



The Scottish Parliament
Pàrlamaid na h-Alba

Official Report

MEETING OF THE PARLIAMENT

Wednesday 29 September 2010

Session 3

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Scottish Parliament

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[The Presiding Officer *opened the meeting at 14:30*]

Time for Reflection

The Presiding Officer (Alex Fergusson): Good afternoon. The first item of business is time for reflection. Our time for reflection leader today is Father Colin Hughes of Holy Trinity and All Saints church in Coatbridge.

Father Colin Hughes (Holy Trinity and All Saints Church, Coatbridge): Good afternoon. The story is told of a time long, long ago when trees and animals were blissfully happy to communicate with one another. There existed on the top of a hill three baby trees.

The first baby tree had a great dream. He wanted to be a great sailing ship and sail all the oceans of the world. He would convey across the world kings and queens, princes and princesses and many noble people.

The second baby tree had the great dream to become a treasure chest that within its walls would hold diamonds and emeralds, rubies and sapphires, and he would be content forever knowing that they were in his safe care.

The third baby tree had a different dream. He wanted to stay on that hill and grow strong and tall and mighty. He wanted his branches to reach to the sky and he wanted people to look at the tree and say what a strong, mighty and valiant tree he was.

Time passed. The rains rained, the winds blew, the sun shone and the three baby trees grew to maturity.

Then, one day, a woodcutter went up the hill and with a swoop of a shining axe cut down the first tree. That tree was taken back to the woodcutter's shed and made into a small, lowly and humble fishing boat, and the tree cried tears that only trees could cry. He did not become a great sailing ship. Then one day in the middle of the lake a man stood up and told the wind to be calm and the sea to be at peace and at once the tree knew he was holding a cargo finer than any earthly king or queen.

On another day that woodcutter went up the hill and again, with a swoop of a shining axe, cut down tree number 2. It, too, was hauled back to the woodcutter's shed, where it was made into a feeding trough. The tree shed tears and realised his humble fate. However, one moonlit, starlit night a young mother placed her baby on the straw that

had been placed in the feeding trough, and that tree knew that he was sheltering a treasure more valuable than diamonds and sapphires and emeralds and rubies.

On yet another day, that bold woodcutter went up the hill and the third tree began to tremble, because with a swoop of his shining axe he cut that tree down and the tree cried tears that only trees can cry. He was taken to the woodcutter's yard and made into simple, humble planks of wood. Then one Friday afternoon, that tree was placed on a man's shoulder and people were shouting and spitting at the tree and the tree was confused, dejected and sad beyond compare, but then, on the beauty of a Sunday morning, that tree stood again at the top of the hill and people looked at the tree and they said to one another, "What a strong and mighty and valiant tree," and that tree would be forever remembered.

Each of those beautiful trees had a dream. Their dream was transformed and made into something grander and more glorious. To have a dream is to have hope and to have hope is the motivation to progress, to move on and to develop. As a priest and as members of this Parliament, we have a duty and obligation to uphold people's dreams and to make sure that we remember that each individual has the dignity of a child of God. Both priests and members of Parliament have the ability, capacity and noble job of being dream catchers. Thank you.

Broadcasting

The Presiding Officer (Alex Fergusson): The next item of business is a statement on broadcasting by Fiona Hyslop. The minister will take questions at the end of her statement, so no interventions or interruptions should be made during it.

14:35

The Minister for Culture and External Affairs (Fiona Hyslop): Just over two years ago, the Scottish Broadcasting Commission produced its final report. That still stands as a blueprint for how to improve broadcasting in Scotland, due to the diligence of the commission's research, the quality of its analysis and the logic of its conclusions. In the chamber, a regular focus on broadcasting has been an important feature of the Parliament. It emphasises the significant role for Scottish institutions in examining broadcasting matters.

One form of progress in the past year has been the United Kingdom Government's acceptance that the Scottish ministers should in the future appoint the BBC trust member for Scotland. In the short term, the appointment of Jeremy Peat's successor is being undertaken as a joint process by the Scottish and United Kingdom Governments.

I will reflect on what we might achieve under existing powers. I will focus on three key themes of the Scottish Broadcasting Commission's final report: its expectation that the BBC and Channel 4 should increase their commissioning from Scotland; its belief that public sector agencies should provide coherent support and leadership for the sector; and its aspiration for a Scottish digital network to provide sustainable competition for the BBC in Scottish public service broadcasting.

It is worth remembering that the core reason for the commission's establishment was the release of figures that showed that Scotland's share of UK network production fell from 6 per cent in 2004 to less than 3 per cent in 2006. Genuine progress has been made in the past year, although far more still needs to be done. Scotland's share of network production increased from 2.5 per cent in 2008 to 3.6 per cent in 2009. That includes a significant increase from the BBC, where Scotland now accounts for 6.1 per cent of network commissions, which is up from 3.7 per cent in 2008. Incidentally, that increase alone represents an injection of an additional £19.5 million into the Scottish economy. I believe that the BBC should aim for Scotland to account for 8.6 per cent of network programming by 2012, rather than by its original target date of 2016. The rapid progress that it has made

certainly suggests that the target could sustainably be met considerably earlier than 2016.

Progress by Channel 4 has been significantly slower. Scotland's share of Channel 4 network production in 2009 increased from 1.4 per cent to 2.5 per cent and Channel 4 expects a further increase in 2010. Channel 4 contributes a considerable amount of work to the digital media and film industries in Scotland and I believe that the Office of Communications should account more for that. I saw evidence of the value of Channel 4's work at first hand earlier this month when I visited Tag Games and Dynamo Games in Dundee, both of which have benefited from investment by Channel 4 and Creative Scotland.

We will continue to work constructively with Channel 4 to maximise the positive and welcome contribution that I fully acknowledge it makes to Scotland's creative industries. However, for as long as Channel 4's broadcasting expenditure—by far the largest part of its overall budget—is so low in Scotland, I will continue to press it to do more.

The increase in network production in Scotland provides an important opportunity for the independent production sector. On taking over as the Minister for Culture and External Affairs, one of my first steps was to hold a broadcasting conference in Glasgow and to chair a meeting between broadcasters, independent producers and public sector agencies at which we explored the issues that face the television production sector. I was left in no doubt about everyone's commitment to working in partnership, or about the creativity and drive that exist in many parts of the independent sector.

As many members know, Scottish Enterprise and Creative Scotland recently published the report of the television broadcast and production working group that was established last year. Many of the recommendations in that report are being implemented. To follow up one recommendation, Scottish Enterprise is today publishing a report on production space in Scotland.

The key theme that runs through the working group's report is partnership—how much stronger the production sector is when public agencies, broadcasters and independent producers work together for the sector's benefit. I strongly encourage Creative Scotland to play a lead role in maintaining that partnership approach and I am pleased that it has already agreed partnerships with the BBC and STV.

There have been genuinely encouraging developments in relation to both network commissions and the development of the television production industry, but there has been less success so far in trying to implement the

Broadcasting Commission's proposal for a Scottish digital network. The case for a network has strengthened, not weakened, over the past two years.

Reports in 2009 by both Ofcom and the previous UK Government highlighted the dangers to public service broadcasting plurality in Scotland if major steps were not taken.

STV's efforts to increase its domestic production are welcome. We support the contribution that STV can make to Scottish broadcasting and the creative economy, but opt-out programmes on channel 3 clearly have limits in providing secure and sustainable competition to the BBC over the full range of Scottish public service programming. Furthermore, the success of BBC Alba, as noted by the Parliament in February this year, gives some indication of the appetite in Scotland for more Scottish content. If the BBC trust were to place BBC Alba on Freeview, as the Scottish Government has repeatedly emphasised that it should, the appetite for doing that would be even clearer.

There is just now a window of opportunity. Jeremy Hunt, the Secretary of State for Culture, Olympics, Media and Sport, has spoken of the "chronic over-centralisation" of UK broadcasting. I think that every member of this Parliament would endorse that opinion. The UK Government wants to address that chronic overcentralisation. That is why it has established a panel that is chaired by Nicholas Shott to explore what needs to be done to make local television commercially viable. Nicholas Shott expects to conclude his report in late November, after which the UK Government will launch a consultation on local television in early January.

I have had very constructive meetings with Jeremy Hunt and Nicholas Shott over the past five weeks. Nicholas Shott's initial views, which were published yesterday, state that he recognises that there are particular requirements in the nations of the UK and that his final report will include further analysis of these.

The Scottish Parliament is unanimously behind a digital network that, in the words of the Broadcasting Commission's final report,

"could certainly accommodate opportunities for more localised broadcasting."

It is clear that Nicholas Shott is investigating how local television can be supported by a host channel, although his initial thinking is that that could be provided by existing public service broadcasters. The views of this Parliament and the UK Government are very close in their common desire for more localised broadcasting. However, it is clear that much work is still needed to marry the

UK Government's ambitions and those of this Parliament.

The issue of funding will be particularly important. For that reason, two weeks ago, I established the Scottish digital network panel, chaired by Blair Jenkins, to assess how a Scottish digital network could be established and funded. I have already made it clear to the UK Government that I want the work of the Scottish panel to complement and not compete with the work that Nicholas Shott is undertaking. I very much hope that the Scottish digital network panel will form a constructive working relationship with Nicholas Shott's team. By doing so, it can inform the consultation on local television that the UK Government plans to launch in January next year.

I want to work with other parties at Holyrood as far as is possible. The case for a digital network and for increased commissioning from Scotland has been significantly strengthened by the consensus that has surrounded broadcasting in Scotland since the Broadcasting Commission first reported. The quality of debate on broadcasting has been heightened by the constructive approach that Opposition spokespeople have shown in our debates and discussions on broadcasting thus far. I hope that we can continue to take forward the debate on broadcasting in Scotland as constructively as possible and that, where we differ, we respect one another's different perspectives. The events of the past year have demonstrated that a partnership approach can yield results.

There is, of course, much more to do. However, I hope that the Scottish Government and this Parliament can make a real difference. By doing so, we will enhance broadcasting's role in the democratic, economic and cultural life of the nation.

The Presiding Officer: The minister will now take questions on the issues that have been raised in her statement. We have no more than 20 minutes for such questions, after which we must move to the next item of business.

Pauline McNeill (Glasgow Kelvin) (Lab): Labour welcomes the work of the Broadcasting Commission and the impact that that has had on the industry in Scotland. However, we note that no progress has been made on the funding of a Scottish digital network, which remains a central priority for the Scottish Government.

In taking forward the Scottish digital network, does the minister recognise that Labour's support for a digital channel is dependent on its being demonstrated that existing channels will be neither damaged nor undermined by it, and that quality must be at the heart of any new digital channel? Surely STV's experiment with opting out has to be

a central feature of Blair Jenkins's work as he looks into the quality of any new network.

Funding must be a realistic prospect. Labour supports the growing amount of broadcasting industry work that the Scottish Government has been involved in to achieve a digital channel, but will the Government audit what has been done to bring skills to Scotland?

The £20 million of investment that the BBC has brought in by increasing network capacity is important, but will the minister ensure that an audit is also done for Channel 4 and Channel 5—which I do not think was mentioned in the statement—to match the commitment of BBC Scotland?

Critically, will the minister answer the following questions about the scope of the panel that Blair Jenkins will chair? First, will the Government support commercial options—will a commercial channel be a prospect under the new digital network or not? Will Blair Jenkins explore the BBC licence fee as a source of funding? Will he establish whether there is space on the digital spectrum as we move to digital switchover? The network is not a realistic prospect unless it is universal and available for all who wish to view it.

Fiona Hyslop: There were a number of very important questions there, and I will try to answer them all. If I do not, I hope that other members will come in on the same topics. There will be further opportunities to address some of those fundamental questions that Pauline McNeill has asked.

I thank Pauline McNeill for her support. She is correct to identify funding issues as being the main concern. The work of both the digital network panel and the Nicholas Shott review will be helpful in informing us on that subject.

I recognise Pauline McNeill's concern about the impact of a digital network on existing channels. I would go further: it is important also to consider the potential impact on other media and other interests. The remit of the digital network panel therefore covers the potential market impact of any proposed funding on other Scottish media organisations. The issue has been addressed, and it will be addressed by the panel.

Pauline McNeill identified some more recent developments, including those involving STV. In the series of meetings that I have held with broadcasters, they were all open to participating and involving themselves in the digital network panel's work. They are involved in the Nicholas Shott review, too.

Pauline McNeill also identified the issue of auditing skills and the extent to which the production that is taking place in Scotland is adding value to the local economy, to skills and to

the development of local production and independent producers. We have been assured by the BBC that that is the case. However, Pauline McNeill correctly identified the need to continue to audit that in order to ensure that value is kept in and added to the Scottish perspective.

We should be realistic about the question of a commercial channel being involved. Our initial thinking was that the network would be public service broadcasting and would not necessarily be commercial in nature but, taking into account the reality of where the UK Government is going, we should be prepared to consider a combination of different models. That could mean certain elements—opt-out or otherwise—involving some commercial aspects. We have to wait and see what the UK Government comes up with. We need to be open minded in this regard, and people are conscious of that.

Funding from the licence fee, top-sliced or otherwise, was always an option or opportunity. The various different funding options will be considered by the digital network panel.

I hope that I have managed to cover that wide range of questions, but I am sure that we will return to the same points in subsequent questions.

Ted Brocklebank (Mid Scotland and Fife (Con): I thank the minister for early sight of her statement.

The minister will recall that the BBC director general committed the corporation to achieving a minimum of 9 per cent network production from Scotland, in line with our population percentage. At 6 per cent, the BBC is still well short of achieving that figure, which Mark Thompson said was to be regarded as

“a floor rather than a ceiling.”

How satisfied is the minister that the network increase reflects genuine Scottish programmes, rather than established network shows being switched to Glasgow?

Secondly, the Government says that it hopes that the digital network, which was first proposed, of course, by the Scottish Conservatives, could become a reality as part of the Westminster Government's plans to establish community-based stations across the UK. We have been told that a Scottish digital network panel has been set up to investigate funding models. Why has no one who has experience of local TV been included on the panel?

Given that the Government has set up a panel to consider ways of funding the proposed digital channel, I presume that the Scottish National Party has abandoned the Scottish Broadcasting Commission's view that such a channel should be paid for by the taxpayer.

Fiona Hyslop: The member has raised a number of issues. I think that the BBC can reach the target before 2016 and I am urging it to do so. Progress has been made and, welcome though that is, I think that 2016 is too long a way off and that the momentum is such that the BBC can reach the target before 2016.

On community-based television, there can be a variety of models. At one point, the Conservatives were talking about having 80 local television stations. Ofcom's submission to the Shott review is interesting in that regard, and Nicholas Shott indicated only yesterday in a letter that such local community-based television stations might not be sustainable through advertising revenue in the way that was first envisaged. Economies of scale might therefore be necessary.

We want the panel to report quickly and promptly, taking on board Nicholas Shott's review, which we hope will be published before the end of the year. We want the panel to deliver in time to influence the consultation that the UK Government will put out next year. The membership of the panel is small and does not include a member with community-based television experience, but I expect the panel to consult such people as part of its deliberations. Blair Jenkins has indicated that he is open to engaging with all interests in taking the matter forward.

On whether a digital channel should be paid for through the licence fee, I suspect that that will depend on what happens with the licence fee. There are different models of funding, which is why I have asked the panel specifically to consider different models of funding. A variety of models exists across the regions and nations of the UK, and it is important that we are open minded, so I will not pass judgment until I have seen the results of the panel's deliberations.

Iain Smith (North East Fife) (LD): I thank the minister for the advance copy of her statement, which contained little with which members could disagree. We all welcome the progress that is being made by the BBC and, to a lesser extent, by Channel 4, towards having more programming from Scotland, but we acknowledge that more needs to be done. We also welcome STV's efforts to provide more original programming for Scotland.

Scotland's distinctive needs must be recognised as the BBC tightens its belt to cope with the licence fee freeze and as the future shape of channel 3 and the options for localised TV are determined. I welcome the setting up of the Scottish digital network panel and I look forward to meeting Blair Jenkins shortly to discuss his work.

Although a Scottish digital network remains an aspiration, does the minister agree that the priority

must be investment to ensure that Scotland is not left on the hard shoulder of the digital superhighway? Does she agree that the Government's efforts should be concentrated on delivery of high-speed broadband throughout Scotland, to support our communities and sustainable economic growth?

Fiona Hyslop: On the licence fee freeze, the member's colleagues at Westminster and in the UK Government will want to consider issues in that regard.

