



The Scottish Parliament  
Pàrlamaid na h-Alba

## Official Report

# MEETING OF THE PARLIAMENT

Wednesday 8 September 2010

Session 3

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## Scottish Parliament

*Wednesday 8 September 2010*

[The Presiding Officer *opened the meeting at 13:00*]

### Time for Reflection

**The Presiding Officer (Alex Fergusson):**

Good afternoon. The first item of business this afternoon is time for reflection. Our time for reflection leader is Lieutenant Colonel Alan Burns, the Scottish secretary of the Salvation Army.

**Lieutenant Colonel Alan J Burns (Salvation Army):** It is September, and the nights are drawing in. It is amazing to think that in a few weeks many people will be experiencing dark journeys to and from their places of work.

I am informed that the light conditions at dusk and at dawn are remarkably similar. An alien from Mars arriving on earth at either dusk or dawn would be hard pressed to tell whether they had landed in the morning or the evening—at dusk or at dawn. How would you tell the difference by mere observation?

Dusk announces the darkness of night; dawn announces the brightness of day. Speaking about the arrival of Jesus on the planet—he was not from Mars, I hasten to add—John in his gospel says:

“This was the real light—the light that comes into the world and shines on all people”.

As leaders and politicians, the theme is captured as you communicate your message of hope for a better society for everybody.

In our rapidly changing world, the landscape is currently dominated by the “hard times ahead” message. Could this obscure the hope of better things? Is it dawn or dusk out there? Do we stand as messengers at the end of daylight announcing the darkness of night, or do we stand at dawn announcing light—that there is a better way ahead?

I suppose that, to a large extent, it depends on your world view. People are divided on the issue: there are those who are excited about our kids’ future and those who are not. Half of us are optimistic about the future, while the other half are somewhat pessimistic. Half marvel and dance; half vent their frustration on news media programmes. In our negative reaction, I am worried that we are in danger of giving the future a unanimous thumbs down to emerging generations, simply because the neighbourhood that we once knew has changed.

The message of the Christian faith revolves around the story of Jesus Christ, who in spite of the darkness of his crucifixion and death left us with the message of resurrection and light—a dawn message of a new day, full of light and hope to those who believe.

As you look at your world, you have a choice on faith’s dimmer switch. You can turn it in one of two directions: towards the light of optimism or the darkness of pessimism. There are always people who are allergic to good news. I also know people for whom all things are possible.

God bless you.

## Business Motion

13:04

**The Presiding Officer (Alex Fergusson):** The next item of business is consideration of business motion S3M-6889, in the name of Bruce Crawford, on behalf of the Parliamentary Bureau, which sets out a business programme for this week's business.

*Motion moved,*

That the Parliament agrees the following programme of business—

Wednesday 8 September 2010

1.00 pm            Time for Reflection  
*followed by*      Parliamentary Bureau Motions  
*followed by*      First Minister's Statement: Scottish Government's Programme  
*followed by*      Scottish Government Debate: Scottish Government's Programme  
*followed by*      Business Motion  
*followed by*      Parliamentary Bureau Motions  
 5.00 pm            Decision Time  
*followed by*      Members' Business

Thursday 9 September 2010

9.15 am            Parliamentary Bureau Motions  
*followed by*      Scottish Government Debate: Independent Budget Review  
 11.40 am            General Question Time  
 12 noon            First Minister's Question Time  
 2.15 pm            Themed Question Time  
                         Finance and Sustainable Growth  
 2.55 pm            Continuation of Scottish Government Debate: Independent Budget Review  
*followed by*      Parliamentary Bureau Motions  
 5.00 pm            Decision Time  
*followed by*      Members' Business

Wednesday 15 September 2010

2.30 pm            Time for Reflection  
*followed by*      Parliamentary Bureau Motions  
*followed by*      Scottish Government Business  
*followed by*      Business Motion  
*followed by*      Parliamentary Bureau Motions  
 5.00 pm            Decision Time  
*followed by*      Members' Business

Thursday 16 September 2010

9.15 am            Parliamentary Bureau Motions  
*followed by*      Scottish Government Business  
 11.40 am            General Question Time

12 noon

First Minister's Question Time

2.15 pm

Themed Question Time  
 Education and Lifelong Learning;  
 Europe, External Affairs and Culture

2.55 pm

Scottish Government Business

*followed by*

Parliamentary Bureau Motions

5.00 pm

Decision Time

*followed by*Members' Business—[*Bruce Crawford.*]

*Motion agreed to.*

## Scottish Government's Programme

**The Presiding Officer (Alex Fergusson):** The next item of business is a statement by Alex Salmond on the Scottish Government's programme. The First Minister's statement will be followed by a full debate, therefore there should be no interventions or interruptions. This is a half-hour statement.

13:04

**The First Minister (Alex Salmond):** Since we last met as a Parliament, we have all been saddened by the death of Edwin Morgan, our national makar. We in this chamber will remember in particular his poem for the opening of the Scottish Parliament building, which, as you rightly said in your recent tribute to him, Presiding Officer,

"is as poignant and thought-provoking now as it was six years ago".

In that poem, he wrote:

"We, the people, ...

We give you our consent to govern, don't pocket it and ride away.

We give you our deepest dearest wish to govern well, don't say we have no mandate to be so bold."

This afternoon, Presiding Officer, I wish to set out how, during this session of the Parliament, the Scottish Government will act to discharge our mandate to govern the people well. Edwin Morgan's advice would be wise at any time, but it is certainly more true at a time when the people face the worst outlook for public spending since the aftermath of the second world war. Everything that we do in this session of Parliament and every legislative programme for many years to come will be set against that context. This statement will start and end with how we face that issue.

The new United Kingdom Government outlined a budget in June that, if implemented, would slash at the very fabric of public and social provision. Of the forecast cuts that we now face, two thirds were planned by the previous UK Government and a further one third have been added by the current UK Government.

At present, this Parliament lacks the powers to control the level of public spending. Except at the margins, we exist within a fixed budget. The other parties suggest that they have a solution under the Calman proposals. However, far from being a solution, Calman—at least as it stands—would actually make matters worse. This is no academic argument. Had the Calman income tax proposals been introduced for the start of the last spending review, the fall in income tax revenue, because of the recession, would have resulted in a Scottish

budget for 2009-10 that was almost £900 million lower than under the existing formula mechanism and there would have been no capacity to borrow to meet revenue deficits. That is before the effects of the coalition's plans to increase personal allowances, paid for by rising national insurance contributions, which would lower the revenues allocated to Scotland by a further £250 million for every £1,000 increase in allowances. This is an arithmetical point as well as a political one, but the politics requires an answer.

The people, when they voted for this Parliament, voted for a legislature that would be bold and would act to protect their values. They expect us both to act now where we can and to state ambition for the future. Let me first set out to this Parliament and to the people the legislation that we will introduce in order to use our existing powers well before I return to the powers that we need to enable us to move Scotland forward. I have never judged the importance of a legislative programme by the number of bills; however, others in this chamber have tended to do just that. In that respect, I say that we will introduce 10 bills to the Parliament—four more than were introduced in the equivalent period of the previous session.

For the reasons stated, the budget bill will be at the heart of our legislative programme and, indeed, the overall programme for government. We shall submit a budget bill within four weeks of the publication of the comprehensive spending review. I know that there have been calls for some kind of back-of-the-envelope budget sooner, but that is wrong headed and has rather more to do with political positioning than with economic logic. Like it or not—and I do not—our budgets are determined by spending patterns in the Westminster Parliament. Those who think that the coalition Government has a clear sense of where it is going to cut and what it is going to allocate to each area have a touching faith in the governance of Whitehall. From what I can see, everything is still under scrutiny, which may result in yet more surprising decisions. To base our budgets on a guess about how savage George Osborne and David Cameron may be strikes me as foolish—it would be crystal ball budgeting when, in six weeks' time, we will be able to see the books.

Of course, some people say that we should be able to guess to the nearest £200 million. In fact the possible variance is much greater than that. However, let us say that it is £200 million. That would be the difference between continuing to freeze the council tax and increasing it by a full 10 per cent.

I will take another topical example. As we know, yesterday, police numbers in Scotland reached an historic high and crime rates reached a 32-year low. However, police boards throughout Scotland

are engaged in an exercise of working through the implications of future budget cuts. To do that they are using the widely touted forecast of average reductions in spending in a non-protected UK Government department. That is a useful exercise in setting out the stark implications of cuts on such a scale, but it is not the real figure. The real figure is the 17,424 officers who are working on our streets right now.

The real budget will come when we see the books in six weeks, and when the Parliament then decides how it can best protect front-line services. When we have the facts, we can make the decisions, based on our values.

However, if there is no advantage in setting down a budget only to rewrite it in a few weeks, there is every advantage in applying expert, independent analysis to our options, particularly over the medium term. That is why we established the independent budget review under Crawford Beveridge, to consider those options carefully. That was the beginning of a process rather than an end, because, following publication of the report, we are now, as promised to the Parliament, consulting the people and our partners and stakeholders. Although we are not at the end of the process, our priorities are economic recovery, protecting front-line services and developing a low-carbon Scotland, which will mean jobs now and jobs for the future.

The other parties will have the opportunity to outline their priorities and policies in a full-day debate tomorrow, and we look forward to the full detail of those contributions. *[Interruption.]*

**The Presiding Officer:** Order. The statement should be made without interruption.

**The First Minister:** They have plenty to say today, Presiding Officer; let us see how much they have to say tomorrow.

The Scottish Government is committed to a Scotland that is wealthier and fairer. We have kept our aim steady on our overarching purpose to focus Government and public services on creating a more successful country, with opportunities for all in Scotland to flourish, through increasing sustainable economic growth. That will continue to be the hallmark of our programme for government.

For example, in 2010-11, we are providing more than 40,000 training places, including 20,000 modern apprenticeship starts and 5,000 flexible training opportunities, specifically to meet the needs of business and workers. Through Scottish Enterprise and Scottish Development International, we will help Scottish businesses to grow at home and abroad, and build on the success in attracting investment projects involving the planned creation or safeguarding of 16,000 jobs in Scotland, including almost 6,500 new high-

value-added jobs. Recent announcements from Hewlett-Packard in Erskine, Barclays in Glasgow and Virgin in Edinburgh are testimony to the success of that work.

We will improve Scotland's transport links by completing the M80 Stepps to Haggs upgrade and the M74, by finishing the Airdrie to Bathgate rail link and by awarding the principal contract for the Forth replacement crossing.

We will ensure the smooth running of local government elections, so that every vote counts and is counted fairly and accurately, through an electoral administration bill. That will continue the process of improving independent electoral administration following the difficulties that arose during the 2007 joint local government and Scottish parliamentary elections, which were supervised by the Scotland Office.

We will reform the law in relation to property and housing through a long leases bill and a private rented housing bill. The long leases bill will convert ultra-long leases into ownership, matched by tenants paying appropriate compensation to landlords. The private rented housing bill will tackle unscrupulous rogue landlords who operate outwith the law, make life a misery for tenants and neighbours, and tarnish the reputation of the good private landlords in Scotland. The bills continue the reforms that have been made since devolution to create a comprehensive modern framework for Scottish housing and property law.

Other work to make Scotland a fairer country will include publishing our own child poverty strategy, continuing to support the armed forces and veterans community, and engaging actively with the UK Government on its proposals for welfare reform to argue for the development of approaches that protect the poor and better fit with Scottish circumstances.

This summer saw record levels of attainment in school-leaving examinations. During the coming year, we will work towards a Scotland that is still smarter by implementing the curriculum for excellence, introducing regulations to establish a maximum primary 1 class size of 25 and funding the Scottish Qualifications Authority to develop 200 new qualifications, to ensure that young people have the knowledge and skills that they need to compete in the 21<sup>st</sup> century.

The new public records bill will update existing legislation and create a modern framework to improve accountability and transparency and to strengthen governance. It will also contribute to a Scotland that is safer by implementing a key recommendation of the review of the historical abuse of children, which found, as members will remember, that poor record keeping by public



authorities prevented former residents of care from understanding what had happened to them.

Three other bills will also make Scotland safer. The double jeopardy bill will reform the law to allow an acquitted person to be prosecuted again in certain clearly and carefully defined circumstances. That is a highly important change and a change in principle, but its time has come. The forced marriage protection bill will provide civil remedies for those who are at risk of forced marriage and for victims of forced marriage. The reservoir safety bill will enhance the safety of people, property and infrastructure by providing a proportionate, risk-based approach to reservoir safety in Scotland.

We will continue to drive forward the kind of reforms to our justice system that have seen recorded crime fall by 10 per cent since last year—to the lowest level for 32 years—by using the powers in the Criminal Justice and Licensing (Scotland) Act 2010 to tackle serious and organised crime and creating the community payback order. Statistics published only a week ago show that after two years, nearly 60 per cent of those who are sentenced to community service have a clean record, whereas nearly 75 per cent of those who are sentenced to less than six months in prison reoffend.

On health, we start from a position where, thanks to the commitment of staff and improved procedures, 99.8 per cent of patients now wait less than nine weeks for in-patient and day care treatment. As a result, public confidence in our national health service in Scotland is at an all-time high, with a majority believing that standards are stable or rising.

How we protect that position from budgetary pressure will be a defining issue in the debates to come, but we all know that medium-term progress depends on prevention and early intervention to make Scotland better. We will therefore progress the Alcohol etc (Scotland) Bill, the provisions of which include the introduction of minimum unit pricing, which would make Scotland safer by reducing alcohol-related crime, disorder and public nuisance, and the crowds at accident and emergency units each and every weekend. It would also make Scotland healthier over the long term by tackling the appalling legacy of chronic alcohol-related illnesses. We will match that legislative action by helping local alcohol and drug partnerships to deliver substantial improvements in treatment and prevention services.

The health (certification of death) bill will modernise death certification in Scotland by removing current inconsistencies between how cremations and burials are scrutinised and by streamlining procedures.

Finally, in terms of our existing powers, let me outline our plans for a Scotland that is greener itself and contributes to a greener and fairer world.

A generation ago, green issues were a minority concern. Indeed, probably the reason that this Parliament has legislative competence over climate change is that in 1997 no one thought that it was important enough to include it in the list of reserved functions. Times have changed, and the Parliament has used its competence with regard to climate change wisely and courageously. However, we should also be in no doubt that our environment is our economy. Our natural resources will determine our future success.

Perhaps the greatest Secretary of State for Scotland was Tom Johnston, whose towering achievement was to champion the hydro scheme first by getting the Hydro-Electric Development (Scotland) Act 1943 passed and then by implementing that visionary legislation as chairman of the North of Scotland Hydro-Electric Board from 1946 to 1959. The hydro scheme delivered on the promise to bring the power of the glens to everyone at equal cost, to replace paraffin lamps with electric bulbs and to modernise our nation so that it could compete in the post-war economy. In trapping the power of water behind dams and running it through tunnels and pipes, Scotland created arguably the most successful hydro scheme in the world. It generates renewable energy by capitalising on our greatest natural asset—our water.

Now, there has been a lot of discussion and much debate about Scottish Water. Some people have wanted to privatise our water; others have put forward a mutual solution as best. We will spell out our plans in a Scottish water bill.

The overwhelming majority of the Scottish people want to keep Scottish Water in public hands. I am with the people on this, not as a matter of sentiment but as a matter of logic. Is it really the smart thing to sell such a prize just as the world awakens up to the true value of plentiful and clean water? It would be like selling Saudi Arabia's oil reserves on the eve of the invention of the combustion engine. That is why treating Scottish Water merely as a utility, to be bought, sold or mutualised, is to miss the point and the opportunity entirely. It manages on our behalf a major resource that is rapidly becoming a commodity of great worth. It is therefore this Government's intention not to sell or mutualise Scottish Water, but to keep it in public hands.

Let me first state what Scottish Water has already achieved. It has transformed a field of public service long suffering from a lack of funds into a significant success story. Where we had inefficiency and waste, we now have a smoothly functioning company. Its rate of improvement has

been beyond anything achieved by private water services and water companies and it now gives us average household charges that are lower than those in England and Wales.

I want to build on that success. Instead of handing over to private ownership those profits and assets, including 80,000 acres of land, we can use them to help us to energise the Scottish economy. Thus, Scottish Water will evolve from a successful utility into a dynamic water agency, deploying its wisdom, knowledge and secure funding to the betterment of our environment and economy. There is no such agency with that potential anywhere in the world.

I am encouraged by Scottish Water's own desire to play this role. It has identified potential for new economic activity in other business areas of some hundreds of millions of pounds in the medium term. If we give Scottish Water room to grow, we have the makings of a great Scottish company in public ownership. Scotland will become the world's first hydroeconomy, wisely exploiting our water to help drive our economy.

Much as vested interests resisted the hydro dams, so there will be those who resist a new vision for Scottish Water. However, Scottish Water can help to transform Scotland's prospects today, just as Tom Johnston did 60 years ago. As it expands its activities, it will generate the additional revenue to become financially neutral to the Government's books.

Scottish Water is currently the largest consumer of electrical power in Scotland. Instead, we intend to give it the power to become one of the largest generators of renewable electricity in this land. We shall charge Scottish Water with supporting the bid to hold the 2015 world water forum, which would bring up to 30,000 delegates to Glasgow, including heads of state and Government. We shall charge Scottish Water with establishing a Scottish centre of excellence that is modelled on the Stockholm International Water Institute, to foster commercial and humanitarian innovation. We will support Scottish Water's exemplary record in humanitarian assistance, reinforcing the existing bonds with the charity WaterAid, which is currently bringing emergency relief to the people of Pakistan.

This is not a revolution but an evolution for Scottish Water. We are trusting the management to build on their proven track record with a gradual expansion of functions, and not to dilute their existing success but to seize the growth opportunity in exploiting what is a key commodity for the 21<sup>st</sup> century and beyond. We will bring forward legislation to enable Scottish Water to play those roles. Further, we expect water charges to continue to remain stable in real terms—the people's asset will move to become self-financing.

I believe that we can lead the world in the management of a key resource, for the benefit of our environment and our economy and for the benefit of the citizens of the world who desperately need clean water just to survive. We can combine the outstanding qualities of the Scottish character—compassion and innovation—to put ourselves in the vanguard of a new economy. The plan is not short term—it is a legacy for our children and beyond. Let us use our greatest natural asset for their long-term benefit.

We are blessed not just with an abundance of water, but with a wide abundance of natural assets and resources. I believe that they belong, fundamentally, to the people of Scotland. We stand at the threshold of another energy revolution—in renewables—and we must ensure that the mistakes of the past, when the takings of North Sea oil and gas were siphoned off elsewhere, are not repeated. We will therefore consult on legislation for the communities of Scotland to benefit from the exploitation of their natural resources. In Scotland in the past, only Shetland was wise enough to benefit from the oil boom, and it currently sits on an oil fund that is not far off £200 million. Norway created a fund, and it is closer to £300 billion. It will be many years before revenues from offshore renewables reach anything like that scale. However, a start should be made.

The only public body in Scotland that accrues a direct benefit from offshore development is the Crown Estate, and we have worked well with its commissioners. However, its revenues go direct to the Treasury, and that cannot be right. The communities of Scotland—the Scottish people—must secure an endowment from our own natural resources, as well as having a say in how they are developed.

As we mourned Edwin Morgan this summer, we also mourned Jimmy Reid. His passing was felt by many across this land. In his famous address as rector of the University of Glasgow in 1972 he said:

"Government by the people for the people becomes meaningless unless it includes major economic decision making by the people for the people."

That was true then and it is just as true now. The lesson of Jimmy's life was not just that ships are important, but that people are important, and that to protect them you have to stand up and fight and, above all, you have to control economic decision making.

I said at the outset of this statement that I would return to the issue of public sector cuts and how we face them, not just in the coming year but for the next generation. That issue will transcend politics in Scotland. Is this Parliament to become a message boy for cuts that are determined

elsewhere, or can we gain the economic powers to change our circumstances?

Some people have evinced surprise at our decision not to present a referendum bill to the Parliament. *[Interruption.]*

**The Presiding Officer:** Order.

**The First Minister:** Indeed, so disappointed do they seem that one might gain the impression that they were gagging to vote for it, rather than ganging up to stop it. So we will take our case for greater powers to the people of Scotland.

Now that we face a public sector hurricane, never was the case for independence and financial responsibility more obvious and more true. For make no mistake: devolution as we know it is over. When the money from London—or, rather, delivered via London—is being cut, the game changes totally. The decision now is whether we stick with the status quo—with budgets reducing year on year—or take responsibility and use it to create a new, dynamic Scottish economy. What Scotland truly needs is not a funding formula, whether Barnett or Calman; it needs control of its own resources and the ability to grow revenue rather than just cut expenditure. We need control over both sides of the Scottish balance sheet.

I have never doubted that everyone in the Parliament wants the best for Scotland. We—that is, all of us—have achieved a great deal for Scotland over the past 10 years. Scotland has come a long way. We can act independently of Whitehall and Westminster and set our own agenda. However, that agenda must not mean undoing much of the good work of the first 10 years. If the arithmetic of the Parliament denies the will of the people, we shall take our case to the country.

The first age of devolution is over. The clear choice facing the nation now is the unionist cry of “do nothing” or the nationalist call to do something positive.

A Parliament is about delivering for the people. I began by quoting Eddie Morgan, so let me finish the same way. He wrote of the Parliament:

“What do the people want of the place? ...  
A nest of fearties is what they do not want.  
A symposium of procrastinators is what they do not want.”

*[Laughter.]*

**The Presiding Officer:** Order. That will do.

**The First Minister:** He wrote:

“A phalanx of forelock-tuggers is what they do not want.  
And perhaps above all the droopy mantra of ‘it wizny me’ is what they do not want.”

**Members:** Oh!

**The First Minister:** We stand for giving the people a chance to say what they do want. *[Interruption.]*

**The Presiding Officer:** Order. We will hear the rest of the statement in silence, please.

**The First Minister:** We stand for giving the people the chance to endow this Parliament with such powers that there is no question of saying “it wizny me”, because the responsibility lies clearly with the Scottish Government, the Scottish Parliament and the Scottish people.

In that spirit, I present and commend this programme for government to the Parliament and, above all, to the people of Scotland.

## Scottish Government's Programme

**The Presiding Officer (Alex Fergusson):** We move to the next item of business, which is a debate on the Scottish Government's programme. I invite members who wish to speak in the debate to press their request-to-speak buttons, and I point out that all members who were keen to make contributions earlier have the freedom to do so now because we have some time available this afternoon. Anyone else who wishes to contribute is welcome to do so.

13:32

**Iain Gray (East Lothian) (Lab):** This is the First Minister's fourth programme for government statement and, of course, his last. Presenting his first programme for government in 2007, he made a virtue of its being light on legislation: that is one promise that he has not broken. The legislative programme that has been presented to us today is, in parts, worthy but it is not substantial and fails to address the most pressing concerns of Scotland and its people.

I exclude from that remark the Alcohol (Scotland) Bill, because there has never been disagreement from the Labour Party that Scotland's relationship with alcohol is a pressing concern. That is why we have always signalled our willingness to work with all parties to progress measures to address it. However, we cannot support the Government's approach to price, not because we think that price does not matter but because the Government's proposal is still likely to be found illegal, still leaves major problem drinks untouched and still constitutes a windfall for the supermarkets to the tune of £140 million a year. There is no single solution on alcohol in any case, and we will support the vast majority of the bill's proposals.

