

MEETING OF THE PARLIAMENT

Thursday 5 November 2009

Session 3

£5.00

© Parliamentary copyright. Scottish Parliamentary Corporate Body 2009.

Applications for reproduction should be made in writing to the Information Policy Team, Office of the Queen's Printer for Scotland, Admail ADM4058, Edinburgh, EH1 1NG, or by email to:
licensing@oqps.gov.uk.

OQPS administers the copyright on behalf of the Scottish Parliamentary Corporate Body.

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

CONTENTS

Thursday 5 November 2009

Debates

Col.

| | |
|---|-------|
| SUPPORTING FAMILIES | 20861 |
| <i>Motion moved—[Elizabeth Smith].Amendment moved—[Adam Ingram].Amendment moved—[Des McNulty].Amendment moved—[Margaret Smith].</i> | |
| Elizabeth Smith (Mid Scotland and Fife) (Con) | 20861 |
| The Minister for Children and Early Years (Adam Ingram) | 20864 |
| Des McNulty (Clydebank and Milngavie) (Lab) | 20867 |
| Margaret Smith (Edinburgh West) (LD) | 20869 |
| Jackson Carlaw (West of Scotland) (Con) | 20871 |
| Dr Richard Simpson (Mid Scotland and Fife) (Lab)..... | 20873 |
| Ian McKee (Lothians) (SNP)..... | 20874 |
| Mary Mulligan (Linlithgow) (Lab) | 20876 |
| Ross Finnie (West of Scotland) (LD) | 20877 |
| Johann Lamont (Glasgow Pollok) (Lab) | 20879 |
| Adam Ingram | 20880 |
| John Lamont (Roxburgh and Berwickshire) (Con) | 20882 |
| ALCOHOL (MINIMUM PRICING) | 20885 |
| <i>Motion moved—[Murdo Fraser].Amendment moved—[Nicola Sturgeon].Amendment moved—[Jackie Baillie].Amendment moved—[Robert Brown].</i> | |
| Murdo Fraser (Mid Scotland and Fife) (Con)..... | 20885 |
| The Deputy First Minister and Cabinet Secretary for Health and Wellbeing (Nicola Sturgeon) | 20888 |
| Jackie Baillie (Dumbarton) (Lab) | 20891 |
| Robert Brown (Glasgow) (LD) | 20893 |
| Michael Matheson (Falkirk West) (SNP) | 20895 |
| Hugh Henry (Paisley South) (Lab)..... | 20897 |
| Nigel Don (North East Scotland) (SNP) | 20898 |
| Bill Aitken (Glasgow) (Con) | 20900 |
| Rhoda Grant (Highlands and Islands) (Lab)..... | 20902 |
| Shirley-Anne Somerville (Lothians) (SNP) | 20904 |
| James Kelly (Glasgow Rutherglen) (Lab)..... | 20906 |
| Mike Pringle (Edinburgh South) (LD) | 20907 |
| Dr Richard Simpson (Mid Scotland and Fife) (Lab)..... | 20909 |
| Nicola Sturgeon | 20911 |
| Mary Scanlon (Highlands and Islands) (Con)..... | 20913 |
| QUESTION TIME | 20916 |
| FIRST MINISTER'S QUESTION TIME | 20924 |
| QUESTION TIME | 20936 |
| SEX OFFENDERS | 20953 |
| <i>Statement—[Kenny MacAskill].</i> | |
| The Cabinet Secretary for Justice (Kenny MacAskill) | 20953 |
| FISHERIES NEGOTIATIONS | 20964 |
| <i>Motion moved—[Richard Lochhead].Amendment moved—[Sarah Boyack].Amendment moved—[John Scott].Amendment moved—[Liam McArthur].</i> | |
| The Cabinet Secretary for Rural Affairs and the Environment (Richard Lochhead) | 20964 |
| Sarah Boyack (Edinburgh Central) (Lab) | 20968 |
| John Scott (Ayr) (Con) | 20972 |
| Liam McArthur (Orkney) (LD) | 20975 |
| Alasdair Allan (Western Isles) (SNP)..... | 20978 |
| Elaine Murray (Dumfries) (Lab) | 20980 |
| Dave Thompson (Highlands and Islands) (SNP) | 20982 |
| Peter Peacock (Highlands and Islands) (Lab)..... | 20985 |
| Jamie McGrigor (Highlands and Islands) (Con) | 20987 |
| John Farquhar Munro (Ross, Skye and Inverness West) (LD) | 20989 |
| Jim Hume (South of Scotland) (LD)..... | 20990 |

| | |
|---|-------|
| Nanette Milne (North East Scotland) (Con) | 20992 |
| Karen Gillon (Clydesdale) (Lab) | 20995 |
| Richard Lochhead | 20997 |
| POINT OF ORDER | 21002 |
| PARLIAMENTARY BUREAU MOTIONS | 21003 |
| <i>Motions moved—[Bruce Crawford].</i> | |
| DECISION TIME | 21004 |
| LEVEL CROSSINGS (FATAL ACCIDENT INQUIRIES) | 21021 |
| <i>Motion debated—[Willie Coffey].</i> | |
| Willie Coffey (Kilmarnock and Loudoun) (SNP) | 21021 |
| Jamie Stone (Caithness, Sutherland and Easter Ross) (LD) | 21023 |
| Rob Gibson (Highlands and Islands) (SNP) | 21025 |
| Charlie Gordon (Glasgow Cathcart) (Lab) | 21026 |
| Dave Thompson (Highlands and Islands) (SNP) | 21027 |
| Jamie McGrigor (Highlands and Islands) (Con) | 21028 |
| The Minister for Transport, Infrastructure and Climate Change (Stewart Stevenson) | 21029 |

Oral Answers

Col.

QUESTION TIME

SCOTTISH EXECUTIVE20916

GENERAL QUESTIONS20916

BBC Alba20916

Charity Funding20922

Colleges Funding 2010-1120920

Concessionary Travel Schemes.....20921

Cultural Heritage.....20917

Kinship Carers Allowance.....20918

Rail Services (Ayrshire)20917

FIRST MINISTER'S QUESTION TIME20924

Cabinet (Meetings)20928

Draft Budget 2010-11 (Police Services)20931

Engagements.....20924

Flood Management.....20932

Prime Minister (Meetings).....20926

SCRA Referrals (Dungavel)20929

SCOTTISH EXECUTIVE20936

HEALTH AND WELLBEING20936

Dentists (Highlands and Islands).....20943

Electronic Patient Records20941

Energy Assistance Package.....20936

Fuel Poverty.....20945

Health Inequalities20950

Healthy Living Centres (Glasgow)20946

Homeless Services (Edinburgh)20937

Infertility Services.....20938

Minimum Pricing20951

NHS Lothian (Elections)20940

Pre-diabetes (Identification and Support)20947

Psychogeriatric Hospital (Sutherland)20949

Regeneration (Glasgow).....20940

Rural Communities (Health and Wellbeing)20944

Stillbirth (Classification)20948

Winter Deaths20949

Scottish Parliament

Thursday 5 November 2009

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

Supporting Families

The Presiding Officer (Alex Fergusson):

Good morning. The first item of business is a debate on motion S3M-5112, in the name of Elizabeth Smith, on supporting families.

09:15

Elizabeth Smith (Mid Scotland and Fife)

(Con): On 24 September, in Labour's debate on child protection measures, the Scottish Conservatives submitted an amendment that made abundantly plain our firm belief that the family is the most important building block in society. That amendment received unanimous support, so the importance of the family unit to helping our young people through a loving, caring and supportive environment clearly struck an important chord with every party in the Parliament. From the Scottish National Party, we heard that children do best in a strong and supportive family environment; from Labour, we heard about the need for a coherent strategy to enhance the quality of life for our families; and from the Liberals we heard that it is no doubt the best option to support children living with their own families.

So there is cross-party agreement, but just as was the case in the drugs debate, the next stage will be the real test. That is when we will find out whether we can lift the debate to another level, away from warm words and into meaningful action, however difficult and challenging it might have to be. As with the drugs debate, the problem that we are considering is hugely complex and pervasive and there will be many pitfalls along the way. My party would never pretend that we have all the answers—it would be grossly naive and arrogant for anyone to assume that they do. However, we have the courage of our convictions that we cannot stand by and do nothing. This morning, we issue a challenge to every member of the Parliament to stand together to address a matter that threatens to further destabilise the broken society that exists for far too many people and which costs the United Kingdom more than £20 billion a year, while the resulting burdens on family relatives, social work services and our justice system go much deeper than just the money.

The extent of the breakdown was never more obvious to me than on the day in 2002 when I was

present when Iain Duncan Smith made his first visit to Easterhouse. Like him, I heard for myself the harrowing accounts of the broken relationships, poverty, substance abuse and psychological turmoil that affected some of the families whose lives were described by Bob Holman and Sandy Weddell from the Easterhouse community. I saw the emotion on Iain Duncan Smith's face and I heard the conversation in the car thereafter. In his words, it was a political journey that had hurt. We saw a community that was so remote and so far removed from any hope that it was tempting—so very tempting—simply to cross the road and walk away. Iain Duncan Smith committed himself that day—no one can doubt that that commitment is real—to the fact that the issue goes well beyond party-political boundaries and that it will never be addressed by a simplistic solution or in the absence of consensus on the way forward.

I will set out some of the things that we have to do, beginning with the most important issue, which is parenting. Although it is right to acknowledge that the majority of parents in the country provide caring and effective support for their children, we must also acknowledge that there is a growing minority of parents who genuinely find it difficult to pass on parenting skills to their children because they are the children of parents who did not possess those skills. That is not their fault, but neither is it acceptable simply to say that they are a sad reflection of modern society. Those parents, particularly those whose problems stem from alcohol or substance misuse, need our help and they most often need that help from within their immediate communities.

That is why it is important that we make more effort to support those who work in the voluntary sector—the unsung heroes who are often best placed to change lives for the better. Our voluntary sector is outstanding, but at present many groups are under threat, partly because of funding issues, but also because they feel that their future is uncertain. I appreciate just how tight budgets are and the pressures that that brings, but we cannot accept some of the hindrances that are placed on the philanthropists and charitable foundations that are potential donors. An example is the crippling effect of the change from advanced corporation tax to tax on revenue income, which has reduced the available funds for some of Scotland's biggest foundations by £0.5 million a year. Another example is the gift aid system, which is plagued by expensive and time-consuming bureaucracy that diverts resources away from good causes.

The Conservatives are determined to solve those issues with new policies that will remove the barriers, improve the uptake of gift aid from its very low take-up rate of 34 per cent and enshrine the principle that charitable giving should be made

out of untaxed income. We will also reform the national lottery, so that it returns to its roots as a supporter of good ideas from within communities, rather than being a vehicle for directing voluntary income into Government priorities and one that is often disproportionately skewed towards the public sector. We have plans to put in place a voluntary action lottery fund, which will replace the Big Lottery Fund and be completely independent of Government.

Beside that, we will put on the table policies that will end the perverse financial incentive against couples who choose to marry and end the part of the benefits system that penalises married couples. As other countries have done, we must structure our tax and benefits systems to end any financial disincentives and an overdependence on the state. A large part of that is about creating better employment opportunities and a single back-to-work programme for everyone who is on out-of-work benefits to replace the complex and inefficient current system. The Scottish Conservatives have got major commitments out of the Scottish Government—on lowering the burden of business rates, a town centre regeneration fund and the freezing of the council tax—but we also want a business dividend fund to encourage local authorities to be better placed to support new business start-ups. We want far more flexibility on child care and the provision of nursery school facilities.

We must also provide help in the home and at school. The Scottish Conservatives have made a £20 million commitment to begin the introduction of a universal health visitor service for under-fives, so that parents get regular professional help with looking after their children's health and welfare from the earliest possible stage. Nothing could be more important than trying to break down some of the health barriers that exist in the lives of too many young children. Those barriers often mean that the children encounter other social and educational difficulties. In many schools, pupils learn about the social and financial responsibilities that come with being a parent, and we are keen for that good practice to be developed in all schools throughout the country.

I return to the main reasons for the debate, which are that 137,000 children have no parent in work; that 200,000 children in Scotland live in poverty; and that 60,000 children live with parents who are addicted to drugs and maybe as many as 100,000 live with parents who are addicted to alcohol. It is not rocket science to recognise the extent of the problems. We are setting out on a difficult and probably tortuous journey, but not to make that journey would be to deny our responsibilities as elected members and to deny many of our young people the right to be part of a

loving, caring and supportive family. We have no choice, so I will move the motion in my name.

I move,

That the Parliament considers that the family is the natural building block of our society; notes the significant pressures facing families in Scotland today arising from relationship breakdown, poverty, unemployment and substance abuse; regrets that one in four Scottish children is growing up in a single-parent household and that 137,000 Scottish children have no parent in work, and believes that action is required to improve parenting support, to expand the role of health visitors, to fully harness the voluntary sector in this work and to recognise marriage in the tax and benefits system.

09:23

The Minister for Children and Early Years (Adam Ingram): I am, of course, happy to contribute to a debate on how we might best support Scotland's families, particularly at a time when many of them face hardship and difficulties through no fault of their own. In that context, I regret the faintly moralising tone of the Conservative motion and I question the demand for preferential treatment for certain categories of families in the tax and benefits system. We should not forget that the process of phasing out the married couples income tax allowance started under the last Tory Government, so we will take no lectures from members on that side of the chamber.

All families need support, but some are more vulnerable to poor outcomes. It is vital that our policies recognise that and promote actions that support our people. Last year, we published "Achieving Our Potential: A Framework to tackle poverty and income inequality in Scotland", which sets out our ambitious approach to tackling poverty and income inequality. Together with the social policies in the early years framework and "Equally Well: Report of the Ministerial Task Force on Health Inequalities", it represents a comprehensive and co-ordinated attack on the poverty and inequality that disfigures Scottish society.

We are determined to break the cycles of disadvantage that have blighted the lives of too many families for too long. With our partners, we are pursuing a range of actions to make a real difference on those deep-seated and difficult problems. Although the current devolution settlement limits what can be achieved for our people, the Government has a new level of ambition for Scotland and is determined to deliver real lasting change. Together with our partners, we are committed to a programme of work to improve outcomes for all Scotland's children. That is being achieved through the implementation of key change programmes such as getting it right for every child and the early years framework, which

place children and young people's needs at the centre of what we do.

We want to help parents to improve outcomes for themselves and their children by providing support at the earliest possible stage to stop problems escalating. We have some great support for families in the early years—midwives, health visitors and community nursing teams who support parents during pregnancy and early parenthood are known, valued and trusted. We want to build on that by bringing a greater focus on parenting skills and capacity, and by developing care pathways to ensure that parents who have different types and levels of need are given the right support.

The role of building relationships between parents is crucial, which is why we fund voluntary organisations such as Scottish Marriage Care and Relationships Scotland, as well as family mediation services based in local authorities throughout Scotland. Such services work to reduce conflict and heal relationships where possible, while valuing marriage and the family relationship. However, where parental relationships have broken down irretrievably, those organisations also support parents to create a stable environment for their children.

Some families face particular challenges, recession or no recession. Tackling parental substance misuse is a priority for the Government. We want to ensure that more people recover from drug and alcohol problems so that they can live longer, healthier lives, realise their potential and make a positive contribution within their families and the wider community. Our early intervention approach will mean that young people do not start down that road in the first place.

The Scottish Government recognises the important role that is played by grandparents and other kinship carers in providing secure and stable homes for children. Extended families who take on that responsibility provide a valuable service and should be supported in carrying out that role. The Scottish Government is determined to do what it can to help improve their situation. One of the problems that we face in providing financial support for kinship carers is that the United Kingdom benefits system does not interact well with the allowances that local authorities pay to kinship carers. That is particularly true for kinship carers of looked-after children, who are not entitled to child benefit, and where the allowance that is intended for the child can affect other benefits that the carer would otherwise be entitled to.

Johann Lamont (Glasgow Pollok) (Lab): I accept what the minister says and the fact that there is an issue around the benefits system. I understand that Jim Murphy and others are

looking at that question. What is the Scottish Government doing to address the disparity between local authorities in Scotland in the funding that is being made available to kinship carers at the moment?

Adam Ingram: I am pleased to hear that the Secretary of State for Scotland is taking up the issue. As the member knows, we engage regularly with local authorities through the concordat mechanisms so that we can ensure that those commitments are fulfilled.

From August this year, all pupils whose parents receive maximum child tax credit and maximum working tax credit are now eligible for free school lunches, thus extending entitlement to an additional 44,000 pupils. In addition, legislation has been passed to enable local authorities to provide all primary 1 to primary 3 pupils in Scotland with free school lunches from August 2010, meaning that, from then, around 40 per cent of pupils in Scotland will be entitled to free, healthy, nutritious school lunches.

Elizabeth Smith: Will the minister take an intervention?

The Presiding Officer: No, the minister should be winding up.

Adam Ingram: I am sure that hard-pressed families—in my experience, most parents with young families are hard pressed—will be particularly grateful for such support.

The Presiding Officer: I must ask you to close please, minister.

Adam Ingram: I firmly believe that early and effective intervention and helping parents to help themselves and their families must be at the heart of building a more successful Scotland, and that is what we are trying to deliver.

I move amendment S3M-5112.1, to leave out from “regrets” to end and insert:

“believes that the Scottish Government should focus on addressing the impact of the recession and take steps to ease the burden on families; recognises that long-term relationships provide stability in many families and acknowledges the status of marriage in society, and believes that the needs and best interests of the child should always be at the centre of policies to support and promote stable families and reflect the reality of family life in Scotland.”

The Presiding Officer: Thank you. From now on, all speeches should be of around four minutes. I call Des McNulty to speak to and move amendment S3M-5112.1.1, which seeks to amend amendment S3M-5112.1, in the name of Adam Ingram.

09:29

Des McNulty (Clydebank and Milngavie) (Lab): I am glad that it was you who had to say that, Presiding Officer.

The question that we need to ask ourselves during this debate is how we can best support families with children. I am talking about all types of family, not the kind of family we ideally want to see. Although relationship breakdown can be a cause as well as a consequence of stress on families, it is not our role to prescribe how people should live, or to moralise about single-parent families. As a society we have to deal with the consequences of poverty, unemployment and substance abuse, especially as they affect children and whether those things occur in one or two-parent families. For that reason, I have reservations about the tone as well as some of the substance of the Conservative motion.

The job of Government, as the SNP amendment rightly states, is to provide support where it is needed and, in particular, to act in the best interests of children. We need to consider whether the services that we provide for all families with children are adequate and appropriate, as well as providing targeted support to the most vulnerable families. Research shows that targeted interventions, such as those that were pioneered by the Dundee families project, have benefited parents and children in the most difficult of circumstances. There has been some roll-out of such provision, but the organisations involved in supporting our most needy families are clear that more places are needed.

However, for many families the kind of wraparound support that is provided in the Dundee project would not be appropriate. For them, some form of parenting support or support package to deal with identified needs might be sufficient. Needs vary and the inflexibility of provision is often the barrier to uptake. The most pressing requirement for many families is child care support, which was identified as a priority by the incoming Labour Government in 1997; arguably the most significant policy interventions of the early years of Labour's period in government were the substantial expansion of child care support and its tailoring to the needs of parents and their children.

Bill Kidd (Glasgow) (SNP): Will the member give way?

Des McNulty: No, I will not take an intervention.

That took slightly different forms north and south of the border, but the changes that were introduced between 1997 and 1999, which have been continued by all the devolved Administrations subsequently, have made a huge difference.

It is remarkable that the Conservatives, whose support for families was miserly and half-hearted throughout the dark days of the Thatcher and Major Governments, should suddenly make the family a policy priority. David Cameron wants to swing his axe on public spending and George Osborne is positively slaving in anticipation of the opportunity to slice budgets across every part of the public sector, yet we are asked to believe that the Conservatives, in the unlikely form of Iain Duncan Smith, have been converted on the road to Damascus. Apparently Easterhouse was an important way station on the route. My concern is that his Conservative colleagues want to take us down a *via dolorosa*, with vulnerable families likely to be particularly disadvantaged not just by cuts in services, but by Tory proposals to reform tax credits and other benefits on which those families rely.

It is true that there are too many Scottish families with no parent in work and that up to a quarter of all children are growing up in single-parent households. For those families, nothing could be more destabilising than the removal of financial support by changing the benefits system to their disadvantage. During the previous Conservative Government, the more right-wing ministers argued that high unemployment was a good thing because it broke the culture of dependency. These days, the language has changed and latterly we hear more about so-called compassionate conservatism, but behind the spin the Conservative party has not changed the fundamentals of its political philosophy. It is still wedded to a blame culture that sees social problems as the fault of the people who are the victims. Its core instinct is to minimise contributions through taxation, while the rest of us believe that society has to shoulder its responsibilities.

The amendment in my name highlights the need to ensure that we provide the support that families need to survive the economic pressures that we face as a consequence of the economic downturn. There is a broad consensus for that in the other parties, the Conservatives aside. The pressures are unevenly distributed and many families with children are on the edge, financially. At the very least, we should not be tipping them over the edge.

I move amendment S3M-5112.1.1, to insert at end:

"and urges the Scottish Government to prioritise support for parents and extended families, ensuring that evaluation of these services is geared towards improving the quality and range of support that can be offered."

The Presiding Officer: I call Margaret Smith to speak to and move amendment S3M-5112.1.2, which seeks to amend amendment S3M-5112.1,

in the name of Adam Ingram. If she could do that in about the same time that it has taken me to call her, I would be very grateful.

09:34

Margaret Smith (Edinburgh West) (LD): I welcome the debate on supporting families. As a Liberal, I might argue that I see the individual as the essential building block of society. Nevertheless, I have no hesitation in agreeing that strong individuals are shaped in strong, happy families where they experience love and respect. For me, stable family life represents undoubtedly the best start in life for our children.

Sometimes, however, families need help. That is why we pay tribute, in our amendment, to the work that is done by the voluntary sector in supporting families. That sector is under pressure from the effects of the concordat, tendering, single outcome agreements, increased demand for services, the tight financial settlement for local government and the reduction in revenue in the teeth of a recession. The Scottish Council for Voluntary Organisations is absolutely right when it says that it is caught in a "perfect storm". It is crucial that the Scottish Government considers how it can support the voluntary sector in every way possible.

The Parliament, too, can do a great deal to support families. For some, such as the 40,000 to 60,000 children who are affected by parental drug misuse, that will mean a great deal of state intervention in their lives. For many, it will mean the possibility of the state assuming the corporate parental role; for others, that is only right and we should not be afraid to do that in good time. It is clear to us that the protection of our children is one of the paramount challenges that the country faces. It is a challenge that we must and will face together, learning the lessons from Her Majesty's Inspectorate of Education, properly assessing risk for every child and then properly supporting that child.

Most families need access to a comprehensive range of services, from flexible child care options to local schools and the national health service that underpins our lives and our families' wellbeing. Most families want a Government and a Parliament that enable each child to grasp opportunities with both hands and enable each family to achieve its potential. Only last week, the Parliament came together to support independent students and students with children in taking up the opportunities of higher education. That was only right.

Right now, there are a number of threats to Scotland's families. We have heard about drug and alcohol misuse, but chief among those threats are the difficulties that are brought about by

recession. That is why we agree with the Government that our primary focus must be Scotland's economic future. The spectres of unemployment, homelessness and poverty hang over too many Scottish homes, bringing with them relationship difficulties, stress and uncertainty. We need to foster the range of strategies that will keep people in work, and we must train people for work and reskill those who have lost their jobs.

Too many of our children grow up in poverty. The lack of affordable, available and flexible child care is the single biggest barrier to improving parents' employability, especially that of lone parents. There must, therefore, be greater levels of support for vulnerable and disadvantaged parents as they enter and pursue employment, education and training. We welcome the Government's willingness to accept the calls of the Opposition parties last week to increase by £2 million the child care funds that are available as part of the increased student support package.

Sometimes, however, it is not about funding. Time and time again, when I deal with constituents who are looking for council houses, I see that little or no notice appears to be taken of family support networks and the ability of relatives who live nearby to assist parents in holding down jobs. The allocation of council houses never seems to take those human, family factors into account.

It is vital for Scotland's future and families that we get the approach to early years education right. Increasing the provision of early years services is good not just for families, but for the economy. Pound for pound, it is a better use of resources to put funds into pre-school education than it is to put them into tertiary education. All members will know, from their constituencies, the fantastic work that is being done in breakfast clubs, after-school clubs and homework clubs throughout the country, which is having positive impacts on children and families.

We want working families to be able to hold on to more of their earnings and to be able to make the best choices about how they use their money. Our top priority is fairer taxes for those who are on lower and middle incomes. We would aid the poorest and most disadvantaged families by ensuring fairer taxes that would lift the burden on ordinary people. We would lift the tax threshold to £10,000, which would provide an incentive to work and save. It is surely wrong that people on the minimum wage should be dragged into tax. Successive Governments have built up a benefits system that makes it virtually impossible for many families to work their way out of poverty and improve their way of life. The cash that is given to help families, such as tax credits and council tax benefit, is taken away when they start to earn

above a certain amount. We think that that is fundamentally wrong.

We know that we have a challenge ahead of us in supporting families in Scotland, but we are absolutely committed to rising to that challenge.

I move amendment S3M-5112.1.2, to insert at end:

“, and notes the valuable role of the voluntary sector in the delivery of services to children, parents and families, particularly those in vulnerable or disadvantaged circumstances.”

09:39

Jackson Carlaw (West of Scotland) (Con): Tellingly, in her opening speech, Liz Smith observed that the real test is whether we can turn the warm words that so often accompany cross-party agreement into meaningful action. I will concentrate entirely on applying that test to the future of health visiting.

Yesterday, I visited a relatively new medical centre in Glasgow Springburn. I sat below a flashy brass plaque that informed me that the opening ceremony had been performed by the Cabinet Secretary for Health and Wellbeing. Yet, as I sat there in the shiny new briefing suite, I heard how, despite its being one of the 85 Scottish general practitioner practices that feature in the top 100 GP practices that serve the most disadvantaged communities anywhere in the United Kingdom, it is supported by just one health visitor. That is almost too staggering to accept. Eighty-five of the 100 GP practices that serve the most disadvantaged communities are in Scotland, and in Springburn—a practice that serves some 7,000 patients in one of the most disadvantaged communities of all—there is just one health visitor. It gets worse. In the Possil practice, which is regarded as the GP practice that serves the most disadvantaged community anywhere in the UK, there has been—almost unbelievably—no health visitor at all for four weeks.

When the Parliament first met after the 2007 election, we debated the need to tackle inequality. The Scottish Conservatives expressed reservations at that time and have done so ever since about the piecemeal approach that is being taken on health visiting throughout Scotland. There are as many policies on how to deliver the service as there are health boards. In Glasgow, despite a petition calling for the health board's plans to be halted and changed, which attracted more than 20,000 signatures, the whole profession of health visiting—the very fabric of any service at all—is in chaos and is disintegrating before our eyes.

The Government can no longer adopt a hands-off approach. The Scottish Conservatives called

for an independent scrutiny panel to be appointed to review the major changes in this area of the health service that seek to jeopardise both our universal health visiting service and to experiment with the lives of the most disadvantaged. There may not be a shiny building of bricks and mortar to stand and pose outside—health visiting is not visible in the way that an accident and emergency department is; it is a service that is built entirely on the hard work of dedicated people—but the changes have had a profound effect, which is proving wholly detrimental. Our request for an ISP was rejected, but such a review is needed more than ever. We repeat our call for an ISP now and as a matter of urgency.

One GP wrote to me to say:

“We have had a near meltdown in SE Glasgow CHCP. In my own practice we now have 4 days cover instead of 6 after 8 months of virtually no cover. I can give countless tales of woe. The problem is we are just too tired to complain any more”.

A GP in Nicola Sturgeon's constituency of Glasgow Govan told me:

“I think children are more vulnerable in Glasgow now because of the deficient HV numbers and the inevitable move away from being GP attached. ... The situation is entirely the result of the realignment of the service”.

Alarming, the GP continued:

“I have a fear that paradoxically there may be an improvement in the child protection statistics because children will essentially be invisible under this restructuring”.

There is now a widespread shortage of health visitors. Just as we forecast, lack of consultation has fuelled resistance to the proposals and has led, in turn, to many older and experienced health visitors feeling hopelessly undervalued and leaving the service. The move away from health visitors being GP attached has led to the loss of vital whole-practice intelligence. New recruits are being brought in on lower pay bands and with less experience—if they are being recruited at all. To add further to the collapse, the health visitor team leaders who were recruited just a year ago, mostly from among the most experienced health visitor corps and on the basis of their posts being 50 per cent clinical and 50 per cent managerial, have returned all their casework files within the past month following the announcement that their posts are now to be 100 per cent managerial.

The team approach that is being implemented has led to a breakdown in the excellent working relationships that were established over many years—relationships that were built on trust between GPs, health visitors and patients. We must call a halt to that. There is no point in taking credit for new legislation or grand advertising schemes that are aimed at tackling obesity, alcohol and drug addiction or smoking cessation if

we are dismantling the most effective prevention scheme of all—the direct intervention with every family on behalf of every child at birth.

The Scottish Conservatives said that the Government's approach would not work and we were right. Warm words will no longer do. There is a crisis right now, and it is damning the future of some of Scotland's most disadvantaged communities. It is the Government's duty to deal with it and I hope that all members will unite in demanding that it do so.

09:44

Dr Richard Simpson (Mid Scotland and Fife) (Lab): In the short time that I have, I will focus on the scale of the problem, particularly regarding drug and alcohol misuse.

The background is fairly clear, but I will remind colleagues of our record in Scotland. We have, annually, more than 50,000 referrals to the children's reporter. A United Nations Children's Fund report has stated that children in the UK fare less well and feel worse about the quality of their lives than children in almost any other industrialised country, which is surely a serious and shocking situation. This year, research by Professor O'Connor that was based on schoolchildren in Stirling and Glasgow showed that 14 per cent of children aged 15 are self-harming and that a further 14 per cent have thoughts of self-harm. Surely that reflects a damaged situation. We have much work to do to repair it.

In the 30-odd years between 1973, when the report on Maria Colwell hit the ground, and the recent reports on Victoria Climbié and, in Scotland, Kennedy McFarlane, we have had more than 70 reports on problems associated with child care. Some are related to the deaths of children, and others to problems in child care and residential accommodation. The scale of the problem that we face is massive, as is indicated by the reports that have appeared. Despite all those reports, we have been unable to amend the situation to make it satisfactory. The recent report on Brandon Muir shows that we still have problems.

Most of the reports are based on the deaths of children. Over the past few weeks, Iain Gray has been trying to make the valid point that, for every child who dies and every report that we produce, there are many other children who stagger through their childhood being increasingly damaged, and who reach a point of damage from which there is no return. We, as a society, are paying for the consequences of that in the increasing number of people who are admitted to our prisons, which has

grown by more than 40 per cent in the past 25 years.

Projects such as the Dunedin project, which followed children from their birth in 1973 into their adult lives, show that children who will have significant problems in adulthood can be identified at age three. Obviously, there is overidentification—many children who are identified at that age as people who may have problems will turn out to be excellent citizens, who are fully developed and who achieve their aspirations. Such overidentification should not, however, prevent us from focusing on those children.

Jackson Carlaw was right to say that what we have done to the health visitor system over the past few years in trying to introduce the review of nursing in the community has put a planning blight on the development of health visiting. Without early identification, we have a major problem. Drugs and alcohol are part of that problem. It is thought that more than 100,000 children are living in families with drug or alcohol-misusing parents. We need more antenatal projects, to provide families with support at that early stage. The Edinburgh PrePare project is one, but its funding is short term.

We need multidisciplinary teams involving midwives, nursery officers, community mental health nurses and health visitors in order to achieve early identification, to assess the extended family's capacity for parenting and to put in place the necessary supports. If we fail to do that, as Harry Burns said in his excellent report last year, by the age of three many children will be damaged and beyond repair. For that reason, we need to have a new strategy and inquiry into child care in Scotland. It should look not at systems and structures—which were tackled in Jack McConnell's report—but at what we are doing on the ground. If we do that, we may be able to support some very vulnerable children and families.

09:48

Ian McKee (Lothians) (SNP): The family is indeed the natural building block of our society and there is no doubt that it has, over the past 40 years or so, faced unprecedented pressures. How has that come about? There is no single cause: a host of factors have combined to produce the situation that exists today. Let me outline some of them.

Over the years, we have lost much of our sense of community. In the immediate post-war era, a nation that had been conditioned by years of working towards a single goal continued to work as a cohesive unit. There was not only mutual and

intergenerational support within the family unit; there was also community support, even though social conditions were often appalling.

What happened to change things? The benevolent urge to provide better-quality housing led to the building of huge and impersonal housing estates, often on the fringes of cities or towns. Natural communities were broken up, natural safe play areas were destroyed and community facilities were either non-existent or in short supply. Above all, the people who were moved into the houses were often the poorest of the poor. A centrally heated home is not much use if one cannot afford to pay the electricity bill. Combined with that was an increase in relative poverty. If people are all in the same boat, they can be fairly happy sharing whatever is around, but when every night the television is advertising expensive lifestyles and toys that are valued in hundreds of pounds, the sense of alienation that is experienced by the people who cannot afford such lifestyles is exacerbated. Also, with the parents and grandparents now living far away, the help that they were able to give in previous years is no longer so accessible.

Those factors, combined with the development of an "every man for himself" society, have helped to lead to the breakdown of vulnerable family units, to substance abuse, to alcoholism and to all the social ills that plague us today.

Some unkind souls blame much of that on the self-centredness of the Thatcher era, but out of respect for the party that has initiated today's debate, I will not go into that territory. I simply point out that 18 years of Conservative Governments did nothing to solve the problem. Between 1979, when Mrs Thatcher came to power, and 1997, when John Major's Government fell, the number of divorces in Scotland rose by a massive 38.5 per cent. Between 1997 and 2008, the divorce rate actually fell by 6.5 per cent. Figures for single-parent families are not so easily accessible, but the household survey shows us that between 1981 and 2001, all but four years of which were under a Conservative Administration, the number of households containing one adult and one child went up by a staggering 280 per cent, whereas from 2002 to 2007 the rise was only 6.2 per cent. Something in our society went seriously wrong during those years under the Conservatives—the party of the family, which is moralising today.

So, what are we to do? There are no easy answers. They include the dispersal of the monolithic housing estates, the creation of a social mix that results in benefits from schooling, and the provision of shops and leisure facilities. That is already happening. We need much more active intervention, with help during pregnancy and

intensive support for mothers and children in the very early years. There should be more males in primary teaching, organising clubs and sporting activities so that the thousands of male children without male figures in their homes have some sort of role models to copy. We must also open up schools and playing fields out of hours, so that young people have somewhere to go in the evenings and at weekends.

We need to increase job opportunities, but we need also to supply benefits where they are needed. A welfare system in which anyone who works always reaps a financial benefit would be a start. Although we recognise the benefits of marriage, we must also recognise that there are thousands of happy families outside the bounds of that institution, and that there is sometimes much misery within it. I support the Government's amendment.

09:52

Mary Mulligan (Linlithgow) (Lab): This is a fascinating debate in which to take part. I do not mean to be facetious, but we would all accept that sometimes we take part in debates on issues that we have never experienced. However, all of us have been or are part of a family. Those families vary in how they are constituted—I suggest gently to the Conservatives that they need to avoid being judgmental about that—but they are our families and they shape our lives.

I want to give credit where it is due: I am glad that the Conservatives have realised what damage unemployment does to a family. As Des McNulty and others have mentioned, during the 1980s and 1990s unemployment was used as an economic tool, with no thought for the individuals who lost their jobs. Unemployment is damaging. That is why the present Labour Government is doing so much to help people to stay in or to retrain for work during the economic recession. Although the motion suggests that Tories in the Scottish Parliament have learned a lesson, I am not sure that Mr Cameron would have done anything to sustain employment, although I am thankful that he was not in a position to do so.

In the short time that I have, I want to mention three aspects of family life: carers, family support services and children in poverty. I will start with carers. As members of families, all of us take on caring roles for one another, but that caring sometimes becomes more onerous, especially when it is for a sick parent, child or sibling.

On Tuesday this week, I attended the annual general meeting of Carers of West Lothian, in my constituency. The organisation consists of wonderful people—staff and volunteers—who work to support those who take on challenging

caring roles. I want to mention young carers, in particular. Through Carers of West Lothian, a project is on-going to work with schools to identify young carers and give them support. Some of them were able to take part in the young carers festival in West Linton in August, which was organised by the Scottish Government. Again, I give credit where it is due by congratulating the minister for progressing that project.

I am concerned, however, that we assume that young carers are okay if we just give them a few days out. I am uncomfortable about young people taking on the burdens of caring. We should properly fund projects throughout Scotland to identify young carers and provide them with support and respite, and we should not be dependent on money from sources such as the Big Lottery Fund—there should be core funding through local authorities.

I turn to family support services. I thank Aberlour Child Care Trust for its briefing today. Its national parenting development programme is a fine example of how we can support people in carrying out what is probably the toughest job that many of us are asked to do, which is to be parents. We need to put the child at the centre, whether it is through programmes such as sure start Scotland, which provides help in the early years, through programmes that are run by Barnado's Scotland for teenagers, or through Capability Scotland, which helps families with disabled children.

On other occasions in Parliament, I have supported the role of marriage in society, but I cannot accept that we would be promoting it by reinstating it in the tax system. We should offer financial support to children, which is what the UK Government is doing. Unfortunately, marriages do break down. We have previously in Parliament debated the role of family contact centres and family mediation services, and the minister referred to them in his opening statement. I hope that he will give us further reassurance in his closing statement and that, out of the debate, we will get action rather than just warm words.

09:57

Ross Finnie (West of Scotland) (LD): In the short time that has been allotted to the debate, we have raised a number of pressing problems in many aspects of society. It is unfortunate that we have so little time in which to debate them.

Elizabeth Smith was right to point to the vast range of instruments that we need to address. However, I want to follow up a point that was made by my colleague, Margaret Smith. Although we in the Liberal Democrats acknowledge that the family is a unit in which support, love and care can be given to children, we have as a society to be

careful that we do not continue to deal with people simply as cohorts. At the heart of the family are individuals, so our solutions must be aimed at those individuals—whether that individual is the parent who has suffered unemployment or the parent who has problems with substance abuse. Whether poverty plagues one individual in a family or the whole family, we must move away from trying to deal with people as cohorts. The Liberal Democrats firmly believe that if we concentrate the solution on the individual, we are more likely to find a solution for the family unit as a whole.

Much has been made of the role of the tax system in aiding people who are in poverty and disadvantage. That is correct, and it is why the Liberal Democrats, as a party at Westminster, are keen to simplify the issue by raising the threshold to the point at which those who are on the minimum wage are not—as Margaret Smith said—caught in a tax trap. I very much wish that Elizabeth Smith's tax proposals would be beneficial to families. However, as I understand it, they would benefit only those families in which one member works, but would not benefit the families who are in most need.

The issue of kinship carers was addressed earlier. While I am pleased to hear from Labour members that the Secretary of State for Scotland is addressing the unfortunate mismatch between the benefits system and local authority allowances, I am also rather disappointed that that came as news to the minister. Perhaps the minister and the Westminster Government could work together on that.

The issue of kinship carers is linked to that of volunteers. From 2010-11, the fairer Scotland fund will be rolled into local government. I am concerned that there appears to be no read-across between the assistance that is to be given to kinship carers and volunteer organisations, and the concordats. That is regrettable, and makes it difficult for those who operate in the voluntary sector and those who provide kinship care to have certainty about where they will go in the current troubled times.

Jackson Carlaw raised a key point about health visitors. In addressing such issues, the Liberal Democrats are clear that we should consider fundamentally those who are most at risk and most vulnerable. I share the view that was expressed by Richard Simpson: it is regrettable that we can identify as early as age three those who will have severe difficulties as a result of their families.

