



The Scottish Parliament
Pàrlamaid na h-Alba

Official Report

MEETING OF THE PARLIAMENT

Wednesday 23 February 2011

Session 3

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Scottish Parliament

Wednesday 23 February 2011

[The Deputy Presiding Officer *opened the meeting at 14:00*]

Time for Reflection

The Deputy Presiding Officer (Alasdair Morgan): Good afternoon. The first item of business today is time for reflection. Our time for reflection leader is Mhairi Wallace, who is an attached reader to Kirkcudbright parish church.

Mhairi Wallace (Attached Reader to Kirkcudbright Parish Church): Good afternoon. I thank the Presiding Officer for the invitation to lead time for reflection today.

There is an old saying:

“What the eye doesn’t see, the heart doesn’t grieve.”

I have proved that both right and wrong.

When I was out running recently, I saw a man just up ahead of me whose dog was playing in the mud. I ran on, listening to my iPod, and suddenly found myself face down on the path. What had caused that unusual clumsiness? The man was attached to the dog by an extending lead that allowed the dog to run for miles and the owner to stay on the dry path. I had effectively been felled by a rather sharp tripwire. I suppose that one consolation was that the dog was a small terrier and the rope caught me on the shins. If the dog had been a Great Dane, I could have been garrotted. No lasting damage was done, apart from my bleeding shins and dented dignity. Although the eye did not see that, the effect was definitely felt.

Later, I went into our sitting room and found our westie standing on the end of the settee having a drink from my husband’s cup. Judging by the look on her face, it was not the first time that she had done that. How often had somebody left their tea lying and Lucy had helped herself, unknown to the drinker, who then came back and finished it? That is a case of the eye not seeing and the heart not grieving.

A man once watched a young boy out in a field flying a kite. He noticed that there was something strange about the way the boy was holding the string. He realised that the boy was blind. He went over and said to the boy, “Do you like flying kites?” The boy said, “I love it.” Intrigued, the man asked him, “How can that be when you can’t see it?” The boy said, “I might not be able to see it, but I can feel it tugging.”

We might not always be able to identify the love of God in this world. Like that wee boy, we might

not be able to see love, but there is a tug that lets us know that it is there, and we can show that love in simple acts of kindness to one another. We cannot stop all the evil in the world, but how we treat one another is entirely up to us. I believe in God like I believe in the sunrise—not because I can see him, but because I can see all of his love in everything that it touches.

Let us pray.

Lord, we take a moment to remember all those who are caught up in turmoil, especially those who are caught up in the earthquake in New Zealand. We pray that aid may be quick to reach them. Lord, we ask that you open our eyes so that we may see the presence that is all about us, open our ears so that we may hear the voice that is quiet, yet ever near, and open our hearts so that we may feel the love of God close and real. We ask that you open each sense and make us aware of the power and the peace that are always there.

Amen.

Business Motion

The Deputy Presiding Officer (Alasdair Morgan): The next item of business is consideration of business motion S3M-7984, in the name of Bruce Crawford, on behalf of the Parliamentary Bureau, setting out a revision to the business programme for today.

14:04

The Minister for Parliamentary Business (Bruce Crawford): The reason why a change is proposed is to allow a ministerial statement on Cadder. The rest of the business has been adjusted to allow that statement into the programme.

I move,

That the Parliament agrees the following revision to the programme of business for Wednesday 23 February 2011—

delete

2.20 pm Equal Opportunities Committee Debate:
Inquiry into Migration and Trafficking

followed by Public Petitions Committee Debate:
Work of the Public Petitions Committee

followed by Legislative Consent Motion: UK Energy
Bill – UK Legislation

and insert

2.20 pm Ministerial Statement: Cadder

followed by Public Petitions Committee Debate:
Work of the Public Petitions Committee

followed by Equal Opportunities Committee Debate:
Inquiry into Migration and Trafficking

followed by Legislative Consent Motion: Energy Bill
– UK Legislation

Motion agreed to.

Scottish Parliamentary Corporate Body Question Time

14:05

Voluntary Redundancy

1. John Wilson (Central Scotland) (SNP): To ask the Scottish Parliamentary Corporate Body how many of its staff took voluntary redundancy in (a) 2007-08, (b) 2008-09 and (c) 2009-10. (S3O-13105)

Mike Pringle (Edinburgh South) (LD): The number of Scottish Parliamentary Corporate Body staff who took voluntary redundancy in 2007-08 was none, in 2008-09 was three and in 2009-10 was five.

John Wilson: How many staff have applied for voluntary redundancy in 2010-11? What financial costs are associated with the redundancies and what on-going savings will be made from the operation of the voluntary redundancy schemes to date?

Mike Pringle: As part of the future resource planning exercise that the SPCB has undertaken, a total of 37 staff will leave the organisation during 2011-12. As far as the costs are concerned, unfortunately we are not yet in a position to give exact figures, but we expect the scheme to pay for itself in under two years and to deliver on-going savings after that.

Architectural Drawings

2. Margo MacDonald (Lothians) (Ind): This one is something of an old chestnut.

To ask the Scottish Parliamentary Corporate Body whether Enric Miralles's authenticated, original drawings, designs and plans are catalogued and stored in an accessible manner in the parliamentary complex. (S3O-13103)

Alex Johnstone (North East Scotland) (Con): Original Enric Miralles drawings and designs, submitted as part of the designer competition, are not held within the parliamentary complex. However, copies of Enric Miralles's original sketches are retained and are accessible, including examples on the Parliament's website.

Margo MacDonald: Although I am disappointed to hear that the SPCB does not retain the original competition entries, I am more interested in the ones that I was assured were produced when Enric Miralles was in hospital in Houston. There was the small matter of who was actually designing the complex, but let that remain in the past and let us see the up-to-date drawings from that time. I am sure that visitors to the Parliament

would love to see them, given that they are told so much about them.

Alex Johnstone: I will take the opportunity to seek further information from SPCB staff on whether progress can be made on the matter.

Ethical Procurement

3. Patrick Harvie (Glasgow) (Green): To ask the Scottish Parliamentary Corporate Body what ethical criteria are used in its procurement policies. (S3O-13104)

Tricia Marwick (Central Fife) (SNP): It is SPCB procurement policy to consider all relevant social and ethical issues throughout the procurement process. Specific criteria vary from requirement to requirement.

Patrick Harvie: Since the current United Kingdom Government was formed, while it has been pursuing a policy of drastic cuts to public spending on services, it has simultaneously been writing off vast sums of money to certain of its private sector buddies, most notably Vodafone, which fought for years to have billions of pounds of tax written off by HM Revenue and Customs. Given that Vodafone is avoiding paying relevant rates of UK tax, is it really right that a Parliament such as this one uses Vodafone as its main contractor for mobile phones, so that every time a member picks up a mobile phone from their pocket, they are lining the pockets of Vodafone shareholders? Will the corporate body avoid in future any use of companies that cannot show that they pay UK tax on their profits and will it ditch the Vodafone contract?

Tricia Marwick: Vodafone has had a tender and is a supplier to the Scottish Parliament. When undertaking a tender, suppliers are asked whether they have failed to fulfil obligations relating to the payment of taxes in accordance with the legal obligations of the UK or the country in which the supplier was established. If the answer to that question is yes, the supplier would be automatically eliminated.

Patrick Harvie has pointed out that Vodafone is not failing in its legal obligations and that, although it is avoiding paying tax, it is not doing so illegally. Those matters should be considered and I suggest that if the member wishes to raise any specific issues about Vodafone or, indeed, any other supplier to the Scottish Parliament he should make representations directly to the corporate body, which will consider them.

Margo MacDonald (Lothians) (Ind): I want to stay with the question of how procurement might affect this Parliament if the House of Commons decides that a particular route should be followed. I am referring to the security arrangements that members of the security forces suggest to us. It

seems to me that we always take their advice, so I would like to know how the corporate body—

The Deputy Presiding Officer (Alasdair Morgan): The original question was about ethical criteria for procurement, Ms MacDonald.

Margo MacDonald: No, it is about—

The Deputy Presiding Officer: I do not think that there is a question there.

That concludes questions to the corporate body. As the next item of business is due to start at 2.20 pm, I suspend the meeting until that time.

14:11

Meeting suspended.

14:20

On resuming—

Cadder Judgment

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

14:20

The Cabinet Secretary for Justice (Kenny MacAskill): On 26 October 2010, the United Kingdom Supreme Court issued its decision in the case of *Cadder v Her Majesty's Advocate*. The case considered the law and practice in Scotland of interviewing detained persons in a police station without ensuring that they had access to legal advice. The UK Supreme Court judgment overturned a previous unanimous ruling of the High Court of Justiciary in 2009 by seven of our most senior judges, including the Lord Justice General and the Lord Justice Clerk. The High Court of Justiciary had previously and repeatedly upheld the Scottish law, which was introduced by a Westminster Government in 1980 and which had not been altered by subsequent Administrations there or in this Parliament.

Throughout the process, the Scottish Government, the Crown Office and Procurator Fiscal Service and the police have acted to minimise the impact of a possible adverse decision by the UK Supreme Court. The Lord Advocate issued guidance to police in June 2010 in the wake of the UK Supreme Court hearing in the *Cadder* case. That precautionary measure was taken when it became clear that the UK Supreme Court was considering overturning previous judgments of the Scottish courts. That was the first point at which there was any clear indication from the courts that the Scottish system might be ruled not to be compliant with the European convention on human rights.

On the very same day as the judgment of the UK Supreme Court was issued, I introduced proposed emergency legislation to ensure the continued viability of Scotland's criminal justice system and announced a judicially led review of the law and criminal procedure in Scotland. That review, led by Lord Carlway, is well under way.

The emergency legislation—the Criminal Procedure (Legal Assistance, Detention and Appeals) (Scotland) Act 2010—was introduced as a bill following significant cross-party consultation and was passed with the support of the vast majority of members the following day. The act was necessary for three reasons. First, it enshrined in statute a suspect's right of access to legal advice before and during interrogation. Our law now implements the court's decision and that

important right is articulated in statute, rather than in guidance from the Lord Advocate, which does not have the same force. Secondly, the act extends powers of detention to ensure that we maintain an effective system for investigating and prosecuting crime in the new environment. Thirdly, the act reinforces the need for finality and certainty in concluded cases, as articulated by the United Kingdom Supreme Court.

The UK Supreme Court decision emphasised the importance of finality and legal certainty in concluded criminal cases, but it affected cases in which an appeal had been made timeously or in which the relevant point had been taken during a case that was still live. The Government could not limit that through legislation. At the time of the judgment, the Crown Office and Procurator Fiscal service indicated that up to 3,500 live cases could be affected. The Crown Office has been working hard to find other ways in which to support cases that are affected by the ruling, such as looking at alternative sources of evidence.

Those actions, and the contingency measures that were taken previously, have been effective in that they have dramatically reduced to 867 the number of cases that are unable to proceed. That represents less than one quarter of the cases that were originally feared to be affected and a tiny percentage of the cases that our courts process each year.

In some solemn cases, the Crown has decided to discontinue proceedings in the meantime. Those cases are not closed and proceedings may be raised should additional evidence come to light in future.