I hear from the Government benches that we want to do nothing. Nothing could be further from the truth. I hope that the Government will, in turn, be able to set aside party politics and support the amendments that we will lodge on, for example, alcohol treatment and testing orders to tackle drink-fuelled crime, a mandatory challenge 25 scheme to tackle underage drinking, and action on caffeinated drinks, which fuel much youth crime. Those proposals now have the backing of the independent commission that Labour set up. From its proposals, I ask the Government also to support amendments that we shall lodge quickly to end price-based alcohol advertising in our print media, and to end supermarkets competing on the depth of their drink discounting.

We agree with the Government that double jeopardy should end, and we will support the bill to achieve that. However, I wonder why that has taken so long; it is three years since the collapse of the World's End case, which clearly illustrated the importance of that measure.

We will also support the Government on forced marriages. However, what has been proposed is catch-up to the rest of the country, for which legislation on forced marriages was passed two years ago.

We welcome the idea of Scottish Water being able to engage in new profitable commercial activities. Indeed, there are other possibilities that the First Minister did not mention—the use of the Scottish Water pipe network for fibre optic networks, for example. However, our welcome is cautious because we must see the details of how that engagement will be achieved. If the model is, as I suspect, the model that has been developed by the Scottish Futures Trust, that does not augur well. The Scottish Futures Trust should probably try to build the Scottish National Party's first-ever school before it tries to build the world's first hydro economy.

Of course, the problem is that in every previous year Mr Salmond's statement has had a major policy—a core promise; the hallmark and substance of his Government—at its centre for the year ahead that he has committed to absolutely and without prevarication. In 2007, it was the sure and certain delivery of class sizes of 18 in all primary 1, 2 and 3 classes throughout Scotland. In 2008, it was the sure and certain introduction of a council tax abolition bill and the introduction of a local income tax. In 2009, it was the Government's introduction of a referendum bill in 2010. That bill was going to be introduced on Burns night. That is the bard who wrote the immortal lines:

"The best laid schemes o' mice and men  
Gang aft agley".

We can see the theme. Every year, Mr Salmond's grand plan comes to nothing. Let us see whether his water bill survives or whether it, too, evaporates like so much before it did. Last year, Mr Salmond's independence bill was his flagship policy; now it is a ghost ship that flits eerily in and out of view from time to time. We have had four programmes for government, three consultations on his bill, a national tour of sparsely attended town halls, and endless drafts of a three-part question that nobody could understand. What is the First Minister going to produce out of all of that? He is going to produce an election leaflet. There will be no bill in the Parliament, but there is a £2 million bill for the Scottish taxpayer.

Now the Scottish Government is at it again. Surely the central question of this year's

programme is the Budget (Scotland) Bill and its impact on services, jobs and the economy. The Scottish Government tells us that the comprehensive spending review will impose enormous pressure on the 2011-12 budget and beyond. We know that. It tells us that the Con-Dem coalition is cutting too fast and too deep and is threatening recovery. We know that, too. What we need to know is what Alex Salmond is going to do. Instead of telling us, he is sending John Swinney and one wise man around Scotland all over again for a national conversation—on cuts, this time. It is time that the Scottish Government told us what it is going to do with its “Independent Budget Review” and time that it got its proposals to this Parliament.

The First Minister has form in refusing to say what his budget might bring. This time last year, he omitted to mention that the Budget (Scotland) Bill's high point would be the cancellation of the Glasgow airport rail link. Has not that been the pattern of the First Minister's actual programmes for government: the cancellation of rail links to Edinburgh and Glasgow airports; failure to complete the motorway network; failure to build the Aberdeen bypass; failure to build the Borders rail link; no replacement for the route development fund; year-on-year cuts to the enterprise budgets; the cancellation of transitional rates relief; and a rates revaluation that threatens the existence of businesses across Scotland that today face a 50, 100 or 200 per cent increase in their rates?

**The Cabinet Secretary for Finance and Sustainable Growth (John Swinney):** Will Mr Gray tell us exactly which of that long list of priorities he would have funded and what he would have cut to pay for them over the past three years? Where are Mr Gray's answers today?

**Iain Gray:** I would have built the Glasgow airport rail link. I signed it off and I would have built it. *[Interruption.]*

**The Presiding Officer:** Order.

**Iain Gray:** Last year, the First Minister said that he would be spending £3.5 billion on schools, hospitals and transport projects. Here is my question to Mr Swinney. Where are they? Where is the missing £2 billion-worth of capital projects that disappeared between 2007 and now? They are gone, and 40,000 jobs have gone with them.

The truth is that in the good years this Government failed to make the investments that would have connected Scotland to the rest of the world and which would have strengthened it as we work our way back to economic growth. In every programme for government, Alex Salmond has talked the language of economic growth, but every year he fails to deliver. What happened to the Celtic lion?

Remember the arc of prosperity, whereby Scotland could look to Ireland and Iceland—small, northern, prosperous countries. Now Alex Salmond tells us that the arc of prosperity bends all the way to the southern hemisphere and that Australia is the model for our future. No longer the Celtic lion, he aspires to be the Celtic kangaroo. The new Labour Government in Australia should be afraid—very afraid—because Alex Salmond's record on picking economic winners to emulate is even worse than his economic record at home.

There is more. I see that during the summer the First Minister was made a “Star Trek” Starfleet officer, so who knows where the arc of prosperity will reach out to next, boldly going where no serious economist has ever gone before.

As for cuts, the truth is that in the good years this Government was cutting our public services: 2,000 fewer teachers, 1,000 fewer classroom assistants, 4,000 fewer posts in the national health service and 1,500 fewer nurses. If that is the First Minister's idea of protecting front-line services in the best of years, what is in store in his budget this year?

Even where there is consensus, the Government cannot deliver. The First Minister boasted of our “courageous” climate change legislation. He went to Copenhagen to boast about it, and for all I know he is still planning to go to the Maldives to boast about it, but he still has not managed to construct the annual targets that the legislation demands. He is in danger of breaking his own courageous law.

There is always less than meets the eye with this Government and this First Minister. Students learned that when their loans were not cancelled. Parents learned it when class sizes did not come down. First-time home buyers learned it when their grants did not materialise. The construction industry learned it when capital projects dried up. Small businesses learned it when their rates doubled or worse. Knife crime victims learned it when the Government refused to act on knife crime.

In his first programme for government, Alex Salmond said that his statement was different, because we had a Government and not an Executive. Right enough: an Executive does things, but this Government undoes things. It undid the capital programme of schools, hospitals and transport projects, it is undoing 10 years of economic progress and it has undone every promise it ever made to anyone.

We cannot fault the First Minister for chutzpah. If anyone has expounded

“the droopy mantra of ‘it wizny me’”

in this Parliament, it is the First Minister. Every day he gives the impression of being in office but not in power. He is out of ideas, out of steam and running out of time.

13:47

**Annabel Goldie (West of Scotland) (Con):**

The statement that we heard from the First Minister this afternoon is not just the final legislative agenda from the Government, but the final nail in the coffin for Alex Salmond's political credibility. It reeks of inertia, exhaustion, escapism and atrophy.

Rhetoric is not enough and rosy promises will not do this time, because this time the First Minister can be measured by what he said against what he did. In 2007 he won votes by promising to write off student debt—in 2010 that is a promise broken. He courted the electorate on the back of a local income tax proposal, which was never brought before the Parliament. His fantasy politics, which promised free money to first-time house buyers, bit the dust, as did manifesto pledges on class sizes, health checks for 40-year-olds, physical education provision in schools and replacing the student loans system. The Scottish investment fund is an embarrassing non-event and the gathering 2009, with its much-vaunted promised benefits to business, has left a trail of angry creditors.

To cover his failure, the First Minister will spend the next nine months whining about the powers that he does not have, instead of using the ones that he has. What do we have today? We have a statement of some 30 pages, but where are the new ideas and the vision? Where is the boldness that Edwin Morgan so desired? Where is the political courage to take Scotland forward and to use the levers that we have to make the changes that we need?

For far too long, Scotland has been stuck with the statist attitude, according to which Governments run everything, the minister always knows best and only Governments can provide solutions. That old politics has boxed Scotland into a sterile corner while the rest of Britain—and indeed the world—has moved on.

The immense financial challenges that we face mean that tough choices have to be made. They mean that we must sort out the essential from the optional. They mean that we must challenge how Scotland is run and who does what. The “it's aye been” mentality might have worked once, but not any longer. We must find the political will to challenge the status quo and we must put people first. By putting people first, we will restore fairness, common sense and community to the fabric of Scotland.

We are in difficult times. I will not dwell on how we got into this dreadful mess—on how Labour's debts and bank-busting deficits will cost our children and grandchildren dear. I care about how we will get out of the situation. That is why the few bright spots in the otherwise unrelieved gloom of broken promises and dogma from the SNP Government have come when the Conservatives have shown political leadership and delivered for Scotland.

Who ensured that our society was kept safe by delivering an extra 1,000 police officers on the streets? It was the Scottish Conservatives. Who, I would ask Mr Gray, ensured that thousands of small businesses could ride out the recession by insisting on business rates relief? The Scottish Conservatives. Who stepped in to stop the decline in our high streets by delivering a town centre regeneration fund? The Scottish Conservatives. Who protected council tax payers by sanctioning a freeze in their bills—not for one year, but for each of the past three years? The Scottish Conservatives. Who started a real debate on how services will be delivered in the future by establishing an independent budget review group? The Scottish Conservatives.

The First Minister may bask with his self-indulgent and complacent smile, but none of those achievements would have happened without the Scottish Conservatives. Those achievements show at least that Alex Salmond listens to me now and again. Perhaps he listened last year, too, when I told him that

“he should stop the smoke and mirrors and ... ditch”—  
[*Official Report*, 3 September 2009; c 19217.]

the independence bill. He has, but what humiliation. The promise that he made in 2007, which he has repeated through the past three years and which was to define him and his term in office—the *raison d'être* of his party—has gone. It has been reduced to a self-proclaimed campaigning tool for the SNP.

How much has the unauthorised nationalist conversation cost us? How much ministerial time and effort, parliamentary resource and civil service manpower have been invested in that broken promise? With the independence bill now in the bin, I want the First Minister to promise that not one penny more of public money will be spent on his fantasy politics—on the separation of our country that we do not want and which he knows he cannot deliver. Will he give that promise now?

Scotland does not want a First Minister who whines about not having independence. We want a First Minister who has the courage, the foresight and the drive to take the difficult decisions to address the challenges that Scotland faces now. Edwin Morgan's “nest of fearties” is alive and well

on the Government benches. We want a First Minister who will stand up for the Scotland that we have, not fantasise about a Scotland that we do not even want. What we want from a First Minister is realism, vision, innovation and leadership.

The 10 bills are not without merit, but they do not represent a sea change for Scotland. The SNP's political prospectus is worthy rather than innovatory; it is track maintenance rather than forging a new direction of travel. A less charitable person might conclude that the Government wanted an easy life this term and that ministers were so busy trying to keep their jobs that they were forgetting to do their jobs.

My colleagues and I on the Conservative benches will do—as we always have done—what is right for Scotland. We have consistently contributed positively to the Parliament. We have backed bills that we thought would make ordinary Scots' lives better, amended ones that were flawed and opposed those that failed Scotland.

Scotland needs leadership, a new narrative and a new vision of how to take our country forward. Scotland does not need the SNP's narrow nationalism and dogma or Labour's unreconstructed statism.

The legislative programme contains little that is of controversy, which is exactly the problem: it is legislation heavy, innovation light. A safety-first First Minister is trying to secure Bute house for his SNP successor rather than secure a better future for Scotland. That is selling Scotland short. Scotland deserves better.

13:55

**Tavish Scott (Shetland) (LD):** The First Minister rightly began by paying tribute to Edwin Morgan. Bill Millin also passed away this summer. He was the 1<sup>st</sup> Special Service Brigade piper who waded ashore on Sword beach on 6 June 1944. His pipes sang as Scottish regiments stormed the Normandy coast to liberate Europe.

It is said that in politics there is no greater responsibility of leadership than to commit men and women to armed conflict. That is still with us—the UK is still at war. That power does not reside here, but the consequences do. A Royal Regiment of Scotland soldier lost his life just days ago. We are with those Scottish families who have loved ones in Afghanistan.

As this Parliament considers the final months of its third session, particularly in the week of the 70<sup>th</sup> anniversary of the blitz and its impact on Scotland, a moment of reflection and support for those who serve in the Royal Air Force, the Navy and the Army seems right.

The armed forces rely on Scotland for men and women. The shipyards of the Clyde and Fife are building the next generation of aircraft carriers, and many a mile of Scottish runway provides for the strategic needs of our air force. Scotland is core to the UK's military responsibilities on which many jobs, businesses and people depend on.

At this time, jobs must surely be the main objective of Government, which is the Government for all of Scotland. After three and a half years of nationalism, we can no longer have a Government that puts party before country. I want a Government for our nation whose approach is to put Scotland, not the SNP, first.

Just this morning, Mr Salmond told radio listeners that today was about building a mandate for his party, a comment that was surely based on positioning, tactics and narrow nationalist interest. Today, he has again shown himself to be interested in his own job, not in those of the thousands of Scots who are worried about theirs.

Under this nationalist Government, economic growth has gone nowhere. Mr Salmond has talked the talk—he always does—but there has been no real change and no fundamental move away from a stark record that stretches back too long. Scotland's economic growth rate has lagged behind that of the rest of the UK by 0.5 per cent for 20 years. We have the lowest new business start-up rate and research and development investment ratio in the developed world and Scotland's productivity levels are 15 per cent below the average productivity levels of similarly sized and developed countries. No one can accept that.

There is another situation that no one can accept. Last month, a Dingwall businessman showed me a list of the 16 local and national bodies that take a close interest in his work. He employs people who spend money in the Ross-shire economy. He could do more and create more if we in this Parliament could do our bit by slimming down the bureaucracy, paperwork and sheer time that people such as him spend on keeping bureaucrats in Edinburgh, Inverness and all points in between in jobs. I see no legislation in the Government's programme that would do anything on that.

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

**Tavish Scott:** I will not, at this time.

There are areas of the nationalists' programme that we very much support. The First Minister is absolutely right to push hard on new renewables businesses; we can lead the world if we get on with it. We can use Scotland's engineering and manufacturing base to drive that industry forward, and my desire is for the seabed revenues of the

Crown Estate to be used to develop it rather than hold it back.

The Deputy First Minister is right to promote measures to tackle the harm that is caused by the destructive use of alcohol. She is absolutely right to push that issue but, in my view, she is wrong to concentrate on just one measure.

I warmly welcome Mr Salmond's ditching of the unnecessary, costly and unwanted referendum on independence, but my welcome is but nothing in comparison with my utter amazement that his campaign for re-election next May is now to be based solely on independence. To say that Scotland would be in the land of milk and honey if only we were independent is typically bombastic in a way that only Mr Salmond can be, but now that he has pinned his saltire to that mast, so be it.

**Annabel Goldie:** Will the member give way?

**Tavish Scott:** Let me finish this point.

I strongly welcome a debate every day from this day about what independence would mean. Would there be less MRSA in Scotland's hospitals in an independent Scotland? What would interest rates be and who would set them in an independent Scotland? In a nation of 5 million people, would there still be 500 statisticians in an independent Scottish national health service, as there are now?

**Annabel Goldie:** Mr Scott referred to the First Minister pinning his saltire to the mast. Would Mr Scott agree that the saltire is the flag of Scotland? It is not the flag of the First Minister or his party.

**Tavish Scott:** Indeed. I would suggest that the saltire is the flag of all of us and of no party.

**John Swinney:** Perhaps I can take Mr Scott back a few paragraphs in his speech to his welcome comments on renewables. Would he join me in acknowledging the significance of the fossil fuel levy resources in providing a resource base to give Scotland a further competitive advantage? Would he use every effort to try to ensure that we can win the argument for release of those resources in a fashion that is additional to the Scottish budget?

**Tavish Scott:** I agree with Mr Swinney; the finance secretary and I are at one on that issue. I will certainly use my powers to promote that argument in the coming months.

The list in relation to the independence argument is endless—it will happily keep us going until next May. On election day, people can vote for independence by voting SNP. They will not, but at least they can. There will be no more clever Salmond tactic of telling people that the SNP was somehow safe, when we now know that its policies were in no danger of being delivered. No—this time it is a classic high-wire, total risk, all

or nothing Salmond gamble. It is independence or opposition.

The past few months have provided an object lesson in the SNP running away from the responsibilities of governing. The next few months will be dominated by money. Before the summer, the nationalists, backed by the full intellectual ability of the civil service, published detailed reports that set out the UK financial position to three decimal places to the year 2027. They are world experts on everyone else's budget. The Government chants about £4.8 billion of cuts, but in respect of its budget—its responsibility—there is no detail, precision or expertise. There are still no draft proposals, no response to the independent review and no Government motion on tomorrow's budget debate, yet every day people tell me about SNP cuts happening now—on police, teachers and nurses—and, in recent days, about the utterly cack-handed handling of ferries.

Every public sector boss whom I have met this summer has told me that their budget is being cut. They have shown me the cuts that are being imposed by this Government now, but they are under nationalist orders: say nothing in public or there will be a heavy phone call from St Andrew's house—all from a Government that has boasted, as only our First Minister can, that it had successfully deferred the cuts.

The point is simple. If the SNP has nothing to offer and if it cannot govern now, it is time that it got out of the way. Scotland needs a Government for all of Scotland, determined to build and strengthen Scotland. Above all, it needs a Government that will put the long-term interests of the nation ahead of the short-term interests of the SNP. That is what I want for our country.

There is no doubt that the First Minister loves the trappings of office, but the responsibilities of Government? I am not so sure about that. Other members have mentioned the arc of prosperity. The First Minister has gone off on a tangent of prosperity; the answer is now Australia. It is the new arc. However, Alex Salmond should be careful what he wishes for. We have watched Australia these past few weeks: a failing leader replaced by an ambitious and talented female deputy on the eve of an election. Surely an ominous political lesson for our First Minister.

14:04

**Angela Constance (Livingston) (SNP):** The legislative programme will build on and consolidate the Scottish Government's record of achievement. We are all well acquainted with the headline highlights: the council tax freeze; prescription charges halved; the small business bonus scheme; 1,000-plus more police officers on



the streets of Scotland; 260 school projects completed since May 2007; waiting times down; and, on average, 100 days more in jail for knife offenders.

I believe that one of the biggest achievements to date has been the stability and success of this minority Government. The soothsayers and doom-mongers said that this first Scottish Government would not last six months. Of course, crucial to its success are the ability and determination to work with others, whether it is the Scottish Trades Union Congress, the Convention of Scottish Local Authorities, the police, the national health service or even Opposition parties.

Having met 77 of our 90 manifesto commitments, the Scottish Government's record compares well with that of the Labour-Liberal Executive, but we should be setting our sights much higher. The previous Executive may well have brought in the best housing legislation in the world, but it forgot to build the houses. It is this Government that has funded hundreds of new houses in my constituency and thousands across Scotland.

We have heard today that there will be no taking the foot off the gas for the Government in the fourth year of this parliamentary session. The legislative programme includes measures of justice that seek to address the centuries-old double jeopardy rule, deal with forced marriages, and modernise death certification to minimise the concealment of unlawful death; and there will be a private rented housing bill focusing on the rights and responsibilities of both tenants and landlords.

The dominant issue in the year ahead will, of course, be the budget. It is anticipated that, in the next 12 to 14 years, we will receive £42 billion less from Westminster and, given that it will be 15 years before the budget returns in real terms to 2009-10 levels, I am tempted to suggest that Westminster is part of the problem and not the solution. There is a choice between a decade of despair, and independence.

Undoubtedly, difficult times with tough decisions are ahead, but there are also opportunities. First and foremost, there is an opportunity for the Parliament to show the people of Scotland that it can work together to protect their interests against another unelected Tory Government—only this time the Tories are aided and abetted by the Liberals.

The severity of the shrinking public finance cake demonstrates conclusively that the status quo is no longer a viable option in terms of what the Parliament can and cannot do. This is where we get to the heart of the matter. My preference has always been to take the constitutional issue to the people—their options and choices for the future—

and take it to the people we will. As elected representatives, we would do well to remember that the real debate takes place outside the chamber. We in the SNP will not allow three Opposition parties to deny millions of Scots the right to decide. The Labour Party et al may think that Scots have the right to cheap booze, but I think that we have the right to decide our future. Let us lift the debates of national importance and not appeal to the lowest common denominator.

I am an ardent supporter of minority government—as a humble back bencher I think that it is good that Governments do not always get their way—but I am also an ardent believer in conviction, whether on minimum pricing or on a referendum. On the building blocks of life, we must appeal over the heads of the Opposition when it is in the national interest to do so. Minority government brings huge opportunities for the Opposition but, once again, it has missed the boat; the Opposition parties will not say what they will protect and what they will cut. They were even offered the opportunity to draft the second option in the referendum bill, but they were intransigent as usual. Mind you, try explaining Calman on the doorsteps: it is financially complex and economically illiterate; in other words, it is a dug's dinner and nobody truly believes in it. We have already heard from the First Minister that, if Calman had been implemented in 2009-10, we would have been £900 million down. Of course, support for independence does well in comparison with support for Calman, but the majority of polls show that most people want our Parliament to grow—they want change of some description or another. It is therefore beholden on us to bring that debate to the people, so it is shameful that the Opposition parties have consistently said that they would vote down a referendum bill.

Either people believe in Scotland as a nation, or they do not. Either they believe that we can manage all our money, or they do not. Either they believe that we have it in us to grow our own economy, or they do not. We should be lifting our eyes to the hills rather than constantly looking down and being afraid of the fall and, to steal the slogan of an opponent, we should be going forward not back. The election in 2007 changed the Parliament and changed the Government; indeed, we got a Government instead of an Executive. The election in 2010 will change mindsets, change confidence and give renewed aspirations to the people of Scotland.

14:10

**Hugh Henry (Paisley South) (Lab):** In his opening statement, the First Minister referred to a couple of distinguished Scots who have now died. One distinguished Scot who is now dead whom he

reminded me of in his contribution is Chic Murray—although without the self-effacing humour—because underlying much of what the First Minister had to say, I think, was a tongue stuck firmly in his cheek. How otherwise can we explain how a person in his position could glibly pass away some of the significant promises that were made but have failed to be delivered on?

There are things in the First Minister's statement and the proposed legislative programme that, like others, I support. It is commendable that there are 40,000 training places including 20,000 modern apprenticeships, but the problem is that there are young Scots today who are facing problems that the First Minister will not address or help with. I have written to him about a number of my constituents, including Stewart Donaghey—a young Scot who cannot find a place anywhere to enable him to finish his apprenticeship. We should be making a commitment to young Scots such as him that we will enable them, at the very least, to finish their apprenticeships. People such as that young man are the very people we need to build future prosperity in this country.

I welcome the support that is given to encourage job creation and I welcome any jobs that come to the areas that I represent, including the 700 jobs that the First Minister mentioned as coming to Hewlett-Packard in Erskine, in the constituency that Trish Godman represents. However, I have to ask a question. If the company cut 700 jobs last year, how can we justify giving it £7 million to help it to create 700 jobs just one year later? At a time of economic constraint, we have to look closely at whether public resources are being used wisely or whether they are just propping up the profit-and-loss accounts of multinational companies. Indeed, we should ask further questions. It has been put to me that the £7 million that the company is receiving for the 700 so-called new jobs is for jobs that have been brought from elsewhere in Scotland, which have been shed by other companies. I want to know whether there is any truth in that claim.