On digital roll-out, I assure the member that my colleague Jim Mather has written to Jeremy Hunt to urge him to ensure that one of the pilot areas for superhighway activity is a rural area in Scotland, because unless we serve the periphery of Scotland first we will repeat the mistakes of the past, when the central belt had a fast service long before remoter parts of Scotland did. I agree with the member's emphasis in that regard. We should collectively support that drive, to ensure that we are at the forefront of development. There will eventually be developments in internet television: proposals must not only meet the needs of today and tomorrow but anticipate how Scotland can be ahead of the game in broadcasting in several years.

That is why I have emphasised to Jeremy Hunt and Nicholas Shott that there is an appetite in Scotland to grasp the issue and that Scotland should be at the forefront of decisions, in particular if resources are available. Scotland has an appetite and offers an opportunity, and these are the right circumstances in which to ensure that we can drive forward the digital network, which could operate as a spine from which local opt-outs could come.

On the figures, the second annual progress report, which was published today and issued to all MSPs, contains more detail about the progress over the past year, which has been considerable.

Jamie Hepburn (Central Scotland) (SNP): The minister will be aware that the UK Government has raised the prospect of changing the ownership rules for media to allow an increase in cross-ownership, which could allow for the rise of monopolies. Does she agree that, although we should support the idea for more opportunities for localised broadcasting, as Ted Brocklebank mentioned, that should not be at the expense of having a broad range of media operators, and that we must ensure that no monopolies emerge that impact negatively on impartial coverage?

Fiona Hyslop: I very much agree with that sentiment. Indeed, the risk to plurality from monopolies of any form—whether public service broadcasting monopolies or monopolies of commercial interests—is obviously of concern

because of the importance of broadcasting within a democracy. When I met Colette Bowe from Ofcom recently, I made the point that Jamie Hepburn has raised because it refers to an important feature of Scottish broadcasting and must be addressed.

David Whitton (Strathkelvin and Bearsden) (Lab): The statement runs to seven pages and took the minister 10 minutes to read, but I see no mention of skills or skills training in it. Will she detail what is being done to provide a workforce that has the skills that are necessary to man the commercial stations about which she is talking? Will such an initiative be included in the third refresh of the skills strategy, which we expect to see next week?

Fiona Hyslop: I am disappointed that David Whitton is so grudging. I talked about Creative Scotland's partnership with the BBC and STV, which is specifically about skills.

I also talked about the industry advisory group's recommendations. The actions from those are already being taken and the recommendations that I referred to that are being implemented include training provision, particularly in drama. There is some very exciting work on that. Skills Development Scotland is investing in drama training. The big weakness in commissioning that was recognised is not necessarily in factual or news programming but in drama. We can make a big difference and achieve a huge amount in that. That is why Scottish Enterprise has today produced a report that gives different options on production capacity that would help to support that.

I reassure David Whitton that there has been progress in the past year but, even before that, with my previous responsibilities, we ensured that there was skills development for networks and drama in particular because they were identified as being weak in that respect. I am pleased to assure him that Skills Development Scotland is on the case. More important is that the Scottish Broadcasting Commission recommended that there be a partnership between the public sector and the individual broadcasting companies. Skills are clearly an area for that partnership and I am pleased that Creative Scotland has moved swiftly to reinforce that agenda.

Christine Grahame (South of Scotland) (SNP): I refer the minister to the expression "democratic deficit" in her statement. Nowhere is that better exemplified than in the Scottish Borders, where the STV franchise does not run, so my constituents receive ITV Borders, which is located in Gateshead, and do not get Scottish news or Scottish football. I hear what she says about local opt-outs. Will the Scottish digital

network panel specifically consider the difficulties in the Scottish Borders?

Fiona Hyslop: I am sure that the panel will look throughout Scotland to find out what possibilities exist. I have already said that Scotland has particular relevance, reference and importance as part of the UK consideration. Within Scotland, the Borders have a particular issue that must be addressed—the region is badly served by existing broadcasting arrangements. We have repeatedly said that it is absurd that 250,000 people in Scotland receive their channel 3 regional news bulletin from studios in Gateshead and we will continue to press the UK Government on that.

The south of Scotland alliance and other groups are considering how community television stations could work. I encourage them to engage with the digital network panel and the Nicholas Shott review. However, at the end of the day, the decision remains a matter for the UK Government until such time as broadcasting responsibilities are transferred to the Scottish Parliament.

Margo MacDonald (Lothians) (Ind): It has taken us an inordinate amount of time to get to the point at which we are to have a panel chaired by Nicholas Shott to explore what needs to be done to make local television commercially viable. We are aware of the need to conserve public money and we already know what we need to make commercial television viable: we need advertising and, for about the next decade, we ain't gonna get advertising that would allow us to launch a new television system.

Will the minister look seriously at the other proposal by the new UK Government to allow the ownership of local newspapers and local television and radio? As someone who worked in local radio and then worked in local television to see whether it was possible to replicate the success of local radio in television, I do not believe that it is.

The Presiding Officer: I must hurry you.

Margo MacDonald: The minister could save a bit of money by tackling the issue the other way and starting from newspapers instead of television.

Fiona Hyslop: One of the members of the digital network panel is Charles McGhee, and the panel's remit includes examining impacts on other media. I have met the consortium that put together the bid for independently funded news consortia, which was not signed by the incoming United Kingdom Government. Some of the potential opportunities might be reflected in the proposals that Margo MacDonald makes. Everyone is open to consideration of all of the options. Indeed, Nicholas Shott has already met people from the organisations that might be able to provide the solution that she is talking about. I do not think that

it is fair to prejudge that work, which will be informed by the additional network panel and Nicholas Shott.

At this point in time, we have to keep our options open. The solution might end up being a combination of a variety of suggestions that have been put forward by this Parliament. I simply ask members to be open minded and to consider the practical realities, particularly given the economic constraints that we face.

Stuart McMillan (West of Scotland) (SNP):

The minister highlighted the UK Government's establishment of a panel to explore what needs to be done to make local television commercially viable. What discussions has the minister had with Nicholas Shott and his team to impress on them the importance of any consultation process being genuinely public and of the need to ensure that consultation events take place in a variety of places in Scotland, which will allow a range of opinions to be heard from across Scotland and will, more importantly, ensure that the consultation does not have a remote and centralised appearance?

Fiona Hyslop: I know that Nicholas Shott is conducting an extensive series of meetings with particular interest groups. The consultation about the future of local television will take place next spring and will be driven by the Department for Culture, Media and Sport in Whitehall. I am more than happy to relay to the UK Government Stuart McMillan's request that there be an open consultation process that has meetings in Scotland.

Nicholas Shott has published a letter that he wrote to Jeremy Hunt to outline his initial thoughts. If it is helpful to Parliament, I will ask for that to be put in the Scottish Parliament information centre.

Ken Macintosh (Eastwood) (Lab): On funding for the new digital network, has the Government ruled out any direct funding of its own? Has that option been considered by Blair Jenkins?

Fiona Hyslop: We have ruled nothing in or out in that regard. Clearly, Government investment in television is possible. We already contribute a significant amount to BBC Alba, which has proved its success. I know that the UK Government has some reluctance in relation to public money being invested as a subsidy, but it might find that the report of Nicholas Shott recommends that there needs to be some such investment. Obviously, the Scottish Government would consider what would be possible within our budget, if that were necessary.

Some of the investment that we can make could involve skills and similar areas—that goes back to David Whittton's question. Working with Scottish Enterprise and Creative Scotland, we will consider

whether a critical mass of investment can be made. If the investment can come from advertising or from within the licence fee, that would be, in a sense, a cleaner solution. Obviously, however, we will look to our responsibilities, depending on the outcome of the reports.

“The recommendations of the Commission on Scottish Devolution regarding Scottish Parliament procedures”

The Presiding Officer (Alex Fergusson): The next item of business is a debate on motion S3M-7056, in the name of Gil Paterson, on the Standards, Procedures and Public Appointments Committee's report “The recommendations of the Commission on Scottish Devolution regarding Scottish Parliament procedures”.

We are pressed for time, so I ask Gil Paterson to speak to and move the motion on behalf of the committee in no more than 11 minutes.

15:04

Gil Paterson (West of Scotland) (SNP): I welcome the opportunity to open this debate on the Standards, Procedures and Public Appointments Committee's fifth report in 2010. The report covers the recommendations of the Commission on Scottish Devolution that relate to Scottish Parliament procedures.

At the start of the year, the Parliamentary Bureau asked the committee to consider 16 of the commission's 60 recommendations. All the recommendations relate to proposed changes to the Scottish Parliament's procedures, how the Parliament interacts with the United Kingdom Parliament and how the Scottish Government interacts with the UK Government.

The committee had no remit to consider the larger policy issues that the Calman commission covered, so my remarks will be limited to the procedural issues that we were asked to consider.

When the recommendations were referred to the committee, it was not clear how and when the work of the commission would be taken forward, so the committee was asked to look only at what would need to be done if the recommendations were implemented. Following the UK election, the Scotland Office moved very quickly to instruct a bill, which is to be introduced in the autumn. Because of that, the committee had to change its approach. Instead of producing an initial report and carrying out further consideration if the Parliament so wished, we have reached specific conclusions on what should be taken forward, especially when amendments to the Scotland Act 1998 would be needed.

The accelerated timetable also meant that some recommendations could not be given the careful consideration and consultation that might have been desirable. In particular, the committee had to set aside its intention to review in depth all the

provisions of the Scotland Act 1998 that constrain the Parliament's procedures or working arrangements. Such a review would be desirable and may happen at a future date, but it could not have been completed in time for the introduction of the UK Government's bill. In any case, our conclusion is that many of the recommendations that were referred to us can better and more easily be progressed through informal mechanisms, without the need for formal procedural change.

I will take members through the committee's recommendations, beginning with intergovernmental and interparliamentary relations, which a number of Calman's recommendations addressed. In general, the committee supports those recommendations. Two of them concerned the Secretary of State for Scotland: one said that he should appear annually before a Scottish Parliament committee and the other said that he should appear before the Scottish Parliament to discuss the legislative programme. We concluded that there was no need for the minister's appearances to be formal parliamentary proceedings. In that way, the arrangements could be kept flexible. We noted that that was how Michael Moore's successful appearance at the Parliament earlier this year was managed.

We also considered the recommendation that the Scottish and UK Parliaments should be able, when appropriate, to agree to a motion that sought a response from the other jurisdiction's Government. We concluded that a formal procedure of that sort was unnecessary and that the Scottish Parliament was already well able to make its views known to the UK Parliament when required, whether through debates, correspondence, evidence sessions or Scottish Government ministers.

A number of Calman's recommendations concerned relations between parliamentary committees. They included proposals on a standing joint liaison committee and subject-specific ad hoc committees, on arrangements whereby members of one Parliament could join a committee meeting of the other Parliament, and on the sharing of information between committees. The committee noted that formal joint committee working would require an amendment to the Scotland Act 1998, that issues of parliamentary privilege and other differing procedural rules would have to be addressed, and that issues around data protection and powers to call for documents would have to be resolved. Given those complexities, the committee concluded that it made sense to develop more informal joint working arrangements in the first instance.

The commission recommended that Scottish MEPs should be invited to attend meetings of the

European and External Relations Committee, but we noted that that could be difficult, given the different sitting patterns of the European and Scottish Parliaments. We prefer the model that the European and External Relations Committee suggested for increasing links with MEPs; I will not run through all the detail, which is set out in our report.

The commission made a number of proposals on legislative consent memorandums. First, it called for the establishment of direct channels of communication between the Scottish and UK Parliaments. The Parliament may wish to consider agreeing a protocol with the UK Parliament.

The commission also recommended a procedure whereby the Scottish Parliament could seek permission to legislate in reserved areas in which there was a close connection with the exercise of devolved powers. We noted the example given by the commission in relation to the Somerville case, in which existing Scotland Act 1998 provisions were used to give the Scottish Government power to legislate, with political agreement, and, once the immediate problem had been resolved, to remove the power to legislate. The committee felt that that demonstrated that flexibility already exists in the current powers, and that a specific additional procedure might not be needed.

I turn to the Parliament's procedures. Eight of the recommendations referred to the committee are about the Parliament's procedures. On committees, the commission recommended that the level of turnover of committee membership should be minimised. We agreed that that would be valuable but that it is a matter for the political parties and not something that can be set out in standing orders. The commission also proposed that committees should have more freedom to establish sub-committees, but as little use has been made of sub-committees, we saw no evidence of committee demand for sub-committees not being met.

On the Scottish Parliament's legislative process, the commission made three recommendations. First, it recommended that the three-stage bill process should be changed to a four-stage process. The Parliament can already separate stage 3 amendment proceedings from the stage 3 debate, and there is adequate flexibility in the current rules for a four-stage process to be used if required.

Secondly, the commission recommended that any MSP should be able to propose that parts of a bill be referred back to committee for further consideration. That power is currently restricted to the member in charge of the bill. We felt that the recommendation is too broad but suggest that further consideration be given to extending the

power to lead committee members in view of their expertise and interest in a bill.

Thirdly, the commission proposed that the Presiding Officer should identify amendments at stage 3 that raise new issues and should be given further committee scrutiny. There could be a pitfall with that recommendation and we do not recommend pursuing it.

I move to the general review of the Scotland Act 1998. The commission recommended a review of all the provisions in the act that constrain the Parliament's procedures or working arrangements. First, in relation to the statement on legislative competence that ministers must make when a bill is introduced, it recommended that that should extend to any person who introduces a bill. The second recommendation is to give Parliament the option of providing flexibility over the number of members of the Scottish Parliamentary Corporate Body. The third recommendation is to allow greater flexibility about the timing of the Presiding Officer's appointment at the start of a session and to allow temporary additional deputies to be appointed if necessary.

The commission also saw a case for amendment of the provisions that govern members' interests. As the committee with lead responsibility for the code of conduct, we agree that some greater discretion over the interests regime is desirable. The committee believes that, after 10 years in existence, the Scottish Parliament could take more responsibility for establishing its own interests regime. Current provisions do not make any distinction between a minor or excusable breach and a serious, intentional breach of a criminal nature. In contrast, parliamentary sanctions can be adjusted more flexibly, but there is no scope under the current regime for the Parliament to consider whether there is a reasonable excuse for a breach. We would like the current provisions to be replaced with a more general power that would allow the Parliament to adapt its interests regime more comprehensively in response to changing circumstances. Such a power would still offer safeguards to ensure that a comprehensive members' interests regime was in place. However, the first step is to move the governance of members' interests to the Parliament. Consideration of any changes to the regime would have to take place in the next parliamentary session.

Finally, I thank all the officials and all the members of the committee for their considerable work and effort in compiling the report.

I move,

That the Parliament notes the Standards, Procedures and Public Appointments Committee's 5th Report 2010 (Session 3), *Report on the recommendations of the*

Commission on Scottish Devolution regarding Scottish Parliament procedures (SP Paper 490) and agrees to its recommendations and conclusions.

The Presiding Officer: I emphasise the point that the committee convener made in his speech: this debate should be confined to the findings of the Standards, Procedures and Public Appointments Committee report and not expand into the wider recommendations of the Calman commission.

15:15

The Minister for Parliamentary Business (Bruce Crawford): I thank the Standards, Procedures and Public Appointments Committee for its report on the parliamentary proposals put forward by the Commission on Scottish Devolution.

As the report makes clear, much of what the commission proposed can be delivered through better communication and co-operation between the Parliaments and Governments. That is a conclusion that has my support. Improved dialogue and partnership among all four UK legislatures can only be of benefit to us all. Effective communications and mutual respect are good for governance and good for democracy. It is an approach that strengthens this Parliament and builds public confidence.

A number of the commission's proposals that with minor reservations we support—three to be precise—will require legislation. As we know, the UK Government is currently working to develop its proposed Scotland bill. In that regard, I had constructive discussions with Michael Moore and David Mundell in London earlier this month, and Fiona Hyslop will meet the secretary of state to pursue that dialogue.

As members might expect of someone on this side of the chamber, I remain hopeful that UK ministers will see good sense in the constructive suggestions that the Scottish Government has put forward. There are genuine gains to be made for all concerned. That may mean going beyond the proposals put forward by the commission. It means ensuring that this Parliament gains greater responsibility not simply over its own internal processes but in areas of wider public concern.