I am acutely aware that that will be cold comfort to the victims, relatives and witnesses who are involved in the cases affected and I am particularly conscious that among those cases are some related to serious offences. I have no doubt that the victims will find it hard to understand how a case involving the very different Turkish justice system has had such a dramatic effect on Scots law, which already had strong protections for suspects through corroboration and the right to silence.

The loss of any proceedings on *Cadder* grounds is a matter of regret. However, I believe that the strong action that the Government has taken in the wake of the *Cadder* judgment means that we can maintain an effective system for the prosecution and investigation of crime and avoid many more victims being denied justice.

It remains a fact, however, that a court from beyond Scotland has imposed this change on us in a way that affects live cases. Scotland is uniquely susceptible to the effect of European convention on human rights challenges in criminal

cases, because we are subject to the Human Rights Act 1998 and the effects of section 57(2) of the Scotland Act 1998.

Scotland does not have direct access to the European Court of Human Rights to defend its laws in the way that other criminal jurisdictions have. That is an anomaly that should be rectified, but that requires legislation on the part of Westminster. Traditionally, in criminal matters, the High Court of Justiciary had the final say, but the route of raising devolution issues that is concerned today is undermining its final authority. The UK Supreme Court has taken on a much greater role in criminal matters than was anticipated at the time of devolution. The Government's view is that the centuries-old supremacy of the High Court of Justiciary as the final court of appeal in criminal matters must be restored.

As a matter of principle, I want to ensure that Scotland is in no worse a position than other jurisdictions in the UK and Europe, but this is a reserved issue that can be dealt with only at Westminster. The Advocate General has proposed changes for inclusion in the Scotland Bill, but they could make the situation worse. On 8 February, the Lord Advocate said to the Scotland Bill Committee:

"There is a real danger that we will have ... a complete loss of identity for Scots law, unless the Supreme Court process is genuinely rarely exercised".—[*Official Report, Scotland Bill Committee*, 8 February 2011; c 480.]

Within the constitutional framework that is afforded to us at this time, the Lord Advocate has been compelled to seek clarity from the UK Supreme Court on Cadder-related questions that have been raised in a number of criminal cases. She has asked the High Court of Justiciary to refer a further five cases to the UK Supreme Court for definitive resolution on a number of Cadder-related issues. That is necessary to minimise the uncertainty related to those further points.

In the period until those issues are resolved, we will continue to take action. The Association of Chief Police Officers in Scotland has issued guidance to forces on issues surrounding interviews at the locus as an interim measure until the law is clarified, and I know that those issues are also being considered by Lord Carloway.

It is expected that the court will consider these cases later this year and we will work closely with the Crown to ensure that it has any assistance that it requires. I stress at this point, however, that the issues are narrower than those in the Cadder judgment and are expected to affect a much smaller proportion of cases.

In the run-up to the decision of the UK Supreme Court, I sought to involve members on all sides in setting out the situation that we faced and the

impact that it would have, and to engage as openly as possible in exploring how we would seek to minimise the effects of the decision.

The vast majority of the chamber supported our aims and our plans, and I hope that we can continue in that spirit, to preserve Scots law and protect our communities.

Richard Baker (North East Scotland) (Lab): I thank the cabinet secretary for his statement. We are now beginning to have a clearer understanding of the impact of the Cadder judgment on hundreds of victims of crime. On 10 February, the Crown Office announced that 867 cases had been dropped, including nine High Court cases. However, we discovered on 20 February that dozens more cases have been jeopardised, with five test cases having been brought before the Supreme Court. When will the cabinet secretary be able to provide Parliament with a definitive number for the cases that have been affected?

We believed that it was right to support the emergency legislation, given the circumstances that we faced; however, now is the right time to ask what lessons must be learned and what might have been done to avoid the situation. Why did the cabinet secretary not act on the letter that was sent directly to him by the Glasgow Bar Association stating that it was clear that Scotland was no longer in compliance with European law a full year before the interim guidance was published by the Lord Advocate? Is it not the case that, although this was prior to the High Court of Justiciary's judgment in the McLean case, that case was not an impediment to making the required changes? Surely, a precautionary approach would have been sensible and would have meant, potentially, that a number of cases that have now been dropped could have proceeded. What action is the Scottish Government taking to ensure that Scots law, more broadly, is compliant with the European convention on human rights so that the situation is not repeated in the future?

Kenny MacAskill: Richard Baker raises a variety of issues. First, with regard to the Glasgow Bar Association, I would not seek to be too hard on an agency of which I was once a member. I know that Mr Baker's knowledge of Scots law is limited, but he conceded that the Glasgow Bar Association is not on the same level as the High Court of Justiciary. It is certainly not on the same level as a bench of seven judges including the Lord Justice General and the Lord Justice Clerk. With all respect to the members of the Glasgow Bar Association, the two most senior members of the legal profession in Scotland are the Lord Justice General and the Lord Justice Clerk. It would be ill fitting for any politician—certainly, for a

Cabinet Secretary for Justice—to seek to undermine a decision of a court of seven judges in Scotland that had decided that there was no incompatibility, even if Mr Baker and some members of the Glasgow Bar Association think differently.

The sons of Cadder cases are a moveable feast, to some extent. The issue was raised by Lord Hope in his judgment on various matters including interviews at crime scenes. Reference has been made to matters such as how police deal with admissions being made when cases are being investigated—a circumstance that will arise on a regular if not a daily basis. That is why I mentioned in my statement that ACPOS and the Crown Office are taking action. Such matters need to be clarified and we need some greater definition by the courts. That point was raised by Lord Hope and has been supported by the judiciary here. As I say, the Crown Office asked the bench in Scotland to refer the matter, and it will also be considered by Lord Carlway. We will be more than happy to try to keep members abreast of the number of cases, but they are with the Crown Office and the number will vary.

What lesson is to be learned? It is that, when we have a Parliament that has served us well for more than a decade and a legal system that has served us well for centuries, it is ill fitting for the law of Scotland to be turned on its head—with, in many instances, the approval of many judicial commentators outside the chamber, and not for the better—by a decision relating to a case from Turkey dealing with terrorism, which is not applicable to matters in the case of *Cadder v Her Majesty's Advocate*. The lesson to be learned is that the Parliament must have the powers and our judicial system the ability to decide with certainty. The High Court of Justiciary should be the final court of appeal in criminal cases, as was always intended, and matters that are before the Parliament should not be second-guessed by an unelected body, whether it is the UK Supreme Court in London or the European Court of Human Rights in Strasbourg.

The Deputy Presiding Officer (Trish Godman): Some members have not pressed their request-to-speak buttons—I remind them to do so now. I ask for short questions and shorter answers from the cabinet secretary; otherwise, half the members who want to speak will be unable to do so.

John Lamont (Roxburgh and Berwickshire) (Con): I thank the cabinet secretary for the advance copy of his statement. It is clear that the Cadder judgment is having a devastating effect on the Scottish justice system. Our conviction rate will undoubtedly suffer, as self-confessed criminals are being allowed to walk free. That comes at a

high cost not only to the public purse but to the balance of the Scottish criminal justice system, which is now heavily tipped in the criminal's favour.

The change was inevitable because the previous Labour Government at Westminster incorporated the ECHR in the Scotland Act 1998, which the Scottish National Party whole-heartedly supported. Does the cabinet secretary regret the SNP's full support for incorporating the ECHR in the 1998 act? Given that we need to wrestle back control of the justice systems throughout the United Kingdom to both of Scotland's Parliaments, will the minister support a review of the ECHR's whole operation?

Kenny MacAskill: I have had meetings with Ken Clarke. A variety of issues is involved. We as a Government accept that Scotland is in an anomalous position in relation not simply to other jurisdictions in the United Kingdom but to other countries. France and Ireland are affected by *Salduz*, but they have not had to rush to pass emergency legislation. Something is far wrong, and we must change that.

We are committed to the ECHR's principles and tenets, but we have much sympathy with the reasonable points that Ken Clarke has made. Greater understanding is required and Governments must have opportunities to deal with matters.

We are more than happy to work with the UK Administration, the Lord Chancellor and agencies south of the border to try to ensure that the ECHR deals with clear problems. Not even those who face terrorism charges should be subject to abuse or whatever else, as was clearly intended in the case of *Salduz*. However, when the ECHR impinges on matters such that victims are treated almost with contempt, it is clear that something is wrong.

We are working with Ken Clarke to develop a more pan-European position—he does not suggest withdrawing from the ECHR; quite the contrary—but Scotland should in the interim have as a minimum the same rights as the Governments south of the border and elsewhere in Europe have.

Robert Brown (Glasgow) (LD): If 867 cases—some of which are very serious—cannot be prosecuted, that is a great public concern. However, the cabinet secretary seems to be in denial about the fact that Scots law went off at a tangent on the interrogation of suspects that was out of line with widely accepted international justice standards. He has a huge problem with decisions on such matters by the UK Supreme Court, which involves two Scottish judges, but no

problem with the European Court of Human Rights, which has no Scottish judges.

The cabinet secretary suggested in his statement that the European court might have reached a different decision. Does the Government now accept that the Cadder case was decided rightly? If not, what is it doing about that? Has it asked the Committee of Ministers to request an advisory opinion from the European court?

I understand that, in the lead-up to the earlier McLean case in the High Court, a precautionary approach to admission evidence was taken. However, that was subsequently abandoned. Does the current problem of the 867 cases arise mostly from the later period between the McLean decision in October 2009 and the issue of the Lord Advocate's new guidance in June and July 2010?

A strong view in legal circles is that the problem is not Cadder but the overreliance by the police and the Crown on admission evidence. Does the cabinet secretary agree?

Kenny MacAskill: Robert Brown raises three matters. Given the unique position of Scotland's law, it is manifestly wrong that the Scottish Government does not have even the right to be represented at the European court. That is a fundamental problem. Given our distinctive legal system, which has evolved over centuries, it cannot be right that we cannot be present at decisions. My Government colleagues and I will continue discussions with the Advocate General for Scotland, but we have expressed our view, as I said.

Mr Brown will be well aware that guidance is issued by the Lord Advocate and not at my behest. I have no right to interfere with an independent and impartial Lord Advocate. The day that a Cabinet Secretary for Justice seeks to interfere with the workings of the Lord Advocate, we will have cause for concern.

When the Lord Advocate issued guidance not in 2009 but in 2010, I received representations from solicitors and bar associations that thought that she had gone too far and which wanted the guidance to apply not to summary cases but only to solemn matters. However, the Lord Advocate has been shown to have acted appropriately and wisely, for which we owe her a debt of gratitude.

At the end of the day, I cannot comment on Cadder as it is still a live matter. The fundamental position is this: human rights are a matter of balance. Everyone accepts that people have a right not to be mistreated; the Scottish court system provides for that. My position is to stand behind measures and manners, and individuals—not just the High Court of Justiciary with its seven judges, but eminent Queen's counsel, whether Paul McBride or others.

Within the Scottish legal system, we had not only a requirement for corroboration, but tape-recorded and videoed admissions. This was not a case, as in Turkey, of a 16-year-old being tried on terrorism charges. Nonetheless, the result is that many men who have been charged with serious sexual offences are making it much more difficult for the Crown to bring a prosecution and for victims of crime to receive justice. That I regret. I make no apology for regretting that, or for saying that we acted as we had to. I wish that we had not had to. If only the UK Supreme Court had stuck by the law of Scotland and not overturned hundreds of years of Scots law.