There are other things in the statement that I agree with. I agree with the private rented housing bill, although one thing that worries me in relation to bad behaviour by the tenants of private landlords is that, all too often, the SNP Government is turning a blind eye to the fact that councils and other public agencies such as the police are not using the full range of powers that they have been given to protect decent people in decent communities. Sometimes, more needs to be done. I hope that the First Minister's housing minister will meet me to discuss the case of Jean Gallagher of 22 Tower Road in Johnstone, whose life has been plagued by rogue private landlords who use and manipulate the current legislation thereby causing chaos and mayhem for decent

people who are trying to get on with their lives. I hope that the bill will be an opportunity to deal effectively with a problem that exists throughout Scotland.

One of the headings in the statement is about a smarter Scotland. Well, we heard the litany of broken promises that the SNP made before the election in 2007, which continued after it. On 5 December 2007, in a statement to the Parliament on early years, Fiona Hyslop said:

"In the budget, we announced that the entitlement will increase further, to 570 hours a year, from August 2010."—*[Official Report, 5 December 2007; c 4070.]*

Lo and behold, another broken promise, another commitment ditched. This time, it is because the Government is giving councils more freedom to do what they want. That is not what Fiona Hyslop said in the chamber at the time and it is not what was promised. People should not hold their breath for the Government to deliver its commitment to a 50 per cent increase in the level of early years entitlement by 2011. Over the past few years, the Administration has made but not delivered a litany of major promises. It has broken them, and cynically at that.

The First Minister spoke about people "gagging" to vote for a referendum bill. The only people who were gagging to vote for such a bill were his back benchers. I am not one of those people who believed that the First Minister would introduce a referendum bill. I have spoken in private to SNP members who told me that the First Minister had no intention of doing it and that all that he was doing was buying off pressure from his back benchers. He was trying to keep his back benchers onside while doing what he wants to do, which is to stay in office and in power. This is a First Minister whose interest is himself and his pursuit of power. Frankly, the poor, misguided cynics on the First Minister's benches who believe in independence will never see their cause progressed in any way by this First Minister.

14:17

**Rob Gibson (Highlands and Islands) (SNP):** I have pleasure in discussing some of the aspects of this excellent programme for government. Both legislation and policy development are parts of the business of Parliament and Government. In the First Minister's statement, we see many opportunities for the country to move forward and to lay the foundations for a more sustainable future. I will be interested to hear from the unionist parties—if we hear anything at all from them—about an aspect of why Scotland needs the powers of independence, which is so that it can raise its taxes and be able to control its finances from both sides. I would be interested to hear a member answer the point that the First Minister

made when he said that he did not want to see the Parliament

“become a message boy for cuts that are determined elsewhere”.

The onus is on the Opposition in the Parliament to face up to the fact that, at present, Scotland can move forward only with one hand tied behind its back.

The fossil fuel levy was mentioned as a measure that can help us in the short term. Indeed, the Liberal Democrat leader gave support to the idea. It can be said that £189 million is a small amount, but it could kick-start activity this year. We would like to see it this year to ensure the development of our offshore renewables and other investments. With that in mind, the idea is that community benefit can arise from renewables, for example through Forestry Commission developments. Indeed, I hope that such benefit will result from the Scottish Water bill and that we will tap into the current levies that the Crown Estate sends to Her Majesty's Treasury. Small sources of money will arise in that way, but we need to have the powers to borrow big time in order to be able to take forward our economy.

I turn to the excellent remark that was made about the Scottish Water bill going contrary to the idea of selling off our water to big business. Other European countries have nationalised industries that play a major part in the economy of the country; one example is the French electricity and gas industries. Scottish Water in public ownership is a success story. The Transport, Infrastructure and Climate Change Committee on which I sit is looking forward to considering why Scottish Water has done as well as it has. When we look at the plans to double the renewable energy capacity and the fact that Scottish Water uses so much electricity—it is the biggest commercial user of electricity in the country—we can recognise that it is far-sighted of the Government to propose that we have the opportunity to make the best of those natural resources. I very much welcome that.

**Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD):** I know that the member was not party to the discussions that I had with the Cabinet Secretary for Finance and Sustainable Growth—and I hope that the First Minister, if he is summing up the debate, will respond to this point—but why does he think that, when I asked John Swinney specifically to set challenging targets for energy generation by Scottish Water as part of last year's budget discussions, he rejected that?

**Rob Gibson:** I think that it would be possible to analyse the way forward for Scottish Water in such a way that makes the potential of all that we have learned about its success story apply. The point is

that surely that is a good-news story that Mr Purvis could join in with—that we can have a Scottish Water bill that can actually do such things, in a formal fashion, in the Parliament. That is why it is so important.

I want to turn to some of the other developments, such as offshore power investment. We have been lambasted at times for not investing enough, and I have outlined the arguments for why we need the powers to be able to invest. Scotland has a fantastic competitive advantage for developing offshore wind power, and we are working to unlock that huge potential.

The Scottish Government is investing heavily in offshore wind. We have provided almost £4 million in direct support for the offshore wind sector over the past three years, compared with £2.6 million in the previous three years under the previous Executive and contrary to what Wendy Alexander stated in the *John O'Groat Journal* on 17 August. It is important to recognise the facts—those comments may not have appeared anywhere else, but they are worth putting on the record here. Why are those comments in the *John O'Groat Journal* important? The developments in the Pentland Firth are one of the things that will make all the difference to Scotland's sustainability and future.

I do not have all the time in the world to talk about the detail of the legislation that is coming forward, but I will make one point. We have seen the discovery of two large oilfields after investigation in the North Sea by Wintershall and EnCore, which will allow for perhaps 400 million more barrels of oil to be extracted for our benefit. However, will it be for our benefit? The potential of having that oil and controlling the revenues from it should be a target of all members in the Parliament, and I challenge the Opposition parties to say why those revenues should not come directly to the Scottish Parliament and the Scottish Government's spending plans.

**Margo MacDonald:** Will the member give way?

**Rob Gibson:** I am sorry. I do not have time.

**The Deputy Presiding Officer (Trish Godman):** It is all right—you have time if you want.

**Rob Gibson:** I am sorry. I still do not have time—[*Laughter.*]—because I want to finish on a point that is pertinent to the discussion on our climate change targets.

We are looking at very challenging targets. As part of the development of a low-carbon Scotland, we must ensure that we invest in rewetting our peatlands to stop carbon escaping. That plan is part of the debate that is going on among the parties about our targets. It will take some investment, so I want to challenge the other

parties on it. We know from the experts that the reductions in emissions from spending about £10 million a year for the next 10 years on wetting peatlands could exceed or at least equal the planned savings in transport emissions. If we have such opportunities, which have a huge potential, the issues addressed by the Government and the SNP deserve the attention of the Parliament for a positive future in Scotland. I ask all members to commend them.

14:24

**Richard Baker (North East Scotland) (Lab):**

This is a Scottish Government that has failed to provide Scotland with the Government that the country needs, and it is one that has the wrong agenda for Scotland in the future. Today, the First Minister has confirmed that the centrepiece of the SNP's election campaign will once again be its obsession with the constitution, as if with changes to it our problems will magically disappear. We will take to the country our obsession, which is for improving the lives and communities of the people of Scotland, and we will look forward to that debate in the months ahead.

The limitations of the Government's legislative programme are clear from what the First Minister has presented today to Parliament. Other colleagues have already talked about broad areas in which the programme is deficient or there is an absence of necessary action. I want to touch on those themes as they apply in justice policy.

The debate on the Criminal Justice and Licensing (Scotland) Bill just before the recess reflected the difference of views that exists on justice policy. Along with the families of the victims of knife crime, we proposed the introduction of a mandatory minimum sentence for knife carrying. That proposal was rejected by the Scottish Government. We opposed a sentencing policy that intends that 7,000 offenders avoid jail on the arbitrary basis of a presumption against sentences of three months and under. It is now the Government's intention to extend that provision to sentences of six months and under, meaning that it will apply to 12,000 offenders—all of that without the necessary funds for community payback schemes. Although our police forces have made progress in tackling crime, despite what the First Minister said earlier, the Scottish Government has simply refused to intervene when police boards have been forced to make plans to slash police numbers, threatening our community safety in the future. Right now, we have a recruitment freeze in four of the eight forces. We believe that the Scottish Government's approach in those areas reflects the fact that it is not providing the relentless focus on the needs of victims of crime that we need to have.

It is disappointing that this legislative programme does not include a proposal for a victims commissioner. That is why it is so important that my colleague Dave Stewart is pursuing his member's bill. Other Labour members are pursuing proposals on victims' rights and reform of the law that the Scottish Government should have pursued but has not—Rhoda Grant on tackling domestic abuse; Trish Godman on reforming the laws on prostitution; Bill Butler on damages for wrongful death; and Hugh Henry on providing further protection in the law for workers who are assaulted in the course of their duties. Although the Scottish Government has not pursued those measures thus far, I still hope that it will act, in the end, to ensure that they become law.

**Mike Rumbles (West Aberdeenshire and Kincardine) (LD):**

I have listened carefully to what Richard Baker is saying. What does he think is the most important thing about prison? Does he agree that, for victims, it is preventing offenders from reoffending? Is that not the key?

**Richard Baker:** It is crucial that we tackle reoffending, and we believe that that should take place in the community and in custody. That is an important part of the debate that has not been gone into enough. I agree with Mike Rumbles entirely on the key issue of tackling reoffending, to which we are very much committed.

The Scottish Government has today outlined proposals for three bills that, to varying degrees, impact on justice matters. Unfortunately, they do not include further action on important issues such as tackling antisocial behaviour, giving new powers to communities to take action on antisocial behaviour in their areas and not letting the current laws wither on the vine. Although, for some years, we have had repeated assurances from the Cabinet Secretary for Justice that he will end automatic early release, no further indication has been given on progress or on when ministers propose to effect that measure. I am also somewhat surprised that legislation has not been proposed on the reform of sheriff and jury trials, as we joined the Scottish Government in welcoming the proposals in the excellent report from Sheriff Principal Bowen. However, we will engage constructively with the proposed reservoir safety bill and public records bill, which were referred to in the "making Scotland safer" section of the statement.

When the Scottish Government produces proposals that we believe will help the victims of crime, we will support them notwithstanding our concerns over other aspects of its justice policy. For example, we will support the proposals to reform the laws on double jeopardy. It is intolerable when someone who is guilty of a crime

walks free from court. When new evidence of their guilt is produced, there should be an opportunity to try that individual again. Parliament should support reform of the law, and with retrospective action, so that families such as those of Helen Scott and Christine Eadie—the victims of the World's End murders—can finally see justice done. I think that ministers have taken the right approach in pursuing that legislation and it will receive our support. We also support legislation in the area of forced marriages, aware that changes to the laws on forced marriages were introduced in England and Wales in 2008. That, too, is a welcome measure. Nevertheless, we point out that, without adequate resources for Scottish Women's Aid and other agencies, the legislation will not have the effect that it needs to have.

Of course, we will also conclude consideration of the Legal Services (Scotland) Bill, and will engage constructively to improve the proposals as they stand.

The justice bills that have been announced today will generally attract our support but, as important as they are, they will not in themselves address our key concern that the Government has not taken the right approach to the reform of our justice system. We will continue to make our argument in Parliament for a more victim-centred approach to the administration of justice in our country, and we look forward to taking that case to the Scottish people.

14:30

**Alex Johnstone (North East Scotland) (Con):**

I came to the chamber today feeling quite guilty because I intended to rehearse some of the same old arguments that I have rehearsed in previous debates on this and similar matters. I need not have worried because, as usual, the First Minister beat me to it and rehearsed his same old arguments once again.

We need to ensure that we give the lie to many of the concepts to which the First Minister has today paid lip service. Once again, he made the accusation that no party other than his own understands the need to deal with the alcohol problems that we have in Scotland. We Scottish Conservatives fully accept that there is a relationship between the price and the consumption of alcohol, but we reject his proposals for minimum pricing because they are an aggressive measure under which the profits from higher prices would go straight into the retailers' pockets instead of into the Government agencies that can deal with the problems that we face.

We have also heard a repeat of the old accusation that, if someone sells a council house,

it ceases to be a house at all. We know that the pattern of ownership of housing in Scotland has been manifestly changed by years of deliberate transfer from public to private ownership—to people who look after and respect their property, and build stronger and safer communities—yet the Government accuses us of having undermined public housing. The truth is that it is the Government's failure to replace public housing that gives us the problems that we face today. The biggest problem that we face, and the one on which the First Minister centred in his statement, is the fact that the Government in Scotland does not have the resources to carry out the plans and ambitions that the current and previous Governments have put in place. Whose fault is that?

**Margo MacDonald:** Will the member take an intervention?

**Alex Johnstone:** I will give way to Margo MacDonald, who has been trying to get in for ages.

**Margo MacDonald:** There is a one-word answer: Westminster. It holds the money bags.

**Alex Johnstone:** I will address that point by referring to some of the issues that the First Minister went on to deal with. It was made clear that two thirds of the cuts that are being proposed in Scotland today were set out by the previous Government, and only one third were added by the current Government. The previous Government did not tell us about that further one third, but we all know what its long-term priorities would have been.

We must consider why Scotland is suffering the way it is. Why is, in the opinion of some, Scotland suffering more than other parts of the United Kingdom? Scotland's problem is that we have built an economy that is too dependent on the public sector.

The First Minister talked about how he would enjoy having the capacity to borrow. However, he forgot to point out that a huge proportion of the money that we spend in Scotland is already borrowed; it is just not borrowed by the First Minister. Scotland is already living on borrowed time. If we want Scotland to be valuable in the long term—and I believe that the First Minister wants a Scotland that is capable of holding its head up as an independent country—we need our First Minister to show a different tendency than the one that he has shown today.

Scottish Water encapsulates my argument. We Conservatives have talked for a long time about freeing Scottish Water from the dead hand of state control. The opportunity that existed was obvious to all, and today it would appear that it was also obvious to the First Minister. As Alex Salmond has

done in the past, he suggested that privatisation might have been the preferred way of progressing for some of us in the chamber, but the Conservative party has never talked about privatising Scottish Water. We want to demutualise Scottish Water and give it to its customers. That change would give it the opportunity to begin to behave in the marketplace like a private company.

Many of the ambitions that Alex Salmond set out for Scottish Water in his statement are ones that Scottish Water and many of us who understand the industry have held for some time. What prevented Scottish Water from entering those new areas of opportunity and growth was the fact that it was a state-controlled company whose job was to provide water. The changes that Alex Salmond has today proposed to make—by legislative means, we presume—are changes that could have been achieved simply by freeing Scottish Water to make its own business decisions based on the market in the long term.

So what is the difference?

**The Minister for Transport, Infrastructure and Climate Change (Stewart Stevenson):** Will the member give way?

**Alex Johnstone:** No, I wish to make my point before I close.

The difference is that Conservative members would have liked Scottish Water to achieve those objectives by operating in the private marketplace, becoming a successful Scottish company and, in the long term, sourcing its investment from private opportunities and delivering a profit and benefit to the taxpayer, as well as to its customers. Alex Salmond, on the other hand, wants to retain Scottish Water as a state-owned company that will require our investment to achieve any of the returns that he has described today.

**Stewart Stevenson:** No.

**Alex Johnstone:** I hear the minister suggesting from a sedentary position that that is not the case, but the evidence is that Scottish Water is a successful organisation today because the Government poured huge amounts of public money into it. It still does so, in spite of the fact that the First Minister seems not to understand that the reason why water bills in Scotland are lower on average than those in England and Wales is that such bills account for only a proportion of the cost of Scotland's water. The taxpayer also ploughs in money in large quantities.

I drew that comparison because there is a long-term problem with the Government that Scotland has today. The problem is that, like so many Governments before it, it believes in big government and shows a lack of faith in private

enterprise. Some of us in the chamber believe that public service in the private sector is an ethos that we should laud and praise for ever more, yet there are those who believe that the two things cannot go hand in hand.

We need an economy in Scotland that moves progressively from the public to the private sector and that expands most quickly in its wealth-creating elements. We need a Government that believes in shrinking government and passing responsibility to private sector industries, where possible. We need a Government that can deliver greater efficiency in Scotland and that will stand up today, or during the budget process, instead of whining on about the fact that there is less money around—which is a fact the world over. We need a Government that will show us how we can run our public sector effectively on lower investment. Unless we can achieve that, the cuts that Alex Salmond described today will simply deliver the result that he described. That is not necessary—there is an alternative. By growing Scotland's private sector, we can work our way out of this crisis and create growth into the bargain.

14:38

**Bob Doris (Glasgow) (SNP):** The Scottish Government's legislative programme for 2010-11 is a responsible programme in challenging times, offering positive social change and real hope for the future.

I draw the chamber's attention to the forthcoming private rented housing bill, which demonstrates clearly that the Scottish Government is rolling up its sleeves, getting on with the core business of government and making changes for the benefit of all society. I look forward to proposals to tackle slum, rogue and unscrupulous landlords—a systematic approach to helping communities such as Govanhill in Glasgow, which has suffered more than most from landlords exploiting both pre-existing and new immigrant communities in the area. We need the powers to deal with those problems; I believe that the bill will provide them.

As with the social rented sector, the private rented sector will have nothing to fear from tough regulation. It is time for rogue landlords to shape up or ship out. Indeed, I say to those rogue landlords who are not fit and proper individuals or who have links with organised crime that this Government and Parliament will come after them.

On Scotland's constitutional future and the proposed referendum bill, which a number of members have raised this afternoon, I have to say that the SNP has never tried to force its views or opinions on the Scottish people. Instead, we have always tried by the weight of our arguments to

persuade the Scottish people that independence is a key aspect of taking our nation forward in a positive way and for the benefit of all society. That is what the referendum bill is—and still is—about. Clearly, and understandably, the Government would want to put the bill before this Parliament when it would be most likely to succeed but, given the Labour Party's chaotic and shambolic flip-flopping on the independence referendum issue, it has not always been clear when that best moment might be.

**Johann Lamont (Glasgow Pollok) (Lab):** Will the member confirm newspaper reports that, when his group was told about the decision by his leader, the response was lukewarm?

**Bob Doris:** First, internal meetings are just that—internal—and what happens in them should stay private. Secondly, I think that it is the member who is lukewarm about giving independence—or, in fact, any more powers—to the Scottish people. That she would deny them their freedom is something that she will have to answer for at the ballot box.

In these last few months before the 2011 Scottish elections, the unionist parties' views on the referendum bill have become increasingly entrenched. That has left the Scottish Government with a choice: either to put a referendum bill to our Parliament now in the absolute certainty that the old British establishment parties will kill it off, or to appeal over the heads of those self-serving and self-interested establishment parties directly to the Scottish people.

**Hugh Henry:** Can the member be quite clear that if, after the next election, his party does not have a majority in Parliament—I am not talking about whether or not it is the largest party but whether it has a majority—that will mean that the people of Scotland have rejected the SNP's view?

**Bob Doris:** I am delighted that Hugh Henry has said that because it shows the Labour Party's farcically ideologically moribund nature. I have news for him: there are people who vote for the Labour Party—and indeed for the Conservative party—who believe in Scottish independence. However, only one party is offering independence: the Scottish National Party. The Labour Party might be a single-issue party, but we govern for all the Scottish people. Why is Labour so afraid that it will deny the Scottish people their choice?

**Iain Gray:** Will the member give way?

**Bob Doris:** No. I do not think that the member would have very much to say.

We could, of course, flip the whole argument around and say that we should present the referendum bill to the chamber now and let the UK parties vote it down.

**Murdo Fraser (Mid Scotland and Fife) (Con):** Bring it on!

**Bob Doris:** I have some sympathy for such an approach, because it would demonstrate how undemocratic and self-interested those unionist parties are. Indeed, the British heckling that I am hearing this afternoon just sums up the argument. Those parties would have criticised our decision to present the bill to Parliament and they criticised our decision not to do so. For them, there is only self-interest; they have no principles and no ideology.

Either way, there will be no independence referendum before the 2011 elections because of the Labour Party, the Liberal Democrats and the Conservative party—in other words, the British parties—which do not support a referendum for the Scottish people or any move to give them a choice.

**Ross Finnie (West of Scotland) (LD):** Will the member give way?

**Bob Doris:** I will take no lectures from British parties that are standing in the way of giving the Scottish people more powers—with the exception, of course, of the powers that those parties want. The Calman powers could, in the face of other British cuts, cost the Scottish people up to £1 billion per annum.

We in the SNP want more powers for Scotland. We want to give Scotland the opportunity to have more powers. We prefer independence, but we want to give the Scottish people the choice.

For the next year, we will provide responsible government for the people of Scotland in challenging times. In May 2011, we will go to the Scottish people for a brighter future. The old establishment British parties can hang their heads in shame. We will deliver more powers, and we will deliver independence for the Scottish people.

14:45

**Jackie Baillie (Dumbarton) (Lab):** It is safe to say that the response to the proposed legislative programme is mixed. The previous speech was more to do with what is not in the programme than what is in it.

The Government has announced 10 bills, but the figure is substantially less than has been the case previously in the SNP's period in office. However, the key is to consider what is proposed and whether it is necessary, whether it moves us forward, and whether it addresses the pressing concerns of the people of Scotland.

I will focus first on what is in the legislative programme that relates to health. It is disappointing that there is only one health bill, but I

welcome the health (certification of death) bill and look forward to scrutinising its provisions in due course. I want to focus on one issue that has been highlighted by the *Sunday Herald* and which I raised with the Cabinet Secretary for Health and Wellbeing on behalf of one of my constituents—the so-called ash cash scandal.

I recognise that the cabinet secretary, like me, was surprised that there is a charge of £142 for two general practitioners or hospital doctors to fill in a form that allows the body of a deceased person to be released for cremation. In most cases, the charge is made to the funeral director and then passed on. Indeed, most families are not aware that the charge even exists. I accept that the process is not just about one simple signature and that it is more involved than that, but the doctors' position is not helped by the comments of one junior doctor who blogs under the name The Daily Rhino and who described the payments as

“the house officer's privilege”

and

“the fund for Thursday night drinks all over the country.”

Frankly, that is simply unacceptable. At a time when families are grieving, it is extremely distressing for relatives to pay fees of that nature, and even more so if they are on low incomes. The cost every year is estimated to be in the order of £1.2 million to £1.5 million. It is time to end that practice, and the Scottish Government will have the Labour Party's support in doing so.

Bills that have already been introduced also deserve some attention. The Alcohol etc (Scotland) Bill, which several members have mentioned, continues to make its way through the Parliament. There is much in it that we can support, but we do not believe that putting £140 million each year in the pocket of supermarkets without one penny going to the national health service, education or enforcement is the right thing to do. We will engage positively and lodge amendments on caffeinated alcohol, alcohol treatment and testing orders, ending price advertising and other issues. I hope that those amendments will enjoy support from the Scottish Government and other Opposition parties in the Parliament.

The Health and Sport Committee just commenced its scrutiny of the Patient Rights (Scotland) Bill this week. The label on the tin is good—who can object to patients' rights?—but it is disappointing that the tin is empty. Last year, Nicola Sturgeon talked in the chamber about a no-fault compensation scheme. That has gone. The criticism from some quarters, such as Consumer Focus Scotland, the Royal College of Nursing and the British Medical Association, all of which are substantial bodies that we should listen to, is that

there is no need for legislation to enact the provisions of the bill, as it merely reflects what is already there.

What about patient rights officers, at a cost of an estimated £1 million for 50 officers? If that was something new, I could probably welcome it, but we already have officers for complaints in every health board area as well as the independent advice and support service, which is funded jointly by Citizens Advice Scotland and the NHS and which does a tremendous job. We should seek to support and grow that service.