The need for such responsibilities is self-evident. The proposals explored in the committee's report are in a slightly different league from the powers that we know are already being discussed as part of the UK bill, including the potential for additional responsibilities for this Parliament in, for example, fiscal matters. We all know that such powers will be important in protecting the jobs and livelihoods of ordinary people across Scotland and in laying the

foundations for future economic growth and success.

As I said, the proposals in the committee report are in a different league, but they are not unimportant. I will deal in brief with some of the key points.

On the options for joint working between Scottish Parliament and Westminster committees, we agree with the committee that the best way to proceed is by means of better informal arrangements. I am also pleased to see in the report recognition of the work of the European and External Relations Committee in facilitating a close and productive working relationship between the Parliament and members of the European Parliament. That is a success story that demonstrates the Parliament's ability to work flexibly in its procedures and to co-operate in the wider Scottish interest.

On legislation and legislative consent motions, the committee concludes that there is no need for legislative provision in the Scotland bill. That is something that I am sure we can all support, as indeed we can support the commission's proposal that the Sewel convention should be incorporated into Westminster's standing orders. Such initiatives underpin and cement a genuine agenda of respect between the two Parliaments.

Mutual respect is also central to the commission's recommendations on intergovernmental and interparliamentary relations. Like the committee, I believe that there is already a very positive story to tell. Much of what the commission recommended either occurs already or could be readily implemented without the need for formal procedures and mechanisms. There is no requirement for new legislative provisions in this area—I do not know why we would want to legislate when we already have processes in the Parliament that work very well.

Like the Scottish Affairs Committee at Westminster, I take the view that such mechanisms must not become a procedural straightjacket limiting the flexibility of the Parliaments and imposing rigid obligations on ministers in all the Administrations. Invitations should remain at the discretion of committees or the Parliament.

Robert Brown (Glasgow) (LD): Does the minister nevertheless accept that there is a need to develop liaison arrangements with the UK Government at the parliamentary level as well as at the governmental level, where, as he rightly says, things work reasonably well?

Bruce Crawford: As long as there is flexibility and everybody understands what we are capable of within the rules that we have, there is the

prospect for liaison in the areas that Robert Brown identifies.

The recommendations in part 6 of the commission's report, "Strengthening the Scottish Parliament", go to the heart of how the Parliament organises and manages its internal business. I am happy to support the committee's clear recommendation that there is no need for changes in relation to committee membership or the rules governing the establishment of sub-committees. The convener talked about those issues in detail and explained why such changes are not necessary. As he also said, there is already sufficient flexibility to allow a four-stage bill process, if required; however, a fourth stage is currently unnecessary. I agree with the committee that new rules for referring bills back to committee at stage 3 are not needed and that allowing any member to move that a bill be referred back to stage 2 would be going too far.

I was surprised, however, by the committee's support for a new obligation on members to provide a statement on legislative competence when introducing a non-Government bill. That would create a burden for which there is no real need and which would provide no real benefit. A bill that is outwith legislative competence will normally be identified in the Presiding Officer's statement. Requiring back benchers to jump through the same hoop seems unnecessarily burdensome on those members who are not members of the Government. Nevertheless, I do not want to fall out with the committee on that point. If members see merit in the proposal, the Scottish Government will not oppose it.

I agree entirely with the proposal to relax the existing limitation in the Scotland Act 1998 on the number of Deputy Presiding Officers. We do not need a plethora of Presiding Officers, but we know from practical experience that the current constraint could cause genuine difficulties should the Presiding Officer or a Deputy Presiding Officer be unfortunate enough—God forbid—to fall ill. It would make a great deal of sense to include a simple provision in the forthcoming Scotland bill to remove that constraint.

The only other recommendation with regard to which the committee makes a case for legislation relates to members' interests. The Scottish Parliament already has a robust framework for the registration and declaration of members' interests, and whether we should make changes to that regime is properly a matter for members' judgment.

The committee has made recommendations in favour of legislative provision in three areas: the number of Deputy Presiding Officers, the requirement for a statement on legislative competence, and members' interests. In other

areas, we must focus our efforts on better communications between Parliaments and Governments across the UK as a whole—a suggestion that has been supported by Robert Brown—a renewed commitment to co-operation and mutual respect, and the flexible adjustments that can be made using the standing orders and informal mechanisms. Those are conclusions that I endorse, and they are the reason why the Scottish Government will support the motion.

The UK Government's forthcoming Scotland bill needs to deliver real change for Scotland. It will have to address matters of fundamental public concern and the pressing economic and employment challenges that we face as a nation. However, there is no need for it to become bogged down in minor points of detail for which flexible solutions already exist.

I commend the committee's report to the Parliament and invite members to support the motion.

15:24

Pauline McNeill (Glasgow Kelvin) (Lab):

Today represents another important step in moving the Commission on Scottish Devolution's proposals further forward. Labour believes that stronger devolution is best for Scotland; that is also the overwhelming view of Scots. The Calman commission's recommendations have remained the subject of widespread debate but now we must get down to business. The cross-party steering group has been reconvened to implement the commission's proposals, and we believe that it is essential that parties work together to make the group workable and to take the recommendations forward. We are pleased that the coalition Government will take the Calman proposals forward and that it has plans for a new Scotland bill to make the proposals a reality. However, we have to get down to the nitty-gritty.

I commend the Standards, Procedures and Public Appointments Committee for producing a well-considered and thoughtful report. It was not an easy task to consider parliamentary procedures and relate them to the work of the commission. I note that in many areas mentioned by Gil Paterson, the committee opted for marginal change of parliamentary, including committee, procedure, preferring informal structures and protocols. That is a move in the right direction. How we interact with other legislatures is important in taking the proposals forward.

However, while I welcome almost the whole report, it strikes me that some formality is needed, too. The UK Government has decided to legislate for a referendum on a different voting system that is to be held on the same day as the Scottish

Parliament election. While we will continue to have a political debate about that, I have in the past called for the use of formal mechanisms, such as the joint ministerial committee, where I believe that a dispute can be registered. I raise that point to demonstrate that we need formal mechanisms to resolve disagreements with decisions of the UK Government. At the heart of the Calman proposals is how the two Parliaments can work together at every level.

Our relationship with the European Union is probably one of the most critical aspects of our work. I support the European and External Relations Committee's excellent suggestions for how the work of MEPs and the European Parliament should be incorporated into the work of that committee. It is probably the most important interparliamentary issue. As we have discussed in previous debates, the role of Europe is so fundamental to this Parliament's powers that we must find ways of ensuring that we properly and adequately scrutinise decisions that are made there. If we follow the European and External Relations Committee's recommendations on that, the Parliament will be more informed and will have a better say, and there will be better outcomes from European decisions that affect Scotland.

We know where there are areas of mutual interest. Given the powers of this Parliament and those of the Westminster Parliament, joint working should be possible. The Calman commission's views on that area were clear, and the Standards, Procedures and Public Appointments Committee is right to say that joint working can be taken forward.

The committee addresses complications relating to the different procedures for taking evidence, differences in data protection, and even differences in parliamentary privilege at Westminster. Of course, it would have been preferable for this Parliament to have the same level of parliamentary privilege, rather than our existing league position. However, we can see the complications, and the best way forward will be for us to work together with Westminster without completely formalising the set-up. If that is the path that we choose to take, we must make it work. For example, if there is a mutual interest in tackling the issue of poverty, in relation to which both Parliaments have powers, we must be prepared to work with our Westminster colleagues.

I support the Standards, Procedures and Public Appointments Committee's views on legislative consent motions. I remind members that, on the heels of our far-reaching land reform legislation, which every one of us applauded, the UK Government proposed measures in terrorism legislation that would have cut across it by restricting land access. However, the situation was

resolved to the Parliament's satisfaction through some robust political debate behind the scenes and debates in the chamber, so it is possible to resolve large issues in an informal way.

We need to think carefully about the recommendation that we should have a four-stage legislative procedure. It is clear to me just how fast our legislative process can be, particularly if we have not programmed in enough time for debate. Other members have also expressed concern about that. We must get the procedure right.

I support the way in which the committee wants to take forward the recommendations by using the current framework to make things better, but if we cannot do that, we will have to go back to Calman. In some cases, the current framework has been too fast and we must use the Calman proposals to think about how we can make improvements.

15:30

David McLetchie (Edinburgh Pentlands)

(Con): One of the extraordinary features of the devolution settlement that was put in place following the passage of the Scotland Act 1998 and the establishment of the Scottish Parliament and the Scottish Executive, which is now the Scottish Government, was the failure to lay a proper foundation for interparliamentary and intergovernmental co-operation and relationships between Scotland's two Governments and two Parliaments.

It is not like me to be confrontational, but I have to say that the responsibility for that failure rests primarily at the door of the Labour Party and the Labour Government. It seems to me that no sooner had Scottish Labour members at Westminster voted for the Scotland Act 1998 and the establishment of the Parliament than they embarked on the process of rubbishing it and engaging in a huffy competition for attention and pre-eminence with their MSP colleagues, whether they were ministers or back benchers. That is certainly my perception as an outsider to the inner machinations of the Scottish Labour Party. Perhaps some of its members will enlighten us on whether that perception is fair and justified, but I am certainly not alone in holding that view.

We also had a situation where the test of one's Scottishness became saying how differently we could tackle issues in Scotland from the approach taken in England, almost irrespective of the merits of the particular case. As we approach next month's 10th anniversary of the death of Donald Dewar, I cannot help but think that, if he had lived to serve longer as our first First Minister, relationships at all levels between the Parliaments and Governments would have been far better than they subsequently turned out to be.

When it came to relationships between Governments and Parliaments, the situation was not much better than the relationship between the Parliaments. In the eight years of his premiership, which coincided with the first eight years of the Scottish Parliament, Mr Blair graced us with his presence on one solitary occasion, but that was one better than his successor, Mr Brown, who did not bother to visit at all. We can contrast that disdain and indifference with the actions of the present Prime Minister, Mr Cameron, who visited the Scottish Parliament within three days of his appointment, accompanied by Mr Danny Alexander, who at the time was in the process of setting a new world record for the shortest tenure of the post of Secretary of State for Scotland.

One might regard visits to the Parliament by Prime Ministers as symbolic rather than substantial, but the same cannot be said of visits by other United Kingdom ministers and meetings between them and MSPs in general or members of our parliamentary committees, where the forum that is created can be a real opportunity for constructive dialogue and interrogation. As we all know, many policy areas straddle the devolved/reserved divide. The subject of how to tackle the problem of alcohol abuse in the United Kingdom frankly cries out for such a co-operative endeavour, and there are many other examples.

Accordingly, it is welcome that we have already had sessions in the Parliament with the new Secretary of State for Scotland and the new Chief Secretary to the Treasury on the coalition Government's programme and the UK budget. It is against that backcloth that I extend a warm welcome to the Calman recommendations, which focus on improving co-operation between Scotland's two Parliaments and Scotland's two Governments.

This Parliament and our Standards, Procedures and Public Appointments Committee are to be commended for their examination of the Calman recommendations in so far as they relate to the Parliament's procedures and standing orders, and I thank Gil Paterson for his careful and measured summary of the committee's report.

Turning to the report's specific recommendations, I was struck by how few changes have to be formally enacted to improve relationships and how much we can rely on good will and a positive desire to engage. However, as Pauline McNeill has already pointed out, it appears that an amendment to the Scotland Act 1998 might be required to facilitate joint working by committees of this Parliament and House of Commons committees and to address differences in rules relating to parliamentary privilege and other aspects of the conduct of our proceedings. In that context, I note that Her Majesty's

Government intends to introduce a Scotland bill in the autumn. I trust that it will address the issues that the committee's report and the Calman commission identified as requiring legislative amendment if we are to facilitate the objective of effective co-operation underpinning the Calman recommendations.

Of course, the Calman commission focused not only on interparliamentary and intergovernmental relationships but on the question whether any of the Parliament's own rules and procedures should be amended. I particularly welcome the commission's recommendation, endorsed by the committee, on tightening up the rules governing whether bills fall within the Parliament's legislative competence. In particular, I welcome the recommendation that any person introducing a bill, be they a Government minister or an individual MSP, should give an account of the main considerations informing the statement on legislative competence. An account of the present Alcohol etc (Scotland) Bill's conformity with European Union law would have made very interesting reading indeed, but that is not the only area in the past 10 years where, as far as competence is concerned, some of the measures that the Parliament has passed have in my judgment sailed very close to the wind—never more so, I have to say, than in the various attempts to answer the question "What is a tax?" or the subsidiary question "What is a local tax?"

The Minister for Culture and External Affairs (Fiona Hyslop): Will the member give way?

The Deputy Presiding Officer (Trish Godman): I am sorry—the member is out of time.

David McLetchie: I know that you are about to chase me on the matter, Presiding Officer, so I conclude simply by saying that I welcome the committee's report. I am delighted that the Parliament is making progress in implementing the Calman recommendations, as is the UK Government, and I believe that that should be welcomed by all quarters of the chamber.

15:37

Robert Brown (Glasgow) (LD): In the UK, political reform usually proceeds by evolution and practical experience rather than by revolution, and I am bound to say that this report by the Standards, Procedures and Public Appointments Committee, on which I sit, falls squarely into the practical evolution category. I have yet to see a procedures committee report that stirs the soul, but the Standards, Procedures and Public Appointments Committee's fifth report in 2010 is nevertheless an important document marking out the practical steps that have to be taken to give body to the Calman recommendations that relate

to the Parliament. Members have already highlighted the importance at the heart of all this of retaining informal connections and the opportunity for debate in relation to the situation here at Holyrood and the situation in London, and we should keep coming back to that important point.

It is worth recalling that like the constitutional convention that presaged the Scottish Parliament, the Calman commission was much derided by the Scottish National Party Government and its supporters. "Independence is the thing," they said; "We need the power of normal countries," they told us. Well, Calman is alive and well and will be fully implemented by a Liberal Democrat Secretary of State for Scotland in the coalition Government. It will mean more powers for the Scottish Parliament within the solid and dynamic partnership with the United Kingdom and a further step on the road to a more balanced and federal Britain. Independence, on the other hand, has died in Scotland as a current political project with the mysterious disappearance of even the fig leaf of the independence referendum, which has left behind it, like the Cheshire cat in "Alice's Adventures in Wonderland"—

The Deputy Presiding Officer: Mr Brown, I am a wee bit unhappy about what you are saying. Please ensure that you know what we are talking about.

Robert Brown: I do indeed.

The Deputy Presiding Officer: Well, just be careful what you say. I am paying close attention to you.

Robert Brown: Thank you very much indeed.

As it is important to put things in context, I will comment on a number of the Calman proposals that the committee has considered. First, on the important issue of relationships between the Westminster and Scottish Parliaments, I have always found it strange that although we have a committee for European matters we do not have a committee dealing with UK affairs, despite the fact that the areas of interaction and common concern are at least as great. I also find it anomalous and unsatisfactory that, although there are strong intergovernmental links with London, parliamentary links are almost completely absent.

Calman recommends a standing joint liaison committee to oversee relations between the two Parliaments and consider the possibility of subject-specific ad hoc joint committees, and the Standards, Procedures and Public Appointments Committee has identified the need for legislative amendment to deal with issues relating to committee membership, parliamentary privilege, committee powers and the like. There should certainly be empowering provisions about those things in the forthcoming Scotland bill.

The new coalition Government has committed to the respect agenda. That agenda is not one-way traffic to extract concessions from London, but a matter of mutual respect and recognition, particularly of the value of close partnership working in its proper place. However, any arrangements must be worth while and workable.

I believe that we need to establish a United Kingdom committee of the Scottish Parliament, which could make up our delegation to the UK joint liaison committee. The Scottish Affairs Committee has rightly commented that the structures are important, but the key thing is the "political will to work together".

The debate on that should move from the procedural to the substantive—to the agenda for the liaison committee, and how to focus and harmonise our skills agenda with Westminster powers over benefits, for example. Would there be value in the Scottish Government acting as agent for the UK Government in suitable projects?

The second issue that I want to raise is legislation in reserved areas and LCMs. On the whole, things have worked pretty smoothly since 1999—even the Scottish National Party Government now shares that view. It used to make a terrible fuss about Sewel motions until it found out that most of them gave it additional powers. Nevertheless, potential problems remain. We can agree to a Sewel motion on a UK bill only to find that that bill changes significantly during its progress through the House of Commons or the House of Lords. That would be more likely if there were a minority Government in London in the future or an elected House of Lords, for example. Occasionally, there are bills that are best dealt with at Westminster, such as the Civil Partnership Bill, which needed both status legislation here and tax and pension provisions in Westminster in order to deliver the objective of equality. Things were rightly done in that particular way. The committee has said that that matter can be dealt with by developing the existing protocols. That is true, but a more specific constitutional provision is probably also needed at some stage.

