consistent with the findings of the Scottish Prisons Commission, which noted in paragraph 2.22 of its report

"a large body of evidence showing that when"

people imprisoned for short sentences

"return to their communities, they are more likely than those on community sentences, to be reconvicted and reimprisoned."

The Scottish Government is working to improve community service provision throughout Scotland. As well as the measures that are contained in the Criminal Justice and Licensing (Scotland) Bill that is now before Parliament, the Cabinet Secretary for Justice announced on 23 June an additional £5.5 million to help to deliver swifter and more effective community justice by allowing local authorities to employ more staff to support community service projects.

Stewart Maxwell: The commission on English prisons today, which is chaired by Cherie Booth,

has described the Scottish Government's actions as taking

"a courageous lead in the UK by taking serious steps to address its prison crisis"

by changing prisons policy. Does the First Minister welcome that support? Does he agree that the reoffending figures that were released this week—which he mentioned and which show that short sentences consistently fail to cut reoffending—make it imperative that, after years of failed prisons policy, Scotland tackles reoffending behaviour rather than simply locking people up? Does he also agree that those figures show that Scottish National Party justice policy is taking Scotland in the right direction?

The First Minister: I welcome the support that the commission on English prisons today—led, as it is, by a highly distinguished English barrister—has offered for our coherent offender management strategy. As Cherie Booth QC said:

"more widespread use of effective community sentences would both allow us to reduce the use of prison and allow for reinvestment of resources into local communities to cut offending."

Those seem to me to be words of profound common sense and I hope that that view is shared by the maximum number of members.

Richard Baker (North East Scotland) (Lab): I did not know that the First Minister was such a fan of Cherie Booth. Does he not acknowledge that plans that will introduce a presumption against any custodial sentence for 65 per cent of those who are convicted of knife crime will not address reconviction rates and that they send entirely the wrong message on that key area of crime? If he is so committed to robust community sentences, why did his Government scupper plans for the Glasgow community court?

The First Minister: If Richard Baker cares to look at the statistics, he will see that the average sentence for knife crime has increased under this Government to more than six months, whereas it was less than six months under the previous Administration. He can put that together with the latest statistics on police numbers, which show something that he said would never happen: we have record numbers of police in Scotland. Our manifesto commitment has been totally met and, furthermore, that is matched by the lowest recorded level of crime for a generation. Surely even Richard Baker should manage to welcome that.

Bill Aitken (Glasgow) (Con): Does the First Minister not recognise that so many prison sentences fail to have an impact as a result of his Government's policies? A six-month sentence for domestic violence or housebreaking, for example, is reduced to four months because of the Du Plooy

ruling and reduced to 60 days because of automatic early release. Because of powers that his Cabinet Secretary for Justice has sought, those sentences can be reduced to one quarter of the original sentence. Is that not why so many prisoners spend such a short time in jail and are unaffected by the sentence? Prison is, in effect, a scoosh.

The First Minister: The first two examples that Bill Aitken cited were policies that a Conservative Government introduced. I know that that goes far back into the mists of time, but it is worth recalling that a Conservative Administration introduced automatic early release. I know that Bill Aitken and his Labour counterpart are engaged in a competition as to who can be the hard man on crime in Scottish politics, but I hope that the Conservatives at least will acknowledge that the record police numbers in Scotland and the lowest level of recorded crime are very substantial achievements for—let us be generous—the Parliament as a whole.

Child Protection (Inter-agency information)

5. Karen Whitefield (Airdrie and Shotts) (Lab): To ask the First Minister what plans the Scottish Government has to improve inter-agency information sharing following the significant case review and review for chief officers reports into the death of Brandon Muir. (S3F-1843)

The First Minister (Alex Salmond): The tragic death of Brandon Muir has shocked and saddened us all, and the Government will implement the national recommendations of the recently published significant case review as part of the wide-ranging review of national child protection guidance that is under way. We are also taking practical steps to improve information sharing, one of the major findings of the inquiry, through investing some £15 million between 2008 and 2011 to develop the e-care framework and fund a vulnerable persons system for Scottish police services.

Karen Whitefield: Has the First Minister considered the recently published report, which stated:

"In the short three week period when Cunningham resided with Heather Boyd and her children, the authorities, while active in personal engagement with the family, were not able to assemble, process or assess all the available information on Boyd or Cunningham. The Inquiry revealed gaps and inaccuracies, some caused by pre-existing systems, others by a lack of available resource?"

What specific steps will the First Minister take to improve and identify the systems for identifying children who are at risk because their parents abuse alcohol or take drugs? What will he do to provide sufficient resources to make that possible so that we know the scale of the problem and who

those children at risk are? Will he finally agree to Labour's proposal to set up a national inquiry into child protection in Scotland?

The First Minister: There have now been two reports into the death of Brandon Muir. There was the independently chaired significant case review and an independent inquiry by former Fife chief constable Peter Wilson. I have read both of the reviews and the inquiry report, and the Government is acting on all the recommendations that were contained therein.

Peter Wilson's report makes a number of key recommendations, but one of its conclusions is that

"In Brandon Muir's case - collecting, sharing and assessing all the information in the short time frame when he was at acute risk, was not helped by difficulties in accessing records, and evaluating information."

That is exactly why I pointed in my first reply to the investment in the e-care system to allow agencies to share information and allow the urgent child protection messages to be sent and received.

The circumstances of this tragic case have been examined in the two reports, but I think that we should remember and acknowledge that the system of inspection that has been moving authority by authority across Scotland—I think that I am right in saying that only one authority has now to report inspection—has not only given us the best possible information on how child protection services are being deployed across the country but, in the few authorities that have had unacceptable reports, including Dundee City Council, has allowed key improvements to be made. We should acknowledge and have confidence in the inspectors and in the system of inspection, which is not just finding out how the services are being deployed, but, critically, resulting in substantial improvements where service providers have been shown to be wanting in their facilities or techniques.

Margaret Smith (Edinburgh West) (LD): In March, the First Minister admitted that between 10,000 and 20,000 children could still be living with drug-misusing parents, but he failed to answer Tavish Scott's question at that time on how many of those cases were being reviewed in light of the tragic case of Brandon Muir. Can the First Minister answer that question now?

The First Minister: The processes are being reviewed in terms of the information and the reports that we get. The authority-by-authority examination gives us the best possible handle on how child protection services are being deployed across the country. The concentration that the Government and the ministerial team are putting into the issue is very substantial indeed. The issue has been discussed—I think that a question under

the Freedom of Information (Scotland) Act 2002 asked about this—at innumerable Cabinet meetings, and rightly so given the importance of the subject.

However, let us remember that there are no easy answers to the question. Per head of population, we have more children in care in Scotland than there are in England, Wales and Northern Ireland. That is just a fact. The number has been increasing very substantially in recent years. That has been necessary to protect children, but no one should think that that is the underlying issue. The underlying issue is substance misuse and, indeed, alcohol misuse. As well as ensuring that the services to protect children are as good as they can be, and as well as reinforcing what the Parliament should be doing in supporting social workers in the extraordinarily difficult job that they do, we must also accept as a society that the key underlying problem is the substance and alcohol misuse that is causing the problems in the first place.

The Presiding Officer: We started late, so I will also allow question 6.

Licensing (Scotland) Act 2005

6. Robert Brown (Glasgow) (LD): To ask the First Minister what action the Scottish Government has taken in response to the anticipated problems in implementation of the Licensing (Scotland) Act 2005. (S3F-1837)

The First Minister (Alex Salmond): First, I pay tribute to Sheriff Principal Gordon Nicholson, who died suddenly last week. As members know, Sheriff Principal Nicholson was the architect of the new licensing regime. I know that those who worked with him appreciated the careful thought and wise counsel that led to the changes that came into effect this week.

The changeover to the new licensing regime has been a major task for the licensed trade, the police and licensing boards. The 2005 act set a broad national framework, with a huge amount of flexibility for licensing boards to decide what is right for their area. Inevitably, the application process has raised some issues at local level. I know that some licensing boards are working hard on the transition process. At national level, the Government has already worked with stakeholders to simplify the bureaucracy, worked with the Accounts Commission to review the fee arrangements and used the Criminal Justice and Licensing (Scotland) Bill to put right some of the glitches in the 2005 act.

The 2005 act is a major step forward, but it will undoubtedly take time to bed in. The act gives us a platform to build on with the new measures in the Government's alcohol framework. Those will

continue to process our aim and intent of rebalancing Scotland's relationship with alcohol.

Robert Brown: I associate myself with the First Minister's comments about Sheriff Principal Nicholson.

Is the First Minister aware that the initial guidance that the Scottish Government issued under the 2005 act stated that ministers did not believe that restrictions on irresponsible promotions could presently be extended to off-sales promotions? Will he confirm that that guidance has in effect been dumped by Scottish ministers, which has given licensing boards the green light to restrict off-sales promotions? Does he agree that, although there is a strong case for banning irresponsible promotions by off-licences, such matters must nevertheless not be introduced by the back door? That is an issue on which the Scottish Government has got form.

The First Minister: I am sorry that Robert Brown has chosen to introduce the matter in that way.

The Government's intention on such matters could not be clearer. That is why we have introduced the Criminal Justice and Licensing (Scotland) Bill and why we will bring forward the new legislation that I outlined this morning. Robert Brown should not confuse the undoubted deficiencies in the 2005 legislation with the Government's intent to attack the scourge of alcohol misuse in Scotland.

I do not know whether Robert Brown has looked back to the press on the day that the 2005 legislation was passed, but I have done so. It reads: "shambles", "farce", "booze laws confusion". It talks about an open confrontation on the floor of the chamber between Tom McCabe, the Labour minister in charge, and his Liberal deputy, George Lyon. Mike Rumbles MSP is quoted as summing up the matter by saying that the passing of the legislation that we are now implementing was

"a sad day for the Scottish Parliament".

12:34

Meeting suspended until 14:15.

14:15

On resuming—

Question Time

SCOTTISH EXECUTIVE

Justice and Law Officers

District Courts (Ayrshire)

1. Cathy Jamieson (Carrick, Cumnock and Doon Valley) (Lab): To ask the Scottish Executive what further consultation has taken place regarding the future of district courts in Ayrshire. (S3O-7665)

The Cabinet Secretary for Justice (Kenny MacAskill): In the sheriffdom of south Strathclyde, Dumfries and Galloway, the Scottish Court Service has consulted further with the sheriff principal and local authorities as prescribed by the Criminal Proceedings etc (Reform) (Scotland) Act 2007.

Cathy Jamieson: Given that when the cabinet secretary introduced proposals to close courts, including those in Cumnock and Girvan, he was sent homeward to think again, does he think that it would be better to address the legitimate concerns that have been raised by local justices and East Ayrshire Council rather than simply make the same proposal again?

Kenny MacAskill: I am not making the same proposal again, because I have not received further submissions or recommendations from the Scottish Court Service. When I do, what Cathy Jamieson suggests might be the case, but I cannot confirm whether it will be, because I have received no submissions.

I am surprised by the criticism of the procedures, because, after all, the procedures that I follow are those that are laid down in the 2007 act, which was introduced not by me as the Cabinet Secretary for Justice or by my Government, but by yourself, Ms Jamieson, when you were the Minister for Justice. If you do not like the legislation, you should have thought about that before you implemented it.

Elaine Murray (Dumfries) (Lab): The Justice of the Peace Courts (Sheriffdom of South Strathclyde, Dumfries and Galloway) Order 2009, which proposed the closure of the district courts at Annan, Cumnock and Girvan, was rejected by the Scottish Parliament's Justice Committee only in May this year. Does the cabinet secretary agree that it is somewhat arrogant of the Scottish Court Service to reintroduce exactly the same proposal after only four months?

Kenny MacAskill: It has not done so. No recommendations have reached me and until such time as they do, no decision can be taken. I cannot comment on whether the SCS is being arrogant, but I can give you the factual position that no further decision has been made, because no recommendations have reached me.

The Presiding Officer (Alex Fergusson): I remind all members that remarks should be directed through the chair and not made directly to each other.

Question 2 was not lodged.

Police (Funding)

3. George Foulkes (Lothians) (Lab): To ask the Scottish Executive how it reconciles freezing council tax with its guarantee to increase police numbers and maintain law and order, when Scotland's biggest police force is reporting a cash shortfall of up to £34.7 million. (S3O-7660)

The Cabinet Secretary for Justice (Kenny MacAskill): The council tax freeze and the commitment to 1,000 additional police officers are both priorities for the Scottish Government and have been agreed with the Convention of Scottish Local Authorities as part of the concordat. Accordingly, they are both fully funded by the Scottish Government. That is why earlier this week I was able to announce that in June 2009, there were 17,278 police officers employed by Scottish forces—the highest number ever recorded. For the first time, we have passed the milestone of 1,000 additional police officers, well ahead of our pledge to do so by the end of this parliamentary session, with an increase of 1,044 since March 2007.

Strathclyde police authority has considered the potential impact of spending decisions that have not yet been made. The Scottish Government will publish the draft 2010-11 budget later this month, which will be subject to parliamentary scrutiny and debate in the usual way. We await the next spending review, which we expect to be delayed until after the next general election.

George Foulkes: With all those extra police officers, why was it not possible to keep al-Megrahi in a safe house in Strathclyde?

Kenny MacAskill: It would have been possible; the deputy chief constable said that his force would have risen to any challenge. However, it was made clear that there would have been significant operational difficulties—48 officers would have been required simply to monitor him in the house. To move him to hospital or elsewhere would have required additional policing above and beyond that.

As I have said before, I find it ludicrous and grotesque that we should have imposed—I heard

the word “impose” used by some speakers in the chamber—Mr al-Megrahi on a Scottish hospice. People go to a hospice to die with dignity, surrounded by friends and family in their dying moments, not to have Mr al-Megrahi, an international press corps and, indeed, a police camp there. I say to Mr Foulkes that that would have been unacceptable and I stand by my decision.

Bill Kidd (Glasgow) (SNP): Is the cabinet secretary aware that Strathclyde police authority has applied to fund 60 new trainee police officers at the Scottish Police College in addition to the trainees who are funded by the Scottish Government? The SPA is doing that at a cost of £2 million, which rather flies in the face of the claim of a possible shortfall in funding.

Kenny MacAskill: Absolutely. I pay great tribute to the chief constable of Strathclyde. It is to his enormous credit that he is not only delivering the Government's commitment to provide additional officers to Strathclyde but is, through his own actions, and supported by every officer of whatever rank in his force, ensuring that additional recruits are taken on, that officers are retained and that officers who are behind desks are redeployed.

When the convener of the SPA referred to the potential problems and the difficulty that it may face in terms of recruitment, he did not point out that, for the first time, the SPA has recruited a press officer.

Bill Aitken (Glasgow) (Con): Will the cabinet secretary accept my genuine congratulations on implementing Conservative policy in ensuring that the appropriate number of police are in place? Can I look forward to receiving the same degree of co-operation from him in future when budgetary matters are discussed?

Kenny MacAskill: I accept that in the spirit in which it was given. The Scottish Government is delighted to deliver the additional 1,000 officers. We are happy that the Scottish Conservatives have supported us on the matter. I will seek to work with Mr Aitken where I can on other financial matters, albeit that—in many instances—that work will be done by our colleagues who cover the finance portfolio.

Legal Aid (Eligibility Criteria)

4. Elaine Murray (Dumfries) (Lab): To ask the Scottish Executive whether it is considering bringing forward proposals for changes to the eligibility criteria for receipt of legal aid. (S3O-7680)

The Cabinet Secretary for Justice (Kenny MacAskill): We are currently considering whether any changes to the eligibility rules for civil legal aid are desirable.

Elaine Murray: As the cabinet secretary may be aware, last month, the convicted rapist and former police officer Adam Carruthers lost his appeal against the removal of employer contributions to his police pension. It has been estimated that the appeal cost the taxpayer more than £100,000 in legal aid fees. Moreover, he received legal aid for his appeals against sentence, at least one of which was abandoned. Will the cabinet secretary give an assurance that he will consider curtailing the use of legal aid for repetitive or vexatious appeals? On some occasions, including the example that I have raised, such appeals are tantamount to harassment of the victims of crime.

Kenny MacAskill: I am aware of Dr Murray's concerns on the issue—concerns that she has raised on previous occasions. Many in the chamber will share those concerns. Indeed, I discussed the matter with the chief executive of the Scottish Legal Aid Board.

It is important to bear in mind two points. First, there are the legal aid regulations, which we seek to monitor—indeed, we are happy to review them and change them if and when it is necessary to do so. In many instances, primary legislation may be required to do that. I assure Dr Murray that I hope that frivolous and vexatious appeals will be precluded by the Legal Aid Board. The legislation that is in place is subject to interpretation by the board.

Secondly, and without reference to any specific case, it is important to bear in mind the fact that we require to have cognisance of the European convention on human rights. Simply because someone may have done something reprehensible should not necessarily mean that, in other matters, they should not be eligible for legal aid. That is part of our strength as a democracy. It is also part of an obligation that is contained in the legal aid rules and regulations that were brought in on an all-party and non-party basis.

Dr Murray is correct to raise the issue, which is a matter of concern. As I said, the Legal Aid Board is aware of her constituents' concerns—concerns that I am sure are felt by others elsewhere. The matter is under constant review.

Quasi-judicial Matters (Scrutiny)

5. Alison McInnes (North East Scotland) (LD): To ask the Scottish Executive whether it plans to change the scrutiny process for quasi-judicial matters. (S3O-7606)

The Cabinet Secretary for Justice (Kenny MacAskill): Ministerial decision making in cases involving offenders was examined by the late Sheriff Principal Gordon Nicholson QC, to whom the First Minister gave testament at First Minister's question time. Sheriff Principal Nicholson

undertook that examination at the request of the previous Administration. His report was published last year, and made no recommendations for change in relation to the process for compassionate release.

Alison McInnes: Yesterday, you came under a great deal of criticism—

The Presiding Officer: Through the chair, please.

Alison McInnes: Sorry. Yesterday, the cabinet secretary came under a great deal of criticism for his mishandling of the al-Megrahi decision. Mr MacAskill and his officials misdirected themselves about the basis of their decision by not giving proper legal consideration to the guidance, and to the balance of considerations in it. Parliament has highlighted that, in that decision, the powers were judicial but were exercised poorly in a way that no judge would entertain.

Given the enormous power wielded, scrutiny should apply to quasi-judicial matters as well as to more regular policy matters.

The Presiding Officer: Question, please.

Alison McInnes: Will the Government therefore support our calls for the Parliament's Justice Committee to commence an inquiry to allow genuine scrutiny of the decision and the manner in which it was taken?

Kenny MacAskill: I made it clear previously in Parliament and I make it clear again that it was my decision and my decision alone, and I stand by it. It might have been more appropriate if those who are throwing brickbats around had taken a view before the decision was taken, but there we go.

We do not rule anything in or out. The late Sheriff Principal Nicholson—who did the Parliament and the country a great service with the licensing reforms, and with his service as a sheriff principal, and a sheriff before that—carried out a review. That review was instructed not by my Administration but by the previous Administration. He reviewed compassionate release and felt that it was appropriate that it should remain a ministerial matter.

If members want to have an inquiry, the Government is prepared to consider one. If they want to press the issue further, we have nothing to hide, although perhaps others must answer for their bit.

Nigel Don (North East Scotland) (SNP): When were the compassionate release rules first established and where are they derived from?

Kenny MacAskill: The legislation that we operate under dates from 1993. It provides that it is for ministers to take the decision. Parliament looked again at the arrangements for

compassionate release in section 27 of the Custodial Sentences and Weapons (Scotland) Act 2007, which was introduced by the previous Liberal Democrat-Labour Administration. It replicated the Prisoners and Criminal Proceedings (Scotland) Act 1993, leaving the decision in the hands of ministers. Sheriff Principal Nicholson was asked to consider the issue. He did so, and that is the current position.

If members wish to make other suggestions, we would be more than happy to consider them. On the issue relating to Mr al-Megrahi, we have nothing to hide and we stand by our decisions.

Knife Crime (Paisley)

6. Ms Wendy Alexander (Paisley North) (Lab): To ask the Scottish Executive what steps it is taking to address knife crime in Paisley. (S3O-7648)

The Minister for Community Safety (Fergus Ewing): The Government is working with the national violence reduction unit, the Association of Chief Police Officers in Scotland and other partners to reduce knife crime wherever it occurs in Scotland. The collective effort is considerable, with the Government doing its part.

We have committed more than £13 million to the cashback for communities programme, which is giving young people meaningful things to do and keeping them away from knives. We are investing a total of £3 million in the VRU and its innovative project to tackle gangs and knives in the worst-affected areas of Glasgow. In March this year, we launched no knives, better lives—a £500,000 investment over the next two years to communicate the risk of knife crime to young people.