The Government does not need to legislate; it needs to get on with sorting out the complaints system in the NHS. As I am sure we all realise, the majority of people to whom we speak do not actually want to complain—they value the NHS and appreciate the hard job that staff do—but, when they make complaints, they want them to be treated seriously, and they want the NHS to learn from its mistakes. The Patient Rights (Scotland) Bill, to be frank, does not achieve that outcome.

I turn to what is missing from the programme. Where is the bill on self-directed support? We have had many working groups, involvement by key stakeholders and a consultation over the summer. We also have a common view across the parties that acknowledges the value of the personalisation of care, putting those cared for in charge, enabling them to get more flexibility and to benefit more from their care packages and recognising that their needs are much wider than formal care.

As I understand it, such a bill would seek to consolidate the existing statute that relates to direct payments; to amend the duties on councils so that, when they offer a direct payment, the provision of self-directed support or a direct payment is the default position; and to widen eligibility and remove current exclusions on direct payments for carers. I understand that the bill is to be delayed until 2011-12. Let us consider why. I think that it is simple: the Scottish Government has bowed to pressure from SNP-controlled COSLA, which has complained vigorously about a lack of resources. It was set to campaign and complain. It was beating a path to ministers' doors and the Scottish Government backed off.

The Government was more worried about its relationship with local government and keen to preserve the concordat at all costs, so there is nothing in its programme for people who are in care. Where is Angela Constance's conviction now?

**The Deputy First Minister and Cabinet Secretary for Health and Wellbeing (Nicola Sturgeon):** Jackie Baillie says that she understands that the bill will be introduced in



2011-12. That is because I told her that this morning. Does she accept—is she even aware—that most councils support the proposals? We are ensuring that we get them right. Is she aware that the national self-directed support strategy will be published next month? Implementation will begin immediately and we will then consult on a draft bill to take forward legislative changes. I look forward to having her support for all that.

**Jackie Baillie:** Given all that, where is the legislation that people expected now and the Government promised now? If the problem is money now—and it is—why wait until 2011, when money is absolutely at its tightest? That is disappointingly cynical. By doing that, the SNP demonstrates that it is firmly on the side of producer interest, not the side of the people.

I turn to the final measure that is missing: the referendum bill, which characterised the Government's obsession with the constitution. Out of touch with what the people of Scotland want, the Government has spent valuable time and money pursuing something that enjoys little support. It is criminal to spend £2 million on a national conversation that can only be described as navel gazing for SNP activists and then not even bring the referendum bill before the Parliament. Some people might call it cowardly.

The Government has a problem explaining that to the Parliament and to the people of Scotland. Indeed, perhaps its biggest problem is explaining it to its back-bench members and activists. They were surprisingly muted in their speeches today and are muttering in the corridors that their leader has lost his bottle.

That, of course, is the SNP's internal strife and bickering; let us think about the opportunity cost. I ask Nicola Sturgeon what £2 million would buy. How about 76 nurses? That would be much more worth while in tight financial times. The SNP is already stripping out 4,000 NHS staff, of whom 1,500 are nurses and midwives. That is happening now, not next year but under the SNP's watch.

It is time—time to bring an end to the SNP Scottish Government.

14:54

**Mike Rumbles (West Aberdeenshire and Kincardine) (LD):** This is a rather unusual debate. The annual debate on the Scottish Government's programme for government usually takes place over a whole day. Instead, the First Minister laid out his stall for half an hour in his statement, and we are following that with a debate of only three and a half hours.

The reason for the change from having a whole-day debate to having a half-day debate has

become rather obvious. I listened carefully to what the First Minister said, and it seems that there is not much to debate. The latest announcement that has been made through leaks to newspapers and off-the-record briefings is that the First Minister has dropped his cunning plan to hold a referendum on independence during this parliamentary session. That was finally confirmed to all of us on Monday via the media.

Members have pointed out the cost to the taxpayer of Mr Salmond's change of mind—Jackie Baillie just reminded us of that. We are led to believe that, suddenly over the weekend, Mr Salmond discovered that if he put his independence referendum bill to the Parliament, it would fail. That must have been a shocker of a surprise to him. He must have forgotten that, when he offered coalition talks with the Liberal Democrats after the 2007 election, he was rebuffed because he refused to put to one side his obsession with a referendum on independence. We were willing to enter into coalition talks with him, but only if he parked the issue of the independence referendum while those talks were held. He would not do that and the rest, as they say, is history.

My point is that Mr Salmond has been unable to get through his legislative programme because he leads a minority Government—but that need not have happened. Minority government has obviously failed Scotland. The SNP minority Government has failed to introduce a bill to abolish the council tax, which we Liberal Democrats could have supported, and it has failed to introduce a bill to dump student debt, which it promised to do. It has failed to introduce a bill to assist first-time home buyers, which it promised, and it has failed to reduce the number of pupils in primary 1 to 3 classes to no more than 18, as it promised to do. We now have a bill to make the numbers no more than 25. Wow.

**Margo MacDonald:** Will the member give way?

**Mike Rumbles:** In a moment.

There are so many SNP policy promises that have failed to be fulfilled that it would be difficult to list them all this afternoon. Of course, that is topped by the minority Government's failure even to present a bill on its top priority of a referendum on independence.

I rather like the analogy in yesterday's *Daily Telegraph*, in which Alan Cochrane likened Mr Salmond to the grand old Duke of York, who marched his troops to the top of the hill and marched them down again.

**Ian McKee (Lothians) (SNP):** *Telegraph* reader!

**Mike Rumbles:** I read *The Daily Telegraph*. It is a very interesting newspaper.

What has happened would be funny if such a serious waste of taxpayers' money were not involved. It has been estimated that the escapade has cost up to £2 million. I do not think that the voters will look kindly next May on Mr Salmond's and the SNP's profligacy with taxpayers' money—or on how they have put their pet schemes, which lead absolutely nowhere, and their party interests before the interests of the country.

**Margo MacDonald:** The member mentioned a number of promises that the SNP has broken. He is right, of course, but those promises could never have been kept. They were manifesto promises that were made when the SNP probably did not think that it would form the Government. Perhaps Mr Rumbles could say what is more important for members: that they keep nagging on because the SNP has broken promises that were not feasible, or that they try to ensure that it governs better by helping it.

**Mike Rumbles:** That is a very interesting—

**The Deputy Presiding Officer:** One moment, please, Mr Rumbles. Dr Simpson, I can hear everything that you are saying. It is interesting, but perhaps you should not be saying it.

**Mike Rumbles:** I hope that it was as interesting as Margo MacDonald's intervention. That intervention was interesting; it gets to the nub of what trust in politics is about. We expect MSPs and political parties to put down manifesto commitments and to honour as many of those commitments as they possibly can in Parliament. The SNP has decided not even to try to do that. After the election in 2007, it needed at least to make a real attempt to work with others to secure a majority in the Parliament for the policies that it wished to pursue. That is my point. That is what good and effective government demands. If a Government wants to get its legislation through a Parliament, it must command support in that Parliament. The SNP Government does not command the Parliament's support, and it knows that.

If a Government does not have that support, we have what Scotland has had to put up with for the past three and a half years. It is perhaps a bit hard on the Government to call it a do-nothing minority Government, but it is a do-little minority Government—a Government in power but not in control.

I was outraged by what Bob Doris said. I remind him—although I should not have to—that MSPs and this Parliament are the duly, democratically elected representatives of the people and he should not forget that.

**Stewart Stevenson:** Was a referendum on the alternative vote in the Liberal party's manifesto for Westminster? Does Mike Rumbles remember that in 1945, the last Westminster election that used AV caused a Tory to be elected while losing their deposit?

**Mike Rumbles:** My goodness—a Tory being elected. What a tragedy that must be for the world. We certainly had electoral reform in our UK manifesto and we are delivering on that.

Let us think about what the previous coalition Government did for Scotland: land reform; the ending of feudalism; free personal care for the elderly; the Adults with Incapacity (Scotland) Act 2000; the reform of local government with fair voting; and the ban on smoking in enclosed public places. Those are the real, radical measures that a majority coalition Government can make happen for Scotland. Has this minority Administration successfully delivered any measures on that scale? Prescription charges have been half abolished, so that when I, who can afford to pay for my prescriptions, pay £3, I feel so much better. Tolls on the Forth bridge have been abolished—but not the congestion. Parking charges at our hospitals have been abolished, which has caused parking chaos for anyone trying to park at Aberdeen royal infirmary, of which, unfortunately, I have a lot of experience. It is an almost impossible feat for patients to get parked at the hospital—what a disaster!

In any comparison of achievements, any objective assessor must surely recognise that this minority Government has failed Scotland, but it need not have been like this. I am afraid that the history of this failed SNP Administration has shown us that, despite all the rhetoric—and boy is it good at the rhetoric—all the fine words, all the assertions, of which we heard a lot from the First Minister today, and the fact that the SNP will tell us that it has already achieved 77, 87, 97 or however many of its manifesto commitments, the Scottish people are not fooled and the SNP Administration knows it. The game is a bogey.

I am looking forward to May next year when the people will give their verdict on this do-little Government. The programme that we are debating today is not just legislation light; it is almost a fraud on the Scottish people. The fifth of May cannot come soon enough.

15:03

**Nigel Don (North East Scotland) (SNP):** I have to follow Mike Rumbles—an interesting experience. I can readily pick up one point that he made. He clearly feels that feudalism was ended, but it was not, which is one of the reasons why—to

return to the Government's programme—there is a bill on long leases, which is feudalism in disguise.

**Mike Rumbles:** It is not feudalism.

**Nigel Don:** It is. Feus were long leases forever, and long leases remain. There are not that many of them—I am told that there are about 9,000—but they need to be dealt with, because they are left over. They are one of those bits of English land law—sorry, Scottish land law; there are far too many bits of English land law—that have not yet been addressed. I am pleased that they are being dealt with, not so much because I am particularly interested in long leases—I do not suppose that very many people in the chamber are—but because dealing with them means that we continue to catch up with the programme that the Scottish Law Commission put forward. We as a Parliament should keep our eye on the ball and ensure that we pick up on the proposals that the commission produces. The law on long leases has been left over and addressing it is long overdue. I look forward to ensuring that we do so properly in the Justice Committee.

I want to spend a bit longer on the proposed forced marriage (protection and jurisdiction) (Scotland) bill, which is on an issue of far wider significance. It is not one of which many people are aware and I do not expect many members to talk about it. However, for people who are involved in forced marriages the matter is of huge significance. We are not, of course, talking about arranged marriages; we are talking about forced marriages, when one or both parties are simply unwilling to enter into the arrangement.

Scottish law is not entirely without remedies, as members are aware. However, the remedies are inadequate and the position in Scotland has fallen a little behind the one in England, where a statute was introduced in 2007, and it is extremely important that we catch up. The proposed bill will enable victims to seek civil remedies and it will enable people on the outside who see what is going on to try to bring proceedings to prevent a forced marriage. It will also enable people who are suffering in forced marriages to bring a demand for some kind of redress to the door of the people who forced them into marriage. The bill will be hugely welcome. Forced marriage is not part of and mostly takes place outside our Scottish culture, but it is something that we need to address and I am grateful to see it in the Government's programme.

The arguments around double jeopardy have been well rehearsed. There is a measure of agreement on the need to deal with the matter. Considerable reference has been made in the Parliament and the press to the World's End case. It is worth pointing out that the case came to an end because the judge ruled that there was

insufficient evidence—double jeopardy has nothing directly to do with that. A lacuna in the legal system in that regard has already been remedied. If the World's End case is to be brought back to court, that will have to be because more evidence is found, not because there is a different ruling on the evidence that has already been put before the court. People need to be clear about that. If there is more evidence, of course, the proposed double jeopardy bill could apply to the case.

There are two issues to do with the reform of the double jeopardy rule. One is whether the reform should be retrospective. We should be aware that that concerns academics. A person is brought before a court on the basis of an understanding of the legal system of the time; to change the system afterwards and tell people that they can be brought back and retried is to change the legal system under their feet. Although that concerns some academics, I do not think that it concerns the man in the street. We can all see that if someone really was guilty and we now have the evidence to convict them, we should use that evidence and ensure that they are convicted.

The second issue is the offences to which the new approach should apply. In all discussions we have said that they should be serious offences. The difficulty that the Justice Committee will have when it considers the bill will be in relation to what constitutes a serious offence. I do not expect us to come to a definitive answer. No doubt we will finish up with something on the statute book, but I do not think that it will be clear where serious offences start and stop. At the end of the day, we will have to draw a line somewhere and live with the consequences. There might be some discussion about that, but I am not convinced that we will get to a clear answer.

Richard Baker, who is no longer in the chamber, commented on the Labour Party's wish to see more antisocial behaviour legislation. I would be interested to hear the detail of what he had in mind. If the Antisocial Behaviour etc (Scotland) Act 2004 has fallen into disuse, that has probably happened because it is not proving very useful. If amendments are being proposed they should be brought forward and considered—I am serious in suggesting that—but there is not much point in blaming the current Government for failing to take action when, as far as I am aware, no suggestions have been made and the 2004 act is not being used.

I am slightly surprised that Richard Baker thinks that we should proceed on the Bowen review of sheriff and jury procedure. The report is pretty hot off the press and must be sensibly digested, as the Gill review must be. We could not reasonably

have expected a seriously thought-out bill on those matters to be put before us today.

I will pick up on one or two comments by members—as we have time, it would be good to use it. My good friend Alex Johnstone said that we needed a Government and then expressed concerns about what that Government needed to do. He did not say that the country needed a Tory Government, but that was what he meant. That is fair enough—as he is a member of the Conservative party, I got that message.

Alex Johnstone also said that only by reducing the public sector would we be able to grow the country. I take the arithmetic point, but I say to him and to anybody else who is listening that growth works its way into our economic cycle in two ways: through the wages that are paid to people and through the income tax that people pay or corporation tax. Most of the taxation that goes to the national Exchequer—which Alex Johnstone would want always to remain in Westminster—does not return here. That encapsulates the problem with the Calman recommendations and the near-Calman proposals that people might make. When the Scottish economy is grown, most of the benefit goes away and does not return. The Tories and others who promote Calman must get their minds around that issue.

Jackie Baillie, who is still in the chamber, is always an able performer. She talked about mutterings in the corridors about our leader. I took a straw poll among my colleagues, who have not heard such mutterings. I suspect that the mutterings about our party leader are those of other parties, which are spending far too much time listening to themselves. I do not think that Alex Salmond is in any trouble with his back benchers. Of course, if I thought that he was, I would not tell members, but I do not think that. If we had a problem with our leader, we would tell him, but we have no problem.

I am gratified to understand that Mike Rumbles recognises the reality of minority government. He said—I am sure that the record will put it better than I remember it—that it is up to a Government to honour as much of its manifesto as it can get through. He may have used the words the other way round. On 5 May next year, the electorate will reflect that the Government got through as much as it could and will see that measures that did not get through were not put through because of the other parties.

**Tricia Marwick (Central Fife) (SNP):** Will the member give way?

**Mike Rumbles** *rose—*

**Nigel Don:** I will come to Mike Rumbles.

The electorate will recognise that the minority Government—which was apparently expected to last six months—has done a staggeringly good job with the mandate that it was given three years ago and they will think that it is a very good idea to give us a much better mandate the next time around.

**Mike Rumbles:** The member has missed my point, which was that the SNP's leadership missed a chance back in 2007 to work with others to get its major programme through. SNP members passed the buck—they lost it. That was not good for Scotland or for the people of Scotland.

**The Deputy Presiding Officer (Alasdair Morgan):** I ask Nigel Don to bring his speech to a close.

**Nigel Don:** I will do so.

I take Mike Rumbles's word, but we might not have been able to get through other parts of the programme with Liberal Democrats' assistance.

Presiding Officer, can I give way to Tricia Marwick?

**The Deputy Presiding Officer:** Very quickly.

**Tricia Marwick:** I thank Nigel Don for confirming that our leader is in absolutely no trouble at all and has back benchers' full support. However, is it not far more important that Alex Salmond's approval ratings from the Scottish people far exceed the ratings of all the other party leaders combined?

**Nigel Don:** Yes. That is reassuring and is what we hear on the doorsteps. SNP back benchers have an extremely good idea of what is going on in the country because we spend much of our time there. We do not have to be put off by the words that we hear in Parliament, many of which show wishful thinking and are remarkably ill informed.

15:14

**Des McNulty (Clydebank and Milngavie) (Lab):** It is fair to say that the legislative programme that the First Minister has introduced is something of a curate's egg. It has been received without enthusiasm because although it may be good in parts, it lacks consistency and, above all, is not fit for purpose.

Nigel Don said that he had been out and about and, like other members, I used the summer to speak to as many local groups, agencies and individual constituents as possible. Practically everyone I spoke to is worried about jobs, the threats to services arising from the Conservative-Lib Dem cuts in the pipeline and future prospects for themselves and their families. That is the test against which we must measure the Government's legislative programme and it is plain that it fails

against that test because it does not really address the things that people are most concerned about.

Worthy though legislation about forced marriages, reservoir safety or certification of death may be, some of those issues are at the back of the cupboard in legislative terms. Bills on those issues are not strategic items that are being brought forward as key mechanisms to address the needs of the country at the present time; they are not at the top of people's agenda at a time of great uncertainty.

What is most disturbing about the Government's programme is the SNP's denial of the responsibilities of Government. It may well be the case that the Liberal Democrats and the Conservatives have the wrong policies for Government at Westminster—I think that that is the case—but the SNP has no policies at all for addressing the issues that people are most concerned about. To me, that is a major problem. We can say that we should have a dialogue about what the route forward is, but the SNP does not seem to have a plan for the changes in legislation that it needs to make to address the budgetary concerns and secure the delivery of services and jobs. Where is the plan that underpins the Government's legislative programme?

Some of the bills that the Government intends to introduce are worthy, but even though the public records bill will improve record keeping and allow victims of historical child abuse to have access to better records, it will not address the present problem whereby victims of child abuse are prevented from taking their cases to court because of proscription and time bar rules that I believe are an affront to justice. Legislation should address that issue, instead of taking the approach that is proposed.

**Linda Fabiani (Central Scotland) (SNP):** What measures were brought forward on that issue during the eight years of the Labour-Lib Dem Administration? I remember many people campaigning quite hard on the time bar issue.

**Des McNulty:** The issue needs to be addressed and we need to find a way of doing that. Tackling it in legislation would have been worth while, but it has been ducked.

As the person who, along with my colleague Charlie Gordon, led the campaign against water privatisation under the last Conservative Government, I am interested in the proposals that have been introduced on Scottish Water. Like the First Minister, I believe that we have created a good model that, as he said, compares favourably, from the consumer point of view, with the water companies south of the border, but one lesson that long experience of my interest in water has

taught me is to look very carefully indeed at the detail and implications of proposals for the industry. We will examine what the Government wants to do extremely carefully.

When the Tories and Lib Dems suddenly embrace mutualisation, a conversion to the virtues of co-operation is not what strikes me; I think that we are talking about a rebadging of privatisation. As the US ambassador to Guatemala in 1950 said, if it looks like a duck, swims like a duck and quacks like a duck, it is probably safe to assume that it is a duck. Here's the duck.

**The Deputy Presiding Officer:** I suspect that we should not go down that route too often, Mr McNulty.

**Alex Johnstone:** I remember having the same argument with Des McNulty on the subject of Scottish Water a year or two ago. Can I assume that, having moved on from that argument, he now accepts that mutualisation is a private sector model and that the co-operative ventures that have existed in Scotland for a long time are in fact examples of a private sector model?

**Des McNulty:** In certain circumstances, mutualisation is an appropriate method. My concern is that the mutualisation model proposed by the Conservatives is simply a disguise for privatisation. I am not convinced that Alex Johnstone—or Murdo Fraser—is following in the footsteps of the Rochdale pioneers.

I turn to education. The section on "Smarter" in Mr Salmond's printed statement is the shortest and least substantial of all of the sections linking to the Government's priorities. The reality is that the Government has nothing to say on education. For the second year in a row, there are no legislative proposals on education. We could have had a child protection bill. We could have had legislation to look at bullying in schools. We could have had legislation to take forward early intervention. However, none of those issues has been brought forward by the SNP Government.

People in schools and universities are extremely concerned about the future of those services, not only because of the impending Tory-Lib Dem cuts but—particularly in the case of schools—because of the record of the SNP in imposing cuts in schools over the past two years. We have a crisis, with young teachers unable to get work. In contrast to the SNP's promises, there is a substantial reduction in teacher numbers. There is considerable continuing uncertainty about the curriculum for excellence and the measures needed to make a success of it. At every school I go to, teachers are saying, "We are extremely worried about what the future holds for us." They are looking at what local authorities are saying in

their pre-budget discussions and wondering about the implications of that for the education service.

There is nothing in this programme for Government about education and schools, and there is nothing about the Government's plans to maintain and improve our schools system. It seems to be a recognition of failure on the part of the Administration. In the run-up to the next election, no issue will damage the SNP as much as its mismanagement of education, and it has done nothing today to address those concerns, which are widespread among parents, teachers and everyone who is concerned about the future of our young people and the future of our education system.

15:22

**Patrick Harvie (Glasgow) (Green):** It has been said that when a political leader expresses full confidence in one of their colleagues, that colleague needs to worry. Now that we have heard some SNP back benchers expressing full confidence in the First Minister, we might be in for an interesting few months. Who can say?

Mike Rumbles said that he is looking forward to the election and to having voters pass judgment on the record of the SNP in Government. I can share that sentiment. As members know—I have said it on many occasions over the past three and a half years—I had hoped that a more radical programme would be implemented than the one that we have seen. Nonetheless, Mike Rumbles would do well to remember that the coming election could be an opportunity for voters to pass judgment on his party colleagues, and their colleagues at Westminster, on the Liberal-Tory cuts agenda that is being pursued—an agenda that I think is vigorously opposed by a clear majority in the Parliament and in Scotland as a whole. Different choices can be made, and we would make them if we were able to, whether that is slower deficit reduction or the imposition of new, creative approaches to raising revenue, such as a financial transaction tax—a Robin Hood tax. The election result that Mike Rumbles looks at next year might well be the one that his party deserves.

Even in Scotland, within the limitations of the devolution settlement, there are choices that we can make as we face that difficult process of working through the Liberal-Tory cuts agenda, and decisions that we can make in the short term. The question of increasing revenue to fund the public services that people value has to be looked at creatively. Some of that has come up today and I will address the remarks on Scottish Water later; some of it will be addressed tomorrow when we debate the independent budget review.

As ever with a legislative programme debate, there are some bills that I welcome and others that I do not, and there are some issues that have not been addressed. I welcome the opportunity to look at the private sector housing bill and perhaps to improve it when it comes along. We can do a great deal more not only to enhance tenants' rights but to ensure that tenants who currently are not practically able to access their existing rights are given some support, both when a minority of landlords act outwith the law and when bad landlords provide an unacceptably poor service but stay just about within the law. There is also room in the bill for a more aggressive approach to permit the management of properties to be taken over when owners cannot or will not provide a decent service. That issue will have to come up the agenda if social housing is, as many of us expect, hit hard by cuts in the capital budget.

A bill that gives me slightly more concern is the one on double jeopardy. I will, of course, read it and judge it when I look at the detail, but there are clear, principled reasons why the rule against double jeopardy is important and why it has stood for so long. Members, including Richard Baker, talked about the outrage that is felt when wrongful acquittals happen, but the danger is that abolishing the rule against double jeopardy also gives rise to the risk of wrongful conviction. Wrongful conviction is a more serious wrong than wrongful acquittal, because wrongful conviction means that not only is the wrong person sentenced and their life destroyed by a period in jail, but the person who is guilty of the offence walks free.