I think all members recognise that we all have choices to make as we enter more straitened financial times. If we are going to give the right support to families and deal with deprivation, we have to address the small number of individuals

who most need our support—that is where we should concentrate our resources. That is the basis of the Liberal Democrat amendment, and it is why I support that amendment.

10:01

Johann Lamont (Glasgow Pollok) (Lab): This is an interesting and important debate. The central issue for all our children is their entitlement to live in safety and security in a loving home, and to be nurtured. It is not just in poor families that children are denied those things. I would be concerned by any implication that poverty means that children are denied a healthy and happy upbringing. In my constituency, there are families who, despite their financial circumstances, could teach us all a lesson about how to parent. As a parent, I often have grave anxieties about my capacity to find a safe place to rear my children. I am concerned at the implication that the issue is one for “them out there” and not for all of us as a society. In that context, a financial incentive to marry is entirely irrelevant. The issue that is of concern is the extent to which we value children and families.

Elizabeth Smith talked about Iain Duncan Smith’s Damascene conversion in Easterhouse. He may have wished to reflect on the issue a little earlier, in the 1980s, when people were telling him what was happening in communities throughout Scotland and beyond.

Elizabeth Smith *rose—*

Johann Lamont: It is not enough to create the impression that poverty is a plague in which no political decisions have been made. People live in difficulty because of political decisions—we should reflect on that.

The motion

“regrets that one in four children”

lives in a family in which there is a lone parent. First, there are parents who are widowed who actively choose to spend the rest of their lives bringing up and focusing on their children. The implication that that is the wrong choice is cause for concern. Equally, for some people it is a courageous decision to leave a marriage to protect their children, especially given the financial implications for women of making that choice. There is a dichotomy at the heart of the issue. When we talk about domestic abuse, how often do we hear the question, “Why doesn’t she leave?” However, when she leaves, it is implied that she is creating problems for her children.

One of the problems for lone parents is not the fact of lone parenthood in itself but the way in which we support them financially and give them economic opportunity. When I was a teacher, there were a number of occasions on which

youngsters were disturbed by the periodic reappearance of their father, who caused mayhem in their homes. One young boy could not, when his father was at home, sleep for fear of what would happen to his mother and could not, as a result, learn the next day. The Tories ought to move away from the glib suggestion that lone parenthood in itself is the problem.

If we wish to support families, we need to address how inequality and disadvantage are experienced, and how we can create economic opportunities, safe communities and safe families to allow people to thrive. Yesterday we got information on a skills strategy, which did not reflect that. The enterprise strategy contains no responsibility for place or people and does not address the inequality that disproportionately leaves women as carers in low-paid jobs, with no recognition of their needs.

We need an education system that talks about more than buildings and class sizes, and which recognises that some of our children cannot even access education because of what is happening in their wider life.

We need to understand the particular pressures on different kinds of families, such as the families of disabled children. I regret that the Scottish Government did not step up to the mark in addressing the transformational change that is required to support those families and which would allow those children and their siblings to achieve their potential.

On kinship care, there is an issue with the benefits system, but the Scottish Government has a responsibility to address the huge diversity between what is offered to kinship carers in different parts of the country. It has to recognise that the issue is as much about children’s rights as anything else.

The SNP Government needs to recognise the vulnerability of funding to the voluntary sector, which will have a consequence for families. There ought to be no sacred cows—nothing should be off-limits. There should, rather, be proper reflection on what is happening, in order that our families can be protected.

10:06

Adam Ingram: It is clear from this morning’s debate that there is, within and beyond the chamber, a great deal of commitment to supporting families throughout Scotland in order to give children the best start in life and to help families escape from the disadvantage that is bred by educational, health and income inequalities. We have also recognised that addressing such major challenges over the long term depends on a

strong spirit of partnership—if not the wartime spirit that was evoked by Ian McKee.

Our national and local policies must recognise the multiple and complex needs that are the reality for some families, and the types of holistic and integrated services that can improve their circumstances. Although I respect Richard Simpson's perspective, the situation is not all doom and gloom; I believe that we are making progress.

Although it is too early to point to long-term improved outcomes, the getting it right for every child pathfinders can point to significant early indications of better outcomes for children. Families are reporting that it feels as though one team is supporting them and their children. Practitioners feel able to make more holistic assessments of the child because they have better information, greater trust has been built with colleagues and they can build better capacity for early intervention. There is evidence of progress across all indicators of wellbeing in children. That is clear evidence that getting it right for every child is making a positive difference for Scotland's children. We are committed to rolling out its implementation across the country.

The formal evaluation report on the pathfinders in the Highland Council area has just been received by the Scottish Government and we are arranging for the report to be published. I am keen to provide an opportunity for colleagues in Parliament to debate the findings, so I will pursue that through the usual channels.

The action that this Government is already taking that has assisted families during this difficult time includes extension of eligibility for free school meals and investment in parenting and relationship support organisations. I say to Mary Mulligan that a letter is today winging its way to those organisations, which I hope will reduce some of the uncertainty about their future funding.

We have also invested £435 million through the fairer Scotland fund to assist community planning partners in regenerating disadvantaged areas, tackling poverty and increasing sustainable employment.

We all know that families with children are much more at risk of being in poverty, and that that is particularly true of lone parents. Although we recognise that, for many, work is a route out of poverty and that many lone parents would like to work, we are concerned that more lone parents may, simply to avoid the threat of benefit sanctions, be forced into low-paid, low-skilled jobs that they cannot hope will lift them permanently out of poverty.

We want to continue the joined-up approach that we are taking with local government and the

statutory and voluntary sectors to help families during this difficult time.

Mary Scanlon (Highlands and Islands) (Con): Will the minister give way?

Adam Ingram: I am sorry, but I am just finishing up.

That approach will be all the more important as we seek to protect Scottish families from the cuts that will be imposed by Westminster, as promised by all the parties that are seeking power at the next general election.

10:10

John Lamont (Roxburgh and Berwickshire) (Con): This debate on supporting families has allowed us to explore the issues and challenges that impact on almost all of us who live in Scotland today. It is important that we discuss and give time to these issues, and address how we will continue to support the family unit.

For the vast majority of us, the family is where we learn fundamental skills for life. Physically, emotionally and socially, it is the context from which the rest of life flows. However, family stability in Scotland, and throughout Britain, has been in continuous decline for many years. Increasingly, adults and children face the challenges of families that are fractured, fatherless and dysfunctional.

Today, families in Scotland face a range of pressures: unemployment, debt, substance abuse, crime and relationship breakdowns, to name just a few. One in four children in Scotland is growing up without a father and some 200,000 Scottish children are growing up in poverty. Between 40,000 and 60,000 children in Scotland are affected by their parents' drug use and, according to a new report out this week, 137,000 Scots children now have no parent in work.

As my colleague Liz Smith stated at the start of the debate, we believe that the family is the most important building block in society. We can no longer stand by and do nothing while that important institution is allowed to be undermined. Governments should not dictate to people how they should lead their lives or tell them what to do, but they should encourage what is good for society, address what is negative and support what is positive.

Today's debate has been about considering what needs to be done to support the stable family formation. Where do we go from today? What is the state of the family unit, particularly in Scotland but also throughout the United Kingdom? Scotland is not alone in having to tackle this problem, but we seem to be alone in western Europe in believing somehow that marriage is just another

family formation and that it is not relevant or important. Everybody else out there thinks that it is important enough to recognise and celebrate, so we are unique in our approach.

Also unique to this country is the incredibly high level of family break-ups—it is way beyond the level anywhere else in western Europe. We have more families breaking up, more lone parents and more teenage pregnancies. If we are doing something right, I would love to know what it is, because nobody else wants to copy what we are doing. I do not believe that anyone here wants to promote that record. It is clear that something is going very wrong.

The Labour members and others in this chamber might not want to think that it is their problem. However, we are not alone in highlighting these concerns. Tom Harris, the Labour MP for Glasgow South, recently stated on his blog:

"I can no longer pretend that the army of teenage mothers living off the state is anything other than a national catastrophe ... Such young women see parenthood as one way of achieving a level of independence and self-worth. And they're right, because that's more or less what they get: a flat and therefore some privacy, an income for the first time in their lives."

We all know that the problem has been getting steadily worse during the past decade, yet Governments here in the Scottish Parliament—and the Westminster Labour Government in particular—have failed to stand up and take the action that is required to address it. In fact, Labour has the proud record of making the poorest poorer, of creating greater inequalities and of raising youth unemployment.

So, what would we do about it and what should Government, both here and at Westminster, do about it? My colleague Liz Smith has spoken about the importance of improving the parenting skills of parents who need help, and of the need to support the voluntary sector in its work in that area. Believe it or not, some things are better done by the third sector than by the state. She also spoke about the need to improve people's chances of getting back to work by re-energising the jobs market and the economy.

We heard from Jackson Carlaw about the importance of universal health visitors.

Perhaps one of the most important ways we can help the family unit is by recognising marriage and civil partnerships in the tax system. When people make a public commitment to support each other for better or worse, it is right for the tax system to recognise it. The family structure and process matters. A lifetime commitment can make a significant difference to the behaviours, attitudes and lives of our children, but our tax system does not recognise that or the importance of interdependence between family members and the

way in which it, in turn, benefits wider society. The couple penalty in tax credits discourages low-income couples from making the move from simply living together to making the commitment of marriage, thus implicating the welfare state in the rise of family breakdown. Indeed, comparative European research indicates that welfare benefits can drive up the number of lone-parent families and encourage solo living. Some countries treat people only as individuals for income tax purposes but most advanced western countries—such as Germany, France and the United States—recognise the benefit that marriage brings and reward it in their income tax system. This country should be no different.

We continue to let down each new generation by not ensuring that those values are carried forward. Our job as politicians is to ensure that we allow our society to respect and encourage the family unit. If we do that, our society will be better off as a result.

Alcohol (Minimum Pricing)

The Deputy Presiding Officer (Alasdair Morgan): The next item of business is a debate on motion S3M-5118, in the name of Murdo Fraser, on the minimum pricing of alcohol.

10:16

Murdo Fraser (Mid Scotland and Fife) (Con): A policy of minimum pricing for alcohol is wrong because it will penalise responsible drinkers, may well be illegal under European Union rules and will cost jobs in our vital spirits industry. It is also wrong because, by focusing on that single measure, the Scottish National Party Government loses the opportunity to build a true cross-party consensus on measures that we need to take to tackle the scourge of alcohol in Scottish society.

As our motion states, alcohol misuse costs an estimated £2.25 billion per year. Too many people drink more than the recommended maximum level per week. That is not a problem for everyone, but it involves a sizeable minority of men and women. For that reason, it is right that we have a debate on alcohol policy and what needs to be done.

The Scottish Conservatives believe that we should concentrate on the areas on which we all agree that action should be taken. I am sure that we all agree that we need better enforcement of the current laws, particularly in restricting sales to people who are underage. I am sure that we all agree that we should have much better education on the adverse health effects of alcohol. I am also sure that most if not all of us agree that we need to clamp down on irresponsible promotions by retailers, which is why the Conservatives support a ban on retailers selling alcohol below cost price. We also support targeted alcohol taxation: a rise in excise duty on alcopops, as well as on super-strength beers and ciders.

The measures that we propose, which many others support, are properly targeted, evidence based, effective and legally competent. They stand in sharp contrast to the SNP Government's proposals on minimum pricing, which pass none of those tests.

Minimum pricing is wrong because, unlike our policy, it will penalise responsible drinkers. Based on a minimum price of 50p per unit, the policy would lead to an increase in the price of Stowells of Chelsea wine while the price of Buckfast would not go up by a penny. I do not know which of the two is the weekend drink of choice for the neds in constituencies like that of the Cabinet Secretary for Health and Wellbeing, but I wager that they do not neck down a nice Stowells of Chelsea merlot at the start of a night out.

Secondly, minimum pricing is wrong because it may be illegal. Just last week, there was a ruling from the European Commission on minimum pricing for tobacco products, which has clear consequences for a similar policy on alcohol.

The Deputy First Minister and Cabinet Secretary for Health and Wellbeing (Nicola Sturgeon): I am sure that Murdo Fraser does not want to mislead the Parliament, so I ask him to confirm that it was not a ruling but an opinion and that it was based on the specific wording of a directive that does not apply to alcohol.

Murdo Fraser: Nicola Sturgeon is playing the same game that Alex Salmond played last week at First Minister's question time, when he quoted selectively from the opinion that was given. It was made perfectly clear in the answer that the European Commission gave to Catherine Stihler MEP that a minimum price may have an adverse effect and thus constitute an obstacle to the free movement of trade in the internal market. There is a clear risk in that to the SNP's policy. It is instructive that, in its briefing for the debate, even Alcohol Focus Scotland—a body that enthusiastically supports the SNP's minimum pricing policy—says:

"it is impossible to say that minimum pricing of alcohol would definitely withstand a challenge in the European Court of Justice".

We have called previously for the Scottish Government to publish its legal advice on whether minimum pricing of alcohol would breach EU rules. If the Government is to be taken seriously on the issue, it must publish that advice without delay and not just share it with Jackie Baillie, which is what the First Minister promised at First Minister's question time last week.

Jackie Baillie (Dumbarton) (Lab): I do not have it.

Murdo Fraser: There we go—yet another broken promise.

The third reason why minimum pricing is wrong is that it will do immense damage to the vital spirits industry in Scotland. The Scotch Whisky Association estimates that whisky exports alone could fall by in the region of £600 million per year as Governments across the globe sought to copy the Scottish Government's lead and increased duties on whisky. The Scottish ministers consistently argue that, because Scotch whisky is a premium product, minimum pricing will not affect it, but that is not the view of the Scotch Whisky Association, Whyte and Mackay, Pernod Ricard UK—when it is not being bullied by the First Minister—or the other whisky producers, and I know whom the public are more likely to believe.

If we needed to know what the Government's attitude towards the Scotch whisky industry was,

all we had to do was read yesterday's press release from the health secretary, in which she said:

"I would call on everyone who cares about Scotland's health to listen to the real evidence about the benefits of minimum pricing, rather than being swayed by lobbyists whose only concern is their own profits."

There we have it: the Government and the health secretary think that all the vital Scotch whisky industry—which supports thousands of jobs throughout Scotland and earns hundreds of millions for the Scottish economy from exports—is concerned about is its own profits. What a disgraceful attack on an iconic Scottish industry that is.

Opposition to minimum pricing is widely shared throughout Scotland and among politicians from all parties. Gordon Brown and the Labour Government at Westminster rejected the policy, arguing that it is important to take properly targeted and effective action. I am delighted to welcome as the new Labour health spokesperson Jackie Baillie MSP, the same Jackie Baillie who states on her website—a print-out of which I have with me—that she is

"Working Hard for the people of Dumbarton".

Her website also states:

"Jackie believes more can be done to enforce the legislation already in place instead of bringing in new measures, such as minimum pricing, when there is insufficient evidence that this will work."

When I read those words, I expected that the Labour Party would be out in force in full support of our arguments, which are entirely in tune with the views of Gordon Brown, Jackie Baillie and even, as we learned this morning, Jack McConnell. Alas, Labour continues to equivocate and sit on the fence.

I had hoped that Jackie Baillie's appointment would bring some much-needed backbone to the Labour front bench, but I have been sorely disappointed. To be frank, we have seen more backbone in a filleted jellyfish than from the Labour Party in Scotland. It is in danger of being had up under the Trade Descriptions Act 1968 for calling itself an Opposition party, so feeble has been its response on the issue. I say to Jackie Baillie that she needs to get her party sorted out and tell Ian Gray who is boss. Her views should prevail, not his. She would never have got that treatment from Wendy Alexander.

I have set out positive proposals for how the Conservatives would tackle alcohol misuse in Scottish society. They are serious, targeted, effective and legally competent proposals, which should command the support of all members. I urge all members to join us in supporting them and to reject a policy of minimum pricing, which is

neither properly targeted, effective, evidence based nor legally competent and will do huge damage to our spirits industry and cost jobs throughout Scotland.

I move,

That the Parliament recognises that alcohol misuse cost Scottish society an estimated £2.25 billion in 2006-07, with almost one in three men and one in five women exceeding the recommended maximum level of consumption per week; believes that Scotland needs to examine its complex relationship with alcohol; further believes that to address this problem action needs to be taken that is properly targeted, effective, evidence based, and legally competent, and, accordingly, rejects the Scottish Government policy of minimum pricing on the basis that it will penalise responsible drinkers and damage Scotland's vital drinks industry.

The Deputy Presiding Officer: I call Nicola Sturgeon to speak to and move amendment S3M-5118.2. You have six minutes.

10:24

The Deputy First Minister and Cabinet Secretary for Health and Wellbeing (Nicola Sturgeon): I thank the Tories for bringing the debate to the chamber, even if Murdo Fraser's opening speech was rather long on assertion and short on any hard evidence. I will deal with some of the assertion in my closing speech. In this speech, I want to set out the positive case for minimum pricing.

The previous debate on alcohol was back in March, shortly after we published our alcohol framework. At that time, there was broad consensus in the chamber about the scale of our alcohol problem and the fact that alcohol misuse is not a minority issue and does not affect just young people, hazardous drinkers or some parts of the country; it impacts on all of us and on our economy to a very real extent. I was pleased to hear Murdo Fraser confirm and accept that alcohol misuse costs us in Scotland £2.25 billion every year, because Bill Aitken hotly disputed that fact earlier this year. We are therefore making progress in persuading the Tories, and I hope that we continue to do so.

It was recognised in our previous debate that effective enforcement of current laws is vital, as are education, brief interventions and record investment. There was also a desire for a consensual approach, and a very strong commitment by Government to consider new ideas that other parties wanted to pursue. Let me make it clear that that commitment still stands.

Since that debate, our proposals for minimum pricing have continued to attract attention and support, not just here in Scotland but internationally. The modelling work that the University of Sheffield carried out for us, which is

the most detailed and wide-ranging investigation of its kind, showed that minimum pricing, combined with an off-trade discount ban, could prevent thousands of deaths, illnesses and crimes and save Scotland almost £1 billion over 10 years. It showed a fall in hospital admissions of 1,600 in the first year and more than 6,000 a year by year 10, which is a reduction of almost 10 per cent. It showed a fall in crime of more than 3,000 offences every year, nearly 30,000 fewer work days lost through absenteeism and 1,250 fewer people unemployed because of alcohol misuse every year.

Robert Brown (Glasgow) (LD): Can the cabinet secretary explain why the drop in alcohol consumption between 2003 and 2008 has not resulted in all the benefits that she talks about?

Nicola Sturgeon: The member should recall and reflect on the fact that the consumption figures to which he referred are based on self-reporting, so there is a degree of underreporting. However, Robert Brown will perhaps be reassured to know that the University of Sheffield study was based on the most up-to-date information that was available. We have asked the university to re-run the study on the basis of new information so that we have the best evidence to inform our minimum pricing policy.

However, the evidence is compelling. The study shows that alcohol-related deaths would fall by almost 20 per cent. Total alcohol consumption would fall by 5 per cent, with a concentration on hazardous and harmful drinkers, whose consumption would fall by 9 per cent. Above all—the Tories should listen to this point—the study confirmed that minimum pricing would be a targeted policy, not a blanket policy. The greatest impact would be on strong, cheap alcohol, which is favoured by harmful and hazardous drinkers, and not on moderate drinkers, nor on mainstream and premium products.

Those are the facts, and it is because of those facts that our proposals are backed by a powerful coalition of opinion in Scotland: doctors, nurses, police, the chief medical officer for Scotland and, indeed, the Scottish Licensed Trade Association. The proposals have strong support outside of Scotland as well. The World Health Organization highlights minimum pricing as one of the most effective interventions in tackling alcohol misuse. The policy is supported not just by our chief medical officer but by chief medical officers in England, Wales and Northern Ireland.

Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): The cabinet secretary mentioned medical officers in England. Does the presence of the border with England not fatally undermine the minimum pricing proposal, because

anyone who lives near the border will just pop across to Carlisle and fill up their van?

Nicola Sturgeon: That is one of those assertions that has absolutely no evidence to back it up. If we want to have an informed debate, let us deal in facts and evidence, not simple assertion. Even the Tories now accept the link between price, consumption and harm, even if they have not yet come up with a coherent policy to tackle it. We welcome all those contributions to the debate.

David McLetchie (Edinburgh Pentlands) (Con): Will the cabinet secretary give way?

Nicola Sturgeon: This will be my last intervention.

David McLetchie: Would the cabinet secretary like to explain why the SNP, through its approach of minimum pricing, prefers to increase the profits of the drinks industry rather than take a taxation-based approach that would enhance the Exchequer's revenues and give her more money to spend on the national health service?

Nicola Sturgeon: If David McLetchie is arguing for the Scottish Parliament to have tax powers, I warmly welcome that conversion. However, he must address this point: taxation on alcohol has gone up in recent years, but that has not always been passed on to consumers, so it has not had the effect of reducing consumption.

In the last few seconds that are available to me, I want to address the point about legality. I will put to one side the irony of the Tories suggesting that we should somehow meekly submit to a one-sided view of EU law instead of arguing for our national interest. We have always said that challenges will have to be overcome in introducing minimum pricing. To be compatible with EU law, minimum pricing needs to be proportionate, non-discriminatory and to achieve a clear health benefit. It is emphatically not the case that the EU prohibits a policy of minimum pricing, and members should not assert that it does.

The minimum price policy can save lives and reduce illness and crime. I want the Parliament to have an open and informed debate on the issue. I am open-minded; in return, I ask all members to be open-minded as well.

I move amendment S3M-5118.2, to leave out from "action" to end and insert:

"effective enforcement of existing laws is needed, as is further action that is properly targeted, effective, evidence-based and legally competent, and, accordingly, is willing to examine, consider and debate all evidence and representations presented to it in seeking support for minimum pricing and the other measures in the Bill that will be introduced later in 2009."

The Deputy Presiding Officer: I call Jackie Baillie to speak to and move amendment S3M-5118.1. [*Applause.*] Order.

10:31

Jackie Baillie (Dumbarton) (Lab): I am sure that I will not be greeted with the same applause when I am finished.

Let me take this opportunity to pay tribute to my predecessor Cathy Jamieson for all her work in the health portfolio and in particular for her considered approach to the subject of minimum pricing. I intend to continue that approach.

Since my appointment as shadow cabinet secretary nine days ago, I have been inundated with briefings from those who passionately favour minimum pricing and briefings from those who are passionately against it. I thank all those organisations for their efforts. Labour's amendment does not close down any option at this stage.

I must say that I am delighted that Murdo Fraser takes so much interest in my website, but I say clearly to him that I want to listen to the views of those with expertise on the matter and, over and above that, I have already arranged to meet the cabinet secretary to discuss the Scottish Government's position.

Murdo Fraser: Will the member take an intervention?

Jackie Baillie: No, not at this stage. Maybe the member should listen.

This is a serious issue that deserves thoughtful consideration, and I intend to do it justice. The Parliament has always prided itself on taking an evidence-based approach to its policy making, and that should continue to guide us in this debate.

Murdo Fraser: I am grateful to Jackie Baillie for setting out for members why she has an open mind on the subject. When did her closed mind, which is clear from the statement on her website, become an open mind?

Jackie Baillie: I have a responsibility as the new shadow cabinet secretary for health to consider all matters in the round. We should not play politics with an issue as serious as this.

Let me set out, because I think that it is important to do so, where I believe there is agreement across the chamber. There is no question about the scale of the problem. Rates of death from alcohol cirrhosis in Scotland are now twice the EU average, and almost twice those of England. The age at which alcohol problems emerge has got younger. Rates of alcohol-related hospital admissions have gone up and rates of

alcohol-related crime are rising. The statistics are frankly appalling.

Labour members do not disagree that we need to tackle Scotland's unhealthy relationship with alcohol. That is a significant public health challenge, which the previous Labour and Liberal Democrat Scottish Executive recognised, and much of the groundwork for action was laid with the passing of the Licensing (Scotland) Act 2005. Many of its provisions came into force only in September of this year. We need robust enforcement of existing legislation, alongside any consideration of new measures.

There is a clear link between price, the level of alcohol consumption and harm. I was interested to find out the experience of other countries. For example, in Finland, prices were lowered, then subsequently raised. Consumption rose when alcohol was cheap, but dropped when the price was increased, in a very short space of time.

However, I regret that the entire debate appears to be polarised on the issue of minimum pricing. That ignores the swathe of measures that are already in our armoury and other approaches that have been suggested. Let us be clear that minimum pricing is no silver bullet. Scotland's relationship with alcohol is complex and deep-seated. We have more than one problem group: we have the young adult binge drinkers, with public nuisance and antisocial consequences; we have those with a habit of drinking in excess of safe limits, who are storing up future health problems such as cancer and diabetes; and we have those at the extreme, who are critically alcohol dependent. No single action will provide the solution for all those groups.

The University of Sheffield research is persuasive, but I recognise that some criticisms have been made about the modelling. Equally, members will have received a copy of the Centre for Economics and Business Research study that analyses the potential impact of minimum pricing on jobs and the economy. There is claim and counter-claim and acres of text of legal opinion.

Concerns have been expressed about whether the recent European Court of Justice ruling on minimum pricing for tobacco has a read-over to alcohol. Can article 28 of the Treaty establishing the European Community be set aside if article 30 is engaged? Will the Government's proposals meet the test of proportionality that is set out in article 30? Those questions need to be answered. If the SNP is serious about its proposals, it should simply share the substance of its legal advice with all Opposition party leaders. There is at least one precedent for doing so in the actions of the previous Scottish Executive. [*Interruption.*] Failure to share the legal advice will leave wide open the

question whether we can actually implement minimum pricing.

From a sedentary position, the cabinet secretary asked, "What is that precedent?" My understanding is that a precedent is provided by the Shirley McKie case. If she reconsidered the matter, we would be keen to engage with the Government.

Labour has suggested a variety of measures and we are keen to engage in the debate. I know that the cabinet secretary wants to achieve a consensus, but my idea of consensus is not simply waiting until others come round to one's own point of view. No party has a monopoly on the desire to rid Scotland of the problems that are caused by alcohol abuse, so it is incumbent on us all to ensure that we introduce the most effective set of measures to deliver the step change in culture and consumption that we all seek.

I move amendment S3M-5118.1, to leave out from "rejects" to end and insert:

"looks forward to considering the evidence of all the different approaches that can help to tackle the misuse of alcohol, and urges the Scottish Government to share the substance of all of the legal advice obtained."

10:37

Robert Brown (Glasgow) (LD): There is a common will in the Parliament to tackle the various harms that are caused by alcohol, which is a legal and perhaps even benign product when used in moderation but the precursor of big individual and social harms when taken to excess. As well as causing high levels of chronic liver disease, excess alcohol consumption is a major causal factor in crimes of violence, a regular factor in domestic abuse and a major destroyer of young lives, whether by way of parental abuse or teenage excess. Each one of those situations represents a life destroyed, so I will not argue that the challenge is overstated, as I believe that it is entirely right that the Parliament debates the issue at a high level of intensity. However, we are not only entitled but obliged to intensely debate what to do about the problem and whether the current policy proposals are right.

The central Liberal Democrat proposition is that tackling Scotland's alcohol scourge is about changing culture and feeding into responsible individual and personal decisions in consequence. Unlike in many other countries and cultures, getting drunk, staggering about out of one's mind and binge drinking are not just tolerated and accepted in Scotland but to some extent approved of. That is really not an acceptable position in modern, 21st century Scotland.

Today's debate centres on one proposal for tackling the problem that is based on the

acknowledged link between price and consumption. In my view, minimum pricing has been overhyped by the Government in its search for a totemic policy to rival the ban on smoking in public places that was introduced in the previous parliamentary session. However, even taking the most optimistic view, minimum pricing is not such a policy. Even the two University of Sheffield studies said that the effects would be small—equivalent to one or two pints a week.

A disadvantage of the focus on minimum pricing is that, in practice, it has diverted attention away from how we change culture. In today's short debate, I do not have time to go into those other issues, but they will continue to come through in wider debates in future, not least—as Jackie Baillie rightly mentioned—as the enforcement measures under the Licensing (Scotland) Act 2005 come on stream. Nevertheless, my view on minimum pricing is straightforward: I believe that the policy is well intentioned but marginal at best, badly targeted, irrelevant to the aim of changing culture and probably illegal.

Understandably, a powerful medical and public health lobby has swung in behind the idea of minimum pricing. I am not sure why they have hung their colours to that particular mast, given that wider issues follow from the link between price and consumption. However, although such lobbying has undoubtedly influenced the debate, my sense is that the 22 October ruling by the advocate-general of the European Court of Justice on minimum prices for tobacco might well mark the point at which the Scottish Government lost the argument on minimum prices for alcohol. The Government's attempt to suggest that the ruling—which, admittedly, falls short of a court decision—is irrelevant to alcohol seems to be not just poorly based but almost certainly definitively wrong.

Nicola Sturgeon *rose—*

Robert Brown: If Nicola Sturgeon will now put in the public domain the basic information about the matter, I am happy to give way to her.

Nicola Sturgeon: I will return to the legal issues in my summing-up speech, but I have a simple question for Robert Brown. I understand—although I do not agree with—his position on minimum pricing, but can he clarify the Liberal Democrats' position on banning off-sales discounts and promotions? The Liberal Democrats previously supported such a ban. Do they still support it?

Robert Brown: Yes, we support that direction of travel. Below-cost selling is a central issue that we need to tackle, but such a ban would be slightly different from the minimum pricing that the Government has proposed.

As we heard earlier, there are issues with the reply that the First Minister gave last week. In such matters, it is important that we stick to the facts.

Whatever the broader arguments, the Government's policy on minimum pricing is dead in the water on legal grounds unless it can come up with proposals that are a whole lot more persuasive than what we have seen so far. Even if a case can be made, the minimum pricing policy will be tied up for a pretty long time while it is challenged in court. It is time for ministers to put the legal advice into the public domain. They must tell us precisely why the advocate-general's judgment will not apply.

Today's debate is important, but it will not be definitive, because Labour members cannot make up their minds on the issue. I hope that the debate will focus ministers more on the challenge of how to change the culture and less on devices such as minimum prices that sound spuriously attractive but are in fact just fiddling about on the edges.

I am happy to move amendment S3M-5118.3, to insert at end:

"and fails to recognise the role of individual responsibility or meet the key test of bringing about fundamental, rather than marginal, cultural change".

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

10:41

Michael Matheson (Falkirk West) (SNP): Clearly, Scotland has a long-standing and deep-seated problem in its relationship with alcohol. Some argue that the problem has reached such an extent that alcohol has started to form part of the Scottish identity. The question that parliamentarians must ask is whether we are prepared to allow many of the problems that are associated with the misuse of alcohol to be seen as part of Scotland's modern identity.

The facts lay bare the extent of our nation's difficulty with alcohol. Some 42,000-odd hospital admissions per year result from alcohol-related problems. Over the past 30 years, the incidence of liver cirrhosis has increased by 450 per cent. One in 20 of all deaths recorded by the national health service are directly attributable to alcohol. Those figures illustrate the extent of the health problem that we now face as a result of our overconsumption of alcohol. The financial costs to our society have also been recognised: some £2.25 billion, through health and justice spending and through lost productivity, can be associated with alcohol. According to the World Health Organization, alcohol is now the third-highest risk factor in ill health—after high blood pressure and unhealthy diet—in developed countries.

As a society, we must be prepared to implement the necessary measures to deal with the issue. Consumption of alcohol is driven by two clear aspects: availability and price. Clearly, the liberalisation of licensing laws over many decades has resulted in alcohol being much more available now than it has ever been. Alongside that, the price of alcohol has dropped dramatically in the past 15 years, at a time when average incomes in the United Kingdom are estimated to have increased by some 50 per cent. That combination of increased availability and lower price is clearly fuelling the ever-rising number of people who overconsume alcohol.

What are the best options for dealing with the issue? I agree that health interventions have an important part to play. I fully agree that education has a key role to play, although I also recognise that quite a body of international research highlights that education is one of the least effective measures for dealing with those who have long-standing alcohol consumption problems. I agree that enforcement has an important part to play, although some of the comments that have been made about it are misleading. Minimum pricing is not simply about trying to deal with underage drinking in which enforcement has a clearer role to play; it is about trying to deal with the wider problem of alcohol consumption in our society.

Robert Brown: Will Michael Matheson comment on the cross-border problem that Jamie Stone touched on earlier? We know that a quarter or a third of people in southern Ireland travel to Northern Ireland to shop, with consequent effects on trade either side of the border.

Michael Matheson: I hope to come to that very point later in my comments.

The issue is complex and it will require a complex strategy to deal with it. However, we cannot avoid the fact that price is a key driver in the consumption of alcohol. There is no big-bang approach to the problem and no silver bullet, as Jackie Baillie stated. Instead, we have to look at the evidence base.

Robert Brown raised the possibility of people crossing the border to purchase alcohol. It is interesting that research from Canada, where eight out of 10 provinces have introduced minimum pricing, shows clearly that those people who live in provinces with no minimum pricing policy do not cross the border with the intention of purchasing alcohol.

We now need an opportunity in this Parliament to consider the evidence base for alcohol minimum pricing. I regret today's attempt by the Tories to force a decision on what are the best measures to deal with the problem into an hour

and a half's debate. That is why we should have an opportunity to consider all the evidence and all the issues when the bill is considered in committee and the chamber.

10:46

Hugh Henry (Paisley South) (Lab): There is no doubt about the need to take effective action to tackle the scourge of alcohol in families and communities throughout Scotland. I do not intend to go into the damaging effects that excessive alcohol consumption can have—they have been spelled out by other speakers and in many articles prior to today's debate. I hope that we can rise above our differences on the subject and come together to take effective action.

Although the cabinet secretary and her colleagues have made a well-intentioned proposal—and I commend them on the vigour that they have introduced to the alcohol debate—as we know, the road to hell is often paved with good intentions. My concern about the debate today is that the SNP has not addressed many of the concerns and criticisms that have been levelled. I am here to be persuaded that minimum pricing would have a positive effect and achieve the desired result, but so far I have heard nothing to persuade me.

We heard today about the legal issues and I do not intend to go into them, but they undoubtedly need to be addressed. We heard of the worry about the damage to the Scottish whisky industry, not just in Scotland but potentially internationally. That needs to be addressed, although it is but one small part of the wider argument about tackling Scotland's significant alcohol-related health problems. Murdo Fraser rightly mentioned some of the damaging products that are available in our communities but would not be hit by a minimum pricing policy. That point needs to be answered.

I encourage the cabinet secretary and her colleagues to reflect on some specific issues. Michael Matheson mentioned cross-border trade and Canada, but there is a difference between what is happening in the Republic of Ireland and Canada. By my estimation, one could near as damn it fly from Glasgow to Toronto as quickly as one could fly from Toronto to Vancouver. Opportunities for short cross-border journeys are not exactly available in Canada. Recently, along with other members from this Parliament, I spoke to politicians from the north of Ireland and the Irish Republic. The TDs who represent border areas in the Republic said that something like over 60 per cent of all alcohol sales in Ireland are now made in the north of Ireland. Although the cabinet secretary and her colleagues might suggest that other shopping is done when people go to the north, it is

nevertheless true that alcohol is a major influence on that pattern.

The cabinet secretary, I and others who are well paid, have internet access and credit cards, have the opportunity to go online to do our shopping and have deliveries made from Carlisle to Glasgow. Such facilities are not necessarily available to the poorer in our communities so the policy has a prejudice in favour of the better-off. It would create the opportunity for booze runs to Carlisle, not only for those such as me with the means to do that, load up the car and have a day out. It would also create opportunities for those with white vans who sell tobacco illegally in our communities to load up and return to sell the alcohol along with the tobacco. Many such people are also associated with the drugs trade, so we should worry that what we do has the potential to reinforce criminality. We should also worry about the impact on Scottish retailers.

My final point is that the proposed policy will not put a penny towards paying for extra health or addiction services or putting extra police on our streets. Although I favour using pricing to limit the consumption of alcohol, in a country such as the United Kingdom it should be done on a consistent basis whereby there are no anomalies, it is done through taxation and the revenue is invested in the facilities and services that we need.

Even at this late stage, I appeal for consensus. This debate shows the best and the worst of the Scottish Parliament. It shows the best in that we can address fundamentally important issues; it shows the worst in that we take up entrenched positions and will not reach out to achieve consensus on a matter that vitally needs it.

10:52

Nigel Don (North East Scotland) (SNP): I echo others' comments about the shortness of time available to us for this debate. I do not blame the Tories for raising the subject in a short debate—it is an important matter that we need to discuss—but I am not alone in believing that we do not have enough time to do it justice today. It is a subject to which we will have to return.

I agree with other speakers that minimum pricing is not a magic bullet. I will address some of the points introduced by Murdo Fraser and then draw in some facts from elsewhere. I endorse entirely the view that we need better enforcement of legislation, and I take the point that much of the relevant legislation is recent and will take a while to bed in. I also endorse the point that we need education, but I echo the comment made by my colleague that education is not enough. Esteemed professors tell us that education is not enough—it just does not change a culture.

I note that the Conservatives suggest that we should ban sales below cost price. That approach might have the same effect as minimum pricing, although it would not have the same characteristics. The Conservatives assure me that their proposal is legally competent. At some stage, although not through an intervention, I would like clarification as to why that approach is legally competent when minimum pricing is not.

The Tories make the point that minimum pricing would penalise moderate drinkers. That must be absolutely clear: anybody who buys a drink at a set minimum price will pay more for the drink. That is frankly inevitable, but it does not necessarily mean that it is not worth doing if we are clear that most of the people who are going to be penalised will change their behaviour for the better.

I will not talk about illegality beyond saying that of course we do not know what the European court will rule. We do not know until we get there. That is precisely like every other legal decision and it should not surprise us.

The Conservatives made the point, which was put to us originally by a certain part of the industry, that there will be immense damage to the export trade if we have a minimum price in this country. However, a minimum price is not a restraint on trade; it raises the bar for every importer and gives them more scope for offsetting their transport costs in order to import into this country. It does not act as a restraint at all on international trade. I would be enormously grateful if somebody could explain to me the mechanism by which it causes huge damage to export trade.

Murdo Fraser: I suggest that Mr Don should read the evidence that has been presented by the Scotch Whisky Association. It is extremely concerned that, if the Government in Scotland imposed an extra duty on spirits on health grounds, that would be a green light to every other Government in the world to do exactly the same. We know that countries such as South Korea have tried to impose punitive taxation on whisky imports in the past to protect the domestic market. The Scotch Whisky Association is concerned that that could happen elsewhere.

Nigel Don: I am grateful to the member for that explanation. Perhaps he could further explain at some stage how it is that a sovereign state needs an excuse to impose taxation, as it can do so anyway without the health requirement. *[Interruption.]* I stand by my question. Sovereign states can impose taxes, which is undoubtedly what the Tories will do if they take over running the United Kingdom next year.

That takes me to my final point. I would like to read out what Scottish Health Action on Alcohol Problems has said about minimum pricing—I can

give members a reference for these comments. SHAAP has said:

"It is claimed that minimum pricing for alcohol will do little to tackle alcohol abuse, however, the evidence points to the contrary. A recently published study exploring the drinking habits of patients referred to alcohol problems services in Edinburgh in 2008/09 found that the lower the price a patient paid per unit of alcohol, the more units they consumed."

That is unremarkable. It continued:

"Most of the alcohol the patients consumed was bought from off-licences where the cheapest alcohol can be accessed."

We know that.

SHAAP also said:

"The study concluded that because the average unit price paid by this group of chronically ill patients was considerably lower than the average for the rest of the Scottish population, then it was likely that the elimination of the cheapest alcohol sales would result in reduced overall consumption by this population of drinkers, with a fairly immediate reduction in serious alcohol-related illnesses in our community."

That is the real point about minimum pricing. Its effect will be on those who drink far too much and can ill afford to do so. We cannot stop those who can afford to drink themselves to death, but minimum pricing will have a considerable effect on those for whom money is significant.

10:57

Bill Aitken (Glasgow) (Con): This debate is not as polarised as some might claim. I think that we all recognise that excessive alcohol consumption is a significant issue in Scotland and that it must be addressed by a mixture of practical policy and the effective enforcement of the existing laws.