In relation to Paisley, I commend the considerable efforts of Strathclyde Police's KA division, which already this financial year has seen reductions in serious assaults of 18.5 per cent and in robbery of 51.4 per cent, and a 69 per cent increase in stop and searches.

Ms Alexander: I am hoping for an explanation of the Scottish Government's decision to abandon a national ban on the public display of knives and the requirement to have closed-circuit television. How can it be right to propose a national ban on the public display of tobacco, and then cancel the planned national ban on the similar display of knives, which are responsible for more murders than any other weapon in this country?

Fergus Ewing: The Scottish Government believes that circumstances in different parts of Scotland require different approaches. I am sure that the member agrees that what may be appropriate in the areas where gangs operate in Glasgow, or in Paisley, in her constituency, would

simply not be appropriate in places such as Orkney, rural parts of Scotland or small villages and towns. That is why we allow local forces a measure of autonomy to determine the measures that apply in their areas.

We are persuaded that CCTV, which the member mentioned, plays an extremely useful role in assisting the police in the detection and prosecution of crime. As the member will be aware, there are instances of CCTV evidence being used to bring to book people who have committed the most serious of crimes, including murder. I hope that members throughout the chamber appreciate the role and importance of CCTV. It has recently been the subject of analysis, and I expect that its role will continue, as appropriate, with local input as to how it is best employed.

Police Officers (Numbers)

7. Bob Doris (Glasgow) (SNP): To ask the Scottish Executive how many police officers are on the streets of Scotland compared to May 2007. (S3O-7624)

The Cabinet Secretary for Justice (Kenny MacAskill): On Tuesday, official statistics revealed that there are 17,278 police officers in Scotland, the highest number ever on record. That means that the Scottish Government has reached its target of having 1,000 more police officers in Scotland—compared with the 16,234 officers when we came to power—well ahead of our pledge to do so by the end of this session. For the fifth quarter in a row, the number of police officers serving Scotland's communities has increased. There are now 1,044 more officers than there were in March 2007.

Bob Doris: I am sure that the minister agrees that the increase in police numbers has had a positive impact on policing in Glasgow, and that it has been given added value in Glasgow through Chief Constable Stephen House's reform of community police shift patterns, to ensure that the maximum number of community police officers are on the streets when they are most needed. In some places, that has more than doubled their presence. Will the Scottish Government continue to work with our police forces to ensure not just that there is a greater number of police but, more important, that there is more effective policing?

Kenny MacAskill: Absolutely. I pay tribute to Chief Constable Stephen House, who has done an excellent job. We are delighted to fund the 1,000 additional officers, ensuring that Strathclyde gets its share. It is our largest force, and it faces many of the greatest difficulties with regard to recorded crime. It is clear that the chief constable is doing a fantastic job, as is each and every officer, whichever force in Scotland they serve in. It is

appropriate to ensure that we have adequate numbers of police officers. We must also ensure that they are appropriately and properly used, and are not stuck in court twiddling their thumbs, having been cited to give evidence in cases that are never called.

The progress that is being made on summary justice reform is a great credit to the Solicitor General, the Lord Advocate and the Crown Office. It is a credit to chief constables throughout Scotland that they are getting officers out from behind desks to do work elsewhere. A visible police presence reassures good citizens and deters those of evil intent.

Richard Baker (North East Scotland) (Lab): Is it not vital that welcome additional police recruits can be retained in the future? Can we take it from the cabinet secretary's earlier answers that he will ensure that there will be no shortfall in the budget of Strathclyde Police, so that the promised officers are not just recruited but retained?

Kenny MacAskill: We are committed to funding the 1,000 additional officers. Two years ago—and even more recently—the member did not think that it could be done, but it has now been delivered.

The Government obviously has to prepare a budget, and we have to do so in the knowledge that we face £500 million-worth of cuts from the UK—they are coming down the line, and those are London-enforced cuts. That will impact on Scotland.

George Foulkes (Lothians) (Lab): Ah!

Kenny MacAskill: I hear a sedentary input from Mr Foulkes. As well as that £500 million, the Government is also paying—as am I, as a constituent and a representative of the city of Edinburgh—for the folly of a tram scheme that has cost a further £500 million.

Kafeel Ahmed

8. Alex Johnstone (North East Scotland) (Con): To ask the Scottish Executive how many police officers were required to guard Kafeel Ahmed in a Glasgow hospital from 30 June to 2 August 2007. (S3O-7591)

The Cabinet Secretary for Justice (Kenny MacAskill): That is an operational matter for Strathclyde Police.

Alex Johnstone: I am extremely disappointed—that answer reflects some of the comments that have been made over the past days and weeks. Given that experience, is it reasonable to suggest that it would have been impossible for the chief constable of Strathclyde Police to organise the guarding of Abdelbaset al-Megrahi in similar circumstances, had he been released into hospice or home care?

Kenny MacAskill: As I said to Bob Doris, I have great faith in our police and I have no doubt that whatever challenge is presented to Strathclyde Police, whether it is guarding an individual or reacting to a serious terrorist incident such as we had at Glasgow airport, the force rises to the challenge and shows that it is capable of dealing with it.

I repeat that I find grotesque the suggestion that we should have sought to impose on a hospice the situation that the member proposes. I have yet to hear from the Conservative party which hospice was to have taken Mr al-Megrahi. I am not aware that any hospices were queuing up to accept him. In my experience, people are queuing up to get into hospices because of the difficulties that we face in palliative care.

We made the decision; and it was my decision. It was quite clearly made on the basis that I believe that people who go into a hospice to die should be able to do so with dignity and be treated with compassion, without having armed police in every nook and cranny and without the presence of an international media circus. The member might want to have imposed such a situation on a hospice in Scotland; I never will.

Rural Affairs and the Environment

Climate Change (Scotland) Act 2009 (Excess Packaging)

1. Patrick Harvie (Glasgow) (Green): To ask the Scottish Executive when it intends to implement the provisions of the Climate Change (Scotland) Act 2009 that relate to reduction of excess packaging. (S3O-7616)

The Cabinet Secretary for Rural Affairs and the Environment (Richard Lochhead): Although excess packaging is dealt with by the Packaging (Essential Requirements) Regulations 2003, which are a reserved matter, there is provision in the 2009 act that relates to targets for overall packaging reduction.

I launched the consultation on Scotland's zero waste plan on 20 August. The consultation refers to the draft strategy, "Making the most of packaging: a strategy for a low-carbon economy", which was agreed among the four United Kingdom Administrations and contains suggested actions to improve how packaging is dealt with. The consultation invites views.

Patrick Harvie: I think that the Government previously suggested that it has faith in a voluntary approach in the first instance. Surely if we are to take a voluntary approach we must have a sense of the overall reduction in packaging, whether we call it excess waste or unnecessary or unwanted packaging, that we expect to achieve. At what

point will we test the approach and decide whether a compulsory approach is required?

Richard Lochhead: I agree, as I am sure all members do, that we have to tackle excess packaging.

The retail sector in Scotland is largely responsible for the amount of excess retail packaging that there is. Retailers have signed up to the Courtauld commitment, which is a voluntary commitment that applies throughout the UK. The 2008 target on halting growth in excess waste in the sector has already been met, and it appears that we are on target to achieve a reduction in excess waste packaging in Scotland by 2010.

I will listen carefully to the views of Patrick Harvie and others who contribute to the consultation on the draft zero waste plan. The member's argument is reasonable. We might want to have an idea of the level that we want to achieve in Scotland. However, whether there should be a statutory basis for the approach will depend on the outcome of the consultation.

Rob Gibson (Highlands and Islands) (SNP): What approaches have been made to supermarkets, for example through the supermarket summit, on how to progress a reduction in packaging?

Richard Lochhead: The member makes a good point. The Scottish retailers forum, which we set up with Scotland's leading retailers, is delivering dividends on waste issues as well as on many other issues of importance to Scotland, such as the buying of Scottish produce. For example, Marks and Spencer recently replaced the plastic tray that protected its beef with a thin skin pack, which is wrapped tightly around the product. The approach cut packaging by 69 per cent while extending the product's shelf life by four days, thereby helping to reduce food waste. Retailers in Scotland are taking action and a number of their actions have resulted from discussions with the Scottish Government during the past two years.

Elaine Murray (Dumfries) (Lab): The Climate Change (Scotland) Act 2009 enables ministers to regulate on a number of waste prevention issues. A draft statutory instrument on data collection on waste is required to be laid within 12 months of the enactment of the relevant section. Is the cabinet secretary considering making further regulations during this session of the Parliament?

Richard Lochhead: The consultation still has a few weeks to go and, as I said before, we will listen carefully to the views that we hear during it. Under the 2009 act, we are able to introduce a number of regulations to help tackle Scotland's waste problems. The extent to which we introduce them and the order in which we do so will depend

on the outcome of the consultation, and we will listen carefully to the Parliament's views.

Derelict Land (Urban Areas)

2. Bill Kidd (Glasgow) (SNP): To ask the Scottish Government what support the Cabinet Secretary for Rural Affairs and the Environment provides to local authorities to allow local residents to make use of unused derelict lands in urban areas for the purpose of community growing projects, gardens and orchards. (S3O-7631)

The Minister for Environment (Roseanna Cunningham): Our national food and drink policy supports the development of allotments and grow-your-own-food projects. We want to encourage people to work together legally to take advantage of the opportunities that unused derelict lands present for community growing projects. We will produce practical advice and guidance that will encourage public bodies, communities and individuals to work together.

Bill Kidd: Is the minister aware of the case in north Kelvin meadow in the west of Glasgow where local residents have grassed over, and planted flowers on, a long-derelict site to beautify and enhance their community but have found themselves evicted from the area by Glasgow City Council although there is no immediate plan to develop the ground?

Roseanna Cunningham: Given the extent of the media coverage, I guess that few people will be unaware of the current situation in Glasgow—and, indeed, of the advent of guerrilla gardeners throughout the country.

The Government is working, alongside various public bodies, to examine potential further provision of allotments and community gardens. We know that there is great unmet demand for both. Ultimately, local authorities are responsible for deciding on priorities for their land. However, we hope that Glasgow City Council, which is the decision-making body in the north Kelvin meadow case, would have regard to the work that the national health service is doing to support a number of projects on health board land and, similarly, Scottish Natural Heritage's support for such initiatives.

Cathy Jamieson (Carrick, Cumnock and Doon Valley) (Lab): I am glad to hear the minister's support for community gardens and other such projects. Does she acknowledge that, in many communities, the problems of derelict buildings and sites are real issues for local people? Will she press, with her fellow ministers, for councils to be given additional powers to deal with the irresponsible landowners who simply abandon sites in towns and villages, and

encourage those sites to be brought back into the good use about which we have heard?

Roseanna Cunningham: I suspect that that issue is a little beyond my remit, as it is a local authority responsibility. I hope that all members will join us in having discussions about the future of such derelict land and point to the examples in which good progress has been made, such as on some otherwise unused health board land that has now been turned over to such projects. It often helps to point to examples.

Nanette Milne (North East Scotland) (Con): My question might sit better on the back of Jim Tolson's later question.

In view of the fact that demand for allotment land increasingly outstrips supply, will the minister consider organising an allotments summit that would bring together all the local authorities, the Scottish Allotments and Gardens Society and other interested parties to draw up a strategic plan to develop additional allotment space throughout the country?

Roseanna Cunningham: We are aware that some 3,000 people are on a nationwide allotments waiting list and that 70 per cent of the currently allocated allotments are owned by local authorities. That leaves 30 per cent that are not, so there is also capacity to grow—that is a bit of a pun, of course—the numbers of allotments outwith local authority land.

Nanette Milne will be happy to know that an allotments summit is under active consideration at the moment. We are aware of the enormous pressure on allotments and that we will have to try to find some way to resolve it.

Sheep (Electronic Identification)

3. Jackson Carlaw (West of Scotland) (Con): To ask the Scottish Executive what recent discussions it has had with the farming industry regarding the introduction of electronic identification for sheep in December 2009. (S30-7598)

The Cabinet Secretary for Rural Affairs and the Environment (Richard Lochhead): The Scottish Government has held regular meetings with the farming industry to discuss electronic identification for sheep. The most recent joint Scottish Government-industry working group met on Friday 21 August 2009. Prior to that, officials met formally with industry representatives on 19 August, 16 July and 23 June. In addition, I am in frequent contact with industry representatives, as are my officials, on this important issue.

Jackson Carlaw: The Cabinet Secretary for Rural Affairs and the Environment will be aware that sheep farmers across the country argue that

there really is no need to tag electronically any sheep—any more than there is a need to tag politicians, some of them tell me—until they leave their holding of birth. What steps is the Government taking to ensure that the reasonable voice of those in the industry is heard, with a view to more significant improvements being sought and written into the forthcoming rules?

Richard Lochhead: I think that the member said that we do not have to tag politicians until they leave their place of birth. I am not sure whether that was the point that the member made.

The current situation is challenging for the sheep sector in Scotland. It has been an uphill struggle within Europe for Scotland to try to inject some common sense into the proposed regulations, given the substantial impact that they will have, particularly on sheep farms on Scotland's hills, and given that the principle of electronic identification and the current regulations were signed up to by the United Kingdom Government in 2003, with the support of the previous Scottish Administration. We therefore very much face an uphill struggle.

We are taking action to work with the sector to plot the best way forward to ensure that, if we have to implement the regulations, we can do so in a way that places the least burden possible on Scotland's sheep sector. We are actively discussing with the industry how we can do that, and we will launch our formal consultation on implementation of the regulations in the very near future. In the meantime, the UK Government offered at a recent European meeting not to seek any further concessions to the regulations for the rest of this year, which again leaves Scotland in a rather difficult position, given that it is the UK that holds a seat at the top table in the negotiations.

Dave Thompson (Highlands and Islands) (SNP): The cabinet secretary will be aware of the posturing of Lib-Dem Member of the European Parliament George Lyon on the issue and that EID was agreed during a Lib-Dem watch in this Parliament. In contrast, can the cabinet secretary tell us a bit more about the possible European Union EID relief fund that was won by Scottish National Party MEP Alyn Smith and about how the Government's electronic research pilot is getting on?

Richard Lochhead: The electronic identification research pilot, funded to the tune of £3 million by the Scottish Government, has made significant progress and has helped the industry greatly in recognising some of the difficulties and potential solutions for dealing with this challenging regulation. The pilot will continue to be useful for the rest of this year, as we look at a number of new dimensions of the regulation.

Alyn Smith has achieved a lot for Scotland in Europe in fighting for Scotland's farmers; I was delighted to see that being recognised a few months ago with a particular award from one of the organisations. We will continue to work in Scotland with our MEPs to try to inject some common sense into the regulations, whether that be in the run-up to the end of this year or beyond, once the regulations are implemented. However, the SNP Government has achieved four significant concessions for Scotland's farmers that will ease a lot of the pain and cut much of the potential cost. We accept that that does not remove the problem, but it achieves a big step forward for Scotland's sheep farmers.

Jim Hume (South of Scotland) (LD): What recent meetings has the cabinet secretary had with other EU ministers who are responsible for rural affairs and EID in order to discuss electronic sheep identification? Which ministers were they and from which countries did they come? When will he next meet any of those ministers?

Richard Lochhead: The member might be aware that one of the other challenges is that many of the other member states have been pressing ahead with the regulation over recent years, so they are not that keen for any further derogations to be given to Scotland. That does not remove the case for fighting for further derogation at an appropriate opportunity, but it puts the negotiations in Europe into context. We have had many discussions with representatives from other member states. There are concerns in a range of such states over particular aspects of the regulations. We will continue with those discussions in the coming months.

Scottish Agricultural Wages Board

4. John Park (Mid Scotland and Fife) (Lab): To ask the Scottish Executive whether it has reached a decision on the future of the Scottish Agricultural Wages Board. (S3O-7682)

The Cabinet Secretary for Rural Affairs and the Environment (Richard Lochhead): I can announce today that the Scottish Government will retain the Scottish Agricultural Wages Board. We believe that the board continues to carry out an important role in chairing discussions between employers and employees in agriculture. Over 80 per cent of agriculture workers are actually paid at above the minimum rates. The market is therefore clearly playing a decisive role in setting wage levels for the vast majority of workers. However, some can be vulnerable to low pay and poor conditions, particularly migrant workers. The board can provide a safety net for such workers.

The Government's consultation exercise showed that the main complaint from those who criticised the board was that it did not help employers to

take on young workers. Therefore, I was pleased when the Scottish Agricultural Wages Board announced new apprenticeship wage rates last week that I hope will address that issue. With increased Government funding creating additional apprenticeships across the economy in 2009-10, it should now be much easier for young workers to gain a foothold in the farming sector. Over the next two years, the Scottish Government will monitor that new development closely prior to a further review in 2011.

John Park: That is the first direct answer that I have had to a parliamentary question since I became a member of the Parliament in May 2007. I thank the cabinet secretary for his response and I encourage his colleagues to follow his lead.

I pay tribute to the union Unite for the campaign that it ran on the issue, and I am pleased that the Scottish Government has listened to the union's concerns. I hope that the culture of positive industrial relations that people have tried to foster through the Scottish Agricultural Wages Board continues into the future.

Richard Lochhead: I thank the member for those comments. Clearly, the issue was difficult and some valid arguments were made by various sectors that contributed to the consultation. However, the matter was rather inconclusive so I hope that we have the best way forward for Scotland's agricultural workers, who play a vital role in supplying food to the nation and protecting our precious environment.

John Wilson (Central Scotland) (SNP): I welcome the decision of the Cabinet Secretary for Rural Affairs and the Environment to retain the Scottish Agricultural Wages Board. I seek assurances from him that the board's role and remit in the annual review of agricultural wages and conditions will remain unchanged under the Agricultural Wages (Scotland) Order (No 57) 2009, whose publication is awaited next week.

Richard Lochhead: Clearly, those decisions lie in the hands of the Scottish Agricultural Wages Board, whose members are appointed to fulfil that duty. Of course, we monitor what the board does and the statements that it makes. I have every confidence that we will have a positive way forward for Scotland's agricultural workers.

National Food and Drink Policy

5. Shirley-Anne Somerville (Lothians) (SNP): To ask the Scottish Government what action is being taken to implement measures contained in the national food and drink policy. (S3O-7641)

The Cabinet Secretary for Rural Affairs and the Environment (Richard Lochhead): On 26 June this year, we published "Recipe for Success", which sets out the next steps to take forward our

policy for food and drink. Although the Scottish Government has an important role to play in the policy's development, delivery requires action by all those who have an interest in food and drink to make Scotland a healthier, wealthier and more environmentally sustainable place in which to live.

Tomorrow, I will launch the Scottish food and drink fortnight—I hope that all members will support it—which will showcase many of the initiatives that will help us to deliver our vision for food and drink policy in Scotland.

Shirley-Anne Somerville: As the cabinet secretary is aware, high-quality Scottish produce is well renowned and well respected throughout the world, yet Scotland has one of the poorest levels of diet-related illness within the developed world. Given that apparent contradiction between what we have at home and what we eat, what is being done to encourage major retailers, in particular supermarkets, to stock more local produce from our local suppliers?

Richard Lochhead: It is important that we have the cross-cutting approach that will be delivered through our national food and drink policy. Of course the health dimension is important, too. I know that we will all be pleased that Scotland's berry sector—a very healthy food—has just come through another successful year, with a number of companies expanding in Scotland. We must continue to support such companies, which can contribute to our economy and our health record at the same time. The member will be interested to know that Scotland's grocery stores—not just the big retailers but our hundreds if not thousands of grocery stores—are participating in the Scottish Government's aim of bringing healthy food to shelves the length and breadth of Scotland.

Prawn Fishing (Western Isles)

6. David Stewart (Highlands and Islands) (Lab): To ask the Scottish Executive what recent discussions it has had with the Western Isles fishing community and processing industry on the future of prawn fishing. (S3O-7686)

The Cabinet Secretary for Rural Affairs and the Environment (Richard Lochhead): I visited Stornoway in April and heard at first hand about the challenging economic circumstances that face those who are involved in prawn fishing. Despite the difficult market conditions at the present time, prawns remain the most valuable species that is caught and landed by the Scottish fishing fleet.

In April I celebrated the Marine Stewardship Council's certification of Stornoway prawns—strong evidence of the fishery's environmental credentials. I am determined that, through co-management, we will secure an equally strong profitable future for prawn fishing.