**Richard Baker:** Does Patrick Harvie agree that we should not underestimate the impact that a wrongful acquittal can have and that, in the age of forensic evidence and DNA that can be found 20 years later, reform of the law is required? Does he accept that the change in English law took place some years ago? Only eight cases have been involved and only half of those have resulted in new convictions, so we are talking about narrow circumstances and not a disproportionate change in the law.

**Patrick Harvie:** As I said, I will look at the bill when it is published and read the detail of it, but I am seriously concerned that we risk the possibility of more wrongful convictions, which I think are worse than wrongful acquittals.

I have mentioned a bill that I welcome and a bill that I do not. The bill that never was also needs some reference. There are, of course, arguments for and against a referendum. Many people, whether they wish to vote yes or no, would like the opportunity to vote. The SNP's rationale for dropping the measure, even if it might be understandable and sympathised with by its back

benchers, will not be remembered. What will be remembered is the moment when it missed its chance. The Labour Party careering about between one policy and another on a referendum was embarrassing, but there was that moment of “bring it on”. The opportunity was given, the door was opened for a brief period and the SNP decided not to go through; it did not take that chance. I am afraid that that is what will be remembered: the first period in office of a pro-independence Government that did not take the chance when it had it. Why not? The conclusion that many people will reach is that the SNP did not believe that it could win the argument.

The First Minister's stated priorities in Government over the years to come—or the year to come and, he hopes, a little longer than that—are economic recovery, a low-carbon Scotland and protecting public services. He mentioned economic recovery, but people listening to his comments on jobs would be forgiven for thinking that we were in the middle of a boom, rather than coming through a difficult recession. He prioritises a low-carbon Scotland, even though he remains wedded to a hugely damaging road-building programme at a time when it must compete with low-carbon transport schemes for a declining capital budget. He mentions as a third priority protecting public services. Well, we must await the Scottish budget to see the extent of that commitment, but let us be clear that that cannot be done without looking at revenue and finding more creative ways to fund those services.

I come to the First Minister's suggestion that a public sector approach to energy generation through an expansion of the business activities of Scottish Water is one way to do it. Alex Johnstone expressed an anti-public-sector ideology, but members will not find any opposition from me to the idea of a public sector energy generator. However, let us not be under the illusion that it can be done with a snap of the fingers. It is a long-term agenda. It could be a profoundly important agenda, but it is not going to give us more than limited opportunities over the next few years, and that is when the Liberal and Tory cuts will start to bite. In the meantime, investment in the modernisation of water infrastructure will continue to require substantial amounts of public money, so we are still left with serious, real long-term problems.

On the new nationalist pitch that we heard from the First Minister—not “It's Scotland's oil” but “It's Scotland's renewable energy”—I have a lot of sympathy with the principle, but Scotland's energy does not have to mean only the Scottish Government's energy or the public sector's energy. There appears to be no place in the First Minister's vision for community ownership of energy so that people, households, communities

and independent local businesses can gain not only the financial benefit of renewable energy but also the resilience to meet their own energy needs long into the future to as great an extent as they can. That is a capacity that will serve them well not only in the short term, as we look to rising energy prices, but as we look to the long-term challenges of the 21<sup>st</sup> century and the move away from oil as we go past the peak of production. Those long-term challenges have begun to be recognised by all political parties, but I am sorry to say that, over the past three and a half years, we have barely seen that recognition move from a slow awakening to coherent action.

15:32

**Stuart McMillan (West of Scotland) (SNP):** I welcome the legislative programme. I could say something about all the proposed bills, but I will not do that as much has already been said about some of them. Instead, I will focus on a couple. We have heard a lot of rhetoric from Opposition members, but there are a couple of points that it is important to highlight. First, I wanted to remind Mike Rumbles, who is unfortunately not in the chamber at the moment, that the SNP has already delivered 77 of its 90 manifesto commitments. Secondly, with the SNP Government being a minority Administration, it is a testament to the Government that it has worked together with COSLA, the STUC, the police and the National Union of Students. That can be compared with the approach that was taken in the past—an approach of working in silos. We discussed that point this morning at the Economy, Energy and Tourism Committee. Such work has been a positive step by the SNP Government.

One of the proposed bills that I want to touch on is the reservoir safety bill. Members will be aware that one of the campaigns that I have undertaken during the past three and a half years concerns flooding in Inverclyde. I stay in Inverclyde. I grew up in Port Glasgow and I now stay in Greenock. Over the years, Inverclyde has been blighted by flooding year after year. I am not talking just about the past three years or 10 years. The problem has gone on for decades, but nothing was done about it until 2008, when the SNP Government introduced the Flood Risk Management (Scotland) Bill. When I was growing up, the Blackstone roundabout in Port Glasgow was a big swimming pool when the autumn came, and further down the road at Ladyburn on the A8 there is still a bit of a swimming pool when the weather is bad. Part of the problem is the reservoirs at the top of Inverclyde, so I warmly and whole-heartedly welcome the proposed bill and the fact that the Government wants to deal with the problem.

I also welcome the announcement today that the Scottish Government is to provide £63,000 of funding to the Scottish flood forum. Over the past three and half years, the Scottish Government has established a record of trying to tackle flooding problems. Things will not change overnight and the problems will not be fully fixed overnight, but the Government has started to do the work and the bill will certainly continue that.

I have dealt with many constituents as a result of flooding in Inverclyde, including constituents who worked for Scottish Water in whatever form, who raised many problems with reservoirs and their effect on the Inverclyde community over the years. I look forward to considering the bill.

A bill that marries well with the reservoir safety bill is the water bill. It is logical to assume that both bills will result in renewable energy benefits for our communities and local economies. The water bill will also go some way to try to meet our climate change targets.

I turn to the health (certification of death) bill. I am the co-convenor of the cross-party group on funerals and bereavement, hence my touching on the bill. I welcome Jackie Baillie's comments on the bill. Des McNulty is not in the chamber to hear this, but I was slightly disappointed in his comments. I look forward to the bill coming on to the agenda of the cross-party group over the coming months. It is an important bill. We have only to consider its application to every member in the chamber and everyone in the public gallery. Every person has to die at some point. It is a fact of life that we all will die.

**Members:** Oh!

**Stuart McMillan:** There is a serious point to be made. Dealing with death is a most difficult time for families. As they come to terms with what has happened, they are hit with different bills and do not know what they are for. Bringing together charges is a positive step forward, whether a burial or cremation is involved. Improvements in information gathering and the utilisation of information are also important. Those two important measures will make better the lives of the families of those who have passed away.

**Bob Doris:** The member says that I am going to die—later, I hope, not sooner. I thank him for that timely reminder. My intervention is about those who die not at home but overseas. I am not an expert on the bill, but I look forward to considering it in detail. I am keen that more work is done in Scotland on the number of Scots who die overseas. We need more statistical information on the subject. Also, and more important, we need to look into how the Scottish and UK authorities can better support the relatives of Scots who die

overseas. Perhaps there is scope in the bill to consider that in more detail.

**Stuart McMillan:** I will raise the matter with the cabinet secretary. We can also put it on the agenda of the cross-party group. The member will be most welcome to attend the meeting.

I turn to the Alcohol etc (Scotland) Bill. I read with interest Duncan McNeil's column in the *Greenock Telegraph* this week. He said that the Parliament was re-established to deal with

"Scottish solutions for Scottish problems".

I could not agree more. We have a major problem with alcohol misuse in this country. Instead of passing it down to London and asking Big Brother to deal with the problem, I would rather that this Parliament dealt with such problems.

**Jackie Baillie:** Given that prices north and south of the border are broadly similar, why is the SNP fixated with price when it is clear that other issues contribute to why people in Scotland drink more?

**Stuart McMillan:** One of the problems is obviously price. I will give an example of something that happened this summer. I was out on my summer tour with police officers in Kirkintilloch. They stopped their van to speak to a couple of lads walking down the street who had in a carrier bag what turned out to be two bottles of wine. When the police officer asked why they had bought that and not what they would normally drink, they replied, "It was a great deal—two bottles for £7." According to the police officers, those two individuals could not be put down as regular wine drinkers—they normally drink something else—so it is obvious that cost and the cheapness of some alcohol is the problem. It is one of the major problems that this Parliament must deal with.

There is a debate tomorrow on the independent budget review, which I am sure will be interesting and I hope will be enlightening in respect of what some of the Opposition parties actually talk about. However, there is another key element: the constituents. Every single constituent whom I spoke to as part of my summer tour knows that there is a massive problem in the public finances. They are willing to take part and deal with that problem, but we as a Parliament, including every party represented here, must act responsibly to move things forward.

You are giving me the signal to conclude, Presiding Officer, so I will. I am certainly looking forward to next May, when we can put the referendum issue to the Scottish people. As an English-born Scottish nationalist, I whole-heartedly believe in the Scottish people because I know that they will make the right choice. I look forward to



the election, and I know that Scotland will become independent so that we can stand up for ourselves, have some self-respect and take more decisions for ourselves, instead of continually having to look to London to get some direction.

15:41

**Jackson Carlaw (West of Scotland) (Con):** Most Governments run out of momentum because they run out of steam. This Government is unique. It has run out of momentum but not as a result of any lack of steam, for steam there is aplenty—clouds of it—in the flannel, fantasy and playground bluster that is our First Minister.

While, admittedly, Mr Salmond does a fair job of measuring up to the ceremonial expectations of his office, in disposing his political responsibilities he is an extraordinary representation of Hergé's faithful companion of Tintin, Captain Haddock—he of the "Ten thousand blue blistering barnacles" mixed in together with the misplaced pompous authoritarianism of television's vintage Captain Mainwaring. All steam and no momentum.

Long gone are the days when we were invited to rejoice throughout this chamber to the First Minister's assertion of a new wind blowing through the land. Now his Government is moribund, stifled by its own rhetorical flatulence. Surely there can be no greater illustration of that than the abandonment of the SNP's key legislative proposal and its very *raison d'être*—the independence referendum bill. Our seemingly endlessly trumpeted national conversation, lauded with vigour at every turn over the past three years with such evangelical pride by the ranks of the wearily betrayed who sit behind the First Minister, is now a discussion no more.

No apology is forthcoming from the First Minister, neither for the wilful misleading of the public on his Government's resolve to proceed in this session, nor for the colossal waste of taxpayers' money. To expand on the point made by Jackie Baillie, how many teachers, how many cancelled school bus services and how many young people who could have been supported by schemes such as Project Scotland could the resources that were squandered on the national conversation have otherwise funded?

How extraordinary and damning will the verdict of history be? Scotland's first nationalist Administration—perhaps it will prove to be Scotland's only nationalist Administration—when finally in government, after all the years of struggle in the independence cause, and when finally able to promote or progress its independence agenda, failed even to seek a parliamentary vote on its core political credo. How pathetic. How cowardly.

It is better surely to have tried and failed than never to have tried at all.

How disingenuous it is now to say that a sufficient majority did not exist to proceed. That rather obvious point was put by the other parties in this Parliament repeatedly and in particular when the Government's previous major policy flagship—the doomed local income tax—was withdrawn. That appeal was ignored then. Why? So that the public purse could continue to be raided without pause in order to promote what all of Scotland can now see, in the absence of any on-going serious intention, to be nothing more than a political and not a parliamentary discussion. It is not so much a political conversation as a national scandal.

Surely, in the face of the very difficult and serious economic decisions that lie ahead, the SNP should reimburse the Scottish taxpayer the cost of this beleaguered partisan blether. Instead, the First Minister and his last remaining cheerleader, Bob Doris, tell us that the case for independence will be at the centre of the SNP's campaign next year. Scotland is entitled to ask what will be any different. If the First Minister failed to find the courage to put his case to a vote in one Parliament of minorities, why should anyone believe him when he says that he would do so in a future Parliament of minorities? It is the *mañana* policy, the *mañana* vote, putting off what could have been done today in fear of the outcome.

I say all this in a sort of caring way. Of course, next May I shall campaign for Scotland to be given the fresh start that it needs with a Government led by Annabel Goldie and the Scottish Conservatives. However, I am sanguine in these matters and, should that not prove possible quite so soon—

**Ian McKee:** Will the Scottish Conservatives' campaign to become the Government of Scotland at the next election be helped or hindered by the Westminster Conservatives' having cut them off from their umbilical cord?

**Jackson Carlaw:** I do not know where Dr McKee gets his information. I am very much looking forward to a series of meetings with Conservative ministers at our conference in October.

I recognise that, if a victory for us were not the outcome, we would most likely be faced with the unenviable choice of a minority Government for Scotland led by either the flannel of the First Minister or the fecklessness of Mr Gray. Not all ministers in the current Administration have proved hapless, although the competition for that dubious honour has, at times, proved to be quite fierce. Nevertheless, the programme before us suggests that the Government has nothing of real purpose to offer Scotland today. If the first four

months of this year were typified by a Parliament that was paralysed awaiting the result of a Westminster general election, it seems that the next eight months are to promise nothing more substantial than a Parliament largely of posture and worthy gesture—hardly a record to inspire re-election.

This is not the programme that Scotland needs, for we legislate in the face of the toughest descent into economic recession that Scotland has ever faced. This is not a Government with the purpose and resolve to legislate to improve Scotland's prospects in the face of that challenge. It is not a Government that is lacking in numbers; it is just a Government that is lacking courage and imagination.

In contrast, the Scottish Conservatives may be lacking in numbers, but we are far from lacking in courage and resolve. Were this our programme, Derek Brownlee and Gavin Brown would be introducing a bill to mutualise Scottish Water, releasing some £140 million annually to tackle our financial shortfall. Murdo Fraser would be introducing a bill that would achieve a real political consensus as we tackled together the scourge of alcohol dependency. Even more urgently, he would be proposing the abandonment of the reckless tax cut for millionaires that is to be achieved by spending a further £30 million on subsidising the residual prescription contribution from scarce and shrinking taxpayers' resources. He would also be deploying at least part of that money to the enhancement of Scotland's health visiting profession, bringing a real resource on the ground to tackle Scotland's health inequalities rather than another superficial advertising campaign such as that which patronisingly explained which carry-out meals are healthier to purchase at the local takeaway.

**Margo MacDonald:** I hesitate to interrupt the member's speech, which is highly amusing. He has touched on a point that has been at the centre of the debate, which was also mentioned by Mike Rumbles: what does a Government do when it does not have enough members—when it is a minority Government? He has committed the next Conservative Government and Mungo to introducing this, that and the next thing—I am sorry: you know who I am talking about. I mean Murdo Fraser. He would be doing that in exactly the same circumstances as those in which the present Government tried to introduce policies that could not be carried through because they did not command support in a Parliament with a minority Government.

**The Deputy Presiding Officer:** Is this an intervention, Ms MacDonald?

**Margo MacDonald:** Yes, here it is. I appeal to the Scottish Conservatives to ditch manifesto

promises and do what is possible once they see who has been elected.

**Jackson Carlaw:** I look forward to seeing the manifesto promises that Margo MacDonald proposes to ditch when she stands for election next May.

Ms Smith would introduce measures—informed by the profession and rooted in basic common sense—that would produce the most radical reform of school education for a generation through free schools offering unparalleled levels of parental choice; introducing more rigorous testing; reforming the funding structure of higher education; reviewing the way in which the school curriculum articulates with higher and further education; and tackling indiscipline in schools through the introduction of second chance centres.

In transport, rather than preaching to motorists and urging them to travel on the Edinburgh city bypass on a bicycle, which, to my astonishment, I found myself being dangerously advised to do yesterday, I say, "Think once. Think twice", as urged by the electronic message board, and would introduce measures to allow those who participate in car-sharing schemes to use city bus and taxi lanes. I would also require Transport Scotland to open Scotland's motorway hard shoulders where appropriate and, in the first instance, to those who are participating in car-sharing schemes.

**Jeremy Purvis:** As the member is giving out messages, could he give a message to my constituents who have been waiting for a considerable amount of time for the restoration of the Borders railway, which will make a major contribution to the regeneration of the Borders economy? Will that be part of his policy platform?

**The Deputy Presiding Officer:** You should be starting to wind up, Mr Carlaw.

**Jackson Carlaw:** I look forward to Jeremy Purvis making a convincing case in due course.

For reasons with which I cannot entirely get to grips, I should add that I have no doubt that our coalition partners elsewhere might have some sensible ideas: not many, but some.

Those are just a sample of the practical measures that we could take to tackle our economic challenge, our social obligations, and our duties to the young and the environment. Instead we have a Government that is not without talent but which is without current material substance and is squatting in office for its final eight months. Scotland deserves more.

15:51

**Bill Wilson (West of Scotland) (SNP):** Although I welcome the Government's legislative

programme in general, I will restrict my comments to those areas relating to the work of the Rural Affairs and Environment Committee, of which I am a member.

The SNP-led Scottish Government has an excellent record on the environment, and the next few months promise more responsible green legislation. I open not by making a party-political point, but by congratulating all members on passing the world-leading Climate Change (Scotland) Act 2009. That was a great achievement, of which we can all be proud. I hope that the spirit of co-operation over matters environmental will continue. In general, we have ably balanced competing interests to look after the long-term best interests of the people of Scotland.

Few things can be as important as our environment and, by that, I mean Scotland's landscape, flora, fauna, glens, bens, braes, muirs, forests, burns, lochs, salmon, grouse, deer, ospreys, eagles and lots of other stuff that I could mention but I will not. They are internationally famous and draw in thousands of tourists every year, who bring in millions of pounds between them. That makes no mention of the potential of our wind, wave and tidal power, which is enormous by any account.

However, all is not well in this beautiful land. There are perceived conflicts of interest. There are crime, accidents and the spectre of climate change. Yesterday, the Rural Affairs and Environment Committee was privileged to visit Langholm where one of those problems—perceived conflicts of interest—is being tackled. Some estates see raptors, particularly hen harriers, as an enemy that should be eliminated. The Langholm project is investigating whether supplementary feeding of hen harriers at critical stages of the grouse breeding season would allow commercial shooting to exist alongside those majestic birds. I hope that the project succeeds, because it will remove a major reason for the illegal poisoning or shooting of our wildlife.

Wildlife crime is touched on in the Wildlife and Natural Environment (Scotland) Bill, and I welcome many of its measures, as far as they go. Unfortunately the bill is silent on the issue of firearms licences. That is not because of any oversight on the part of the Government. Firearms licences are, of course, reserved to Westminster.

I wrote to Scotland's chief constables to ask whether they thought that it would be an idea for the firearms licences of those who are convicted of wildlife crime to be automatically revoked. The replies that I received were carefully worded, as one might reasonably expect, but I gained the impression that the police in those areas that are most affected by wildlife crime are supportive of such a proposal. If one considers that many of

those who commit crimes of violence against animals also do so against people, the argument becomes even stronger. Alas, our hands are tied. It is one more example of what an independent nation could do that a dependent nation cannot.

**Jeremy Purvis:** Given that the Government has said repeatedly that it is purely an operational matter for police forces in Scotland to choose to deploy taser weapons, why on earth are we hidebound by what the member calls constitutional prevention in another case?

**Bill Wilson:** The member is rather confused by the issues. The decision to issue licences or not, and the laws determining the issue of firearms licences, are reserved matters. The member has simply misunderstood what I said, unless he claims that everyone in the chamber and in all previous sessions of Parliament has misinterpreted the Scotland Act 1998, which I find to be somewhat improbable.

While the Wildlife and Natural Environment (Scotland) Bill cannot deal with the issue of gun licences, it presents an opportunity for other aspects of wildlife crime to be tackled. I am certain that on the Rural Affairs and Environment Committee—and, I hope, in the chamber as a whole—there is cross-party agreement that there are still far too many incidents of poisoning of birds of prey and that new ways of tackling the problem are urgently needed. If members of the public are killed by the negligent actions of employees, it is possible for the company to be held to account. A company that has not ensured sufficient respect for health and safety can and should be held liable. Vicarious liability holds that an employer can be held liable for the actions of its employees. The principle already exists, so I believe that the Government should give serious consideration to holding estate owners jointly responsible for wildlife crime that is committed by their staff on their land.

At present, single-witness evidence can be used to convict poachers. The logic of the original law was that the crimes were committed far from normal sight, often in isolated areas, and that it was therefore unlikely that there would be more than one witness. Such a description of a crime scene fits entirely the descriptions of crime scenes pertaining to wildlife crime. For that reason, I urge the Government to give consideration to extending single-witness evidence to wildlife crime. Corroborating evidence—the poison, a carcass, illegally set snares—would still be required, but such a change could be an important step in tackling wildlife crime and reducing the unacceptably high levels of raptor poisoning on Scotland's estates.

The Government might also consider extending the powers of the Scottish Society for the

Prevention of Cruelty to Animals. At present, the SSPCA has powers to tackle animal welfare problems, under the animal welfare regulations. It could be given powers also to tackle wildlife crime, thereby increasing the number of inspectors who are available. One of the problems with wildlife crime occurring in isolated areas is that it is often difficult for the police to get there within a reasonable time.

A significant section of the bill relates to muirburn—the practice of burning heather moorland to provide grouse with the right mix of sheltering old heather and nutritious young heather. The bill will amend the Hill Farming Act 1946 and build on the Climate Change (Scotland) Act 2009, balancing the interests of wildlife and grouse estates. It will introduce a standard muirburn season, from 1 October to 15 April, and an extended muirburn season, from 16 April to 30 April. The bill will also include a provision for Scottish ministers to alter the muirburn season for various purposes and reasons. That new approach was welcomed by all the parties that were present at Langholm yesterday. Whether they were concerned about the protection of nesting birds or tackling the problem of the heather beetle, the loss of heather and attempts to regenerate heather, all agreed—without exception—that greater flexibility in muirburn could only be of benefit. The Government is taking a wise step.

In the list of problems that I gave earlier, I mentioned conflicts of interest, crime, climate change and accidents. I have not yet given an example of how the Scottish Government's proposed legislative programme relates to accidents. When dealing with large engineering projects, the best legislation would seek to set up a system of safety measures to prevent disasters, not merely to punish those who are responsible for catastrophic failure. The proposed reservoir safety bill will do the former. The bill will ensure that the highest safety standards apply to our reservoirs—what could be more fundamental than looking after our water resources? Stuart McMillan covered the issue in detail, so I will not go into it again.

The Government has shown strong commitment to one of Scotland's greatest resources—its natural environment. We have seen the introduction of world-leading climate change legislation; the Flood Risk Management (Scotland) Act 2009, which seeks to move flood management away from concrete barriers towards the sustainable use of the natural environment; and the Marine (Scotland) Act 2010, which aims to protect and enhance the biodiversity and health of Scotland's seas. I have no doubt that the Wildlife and Natural Environment (Scotland) Bill will further enhance the Government's reputation as a

Government that delivers for Scotland's environment.

15:58

**Margo MacDonald (Lothians) (Ind):** Before I start, I apologise to Murdo Fraser—I was humming under my breath Mungo Jerry's great hit "In the Summertime". However, that was not the only confusion that I have felt throughout the debate. The First Minister's speech had good parts, which I appreciated. I did not appreciate them as much as I should have until I heard Bill Wilson's speech—I did not know about all of the things that are being done to deal with beetles and so on. Obviously, there are good things in the Government's programme.