Scotland's relationship with alcohol is damaging. The figure of £2.25 billion that has been referred to is an estimate. Perhaps the cabinet secretary was a little bit naughty. I have merely queried the figure—I said that it had not been robustly tested. Indeed, Robert Brown shared that view at the time.

Let me be more constructive: no one is suggesting that we should do nothing; it is clear that we must do something.

Yesterday, *The Sun* printed a series of pictures that showed a number of people—they were largely young people—lying around drunk and incapable in our city streets. That highlights the problem of enforcement. The law is quite clear. It is an offence to enter licensed premises while drunk, to be on licensed premises while drunk or to refuse to leave licensed premises when asked to do so, and it is an offence for the licensee to serve someone who is drunk. People do not get drunk within the flick of a finger. The people in

question had been in licensed premises and had broken the law. The law had not been enforced.

Lest it be thought that I am being purely negative, I should say that things are getting better. Because of the 1,000 additional police officers whom the Conservatives forced on the Scottish Government, we are now seeing increased police patrolling. That activity has had positive results, although that is not yet, of course, showing in the figures.

That said, the figures are pretty damning. It is clear that there is a problem, but only a handful of licences have been forfeited to Scotland's 38 licensing boards, and very few people have been convicted of drink-related offences, particularly the offence of supplying drink to an underage person through an agent—in many cases, parents are involved.

A cursory glance at the Scottish Government's minimum pricing proposals suggests that they would reduce alcohol misuse, but deeper analysis reveals the flaws in such a policy. Advocates of minimum pricing may argue that the additional costs are a necessary evil to reduce alcohol abuse, but they operate on the assumption that heavier drinkers—those who are causing the problems—are more responsive than moderate drinkers to price changes. However, there is no direct correlation between alcohol misuse and consumption. On the contrary, it could be argued that responsible, moderate drinkers would be more likely to mind their wallet and abstain from buying alcohol at increased prices than those who regularly abuse alcohol. In addition, an unintended consequence could be that those who cannot afford to purchase alcohol will obtain it by theft or by other dishonest means—we have seen that with drugs.

It is important to recognise that a minimum pricing policy would largely penalise responsible drinkers by blindly raising alcohol prices for everyone in Scottish society. Such a scatter-gun approach cannot be right. The policy is a crude tool to punish those who are not a problem while doing nothing to combat those who are a problem.

Nigel Don: Will the member take an intervention?

Bill Aitken: I am sorry. I do not have enough time.

We must do something. The sensible approach is to use taxation, as we have suggested. Let us target the problem drinks: alcopops, heavy lagers, ciders and the other drinks of choice of those who cause so much trouble in our communities. We can do that through the taxation system.

Let us also recognise the potential damage that minimum pricing could cause to the Scotch whisky

industry, which is vital to our economy. The industry is worth £3 billion a year in exports, and overseas sales of whisky account for 20 per cent of all Scottish export manufacturing earnings. The Scotch whisky industry also supports more than 40,000 jobs, including 700 jobs in Jackie Baillie's constituency—that is probably what prompted her comments. We must recognise that that industry could be damaged.

I found Jackie Baillie's response in the debate tremendously disappointing. She normally knows what she is talking about. The image of her sitting on a fence is perhaps uncomfortable for us all, but that is what she has been doing. She and Gordon Brown got it right first time. Let us think about what we are doing.

As I have said, perhaps there is more to unite us than to divide us. Let us speak about the matter and find out whether we can bring something forward. However, we should not, please, adopt a damaging scatter-gun approach.

11:03

Rhoda Grant (Highlands and Islands) (Lab): I welcome this debate, but it is disappointing that our focus is on minimum pricing. I want to consider the wider debate.

I will be clear. I remain to be convinced about minimum pricing, not because I do not think that there is a problem to be tackled but because I think that it is a blunt instrument. It would punish the whole community for the excesses of the minority, who will remain unaffected. People who are addicted will feed that addiction, regardless of the cost. I do not believe that every person who is addicted to alcohol will turn to crime, but I believe that minimum pricing would impact on families and diets. We all know that alcohol consumption has a greater effect on the health of people with a poor diet than on the health of others.

Minimum pricing would mean increases in the outgoings of people on a fixed income, such as those who receive a state pension, who would have to cut their consumption accordingly. It does not take into account our cultural issues with alcohol. Why do Scotland and other northern countries have an attitude towards alcohol that is different from that of our Mediterranean cousins? If minimum pricing worked, surely Norway would have no issues with alcohol to deal with. I raise such issues because they need to be answered if the policy is to succeed.

As I said, I wish to explore the wider issues in the debate. I am concerned that many other matters need to be tackled before we adopt such an all-encompassing policy. I am clear, however, that we need to tackle our drinking culture and ensure that people are diverted from their

potentially harmful behaviour before it becomes a health issue.

In our culture, we drink both to celebrate and to commiserate. Many of our social interactions are based around a pub culture. That culture makes it difficult for people with drink problems to socialise, and it makes it very difficult for people who are addicted to tackle their drinking without feeling excluded from society.

Many aspects of the Licensing (Scotland) Act 2005 have recently been implemented, but we have not yet had the opportunity to measure how those measures are impacting on our drink problem and the wider drinking culture.

Bill Aitken spoke about enforcement of the laws that are currently in place. They are not being enforced. He seems to think that enforcement has started, but I disagree. Where I live, I see people staggering out of pubs all the time. Nobody has tried to stop them drinking while on licensed premises.

We need to invest more in education, equipping young people with the information that they need to make themselves aware of the health problems that stem from excessive alcohol consumption and allowing them to make informed choices.

Nigel Don said that education does not work and will not change our culture. How, then, does he explain our change of attitude to drink-driving? When I was young drink-driving was the norm; now, it is totally unacceptable.

We need to provide adequate support for people who find themselves dependent on alcohol. I often hear about people with drink problems who seek help but find that none is available. Where help is available, there are long waiting lists. As with any addiction, help needs to be available when the person is ready to accept it. A delay can lead to deterioration in their condition or, indeed, to a change of heart as the addiction prevails.

It is disingenuous of a Government to propose to tackle alcohol abuse by ticking the minimum-pricing box while sitting back and letting establishments such as Beechwood house in Inverness fold. Beechwood house provides support and counselling for those with alcohol problems, and it is often oversubscribed. It also provides a place of safety where the police can take people who have been picked up for being drunk and incapable. That means that there is less pressure on accident and emergency services, and that the people concerned do not find themselves in police cells. As we have seen in the past, locking up people who are very drunk in police cells can lead to deaths. Beechwood provides a safe place for them to go, and it allows their excessive drinking to be addressed.

The loss of Beechwood house would have a huge impact on the lives of people in the Inverness area who have drink problems and whose drinking has reached dangerous levels. If the Government is serious about tackling harmful drinking and saving lives, it needs to get real about facilities such as Beechwood, not just by ensuring that they are funded but by providing increased capacity.

If minimum pricing was the only avenue left to tackle alcohol abuse, I am sure that I and everybody else would support it. My concern is that steps that could make a real difference are being ignored because of their complexity. Minimum pricing is a headline-grabbing concept, but I remain to be convinced that it will change our culture, let alone save lives.

11:08

Shirley-Anne Somerville (Lothians) (SNP): Every member in the chamber agrees that alcohol misuse is one of the biggest problems facing Scottish society, and I welcome the recognition in Murdo Fraser's motion of the need to take action. I am puzzled, however, by the Conservatives' decision to reject offhand one aspect of the Government's alcohol strategy: minimum pricing. Even before the bill has been published and had the chance to receive parliamentary scrutiny, the Tories have brushed it aside.

The claim that the policy is not evidence based is absurd. The international evidence about increased affordability, particularly among heavy drinkers, is compelling. I would prefer to listen to the experts who have to pick up the pieces of Scotland's relationship with alcohol. Organisations such as the British Medical Association, the Royal College of Nursing, the World Health Organization, the Association of Chief Police Officers in Scotland, Alcohol Focus Scotland and SHAAP—to name but a few—have all stated that minimum pricing can make a difference.

Robert Brown: Will Shirley-Anne Somerville take an intervention on that particular point?

Shirley-Anne Somerville: I am about to move on to another point.

We heard from Bill Aitken that the policy will not tackle the problem with Buckfast and alcopops. He might be correct to say that it will not reach certain drinks that are particularly associated with teenagers, but the policy does tackle a high proportion of the drinks that problem drinkers choose to consume in large quantity, such as cheap cider, vodka and lager. There are other approaches to tackling the specific Buckfast culture—the proposed measure is just one part of a broad range of policies. We should remember that alcopops account for only 1.6 per cent of total

alcohol sales in Scotland—the problem with alcopops is not a reason in itself for us to ignore an entire policy.

Minimum pricing is common sense, not just to me but to Scotland's chief medical officer, Dr Harry Burns, who called tackling the price of alcohol "a no-brainer". Indeed, the policy of minimum pricing is supported by all four CMOs in the UK.

Even some Tories have seen the light, from Boris Johnson—it is not often that I quote him in a speech—to Councillor Jim Millar, chairman of the Angus licensing board, who recently said:

"I was amazed at how much alcohol ten pounds bought. This is the type of drink that seems to be favoured by underage drinkers which is a contributory factor in the anti social behaviour that is making the lives of so many people a misery."

He went on to say:

"The main cause of complaints to us as councillors continues to be young people indulging in anti social behaviour which is invariably fuelled by alcohol that can be bought for next to nothing.

This is a situation that has to be brought under control".

I could not agree more with Councillor Millar on that.

Murdo Fraser: I am confused as to why the member thinks that that message is in support of minimum pricing; it could equally well be in support of increased taxation on alcopops and problem drinks, which is exactly what the Conservative proposal is.

Shirley-Anne Somerville: It certainly could, if taxation was seen to work, but in most cases the increase is not passed on to the consumer. I would be intrigued to know how a targeted approach to certain alcopops fits with a policy that must, under EU law, relate to all alcohol—rather than having members picking and choosing what they might want for their press release on a given day.

During the summer I visited a number of projects in Edinburgh, including the Junction in Leith, which provides excellent support for young people. The staff there told me about 12 and 13-year-olds who already have a serious drink problem, and many more who have a disturbing attitude towards drinking and who get involved in violence because of their attitude to the drink. Minimum pricing will not stop overnight those young people—or folk of any age or social class—drinking, and it must of course be part of a package of measures, but something needs to be done, and it needs to be radical. It must be based on evidence, but it must be radical nonetheless.

The time for strong words and no action is over. The Scottish Government is trying to take a lead

on the issue, and every member has a responsibility to find their own solution if they cannot agree that minimum pricing is the way forward. We have not heard that the solutions from the Tory party will have the same impact as the proposed minimum pricing legislation.

We are already paying the price—hardened drinkers, responsible drinkers and teetotallers alike—and that includes the price to the health service and the crime in our communities. The Parliament has an opportunity to live up to the reputation that it has established of taking a leading role in tackling Scotland's public health record. It is an opportunity that we should not miss.

11:13

James Kelly (Glasgow Rutherglen) (Lab):

There is broad agreement across the Parliament about the impact that alcohol has in Scotland. As many members have said in the debate, and as many lobbying organisations have pointed out, cirrhosis rates in Scotland have rocketed compared with those in England and Wales. In many European countries, those rates have begun to drop.

It is clear that we have a Scottish problem, and that is reinforced by the fact that enough alcohol is consumed in Scotland for every adult to be over the safe limit in terms of units of alcohol consumed. In addition, the number of deaths that are attributed to alcohol in Scotland is much higher than the number for the UK. In my constituency the number is 238 per cent higher than the UK rate.

Whatever the precise figure, that has an impact on the economy. There can be no doubt about the health impact, taking into account the number of people who require to be seen and treated by the health service. As a knock-on effect of alcohol-related illness, people are sometimes not able to attend work or even continue in work. That has an impact on the economy at a time when we want our economy to be strong and vibrant.

In addition, as Bill Aitken has outlined, there are also clear impacts in the justice arena. There is no doubt that many serious crimes, including murders, are committed as a result of alcohol-related incidents. Those of us who represent urban constituencies are only too aware of the impact that alcohol plays in crime and antisocial behaviour. In addition to that, the report on fire deaths that was published earlier this week showed that alcohol has a role to play in some of the fire deaths in Scotland.

It is against that backdrop that the minimum-pricing proposal has been brought forward. Some have pushed the argument for minimum pricing

strongly, and there is no doubt that there is a case for considering it. However, some issues around minimum pricing must be addressed before it can be taken forward.

I remain genuinely confused about the various views that have been set out with regard to the legality of the policy. We need a better understanding of the legal opinion that the Scottish Government has.

Another problem with the policy that must be addressed is the fact that it would boost the coffers of retailers. There is no doubt that that is one reason why the Scottish Licensed Trade Association supports the proposal. There is some way to go before we can be convinced about minimum pricing.

We have to ensure that the existing laws are more effectively enforced. As others have said, the Licensing (Scotland) Act 2005 has just been introduced, and we need to monitor how effective it is with regard to combating alcohol addiction. We need to consider measures such as the test-purchasing scheme, and we must combat the use of agents in the purchasing of alcohol for under-18s. Other measures must be addressed, such as the use of alcohol treatment and testing orders to deal with problem drinkers. In addition, it is worth thinking about a mandatory challenge 21 scheme and tougher sanctions on those who break the licensing laws.

Overall, we need to change our culture. There is no one policy that will solve the problem. We need to reduce our consumption of alcohol. We need an in-depth and constructive debate on the issue so that, as a Parliament, we can put forward a comprehensive set of solutions that will tackle a major problem for Scottish society.

11:18

Mike Pringle (Edinburgh South) (LD): Although I agree with what the Government is trying to achieve, I cannot support the proposed legislation in its current form; Scotland's destructive relationship with alcohol is complex and cannot be solved simply by increasing its price. Effective policies must seek to foster cultural change.

The proposals still face several challenges in relation to what they seek to achieve and their legality. I am concerned that a minimum price at the suggested level of 40p per unit would not have a substantive material effect on problem drinkers. That is borne out by the Sheffield study that has been mentioned by several members. It is suggested that a minimum price of 40p per unit would reduce consumption among harmful drinkers—who are defined as those women who consume more than 35 units a week and those

men who consume more than 50 units a week—by only 3.7 units a week. If those people did not reduce their consumption, the proposal would leave them £139.20 out of pocket every year, which is only £2.68 a week. I suggest that that sum is hardly likely to change what is for many a long-standing and culturally ingrained habit.

Nigel Don is right to say that we cannot second guess what the European Court of Justice will decide when it deliberates on the issue, if it has to do so, but the Scottish Government has brushed off as irrelevant the court's recent ruling on minimum prices for tobacco and failed to address the relevant issue of whether minimum pricing of alcohol would distort the market in the way that it was deemed that the setting of tobacco prices would.

What is the alternative? The Liberal Democrats believe that an effective programme of action to tackle alcohol misuse must involve vigorous enforcement of the existing law, especially with regard to underage and proxy purchases and selling to drunks. That must be supported by a focus on supporting cultural change from the bottom up, which involves providing better education, responsible alcohol marketing campaigns to inform the public of the risks and early intervention schemes to divert young people away from developing bad habits with alcohol.

I am not suggesting that there is no role for legislation—I agree with Jackie Baillie that minimum pricing is not the only way to tackle the issue and suggest that we try to tackle it in other ways first. I am strongly supportive of a one-strike-and-you're-out policy for retailers who sell alcohol to minors. We need to crack down hard on those people. I reiterate that the Liberal Democrats also support a ban on the sale of alcohol below the cost of duty, plus VAT, which would put a price floor in place to end the reckless practice of loss leading, and efforts to tackle irresponsible promotions.

I am sorry that Bill Aitken is not here, because I agree with him—on this rare occasion—that most of the existing law in the area is not being enforced. The police and our licensing boards should enforce it. Our licensing boards should embark on a strong and proactive campaign to target landlords and other owners of licensed premises who sell to underage drinkers. The point about kids going into shops to check out prices has been made. I think that that has been quite successful, where it has been tried.

It is vital that any reform of the law is targeted and evidence based, and that it involves meaningful consultation with all the relevant interested parties and stakeholders. I agree with the member who said that they have never received so many pro and anti messages on any

other subject since they became an MSP; I have about 40 e-mails on the matter and I can say that opinion is divided. We need to take account of all of those opinions and must not jump to rash conclusions.

Michael Matheson: Will the member give way?

The Deputy Presiding Officer (Trish Godman): The member is just about to finish.

Mike Pringle: Our clear objective will be to bring about a tipping point at which it becomes no longer socially acceptable regularly to drink to excess.

11:23

Dr Richard Simpson (Mid Scotland and Fife) (Lab): Mike Pringle's comment, that we should keep the situation open, is exactly our position. I welcome that late conversion in the debate.

We all agree that there is a problem. I do not have time to rehearse all the issues, but we know that alcohol-related deaths have increased—we are now at twice the European average—that the age of onset of problems is younger, that people are dying of alcohol-related problems younger and that alcohol is one of the most significant factors that contribute to premature death, alongside suicide, accidental death and, indeed, death from cirrhosis of the liver.

We must address three problem groups: the young adult binge drinkers; the increasing number of adults who are drinking above safe levels, which leads to ill health, including cancer and diabetes; and those who have an alcohol-dependency problem.

Not only do we all agree that there is a problem, we all agree that price would appear to be relevant and important. As Michael Matheson said, availability and price are the two major factors that affect alcohol consumption.

The peculiar situation in Scotland is that the level of problem drinking has increased very sharply and significantly in the past 20 years. Around 80 years ago, we had a culture in which we elected teetotal MPs—one of whom defeated Winston Churchill—on the basis that they were teetotal. During a period of 70 or 80 years, there has been a slow but significant change in culture, and the culture is the central problem that we must address.

Hugh Henry: Will the member take an intervention?

Dr Simpson: I am sorry, but I do not have time.

Other countries have experienced significant problems with alcohol. France had a massive problem, and yet the number of deaths from

cirrhosis in that country has now reduced significantly without the introduction of minimum pricing. France has begun to change its culture by tackling two things: advertising and drink driving. Those have been the main drivers of change in France—they began at a level which Scotland is now reaching, and they are now approaching the EU average, so France is moving in the opposite direction to Scotland without introducing minimum pricing.

The other important factor in the debate, as many members have stressed, is that a new licensing act—the Licensing (Scotland) Act 2005—has only just been introduced and we do not yet know what its effects are likely to be. We hope that the licensing boards will have the guts, the teeth and the determination to tackle one of the central problems, which is supermarkets stacking 'em high and selling 'em cheap and displaying alcohol all around the store. That makes a major contribution to the cultural fact that drink is a massive part of our diet and makes the situation more difficult.

I do not have the time to rehearse the various arguments for and against minimum pricing, but it is clear that the health lobby, the police and the on-trade are in favour of it. There is evidence from Canada that it may have some effect, but there is also evidence from Finland that a price reduction has an adverse effect, particularly on deprived communities and those in the 40 to 50 age group.

There is the University of Sheffield study, although it has been criticised. One major criticism I have is that the study's definition of moderate drinkers falls well below the level of safe drinking, so the study does not model the right groups effectively. Scottish Health Action on Alcohol Problems says that changing the price would affect the very heavy drinkers, but I remain to be convinced of that. We definitely need to address the arguments about price and achieve a consensus on the matter.

There is also the central question, which really must be addressed and cannot be brushed off, about whether the legal opinion on the new tobacco legislation has no bearing on this issue. I see that the cabinet secretary is looking at me again—she has shaken her head every time the issue has come up. We need to develop a clear understanding on the matter, which must be shared by all parties if possible. Without such a consensus, the policy will not be passed.

Hugh Henry made the argument about the cross-border trade between Northern Ireland and southern Ireland, which is important and must be considered. The important issue of internet sales—which are increasing—has not been addressed, and the issue of illegal trafficking must

be considered. The issue of Buckfast has not been tackled at all.

The Deputy Presiding Officer: You should finish now, Dr Simpson.

Dr Simpson: We need to consider all the issues in the round, as a complete package. I admit that I come from a health community that is more in favour of minimum pricing than against it, but nevertheless I believe, along with Jackie Baillie, that the arguments are not yet conclusive. We need to sit down together and work out how to tackle the problem in an effective way.

11:28

Nicola Sturgeon: This has been a high-quality debate, and I agree with Jackie Baillie that we are discussing a serious issue that deserves serious consideration. Richard Simpson is right: it is positive that we have a welcome consensus on the scale of the problem and—I think—on the fact that price has a big part to play in the solution.

I do not believe that it reflects badly on Parliament that we do not yet agree on minimum pricing, but I believe that it will if we approach the debate on the basis of assertion rather than evidence. All of us, including the Government, have a duty to ensure that we do not do that, and I will now deal with some of the assertions that have been made today.

The first assertion is that minimum pricing would be a blanket policy rather than a targeted policy. Bill Aitken called it a “scatter-gun approach”; Rhoda Grant used similar terminology. I invite members to look closely at the University of Sheffield study, which I believe demonstrates exactly the opposite. It shows that a policy of minimum pricing would, in financial terms, cost harmful and hazardous drinkers significantly more than moderate drinkers. It also demonstrates that while overall consumption would fall by around 5 per cent, consumption among harmful and hazardous drinkers would fall by closer to 9 per cent. The study therefore demonstrates the targeted nature of the policy.

The second key assertion that has been made today is that a policy of minimum pricing would damage the whisky industry. I will put on record, as I have done before, the fact that I value the contribution of the whisky industry to Scottish culture and the Scottish economy. A policy of minimum pricing does not target whisky, as whisky is a premium product. Almost every recognised brand of whisky on the supermarket shelves already retails above an illustrative minimum price of 40p per unit.

Minimum pricing affects large bottles of cheap cider and vodka, which are often the drinks of choice for those who drink at harmful levels.

Robert Brown: Will the cabinet secretary give way?

Murdo Fraser: Will the cabinet secretary give way?

Nicola Sturgeon: I will take only one intervention, from Robert Brown, as I do not have much time.

Robert Brown: Many whisky products in the supermarkets are sold at prices that are below the minimum price. Minimum pricing would affect those products and have a substantial effect throughout Scotland, particularly on distilleries.

Nicola Sturgeon: The majority of Scotch whisky is sold above the level at which a minimum price might be set. The products that fall below that price are the products that are very strong and cheap. That is exactly the type of product that minimum pricing is expected to tackle.

Before I move on from the whisky industry, I will deal with another assertion that has been made. The Scotch Whisky Association says that other countries will discriminate against Scotch whisky because of minimum pricing. No member has referred this morning to the fact that the SWA also says that more than 100 countries around the world already discriminate against Scotch whisky. It is not true to say that discrimination will be caused by minimum pricing; discrimination already exists. The Government will back the industry against discrimination vigorously at all times, but we cannot allow the illegal actions of other countries to prevent us from taking the right action for our country.

We have heard plenty of assertions, but no evidence, that minimum pricing will put jobs in the whisky industry at risk. We have plenty of evidence, however, that cheap drinks cost jobs in the pub industry and the smaller off-sales trade. Members should recall the announcement last week by Haddows, in which jobs were put on the line.

I must say to Richard Simpson that I have never brushed aside the important issue of legality, but it is disingenuous to use an opinion that is based on the specific wording of a tobacco directive to draw definitive conclusions about alcohol. For those who have not read the tobacco directive, I should say that it gives tobacco manufacturers the discretion to set maximum retail prices for tobacco. The opinion says that setting a minimum price would fetter that discretion, because manufacturers could not set a maximum price below the minimum price; it is specific to the directive.

Jackie Baillie is correct to say that the opinion comments on articles 28 and 30 of the EC treaty, but we know from the answer that Catherine Stihler received that the EC is quite clear that minimum pricing is not prohibited. The policy has to pass hurdles, but that can be said about any matter in which EU law impacts on domestic law.

Jackie Baillie: Will the member take an intervention?

The Deputy Presiding Officer: The cabinet secretary does not have time.

Nicola Sturgeon: I will finish on the point about legal advice. I want to work with other parties on the issue, but we are working within the same constraints as the previous Administration. I have acres of quotations from previous ministers, including Jim Wallace, on why legal advice cannot be shared. Jackie Baillie says that there are precedents such as the Shirley McKie case, but I have not been able to substantiate that. On Sunday, Iain Gray said unequivocally that legal advice was shared on the smoking ban, which is simply not true. If there are precedents, I am willing to discuss with Jackie Baillie and members from other parties the ways in which we can provide reassurance on these important issues.

This is a serious issue, and I hope that all members will approach it seriously. I hope that we can keep party politics out of it, because the health of our country is too important for us to allow the debate to become party political.

11:34

Mary Scanlon (Highlands and Islands) (Con): The cabinet secretary said that she has acres of quotations. We are looking not for acres of legal advice but just for some legal advice. I quote what the First Minister said last week in response to Jackie Baillie:

"I hope and believe that such information can be made available to members to enable us to discuss and address the issue in a serious way."—[*Official Report*, 29 October 2009; c 20682.]

David McLetchie (Edinburgh Pentlands) (Con): Honour the promise.

Mary Scanlon: Indeed.

The Sheffield study is an academic study; it cannot be called evidence. As Richard Simpson said, the modelling for the report is questionable, and it certainly does not prove the case for minimum pricing.

Despite being short, the debate has been interesting, informative and useful. We have heard wide-ranging views from all sides. I particularly endorse Hugh Henry's speech, which was

excellent. It was thoughtful, considered and exceptionally well balanced. It was first class.

Nigel Don needs to read the general agreement on tariffs and trade; every country has to abide by the GATT articles as well as by EU rules.

I thank Rhoda Grant for highlighting the fact that, in the Highlands and elsewhere, the issue is not just what the Government does to address the problem. Many people who have an alcohol problem want to address it themselves but, as she said, when they seek help it is not available. That is a major point and I thank her for making it.

James Kelly made an honest and sensitive speech, as did Mike Pringle and others.

We can agree that there is a problem with alcohol—as we state in our motion—and we can surely also agree that we need the right proposals to tackle it. As Robert Brown said, the purpose of the most recent legislation on alcohol, the Licensing (Scotland) Act 2005, was to address excessive or illegal alcohol consumption and to protect and improve public health, but there have been unintended consequences: in Shetland, Orkney and Moray, one third of alcohol licensees have not renewed; in the Highland Council area, there have been 345 fewer applications. Who has not renewed? Village halls, small shops, guest houses, tearooms, National Trust for Scotland and Historic Scotland properties, famous jewellery companies, visitor centres, distilleries and breweries. We can hardly agree that those are likely places of excessive or illegal alcohol consumption.

As our motion states, Scotland has a complex relationship with alcohol and minimum pricing would penalise responsible drinkers. Surely the correct principle is that any policy on alcohol misuse should address those who have the problem, not the majority who do not. A good start would be to ask a question that Robert Brown and others asked: why do young people in southern Europe go out to socialise whereas so many young people in Scotland go out to get drunk? Also, why do we not have enough brief interventions, which have proved to be successful when someone is picked up drunk and incapable from the street?

I also compliment Bill Wilson, who had an excellent members' business debate on the social norms around the issue. International findings as well as research by the University of Paisley demonstrate that most people overestimate the alcohol intake of their peers and that that misperception of social norms leads to increased consumption. The Government has not addressed that issue, which was raised in Bill Wilson's first-class debate.

As Murdo Fraser said, the Conservative team at Westminster has proposed significant tax increases on problem drinks, a ban on selling alcohol at below cost price and a tougher licensing regime. That approach tackles the problems of drinking and antisocial behaviour while leaving responsible drinking unaffected. We can compare that with the Government's proposed blanket minimum price of 40p per unit, which equates to about one glass of wine or a pint of lager a month. Under the Sheffield calculations, an 18 to 24-year-old binge drinker would have to pay an extra 46p a week. That is hardly likely to deter them from alcohol consumption.

As our new ally Gordon Brown stated, it is important

"to take action that is properly targeted and effective ... We do not want the responsible, sensible majority of moderate drinkers to ... pay more or suffer as a result of the excesses of a small minority".

That was his rejection of blanket minimum pricing. I also compliment the wisdom and experience of our former First Minister, Jack McConnell, who said:

"the strategy of making alcohol more expensive for the decent majority of people rather than concentrating on enforcement and stopping the lawbreaking and abuse of alcohol is a flawed strategy."

I appreciate that I am getting close to the end of my time, but I have a couple of final points. When we consider someone who is alcohol dependent, we are facing an inelastic demand.

The Presiding Officer (Alex Fergusson): You must close, please.

Mary Scanlon: I am young enough to remember when the SNP's call for separation was based on revenues from whisky. No one expected the SNP to deliver such a crucial and critical blow to our iconic industry.

The Presiding Officer: That concludes this morning's Conservative party business.

Question Time

SCOTTISH EXECUTIVE

General Questions

11:41

BBC Alba

1. Jamie McGrigor (Highlands and Islands) (Con): To ask the Scottish Executive what representations it will make with regard to the BBC Trust's review of BBC Alba. (S3O-8339)

The Minister for Culture, External Affairs and the Constitution (Michael Russell): The Scottish Government will make it clear to the BBC Trust that we regard BBC Alba as a vital addition to Scottish broadcasting. From the very date of its launch, the Scottish Government has supported the availability of BBC Alba on Freeview—a matter that I have raised repeatedly with the BBC at every appropriate level.

Jamie McGrigor: The minister will be aware that the Scottish Conservatives have consistently argued that BBC Alba should be available on Freeview. Many of my constituents in the Highlands and Islands believe that the issue is one of fairness. Does the minister agree? Will he continue to make the strongest possible case for the availability of BBC Alba on Freeview, given the importance of the channel in sustaining and encouraging our Gaelic culture and heritage?

Michael Russell: Absolutely. Developing and maintaining a critical mass of viewers for BBC Alba requires it to be available on Freeview. There is some concern about some of the BBC Trust's arguments on the issue, which appear to have emerged out of nowhere. We will vigorously support the channel's availability on Freeview. Indeed, I have said on occasions, particularly to the Scottish member of the BBC Trust, that I cannot understand why the decision is taking a year. It should have been made much more quickly.

Rob Gibson (Highlands and Islands) (SNP): The minister mentioned the attitude of the BBC Trust. It has suggested that radio stations could be blocked out when BBC Alba is screened. Will the minister take up the case and ensure that the BBC Trust also considers the television channels that broadcast late at night and are not on at the same time as BBC Alba? Will he ask why the BBC Trust is targeting the radio stations, which are alternatives for our listeners and viewers?

Michael Russell: To be scrupulously fair to the BBC, which is something that I try to be, it has

listed a number of options as possibilities, of which the removal of a number of radio services is only one. Many of us were surprised to discover that that was one of the options. There are better options. We will argue for the options that ensure that services continue to be provided but that an additional service is provided—BBC Alba.

Cultural Heritage

2. Irene Oldfather (Cunninghame South) (Lab): To ask the Scottish Executive what importance it places on Scotland's cultural heritage. (S3O-8298)

The Minister for Culture, External Affairs and the Constitution (Michael Russell): A tremendous importance.

Irene Oldfather: The minister will recall that, in a previous life, he signed several of my motions that called for the Carrick/City of Adelaide not to be deconstructed. Does he agree that every possible effort should be made to save the ship? Given that he now has ministerial responsibility, will he consider what action the Scottish Executive can take to find a solution and ensure that the Carrick/City of Adelaide continues to have a place in the social, cultural and maritime heritage not just of Scotland but of countries around the globe?

Michael Russell: I was indeed a vigorous objector to the demolition of the Carrick/City of Adelaide. That was almost 10 years ago. During the time since then, another Government that was present in Scotland did nothing to assist the matter. The city of Adelaide itself now seems unable to raise the finance to take the ship, and a proposal to send it to Salford to form part of a new development has been deemed impossible. I regret to say that there does not seem to be a range of other solutions that might fall within the funding available from the public purse or the Scottish Maritime Museum. The fact is that, occasionally, things of value cannot continue to exist, simply because we cannot bring together all the required resources. The amount of resources needed has risen substantially over the past decade; if something had happened earlier it might have been possible to do something. We will continue to consider every possible opportunity and do whatever is possible but I have to say that, given how long the matter has hung on for and given how the previous Administration did nothing to act on it, I am not hopeful.

Rail Services (Ayrshire)

3. John Scott (Ayr) (Con): To ask the Scottish Executive what recent discussions it has had with Transport Scotland, Network Rail and train operating companies about the development of rail services in Ayrshire. (S3O-8343)

The Minister for Transport, Infrastructure and Climate Change (Stewart Stevenson): Transport Scotland, on behalf of the Scottish ministers, regularly meets Network Rail and ScotRail in the normal course of business to discuss a range of matters including the development of rail services.

John Scott: As the minister knows, the Ayr to Glasgow line is one of the busiest rail routes in Scotland. Despite that, it is not possible to purchase a flexipass on the route, even though such an option would greatly benefit the large number of my constituents from Ayr, Prestwick and Troon who commute regularly by rail. Will the minister encourage the relevant rail authorities to put in place the necessary measures, including improved revenue protection procedures, to ensure that flexipasses can be introduced on the Ayr to Glasgow rail route?

Stewart Stevenson: The member makes an important point. He will be aware of the order for class 380 trains, which will form an important part of the development of services to the west of Glasgow. The introduction of those trains, which will be the most modern in Scotland, will increase capacity, increase speed and substantially increase comfort.

I am entirely comfortable with engaging with First ScotRail on the subject of the flexipass. Revenue protection is important to the operation of our railway, and the ScotRail franchise is the only one on the Great Britain network that mandates that every train must have a second person whose responsibilities largely revolve around that matter.

Charlie Gordon (Glasgow Cathcart) (Lab): Will the minister consider developing direct rail services between Ayrshire and destinations beyond Glasgow, such as Edinburgh and Aberdeen?

Stewart Stevenson: I welcome Mr Gordon to his position as my opposite number on the Labour benches. As he knows, we are both rail enthusiasts so, naturally, I will within the constraints of the funding available to me take every opportunity to develop services wherever significant demand exists in Scotland.

Kinship Carers Allowance

4. Rhoda Grant (Highlands and Islands) (Lab): To ask the Scottish Executive whether all local authorities pay the minimum national allowance to kinship carers. (S3O-8282)

The Minister for Children and Early Years (Adam Ingram): The concordat commitment in relation to kinship care is to provide

"allowances for kinship carers of 'looked after children' to treat them on an equivalent basis to foster carers"

by the end of this spending review period in 2010-11. Most local authorities are already making payments to kinship carers of looked-after children. The level of the allowance is set locally and may depend on individual circumstances such as the impact on the carer's benefits entitlement. All local authorities have stated that they will provide allowances to kinship carers of looked-after children by the next financial year.

Rhoda Grant: I find it hugely disappointing that not all local authorities are making the payment or making it at the required level. Will the minister consider ring fencing the money to ensure that it goes to those people? Will he also ensure that all kinship carers get the support of local support groups, which, at the moment, are open only to those who care for looked-after children?

Adam Ingram: No; the member really needs to get her head round the fact that we have established a different relationship with local authorities that is based not on central diktat but on a partnership approach. I am encouraged by the importance that has been placed, across the country, on kinship care and the benefits of successful kinship care placement. After all, it makes financial sense for local authorities to put good local schemes in place.

I am encouraged by progress to date, but I am aware that some areas are better than others, so I am bringing together a number of key local authority representatives to learn from those authorities that are delivering effective support for kinship carers and to ensure that we support better services across the country.

Jim Tolson (Dunfermline West) (LD): Although a constituent of mine has to look after their grandchild as their daughter is a paranoid schizophrenic, they receive no financial assistance whatever because the child has not gone through the social work system and achieved looked-after status. How can the minister assist in that situation?

Adam Ingram: If the member cares to write to me with the details of the case, I will be able to give it more careful consideration.

In line with our drive towards early intervention, I believe that it is in everyone's interest for a package of support to be put around a child in those circumstances and I would be looking the health service, local authorities and others to do just that.

Elaine Smith (Coatbridge and Chryston) (Lab): Does the minister accept that the way in which the scheme has been introduced has given rise to unfair anomalies? While we continue to debate the issue, some families throughout Scotland continue to care for children in difficult circumstances and without the full support,

including the holistic care package and the allowance, that they need and deserve.

Adam Ingram: I certainly accept that there have been some difficulties in ensuring the effective roll-out of the scheme across the whole country. One particular barrier has been the relationship between the tax and benefits system. Some local authorities do not believe that they should be income maintenance agencies, suggesting that the tax and benefits system should support children coming into families. As the member knows, the Scottish ministers and their United Kingdom counterparts continue to correspond on that subject.

Colleges Funding 2010-11

5. Alison McInnes (North East Scotland) (LD):

To ask the Scottish Executive what discussions it has had with the Scottish Further and Higher Education Funding Council on the distribution of the remaining amount of additional revenue funding for colleges in 2010-11. (S3O-8352)

The Cabinet Secretary for Education and Lifelong Learning (Fiona Hyslop): The Scottish Government and the Scottish funding council are continuing to consider how resources that are yet to be allocated might most effectively be used to support learners in 2010-11. Those resources are additional to the significant planned increase for 2010-11 in our funding of the college sector, which will enjoy a cash increase of no less than 6.9 per cent—or 5.3 per cent in real terms—at a time when the Westminster Government has cut the Scottish Government's budget by £500 million in real terms.

Alison McInnes: There is real disquiet among the board members of rural colleges on this matter. Does the cabinet secretary agree that the criteria used in the first round might have been insufficiently robust, given that no college north of Dundee received any funding, despite the pockets of significant rural youth unemployment in the north-east? Will she give a commitment to fine tune the criteria to ensure that the allocation of additional funding redresses that imbalance and offers support to young Scots in rural areas?

Fiona Hyslop: It is obvious that we have to ensure that support goes where it is needed. In that respect, we need to look at the claimant counts for September 2009. In Aberdeenshire the increase was 1.4 per cent, in Angus it was 1.6 per cent and in Perth and Kinross it was 1.5 per cent. However, in East Ayrshire the increase was 4.8 per cent, in North Ayrshire it was 4.6 per cent and in North Lanarkshire it was 5 per cent. As the member suggests, it is important that we target resources where they are needed.

Under the terms of the flexible new deal, work-focused training will have to be delivered for young people in the north of Scotland, but as that will not come on stream until August 2010, we need to think about the resources that are needed now. The member is also right that we need to think about where resources will be needed in the academic and financial year 2010-11.

Murdo Fraser (Mid Scotland and Fife) (Con): The cabinet secretary will recall that, last month, the Parliament unanimously passed a Conservative amendment in my name that supported funding for rural colleges. I appreciate that such decisions are for the Scottish funding council, but the fact is that the cabinet secretary has powers of ministerial direction on this matter. Will she bear in mind the terms of my amendment when she considers future funding allocations?

Fiona Hyslop: I have already, in discussions with the funding council, brought to its attention the concerns that were raised in the Parliament. The council is aware of the motion that Parliament passed. I reiterate that when we have areas that have five times the increase in claimant count for 18 to 24-year-olds it is important that we address those areas first. We should bear it in mind that the claimant count information for the most recent quarter for which information is available shows that Scotland's figure is 2.7 per cent below that of England. That shows that we must be getting something right somewhere.

Concessionary Travel Schemes

6. John Park (Mid Scotland and Fife) (Lab): To ask the Scottish Executive how it is supporting concessionary travel schemes. (S3O-8299)

The Minister for Transport, Infrastructure and Climate Change (Stewart Stevenson): The Scottish Government provides free bus travel to everyone over the age of 60 and to eligible disabled people who live in Scotland. We have previously announced that we intend to include Her Majesty's service personnel and veterans under the age of 60 who have been seriously injured in service. The Scottish Government also provides discounted bus and rail travel to young people living in Scotland who are aged 16 to 18.