David Stewart: The cabinet secretary is well aware of the relative fragility of the Western Isles economy and the important role that the fishing and processing sectors play in the area's economic prosperity. What assessment has he made of the revised total allowable catch quota for prawns? Will it be sufficient to allow the current fleet and processing industry to survive in the Western Isles?

Richard Lochhead: The research that we have conducted so far suggests that low fish prices—which, in turn, relate to the global economic downturn—are the key factor that is impacting on the profitability of Scotland's nephrops fleet and the prawn sector. That is the number 1 issue, but the member is quite right to highlight the recent scientific advice on the future of nephrops quotas. The optimistic view is that the quota for prawns that will be made available to the west coast of Scotland will exceed this year's catch by the fleet. I hope that that will give some comfort to the sector. We are quite confident that if any reductions in quotas are required, we can secure much lower ones for the west coast, given that this year's catch is nowhere near the existing quota. The industry will take that on board when it discusses with the Scottish Government the level of quota that we should seek at this year's vital negotiations.

Scottish Government's Programme

Resumed debate.

The Deputy Presiding Officer (Alasdair Morgan): The next item of business is continuation of the debate on the Scottish Government's programme.

14:56

The Minister for Housing and Communities (Alex Neil): It gives me pleasure to be the first speaker in the afternoon part of the debate on the Government's legislative programme. The principal themes running through the programme are economic recovery and social and environmental justice. If one portfolio brings together all those objectives, it is the housing portfolio.

I am extremely proud of our record over the past two years, which shows that we have been extremely successful in significantly increasing the investment in affordable housing. At £675 million, the total investment this year is nearly £100 million higher than the previous record investment since the Parliament's establishment. Although it was announced while I was away on holiday, I was delighted by the fact that a record number of new social houses were built in Scotland during the previous financial year. It is a 15-year record—the last time the number was as high, the Tories were in power. That tells us that the Labour Government and the Lib-Lab pact failed utterly to match even the Tory record on the provision of new social housing in Scotland, let alone that of the SNP Government.

David McLetchie: I thank the minister for that most generous statement to the chamber. Will he confirm that not only was our record far superior to that of Labour and the Liberal Democrats when they were in government but that it is superior to the aspirations that the SNP Government has set out in its programme?

Alex Neil: We are only getting started.

Ross Finnie (West of Scotland) (LD): Time to go on holiday again.

Alex Neil: Absolutely.

We will not rest on our laurels. I will mention two of the measures that we will take forward in the legislative programme: our new housing bill and our debtor protection bill. The housing bill will bring about further reforms to the right to buy, which has done so much damage to the provision of social housing in Scotland over the past 30 years. We are determined to end the right to buy for new social housing and are consulting on ending the

right to buy for new tenancies, suspending it in areas in which the pressure for housing is high and reforming the role of the regulator.

We estimate that, depending on how many of those measures the Government proposes and the Parliament approves, up to 18,000 houses will be retained in the rented sector during the first 10 years of implementation of the legislation. That is equivalent to three years' worth of the average number of new houses that were built in Scotland during the first eight years of this Parliament.

The new housing bill is not just a piece of legislation; it is about ensuring that we have an adequate supply of housing for rent in Scotland to achieve our strategic targets. It is about ensuring that we achieve the homelessness target of 2012 and reduce the housing waiting list throughout Scotland.

On top of that, we will introduce a debtor protection bill, which will make our legislation in Scotland the most advanced in the United Kingdom for dealing humanely with repossessions. I hope that we can reach consensus across the parties on that measure above all measures and that we pass the bill as quickly as possible.

Cathy Jamieson (Carrick, Cumnock and Doon Valley) (Lab): The minister will be well aware that the Labour team offered to come back early from the recess in order to pass legislation that would deal with repossessions. This morning, Iain Gray asked when that legislation would be in place. Can the minister answer that question now?

Alex Neil: When the process will be completed will be up to the Parliament. Our ambition, which is, I think, shared by the Local Government and Communities Committee, is to have the legislation passed by early 2010. If we can pass it sooner, we will be happy. I am keen to talk about the bill's provisions to Opposition members and those who shadow me in all the parties. We are happy to consider their comments at this stage because we are keen to get things right from stage 1, and I think that we are united on the need to pass the bill as quickly as possible.

The new figures for repossessions throughout the United Kingdom, which have been published in the past two weeks, show a flattening out of the number of repossessions and are welcome. As a result, the Council of Mortgage Lenders has downsized its forecast for the number of repossessions throughout the UK this year, from 75,000 to 65,000. We are again pressing the Council of Mortgage Lenders to give us the Scottish figures, because it would be much easier for us to manage the considerable resources that we have set aside to deal with the problem if we had exact numbers for Scotland. I hope that the

CML will acquiesce in our request. If it does not, I hope that the Financial Services Authority, which has the legislative authority to enforce the matter, will agree to implement a requirement that we get the Scottish figures.

Those are only two issues. If I had more time, I could tell members about the town centre regeneration fund, the other £24 million for council housing to be announced before Christmas, the fantastic success of our housing associations in the current regime, and the importance of independence to economic recovery and social justice. However, time prevents me from doing so—

The Deputy Presiding Officer: Unfortunately, you do not have more time, Mr Neil.

Alex Neil: I have therefore given members only a taster.

15:03

James Kelly (Glasgow Rutherglen) (Lab): I welcome the opportunity to take part in the debate on the Government's programme.

When a Government brings forward a programme for the year, we consider the needs of the country. It is clear that communities throughout Scotland are crying out for opportunities to boost their local economies and create jobs. Pupils in schools throughout Scotland and their parents are crying out for new investment and places for probationary teachers.

A number of members have said that the referendum bill is the main bill in the SNP's programme. That might be welcomed by the SNP bloggers who stay up all night logging on to the national conversation website, but it will do nothing to tackle the real issues that Scotland faces.

The legislative programme is somewhat light. Indeed, the SNP's record on legislation has not been great. The introduction of a local income tax, which was one of its flagship policies, has been ditched in the past year. There will not be any legislation on that, despite the fact that it was much trumpeted as a flagship policy.

Indeed, I well remember the SNP's record on creative Scotland. The Creative Scotland Bill failed due to the incompetence of the financial memorandum—Alex Neil, at the Finance Committee, said that it was as if someone had stuck a finger in the air to come up with the figures for the financial memorandum. Of course, Mr Neil is now on the front bench and has ministerial responsibilities, so he will not be quite so loose with his words. He is a big loss to "Newsnight Scotland".

Rob Gibson (Highlands and Islands) (SNP):

As the member knows, one of the Government's flagship policies was the Climate Change (Scotland) Bill. Does the hot air that he is emitting have anything to do with us reducing our carbon footprint?

James Kelly: We are more concerned with examining the programme—or the lack of it—that is before us this afternoon and coming up with solutions to Scotland's issues.

Other members have mentioned the fact that the children's hearings bill has had to be redrafted. That bill has caused a lot of concern among children's panel members throughout Scotland. Last night, I hosted a reception at which a number of them said that they were concerned about the proposal to scrap the 32 local panels and replace them with one central body. The net loss of 31 bodies is part of the drive to achieve the SNP's target of a 25 per cent reduction in the number of public bodies, and an official at the Finance Committee gave the impression that the proposal is still very much on the table for the Government. However, I suggest that we should be onside with local children's panel members, whose views should not be ridden roughshod over in order to meet Government targets.

I want to nail the SNP myth of the £500 million cuts in the budget. I submit that the budget for next year will increase by 0.5 per cent in real terms on the budget for the previous year. I also point out that the SNP had access to a record £1.474 billion in end-year flexibility funding. In addition, over the period of the current Administration, there has been £100 million in underspends. I suggest that the Government might make better use of its funds by scrapping the Scottish Futures Trust, which is funded to the tune of £22.9 million. That money could be put to better use if it were invested in Scotland's communities.

The legislative programme is disappointing also in its lack of attention to skills. We all agree that the economy is the central issue, but Philip Whiteman, the chief executive of Semta, recently noted that there is a skills gap in the Scottish engineering sector that may put at risk 500 Scottish engineering firms and more than 1,800 jobs. The facts that 9 per cent of workers in that sector do not have qualifications and that 42 per cent of them are aged between 42 and 64 indicate that we must do more to get young workers into the sector and trained up.

Alex Neil: Does James Kelly not think that it is a disgrace that, under the Labour Government, the level of youth unemployment in the UK is now higher than it was under the Tories?

James Kelly: It is a disgrace that, at a time when we need investment in skills, the SNP is proposing a budget cut of £6 million for Skills Development Scotland next year.

There has been an element of grandstanding in this programme. Scotland needs solutions, and the SNP has been found wanting in trying to bring them forward.

15:10

Mary Scanlon (Highlands and Islands) (Con): It is always a pleasure to participate in a debate with Alex Neil, and he is certainly on good form today.

When this Government came to power in 2007, it spoke of doing less, better. I took that to mean that the Government would be doing less and doing it better, not doing less better. I would like to reflect on that theme in my contribution—if members are still following this.

It is appropriate to reflect on this Parliament's experience of passing bills, which the First Minister mentioned this morning in relation to the Licensing (Scotland) Act 2005, which came into effect this week. There needs to be much greater awareness of the unintended consequences of the bills that we pass. We also need to be sure that the proposals that are contained in bills address the problems that we face in our communities, that existing laws and guidelines are rigorously enforced and that sufficient time is given to scrutinising legislation.

The proposals for the minimum pricing of alcohol have coincided with the 2005 licensing legislation coming into force, and it is appropriate to consider the intentions of that act and the effects of its implementation. This was the first overhaul in licensing legislation in 30 years, and it has caused serious problems not to binge or underage drinkers but to small businesses and our tourism industry. Licence renewal costs have soared from £130 for three years to more than £7,000, and it is claimed that 800 fewer licences have been applied for in Highland region alone. As Ramsay McGhee, the spokesman for the Scottish Licensed Trade Association, said:

"You can't treat a nightclub that holds 800 people in the centre of Edinburgh the same way as a wee hotel in Wester Ross."

I have information that a specialist fruit wine supplier in Scotland has gone from having 51 customers last year to having 18 this year. Further, the Edinburgh Woollen Mill, which sells whisky miniatures alongside shortbread, is not renewing its licence in nine outlets.

A letter to Mr Salmond from a small shop in Wester Ross states:

"My wife and I make and sell gift products and offer a range of food and basic provisions, including quality wines ... our business cannot meet the proposed charges which would add 8% to our overhead costs ... these proposals place far too heavy a financial burden on small business ... and will hasten the demise of small Highland shops, causing inconvenience to locals and visitors alike."

Problems associated with alcohol are a blight on our communities, but the policy that was designed to rid Scotland of underage and binge drinkers is instead putting small shops out of business—small retailers who never contributed in any way to the binge-drinking culture in Scotland. That is what I mean when I talk about unintended consequences.

On existing powers, there is no doubt that more should be done to ensure that people who are already intoxicated are not served more alcohol. Further, stopping underage people purchasing alcohol would be a start.

The unintended consequences of minimum pricing could lead to more cross-border shopping, as happened in Finland. We have to look at the evidence base for the proposal—or, indeed, the lack of it. The Scottish Parliament information centre briefing on minimum pricing states that, as the policy has not been used to any great extent worldwide, there is little evidence about its effect. The closest example to what the SNP is proposing is in Canada, but there only beer has a price that is linked explicitly to alcohol content.

If minimum pricing was the answer, Nordic countries would have no alcohol problems. Further, it is a fact that in southern EU countries, where drink is cheaper, the problems emanating from alcohol are less.

Nigel Don (North East Scotland) (SNP): Will the member take an intervention?

Mary Scanlon: No—I want to cover the last two points.

An increase in price reduces demand only when demand is elastic, and it is well documented that alcohol—and cigarettes—face a relatively inelastic demand. There is also an effect from cross-inelasticity of demand, which happens when the increase in the price of certain goods leads to a higher demand for other goods. The example that has been raised with me in the Highlands—and with other MSPs, I am sure—is that for young people drugs will become relatively cheaper and may become a substitute. I am not saying that that will happen, but it is a cause for concern and we must be aware of it.

We will positively and constructively support any measure that is known to reduce problem alcohol consumption and the undoubted problems that it brings, alongside the wider and undoubtedly more complex social and cultural issues. I note from the

Government's programme, which I read this morning, that it recommends a 125ml measure of wine. Will that be for wine with an alcohol content of 4 per cent, 9 per cent, 12 per cent, 16 per cent or 17 per cent? The issue is surely the alcohol content rather than the size of the glass. We need to be much more aware of the wider issues in the debate.

15:16

Kenneth Gibson (Cunninghame North) (SNP):

I am delighted that a referendum bill is included in the programme for government. As someone who will in two weeks' time have been a member of the SNP for 30 years—I joined when I was three—I am pleased that we are at last being given an opportunity to put the half-baked shambles of Calman behind us and present Scots with what could be a once-in-a-lifetime opportunity.

The referendum bill will provide the framework for the conduct and mechanics of a fair and democratic referendum, which is a concept that seems to fill some Opposition members with dread, given their obvious hostility to giving the Scots a voice on a subject in which they have had no direct say in more than three centuries.

In recent months, a load of nonsense has been talked by opponents of that democratic choice. We are told that it is the wrong time because of the recession, but why should Scots be denied a vote on their constitutional future just because of Labour's chronic mishandling of the UK economy? Those siren voices were hardly demanding a vote during times of growth, and no one seriously believes that there will ever be a right time for those who wish to hold Scotland back. Nevertheless, we will be more than pleased if Opposition members confirm their support for a referendum when Labour's recession ends.

No? I didn't think so. Recession is just another excuse.

Mike Rumbles: Will the member take an intervention?

Kenneth Gibson: I am in two minds about whether to accept the member's intervention, given the convoluted diatribe that we heard this morning, but I will give him a chance, as he is the only Liberal who sat through all of this morning's deliberations.

Mike Rumbles: Does the member accept that, in the parliamentary democracy in which we operate, the people of Scotland have a democratic choice in 20 months' time to vote for an independent Scotland if that is what they want? They have consistently rejected independence, and the member cannot expect this Parliament,

which was elected against independence, to bring a referendum in favour of it.

Kenneth Gibson: People vote for political parties for a whole host of reasons. They do not vote for or against the SNP on that issue alone, as the member knows fine well.

What are our opponents afraid of? They are afraid of defeat, obviously, and that Scots, who are fed up with being thirled to the union for so long, will do what so many other nations have done in recent decades and vote to take their—our—rightful place in the world of independent nations.

Of course, campaigning for independence and a yes vote will not be easy. Opposition parties in Scotland, bankrolled from the south and backed by activists from across the border, will once again tell Scots that they are too poor, too wee and too stupid to do what people in other nations do as a matter of course: run their own country.

Newspaper editors, who are taking orders from their overseas proprietors and mindful of the gongs, baubles and seats in the Lords that tantalisingly await those who devote themselves and their publications to the unionist cause, will trip over themselves to declare that civilisation will end if Scotland votes for independence and equality of status with other European nations.

On polling day 2007, *The Sun* railed hysterically that Scotland would

"Wake up to a living nightmare"

if the SNP won the Holyrood election. That is pathetic. More recently, *The Sun* said that anyone who supported independence should be

"locked in a lunatic asylum!"

Ludicrous comments like that will no doubt be considered measured by the standards that we can expect during a referendum campaign.

North and south of the border, business magnates and union barons from those establishment organisations, the Confederation of British Industry and the Trades Union Congress, will tell us of the abyss that awaits a Scotland that is free to steer its own course in the world. Indeed, a truly David-and-Goliath struggle awaits the SNP and those of other parties and none who see independence as the key to unlocking our nation's full economic, social and cultural potential.

While the Opposition parties have only contempt for the Scots and wish to limit our horizons to a Parliament with fewer powers than the Tynwald, we in the SNP believe that our people will indeed vote for independence if they are given a chance. That will be despite the all-too-predictable scare stories, which will range from people losing their pensions to people being unable to visit their

granny in Newcastle or watch “Coronation Street”—all those stories undoubtedly lie ahead.

Alex Johnstone: Will the member take an intervention?

Kenneth Gibson: I yield to a “Coronation Street” watcher.

Alex Johnstone: I am afraid that I am no “Coronation Street” watcher, but I do have a question. I have been very interested by the member’s speech so far but, if for some reason, against my will, the SNP manages to secure its referendum and the Scottish people come out and vote two to one against, which they might and which I hope they would, will the member promise never to bother me with this again?

Kenneth Gibson: That will be a matter for future Parliaments and future referendums. My son will be 17 when the referendum is held. Is the member trying to say that, if this fails, never in my son’s life will he be given the opportunity? The First Minister has said that the proposal would certainly not be brought back, I think, within a decade, but who knows what will happen in 20 or 30 years’ time? However, we are campaigning for victory for independence and not for second best for Scotland—that is, if our people are given the opportunity. It is utterly shameful that Opposition politicians seek to deny that.

As Labour and the Tories take their orders directly from their bosses in London and always put UK interests first, their stance is to be expected. The Liberal Democrats—who should be sued under the Trade Descriptions Act for having that as their party name, having abandoned liberalism yesterday and democracy today—have the most perfidious position of all. They oppose independence on behalf of some hazy form of federalism where Westminster still rules the roost. We accept that that is their view, albeit that we disagree with it, but to deny Scots the chance to have their say after three centuries when every single poll year in, year out makes it clear that there is a clear majority for a referendum regardless of how individuals would vote is, frankly, despicable. It shows Lib Dem principles to be not so much threadbare as absent.

It is time for the Lib Dems and the other parties to reflect on their inflexible and undemocratic position and do what is right. Ministers have made it clear that the referendum question will ultimately be decided by the Parliament and that the proposed question will be fair and easy for voters to understand. The current economic climate only reinforces our conviction that independence provides the flexibility to respond in Scotland’s best interests to the challenging economic circumstances.

Following the publication of the Calman commission’s final report, the First Minister and the constitution minister Mike Russell stated that the Scottish Government was happy to consider any proposal for an additional question and that that would be discussed as the bill went through Parliament. Opposition parties, sadly, have not responded to that offer. It is time that they did.

15:22

Richard Baker (North East Scotland) (Lab): Scotland’s justice system faces huge challenges. In the past few weeks, it has been in the international spotlight. It is vital that, during the rest of the current session of Parliament, we seek to ensure that any changes that are made to our justice system are focused on guaranteeing access to justice and serving the needs of the victims of crime. Scottish Labour has stated that the Scottish Government’s direction of travel is not the right one, and nothing in the First Minister’s statement leads me to change my opinion.

Other speakers mentioned that what is important about the statement is not what is in it but what is missing. That certainly applies in the area of justice. I will comment briefly on the parts of the statement that relate to justice, but it is certainly legislation light in that portfolio. Perhaps there is a feeling that the justice secretary has done enough.

The legal services reform bill has been much anticipated and delayed. It featured in last year’s legislative programme announcement, and it is an important debate that has now been going on for some years. It is right for us to be open to new ideas for the framework of legal services in Scotland, and I welcome the fact that we will have an opportunity to discuss new legislation in the area. As the First Minister’s statement mentioned, the legal profession is a key contributor to our economy, and given the challenging global economic circumstances, which have impacted on that sector as well as on others, it is right to look to its future success. As changes are made that affect the provision of legal services, Labour will seek to ensure that the key principle of preserving access to justice is maintained.

At the current time and in the current financial climate, further proposals that help struggling families to stay in their homes will be important. My colleague Cathy Jamieson has worked hard with other parties to ensure further action on that, although I fear that the Government’s proposals have appeared much later than they should have done. Further provisions on bankruptcy will, I hope, build sensibly on the major reforms that the Parliament has legislated for previously.

The children’s hearings system is a key part of our justice and welfare systems, and, given that

the system works and is valued, any reforms must be based on its founding principles. It was right to withdraw the original bill because any changes must improve the system, not be detrimental to it.

Another key area of debate will be further action on tackling alcohol misuse. Given that we called for the move back in March, I welcome the fact that proposals on pricing and other measures on alcohol consumption will be set out in a separate bill. After all, such measures are too important either to be discussed in the context of the far wider Criminal Justice and Licensing (Scotland) Bill or, as the Scottish Government originally suggested, to be decided merely in regulations. We all acknowledge the toll that alcohol misuse is taking on Scotland—indeed, the issue causes genuine fear and concern in the chamber—and we know its impact on the nation's health and on crime and disorder. However, new legislation must go hand in hand with more effective enforcement of the current laws, and too often in too many communities in Scotland that is simply missing.