The Deputy Presiding Officer: We move to open questions. Members will have to put a question, not a preamble and a question.

Nigel Don (North East Scotland) (SNP): Does the cabinet secretary share my view that, if we are to protect Scottish jurisprudence, we need to have decisions that are made by Scottish judges in Scotland?

Kenny MacAskill: Absolutely. As I mentioned, the clear fact is that the UK Supreme Court is getting by the back door matters relating to the criminal law of Scotland that it was never anticipated it would deal with. The majority of its judges have no concept of Scots law. Our law, particularly our criminal law, is unique—it is vastly different, particularly given corroboration.

However, we are where we are. Until such time as Scots law is settled by Scottish judges, we will face significant problems.

James Kelly (Glasgow Rutherglen) (Lab): When we passed the emergency legislation in October, the financial memorandum set out that the bill would cost £30 million and require 500 police officers to support the arrangement. Does the cabinet secretary agree that the actions of this SNP Administration not only allow criminals to go unpunished but take police officers off the street, thereby undermining public safety?

Kenny MacAskill: The principal point relates to money. As we made clear at the time, the increased costs to the legal aid budget would not come out of budgets such as health or education, or from those that deal with the problem of domestic violence, including obtaining interdicts against those who perpetrate the problems that we face in Scotland. I hope that Mr Kelly supports the Government in biting the bullet, which includes reducing some fees to deal with the problems and consequences of the actions of a UK Supreme Court in London.

Mike Rumbles (West Aberdeenshire and Kincardine) (LD): How many suspects have been detained for 12 or 24 hours under the new powers of detention that the cabinet secretary forced

through Parliament last year without proper scrutiny?

Kenny MacAskill: I do not have the precise number, but the number of people who have been detained beyond the 12 hours has been very few. As Mr Rumbles well knows, these matters are significantly smaller than those in England under a jurisdiction—

Mike Rumbles: How many?

Kenny MacAskill: Recently, I received a letter from the United Kingdom Government, in which the Liberal Democrats are a partner, that asked the Scottish Government to make legislative changes in cases relating to HM Revenue and Customs and HM Customs and Excise to allow for 12 hours and the extension—[*Interruption.*] The Liberal Democrats south of the border may yet again take a different view from their colleagues in Scotland. The Government in Scotland—

Mike Rumbles: He has not got a clue.

The Deputy Presiding Officer: Mr Rumbles.

Kenny MacAskill: We will accede to the request of the Government south of the border. If Mr Rumbles disagrees with that, he should take up the matter with his ministerial colleagues in England.

Mike Rumbles: On a point of order, Presiding Officer. I asked a simple, factual question on how many people had been detained. The minister refuses to answer.

The Deputy Presiding Officer: That is not a point of order, Mr Rumbles. If you read the *Official Report*, you will find that the minister first said that he did not have the numbers.

Stewart Maxwell (West of Scotland) (SNP): Will the cabinet secretary put into context the impact of the Cadder decision on the 867 cases? He said that we are talking about a relatively small percentage. Can he say what that is? Does he share my view that the scaremongering and stoking of fear by some members on how widespread the cases are is unhelpful to the Crown Office and our justice system?

Kenny MacAskill: Because of the prescient actions by the Lord Advocate, the numbers were restricted initially, it was thought, to 3,500 and then to 867. That is a very small percentage of the number of cases dealt with annually by the Crown—it is probably in the region of 1 per cent or so. On the level of severity, there is no denying that some of the cases—some have been publicised—are deeply traumatic to the individual. They are matters of great concern, which is why we opposed this in the first instance. Equally, even crimes that might be viewed as less serious can

still be of great seriousness to the individual affected by them.

I can be of assistance to Mr Maxwell in saying that the Crown has been liaising with victims as a consequence of this, in order to do its utmost to ensure that victims are appraised of why things are happening and whether the options can be kept open—whether additional evidence can be provided—and to seek to assuage their understandable anger and discomfort.

Cathie Craigie (Cumbernauld and Kilsyth) (Lab): The cabinet secretary has advised us that the number of cases unable to proceed stands at 867—867 cases in which charges have been dropped, some very serious and all involving victims and witnesses. How were victims and witnesses notified? How many cases has the Crown decided to discontinue meantime? How many dropped cases were from each Scottish parliamentary constituency?

Kenny MacAskill: The answer is that I cannot provide that information. That is information relative only to the Crown. I have no doubt that the Crown would be more than happy to provide it, so if Ms Craigie wants to write to me, I will happily pass on the letter to the Lord Advocate.

As I said to Stewart Maxwell, the Crown is conscious that even cases that are perhaps not the most severe can cause great distress, not just to the victim of the crime but to those who were due to give evidence on the offending. The Crown is going above and beyond its normal measures to ensure that people understand and are told what might be possible to try to deal with matters.

I am sure that the Crown will do its best to try to provide the drill-down details that Ms Craigie seeks.

Dave Thompson (Highlands and Islands) (SNP): If as a result of Cadder the police cannot ask simple questions at the locus of an incident, is the cabinet secretary not concerned that they will have to take many more people into custody, thereby creating a potentially greater impact on individuals' human rights?

Kenny MacAskill: That is a valid point and it is part of the reason why the Lord Advocate has acted appropriately and sought to have these son of Cadder matters removed. As an official said to me earlier, we cannot have a position where an officer turns up at a scene—perhaps a road traffic accident—and before they investigate and call for an ambulance, they ensure that a lawyer is present. Unfortunately, the position taken by some in the legal profession would seem to drive us towards that, but it will not be countenanced.

Bill Butler (Glasgow Anniesland) (Lab): When Parliament passed the emergency legislation after

the Cadder judgment, the cabinet secretary quite rightly said that he would keep Parliament fully informed. I welcome his statement today. How does he intend to keep Parliament fully informed on future developments regarding this extremely serious matter, which he said himself is a bit of a moveable feast and which is causing some alarm out in the country?

Kenny MacAskill: That is a perfectly valid question. I am happy to say that I am obviously here to appraise the chamber. Equally, I think that I am due to appear before the Justice Committee in less than a fortnight—Mr Butler, as the deputy convener, will keep me aware of that. That is what we are doing to keep both the Parliament and the committee appraised.

Margo MacDonald (Lothians) (Ind): Was it anticipated that the High Court of Justiciary would be overruled by the UK Supreme Court when we signed up for it? I commend the suggestion made by the Conservative party about a review of the ECHR.

Kenny MacAskill: I do not think that it was anticipated that the High Court would be in this position. It has been the devolution minutes that have resulted in the Supreme Court dealing with criminal matters that it was not anticipated would go there. There is a fundamental point relating to the nature of Scotland within the constitutional framework of the United Kingdom.

As I said in response to Mr Lamont, I think that most right-minded people thought that the views of Ken Clarke were perfectly reasonable and balanced. He is not seeking to withdraw from ECHR, but there has to be a review to ensure that Governments and legislative matters elsewhere have that opportunity. I am more than happy to seek to co-operate with Ken Clarke on that, but I believe that in the interim we must ensure that the Scottish Parliament, the Scottish Government and the Scottish legal system have the same rights and protections that the United Kingdom Government, Parliament and system have at present.

Public Petitions Committee

The Deputy Presiding Officer (Trish Godman): The next item of business is a debate on motion S3M-7968, in the name of Rhona Brankin, on the work of the Public Petitions Committee.

14:50

Rhona Brankin (Midlothian) (Lab): It is with pleasure that I open this debate on behalf of the committee, which will allow us to highlight some of the important petitions that we have discussed, as well as other aspects of our work this session.

Four key principles—those of sharing power, accountability, access and participation, and equal opportunities—were adopted by the Parliament as the basis for conducting business. It has been important to develop a culture of genuine participation. When the Parliament was re-established in 1999 there was a recognition that we had to put in place an institution that would operate in a new way and which would reflect the hopes, aspirations and expectations of all the people of Scotland. We needed to be innovative and imaginative to ensure that we did not replicate, for example, Westminster conventions and procedures.

We had a blank sheet of paper to create a new Parliament, and I think that we took the correct step in identifying that, for a petitions process to be legitimate and to have a purpose, it must have a focal point; otherwise we would be wasting the time, and raising the expectations, of petitioners. That resulted in the establishment of the Public Petitions Committee. Since 1999, nearly 1,400 people have brought petitions to their Parliament for consideration.

The committee takes responsibility for the petition's initial consideration, sometimes through hearing evidence from the petitioner, and it seek comments from various appropriate bodies. I believe that we have been successful in enhancing participation and in upholding the founding principles of the Parliament. Petitioning provides all citizens with an open and accessible route into the policy scrutiny and development arena. We emphasise the "public" in public petitions, as the process is about sharing power between the executive, the legislature and the people.

The Public Petitions Committee is a consensual committee. We consider petitions in the best interests of the petitioner, and I believe that the committee has fulfilled that role very well. We involve petitioners at every stage, and the process is designed to work around them.

A key feature is the ability to gather information, and at this point I thank those who have worked so constructively with us. That of course includes petitioners themselves, but I also ask the Minister for Parliamentary Business to pass on our thanks to his ministerial colleagues, a good number of whom have appeared before us—indeed, some of them are due to appear at our final meetings. I also thank the ministerial officials who submitted responses to the very many requests that the committee made. In the run-up to dissolution we have squeezed response deadlines, and we appreciate the efforts that have been made in getting information to us before the dissolution date.

There has been a noticeable increase in the number of current petitions that have been considered at our fortnightly meetings. At one meeting we considered 65 petitions. That has primarily been down to our desire to bring petitions back with minimum delay. That meant that we considered some petitions three or four times over the course of a year, which I think brought certain benefits, in that it kept the matter fresh in our minds and, importantly, ensured that the petition moved through the process speedily and with shorter gaps between discussions.

Over session 3 we have had 357 new petitions and around 930 current petitions filling the agendas of our 73 meetings. That has resulted in more written material being gathered.

A unique feature of the Public Petitions Committee is that we do not set our agenda. We do not come up with a list of topics that we wish to investigate as part of a work programme. Our work is absolutely set by the petitioners, who bring forward the topics that are important to them and which might not ordinarily be considered in this place.

Petitioning allows people to identify when something is missing or not working in the way that it was meant to work. The petitioners are ideally placed to say, “I think this issue needs to be looked at.”

We have had petitions on an amazing array of topics. I doubt that any other committee or member since 1999 has raised the issue of witchcraft legislation—we had two petitions on the subject. We have had petitions on a range of subjects, including cancer drugs and school bus safety, on which we have been working constructively with ministers.

Through small steps we have actively encouraged more young people to get involved in the process, which is important. We have done that through meetings in secondary schools throughout Scotland and here in the chamber in October, as part of the Scottish Youth Parliament

conference, when we considered three petitions, two from MSYPs and one from the Parliament's community partnership project. Three excellent oral presentations were made and we hope that positive action will emerge. For example, as a result of the petition on political education in schools, a meeting will take place tomorrow between the young petitioner, Scotland's Commissioner for Children and Young People and Scottish Government officials. A petition on banning Mosquito devices has attracted support from the police and local authorities.