John Park: A recent newspaper report suggests that Fife Council is likely to scrap the flat-rate concessionary 50p rail tickets. I am sure that the minister will acknowledge that Fife has been at the forefront of pushing out the boundaries on concessionary travel—it was the first local authority to provide free bus travel for all pensioners. Given the wider health and wellbeing aspects of the policy, will the minister contact Fife Council as a matter of urgency and consider what support can be sourced from the Scottish Government so that the policy can continue?

Stewart Stevenson: We have regular discussions with councils throughout Scotland. The member will be aware that, under this Government, the proportion of the budget that is allocated to councils has risen since the final Labour budget at the end of the previous session of Parliament. It is for local authorities to decide how to spend the money that is available to them, but of course we will continue to have meaningful discussions on supporting people's transport needs in Fife and elsewhere in Scotland.

Ian McKee (Lothians) (SNP): Are there plans to adopt the model of concessionary travel in England, where it applies only to local bus services?

Stewart Stevenson: One key attribute of the Scottish system is that transport is available throughout the day and right across Scotland. I congratulate my predecessors on introducing such a scheme. We share the commitment to the scheme and we have extended it. We certainly do not intend to copy what happens south of the border.

Charity Funding

7. Cathie Craigie (Cumbernauld and Kilsyth) (Lab): To ask the Scottish Executive what steps it is taking to ensure the protection of Scotland's charities in the event that the Lloyds TSB Foundation and the Lloyds Banking Group fail to agree a settlement in their funding dispute. (S3O-8275)

The Cabinet Secretary for Finance and Sustainable Growth (John Swinney): I have held discussions with both organisations and have urged them to remain in discussion to find a solution. I will continue to encourage both parties to come to an agreement that will enable the valuable support that has been provided to charities in Scotland over many years to continue in future.

Cathie Craigie: I am pleased to read in today's newspapers that discussions between the two bodies are to take place, but I am sure that the minister will appreciate that the loss of funding from the Lloyds TSB Foundation would have a hugely negative impact on community-based groups in my constituency and national organisations such as Cruse Bereavement Centres Scotland, which depend heavily on the Lloyds foundation for financial support. Will the minister use his office to stress the need for the charitable foundation to continue its work and the need for both parties to get round the table and come up with a solution?

John Swinney: Like Cathie Craigie, I was pleased to hear that the Lloyds Banking Group and the Lloyds TSB Foundation will have

discussions tomorrow to address the issues. That is a helpful way forward, because the issues can be resolved only by dialogue between the parties. I have certainly encouraged that process and I will continue to do so. Cathie Craigie makes an important point about the significance of the funding stream for the viability of many charitable organisations throughout the country and the good work that they undertake, which of course we want to continue.

The Presiding Officer (Alex Fergusson): That concludes general questions.

I am sure that, before we move to the next item of business, members will wish to join me in welcoming to the gallery the Chilean ambassador to the United Kingdom, His Excellency Rafael Moreno. *[Applause.]*

First Minister's Question Time

11:59

Engagements

1. Iain Gray (East Lothian) (Lab): To ask the First Minister what engagements he has planned for the rest of the day. (S3F-1976)

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

Iain Gray: It has been another week of upheaval for our banks. A year ago, the First Minister promised to "strain every sinew" to keep jobs and banks in Scotland. He

"called an emergency meeting of the Financial Services Advisory Board".

He said that FiSAB was

"particularly important at a time such as this."—*[Official Report, 18 September 2008; c 10984, 10988.]*

He was to chair FiSAB's meetings. When did FiSAB last meet?

The First Minister: FiSAB has met throughout the year. If I am correct, the next meeting will take place in two weeks' time. In addition, FiSAB has established a jobs task force. The financial sector in Scotland has mobilised to ensure that we have positive announcements as well as the disappointing job losses that have inevitably occurred. Among the positive announcements are the headquartering in Edinburgh of Tesco retail bank, whose headquarters I was delighted to open, and the 500 job gains in insurance through esure's investment. The Scottish Government supported both those investments. I am sure that Iain Gray would be the first to welcome that positive action for jobs in Scotland.

Iain Gray: FiSAB last met four months ago, on 1 June, but the First Minister was not at the meeting. He has not met that key body since February. At that meeting and in the report that was published in June, it was said that FiSAB would start to meet regularly. Why has it not met since 1 June?

The First Minister: FiSAB meets throughout the year and the jobs task force that it established is in constant communication. The Cabinet Secretary for Finance and Sustainable Growth and I meet people from the financial sector constantly. Only this week, John Swinney and I have had extensive discussions with the Royal Bank of Scotland, Lloyds TSB and the permanent secretary to the Treasury to try to secure and save jobs in Scotland.

One of our many key concerns is about the disposal of the Royal Bank of Scotland's insurance

businesses such as Direct Line and particularly about the 1,600 jobs that could be at stake in the city of Glasgow. Will the Labour Party join the Government in ensuring that those 1,600 vital insurance jobs in Glasgow are secured as an independent insurance business in that city?

Iain Gray: I have had such discussions with the banks and with the workforce this week. However, the First Minister said:

"FiSAB is the key body to look at, promote and enhance the skills of the financial sector in Scotland."—[*Official Report*, 15 January 2009; c 14066.]

FiSAB should have met on 29 September, but an e-mail from the Scottish Government's financial services team said:

"Hi All

We have been contacted today by the First Minister's office advising us that, the First Minister may not be able to attend the agreed FiSAB date of 29 September ... The new proposed date is Tuesday 27 October."

That would have meant a month's delay, but a couple of weeks later, an e-mail said:

"Sincere apologies in advance—but I'm afraid I am going to have to cancel the next scheduled meeting of FiSAB on Tuesday 27 October at the request of the First Minister."

That e-mail rearranged the FiSAB meeting for 9 December, which will be 11 months since the First Minister turned up at a meeting. Will he manage to go along to the next meeting?

The First Minister: The First Minister and the Cabinet Secretary for Finance and Sustainable Growth have had a range of meetings with key people in the financial sector. FiSAB meetings and communications continue throughout the year. That is why we have been able to take the action that I identified to secure jobs in the financial sector in Scotland. Do we have the Labour Party's support to retain the 1,600 vital insurance jobs in the city of Glasgow?

The Presiding Officer (Alex Fergusson): Questions should be to the First Minister, not by the First Minister.

Iain Gray: I think that the First Minister's problem is that he does not have an answer to my question.

Of course Scottish Labour supports any attempts to keep those 1,600 jobs in Scotland. Those are exactly the discussions that I have had this week with the banks and the unions that represent those workers.

It is true that the First Minister meets FiSAB throughout the year—he met it in February and he will meet it again in December. The point is that the First Minister promised to strain every sinew for the Diageo workers, but he blew off the chief executive to draw a raffle on television. He

promised to strain every sinew for the bank workers, but he blew off the Financial Services Advisory Board in June, in September and again in October. On 1 June, he was at home in the north-east; on 29 September, he managed to get to a homecoming party at Edinburgh castle; on 27 October, he was at a reception at Stirling castle. He is straining Scotland's patience, but he is not straining his sinews. He has been posted missing again and again. Is the First Minister not the problem—capital T, capital P—yet again?

The First Minister: I was straining every sinew when I helped to open the Tesco bank headquarters in Scotland. I was straining every sinew when I announced, with Peter Woods, the 500 new esure jobs in Glasgow. I was straining every sinew when I was on the Diageo march in Kilmarnock—which Iain Gray did not manage to attend. He sent the reassuring message that he would have attended if he had been the First Minister.

It is important that we not only defend Scottish jobs in Kilmarnock but engage with the financial sector, not just to mitigate the potential damage of forced sell-offs, but to engage in the positive announcements by Tesco bank and esure in Glasgow. I am delighted that Iain Gray eventually committed the Labour Party to helping to secure jobs in Glasgow. What a pity that it took two goes to get from him an assurance of commitment to jobs in the great city of Glasgow.

Prime Minister (Meetings)

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

To ask the First Minister when he will next meet the Prime Minister. (S3F-1977)

The First Minister (Alex Salmond): I have no plans to meet the Prime Minister in the near future.

Annabel Goldie: The Audit Scotland report on public finances that was published today is extremely worrying in identifying up to £3.8 billion in budget cuts. That must be a wake-up call for the Scottish Government. The report is Labour's legacy, but it is the Scottish National Party Government's problem. It blows out of the water the First Minister's pretence that he can prevent budget cuts in Scotland. Gordon Brown had to be dragged kicking and screaming to admit that cuts were necessary. In the light of Audit Scotland's report, does the First Minister now accept that cuts are unavoidable?

The First Minister: We have already faced up to the first real-terms cut in Scottish public spending in a generation—that is what the Cabinet Secretary for Finance and Sustainable Growth has done in setting the Scottish budget. I hope that the parties across the chamber will start to address the reality that, under the Labour Party—or,

indeed, under the Conservatives—the outlook for public spending in Scotland is extremely bleak. Luckily for the people of Scotland, choices will be available in next year's general election. The perspective from Labour and the Tories is identical: a sharp, real-terms decline in Scottish public spending. For those who have different priorities, who want to put jobs and services before nuclear missiles in Scotland, there is a clear alternative at the ballot box.

Annabel Goldie: The figures are not my rhetorical invention; they are in an independent report and cover the next four to five years of the Parliament's activities and the Government's responsibilities. If the First Minister is not prepared to accept an entirely independent report on our public finances, how can anyone look to his Government to provide leadership through these desperately difficult times? Let us get back home to Scotland and the problems that confront us now. Will the First Minister now consider taking Scottish Water out of public control? Will he reconsider his plans to give free prescriptions and free school meals to people who can already afford to pay for them? If he will not do any of those things, what will he do or, on the issue of budget cuts, is Alex Salmond lost for words for the first time in his life?

The First Minister: The figures that are quoted in the Audit Scotland report are the same as the forecasts by the Centre for Public Policy for Regions that I brought to the chamber's attention at First Minister's question time on 10 September. Incidentally, when I did so Andy Kerr told me to

"focus on the facts and not on the fictional forecasts."—
[*Official Report*, 10 September 2009; c 19503.]

Annabel Goldie should concede that the Government has been first to identify the £500 million cut from Westminster in Scottish public spending this year and the danger of looming cuts under Labour or the Conservatives in the medium-term outlook for public spending. John Swinney's management of the Scottish budget has allowed us to identify efficiency savings that put us in a much better place than we would otherwise be in.

If Annabel Goldie is asking me whether there are real choices to be made about what is really important for the future of public spending in Scotland, I absolutely agree with her. That is why I do not want £100,000 million to be wasted on nuclear missiles in the Clyde when it could be invested in jobs and services in Scotland. In the headlong rush, as the mask slips on Tory privatisation plans, perhaps Annabel Goldie should remember that Scottish Water is providing a better service, at lower cost, to businesses and people in Scotland than any of the English privatised water companies, on average. If privatisation is the Tories' renewed agenda, let

them tell the businesses and people of Scotland that there will be higher costs, higher charges and a lower level of service than they are getting at present.

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-1978)

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

Tavish Scott: This week the United Kingdom Government announced that a further enormous wallop of taxpayers' money should be given to Lloyds Banking Group and the Royal Bank of Scotland, which is cutting 600 branch jobs across Scotland. Those banks are now focused not on our economy but on internal fire sales, rights issues and the Government's rules, yet we are in a recession and need banks and their money to move the economy forward and to create jobs. That is what banks are for, is it not? Last year, the First Minister said that the Lloyds takeover of HBOS was

"the deal of the century".

Has he changed his mind?

The First Minister: Unfortunately for Tavish Scott—actually, unfortunately for me—I watched an interview with him on BBC Scotland on Sunday, in which I heard him imply, on the basis of my comment that the Lloyds takeover of HBOS was

"the deal of the century",

that I was somehow in favour of the deal. I therefore traced the exact quotation, which I will read to the chamber so that there is no room for misunderstanding:

"Emphasising the Lloyds deal is 'likely but not inevitable', Salmond says: 'It would be, in my view, in Scotland's interests for there to be competition in this matter. If Lloyds TSB get through the next few months, then the potential they have as a bank of that scale, with that share of the marketplace, is from their commercial interest extraordinary. This is the deal of the century."

'From their point of view it's perfectly legitimate of them to pursue their commercial interests. From a Scottish point of view, it would be useful if we were able to compare other possibilities."

The quotation is from the *Sunday Herald* of 2 November last year.

I am shocked—actually, I am not shocked, but ever so slightly disappointed—that we have uncovered yet another Liberal Democrat distortion. Now that the whole chamber knows, will Tavish Scott withdraw the implication that somehow I was in favour of the takeover of HBOS?

Tavish Scott: We will all be delighted to look back at how the First Minister expressed himself last year. He did say that it was

“the deal of the century”.

If he wants to get worked up about the matter, it is up to him. More important than the First Minister's attempts to get out of what he said last year is the shape that he wants for Scottish banking.

The Chancellor of the Exchequer could not say whether he wants more bonuses-are-back and greed-is-good banking, or separate retail and business banks that get the economy moving. The governor of the Bank of England was clear when he made the case in Scotland for breaking up banks. Does the First Minister agree that we should split the casino banks that can fail, from the solid, reliable business banks that cannot be allowed to fail? Would that not give taxpayers something to show for all the money that has been spent? Would that not be good for business and good for Scotland's reputation in the world?

The First Minister: Tavish Scott should have been quick enough on his feet to adjust his third question after I discovered the misquotation in his second question. He and I have previously agreed at First Minister's question time that the best outcome for Scotland would have been for HBOS to remain as an independent organisation.

To answer Tavish Scott's question, there are potential benefits for Scotland in having more competition in the retail banking sector. If there is the opportunity to establish a new bank with Scottish headquarters or a Scottish-owned bank, that would be good for customers, good for competition and a good thing for Scotland.

However, I have concerns about the Royal Bank of Scotland insurance sell-off that has been mooted with the divestment of Direct Line and Churchill. Direct Line and Churchill have not been an obstacle to competition in the general insurance and car insurance sector; they have been the competition. They are part of the reason why that is an extremely competitive market. I hope that Tavish Scott will join me—I know that he will do it more willingly than Iain Gray did—in trying to ensure that those vital assets are not taken over by another general insurance company, which would reduce competition and would be a substantial threat to 1,600 Scottish jobs in the city of Glasgow. Yes, let us have more competition in banking, but let us ensure that those vital assets remain an important asset for competition in the sector, and let us ensure that Glasgow retains those 1,600 vital jobs.

SCRA Referrals (Dungavel)

4. Christine Grahame (South of Scotland) (SNP): To ask the First Minister how many

referrals the Scottish Children's Reporter Administration has received regarding children held at the Dungavel immigration removal centre in the last 12 months. (S3F-1991)

The First Minister (Alex Salmond): The Scottish Children's Reporter Administration has advised that it has received no referrals in the past year in respect of children held at Dungavel immigration removal centre. The Scottish Government remains fundamentally opposed to the detention of children in Dungavel.

Christine Grahame: Will the First Minister clarify whether any discussions have taken place with the Home Office specifically to ensure that any child who will be or has been referred under the Protection of Children (Scotland) Act 2003—broadly speaking, children at risk—will not be deported until investigations by the children's reporter have been concluded? Such children were deported under the previous Liberal-Labour coalition. Will he also convey the widespread revulsion of most Scots to the imprisonment of children in detention camps in Scotland—a practice that has no place in a modern, progressive, compassionate society?

The First Minister: Although there have been no referrals to the SCRA in the past year, 103 children have been detained at Dungavel. That statistic is in the public domain. We have repeatedly made clear to the United Kingdom Government our opposition to the policy of the detention of children in Dungavel. On Tuesday this week, my officials were in contact with the UK Government specifically about that, and they will continue the dialogue.

We are also in regular contact with the Home Office about how we can best improve the position of the children of asylum seekers and unaccompanied asylum-seeking children in Scotland. We have made it absolutely clear on every occasion that this Government is fully opposed to the detention of children in Dungavel. We will continue to fight that battle.

Mike Pringle (Edinburgh South) (LD): The Liberal Democrats share the view of the Government and many people throughout Scotland that it is deeply offensive that children are locked up because their parents are failed asylum seekers. Will the First Minister tell me how many families have benefited from the pilot project in Glasgow? A similar scheme in Kent dealt with only a tiny fraction of the families that it intended to help. Is the First Minister satisfied that the Glasgow project is not facing the same problems? How can we have any hope that the UK and Scottish Governments will put an end to Scotland's shame at Dungavel when similar efforts have fallen so far short of their modest targets?

The First Minister: It is early days for the family return project, which was established in May and which I know has general support and approval throughout the Parliament. It can provide a range of support to five families at any time. Its aim is to reduce the number of children who are held at Dungavel and to encourage and assist voluntary return in a proper and humane manner. I fully accept that the family return project, well-intentioned and important though it undoubtedly is, is only a small part of the answer to the overall question. Mike Pringle is correct to point to the number of children who are being detained at Dungavel and the inevitably small number of people who can be assisted in the project.

Draft Budget 2010-11 (Police Services)

5. Richard Baker (North East Scotland) (Lab): To ask the First Minister what the Scottish Government's position is on the view of the Association of Scottish Police Superintendents that the draft budget will lead to cuts to front-line services and "an inability to respond appropriately to major civil or criminal contingencies". (S3F-1979)

The First Minister (Alex Salmond): Anybody in the public services is entitled to express concern, given this year's £500 million cut in Scottish public finance and the grim outlook of the Labour Party forecasts from Westminster, which we discussed earlier this question time.

However, I remind Richard Baker that our draft budget states that in 2010-11 we will pay a police grant of £586.7 million, a 3.1 per cent increase on the current year. That is at a time when we face the Labour-induced cuts in planned expenditure that were imposed on Scotland by the UK Government. I know that Richard Baker will have looked at Her Majesty's inspectorate of constabulary for Scotland's annual report, which was published only this morning, which states:

"the police service in Scotland has made significant inroads this year in identifying strategic priorities, actively aligning performance measures, building capacity and capability and developing leaders to meet current and future challenges."

Richard Baker: Moving on from the £600 million increase in the Scottish Government's budget, is it not the case that the ASPs and Grampian Police have raised concerns about the impact of the draft budget and that Strathclyde Police still face a shortfall next year of some £12 million? Given the potential that that creates for compulsory redundancies among support staff, does the First Minister agree that forces must be able to recruit and retain new police officers and that they should be on the beat, not doing jobs that were previously carried out by civilian staff?

The First Minister: Luckily, we have 1,044 more officers in Scotland to do the jobs. As I said, we have a 3.1 per cent increase in the police grant in Scotland at a time when, in real terms, the Scottish budget is declining, thanks to Westminster cuts. I say as gently as I possibly can that Richard Baker's credibility on this issue is rather strained, because, as a member of the Labour Party, which is imposing real-terms public spending cuts in Scotland now—and by all forecasts will do so in the future—he should be thoroughly ashamed to complain about a 3.1 per cent increase under those circumstances.

If we had listened to Richard Baker's forecasts, the 1,044 police officers would not exist. Iain Gray told us just a year ago that it would take 13 years for this Government to achieve that target—13 is a Baker's dozen. We achieved the target 12 years early in June of this year. Will Richard Baker bring himself to welcome the fact that, thanks to this Government, there are more than 1,000 additional officers keeping communities in Scotland safe from harm?

Bill Aitken (Glasgow) (Con): One might well reflect that there are 1,044 additional officers as a result of the Conservative party's intervention two years ago.

Does the First Minister agree that, bearing in mind the grim economic circumstances that we will all have to face in two years' time, it is essential that front-line policing is a major priority? Will he guarantee that that will be the case when next year's budget is considered?

The First Minister: We are facing the reality of the constriction of the Scottish budget this year. That is why Mr Swinney has been able to put forward a budget that combines protecting front-line services such as police and the health service with ensuring the efficiency savings that will be necessary to manage the constraint on public spending.

I acknowledge that the Conservative party is prepared to admit, accept and even claim the credit for the fact that there are 1,044 more police officers in Scotland. I hope that, in that spirit of good will, Bill Aitken, who is concerned about expenditure on law and order in Scotland, will prevail on his leaders and his Westminster colleagues not to go down the line of public spending cuts that the Labour Party has forecast and the Conservative party has endorsed but, instead, to spend the money on things that matter, such as policing our streets as opposed to putting Trident missiles on the River Clyde.

Flood Management

6. Alex Johnstone (North East Scotland) (Con): To ask the First Minister whether, in light of

the severe flooding experienced across the north-east at the weekend, the Scottish Government considers that provisions for flood management are adequate. (S3F-1980)

The First Minister (Alex Salmond): I thank Alex Johnstone for raising that issue. Communities throughout Scotland have been affected by flooding over the past few days, particularly in the north-east. It has a devastating impact on people's lives. All our thoughts are with them. I also put on record my thanks to all the emergency services for their hard work and swift action, which I witnessed for myself in Huntly in my constituency on Monday.

I will update Parliament on the situation. A significant number of rivers were affected by the heavy rains of 1 and 2 November. As of 9 am on Monday, for example, there were no fewer than 21 flood watches, six flood warnings and one severe flood warning in Scotland. However, there are currently no flood warnings. The last one, on the Stirling rivers, was removed at 10 o'clock last night.

Work has been under way since the weekend to ensure that people can return to their homes. All major roads are now operational, although there is still some rail disruption between Aberdeen and Inverness and between Dundee and Aberdeen. We continue to be updated on the situation.

Flooding is becoming an increasing problem and is affecting more and more communities. The Flood Risk Management (Scotland) Act 2009, much of which comes into force on 26 November, speeds up the decision-making process for flood protection schemes, as well as creating a new duty on the relevant authorities to reduce flood risk. The Scottish Government has also made record levels of funding available to local authorities for flood prevention measures.

Alex Johnstone: I associate myself with the tribute that the First Minister paid to the emergency services and others who were instrumental in ensuring that the disaster was not worse than it could have been. Will he join me in extending sympathy to the people whose homes and businesses were affected in Huntly, Arbroath and, particularly, Stonehaven—my home town, where I saw at first hand the effects of the flooding at its peak? Will he undertake to ensure that, whatever recommendations are made, resources are available to enable remedial action to be taken to ensure that there is no short-term repeat of the flooding disaster that affected those towns? Will he also undertake to ensure that, where necessary, local authorities are able to take action to ensure that the incident is not the first of a number? Will he further—

The Presiding Officer: Be brief, Mr Johnstone, please.

Alex Johnstone: Is the First Minister aware that the extreme weather conditions of Sunday evening caused further slippage in the Bervie braes to the south of Stonehaven? Given his experience and knowledge of the situation at Cullen, is he willing to prioritise expenditure in that area, should it be deemed necessary?

The First Minister: There is also the situation in Pennan. The Cabinet Secretary for Finance and Sustainable Growth is considering an application from Aberdeenshire Council with regard to the Bervie braes in Stonehaven.

The average expenditure on flood prevention in the Parliament's first eight years was £7 million across the local authorities in Scotland; in the past two years, it has averaged £42 million a year—an increase of six times. However, we face an unprecedented situation: the rainfall in a 24-hour period on 1 and 2 November was the equivalent of the normal rainfall for the entire month of November. My understanding is that, in Stonehaven, areas were flooded that had not been flooded in a generation or in living memory; my certain knowledge is that that was the case in Huntly.

The Flood Risk Management (Scotland) Act 2009 will assist substantially. Of course, the Belwin formula still applies for assisting local authorities that encounter and deal with severe natural disasters of any kind, but the member and, indeed, the entire Parliament will need to accept that the 2009 act is important, the improved flood warnings are vital, and that the unity of the various services in mobilising resources, as the Tomkins report advises, will help us enormously. As a country and, indeed, as a world, we are facing an unprecedented challenge and we must all mobilise to try and meet it.

The Presiding Officer: I will take a supplementary question from Mike Rumbles.

Mike Rumbles (West Aberdeenshire and Kincardine) (LD): The First Minister is well aware of the devastation caused at the weekend by flooding in his constituency at Huntly and in my constituency at Stonehaven. As he just mentioned, the Belwin fund is available to assist local authorities, but Aberdeenshire Council has already said that it will not apply to that fund because it would have to spend over £1 million to access it. Will the First Minister assist the council—our council—in dealing with the floods by lowering the Belwin threshold, as he was recommended to do by the 2007 flood summit?

The First Minister: I am sure that the Cabinet Secretary for Finance and Sustainable Growth will look at that suggestion as part of the range of

measures that we are taking to help deal with this unprecedented situation. I appreciate the way in which the member asked the question, because it must be dealt with in that manner. However, he will have heard what I said about the amount that is being spent on flood prevention schemes compared with what was spent in the past. He will know—and I am sure will support—the legislative and other action that our agencies and authorities have taken. In the same light, I know that the finance secretary, even in these times of enormous financial stringency, will look at Mr Rumbles's suggestion to see what can be done.

12:31

Meeting suspended until 14:15.

14:15

On resuming—

Question Time

SCOTTISH EXECUTIVE

Health and Wellbeing

Energy Assistance Package

1. Peter Peacock (Highlands and Islands (Lab)): To ask the Scottish Executive what progress there has been with implementation of the energy assistance package. (S3O-8300)

The Minister for Housing and Communities (Alex Neil): In its first six months, the energy assistance package has helped more than 16,000 households in Scotland to reduce the proportion of their incomes that they spend on fuel. Yesterday, I announced that we would extend the package to many more homes in Scotland as soon as the regulations can be amended. We will widen the definition of an energy inefficient house to include those with a standard assessment procedure rating that would put them in band E on an energy performance certificate. I also announced that we will provide local authorities and registered social landlords with up to £2.5 million of additional funding for stage 3 work in the social sector.

Peter Peacock: I am delighted that my lodging a question led to that rushed announcement by the minister yesterday to try to rescue a policy that is clearly failing. By the end of September, only 429 energy assistance package systems had been installed throughout Scotland, which includes legacy projects from the central heating programme. That is a substantial tail-off in the rate of installations, given that as many as 16,000 systems per year were installed under the former central heating programme. Is the minister aware that only 19 systems were installed in the whole of my vast region of the Highlands and Islands? Part of the reason for that is the lack of availability of mains gas. In those circumstances, people are offered inefficient and costly-to-run electric storage heaters or oil systems. If they go for oil, the scheme rules mean that they have to find significant sums to proceed.

The Deputy Presiding Officer (Trish Godman): Do you have a question, Mr Peacock?

Peter Peacock: What will the minister do to ensure that my constituents do not continue to be disadvantaged by his policies?

Alex Neil: As the member probably knows, the current package was based on the recommendations of the fuel poverty forum. The

forum made representations to me about the need to make changes to the eligibility criteria. As I said, I have agreed to do that. I have asked the fuel poverty forum to consider the wider eligibility criteria for the groups that are entitled to benefit from the programme. The forum will report back to me in due course on whether a widening of the eligibility criteria is required. I am sure that the member will be delighted that, given the backlog of people who are in band E, the reforms that I announced yesterday should result in a tenfold increase at stage 4.

Homeless Services (Edinburgh)

2. George Foulkes (Lothians) (Lab): To ask the Scottish Executive whether it agrees with the City of Edinburgh Council's decision to put its homeless services out to tender. (S3O-8279)

The Minister for Housing and Communities (Alex Neil): Local authorities are responsible for providing or procuring local services to tackle and prevent homelessness. The decision whether to put homeless services out to tender is therefore for the City of Edinburgh Council. It is the council's responsibility to ensure that local services are aligned with the Scottish Government's objectives on addressing homelessness and that resources are used in the most effective way to deliver its strategic outcomes.

George Foulkes: Is the minister aware that, under the Scottish National Party-Liberal Democrat council in Edinburgh, there are no longer any council-run addiction services for homeless people and that the number of support hours for people with multiple needs has been cut? Those are people with recurring homelessness, combined with alcohol or drugs addiction, a history of abuse and, in some cases, learning disability. Also, just before Christmas, the council will close its night shelter. Surely the minister must agree that, when vulnerable people will end up in hospital wards, police stations or prison cells, the matter becomes the Scottish Government's responsibility. What representations will he make to the City of Edinburgh Council to ask it to rethink its decision?

Alex Neil: I remind the member that the City of Edinburgh Council has an A listing from the regulator for its homelessness services. On the impact of the tendering procedure, we have been absolutely assured by the council that there will be no reduction in capacity of any of the services and that the council will ensure that the outcomes that the services are designed to deliver will be achieved.

The Deputy Presiding Officer: I remind members that this item of business is questions to ministers, not stories to ministers.

Shirley-Anne Somerville (Lothians) (SNP):

Does the minister agree that the decision to tender homelessness services in Edinburgh might have been influenced by the amount of money that is raised in rent and which goes to paying off historical housing debt within the city, which stands at more than 40p in every pound? Does the minister agree that if Lord Foulkes and the Labour Party want to see an end to homelessness in Edinburgh, they should lobby the United Kingdom chancellor to end the historical housing debt in Edinburgh and the rest of Scotland?

Alex Neil: I agree with every word that Shirley-Anne Somerville has just said.

Infertility Services

3. Helen Eadie (Dunfermline East) (Lab): To ask the Scottish Executive what actions it has taken in the last six months to remove the perceived postcode lottery and improve the availability of infertility services and standards for patients across Scotland. (S3O-8277)

The Minister for Public Health and Sport (Shona Robison): In the past six months, we have announced that we are funding Infertility Network Scotland to work with national health service boards during the next three years to ensure fairer access to treatment and offer patients a direct influence on the future direction of infertility care. I recently wrote to the chairs of NHS boards asking for their assistance with that work. We are also in the final stages of setting up a national group to look at many long-standing issues surrounding infertility services across Scotland.

Helen Eadie: Does the minister accept that although this is a historical problem not of her making, she is in the powerful position of being able to make change happen? Does she accept that the working group and review that she is talking about have not put a single penny at the sharp end where our constituents are crying out for access to NHS services? Does she accept that there is definitely a major case of rationing and point-blank refusal to fund patients by the Scottish Government? What will the minister do to address the problem of patients being compelled to go private because the NHS refuses them treatment? Will she, at the very least, pay the cost of the drugs that they require, which can amount to several hundred pounds if hormone stimulation is required? Finally, when couples have to move—

The Deputy Presiding Officer: As I said, this is questions to ministers. There is an s at the end of "questions", but we need a singular question from you, Ms Eadie. Can you come to the end of your question, please?

Helen Eadie: Okay, Presiding Officer. Thank you.

Shona Robison: Helen Eadie is correct to say that the problem is historical. Under the previous Administration, waiting times of five to six years for infertility services were not uncommon. This Government has tried to get to grips with the issue of infertility services by ensuring that there is a move towards equity of access.

I am sure that Helen Eadie has been raising these issues for many years; I do not recollect whether that is the case, but I am sure that she could provide evidence to prove me right. The problem has not just occurred. We are putting serious effort into sorting it out; that is why we have funded Infertility Network Scotland to work with those boards—there are now only four—that have not yet implemented the guidance. The network will also work with those boards to give priority to bringing down waiting times. I would have thought that Helen Eadie would welcome the fact that action is being taken in this area for the first time after many years of inaction.

Helen Eadie: Not a single penny at the sharp end.

The Deputy Presiding Officer: Not from a sedentary position, Ms Eadie.

Jackie Baillie (Dumbarton) (Lab): I ask the minister to recollect that the previous Executive took action in raising the age at which treatment could be provided, and I welcome any progress that can be made. Does the minister accept that couples should be able to be referred between health boards if there is indeed patient choice in the NHS?

Shona Robison: We will be looking at a number of infertility services issues that require to be resolved. Some of those issues are quite complex and some are more straightforward, including those around guidance. Jackie Baillie called for national guidance, which has been around for quite some time; I am sure that she is now aware of that. We want to ensure that all boards are implementing that guidance; as I said, only a few boards have not done so. I have made that very clear. Indeed, I have issued another letter to chairs to ensure that they give priority to ensuring that the guidance is implemented. The focus of our work should be to ensure that every board makes the investment that is required in infertility services. We know that the boards that have invested in those services have addressed issues such as waiting times. I am sure that Jackie Baillie will welcome that.

The Deputy Presiding Officer: I have challenged questioners. In terms of equality, I now ask ministers to please be careful about the length of their answers. I may stop them, too.

Regeneration (Glasgow)

4. Mr Frank McAveety (Glasgow Shettleston) (Lab): To ask the Scottish Executive when it will bring forward proposals for the regeneration areas in Glasgow and details of how in particular the areas of Gallowgate and Laurieston in the Glasgow Shettleston constituency will be affected. (S3O-8288)

The Minister for Housing and Communities (Alex Neil): It is a matter primarily for Glasgow City Council and Glasgow Housing Association to bring forward proposals for regeneration, but the Scottish Government has been working closely with them to ensure progress.

An approach has been agreed that should see work proceed shortly in three out of the eight regeneration areas and a special purpose vehicle set up to make progress with the rest. Both Laurieston and Gallowgate are among the three initial areas in which work can begin in advance of the main programme.

Mr McAveety: Briefly, what measures will be taken through the special purpose vehicle to ensure that the voices of local residents are central to the regeneration of those areas?

Alex Neil: I am glad to say that the local steering group in Laurieston has already been convened—indeed, it met last week. The council will reconvene the Gallowgate group before Christmas with the intention of holding a meeting before Christmas.

NHS Lothian (Elections)

5. Angela Constance (Livingston) (SNP): To ask the Scottish Executive what has been—oops, I am reading the wrong question. I will start again.

To ask the Scottish Executive what progress is being made with the non-statutory pilot to elect board members of NHS Lothian. (S3O-8311)

The Deputy Presiding Officer: Wrong question then short question—a short answer would be good.

The Deputy First Minister and Cabinet Secretary for Health and Wellbeing (Nicola Sturgeon): I hope that the difference will be noticed in the answer.

The non-statutory pilot in Lothian will run concurrently with the elections to NHS Fife and NHS Dumfries and Galloway. That will mean that at least one member from the local public partnership forums is appointed to the health board. The size of the executive team on the board will also be reduced.

This change places a clear emphasis on strengthening the existing structures to ensure that

the views of local communities, patients and the public are at the heart of decision-making processes in NHS Lothian.

Angela Constance: I am sure that the cabinet secretary agrees that the non-statutory pilots provide an ideal opportunity for boards—in this case, NHS Lothian—to increase patient involvement and further democratise health boards. Does she accept that patient forums could, for example, be expanded and used as a constituency from which to elect board members? If so, is the suggestion worthy of fuller exploration and consideration?

Nicola Sturgeon: I thank Angela Constance for her interest in the subject. I very much agree that the non-statutory pilots are an opportunity to improve public involvement and engagement—indeed, that is their very objective. They also provide a point of comparison with the elected health board pilots, which will allow the Parliament at a later date to evaluate and decide on the best way forward.

As Angela Constance knows, the intention for the non-statutory pilot in Lothian is for members to be appointed from public partnership forums on to the health board. Given her clear constituency interest in the matter, I am happy to discuss alternative arrangements with her.

Dr Richard Simpson (Mid Scotland and Fife) (Lab): One suggestion around democratisation and participation that the Health and Sport Committee heard at the time of its consideration of the Health Boards (Membership and Elections) (Scotland) Bill was for increased representation of both councillors and patient groups at the level of the community health partnerships. Following that discussion at committee, has the cabinet secretary looked into the suggestion and will she issue guidance on the matter?

Nicola Sturgeon: Richard Simpson is absolutely right. The suggestion was raised along with a host of other ideas at committee. As a result of those discussions, I brought forward—at stage 3 of the bill, I think—suggestions for alternative pilots to the statutory elected health board pilots. The bill was passed by the Parliament on the basis of the general form of the non-statutory pilots, but I am always open to considering and discussing other ways in which to increase public engagement in NHS boards. However, we are about to embark on two elected and two non-statutory pilots. It is right for the Parliament properly to assess and evaluate those before taking specific decisions about further steps.

Electronic Patient Records

6. Robin Harper (Lothians) (Green): To ask the Scottish Executive how many simultaneous

users of the clinical portal the system is being designed to handle and how long it will take for a typical electronic patient record request to be completed and delivered when the system is used at maximum capacity. (S30-8345)

The Deputy First Minister and Cabinet Secretary for Health and Wellbeing (Nicola Sturgeon): The overall strategy for the portal programme will be agreed by the clinical portal programme board, which will meet for the first time later this month. The detailed design and capacity of systems, including the target number of users and the target speed of system response, will be determined by boards to meet the needs of their local clinicians. The member will be aware that there is no plan to create a single national database of patient records, so portal services to support clinicians will be developed more locally.

Robin Harper: When will the electronic patient record be available for delivery through the portal, once the clinical portal technology has been implemented?

Nicola Sturgeon: The clinical portal will, in and of itself, provide access to what we are referring to as the electronic patient record. In a sense, it is the electronic window on that information, which will be available in a much easier and more integrated fashion. We see the clinical portal concept as delivering information that is assembled virtually from existing information sources, rather than as creating a new database. It is an incremental, sensible and pragmatic way of building the electronic patient record.

The clinical portal will provide access to the electronic patient record. There has been consultation with clinicians about what bits of clinical information they would most value being able to access through the clinical portal. I am more than happy to keep Robin Harper updated on progress on the matter, in which he clearly has an interest.

Ian McKee (Lothians) (SNP): What guarantees can the cabinet secretary offer that only those with the patient's informed consent will have access to the contents of electronic records?

Nicola Sturgeon: Systems that provide access to information electronically are in place at the moment; I am thinking specifically of the emergency care summary. There are clear rules and regulations about who can access that information and in what circumstances. The same will apply to any information that is available electronically.

In relation to both electronically available information and information that is available more traditionally, by paper-based routes, it is important that there are clear rules and guidelines on access and the circumstances in which information can be

accessed, to protect patient confidentiality. Any system, electronic or otherwise, is open to abuse—no one can guarantee that systems will not be abused—but it is important that the rules that are in place are robust. That will apply to the clinical portal and to any other electronic information.

Dentists (Highlands and Islands)

7. Dave Thompson (Highlands and Islands) (SNP): To ask the Scottish Government what is being done to attract and provide incentives for national health service dentists to relocate to the Highlands and Islands. (S3O-8330)

The Minister for Public Health and Sport (Shona Robison): Although the Scottish Government has introduced no incentives specifically for the Highlands and Islands, those areas are designated for the purposes of payment of golden hellos. The golden hello payable in a designated area is double that in other areas. A number of other grants and allowances, including a remote area allowance, have been introduced over the years to recruit and retain dentists in general dental services in Scotland.

Dave Thompson: One constituent told me recently that the waiting list at Dunvegan dental clinic on Skye is around 350. When I raised the issue with NHS Highland, it suggested that the constituent could travel to the practice in Acharacle—95 miles and a ferry trip away in Lochaber—which was taking on NHS patients. In light of that totally unacceptable situation, what is being done specifically to improve the situation in Skye and Lochalsh?

Shona Robison: NHS Highland has found it challenging to recruit to dental posts in Skye and Lochalsh, but has taken a number of steps to resolve the situation. It has invested in a modern two-surgery dental clinic in the new health centre in Kyle of Lochalsh, which opened in 2008. Capital is in place to build a four-surgery dental facility in Portree; the anticipated opening date for the new facility is December 2010. In the meantime, the existing two surgeries in Portree have been relocated to temporary accommodation that provides an improved working environment. I hope that those developments give the member some reassurance that a lot of action is being taken.

Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): I thank the minister and her team for today's announcement about a new Migdale hospital.

The new dental facility at Lochshell, near Wick, is a move in the right direction and I give credit where it is due to the Scottish Government. The minister would be as upset as I was to read in the *Caithness Courier* that, in the first eight months of

the year, 268 hours of specialist dental work has been lost as a result of patients not turning up for their appointments. Does the minister agree that that situation is deplorable? Will she undertake to look into the problem with a view to eradicating it as far as is humanly possible?

Shona Robison: It is a serious problem. The issue of did not attends has been a challenge not only for dental services, but for the health service generally. Many initiatives have been undertaken to try to deal with the problem, such as texting and phoning to remind people about their appointments. We must do what works to reduce the number of did not attends, because Jamie Stone is right to identify that they represent hours lost and appointments lost to other people.

I am happy to take the matter forward through further discussions with dental representatives to see whether we can do more jointly to address the did-not-attend situation in dentistry.