Also missing from the programme is any proposal for a victims commissioner to ensure that our justice system takes a victim-centred approach. That said, I am pleased that my colleague David Stewart is about to introduce a bill on this matter. The Scottish Law Commission has also suggested a number of modest and, I am sure, consensual legislative proposals on time bars in personal injuries claims, and my colleague Bill Butler is introducing a bill on damages for wrongful death. Although such changes would be relatively minor, they would make a big difference to people who are rightly pursuing damages for injuries that they have suffered unjustly, and I am disappointed that they have not been included in the legislative programme. I ask the Cabinet Secretary for Justice to keep an open mind on these proposals, and I hope that the Scottish Government will see sense, support Bill Butler's bill proposal and ensure that it has a speedy passage through Parliament. I am sure that it will do so with cross-party consensus.

Finally, the programme for government contains no real action on knife crime. Along with others in the chamber, we will continue to call for minimum sentences for such crime.

Patrick Harvie (Glasgow) (Green): The arguments with regard to mandatory minimum sentences for knife crime are familiar and, indeed, were exercised in the previous parliamentary session. Such a move simply takes away from judges the power to discriminate between someone who is a genuine danger to the public and a young man who has simply fallen into bad company and done something stupid. Sending those people to prison risks making the problem worse, not better. If Labour has rejected or does

not understand that argument, why did it vote against proposals on mandatory minimum sentences in the previous session?

Richard Baker: I do not agree with Patrick Harvie's analysis. We have to accept that in our country the chronic problem of knife crime is not getting any better. Given that such crime is still claiming a great number of lives every year, that the number of people being charged and convicted for knife carrying is still very high and that communities are still understandably concerned about the issue, we have to consider new measures that we can only hope will deal effectively with knife crime and deter people from carrying knives. It is time for people to know that if they go out with a knife they can expect to get a custodial sentence. Such measures are necessary. Mr Harvie might disagree with this campaign, but it is resonating in and being embraced by communities throughout Scotland that are suffering from the effects of knife crime.

The programme for government does not contain the further action on antisocial behaviour that is needed and that we will continue to push for. We need to give more rights to communities to take action against the minority who cause misery for others. Moreover, there is no mention of the Government's flawed proposals to scrap custodial sentences for people who have been convicted of very serious crimes while it fails to provide a robust system of community sentencing in which Scotland's communities can have confidence.

The programme is light on legislation for justice. The fact is that this Government's overall approach to crime and justice is wrong and will, I fear, greatly damage our communities. Our country needs safer communities, not an independence referendum, but this Government has simply got the wrong priorities.

15:29

Iain Smith (North East Fife) (LD): I read in one of the newspaper previews of today's statement and debate that the SNP Government is again boasting of having delivered more than half of its headline commitments. Frankly, I was surprised it was so few, because the one thing that the minority SNP Government is good at is delivering headlines. Sadly, that is often as far as it goes, as the body of the article rarely lives up to the headline. With the Government, the delivery rarely matches the spin.

Let us look at an example from last year's legislative programme statement, which the First Minister delivered in the chamber on 3 September 2008. He talked about the tour that the Scottish Cabinet had undertaken in the summer, the Government's overarching purpose of increasing

sustainable growth and the new bills that would support the Government's strategic objectives. That will sound very familiar to those who listened to this morning's statement; indeed, some of the bills are the same. Of the 15 bills that were mentioned last year, only four—the Flood Risk Management (Scotland) Bill, the Scottish Local Government (Elections) Bill, the Education (Additional Support for Learning) (Scotland) Bill and the Climate Change (Scotland) Bill—have been passed. The Budget (Scotland) Bill had to be reintroduced after it fell and the Arbitration (Scotland) Bill has limped to stage 2. The promised presumption against rural school closures was dumped from the Schools (Consultation) (Scotland) Bill, the general principles of which were agreed to yesterday.

Five bills are still at stage 1, including the Public Services Reform (Scotland) Bill, which the Government now confidently predicts will complete its parliamentary progress by June 2010. That will mean that creative Scotland will be a full two years behind schedule, thanks to the Government's incompetent handling of the issue. The proposed children's hearings bill has been deferred until next year. The proposed legal profession bill has reappeared in this year's statement, no further forward. Of course, the council tax abolition bill was abandoned. That is not a great record. One might ask whether it would have been wise for the Government to have finished last year's programme before embarking on a new one.

The SNP Government has a bad track record when it comes to implementing its legislative programme, and I fear that this year's programme will fare no better. For example, it might have helped if the Government had given an indication of when it expects to introduce the various bills in its programme during the year, to give us an idea as to the state of readiness of those bills. How can we have confidence that the Government will deliver the housing bill when the programme documents that were published today and the First Minister's statement indicate that the Government has yet to decide what will be included in it? The promised debt and family homes bill is still to be put out to consultation to find the best way forward. Frankly, that means that it is unlikely to see the light of day in the next 12 months.

What concerns me most about the Government's programme is the lack of focus on economic recovery, which the First Minister said is central to the programme for the coming year. If so, why are there no details of how the Government plans to make progress on the Scottish investment bank, which was launched with a headline in April? Delay on that is costing Scottish business. For example, the Scottish economy is not getting access to funds that other devolved Administrations are taking advantage of,

such as funds from the joint European resources for micro to medium enterprises and the joint European support for sustainable investment in city areas programmes, or European investment funds. Rather than focus on Scotland's economic needs, the Government remains obsessed with steering Scotland into the sterile backwater where its flagship referendum policy is sinking. Scotland does not need at this stage a damaging debate on independence and referendums. We certainly need a stable environment to encourage investment; we do not need uncertainty about whether there will be a referendum and whether we will separate from our main trading partner, the rest of the United Kingdom. That would discourage investment.

Members have already referred to the proposal for a council tax abolition bill, but the point bears repeating. In the corresponding debate last year, Nicola Sturgeon said:

"Today, we have confirmed our commitment to introduce a bill to abolish the council tax and introduce a fairer local income tax that is based on the ability to pay."

She went on to say:

"We believe that it is the duty of everyone who believes in fair, progressive taxation to back that bill when it comes before the Parliament."—[*Official Report*, 3 September 2008; c 10330.]

We know that the only members of the Parliament who got the chance to back it were those sitting around Alex Salmond's Cabinet table, and they dumped it.

In February, John Swinney told the Parliament:

"In short, we cannot put together a stable majority to enable us successfully to steer detailed local income tax legislation through this Parliament. ... The Cabinet has therefore decided not to introduce legislation to abolish the unfair council tax and replace it with a local income tax".—[*Official Report*, 11 February 2009; c 14896.]

There was more support in the Parliament for a local income tax and abolishing the council tax than there is for a referendum. Parliament has already expressed its opposition to a referendum, so the Government should stop wasting its time and the time of its officials, the Parliament and its committees and civic Scotland and ditch now a bill that has no chance of being passed. Instead, it should concentrate on jobs and the economy.

15:34

Rob Gibson (Highlands and Islands) (SNP): Despite tales of gloom from members on the Opposition benches in the wake of the world recession in which the UK Government has played a less than glorious part, it is time to look at some pointers towards a more confident mood in Scotland at present. For example, an article entitled "Mood of Optimism Hitting the Beef

Sector" in *The Scotsman* today quotes Iain Clark of the Clydesdale Bank:

"He ... believed that the drift out of cattle may be slowed down because of the current low prices being received for cereals, with little financial incentive for cattle men to move into grain production."

Sales of beef in the shops have fallen by 5 per cent, but people have not gone for cheaper cuts and spend on beef has risen. People are sticking with Scottish beef, which is a good sign. I attended the Lairg sheep sales in the middle of August where the record prices that were paid put smiles on crofters' and farmers' faces.

The Cabinet Secretary for Rural Affairs and the Environment has ensured that by 2010 there will be a 38 per cent increase in less favoured area support scheme payments to fragile and very fragile areas, with a promise to review the whole system.

Johann Lamont: Has the member discussed with the Minister for Environment her comments that she is losing patience with crofters, and will he urge her to take a more co-operative approach to crofters at this time to ensure that there are solutions that meet their demands?

Rob Gibson: In a minute or two, I will come to precisely the question of what the crofting issue is, and I think that I will have an answer for the member then.

I have another good-news story: in my region, the population is still increasing, especially in the inner Moray Firth. As a recently published Highlands and Islands Enterprise survey shows, although young people have a deep pride in the region and get a feeling of security from it, they feel that they have to pursue educational and career ambitions elsewhere. However, demographic studies show that a high number of people return to the region when they propose to have a family or later in life. In comparison with the Scottish average, we have 25 per cent fewer people aged 15 to 30. That might be one reason why crofting is not working and why the Government minister is impatient.

In relation to education, young highlanders see gaining university status for the UHI Millennium Institute, for example, as a key aim. Other key aims are: improving access to affordable housing; enhancing public transport; and promoting unique cultural and natural assets and the city of Inverness. We look to the minister to deliver housing and, for the first time, there might be a lot more of it in the Highlands. Above all, those young people want improved perceptions of local employment, promotion of self-employment, and heightened awareness of prospects in traditional and emerging sectors.

I turn to one of the traditional sectors and to the state of crofting. I have here comments from two crofters from Camuscross on Skye that were submitted to the continuing consultation. I ask members to forgive me for quoting them, but they present a picture of the state of crofting on the west coast. The crofters say:

"in the 39-croft township:

- the owners or tenants of almost one third of the township's crofts are absentees
- three-fifths of the township's crofts show signs of agricultural neglect
- slovenly decrofting procedures have left one family without direct vehicular access to their croft
- one croft has been absentee occupied for three generations
- the Crofters Commission has replaced one absentee tenant in the township with another, despite local interest in the croft
- houses built on apportionments in the township are being used as holiday homes
- one absentee, who has never lived in the village and has no family connection to it, has been using their croft as a holiday home business for the past 20 years—taking around £50,000 gross annually on it. This croft and two holiday letting houses is now on the market for offers over £590,000".

That is why the forthcoming crofting reform (Scotland) bill needs to look at the governance of crofting; turn the Crofters Commission into a commission that supports crofting and the people who want to be active crofters; provide a new register of crofts; reform support for crofter housing; impose an occupancy condition on houses that are built on decrofted land; and make other regulatory changes to tackle absenteeism and neglect, which should be an important and major part of the bill.

Let us remember that in the previous parliamentary sessions from 1909, or rather 1999, to 2007—

Alex Johnstone: It just seemed like that.

Rob Gibson: Yes, indeed—it felt that long.

The former Labour and Liberal Administration spent its time stumbling over the crofting problem. When it was forced to set up the Shucksmith committee, all we heard were complaints that it was not addressing the issues.

The opportunities for consultation are there. Ministers can also discuss the issues with all members. We have to solve the problem. If we do not, no Government of any persuasion will return to the issue. When he was in government, Ross Finnie struggled to find a solution. This Government hopes to find one. During the

previous session, a huge amount of time was wasted—time during which crofting declined and deteriorated, as the example that I cited shows.

Much more needs to be said about the way forward, including on wildlife crime, in relation to which there will be major change to deer law. The Scottish Government's programme is exciting for my part of the world. I look forward to cross-party support for the delivery of crofting reform.

15:40

Sarah Boyack (Edinburgh Central) (Lab): This session of Parliament is important not only because of the new legislation that we are debating today but because of the legislation that we have passed that needs to be implemented effectively. Both the crofting reform and wildlife and natural environment bills represent unfinished business.

In the previous parliamentary session, we spent a great deal of time listening to crofters and working with them to identify the action that was needed to support them. I will not take a rewriting of the previous session from Rob Gibson. We introduced legislation for new crofts—legislation that was warmly welcomed. However, that work took time. Indeed, we made it clear that there was more work to be done. My point is that we listened to crofters.

There are different crofting experiences across Scotland. It is vital that we get the legislation right. I say to crofters that there is absolutely no danger that the Labour Party will run out of patience with crofting communities. We understand the need to get the detail right—that is absolutely vital in the consideration of any new legislation. It is not simply a question of the Government of the day ticking the box and moving on to the next heading. Crofting law is complex. The Labour Party will give no lectures to crofters on the solutions; we want to listen to them.

This summer, I met crofters in Camuscross—I visited the crofting area to which Rob Gibson referred. Legislation is crucial—it is part of the process—but so is the implementation of planning. The links between planning and crofting need to be made more explicit. The crofters who I met in Camuscross and Lochcarron are not opposed to the Government's proposals for the sake of it; they are opposed to the proposals because of their experiences. They do not want more bureaucracy; they want effective support for their way of life so that they can get through the recession and beyond. They bitterly resent being asked to pay through the nose for a register of crofts that, as we reported in the previous parliamentary session, the Crofters Commission should have implemented.

That proposal is hardly a help to crofters in a time of recession.

The unprecedented alliance against some of the SNP's key proposals that was reported in *The Herald* last month is the result of careful consideration and debate by crofters.

Rob Gibson: Will the member give way?

Sarah Boyack: No. The member has just spoken. I am replying to him.

I was at a meeting in Lochcarron at which crofters teased out the proposals in detail. It is absolutely right that we should have such debates in the Parliament. The crofters reported the desperate need for support for young crofters to get them started. We still need to find them land to croft and somewhere to live. That is why we supported the re-introduction of croft house loans—a move that members of the Rural Affairs and Environment Committee unanimously supported.

In addition, we need to pick up the Shucksmith proposals. The Labour Party has not rejected them out of hand, as Rob Gibson implied. There are particular economic support measures that need to be implemented—now. Other measures need to be implemented: a new land fund to enable communities to unlock the potential of land in our Highlands and Islands communities; and the restoration of money following the cuts that were made to Highlands and Islands Enterprise, which are beginning to damage communities in some of our most fragile areas.

We also need to tackle dereliction and to get the link between planning and crofting right. Rob Gibson mentioned those issues, and they need to be tackled, some through legislation and some through action by the Crofters Commission. It is not only the Labour Party that is saying that. Even the SNP's Angus MacNeil MP tore to shreds the proposals in his response to the consultation, arguing that they were unworkable and likely to result in crofters losing their livelihoods.

We need to work together in the chamber to get the right proposals. The detail has to be right. We will play our part in supporting crofting communities and working constructively across the chamber to try to ensure that we get legislation that is fit for purpose.

We also commit to doing that on the wildlife and natural environment bill. A lot of work remains to be done on the detail of that bill, too, if it is to have a clear focus and purpose. Groups that I spoke to over the recess expressed a range of concerns on the matter. A key question that we have is: exactly what will the SNP Government do on snaring? We know from all the consultation that there is strong support for action, and we are still waiting for the

concerted action that the previous Minister for the Environment promised on implementation of the Tomkins report on wildlife crime. We still do not have full-time, dedicated police officers in every force in Scotland.

There is good practice in our communities on wildlife management, so why cannot ministers name and shame those estates that fall short of that good practice? We know that, scandalously, birds are still being poisoned.

I started out by saying that government must not just be about getting a bill through Parliament, ticking the box and then moving on to the next headline. We passed a powerful climate change bill just two months ago, and it is clear from the First Minister's speech today that he thinks that he has ticked the climate change box. He even complained that he did not have a seat at the top table in Brussels, which completely ignores the good progress that is being made throughout Europe to rationalise and regionalise fisheries management.

No doubt the First Minister wants to get to the top table to tell people how brilliant the Climate Change (Scotland) Act 2009 is, but there was nothing in his speech today about what he will do to implement it. We have a big consensus on renewables, but nothing from the First Minister on the big change that he and his Government could bring about to link up those renewables projects and to get the Beaulay to Denny transmission line right across Scotland to the rest of the country.

It is not enough just to grab the headlines—hard graft needs to be done to justify those headlines. We passed legislation to enable local authorities to give people reductions in their council tax and business rates if they put in energy-efficiency measures. We need a dramatic expansion of action on energy and work on small-scale and household renewables. In June, we promised that there would be council tax discounts—we need action now. I call on ministers to tell us what action they will take. We need practical measures to boost jobs, save people money and save the planet. I will make a crucial point as the minister is listening: we need to make the most of the opportunity to link the measures in the Climate Change (Scotland) Act 2009 to the forthcoming insulation programme.

There is a real win-win here, but we must work together—we need to take concerted action. I suggest a working party to involve all stakeholders. That was suggested to us by the Minister for Transport, Infrastructure and Climate Change's civil servants before stage 3 of the Climate Change (Scotland) Bill, but in Parliament today, the minister was not yet prepared to commit to it. I would like everyone to be involved. We built up a lot of cross-party support for elements of the

bill. We must ensure that we work together to implement those elements and make a difference to households in Scotland.

There is a clear appetite from the construction industry, which wants to get on and tackle the climate change agenda. It is asking for leadership from the Scottish Government. We need to ensure that the hard graft happens, and not just the grandstanding and rhetoric. Let the work get on, and let us involve all the parties in the Parliament to bring about the success that we desperately need on the Climate Change (Scotland) Act 2009.

15:48

Patrick Harvie (Glasgow) (Green): After a strange, unusual couple of weeks at the end of the parliamentary recess, it seems that we are largely back to normal, with lots of glowing speeches from SNP members about the optimism, the good-news stories and the ambition to create a better, brighter, shinier, lovelier Scotland, and lots of scathing speeches from other parties, using terms such as “missed opportunities”, “disappointment”, “unacceptable” and even “incompetent”. Obviously, the truth must be one of those two extremes—there is no chance that it could be somewhere in between.

Margo MacDonald's speech was the clearest exception in a debate of polar opposites. Her demolition jobs are always carried out in such a kind tone of voice, and I appreciated her contribution.

The economic situation has dominated a number of speeches. Iain Gray endorsed the CBI's suggestion of a single benchmark for every measure that is introduced by the Government. I raised my eyebrow at that because it is usually the Green party that is accused of being a single-issue party. Even if we accept that the economic situation is a crucial challenge that we face, the idea of having a single benchmark of economic growth to test each policy against is absurd. How about a more holistic approach to the question whether our policies are good for the economic situation? How about measuring equity in the economy? What could Scotland do with maximum wage ratios or other proposals that could come from a high pay commission? I would like to hear what Labour members and others—including some on the SNP back benches—would say about that. I can guarantee that such a proposal would not get the CBI's support, but it might get a great deal of support from many care workers, cleaners, young workers, casual workers and temporary workers. Perhaps we should think about taking a more holistic approach to determining whether our policies are good for the economy.

The Government's programme is, like most Government programmes, a mixture of some sensible moves, which should gain majority support, a little bit of posturing, and—from a green perspective—not much in the way of change.

I will run through a few policies. Some members opposed to independence and to a referendum have accused the Government of creating a distraction or wasting parliamentary time. If their parties are determined to scupper a referendum bill, it will take up only as much parliamentary time as the committees choose to devote to it. If those other parties choose to reject the bill, it will die at the first hurdle. Personally, I would like there to be a referendum, and I would vote yes in it, but beyond that political dividing line, the parties that have other visions and suggestions for how devolution should progress and for how the powers of the Parliament should change will, at some point, have to answer the question: when should those be put to the people as a single issue in a referendum? That was how the Parliament was established, and that is how the Parliament should be allowed to develop.

On the proposed alcohol measures, the argument for minimum pricing has gained broad support, albeit with the exception of the Conservatives. The Greens will certainly be willing to support it if the detail is right and if the policy is introduced alongside other measures. I am glad that the Government has stepped back from its earlier proposals on 18 to 21-year-olds and off-licences. Just localising the decision is not enough, however. We should not end up with a patchwork, with 18 to 21-year-olds demonised in some parts of Scotland but not in others. If there is evidence that 18 to 21-year-olds are causing a social problem that people in other age groups are not, we can perhaps allow the power to be used as a temporary measure. However, the measure must be justified by the evidence and used alongside other measures that will resolve the problem—we cannot suppose that a ban on 18 to 21-year-olds in off-licences for a period will in itself solve anything.

Alex Neil, who is sitting on the front bench, will be working on the proposed housing measures, and I welcome many of the measures that are being discussed. In particular, I welcome the restrictions on the right to buy, which, as he knows, I have long supported. At the beginning of his statement this morning, the First Minister placed much emphasis on people getting on to the housing ladder—as if none of us has recognised over the past year or two the effects of the obsession with property ownership and the housing ladder to the exclusion of all else, with the implication that social or rented housing is an option of last resort. I welcome some of the

measures that are to be included in the proposed housing bill.

What of the private rented sector? The issues that are mentioned in the programme document are limited to possible changes to landlord registration and regulations on houses in multiple occupation. Some changes to make those systems work better might be worth while, but I urge the Government to go further and consider the issue of management standards. Enforceable management standards for the private rented sector would be welcomed by the best landlords, and they would certainly be welcomed by the tenants who have been so poorly served by a minority of landlords. I urge the Government to consider that proposal.