We held seven external meetings: in Dumbarton, Easterhouse, Duns, Fraserburgh, Alness, Anstruther and Arran. Five of the meetings took place in the local secondary school. We met in locations in which no other parliamentary committee had met. At our meeting in Berwickshire high school—the first time that any committee of the Parliament had been to Berwickshire—we adopted a new style for gathering evidence, as part of our inquiry into the petitions process. Did people know about the process? If not, what did we need to do to increase awareness? How could we improve the process? Who better to ask than those who came along to the meeting? That is exactly what we did.

We realised that we get out of meetings only what we put in and that inviting people to sit and watch is not the most appealing way to encourage them to turn up. Therefore, at external meetings since the inquiry finished, we have adapted the approach in which we asked the audience to one in which the audience asks us—a sort of question time. We tried to do something different and the people who attended appeared to enjoy themselves. At the Easterhouse meeting, people were sitting on the floor because there were no seats left.

I do not want to create the impression that we have cracked the engagement and participation nut. We have not done so. However, we are trying different approaches, by having external meetings, producing publicity material about the petitions process in a range of formats and languages, and making use of social media, such as our blog and podcasting. There is more to do and I am sure that the session 4 committee will build on our work and introduce other creative and innovative ideas.

Our procedures provide an open and accessible process. We recognise the efforts of petitioners in mobilising support and publicity for their petitions, but petitions are given equal weight and consideration whether they have one signature or 1,000 signatures. Unlike other petitioning processes, we are concerned with issues, not numbers. It is all well and good to attract thousands of petitions each year, but if there is no real scrutiny or participation, what is the point?

People must feel that the process and the committee have relevance and can make a genuine difference.

In closing, I reflect on the simple thank yous that we get from petitioners for the time, effort and consideration that we gave their petitions and for involving them in the process. That alone makes the work worth while for all members of the committee.

I move,

That the Parliament notes the continued evolution of its public petitions process; applauds the work of petitioners who have engaged with their parliament through this process by highlighting issues of concern and importance that led to examination by the Public Petitions Committee and key policy makers; believes the process to be a positive demonstration of the Parliament's founding principles, and supports the work of the committee and petitioners in bringing further improvements to the policies that affect the day-to-day lives of the people of Scotland.

14:58

The Minister for Parliamentary Business (Bruce Crawford): I thank the convener for her opening remarks and for the opportunity to contribute to this afternoon's debate on the work of the Public Petitions Committee.

First, on behalf of the Government, I acknowledge the hard work and dedication of the convener and members of the committee, past and present, during the past four years. In particular, I want to thank Rhona Brankin and John Farquhar Munro for their service to the committee and the Parliament since they were elected in 1999. I have enjoyed being their colleague and I am glad to have had this opportunity to thank them, because it might be my last chance to do so. I also acknowledge the worthwhile contributions of all the people who have participated in the committee's meetings in the Parliament and in various locations throughout Scotland.

As we all know, the Scottish Parliament's public petitions process has been a success story, as Rhona Brankin said, and has gained an international reputation. The Scottish petitions model has attracted interest from other legislatures, such as the Parliament of the Czech Republic, the Queensland Parliament, the Parliament of South Australia and many others.

What makes the Public Petitions Committee successful and provides a model for other Parliaments to emulate? Ministerial portfolios and subject committees change but, as a mandatory committee, the Public Petitions Committee remains a constant. In the early days, although the committee was unique, its role was restricted to a postbox function of considering petitions and, in the main, passing them on to other committees to

examine the detail and take forward. In this session, the committee has taken a step forward and has taken responsibility for more detailed consideration of petitions on a wide variety of important subjects. It has worked without regard to politics on a genuinely cross-party basis and, importantly, has taken a mature and responsible attitude to working with the Government. We are grateful for that. The committee has sought to achieve agreement where it can be reached and change where it can be delivered.

A key to the committee's success is that public petitions provide direct access into the Parliament for members of the Scottish public who want to have their voice heard. The committee's work is set not by the Government, legislation or budget scrutiny but by issues that members of the public bring to it.

A prime example from this session followed from the petition by Tina McGeever, whose husband lost his life to cancer. It called on the Parliament to consider the national health service provision of cancer treatment drugs to ensure equality across Scotland. The committee launched an inquiry and made recommendations. The collaborative working that followed culminated in a parliamentary statement from the Cabinet Secretary for Health and Wellbeing, which set out the package of measures that were being implemented to improve access to all newly licensed medicines in the NHS in Scotland. In addition, new guidance was produced for health boards on introducing newly licensed medicines. That guidance made it explicit what boards were expected to do and that they had to be open and transparent about their processes and decisions.

The work of the committee on that issue benefited patients and families throughout Scotland and delivered meaningful change. It is a good example of people, the Government and the committee working well together. However, it has been recognised that the petitions process cannot stand still, and it has moved on.

I was particularly pleased that the committee took up the suggestion that Louise Perry made at the meeting in Fraserburgh of running a young people's petitions meeting. That was a great suggestion and all credit is due to the committee for running with it. The resultant meeting on 29 October last year was excellent. I was extremely impressed by the contribution that was made and the enthusiasm that was shown by all the young people who took part.

The committee's external meetings appear to have been successful and well received, with positive and enthusiastic contributions from all participants.

The petitions system needs to continue to reflect the Parliament's founding principles and to build on the success that has been achieved to date. No one can take away from the committee what it has accomplished but, as members of the committee will recognise, it must avoid becoming complacent. The committee's initiatives, particularly those that use new technology, attempt to reach out to the public and help to increase awareness of the petitions process, particularly among young people, more than ever. However, as we all know, technology moves fast and constantly needs reviewing and updating to ensure that it continues to excite and engage the public.

I am delighted with the level of co-operation and mutual respect that has been established over the past few years between the committee clerks and Scottish Government officials. They work well together. In the lead-up to the election, officials will continue to work closely with the clerks to ensure that, as far as possible, the tighter deadlines for responding to petitions—which are understandable—are met.

I highly commend the work of the Public Petitions Committee and the progress that it has made in evolving and developing its processes. We all recognise that it is vital to continue to build on that success to listen to the people of Scotland and to represent their interests.

I continue to look forward to working with the convener and committee members. The Government stands by to assist in whatever way it can.

15:04

Paul Martin (Glasgow Springburn) (Lab): I commend, as others have, the work of the Public Petitions Committee not only this session but since 1999. A number of members have already illustrated the committee's successes during that period.

I also pay tribute to the committee members for their hard work. It is recognised that being a member of the Public Petitions Committee does not offer the same headline-grabbing opportunities that other committees do, but the role is crucial in ensuring that members of the public have an opportunity to raise local and national issues of importance, and in monitoring petitions to ensure that the public get the engagement that they deserve from the process.

I have never been a member of the committee, but I have made representations on a number of occasions on behalf of constituents who have submitted petitions. I recall a petition that was raised some time ago by my constituent Margaret Ann Cummings, whose son Mark Cummings was

tragically murdered by the registered sex offender Stuart Leggate.

In submitting her petition, Margaret Ann Cummings made some powerful and constructive points in respect of managing sex offenders. It was a very successful petition as, for the first time ever, the Parliament set up a sub-committee—of the Justice 2 Committee, in that case—which made more than 33 recommendations. That made a genuine difference to how the previous and current Governments formed their points of view about how to manage registered sex offenders.

Margaret Ann Cummings and other petitioners, including Margaret Watson, who is another constituent of mine, have commented on the respect that they felt they received at the committee and the genuine way in which the committee worked on a cross-party basis to consider their petitions. We should welcome that example of good practice.

I also welcome the committee's public outreach programme, which involves visiting various parts of Scotland. As the convener pointed out, there are parts of Scotland that we would not have been able to reach if it was not for the process in which the committee engaged.

Of course, we should never be complacent, as Parliament sometimes can be. The committee has shown us, through its own level of best practice, the best ways to ensure that we engage with people throughout Scotland.

I am mindful of the fact that the committee is sometimes viewed as a last port of call for members of the public, who may have dealt with a number of authorities and now see the committee as a way of solving their concerns. We need to consider that, but we also need to think about why members of the public arrive at the petitions process in the first place. There may be some constructive work for the committee in the future in considering why members of the public are not being treated fairly by the authorities to which they have been referred. In my experience of petitions, that is particularly the case with the quango health boards throughout Scotland, which on many occasions have not listened to the concerns of local members of the public, who end up submitting a petition. We need to examine that process.

I look forward to the rest of the debate. Some powerful points have been made already, and I look forward to making some concluding remarks in my closing speech.

15:08

Nanette Milne (North East Scotland) (Con): Having been a member of the Public Petitions

Committee throughout the third session of Parliament, I can honestly say that it has been the most rewarding and interesting committee on which I have served. The petitions that we have dealt with cover a very wide range of topics, and each committee agenda has contained a wide variety of subject matter. Indeed, if variety is the spice of life, the Public Petitions Committee has it in full.

It is not possible to do justice to all the work of the committee in the short time that has been allocated for this debate, but I will touch on three petitions that originated from my neck of the woods to highlight the importance to our citizens of a successful petitioning process.

During a meeting with a modern studies class at Dyce academy in Aberdeen, I explained the work of our committee, and said that we were keen to encourage more young people to become involved with it because the typical petitioner to date had been middle aged, middle class and male. I was therefore delighted when, a few weeks later, a petition was submitted by Laura Stebbings, on behalf of the Dyce academy fair trade group, that called on the Scottish Parliament

“to urge the Scottish Government to amend the Schools (Health Promotion and Nutrition) Act 2007 to allow pupils to act responsibly in respect to their own health and to learn about ‘fair trade’ through running stalls in their schools which sell FairTrade products.”

Because of that legislation, the pupils were no longer allowed to sell fair trade chocolate and, as that had been the most popular product on sale, the stall was no longer viable.

The committee was pleased to get confirmation from the Scottish Government that regulations allow products such as fair trade chocolate to be sold on limited occasions. The Minister for Children and Early Years clarified that in a letter to all directors of education, so the petition was concluded successfully, to the satisfaction of the petitioners, who recorded their satisfaction to the committee.

The petition by Tina McGeever and her husband, the late Michael Gray, on access to cancer treatment drugs, which has already been mentioned, should result in an easier journey for many future patients with terminal cancer. The Cabinet Secretary for Health and Wellbeing has worked in collaboration with the petitioner and the committee, and that has resulted in important changes to the process for accessing cancer treatment drugs at NHS board level. As Bruce Crawford pointed out, as well as improving the process for exceptional prescribing—or individual patient treatment requests, to give the process its new, more patient-friendly name—new guidelines will result in better information being made available to patients, and should ensure more

consistency in patient management and reduce the likelihood of postcode prescribing.

The petition has not yet been closed, because there is still work to do in monitoring the response of health boards to the new guidelines. It is an important and far-reaching petition, which has received praise from many cancer specialists. Its success is a fitting tribute to Michael Gray, who spoke to it very movingly at a time when he was gravely ill because he wanted a better deal for future patients in his situation.