Rural Communities (Health and Wellbeing)

8. Aileen Campbell (South of Scotland) (SNP): To ask the Scottish Government what steps it is taking to improve the health and wellbeing of communities in rural areas. (S3O-8309)

The Deputy First Minister and Cabinet Secretary for Health and Wellbeing (Nicola Sturgeon): "Delivering for Remote and Rural Healthcare", published by the Scottish Government in November 2007, sets out a vision and provides a framework for a sustainable health system for remote and rural Scotland. That complements the implementation of "Equally Well: Report of the Ministerial Task Force on Health Inequalities", which will see the Scottish Government, NHS Scotland, local authorities and the third sector work together to tackle health inequalities across the country.

Aileen Campbell: Will the minister join me in acknowledging the excellent work of Healthy Valleys, which works to improve the health and wellbeing of communities that are affected by rural deprivation in the Clyde valley, and Clydesdale Community Initiatives, which supports young people at risk and adults with learning difficulties in rural South Lanarkshire? Both organisations are finalists in prestigious award ceremonies next week. Will she join me in wishing them and all the finalists the best of luck?

Nicola Sturgeon: I am delighted to wish both organisations the best of luck at the award ceremonies in which they are taking part next week. It is good that such ceremonies exist to recognise and celebrate very good community work.

Both organisations do good work. I know that Healthy Valleys is funded by both the local health board and the local authority and that it is a very well-respected service. I understand that Clydesdale Community Initiatives also does very good work in mental health, which is a key priority for the Scottish Government.

Mary Scanlon (Highlands and Islands) (Con): Given previous concerns over ambulance provision in remote and rural areas, how will the Scottish Government encourage ambulance workers into the Highlands—for example, to north-west Sutherland—when the posts that are available are mainly part-time posts? Secondly, is it acceptable that ambulance workers in Highland do not get paid for standby shifts?

Nicola Sturgeon: First, I acknowledge the importance of Mary Scanlon's question. Parliament has discussed ambulance issues in general, but has also done so particularly in relation to remote and rural communities, on many occasions.

I am pleased to be able to report some very good news. Mary Scanlon will recall that this Government made additional funding available to the Scottish Ambulance Service to tackle the perennial problem of single manning in some of our remote and rural communities by enabling it to recruit additional staff members. I am pleased to say that when I did the annual review of the Scottish Ambulance Service a couple of weeks ago, it reported to me that it had, at that time, recruited almost all—I think that by now it will be all—the additional staff members that it required. The very good news is that instances of single manning, particularly in the north of Scotland, are at an all-time low.

I accept the points that Mary Scanlon made, but we should also recognise the very good progress that the ambulance service has been making.

Fuel Poverty

9. Shirley-Anne Somerville (Lothians) (SNP): To ask the Scottish Government what steps it is taking to combat fuel poverty. (S3O-8329)

The Minister for Housing and Communities (Alex Neil): The energy assistance package replaced the central heating and warm deal programmes on 6 April. It is a more holistic approach that tackles all sides of the fuel poverty triangle: helping to maximise household incomes through benefits and tax credit checks; reducing fuel bills by providing advice on wise energy use and access to social tariffs; and improving the energy performance of the poorest performing Scottish homes by providing a package of measures for those most vulnerable to fuel poverty, including, for the first time, intensive

support for low-income families with young or disabled children.

Shirley-Anne Somerville: As I am sure the minister is aware, Macmillan Cancer Support in Scotland found that cancer patients in the Lothians are twice as likely as the United Kingdom average to face fuel poverty. One in five cancer patients is turning off their heating, despite the fact that they are cold, because they are worried about their rising fuel bills. What representations has the Scottish Government made to the UK Government regarding winter fuel payments, with a view to extending them to cancer patients who need them?

Alex Neil: We have made representations not only on winter fuel payments, but on cold weather payments. In addition, we have been working with Macmillan Cancer Support to ensure that income maximisation advice and support are provided to cancer patients throughout Scotland. That has been a very successful service for a number of years.

Mary Mulligan (Linlithgow) (Lab): The minister will be aware that many MSPs have heard concerns from constituents who are having to wait months for the energy assistance package measures to be carried out—in fact, Scottish Gas is quoting a wait of up to six months for central heating systems. What is the minister's response to the Scottish fuel poverty forum's recommendation to introduce a fast-track system for homes that are assessed as being eligible for EAP measures, in order to help the most vulnerable households?

Alex Neil: One of the reforms to the energy assistance package that I announced yesterday is specifically to deal with the question of what happens between stage 3 and stage 4 of the programme. There had been an unnecessary delay for those who qualified for stage 4 but had to wait for stage 3 to be completed before they were referred to stage 4. With immediate effect, we will now ensure that those who qualify for stage 3 and stage 4 will have both stages taken together, instead of having to wait for stage 3 to be completed before they move to stage 4.

Healthy Living Centres (Glasgow)

10. Bill Kidd (Glasgow) (SNP): To ask the Scottish Government what it is doing to promote the development and promotion of healthy living centres in Glasgow, given the long-term health inequalities that exist in the city. (S3O-8319)

The Minister for Public Health and Sport (Shona Robison): The Scottish Government recognises the valuable contribution that healthy living centres make to reducing health inequalities, and has established a transition fund to help

lottery-funded centres achieve sustainable futures. We have so far provided more than £900,000 to support healthy living centres in the NHS Greater Glasgow and Clyde area. The health board in Glasgow is also working with healthy living centres and other community health initiatives to help them to sustain their good work for the future.

Bill Kidd: I thank the minister for that encouraging reply. Does she agree that, given that many of those who access healthy living centres live in intergenerational poverty, education on low-cost healthy eating should be as widespread as possible?

Shona Robison: I certainly agree with that. The healthy living centres' most valuable work is to serve communities with the highest levels of deprivation, where, of course, many of them are located. Having visited some of the centres and having heard about some of their work, I know that innovative work is going on in those areas, which I encourage members to support.

Jackson Carlaw (West of Scotland) (Con): Given the need to tackle the long-term health inequalities that exist in the city, does the minister think that it is acceptable that the number of health visitors in the Glasgow Springburn medical centre has been reduced from three to one and that the Possilpark medical centre has been without a health visitor for the past four weeks? That story is repeated across the health board area, so will the minister intervene to tackle the chaos that is unfolding with regard to provision of health visiting?

Shona Robison: I will certainly look into the circumstances that Jackson Carlaw describes, but I do not agree with his description—which I do not think is helpful—of the situation as “chaos”. If he wants me to look into the specific issue about the Springburn health centre, I am happy to do so and I will get back to him about it.

Pre-diabetes (Identification and Support)

11. David Stewart (Highlands and Islands) (Lab): To ask the Scottish Executive what measures are being taken to identify and support the 600,000 people estimated to have pre-diabetes. (S3O-8304)

The Minister for Public Health and Sport (Shona Robison): Tackling non-diabetic hyperglycaemia requires the detection of people at risk. They can be offered either lifestyle advice or treatment. Our keep well programme is an example of that approach in action.

Reversing obesity trends is probably the single most effective way of reducing the incidence of type 2 diabetes. In June 2008, we published “Healthy Eating, Active Living: An action plan to improve diet, increase physical activity and tackle

obesity (2008-2011)”, which aims to support people to make healthier choices in what they eat, to build more physical activity into their everyday lives and to maintain or achieve a healthy weight.

David Stewart: The minister will be well aware of the figures that have been released by Diabetes UK, which estimate that some 15 per cent of the population has pre-diabetes or impaired glucose regulation. That includes 37,500 people in the Highland NHS Board area. Does the minister share my view that people with pre-diabetes have the chance to reverse the condition through losing weight, adopting a healthy, balanced diet and increasing their physical activity? Is the long-term solution early intervention through targeted high-risk screening for type 2 diabetes, particularly focused on those who are overweight, over 45 and have a family history of the condition?

Shona Robison: I agree that healthy eating and physical activity are important steps that can be taken to prevent the onset of diabetes. David Stewart also asked about screening. He may already be aware that, at the request of the Scottish diabetes group, the Scottish public health network has conducted a type 2 diabetes needs assessment. The report on that is expected to include recommendations on screening for diabetes and non-diabetic hyperglycaemia, and will be published early next year, following a national stakeholder review in December.

Nigel Don (North East Scotland) (SNP): Given the previous discussion about patients who are overweight and the prevalence of diabetes that being overweight generates, will the minister confirm whether she is happy that the national health service is doing enough to assess individuals' weights and give them the advice that they need?

Shona Robison: We are doing a lot more than was previously done in recognition of what a big issue and challenge it will be for the health service if we do not get to grips with the matter and ensure that we have a series of interventions. Weight is, of course, included in the screening and health check in the keep well programme, and people are referred on appropriately. We have rolled out the counterweight programme within the NHS to ensure that people get the support that they require. However, more can always be done and I am happy to take forward any suggestions.

Stillbirth (Classification)

12. Charlie Gordon (Glasgow Cathcart) (Lab): To ask the Scottish Executive whether it will consider changing the method of classifying causes of stillbirth. (S3O-8281)

The Minister for Public Health and Sport (Shona Robison): Work is in the planning stages

for a proposal to survey international coding systems and to seek agreement from the clinical community to change our coding and classification systems to take cognisance of improvements in placental pathology and improved coding systems in other countries.

Charlie Gordon: Does the minister agree that an improved method of classification could lead to better understanding of patterns of causation of stillbirth?

Shona Robison: I am certainly hopeful that the work that is under way will consider all such issues. I am happy to keep Charlie Gordon updated on progress.

The Deputy Presiding Officer: Question 13 was not lodged.

Winter Deaths

14. Ken Macintosh (Eastwood) (Lab): To ask the Scottish Executive how it will respond to recent figures showing more than 3,500 additional winter deaths in 2008-09. (S3O-8291)

The Minister for Housing and Communities (Alex Neil): Reducing the number of additional winter deaths is a key priority for the Scottish Government. The causes of additional deaths in winter are complex and there is no simple solution to the problem. The long-term trend is clearly downward, although figures can fluctuate from year to year.

Nevertheless, the additional deaths in winter are a cause for serious concern. Although research suggests that the overwhelming majority of the extra deaths are not due to hypothermia, our fuel poverty programmes make homes warmer and drier and significantly reduce condensation, dampness and cold in recipients' homes, long-term exposure to which is associated with poor health.

Ken Macintosh: Will the minister confirm that only 10 central heating systems have been installed in the whole of East Renfrewshire under the new terms of the Scottish Government's central heating programme? Is that an appropriate response to the worrying rise in winter deaths?

Alex Neil: As I indicated earlier, I announced yesterday a number of reforms to the energy assistance programme that should result in a significant increase in the number of stage 3 and 4 installations not only in Mr Macintosh's constituency, but throughout Scotland. I am sure that he will welcome those measures.

Psychogeriatric Hospital (Sutherland)

15. Rob Gibson (Highlands and Islands) (SNP): To ask the Scottish Executive what

progress has been made in building and bringing into use the new psychogeriatric hospital at Migdale, Sutherland. (S3O-8317)

The Deputy First Minister and Cabinet Secretary for Health and Wellbeing (Nicola Sturgeon): The full business case that supports a new-build facility at Bonar Bridge was discussed by the health directorates capital investment group at its meeting on 22 September. My officials have since liaised with NHS Highland on a range of outstanding issues. However, I am pleased to say that the project has now been approved, and the development is expected to proceed as planned.

Rob Gibson: I thank the cabinet secretary for her long-standing support for the Migdale project. I hope that she agrees that the kind of scaremongering by the Liberal Democrats that has upset many older people in the area has raised questions about whether their kind of opposition has helped at all, and that the consistency of the SNP Government in delivering it is, in fact, the real message to come out of today.

Nicola Sturgeon: I am trying to get my head round the notion of Liberal Democrats being scary. I think of them as many things, but that is not one of them.

Rob Gibson is absolutely right that the news about Migdale is very good news for the people who will be served by the new hospital. I visited Migdale hospital some years ago now, and it was obvious to me then that it required substantial refurbishment, if not a complete new build. I am proud that it will be under this Government that that hospital is finally going to be rebuilt. It is a substantial project—an £8 million capital project—so it was right that we took time to ensure that it was affordable and deliverable. Highland NHS Board has adequate provision for it in its five-year capital plan, which is why we were absolutely delighted to give it the go-ahead.

Health Inequalities

16. Margaret Smith (Edinburgh West) (LD): I will try not to be too scary.

To ask the Scottish Executive what progress is being made on tackling health inequalities. (S3O-8357)

The Minister for Public Health and Sport (Shona Robison): The Scottish Government's commitment to tackling health inequalities was set out in "Equally Well: Report of the Ministerial Task Force on Health Inequalities". We expect action to tackle health inequalities to be prioritised in single outcome agreements, alongside action on the Scottish Government's other major social policy frameworks—the early years framework and the achieving our potential framework.

Margaret Smith: Cancer figures that were released last week show that mortality rates for all cancers combined are approximately 75 per cent higher in the most deprived areas than they are in the least deprived areas of Scotland. Does the minister agree that that is entirely unacceptable in 21st century Scotland? What actions is the Government taking to address those figures?

Shona Robison: We accept, despite the fact that we are providing state-of-the-art cancer treatment—of course, the prognoses and survival rates for cancer patients are much better than they were many years ago—that there is still a gap between the mortality rates of people in the most deprived areas and those in the least deprived areas. There are many reasons for that. For example, there are issues around the underlying health of people and late presentation. Certainly, it was recognised very much in “Better Cancer Care, An Action Plan” that we need to ensure that we can encourage people and get to them early enough, because we know that the prognosis is so much better if we do. However, I am happy to write to Margaret Smith with more detail on the matter, if that would be helpful.

The Deputy Presiding Officer: Before I call Bill Aitken, I remind members that, if they have a question, they should be in the chamber from the beginning of question time.

Minimum Pricing

17. Bill Aitken (Glasgow) (Con): To ask the Scottish Executive, in the light of the ruling by the European Court of Justice’s advocate general that minimum pricing is “not necessary in order to protect public health” and represents a distortion of competition, whether it is satisfied that a policy of minimum pricing will not be ruled to contravene European Community law. (S3O-8341)

The Deputy First Minister and Cabinet Secretary for Health and Wellbeing (Nicola Sturgeon): The directive that was considered in the opinion of the advocate general to the European Court of Justice in respect of tobacco pricing is specifically about the excise duty on tobacco. It is therefore inappropriate to translate the comments in that opinion about a specific directive to the imposition of a minimum price for alcohol for public health reasons.

The European Commission has already confirmed that European Union legislation does not prohibit member states from setting minimum retail prices for alcoholic drinks on public health grounds.

Bill Aitken: The matter has been to some extent subsumed by this morning’s debate, but does the cabinet secretary agree that the two issues are most certainly analogous? Is it not likely that the

ruling that was applied to tobacco pricing will also apply to alcohol pricing?

Nicola Sturgeon: As I said in this morning’s debate, I accept that the introduction of minimum pricing involves challenges and hurdles that must be overcome, but I do not agree that the opinion on tobacco can be applied analogously to alcohol. If Bill Aitken has not read that opinion, I strongly suggest that he do so because it is based entirely on the specific wording of a specific directive that does not apply to alcohol. Yes—there are challenges, which Parliament will continue to discuss, but members should take care before making assertions about the legality of the proposals.

The Deputy Presiding Officer (Alasdair Morgan): That concludes question time. We must move smartly on to the next piece of business.

Sex Offenders

The Deputy Presiding Officer (Alasdair Morgan): The next item of business is a statement by Kenny MacAskill on sex offenders. The cabinet secretary will take questions at the end of his statement, so there should be no interventions or interruptions.

14:56

The Cabinet Secretary for Justice (Kenny MacAskill): I make this statement with both pride and sorrow: sorrow for the pain inflicted on the victims and their families by the perpetrators of these vile and sickening crimes—I hope that the successful prosecution brings some closure for them—and pride in the dedicated and professional police investigations by the officers from both Lothian and Borders Police and the Scottish Crime and Drug Enforcement Agency who were responsible for the success of operation algebra.

These truly appalling crimes were uncovered and the perpetrators successfully brought to justice thanks to the outstanding work of the police officers and prosecutors involved. As a society, we are deeply grateful for the work that they do day in, day out. It was a case of global dimensions, and it shows that we have a world-class police service. Operation algebra resulted in an historic case that is a landmark for our criminal justice system, as it involved the first ever convictions in Scotland for conspiracy to commit abuse against children.

When I met members of the algebra investigative team in Craigmillar in my constituency in May and visited the agency's e-crime unit in September, I was given some clear messages: that the viewing of child abuse material on the internet is not a victimless crime, because the demand for such images creates the abuse of children worldwide; that offenders and potential offenders must be told, "The law enforcement agencies are after you and they will get you"; and that anyone in Scotland who views such material on the internet faces the real prospect of being caught, prosecuted and punished severely.

Six members of the ring were jailed for a total of 43 years. Strachan was jailed for 24 years. Rennie was jailed for 21 years. They were both placed under orders for lifelong restriction. Those sentences show how the police and prosecutors can intervene to stop those who are intent on committing child abuse.

Although the case was successful, a heinous offence took place, and it is always important that we look to learn lessons from such cases so as continually to improve operation and public protection. Lothian and Borders Police, the City of

Edinburgh Council and NHS Lothian undertook a significant case review of their handling of Neil Strachan, who was a registered sex offender. I received a copy of the review this week. Its findings are confidential and are for local agencies to consider. There are no recommendations for the Scottish Government regarding legislation or guidance, but we will work with the responsible authorities to help to disseminate any operational lessons that need to be addressed.

In handling people such as Rennie and Strachan, we need to remember that we are dealing with deeply devious and highly manipulative individuals who will go out of their way to get round the checks that are placed upon them, however stringent the restrictions and monitoring to which they might be made subject.

Law enforcement agencies continue their work to bring perpetrators to justice. Operation alba is one such case, in which the police are currently utilising intelligence and a range of investigative and technological techniques to detect those who are involved in abuse.

I wrote to Paul Martin and Bill Aitken, the convener of the Justice Committee, on 17 June to update them on the significant progress in implementing the 33 recommendations of the Justice 2 Committee's report on child sex offenders from the previous parliamentary session. Our assessment is that 29 have been delivered, and of the remaining recommendations we will deliver those that fall within our legal powers.

We are determined to ensure that a robust legislative framework is in place so that those who manage sex offenders can do so as effectively as possible. For example, through the Criminal Justice and Licensing (Scotland) Bill we intend to tighten further the sexual offences prevention order regime to impose new positive obligations, as well as negative ones, on high-risk sex offenders. That could require offenders to provide more household and social data, including e-mail addresses, and to state whether they are living in the same household as a child. We will further strengthen the requirements for homeless sex offenders and ensure that anyone who is subject to a foreign travel order will have to surrender their passport to the police.

We have taken forward the committee's recommendations on a public information strategy. We have produced online and print materials to inform and advise families about child sexual abuse and the measures that are in place to try to keep our communities safe. We all understand the desire of parents, carers and guardians to better protect their children from harm. Nothing matters more to a parent.

The Tayside community disclosure pilot that I launched in September and which has the support of all parties in Parliament is a positive development. I welcome and am grateful for that all-party support. The chamber is united in the need to do everything possible to protect our children from harm. The pilot links well with the strengthened multi-agency public protection arrangements that were introduced under the Management of Offenders etc (Scotland) Act 2005. MAPPA has led to better information sharing among relevant authorities.

We are very aware that any disclosure of information about sex offenders living in the community is a hugely sensitive and complicated process and that we require to weigh up conflicting rights. We take the consideration of disclosure very seriously indeed, so we will not rush the process and we are making sure that every issue is well thought through.

The Scottish Government is funding a full evaluation of the pilot to determine how successful it is. I assure the chamber that, assuming that the pilot is a success, our aim is to roll it out across Scotland in every jurisdiction for every community. Our priority is to ensure that police and local agencies are equipped to protect our communities.

We have achieved a great deal in tackling the menace of sex offenders, and we will build on that good work, much of which I inherited from my predecessor. As I have said today, and as colleagues have said on the radio, this is not a party-political issue.

We have introduced more robust arrangements for managing sex offenders in the community. We are working with the police and their criminal justice partners to ensure that the online protection of children from sex offenders is as robust as possible. We will continue to implement the recommendations of the Justice 2 Sub-Committee, we will consider the comments of the Justice Committee if and when it makes them, and we will evaluate the Tayside community disclosure pilot.

I hope that all of that reassures members that the Scottish Government remains committed to protecting our children from sex offenders. I want to continue to work closely with Parliament, stakeholders and communities to ensure that the public receive the best possible protection from these terrible crimes.

I thank members for their support and co-operation to date, and look forward to working with them, as we do with all agencies, to better protect our children.

The Deputy Presiding Officer: The cabinet secretary will now take questions on the issues that were raised in his statement. Time is limited, so questions should be focused and short.

Richard Baker (North East Scotland) (Lab): I thank the cabinet secretary for the advance copy of his statement, and join him in congratulating the police on their success in operation algebra. It is crucial to learn from such events, and in particular to learn where the monitoring of sex offenders must improve.

I am pleased that the cabinet secretary has now read the report on the multi-agency review of the case, but I question why that report is to remain confidential. The matter is of the greatest public concern. Neil Strachan should not have been in a position to abuse his victims. Surely it is not beyond the wit of the Scottish Government to ensure that the report is published in a suitable format. How can we know what lessons are being learned by local agencies if we do not know what those lessons are?

There was nothing new in the cabinet secretary's statement about the approach to monitoring. What progress are ministers making in implementing the recommendations in the multi-agency report that was published in March? It asked ministers to amend MAPPA guidance quickly to ensure that there is always a full analysis of risk.

I remain concerned about the impact on sex offender treatment of no longer having a national specialist unit for offenders at Peterhead. Is it not glaringly evident that any cuts in the budget for monitoring sex offenders would be entirely irresponsible?

Given the success of the United Kingdom Government's child sex offender disclosure pilot, which resulted in at least 10 children being protected from potential abuse by sex offenders in the first six months of its operation, when can we expect evaluation of the pilot programme in Tayside? The cabinet secretary was right to say that that programme has cross-party support. We should all hope that it can be rolled out nationally as soon as possible as a key measure in protecting our children from abuse.

Kenny MacAskill: The member has raised a variety of issues. I will try to cover all of them.

First, the report in question is not my report. Perhaps it would be helpful if Mr Baker understood its background. Lothian and Borders Police, the City of Edinburgh Council and NHS Lothian carried out a significant case review as a consequence of Neil Strachan's offending and his being a registered sex offender. We did not instruct them to do that; they did it as good practice. The report of the review is not mine; it is theirs.

I have a lot of sympathy with the idea that many of the issues should be made available in the public domain, but that is a matter for those who

produced the report. After all, it contains personal circumstances and details of victims. Some of the issues are highly confidential. The Administration is more than happy for those who produced the report to act as they see fit; it is for them to decide whether to publish it. However, given the personal data involved, they face considerable difficulties. Publication could be difficult for the victims of the heinous offences in question.

I can say that four recommendations were made—that is no state secret. They relate to police procedures in the investigation of domestic violence between lesbian or gay partners; consistency in the use of risk assessment tools by the police and other agencies; operational improvements around sexual offences prevention order applications; and the identification of increased risk when an offender admits to fantasising about children. There are no recommendations for the Scottish Government regarding legislation or guidance, although we will be happy to work with the police, social work and health services through the Association of Chief Police Officers in Scotland to help disseminate any operational lessons.

I stress that this has been an historic case, and each of the recommendations has been actioned locally by Lothian and Borders Police, the City of Edinburgh Council and the national health service. Those organisations should be congratulated on instigating the review, but it remains theirs. The report is confidential, because of the personal data on the individuals involved. The organisations may choose to publicise some information, redacted or otherwise, and I will support their judgment whatever they choose to do—but it will be their decision.

The Scottish Prison Service has a great deal of expertise in dealing with sexual offences, and a great deal of pride is taken over the work that is done at Peterhead prison. The Administration is therefore delighted to ensure that a prison remains in Peterhead, so that the valuable staff there can continue to serve locally. There are consequences as a result of the European convention on human rights, in that we must ensure that we also provide assistance elsewhere. We are seeking to do that, and we are dealing with that as best we can.

Mr Baker should realise that the MAPPA system is relatively new. It became clear from the Strachan review that, sadly, it was only kicking into gear when he was perpetrating his offences. I hope that we have closed some gaps as a result of MAPPA—I congratulate my predecessor on introducing the arrangements. They were not available for the Strachan case, but lessons have since been learned and continue to be learned.

Bill Aitken (Glasgow) (Con): I thank the cabinet secretary for early sight of the statement,

and I add my congratulations to the police, the SCDEA and the Crown on achieving an extremely satisfactory result.

As has been mentioned, the accused, Strachan, had previous convictions and was a registered sex offender. Does the cabinet secretary feel that the present sex offender registration legislation is working as well as it can? Would there be any value in carrying out further research into the desirability and workability of the satellite tracking of people on the sex offenders register, and into a possible requirement for them to undertake lie detector tests when, from time to time, they disappear off the radar and are outwith public sight—especially if an offence has been committed in the area concerned? The Parliament stands as one in trying everything possible to minimise the incidence of such offences. We have to consider every possible way of reducing the risk to an absolute minimum.

Kenny MacAskill: Absolutely. I thank Bill Aitken for his questions and for his tenor. I can give an assurance that this Administration, like previous Administrations, is ever vigilant. We recognise that this is a moving feast—that developments come upon us. For example, there have been substantial changes in relation to the internet since much of the sexual offender legislation first came into force. We must be ever vigilant and watchful, and we must change, which is why some matters are now being addressed under the Criminal Justice and Licensing (Scotland) Bill.

Polygraph tests are being trialled south of the border, and we are monitoring that with interest. I assure Bill Aitken that, if it is shown that they work, we will be more than happy to learn from any jurisdiction. The Tayside pilot was predicated on methods that were being trialled in, I think, Warwickshire. We are happy to learn.

Polygraph testing is one thing; satellite tracking is another. The difficulty with satellite tracking is that, although it can show where an individual is, it does not necessarily reveal what that individual is doing. The system can show where they are, but further information, for instance on whether they are walking a child or walking their dog, is not available. Technology has to be considered, and where appropriate we will introduce it, but it has limitations.

Bill Aitken is correct to say that we must ensure that the legislation is robust and fit for purpose. I give an assurance that we are happy to review it. I have heard that the member is anxious for the Justice Committee to address the matter. We will fully support any recommendations that the committee makes. Indeed, I would be happy to contribute.

If issues arise from the Strachan case review that require legislation, we will address them. The review indicates that the steps that are being introduced under MAPPA will add to the measures that are available—albeit those arrangements were not in place in time to address the offences that Mr Strachan carried out.

We recognise that we are dealing with highly devious and manipulative people. We have to be able to change to track the new tricks that they get up to. Equally, we have to recognise that we might not be able to prevent every evil deed and that, therefore, in some instances, the only person to blame is the person who rightly has been convicted. That is why I am grateful for the member's comments about the police and the other agencies that have been involved in dealing with this matter.

Robert Brown (Glasgow) (LD): I thank the cabinet secretary for agreeing to the request that he make a statement and for issuing advance copies of it. I support colleagues' comments on the success of this particular operation.

The monitoring, control and treatment of sex offenders are tricky. The Government has the support of the whole chamber in putting in place the most stringent and effective measures. Huge and complex challenges are also raised by the existence of paedophile rings such as the one with which Strachan and Rennie were involved. Of course, we should also bear in mind the case of Steven Randall, which was reported yesterday. Although that case is perhaps not in the same category as Strachan and Rennie's case, it is also worrying, because he was also on the sex offenders register.

Happily, the men who were convicted in those horrendous cases are now in jail. However, will the cabinet secretary comment on the likelihood of those men and other convicted sex offenders being on the sex offender treatment programme while they are in prison? Can he comment on the view that was expressed in the report of the former chief inspector of prisons, Andrew McLellan, that the number of spaces on that programme is too small, that it is not available to those who refuse to admit their guilt and that, in any event, there is little statistical evidence on its effectiveness?

What assurance can the cabinet secretary give us that such offenders—some rightly sentenced to lengthy prison sentences—will be less likely to offend on their eventual release? I acknowledge that, in one or two of these cases, that date is, happily, rather a long time away. What is the current status of the evaluation of the sex offender treatment programme?

Kenny MacAskill: I am happy to provide further information in due course on the evaluation; I am not able to provide it immediately.

I welcome Mr Brown's comments regarding the importance of seeking to treat these people. At an event last night, I spoke to Dr Mairead Tagg about these matters. A lot of the information is being developed and evaluated, and academics and others are discussing it. We seek to build on what we already have.

Mr Baker acknowledged that we have an excellent service at Peterhead. We seek to provide such a service elsewhere. It is a matter of regret if those who are seeking treatment are not able to access it. The SPS seeks to address that, and this Administration supports its attempts in that regard.

There is a good reason why, sometimes, those who refuse to admit their guilt are not placed on the programme. We are talking about highly manipulative and devious people. Sadly, some people go on the programme to try to delude those who are charged with looking after them and monitoring them in the interests of public safety that they have learned the error of their ways. Without going into detail, I can say that Mr Strachan said a variety of things to the authorities, some of which are now being reviewed.

We have to recognise that there is a judgment call on the part of those who are in a position to make decisions and have been trained accordingly. This Administration is supporting that area of expertise, which is developing under the guidance of academics in Scotland and elsewhere.

We will try to ensure that those who want sex offenders treatment are provided with it. Whether it is worth giving that treatment to someone who refuses to admit their guilt is a matter of judgment for the appropriately qualified people. The old adage that one can take a horse to water but one cannot make it drink still holds true. If someone denies that they have got a problem, there is a danger that they will undermine group therapy work. Further, we have to be ever vigilant and remember that some of these people are deeply manipulative and are downright liars. They make certain statements and say that they have learned and have changed but they have not.

We have to recognise that we are dealing with a changing situation and that we must give full support in that regard. Mr Brown has an assurance that the Administration will welcome suggestions, wherever they come from. I know that Mr Brown is a member of the Justice Committee, which might decide to examine the issues that he raises.

The area is evolving. Medical science has not yet managed to develop the area fully. However, as and when developments are made, we will seek to implement them.

Finally, I remind the member that, in many ways, the Scottish Prison Service is ahead of the game internationally as well as nationally, in terms of its expertise.

Nigel Don (North East Scotland) (SNP): We are well aware that police are involved in MAPPA. Will the cabinet secretary confirm who else is routinely involved, and how that involvement is managed?

Kenny MacAskill: The MAPPA system places duties on the police, local authorities and the Scottish Prison Service, as the acting responsible authorities. As and when necessary, other agencies can become involved, such as health boards; the principal reporter to the Scottish Children's Reporter Administration, if we are dealing with a youngster; housing providers that accommodate MAPPA offenders; and electronic monitoring providers, which I should mention in light of the points that Mr Aitken raised. The arrangement is a multi-agency one, but the basic triumvirate is made up of the police, local authorities and the Scottish Prison Service.

James Kelly (Glasgow Rutherglen) (Lab): There is no doubt that the details of the operation algebra case have shocked many people throughout Scotland. Communities need reassurance at such a time. I regret, therefore, that the cabinet secretary was not able to reassure my colleague Richard Baker with regard to the budget for the monitoring of sex offenders. Perhaps that was because the Scottish Parliament information centre level 4 data for the criminal justice budget show that the monitoring of sex offenders budget has been cut by £21,000, which is unacceptable. Why has the budget been cut when sex offenders who are on the register are continuing to commit awful crimes?

Kenny MacAskill: The Government has made a record investment in the Scottish Prison Service—a public prison service, as opposed to the privatised system with which Mr Kelly wishes to proceed. I regret the tenor of Mr Kelly's question, given the manner in which other members have asked questions and commented on the issues.

The safety of our children is the responsibility of us all, and to turn that issue into narrow partisan politics simply demeans it. We challenge the claim of a £21,000 cut, given our record investment in the SPS. If Mr Kelly wishes to query why our Administration—and the whole country—faces financial problems, he should consider the role of a Westminster Administration that is imposing £500 million of cuts and which presided over a

lack of regulation of our banks, the results of which are hitting each and every one of us in our pockets.

Alasdair Allan (Western Isles) (SNP): Appalling cases such as the ones that we are discussing, which often involve people who have previous convictions, understandably cause the public alarm. Will the cabinet secretary provide some perspective on the reoffending rates of registered sex offenders and how they compare to reoffending rates in general?

Kenny MacAskill: The great difficulty is that although I can present statistics that show that sex offenders reoffend less than most other offenders, when they do reoffend it can be catastrophic for individuals, their families and entire communities. The 2007-08 MAPPA report showed that of the 3,765 registered sex offenders, only 44 reoffended, or slightly more than 1 per cent. It is clear that that is 44 more than any of us would wish, but we can compare it with the 45 per cent two-year reconviction rate among all other offenders.

We recognise the difficulties and dangers, and the devious nature of the people with whom we are dealing. We can, thankfully, rest assured that they are few in number, but we acknowledge that when they reoffend, the consequences are severe.

Margaret Curran (Glasgow Baillieston) (Lab): I ask the cabinet secretary to demonstrate a little patience with members who legitimately ask questions about resources and the practice of the Government—it is a perfectly reasonable activity on our part.

Has the cabinet secretary specifically examined the details of yesterday's conviction of Mr Randall, to which Robert Brown alluded? Despite the fact that Mr Randall had been on the sex offenders register and had been monitored by the police, that heinous man went on to molest a very young child. Will there be an investigation? What specific measures will the cabinet secretary take to reassure the public that the Government is taking action now to protect our children and families?

Kenny MacAskill: I have tried to make clear to members the action that we are taking and have taken. I have given credit to Margaret Curran's colleague, who was my predecessor as justice secretary.

I do not wish to be flippant on the issue of funding, but if Labour wishes to impose the Glasgow airport rail link on us, the cutbacks to which Mr Kelly refers—which I deny—may in fact be substantially greater, because the money that is spent on GARL must be deducted from somewhere else. Every pound that Labour members want to spend on something has to

come out of some other budget. Perhaps they can tell us which budget they want to cut.

I have been advised of yesterday's conviction, and I have no doubt that there will be a review by the agencies that were involved, just as there was a review of the Strachan case. If lessons can be learned, and if matters should be passed to other jurisdictions, we will seek to do so.

On the point that Mr Randall had come off the sex offenders register, I know that Margaret Curran was not the previous Minister for Justice—that was her colleague Cathy Jamieson, to whom I pay tribute—but perhaps she could have taken cognisance of the legislation that she was passing when she was in the Cabinet. Under the legislation, if the court imposes an order for, say, five years, the person comes off the sex offenders register after that time, although an offender can be put on the register for life automatically for a variety of offences, which are set out in statute. In the case that we are discussing, the individual fell off the register because the period that was imposed—five years—expired.

Clearly, lessons will be learned. If we have to change the legislation that was brought in during the member's time in office, we will seek to do so. Actually, I think that we will seek to learn lessons in other ways, because in the main, as I said, the MAPPA system kicks in. The sex offenders register is simply a record of data at the time. The fact that somebody comes off it does not mean that they cannot be put back on it through SOPOs or applications to the court.

The Deputy Presiding Officer: That concludes questions on the statement. I am sorry to those members whom I was unable to call, but I have to protect time for the next debate, which is in itself oversubscribed. I ask members to move to their new positions as quickly as possible.

Fisheries Negotiations

The Deputy Presiding Officer (Alasdair Morgan): The next item of business is a debate on motion S3M-5119, in the name of Richard Lochhead, on the autumn fisheries negotiations.

15:26

The Cabinet Secretary for Rural Affairs and the Environment (Richard Lochhead): Fishing provides the life-blood for many of our communities, it provides wholesome food, and it plays an economic, social and cultural role in our nation. Of course, we cannot forget that we are debating one of the most dangerous occupations. In the past 12 months, many fishermen have paid the ultimate price to bring food to our tables.

The motion and amendments that we are considering make it clear that we are entering a crucial phase for the future viability of our fishing industry. We are not just facing the important annual negotiations; we are also entering a defining period in the future of European fisheries as, at long last, discussions begin on the future of the common fisheries policy. I am proud to say that we in Scotland are leading that debate. Only this week, I addressed a major international conference in Edinburgh on the future of the CFP. That conference was also attended by several members and industry leaders, some of whom are with us in the public gallery today.

Members are well aware that 2009 has been a tough year for the industry, which has faced many unprecedented challenges. Hard on the heels of the fuel crisis came the biggest global recession since world war two, and the fishing industry, like other industries, has felt the impact. Our lucrative nephrops market was depressed because of a collapse in demand on the continent, and the recession and related factors, such as the fact that Iceland flooded the UK with imports, undermined the price of cod and haddock. The industry tells me that low prices inevitably tempted some skippers to fish harder to pay the bills, which caused periods of oversupply and high quota uptake, to the detriment of all fishermen. It is clear, then, that the economic downturn has rocked the industry.

As if that was not enough, fishermen have had to cope with often illogical and counterproductive restrictions from Brussels, which have brought particular pain to the west coast of Scotland. The impact of the recession and restrictions meant that, at the start of the year, many skippers told me that they would not have enough effort to catch their quotas, but in the final quarter of the year the opposite is the case, as quotas are being exhausted before effort.

The Parliament must not lose sight of the achievements of an industry that produces the world's best seafood. Scotland's valuable pelagic sector is thriving, and some firms are even recording record profits. Of Scotland's most important stocks, where the scientific status is known, nine out of 14 are fished sustainably, and more than half of Scottish fisheries by value are accredited by the Marine Stewardship Council. Our award-winning eat more fish campaign has already helped to deliver a 10 per cent increase in sales of Scottish seafood this year. As a Parliament, let us remember that the Scottish fishing industry has real resilience and a real future.

Of course, between now and Christmas, we face a series of vital and difficult negotiations that will set the scene for 2010. To reflect the continuing improvement in cod stocks, the North Sea management plan will deliver a significant increase in total allowable catches for the third year in a row. There is good news on some of our herring stocks, with the decline in the North Sea stock appearing to have bottomed out and the west of Scotland quota increasing by 12 per cent. I will also be fighting hard to secure sustainable increases in the valuable monkfish and megrim quotas and sensible management measures for our west coast white-fish stocks.

We also need to take strong action to safeguard the long-term sustainability of our lucrative nephrops stocks, which are, after all, our most valuable stocks. Due to a change in methodology, scientific advice had recommended significant cuts in TACs on the west coast, but we are pleased that the European Commission is backtracking and that more realistic proposals are now on the table. We are also working hard to ensure that Scotland gets a fair deal from and achieves a level playing field as a result of the coastal states negotiations and negotiations between the European Union and Norway—negotiations that are so important to our pelagic industry and where many white-fish quotas are set.

The issue of overfishing by other pelagic fleets is high on our agenda, given its potentially severe impact on the future of our stocks, and securing a fair and long-term deal on mackerel is a hugely important priority this year. However, as the chamber will be aware, efforts to rebuild cod stocks continue to dominate European negotiations and impact on vessels that catch cod.

I said earlier that the cod recovery plan has been challenging for Scotland, and there will be further cuts in effort this year and next. We continue to seek changes to the implementation of the plan in our waters and to ensure that our fleet can buy back days by adopting cod avoidance measures.

Tavish Scott (Shetland) (LD): I welcome the cabinet secretary's comments, particularly on megrims and monks. I hope that I am quoting him correctly but if, as he says, there are to be "further cuts in effort" next year, what exactly will our industry have to do to comply with those measures?

Richard Lochhead: As the member will be aware, there has been a further 10-point reduction in effort in the cod recovery zone, with another 10-point reduction planned for next year, and we will ensure that we mitigate as much as possible the impact of those cuts on Scotland's affected fishing fleets. However, managing effort in the cod recovery zone is a tall order and will require the industry and Government to continue to work closely together.