On climate change, the image inside the front page of the "Greener Scotland" section of the programme says it all. Far too often, the Scottish Government, like other Governments, thinks that the climate change agenda can be addressed by telling people about some small measure, such as changing their light bulbs or turning their taps off when they brush their teeth, without recognising that what is required is more structural. Of course, there is a great big elephant in the room—a giant, multimillion-pound white elephant, ready to be built across the Forth.

The Government is doing some of the right things, just as the previous Government did some of the right things. I welcome the climate challenge fund, but it amounts to the value of only about a quarter of a mile of the M74 extension. It is not enough to do the right thing while at the same time continuing to do the wrong thing. What is required is radical, transformational change in our economy, our society and our politics. History demonstrates that such progressive change rarely happens because Governments offer it; it happens because people demand it. I urge the thousands of people who campaigned for a strong Climate Change (Scotland) Bill not to stop campaigning and to continue to demand progressive change.

15:55

Nigel Don (North East Scotland) (SNP): The debate has been interesting and has got more interesting during the afternoon. I have been making notes and if I were summing up I would have quite a lot to say—I am not doing so, of course, and I will stick with my original script.

I will consider issues to do with a couple of pieces of proposed legislation, which I think that members will agree are needed. The proposed legal services bill has arisen probably largely as a result of a complaint by *Which?* to the Office of Fair Trading in May 2007, as I am sure that members are aware. I reread the OFT's response

in part yesterday, which was interesting, because although I think that the OFT had an understanding of how solicitors work in Scotland I have a sneaking suspicion that it knew little about how advocates operate. For that reason, I think that the OFT's recommendations might not have been terribly well thought out.

The OFT suggested that we must find alternative business structures. In essence, that means ending the situation whereby solicitors can be in business only with other solicitors and, in recognition of the need to be competitive, enabling lawyers to form business alliances with, for example, surveyors and accountants. I suspect that in some specialist areas lawyers will want to join up with, for example, engineers and quantity surveyors. What has emerged is that such structures should be allowed.

The central issue is how the new entities would be regulated, because it is clear that the Scottish public must be protected from people who would use those structures unscrupulously. The difficulty will lie in how we regulate lawyers when they are working in partnership or in some other commercial relationship with surveyors. A mechanism appears to have been devised—a fix whereby lawyers would still be regulated by the legal fraternity and quantity surveyors by their body, and another regulator or group of regulators would regulate the entity. Difficulties will arise when there is a conflict between the people who regulate the entity and the people who regulate the individuals. We will need to work through a bit of detail on that.

It is clear that such regulation cannot be done by the Government. Quite a lot of people will want to sue the Government, one way or another, so we cannot have Government ministers regulating the new structures. Therefore the regulation must be done in the name of and with the approval of the Lord President. I look forward to seeing the details on a matter that will be tricky to get right.

The proposed children's hearings bill has been mentioned—I am sorry that James Kelly has left the chamber. I enjoyed yesterday evening's reception and I enjoyed talking to the chairmen of some of my local children's panels. I acknowledge that they have concerns about the original draft bill, which the Government has said that it will re-examine. It seems that what has happened means that we have a better opportunity. If people had thought that the draft bill had got things about right, not many people would have engaged with it. When people think that something is not right, they are much more likely to engage in the process, so we will probably have a much better and wider-ranging debate. This morning I was heartened to hear Adam Ingram, the Minister for Children and Early Years, say that the bill must be

“right, not rushed.” That is absolutely correct. In many ways the children's hearings system is the most significant part of Scotland's legal heritage. It is renowned the world over and we need to preserve it and get it right.

Many issues to do with the proposed referendum bill have been mentioned. I continue to be surprised that members cannot see that it is totally obvious—it is to me—that the long-term economic opportunities for Scotland depend on our having the normal economic powers of an independent country. There may be a hiatus on the way from where we are to where we are going but surely it would be better if that is where we got to.

Richard Baker—who, sadly, is no longer in the chamber—commented on the body of work that the Scottish Law Commission has done. It has produced a number of draft bills that, by and large, could be introduced by consensus. I have been concerned, as he has been, to bring that to the attention of Government ministers. We need to try to find ways of getting that work through the system—it covers important areas that could be addressed, and they are not political—and it would be extremely good if we managed to do that.

I point out to members that, if the legislative programme is light, it is because the Government is fundamentally about using legislation to change structures. As far as I can see, government is mostly about using existing powers to do things better, and many of the complaints that I have heard about the lack of legislation have ignored the fact that the Government can and will do that. Today's debate is about the legislative programme.

16:01

Cathy Jamieson (Carrick, Cumnock and Doon Valley) (Lab): I welcome this opportunity for debate, because it is important that we closely scrutinise Government proposals. I will focus on a number of key areas in the short time that is available to me.

I will say a few words on the proposal for a patients' rights bill. I am all for the principle of encouraging a greater culture of rights and responsibilities in the national health service and in society at large—most people would feel that that is to be commended—but, as we all know, setting out rights and responsibilities in legislation is a far harder task. There is a long way to go to deliver a workable bill that will improve the lot of patients rather than create a culture of litigation. That follows interestingly on from Nigel Don's comments on changes to the legal system.

The British Medical Association has argued that “adequate time, support and resources for front line staff”, rather than the patients’ rights bill, however commendable its aims, would “deliver real improvements in services”.

When the consultation document was first produced, the Royal College of Nursing described it as “confused” and called for “greater clarity”, especially on redress. Some of those criticisms must be examined during the bill’s process. The RCN also called for “genuine action” rather than “aspirational statements” that would be more suited to

“a poster on a wall, or a pamphlet in a local surgery.”

Today, the RCN has again stated its concern that the bill could lead to the most articulate members of society somehow gaining access to services ahead of disadvantaged groups. If we are serious about equality—it has not really been considered during the debate—we will want to keep an eye on that.

We are all proud of our NHS. I believe that the Cabinet Secretary for Health and Wellbeing is genuine in her personal concern for improvement of our health services, but I also happen to believe—no surprises, members will say—that the SNP has its priorities wrong. I would prefer that instead of focusing on a referendum in 2010, the cabinet secretary would focus her attention on how to improve the aspects of the NHS on which we still have work to do, such as health care associated infections, access to cancer drugs and improvement of breast cancer screening.

Nicola Sturgeon: I spend every day of my working life focusing on the priorities about which Cathy Jamieson rightly talks: tackling infection, getting hospital waiting times down and improving care in the health service. Will she explain to Parliament why it is not possible to do that and give the people of Scotland the chance to choose whether they want powers over other areas, just as they have over the health service? Surely her position is entirely inconsistent.

Cathy Jamieson: It is not inconsistent to suggest that the SNP has its priorities wrong. People are concerned about their jobs, their homes and the future of the NHS. They want the Scottish Government, whatever shape it is, to focus on their priorities.

I suggest—I hope that the cabinet secretary will take this in the spirit in which it is said—that her time would be better focused on, for example, dealing with the situation in Scotland, where the number of deaths in which C difficile was on the death certificate reported as the underlying or a contributory factor has risen by some 28 per cent,

while it was revealed in England this week that the number there had fallen by 29 per cent.

In Scotland, patients with cancer will continue to be charged for prescriptions until 2011, whereas such prescriptions have been free in England since April. In England, breast cancer screening is being extended because, as we know, detecting the disease early increases the survival rate. However, there are, as yet, no such plans here.

Screening for medium-chain acyl coenzyme A dehydrogenase—MCAD—deficiency in babies, which is linked to sudden infant death syndrome, will not start here until 2011, although it is already happening in England. I believe that those are just some of the priorities that people in Scotland want to see for the NHS.

I will say something on housing and repossessions. As Alex Neil acknowledged, legislative solutions are required to ensure that we keep people in their homes when they are under threat of repossession. We have argued that for a number of months. It is better that we have something, albeit later than we would have perhaps initially hoped. I heard what Alex Neil said about the debtor protection bill being passed in early 2010 and I say to him that Labour members will continue to support that bill, with the proper scrutiny. However, if there is a way of the bill passing earlier than that 2010 date, I hope that the Government will seriously consider it, because with every day that goes past, families suffer pain and misery from the danger of repossession.

Although I welcomed that part of the announcement from Alex Neil, I was concerned that he was about to disappear in some kind of tornado of spin when it came to the rest of the discussion on housing. I do not have time to quote all the figures, but I say to Alex Neil that the building industry, the Scottish Federation of Housing Associations and a range of other people do not share his optimism. They have a number of serious concerns about what is happening, particularly in relation to housing associations.

I have only a couple of minutes in which to finish, but I want to say something about alcohol. Iain Gray said this morning that we would be prepared to build consensus where that is the right thing to do. I think that we all agree that something needs to be done on alcohol. We share concerns about the number of people who drink too much and its impact on our health services and the economy. However, we also believe that a single legislative approach will not deal with what is a complex problem. We need quicker access to treatment and rehabilitation, and we need more support for the voluntary sector. We also need to deal with the antisocial behaviour that is caused by alcohol misuse, and communities need to be involved in that. We therefore need to consider the

use of alcohol treatment and testing orders as part of the solution. Iain Gray also highlighted that more must be done to identify and protect children who are living in households in which drug and alcohol misuse puts them at serious risk.

All those measures must be considered as part of the solution. As a former minister who did rather a lot of legislation, I am well aware that, on many occasions, the parliamentary process can improve initial legislative proposals. I hope that the Government has not closed its mind to improving the legislative proposals that it intends to bring forward, particularly on alcohol misuse but also on those other important issues that make a real difference to communities right across Scotland.

The Deputy Presiding Officer (Trish Godman): I ask members to check that their mobile phones and BlackBerrys are off, because they are disturbing the sound system.

16:08

Ian McKee (Lothians) (SNP): I intend to confine my main contribution to the patients' rights legislation that is proposed for the coming year, although I would like first to respond to a point that Mary Scanlon made in her speech. It is widely considered that alcohol is a greater problem in the Nordic states, where the price of alcohol is high, than it is in southern Europe, where the price is low. Mary Scanlon used that to claim that minimum pricing for alcohol would be useless. However, she may remember that it was shown in a Scottish Parliament information centre paper that was prepared for the Health and Sport Committee, on which we both serve, that southern Europe has a higher overall level of alcohol consumption and a greater incidence of liver disease than the Nordic countries. A minimum pricing policy for alcohol therefore certainly makes sense.

When I spoke in a debate on patients' rights last November, members who are present and alert might recall that I complained about the adequacy of the patient satisfaction survey that I was asked to complete after my admission to a maternity hospital many years ago, because many of the questions did not seem to apply to my condition. Although I agree that it was possibly unfair to expect any better—after all, the admission of a male patient, for whom breastfeeding is not high up the list of priorities, must be a bit of a rarity—it is important that the health service deals with people not as a queue of conditions needing treatment, but as individuals who have individual needs and special circumstances. With that in mind, I welcome the Government's commitment to introducing a patients' rights bill.

Over recent years, patients have been regarded in increasingly different lights north and south of the border. In England, both Conservative and Labour Governments have come to regard patients as being mainly customers of the health service. According to that philosophy, health care providers should compete for custom in a system that encourages patient choice. The discipline of the marketplace will then eliminate waste and drive up standards, according to that theory. Here in Scotland, both the previous Labour-Lib Dem Government and the current SNP Government have preferred to regard patients as joint owners of the health care system, having both the rights and the responsibilities of owners. Instead of encouraging people to compare providers in order that they can choose the most suitable one for their needs—an almost impossible task, by the way, in practice—our philosophy aims to involve people in making the most efficient use of local resources. The bill that the Government intends to introduce will go a step further by enshrining those rights and responsibilities so that we can progress further along the road to a truly mutual health service.

However, let me issue some warnings. In her opening speech in last November's debate, the Cabinet Secretary for Health and Wellbeing emphasised that Scotland is a socially and culturally diverse society, that patient rights extend across that diversity, and that health services must be tailored

"to provide accessible and appropriate services that are responsive to the individual needs, background and circumstances of people's lives."—[*Official Report*, 6 November 2008; c 12093.]

She was absolutely right. However, achieving that responsiveness will not be easy. That is the task that is before us.

We talk, for example, about the patient's responsibility for keeping appointments. It is still common for a patient who does not keep a hospital out-patient appointment to be put to the back of the queue or even, without any investigation, not to be sent another appointment. "If they can't be bothered to turn up, there can't be much wrong with them" is a common refrain. How often does anyone investigate the reason for the absence? If the complaint has cured itself and the person has simply forgotten to cancel the appointment, there is no excuse. However, sometimes the reason is transport problems or child care problems or it is that the person simply cannot use a calendar or cannot read. Patients come in all shapes, sizes and degrees of intelligence or learning. We are not truly providing a service that recognises diversity if we do not recognise and then overcome such problems. It is simply not true that people who do not turn up for appointments are always less in medical need

than those who do. There are ways of providing an efficient service in such circumstances, but we do not always use them.

Another issue is the right of a patient to be involved in the management of his or her medical condition. Quite rightly, it is no longer good enough simply to assert that "Doctor knows best" and that the patient should get on with the course of treatment, of which the patient understands neither the benefits nor the risks. At the risk of being accused of exhibiting a degree of residual paternalism, I suggest that it is equally wrong to shove all treatment decisions on to the shoulders of someone who is patently unable to cope with them, especially if one motive is to escape some professional responsibility if things go wrong. One right for patients should be the right to benefit from the experience and judgment of the professionals who are looking after them. It is counterproductive to remove that right in the name of patient choice. Again, the service must be tailored to the needs of each individual.

So, should patients' rights be codified in legislation? Is not a patient charter an adequate enough safeguard of patients' rights? Initially, one might have some sympathy with such doubts, but I come down in favour of putting them on a legal basis for several reasons, including the following. In a large institution, such as a hospital or doctor's surgery—even a Parliament, for that matter—there is often a tendency for an us-and-them attitude to develop. The comradeship that is engendered by working together over many months and years almost inevitably tends to separate those who work in a place from those who use its services. In the national health service, it is extremely difficult to prevent that attitude from developing in a way that stops the professionals viewing patients as partners in a mutual concern. Codification in law of the rights of patients will remind health workers of those rights and will go some way towards restoring the balance that is necessary if true mutuality in the health service is to become a reality rather than an aspiration.

16:15

Rhona Brankin (Midlothian) (Lab): Many of my shadow cabinet colleagues have criticised Alex Salmond's legislative programme for being policy light. It is not just education light; it is education absent. It contains not one piece of education legislation. What does that tell us about the SNP's priorities?

I note that the Government is to introduce a new children's hearings bill to replace the one that it rightly ditched last week, which would have severely undermined our highly respected children's hearings system. Although it is clearly an embarrassment to the SNP that it has been

unable to put together a credible bill, I welcome the fact that it has been forced to see reason and has—for now—averted the possibility of mass resignations from children's panels across Scotland. In her summing up, will the minister tell us whether the bill in its current form has been completely abandoned? Will she give a commitment that there will be genuine consultation of stakeholders on the new bill, and that the Government will this time listen to the views of those who are involved in the children's hearings system?

The legislative programme that has been announced today demonstrates that the SNP Administration is running short of ideas and has no answers to the big issues that face Scotland today. The statement contained nothing that will help to kick-start the stalled school building programme. Last year, Audit Scotland said that the Government should set specific, measurable and meaningful targets to ensure that progress on the school estate strategy could be properly assessed. We are no further forward on that, even though SNP ministers pose for photographs as they open schools that were commissioned and funded by the previous Labour-led Executive.

The Scottish Government is running scared of targets because they would expose the SNP's total failure to build new schools. How long will parents, teachers, pupils and the hard-pressed building industry have to wait until the SNP matches Labour's school building programme brick for brick? When will the Scottish Government provide what Audit Scotland asked for a year ago—namely, specific, measurable and meaningful targets?

Turning to class sizes, two years ago, during questions on the Scottish Government's legislative programme on 6 September 2007, the First Minister confidently and unequivocally told my colleague Hugh Henry that class sizes of 18 or fewer for primary 1 to primary 3 would be delivered by 2011. Given the First Minister's absolute conviction in that regard, I am surprised that no legislation has been proposed to place that commitment on a statutory footing.

Local authorities and teachers need clarity around the legislation on parental choice and the various sets of guidance on class sizes. We know that 24 of the 32 single outcome agreements that were signed by local authorities and ministers make no mention of the promise on class sizes, and it is clear that councils have simply not been given the funding to deliver smaller classes. If the SNP has confidence in the First Minister's commitment, why does it not introduce legislation that would enshrine smaller class sizes in law? The truth is that it has no intention of doing so.

Of course, smaller classes would be easier to deliver if the SNP had not cut 1,000 teachers and reduced the number of teacher training places. The recent *Times Educational Supplement Scotland* survey that showed that only one in seven newly qualified teachers has found a full-time teaching job should shame the SNP. There is nothing in today's statement to address that, and the ministers who are present are not even listening.

The statement contains nothing on tackling Scotland's literacy levels. The independent literacy commission will report shortly, and I hope that its recommendations will be considered carefully by the Government—although that might be too much to hope for—and by all members. It is clear that we must do much more than implement the literacy learning outcomes in the curriculum for excellence, which were rightly described by a member of the curriculum review group as “complete nonsense”. Under the curriculum for excellence, we will still not have accurate information on how many children leave primary school with basic literacy skills. That is simply not good enough.

In addition, there is nothing in the legislative programme that will enable the SNP to keep its promise to dump student debt—there's a surprise. Nor has any action been outlined by the Scottish Government to close the gap of almost £2,000 between student support in Scotland and student support in the rest of the UK, which is driving students from poorer backgrounds into greater debt with commercial lenders.

I am disappointed by the absence of any action to improve Scotland's child protection system. The report on the tragic death of Brandon Muir has once again highlighted the failure to share information among professionals. How often must such tragedies occur before the Government legislates to put in place a duty to share information? Inspections have identified that there are problems throughout the country, and many professionals and organisations such as Barnardo's now believe that we need to change the balance between leaving vulnerable children with their family and keeping them safe. Between 10,000 and 20,000 children in Scotland live with drug-addicted parents, and as many as 100,000 live with parents who are addicted to alcohol. We need to find and protect those children. If legislation is required to do that, Labour members pledge to work constructively with the Government on that to safeguard Scotland's children. The Government claims to be taking tough action on drugs and alcohol, so why is it failing to protect vulnerable children? Why is it failing to protect the powerless victims of drug-abusing and alcohol-abusing parents?

It would be gratifying if the ministers stopped talking and listened to members' speeches, but perhaps that is too much to hope for.

Overall, the legislative programme ably demonstrates that the SNP Administration continues to prioritise its obsession with separation over everything else. It would rather build a border at Berwick than a build a new high school for Barrhead or Newbattle, and it would rather employ staff at new embassies around the globe or talk to royal families in places such as Qatar than employ teachers in our schools. The programme is a damp squib from a tired Administration that would rather wave saltires than keep our children safe or ensure that they can read.

We are living in challenging times. With the legislative programme that has been announced today, the SNP has once again failed to step up to the plate.

16:22

Sandra White (Glasgow) (SNP): I do not know what to say after that speech, although I am sure that I will have plenty to say. I came into the chamber for the beginning of the debate at 5 minutes to 3 and listened to Alex Neil's speech on the legislative programme, which was good. It was not just fun; it was positive. The speeches that Mary Scanlon, Patrick Harvie and a few other members made were in exactly the same vein. Sitting and listening to the diatribe from the Labour Party was disheartening, not only for me and other members, but people in the gallery.

Alex Johnstone: Does the member accept that it must be depressing to be a member of the Labour Party these days?

Sandra White: I do; but I am certainly not depressed and I do not want to listen to the depression that is coming from the Labour Party. I have never heard such a diatribe. It was depressing. We tell the Scottish people that they should look forward. If people listen to the Labour Party, they will not know what to do.

Rhona Brankin mentioned building a school in Barrhead and not going to Bahrain. Future generations of children will be able to get social housing because we have abolished the right to buy it. She wants future generations of children to pay for schools for ever and to be in debt for ever. I ask her to consider that and to consider for once, please, what is happening not just as a result of our legislation but even what is happening as a result of legislation that the Labour Party passed and that we supported.

Cathie Craigie (Cumbernauld and Kilsyth) (Lab): Will the member take an intervention?

Sandra White: I will let Cathie Craigie in in a couple of minutes.

I thought that I would be able to come into the chamber and take part in a decent debate that people would listen to, but the diatribe from the Labour Party would make people even more depressed than being a member of it would.

Rhona Brankin: Will the member take an intervention?

Sandra White: No, thank you. I will let the member in in a couple of minutes. I am already nearly two minutes into my time.