To be serious, I thought that the First Minister's analysis of water as a resource with the potential to become a tradeable commodity—a money earner, in other words—was excellent; in fact, I thought that it was inspirational. Other members will have been intrigued, if not inspired, by it. Instead, party politics took over and, as a result, Jeremy Purvis, on whom I can usually depend to make a good, thoughtful speech, merely kicked in with a good quip—that the First Minister was getting his oil and water mixed—that, however, was not up to the occasion. The member knows that he can do much better than that, and I hope that after the election he will do a lot more about the business of water.

**Jeremy Purvis:** I accept the member's rebuke but, knowing that she is a good journalist, I refer her to *The Scotsman* of 8 October 2009 in which I outline our proposals for Scottish Water, which include allowing it to generate energy to reduce consumers' bills. Indeed, I indicated that there could be at least £40 million to £50 million for that. We will support this particular measure, but it is a shame that it has taken us a year to reach this stage.

**Margo MacDonald:** I thank the member for explaining his position, because I was unaware of it. On the other hand, it could well be that the proposal was a Liberal Democrat manifesto commitment and because the Liberals did not get enough folk elected they could not actually put it through. Of course, that is similar to the position that the Government has just found itself in.

Des McNulty talked about specifics. Unfortunately, he is not in the chamber at the moment.

**Jackie Baillie:** He is.

**Margo MacDonald:** I apologise—I did not see the member. I agree with Mr McNulty on this matter. It is unfortunate that the Government did not go into greater detail about specifics but I

guess that it knew perfectly well that we were into the pre-election period.

The reason I am spending so much time on this issue is because everyone is talking about manifesto commitments. We all know that this Parliament is unlikely to produce a Government with a sufficiently large majority to see through such commitments. Before Jackson Laidlaw—Jackson Carlaw, rather—gets upset—*[Interruption.]* I am really doing it today; I was not thinking of him. Anyway, before he gets upset, I should say that I did not produce a manifesto; instead, I had a list of things to do and explained to folk in Edinburgh and the Lothians that these were my priorities and that I would, if possible, try to do them or would certainly support anyone else trying to do so. That was as much as I could honestly promise; indeed, I think that that is as much as any of the parties can honestly promise. We have missed an opportunity today to begin to investigate an important issue.

However, the SNP had a manifesto commitment to have a referendum on independence and everyone seemed to think that it was a good idea. I have to say, though, that I never agreed. That is why the SNP got fed up with me. The Deputy First Minister will remember the conversation—it was, I recall, conducted at a very high decibel level—during which I explained that a referendum was neither a policy nor a strategy but a tactic. I have maintained that position and I bet the SNP now wishes that it had listened to me.

In any case, the SNP said that it was going to have a referendum and it should do so. I am very much in favour of that. In fact, I am thinking of lodging a motion that there should be a referendum and all the members of the other parties who want one can sign it. The SNP should be campaigning for independence and the only way it can do so is by explaining it in the terms that Des McNulty outlined—that it is a policy of interest to people all over Scotland—and by telling people what they can aspire to. Yesterday's front page story in *The Herald* shows what people have at the moment; according to that article, 21 out of 24 schoolchildren in a primary 7 class in Glasgow have been committed to failure, abject frustration, danger, shortened lives, brutishness and unemployment. That is the union's legacy and the legacy that the unionists in the Parliament will have to defend. If that is the Opposition, why is the SNP not prepared to fight for independence? I do not understand the SNP's tactics and think that it is selling itself and Scotland short by failing to introduce the bill now.

No one can be bothered with constitutional things if they are just put in a box and if folk do not know whether they are going to be in a job next week or whether they can afford to stay in their

house. If the SNP cannot explain why we need the constitutional powers to ensure that the exchange rate, for example, really suits our economy, it will never be able to get people to understand the link between the mechanism for delivering decent policies and the decent policies themselves.

We were told, "Ah well, we were getting close to thinking that maybe we should have greater powers," but, the minute the banks failed, the unionists said, "We knew we couldn't do it as Scotland." What would have happened if we had been independent when the banks collapsed? What would we take as the date of independence? Would we take it as two days before the banks went down or, say, when the Parliament was set up in 1999? What would the state of the Scottish reserves have been if we had been independent since 1999? What ability would we have had to cut our financial coat according to our financial cloth? What ability would there have been to regulate, given that the consensus in this Parliament is a bit more left of centre than that in the Westminster Parliament? I do not think that we would have had a lack of regulation; I think we would have followed the Swedish model. The Swedes knew what they were doing and, as a result, their economy is doing well. The Norwegian economy was in a different situation and adopted different policies.

That is the whole point. There is such a difference between the Scottish economy and the British economy as a whole, or even the English economy, that we should have different policies. That does not mean that we will separate or be antagonistic or have gun towers at the border; it just means having policies that are suited to our condition. That is what the SNP should argue through its referendum bill. That is what the other parties have to deny and, right now, the other parties have never been in a worse position.

**Murdo Fraser:** Even though I disagree with Margo MacDonald, she has made by far the best argument that I have heard in the Parliament for Scottish independence. Should she not stand for the SNP leadership?

**Margo MacDonald:** Done it. No, I actually said that I did not want to. I should not stand for the leadership. I am happy to be elected to the Parliament and I am proud to have the restrained mandate that I have been given by electors in Lothian. I can maybe do a bit more good, because I am genuinely interested in the Parliament and all the parties in it. I am not interested in one party rather than another. Therefore, I should not stand for the leadership of the SNP. However, I am interested in what is going to happen to Scotland. I could not believe that story in *The Herald* yesterday. All of us should be much more concerned about that than about scoring party-political points. That was the point that I was trying

to make about manifestos. Do not stand on our dignity in here—for goodness' sake, we should be trying to work together. We can maintain differences and do things in different ways, but we should try to work together for the good of Scotland.

Had we been independent, we would not have avoided all of the downside of the recession—I do not claim that we would have. However, I believe that we would have come out of it in a better condition than we are in now. We do not know even yet how long the recession will last or what the effect will be on our economic prospects. People are talking about countries beginning to come out of recession, but that is not said of the Scottish economy or society. We are impoverishing ourselves by failing to take the step that would make us equal in self-responsibility. I do not see how we can lose from that. All members of the Parliament could work in our own ways and with our own priority choices on policies.

Scots cannot afford to be in the union any more. We know what the legacy is. We have the worst health statistics in Europe. I do not need to go into the litany, as every member should have it burned on their heart.

**Jeremy Purvis:** Will the member give way?

**The Deputy Presiding Officer (Trish Godman):** Very briefly, because Ms MacDonald is winding up.

**Jeremy Purvis:** On the point that the member has just made, in relation to alcohol misuse—which we have been debating—why is the figure for alcohol-related deaths in my constituency 30 per cent of the UK average, when the figure for Glasgow Shettleston is 574 per cent of the average? It has nothing to do with independence.

**Margo MacDonald:** That is the society that our system of governance has produced. Our system of governance is through the union. The Borders might be doing better and have better health statistics but, while the health stats in Glasgow remain, we are not getting it right in any part of Scotland. Therefore, we can hardly do worse than we are doing with the union, so let us have a referendum and vote for something much better.

16:10

**Ian McKee (Lothians) (SNP):** It is always difficult to follow someone such as Margo MacDonald, especially as she spoke such good sense. I will talk about two parts of the Government's programme.

I confess to some initial reluctance when contemplating speaking about the proposed health (certification of death) bill—surely it shows a sense of humour for the parliamentary draftsmen to think

of such a title. I spent most of yesterday hearing evidence on the End of Life Assistance (Scotland) Bill, which is also before the Parliament, so there seems to be a risk of a degree of typecasting or even of trying to set up a one-stop shop. However, the subject is dear to my heart, and if members recall how Dr Shipman got away with murder for so long they will see that it is also of importance to the people of Scotland.

In my years as a GP, I frequently issued cause of death certificates. That was an easy task if, for example, it was for a person who had attended my surgery for many years and suffered from an illness from which death was expected. On other occasions, it was a little more difficult and required consultation with colleagues or even the procurator fiscal before pen could be put to paper. Then there were the cases in which death was unexpected. A certificate could not be authorised and the matter was put in the hands of the procurator fiscal, who organised inquiries involving relatives and friends and usually ordered a post mortem. Following that process, he issued a certificate.

Things were a little more difficult if cremation was required—naturally so, because any evidence was being destroyed. In such cases, the doctor providing the death certificate entered much the same information on the cremation form but then arranged for a doctor who had at least five years' post-qualification experience and was not connected with the first doctor's practice to interview relatives, inspect the body and confirm the diagnosis of cause of death.

I am the first to admit that there are flaws in those procedures. A sudden death in someone with high blood pressure or another cardiovascular dysfunction was often labelled as being due to a heart attack, whereas that might not always have been the case. Some of the high death rate in Scotland from certain disorders, such as heart attacks and asthma, might have been attributable to faulty certification rather than true prevalence.

As for the vital function of confirming the cause of death for cremation, when acting as the second experienced doctor I often found that the body was in a shroud in a coffin at the undertaker's when I arrived to inspect it. Examination under such circumstances was a meaningless farce, and one had to rely on the undertaker to assure one that there was no knife stuck in the person's back or similar cause of death.

There is no way that a Shipman could have been detected under that regime, but could any change in the system detect such a serial murderer? I contend that no one, without a great deal of luck, could detect several serial murders, or even one, by a seemingly caring family doctor with no obvious motive if all we consider is

individual death certification, although effective central scrutiny might help.

If we are to alter the system, we must make certain that improvement follows and that unintended consequences are avoided. On that, I have some concerns. Patterns of patient care have altered over the years, not always for the better. Whereas a person was once registered with an individual doctor and often saw that doctor on every occasion that medical advice was needed, people are now registered with practices and often see several doctors, even for the same episode of illness.

Not only that, the new contract with GPs into which the Labour Government entered in 2004 ended for the first time in the NHS's history the GP's 24-hour responsibility for his or her patients. If a patient dies on a Friday evening, a doctor who has knowledge of that patient and therefore is in a position to issue a death certificate might not be available for a long two and a half days. All that an emergency doctor can do is refer the death to the procurator fiscal.

Will the tightening up of death certification involve more cases being referred to the procurator fiscal, more police interrogation for bereaved relatives and added work, cost and distress? If so, is the Government certain that those sacrifices are justified? We will have to see the wording of the bill before we decide on that.

There is also the question of cost. Until now, there has been no charge for a death certificate, but there has been a charge for the signatures on a cremation form. The reason for the differential has been that although everyone dies, not everyone requires to be cremated, and, as I have already mentioned, cremation burns much potential evidence. Therefore, it seems reasonable to levy a charge. I confess that, unlike my colleague Stuart McMillan, I have a few misgivings about the proposal to levy any charge for the basic death certificate, let alone to make it equal to the charge for a cremation form, because a death certificate is needed by law for every deceased person and so will form an additional compulsory cost for every bereaved family, no matter how poor they may be.

I share Jackie Baillie's abhorrence of ash cash in the terms that she outlined—she may be embarrassed to realise that I am agreeing with her again—but I think that there should in principle be a charge for cremation certification. I make no argument that all or some of that fee should go to the certifying doctors or, indeed, about what the level of fee should be—those details must be settled by negotiation with the BMA, which is the trade union concerned, and by consideration of the total cost of the designated procedures—but it is important that we agree on which pre-cremation

procedures are required to prevent the concealment of foul play or negligence and then charge accordingly. Cremation is not a universal right, and those who use that method of disposal should pay the true cost.

In case Jackie Baillie thinks that we are becoming too consensual, I turn to another aspect of her speech: our fight in Scotland against the damage that alcohol is doing and how best it can be pursued. We all agree that alcohol is a major problem, that there is no simple answer and that culture is a major factor. We were regaled in the news this morning with accounts of how the tartan army deals with triumph and disaster with an equal response: get steaming drunk. How often do we all regard alcohol as an almost indispensable component of any celebration? I plead guilty in that respect.

I think that we all agree that price has a major part to play in changing the culture. However, agreement ends there. The minimum unit pricing of alcohol is supported by just about every health organisation, directors of public health, the police and many other organisations. It is opposed by most alcohol manufacturers, supermarkets and Opposition parties. Ms Baillie argued that minimum unit pricing puts money into the pockets of supermarkets and drink manufacturers. One therefore wonders why they are so vigorously opposed to the policy. Those organisations do not often turn down the opportunity to make an easy profit.

**Jackson Carlaw:** I am not sure where Dr McKee gets his information from. Supermarkets such as Tesco have come out in favour of the minimum price for the reason that they will receive an enormous windfall from it. Will Dr McKee address the point that Jackie Baillie and I have made? Would the £2 million that has been spent on the national conversation have been better spent on schemes to deal with alcohol abuse?

**Ian McKee:** I have been totally honest. Tesco came out in favour of minimum unit pricing, but I was referring to the majority of supermarkets. Mr Carlaw might not know that there are other supermarkets.

**Jackson Carlaw:** Which ones?

**Ian McKee:** I believe that Asda, Morrisons, Sainsbury's and Waitrose are supermarkets. Does Mr Carlaw need any more? I think that we are getting there. Why are they so vigorously opposed to the policy? I can tell members a theory that is not just mine; several independent grocers have put it to me. The theory is that since approximately 70 per cent of alcohol sales in the United Kingdom take place in supermarkets, the supermarkets want alcohol to remain as a loss leader to attract people into them.

**Mike Rumbles:** In my constituency, the distilleries would close, because they produce blended whisky for the supermarkets. If there was a unit price increase, its price would be the same price as Famous Grouse, for instance. Surely the way to tackle that and increase prices across the board is by duty. We can get that done through the UK Parliament rather than through unit pricing.

**Ian McKee:** I will happily come on to duty later on, if the Presiding Officer allows me to. However, I draw the member's attention to evidence that the chief executive of Whyte & Mackay gave to the Health and Sport Committee. Admittedly, he was discussing a minimum unit price of 40p—a price of 45p has now been proposed—but the principle remains: that would not result in one single job loss in his distillery. I am afraid that Mike Rumbles is tending to be rather prone to exaggerating the risk of the policy, which is unlike him.

Will not the proposal to abolish the deep discounting of alcohol, which Labour supports, also put cash into supermarkets' pockets?

There is also an argument that minimum unit pricing will impinge mainly on poor families, but the records show that most poor families do not drink at all. Only a few drink wildly to excess and they will be the ones whose health will benefit if alcohol is made more expensive. If we agree that the price of alcohol is an important factor in fighting alcohol problems, how else can we increase the price without impinging on every section of the community? I know of no proposal to give benefits to poor people so that they can get their alcohol cheaper and therefore die earlier and save the health service a lot of money.

Iain Gray told us today about Labour's so-called "independent commission"—which is surely a classic example of oxymoronia—which recommends that no alcohol should be sold below the combined cost of production, alcohol tax and VAT. How on earth is one going to find the combined cost of production? One would ask the alcohol companies.

**Jackie Baillie:** I am sure that the member will agree that duty and VAT are transparent. Does he accept that there is a system in France, whereby the cost of invoicing is added on, which would increase the price?

**Ian McKee:** With the proposal that Labour is pushing forward we would be asking the UK Government to solve a problem that is specific to Scotland. We should use Scots law and the Scottish Parliament to sort out a problem that is mainly Scottish, because Scotland has a 25 per cent greater alcohol consumption rate than England.

The measures that the Government has proposed today are sensible and proportionate and I recommend them to the Parliament.

16:22

**Jamie Hepburn (Central Scotland) (SNP):** The most enlightening thing that we have learned today is that while we are having debates, Margo MacDonald sometimes hums tunes to herself. Quite why she should choose "In the Summertime", given the almost total absence of a summer for us this year, is, however, beyond me.

I congratulate the Government on its programme as we enter our final year of this parliamentary session. The legislative agenda before us demonstrates that, far from having run out of steam, this Government still harbours great ambition for our country, in tune with its stated ambitions of a Scotland that is wealthier and fairer, smarter, healthier, safer and stronger, and greener. I disagree with those who suggest that the programme is unambitious, just as I disagree with Hugh Henry's assessment of the First Minister as Chic Murray, which I thought was a bit rich coming from a man who puts me in mind of the Rev I M Jolly, minus his sunny disposition.

The proposed legislation that we are debating is wide and varied. I do not have the time to focus on each bill, so I will focus on just a few. Given that Stuart McMillan has already reminded us all of our own mortality, members might be relieved to hear that the proposed health (certification of death) (Scotland) bill will not be one of them.

The bills on double jeopardy and forced marriage will strengthen Scotland's legal system and ensure that justice is served more fairly and effectively. The forced marriage bill in particular will help to ensure that Scotland lives up to its moral obligation under the Universal Declaration of Human Rights. We can always do more to realise the full vision and implications of that document. In the case of the bill, we know that article 16 states:

"Marriage shall be entered into only with the free and full consent of the intending spouses."

Providing civil remedies will ensure that those who are trapped in a forced marriage will have the greatest possible opportunity to escape and seek and receive appropriate support.

The double jeopardy bill seems to be a matter of common sense. Where is the logic in a system that means that those who are found innocent but subsequently admit their guilt are allowed to remain free? Where new evidence comes to light in a murder or rape case, is it not right that it is heard before the courts? Those changes will ensure public confidence in Scotland's justice system and reflect what the public believe should be part of that system. I understand that some civil



libertarians have been concerned about the introduction of such measures. Such concern should not be treated lightly. However, given that the measures will affect so few cases and that cases will be brought back on the basis of the available evidence, such concerns are surely outweighed by the public interest.

Some of the Government's greatest achievements have been in the area of housing reform. The Government has funded many new council houses—the first since devolution, in many places—and it has reformed social housing legislation, including by ending the right to buy in certain circumstances. In proposing a private rented housing bill, the Government has acknowledged the need for improvement in the private rented sector, which accounts for about 8 per cent of housing in Scotland. By providing protection from rogue landlords and giving local authorities powers to tackle overcrowding and antisocial behaviour, the bill will help to ensure that all elements of Scotland's housing sector provide accommodation that, first and foremost, meets the requirements of the people who live in it.

The electoral administration bill will implement the recommendations of the Gould report, which have consistently and, I think, unanimously been backed in the Parliament. We have legislated to ensure that elections to the Scottish Parliament and local authorities do not clash in the way that they did in 2007, and the bill will enhance the scrutiny and robust procedures that are in place to ensure that local democracy can be conducted with confidence and consistency.

As the Scottish Government acts to implement all Gould's recommendations, it is unfortunate that the Government in London insists on scheduling two polls in Scotland on the same day next year. A referendum on the alternative vote system, which I do not think any major party supports, should not and does not need to clash with next year's elections to the Scottish Parliament and the National Assembly for Wales. The so-called respect agenda that we heard about seems to be a one-way street. I hope that all members will continue to endorse the Gould report and say that no other election should be held on the day of elections to the Scottish Parliament.

I was particularly pleased to hear the First Minister announce plans to enhance and expand the powers of the publicly owned and operated Scottish Water. Scotland's abundance of water has always been one of our biggest assets. In the modern world we have, more than ever, the knowledge and ability to maximise the use of that resource. I look forward to seeing how the plans progress. There is an opportunity for Scottish Water not only to promote new environmental

initiatives and reduce its carbon footprint but potentially to generate income streams, at a time when Scotland's budget is under more pressure than it has ever been, which I am sure members of all parties will welcome. It is extremely welcome that that can happen while Scottish Water is retained in public sector ownership.

**Jeremy Purvis:** Will the member take an intervention?

**Jamie Hepburn:** Presiding Officer, do I have the flexibility that other members had?

**The Deputy Presiding Officer:** No, you do not, but you can take a brief intervention.

**Jeremy Purvis:** Does the member think that the considerable private finance initiative contracts that Scottish Water issued, which have brought about efficiency, have helped or hindered the current situation, which is being described as the success of Scottish Water?

**Jamie Hepburn:** Scottish Water's overall performance has contributed to the current situation, in which charges are lower than the UK average. We should celebrate that. The willingness of an organisation in public hands to move forward and reduce the burden on the public purse while generating a stream of income is to be welcomed.

The proposals for mutualisation that have emanated from Mr Purvis's party and its coalition allies in Westminster the Tories would ultimately lead to privatisation. There is a degree of ideological obsession in that regard, which has been demonstrated to be a sideshow. We do not need mutualisation for Scottish Water.

Some members focused on the independence referendum—

**Jeremy Purvis:** While we are on the subject of ideological obsession.

**Jamie Hepburn:** It has been interesting to witness the faux outrage of the unionists in the Parliament and their incredulity at the Government's preferred way forward for the independence referendum. When Iain Gray quoted Burns, I thought that, in respect of my party's desire to put the independence question, the best laid plans gang aft a'gray, because it is the intransigence of unionists such as Iain Gray that has led to the Government's decision. How can the unionists be so publicly disappointed that a referendum bill will not be introduced this side of the election, when we all know that they have set their faces against such a bill? I will resist the temptation to extend the Burns reference by referring to wee, sleekit, cow'rin, tim'rous beasties, for fear of falling foul of a ruling on the use of unparliamentary language.

Tavish Scott said that he is looking forward to a debate on independence between now and the election. I too am looking forward to such a debate. However, at no stage have those of us who believe in this country's independence claimed that independence will create a "land of milk and honey", as Mr Scott said. His question about levels of MRSA was almost snide. That aside, it is clear that independence would empower the Scottish Parliament to decide whether Scottish soldiers should be sent abroad to face conflicts and whether nuclear weapons should remain in Scotland.

Independence would give us the power to introduce decent pensions for our older citizens and allow us to make greater efforts to help our planet's poorest citizens. It would give us the powers to create a fairer economy—[*Interruption*—not a land of milk and honey, Mr Rumbles, but certainly a Scotland that is better to live in. As Margo MacDonald said, the country would be better equipped to deal with its own economic regulation and would come through the recession strongly.

I welcome the debate and the legislative agenda. I could say much more, but I do not have the time. I thank the Presiding Officer for the time that I have had.

16:30

**Ross Finnie (West of Scotland) (LD):** I am sorry that the First Minister—[*Interruption.*] Oh. He has just entered the chamber. How splendid. Having sat through the whole debate—I appreciate that, given his office, he cannot be present for whole debates—I can convey to him how massively underwhelmed the whole Parliament has been by his programme, which he announced and then retired to his office to reflect on.

The First Minister opened his statement by referring—rightly—to the economic climate. However, it is disappointing that he was, as always, keen to point a few fingers at others and that he rarely includes in his assessments even an acknowledgement of the Scottish element of where we are. That continues the myth that a sad Scottish dimension to the situation does not exist. I continue to believe in the future of the Scottish financial services industry, but I am equally deeply saddened that two of our major institutions gave rise to a position in Scotland that cannot be denied, even if other political aspects are discussed.

I am sorry that the First Minister dismissed the Calman proposals and I do not necessarily recognise all the figures that he used. It is a little astonishing that the First Minister claims that, in an

independent Scotland, a recession would have no effect on the buoyancy of income tax. That is the only inference to draw from his remark.

Now that the First Minister has arrived, I assure him that the Liberal Democrats will provide tomorrow's debate with all the detail that is consonant with the level of detail that the Government has provided.

In his statement on the programme, the First Minister was uncharacteristically modest—indeed, he was almost self-effacing—when he said:

"I have never judged the importance of a legislative programme by the number of bills".

However, he then told us at length that it was important for us to note that four more bills would be introduced than in the equivalent period in the previous session. We were astonished to note that, to produce those four more bills, 40 per cent of the legislative programme is represented by such worthy, but hardly radical, measures as the proposed electoral administration bill, public records bill, reservoir safety bill and health (certification of death) bill.