The science tells us that we need a recovery plan because of the fragility of cod stocks. We ignore that advice at our peril, but we must ensure that existing conservation measures, such as real-time closures and selective gear, are given the credit they deserve in terms of effort buy-back. Scottish fishermen must get the rewards that they rightly deserve.

That said, we must not forget that we have already done much to mitigate the impact of effort cuts. Indeed, by adopting new conservation measures, the Scottish North Sea white-fish fleet was able to avoid more than half of the proposed 25 per cent cut.

I hope that we can all agree that we need radical changes in fisheries policy to secure additional fishing opportunities and enhance fisheries conservation. Indeed, that is why we are making the phasing out of discards a priority. In the North Sea, for every 10 tonnes of cod landed there are 8 tonnes of discards, and for every 10 tonnes of whiting landed there are 15 tonnes of discards. Although we have to be clear that there is no golden bullet, some of the marketable discards should surely be made available to the market. That would be a fair reward for our fishermen who have made huge sacrifices to rebuild stock and to reduce overall fishing effort. If we reward our fishermen for reducing overall effort on stocks by allowing them to land more of what they catch, we can reduce discards, help our fleet and help fisheries conservation. Taking discards out of the equation allows the fleet to catch less but land more.

As a result, we are urgently seeking changes to how we regulate Scotland's mixed fishery. We should not have laws that force fishermen to dump overboard and dead good-quality and valuable food resources because they only have quota for one of the species in the net. Sometimes fishermen cannot help but catch several species in

the same net at the same time, and regulations should take account of that fact of nature.

We are also urgently seeking a move from regulating the time that vessels spend at sea to regulating time actually spent fishing. Under the current regime, targeting the appropriate species in the right areas becomes more difficult because the clock starts ticking when vessels leave port.

Of course, we need a fully audited fishery to give confidence that, in return for landing more of what is currently wasted, we ensure that the same levels of discarding do not continue. The on-board cameras that are being piloted by some of our vessels have been piloted in Denmark and are being considered by other nations might give us the confidence that we need in order to move from simply measuring what is landed ashore to a catch quota system.

We need changes now. Scotland is not waiting until 2013 to draw up its blueprint for fisheries management in Europe. Our independent inquiry into the future of fisheries management has already delivered its interim report and has attracted much attention in Europe and beyond. We will use the report, together with what our fisheries stakeholders have told us, as the basis for our response to the European Commission's green paper on CFP reform. Our guiding principle at all times is that decision-making powers must be returned to Scotland, where they belong. The one-size-fits-all top-down CFP has been disastrous for Scotland. Returning power to Scotland would allow us to do what is right for our communities and would give us the option of working on a regional basis with neighbouring nations.

We will fight tooth and nail for a good deal for Scotland at the negotiations but, no matter what the outcome is, the Scottish industry faces stormy waters ahead. We need to work with the industry to develop a sustainable future. We have already set in motion many initiatives, but the Scottish Government agrees with the industry that we need to do a lot more. That is why I am announcing today my intention to work with the industry in the coming weeks to develop an action plan that will set out a shared vision for the future of Scottish fisheries.

The action plan will comprise four key elements, which will reflect our experiences this year. First, we have to improve the wider framework for fisheries management. Secondly, we must manage our current fishing quota and effort allocations in a way that promotes sustainability and profitability. Thirdly, we have to work with the industry to help it to maximise the value of the catch, because that is the bottom line and it is ultimately what matters the most for the sector's economic future. Finally, we need to ensure that

we have a resilient fleet that is crewed by a skilled workforce for generations to come. I have asked officials to work with the industry to develop that clear programme of action by early 2010.

This year has been tough for our fishing industry and 2010 will also be tough for some sectors, but we in Scotland are rightly seen as leaders in fisheries management, despite the constraints that are imposed by the CFP and the nature of the devolution settlement. Now is the time to start rewarding our fleet for its massive efforts to conserve stocks. The Scottish Government will build on our successes and stand shoulder to shoulder with our industry and communities to address the many challenges in the tough times ahead. I commend the motion to Parliament.

I move,

That the Parliament notes the Scottish Government's commitment to secure a fair deal at the forthcoming EU fisheries negotiations and to continue seeking radical and urgent changes to EU regulations to help cut discards and improve fisheries conservation and the industry's profitability; calls for Scotland's fishermen's growing reputation for innovative fisheries conservation to be given due recognition, and notes the European Commission Green Paper on the Reform of the Common Fisheries Policy, which recognises the failures of the Common Fisheries Policy.

The Deputy Presiding Officer: I thank the minister for coming in under time. When I said that the debate was oversubscribed, I hope that other members inferred from that that their speeches must come in on time.

15:37

Sarah Boyack (Edinburgh Central) (Lab): If a week is a long time in politics, a year is probably a lifetime. This time last year, the cabinet secretary was extremely positive:

"A key part of the package ... must be a significant increase in the North Sea cod quota—with no unreasonable strings attached. We can catch less by reducing the amount of cod that is taken ... but we should land more of what we catch, rather than force the fleet to dump overboard."

He continued:

"I will also make it a priority to think of the needs of not only today's fishermen, but future generations, which is why we have developed this year's proposals to safeguard fishing rights for future generations of Scottish fishermen."
—[*Official Report*, 27 November 2008; c 12814-5.]

He gets 10 out of 10 for the rhetoric, but the reality is not quite there. Fortunately, the cabinet secretary's licensing regime sank without trace after being panned by the industry and not being legal.

We also had warm words from the minister on sustainability and a fair outcome for the fishing industry, but the industry has attacked his lack of

action and demanded more than rhetoric. It is significant that the cabinet secretary did not mention the four-point action plan until the final minute of his speech. This year, it is pretty clear from the fishing communities that they do not want the rhetoric. The fishermen and the processors have seen through it, as have we, so the party is over. The cabinet secretary must be really worried that the Cod Crusaders have reformed. It will clearly be a rough year.

The first thing that the cabinet secretary must do is stop pretending that not all of us in the Parliament want the best possible deal for Scottish fishermen. He needs to work with members, United Kingdom ministers and the industry to develop the best possible negotiating position for the December talks. The second thing that he must do is nail the problems from last year that have arisen from the bizarre outcomes of tougher quotas and an even greater increase in discards. Despite all the talk about how last year's deal was great, the reality for fishermen is that, because of the combination of the recession and tight quotas, some boats have already landed their catches for the year and are now stuck, having exhausted their quota.

We need to know what the cabinet secretary is planning to do to take the pressure off the industry and enable it to get through the recession. My colleague Karen Gillon has raised the issue of support for the fishing industry. It would be good to hear in the cabinet secretary's summing-up speech a bit more detail about the measures that he is planning to take to alleviate pressure on the industry.

We in the Labour Party believe strongly that we need enough fish for future generations—that is the core issue of sustainable stocks. I would like to hear more from the cabinet secretary about the feedback on what has happened in the north-west. Last year, the prospect of draconian closures dominated all our discussions. I asked the cabinet secretary to put in place funding to ensure that we have a robust basis for assessing the health of our stocks in the north-west, and the proposal received unanimous support in the Parliament. Better information to track the health of stocks was to be tied into support for practical fishing measures so that conservation measures would be not just implemented but seen and accepted to be implemented by Brussels.

Again, the reality has not matched the rhetoric—in fact, it has been a million miles away, because closure has occurred on the west coast. As this year's fishing negotiations loom—although we are discussing them early this year—it is clear to me and, I suspect, other members that we do not have a proper strategy to take us from now to CFP reform.

Worse than that, the cabinet secretary's press statements from earlier this week try to suggest—

Richard Lochhead rose—

Sarah Boyack: I have not yet said what the press statements were, so it might be wise for the cabinet secretary to wait to hear what I will quote from him.

The cabinet secretary suggests that CFP reform will mean that Scotland manages the fishing interests off our coast. However, I understand from this week's discussions between regional advisory councils, ministers from throughout the UK and fishing industry representatives that regional seas management will be determined not by political boundaries but—as is correct—by ecosystems that will be managed by shared interests in our seas. Fishing interests will not be managed by Scottish fishermen alone, and they do not expect that. We need a reality check and less rhetoric all round.

The cabinet secretary needs to get the fundamentals right. What role does he see for tie-ups or new ways to help the fleet to spread its catch throughout the year? Given the low prices that fishermen are obtaining, which he talked about, what solutions does he suggest to bring prices to a sensible level? It is clear that the Commission does not want to act on that. What role will the Scottish Government play?

Richard Lochhead: Has the member read the briefings from non-governmental organisations that say that Scotland is ahead of the game in fisheries management? Has she read some of the comment from around Europe that Scotland is ahead of the game in thinking about the common fisheries policy's future? Has she thought at all about the impact on Scotland's fisheries of the worst recession since the second world war? She has barely mentioned that. It appears that everything is the Scottish Government's fault, whereas in fact we have received a lot of credit for leading the debate on many matters.

This is a tough year. We must reflect on what we have learned this year so that we can make a better job of it next year.

Sarah Boyack: I have mentioned the recession, which the cabinet secretary will see is a core part of our amendment. He needs to do more to help the fishing industry through the recession—that is fundamental.

I have read my briefings, which is why our amendment focuses on recognising the superb work that is being done throughout Europe. Scotland is doing good work on regional fisheries management, but it is not just us. There is no point in our doing that work on our own; we must do it with other parts of the UK, with other nation states

and with fishing and scientific interests. Scotland should not go it alone—we must work with others.

The key point is that common fisheries policy reform is not here yet and will not be here next year or the year after. We need action from the cabinet secretary and his ministerial colleagues now, not lofty talk about what might happen. That is the core point of our amendment and that is why we have highlighted the recession. Our amendment stresses the need for the Scottish Government to act now to help our fishing communities and our industry through the recession, to deal with the fallout from last year's negotiations and to consider that in detail.

Our fishing communities are an important part of our identity as a nation. Like our mining, steel and shipbuilding communities, they need regeneration. What is the cabinet secretary doing with his Scottish National Party Government colleagues not simply to consider what happens in the December talks year after year but to ensure joined-up government now to regenerate and to provide new support for skills, training and business development in the communities that are feeling the impact of reduced quotas? Those communities are dealing with the double whammy of the recession and the impact of last year's fishing talks. The recession is at the heart of our amendment and our world view, which is why we ask the cabinet secretary specific questions and request specific support now to help our communities and our fishing industry to get through the recession.

What I have described is needed just to get through this year. We would like to hear more from the cabinet secretary about what is being done to give assistance next year. He has mentioned the four-point plan. We would like to hear the detail of that. He mentioned it as a bit of a throwaway remark in his last minute.

My final two issues are discards and this year's talks. Last year, we all agreed on discards—indeed, the subject was a core issue in the cabinet secretary's speech last year. The point cannot be put better than Bertie Armstrong's comment that

"discards are abhorrent and the reason why it occurs must be a mystery to the public. But if there were a simple solution, then we would have solved the problem a long time ago."

It is obvious to us all now—as it was obvious to us all last year—that there is no simple solution. Given that the issue of discards was such a high priority for the cabinet secretary last year, I want to hear what progress he has made with the Commission on developing a sensible way forward to make a practical difference.

It is difficult to imagine that there will be action from the Commission on discards without there

also being a complementary reduction in fishing effort. Measurable evidence will also be required. Currently, we have a lose-lose situation for fishermen: given that they cannot break their quotas, they take fish out of the sea but have to throw them back dead. We are talking about a mixed fishery; the practical measures that can be adopted are key to the issue. What trade-offs is the cabinet secretary prepared to consider in this regard?

Does the cabinet secretary accept that he has to be very careful about the use of cameras? Unless they are introduced under the right circumstances, there could be a huge impact on our fishing communities. The detail of the negotiations has to be absolutely correct. I am very keen to know the extent to which he has raised the matter with our UK colleagues. We need to ensure a core UK negotiation so that we can be successful this year.

As the cabinet secretary said, our fishing industry has rightly gained the reputation for innovative conservation measures, but—

The Deputy Presiding Officer: The member must conclude.

Sarah Boyack: We need to ensure that the Scottish Government supports the industry in going forward. This year's talks are crucial. Common fisheries policy reform is not—

The Deputy Presiding Officer: The member must conclude. I call John Scott.

Sarah Boyack: Do you not want me to move the amendment in my name?

The Deputy Presiding Officer: Thank you, Ms Boyack.

Sarah Boyack: I move amendment S3M-5119.2, to insert at end:

"welcomes the meeting of Inter Regional Advisory Council members, stakeholders and fisheries ministers from across the United Kingdom in Edinburgh this week; notes the growing support for ecosystem-based regional fisheries management amongst fisheries experts and interests, and agrees that the Scottish Government should put in place effective measures to support Scottish fishing communities in light of the outcomes of last year's fisheries negotiations and the ongoing recession."

The Deputy Presiding Officer: I now call John Scott to speak to and move amendment S3M-5119.1. Perhaps you could move the amendment at the outset to save any problems at the end.

15:46

John Scott (Ayr) (Con): I move the amendment in my name.

I begin my speech in this annual debate on the autumn fisheries negotiations by recognising the particularly difficult set of circumstances that face

our fishing industry this year. Not only have fish and nephrops prices been depressed and costs—particularly fuel—risen but, as Jimmy Buchan, the skipper of *Amity II* said recently:

“This is the worst situation the fleet has been in for decades, without a shadow of doubt ... I have been a fisherman for 33 years and a skipper for 23, and I can never recall seeing so much despair on the faces of skippers.”

It is tempting to lay the blame for the situation at the feet of the Scottish Government, which has promised much for our fishermen—particularly withdrawal from the discredited CFP—but delivered little. The despair that Jimmy Buchan and others have described results from the reality of trying to make a living in the extremely difficult circumstances in the demersal sector—a reality that now overwhelms that part of our fishing industry.

Notwithstanding the fact that the cabinet secretary took the approach of blaming the Government when he was in opposition, the reality is somewhat different.

Alasdair Allan (Western Isles) (SNP): Will the member give way?

John Scott: No. I have too little time.

It is only fair to recognise that, although they are doing their best, the cabinet secretary and Scottish and UK Governments are becoming overwhelmed by events. It is becoming clearer daily that many of the problems that our industry and Governments face arise from the now-acknowledged structural failings of the CFP.

Brussels now recognises that it is—and has been for many years—part of the problem and not the solution. That is to be welcomed, but we are where we are. Fish stocks in Scottish waters are particularly under threat, and we have to chart a way forward from here for our industry.

Before I turn to this year's negotiations and reform of the CFP, I say to the business managers that far too little time was made available today for me to do justice to both.

In this year's negotiations, the Government must build on what has been achieved in the past. I understand the attraction for the cabinet secretary of introducing closed-circuit television in an attempt to reduce discards to an acceptable level but, sadly, CCTV cameras will not of themselves stop the problem of discards in a mixed fishery. More fundamentally and conceptually, fishermen must be encouraged and rewarded for catching less but landing more. I share the cabinet secretary's distaste for wasting good-quality and valuable fish.

The problem of dealing with mixed fisheries remains; we can and must deal with it now. We

must work harder and faster to develop selective gear and perhaps to get some of our university research and development departments on board to help further reduce cod mortality.

Real-time closures must continue to be used to reduce catches of cod and protect spawning grounds. All of that must be achieved against a background of reduced TACs in almost every stock except cod and west coast herring.

Innovative ways of supporting the industry during this period of fishing austerity and declining TACs will need to be found. As Sarah Boyack indicated, fleet survivability is of paramount importance. In the meantime, the Commission, politicians and others must get to work on reforming the CFP.

I share the cabinet secretary's concern that there is little time left to secure a sustainable future for some of our fish stocks and our fishing industry, given the parlous state of some fish stocks, especially on the west coast. Reform of the CFP must happen and be implemented very quickly after 2012. Most pundits and speakers at the interregional advisory council conference agreed on the barriers to creating sustainable fisheries, which include too much micromanagement, a lack of political will to set and keep to long-term objectives, imprecise policy objectives in the first instance, a lack of transparency in decision making, a lack of participation and ownership in decision making at local and regional level, and a lack of structure to avoid discards. For all of those reasons, and many others, there is an accepted need for reform.

Regionalisation is now accepted as the best way forward and has been supported by Conservatives for many years. CFP reform must take us to regional co-management, with shared responsibilities and ownership of the problem replacing an outdated, top-down, centralised approach. Of course, policy objectives will still need to be set by the European Commission—and now, following the ratification of the Lisbon treaty, the European Parliament. RACs will need to be made to work better and given a clearer role in linking policy implementation and development, as well as overseeing on the ground. Now that we have defined the problem, we must look for the detail of the structure that is applicable to the Scottish fishing industry. I welcome the cabinet secretary's remarks on the four-point action plan that he intends to develop, which will, I hope, take us from now to the point at which CFP reforms kick in.

Member state delivery of high-level objectives set by the Commission will be the new way forward. Self-evidently, different regional sea areas will need to have different aims and objectives, with different fish stocks, different types

of fisheries and now different climate change problems to manage. However, we must consider a new approach, and quickly, given that the old CFP is now regarded universally as being part of the problem rather than the solution, while in the meantime fishermen and fisheries are struggling.

We need more time to discuss CFP reform another day. In the meantime, Conservatives commend our amendment to Parliament and wish our Scottish and UK Government ministers every success in securing the best sustainable deal possible for our Scottish fishing industry on 14 and 15 December.

I move amendment S3M-5119.1, to insert at end:

“and believes that, in that context, a more regionally responsible approach to fisheries management is required and that, in order to achieve this, the Scottish Government and HM Government must work together in the interests of a sustainable Scottish fishing industry.”

15:53

Liam McArthur (Orkney) (LD): There was a time when Santa could set his watch by the timing of the annual debate on fisheries. That is not the case this year. Although members will still have an opportunity to express their hopes and concerns for the critical year-end negotiations, there are practical downsides to the timing of the debate.

As the minister indicated, coastal state negotiations are already under way. I understand that, rightly, a firm line is being taken with the Norwegians over mackerel and access rights, but that is likely to colour the Norwegians' attitude to the EU-Norway talks that will start later this month. In the past, that picture and, therefore, the prospects for the December fisheries council would have been clearer by the time that this debate took place. This year we are flying somewhat blind, but I hope nevertheless that the debate will, as in the past, guide ministers as they prepare for those important talks.

In that spirit, although I share the sentiments in the Government's motion, I feel that it fails to express the severity of the crisis that faces our fleet and lacks a sense of urgency about the immediate priorities. I believe that a bolder statement must be sent from the Parliament, and I hope that other members agree.

Like other members, I attended the meeting on CFP reform in Edinburgh this week. The array of expertise was impressive, and the growing consensus about the need for a more regional approach to fisheries management was encouraging. Even the Tories, after years of demanding outright withdrawal, appear to have joined the Scottish National Party in recognising practical realities and abandoning their

unilateralism. However, despite that consensus, there is still no clear or agreed view on how regionalisation might work in practice. As the cabinet secretary acknowledged, more work is required, although much of the detail will be finalised only after the 31 December deadline that the Commission rather unhelpfully set for responses. I make a plea, even at this stage, that, where regional models and plans can be developed and agreed within an overarching framework and objectives, they are progressed. All together or not at all is not a maxim that we should subscribe to.

Let us be clear that any reform will not be finalised until 2011 at the earliest and more likely 2012. Even then, as National Federation of Fishermen's Organisations chief Barrie Deas suggested this week, big-bang changes on 1 January 2013 are not necessarily in the interests of fishermen or fisheries management—change will take time.

Of course, as the minister acknowledged, an exception must be made for discards, because the economic and environmental madness of discards has to be tackled well before 2013.

Although discussing CFP reform proposals is more comfortable territory for ministers to be on, the upcoming negotiations will be based on current rules—however much we might wish it were otherwise. Coastal state negotiations have started, EU-Norway talks begin in less than two weeks, and the December fisheries council begins in little more than five weeks. We therefore need to know what ministers are doing to prepare and what approach they will adopt.

We also need to know that, as well as working closely with the Scottish industry and scientists to marshal the case, the cabinet secretary recognises the peril of opening up needless divisions with UK ministers. That would be catastrophic and would allow the Commission and other member states to run rings round a feuding UK delegation. I hope that he bears that in mind and avoids getting caught up in the Brigadoon-fest that Mike Russell has planned for St Andrew's day.

The message from Scotland's fishermen is clear. As the *Fishing News* proclaimed last week, “2010 is a ‘Make or Break Year’”.

This year's talks will be tough. In part that is thanks to the deal that the cabinet secretary signed up to last December. I quote Bertie Armstrong:

“the unmistakable message from the men at sea—that the regulations controlling days at sea, worked up over 2008 and agreed finally by the Council of Ministers last December are unworkable”

and

“can be defended no longer”.

The anger felt by Scottish fishermen over that deal has been made worse by what they saw as ministers attempting initially to claim that it was a success and then taking months to admit its inadequacies. However, the real concern now is that the Scottish ministers have thrown in the towel before these talks even begin. That sense is reinforced by Mr Lochhead’s insistence that further cuts in effort and certain TACs are “inevitable”.

Instead of being properly rewarded for the innovative steps that it has taken, it seems that our fleet is being told to accept meekly more pain. That will not do. The minister must now get together with the industry and scientists to marshal the strongest possible case. He must develop proposals for a catch-based management plan to counter the Commission’s approach and he must demonstrate an appetite for the fight.

It is worrying that it now appears that the proposals for putting CCTV cameras on boats in return for more quota were being trumpeted prior to proper consultation with the Scottish industry. Although any pilot scheme can doubtless be finessed to work, the question is: at what cost? Once CCTV is hard-wired into a system that is patently failing, it will be used both to legitimise unworkable rules and to punish further those who cannot make the system work.

I do not expect the cabinet secretary to discuss in detail his negotiating position, but I offer some thoughts on what it might involve. I welcome his commitment to look for an increase in monkfish and megrim quotas based on the scientific evidence, but greater flexibility is also required in the monkfish regime. As he suggested, the picture on other stocks is, as ever, more mixed. Clearly, the hope is that the best deal possible can be struck.

In relation to effort, it is vital that no more ill-fitting restrictions are layered on top of what is already in place for cod and on the west coast. With regard to the latter, the cabinet secretary is aware of my concerns about what happened last year and how it came about. I urge him to look at alternatives, possibly involving removing haddock and subjecting it to its own management plan. I know that proposals are being worked up by the industry, and I hope that they will be given a fair wind.

As ever, the cabinet secretary is assured of the Parliament’s support as he embarks on these extremely tough negotiations, but this is a make-or-break year for our fleet. Many skippers are on the brink, having leased effort and quota to cope with last year’s deal. Further cuts in either or—worse still—both could signal the end for some.

That is why I believe that the Parliament needs to send out the strongest possible message of support for our industry.

I echo the call in the Labour amendment for Government to stand ready to assist, depending on the outcome of the negotiations, but I recommend and have pleasure in moving my amendment.

I move amendment S3M-5119.3, to leave out from first “notes” to end and insert:

“recognises the need for a complete overhaul of the Common Fisheries Policy and action to address the environmental and economic folly of discards; believes, however, that the Government’s immediate priority must be to tackle the current crippling situation facing Scotland’s fishing fleet and the prospect of further cuts in effort and quotas, and therefore urges the Scottish Government to work urgently and constructively with the fishing industry and the UK Government on priorities for the forthcoming EU fisheries negotiations to secure the best possible outcome for the Scottish fleet and the longer term sustainability of fish stocks.”

15:59

Alasdair Allan (Western Isles) (SNP): It is that time of year again. As politicians we often talk about fishing from warm, dry land, using the opaque language of the common fisheries policy that can obscure the immense human consequences of the decisions that are made about fishing at this time every year. Once in a while we get a reality check, as I am pleased to say that I did recently, when I spent a day lifting creels with the crew of the fishing vessel Wakeful, from the isle of Grimsay. Let me confirm, with some respect in my voice, that nobody does a day’s work quite like fishermen.

Between now and December, the Scottish Government also faces a daunting task: negotiating with Europe over the proposed cuts in total allowable catches recommended by European scientists. The Cabinet Secretary for Rural Affairs and the Environment said:

“This year has been a tough one for many fishermen, with the recession and low fish prices combined with existing restrictions imposed on our fleets ... Crazy EU rules mean that our fishermen have little choice but to throw away much of the fish they catch.”

Scotland, which has one fifth of the European Union’s seas, is responsible for some of Europe’s richest fishing. The fact that Scottish landings are worth almost £400 million to the economy is important, not least in my constituency. In the Western Isles, the fishing industry provides much of the population with a source of income and, in one shape or another, supports more than 800 jobs. In 2008, 3,800 tonnes of seafood, valued at £11.3 million, was landed in the outer Hebrides, 90 per cent of which was shellfish. All that points to the unavoidable conclusion that the fishing

industry deserves to be protected from the most insane excesses of the European common fisheries policy. I am heartened to hear that the cabinet secretary is going about the negotiations in exactly that spirit and that he is seeking to mitigate what European officials are proposing.

The proposals on nephrops concern me most. European Commission scientists have recommended that the total allowable catch for prawns be cut by 15 per cent. That would represent a significant cut in both the prospective catch and income for fishermen in my constituency at an economically tough time when they are struggling to make ends meet, particularly given that overheads are being driven up by continuing high fuel prices.

John Hermse, secretary of the Mallaig and North West Fishermen's Association, said:

"The system as it is now really is a lot of nonsense and it's been like this for a number of years ... the way it is now is absolute madness."

Instead of taking the drastic measures of quota cuts, at least in the form proposed by the European Commission, the Scottish Government is endeavouring to ensure that a more sensible way forward is found. I hope that that means that in future we might perhaps catch fewer fish but land more of what we catch. That would help to ensure the long-term future of our valuable fish stocks and cut dramatically the number of fish that are discarded, which would allow the fish populations to regenerate and become more sustainable.

The main goal of the European Commission's fishing policy—or, at least, its stated aim—is to create and maintain sustainable fish populations. However, Scotland has already played a leading role in meeting those objectives through good management of sustainable fishing.

We now have the opportunity to make up for previous inactivity on this front. Throughout these years—certainly the past eight years—there has been little discernible effort to maintain or protect the fishing industry in Scotland from European policies or to find a sustainable future for our seas on the basis of meaningful science, as opposed to the basest of European political considerations.

Liam McArthur: Will the member take an intervention?

Alasdair Allan: I am afraid that I am just about to conclude.

Like most members who represent fishing communities, I hear whole communities rightly bristling with offence at a certain Labour MEP who said:

"we have to realise that fishing is a declining industry. We should be looking to the future not wrapping ourselves in nostalgia."

The Scottish Government is looking to the future—I am sure that that view is shared throughout the chamber—and, unlike the previous Administration did at times, it sees that the fishing industry is crucial to maintaining a healthy national economy.

The chief executive of the Scottish Fishermen's Federation, Bertie Armstrong, said:

"Never before has it been more imperative for the Scottish industry and government to work together in partnership to reduce by as much as possible the scope, severity and speed of implementation of these"—

European—

"measures. ... With the SNP in government Scottish fishing finally has an administration that will stand up for the national interest and a successful industry."

That is where the quotation closes—those were Bertie Armstrong's words, not mine.

All of us who claim to have the interests of fishing communities at heart must now back the efforts of Scotland's Government to improve the deal on the table for our fishermen. That is the very least that we can do, this side of having our own seat on the European fisheries council or a replacement for the common fisheries policy.

16:04

Elaine Murray (Dumfries) (Lab): I attended a fishers' memorial service at the United Reformed church in Annan last weekend to commemorate the people who have been lost at sea in the Annan area over the past 150 years. Representatives from the Fishermen's Mission drew the congregation's attention to statistics that shocked and surprised me: every 17 days, a UK-registered fishing vessel is lost at sea and every 10 days a UK fisherman either loses his life or is seriously injured in the course of his work. With the improvements in health and safety in land-based industries, fishing must be, as the cabinet secretary indicated, the most dangerous industry in the country. That is one of the reasons why fishermen deserve to occupy the place that they have in the esteem and affection of not only fishing communities but the entire Scottish people.

The debate is held in the context of the annual negotiations and the consultations of the Scottish and UK Governments on CFP reform. It is widely recognised that the CFP has not been successful in fulfilling the objectives that were agreed in 2002 to achieve sustainable fisheries. Certainly, there was general agreement from the witnesses who attended this week's meeting of the Rural Affairs and Environment Committee that the annual round of bickering and horse trading at the fisheries council is not the best way of determining how

stocks should be managed for long-term ecological and economic stability.

I was encouraged by the degree of agreement between witnesses. Persuasive arguments were made for overall strategic objectives and general principles to be set by the Commission and for the regulatory framework to be agreed at regional level, in all likelihood not only by Scotland but by groups of member and non-member states that share seas, with the involvement of the fishing industry in developing planning and management strategies.

There also seems to be a consensus that an ecosystem-based approach is required, especially in mixed fisheries where several species depend on shared food sources. Single-species quotas do not work well for such fisheries. There is a need for reliable data and monitoring and for the rules of stock management to be agreed in advance so that they do not become part of a politicised agenda in the end-of-year negotiations.

That said, it is optimistic to believe that reductions in effort will be welcomed by the sectors that are required to make those reductions, even if the rules have been agreed in advance, and there will be times when somebody has to make difficult decisions. Although there was talk of the need for a toolbox containing a range of tools appropriate to different situations, it is not yet clear what many of those tools might be. The continuing development of selective gear is clearly one of them, although it is more difficult to implement for large species that are of concern, such as cod.

Bertie Armstrong of the Scottish Fishermen's Federation also pointed out that some control methods can operate in opposition to their intention. He cited the example of real-time closures of areas of sea resulting in vessels having to travel further and use up some of their days at sea, and therefore fishing more intensively when they arrive at the open fishing grounds.

There will be times when sectors of the industry are required to take some short-term pain in the longer-term interests of achieving sustainable fisheries. At such times, as our amendment acknowledges, we must offer public support for communities, not just individuals.

The Government motion expresses the desire that innovative methods of fisheries conservation developed by Scotland's fishermen be acknowledged. I was concerned to learn that the European Commission had stated in a news release that accompanied its proposals for TACs in 2010:

"real time closures and cod-avoidance schemes have not been enough to protect the stock and have had little effect on fishing patterns. Bringing about an improvement in this

situation will mean stepping up conservation efforts still further and implementing the cod plan adopted last autumn."

That is extremely worrying, because it seems to imply that, in the Commission's opinion, innovative conservation methods such as conservation credits, real-time closures and cod-avoidance schemes have not worked and suggests that the Commission may press ahead with reductions in kilowatt days.

When I raised the matter with Nick Bailey of Marine Scotland at the Rural Affairs and Environment Committee meeting on 28 October, he did not seem to be aware of the statement, which had been researched by the Scottish Parliament information centre. The information that he had was that the review of alternative methods of reducing cod mortality would take place next spring. Does the Cabinet Secretary have any information that would clarify the situation? It would be a matter of grave concern if the Commission made assumptions about the efficacy of alternative methods of conservation without those methods having been reviewed.

When the Rural Affairs and Environment Committee undertook a fact-finding visit to Brussels on CFP and common agricultural policy reform last spring, committee members felt that there was not the high level of recognition that they expected of the alternatives that Scottish fishermen are trialling. The cabinet secretary calls for recognition; perhaps he can tell us more about what he is doing to ensure that recognition, because I am not convinced that it is being clocked in the way that we would wish it to be.

Everybody agrees that the current situation on discards is unacceptable. I wonder, however, how much progress can be made prior to the reform of the CFP, probably in 2013. Is there a real appetite in the fisheries council to address that as a matter of urgency? Will we see quotas being set for catches rather than for landing? Will fishermen who do not discard be rewarded for that by increased days at sea or increased quotas? As others have said, CCTV is not a panacea. It works in certain types of vessel, but not in others. There are also cost implications for the fishermen.

Fishing faces a very tricky problem, but the fishing industry in Scotland is very important and much valued, and solutions need to be found.

16:10

Dave Thompson (Highlands and Islands) (SNP): Scotland is a great maritime nation, and fishing is still extremely important for our coastal communities, despite the decimation of the industry by the CFP and successive London Governments. In 1997, there were 8,194

fishermen in Scotland, but that figure had dropped to 5,448 by 2008, which is a fall of around a third. Employment in fishing, as a proportion of the labour force, has halved, going from 0.4 per cent to 0.2 per cent.

Fishing is even more important in the Highlands and Islands, which has around two thirds of the Scottish fleet and where fishing directly supports nearly 3,000 jobs. As has been said, the industry is worth £400 million a year. Scotland accounts for 70 per cent of all fish landings in the UK, which is why it is so important, despite what Liam McArthur said, that our fisheries minister takes the lead role in any Brussels negotiations. That is something that our unionist colleagues wet their pants thinking about, as they have neither the vision nor the confidence to back such a stance.

The CFP, of course, is a disastrous policy. It was entered into by the Tories and has been backed down the years by Labour and the Lib Dems.

Karen Gillon (Clydesdale) (Lab) *rose—*

Dave Thompson: John Scott mentioned Jimmy Buchan, the Tory candidate for Banff and Buchan. I, too, can quote Jimmy Buchan, who said:

“For the first time in many years I see a government actually fighting for the best interests of Scottish industry and I see a government willing to work and listen to the people at the sharp end of the industry.”

That was in the *Sunday Express* on 8 June 2008.

Karen Gillon: Can the member tell us specifically what changes would be brought about for the Scottish fishing industry if Richard Lochhead were leading the negotiations?

Dave Thompson: We would have a man who really knows the industry and who has been in the job for many years. He would represent the vast majority of the fishing industry in the UK and would take to the negotiations a far better view than any London minister can ever do, no matter how well meaning.

The latest proposals have been described in the *Fishing News* as “unbelievable and perverse” and “Management Madness”, which is fairly mild language to describe proposals that will further decimate our fishing industry. The fishermen themselves are far more frank. The proposals do not reflect the reality of what is happening at sea or the composite effect of the cuts and the effort control that are part of the cod recovery plan.

The proposed cuts on the west coast are particularly perverse as they will only force more boats into the North Sea. That has happened already this year, with west coast trawlers fishing for squid on the Moray Firth and south Caithness coast. In fact, I have been told that if it had not

been for that fishery many vessels would not have made a pay for the past two months.

The cuts in the total allowable catches and quotas that have been recommended by the EC show decreases of 54 per cent in west coast haddock, 25 per cent in whiting, 90 per cent in spurdog and 15 per cent in nephrops. Those cuts will only lead to more discards. Spurdog, or dogfish as I know it, is a case in point. The west coast fisheries are, by and large, mixed fisheries where species under restrictive quota are caught alongside those that are not. That means that virtually all dogfish, a non-target species with a 90 per cent cut in quota, will be discarded. Where is the sense in that?

With madness like that, is it any wonder that the Fishermen’s Association believes that what is happening to the fishing industry has nothing to do with the conservation of fish stocks and more to do with the destruction of our fishing industry. The year-on-year cuts in quota, changes to the number of days at sea, constant changes to the rules that have no apparent rhyme or reason and other blows to the industry, such as the application of the new OMEGA mesh gauge, all combine to scunner everyone involved. It is no wonder that many in the industry now see further decommissioning as the only way forward. I also ask, by the way, that the minister ca’ canny on the CCTV.

As we have an ageing fleet with older skippers who want out but no one who wants to buy in, I hope that the minister will continue to consider with the industry what measures might be introduced in due course to alleviate the pressures that the industry faces. The fishing industry really needs stability, with a survivable quota that is maintained for three to five years to rebuild confidence. They need a system that does not constantly change. We must get away from a system in which fishermen—particularly those on the west coast—take home less than £10,000 a year from the most dangerous job in the country.

The only real solution, of course, is to get back control of our fishing. I invite all members to support the SNP Government in that aim—although, given some members’ track records, I am not at all hopeful about that. As the current CFP lasts only until 2012, the Commission launched a green paper on the future of the CFP in April this year that proposes wholesale reform and concedes that there are many failings in the current policy. The Commission’s new proposals will be launched in 2010 and a draft successor regulation will be published in early 2011. That presents a real opportunity to gain some control and to decentralise the CFP. However—surprise, surprise—Sarah Boyack does not like the thought of Scotland getting a say.

Running in parallel with the review of the CFP is the process of considering the application that Iceland made in July this year to join the EU. It will be very interesting to see how that progresses. Iceland's fishing industry accounts for 70 per cent of its exports and 10 per cent of its gross domestic product. In the 1970s, Iceland fought two cod wars to guarantee unfettered access to fishing grounds within 200 miles of its coastline. Iceland will not lightly give up those rights. I believe that the EU, which wants Iceland on board, will make significant concessions over fishing. That might well assist us—

The Presiding Officer (Alex Fergusson): You must close, please.

Dave Thompson: I am just finishing. That might well assist us in taking back control of fishing to Scotland even while we are still a part of the UK and certainly after independence.

The Presiding Officer: You must close.

Dave Thompson: I am just doing so—

The Presiding Officer: I am sorry, but I have no spare time in the debate.

16:17

Peter Peacock (Highlands and Islands) (Lab): While I confess to a certain sense of déjà vu, the context for this year's fisheries discussions is a bit different from last year's. With the CFP reform paper in the background, everyone now agrees that the CFP has not worked—a point that I will come back to. It is also now becoming apparent that the outcomes of last year's negotiations were not as good as they were proclaimed to be at the time. That is particularly true on the west coast, where the implementation of the decisions is proving to be impracticable in a variety of ways that illustrate the difficulty of annualised negotiations and short-term decision making. Quick decisions that are made in that way can bring real economic impacts and challenges—that is another point that I will return to. The recession and the problem of falling fish prices are also adding to the economic pressures. Finally, this year's negotiations will not cover exactly the same ground as in previous years because of changes in Europe's decision-making structures.

Despite the fact that the context is slightly different, the challenges remain exactly the same, particularly for the west coast nephrops fishery. Unlike what Alasdair Allan said, the scientists from the International Council for the Exploration of the Sea—ICES—demanded a 50 per cent reduction in the nephrops catch. The Commission's revised proposals suggest a 15 per cent reduction. Although the Commission's proposal is better, it is still challenging. Historically—this has been the

case for a few years now—there has been less take in that fishery than the quota permitted, so previous quota reductions in themselves had little actual impact on the ground. This year, the take is also running at significantly less because of the impact of last year's decisions on quota and effort. With every year that goes by in which the quota is further reduced, there must come a point at which a real reduction in fishing effort will be required in that fishery. I would be grateful if the cabinet secretary would give his assessment of that when he sums up the debate. I note that he said that the Commission's proposals are now more realistic. Are they realistic, or will a downturn in effort be required in order to meet the 15 per cent reduction? I would be interested to hear his view on that.

An interesting point is that the scientists who gave evidence to this week's meeting of the Rural Affairs and Environment Committee said that, in fisheries such as the west coast nephrops fishery, a 15 per cent fluctuation over a period of years is well within the range that might be expected. Therefore, we need to manage the effort accordingly. That is easily said, but I would be interested in the cabinet secretary's views on how it might be possible to do that. What measures could be put in place to help the industry to manage the fluctuations that happen over time? Part of our amendment recognises that such short-term challenges may, at least in part, require short-term support for fishing communities.

The minister has been banging on a lot in recent days about discards. As Sarah Boyack said, none of the parties has a monopoly on disgust for discards, but I want the minister to be much clearer about the position that he is advocating in ending the issue of discards before the completion of the reform process. In his opening remarks, he talked about the phasing out of discards, but at what pace does he want that to happen and how much can be done this year as opposed to over the coming two or three years? It would also be useful to know whether he has the full support of the industry—is it fully signed up to his proposals? He must begin to spell out the detail of those proposals. Have they been fully thought through for any unintended consequences? If anything demonstrates the need to do that, it is the outcome of last year's negotiations, in which the detail became fundamentally important.

There are also issues about how the system will be monitored. Are enough EU member states signed up to it to be able to expect a result on it in the coming year? As Liam McArthur said, these are immensely complex matters that are difficult to progress. It would also be interesting to know the minister's own assessment of the prospects for success. There is a danger that this is just negotiating rhetoric—or just plain rhetoric. We

must be able to establish the facts about what the minister is proposing, and he must be up front about that.