I wanted to start off in a positive vein. I congratulate the Government on introducing the legislative programme, particularly its proposal to end the right to buy new-build social housing, which I have mentioned, greater protection for those who face repossession, and ending people being made homeless as a result of small amounts of debt. That is important. Those issues might not be sexy and they might not grab newspaper headlines, but they are important. Cathy Jamieson mentioned that such things are important to the public—to the ordinary people of Scotland. People face problems with debts and repossessions every other day. I am thankful that the Government is looking for solutions.

Johann Lamont: This is a positive point. I wonder whether the member could press the Minister for Housing and Communities to use the powers that he has to address the issues of HMOs and the tenancy deposit scheme. I think that she would agree that that would be a positive way in which to support people in that sector.

Sandra White: I agree with Johann Lamont and have already spoken to the Minister for Housing and Communities about those issues. I have met housing associations, particularly from the Glasgow area, to discuss the possibility of putting a cap on HMOs. I take Johann Lamont's point entirely, and I am sure that the Minister for Housing and Communities is aware of those issues.

Earlier, Cathy Jamieson mentioned repossession. She will be aware that the Government has already taken action to reduce the risk of repossession through the home owners support fund, which helps those people who are at risk. Today's announcement will see home owners given even greater protection. As Alex Neil said, the proposed bill will go a long way towards preventing repossessions. Concerns on the issue have been expressed by many groups, such as Citizens Advice Scotland, as well as politicians.

I welcome the proposal for a debtor protection bill that will improve access to debt relief and protection for debtors in family homes. I thank the

debt action forum for all its work in that area and its recommendations, such as those for the production of Scottish data on repossessions—we do not have such data yet—and the provision of more independent advice to people. I also welcome and support another of the forum's recommendations, which is that court procedures should be simplified in order to make the process clearer and less intimidating. I have accompanied people who have been taken to court, unfortunately, by the Glasgow Housing Association. It is a very stressful experience.

In addition, the proposed debt and family homes bill will amend the Bankruptcy and Diligence etc (Scotland) Act 2007 and provide alternative provisions to replace the outdated diligence of adjudication for debt. That will ensure that the family home cannot be taken from people who are in debt, which is a big problem at the moment. I am pleased that Cathy Jamieson and others have said that they will support that bill.

I do not want to linger, but there is one last point that I would like to raise with Iain Smith. He mentioned the consultation process on the debt and family homes bill. It is rather disingenuous of him to say that he is not happy with the consultation process. I thought that the Liberal Democrats always liked consultation. He said that the consultation process is taking far too long, but I think that it is better to have a long consultation than no consultation at all.

Iain Smith: That is not what I said.

Sandra White: When he reads the *Official Report*, he will see what I mean.

It is important that people who lose their jobs and who get into debt because of the present situation do not also lose their family homes through no fault of their own. Creditors deserve to get their moneys back in a fair way, but it cannot be fair that people lose their homes just because they have lost their jobs. We cannot support that, which is why I am pleased with the bills that the Government is producing to prevent the repossession of people's homes.

We have also heard the announcement of £1.5 billion to provide social housing and the proposal to end the right to buy for new build. Those measures will provide much-needed social housing and will protect social housing for future generations—something that is long overdue, as I have said before.

Despite what other members say, I am proud of the Government's achievements. I look forward to the legislation, which will not only stand the Parliament and the Government in good stead, but will stand the Scottish people in good stead as well.

16:29

Ross Finnie (West of Scotland) (LD): The whole debate, but particularly the debate this afternoon, has been marked by three contrasting approaches from SNP members. Alex Neil demonstrated, for the umpteenth time, his failure to understand the purpose of a microphone. There is clearly a case for those who sit close to Alex Neil to be provided with muffins—[*Laughter.*] I mean mufflers, although they might need both. Then, and much more important, there were the typically considered and reflective speeches from Nigel Don and Ian McKee. We then had Kenny Gibson. His speech was clearly aimed at the doubtful voter in the hope of gaining large and late contributions to the numbers of those supporting independence. Although I have an extremely open mind on these matters, I have to tell Kenny Gibson that he failed lamentably in his purpose.

If one believed the language of the Government, one would expect that we would all wake up tomorrow and find that everything that was announced in the Government's programme today had been delivered. As the First Minister put it on 15 January:

"Once the ministerial assurance is given, the issue is resolved."—[*Official Report*, 15 January 2009; c 14063.]

For example, although you might not spot it on your way home, economic recovery has been delivered, alcohol misuse has been tackled and, if my colleague Margaret Smith cares to look out of her constituency office tomorrow morning, she will find the replacement Forth crossing built and fully operational.

However, as with so much to do with this Government, the political rhetoric is far removed from reality. The policy proposals are no more than a gleam in the First Minister's eye—and even that might exaggerate their substance—and not one of the legislative proposals is close to gracing the statute book.

On the economy, the Government continues to peddle the line that, without the constraints of Westminster, the Scottish Government could continue to deliver unfettered growth, but it does not in any way explain how a Scottish Government would have bailed out the Royal Bank of Scotland or HBOS or the impact that doing so would have had on the Scottish economy.

Margo MacDonald: If we are going to hypothesise about what might have happened if Scotland had a Government that could pull the Royal Bank of Scotland and so on out of danger, surely we can also assume that, if we had had a decent Government, those institutions might never have been in that mess in the first place.

Ross Finnie: I do not normally disagree with Margo MacDonald, but I will do so on this

occasion. If a Government minister is telling a Parliament what the Government is going to do, they have to tell us the basis on which it will do it. I do not think that the Government can go back in history and say, "Ah, the basis on which we are doing that depends on different decisions having been taken 25 years ago." I think that we have to deal with the economy as it is here and now.

One thing that is clear is that, if the recent financial crisis has taught us anything, it is the critical interdependence of financial markets on a global scale, as opposed to the delusional belief that independent action is possible and that we can insulate ourselves from those international events.

Sandra White: Will the member give way?

Ross Finnie: No, I want to make progress.

A number of bills are being introduced, and they need to be examined—notwithstanding the First Minister's position. We can give broad support in principle to a number of them, although there are some issues that must be dealt with.

The legal services bill could improve the situation with regard to competition. However, I say to the Cabinet Secretary for Justice, who is now present, that I was not overly impressed by *Which?* magazine's understanding of the issue of conflict of interest. I am not sure that the publication had looked into the matter terribly closely.

The housing bill, with its proposed improvements and programmes for affordable housing, is welcome. However, I look forward to the definitions section of the bill, in which Mr Neil will no doubt explain to us that a house that is built with public money and constructed by a local authority is to be called a local authority house and that a house that is built with public money and built by a housing association is to be ignored completely.

The debtor protection bill is particularly welcome. As Cathy Jamieson made clear, there are a number of issues that need to be addressed. Welcome as the measure is, it is also an admission by the Government that those of us on Opposition benches who were clamouring for improvements in that provision were right.

The wildlife and natural environment bill and the historic environment bill are welcome, especially the provisions that will give heritage additional protection.

We will scrutinise closely the alcohol bill. We welcome the general statement that there are to be a wide range of measures, but we wish to see the detail of that. We also want to see much more detail on the various impacts that pricing might have. The jury is more than just out on the

evidence base to support those proposals, and the polarised way in which some of the information is currently being presented to members does not help matters. Perhaps there will be an opportunity to consider such issues when the bill is introduced.

We will consider the patients' rights bill, about which Ian McKee made a number of interesting points. In particular, given that the medical and allied professions have gone so far in recent years to regulate themselves and to provide degrees of protection and rights for patients, we wish to consider how best to ensure that we do not confuse the current hugely improved set of regulations with further possibilities.

We wish to examine closely the children's hearings bill; many members have mentioned the disastrous start to that. We are glad that the Government will think again—the proposal needs serious re-examination and the issues that have been raised by the chairs of children's hearings panels must be taken seriously. We welcome the proposal for a crofting reform bill but, as Tavish Scott said, the minister's hectoring on the matter did not make for a particularly propitious start.

There are a range of issues to consider, but the final one is the question of independence and a referendum bill. We accept that it is perfectly legitimate for the First Minister of a minority Government to express the view that that minority Government would like a referendum on independence. However, for the First Minister of a minority Government to go on to declare that the Conservative, Labour and Liberal Democrat parties that represent a majority in the Parliament are somehow depriving people of their democratic rights because they collectively, as the majority, refuse to accede to the will of the minority is an interesting but wholly unpersuasive definition of the operation of majority rule.

Liberal Democrats are quite clear about the difference between the nation, nationalism and the nation state. We are full of ambition for Scotland as a nation, and we have no glass ceiling. We are clear that in the 21st century the case for economic independence is not supported by the evidence round about us. We are clear that we have benefited in Europe and that we can benefit internationally. There are measures in the programme that we will support, but we are clear that, although Scotland as a nation has enormous potential, it does not need to become a nation state to realise that ambition.

16:37

David McLetchie (Edinburgh Pentlands) (Con): At the heart of the Government's programme lies a massive irrelevance. The biggest challenge that Scotland faces in the next

few years is undoubtedly to tackle the recession rather than hold a referendum. The blinkered vision of the Scottish National Party does Scotland a great disservice in that respect.

Mr Salmond told us earlier in his statement that we were a Parliament of minorities. However, he then claimed that his Government was elected with a popular mandate to put the question of Scotland's future to the vote in a referendum. It was not: Mr Salmond is in a minority, as Mike Rumbles and many other members have pointed out.

The referendum issue was a central feature of the last Scottish Parliament election campaign, and the Conservative, Labour and Liberal Democrat parties made it clear that they would not support such a referendum. It is we who have the popular mandate on this issue, not the SNP. Ross Finnie's simple arithmetic was spot on in that respect. Frankly, the sooner the referendum bill suffers the same fate as the local income tax bill, the better off we will be.

Linked to the issue of economic recovery is that of public spending and the state of the public finances. It is there that we see the sharpest difference between an irresponsible spendthrift SNP approach and the Conservative approach that Annabel Goldie indicated. Mr Salmond's solution is always to spend, spend, spend. There is never a thought given to how the escalating burden of debt—much of it incurred to rescue banks that he claimed were fundamentally sound—is to be serviced, never mind reduced.

There is never a thought about how we are to bring some order back to the public finances. In his statement, the First Minister triumphantly said that Labour's spending cuts in the Scottish budget have now been precisely quantified at £496.7 million. However, no sooner had Iain Gray started on his speech than John Swinney popped up to claim that the cuts were £521 million, but then what is £24 million when the SNP is doing the sums? That is small change indeed to a party with a cavalier approach to the public finances, which is far from encouraging.

However, worse than the arithmetic is the attitude. The Scottish National Party Government is limbering up for a confrontation, whereas what we need is co-operation between the Governments at Westminster and Holyrood and a mature approach to answering how we can sustain our essential public services on reduced budgets as we try once again to balance the national books, which are presently running with Labour red.

Alex Neil: Will Mr McLetchie tell us how much the Conservatives think should be cut from total public spending in the UK, what share of that

should be allocated to Scotland, and on what items he wants the cuts to be made?

David McLetchie: Mr Neil is in the governing party—[*Interruption.*] Excuse me; I will just make this point. Mr Neil is in the governing party that is about to present a budget. Miss Goldie, as she said several times in her speech, has asked the First Minister the self-same questions for weeks, but the Government has failed to answer them. We will give the Government our answer when it presents its budget to the Parliament and we can examine it.

When Mr Osborne is the Chancellor of the Exchequer next May, we will be delighted to have a further discussion on the matter. As we have pledged, he will come to the Scottish Parliament with the next Prime Minister, Mr Cameron, to engage in a mature, meaningful and fruitful discussion between the Governments at Westminster and Holyrood and deal with the serious issues of the public finances that need to be tackled. That is what we will do, and that is when Mr Neil will have his full answer.

Margo MacDonald: Will the member take an intervention?

David McLetchie: No, thank you. I am moving on to another theme.

I regret that the Government seems to be fixated with minimum pricing as the cornerstone of its alcohol strategy. That indiscriminate approach will not tackle the problem. We should focus on problem drinks and problem drinkers and do far more to enforce the existing law rather than treating the responsible majority and the irresponsible minority alike. Given the state of the public finances, a higher price that results from a higher tax would seem to be preferable to a higher price that results from setting a legal minimum. I would have thought that it makes more sense to line the empty coffers of the Treasury to pay for our health service than to line the pockets of the drink companies, but obviously the Scottish National Party disagrees.

I promise the Government vigorous opposition in this part of the chamber to its plans to end the right to buy for new social housing. The right to buy is one of the great achievements of the Conservative Government and one that transformed housing in Scotland for the better. We did more to make housing affordable to working people in this country with that single measure than any other act before or since has done. As Alex Neil most generously conceded, our record on building council houses and other social housing in the years of Conservative Government far surpasses the record of the Labour Government, but it also surpasses the aspirations of his Government. It was achieved partly through

recycling the proceeds of the sale of houses into new stock. The policy did not damage social housing but improved it.

Unlike some members, I do not object in principle to a light legislative programme, which can be a virtue, but we are entitled to ask whether the Government's programme as a whole hits the mark. From the evidence that was presented today, it is very wide of the target.

16:44

Johann Lamont (Glasgow Pollok) (Lab): I am happy and proud to contribute to this debate as a Labour representative. I think that I have won the good attendance award for sitting through every speech, although members must accept that that endeavour might have challenged my happy disposition a little. I shall attempt to be as constructive as possible, but I point out to Sandra White that robust debate is to be celebrated, not feared. We need to draw a distinction here. It is one thing to disagree with and have a debate about something; it is another to be accused of being negative for having the audacity to say that we have a problem with some of the proposals.

I am concerned that, unlike what happened in the first eight years of the Parliament, there has been not one dissenting voice on the Government back benches in this debate. If members take the Parliament seriously, they should seek to be free to criticise not just the Opposition but their own front bench. I will give them some advice on that if they require it.

Obviously, it is not sufficient in itself but, in the absence of a Government that takes the Parliament's votes seriously, the legislative programme is one of the few areas in which there is any parliamentary control over the administrative devolution that has been given to ministers. The fact that Government ministers are making decisions on the basis of what they can do away from this place instead of working in conjunction with it is a very serious matter, and I ask them to reflect on that point.

In these serious times, we need to focus on the concerns and experiences of people throughout Scotland. I have to say that I found the First Minister's statement insubstantial and his presentation dispiriting. It seemed the statement of a First Minister who does not take his job seriously and, as we saw at First Minister's question time, a man who is complacent about certain very big issues of the day, such as child protection and crime, to which there are no obvious right or wrong answers. This is a First Minister who imagines that a statement full of assertion rather than action that is focused on his party's self-serving and indulgent constitutional priorities instead of the real

problems of real people in real communities adds up to a programme for government. It does not. The gulf between the priorities that he set out in his statement and the problems that people in my constituency bring to me could not be more marked.

In the past, we have criticised the Scottish Government's remarkable capacity for telling us how much it cares about those who face disadvantage and inequality while doing not a thing to match its rhetoric with commitments, resources and budgets that have been properly and transparently tested against assessments of equality and fairness. However, in this morning's statement, the Scottish Government went a step further: it talked about the people of Scotland without at any time acknowledging the diversity of experience, the lack of opportunity for some Scots or the discrimination against and loss of potential of too many with disabilities.

Alex Neil said that the statement was about economic growth and social justice. No, it was not—and it will not become one simply because he says so. It contained not one word on equality or poverty and not one phrase that reflected an understanding of how this economic recession is impacting disproportionately on some people. It is perhaps not surprising that a First Minister who commends Thatcherite economics should not trouble himself to comment on such matters, but we might have expected him to nod in the direction of his back-bench colleagues who do have such a commitment. He must indeed think that the party's discipline is strong.

As far as jobs and training are concerned, there is nothing in the statement to address the fact that, although unemployment hangs as a worry over more people and families than it should, in our poorest communities 25 per cent of young people are not in education, employment or training, compared with 11 per cent across the whole of Scotland. There is nothing to address the fact that only 18 per cent of people with learning disabilities are in work or that less than that work for more than 16 hours a week. In the face of all that, there is nothing on skills; cuts are being made in Skills Development Scotland; and the education maintenance allowance, which has allowed some of our poorest and brightest access to education at the time that it matters—that is, at school—is being reduced.

The economic strategy does not recognise that there should be shared prosperity, not just sustained economic growth. Furthermore, there is nothing in the statement on child care; and nothing on how the Government will make real its guarantee to those on apprenticeships that they will be allowed to finish them. It is a cruel

deception to call something a guarantee if it is not going to be honoured.

At the same time, Scottish Enterprise no longer has any responsibility for people and place. There is nothing on regeneration and employability, and there is an end to Communities Scotland, which had a focus on the detail and the delivery and the hard work of government. In the Highlands, there is the destruction of Highlands and Islands Enterprise.

Where the Government is taking action, it is inadequate. Housing is a classic example of the SNP's approach. We have cheap headlines on the right to buy, despite the fact that the SNP is in favour of the use of public moneys for home ownership through low-cost home ownership. It will not cost a coin.

Alex Neil: Will the member take an intervention?

Johann Lamont: For all the noise and bluster on the right to buy, the reality is that another proposal is being brought in through the back door.

Alex Neil: Will the member take an intervention?

The Deputy Presiding Officer: Mr Neil, sit down, please.

Johann Lamont: I advise SNP back benchers to consider that proposal closely. The aim is to bring in private, profit-making housing organisations to be registered as social landlords and to destroy the community-controlled housing association and co-operative movement.

Sandra White *rose—*

Alex Neil *rose—*

Johann Lamont: I will take an intervention.

Alex Neil: I thank the member—

Johann Lamont: I was talking about Sandra White.

Alex Neil: Oh!

Johann Lamont: On you go.

Alex Neil: I thank the member for agreeing at one remove to take the intervention.

On Labour Party policy, will that party support our proposals to end the right to buy for new council housing?

Johann Lamont: As the party that modernised the right to buy, which made a huge difference, we do not have a problem with looking at the policy. However, we have a problem with the housing policy with which it is to be substituted. What hypocrisy from a man who spends money on low-

cost home ownership and will not tell us the figures on the number of houses that are built for social rented housing rather than ownership. To pretend that the policy is radical is bizarre.

There is to be no action to address the weaknesses in the child protection procedures but, oncrofting, the silence is even more remarkable. As has been said, the SNP is to be congratulated on itscrofting proposals, as it has managed to unite every authoritative and respectedcrofting commentator and representative in opposition to its proposals. However, the SNP has the audacity to lecture those who protect those communities and the way of life that has sustained them because they do not agree. There is no radicalism on land reform—in fact, there is a dismantling of that, too.

When there is a huge yawning silence on those matters, in steps the First Minister to compound the offence. He used the language of equality and talked of a glass ceiling. That is the language that captures the idea of a denial of opportunity, but the First Minister used it to describe his notion of Scotland and all us oppressed Scots together, who need to be separated from the rest of the United Kingdom. In that one phrase, we have Alex Salmond's refutation of the need for social justice in Scotland. It seems that he really believes that that is the one defining trait and the factor that determines all our life chances. The issue is not about people being left neglected in chaotic homes, disability, women facing domestic abuse or people facing the consequence of being unable to access education. Instead, it is about being Scottish—being a clan chief, a landowner, a crofter or someone from Glasgow. All together, we need to be liberated. What nonsense. That explains why Alex Salmond thinks that the referendum matters and that is why we disagree. We will ensure that the Parliament takes its responsibility seriously to produce a programme that will make a difference to the people of this country.

16:53

The Deputy First Minister and Cabinet Secretary for Health and Wellbeing (Nicola Sturgeon): It is customary at the start of summing-up speeches to say that the debate has been good. In truth, there have been some excellent contributions from members such as Linda Fabiani, Stewart Maxwell and Alex Johnstone—I did not agree with a single word that he said, but he said it very well indeed. I also mention Alex Neil, with or without microphone, Kenny Gibson, who as always was calm, reasonable and understated, and Ian McKee. Ross Finnie I think has missed his vocation as a stand-up turn at the fringe, but we are

nevertheless glad to have him here. However, despite the sterling efforts of those members and others, I must agree with Sandra White that the debate has been characterised more than anything by the sense of gloom that emanated from the Opposition benches in general, and what can only be described as the bitterness from the Labour benches in particular.

Rhona Brankin: Will the minister give way?

Nicola Sturgeon: Not just now—maybe later.