The other petition that I want to mention, which sought improvements to school bus safety, also arose out of personal tragedy, as it was lodged by Ron Beaty after his granddaughter was seriously injured on alighting from a school bus. As a result of his efforts to raise awareness, Aberdeenshire Council has led the way in safety improvements and has put in place measures that, unfortunately, have still not been adopted by all councils in Scotland. Responsibility for the safety of school transport is split between the United Kingdom and Scottish Governments, but real progress finally became possible only after a meeting last October that the Public Petitions Committee arranged, when the UK transport minister indicated that powers on school transport could be devolved if the Scottish Government wished to take competence on that.

Unfortunately, progress has been very slow since then. The committee is frustrated by that, because we wished to see a positive outcome during the current parliamentary session. Hopefully, a discussion with the minister at our final meeting of the session on 8 March will move things forward.

I hope that, in the short time at my disposal, I have managed to convey to Parliament just how far reaching some of our work has been, and I hope that future petitions committees will have similar successes and will be instrumental in helping petitioners to benefit themselves and their fellow citizens.

15:13

Mike Rumbles (West Aberdeenshire and Kincardine) (LD): As others have said, the Scottish Parliament’s public petitions system is a real success story. Nanette Milne identified some of those successes.

There has been huge engagement on the part of members of the general public as people throughout Scotland have realised that a system is available through which they can seek to address concerns that have been ignored or which have simply disappeared off the radar screens of the powers that be.

I will take the example of the committee's work on a petition on an issue that affects my constituents and show that, although a positive outcome has still not been obtained, the committee has done a powerful job in examining it. It will not come as a surprise to the members of the committee that I am referring to the 8,000-signature petition that was lodged by Jill Campbell, which sought the construction of a safe crossing of the A90 at Laurencekirk.

The issue is a long-standing one. It goes back to 2005, when the previous Administration's transport minister met the campaigners and short-term safety measures were put in place at the junction—speed cameras were installed and a 50mph speed restriction was imposed. The campaigners knew that their worries were being addressed and were told that their junction would be the next one to be fully grade separated. Unfortunately for the campaigners, in 2007 a different regime was installed here and the focus of the Government changed. Despite all the new transport minister's positive words about there being nothing more important than saving lives on our roads, the commitment to build a grade-separated junction at Laurencekirk was forgotten, as plans were made in the strategic transport projects review to build such junctions around Stirling and Perth.

When he was challenged on why he would not build a safe junction at Laurencekirk, the transport minister gave one explanation after another. After careful examination by the committee, each explanation was shown to be less than convincing. The minister said that the accident statistics that the petitioners were using were wrong, until the committee pointed out that they were his Government's statistics. The minister said that the statistics showed that there had been fewer accidents around Laurencekirk since the safety measures were introduced in 2005, but the committee heard that the statistics showed that the number of serious accidents was increasing. The minister said that the cost of building a grade-separated junction at Laurencekirk would be £24 million, but the committee found that that was simply the quote for building the most expensive grade-separated junction ever built in Scotland. Indeed, the committee found that BEAR Scotland had produced a report that said that the cost could be as little as £4 million.

The committee called Stewart Stevenson, the previous transport minister, and Keith Brown, the current minister, to give evidence. I believe that it did that because it was so clear that the Scottish Government had not been entirely open and transparent about its priorities for building roads.

The petitioner still does not have a commitment from the transport minister to build the safe

junction that is needed, but the petitions process continues to do its work. I know that thousands of my constituents are grateful for the hard work of all the members of the committee in helping to get to the bottom of the reasons why the Scottish Government refuses to prioritise the building of a safe junction at Laurencekirk. It is not that the petitioner expects the committee to be able to produce a grade-separated junction at Laurencekirk. What the petitioner is hoping for—and so far her hopes have been well founded—is that the process can get to the bottom of the reasons why a particular decision has been taken.

That is the key point of the Public Petitions Committee process. It is not about waving a magic wand and doing something that petitioners cannot get done elsewhere. It boils down to the fact that, too often, the powers that be say to people that they cannot have something or that something cannot be done, but their explanations do not ring true. The committee is doing tremendous work in that regard.

I commend all the members of the committee for the non-partisan way in which they have conducted their business on the committee for the real benefit of the people of Scotland and, in my case, for the benefit of my constituents.

15:17

Anne McLaughlin (Glasgow) (SNP): Those of us who are on the Public Petitions Committee are rather fortunate to be there. As Nanette Milne said, it is a varied committee, so it is never boring. One minute we can be talking about tropical fish, and the next about silicone breast implants. It is definitely the most public-facing committee, and our clerking team does a brilliant job of advising and supporting us and the many members of the public with whom they deal.

The committee is also innovative. What other committee has its own blog and uses Audioboo and podcasts?

I will look at an example of where a petition can lead. The petition on the availability of low-dose naltrexone on the NHS is on-going. It started out by being about the availability of that particular drug on the NHS. Many patients—and general practitioners—report that the drug makes a significant difference to their autoimmune disorder.

As the petition progressed, a wider issue emerged about the difficulty of getting research done on medical treatments if they are not particularly profitable for the pharmaceutical companies. If a drug is not profitable, however, surely it should mean a low cost to the NHS. Next Tuesday, the committee will question the chief medical officer about why that is and how we can change it. I do not know what the outcome of the

petition will be, but it could lead to LDN being researched fully and widely prescribed, and to the NHS saving huge sums of money, as well as opening the door to research into other low-profit and therefore low-cost medicine.

We had a compelling evidence session with the petitioners and, when we question the chief medical officer next Tuesday, no doubt the petitioners will be there, watching and listening. However, that is all that they can do. I suggest that a future petitions committee might want to consider whether we could improve the effectiveness of the evidence sessions and speed up the petitions process by affording the petitioners the same rights at evidence sessions as visiting MSPs get. Petitioners have a responsibility to submit a written response, but I often find myself frustrated and wishing to ask the petitioner for their views on what we are hearing as we are hearing it. We have a number of options. For example, we could allow petitioners to make a statement at the end and then ask them further questions, or we could allow petitioners to question the witnesses in the same way as committee members do.

I have only 240 seconds and will have to cut out mentioning the many other petitions that I wanted to speak about. I am sure that my colleagues will speak about other petitions. However, I will talk about one more petition, on lobbying the British Prime Minister to drop the debt for Africa. That petition was lodged by Mark Buchan, who gave evidence in Fraserburgh during one of our visits around Scotland. It was brilliantly presented. I think that we have all found that all the young people who have presented in school or Scottish Youth Parliament sessions have done so incredibly well. The day in Fraserburgh was an example of how the committee truly opens up the Parliament to all of Scotland. Doing that is one of our greatest strengths. What other committee has sat in Arran, Fraserburgh and Easterhouse? The meeting in Fraserburgh was packed, lively and fun. I looked at the *Official Report* of it yesterday and realised that, for some reason, we even managed to compliment some of the school pupils on their hairstyles. We had lunch with members of the audience later, and the feedback was incredibly positive.

I am proud of what many petitioners have achieved and what I think they will achieve as their petitions progress. I am also extremely proud of the approach, openness and innovation of the committee and everybody who has worked with it, particularly the clerking team. I look forward to hearing about the progress on current petitions and more innovative developments in a future Public Petitions Committee. I am sure that there will be many such developments.

15:21

Bill Butler (Glasgow Anniesland) (Lab): I have been privileged to have been a member of the Public Petitions Committee for almost two and a half years. I record my thanks to its exemplary clerking team, led by the incomparable Fergus Cochrane. During my time as a member of the committee, I have, along with colleagues, witnessed first hand the way in which the public petitions process allows members of the public to become directly involved in the Parliament's work and the development of policies that seek to better the lives of citizens throughout Scotland.

The committee's decision to undertake a series of external meetings in 2009-10 has been one of the many ways by which the committee has sought to involve as many people as possible in communities throughout our nation. The committee's external meetings in places from Alness to Arran have been successful in that they have allowed people to see the committee's work in their own locality and encouraged many people to become directly involved in that work as petitioners. I hope that the successor committee in the next diet of the Parliament continues that practice, as I believe that it chimes with the Parliament's founding principles.

In the brief time that has been allotted to me, I want to mention two petitions out of many that exemplify the ability of citizens to make a difference in policy areas that affect the day-to-day lives of people in Scotland. Petition PE1108, by Tina McGeever, on behalf of Mike Gray, called on

"The Scottish Parliament to urge the...Government to consider the provision, on the NHS, of cancer treatment drugs, in particular cetuximab, to ensure equity"

in

"the availability of such treatments."

The work on that petition is an excellent example of collaborative working with the Scottish Government, and the process has shown the way in which co-operative working involving a petitioner, the committee and the Government can change a situation for the better. Tina McGeever has proved a most effective campaigner. She fought alongside and on behalf of her late husband to ensure that important changes were made in the process for accessing cancer treatment drugs at the local NHS board level in order to reduce the likelihood of postcode prescribing. Sadly, Mike Gray had to grapple with an unacceptable funding situation even as he fought the cancer that would eventually prove fatal to him.

Both Tina and Mike believed that no one who had fallen victim to cancer should also be the victim of an inflexible and inequitable prescription

system. Both the committee and the Government believed that their cause was just, and they have continued to work with Tina to reform the system. The changes that have been made to the process for accessing cancer treatment drugs have led to greater consistency and greater clarity, and there is an improved process for exceptional prescribing. That is to the credit of the petitioners and the Parliament's petitions system.

If I had more time, I would go into detail about a second petition that is a nationwide success story: PE1259, by Ryan McLaughlin, a young constituent of mine from Drumchapel who, because of his mum's experience as a multiple sclerosis sufferer, urged

"the Scottish Government to produce new guidelines on vitamin D supplementation for children and pregnant women"

and thus lessen the impact of MS on future generations. That collaborative working with the Government has proved positive, and progress has been made. It is another striking example of how the public petitions process continues to make a difference to the lives of people in our country.

The petitions process can help to change lives and make Scotland a better place in which to live. We should be proud of it and we should treasure it. We should see it not as peripheral but as central to the work of this place. I commend the motion to the chamber.

15:25

Bob Doris (Glasgow) (SNP): I start by thanking the current convener, the previous one, Frank McAveety, and all members of the committee for providing a positive and constructive forum for my constituents who have petitioned them in recent years. I also thank them for their willingness to let my constituents and me raise important issues with them in person, face to face and sometimes at some length, and for the patience that they show as a committee with an extremely big workload before them each Tuesday afternoon.

I have been involved in various petitions with my constituents, from parents objecting to the school closures consultation in Glasgow and the restrictions placed on volunteer coaches by national governing body coaching certificates, to others pushing for a change in fatal accident legislation to lift the legal barrier that prevents fatal accident inquiries from being held into the deaths of Scots overseas. It is a varied casework indeed.

I will devote the bulk of my speech to the fatal accident inquiry petition. I never knew my constituent Colin Love, who died on 29 January 2009. I wish that I had known him, because by all accounts he was a fine person. However, I now

know his mother well, as Julie Love petitioned the committee following his death. He drowned in the waters by a beach on Margarita Island in Venezuela—Playa El Agua, a notorious drowning spot. He was not the first to drown there and, by all accounts, he certainly was not the last. There were no warning signs or lifeguards. People have continued to drown there following Colin's death.