**The Cabinet Secretary for Education and Lifelong Learning (Michael Russell):** Reservoir safety is not funny—lives could be lost.

**Ross Finnie:** I described the bills as "worthy". Let us not be so stupid.

We will support the proposed private rented housing bill. We believe, and have said in the chamber, that issues relate to the private rented sector. We wished for measures on them to be incorporated in the existing Housing (Scotland) Bill, but that is not the point. We will support the proposed bill.

We are extremely supportive of the proposed forced marriage protection bill, which is another important measure.

We will study carefully the precise proposals on double jeopardy. We recognise the points that the Scottish Law Commission made and we would hesitate if the commission's proposals were watered down. We remain puzzled about the precise connection between the outcome of the World's End trial, to which Nigel Don referred, and double jeopardy. In principle, we see the case for the reform and we accept the commission's position, but we will nevertheless want to study the proposals with care.

I obviously have a particular personal interest in the First Minister's proposed Scottish Water bill, given that I was the minister who established Scottish Water some years ago. As Jeremy Purvis pointed out earlier, the issue of Scottish Water using its energy-generating capacity more productively is one that he put to the Cabinet

Secretary for Finance and Sustainable Growth a year ago. The response was disappointing, but we are pleased that that matter has now been recognised by the Government.

The First Minister has announced his proposed Scottish Water bill, but there needs to be further and wider debate of what it proposes. I do not accept the argument of some people, that mutualisation is simply a route to privatisation, which is a view that applies to some older forms of mutualisation. If the Government can keep Scottish Water in public ownership, that is fine, but there is a medium-term problem with Scotland's finances and financing that may not be resolved, if we listened carefully to what the First Minister said, so there needs to be a wider debate on retaining Scottish Water in public ownership and at the same time ensuring that we do not inhibit the way in which we use financial resources. As ever, we support the development of water as a resource and the development of our renewables.

I will end by addressing two points that the First Minister made in his statement. First, he said:

"make no mistake: devolution as we know it is over."

That is a profoundly unfortunate remark. It is preposterous to suggest that the fact that the economic flows of a more buoyant economic time have ended marks the end of devolution. Devolution has not ended; it was not simply a means for different parts of the United Kingdom to exchange cheques. It had a far deeper, bigger and better meaning than that.

**The Deputy Presiding Officer:** You should be finishing now, Mr Finnie.

**Ross Finnie:** Finally, the First Minister also said:

"If the arithmetic of the Parliament denies the will of the people".

I remind him that the arithmetic of the Parliament is determined by an election that is held under the proportional representation system and that in no way does it deny the democratic will of the people of Scotland. It is arrogant to suggest otherwise. Let us not play with silly definitions of democracy. This Parliament is elected in a democratic way. I am happy that that is the case, and I am happy that my party, as a democratic party, can exercise its democratic rights in the same way as anyone else.

16:37

**Murdo Fraser (Mid Scotland and Fife) (Con):** Having heard the First Minister's statement, the question in everyone's mind is this: what is the point of this SNP Government? It started with such high hopes. I know people who voted SNP for the first time three years ago.

**Gil Paterson (West of Scotland) (SNP):** Do you know anyone who voted Tory?

**Murdo Fraser:** I know lots of people who voted Tory, and I can tell Mr Paterson that there will be many more who will vote Tory in the future. Those people believed that Scotland needed a new start. They were beguiled by the First Minister—as we know, he is sometimes a very beguiling chap—and they thought that he would be a breath of fresh air in the Government of Scotland.

One by one, they have been disappointed. They include parents and teachers who voted SNP because they believed in having smaller class sizes and classes of no more than 18 in primaries 1 to 3. They include students and their parents who voted to dump the debt, to bring back student grants instead of student loans and to get rid of student debt. They also included young couples starting out in life who voted for the SNP's first-time buyers grant of £2,000 and pensioners who voted for the SNP because they found attractive the idea of a local income tax. People in all those groups have been let down and will not be voting SNP again.

Frankly, it is not good enough for SNP members to trumpet the fact that they have delivered 77 out of 94 of their headline commitments, because the ones that they have not delivered are the key policies for which people voted for them three and a half years ago. There is nothing in the programme that has been announced today to make up for those broken promises. With the greatest respect for legislation such as the proposed long leases bill and health (certification of death) bill, which I am sure are extremely worthy and important, they do not make up for all the SNP's broken promises.

The disappointment of the ordinary voter is surely as nothing compared with the disappointment that must be faced by long-serving SNP supporters over the last greatest betrayal: the refusal to bring a referendum bill to Parliament. It is an astonishing U-turn by the First Minister who, on 3 September, told us:

"Our aim to introduce a referendum bill on Scottish independence is widely known, so I am delighted to reaffirm to the chamber our intention to introduce it in 2010, in line with our manifesto commitment."—[*Official Report*, 3 September 2008; c 10308.]

That commitment was repeated by Nicola Sturgeon, who said:

"Let me make it clear, as the First Minister has, that we will fulfil our manifesto commitment to introduce a referendum bill in 2010."—[*Official Report*, 3 September 2008; c 10328.]

**Margo MacDonald:** Will the member give way?

**Murdo Fraser:** I will not, at the moment.

It is a betrayal of the loyal and sheep-like members on the SNP back benches, who have told us for years that the referendum bill is coming. It was only in December that my good friend Mr Doris said:

"In 2010, the SNP will legislate for a referendum, and Parliament will decide whether to vote it through or bring it down. That will be the Parliament's democratic decision."—[*Official Report*, 9 December 2009; c 22001.]

Today, Mr Doris performed a U-turn that the Stig would have been proud of, while denouncing others for having no principles.

It is not just Mr Doris. Linda Fabiani said:

"I am pleased that the national conversation will come to a climax with the referendum bill, as was laid out in the manifesto on which we were elected—we are bringing it on exactly on timetable."—[*Official Report*, 3 September 2009; c 19222.]

Kenneth Gibson, not usually shy of giving us his opinion, said:

"I am delighted that a referendum bill is included in the programme for government."—[*Official Report*, 3 September 2009; c 19287.]

All of them disappointed and all of them let down by their party leadership.

**Margo MacDonald:** Will the member give way?

**Murdo Fraser:** No, thank you.

There is worse still than the treatment of SNP back benchers in the Parliament. The people who we should really feel sorry for are the SNP diehards throughout the country. Let us pity those poor souls, in their but and bens, the kilt about their knees and the tartan tammies on their heads, Dougie MacLean playing on a CD in the background, who were sold the gradualist line by the SNP. Let us remember the narrative from the SNP that went: "What we will do as a party is we will build up support in opposition, and we will then win an election and get into Government. We will demonstrate competence in Government, we will hold a referendum and we will get independence"—a strategy that has now disintegrated into dust. How must those poor SNP diehards feel now? The first SNP Government in history has bottled out in its biggest test, has failed spectacularly to achieve its aim of independence and is scared even to put that to the test of the Scottish Parliament.

We had a flavour of that from Margo MacDonald earlier in the debate. Margo spoke more sense on the issue than was spoken in the entirety of the contributions from the SNP benches. SNP supporters throughout the country must be asking themselves, "What is the point of the SNP Government?" That is without even mentioning the £2 million cost of the national conversation, which was referred to by my colleague, Jackson Carlaw.

How much better that money could have been spent. Now that we are not having a referendum, can we please have that money back from the SNP?

What we have seen today is a sad apology for a legislative programme from a sad apology for a Government. There is no point to the Government. It is an Administration that is past its sell-by date, and which is led by a lame duck and a feartie First Minister. An election cannot come soon enough, so that Scotland can get the fresh start that it desperately needs.

**The Deputy Presiding Officer:** I call Johann Lamont. Ms Lamont, you have eight minutes.

**Members:** Oh dear.

16:43

**Johann Lamont (Glasgow Pollok) (Lab):** I am glad that I am greeted with such pleasure by Opposition members.

In his statement, the First Minister said:

"The people, when they voted for this Parliament, voted for a legislature that would be bold and would act to protect their values."

No one would disagree with that. We recognise that Labour's legacy to Scotland has been a Scottish Parliament that can protect and work for people in these difficult times. I was struck by the contrast between—if I may say so—the overblown and rather self-regarding language of the First Minister and the thinness of the programme itself. The statement was, as usual, full of expressions such as "lead the world" and "being in the vanguard". It also referred specifically to the exceptional, laudable qualities of the Scottish character, and how compassionate and innovative we are at a time like this—peculiarly so and unlike others, I presume.

I think and suspect that, like all previous statements, this one is not to be taken seriously, because, on the past record, they have never been delivered. It is ever more evident to me that Mr Salmond lives in the moment. That is an interesting way to be as a leader, but it creates problems for those who need the Government to act in their interests, because being bold is not only about shouting; it is about taking tough and serious action. Here we have Mr Salmond's problem: he may wish to govern, but he is also always alive to a choice. He can choose to make the Scottish Parliament work for the people of Scotland in these tough times and show how it can make a difference, but his problem is that it is his party's interest ever and always to talk about what cannot be done. Alex Salmond will never make the Parliament work, because his wish for independence relies on showing that it cannot.

I was fascinated by Mr Salmond quoting Edwin Morgan and what that might suggest about his lack of self-awareness. Was there not a civil servant bold enough to say that perhaps it was not the best idea to quote Edwin Morgan disdaining the “it wizny me” mentality? Does he not know that his Government is the very embodiment of the “it wizny me” mentality? We regard as shameful his constant response that he is blameless. I say to Mr Salmond,

“O wad some Pow'r the giftie gie us  
To see oursels as others see us!”

It is a serious point because, when the issue was raised earlier, examples of people to blame came from many SNP members. Times are too serious for us to have government by alibi. We need people to take the circumstances seriously.

As has been indicated, there are a number of bills that Labour can support. We recognise certain measures that we can support in the Alcohol etc (Scotland) Bill and I trust that, in turn, the Cabinet Secretary for Health and Wellbeing will confirm that she will look seriously at the recommendations of Labour's commission in the way that her colleague the Cabinet Secretary for Education and Lifelong Learning took seriously our commission on education. I urge her not to make minimum pricing the whole picture. The reality is that, given the parliamentary arithmetic, the proposals on minimum pricing will not get through. It demeans the debate to say that minimum pricing is the only test of people's commitment to tackling alcohol.

Is it not a curiosity that the Cabinet Secretary for Health and Wellbeing will persist, knowing full well that it will come to defeat? I am sure that some of her fundamentalist colleagues, such as Sandra White and Bob Doris, must wonder why the same persistence does not apply to the referendum bill. We were all surprised by the ditching of the bill, but I understand that we were not as stunned as the Government back benchers who have cheered to the echo over the past three years every turn and shift of their front benchers. They defended the action when the Government ripped off Glasgow. Did they not, at any point in the last week, finally say to Mr Salmond, “Stop acting the goat and get on with governing this country”? We are told that they are lukewarm on the proposals, but it took Margo MacDonald to say what they have all been thinking and to argue a case that they did not have the courage to come into the chamber and argue themselves. There is a case for arguing that, as others have suggested, Mr Salmond is like the grand old Duke of York. That is all right for a kids' party, but that silliness is not what these times deserve.

On the budget, there are pages of defensive lines in the statement about why it is not possible

to share with the Parliament the information that would allow us to come together and have a serious understanding of the issues that face us.

On the housing bill, I welcome the proposals on private landlords and ask the Cabinet Secretary for Health and Wellbeing whether she would consider supporting Mary Mulligan in bringing those elements of the bill forward into the current Housing (Scotland) Bill, where some elements of the private sector are being addressed.

On the justice system, I ask the Cabinet Secretary for Justice to perhaps look at the continuing problem of the rape conviction levels. He would get great support from the Labour Party if he addressed some of the ways in which the legislation we passed to protect victims is now being used against them.

On child poverty, the Government is boldly publishing a strategy, but publishing a strategy is not enough: it is necessary to deliver. A difficulty for the Government is that it has delegated entirely any responsibility for delivery. One might say that the whole point of the concordat was to be able to say, “it wizny me”. We need to address that issue with local government. How will we ensure that we tackle the needs of the most vulnerable?

A simple example of something that has been missed out altogether is action for kinship carers. The Government committed itself to equality and parity between kinship carers and foster carers. That was signed up to in the concordat, but Mr Russell airily signed it away in order to get a deal on class sizes. That is unworthy of a Government that wishes to tackle child poverty.

There were grand words in the statement about community benefit, but if we ask the Scottish Government what it is doing now to deliver community benefit clauses in its contracts, or indeed whether it is reserving any work to sheltered workplaces, there is an absolute silence, and in that silence there is an indication of the Government's attitude—“We make the grand statement, but don't ask us to do the hard, deliberate work of making it happen.”

**Margo MacDonald:** Will the member give way?

**Johann Lamont:** I will continue.

The statement says that the Government's priorities are economic recovery, protecting front-line services and developing a low-carbon Scotland. We wish that that were true. The problem is that it is not. We know that the Government is squandering money on the Scottish Futures Trust rather than finding ways of creating a stimulus for construction. It is talking about schools instead of building them. It is talking about jobs rather than making a difference in our local communities and expecting Scottish Enterprise

and others to work in communities to find jobs and opportunities for our young people.

We are in serious times and we need a First Minister who takes his job seriously and not just himself seriously. Mr Salmond says that he will appeal to the people because he cannot win the vote in the Parliament, but a dialogue with the people works both ways. Perhaps Mr Salmond should start listening too. If he had listened to young people, he would not have prioritised independence over acting on jobs. If he had listened to the victims of knife crime and their families, he would have supported Labour's demand for action on knife crime and supported minimum custodial sentences for those who carry knives. If he had listened to women's organisations, he would not have put victims of domestic abuse at further risk by opposing short-term sentences.

**The Deputy Presiding Officer:** You should be finishing now, Ms Lamont.

**Johann Lamont:** Mr Salmond says that he will appeal to the people. He could have dumped the referendum bill two years ago on the basis that he could not get it through and got on with serious business. Instead, he has taken the disturbing attitude that it is the purpose of the Parliament to deliver him lines for his election campaign. The people of this country need more from the Parliament. They need serious business. The sooner we get people in here who will do that, the better.

16:52

**The Deputy First Minister and Cabinet Secretary for Health and Wellbeing (Nicola Sturgeon):** I am glad that we have had some glimpses of sun outside this afternoon, because we do not get too many rays of sunshine in the chamber when Johann Lamont is on her feet.

The debate had the usual and inevitable dose of party-political predictability, but it also had its interesting points and entertaining moments. We had very good speeches from Angela Constance, Rob Gibson, Nigel Don and Ian McKee, and, although I did not agree with much of what they had to say, I thought that Alex Johnstone and Patrick Harvie performed to their usual high standards. We had a fascinating exchange between Stuart McMillan and Bob Doris on the proposed health (certification of death) bill, and Jackson Carlaw showed that he has lost none of his sense of humour during the recess when he looked forward to a Government led by Annabel Goldie.

I begin my remarks by commenting on minimum pricing, because that issue was raised by many members around the chamber. Yet again, we had

all the Opposition parties saying that they support action on price but opposing the only credible policy that is on the table without bringing any workable alternative. That is no longer good enough in the debate on alcohol. The time for talking is over; it is now time for action.

The comments today on minimum pricing are one illustration of the contrast that runs through the entire debate between a Government that is delivering for Scotland in difficult times, is full of ideas and has ambition for the future, and an Opposition that is bereft of ideas, is defined only by what it opposes and is caught in a spiral of negativity. On the evidence of today, the main Opposition party—a party that presided over economic catastrophe but which refuses to take any responsibility for it or to make any contribution to the work of charting a course through it—is not fit to be in opposition let alone government. No wonder Jack McConnell said that Labour is not credible and that it is an embarrassment; no wonder less than 10 per cent of the Scottish people think that Iain Gray is fit to be First Minister.

This Government has a strong record of achievement on which to build. We have frozen the council tax three years in a row and we continue to phase out prescription charges. Contrary to the doom and gloom that we heard yet again today from Richard Baker, we have delivered on our commitment to put 1,000 extra police officers on the streets of Scotland. No wonder crime is now at a 30-year low.

We are working hard within the limited powers that we have available to us to promote economic recovery and to protect jobs. We have invested record amounts in higher and further education—nearly £2 billion in universities and colleges. We have invested the same again in affordable housing, including an £80 million programme of council house building. In contrast with that, only four council houses were built in the last four years of the previous Government.

Iain Gray says that he is concerned about capital projects. Let me remind him and his colleagues of a few of the new NHS facilities that the Government has delivered: Girvan community hospital; St Andrews community hospital; Aberdeen dental school; Renfrew health and social work centre; Midlothian community hospital; Loch Leven health centre; and the West of Scotland heart and lung centre. In Glasgow, the Government is funding the biggest hospital building project in the history of the national health service. What is more, we are doing that through public capital, not the PFI of which Labour was so fond. *[Interruption.]*

**The Deputy Presiding Officer:** Order. There is far too much noise.

**Nicola Sturgeon:** Today's legislative programme builds on that record of achievement. It is an ambitious programme in scale and content, with 10 bills that will tackle some of the big issues in Scottish society. The Scottish people will look askance at Opposition members who have ridiculed some of that legislation in the debate today. It is good for the victims of crime that the double jeopardy bill will reform the law that prevents someone from being tried twice for the same offence. It is also good for the decent people who try to maintain good communities that the private rented housing bill will tackle unscrupulous landlords. There is also the budget bill, in which we have to deal with the cuts that Westminster will impose on Scotland. We will do that using our experience and strong social democratic instincts and in a way that focuses on economic recovery and the protection of front-line services.

**Iain Gray:** Will the minister give way?

**Members:** Give way!

**The Deputy Presiding Officer:** Order.

**Nicola Sturgeon:** I am coming to Iain Gray.

I am very proud of the commitment that the Government has given to funding our health service. We have given a commitment to pass on the consequential to health. That is a very important commitment. Labour criticises on health, but it is not so quick to put its money where its mouth is. I was aghast, shocked and deeply concerned to hear Iain Gray say last night on "Newsnight Scotland" that

"Labour would not ring fence the health budget."

Iain Gray wants to contribute. I have a question for him: how much will he cut the health budget by?

**Iain Gray:** If Nicola Sturgeon asks her colleague, she will find that he, too, has not said that he will ring fence the health budget. My question for Nicola Sturgeon is this: when she says that she will use her experience in the budget bill, does she mean the experience of cutting 1,500 nurses from our hospitals this year?

**Nicola Sturgeon:** What we have today is Labour exposed: Labour will cut our health budget. I think that the people of Scotland deserve to hear that.

I want to finish on independence. The Government wants Scotland to be independent, not just because independence is desirable—although it is—but because it is essential. Tavish Scott was right to talk about jobs and Margo MacDonald was right to talk about social deprivation, but the reality is that to enable our economy to recover and to deal with the deep-seated social problems that we face, we need the powers of independence. Real power for this

Parliament—control of both sides of the balance sheet, as the First Minister said—is the only alternative to a decade of Westminster cuts. *[Interruption.]*

**The Deputy Presiding Officer:** Order.

**Nicola Sturgeon:** That is why we will take the case to the people. Why to the people? In the Parliament, we have a coalition of Labour, Tory and Lib Dem MSPs who are determined to block the right of the Scottish people to choose their own future. The election is about the defeatism of the Opposition versus the ambition of the Government; it is about the negativity of the Opposition versus the vision of the Government; and it is about the question of what kind of Parliament we want. Do we want a Parliament that is the wielder of the Westminster axe or one that is equipped for the challenges of the future? We choose independence, and we will ask the Scottish people to do likewise.

**Jeremy Purvis:** On a point of order, Presiding Officer. *[Interruption.]*

**The Deputy Presiding Officer:** I am sorry. I cannot hear the point of order. Will members be quiet?

**Jeremy Purvis:** I am grateful, Presiding Officer.

The Cabinet Secretary for Health and Wellbeing stated categorically in her speech, when she was listing capital projects, that they were all being funded through public finance.

**Nicola Sturgeon:** No, I didn't. *[Interruption.]*

**Jeremy Purvis:** On 19—*[Interruption.]*

**The Deputy Presiding Officer:** Will members allow Jeremy Purvis to finish, please?

**Jeremy Purvis:** On 19 August this year, the health department circular to health boards included the capital strategy group report, paragraph 33 of which states:

"The lack of available capital does mean that use of private finance must be an option for Boards to test."

I was wondering whether it was still the courtesy for ministers to correct themselves when they have given the wrong impression to Parliament.

**Nicola Sturgeon:** Presiding Officer—

**The Deputy Presiding Officer:** Can I answer that point of order first, Ms Sturgeon? It was not a point of order—it was a debating point.

Do you now have a point of order, Ms Sturgeon?

**Nicola Sturgeon:** On a point of order, Presiding Officer. Just to respond to that—*[Interruption.]* This is a point of order. The accuracy of what I said in

the chamber has been called into question, so I think that I should have the right to correct that.

In fairness to Jeremy Purvis, the noise in the chamber was rather loud at the time, but I can let him know that I said in my speech that the new Southern general in Glasgow is being funded by public capital and not by PFI. That is something that the entire chamber should welcome.

**The Deputy Presiding Officer:** That, of course, was not a point of order.

That concludes the debate on the Scottish Government's programme.

## Business Motion

17:03

**The Deputy Presiding Officer (Trish Godman):** The next item of business is consideration of business motion S3M-6927, in the name of Bruce Crawford, on behalf of the Parliamentary Bureau, which sets out the future business programme.

*Motion moved,*

That the Parliament agrees the following programme of business—

Wednesday 15 September 2010

2.30 pm	Time for Reflection
<i>followed by</i>	Parliamentary Bureau Motions
<i>followed by</i>	Ministerial Statement: Scottish Ambulance Service Call Handling
<i>followed by</i>	Scottish Government Debate: Drugs Strategy
<i>followed by</i>	Business Motion
<i>followed by</i>	Parliamentary Bureau Motions
5.00 pm	Decision Time
<i>followed by</i>	Members' Business

Thursday 16 September 2010

9.15 am	Parliamentary Bureau Motions
<i>followed by</i>	Scottish Government Debate: Housing Strategy
11.40 am	General Question Time
12 noon	First Minister's Question Time
2.15 pm	Themed Question Time Europe, External Affairs and Culture; Education and Lifelong Learning
2.55 pm	Scottish Government Debate: Celebrating the Growth of Scottish Food and Drink Fortnight
<i>followed by</i>	Parliamentary Bureau Motions
5.00 pm	Decision Time
<i>followed by</i>	Members' Business

Wednesday 22 September 2010

2.30 pm	Time for Reflection
<i>followed by</i>	Parliamentary Bureau Motions
<i>followed by</i>	Scottish Government Business
<i>followed by</i>	Business Motion
<i>followed by</i>	Parliamentary Bureau Motions
5.00 pm	Decision Time
<i>followed by</i>	Members' Business

Thursday 23 September 2010

9.15 am	Parliamentary Bureau Motions
<i>followed by</i>	Scottish Government Business



11.40 am General Question Time  
12 noon First Minister's Question Time  
2.15 pm Themed Question Time  
Health and Wellbeing  
2.55 pm Scottish Government Business  
*followed by* Parliamentary Bureau Motions  
5.00 pm Decision Time  
*followed by* Members' Business  
*followed by* Parliamentary Bureau Motions  
5.00 pm Decision Time  
*followed by* Members' Business—[*Bruce Crawford.*]

*Motion agreed to.*

## Decision Time

17:04

**The Deputy Presiding Officer (Trish Godman):** There are no questions to be put as a result of today's business.

## Scottish Cot Death Trust

**The Deputy Presiding Officer (Alasdair Morgan):** The final item of business today is a members' business debate on motion S3M-6542, in the name of Gil Paterson, on the 25<sup>th</sup> anniversary of the Scottish Cot Death Trust. The debate will be concluded without any question being put. I call Gil Paterson to open the debate.