Liberal Democrats similarly support the view that a formal procedure for the Scottish Government to request legislative powers in overlapping areas would be helpful. We do not altogether understand the SNP Government's view that it does not want such powers. It seems to us that that procedure is in Scotland's interests and the interests of partnership working.

The Calman commission's suggestion of having a formal mechanism for one Parliament to submit its views to the other, perhaps by motion, has been somewhat sidestepped in the committee's report. Such a move should be sparsely used, but

it might have been appropriate in the past—for example for the Iraq war issue and reservations about changes in university funding. Indeed, it might have been appropriate for current issues relating to alcohol pricing, which David McLetchie talked about. Those issues have an important and highly relevant UK dimension.

The third issue that I want to raise is UK and Scottish ministers appearing before committees of the other Parliament. It has been mentioned that that agenda has moved forward with Michael Moore's visit to the Scottish Parliament as Secretary of State for Scotland. There is considerable worth in developing such initiatives at both ends. It is a matter of developing suitable arrangements and protocols, and members should say to the Government that the matter is not primarily for it, but for the Parliament.

I am not too keen on the Calman recommendation that the Secretary of State for Scotland should appear before a committee of conveners, which is what has happened. There is a role for the specific United Kingdom committee to which I referred earlier, or for a specific arrangement that gives all members, perhaps through a ballot, the opportunity to question the Secretary of State for Scotland.

I have not touched on the other, more internal improvements that Calman has recommended or on the need for greater powers over the members' interests regime.

We are moving into a new phase of our constitutional development as the Parliament matures. The Calman commission offers a practical way forward to equip the Parliament with the powers that it needs in solid partnership with the Westminster Government for today's world. I commend and support the committee's recommendations in that regard.

The Deputy Presiding Officer: We move to the open debate. Members have a tight six minutes for speeches.

15:43

Angela Constance (Livingston) (SNP): I am a new member of the Standards, Procedures and Public Appointments Committee. On arriving at my first meeting of that committee, I was greeted by a colleague, who inquired what I had done to deserve a free transfer to it. Colleagues may wish to assume that I have been very bad, but, of course, I could not possibly comment on that.

One might expect the business of standards and procedures to be a tad arid or turgid. However, much to my surprise, the business at hand is rather fascinating, although, admittedly, complex and at times convoluted.

I, too, thank the committee's clerks, its convener, Gil Paterson, and its deputy convener, Marilyn Livingstone.

The committee report before us is an exploration of how to marry some of the recommendations of the Commission on Scottish Devolution, also known as the Calman commission, with procedures of this Parliament. Like my colleagues, namely the convener, my only regret is that because of matters outwith the committee's control more time was not available to engage further with this illuminating topic. The committee should be commended for its focus on the practicalities as opposed to the politics of Calman, and there is much to be thankful for that committee members appear to be pragmatists first and ideologues second, although perhaps that has not been reflected in some of the speeches that we have heard today. In essence, the committee's focus on the Calman recommendations was to examine what works, what could work, what would not work and hopefully to point to where we should leave well alone and not open the proverbial can of worms.

The way in which the European and External Relations Committee engages and works with European colleagues is to be commended and it gave lots of pragmatic examples and sound common sense to our committee, as is detailed in the report.

If parliamentary privilege and data protection issues were resolved, in theory we could have concurrent meetings of Scottish and UK committees. Members of the Scottish Government have appeared at the UK Government committees and a Secretary of State for Scotland has met committee conveners of this Parliament. As long as there is clarity and a commitment not to blur the boundaries of who is accountable to whom, there could be many doable and desirable opportunities.

I was not sold on the benefits of a formal standing joint liaison committee, which was in Calman's recommendation 4.5, and I am glad that the committee steered away from it. Indeed, the thought of such a committee makes me shudder. If we are really committed to better working relationships across Parliaments, having yet another testosterone-filled committee with MSPs, MPs and MEPs all trying to grandstand, outdo and usurp one another is certainly not the way to go. Let me be blunt: we all know who the main protagonists are in every party and Parliament. Quite simply, it would not work. In my experience of human nature and politicians, if we want them to work well together, we need to keep them focused on the task at hand and limit their numbers.

Robert Brown: Does the member not think that there is an anomaly when we have

intergovernmental relationships that work reasonably well under various Governments, but no parliamentary equivalent between the UK and Scottish Parliaments?

Angela Constance: Committees working with counterpart committees on specific tasks and issues, and ministers working with their ministerial counterparts, is a far better way to achieve collegiate working than having an overarching, broad-ranging committee that—again to be blunt and perhaps unkind—I fear would become a circus for the blokes and the media. That is before we even start to unpick some of the more procedural and legalistic issues. The committee was right to reflect throughout its report that there should be strength and simplicity, flexibility and informality.

My reflection is that we can have all the protocols and procedure that we want—they are a necessary evil—but ultimately either Governments, committees and parliamentarians want to work meaningfully with their counterparts elsewhere or they do not. Procedures are only one side of the coin, with attitude and outlook on the other. A culture and willingness to work together are as important, if not more important, than the rule book. It is people who make relationships work, which is why procedures about legislative consent motions work. They work because of people such as Bruce Crawford. [*Laughter.*] That was unusually sycophantic for me.

Irrespective of our political and ideological beliefs, parliamentarians and Governments have a daily responsibility to represent and govern. The priority is the day-to-day job and that requires the ability to work with others in Parliaments in and out of Scotland, irrespective of how and when the constitutional issue is settled. It will always be necessary to have better working relationships with the UK Government, irrespective of whether devolution evolves or Scotland becomes independent. Good relationships are about challenge and change as well as co-operation.

I fundamentally believe that as this Parliament grows in maturity, responsibility and power, our willingness to work with other Parliaments such as Westminster, and our effectiveness in doing so, will also grow and flourish.

15:50

Ms Wendy Alexander (Paisley North) (Lab): I start by apologising to the chamber: I have an engagement this afternoon, which means that I will be unable to stay for the entirety of the debate. [*Interruption.*] Thank you, Mr McLetchie.

David McLetchie: I never said a word. [*Interruption.*]

Ms Alexander: I say to Mr Brown that I will move on.

It is almost three years since the Parliament supported the establishment of what has become known as the Calman commission. I can say with certainty that it was Mr McLetchie who recalled Donald Dewar in his remarks, and I will do the same. Even back in 1997, it was apparent that the rules of the game for any Parliament were better when they commanded cross-party support. That was the impulse behind the establishment of the original consultative steering group that drew up the original blueprint for the operation of the standing orders of this place. The standing orders have served us well, but, as with the Calman process itself, it is right to take a fresh look.

The fact that the report has been produced is a tribute to the Calman process. Very few would have predicted at the outset that we would have had a debate today led by an SNP convener of the Standards, Procedures and Public Appointments Committee supported favourably by an SNP cabinet secretary, and that the committee would have gone about its task so thoroughly.

It was right with the generation before and it is right now to seek agreement on the rules of the game and to command as wide a consensus as possible.

I turn to a couple of the specifics before us—time precludes a wider discussion of all the wider issues. I add a cautionary word. The committee was right to suggest that we should not be complacent with respect to our bill procedures. Although the committee was against a formalised stage 4 process, it made a couple of important recommendations. One recommendation was to recognise that there are cases in which separating the consideration of complex amendments from the final debate on the bill would be particularly helpful in allowing us to clarify the issues and that we should seek to use that procedure more often. In that vein, the committee was right to recommend that we consider whether committee conveners or members should be able to refer back bills for further stage 2 consideration when a particularly complex set of amendments is lodged at the final stage.

One of the other recommendations, which has been touched on already and is potentially more controversial, is that in the future any person who introduces a bill to Parliament should make a statement about whether in their view it lies within the Parliament's legislative competence. In the same vein, the committee supports a requirement for the Presiding Officer to make a statement that helps ensure that vires issues are thoroughly considered during a bill's drafting process.

It has been suggested that that would be particularly interesting with respect to some of the issues that we have considered around alcohol. I suggest that it would be particularly interesting in relation to the issues surrounding any forthcoming referendum bill, because people will of course have seen the rather informed speculation in the media that suggested that both Scottish Government lawyers and Parliament lawyers questioned the legislative competence of a referendum bill based on the question that it was thought the Government might have wanted to ask. I simply say how helpful it would have been to have the position on that made transparent. We will have to live in ignorance for some time longer.

I can conclude only that, when the minister suggested—uniquely—that we should not take on that unnecessarily burdensome obligation on members, he envisaged perhaps introducing from a back-bench position in opposition a future referendum bill. We will have to wait and see.

The Standards, Procedures and Public Appointments Committee has gone about its business thoroughly and deserves all our congratulations. The final issue that it raised was the desirability of having a more thorough procedural review of the Scotland Act 1998. The committee might want to consider how such an exercise would be undertaken and progressed.

15:55

Aileen Campbell (South of Scotland) (SNP): I, too, am pleased to participate in the committee debate. It is perhaps not the most meaty debate on the Calman commission, given that it is about the procedures and technicalities for operating recommendations but, as other members have noted, it is important.

It was important that the Standards, Procedures and Public Appointments Committee had the chance to scrutinise the commission's recommendations. That said, it is clear from the committee's report that the time that the committee was given to scrutinise the proposals was curtailed. I say with a brief nod to Macmillan's "Events, dear boy, events" that the election of the new coalition Government in May, complete with a renewed effort to implement the Calman commission's proposals, meant that the committee had to truncate its original timescale for consideration and reflection before producing the report that we are discussing. That was unfortunate, because it means that the committee's recommendations might not be as full as many of us had hoped. It also means that much work will still have to be done when the proposed bill is introduced this autumn.

The task has been a challenge. I put on record my thanks to the clerks and the committee support team, who have done a wonderful job in pulling together our thoughts, which were often varied and contradictory. They have taken on board our worries and concerns and produced a useful document that will help with implementing the Calman commission's processes and procedures.

It is fair to say that the thoughts on Calman were wide and varied. It will come as no surprise to my non-SNP colleagues on the committee that we in the SNP want the full restoration of powers to the Parliament and that we want Scotland to be independent. That is not what other parties want to happen. Despite the deep ideological differences that we all have, the process of working together on the committee, having the chance to air our thoughts together and seeking consensus was not too painful—in fact, it was even enjoyable sometimes.

The committee had to set strict parameters for itself and not stray into the Calman commission's more controversial policy proposals. As other members have said, the committee considered relations between parliamentary committees, relations between the Parliament and MEPs, legislative consent motions, intergovernmental and interparliamentary relations, a procedural review of the Scotland Act 1998 and members' interests. Fiscal powers, firearms, air-guns and borrowing powers were not discussed if those items had been included, the debate would have been much less congenial.

The tenor of the committee's response is about how greater understanding and co-operation can be better facilitated and better approached. After personal reflection, I think that Calman's report perhaps sees some problems where none exists and does not give due recognition to good practice that goes on between Parliaments, parliamentarians and Governments.

For example, Calman's recommendation 4.10 was:

"Either the Scottish Parliament or either House of the UK Parliament should be able, when it has considered an issue where its responsibilities interact with the other Parliament's, to pass a motion seeking a response from the UK or Scottish Government",

because the commission considered that a formal mechanism should be available for occasions when the Scottish Parliament wished to convey views to the UK Government, or the UK Parliament wished to convey views to the Scottish Government. The commission's report said:

"We would not envisage this mechanism being subject to frequent use, and an appropriate threshold to activate it would need to be developed."

Our committee and the Scottish Government did not support that recommendation, as is right. No Government should have to justify itself to a Parliament to which it is not accountable. I do not believe that that happens in any other jurisdiction. The proposal fails to note the ways and means for obtaining input from other Parliaments without putting in place formal structures. It also fails to note that a simple letter from an MSP is one way to convey an opinion to the UK Parliament or UK Government and that such letters are sent and have been sent since Scotland's Parliament was reconvened.

Another recommendation in that vein is recommendation 4.8, which suggested that

"the Secretary of State for Scotland ... should be invited to appear before the Scottish Parliament to discuss the legislative programme".

Again, our committee felt that a formal procedure was not necessary and, likewise, the Government felt that a formal process such as that would blur boundaries and had the potential to cause confusion.

Recommendation 4.8 seems to stem from a lack of awareness of current good practice. As in many other walks of life, the positive attributes are overlooked and the negatives concentrated on. That said, if things can be improved I am sure that no one will want to do anything other than welcome proposals and engage meaningfully in discussion, debate and co-operation, if that is in the interests of the people who we were all elected to serve. I hope that there will be no unintended consequences of trying to foster, almost artificially, greater dialogue than that which exists already and goes on quietly for the greater good.

The debate on Scotland's constitutional future is a healthy one to have and I hope that many people will participate in it. If the Scottish Parliament is to get more powers, we will undoubtedly have to examine the ways in which it can cope with those powers. We will need to ensure that the Parliament continues to function efficiently. I make no apology for stating that my preferred option is for all powers to be returned to our Parliament. Given the frank and adult discussion of the issues that we are having, I hope that that position is at least respected and listened to, just as I respect others and their opinions. We do not need to agree, but we should be able, in our democracy, to ensure that all voices and opinions are heard.

Falling short of outright independence, MSPs on the Standards, Procedures and Public Appointments Committee have a duty to ensure that we flag up any concerns and potential pitfalls that may arise when changes are made to our Parliament. It is therefore a little disappointing that the committee's time in looking at the proposals

was shortened and that fuller and franker debate and discussion was not allowed to flourish.

I record my thanks to the clerks, convener and deputy convener for their work in producing the report. I look forward to observing how the journey of the Scottish Parliament continues. *[Interruption.]* Whoops—I have put out a light.

16:02

Nicol Stephen (Aberdeen South) (LD): Scotland has had a remarkable journey over the past few hundred years. At the time of the Act of Union, we were a struggling, impoverished and undemocratic nation and yet, by the end of the 18th century, we had the poetry of Burns, the philosophy of Hume, the economics of Adam Smith and the foundations of modern capitalism, science and democracy. Edinburgh was the Athens of the north and the incomparable new town of Edinburgh was being created. By the end of the following 19th century, Scots had made a profound impression on our planet on a scale that was never dreamed of before that time, in Canada, the United States, India and China.

Through our successes, one place in Scotland, the city of Glasgow, had the highest gross domestic product per capita—the greatest wealth per individual—of anywhere in the world. It was a time, too, of great invention. Here, too, Scotland was world leading: James Watt had invented the modern steam engine; Alexander Graham Bell the telephone; and John Logie Baird the television. The greatest scientist between Isaac Newton in the 17th century and Albert Einstein in the 20th century was undoubtedly James Clerk Maxwell, who was born here in Edinburgh at 14 India Street.

That said, the Scottish identity was increasingly being suppressed. Scotland was often referred to as "North Britain". In Edinburgh, we had the North British hotel, now the Balmoral hotel. Henry Campbell-Bannerman, that great Liberal Prime Minister who came to power in 1906, and who was the individual who had Churchill, Asquith and Lloyd George in his Cabinet, lived at Belmont castle near Meikle and included the words "North Britain" in his address.

Angela Constance: I am very interested in Mr Stephen's historical lecture, but what do these historical recollections have to do with the Standards, Procedures and Public Appointments Committee report that we are debating? I do not remember discussing the Act of Union at committee.

Nicol Stephen: As the member will soon discover, the backdrop is important. If she had read the Calman report, she would have

discovered that it contains a significant historical perspective.

Increasingly, at that time, Scots were shaping and influencing all of Britain. For example, Lord Reith—John Reith from Stonehaven—founded the British Broadcasting Corporation. Matters Scottish were less evident. It was left to the Liberals to espouse the cause of home rule in Ireland and Scotland.

The role that Scots played in the world wars when, as British forces, we united with allies from around the world to fight the evils that blighted so much of the 20th century, should never be forgotten.

Somehow, in the latter part of that same century, we lost our way, and it is my firm conviction—

The Deputy Presiding Officer: Mr Stephen, I do not wish to interrupt you, but do you know that you are more than halfway through your speech?

Nicol Stephen: I do indeed.