Had Colin died in the waters at a Scottish beach, in all likelihood there would have been a fatal accident inquiry. Had he died in the waters off the English coast, there would have been a coroner's inquiry. If a person normally resident in England had died off the coast of Margarita Island, there would have been a coroner's inquiry. The difference in the case of Colin Love's tragic death is that, because he was from Scotland, a fatal accident inquiry was not legally allowed. Not only is that crazy; it is wrong.

Julie Love, co-petitioner Dr Kenneth Faulds and I have all given evidence to the committee on the issue. The committee gave Julie Love the voice and platform that she rightly deserved and provided me as her MSP with a focus for my efforts to push for reform to the law. I thank the committee for that.

I worked with Julie Love to make a submission to the Cullen inquiry on fatal accident inquiries, calling for the lifting of a legal barrier that prevents FAIs into overseas deaths. Cullen agreed, and a response from the Scottish Government to the report is now pending. The committee has continued Julie Love's petition until the Scottish Government responds—I understand that that happened just yesterday.

If I am privileged enough to be re-elected in May, I pledge to bring forward a member's bill to reform fatal accident inquiries and to lift the restrictions that prevent investigations in Scotland into overseas deaths. I pledge to do that unless whoever forms the Scottish Government in May 2011 acts otherwise and lifts that bar. That is the position that we are in—Julie and I, and the workers in my office, who have done much work on the issue.

Julie Love has a powerful motive for pushing for fatal accident inquiries. FAIs give recommendations, such as that travel companies should not send travellers to an island where people die, that there should be lifeguards or that the British Foreign Office should do things better in handling overseas deaths. They are powerful recommendations and drivers for change. Julie Love is fighting not just for Colin Love but for all the people who are resident in Scotland but who die abroad in future. I thank the Public Petitions Committee for working with me to help to achieve our aim.

15:29

Cathie Craigie (Cumbernauld and Kilsyth) (Lab): Like other members, I welcome the opportunity to speak in this debate on the importance and uniqueness of our Parliament's petitions system.

I am proud that our Parliament is built not only on the principles of accountability and transparency but on an openness that is not widely experienced in Parliaments and Assemblies around the world. This is the people's Parliament, and it was established to stand up for Scotland.

Since 1999, our Parliament has welcomed petitions from far and wide, and the Public Petitions Committee has scrutinised the views of thousands of people who have advocated a change in the law or policy either by creating a petition or by adding their name to one. I always feel a sense of pride when I listen to petitioners' views and note their concerns about Government action—or inaction. Listening to members of the public speaking passionately often drives home the links between our Parliament and the people. As one petitioner famously—and rightly—said, the petitions system is “democracy in action”.

Of course, not all petitions make it through the parliamentary process and on to the statute books—indeed, that does not need to happen in every case. However, perhaps the greatest piece of legislation that was passed by the Parliament—the smoking ban—was helped on its way by a petition. In 2002, the pupils of Firrhill high school in Edinburgh came before the Public Petitions Committee. Although their petition had only 105 signatures, it was supported by parents, grandparents, siblings and friends, and it helped to bring about legislation that will improve the lives of people throughout Scotland. That shows that great outcomes can be achieved, and we will certainly reap the benefits of that action in years to come.

As we have heard, petitions have, over the Parliament's three sessions, helped to raise awareness, to bring out issues that the Government has not brought to the fore on its own agenda and to encourage the Government and other public organisations to take such issues on board. In 2006, I supported Woodlands primary school in my constituency, which submitted a petition that sought to change the law to protect the public, birds and animals from broken glass, to promote the use of plastic bottles as an alternative and to introduce a refundable deposit scheme aimed at reducing the amount of broken glass in public places. It was a thoroughly worthwhile endeavour for those school pupils, and was prompted not by members of the teaching staff or the MSPs who visited the school but by individual young people who had noticed the amount of broken glass—usually from bottles containing

alcohol—that they had to face on their way to school and the dangers that it posed for them.

The petition, which was taken up by the Public Petitions Committee, ran for three years and was closed in 2009. It was a great example of young people taking the initiative and informing us of a problem that needed to be addressed by Government. Although it has not led to any changes, it has certainly raised awareness of the problem. People in the drinks industry are examining the issue and I hope that Governments will keep on their back about it.

The system does not always get the results that the petitioner desires, but the fact that people have the chance to submit a petition, even with only one signature, says a great deal about this Parliament, about the interest that members take in issues and about our relationship with the people whom we seek to represent. Long may that continue.

15:34

John Wilson (Central Scotland) (SNP): Members in the chamber—committee members and the many members who have come through the doors on a Tuesday afternoon to support petitions from constituents and others—will make their own observations on the operation of the Public Petitions Committee. The committee's role has evolved down the years. In 2009, at the end of a year-long inquiry, the committee produced a report on the public's perception of the petitions mechanism.

The Public Petitions Committee is an important committee of the Parliament, particularly given that it is regarded as one of the main public access points for the Parliament. That is why it is critical to demonstrate positive engagement with the public. As other members have stated, the committee has examined petitions that have increased awareness of important issues, such as the petition that examined domestic violence against men and the one that highlighted housing conditions in the Govanhill area of Glasgow. The committee visited Govanhill as part of its inquiry.

The committee has never been shy about considering how it can work better. The committee commissioned research from Ipsos MORI, which followed on from a well-established principle that the committee adopted in 2006. Ipsos MORI used the methodology of qualitative research among the general public, with an emphasis on how the process works. The research identified an understandable link between awareness and knowledge of the petitions system. It also found that the Parliament's approach needs to be more innovative, but that its use of e-petitions was commended. However, we must ensure that progress is maintained.

As members have mentioned, the Public Petitions Committee has a good track record of going to other parts of Scotland—no other committee has done so much work throughout Scotland—which has ensured that the Parliament does not become Edinburgh-centric. Those external committee meetings had open microphone sessions to gather the views of the public who attended.

The Public Petitions Committee strives to be open and transparent. It must ensure that it meets that important aim, especially because, in interviews conducted by Dr Carman, who looked at the work of the committee between 1999 and 2006, interviewees were concerned about a perceived lack of transparency and the lack of an appeals process.

The committee has played a role in political reform, which is why other Parliaments have shown such an interest in its workings and the workings of the petitions process. I notice that, a couple of days before the Irish general election, Fine Gael has adopted the policy of establishing a public petitions system in the Irish Parliament.

There has been a welcome development, in that some local authorities have considered establishing public petitions committees in their areas. For example, Renfrewshire Council has moved that forward. Many of the issues that are brought to the Public Petitions Committee could and should be dealt with locally. Many petitions that have come before the committee while I have been a member of it have been about matters that could have been addressed at a more local level.

The many petitions that come to Parliament allow the public to make representations to Parliament on a range of issues, whether they are Scottish or international in origin. It is important that petitions are not restricted, especially when it comes to the issue of devolved versus reserved matters.

I welcome this interesting opportunity to debate the role and work of the Public Petitions Committee. We need to ensure that we have a strong, modern public petitions mechanism that is meaningful to the people of Scotland. I look forward to the Public Petitions Committee continuing to take forward issues of importance to the people of Scotland, no matter how obscure, national or international they are. I, too, put on record my thanks to the other members of the committee, the committee clerks and all those who gave evidence and provided the committee with written evidence during the past three and a half years.

15:38

Robin Harper (Lothians) (Green): In the first session of Parliament, I was on the Transport and the Environment Committee, in which we were concerned with making legislation. I was on the Audit Committee after that, in which we asked the questions. In the past four years, I have been on the Public Petitions Committee, which is the listening ear of the Parliament. As many other members have said, the committee has done a superb job of being the listening part of the Parliament, although all the other committees of the Parliament listen too. The way in which we have worked in the past 12 years demonstrates that there is probably greater access to this democratic organisation than there is to any other.

The committee is an example and encourages young people to have faith in our democratic system. The old-style school council involved a group of children getting together with the headteacher sitting in front of them listening to their complaints but, a year later, nothing had happened. Of course, school councils nowadays are very different, and the Government has issued good guidance to all local authorities. For young people who bring petitions through the parliamentary process, the experience is different, because they are listened to and something is done. In some cases, that might well mean simply that conversations continue.

As Bill Butler did not have time to say much about young Ryan McLaughlin, I will get some comments about him on the record. He organised a parade down the Royal Mile in support of his petition on vitamin D. As a result of that petition, the Scottish Government listened and agreed to have a co-ordinated programme of action with NHS Health Scotland, to produce guidance on vitamin D, to educate women on its importance, to consider different messages for different groups of people, and to ensure that health professionals give correct and consistent advice on vitamin D to pregnant women and new mothers. Further, the Scottish Government committed to keeping the petitioner informed of progress. All that happened as a result of a petition from a young man who was still at school. I am sure that all members who met Ryan McLaughlin believe that he will continue to contribute to life in Scotland.

We had many petitions from young people, but a second one that I would like to mention was on the subject of fair trade chocolate in schools. That immediately resulted in the Scottish Government issuing a clarification to all councils in Scotland stating that they could sell fair trade chocolate, even though it is a sweet and does not necessarily promote the best of health.

I am proud to have served on the Public Petitions Committee and grateful to have had that

opportunity. One of the many reasons for that is that it has been a wonderful committee to work on because of the sense of working with other people. Politics is very much left behind at the door in the committee. I have not heard any member being political with a capital P, perhaps apart from myself, when I have had to mention interests when environmental issues have arisen. We all have a sense of real achievement.

15:43

Nigel Don (North East Scotland) (SNP):

Members will perhaps not be surprised that, in the brief time available, I will not consider the substance of what the committee has done—other members have done that—but will instead reflect on how we have done it. Other members, particularly John Wilson and the convener, have commented on some of the external engagement, and I suspect that the deputy convener will do so, too. I would like to consider our internal processes and reflect on what we have achieved, whether we could have done a few things slightly differently and whether we might make some recommendations to our successors.

The first thing that happens when a petition comes in is that the clerks do a considerable amount of work to knock it into shape, if I might describe it that way. As other members have done, I thank the clerks for the huge amount of work that is involved in that. The Scottish Parliament information centre staff give us extremely helpful briefings, and I am conscious that no member has yet thanked them. I do not suppose that any staff from SPICe are here, but I put on the record our thanks to them.

As members are well aware, we then have a first consideration and, in about a quarter of cases, the petitioners come before us to give a presentation. I am not sure that that figure is precisely right, but it is the one that I have been given as being about right. Typically, we then write to a large number of organisations to scope the issues that the petitioner has raised. We generally decide to write to the Government to ask for its response to the petition. That means that the second meeting at which we consider the petition, which comes some time later, is, effectively, the first meeting, because that is when we actually think about what the real issues are and try to tease them out ourselves.

I wonder whether that is the best use of our time. Perhaps we could do things a bit faster in terms of getting to the meat of the issues. The result of that process is not only a little bit of delay, which we could eliminate, but a considerable amount of paper—a huge amount of paper is associated with some petitions, and I suspect that some of the words did not have to be written,

although I am sure that they were written in good faith. Another issue is that we do not engage with the majority of petitioners face to face.