Like Elaine Murray, I am concerned that the signals that are coming from the Commission show that it is not convinced about the conservation measures that are being pursued in Scotland. Like other members, I support those conservation measures and I am glad that Scotland is piloting such things as conservation credits, real-time closures, technical measures and other measures that are being put in place. However, are they delivering enough? It seems clear that the Commission is not convinced about that; hence, it keeps attacking the quota in order to achieve the impacts that it wants to achieve. It would be useful to hear the minister's assessment of the position. We all want those measures to succeed, but we must be careful that we do not believe our own rhetoric and get ahead of the reality. I hope that the minister will say a bit more about that and about what he thinks we all need to do collectively to ensure that the Commission understands not only what we seek to achieve, but what we are achieving, which is very important.

I will close on the discussions on the reform of the common fisheries policy. In the past week or so, we have received good evidence from distinguished witnesses about the need to move from Brussels control to more regional control of our fisheries in order to end the annualised negotiation process and the fluctuations that that causes. We have also heard about the need to depoliticise the process, as far as possible, and to recognise how regional decision making will contribute to that. Those are important issues, and I look forward to debating them and the many other issues that I have not been able to mention in my short speech today.

16:23

Jamie McGrigor (Highlands and Islands) (Con): One of my fishermen constituents to whom I spoke in preparing for the debate reflected on the recent UK fisheries stakeholder event at Murrayfield. Huw Irranca-Davies, the UK fisheries minister, asked the industry what it could offer in the way of conservation measures to offset the proposed cuts in the total allowable catch. The Scottish industry, quite correctly, replied with one voice that it has already done a massive amount—more than any other fishing industry anywhere in Europe—through increased mesh sizes, 120 real-time closures to protect cod, closed boxes, moving away from juvenile fish, a kilowatt days scheme that has cut effort and many other practical measures. It was frustrating to our Scottish fishermen that Mr Irranca-Davies did not seem to acknowledge all that work and still demanded

further pain to be inflicted on them. That is a disgrace.

The Commission's proposals for TAC cuts in North Sea haddock, whiting and saith have caused alarm throughout the sector and are hardly offset by the increase—albeit a welcome one—in the cod TAC. How are businesses to remain viable with cuts of that magnitude? Many fishermen continue to tell me that the stocks in the North Sea are in good health and ask how it could be otherwise when the majority of Scottish producer organisations have already had an uptake of 90 per cent of their allocated quota.

I must also highlight the particular plight that west coast fishermen face. Last year's proposals, which would essentially have shut down all fishing in the area, have not been repeated, but a 25 per cent cut in west coast cod and a 54 per cent cut in west coast haddock are still draconian. Will the cabinet secretary assure me that he will work as hard as possible to mitigate those proposed cuts?

Does the cabinet secretary recognise that prawn fishermen question the scientific basis of ICES's evidence? They point to healthy stocks of nephrops. Indeed, the Stornoway nephrops trawl, which is located within ICES division VIa, is certified as a sustainable fishery by no less than the Marine Stewardship Council. I think that it was Winston Churchill who said that we need science on tap, not science on top. The Scottish fishing industry would agree with him.

The Clyde Fishermen's Association has pointed out that the cod recovery plan was designed to help cod stocks to recover and to allow vessels that are not catching cod to be exempted from effort restrictions. The European Commission and the scientific, technical and economic committee for fisheries are not following the plan and are ignoring those parts of it that would allow our prawn-catching vessels to be exempted. Our prawn fishermen believe that they cannot be governed by a regulator that does not follow its own rules, and they question the legality of those rules. What will the cabinet secretary do to help the Clyde Fishermen's Association's hard-pressed members to get a fair deal?

I will finish by quoting the wise words of Bertie Armstrong of the Scottish Fishermen's Federation. He has said on behalf of the whole Scottish industry:

"We have played a leading role in meeting the management aim of sustainable fishing; we must fight to still be here to harvest the benefits"

of that pain. We look to the cabinet secretary to help our fishermen to win that fight. The future of many of our coastal communities depends on him. I wish him luck and best wishes in his endeavours.

16:26

John Farquhar Munro (Ross, Skye and Inverness West) (LD): As everybody knows, many of Scotland's coastal communities have a long and proud tradition of earning their living from a viable and sustainable fishery. It has supported generations of fishermen and their families and encouraged them to continue to live and work in those areas. I am rather afraid that the vibrant fishing communities that we grew up with are slowly being eroded by excessive regulation and bureaucratic legislation, which are a serious impediment to fishermen's efforts to secure a viable income from their traditional fishing grounds.

Every year, fishermen are bombarded with statistics that relate to fish stock levels and invariably pave the way for another round of quota cuts. We hear much about total allowable catches. The TAC reductions that we are discussing are yet again set at levels that will damage the fishing industry on the west coast. We have already heard the figures: the proposed quotas for 2010 would reduce the nephrops allowance by 15 per cent and the allowance for west of Scotland cod and whiting by 25 per cent. Those are significant figures. To top that off, there is the reduction in the haddock catch by 54 per cent, to 1,259 tonnes. That is a substantial reduction. Where will the long-term future of the fishing industry lie if such quota reductions continue year on year? The 25 per cent effort reduction in the cod catch comes on the back of similar measures in 2008-09, which followed cuts in previous years. Such cuts have knock-on effects. I often wonder what will happen to the processing and transport jobs in peripheral areas—in the harbours of Mallaig, Kinlochbervie and Scrabster, for example, which rely greatly on the catch that is landed at those ports.

We hear a lot from the scientists, but if we rely on them too heavily without adequately consulting people in the fishing industry, we will harm fishing and communities in fragile areas of Scotland that rely on the industry. Rural jobs are difficult enough to sustain without yearly threats from the EU. A balance needs to be struck between the environment, scientists and the fishermen and coastal communities that rely on fishing for their living—and there are many of them.

Local fishermen must have a greater say in the management of their regional waters. Liberal Democrats have long called for a move to the regional management of fisheries, in the hope that it might deliver a better deal for fishermen and the environment. A small group of fishermen, scientists and politicians sitting down to discuss the way forward is a better option than the current large, unwieldy system. A system that allows for countries with no coastline to influence the future

of our fishermen in the North Sea is not acceptable. Fishing must not be used as a political football. If fishing is to survive, it is vital that any future decentralisation of the common fisheries policy moves in the direction of regional management.

The Scottish fishing industry is again facing—

The Presiding Officer: Order. I must ask you to stop, please, Mr Munro.

John Farquhar Munro: I will finish at that. Thank you.

The Presiding Officer: I am sorry to have to interrupt, but we have absolutely no spare time. We come now to the closing speeches.

16:31

Jim Hume (South of Scotland) (LD): We have had a good debate, mostly. It has been recognised that our fishermen have worked hard to develop and adhere to sustainable fishing methods. As we know, Scottish waters are some of the richest in Europe; in many parts of Scotland, fishing is the principal economic mainstay.

There has been a substantial decrease in the level of employment in Scotland's fishing industry due to restrictions on tonnage and on the catch that may be landed. Despite that, my area of the South of Scotland retains a significant interest in fisheries, particularly in Eyemouth and coastal Berwickshire, East Lothian and the south-west. Elaine Murray mentioned Annan, in her constituency. There are fishing interests on the Solway and on the Ayrshire coast. In the coastal waters of Berwickshire, vessels are reliant on nephrops, particularly langoustines. By value, that is the most economically important species that is caught by our fishing industry.

John Farquhar Munro mentioned the related industries, which include deshelling, processing and packaging. We must not forget them. They provide direct and indirect employment, and they are vital to retaining coastal communities.

As the Government's own inquiry states,

"current policies are failing to conserve fish stocks and sustain jobs for communities."

I am afraid that the same old problem exists: we need a workable balance between economic activity and profitability. The aim should be a sea fishing industry that is sustainable and profitable on a longer-term basis. The industry must be allowed to use quotas sensibly while meeting conservation commitments. It is a difficult balance, but I repeat that our fishermen have made good strides in that regard.

Scottish fishermen have made a huge contribution regarding cod stocks through the cod

recovery plan, as the cabinet secretary mentioned in his speech. It is clear that cod stocks are heading in the right direction, thanks to the significant efforts of our fleet. However, the Europe Commission has announced a significant reduction in total allowable catches, which will surely lead to increased discards and to draconian constraints on the industry, as Sarah Boyack mentioned. Simply applying large cuts is not the answer when it comes to promoting a healthy, mixed fishery. Part of any solution will surely involve sensible total catches, combined with other changes such as changes to fishing methods and net sizes—as mentioned by Liam McArthur—which we hope will reduce the volume of discards and prevent the catching of juvenile fish, spawning fish and non-target species.

Any such measures must be applied fairly. I will use an example that Liam McArthur has raised in relation to complying with rules on mesh sizes. Nets must of course comply, but new electronic measuring devices are failing nets that previously would have passed when the old devices were used. Few fishermen will be able to replace nets to comply with the electronic devices. That is an example of where Governments need to work in tandem with the industry to help, rather than simply to impose strict rules.

We welcome the interim findings of the Government's "inquiry into future fisheries management", which were released in September. The report recognised the point about greater regional control of fisheries policy—an approach that Liberal Democrats have long advocated—and highlighted some widespread concerns surrounding the current embodiment of the common fisheries policy, but it stopped well short of calling for its abolition. Withdrawal from the CFP is not an option and never was; the SNP must build on what was achieved under Ross Finnie's stewardship.

Liberal Democrats have long argued for more regional management of our fisheries, and our past involvement in setting up influential regional advisory councils under Ross Finnie was an integral part of that process. When he sums up, perhaps the cabinet secretary will state that he agrees that the regional advisory councils are of great importance.

We have consistently argued for further reform of the common fisheries policy. I note that Alex Salmond's Government has given up on its unachievable stance of exiting the common fisheries policy—a grandstanding stance if ever there was one. I understand that it was a manifesto pledge. It would be interesting to see whether it has indeed been dropped. We want to give local fishermen and other stakeholders a better say in the management of their regional

matters, not talk ourselves out of influence. The SNP's 2007 manifesto stated:

"The SNP will continue to work for withdrawal from the Common Fisheries Policy."

That stance has changed.

Greater levels of regional control would be beneficial to Scotland's fishing industry. The Liberal Democrats have repeatedly called for an increased local emphasis, which has been echoed by the European fisheries commissioner, Joe Borg.

Regional advisory councils, the upcoming reform of the common fisheries policy, discards and the Scottish Government's inquiry into future fisheries management are all significant matters for Scotland's skippers, but although those issues are important, fishermen throughout the country will agree that the most pressing concern is the upcoming quota negotiations. Scottish ministers must accept that and work urgently and constructively with all involved to secure the best possible outcome for the Scottish fleet. As the much-quoted Bertie Armstrong has said, we are engaged in a fight for this industry that must be won if we are to harvest the benefits in the future.

Members of the fishing industry will have their eyes on Mr Lochhead in the upcoming talks. Let us hope that he gains constructive results and does not, as he has in the past, indulge in grandstanding on unobtainable issues or, as the National Federation of Fisherman's Organisations stated, use the talks to pursue a separatist agenda—I was disappointed to hear him refer in his opening speech to the devolution settlement as a problem.

16:37

Nanette Milne (North East Scotland) (Con):

This annual fisheries debate seems to come around more quickly every year. No doubt that is a sign of anno Domini for me, but I think that today's debate is a couple of weeks earlier than usual. Perhaps, in practical terms, it is a little too early, as Liam McArthur said.

Every year at this time we hear of the problems that face our fishing fleet and of the difficulties that are involved in balancing the need to conserve fish stocks with the economic viability of the Scottish fishing industry. This year is no different, although the situation is considerably worse than usual for many in the industry in view of the proposals to combine further significant effort control cuts as agreed in the cod recovery plan with very severe quota cuts, particularly for the west of Scotland. Those proposals have prompted the oft-quoted Jimmy Buchan, a very experienced fisherman, to project a loss of earnings to the fishing fleet of £30 million. That could prove disastrous for fishermen

who have already had to survive years of draconian quota cuts and reduced days at sea and had a particularly difficult year of economic recession and lower market prices.

As ministers prepare for this year's round of negotiations on TACs and quotas in the various fishing sectors, they know that there is serious anxiety in the many coastal communities that depend on fishing for their very existence, so there is more need than ever for them to strive for an outcome that will secure the viability of the Scottish fleet without putting stock recovery at risk. Efforts to assist the recovery of cod stocks and conserve other species of fish must continue, but there has to be a sensible balance between that and preserving our fishermen's livelihoods.

The Scottish fleet has led the way on sustainable fishing, pioneering the conservation credit scheme and the monitoring of discards using closed-circuit television. The European Commission now appears to accept that the focus needs to be on conservation measures rather than on discarding, which is a welcome change of outlook. Scottish fishermen have been instrumental in stimulating that change by showing the efficacy of the conservation approach, and they deserve the recognition for their innovative thinking that the Government's motion calls for.

The CFP has been a disastrous policy, environmentally and economically. It has allowed fish stocks to collapse and devastated our fishing fleet, destroying the livelihoods of many people around our coastline.

Robin Harper (Lothians) (Green): Will the member give way?

Nanette Milne: I do not have time—I am sorry.

The European Commission's recognition that the CFP has failed and its decision to reform it are very welcome indeed, although there are fears that 2013 will be too late for many of the fishermen who are currently fighting for economic survival.

Micromanagement of fisheries from Europe has, quite simply, not worked. It is high time that decisions on the future of fish stocks were made more locally in consultation with fishermen, who know far more about the viability of the seas than any bureaucrat in Brussels does.

The green paper on future reform of the CFP is good news and we look forward to learning the outcome of the consultation in due course. In the meantime, efforts to improve the conservation of fish stocks in our seas, in the interests of the environment and the fishing industry, must continue and increase. We need above all to reduce the shameful amount of healthy fish that is discarded as a result of the quota system. That is a cardinal failure of the CFP. We agree with the

Government that that cannot wait until reform of the CFP in 2013.

We support the extension of the trial that is currently monitoring discards using closed-circuit television, but we realise that we need to be aware of its shortcomings. We also support the current cod recovery plan, which was approved by the European fisheries council in 2008 and adopts the same approach as the Scottish conservation credits scheme, whereby the number of days a vessel can spend at sea is linked to the robustness of conservation measures. Crucially, the focus of the plan has changed from a biomass-based target to a mortality-based target, which should allow fishermen to land more of the fish they catch, thereby reducing discards.

Under the new arrangement, control of how the target will be met will rest with member states and their own fishing industries rather than be centralised in Brussels as has been the custom with the CFP. In Scotland's case, the reduction in cod mortality will be achieved by a combination of measures such as real-time closures and improved selectivity gear.

The acceptance of the view that there has been too much micromanagement of the fishing industry from Brussels and that there should now be a more regionally responsible approach to fisheries management looks set to give a fair wind to CFP reform. It presents a once-in-a-lifetime opportunity to balance the needs of our fishing communities with the objective of restoring sustainable fishing practices. We need to grasp that opportunity with both hands.

We fully support the Government's efforts to increase regional control over fisheries, but to achieve that goal it is vital that the Scottish and UK Governments work together in the interests of a sustainable fishing industry. Our amendment, which flags up the importance of joint working, will—I hope—have the support of members.

We hope that the Government's commitment to secure a fair deal for Scotland's fishermen at the forthcoming EU fisheries council negotiations will have the result that we all desire. We commend the innovative approach of our fishermen to the conservation of fish stocks and we urge Scottish ministers to work closely with their UK counterparts to secure a more regionally responsible approach to fisheries management.

We welcome the cabinet secretary's announcement this afternoon that he will work with the industry in the coming weeks to develop an action plan to take the industry forward. That is necessary, and it must be done sooner rather than later. We wish the cabinet secretary and his colleagues every success in the forthcoming crucial EU fisheries council negotiations.

16:43

Karen Gillon (Clydesdale) (Lab): The debate has shown that members on all sides of the chamber recognise that the fishing industry is an integral part of our Scottish heritage and our economy and that it is at the heart of countless communities. Protecting that vibrant industry alongside the ecosystems that our seas require needs deliberate and co-operative action within and between national Governments, EU member states and other international neighbours.

What the industry does not need is the single transferable speech from the SNP in which it says, "Oor man would be better than your man. We do not know how or in what way, but he speaks with a Scottish accent and not a Welsh accent, and therefore he would be better." What a lot of nonsense. The fantasy politics from the SNP back benches do nothing for the industry—

Dave Thompson rose—

Karen Gillon: You had your chance to tell us what difference it would make and you could not name one.

Richard Lochhead rose—

Karen Gillon: You will have your chance in just a minute, Richard.

The Presiding Officer: I ask members to use proper names, please.

Karen Gillon: It is simply a distraction from the real task of securing the best deal possible for our fishermen and for the future of our fishing communities. We all know the history of the industry and we recognise the issues that have brought us to the stage we are at today.

Our industry has led the way in securing conservation and in using observers, real-time closures and conservation credits—there have already been 125 real-time and seasonal closures this year. Our industry has demonstrated time and time again that it cares about the fish stocks, that it wants to conserve them for the future and that it will shut down fisheries to do that but, as Peter Peacock and Elaine Murray said, why does the Commission seem not to get that this year? More needs to be done to make that happen.

We are all anxious to do something—or, sometimes, anything—to help our fishing communities, but the clear and resounding message from last year and the reality on the west coast is that accepting headline measures for short-term political fixes has had a real impact on the industry. In effect, it has led to the closure of the west coast for many fishermen. This year, the headline-grabbing potential of a CCTV pilot might bring the short-term political gain that the cabinet secretary seeks, and it might even bring short-

term gain to the boats that are involved in the pilot as they will undoubtedly gain extra quota, but have we thought through the potential long-term impact on the industry of an enforcement tool that is based on what many regard as flawed regulation?

Richard Lochhead: It is not an enforcement tool.

Karen Gillon: The cabinet secretary says that it is not an enforcement tool. Of course it will be an enforcement tool if it works, and I am sure that we will make it work. It will be seen as an enforcement tool of flawed regulation. In a mixed fishery, it has the potential to lock fishermen into that flawed system for ever and a day. It needs to be more than just another bag of tricks. We need to see the detail of the minister's four-point plan. We need it to be fleshed out so that members throughout the Parliament can see exactly what it means, because we will need more than a bag of tricks for the coming year.

We all want to stop discards, which are abhorrent and futile, but we need to think through the full implications of any measure that is proposed to ensure that it does not have unintended, damaging, long-term consequences and fail to achieve its aims. As one fisherman said to me, "A camera is for life, not just for Christmas." We need to understand the implications.

We all agree that economic security can be secured only through ecological sustainability. That will require a long-term view, and that view has real pertinence to two key stocks this year. Langoustines are an iconic Scottish product, but the recession has brought about real market challenges for the sector. How can we use the current situation to bring about a positive outcome by putting together a long-term management plan for the sector? Similarly, the importance of mackerel to the Scottish fleet cannot be overstated. Can the impasse on the EU-Norway mackerel discussions be seen as a strong bargaining chip for us to secure a long-term management plan for that important stock too?

Fishermen and their leaders have been lobbying all of us hard on those issues and on the Marine (Scotland) Bill. Indeed, it is probably a tribute to the negotiating skills of their chief executive, Bertie Ahern—[*Laughter.*] I mean Bertie Armstrong. It is a tribute to him that every political party in the Parliament could pick one of his quotations and say that it backs up their argument. Now that is what I call a politician.

This year is hard and next year might well be just as bad. The historical lesson from the mining industry in communities such as mine is that when an economic driver is lost, there is devastation. We need to learn that lesson for our fishing communities and retain the vital economic driver

for future generations, but we also need to support our fishing communities now. Communities such as Lochinver and Kinlochbervie have fabulous ports, but the support services that they used to have are not there any more. How do we build up those communities again? Young people will want to enter the industry only if they see that it has a viable future in the long term. Similarly, economic inactivity encourages drug and alcohol abuse and makes communities easy prey for certain people. We need early intervention in our fishing communities.

Reform of the CFP gives us an opportunity to tackle the vulnerabilities of decreasing fish stocks and increasing ecological concerns. If the European seas of which Scottish seas are a part are to secure good environmental status by 2020, some tough calls will have to be made, but the socioeconomic health of our fishing industry cannot be unhooked from the essential protection of our marine ecosystems. Those two things go hand in hand, or hand in glove. We must do all we can to buffet the possible waves of practices that threaten the diversity of our precious biodiversity and fishing stocks and our nurturing of them.

We must certainly tackle discarding. As has been said, if there were an easy solution we would have found it and taken it forward. There is no easy solution but the industry, stakeholders and the cabinet secretary have to get round the table to secure the future that we want for our fishing industry.

I ask the chamber to support the Labour amendment.

16:50

Richard Lochhead: We have had a good debate with many thoughtful speeches: indeed, I thought that the consensus was building rather well until Karen Gillon stood up to speak, although I will respond to some of her points. I will say, however, that I thought her quotation from Bertie Ahern was very impressive.

Other people were quoted in the debate, albeit with a number of contradictions. One particular Scottish fisherman, for example, was quoted regularly by John Scott; Dave Thompson quoted the same fisherman, and I have to say that I preferred his quotation, which I will repeat for the record. That famous fisherman said:

"For the first time in many years I see a government actually fighting for the best interests of Scottish industry and I see a government willing to work and listen to the people at the sharp end of the industry."

That is probably why the same individual, who was talking about the Scottish Government and not the Westminster Government, is standing for the

Westminster Parliament and would not dare stand for this one.

Robin Harper: I want to quote some Government figures to the cabinet secretary. The total tonnage of the big fishing boats—in other words, those over 20m—has doubled from 51,000 tonnes in 1990 to 100,000 tonnes in 2008. Given those figures, how can the Conservatives say that the fleet has been decimated? Does the cabinet secretary agree that part of the problem is that we have too many big boats chasing too few small fish?

Richard Lochhead: I do not recognise the figures that Robin Harper quoted. Scotland has had more than its fair share of capacity reductions from Europe, so perhaps it is the turn of the other nations that fish in Scottish waters.

I will do my best to respond to some of the many issues that have been raised in the debate. First, we all agree that, because of the recession and certain restrictions, this is a tough year for the Scottish fishing industry. I do not agree with Sarah Boyack that every challenge that the industry faces this year is the fault of the devolved SNP Government in Edinburgh. She even appeared to imply that the global recession was our fault, but then went on to ask that we have a mature debate on this subject.

Sarah Boyack: My point was that the cabinet secretary has many powers to tackle the recession and to help the communities that have been affected by it.

Richard Lochhead: I am happy to describe some of the actions that we have taken and are going to take.

As far as the immediate priorities are concerned, I agree with many members that we have to find alternative fishing opportunities for our fleet. Liam McArthur and others highlighted the need to secure additional quotas for monkfish and megrim. That would certainly help the west coast, Shetland and Orkney fleets and is, we believe, justified by the science. We are very hopeful that the proposal will be agreed to but, of course, that will be down to success in the negotiations.

The west coast of Scotland has had a particularly challenging year, and we set up a west coast of Scotland task force to look at an alternative management regime for the area to replace the regime that was imposed on Scotland at last year's negotiations. However, I remind members that at last year's negotiations we faced what was, in effect, the complete closure of the west of Scotland fishery. Although we are far from satisfied with the existing regime, which is causing huge difficulties for some vessels on the west coast of Scotland, it is far better than complete closure.

We have to secure a good TAC for the main west coast of Scotland sector—in other words, the nephrops fleet to which Peter Peacock, Alasdair Allan and other members referred. In response to Peter Peacock, who I believe sought clarity on the matter, I point out that because of the initial scientific advice, which had been issued following what we thought was an unjustified change in methodology, we faced a 50 per cent cut. The Commission's latest proposal is for a 15 per cent cut.

At the same time, we must recognise that it is likely that the west coast fleet will catch only 70 per cent of its quota, which is therefore a 15 per cent cut. We will of course consider that, but a 15 per cent cut has to be put into the perspective of the overall share of the quota that the fleet actually catches. We should remember that the nephrops stock is the most valuable stock in Scotland's fisheries and that the big issue that has faced the sector in 2009 has not been to do with effort or quotas, but to do with the global recession. Our most valuable fishery has been affected by the global recession through loss of overseas markets, although—thankfully—those markets seem to be picking up again. We cannot simply blame the quota or effort regime for some of the big problems that face Scotland's prawn fleets.

On pelagic stocks, the mackerel stock is Scotland's second most valuable stock and it is being fished sustainably. The sector is thriving in Scotland. However, I agree with the members who flagged up some of the long-term issues that face the mackerel fishery. [*Interruption.*]

The Presiding Officer: Order. I am sorry cabinet secretary. Would incoming members please respect the fact that a debate is going on?

Richard Lochhead: The mackerel fishery is important, but it faces long-term challenges. We are facing up to those challenges in negotiations with other coastal EU states and Norway. We cannot allow overfishing by other states to continue, because it will impact on the long-term future of the fishery in Scotland.

There was not a lot of talk about science from some members of other parties, although questions were asked about the impact that our conservation measures are having on the cod stock. The cod science that the European Commission uses reiterates that the aim is a mortality rate of 0.4, but at present the spawning stock biomass is declining. The biomass is not increasing fast enough and is far too low, and at the same time mortality is increasing. Although mortality is too high and spawning biomass is too low, the measures that the Scottish fleet is taking are working, as the figures are going in the right direction. However, the scientists' view is that the figures are not going far enough quickly enough.

We all accept that we need measures to protect cod stocks.

Maureen Watt (North East Scotland) (SNP): Does the cabinet secretary share my concern that it appears that the scientists have no reliable up-to-date data on west coast cod, and that the Commission is making recommendations on the basis of last year's data, without any new science? Does he agree that that is worrying? Will the minister urge the Commission to leave the quota as it is?

Richard Lochhead: We are well aware of the time lag in the scientific advice from ICES and in the science that the European Commission considers. We always take that issue into account in the negotiations.

Much of the debate was about two points. The first was about the plan that we intend to produce to help the fleet and whether there is room to help the fleet in other ways. Much of the debate has, rightly, focused on TACs, quotas and the effort regime. However, ultimately, even if we get that right but the fishermen do not get a return from the market and a good price, they will not have a good bottom line and their businesses will not survive. The message that the industry is giving me is that it is time to address how we can market better the good-quality seafood that is landed at quaysides in Scotland. That will be a focal point of our action plan next year, because it is ridiculous that we cannot co-ordinate landings better for the market. The fleet this year has been unable to do that, so there must be massive room for improvement. The fleet agrees with us on that, as do the various organisations that are in charge of marketing Scottish seafood. Let us consider all parts of the jigsaw and not simply TACs, quotas and the effort regime. There is a massive opportunity to help our businesses make much bigger profits from 2010 onwards by addressing some of those issues.

John Scott rose—

Richard Lochhead: I am sorry, but I have already taken interventions.

Finally, many members mentioned the common fisheries policy. I met the Faroese fishing minister in Parliament today and he told me that the reason why the Faroes will not join the EU is the common fisheries policy. The Faroes have the benefits of operating outwith that policy. The minister told me that the Faroes have 10 reasons why they will not join the EU, and seven of them relate to fishing.

The common fisheries policy is broken and has been a disaster for Scotland. We are leading the fight and campaign for change to help our fishing communities for the future. The CFP is top-down micromanagement that is detached from the industry and stakeholders. It quashes innovation and is bad for conservation. It amounts to 27

member states, many of which are landlocked, sitting round a table in Brussels and having a lot more power over Scotland's fishing communities than we do. That is not right—it is wrong and it has to change.

It is not a question of Scotland wanting to lead the negotiations on behalf of the UK every year in Brussels. We do not just want to lead the UK delegation; we want our own seat at the top table. At the talks, the UK has Malta on its left and Estonia on its right. Scotland deserves its own place at the top table in Europe.

At the negotiations, we will fight tooth and nail for the best for Scottish fishing communities. We will fight as hard as we can to bring back a fair and just deal.

Point of Order

17:01

Rhona Brankin (Midlothian) (Lab): On a point of order, Presiding Officer. On Friday 25 September, the Minister for Transport, Infrastructure and Climate Change told me in a written reply to question S3W-27487 that the Waverley railway line would be complete by 2014. On 8 October, he told members in the chamber that the line would open in 2013. On the BBC "Scotland at Ten" programme on 3 November, Christine Grahame claimed to have a letter from the minister dated 5 October saying that the Waverley line would reopen in 2014.

I am sure that the minister would not knowingly mislead Parliament, but I am concerned that he told Parliament one thing on 25 September, wrote to another member on 5 October to confirm what he said, and then told Parliament something completely different on 8 October. This is an important issue for the residents of Midlothian and the Borders, which are the only mainland authorities in Scotland with no passenger rail services.

On 5 March 2008, the minister told Parliament

"Today I am able to advise that construction work on the Borders rail project will start within the life of this Parliament."—[*Official Report*, 5 March 2008; c 6573.]

On Monday, however, Transport Scotland said that it anticipates that it will be autumn 2011 before it will agree on a consortium to construct the railway.

Presiding Officer, could you use your offices to give the Minister for Transport, Infrastructure and Climate Change the opportunity to clarify to Parliament and the 200,000 people in Midlothian and the Borders exactly when the Waverley line will be completed?

The Presiding Officer (Alex Fergusson): That is not a matter for me. If the minister wishes to inform Parliament of anything to do with any of your points, he will do so. I suggest we move to the next item of business.

Parliamentary Bureau Motions

17:02

The Presiding Officer (Alex Fergusson): The next item of business is consideration of four Parliamentary Bureau motions. I ask Bruce Crawford to move motions S3M-5136 to S3M-5139 inclusive, on committee memberships and substitution on committees.

Motions moved,

That the Parliament agrees that Christina McKelvie be appointed to replace Bill Wilson as a member of the Equal Opportunities Committee.

That the Parliament agrees that—

Rhona Brankin be appointed to replace Charlie Gordon as a member of the European and External Relations Committee;

Tom McCabe be appointed to replace Jackie Baillie as a member of the Finance Committee;

Malcolm Chisholm be appointed to replace James Kelly as a member of the Finance Committee;

James Kelly be appointed to replace Paul Martin as a member of the Justice Committee;

Rhona Brankin be appointed to replace Marlyn Glen as a member of the Public Petitions Committee;

Margaret Curran be appointed to replace Tom McCabe as a member of the Subordinate Legislation Committee;

Rhoda Grant be appointed to replace Malcolm Chisholm as a member of the Subordinate Legislation Committee.

That the Parliament agrees that—

Dave Thompson be appointed to replace Andrew Welsh as the Scottish National Party substitute on the Education, Lifelong Learning and Culture Committee;

Stewart Maxwell be appointed to replace Kenneth Gibson as the Scottish National Party substitute on the Finance Committee;

Bill Wilson be appointed to replace Christina McKelvie as the Scottish National Party substitute on the Public Petitions Committee.

That the Parliament agrees that—

Rhoda Grant be appointed to replace Jackie Baillie as the Scottish Labour Party substitute on the Equal Opportunities Committee;

Margaret Curran be appointed to replace Paul Martin as the Scottish Labour Party substitute on the Local Government and Communities Committee;

Rhona Brankin be appointed to replace Rhoda Grant as the Scottish Labour Party substitute on the Rural Affairs and Environment Committee.—[Bruce Crawford.]

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

Decision Time

17:02

The Presiding Officer (Alex Fergusson): There are 16 questions to be put as a result of today's business.

In relation to the debate on the minimum pricing of alcohol, if the amendment in the name of Nicola Sturgeon is agreed to, the amendments in the name of Jackie Baillie and Robert Brown will fall. If the amendment in the name of Jackie Baillie is agreed to, the amendment in the name of Robert Brown will fall.

The first question is, that amendment S3M-5112.1.1, in the name of Des McNulty, which seeks to amend amendment S3M-5112.1, in the name of Adam Ingram, on supporting families, be agreed to.

Amendment agreed to.

The Presiding Officer: The next question is, that amendment S3M-5112.1.2, in the name of Margaret Smith, which seeks to amend amendment S3M-5112.1, in the name of Adam Ingram, as amended, be agreed to.

Amendment agreed to.

The Presiding Officer: The next question is, that amendment S3M-5112.1, in the name of Adam Ingram, as amended, which seeks to amend motion S3M-5112, in the name of Elizabeth Smith, on supporting families, be agreed to.

Members: No.

The Presiding Officer: There will be a division.

FOR

Adam, Brian (Aberdeen North) (SNP)
 Allan, Alasdair (Western Isles) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Keith (Ochil) (SNP)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Campbell, Aileen (South of Scotland) (SNP)
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 Constance, Angela (Livingston) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Margaret (Glasgow Baillieston) (Lab)
 Don, Nigel (North East Scotland) (SNP)
 Eadie, Helen (Dunfermline East) (Lab)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Finnie, Ross (West of Scotland) (LD)
 Foulkes, George (Lothians) (Lab)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Gillon, Karen (Clydesdale) (Lab)

Glen, Marlyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gordon, Charlie (Glasgow Cathcart) (Lab)
 Grahame, Christine (South of Scotland) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Harper, Robin (Lothians) (Green)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Hume, Jim (South of Scotland) (LD)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 Kelly, James (Glasgow Rutherglen) (Lab)
 Kidd, Bill (Glasgow) (SNP)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McArthur, Liam (Orkney) (LD)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Tom (Hamilton South) (Lab)
 McConnell, Jack (Motherwell and Wishaw) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morgan, Alasdair (South of Scotland) (SNP)
 Mulligan, Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Elaine (Dumfries) (Lab)
 Neil, Alex (Central Scotland) (SNP)
 Oldfather, Irene (Cunninghame South) (Lab)
 Park, John (Mid Scotland and Fife) (Lab)
 Paterson, Gil (West of Scotland) (SNP)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Robison, Shona (Dundee East) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Alex (Gordon) (SNP)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Somerville, Shirley-Anne (Lothians) (SNP)
 Stephen, Nicol (Aberdeen South) (LD)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Stewart, David (Highlands and Islands) (Lab)
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Sturgeon, Nicola (Glasgow Govan) (SNP)
 Swinney, John (North Tayside) (SNP)
 Thompson, Dave (Highlands and Islands) (SNP)
 Tolson, Jim (Dunfermline West) (LD)
 Watt, Maureen (North East Scotland) (SNP)
 Welsh, Andrew (Angus) (SNP)
 White, Sandra (Glasgow) (SNP)
 Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brownlee, Derek (South of Scotland) (Con)
 Carlaw, Jackson (West of Scotland) (Con)

Fraser, Murdo (Mid Scotland and Fife) (Con)
 Goldie, Annabel (West of Scotland) (Con)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 McGregor, Jamie (Highlands and Islands) (Con)
 McLetchie, David (Edinburgh Pentlands) (Con)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)

ABSTENTIONS

MacDonald, Margo (Lothians) (Ind)

The Presiding Officer: The result of the division is: For 87, Against 15, Abstentions 1.

Amendment, as amended, agreed to.

The Presiding Officer: The next question is, that motion S3M-5112, in the name of Elizabeth Smith, as amended, on supporting families, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Adam, Brian (Aberdeen North) (SNP)
 Allan, Alasdair (Western Isles) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Keith (Ochil) (SNP)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Campbell, Aileen (South of Scotland) (SNP)
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 Constance, Angela (Livingston) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Margaret (Glasgow Baillieston) (Lab)
 Don, Nigel (North East Scotland) (SNP)
 Eadie, Helen (Dunfermline East) (Lab)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Finnie, Ross (West of Scotland) (LD)
 Foulkes, George (Lothians) (Lab)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gordon, Charlie (Glasgow Cathcart) (Lab)
 Grahame, Christine (South of Scotland) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Harper, Robin (Lothians) (Green)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Hume, Jim (South of Scotland) (LD)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 Kelly, James (Glasgow Rutherglen) (Lab)
 Kidd, Bill (Glasgow) (SNP)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)

Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McArthur, Liam (Orkney) (LD)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Tom (Hamilton South) (Lab)
 McConnell, Jack (Motherwell and Wishaw) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morgan, Alasdair (South of Scotland) (SNP)
 Mulligan, Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Elaine (Dumfries) (Lab)
 Neil, Alex (Central Scotland) (SNP)
 Oldfather, Irene (Cunninghame South) (Lab)
 Park, John (Mid Scotland and Fife) (Lab)
 Paterson, Gil (West of Scotland) (SNP)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Robison, Shona (Dundee East) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Alex (Gordon) (SNP)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Somerville, Shirley-Anne (Lothians) (SNP)
 Stephen, Nicol (Aberdeen South) (LD)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Stewart, David (Highlands and Islands) (Lab)
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Sturgeon, Nicola (Glasgow Govan) (SNP)
 Swinney, John (North Tayside) (SNP)
 Thompson, Dave (Highlands and Islands) (SNP)
 Tolson, Jim (Dunfermline West) (LD)
 Watt, Maureen (North East Scotland) (SNP)
 Welsh, Andrew (Angus) (SNP)
 White, Sandra (Glasgow) (SNP)
 Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brownlee, Derek (South of Scotland) (Con)
 Carlaw, Jackson (West of Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Goldie, Annabel (West of Scotland) (Con)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McLetchie, David (Edinburgh Pentlands) (Con)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)

ABSTENTIONS

MacDonald, Margo (Lothians) (Ind)

The Presiding Officer: The result of the division is: For 87, Against 15, Abstentions 1.

Motion, as amended, agreed to,

That the Parliament considers that the family is the natural building block of our society; notes the significant

pressures facing families in Scotland today arising from relationship breakdown, poverty, unemployment and substance abuse; believes that the Scottish Government should focus on addressing the impact of the recession and take steps to ease the burden on families; recognises that long-term relationships provide stability in many families and acknowledges the status of marriage in society; believes that the needs and best interests of the child should always be at the centre of policies to support and promote stable families and reflect the reality of family life in Scotland; urges the Scottish Government to prioritise support for parents and extended families, ensuring that evaluation of these services is geared towards improving the quality and range of support that can be offered, and notes the valuable role of the voluntary sector in the delivery of services to children, parents and families, particularly those in vulnerable or disadvantaged circumstances.

The Presiding Officer: The next question is, that amendment S3M-5118.2, in the name of Nicola Sturgeon, which seeks to amend motion S3M-5118, in the name of Murdo Fraser, on minimum pricing of alcohol, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Adam, Brian (Aberdeen North) (SNP)
 Allan, Alasdair (Western Isles) (SNP)
 Brown, Keith (Ochil) (SNP)
 Campbell, Aileen (South of Scotland) (SNP)
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 Constance, Angela (Livingston) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Don, Nigel (North East Scotland) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Harper, Robin (Lothians) (Green)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 Kidd, Bill (Glasgow) (SNP)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 MacDonald, Margo (Lothians) (Ind)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 Morgan, Alasdair (South of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Gil (West of Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Alex (Gordon) (SNP)
 Somerville, Shirley-Anne (Lothians) (SNP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow Govan) (SNP)
 Swinney, John (North Tayside) (SNP)
 Thompson, Dave (Highlands and Islands) (SNP)
 Watt, Maureen (North East Scotland) (SNP)

Welsh, Andrew (Angus) (SNP)
 White, Sandra (Glasgow) (SNP)
 Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brown, Robert (Glasgow) (LD)
 Brownlee, Derek (South of Scotland) (Con)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Carlaw, Jackson (West of Scotland) (Con)
 Curran, Margaret (Glasgow Baillieston) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Foulkes, George (Lothians) (Lab)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Goldie, Annabel (West of Scotland) (Con)
 Gordon, Charlie (Glasgow Cathcart) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Hume, Jim (South of Scotland) (LD)
 Kelly, James (Glasgow Rutherglen) (Lab)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McArthur, Liam (Orkney) (LD)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Tom (Hamilton South) (Lab)
 McConnell, Jack (Motherwell and Wishaw) (Lab)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Mulligan, Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Park, John (Mid Scotland and Fife) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stewart, David (Highlands and Islands) (Lab)
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Tolson, Jim (Dunfermline West) (LD)

The Presiding Officer: The result of the division is: For 45, Against 58, Abstentions 0.