### *Motion debated,*

That the Parliament puts on record its thanks to the Scottish Cot Death Trust for the work that it has carried out over the past 25 years in supporting families in the west of Scotland and beyond who have lost babies to sudden infant death syndrome (cot death); notes that, despite the reduction in cot deaths in the 25 years since the trust's formation, 1,510 babies have died in Scotland from cot death and that Scotland continues to lose one baby every nine days to it; wishes to pay tribute to the trust on its 25<sup>th</sup> anniversary, and acknowledges the reduction of cot deaths brought about by the trust's effective work.

17:05

**Gil Paterson (West of Scotland) (SNP):** Some six months ago, a neighbour asked whether I would meet members of the Scottish Cot Death Trust who were seeking assistance. Although I agreed, I took it for granted that the trust, like so many other organisations, would be looking for additional resources. I was, therefore, taken by surprise that my assistance was being sought only to explore ways in which the work of the trust could be exposed to the wider public in order to make the public more aware of the unnecessary early deaths of babies and young children through cot death. The trust particularly wanted to use the date of its 25<sup>th</sup> anniversary to raise awareness of the wide range of services that it provides, hence my seeking support for the motion to be debated tonight. I put on record my thanks to those members who shifted their debates in order that that could happen. I am very grateful for that.

I can imagine nothing more devastating than the loss of a child. I remember cases in the past in which the loss of a baby or child was unexplained and the stories that were written in the press insinuated—or, even worse, accused parents of—foul play. Most of us will be aware of high-profile cases, one of which was reported not that long ago, with the media pointing the finger at a celebrity. What dire, horrific cruelty for that person to experience being accused of responsibility for the death having just lost their child and not knowing why. Even after their name has been cleared, parents in that position are left with a feeling of guilt, wondering what could have been done to prevent the tragedy. That is why the work of the trust is vital.

The trust's aims are to fund research into possible causes of cot death, to support families that have been bereaved as a result of cot death and to educate parents and professionals in how to reduce the risks of cot death. The work that is done by the Scottish Cot Death Trust has brought about a different approach from the authorities and the press, who now have some sympathy for the bereaved families and a much better understanding of the truth than they had before.

When the trust was formed, in 1985, there were 153 cot deaths a year. In the 25 years since the trust began, there has been a significant reduction in the annual number of cot deaths—it is currently 40 a year. However, that still means that we lose one healthy baby every nine days to cot death in Scotland. Cot death occurs in every part of Scotland and affects every sector of society. Although it occurs more frequently in deprived areas, more affluent areas are not safe from the heartache. Most cot deaths occur within the first year of life, but cot death can also occur in older children; therefore, sadly, it can occur wherever children are sleeping.

In the early 1990s, the back to sleep campaign was the most significant awareness campaign ever implemented, and the Scottish Cot Death Trust was instrumental in ensuring its implementation throughout Scotland. The campaign aimed to educate all parents and carers about the need to place babies on their backs for sleeping rather than on their fronts, as they had previously been advised. It resulted in an immediate decline in the number of cases of cot death and continues to be one of the most important pieces of advice for parents. However, the campaign did not eradicate cot death completely—a common misconception that is held today.

It is estimated that approximately 2,000 children are alive today who might have suffered cot death had it not been for the research and education provided by the Scottish Cot Death Trust. Over the years since its formation, the trust has provided vital support for hundreds of families throughout Scotland. The support services on offer have been further developed, and the trust today offers an impressive range of support for families that are affected by the loss of a baby or young child to cot death.

The trust's community services nurse will visit families at home, regardless of where they live in Scotland, to provide information about cot death and the services that are available from the trust. Time will be spent listening to the family and discussing the support that is available to help them to cope with their loss. A professional counselling service is available to everyone who is affected by the loss of a baby or child through cot

death. The service is available across Scotland and is provided free of charge to bereaved families.

When a parent has lost a baby or child to cot death, the arrival of a new baby can bring huge anxiety that it might happen again. The Scottish Cot Death Trust's next infant support programme aims to support parents during subsequent pregnancies, after the birth, and for as long as the support is needed. As part of the next infant support programme, the trust can provide bereaved parents with a breathing monitor, on loan for up to 12 months, to offer them peace of mind with the new baby. The monitor will sound an alarm if the baby stops breathing. All parents will receive resuscitation training before receiving the monitor so that they know what to do if the baby stops breathing. The Scottish Cot Death Trust provides that service to many hospitals across Scotland.

The Scottish Cot Death Trust is involved at every level, from counselling bereaved parents to funding national and international research, all in the attempt to eradicate cot death. Members of the trust are in the public gallery tonight listening to the debate. They want the Parliament to support their campaign this year to raise awareness of the services that they provide to end cot death. They ask of us so little, and we owe them so much.

17:12

**David Stewart (Highlands and Islands) (Lab):**

I place on the record my thanks and congratulations to Gil Paterson on securing this evening's debate to mark, as we have heard, the 25<sup>th</sup> anniversary of the Scottish Cot Death Trust. I also recognise the work of Fiona Brown, the director of the trust, and her colleagues, who have made such an incredible difference to the families who have faced such a terrible tragedy.

The key objective of this evening is to raise awareness of cot death and the work of the trust during the past quarter of a century. As we have heard, one baby dies every nine days—29 children have died so far this year. Over the past 25 years, more than 1,500 children have died suddenly and unexpectedly, and no definitive cause of death can be found.

My youngest son Liam died from cot death in 1991. He was eight months old. I remember the horror and the trauma of the moment; it has never left me. A series of images are frozen in time: the ambulance; the faces of the doctors and nurses at accident and emergency; the police; and, later, the cold and remote manner of the pathologist during the post-mortem. All that contrasted with the support of friends, family and neighbours, the

phone calls and visits, and the hundreds of cards of condolence.

Many other bereaved parents have told me of the tremendous support that they received from the Scottish Cot Death Trust during the crucial first few months after their loss. That was certainly my experience.

As we have heard, the number of deaths has declined since the 1990s. They are now recorded as "sudden unexpected death in infancy". Such deaths can occur in every part of Scotland and in all social strata. Of course, most occur within the first year of the child's life, and can occur whenever an infant is sleeping. Twice as many boys die as girls, and second or later-born children are more at risk, as are pre-term, low-weight babies.

What can the trust do? It has invested £3 million in research and development and has educated thousands of parents and professionals about cot death and how to reduce the risk. It has a range of resources, providing support, home visiting, counselling and befriending services. I particularly highlight the important work done with apnoea monitors and resuscitation training for parents.

Of course, every bereaved parent reacts differently. Some may want contact support to last longer than others. When I met parents through the Scottish Cot Death Trust, they told me that, having received support, they were better able to support their surviving children and to search for help elsewhere, through a general practitioner or private counselling. At times of acute grief, it is easy to forget about surviving children, grandparents, aunts and uncles and, with older children, those children's pals.

I praise the trust for its case review study, commissioned in 2000, which called for a multidisciplinary approach, getting all the agencies to work together to minimise distress to families. I understand that NHS Quality Improvement Scotland will attempt to roll that out throughout Scotland.

Losing a young, healthy baby is one of the greatest traumas that parents could ever face. For 25 years, the Scottish Cot Death Trust has been counselling, supporting and educating parents, as well as supporting the professional agencies that work with the families. Let us never forget its pioneering research work. We owe a tremendous debt of gratitude to all who are involved with the trust—the befrienders, the fundraisers and the health professionals. The work that they do is truly outstanding and makes a real difference to many families. We honour their contributions and commitments here today.

17:16

**Mary Scanlon (Highlands and Islands) (Con):**

I congratulate Gil Paterson on securing tonight's debate, which rightly allows Parliament to thank the Scottish Cot Death Trust for the tremendous work that it has done over the past 25 years and, I hope, to raise awareness of this issue. Over the summer I spent considerable time with babies: a month ago my daughter gave birth to twins. When we look at newborn babies, we realise what a special gift they are.

With only a small grant of £5,000 each year from the Scottish Executive, the majority of the trust's funds come from donations and fundraising efforts. Over the past 25 years, the trust has invested more than £3 million in research projects, in educating thousands of parents and professionals about cot death and informing them of how to reduce the risk of that tragedy happening to them, and in supporting families in Scotland who have had to endure the heartache of losing a baby or young child to sudden and unexpected death in infancy.

The work of the Scottish Cot Death Trust has clearly had an impact. As Gil Paterson said, in 1985 there were 153 sudden infant deaths, but in 2009 the figure was 32. We should recognise and acknowledge the reduction in deaths that has taken place over the 25 years in which the trust has been in operation. It is also noticeable from the statistics that in 1985 the sudden infant death rate per 1,000 live births was 2.32, whereas last year it was 0.54—a considerable reduction.

Cot death is not a new problem. It was mentioned in the first Book of Kings, in the Bible, which states:

"and this woman's child died during the night because she overlaid it".

Views and opinions have changed but, as other members have said, sudden death in an otherwise healthy infant can still happen to any baby or young child, regardless of their family background or social status. However, studies suggest that a teenage mum is six times more likely to have a child suffer cot death than is a mum over 20. As David Stewart said, male children are twice as likely as female children to suffer cot death. The chances of a child suffering cot death also increase if their parents smoke and take drugs. All that justifies the research that the Scottish Cot Death Trust has carried out and the resources that it has allocated to research.

The Scottish Conservatives have long argued for a universal health visitor programme to improve the support that is offered to new parents and the advice and guidance that are given to them as they raise their child. Although it may not be possible to eradicate cot death completely,

provision of more health visitors to assist new parents and to warn them about some of the major risks that can cause cot death would surely assist in further reducing the number of deaths.

The Scottish Cot Death Trust has published a report of some 50 pages on the pilot of a multidisciplinary case review of each sudden unexpected death in infancy. Throughout it, there is a sense of frustration at the many delays and problems that could have been overcome including, for example, the time that is taken for the Crown Office to issue guidance to procurators fiscal, the number of fiscals who frequently fail to follow instructions, the lack of meetings being organised by paediatricians a year and a half into the pilot, and the lack of a standardised policy inquiry form to allow information to be collated from the time of a child's death.

The work of the Scottish Cot Death Trust cannot be overstated. I am delighted to have been able to take part in this debate.

17:20

**Willie Coffey (Kilmarnock and Loudoun)**

**(SNP):** I, too, congratulate Gil Paterson on securing this debate to coincide with the 25<sup>th</sup> anniversary of the Scottish Cot Death Trust, and the manner in which he opened it. Mr Paterson clearly feels very strongly about the subject and, of course, it will be hard to follow David Stewart's personal contribution. However, I will do my best to contribute to the debate.

We usually spend a lot of time in the chamber debating the big issues of the day and agreeing or disagreeing on just about every subject imaginable. However, in this debate, Gil Paterson and Dave Stewart have given us a chance not only to share some of the pains of the past, but to talk about hopes for the future and for Scotland's wee weans. As part of my constituency work, I have dealt with a number of families who have lost babies, so I know how devastating it can be when the parents have some explanation for their child's death. I can only imagine how much worse it must be when the death is unexplained.

In researching the background for my speech, I found the trust's website to be very helpful and informative. Back in 1986, in the organisation's early days, there were 153 deaths, or 2.3 deaths per 1,000 births. As Gil Paterson pointed out, the current figure is 40 deaths a year. That represents a significant drop of about 80 per cent, and credit must be given to the work of the trust as well as to the input from bereaved families, who have helped us to understand the reasons for these sudden deaths.

Will we be able to reduce that number further? Indeed, will we eventually be able to reduce it to

zero? Perhaps we will not, but at least we now know some of the high-risk factors. As Dave Stewart pointed out, males seem to be more vulnerable, with two boys being lost for every girl. Sixty per cent are lost during the winter months, particularly in areas of deprivation, and the peaks suggest that the riskiest period seems to be when the baby is around two or three months old. Armed with that information and other indicators, I will ask my local health board, NHS Ayrshire and Arran, whether it might be possible to try out some intervention to assist parents whose babies might be liable to those risks at those particular times. I do not know whether that it will be possible, but I will try. Such a move will prove to be well worth while if we can reduce the death rate even further.

A key strength of the Scottish Cot Death Trust, as with many other organisations, is that people who come to the trust for help can be sure that they are dealing with someone who has a real interest in their plight and is committed to helping. The trust's range of services has clearly been developed in response to the needs of families who have been affected by the loss of a baby or very young child to cot death. Obviously the provision of a home visiting or counselling service the length and breadth of Scotland is financially challenging, but how else can we ensure that parents who are affected by the loss of a baby or child to cot death get to speak to a professional adviser who really understands what they are going through?

The fact that the services are provided alongside the input of dedicated volunteers means that parents can be helped in a variety of ways as they try to come to terms with their loss. I am sure that many of those who first encounter the trust as clients are gradually transformed into active participants in supporting others, both through the befriending service and by taking part in the trust's family days. In that way, the trust's activities bring together parents and members of the extended family who are rebuilding their lives after a devastating common experience. Those links and bonds go well beyond the support that can be provided by public services and are one of the reasons why it is so important for the public and voluntary services to work closely together.

I congratulate and thank the Scottish Cot Death Trust, commend it for the work that it has done over the past 25 years, thank my colleague Gil Paterson for bringing this very important matter to our Parliament's attention and look forward to further work in this area that will lead to a greater understanding of the problem, and might ultimately allow more of Scotland's babies to survive this crucial period of their young lives.

17:25

**Hugh Henry (Paisley South) (Lab):** I do not think that anyone can adequately explain the joy that a parent or grandparent feels at the birth of a child, but one of the things that comes with that joy is the fear of what else might happen. I thank Gil Paterson for giving us the opportunity to record our appreciation for the work of the Scottish Cot Death Trust. That fear of what could happen overlays far too many families. David Stewart outlined very well the sheer human emotion of losing a child. He talked about the personal support that comes from so many, but also expressed the fear and horror of having to deal with a system while grieving for a child who was so eagerly anticipated.

From speaking to people who have had a sudden death in the family, I know that they often blame themselves somehow, and think that they did something that contributed to the death, particularly of an infant. They wonder whether they could have done something that would have prevented it. The work of the Scottish Cot Death Trust should and can help to assure people that these things happen, as members have said, and that they should not feel any guilt or remorse that they somehow contributed to what was an unexplained death.

The trust has done tremendous work on research and education. I remember that, when my children were born, we had all the debates about whether we should lie them on their front or put them on their back. It is good that we now have some kind of scientific basis for saying to parents how they should proceed. However, we should not underestimate the contribution that the trust makes in supporting bereaved families. The home-visiting service provides that bit of comfort and sympathy that can come from someone who knows a bit about what has happened, but who is not immediately attached to the family.

Counselling is often underestimated. We cannot know how people will react to an unexplained death and what they might do as a result but, too often, we leave people to their own devices to grieve and to mourn and to have to suffer the consequences without their having someone there to help them through a difficult period. The contributions of the trust's befriending service, family days and next infant support programme are inestimable. We can imagine that a person who has just been through the trauma of losing a child and who has another one on the way will wonder whether it will happen again and whether the death happened because of something that they did.

The trust has done tremendous work to help to put the issues in context and, more important, to give that human and personal touch and support

that can so often make the difference to bereaved families. It has been a tremendous record of achievement in 25 years. Whatever little we can do to support it should be taken as a given. I hope that the trust continues to develop. Although it is fantastic that the number of sudden unexplained deaths has reduced, each one that still happens is a tragedy for that family and leaves a family looking for support. I thank everyone who has done so much in the past 25 years.

17:30

**Dr Richard Simpson (Mid Scotland and Fife (Lab)):** I, too, congratulate Gil Paterson on securing this important debate and I welcome the opportunity to discuss the 25<sup>th</sup> anniversary of the Scottish Cot Death Trust. As members said, the trust has supported many parents who have gone through the sudden and unexpected loss of a child.

In its 25<sup>th</sup> year, the trust has a great deal to be proud of. We should celebrate the massive reduction in cot deaths, which Mary Scanlon and other members reported. The research that demonstrated that it was safer for infants to sleep on their backs, which I think originated in New Zealand, has been the main contributory factor to the massive reduction. That success should be celebrated.

However, there are still some 40 deaths annually. We need to consider the residual factors, understand what is happening and see what can be done in a policy context. Issues have been raised by a number of members. One factor is that deaths are much more common in the babies of teenage mothers. It is regrettable that the policy of reducing the incidence of teenage pregnancy, which the Labour Party and the SNP have tried to follow, cannot be said to have been a great success for either party. We need to redouble our efforts to ensure that the number of teenage pregnancies is reduced.

A second factor is smoking. It is regrettable that smoking during pregnancy is still significant. I commend the initiative in NHS Tayside, which saw that it had some of the worst statistics in that regard. The board set up a scheme whereby mothers who made and succeeded in the significant attempt to give up smoking were rewarded. The scheme was criticised in parts of the media, but Tayside's smoking cessation statistics have moved considerably. We need to redouble our efforts to ensure that people stop smoking during pregnancy and continue not to smoke afterwards.

The smoking issue is related to the third factor, which is that there are more sudden unexplained infant deaths in poorer socioeconomic groups. We

must continue to consider health inequalities and look at the balance between the universal provision of health visitors, which I think that everyone wants, and a focus on people from poorer socioeconomic backgrounds. Such matters need to be addressed.

An issue that concerns me in relation to the subject that we are considering and other areas in health is that the information that is available on the web is not always the best. Much of the information on the internet is discursive and not evidence based. We need, for example, to consider—I will use the biblical term, as Mary Scanlon did—overlying: that is, sharing a bed with the child. I do not think that it would be correct to give universal advice that that is not appropriate. However, it is probably appropriate to say that people who smoke, drink or use drugs or sedative medicines should avoid the practice. I am not an expert in the field, but we need to give clear information to parents.

Members referred to what happens after the death. Many deaths remain unexplained after a post-mortem. A post-mortem is important, but it is a cold and frankly unpleasant thing to have to go through. A very close member of my family experienced a sudden infant death, and—although I was on the periphery—to go through a post-mortem with my own family was very different from doing so with parents as a doctor. Part of the reason for that was that the post-mortem was not handled in a particularly sensitive way—this was some 30 or 35 years ago. Sensitive handling by paediatricians, the police, pathologists and other professionals is important.

I commend the Scottish Cot Death Trust for its work during the past 25 years and for continuing to try to meet the challenge of further reducing the number of infant deaths.

17:34

**The Minister for Public Health and Sport (Shona Robison):** I thank Gil Paterson for raising the important issue of cot death and for bringing the debate to the Parliament. I welcome the many speeches that we have heard, some of them very good, and I single out David Stewart's speech. It is difficult to share personal experiences in the Parliament, but he managed to do that in a speech that was moving as well as positive. He talked about some of the good, positive developments that there have been.

On behalf of the Scottish Government, it is my pleasure to congratulate the Scottish Cot Death Trust on its landmark silver anniversary and to acknowledge with sincere thanks and appreciation the sterling work that its trustees and past and present staff have done over the past 25 years in

supporting families who have lost babies or young children to sudden unexplained death in infancy, or cot death, as it is more widely known. Any bereavement is traumatic, but the devastating impact on a family of the sudden and unexpected death of a baby or child is heartbreaking. That is why the support that the trust offers is appreciated so much and is so necessary.

Despite the extensive research, we still do not fully understand why cot death occurs, so we cannot totally prevent it. However, we can reduce the risk of cot death tragedies happening. As several members have said, the number of cot deaths has reduced in recent years but, sadly, we still lose too many babies. Until 1991, around 90 babies a year died in Scotland; the number has gradually decreased to around 30 babies a year. Behind each of those sad statistics is a whole family devastated. Of course, much of the credit for the reduction can be directly attributed to the efforts of the trust, working with dedicated national health service staff. It is widely thought that the reduction is due to the advice that is given to parents to place babies on their backs to sleep. Several members have mentioned that.

Research and education are key to the trust's work. Since 1985, around £3 million has been invested in studies throughout Scotland and internationally to try to identify the cause of cot death. The trust has used the findings from that research to educate parents, health professionals, the police and many more people on all aspects of cot death and how to reduce the risk of it happening, and to increase awareness of how to deal with families that face devastation.

Supporting families has been and still is a fundamental aspect of the trust's work, and it continues to develop the range of services that it offers, such as the six plus one initiative, which is designed to build networks of trust among parents who have easy access to hard-to-reach groups. More recently, it has introduced home support visits, a befriending service and breathing monitors, and it has recruited nine professional counsellors throughout Scotland in the past year. Among other things, it is planning to introduce a new website with more current information and an online forum for bereaved families and parents, and an information roadshow to go across Scotland.

The Scottish Government is working with the trust on the revision of its leaflet entitled "Reduce the Risk of Cot Death: An Easy Guide". The Scottish Government has convened an expert group that comprises clinicians, health managers, representatives from the United Nations Children's Fund, the baby-friendly initiative, the trust, of course, and Scottish Government officials to update and redesign the leaflet to maximise its

effectiveness in highlighting and conveying crucial information on how to reduce the risk of cot death in a clear and simple way. Perhaps some of the reflections in tonight's debate will help to inform that process. The leaflet is currently being pre-tested with parents to ensure that the messages that it contains are easy to understand. It will be issued to every new mother in Scotland following the delivery of her baby. It is vital that anyone who cares for a baby is properly informed of current preventive measures to take.

In addition to publishing the new leaflet for the trust, the Scottish Government plans to publish a variety of posters that will highlight pertinent messages from the leaflet for distribution to various locations throughout Scotland, such as GP surgeries, hospitals and community clinics. That will further enhance awareness and therefore help to ensure that anyone who cares for a baby is properly informed of the measures that they can take to reduce the incidence of cot death.

We continue to support the important work of the trust through the provision of grant funding. The trust will receive £7,000 per year for the next three years to help it to go forward and continue to provide its services.

As well as working with the trust, we are working in partnership with NHS Quality Improvement Scotland, expert clinicians, NHS board managers, local authority social work departments and child protection teams, the police, various charities and the procurator fiscal's office to take forward the development of a toolkit for professionals that advises on sensitive and appropriate practice and support to the bereaved family in the event of a sudden unexplained death. It came through tonight that such practice does not always happen, which can be very painful in addition to the pain and shock that the family are already experiencing. That is an important piece of work.

We are also working to restart the process of case reviews following a cot death and on the collection and evaluation of national data with a view to further reducing risk. We know that the risk of cot death is higher in cases where babies are born pre-term, with low birth weight or in families where there is socioeconomic deprivation or where there are complex needs. The refreshed framework for maternity services, which we hope to publish in January of next year, places a focus on addressing inequalities in access, experience and outcomes. The Scottish Government's maternity services action group is developing guidance to support NHS boards to improve the identification and management of those mothers and babies in areas of high deprivation who are most at risk of poorer health outcomes.

I wish the Scottish Cot Death Trust continued success in the future in identifying the causes of

cot death, educating the public and professionals and, importantly, supporting families who are unfortunate enough to lose a child to cot death. I applaud the work undertaken by the Scottish Cot Death Trust. Continuing to reduce the number of cot deaths in Scotland is something to which we collectively aspire and the Scottish Government will continue to provide its support where and when it can.

*Meeting closed at 17:41.*



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