I wonder whether we could rectify those issues by changing how we deal with petitions. Let me be absolutely clear that there are petitions in relation to which how we operate at the moment is entirely correct, but I would like to suggest an alternative way of working, where that would be appropriate—I guess that deciding on that would come down to the convener's discretion, as such things usually do.

As I have previously suggested, each petition could be considered by only two members, on some kind of timetabled rota basis that was suitable for those members, and one of the clerks. That would enable those members to tease out with the petitioners what the issues are and to do the obvious things such as writing to the Government and relevant organisations—members will be well aware of the kind of organisations that we speak to. That would ensure that, when petitions came to the full committee, the basic groundwork had been done. We can all see that, in many cases, that would work and would enable us to make progress rather faster.

I also suggest that we need to be a little bit better at recognising those petitions that could be closed on first sight. In relation to some petitions, we can see fine well that the Government has adopted a position and is not going to adopt a different one, because it has already said that it will not. In such cases, we might as well just say so and close the petition the first time we see it.

15:47

Jim Hume (South of Scotland) (LD): We have had an interesting debate this afternoon that has highlighted the importance of the Public Petitions Committee. The Scottish Constitutional Convention's report said that locating a Parliament in Scotland would mean that it was more accessible than Westminster. Robin Harper talked about the idea of access being important to the committee. Under the standing orders, the committee was designed to be one of the vehicles that would ensure the involvement of people in Scotland in democracy, and giving people the opportunity to submit a petition before a committee of MSPs is an excellent way of enabling that.

Bruce Crawford mentioned that the committee is internationally renowned. That is correct, but there is concern about whether it is being marketed effectively in Scotland. When I read the committee's report on its processes, I was surprised to learn that, although 194 petitions were lodged in the Parliament's first year, fewer than 120 a year have been lodged since the start of

session 2. After almost 12 years, we might have expected there to be greater awareness of the petitions process. Obviously, there is still work to be done.

John Wilson mentioned Dr Carman's research study with Ipsos MORI, which revealed that most of those who participate in the process are among the older and better educated groups and are more likely to be middle class and to live in an affluent area than the average Scot. It also revealed that there is a disappointing lack of diversity in terms of minority participation. Perhaps we could all do more to promote the use of petitions when we are contacted by constituents.

Rhona Brankin, Bruce Crawford, Paul Martin and others mentioned that the committee had taken steps to address those issues, through the production of a blog and podcasts and the publication of a streamlined leaflet, as well as through the outreach programme, which many other members mentioned. I agree with the committee's point that a balance must be struck. There is just one committee to deal with petitions, and it contains only nine MSPs and operates with a handful of support staff—the clerks, SPICe and others, whom Nigel Don thanked for all their hard work. The committee—and by extension the Parliament—will be successful with regard to accessibility only if it is able properly to scrutinise each petition that is brought before it.

There are many examples of petitions that have been submitted by groups or members of the public that have gone on to achieve some degree of success. The Laurencekirk crossing petition, which Mike Rumbles mentioned, is one such petition, although there is still a long way to go until the petitioners are satisfied. Of course, all success is relative.

I highlight a petition that originated in my community in the South of Scotland, which is also nationally significant. Last autumn, Daphne Jackson submitted a petition on behalf of Ettrick and Yarrow community council regarding the standard of mobile phone coverage in rural areas. The petition, which gained 780 signatures, called on the Parliament to urge the Government to make direct representations, which is what happened. The petition gained local media coverage and was considered by the committee in November. The committee agreed to write to a number of organisations, including the Scottish Government, fire brigades, the Scottish Ambulance Service and the Office of Communications, and I trust that it has now received responses. I, too, made representations on that difficult issue.

Everyone has highlighted their own pet petitions today. That is one example—although everybody has given their own examples—of how a petition

can lead to greater awareness of an issue among the public and elected officials, and to action thereafter.

15:51

Nanette Milne: Like other members, I pay tribute to the committee clerks, led by Fergus Cochrane, who have made an immense contribution to the success of the committee. They have advised petitioners on how to present their petitions and have sought innovative ways of extending the petitioner base by organising external committee meetings in schools and community halls and by using modern technologies such as videoconferencing and electronic petitioning. It is little wonder that politicians from other legislatures have taken a keen interest in our work and have adopted some of our practices. The international reputation of the Public Petitions Committee is due in no small measure to the enthusiasm and efficiency of the clerking team.

The main difficulty in dealing with a debate such as this, on four years' work by a very busy committee, is deciding what to put into one's speech and what to leave out. I am thankful that committee members have covered a broad range of the topics that the committee has considered and the various activities in which its members have been involved. Rhona Brankin dealt with the general culture of the committee, which has developed since the beginning of the Parliament in 1999. As she said, in the current session we have dealt with a large number of petitions at our 73 meetings, and many issues have been addressed that might otherwise never have come to the attention of politicians.

We have had some interesting external meetings and have always been made welcome by our hosts. I will not forget being met by a young piper on a Monday morning in Alness or the excellent buffet lunch that was put on for us in Fraserburgh. We have also been most impressed by the confidence and ability of many of the petitioners—especially the young ones—who have spoken to the committee on the substance of their petitions. I am pleased that Anne McLaughlin highlighted that.

Bruce Crawford's appreciation of our work is welcome. He referred to the cross-party co-operation in the committee as it has dealt with petitions. Indeed, I think that we were divided only once during the entire four years of the committee's work. However, as Bruce Crawford rightly said, the committee must continue to be innovative if it is to maintain the high standards and growing reputation of its first 12 years. I am sure that we all agree with that.

Paul Martin referred to representations that he made to the committee on behalf of constituents. The direct involvement of MSPs in that way is of considerable assistance to committee members. Although on occasion it prolongs significantly already long committee meetings, it adds very positively to the petitions process.

Mike Rumbles referred to the open petition on the junction of the A90 at Laurencekirk. The committee has been committed to making progress on the issue and, as we have heard, has called ministers to the committee on more than one occasion to answer questions. Unfortunately, an ideal solution has not yet been found, but real progress might be made in the next session of Parliament.

Bill Butler was the third member to refer to the cancer drugs availability petition from Tina McGeever and her husband, which underlines how important the petition has been to the cancer journey of many patients in Scotland. He also rightly highlighted the excellent petition from his constituent, Ryan McLaughlin, who impressed us all—especially, as Robin Harper said, with his organisation of the parade down the Royal Mile.

John Wilson referred to the petition on domestic violence against men—an issue that has rarely been highlighted but which ruins the lives of the significant number of men who fall victim to it. The petition raised awareness and resulted in support being given by the Government via a UK telephone helpline. Although more work needs to be done, significant progress has been made on that very important issue.

Robin Harper called the committee

“the listening ear of the Parliament.”

That description is appropriate, because petitioners—even those whose petitions are unsuccessful—generally appreciate that their concerns have been given a fair hearing. Other members referred to a variety of petitions, all of which were worth while and important to petitioners and all of which the committee moved forward. Nigel Don gave us his usual thoughtful suggestions.

All speakers have praised the committee fully. Long may it continue to be a proactive and useful committee to the Parliament.

15:55

Paul Martin: Like other members, I note that the committee’s convener, its deputy convener and Robin Harper are stepping down at the next election, so what they said sounded a bit like retirement speeches. I wish those members the very best. I doubt very much whether we have seen the last of John Farquhar Munro—he will

probably return as a petitioner on the crofting community’s behalf.

Members across party divides made powerful speeches. On behalf of his constituent Julie Love, Bob Doris made the important point that the committee allows the opportunity for issues to be debated and for members to consider whether to introduce a member’s bill. I was in the same position in connection with hospital car parking charges. The petitions process provides an opportunity for members to ensure that an issue is debated and that evidence is gathered.

I, too, pay tribute to Ryan McLaughlin, who is a credit to his mother and to other people on whose behalf he spoke. We should recognise that other parliamentary systems would not afford him and others the opportunity to make their case, which is sometimes passionate and personal. Petitioners should never apologise for speaking about their personal experiences and for ensuring that we take matters forward.

Members highlighted several petitions. The petition from John Muir was the first to create an opportunity for a debate in the chamber, among people with various views on knife crime, who considered the issues and challenges that face the Parliament in connection with knife crime. From speaking to John Muir and others who participated in that event, I know that they welcomed the opportunity to engage with politicians and felt that they were treated with respect and genuinely influenced the process. The more petitioners can be afforded the opportunity that John Muir was given to have an event, the better the Parliament’s reputation will be. I say well done to the committee’s members for giving John Muir that opportunity.

How we engage with young people was mentioned several times in the debate. All Saints secondary school in my constituency hosted the committee meeting at which the 1,000th petition to be lodged was considered. Young people were engaged in that. We need to consider how we engage with them on their terms, rather than on parliamentary terms, as in the past. Perhaps we should use the best experience to improve that.

I say well done to the committee again. I hope that we can learn from its experiences for the next parliamentary session.

15:59

Bruce Crawford: I thank the committee members for their contributions. Listening to the different perspectives of members across the chamber has been interesting. I am sure that some people will even manage to get press releases out of the debate.

I mentioned in my opening speech that I have enjoyed working with John Farquhar Munro and Rhona Brankin over the past four years. It might be my last chance to say to Robin Harper that I have enjoyed working with him since 1999. I wish him all the best when he retires at the end of the session.

Petitions are brought by members of the Scottish public who seek answers and look for change. As we heard in members' contributions this afternoon, the committee has continued its record of success into this session. By its nature, the petitions process is reactive; it responds to the petitions that are brought before it. The committee has also often taken on issues that are raised as catalysts for debate—issues that have ranged from the availability of cancer drugs to the display of sexually graphic material.

Like other members, I want to bore down a bit more closely into individual petitions that raised two issues in particular. The petitions have been mentioned already in the debate, but the issues they raise bear repetition. They are the significant petitions on vitamin D supplements and fair trade confectionery.

Bill Butler spoke about the petition on vitamin D supplements, which was submitted as part of the shine on Scotland campaign that is run by his constituents Ryan McLaughlin and the McLaughlin family. The petition attracted a lot of positive media coverage not only for the campaign but for the Parliament.

The petitioners called on the Parliament to urge the Government to give every child in Scotland vitamin D supplements and to fortify school milk with vitamin D. On various occasions, the McLaughlin family have met the Cabinet Secretary for Health and Wellbeing, the Minister for Public Health and Sport and the chief medical officer. The petition that the family began has made quite a contribution. The Scottish Government has committed to undertake an awareness-raising campaign on recommended vitamin D levels. In the first part of the campaign information was given to all GPs and health professionals to reinforce the importance of vitamin D supplements. Health Scotland is working on the second part of the campaign—a leaflet for the general public should be published in the spring.

Nanette Milne and Robin Harper referred to the fair trade petitions. These two petitions, which were submitted in 2009, called on the Government to amend regulations to allow schools to sell fair trade confectionery. They were very interesting petitions. The Government's explanation that it had no plans to amend the legislation or change the regulations could have been seen as a sign of resistance or of not wanting to listen. In fact, as the discussions on the regulations brought out,

there was already flexibility in the current regulatory regime—flexibility that would allow fair trade confectionery to be sold in schools. As a result, earlier this month, my colleague the Minister for Children and Early Years wrote to the director of education in each local authority to highlight the flexibility within the existing regulations to allow fair trade sales in schools and to draw their attention to the relevant guidance.