Amendment disagreed to.

The Presiding Officer: The next question is, that amendment S3M-5118.1, in the name of Jackie Baillie, which seeks to amend motion S3M-5118, in the name of Murdo Fraser, on minimum pricing of alcohol, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Curran, Margaret (Glasgow Baillieston) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Foulkes, George (Lothians) (Lab)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gordon, Charlie (Glasgow Cathcart) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Kelly, James (Glasgow Rutherglen) (Lab)
 MacDonald, Margo (Lothians) (Ind)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Tom (Hamilton South) (Lab)
 McConnell, Jack (Motherwell and Wishaw) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Mulligan, Mary (Linlithgow) (Lab)
 Murray, Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Park, John (Mid Scotland and Fife) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Stewart, David (Highlands and Islands) (Lab)

AGAINST

Adam, Brian (Aberdeen North) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Allan, Alasdair (Western Isles) (SNP)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brown, Keith (Ochil) (SNP)
 Brown, Robert (Glasgow) (LD)
 Brownlee, Derek (South of Scotland) (Con)
 Campbell, Aileen (South of Scotland) (SNP)
 Carlaw, Jackson (West of Scotland) (Con)
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 Constance, Angela (Livingston) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Don, Nigel (North East Scotland) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Finnie, Ross (West of Scotland) (LD)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Goldie, Annabel (West of Scotland) (Con)
 Grahame, Christine (South of Scotland) (SNP)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Hume, Jim (South of Scotland) (LD)
 Hyslop, Fiona (Lothians) (SNP)

Ingram, Adam (South of Scotland) (SNP)
 Kidd, Bill (Glasgow) (SNP)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McArthur, Liam (Orkney) (LD)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McLetchie, David (Edinburgh Pentlands) (Con)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Morgan, Alasdair (South of Scotland) (SNP)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Gil (West of Scotland) (SNP)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Robison, Shona (Dundee East) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Alex (Gordon) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Somerville, Shirley-Anne (Lothians) (SNP)
 Stephen, Nicol (Aberdeen South) (LD)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Sturgeon, Nicola (Glasgow Govan) (SNP)
 Swinney, John (North Tayside) (SNP)
 Thompson, Dave (Highlands and Islands) (SNP)
 Tolson, Jim (Dunfermline West) (LD)
 Watt, Maureen (North East Scotland) (SNP)
 Welsh, Andrew (Angus) (SNP)
 White, Sandra (Glasgow) (SNP)
 Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

The Presiding Officer: The result of the division is: For 33, Against 70, Abstentions 0.

Amendment disagreed to.

The Presiding Officer: The next question is, that amendment S3M-5118.3, in the name of Robert Brown, which seeks to amend motion S3M-5118, in the name of Murdo Fraser, on minimum pricing of alcohol, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Aitken, Bill (Glasgow) (Con)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brown, Robert (Glasgow) (LD)
 Brownlee, Derek (South of Scotland) (Con)
 Carlaw, Jackson (West of Scotland) (Con)
 Finnie, Ross (West of Scotland) (LD)
 Fraser, Murdo (Mid Scotland and Fife) (Con)

Goldie, Annabel (West of Scotland) (Con)
 Hume, Jim (South of Scotland) (LD)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 MacDonald, Margo (Lothians) (Ind)
 McArthur, Liam (Orkney) (LD)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 McLetchie, David (Edinburgh Pentlands) (Con)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Tolson, Jim (Dunfermline West) (LD)

AGAINST

Adam, Brian (Aberdeen North) (SNP)
 Allan, Alasdair (Western Isles) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Keith (Ochil) (SNP)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Campbell, Aileen (South of Scotland) (SNP)
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 Constance, Angela (Livingston) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Margaret (Glasgow Baillieston) (Lab)
 Don, Nigel (North East Scotland) (SNP)
 Eadie, Helen (Dunfermline East) (Lab)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Foulkes, George (Lothians) (Lab)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marilyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gordon, Charlie (Glasgow Cathcart) (Lab)
 Grahame, Christine (South of Scotland) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Harper, Robin (Lothians) (Green)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 Kelly, James (Glasgow Rutherglen) (Lab)
 Kidd, Bill (Glasgow) (SNP)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Tom (Hamilton South) (Lab)
 McConnell, Jack (Motherwell and Wishaw) (Lab)
 McKee, Ian (Lothians) (SNP)

McKelvie, Christina (Central Scotland) (SNP)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morgan, Alasdair (South of Scotland) (SNP)
 Mulligan, Mary (Linlithgow) (Lab)
 Murray, Elaine (Dumfries) (Lab)
 Neil, Alex (Central Scotland) (SNP)
 Oldfather, Irene (Cunninghame South) (Lab)
 Park, John (Mid Scotland and Fife) (Lab)
 Paterson, Gil (West of Scotland) (SNP)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Robison, Shona (Dundee East) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Alex (Gordon) (SNP)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Somerville, Shirley-Anne (Lothians) (SNP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Stewart, David (Highlands and Islands) (Lab)
 Sturgeon, Nicola (Glasgow Govan) (SNP)
 Swinney, John (North Tayside) (SNP)
 Thompson, Dave (Highlands and Islands) (SNP)
 Watt, Maureen (North East Scotland) (SNP)
 Welsh, Andrew (Angus) (SNP)
 White, Sandra (Glasgow) (SNP)
 Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

The Presiding Officer: The result of the division is: For 29, Against 74, Abstentions 0.

Amendment disagreed to.

The Presiding Officer: The next question is, that motion S3M-5118, in the name of Murdo Fraser, on minimum pricing of alcohol, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Aitken, Bill (Glasgow) (Con)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brown, Robert (Glasgow) (LD)
 Brownlee, Derek (South of Scotland) (Con)
 Carlaw, Jackson (West of Scotland) (Con)
 Finnie, Ross (West of Scotland) (LD)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Goldie, Annabel (West of Scotland) (Con)
 Hume, Jim (South of Scotland) (LD)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 McArthur, Liam (Orkney) (LD)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 McLetchie, David (Edinburgh Pentlands) (Con)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Tolson, Jim (Dunfermline West) (LD)

AGAINST

Adam, Brian (Aberdeen North) (SNP)
 Allan, Alasdair (Western Isles) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Keith (Ochil) (SNP)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Campbell, Aileen (South of Scotland) (SNP)
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 Constance, Angela (Livingston) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Margaret (Glasgow Baillieston) (Lab)
 Don, Nigel (North East Scotland) (SNP)
 Eadie, Helen (Dunfermline East) (Lab)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Foulkes, George (Lothians) (Lab)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gordon, Charlie (Glasgow Cathcart) (Lab)
 Grahame, Christine (South of Scotland) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Harper, Robin (Lothians) (Green)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 Kelly, James (Glasgow Rutherglen) (Lab)
 Kidd, Bill (Glasgow) (SNP)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Tom (Hamilton South) (Lab)
 McConnell, Jack (Motherwell and Wishaw) (Lab)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morgan, Alasdair (South of Scotland) (SNP)
 Mulligan, Mary (Linlithgow) (Lab)
 Murray, Elaine (Dumfries) (Lab)
 Neil, Alex (Central Scotland) (SNP)
 Oldfather, Irene (Cunninghame South) (Lab)
 Park, John (Mid Scotland and Fife) (Lab)
 Paterson, Gil (West of Scotland) (SNP)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Robison, Shona (Dundee East) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Alex (Gordon) (SNP)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Somerville, Shirley-Anne (Lothians) (SNP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Stewart, David (Highlands and Islands) (Lab)
 Sturgeon, Nicola (Glasgow Govan) (SNP)
 Swinney, John (North Tayside) (SNP)
 Thompson, Dave (Highlands and Islands) (SNP)
 Watt, Maureen (North East Scotland) (SNP)
 Welsh, Andrew (Angus) (SNP)

White, Sandra (Glasgow) (SNP)
 Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

ABSTENTIONS

MacDonald, Margo (Lothians) (Ind)

The Presiding Officer: The result of the division is: For 28, Against 74, Abstentions 1.

Motion disagreed to.

The Presiding Officer: The next question is, that amendment S3M-5119.2, in the name of Sarah Boyack, which seeks to amend motion S3M-5119, in the name of Richard Lochhead, on autumn fisheries negotiations, be agreed to.

Amendment agreed to.

The Presiding Officer: The next question is that amendment S3M-5119.1, in the name of John Scott, which seeks to amend motion S3M-5119, in the name of Richard Lochhead, on autumn fisheries negotiations, as amended, be agreed to.

Amendment agreed to.

The Presiding Officer: The next question is, that amendment S3M-5119.3, in the name of Liam McArthur, which seeks to amend motion S3M-5119, in the name of Richard Lochhead, on autumn fisheries negotiations, as amended, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Brown, Robert (Glasgow) (LD)
 Finnie, Ross (West of Scotland) (LD)
 Hume, Jim (South of Scotland) (LD)
 MacDonald, Margo (Lothians) (Ind)
 McArthur, Liam (Orkney) (LD)
 McInnes, Alison (North East Scotland) (LD)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Scott, Tavish (Shetland) (LD)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Tolson, Jim (Dunfermline West) (LD)

AGAINST

Adam, Brian (Aberdeen North) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Allan, Alasdair (Western Isles) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brown, Keith (Ochil) (SNP)
 Brownlee, Derek (South of Scotland) (Con)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Campbell, Aileen (South of Scotland) (SNP)
 Carlaw, Jackson (West of Scotland) (Con)

Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 Constance, Angela (Livingston) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Margaret (Glasgow Baillieston) (Lab)
 Don, Nigel (North East Scotland) (SNP)
 Eadie, Helen (Dunfermline East) (Lab)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Foulkes, George (Lothians) (Lab)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Goldie, Annabel (West of Scotland) (Con)
 Gordon, Charlie (Glasgow Cathcart) (Lab)
 Grahame, Christine (South of Scotland) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 Kelly, James (Glasgow Rutherglen) (Lab)
 Kidd, Bill (Glasgow) (SNP)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Tom (Hamilton South) (Lab)
 McConnell, Jack (Motherwell and Wishaw) (Lab)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Morgan, Alasdair (South of Scotland) (SNP)
 Mulligan, Mary (Linlithgow) (Lab)
 Murray, Elaine (Dumfries) (Lab)
 Neil, Alex (Central Scotland) (SNP)
 Oldfather, Irene (Cunninghame South) (Lab)
 Park, John (Mid Scotland and Fife) (Lab)
 Paterson, Gil (West of Scotland) (SNP)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Robison, Shona (Dundee East) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Alex (Gordon) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Lothians) (SNP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Stewart, David (Highlands and Islands) (Lab)
 Sturgeon, Nicola (Glasgow Govan) (SNP)
 Swinney, John (North Tayside) (SNP)
 Thompson, Dave (Highlands and Islands) (SNP)
 Watt, Maureen (North East Scotland) (SNP)
 Welsh, Andrew (Angus) (SNP)
 White, Sandra (Glasgow) (SNP)

Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

ABSTENTIONS

Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)

The Presiding Officer: The result of the division is: For 14, Against 87, Abstentions 2.

Amendment disagreed to.

The Presiding Officer: The next question is, that motion S3M-5119, in the name of Richard Lochhead, on the autumn fisheries negotiations, as amended, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Adam, Brian (Aberdeen North) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Allan, Alasdair (Western Isles) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brown, Keith (Ochil) (SNP)
 Brown, Robert (Glasgow) (LD)
 Brownlee, Derek (South of Scotland) (Con)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Campbell, Aileen (South of Scotland) (SNP)
 Carlaw, Jackson (West of Scotland) (Con)
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 Constance, Angela (Livingston) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Margaret (Glasgow Baillieston) (Lab)
 Don, Nigel (North East Scotland) (SNP)
 Eadie, Helen (Dunfermline East) (Lab)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Finnie, Ross (West of Scotland) (LD)
 Foulkes, George (Lothians) (Lab)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marilyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Goldie, Annabel (West of Scotland) (Con)
 Gordon, Charlie (Glasgow Cathcart) (Lab)
 Grahame, Christine (South of Scotland) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Hume, Jim (South of Scotland) (LD)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 Kelly, James (Glasgow Rutherglen) (Lab)
 Kidd, Bill (Glasgow) (SNP)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)

Maxwell, Stewart (West of Scotland) (SNP)
 McArthur, Liam (Orkney) (LD)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Tom (Hamilton South) (Lab)
 McConnell, Jack (Motherwell and Wishaw) (Lab)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Morgan, Alasdair (South of Scotland) (SNP)
 Mulligan, Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Elaine (Dumfries) (Lab)
 Neil, Alex (Central Scotland) (SNP)
 Oldfather, Irene (Cunninghame South) (Lab)
 Park, John (Mid Scotland and Fife) (Lab)
 Paterson, Gil (West of Scotland) (SNP)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Robison, Shona (Dundee East) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Alex (Gordon) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Somerville, Shirley-Anne (Lothians) (SNP)
 Stephen, Nicol (Aberdeen South) (LD)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Stewart, David (Highlands and Islands) (Lab)
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Sturgeon, Nicola (Glasgow Govan) (SNP)
 Swinney, John (North Tayside) (SNP)
 Thompson, Dave (Highlands and Islands) (SNP)
 Tolson, Jim (Dunfermline West) (LD)
 Watt, Maureen (North East Scotland) (SNP)
 Welsh, Andrew (Angus) (SNP)
 White, Sandra (Glasgow) (SNP)
 Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

AGAINST

MacDonald, Margo (Lothians) (Ind)

ABSTENTIONS

Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)

The Presiding Officer: The result of the division is: For 100, Against 1, Abstentions 2.

Motion, as amended, agreed to,

That the Parliament notes the Scottish Government's commitment to secure a fair deal at the forthcoming EU fisheries negotiations and to continue seeking radical and urgent changes to EU regulations to help cut discards and improve fisheries conservation and the industry's profitability; calls for Scotland's fishermen's growing reputation for innovative fisheries conservation to be given due recognition, and notes the European Commission Green Paper on the Reform of the Common Fisheries

Policy, which recognises the failures of the Common Fisheries Policy; welcomes the meeting of Inter Regional Advisory Council members, stakeholders and fisheries ministers from across the United Kingdom in Edinburgh this week; notes the growing support for ecosystem-based regional fisheries management amongst fisheries experts and interests, and agrees that the Scottish Government should put in place effective measures to support Scottish fishing communities in light of the outcomes of last year's fisheries negotiations and the ongoing recession, and believes that, in that context, a more regionally responsible approach to fisheries management is required and that, in order to achieve this, the Scottish Government and HM Government must work together in the interests of a sustainable Scottish fishing industry.

The Presiding Officer: The next question is, that motion S3M-5136, in the name of Bruce Crawford, on committee membership, be agreed to.

Motion agreed to,

That the Parliament agrees that Christina McKelvie be appointed to replace Bill Wilson as a member of the Equal Opportunities Committee.

The Presiding Officer: The next question is, that motion S3M-5137, also in the name of Bruce Crawford, on committee membership, be agreed to.

Motion agreed to,

That the Parliament agrees that—

Rhona Brankin be appointed to replace Charlie Gordon as a member of the European and External Relations Committee;

Tom McCabe be appointed to replace Jackie Baillie as a member of the Finance Committee;

Malcolm Chisholm be appointed to replace James Kelly as a member of the Finance Committee;

James Kelly be appointed to replace Paul Martin as a member of the Justice Committee;

Rhona Brankin be appointed to replace Marlyn Glen as a member of the Public Petitions Committee;

Margaret Curran be appointed to replace Tom McCabe as a member of the Subordinate Legislation Committee;

Rhoda Grant be appointed to replace Malcolm Chisholm as a member of the Subordinate Legislation Committee.

The Presiding Officer: The next question is, that motion S3M-5138, in the name of Bruce Crawford, on substitution to committees, be agreed to.

Motion agreed to,

That the Parliament agrees that—

Dave Thompson be appointed to replace Andrew Welsh as the Scottish National Party substitute on the Education, Lifelong Learning and Culture Committee;

Stewart Maxwell be appointed to replace Kenneth Gibson as the Scottish National Party substitute on the Finance Committee;

Bill Wilson be appointed to replace Christina McKelvie as the Scottish National Party substitute on the Public Petitions Committee.

The Presiding Officer: The final question is, that motion S3M-5139, in the name of Bruce Crawford, on substitution to committees, be agreed to.

Motion agreed to,

That the Parliament agrees that—

Rhoda Grant be appointed to replace Jackie Baillie as the Scottish Labour Party substitute on the Equal Opportunities Committee;

Margaret Curran be appointed to replace Paul Martin as the Scottish Labour Party substitute on the Local Government and Communities Committee;

Rhona Brankin be appointed to replace Rhoda Grant as the Scottish Labour Party substitute on the Rural Affairs and Environment Committee.

Level Crossings (Fatal Accident Inquiries)

The Deputy Presiding Officer (Trish Godman): The final item of business today is a members' business debate on motion S3M-4986, in the name of Willie Coffey, on conduct of inquiries into fatalities at level crossings. The debate will be concluded without any question being put.

Motion debated,

That the Parliament regrets the continuing loss of life at railway level crossings, most recently at Halkirk in Caithness and, in January 2009, at Gatehead in Kilmarnock and Loudoun; notes the large number of organisations involved in the investigation of rail accidents and incidents in Scotland, the Rail Accident Investigation Branch, the Crown Office and Procurator Fiscal Service, the British Transport Police, Scotland's eight police forces and the Office of Rail Regulation, and considers that, following the Review of Fatal Accident Inquiry Legislation being conducted by Lord Cullen, a modernised system of fatal accident inquiries can contribute to greater coordination and scrutiny of any inquiries, including the implementation of any recommendations, by whichever agency, following such tragic incidents.

17:13

Willie Coffey (Kilmarnock and Loudoun) (SNP): I thank the Parliamentary Bureau and my colleagues for giving me the opportunity to bring this matter before the Parliament.

As background to today's debate, I note that Lord Cullen has published his report on the review of fatal accident inquiry legislation. I do not know whether the impending debate hastened the report's completion, but it is helpful that the report has emerged while attention is focused on the issue, following the most recent deaths at Halkirk level crossing, which I am sure will feature in the debate.

My focus on the issue was prompted by the death in January this year of local teenager Boab Milloy at the Gatehead level crossing in my constituency. That level crossing has half barriers that block vehicular traffic from proceeding across the crossing but do not fully cover the road and footpaths. Before moving on to the general topic, I advise members that the procurator fiscal has advised me that Mr Milloy's death is not to be the subject of a fatal accident inquiry. As Lord Cullen's report makes clear, current practice in such cases is not to provide written reasons for decisions; those inquiring about the outcome are simply advised that, in arriving at the decision, all evidence was carefully considered. I am pleased that Lord Cullen recommends an end to that practice and that relatives and other parties with an interest in the matter will be advised of the

reason for the Lord Advocate's decision not to apply for a fatal accident inquiry.

When I learned of Mr Milloy's death, I asked to be kept informed of the outcome of any inquiry that was conducted. That proved to be very difficult, mainly due to the number of agencies dealing with the matter. Members will see how difficult it must be for the public to know whom to pursue for such information.

I was, of course, aware of the fatal accident inquiry system and of its good reputation for drawing valuable lessons from sudden deaths in a wide variety of circumstances. I therefore submitted questions on previous inquiries into the deaths of pedestrians at level crossings. Having received confirmation of four pedestrian deaths at level crossings between 1999 and 2007, I was disappointed to receive this follow-up comment:

"Procurator Fiscal records are not structured in a manner that makes it possible to confirm if any of these four pedestrian deaths were followed up by a fatal accident inquiry."

When I then asked the local procurator fiscal whether an inquiry had ever been held into a death at a level crossing similar to the one at Gatehead, I was advised that the type of information requested

"is not recorded in a way which would permit it to be readily identifiable".

Members might begin to see the problems that we are facing on the issue. However, I am pleased to see that Lord Cullen has recommended that, in future, FAI determinations should be available on the Scottish Court Service website. That will provide access to a body of information that will be of value to many people.

Although Lord Cullen's report has just become available, having reviewed it in preparation for this debate I believe that it addresses a number of deficiencies in the FAI system and I am sure that it will be widely welcomed. One point in particular—it may surprise members that this is not done already—is that, in future, recommendations from FAIs will be monitored to ensure that they are implemented.

However, I must say that, specifically in relation to deaths on the rail system, I found the report very disappointing. The report rehearses, in one paragraph, the complexity of the arrangements around the rail system, in which the FAI system has an interface with rail safety arrangements, which are a reserved matter. If anyone has waded through the memorandum of understanding between the Crown Office and Procurator Fiscal Service and the rail safety agencies, they will appreciate the complexity of the arrangements. In light of that, I was disappointed to see how little

evidence was submitted to Lord Cullen's inquiry by bodies responsible for safety in the rail industry.

Although the Association of Chief Police Officers in Scotland made a submission, it did not offer any comments on rail safety issues. The British Transport Police did not make a submission and the rail accident investigation branch made a single-paragraph submission, which focused solely on managing conflicting recommendations from one of its investigations and a fatal accident inquiry.

I was also very disappointed to note that the Office of Rail Regulation made no submission to Lord Cullen's inquiry. I asked whether it had made representations by other means and was advised that it had not. Given the importance of the FAI system, the minister or cabinet secretary may wish to take up with the Office of Rail Regulation its failure to submit a response. I note also that, although it is its rail network that is the subject of this complex system of regulation and inquiry, Network Rail made no submission to Lord Cullen.

The lack of input from the multitude of agencies that have a responsibility for rail safety may explain why the report makes no recommendations that bear directly on it. I think that that is a weakness in the report that would benefit from further consideration, either by Lord Cullen or by the relevant committee of this Parliament.

In order to provide the clearest possible system it should be clear that, whichever agency is investigating the cause of death, any sudden death in Scotland is subject to decision by the Crown Office and Procurator Fiscal Service. All the arrangements entered into between agencies should reflect that.

The improvements in the FAI process should help us better assess whether level crossings in Scotland are currently as safe as they could be, but we are not helped by the fact that too many agencies are involved. Ultimately, there must be a clearer path to improving safety, which will reduce the numbers of deaths occurring at level crossings.

I am not yet satisfied that crossings such as Gatehead in my constituency are as safe as they could be. "Working properly" might be an acceptable assessment of safety by the industry, but people are still losing their lives. We need reassurance that every effort is being made to prevent further loss of life.

17:20

Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): I congratulate Willie Coffey on securing the debate. I will talk in particular about

the facts surrounding the tragic crash at Halkirk. I pay tribute to the Minister for Transport, Infrastructure and Climate Change, Stewart Stevenson, who responded to it swiftly and sensitively. Other Highland MSPs and I were grateful for the opportunity to meet him to discuss the issues that we feel are important.

I want to lay out the case, as I see it, for why there should be barriers at the 23 crossings in question. The key point is that ungated crossings are intrinsically dangerous and inadequate for the task at hand. The argument is simple: if ungated crossings are safe, why bother with gated crossings at all? Think of the money that could have been saved over the years.

We should not be diverted by Network Rail's emphasis that, in the case in question, all elements of the crossing were in working order and the train was properly driven. To me, those points are irrelevant. Ungated crossings are inappropriate and inadequate, even when all their elements are working perfectly.

The company has decided to rely on ungated crossings while being aware of their dangers. It seems to me that, in its calculations, it deems the risks to be acceptable. The number of casualties and fatalities might be sufficiently low for Network Rail not to take action but, by refusing to gate the crossings, it proves that it considers deaths—past deaths at any rate—to be acceptable.

However, I believe that the events of 29 September, when Angus—Gus—MacKay, his wife Margaret and his younger brother Donnie were killed, change the whole scenario.

I believe that there will be future deaths as long as there are no gates. We have to be careful about some of the suggestions that have been made. It has been suggested that double traffic lights should be put in place. However, although that might be a move in the right direction, that is not the same as gating crossings.

It is true that a number of people have been chancing the red lights and it is good that the police and the rail authorities are cracking down on such behaviour. However, let no one imply that that is what happened in our crash. Gus MacKay had been a telephone engineer and had used these roads most of his life. He knew better than almost anyone else of the dangers of these crossings and he would never have gambled with those lives.

There is also an unfortunate implication that the accident might have happened because the people involved were elderly. These were very fit elderly people who had many good years ahead of them. Their deaths leave a huge chasm for their surviving relatives.

It is a fact—I have argued this before—that low, brilliant sunlight will dazzle drivers who are proceeding south on the road in question. I have argued that the same is true of the Delny crossing. I believe that Network Rail conceded that point after the September crash at Halkirk, because it is putting bigger hoods on the lights. However, I have to say that that is just tinkering and that only gates will do.

Let me put the argument, which I think is a clinching argument, another way: Network Rail made a profit of £1.2 billion last year. Even if the cost of gating the 23 crossings is £23 million—£1 million each—which I doubt, that is only 2 per cent of the £1.2 billion, which I would have thought was absolutely affordable.

I stick to the argument that we need gated crossings in future. If, while still denying that that is necessary, Network Rail at least started to gate the crossings where the accidents have happened, that would be a move in the right direction.

I thank the minister for his considered approach and I look forward to hearing what he has to say but, as far as I, the local member, am concerned, the bottom line is that these crossings cannot be left ungated or there will be future fatalities, which we as a Parliament cannot tolerate.

17:24

Rob Gibson (Highlands and Islands) (SNP): I have taken an interest in this subject since I was a district councillor in Dingwall, where there are three open level crossings, where there have been accidents, which were investigated by the complex network to which Willie Coffey alluded. He is to be congratulated whole-heartedly on bringing this debate to Parliament in an attempt to simplify the means of finding a clear line of responsibility to meet Scottish conditions. It is obvious from his evidence that the regulatory bodies did not take seriously the Cullen inquiry and that FAIs in Scotland must be central to the way in which we address the matter. Transparent records and responses are needed. An FAI can provide those and may follow them up. I would like to know, for example, what effect Network Rail's placing of cameras at the Dingwall crossings has had on driver behaviour. I could ask many other questions, but that is important to know.

It is also necessary to ask questions of Network Rail. It provided us with a briefing that says that it spends more than £80 million improving the safety of level crossings each year. How much of that £80 million is spent on the most vulnerable crossings? In addition, we need to know how much of the millions of pounds that Network Rail claims it spends on maintenance and renewal

programmes is spent on the most vulnerable crossings.

There are problems for drivers and rail passengers. In particular, train drivers are often traumatised because of an accident in which a car, bus or lorry hits a train. They take that with them throughout their lives, which is why ASLEF instituted a voluntary code for drivers to slow down over crossings such as the one at Halkirk. That raises the question of the length of the journey that rail passengers have to take. The journey between Wick and Inverness is already at least four hours long, and it is essential that the voluntary slow-down does not become permanent; it is an initial response to show that train drivers are trying to help. At the same time, rail passengers are further disadvantaged by such incidents. That needs to be considered carefully, because fewer passengers will use the rail service if it remains so slow.

We need to seek a safe environment for rail and road users alike. Network Rail must do much more than it has done. It says that it seeks to develop, in the plans that run alongside last year's media campaign,

"solutions which could lead to the replacement of some crossings".

It must start in the north of Scotland and it must start this year.

The case is strong and I welcome the debate. However, I wish to be excused from the debate, as I need to catch a train.

17:27

Charlie Gordon (Glasgow Cathcart) (Lab): I congratulate Willie Coffey on securing the debate and extend my condolences to his constituent's family. There is a certain amount of truth in the notion that a great part of the issue that he raises is the complexity of the judicial arrangements. I do not want to stray into that area too much.

It is certainly true that the institutional landscape of the United Kingdom's rail industry is cluttered and complex, but the principles of operating on the railway are not dissimilar to those of operating on a road. The main principle is that signals and signs should be obeyed.

We have all seen Network Rail's briefing, which is an operational briefing. Members are right to say that the company has left a great deal unsaid. Jamie Stone was specific about what he considers to be an operational, technical solution to the problem and he feels that the sums of money involved in providing that solution are not necessarily unmanageable. It still remains to be seen whether, ultimately, the Scottish taxpayer

would bear that burden or whether other arrangements would be made.

Jamie Stone: Does Charlie Gordon accept that Network Rail is making £1.2 billion profit and can afford to make improvements itself?

Charlie Gordon: Yes, on the face of it, but I suspect that there is a bit more to it than that. Part of the further dialogue that we must have with Network Rail relates, among other things, to financial arrangements, although we must be careful not to give the impression that we care more about finance than about public safety. However, we are talking about a publicly owned company, so we also have to bear in mind that public resources are finite.

We must be careful not to apply a culture of double standards to the operations of the railway industry; I say that in the best of spirit, as a former operational railwayman. The point I am about to make is not just about level crossings. Over the years, whenever a train running through a red signal results in an accident, I have heard demands for investment to be made to make such an occurrence physically impossible. However, in the case of very serious road accidents that involve drivers going through a red traffic light, we just accept that the mess will be cleared up and the next day we are all driving through the same junction. The fundamental principle, as I said earlier, is that signals and signs are meant to be obeyed.

In recent years, I have seen a culture on the roads of more motorists running red lights. I suspect that there may be a similar cultural effect in some cases on an operational railway. I am not saying that more train drivers are running more red signals, but it may well be that more members of the public who interact with the railway have a pattern of behaviour at those times that is similar to their behaviour on the roads. The consequences of such behaviour on an operational railway are often fatal.

This debate is a welcome one that is only just getting under way. A great deal more has to be said and done about this important matter.

17:32

Dave Thompson (Highlands and Islands) (SNP): I, too, congratulate Willie Coffey on getting the debate. Jamie Stone has already talked about the Halkirk accident in Highland, which was tragic, as he said.

I have been interested in this subject for some time. A crossing quite close to Inverness, at Bunchrew, has given us problems over the past few years. It took an awful lot of time to convince Network Rail that there was a problem with that

crossing. More than once we had to get the Office of the Rail Regulator involved, along with various other bodies. Eventually, it was conceded that a battery was faulty and that the lights were, in fact, faulty. In such situations, Network Rail normally denies that there is any problem with its equipment. However, it was clear that that was not the case in this case.

There are 7,674 level crossings in the UK. If it helps Charlie Gordon, I can say that I am certainly not calling for all of them to be dealt with in a physical sense. I just want the 23 crossings in Scotland that are automatic open crossings to be dealt with. Of course, 21 of those are in Highland, while the other two are in Ardsrossan. Like Jamie Stone, I have been pressing the case for gating those crossings.

Those crossings constitute only 2 per cent of the total number of crossings, but 31 per cent of collisions take place on them. Northern Ireland got rid of all its automatic open crossings in the 1980s for safety reasons. In Highland, we have two such crossings on the Fort William to Mallaig line, seven on the Dingwall to Kyle line and 12 on the Inverness to Wick and Thurso line. Although there are not many trains a day, because there are so many crossings on those lines, we end up with a train crossing an open crossing in Highland every 10 minutes or so. That is a significant fact, which perhaps gives members an indication of why we end up with so many accidents: it is because open crossings are crossed so many times in a day.

I would like to see a five-year programme of gating open crossings. Like Jamie Stone, I do not think that it is unreasonable to ask for that to be funded. If it costs £1 million a crossing and £23 million over five years, we are talking about a cost that is less than £5 million a year. Such a programme would solve the problem. The fewer accidents that we have at such crossings, the fewer fatal accident inquiries will be needed.

17:35

Jamie McGrigor (Highlands and Islands) (Con): I apologise for my absence at the start of the debate. I congratulate Willie Coffey on securing a members' business debate, and I am pleased to have this opportunity to speak on a subject that is of paramount importance to my Highlands and Islands region.

The need for a proper discussion on safety at level crossings was highlighted by the awful deaths last month of Angus and Margaret MacKay and Mr MacKay's younger brother. All three of them died when their car was struck by a train at the Halkirk level crossing. The incident has shown more specifically that we need to consider whether it is appropriate for ungated level crossings to

continue. There have been other accidents and many near misses at level crossings in places such as—to name but a few—Invergordon, Garve, Bunchrew and Forsinard. Almost a third of level crossing accidents happen where there is no gate in place, even though such crossings make up only 2 per cent of crossings in the UK. Such evidence speaks for itself. As Mr Thompson mentioned, the fact that 21 out of the 23 open crossings in Scotland are located in the Highlands means that the region is especially vulnerable. Therefore, I feel that I have a duty to my constituents to emphasise the importance of the problem. We must remember that the most recent incident was not an isolated case. Cost should not be an issue where valuable life is at stake.

I am told that it is not uncommon for the warning lights at level crossings in the Highlands to flash incorrectly due to, for instance, an animal such as a red deer or a cattle beast walking on the line further down the track. That can breed frustration for drivers, because no train appears when the lights are flashing. It can also breed complacency, because people might think that the lights are faulty so they can cross without danger. It is obviously imperative to bring in a system that negates problems of that kind. However, a thorough investigation is needed into why the most recent and other crashes have occurred. That will enable the Government to work out precisely what measures need to be taken to increase safety at all road-rail junctions in Scotland.

When I met the Minister for Transport, Infrastructure and Climate Change recently following the dreadful tragedy—a meeting for which I am grateful—I welcomed his suggestion that the Government look into the possibility of installing barriers at such junctions. However, my constituents and I would appreciate more concrete assurances that the issue will be dealt with adequately. I also agreed with his suggestion that there should be more warning notices to tell drivers what is ahead of them.

Of course it is crucial that the inquiry system be modernised, but we must also work out how the crossings can be improved. The Government should take swift and positive action to prevent similar accidents from happening in future. I hope that the minister will do that.

17:38

The Minister for Transport, Infrastructure and Climate Change (Stewart Stevenson): Like others, I thank Willie Coffey for lodging the motion that has given us the opportunity to debate the issue. I should also highlight the substantial quality of the research and engagement that he demonstrated in his speech. No one who is here tonight or who reads the debate afterwards will fail

to learn something that was not in the ministerial brief or in their own research. In the way that he has dealt with the issue, Willie Coffey has set an example that others should follow.

Like others, I utterly regret that fatal accidents occur. I echo the statements of other members in expressing the sympathies of myself and my colleagues—and of Parliament generally—for the friends and families of those who lost their lives in the fatal accidents at Halkirk recently and at Gatehead in Kilmarnock and Loudoun earlier this year. Of course we note that the emergency services responded to those accidents in the professional manner that one would expect.

Willie Coffey mentioned the welcome report of Lord Cullen, who has a track record of producing substantial reports on matters of concern involving safety. It is certainly of interest that such modest submissions were made to Lord Cullen's deliberations from a range of bodies that might be thought to be substantially engaged in such issues.

I am sure that my colleague Kenny MacAskill will examine carefully the issue of FAs and that action will be taken. The paucity of information that was available to Willie Coffey when he was researching the subject suggests that there is a case for action.

Jamie Stone talked about the recent accident at Halkirk. There was also an accident there in 2002 but, as it is the subject of court action, I will say no more about it. Other court issues may yet be associated with the accidents that have occurred. Jamie Stone asked the fundamental question why there should be barriers and exemplified the problem in saying that. The £1.2 billion profit is, in a sense, merely the public's money coming back round the system. Network Rail is a not-for-profit company, therefore it is difficult to talk about profit in the context of that company, although the balance sheet and the annual reports show it.

Rob Gibson highlighted the issues in Dingwall and asked about speed cameras. I will seek to follow up that question. He also highlighted the trauma that is experienced not just by the families of those who are killed or injured at crossings, but by the people who are employed on the railway. ASLEF has, I think, suggested that there should be a slowdown, which would result in the slowing down of people's journeys. That is an important issue, as one of the key things that we want to see is the speeding up of rail journeys. Anything that slows down journeys is something that I regret.

Charlie Gordon, who is an old railwayman—perhaps I should say a railwayman of long standing—made the clear point that signs and signals should be adhered to. Of course, no one disputes that. However, as part of my modest

personal research, I asked my wife, who has been driving for 35 years, whether she had ever driven across a level crossing. She said that she had not. It is not that she has avoided them; she just happens not to have done that. I wonder whether the unfamiliarity with level crossings that some drivers experience contributes to near misses or accidents. The flashing red light is unfamiliar, whereas the steady red light is something with which people are familiar. A range of issues around the psychology of how level crossings are controlled should be considered further.

Charlie Gordon made the particular point that safety should trump finance. I think that we all agree on that. In the Government, “spads” means special advisers, but signals passed at danger are part of railway folklore. I think that I am correct in saying that, following some focus on the issue, the number of signals passed at danger is on the decline, therefore I do not think that train drivers should really come within our sights as contributors to the difficulty. I do not think that there is a culture of train drivers crossing lights perniciously.

Dave Thompson talked about Bunchrew. It was particularly interesting to hear that it took some time to persuade Network Rail that the fault existed. That leads us neatly to the complex mixture of people who are involved. The procurators fiscal, British Transport Police officers, the Office of Rail Regulation and the rail accident investigation branch all have a memorandum of understanding. However, the number of communications that are required in a quadripartite memorandum of understanding is great, with 18 different communication paths between the four organisations, and the complexity increases every time that someone is added to it. There is a high degree of co-ordination, but there is clearly difficulty involved in that.

I very much welcome the review that is currently being undertaken by the rail accident investigation branch, which has a special set of skills in relation to the safety of automatic open level crossings. We will wait and see what it has to say. It will certainly be time to consider then whether there are opportunities for further reviews.

Perhaps we could consider some of the things that happen in the marine and aviation environments. There is an intense focus on safety in aviation. In my flying career, I had to make an emergency landing in a light aircraft because of an equipment failure. It is interesting that, although that was the first failure in that aircraft type around the world—many tens of thousands of that aircraft type were produced—it nonetheless led to a mandatory change in all 20,000 of those aircraft in every country of the world. That was based on a

single incident in an aircraft that had not had an incident in 30 years of operation. We should commend to ourselves that approach to safety.

I thank Willie Coffey for lodging the motion. I will continue to engage with members as matters develop. The issue is not subject to party dispute or debate. Railways are the safest part of our transport network, but they are still capable of improvement. We all agree that safety on our railways is vital.

Meeting closed at 17:46.

Members who would like a printed copy of the *Official Report* to be forwarded to them should give notice at the Document Supply Centre.

Members who wish to suggest corrections for the archive edition should mark them clearly in the report or send it to the Official Report, Scottish Parliament, Edinburgh EH99 1SP.

The deadline for corrections to this edition is:

Thursday 12 November 2009

PRICES AND SUBSCRIPTION RATES

OFFICIAL REPORT daily editions

Single copies: £5.00

Meetings of the Parliament annual subscriptions: £350.00

WRITTEN ANSWERS TO PARLIAMENTARY QUESTIONS weekly compilation

Single copies: £3.75

Annual subscriptions: £150.00

Published in Edinburgh by RR Donnelley and available from:

Blackwell's Bookshop

**53 South Bridge
Edinburgh EH1 1YS
0131 622 8222**

Blackwell's Bookshops:
243-244 High Holborn
London WC1 7DZ
Tel 020 7831 9501

All trade orders for Scottish Parliament documents should be placed through Blackwell's Edinburgh.

And through other good booksellers

Blackwell's Scottish Parliament Documentation

Helpline may be able to assist with additional information on publications of or about the Scottish Parliament, their availability and cost:

Telephone orders and inquiries
0131 622 8283 or
0131 622 8258

Fax orders
0131 557 8149

E-mail orders, Subscriptions and standing orders
business.edinburgh@blackwell.co.uk

Scottish Parliament

All documents are available on the Scottish Parliament website at:

www.scottish.parliament.co.uk

For more information on the Parliament, or if you have an inquiry about information in languages other than English or in alternative formats (for example, Braille; large print or audio), please contact:

Public Information Service

The Scottish Parliament
Edinburgh EH99 1SP

Telephone: 0131 348 5000

Fòn: 0131 348 5395 (Gàidhlig)

Textphone users may contact us on **0800 092 7100**

We also welcome calls using the RNID Typetalk service.

Fax: 0131 348 5601

E-mail: sp.info@scottish.parliament.uk

We welcome written correspondence in any language.