Johann Lamont said that there were no words about equality in Alex Salmond's statement. The problem with Labour is that, on equality, words were all that it ever had, whereas this Government prefers action. Johann Lamont still will not say whether Labour will vote to end the right to buy. This Government acts and does not just talk—that is why we are popular, which is why Labour is so deeply bitter. I offer Johann Lamont a little fact to chew over: Alex Salmond did not praise Margaret Thatcher, but Gordon Brown entertained her in Downing Street. I wonder what that says about Labour and the SNP.

Iain Gray started his speech today with the weary observation that it feels as if

“one parliamentary term”

is

“blurring into another”

and

“we have never really been away.”

I hate to be disloyal to the First Minister, but I have to say that, in his contribution, Iain Gray did a better impression of the Rev I M Jolly than Alex Salmond has ever managed. Listening to Iain Gray's contribution was like groundhog day—the same old downbeat, depressing, glass-half-empty carping that we have come to expect from a Labour Party that has lost not just its way but any idea of what it is for.

Cathie Craigie: Will the minister give way?

Nicola Sturgeon: Not just now.

What is most interesting about Labour's contribution is its year-zero approach—it never lets the facts get in the way of a political attack. I offer just two examples. Iain Gray criticises the Government on knife crime sentencing but forgets to point out that, under Labour, the average sentence was 116 days, whereas it is now 217 days. Then Cathy Jamieson selectively picks areas in which she alleges that the NHS in England is ahead of the NHS in Scotland. What she does not tell us is that it was Labour that failed to introduce C diff surveillance when England did and that it was Labour that failed to set an 18-week target when England did. Labour glosses

over the fact that it is this Government that has cases of hospital infection coming down and waiting times at an all-time low. No wonder Labour has no credibility and Iain Gray struggles to get into double figures the number of people who think that he would make a good First Minister.

Rhona Brankin: As I said in my speech, no education legislation was mentioned in the programme for government today. Will the minister reiterate Alex Salmond's promise to deliver primary class sizes of 18 or fewer by 2011? Why has no legislation to guarantee minimum class sizes been included in his programme for government?

Nicola Sturgeon: As Rhona Brankin knows, class sizes under this Government are lower than they ever were under the previous Government. That is another fact that Labour chooses to ignore.

I move on to the Tories. Annabel Goldie was a wee bit cheerier and I give her 10 out of 10 for bravery, although many people might think that a Tory leading on the council tax is more foolish than brave given that it was the Tories, ably assisted by Labour, who were responsible for the 100 per cent increase in the council tax and that it is this Government that has frozen it, not once but twice. People are under no illusion about the unholy Labour-Tory alliance that blocked fair taxation based on the ability to pay.

Derek Brownlee (South of Scotland) (Con): Will the minister take an intervention?

Nicola Sturgeon: Not just now.

The main body of Annabel Goldie's speech, repeated by David McLetchie, was an impassioned plea for public sector cuts and reform, which we all know is a Tory euphemism for privatisation. I make it clear to Annabel Goldie and the Tories that the Scottish Government has no choice but to deal with Labour's £500 million of cuts. As we do so, however, the Government will work to protect the services on which the public rely and we will keep them in the public sector. We will not hive them off for profit as the Tories would do.

Tavish Scott's contribution was possibly the most disappointing of all today, perhaps because, naively, I expect so much better from him. What the Liberals forget is that if they could lift their eyes from party politicking for just a moment, they would find so much in the Government's programme with which to agree. Liberals are not known for their consistency, but there was a fantastic example of their inconsistency today. No sooner had Tavish Scott left the chamber after criticising the Government for not cutting quangos than Margaret Smith got to her feet to attack the Public Services Reform (Scotland) Bill, which is all

about cutting quangos. That is another example of Lib-Dem flip-flopping. *[Interruption.]*

The Deputy Presiding Officer: Order.

Margaret Smith: Will the cabinet secretary take an intervention?

The Deputy Presiding Officer: The minister has no time to take an intervention.

Nicola Sturgeon: The collective bad mood of the Opposition parties was not the only thing that united them today. They also—shamefully and unbelievably—united in opposition to democracy itself, with all of them threatening to block a referendum bill. One thing confuses me: if, as we heard from more than one MSP, a referendum is “doomed”, and if Pauline McNeill is right in saying that there is a consensus against independence, why will the Opposition parties not put that to the test? Why are they so terrified of the prospect? We all have different views on the future of Scotland. Patrick Harvie got it absolutely right when he said that it is up to the people of Scotland to choose. If the Opposition parties oppose a referendum, how do they intend to demonstrate support for their proposals? The Scottish Parliament was established by referendum and any advance on that has to be put to the people in a referendum.

The Deputy Presiding Officer: You should be winding up, cabinet secretary.

Nicola Sturgeon: That is the case that we will make. As we make it, we will be proud to enter our third year of government, during which time we will continue to deliver for the people of Scotland.

Decision Time

17:01

The Deputy Presiding Officer (Trish Godman): There are no questions to be put as a result of today's business.

Insulin Pump Therapy

The Deputy Presiding Officer (Alasdair Morgan): The final item of business is a members' business debate on motion S3M-4723, in the name of David Stewart, on insulin pump therapy. The debate will be concluded without any question being put.

Motion debated,

That the Parliament acknowledges the benefits that insulin pumps have for people with type 1 diabetes in assisting with the condition; notes that between 4% and 14% of people with type 1 diabetes meet the criteria for eligibility for insulin pump therapy under current clinical guidance; notes the variation in financial provision across NHS boards for insulin pump therapy, whereby in Fife funding has been allocated for 10 pumps per year, whereas in Highland there is no separate budget despite all NHS boards having received funding for access to insulin pumps; further notes the differences in waiting times for eligible patients whereby in Lothian the average waiting time including waiting for training and education is estimated to be around 12 months and in Grampian and Orkney the current waiting time is six months; notes with concern the low level of insulin pump usage in Highland, which, at 0.9 per cent is the second lowest in Scotland, after Ayrshire and Arran; believes that further steps are required to monitor NHS boards to avoid a postcode lottery for patients with insulin-dependent diabetes, and looks forward to renewed commitment to action on diabetes in Scotland in 2010 and beyond.

17:02

David Stewart (Highlands and Islands) (Lab): I welcome the opportunity to debate access to insulin pumps and thank members throughout the chamber who signed the motion and who have deferred travelling to their constituencies and regions to be here this evening.

I warmly welcome to the gallery members of the insulin pump awareness group and representatives of Diabetes UK. On a quick personal note, I welcome my son, Andrew, to the gallery. He is doing a PhD in neuroscience at the University of Edinburgh. This is his first time in the Parliament. I hope that he is not after my seat.

Why have another debate on diabetes? As members are aware, Scotland has the third highest incidence of diabetes in the developed world. Diabetes is the main cause of blindness in those of working age in Scotland. Also, half of all non-traumatic lower limb amputations are due to diabetic complications. According to NHS Quality Improvement Scotland, diabetic care now costs £1 billion, which is 10 per cent of the national health service budget. As members will be well aware, diabetes is a condition where the body cannot use glucose properly. If untreated, it can lead to heart disease, stroke and kidney complications.

There are, of course, two forms of diabetes: type 1, or early onset diabetes, which—as the name

suggests—usually develops in younger people, and type 2 or maturity onset diabetes, which in the main affects people over 40 and which is the most prevalent form of the condition.

Many members will be aware of my campaign, and that of Diabetes UK, for a high-risk screening programme for type 2 diabetes for those who are over 45 and have a family history of diabetes or are overweight.

The purpose of the debate is to argue for the greater use of continuous subcutaneous insulin infusion or—as is perhaps easier to pronounce—insulin pump therapy for eligible type 1 diabetics. The campaigning slogan from Diabetes UK Scotland is pump up the volume—it is about ensuring that those who could benefit from the improved quality of life provided by a pump are not denied one.

In its submission to the Government's consultation on better diabetes care, Diabetes UK Scotland quoted the mother of a 13-year-old boy with type 1 diabetes, who said:

"Scotland is in the dark ages as far as access to pumps is concerned. This must be addressed. Rates of type 1 diabetes on pumps is amongst the poorest in Europe—there is a real postcode lottery."

What does an insulin pump do? The pump is an external device that continually infuses insulin into the user's body and controls glycaemic levels, which many users would otherwise struggle to do. With the pump, insulin levels can be increased simply by pressing a button on the pump instead of using a pen needle, which can be embarrassing for individuals, particularly when they inject in public. I heard earlier from the pump action group that it is greatly reassuring for parents whose children have pumps to know that they have their pump with them when they are out and about at weekends and so on—that is especially the case with teenagers.

Insulin pumps empower users to have greater control over their condition as it gives them a more flexible and reliable means of managing their glycaemic levels. Improved control over health means an improvement in the quality of life, fewer hospital visits, a more productive work life and less stress at home. Fewer hospital admissions and a reduction in primary care contacts mean that there is less strain on the national health service.

Diabetes UK Scotland has argued that more than £23,000 could be saved over two years, which would comfortably offset the initial cost of providing pump therapy. It is important to consider the big picture and to compare the cost with that of poorly controlled diabetes: a one-night stay in hospital following admission to accident and emergency for a diabetic emergency costs about £410, one course of laser treatment for retinopathy

costs about £850, one procedure of dialysis treatment costs £500 and renal dialysis for one year costs more than £15,000.

The National Institute for Clinical Excellence guidelines estimate that between 10 and 15 per cent of Scotland's 27,500 type 1 population is eligible for pump therapy, yet only 1.6 per cent of type 1 diabetics—roughly 448 people—have a pump. The English figure has been estimated by one consultant to be around 5 per cent. Why is there such a disparity? Do people with type 1 diabetes in Scotland have a lesser need than patients over the border? The user group for insulin pumps tells me that more than 40 per cent of eligible type 1 patients at a paediatric clinic in Leeds are on pump therapy.

I did a little international comparison. In the United States, 40 per cent of eligible type 1 diabetics have a pump. In Israel, the figure is 20 per cent, and in Germany it is 18 per cent. As the minister will be aware, in July 2009 I asked a parliamentary question on pumps. It was a simple question about the percentage of type 1 diabetics who are users of pumps, broken down by health board area. I shall give a quick summary of the response—I am glad that I have Cathy Jamieson next to me; she has taken an interest in the issue. The figure for NHS Ayrshire and Arran was a disgraceful 0.1 per cent—a dunce's cap for that health board. In NHS Greater Glasgow and Clyde it was 1.9 per cent, in NHS Fife it was 2.4 per cent, in NHS Lothian it was a bit better at 3.2 per cent and in NHS Tayside it was 4.2 per cent. I am sure that Mary Scanlon will take an interest in the figure for my local NHS board—a pitiful 0.9 per cent. I ask the simple question: if it is good enough for Hollywood, Honolulu and Houston, why is it not good enough for Highland?

Type 1—or early onset—diabetes has a peak age diagnosis of around 10 to 14 years, so those with type 1 will have a lifetime experience of the condition. A close relative of mine was diagnosed with type 1 when he was 12. He died in 2007, aged 75, having had 63 years' first-hand experience of the condition. He told me about the regular pen needle injections and having to balance each dose.

As we all know, too little insulin can lead to hyperglycaemia, coma or death. Insulin pumps give greater control over blood glucose levels, which reduces the chance of diabetics developing complications. Pumps give precise doses, which lowers blood glucose and increases life expectancy, as was confirmed by the recent diabetes control and complication trial study.

An insulin pump is about the size of a pager—and, as someone recently said to me, it is probably less irritating. It is also the closest substitute to the body making and delivering its

own insulin. I accept, of course, that the cost is initially higher than the alternative, but in the long term there will be savings through fewer hospital admissions.

The big picture is to seek an end to postcode prescribing. We need to monitor what health boards are doing more closely. I am sure that the minister will mention that in her summing up. We need to ensure that health boards implement national targets.

In its response to the "Better Diabetes Care" consultation, Diabetes UK Scotland said:

"The difficulty appears to be the result of a number of pressures to the system: local resources are inefficient, business cases are slow to be made; there are pockets of professional scepticism about the effectiveness of pump therapy that spring more from a historical basis ... It appears that questions around costs and accuracy of quality of life measurement remain with the health service."

I think that I have made the benefits of pumps clear. They are simply these: a decrease in blood glucose levels; a reduction in insulin levels; a reduction in severe hypoglycaemia episodes; and a fall in the number of hospital admissions.

I ask the minister to pump up the volume, to spread the word on the effectiveness of insulin pumps and to give hope and confidence to our young people and to diabetics of all ages about being able to live their lives free of diabetic complications.

The Deputy Presiding Officer: We come to the open debate. As a substantial number wish to speak, I ask members to limit their contributions to four minutes.

17:12

Kenneth Gibson (Cunninghame North) (SNP): I congratulate David Stewart on securing this debate on an issue of great importance for many families throughout Scotland. As we have heard, type 1 diabetes is a particularly unpleasant, completely unpreventable, condition. Many sufferers are subject to symptoms such as extreme tiredness, anxiety, weight loss and persistent thirst, and life expectancy is reduced by 23 years, on average.

Although the condition is not preventable, a strict regime that includes regular planned exercise, a carefully planned diet, regular blood glucose testing and multiple daily injections of insulin can allow sufferers to lead as normal a life as possible. I imagine that everyone here agrees that that cannot, by any stretch of the imagination, really be considered to be a normal lifestyle, however. Looking around the chamber, I am well aware that the vast majority of members do not have a carefully planned diet or take part in regular planned exercise—I certainly do not—never mind

devoting large portions of the day to regular blood testing and insulin injections.

Colleagues will agree that any measures that can improve the standard and expectancy of life for type 1 diabetes sufferers in Scotland should be taken. It is vital that awareness and knowledge of insulin pump therapy is increased throughout Scotland.

Jenny, aged 11, lives in Fairlie in my constituency. She is insulin-dependent type 1 and has been since the age of three. Jenny has been on a basal-bolus regime since she was seven, which involves an average of six injections a day. As members will appreciate, a child who lives with 2,000 injections a year would absolutely love to have an insulin pump, which requires only a set change every three or four days.

While she was living in England, Jenny's parents asked her consultant whether she could have a pump. He said no. Because she co-operated with respect to her care and kept excellent control, she did not meet the criteria. That is equal to someone being told that it is only if they do not give a damn about their care and let the disease spiral out of control that they will be considered for the best type of treatment.

Thankfully, Jenny has continued to co-operate on her care. She asked again this year about the possibility of a pump, at Crosshouse hospital. Again she was denied. She did not meet the criteria. That insult was compounded with the closing comment, "It's only a few injections," as if a child having six injections a day has no right to seek better alternatives.

Not everyone who suffers from type 1 diabetes is eligible for the treatment, but the benefits for those who are eligible are dramatic. Although regular insulin injections work, it is difficult to achieve a perfect blood-glucose balance, which can lead to further health problems. Insulin pumps remove the element of chance by providing precise and adjustable dosing, which in turn leads to a greater quality of life and greater life expectancy.

The number of patients who receive insulin pump therapy varies dramatically, as David Stewart pointed out. Like Cathy Jamieson, I am a member for the area that is covered by Ayrshire and Arran NHS Board which, as we have heard, provides pumps to—the figure is, frankly, embarrassing—0.1 per cent of patients. Only two people in the health board area receive insulin pump therapy. In Tayside NHS Board, the rate is 4.2 per cent.

Funding for treatment is equally varied. Ayrshire and Arran NHS Board allocates funds for a mere three new pumps per year, Lothian NHS Board has a budget of £382,000 for insulin pump

therapy, and Dumfries and Galloway NHS Board and Highland NHS Board have no separate budgets for the therapy.

The Minister for Public Health and Sport (Shona Robison): I have information on Ayrshire and Arran, which the member might find useful. As I understand it, a redesign of the dietetic resource is going on, to support the insulin pump service. It is expected that the service will be provided by October, so pump provision should improve. I will take a close interest in the matter, as I am sure will the member.

Kenneth Gibson: I am delighted to hear that. I was contacted by constituents about the issue only this week. If that redesign is taking place, I hope that people whose children need insulin pump therapy will be told about it and able to access the therapy as soon as possible.

Funding is difficult to come by, of course, and the initial cost of insulin pump therapy is greater than the cost of treatment by multiple daily injections, but David Stewart elucidated well the point that embracing the technology is an investment in the health of our nation. Insulin pump therapy is a sensible and ultimately cost-effective method of treating sufferers.

The Deputy Presiding Officer: The member should conclude.

Kenneth Gibson: I will finish on that point, then.

The Deputy Presiding Officer: I am obliged.

17:16

Karen Whitefield (Airdrie and Shotts) (Lab): I welcome the opportunity to speak in the debate on insulin pump provision, which is an important issue, and I congratulate Dave Stewart on securing the debate and on his dogged determination to raise the profile of diabetes in the Parliament and to highlight the need for insulin pumps. He secured a members' business debate on increasing access to insulin pumps last year; tonight's debate gives us an opportunity to reflect on progress at Scotland and health board level on ending the postcode lottery of care and ensuring access to insulin pumps for everyone who meets the criteria, wherever they live in Scotland.

It is unfortunate that, throughout Scotland, there is still far too little access to insulin pump therapy. The Government has committed to monitoring its availability closely. I would appreciate an update from the minister on that work and on how the Government plans to ensure that Scotland achieves the rates that are proposed in the NICE guidance, according to which between 4 and 15 per cent of people who have type 1 diabetes in Scotland should benefit from insulin pump therapy. Currently, only 450 people who have been

diagnosed with type 1 diabetes are using pumps. If the 15 per cent rate were achieved, more than 4,000 people would be on pumps. That would be a tenfold increase on the current provision. Substantial progress must be made if we are to achieve the rates in the NICE guidance.

Scotland's record is poor in comparison with that of other western countries. Scotland is at the bottom of the league table of western health care systems' delivery of insulin pumps. In Lanarkshire, which I represent, only 1.1 per cent of the people who have type 1 diabetes have a pump—the third lowest percentage in Scotland. Even if all health boards in Scotland achieved only the minimum, 4 per cent uptake, another 651 people in Scotland would benefit from insulin pump therapy, which would undoubtedly make a difference to their lives.

Despite the existing guidance and policies and despite the apparent commitment at national and health board level, the majority of people who could benefit from insulin pumps simply do not have access to that valuable therapy. Too many diabetics continue to fight against a health service that is reluctant to grant them access to such treatment.

Although there is no doubt that substantial costs are associated with the treatment, considerable savings to the NHS can accrue when people use insulin pumps. Diabetes UK Scotland estimates that the reduction in the need for on-going clinical intervention for problems such as recurrent hypoglycaemic episodes and hyperglycaemia could result in savings of up to £23,500 per patient over just two years. Those savings could be offset against the cost of maintaining a patient on insulin pump therapy.

A recent survey by Diabetes UK Scotland found that pumps are within the top five priorities for local service development, especially for parents of children with diabetes. However, although NICE has recommended that between 15 and 50 per cent of under-12s with diabetes would be suitable for pump therapy, the latest statistics show that we have only 57 under-15-year-olds in Scotland on pumps.

Other members have mentioned Diabetes UK's campaign to pump up the volume. I am wearing my campaign badge tonight and encourage other members to do the same.

The Deputy Presiding Officer: That is a good point on which to conclude.

17:20

Mary Scanlon (Highlands and Islands) (Con): I, too, congratulate David Stewart on securing the debate. It is appropriate that we discuss insulin pump therapy again, given the commitment that

the Cabinet Secretary for Health and Wellbeing made in the debate 15 months ago:

"I will ensure that I and the Scottish diabetes group continue to monitor closely insulin pump programme availability throughout Scotland".—[*Official Report*, 21 May 2008; c 8840.]

Despite that monitoring, we still have pitifully low numbers of people on the therapy in Scotland—only 1.6 per cent of those with type 1 diabetes have access to insulin pump therapy.

There are many benefits to using the treatment, which has been with us since the 1970s. The large uptake of pumps in Europe and the USA is testament to the progress that has been made. The benefits of the therapy have been stated, so I will not repeat them. My colleague Nanette Milne made a good point in the previous debate when she described it as

"a spend-to-save provision that concurrently leads to improved quality of life for successful users of the technology."—[*Official Report*, 21 May 2008; c 8833.]

The National Institute for Clinical Excellence's technology appraisal 151 also fully endorses the value-for-money argument.

It is recognised that not everybody is suitable for an insulin pump. As the motion states, only 4 to 15 per cent of people with type 1 diabetes meet the current criteria for the therapy. It also needs a commitment from the patient, backed up with support from the health care team. However, the benefits are evident.

As Karen Whitefield said, only 57 children in Scotland currently use pump therapy, but according to NICE's estimates, it should be at least three times that. In the Highlands, as David Stewart mentioned, the figure is embarrassing—a word that Kenneth Gibson used—to say the least and probably pitifully low. I understand that no patients under the age of 18 use insulin pump therapy in the Highlands, despite its being available in many other health board areas in Scotland.