It is my firm conviction that part of the reason for those failures was our failure to modernise—to modernise our economy, our industries, our systems of government and our democracy. We did much to help other nations to develop new, more effective forms of capitalism and better, fairer democracy, but Scotland and Britain stagnated and struggled. That was partly because of our overcentralisation. The lives of tens of millions of people were controlled from the desks of hugely powerful Government ministers in Whitehall. Britain has struggled to decentralise and reform its political institutions.

That is one reason why I have felt so privileged to represent the Scottish Parliament since it was first elected in 1999. It started a process that can once more strengthen Scotland. That process is not complete, however, and it must continue.

In the 21st century, all of us on this planet will become increasingly interdependent. Independence will be less and less of an issue. Effective decentralised democracy—modern democracy—will be crucial to our future success. People in their local communities must be empowered. That is why the Calman commission is so centrally important. It reflects a new democracy that is strengthening and growing, and becoming more effective and more enduring.

The Calman commission's tax-raising proposals for this Parliament have rightly gained the greatest attention. In my view, they are crucial to the growth of our new Scottish democracy. So, too, are the smaller things—the detail of democracy is also important. Procedures and systems that encourage respect between our Parliaments and Assemblies are vital. Our systems and institutions

for supporting our relationship with the European Parliament and the EU were thought about, and they have generally been good, but with the UK Government and the UK Parliament they have been poor. That is why today's debate, in a wider context, is very important.

The Calman commission was first proposed by me and the other party leaders back in 2007. It was established by this Parliament and the UK Government in 2008. Its proposals will be delivered into law next year, 2011. No commission has moved so quickly and with such important recommendations towards legislation with the support of all the main parties in the House of Commons.

The commission's chairman and members deserve great credit; so, too, do the members of the Standards, Procedures and Public Appointments Committee for their role in shaping the future of this Parliament and the development of our Scottish democracy.

16:08

Peter Peacock (Highlands and Islands) (Lab):

I am grateful to Nicol Stephen for setting the context for my much more mundane, practical comments about the detail of the committee's report. As Nicol suggested, the report deals with the much less glamorous aspects of the Calman commission's work. It is not about extending powers, which is the bit that excites so many people and opinions in our country.

The UK Government is now dealing with the commission's proposals, which will come to this Parliament in due course for scrutiny and debate. Today's debate, however, deals with much more mundane, procedural aspects falling from the Calman report. It is right that Calman considered those things, 10 years on from devolution, to iron out anomalies, to deal with identified problems, to observe the procedures that we follow and to seek to strengthen the workings of the UK and Scotland. If we believe in a strong UK and in Scotland remaining part of it—I certainly do—that predetermines strong relationships between the Scottish Government and the UK Government, and between the Scottish Parliament and the UK Parliament.

As Donald Dewar said, devolution was not an event but a process, which will develop, mature and change over time. All societies require their Parliaments and Governments to interact strongly and constructively in the interests of citizens. That requires procedures and mechanisms and good will. That is true of any devolved system, as it is of federal systems around the world. Relationships depend on political maturity and on a recognition that circumstances and dynamics change and

therefore relationships must change. They also depend on a recognition that Parliaments in devolved settings and federal structures have a dual, shared responsibility to the citizens of the territory that they serve.

In the context of this debate, many of the Calman recommendations are for specific rule or procedural changes. The committee considered all the suggestions seriously but departed a fair bit from Calman on the need for specific changes, new rules or standing orders changes to accommodate what is suggested. Some of Calman's suggestions would require significant legislative or procedural changes or elaborate rule changes, which the committee did not necessarily regard as vital in the context of what is being proposed.

In general, we are already too rule bound in the Parliament. We cannot define everything in advance or anticipate all circumstances that might arise in future. We need to leave space for people of good will and maturity of judgment to find solutions to problems and challenges as they arise. We should be prepared to be pragmatic and inventive as we meet changing circumstances or particular challenges. The Scottish Parliament and the UK Parliament have shown that they can take such an approach.

Robert Brown: Does Mr Peacock agree that there is a big gap, in that there are no substantial parliamentary links between this Parliament and Westminster to echo the governmental links, which I think work quite well?

Peter Peacock: I accept that there are not institutional arrangements, but my thesis is that, provided that there is good will, relationships will be formed in any circumstance that demands them. It is not necessary to have an apparatus that allows that to happen.

In recent times, the Chief Secretary to the Treasury and the Secretary of State for Scotland have come to the Scottish Parliament. In its report, the committee mentioned the Somerville case, in relation to which a remarkable set of circumstances arose and the two Parliaments and Governments found a way of dealing with the situation.

There is a danger that the committee's report will be regarded as being unsupportive of the Calman recommendations but, in my view, that is far from the case. We strongly agreed with the direction of travel that Calman set out. However, we acknowledged that we already have powers and flexibility to do what is suggested. As I said, people of maturity and good will will find ways to deal with the situations that arise.

Calman called for better joint working between committees. Where there is a will, there will be a

way of making that happen. As we said in our report, there is no impediment to there being concurrent meetings of committees of the UK and Scottish Parliaments. We perhaps do not need to spend more time seeking ways round the significant issues that Pauline McNeill mentioned, such as parliamentary privilege being different in the UK and Scottish Parliaments, contempt of court rules, powers to call witnesses and so on. When we need to make arrangements on such matters, we will do so practically and sensibly.

It is clearly a good idea for committees to share information and evidence, but there is no particular impediment to that happening.

On better working with MEPs, the Parliament's European and External Relations Committee has come up with practical suggestions. I am a former council leader and minister and I have never found it difficult to relate to our MEPs—quite the reverse, MEPs of all parties have always been extremely open and willing to engage.

On the Scottish Parliament legislating on reserved areas, the Somerville case demonstrated that we can find solutions to problems.

Calman was right to commend the dual role of Scottish Parliament committees in scrutinising bills and conducting broader inquiries into areas of activity of the Scottish Government and society in Scotland. I have found that my experience in inquiries has helped enormously to inform the process when bills were subsequently introduced.

There should be less prescription in relation to members' interests. Gil Paterson clearly set out the committee's view on that. Calman was exactly right to say that the Parliament should have more freedom on the matter, in light of the experience that we have gained in practice. I commend that and other parts of the committee's report to the Parliament.

16:14

Robin Harper (Lothians) (Green): I had prepared six minutes on what the Scottish Green Party deems to be the limitations of the Calman commission's consultation, but I shall be disciplined, return the speech to my inside pocket, address the debate—which has been interesting—and respond to some, at least, of what I have heard. I shall limit myself to two matters: working with other parliamentarians—in particular, Westminster and the European Parliament—and the remarks that I have heard on the legislative process in the Scottish Parliament.

Having been engaged in presenting amendments and in working through proposed legislation in committees as a back bencher over the past 11 and a half years, I remain concerned

that we work at too fast a pace. We should give ourselves a little more time to consider at leisure the legislation that we are preparing. It deserves it. Therefore, I was glad to hear that we would have the opportunity to debate the process.

Although concerns have been registered about changing from a three-stage legislative process to a four-stage process, the idea of doing that when required appears to meet with a degree of assent. The possibility of referring difficult legislation back to the lead committee after amendment is a step to be recommended. I would be happy to debate the idea of the Presiding Officer identifying stage 3 amendments that raised new issues because such instances have arisen in the past. If we encounter an important issue that nobody has thought of before, it is not a good idea to steer round it, as we have done on at least one occasion, and not address it when it should be addressed.

Peter Peacock: Does Robin Harper recognise the counterpoint to that, which is that it would place the Presiding Officer in the difficult and potentially invidious position of having to interpret whether an amendment has raised a new and sufficiently significant issue? The committee seeks to avoid leaving him in that position.

Robin Harper: I take seriously the point that Peter Peacock made. However, the idea has been raised and dealt with in the committee's report and I simply reflect that it is worth debating.

I was glad to hear the level of agreement that there appears to be about the need to improve the way in which we relate to Westminster and the members of the European Parliament. Because of my experience, I would be much more optimistic than Angela Constance is in that respect. I had the honour to serve on the British-Irish Inter-Parliamentary Body. I think that some of the members present may also have been Scottish Parliament representatives on that body. I do not recall ever hearing one person grandstand on it; its members behaved themselves impeccably. Also, during a week with Commonwealth parliamentarians in London, I heard nobody grandstanding.

We should have a level of trust that our parliamentarians can work together, listen and discuss issues. It is well worth discussing whether we should have a formal committee to relate to other Parliaments rather than the informal arrangements that we have at present. Robert Brown will be glad to hear that I support much of what he said.

I look forward to further debate on those two concerns.

16:20

Ross Finnie (West of Scotland) (LD): These are always difficult debates. It is interesting that, although parliamentarians are swift to criticise procedures and quick to rise to their feet to make points of order, they rarely refer to the particular rule in standing orders to which their point relates, often because, as further inspection reveals, their point is not contained within standing orders and is, therefore, not a point of order. Nevertheless, that is what they do, because that is the way they feel. However, today—nearly 12 years on—we have an opportunity to reflect on our procedures and on Calman's suggestions, which have usefully provoked debate in the Standards, Procedures and Public Appointments Committee about how we go forward. I should note, of course, that the subject has not exactly captured the imagination of Parliament.

One of the points that have recurred throughout the afternoon is the issue of whether we need everything to be enshrined in rules or whether we can be mature enough to rely on our own personality and our desire to make progress with individuals in this Parliament and in other Parliaments.

Donald Dewar was referred to by Wendy Alexander and Peter Peacock, on the Labour benches, and David McLetchie speculated whether things might have been rather different if he had survived. I will add my own reflection to that. In its early days, the SNP Government made much of the fact that the joint ministerial committee had never met. I can tell members one of the reasons why it never met. It was because Donald Dewar's injunction to his first Cabinet was that, if the joint ministerial committee had to meet, the individual members of the Cabinet had failed; they had failed to take responsibility for any breakdown in relations between the Parliaments, and it was up to them to get off their backsides and get on the telephone or do whatever they had to do to repair whatever breakdown had occurred. David McLetchie was correct that there has to be a sense of personal responsibility for these relationships. Angela Constance also made that point. We need to be big enough to effect an improvement in our working relationships.

Much that was recommended by Calman and has been reflected on by the committee is to do with common sense. However, critically, it also depends on the attitude of individuals. I hope that, after this Parliament has matured over 12 years, much that is recommended by Calman and is contained in the committee's report could easily be done with good will and a sense of purpose by those who wish to improve. Relations at an intergovernmental and interparliamentary level are the biggest issue in terms of personalities. Clearly,

there are things that can be done, but the notion that we require a panoply of further rules and regulations leaves me cold.

I agree with the committee's view that, as Robert Brown has said, we need not pretend that we need to create different procedures for our MEPs. However, as Lisbon bites, giving the European Parliament more powers, the Council of Ministers remains an important factor for a number of important matters that affect the Scottish Parliament. I still doubt whether our relationships with that body are yet correct—I say so as the only person in this Parliament who has attended 30 meetings of the Council of Ministers. I do not think that we have properly addressed how that institution works and how the Parliament relates to it, let alone how ministers relate to it. The same issue relates to other European bodies.

The debate has also touched on what we might do about our legislative process. Again, I do not think that it is a case of simply saying that Calman was right or wrong. It is right that we should debate whether to have three or four stages—it is for this Parliament to decide what is most appropriate. My personal view is that there needs to be greater flexibility at stage 2, should issues arise, should more complex matters have to be considered, should more evidence be needed or should we run the risk of postponing a major decision until stage 3. There is a case for looking more closely at our stage 2 procedures. It is right and proper that Calman has articulated a range of issues about which the Parliament ought to be concerned, and we should deal with those matters of concern.

Our party agrees with most of the recommendations and we are pleased that a lot of the commission's work is to be progressed. I hope that, if we get on with doing that, we can improve the way in which we run the Parliament and, more importantly, can take it upon ourselves to recognise that we can put in place whatever procedures we like and that it is up to us to decide whether we want to have better relationships with other Governments or to determine how we conduct ourselves as a Parliament. When we represent ourselves as the Scottish Parliament, that ought not to be a partisan matter; it ought to be a matter of recognising our responsibilities, which ought to lead us to enjoy better relationships. It is up to individuals to ensure that that is brought about.

16:26

Nanette Milne (North East Scotland) (Con):

Like other unionist members of this Parliament, I very much welcomed the Calman commission's recommendations for closer working between Scottish and UK ministers to ensure that the

needs of Scotland are properly represented. I also welcomed its encouragement of the UK Government to work with this Parliament to ensure the early implementation of its recommendations.

I therefore applaud the stated intention of the UK coalition Government to produce a draft Scotland bill this year, so early in its term of office. That put pressure on the Standards, Procedures and Public Appointments Committee, of which I am a member, to produce our report on the procedural implications of the Calman recommendations in time to feed into the UK Parliament's bill and it limited the time that we could give to consideration of some of the proposals, as others have said. In particular, it precluded our carrying out of an in-depth procedural review of the Scotland Act 1998, as was recommended by the commission.

However, as we have heard, we gave proper consideration to the best means of implementing a number of the Calman proposals, notably those on relations between parliamentary committees and between our Parliament and Scottish MEPs. We looked carefully at the commission's proposal for the establishment of a joint liaison committee of the UK and Scottish Parliaments to oversee relations and at its recommendation to remove barriers to joint working between the committees of the two Parliaments.

However, because significant amendments to the Scotland Act 1998 would be required to allow those proposals to be adopted, we felt as a committee that the detailed consideration that would be needed to inform legislative change would not be possible within the current timescale and therefore concluded that more informal working arrangements could be looked at, in the first instance at least.

With regard to developing better interaction with Scottish MEPs, the committee felt that the suggestions for forging closer links that the Parliament's European and External Relations Committee put forward would, in effect, deliver the spirit of the commission's recommendations. The committee's proposed open-door policy, whereby MEPs could add agenda items to its meetings, along with a programme of regular videoconferences with MEPs and the holding of an annual meeting of the committee in Brussels with Scottish MEPs to go over the European Commission's work programme, would allow closer links to develop between the two Parliaments and would avoid the complexities of committee membership for MEPs. For those reasons, we felt that the European and External Relations Committee's proposals should be accepted as the best way forward.

We also looked at intergovernmental and interparliamentary relations, at legislative consent

motions and legislation in reserved areas, at the issue of members' interests and at recommendations concerning the Scottish Parliament's procedures. Positive interaction and dialogue between the UK and Scottish Governments and between the two Parliaments are, indeed, important as we look to Scotland's future development, and recent experience has shown that much of that can be achieved informally by political agreement or protocol rather than by procedural change.

As my colleague David McLetchie indicated, an excellent start was made when David Cameron came to Scotland in his first week as Prime Minister, and the meeting between the Secretary of State for Scotland and committee conveners that followed soon after set a precedent for positive interparliamentary relationships in the future. I am also encouraged by the on-going dialogue between Parliament and Westminster such as in the current co-operation between Scotland's party leaders in their approach to the Secretary of State for Defence, and this week's agreement to put Richard Lochhead at the forefront of fisheries talks in the European Parliament.

On the legislative process, as we have heard already, the Calman recommendation for a four-stage bill procedure was not considered to be necessary. There is already enough flexibility in our current rules for a four-stage process to be used when necessary. However, we accepted that section 31 of the Scotland Act 1998 should be amended to take account of recommendations on legislative competence, even if that is at odds with the Government's opinion.

The Standards, Procedures and Public Appointments Committee's work was limited to considering procedural issues and so covered only 16 out of 60 of the Calman report's recommendations. Clearly, there is still to take place the much wider debate on all the commission's findings. I think that we have given a fair representation of what can be achieved informally, and what will require some changes to the Scotland Act 1998, such as recommendations to give Parliament more discretion over how it regulates members' interests, and more flexibility in the appointment of our Presiding Officers and their deputies.

The committee has done its best in the limited time that was available to it to give a reasoned and overall positive response to the procedural recommendations in the Calman commission's report. I hope that Parliament will accept the committee's report this afternoon.

16:31

Pauline McNeill: When the Calman commission was recommending further devolution of powers, where it might have recommended more devolved powers, I believe that it thought that closer parliamentary working relationships between here and Westminster would have the same effect. That is what the meat of the recommendations that we are considering today is about. The substance of the committee's report is essential to the Calman commission report in that sense.

Calman was given strong evidence that formal processes are needed in intergovernmental relations because they require some formality. There was a recommendation that Parliament should be freer in areas that are reserved to Westminster but where there is a strong interest through the devolved powers of the Parliament. We can think of many areas in which that is the case. I used the poverty agenda as an example, but David McLetchie talked about alcohol policy, in which there are reserved and devolved powers, so it makes sense for the two Parliaments to work together to get greater effect from that policy. We really must make the mechanism work, whether it is formal or informal. That is what Calman was trying to get to, and there needs to be more debate on how it can happen.

Robert Brown said that this debate will not stir the soul, and I would probably agree with that. However, it is about getting down to the nitty-gritty. Robert Brown also talked about the problems of legislative consent motions when Westminster goes off in a different direction and we do not know that. He is right that we need to fix that for the future. I used the example of the civil partnership legislation, which we Sewelled to Westminster because that was the best way to do it, but it is important to note that our officials here in Scotland were drafting the legislation, and were working with officials down at Westminster. But for that, they would not have got it right, that is for sure, because I know that there were many mistakes in the draft of that legislation. That is an example of how legislative consent motions have worked.

Ross Finnie talked about the joint ministerial committee and how, if we had to use it, there had been a failure. I acknowledge that point, but we still need a nuclear option for those cases in which relationships break down. I do not want to get into the politics of the argument that I might have with Ross Finnie about the alternative vote referendum. That might be an area in which there is consensus in the Parliament that the UK Government is wrong, and I would like there to be some formal mechanism that would allow us to say to the UK Parliament that it is wrong to cut across the

principles in which we in the Scottish Parliament believe.

Angela Constance made a very thoughtful contribution. I take her point, but I must say to her that, in my experience, having convened a committee in the Parliament, it is not just the blokes who send press releases before they leave the committee. Plenty of others, in her party I am afraid, have been guilty of that, too. However, we perhaps need to think about the issue further.

Wendy Alexander and others talked about legislative competence, which is an issue that requires a little more debate. She talked about the proposal for the referendum bill, which we never really saw come to fruition. It might have been useful to know before we spent a lot of time and money on it whether the bill would be legally competent because I think that there was a legitimate debate. We should discuss the issue of legislative competence further.

Nicol Stephen made certainly the most interesting contribution, and it was an important one. He talked about the context for my beliefs about Scottish identity—that it is not exclusive to those who support another constitutional settlement. Home rule is concerned with identity, and that provides the backdrop to the debate.

Aileen Campbell said that no Parliament should ever have to justify itself. When she said that, I think that I nodded in agreement, but I caution myself because that works both ways. I can think of examples when I would want to say something about decisions that are made in Westminster that are closely related to the decisions that we make here.

I said in my opening speech that I view our relationship with Europe as a fundamental issue for the Parliament, but it is not simply a matter of the relationship with MEPs. I whole-heartedly support the European and External Relations Committee's recommendations, which are very good, but the issue is the scrutiny of the EU as an institution. We have not been good enough as a Parliament at scrutinising decisions that are made in Europe. We cannot just stop at ensuring that our relationship with MEPs is right; we must also consider our relationship with the institutions and ensure that they do not legislate in areas in which we have competence and we disagree with the proposals.

In conclusion, in the discussion of whether we should formally have four stages in our legislative process, the most important point is that we should recognise the fact that we do not in the speed at which we go through the stage 3 process. There are ways around the problems and ways to plan better, but I am not the only member who has been told to sum up in a minute the

argument on something on which I have been working for more than a year. I have been trying to win my point on the floor of the chamber, and I have had a minute to do that. We cannot allow that to continue. If it means a four-stage process—

The Deputy Presiding Officer (Alasdair Morgan): I can tell the member that she can have another three minutes if she wishes. [*Laughter.*]

Pauline McNeill: Now he tells me.

Bruce Crawford: The member is making an important point on how all members feel that they can contribute, particularly in the later stages of the legislative process. It is something the business managers have been looking at to find out how we can make improvements. However, I do not think that we need a fourth stage in the process. Ross Finnie spoke about this in his speech, when he spoke about members contributing at stage 2. We need to consider how we construct the day for stage 3 debates to allow a lot more flexibility to reflect where the heat of the arguments is in the groupings of amendments. I am sure that, if we are all a bit more pragmatic, we can manage that a lot more successfully without needing to introduce another mechanism in the process.

Pauline McNeill: I have no difficulty in agreeing with those comments but, until we have resolved the issue, we cannot discount the fourth stage. In a sense, I think that the proposal is there to remind us that we need to resolve the issue in our current framework.

I can give an example. Do not ask me why Phil Gallie came to my mind, but I remember that, in the first session of Parliament, he lodged an amendment on anonymity in rape cases at virtually the last minute. It was a big, controversial issue that could not be excluded from the discussion because it was within the scope of the bill. The sense of the Parliament prevailed in that, whether or not members agreed with the amendment, no one voted for it as it had not had proper scrutiny. We might reach the conclusion that the Parliament will take the sensible view in most cases, but we cannot ignore the fact that such things have happened in the past.

Considering all that Peter Peacock has said about the dangers—or, let us say, the difficulties—for the Presiding Officer in making decisions on whether an amendment deals with a new issue, we should not discount a reference back until we finally resolve the issue.

The Deputy Presiding Officer: The member can wind up now.

Pauline McNeill: I will definitely wind up now.

16:39

The Minister for Culture and External Affairs (Fiona Hyslop): I, too, thank the committee for its valuable work, which was set out clearly by the convener, Gil Paterson. The committee performs an important and valuable role for the Parliament, which must be recognised. When Angela Constance voiced her concern at the possibility of becoming a member of the committee, all that I could hear from the front bench was, "It could have been the Subordinate Legislation Committee."

As Bruce Crawford has said, the Government endorses the committee's conclusions. In particular, we welcome and support the committee's conclusion that the issues raised by the commission's report are best dealt with through the Scottish Parliament's standing orders rather than through Westminster legislation. It is interesting that the committee supported only three proposals that would require amendments to the Scotland Act 1998: the relaxation of the limitation on the number of Deputy Presiding Officers; the move away from overly prescriptive requirements for a members' interests regime; and the introduction of a requirement for a statement on legislative competence for members' bills. As Bruce Crawford said, the Government has reservations about the last of those—I will return to that point.

As a general rule, we do not believe that the procedures of the Scottish Parliament should be laid down in the Scotland Act 1998, which we cannot change. We believe that the Scottish Parliament should take responsibility for its own procedures and practices and not be dependent on the UK Parliament or the UK Government to lay out how we should operate. We also agree that further work is required on many of the recommendations. Inevitably, there is greater expertise—or at least a greater range of views—in the Scottish Parliament on its procedures than the commission could draw on in its deliberations. Those who have been members since 1999 might reflect on the fact that, in the Parliament's first session, there were regular reports and recommendations on improving the standing orders, and a separate committee did just that. The commission has set out proposals, but the Parliament is perfectly capable of forming and owning the solutions. That has come through loud and clear in this debate.

I turn to issues that members have raised. Pauline McNeill talked about the European and External Relations Committee's recommendations and, latterly, its reflections on the Lisbon treaty and other issues. I reassure her that, without having to make any changes to the standing orders or legislation, we are already making

changes in our Government-Parliament relationships and in how we work with Westminster and Europe on some of the subsidiarity issues that she touched on. None of those changes requires changes to the standing orders; they are taking place already. Indeed, I will meet David Lidington at the end of the debate. Those things are happening and the relationships are being built as we go on.

It has been suggested that we have joint UK committees. However, there would be a danger that that would reinvent the problems that the Parliament's European and External Relations Committee faced for a considerable time until some improvements were made. There would be a danger of creating a bottleneck and reinventing previous problems. It is not impossible for relations to be built between the Scottish Parliament's committees and the UK Parliament's committees. Robert Brown might recall that the Social Inclusion, Housing and Voluntary Sector Committee regularly corresponded with the relevant UK committees in relation to common issues.

Robert Brown: Does the minister agree that although in the early days of the Scottish Parliament there was some movement of that sort, as things have gone on and become busier, that has become more difficult, and that to some extent we lose a dimension by not having that on-going relationship with the UK Parliament in areas of common interest?

Fiona Hyslop: The emphasis is on common interest. Formalising procedures because that seems the right thing to do rather than basing the relationship on issues would be problematic. It is probably more important that we think about our relationships in terms of issues. Angela Constance made the point in an excellent speech that this is about relationships between people, and if people want them to work they will work.

Robert Brown made an interesting comment about whether, in policy terms, the Scottish Parliament should act as an agent of the UK Government. I was interested in his reflection, which might have been an allusion to, for example, Northern Ireland in relation to social security. I was not quite sure of that, but it was an important contribution and, no doubt, we will hear more about it.

I return to a central point that David McLetchie, Wendy Alexander and Pauline McNeill made about legislative competence. It is important to remember that, currently, under the Scotland Act 1998, ministers and the Presiding Officer have a statutory duty to make a statement on legislative competence. Sections 31(1) and 31(2) of the Scotland Act 1998 clearly set that out.

David McLetchie: Will the minister acknowledge, however, that a bold statement by a minister that a bill is competent is not the same as a recommendation, and that a minister should inform Parliament about the considerations that led to their conclusion? In other words, they should publish the legal advice. That is what is recommended and it is what the Government is failing to do.

Fiona Hyslop: I am sure that David McLetchie recognises—and, as a former minister, Ross Finnie will know—that when law officers' views are sought, there is a standing convention that their legal advice is not shared. The recommendations in the report from the Standards, Procedures and Public Appointments Committee are about members' bills. The issue is David McLetchie's lack of faith in the Presiding Officer. I worry, too, about Wendy Alexander, who, as a minister, introduced bills, and who will know that in doing so she had to make statements on legislative competence. The committee's proposals, as far as I read them, are about members' bills.

David McLetchie: The recommendations refer to all bills, not just members' bills. The recommendation that there should be a statement of the considerations informing the competence judgment applies to all bills, not just members' bills. Read the report.

Fiona Hyslop: The issue has been raised by various members. Under the Scotland Act 1998, a statement of legislative competence has to be made by the Presiding Officer and by ministers, but not by back benchers when they introduce members' bills.

I move on to other areas that have been raised in the debate, such as interparliamentary and intergovernmental issues. There are challenges in Parliament-to-Parliament relationships and in Government-to-Government relationships, and we are working hard with the current UK Government, as we did with the previous one, to improve the Government-to-Government relationship. The improvements that have taken place will rely on political will. However, it is still early days.

We have made it clear that we support all the recommendations in the committee's report. Nicol Stephen referred to history. Perhaps, in considering the Government's preference for full financial responsibility rather than the flawed proposals in the commission's report, he will reflect on why the Liberals want to abandon their long-standing commitment to federalism, and why the Steel commission is not part of their thinking. We have reasons for preferring full financial responsibility—

Robert Brown: On that point—

The Deputy Presiding Officer: The minister is concluding, I am afraid.

Fiona Hyslop: Circumstances have changed and, as the committee's report suggests, time has moved on and there have been changes to procedures, not least with the joint ministerial committee. Those developments mean that we need to be fluid in our thinking. We can take some of the commission's proposals, own them and shape them for ourselves. The European and External Relations Committee is already making changes. The joint ministerial committee is doing likewise. I will meet the Secretary of State for Scotland shortly to continue our intergovernmental dialogue on policy issues.

It is important that we recognise the Standards, Procedures and Public Appointments Committee's hard work in preparing the report. I sense approval of the committee's recommendations, and the motion, throughout the chamber.

16:48

Marilyn Livingstone (Kirkcaldy) (Lab): I am pleased to close the debate on behalf of the Standards, Procedures and Public Appointments Committee. I thank my fellow committee members; the convener, Gil Paterson; our clerking team; and our legal team, which has given us a great deal of support in our deliberations on this important piece of work.

The Commission on Scottish Devolution began its report by saying that

"devolution has been a ... success"

and that the

"Scottish Parliament ... works well in practice."

Many of its recommendations were about building on what works rather than fixing something that does not work. That was very much the approach that the Standards, Procedures and Public Appointments Committee took to the limited set of Calman recommendations that were referred to us.

One of the central themes of Calman is ensuring that communication between Parliaments and between Governments is co-operative, transparent and to the benefit of the people of Scotland. As this debate has reflected, that is a welcome aspiration. A number of encouraging contributions have reflected the willingness on our part to engage in that process. I picked out words and phrases such as "positive attitudes", "flexibility", "communication", "co-operation", "common sense" and "goodwill" that represent the spirit of the debate. Indeed, the committee was pleased to learn during the course of its work that, to a degree, such lines of communication have already

been established, in a wide variety of ways, to suit the subject matter and the aims of the contact.

For example, the European and External Relations Committee plays an active role in information-sharing forums such as the UK European chairs group, which encourages closer links between the European committees in the House of Commons, the House of Lords, the Scottish Parliament, the National Assembly for Wales and the Northern Ireland Assembly. Our European and External Relations Committee also takes evidence from MEPs on an issue-by-issue basis, such as during its Lisbon treaty inquiry. Many other activities of that kind are taking place across our committees, so it is fair to say that the Parliament's efforts in advance of the implementation of the Calman recommendations are a solid basis to build upon, and they reflect a willingness on our part to forge further links.

It is encouraging that a number of the Calman recommendations have already been implemented in advance of legislative change. Members mentioned some of the many examples, which include the appearance of the Secretary of State for Scotland before a meeting of the committee conveners and business managers on 17 June, the appearance of the Chief Secretary to the Treasury before the Finance Committee later that month, and various impromptu visits, including those from the Prime Minister and Deputy Prime Minister.

The wide and varied recommendations of the Calman commission seek to establish a network of formal lines of communication that ensure that opportunities for information sharing with each other and, where appropriate, scrutiny of each other are not missed. The Standards, Procedures and Public Appointments Committee accepted the spirit of the Calman recommendations, although we did not always agree that formal procedures were the best way in which to implement them. We consider that, to a great degree, scope to develop strong links already exists in the Parliament's procedures and working practices. To a large extent, the shift that is required is in attitude; as Angela Constance and others said, it is attitudinal rather than procedural.

It is hoped that the Parliament is now in a position where relevant happenings at UK or European level are taken into account as a matter of course, whatever the nature of the work that is being commenced. Informal information sharing will aid that, and it will also enable Parliaments to pick up on pieces of work that are of interest and are being undertaken elsewhere. In addition, forums for discussions between the Parliaments on constitutional matters will be valuable. Discussions on the practical implementation of elements of the Calman recommendations that do

not require changes in law will be vital if the recommendations are to reflect the will of the Parliament and be incorporated smoothly in existing practices.

When the contents of the Scotland Act 1998 were agreed at Westminster, it was felt necessary to provide prescriptive pointers in UK legislation on how the Scottish Parliament should run itself. Twelve years on, it might be time for the established Scottish Parliament to revisit the Scotland Act 1998 provisions and consider whether they are all still necessary and which of them can now be transferred to legislation that it is within the Scottish Parliament's gift to change. The committee supports those Calman recommendations where we consider that legislative change is clearly required and suggests that a pragmatic and flexible approach is taken to implementing those recommendations that do not necessarily have to be enshrined in law or standing orders.

Holding a debate on the report has been helpful in ensuring that members' views and thoughts are heard before the UK Government's legislation is introduced. I hope that members will be actively involved in the scrutiny process—beyond formal involvement through consideration of an LCM—when the bill is introduced. The committee is pleased that its report seems to be receiving cross-party support, and I thank members for their positive comments.

In closing, I highlight to members that the motion on which we will vote at decision time invites the Parliament not just to note the findings of the committee's report but to agree to its recommendations and conclusions. That will enable the Scotland Office to be clear about what the Parliament wants to see in the Scotland bill in relation to its own procedures and practices. In the time that was available, the committee sought to make pragmatic and positive recommendations on the way forward in implementing the recommendations in parts 4 and 6 of the Calman commission's report. We hope that the Parliament will support the motion at decision time.

Scottish Parliament (Disqualification) Order 2010 (Draft)

The Deputy Presiding Officer (Alasdair Morgan): The next item of business is consideration of motion S3M-6987, in the name of Bruce Crawford, on the draft Scottish Parliament (Disqualification) Order 2010. I call Bruce Crawford to speak to and move the motion. Three and a half minutes will be fine, Mr Crawford.

16:55

The Minister for Parliamentary Business (Bruce Crawford): It falls to me to inform members of the draft Scottish Parliament (Disqualification) Order 2010. As members might recall, the purpose of disqualification orders is to list the office-holders who are disqualified from membership of the Parliament. This draft order seeks to update the list in advance of next year's Scottish Parliament election. It is being brought to the chamber much earlier than in previous sessions because of the need to meet the terms of the Gould report, which, of course, recommended that all changes in the law governing the conduct of elections must come into force at least six months before the date of those elections.