The other health board that I will mention is the one that is covered by my colleague John Lamont, who would have liked to attend the debate but has another commitment. He has been contacted by a constituent whose 11-year-old son needs, and is appropriate for, an insulin pump, but has been told by NHS Borders that there is no money for it. I know from parliamentary answers that one person under 15 in the Borders is on the therapy. As other members have done, I ask the minister to comment on what appears to be a rationing policy, if not postcode prescribing. Given the fact that all health boards should have an insulin strategy that covers the full range of insulin use, I also ask the minister to look into the situation in NHS Highland.

I have also been made aware of patients in the west of Scotland who have been described as being "neurotic" for urging consultants to consider the insulin pump therapy option. As David Stewart said, a treatment that can end daily injections and the embarrassment that they can bring, and which can reduce worry, allow more flexible eating and improve care quality and sleep patterns for patients must be encouraged.

In my opinion, the main benefit must be the long-term improvements to health. Diabetes increases the incidence of many life-threatening conditions, but I am told that insulin pump therapy can protect the vital vascular system from that future deterioration.

The Deputy Presiding Officer: The member must conclude.

Mary Scanlon: I will leave it there.

17:25

Cathie Craigie (Cumbernauld and Kilsyth (Lab): As has been said, Parliament had the opportunity to discuss this important matter in May 2008. I thank Dave Stewart for securing this evening's debate and for rightly keeping the matter to the fore. He clearly outlined the cost benefit for patients and the NHS, so I will not go over that.

Members know that this time is set aside during the parliamentary week to allow members to highlight issues. No decision is taken on the debates, as the Presiding Officer always reminds us, but we listen carefully to what the final speaker—the minister—has to say. At the previous debate on the issue, the Deputy First Minister and Cabinet Secretary for Health and Wellbeing told us that the Government was

"committed to ensuring that people with type 1 diabetes who meet the criteria should have access to the insulin pumps that deliver therapy."—[*Official Report*, 21 May 2008; c 8838.]

I welcomed that commitment, but I am told that people who meet the criteria are still not getting quick access to that therapy. We have heard during the debate how such access varies around the country.

One of my constituents raised with me the experience and difficulties that his young relative has had in that regard. That young man, who is now 16, was diagnosed with type 1 diabetes four years ago. The diagnosis was a nightmare for him. He was and is needle phobic, so members will understand the other difficulties that he has to live with daily. Last summer, he became unwell and, while looking for ways to feel better, started chatting to other young people via the internet. Sadly, he had never met anyone of his age with type 1 diabetes because he was, on diagnosis,

referred straight to adult services. I am sure that people will agree that that is a sad situation for a young person. Many of the young people whom he sought out and spoke to told him that they used insulin pump therapy, and that it had brought great benefits to them, to the quality of their lives and to that of other family members.

Over the past year, that young man and his mother have had a long and stressful battle with the NHS to get a pump. He is sure that his symptoms, his swings in blood-glucose levels and the negative impact that they have on his quality of life and ability to enjoy everyday things would be greatly improved if he had pump therapy. His family are still hopeful that he will get a pump, because they believe that he meets the criteria that have been set. However, he needs the pump now, at a time in his life when he has so much to do to complete his school education and get qualifications that will open doors on the quality of his life and his aspirations for the future. However, he still does not have the pump.

That was a short story about a young 16-year-old boy. We heard Kenny Gibson give the example of a young girl in his constituency. I am sure that the story can be replicated across the country—there are loads of people out there with similar experiences. I say to the minister that, although we welcome the commitment that was given last year, it is not good enough that people's quality of life is being wasted—we need action now. We have heard the arguments about the cost benefits, and I am sure that we all accept that they are right. People who meet the criteria should therefore have pump therapy now. I believe that the minister has the power to direct the health boards in that regard. I know that the boards should drive the issue, but I ask the minister to use the power that she has to direct boards to get on with the work and improve the quality of so many people's lives up and down the country.

17:29

Ross Finnie (West of Scotland) (LD): I, too, congratulate David Stewart on securing the debate and on his continued interest in the matter.

I must make a declaration of interest, Presiding Officer, but it is not one that you will find in the members' register of interests. Nevertheless, it is appropriate on this occasion. I have been a type 1 diabetic for 44 years. I am very sparing in the public contributions that I make to debates on diabetes, but I regard the issue as singularly important. I therefore elected to seek to contribute to the debate, and the Presiding Officer granted me permission to do so.

I am philosophically very opposed to categorising people into great cohorts. One real

difficulty that arises from the tremendous surge in the numbers of diabetics is that people suddenly find that they have become simply a type 1 or a type 2 diabetic. If we are to treat people at all, we need to treat them as individuals. That could not be more true than in the case of diabetes, given that the individual who suffers from diabetes can exhibit a wide range of different symptoms. For example, I do not have a pump—I am not entirely persuaded that my medical advisers think that I am well-balanced, but that might be more to do with my mental state than with my balance in terms of an insulin regime. Individuals are different, and they need to be treated as individuals.

One or two issues need to be raised in any debate on pumps. We cannot simply take pumps in isolation. As an individual, I am increasingly concerned about the lack of awareness on the part of those who deal, very earnestly and honestly, with people who have a diabetic condition. There is sometimes a lack of understanding and awareness of the condition and the individual nature of the treatment. Some people in the health service are excellent—do not get me wrong about that—but I find too often that people do not understand the condition and therefore fail to communicate to the patient the necessary understanding of what diabetes is and what it is about. I am astonished that, even with the introduction of the excellent DAFNE—dose adjustment for normal eating—programme, I meet people who believe that they can control their diabetes only by insulin and by nothing else. They hopelessly misunderstand other elements that are necessary. Therefore, I believe that we cannot make progress on insulin pumps against a background in which those who give advice on diabetes do not communicate an adequate understanding of the condition to those who suffer from it.

Nevertheless, I am absolutely clear that the present number of people who have access to pumps, and the way in which that access is given, is—to be honest—totally and completely unacceptable. The new National Institute for Health and Clinical Excellence guidance has been an improvement, but there are two issues with the guidance, one of which Kenny Gibson mentioned when he talked about his constituent Jenny. The guidance suggests that people should become eligible for a pump where insulin therapy has “failed”. There are good medical reasons for that, but the use of such phraseology is unfortunate. Insulin pumps should not be regarded as available only for those for whom insulin therapy has failed. The adjudication should be on the basis of individual need, not on a presumption of failure. In addition, the guidance suggests that insulin pump therapy should be made available to under-12s

when multiple injections are regarded as “impractical or inappropriate”. That recommendation acknowledges that a degree of subjectivity is involved, yet the guidance does not permit enough people to be eligible.

The insulin pump awareness group and Diabetes UK are to be congratulated on their recent campaign. The figures are unacceptable: far too many people are suffering who should not need to suffer. I hope that we can agree that, as well as widening our understanding of what diabetes is and what is necessary to control it, there ought to be a substantial increase in the number who are eligible to access pump therapy in Scotland.

17:33

Hugh Henry (Paisley South) (Lab): I congratulate David Stewart on continuing to bring to our attention an issue that is of great significance to far too many people throughout Scotland.

Let me welcome a number of the campaigners who are in the public gallery tonight. They include Fiona Campbell, who is from my constituency. Unfortunately, Dorothy Farquharson from my constituency, who had intended to be present, is unable to be here due to illness. The other campaigners from the west of Scotland include Martyn Cross from Barrhead—in Ken Macintosh’s constituency—who is a young beneficiary of insulin pumps.

I must gently chide David Stewart on his pronunciation. In comparing where insulin pumps are available, he said that they are available in Hawaii but not in Highland, and in Houston but not in Highland. I think he meant Houston, Texas, because, as his figures showed, people who live in Houston, Renfrewshire, do not have the same access to insulin pumps, which, as Ross Finnie, Mary Scanlon, Karen Whitefield and others have said, is an absolute disgrace.

In the conversation that I had with the campaigners this afternoon, I was struck by the difference that appropriate access to insulin pumps has made to people’s quality of life. Ross Finnie is right—they are not for everyone—but when they are for someone, they can make a huge difference. Fiona Campbell described to me what a huge difference having a pump has made to her—I hope that she does not mind me using her case as an example. For 20-odd years, she had to go into hospital every two to three weeks because of issues to do with her diabetes, but since she has had access to a pump she has had weeks and months when that has not been an issue.

Leaving aside the human benefit to Fiona, if the cost benefit that is associated with that relief were repeated, the benefit to the health service would be huge. It is true that an up-front investment of £2,500 to £2,700 per pump is required, but the long-term benefits to the health service are incalculable, as is the difference that use of a pump can make to the quality of life of the people concerned. The case has been made for those to whom a pump is available.

One thing about this afternoon’s conversation that disturbed me is the uncertainty that still exists among clinicians. Fiona was told that it would be dangerous for her to have a pump but, now that she has used a pump on a trial basis, she has been told that it would be dangerous for her to come off it. It is clear that there is an issue for politicians and health boards to address, but that inconsistency of approach suggests that there is also an issue for clinicians.

Fundamentally, what we are looking for, as Mary Scanlon said, is a commitment to progress. The warm words of a year to 15 months ago are appreciated, but now it is time for delivery. The minister and the cabinet secretary should use their undoubted influence so that progress on the matter can be made right across Scotland.

The Deputy Presiding Officer: At this stage, I would be prepared to accept a motion without notice to extend the debate by up to 10 minutes.

Motion moved,

That, under Rule 8.14.3, the debate be extended by up to 10 minutes.—[David Stewart.]

Motion agreed to.

17:37

Nanette Milne (North East Scotland) (Con): I, too, am pleased that David Stewart has secured the debate and thank him for his efforts in doing so. My comments will be fairly brief but, given that I chaired the breakfast meeting on insulin pumps that the cross-party group in the Scottish Parliament on diabetes held before the summer recess, I thought that I should make a short contribution to this important debate.

I am sure that the members who are present who also attended that breakfast meeting will have been as impressed as I was by the enthusiastic support for their pumps that was expressed by the patients who possessed them, and by the medical presentation about the effectiveness of pumps in improving glycaemic control in suitable patients. A gentleman from the London area gave us a notable account of his experiences. His blood sugar was maintained at stable and near-normal levels, and his quality of life had improved

enormously since he began to use his insulin pump.

That was in stark contrast to the frustration of those who could have, but do not yet have, insulin pumps, which was expressed forcibly by members of the insulin pump awareness group. Their pleas were quite moving because it was clear that they or their children were having a hard time controlling their diabetes and that their quality of life was less than ideal.

It is quite concerning that, across Scotland, an average of just over 1.5 per cent of type 1 diabetic patients currently use pumps, when NICE guidance indicates that up to 14 per cent of patients should be considered as suitable users of pumps. It is also concerning that there is considerable variation in health boards' provision of the service and in waiting times for pump provision.

I know that health boards are having to look carefully at their budget priorities at a time of increasing financial constraint, but the provision of insulin pumps to appropriate patients is undoubtedly a spend-to-save exercise, as the resultant improved blood sugar control and reduced incidence of complications will inevitably lead to fewer primary care contacts and fewer out-patient and in-patient hospital attendances. As David Stewart told us, according to one published study, that will mean an estimated saving of around £23,500 over two years, which surely represents good value for money.

Pumps are also popular with patients. It is notable that they are popular with parents of children and adolescents with type 1 diabetes, who will be confident that their offspring's blood glucose is easier to control effectively, with less risk of severe and incapacitating hypoglycaemic episodes. As Ross Finnie said, the NICE guidance recommends pumps for children under 12 if multiple injections of insulin are reckoned to be inappropriate or impractical.

This is not a good time to urge health boards to spend extra money. They are looking to tighten their financial belts. However, if insulin pumps are used for appropriate patients according to up-to-date NICE guidance, they will soon pay for themselves in savings for the NHS. I hope that the minister will look to health boards to make sensible investments in insulin pump therapy, to ease the postcode lottery for patients with type 1 diabetes, to help those whose condition is suitable for such therapy to lead less complicated, more enjoyable and healthier lives, and to avoid some of the complications of such a serious long-term condition.

17:41

Dr Richard Simpson (Mid Scotland and Fife)

(Lab): I, too, congratulate David Stewart on securing the debate, which is the third debate on diabetes in the Parliament. As Nanette Milne said, we received a helpful briefing on the subject at a breakfast meeting. From that, I thought that it was now beyond dispute that patients' lives can be turned round and transformed by pumps, and that no one should need to be convinced of that.

As Kenny Gibson and Ross Finnie said, it is inappropriate to see pumps as being only for people whose treatment fails. They are for people who have particular problems that need to be treated. There is a catch-22 situation that needs to be considered.

I want to ask a series of questions rather than make a speech. I assure the minister that I do not expect all those questions to be answered today, but perhaps they could be answered in due course.

Sixteen months on, why is the usage figure at only 1.63 per cent? Why has only one health board met the lower level of the NICE target, which is 4 per cent? Does the minister accept the guideline figure of up to 14 per cent, or is there another Scottish benchmark? In her accountability reviews, has she raised with any boards their poor performance on this? It is 14 months since we first debated the matter. Cathy Jamieson was then promised that there would be contact with all health boards that were performing poorly. Has that been done? What was their response? Perhaps the minister could place a detailed response to that question in the Scottish Parliament information centre.

The situation in Ayrshire and Arran is appalling. For the health board there to say to David Stewart that it plans to reach 1 per cent usage in three years indicates that we are not really getting a grip of the matter. If a board thinks that it can get away with a level of 1 per cent three years on, it must be asked serious questions.

The other two areas in which there is pump usage of 1 per cent or less are Highland and Greater Glasgow and Clyde, which has not been mentioned in particular. The usage there is 1 per cent. That is one of the biggest areas. There is mass deprivation in it and serious diabetes complications. What on earth is NHS Greater Glasgow and Clyde doing?

How many and which boards have committed specific spending to pumps? How many have now produced business plans? Perhaps information on that could be placed in SPICe. How much of the change and innovation funds, which are now called health improvement funds, has the Government allocated to redressing the balance

and dealing with what is becoming a national scandal? What steps will the minister take to ensure rapid progress to the minimum target?

We have found it difficult to interrogate boards on waiting times—that is also clear from answers that David Stewart has obtained. The outliers appear to be Grampian and Orkney at six months. Is there a common data set and common collection? If not, why not? Will that be part of the 18-week referral-to-treatment guarantee?

I appreciate that there are many pressures on the ministers, not least as a result of swine flu over the summer and upcoming legislation on tobacco and alcohol, and that it is not their job to micromanage the service. However, the second most important fact in considering the issue is that rapid implementation will bear fruit in efficiency savings, as members have said. Will the minister indicate a model for efficiency savings that can be placed in the boards' efficiency savings targets? That alone will encourage them to spend money in order to save.

The most important fact is that patients have a better quality of life on insulin pumps when they are suitable for pumps. The issue needs to be dealt with before it becomes the subject of a main debate for one of the parties, which will require a decision to be made.

17:45

The Minister for Public Health and Sport (Shona Robison): I acknowledge David Stewart's long-standing commitment to the issue in the Parliament. As members have said, the Cabinet Secretary for Health and Wellbeing noted in her reply to the debate last year that the Parliament would want to monitor the issue closely. This afternoon's debate shows that she was correct in that prediction.

I fully understand the concern of the insulin pump awareness group and Diabetes UK Scotland that those who would benefit should have access to insulin pump therapy. We know that enabling people to achieve better control of their diabetes can promote confidence in their ability to manage their condition and that improved control reduces the devastating complications of diabetes, which members have mentioned. I am also aware that we are, in the main, talking about young people with type 1 diabetes, who have to manage their condition along with all the other things that they have to cope with, especially during adolescence. I can well sympathise with the anxieties of their parents, who naturally want to ensure that their children are getting the best possible care.

For all those reasons, it is already our national policy that each NHS board should have an insulin strategy that covers the full range of insulin usage,

including insulin pump therapy. Ross Finnie made the important point that an insulin strategy must cover all the issues, including communication with patients. We expect NHS boards, in considering their approach to insulin pump therapy, to be guided by the latest evidence on clinical effectiveness. As members have mentioned, that is set out in technology appraisal guidance 151, which was published in July 2008 by NICE and has been validated for Scotland by NHS QIS. Under that technology appraisal guidance, insulin pump therapy should be considered as an option for adults and for children over 12 when multiple dose insulin therapy has failed. I take the point that some members have made about insulin pumps not being used only in response to the failure of other therapies. I will go back and have discussions on that point. Pumps are recommended as a possible treatment for children under 12 with type 1 diabetes if treatment with multiple daily injections is not practical.

Despite the concerns that have been raised, which I totally understand, access to pumps in Scotland has improved, although at a more gradual rate than many would like to see—I accept that. As members have pointed out, there are unacceptable variations between NHS boards in terms of the availability of pumps. So, although we have seen, I think, a 66 per cent rise in the use of pumps throughout Scotland since 2007, the baseline figure was unacceptably low and a lot of progress still requires to be made. I have asked the Scottish diabetes group to keep me regularly informed of progress, and I will write to NHS boards, reminding them of the need to make progress.

Karen Whitefield: The Government is currently undertaking work to review the Scottish diabetes framework. I do not expect the minister to tell us what will be in the revised document, but can she give us an assurance that there will be concrete measures in the revised framework to ensure the roll-out of insulin pumps throughout Scotland?

Shona Robison: I will come on to the framework in a minute.

Some of the credit for the progress that has been made—albeit that there is still more to do—must be given to the measures that we and the Scottish diabetes group have put in place. Chief among those is the regular reporting of the position on a board-by-board basis. Pump availability is a standing item on the agenda of the regular meetings that our lead clinician for diabetes has with the clinical leads of the diabetes managed clinical networks.

The measures also include events such as the very successful insulin pump study day, which the Scottish diabetes group organised in May. The event brought together more than 60 health care

professionals to learn more about insulin pumps from patients, specialists and suppliers. I welcome the fact that other such events are likely to be held in future years. It is at such events that we can perhaps address some of the points that Hugh Henry raised about the differing views among clinicians.

We acknowledge the need to do more, though, and there are a number of opportunities to do so. The Scottish intercollegiate guidelines network is reviewing its guideline on the management of diabetes. I do not want to pre-empt SIGN's work, but the indications are that its advice is likely to be much in line with the NICE technology appraisal. The revised guideline will be accompanied by a resource impact appraisal. That should clearly establish for NHS boards the costs and benefits of further investment in insulin pump therapy over and above other insulin therapies, and encourage them to develop their insulin pump provision appropriately.

The Scottish diabetes group's short-life working group on type 1 diabetes is developing a template for insulin strategies that will help to promote consistency of approach at board level. The availability of insulin pumps within each board will be recorded in the Scottish diabetes survey from this year onwards. That will help to formalise the collection of information on insulin pump usage across Scotland, allow boards to compare their progress with progress in other boards and enable the Government to carefully monitor that progress.

That approach will be supplemented by Diabetes UK Scotland's plans for its pump up the volume campaign, through which it will ask NHS boards to ensure that those who would benefit from a pump are not denied access. The campaign will ask boards to indicate the level of resources that they will allocate to pump provision over the next five years.

The Scottish diabetes group is aware of the need to develop a standard approach to calculating the waiting times for access to insulin pump therapy, which is one of the other issues that is covered by the motion. It needs to be made clear, at the very least, whether the waiting time includes waiting for the essential education and training that are required before someone is able to manage a pump.

Insulin pump therapy and structured education are two of the key issues that are discussed in the consultation document on the revision of the 2006 diabetes action plan, which I launched in May this year. That revision gives us the chance to pull together all this work. The consultation specifically asked for thoughts on how the appropriate availability of pumps should be increased, and what support structures need to be in place to ensure that insulin pump therapy is fully effective.

The word "appropriate" was included deliberately, because we need to be a little bit cautious in this area. Insulin pump therapy requires determination and commitment on the part of the person with diabetes. It does not inevitably lead to better control of blood glucose levels. Children, in particular, need continuing care, especially during the transition through adolescence and into adulthood. The choice of insulin regime should be reached by agreement between the person with type 1 diabetes and the team supporting their care—I think that that was one of the points that Ross Finnie made.

In framing the section of the revised action plan that deals with insulin pump therapy, I can give a guarantee that we will take account of those responses, as well as the points that have been made in the debate. I am happy to come back to Parliament to give members that information. Richard Simpson asked a number of questions, and I will ensure that he gets answers to them. I will make those answers available to others, too, if they would find that helpful.

Meeting closed at 17:53.

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