We should note the unusual nature of this item of business, as it relates to a wholly reserved matter that the Scotland Act 1998 nevertheless requires to be considered and approved solely by this chamber. The draft order is not subject to procedure at Westminster but is required to be considered formally by the Privy Council, which will make the order.

As members might be aware, the 1998 act sets out the circumstances in which a person is disqualified from becoming a member of this Parliament. Certain categories of people—probably not enough, as far as others out there are concerned—including judges, civil servants and members of the armed forces are automatically disqualified. In addition, section 15 of the 1998 act provides an order-making power to disqualify specific office-holders from membership of the Scottish Parliament. The last order made under that power came into force in advance of the 2007 election. The purpose of this order is essentially to update the 2007 order to ensure that it contains all office-holders who satisfy the relevant criteria for disqualification. In particular, it takes account of new offices that have been established since 2007 and removes offices that have been abolished.

On 9 September, I wrote to the Presiding Officer, the chairman of the Electoral Commission and the leaders of the main political parties at

Holyrood to draw their attention to the Government's laying of the draft order and, in particular, its effect and scope. In those letters, I made it clear that the promotion of the draft order did not represent any wish to change the criteria against which office-holders are assessed in terms of disqualification from membership of the Scottish Parliament. In short, the same criteria apply as applied previously.

Perhaps I should say a little more about those criteria.

Members: Yes!

Bruce Crawford: I am glad that there is such demand in the chamber to hear more about this order. The updated list is prepared by the Scotland Office on the basis of returns from United Kingdom Government departments and the devolved Administrations identifying office-holders who appear to meet the relevant policy criteria.

Mike Rumbles (West Aberdeenshire and Kincardine) (LD): Read the list!

Bruce Crawford: If the Presiding Officer wishes me to read the list, I will read the list.

The Presiding Officer (Alex Fergusson): You can do what you like, minister, as long as you speak for another minute.

Bruce Crawford: Clearly, with regard to the process, there is scope for anomalies or ambiguities to arise. However, in conclusion, Presiding Officer—

Members: More! More!

Bruce Crawford: The draft Scottish Parliament (Disqualification) Order 2010 has been made in the interests of good housekeeping, and I hope that colleagues will join me today in approving it, with a view to it coming into force well in advance of the Scottish Parliament election on 6 May next year. I am sure that the man who produced the Gould report will be delighted that, as a result of some of the complications that arose from the last Scottish Parliament election, we are introducing the disqualification order earlier in the process than has been the case in the past. We all know what that report recommended, so I am delighted to commend this draft order to members.

I move,

That the Parliament agrees that the Scottish Parliament (Disqualification) Order 2010 be approved.

Business Motions

16:59

The Presiding Officer (Alex Fergusson): The next item of business is consideration of business motion S3M-7110, in the name of Bruce Crawford, on behalf of the Parliamentary Bureau, which sets out a business programme. It would be helpful if members paid attention.

Motion moved,

That the Parliament agrees

(a) the following programme of business—

Wednesday 6 October 2010

2.00 pm Time for Reflection

followed by Parliamentary Bureau Motions

followed by Stage 3 Proceedings – Legal Services (Scotland) Bill

followed by Business Motion

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Thursday 7 October 2010

9.15 am Parliamentary Bureau Motions

followed by Scottish Labour Party Business

11.40 am General Question Time

12.00 pm First Minister's Question Time

2.15 pm Themed Question Time
Finance and Sustainable Growth

2.55 pm Scottish Government Debate: Refresh of the Skills Strategy

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Wednesday 27 October 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 28 October 2010

9.15 am Parliamentary Bureau Motions

followed by Scottish Government Business

11.40 am General Question Time

12.00 pm 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 Business

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

(b) that the period for members to submit their names for selection for Question Times on 28 October 2010 ends at 12 noon on Wednesday 6 October.—[Bruce Crawford.]

Motion agreed to.

The Presiding Officer: The next item of business is consideration of business motion S3M-7111, in the name of Bruce Crawford, on behalf of the Parliamentary Bureau, which sets out a timetable for stage 2 of the Housing (Scotland) Bill.

Motion moved,

That the Parliament agrees that consideration of the Housing (Scotland) Bill at Stage 2 be completed by 8 October 2010.—[Bruce Crawford.]

Motion agreed to.

The Presiding Officer: The next item of business is consideration of business motion S3M-7112, in the name of Bruce Crawford, on behalf of the Parliamentary Bureau, which sets out the timetable for stage 2 of the Alcohol etc (Scotland) Bill.

Motion moved,

That the Parliament agrees that the deadline for consideration of the Alcohol etc. (Scotland) Bill at Stage 2 be extended to 8 October 2010.—[Bruce Crawford.]

Motion agreed to.

Parliamentary Bureau Motion

17:00

The Presiding Officer (Alex Fergusson): The next item of business is consideration of Parliamentary Bureau motion S3M-7117, on the approval of a Scottish statutory instrument.

Motion moved,

That the Parliament agrees that the Public Appointments and Public Bodies etc. (Scotland) Act 2003 (Treatment of Office or Body as Specified Authority) (No.2) Order 2010 be approved.—[Bruce Crawford.]

The Presiding Officer: The question on the motion will be put at decision time.

Decision Time

17:00

The Presiding Officer (Alex Fergusson): There are three questions to be put as a result of today's business.

The first question is, that motion S3M-7056, in the name of Gil Paterson, on this afternoon's debate on the report on the Commission on Scottish Devolution, be agreed to.

Motion agreed to,

That the Parliament notes the Standards, Procedures and Public Appointments Committee's 5th Report 2010 (Session 3), *Report on the recommendations of the Commission on Scottish Devolution regarding Scottish Parliament procedures* (SP Paper 490) and agrees to its recommendations and conclusions.

The Presiding Officer: The next question is, that motion S3M-6987, in the name of Bruce Crawford, on the Scottish Parliament (Disqualification) Order 2010, be agreed to.

Motion agreed to,

That the Parliament agrees that the Scottish Parliament (Disqualification) Order 2010 be approved.

The Presiding Officer: The final question is, that motion S3M-7117, in the name of Bruce Crawford, on the approval of a Scottish statutory instrument, be agreed to.

Motion agreed to,

That the Parliament agrees that the Public Appointments and Public Bodies etc. (Scotland) Act 2003 (Treatment of Office or Body as Specified Authority) (No.2) Order 2010 be approved.

See Me Campaign

The Deputy Presiding Officer (Trish Godman): The final item of business is a members' business debate on motion S3M-6705, in the name of Jackie Baillie, on the see me campaign. The debate will be concluded without any question being put.

Motion debated,

That the Parliament considers that the *see me* campaign has made a significant contribution in tackling the stigma and discrimination associated with mental health problems; further notes that it is estimated that as many as one in four Scots will experience some form of mental health problem and that more than half of those with such conditions have experienced stigma or discrimination; recognises that the stigma associated with mental health problems can be more distressing and damaging than the symptoms of the condition itself; believes that it will take a generation to effect lasting change in society, and would welcome continued support for the *see me* campaign in Dumbarton and across the rest of Scotland.

17:02

Jackie Baillie (Dumbarton) (Lab): I am grateful for the opportunity to raise awareness of the see me campaign, which is Scotland's national programme aimed at ending the stigma and discrimination attached to mental illness. In doing so, I hope to build on the cross-party consensus that has characterised consideration of the issue in previous years. I recognise that all members take seriously our responsibility to improve awareness of mental health.

One in four Scots experiences some kind of mental health problem in their lifetime, and more than half of those who do have experienced some form of discrimination or stigma relating to their mental health. Despite affecting many of us, mental illness is commonly misunderstood, sidelined and stigmatised. It is important to make clear and normalise the idea that people who suffer from a mental illness should be treated with the same dignity and respect with which those who suffer from physical problems are treated. The Parliament must do its utmost to support initiatives such as the see me campaign that seek to redress the balance and challenge attitudes to mental illness.

Since the see me campaign was launched in 2002 by my esteemed colleague Malcolm Chisholm, it has worked effectively to challenge attitudes to mental illness. A recent Scottish Government survey revealed a 10 per cent drop in people saying that they would not want anybody to know if they developed a mental health problem. Some 61 per cent of people with experience of mental health problems have said that they feel more able to be open about their illness than they did five years ago, and 63 per cent of the same

sample thought that the see me campaign had improved media reporting of people with mental health problems. I genuinely think that the campaign has much to be proud of, although it is clear that more needs to be done.

It is not in question that mental illness in Scotland is associated with stigma and discrimination, but members need not take it from me—let me share the experience of Paul from Arbroath. He says:

"I found it difficult to apply for jobs and I only got one or two interviews. I think it was because I was open about my mental health problems on applications. I was just 20 years old when my consultant psychiatrist told me I would never work again. It is soul destroying to be told by a professional, someone I looked up to and who was there to help, that you won't work or achieve anything in life."

It is clear from that sobering quote that it is crucial to the self-worth and self-perception of people who are suffering from mental illness that those around them, including those who are in direct support roles, understand and adopt helpful and well-informed attitudes in relation to their condition.

Mental illness has become an unacceptable and unnecessary barrier to social interaction and employment in Scotland. I commend to members the forthcoming dismissed? campaign that the Scottish Association for Mental Health will undertake during mental health awareness week, which will highlight issues surrounding fairness and employability for those who suffer from mental illness.

The see me campaign believes that it will take a generation to effect lasting change in our society, as I am sure do others. However, I recognise that, in a period of economic difficulty and recovery from recession, we can expect that people's mental wellbeing will be under further strain. We must therefore be clear about ensuring that there are sufficient resources for support services.

Last week, I had the pleasure of visiting the breathing space helpline, which is based in NHS 24 and is for those who are coping with mental health problems. I was hugely impressed by the calibre of the staff and the quality of the work that they undertake. In the past few years, the helpline has experienced a steadily increasing volume of calls. Between 2009-10 and 2010-11, the number of calls that it handles has already increased by a third, and it is getting higher. Although the response rate is good, the helpline is clearly experiencing demand that is increasing at a faster rate than its funding and resources can match. A few calls go unanswered, but the performance overall is very good. I regard that as a success story.

Local authorities also face challenges, and some face difficult decisions about services. I, and I am sure other members, have heard of changes

such as zero hours contracts for mental health workers, which lead to a lack of continuity of care and support for their clients. We are also beginning to see a reduction in some services in one or two areas at a time when increasing numbers of people are experiencing mental health problems. I am sure that the desire to ensure that there is an adequate level of support for people with mental illness is shared by the Government and by everybody in the Parliament.

In Scotland, the costs associated with mental health problems are high. According to see me, we spend about £1,520 million on health and social care each year, and £2,378 million is the cost to the Scottish economy of mental health problems. According to studies in New Zealand, every dollar that is spent on reducing the stigma and discrimination associated with mental illness saves the country \$13. It therefore makes sense for us to continue to invest.

I am conscious that the Government has a health improvement, efficiency, access and treatment—HEAT—target on reducing the use of antidepressants. We support that target. Frankly, antidepressants need to be the last resort for anybody who is prescribing. However, despite that commitment, there was a 7 per cent increase in prescribing last year, and a 4 per cent increase the year before. We need to understand why that happened and whether it is down to increased numbers or whether general practitioners are prescribing more than they used to. Equally, we need to ensure that alternative treatments and therapies are available. When I visited NHS 24, I saw a new project that is designed to provide support by telephone to people in, I think, at least five health board areas. I commend that to the Cabinet Secretary for Health and Wellbeing for roll-out across the country. It is certainly an essential service, and people are accessing it.

I am delighted to support the see me campaign in its continuing efforts to fight the stigma and discrimination that are associated with mental illness. I hope that this debate provides one opportunity to raise awareness of those important issues and to renew our support for the continuing challenges to that stigma and discrimination.

The Deputy Presiding Officer: We move to the debate. Speeches should be four minutes. I call Anne McLaughlin, to be followed by Marlyn Glen.

17:10

Anne McLaughlin (Glasgow) (SNP): I congratulate Jackie Baillie on beating me to it and securing this debate. I will speak very quickly, because I thought I had six minutes.

When I was elected last year, I said that one of the things I really wanted to work on was mental

health, particularly reducing the stigma around mental health issues. I like to think that I would have done so regardless of my background, but coming as I do from a family of psychiatric nurses and a family with its own experiences of the other side of mental health problems, I have a keen interest in and, I hope, a good understanding of mental health issues.

When I was thinking about what to say today, I hesitated to say that I have family members who have experienced mental illness. I hesitated for the very reason we are here debating this motion: there is still a huge stigma, and anyone who admits to having mental health problems takes a risk.

Reading through the report from see me, it seems to me that the stigma is reducing and there is lots of good news. People feel more able to be open about having mental health problems. In 2002, 51 per cent of people said that they would not want people to know, but a recent survey showed that that figure has reduced to 41 per cent. So, nearly two thirds of people would be willing to tell others that they had been diagnosed with a mental health problem, which is good news and testament to the work of see me.

However, we are not there yet. See me is right when it says that it will take a generation to shift attitudes. We are not there yet, because although I will willingly say that some of my family members have had mental problems and I will even say what those problems were, I will not say who those family members are, because I feel the need to protect them from those who would discriminate and those who would stigmatise. We are not there yet, because I will not say whether I was one of them. For all that anyone listening to this debate knows, I might have suffered from depression in the past. I might have been suicidal. I might even be standing here today as someone who has a diagnosis of schizophrenia. So might any of us. That is the problem. Until more ordinary people from all walks of life are willing to stand up and say, "I'm the guy who delivers your post"—or "I'm the guy who advises you on your health"—"and I have or have had a mental health problem, but I'm still me", the stigma will not go away.

Until the stigma goes away, people will not be willing to put their head above the parapet. That is the crucial thing about the see me campaign. It gets across probably the best-known facts about mental health problems but also the least-believed fact: that one in four of us can have them and they can still happen to anybody.

I might not have been diagnosed with an enduring mental illness such as schizophrenia—I say "might not" because it would really defeat the purpose of what we are debating today if I chickened out and felt the need to reassure

everyone that I had not—but that does not mean that I will not be. I have no way of knowing; none of us here does.

My parents were both psychiatric nurses and they cleverly ensured that if I had ever been tempted as a teenager to accept an offer of illegal drugs, I would have been too terrified to give into that temptation. They told me the story of Fiona, a stunningly beautiful girl who had the world at her feet and was set to realise her dream of going to medical school. I am making her sound like a fictional character, but she was not, because I knew her—although I have changed her name. The world was her oyster until she took a hallucinogenic substance that sparked off a latent psychosis. Fast forward 30 years and she has just managed to get out of a locked ward and is being assisted to live in a supported tenancy. No medical school for her; no nights out with her friends; no graduation ceremony; no peace of mind; no glittering career; and no life until now. She has had 30 years of a particularly aggressive form of paranoid schizophrenia that could have lain dormant all her life. It could be lying dormant in any of us right now and we would not have to take illegal substances to spark it off—many things can spark it off. That makes us no different from Fiona. It makes us just as susceptible to the terrible stigma that has plagued her life.

We can all suffer from depression. I am quite sure that we have all suffered at least a temporary depression, such as when somebody has died. The problem occurs when that depression is not short term and will not go away, no matter how hard someone tries.

A number of years ago, I spoke at a conference and told the tale of two princesses who had lost their hair—the princesses of pop, Kylie Minogue and Britney Spears. The press, and therefore we, were sympathetic to Kylie because, after all, it was not her fault—the chemo for the breast cancer caused her hair loss. But it was not Britney's fault that she became ill, either. I do not know what her condition was, but it was clear that she had a mental health problem, which was somehow considered to make the situation her fault. I know that the press, and therefore we, were singularly unsympathetic to her, so I am glad that the see me campaign works with journalists on the reporting of mental ill health. The newspapers that reported, ridiculed and attacked Britney's every move as she struggled to cope with her mental illness will no doubt have carried worthy articles about how we need to reduce the stigma of mental ill health. When the press and the media put those fine words into practice in all their reporting, the shift that we need badly will have taken place.

17:15

Marlyn Glen (North East Scotland) (Lab): I add my thanks to Jackie Baillie for securing the debate to recognise that the see me campaign has made a significant contribution to tackling the stigma and discrimination that are associated with mental health problems. The debate is well timed, as next week is mental health awareness week.

We are aware that one in four of us will experience a mental health problem at some time in our lives and that a massive three quarters of us know someone who has a mental health problem. Despite that, many people with mental ill health—81 per cent—told see me that they had experienced stigma. People with mental ill health are less likely to be employed and are more likely to experience harassment.

We should be especially concerned that stigma exists in employment. Only 21 per cent of people with long-term mental health problems have a job. It is most concerning that few employers—only 30 per cent—are willing to recruit someone who has a mental health problem. We need to look carefully at the fact that one in 10 employers has withdrawn a job offer because an applicant lied about or misrepresented their health situation on a health screening questionnaire. For the same reason, 7 per cent of employers have dismissed an employee.

It is understandable that people try to protect themselves from the stigma, because they lose out as a result of it. How can people be encouraged into work when even admitting to suffering from occasional depression could jeopardise their chances? As a result, I look forward to the launch of SAMH's dismissed? campaign, which will campaign for fairness in relation to mental health and employability. From claiming benefits to which people are entitled when they are sick or disabled to applying for, getting and keeping a job, people with mental health problems are disadvantaged in employability. I strongly support SAMH's campaign.

As has been said, see me was launched in October 2002 as part of the Scottish Executive's national programme for improving mental health and wellbeing. Its work has included national publicity campaigns, campaigns that are aimed at specific groups or environments, work with the media and support for local activities. See me's approach focuses on awareness, prevention and direct action and targets environments such as the workplace and public services. I commend the recent launch of BT's mental health service and the Scottish Parliament's counselling service.

Under the campaign, it has become increasingly unacceptable to use derogatory terms or negative

storylines about mental health or people with mental health problems, but there is still a long way to go. It is unfortunate that some newspapers still occasionally carry lurid stories that misuse psychiatric terms, for example, to describe people. It is up to each of us to challenge such unacceptable activities.

As it is recognised that effecting lasting change might take a whole generation, it is essential to measure the campaign's outcomes in the long term and to continue to fund the campaign with that in mind. That applies particularly because the funding statistics from New Zealand that Jackie Baillie mentioned showed that every dollar spent there on reducing the stigma and discrimination that are associated with mental illness saved about \$13, which is an amazing return.

I will mention quickly see me activities that have taken place in Dundee with the continuing support of Dundee Voluntary Action, which include a photographic competition that was linked to world mental health day. I am pleased to note that Dundee street poet Gary Robertson has signed up to be the poetry judge for the see me creative writing competition this year.

I trust that the campaign will continue throughout Scotland and that we will see signs of a lasting change in society even sooner than we hoped.

17:19

Mary Scanlon (Highlands and Islands) (Con):

I, too, congratulate Jackie Baillie on securing tonight's debate. I also thank members of all parties who signed my motion on mental health awareness week, which runs next week.

As Jackie Baillie said, one in four people in Scotland will experience some form of mental health problem. More than 30 per cent of GP visits in Scotland are for mental health issues. We must discuss mental health: we must discuss the causes, how it affects the patient, how to deal with it, and how it affects families and friends. We all could do with a bit more advice on how to talk to people about their depression or other mental health problems and the effect that mental health issues have on employment. We all have to be bolder in that respect.

The see me campaign, which aims to end the stigma and discrimination that is associated with mental health, deserves every accolade that it has been awarded and more. While everyone accepts that work is still to be done, the difference that see me has made since it was launched in 2002 is significant. The results from this year's hear me 2 survey showed that 61 per cent of people who have experienced mental health problems now feel more able to be more open about their illness

than they were five years ago. Also, when social attitudes in Scotland towards mental health are compared with those of the UK as a whole, it is obvious that the plaudits that this campaign has attracted are well deserved. A recent YouGov survey showed that, on a UK basis, employers rejected someone with a mental illness in 33 per cent of cases whereas, in Scotland, the rejection rate was 24 per cent. We can all agree that the figure is still too high, but the difference is clear.

There is still some way to go before we eradicate the stigma, but it is clear that attitudes to mental health issues in Scotland are changing. When people talk about mental health, they tend always to talk about schizophrenia and yet the majority of people with mental health issues suffer from stress, anxiety, low mood and depression. As Anne McLaughlin said, people can suffer in that way at times of bereavement and so forth. Mental health issues are a normal part of everyday life and yet many people do not discuss the issues. People not only feel the stigma but believe that their career opportunities may be jeopardised if they should say that they are depressed.

Jackie Baillie mentioned the NHS 24 cognitive behavioural therapy pilot that delivers telephone support to people in their own home to help them self-manage their condition, understand the triggers that bring them down and provide coping mechanisms to get them back up again. I have seen an interim report on the pilot and am sure that with earlier diagnosis, referral and early intervention the figure can be improved greatly. After all, the treatment is being delivered in the wholly unstigmatised manner and setting of a person's home and not in what is often perceived as an institutional setting.

I am in no doubt that 99.9 per cent of those who work in the health service exhibit no stigma towards patients with mental health issues. That said, I cannot ignore the fact that attitudes in the health service to mental health have been raised with us in the past. People feel that NHS staff could be more compassionate and understanding of mental health issues.

It is right that we should praise the work that is being done to reduce the stigma that is associated with mental illness, but we all have to look at how we can improve things further. This is not only about see me and patients with mental health illnesses, it is an issue for everyone. We all—family members, work colleagues and friends—have a role to play. The stigma will finally be lost only when we all understand the complexities of mental health issues and how widespread they are. I am pleased to contribute to the debate.

17:24

Hugh Henry (Paisley South) (Lab): Jackie Baillie is to be commended for allowing the Parliament the opportunity to put on record our support for the see me campaign and to raise some of our worries about on-going issues around mental health in Scotland.

In a way, the debate shows up one of the weaknesses of the Parliament—consider when we are debating it and the number of MSPs involved. This comment is not directed at any one party, but is it beyond our collective wit to take part of the Government's time for its debates to address issues such as this, rather than some of the nonsense that we debate to very little purpose? If we did that, members such as Anne McLaughlin would be able to put on record what I thought was a very human and a very pertinent contribution about the issues surrounding mental health. It is a shame that we do not accord issues such as this more status in the Parliament; we should not leave them to members' business debates at the tail end of the day.

Other members have eloquently highlighted the fact that mental health problems do not affect just a small number of people in the community—they can affect anyone, irrespective of social background, status or economic circumstances. Probably all of us have friends or family who have suffered mental health problems. We have probably struggled to cope, frankly, with what it has meant. It manifests itself in different ways. Suddenly, the person behaves differently. That can be stressful. We do not know whether to distance ourselves or get closer—many of us just do not know how to cope and how to respond. That in turn makes the person involved feel more awkward and can drive them into further isolation.

It is heartbreaking to see someone going through severe mental health problems. Dealing with constituents asking for help, and perhaps complaining about doctors, can be heartbreaking. One constituent spoke to me about their son. They spoke about their frustration: they wanted to talk to the doctor but the doctor—understandably—cited issues of confidentiality. Their son was an adult, and there were things about the son's illness that the doctor could not disclose. That illness sometimes manifested itself in aggressive and violent behaviour. My constituent was at their wit's end trying to get the help and support they needed to assist their son. Help would kick in only when their son was arrested, but it should not have been necessary to get to that point—earlier intervention could have made a difference. Mental health still poses major problems and challenges for us.

Antidepressants have been mentioned. The Public Audit Committee recently commented on the prescribing of antidepressants, which is

inconsistent across the country. That is something we should reflect on. We should see what more can be done either to avoid antidepressants being prescribed inappropriately or to support people to come off them when that is the right thing, rather than just leaving people on antidepressants because it is easier for society to cope with people if they are being medicated.

There are some good organisations in the community. I put on record some of the commendable work that happens in my area and across Scotland. Specifically, I can mention the Renfrewshire Association for Mental Health, which is a first-class organisation that does a lot of good work. It is involved in the Scottish mental health arts and film festival across Renfrewshire during the month of October, when some imaginative and exciting events are held. The association has produced a directory of mental health services in Renfrewshire. The festival includes a see me photography competition. RAMH is branching out its work across the Clyde into Jackie Baillie's area—it is developing youth counselling services in schools in West Dunbartonshire. Last year, that service supported 204 young people in secondary schools. RAMH received a near-perfect score from a recent inspection by the Scottish Commission for the Regulation of Care. There are good things happening.

The worry that RAMH and others have is that the funding situation is beginning to impact severely on the work of voluntary organisations. We could face real problems if organisations such as RAMH suffer because of a lack of funding. We need to support the very commendable work that the voluntary sector in Scotland is doing in this regard.

17:29

Malcolm Chisholm (Edinburgh North and Leith) (Lab): I, too, congratulate Jackie Baillie on bringing this important debate to the Parliament. Even more, I congratulate the see me campaign on all its work during the past eight years to fight the stigma and discrimination that have, for centuries, been associated with mental ill health and which make mental health problems so much worse than they already are. It is appropriate to pay particular tribute to Linda Dunion, who was the campaign's first director and who led and championed it for many years. She has been ably succeeded by Suzie Vestri.

Members talked about the successes that can be attributed to the campaign. More people are open about mental health problems and there has been improvement in some of the media handling of the issue. However, we know that we still have a long way to go to spread understanding of

mental ill health and encourage the empathy that is so often lacking.

Like Hugh Henry, I mention Anne McLaughlin's speech. It was exceptional in its totality, but I pick out what she said towards the end about fault, which goes near to the heart of the problem. Historically, many people have regarded people with mental health problems as being at fault and somehow to blame. If that attitude can be undermined, that will be an important step forward, and the see me campaign has contributed to that.

However, there are no grounds for complacency. I welcome SAMH's new campaign, dismissed, which highlights the seriousness of the problem. At a time when people are looking to reduce the workforce in all sorts of areas, there is a danger that employers might regard people with mental health problems as easier to lay off. We must be careful in relation to employment, so I welcome the campaign.

A related issue is benefit changes. Many people with mental health problems are worried that they might not be regarded as having a genuine problem. Problems to do with people's potential to take up employment, which can be obvious and apparent in people who have physical disabilities, are just as real for people with mental health problems, in some cases.

The campaign can be seen as being part of two wider movements. First, it was part of a big initiative on mental health improvement, which was led by Gregor Henderson in the early years of the Parliament. Campaigns such as the one on suicide prevention and many other initiatives, such as mental health first aid and the Scottish recovery network, developed as part of the mental health improvement initiative. I always think that it is unfortunate that, in all the excellent work that the Parliament has done on health improvement, some of which is recognised far afield, the mental health improvement work has not been generally recognised. It is appropriate to set the see me campaign in that context.

The other context is the wider mental health users movement. The key thing about see me is to treat people with mental health problems with dignity and respect. The idea of allowing people with mental health problems to be involved in decisions about their care and to be listened to with respect in relation to their care is important. That should be acknowledged.

I have a particular interest in the matter this week because, on Friday, "Oor Mad History: A Community History of the Lothian Mental Health Service User Movement" is being launched in my constituency. I was honoured to be asked to write a foreword and I will speak at the launch. I am certainly aware from the work that people have

done in Lothian that significant progress has been made on the wider front in relation to respecting people with mental health problems. It is appropriate to mention that and to see the see me campaign as part of a wider movement for change and improvement.

17:34

The Deputy First Minister and Cabinet Secretary for Health and Wellbeing (Nicola Sturgeon): I thank Jackie Baillie for securing the debate, which has been extremely important. There have been some very good speeches, and like other members I single out Anne McLaughlin's speech, which was particularly powerful and, as Hugh Henry said, particularly human in its content.

I agree absolutely that the see me campaign has made a huge contribution to tackling the stigma and discrimination that are associated with mental ill health. It is unique in Scotland, but we should also recognise that it was the first campaign of its kind anywhere in the world.

The statistic is often quoted—and was quoted by several members—that one person in four will experience mental health problems. It is a powerful statistic, but what lies behind it is even more powerful. It adds up to an awful lot of people who need others—their family, friends, colleagues, health professionals and people in the community—to support them and show understanding of the issues that they face, not judge them on preconceived notions of mental ill health. The see me campaign's role is to help people develop that understanding and acceptance, not by preaching to them or nagging them to change their ways but by educating and gradually influencing a culture change.

In many ways, stigma can be more distressing than the symptoms of mental ill health themselves. Others have mentioned the valuable research that see me carried out, which goes a long way to helping us to understand people's experience of stigma and discrimination. The research tells us that 85 per cent of people feel more able to be open about their experiences of mental illness than in the past, but it also tells us that they are still likely to face stigma when they disclose it. People are most likely to experience stigma and discrimination with friends and family, in the local communities, at work and when accessing health services—I agree with the point that Mary Scanlon made about the need for compassion and understanding in the health service. In other words, people are more likely to experience stigma in the areas of life in which they most need support.

The research also shows that, when it comes to stigma, not all mental illnesses are equal. Illnesses

that are perceived as less common, more severe and more difficult to understand—such as personality disorder or schizophrenia—are even more stigmatised than the less threatening illnesses, such as depression, anxiety and bipolar disorder. In addition, it exposes the extent of self-stigma, to which Anne McLaughlin alluded. The fear of experiencing stigma colours the way that people with mental health problems see themselves and often leads them to self-impose restrictions on their activity that, in effect, prevent them from living their lives to the full.

The see me campaign's work to build up relationships with the media has been mentioned. Over the years, it has built up very good relationships and done a great deal to educate and influence the media about the use of positive reporting and appropriate language.

Jackie Baillie made the point that the campaign has been built on the premise that it takes a generation to effect real and lasting change in attitudes. Its first priority has been to raise awareness of the existence and impact of stigma and discrimination. Only once that awareness is lodged in the public consciousness can the campaign move through the phases of demystification, informing, creating understanding, enabling acceptance, inclusion and networking, finally reaching the ideal state of a stigmaless equality for people who experience mental health problems.

In addition to its high-profile national work, see me is aware of the need to sustain local activity. Its local work throughout the country has been taking root recently. That work brings together supporters, activists and groups through regional meetings, which have been popular, with the aim of encouraging collaborative action.

Liam McArthur (Orkney) (LD): Like other members, I acknowledge the moving and human speech from Anne McLaughlin.

On local campaigns, I attended a see me pledge-signing ceremony in Orkney early in the summer. It was full of individuals who had been going about their lives and been struck with a mental illness almost out of the blue—as in many of the examples that Anne McLaughlin gave—but the focus was on Orkney Islands Council, NHS Orkney and the public sector. What has the public sector's track record been on addressing stigma, particularly in employment? As we move into a difficult phase for public finances, what role does the cabinet secretary expect the public sector to continue playing in addressing stigma?

Nicola Sturgeon: I will come on to talk about see me in the wider picture, but I will respond quickly to that question. Historically, the public sector's role has not been what we would want it

to be. It is improving, but there is still work to do. As was mentioned, the financial climate in which we live increases the demand on services that deal with mental health, and we must ensure that that is recognised.

The see me campaign does not exist in isolation; it is part of a bigger picture of mental health improvement in Scotland. We have heard today about NHS 24's breathing space service and the cognitive behavioural therapy services. There are also strong links between the see me campaign and the recovery agenda. One of the frequently encountered aspects of stigmatisation is the misconception that people do not get better, when we know that people can and do recover from even the most serious and long-term mental health problems. The see me campaign cultivates strong links with the Scottish recovery network, which is extremely important. The work it does also goes hand in hand with many elements of the choose life strategy to prevent suicide, which is another extremely important priority for us.

Health improvement and social inclusion are core priorities of this Government and of parties across the chamber. We must recognise that the physical and mental health and wellbeing of people in Scotland are a matter not just for the health sector. We need to take a much more integrated approach if we are genuinely to improve people's health.

It is important to underline the point that Anne McLaughlin powerfully illustrated, which was that, although any of us can experience mental health problems—we do not know whether we will be in that position—we must also recognise that the most disadvantaged in society are most at risk, which means that there is a need to see the issue in social inclusion terms as well.

The see me campaign thoroughly deserves the congratulations and credit that it has received today. It is one strand of a range of actions that is under way to address the many issues that have been raised by members today. It has given us a useful opportunity to debate these matters. I acknowledge Hugh Henry's point about the need to mainstream debates on this subject into the parliamentary agenda. I believe that the Parliament has debated mental health issues on many occasions, but if there is a willingness on the part of other parties to hold a debate on this subject within the normal parliamentary agenda, I am sure—without wishing to pre-empt the work of the Parliamentary Bureau—that there will be a willingness on the part of the Government to ensure that that happens.

Meeting closed at 17:42.

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