As those examples show, change can be delivered through the petitions process. However, we need to look to the future. The petitions process has been a success. When it first started we could not anticipate what would happen and where it might lead. The Public Petitions Committee's inquiry two years ago into the petitions process showed that it was not afraid to look at its procedures and consider ways in which to improve them. I was pleased to be able to contribute to that inquiry, which made a number of recommendations on different aspects of the petitions process. How the recommendations were taken forward and implemented was key: done well and the petitions process would improve; done badly and there was every chance that it would stagnate. It is commendable to note that the committee has now implemented those recommendations and many others. The committee has been proactive; it has embraced change.

Where does the Public Petitions Committee go from here? Is there a risk that it is becoming too bogged down by the sheer volume of petitions in the system? Are too many petitions coming forward to allow it sufficient time to scrutinise and investigate petitions where change can be delivered? To my mind, the committee works best when it can focus—when it can bring to bear the skills, knowledge and, indeed, personality of committee members. I would like to see that focus further refined in the next session.

I again thank the members of the Public Petitions Committee who have worked hard this session and the clerks who deal efficiently with petitions. The Public Petitions Committee leaves a strong legacy. It is important that its successor committee should keep on going, maintain momentum and build on what the current committee has achieved.

16:04

John Farquhar Munro (Ross, Skye and Inverness West) (LD): It is with enormous pleasure that I close this debate on behalf of the Public Petitions Committee. Those who follow our work will know that we are very much a committee of firsts. For example, we are the first committee of the Parliament to meet in the wonderful Alness academy in my constituency.

I want to highlight not so much a first but a possible record. I have been a member of the committee in session 1, session 2 and session 3—a total of 443 weeks so far. [*Applause.*] Now, if someone wants to go and check that to prove me wrong, be my guest. It is for others to judge whether it is a record that I should be proud of.

The Public Petitions Committee is an extremely important committee if we are to be true to the founding principles adopted in 1999. Our existence and role and the participation of citizens in our work are why the process has developed international recognition. Delegations from Wales, Catalonia, Canada, Sri Lanka, Tasmania, Western Australia, Victoria, Queensland, the Crimea, the Czech Republic, Gauteng in South Africa, Ethiopia, Japan, Vietnam, Bavaria, Saxony, Malawi and the Commonwealth Parliamentary Association, as well as John Smith fellows, have come to discuss and learn more about our system. The Australian House of Representatives has established a dedicated Committee on Petitions with which we held two videoconferences. Next week we meet the Petitions Committee of the German Bundestag. It refers to the petitions process as that Parliament's "seismograph", which I think is an appropriate expression.

The convener touched on our collaborative approach to considering petitions and the committee's consensual nature. I would like to expand on that, because several speakers mentioned the same thing. There are, I believe, three elements to the effective consideration of a petition. The first is the constructive participation of the petitioner in the process. Seeking their views on the written responses received on the petition, giving them the opportunity to suggest a way forward and providing an opportunity to some to come and speak ensures that they make a direct contribution to the debate.

The second is the way in which we gather information. As I suggested, that will involve seeking written responses from a number of key organisations. We try to identify organisations and individuals at home and abroad who can contribute to the investigation of the petition and broaden awareness of the issue. We now ask petitioners to suggest organisations to contact and questions to ask.

That takes me on to the third key element, which is collaboration. There is a maturity and honesty in the process. It is not about proving that someone was wrong. Legislation, guidelines and policies are introduced with the best of intentions and a belief that they will do good, but sometimes the measures do not work out as planned or do not reflect people's needs. Improvements to policies and procedures can be brought about only if we work together with key organisations that are

relevant to the petition's subject matter. In most cases, the Scottish Government is central to that and I believe that the relationship between us and it has been constructive.

A question that is often asked is, "How many successful petitions have there been since 1999?" We do not know. We cannot easily record that, as our view on the success of a petition might differ from the petitioner's. Success will take different forms. One approach that we have adopted on a number of occasions, when it was felt beneficial, was to invite the Scottish Government to meet the petitioner to discuss the issue raised. That can be regarded as a success because we put the individual in the same room as officials, perhaps even the minister, to clarify and discuss the issue. On some occasions that might be all that we can do. Most petitioners do not get everything that they set out to achieve and there might be very good reasons for that, but I think that the Scottish Government has met the petitioners on every occasion we requested.

The 2006 research into the petitions process says:

"the ability of common folk to bring their concerns to the Parliament through the petitions system is democracy in action. You aren't always going to get what you want but at least the Scottish Parliament has to look at your petition."

All the changes and improvements that have come about are down to collaboration.

How are we doing for time, Presiding Officer?

The Deputy Presiding Officer (Alasdair Morgan): You have about a minute left, Mr Munro.

John Farquhar Munro: Thank you.

Most petitions are lodged on the back of personal experience, sometimes tragic, as in the case of John Muir. When we hosted the knife crime summit on his petition, we did so not to point the finger at any one body and to say that the problem was its fault, but to create a unique forum, here in the chamber, where victims, families, health workers and the police, who see the terrible consequences of knife crime, could come together with policy makers, the legal profession and others to discuss the issue in a non-partisan and honest way. We were not going to solve knife crime at that event, but we could at least try something different and generate some new ideas.

I think those who reacted positively to petitions by introducing the called-for improvements. In a number of areas, things are now a wee bit better as a result. I am sure that that consensual and measured approach will continue with the next session's committee, which will no doubt examine new ways to conduct its business and investigate petitions. Perhaps it will consider the scope to undertake more in-depth inquiries into individual

petitions, as we did, and new ways to bring people and groups together to discuss the issues that are raised.

I am sure the petitions process and the Public Petitions Committee will continue to evolve in a positive way, and I am sure that that will be enhanced by the excellence of the clerking team, led by Fergus Cochrane. I commend the work of the Public Petitions Committee to the Parliament.

Migration and Trafficking

The Deputy Presiding Officer (Alasdair Morgan): The next item of business is a debate on motion S3M-7950, in the name of Margaret Mitchell, on the Equal Opportunities Committee's report into migration and trafficking.

16:11

Margaret Mitchell (Central Scotland) (Con): I welcome today's debate on the Equal Opportunities Committee's migration and trafficking report. Our wide-ranging inquiry covered issues of both reserved and devolved responsibility, and it involved taking evidence from the Scottish Government, Scottish agencies and United Kingdom departments. As convener of the committee, I thank the committee members and clerks for their hard work, and I pay tribute to all those witnesses who made such a valuable contribution to the inquiry, especially the 25 migrants with whom the committee met informally in Glasgow last June. Hearing first hand about their experiences was tremendously helpful in gaining an understanding of the issues that are faced by migrants who have settled in Scotland.

Concern was expressed about the confusion between UK departments and the UK Border Agency regarding the extent of devolved responsibilities. In his evidence, the Cabinet Secretary for Justice was critical of negative attitudes at the highest level within the UKBA. The committee considers that the Scottish Government has a responsibility to do all that it can to overcome any intransigence at a UK level, to build a working relationship and to ensure that Scotland has a voice in developing migration and trafficking policies.

As in other inquiries, the lack of data was an issue for the committee: the availability of migration and trafficking data relating to Scotland was poor. The response from the Minister of State for Immigration confirms that the UKBA does not hold or collect migration statistics on a UK basis. The committee recommended that a protocol be established to make data sharing at a UK level more formal and transparent because the more accurate the data, the more that trends in migration and trafficking can inform the development of policies and the delivery of services to local communities. The issue is complex, but the committee stands by its recommendation, as data must be collected and shared.

Public perceptions in Scotland about migrants tended to be negative and were based, for the most part, on misinformation. Terminology has played a part in perpetuating negative stereotypes.

The terms “migrant” and “asylum seeker” have often been used as interchangeable generic terms.

There was a lack of awareness, and even total ignorance, about migrants from outwith the European Union, who include economic migrants, asylum seekers, failed asylum seekers, illegal immigrants and refugees.

There was also a lack of awareness about migrants from within the EU, who fall into three distinct groups: EU nationals from countries that joined the EU prior to 2004, who have the same rights as UK citizens; accession 8 nationals, who are from the eastern European countries that joined the EU in 2004 and are allowed to work in the UK if they register with the Government’s worker registration scheme; and A2 nationals, who are from countries that joined the EU in January 2007 and have restricted rights in relation to work and access to benefits and housing and homelessness assistance.

In fact, most migrants come here legitimately, bringing skills and experience that are needed to help the economy. They tend to live in private rented accommodation rather than in social or local authority housing.

Witnesses blamed negative perceptions of migration issues on media reporting. The committee thought that the criticism was justified. We were therefore encouraged to hear from the National Union of Journalists about the steps that are being taken to improve journalists’ knowledge and understanding of the issues. It is hoped that the improvements will extend to the reporting of today’s debate. If our inquiry results only in more analytical reporting of migration issues, it will have been worth while.

Another worrying issue that emerged in our inquiry is the extent to which migrants lack an understanding of their rights and responsibilities. A number of migrants in Glasgow revealed that they are paying high rents for the privilege of living in substandard, overcrowded, squalid conditions. Some people had been lured here by unscrupulous landlords who had placed advertisements in publications abroad, offering accommodation and jobs that failed to materialise. The committee therefore welcomes the measures in the Private Rented Housing (Scotland) Bill, which will strengthen regulation of the sector. We also welcome the current review of the landlord registration scheme.

Trafficking is commonly referred to as sexual exploitation, but there are many forms of human trafficking, including forced labour, domestic servitude and child trafficking. The committee was appalled to learn that child trafficking, which is an activity that we associate more with third-world

countries, is very much an issue in towns and cities in Scotland.

Glasgow City Council is to be commended for taking the lead in the pilot of a national trafficking toolkit. The committee called on the Scottish Government and the Convention of Scottish Local Authorities to improve awareness of child trafficking among all Scotland’s local authorities, and recommended that best practice from Glasgow be shared and widely disseminated. We welcomed the scoping exercise that Scotland’s Commissioner for Children and Young People is undertaking, in which the extent and nature of child trafficking into and within Scotland are being considered. The report will be published on 14 March.

Trafficking is a narrative journey. An individual might be trafficked into forced labour and then moved into prostitution. The committee acknowledged the tremendous work of the trafficking awareness raising alliance project and other agencies in supporting victims, whose specific needs can be difficult to assess.

It is an offence to act as an unlicensed gangmaster. The Gangmasters Licensing Authority has responsibility for tackling and regulating the supply of workers in agriculture, forestry, horticulture, shellfish gathering, food processing and packaging. The GLA’s power of arrest does not cover Scotland. The committee considered that the power of arrest should be extended to Scotland and welcomed the Secretary of State for Scotland’s commitment to encourage dialogue with the Scottish Government, the Department for Environment, Food and Rural Affairs and the GLA on the issue.

The extension of the provisions of the Gangmasters (Licensing) Act 2004 to the construction industry is welcome, but the committee thought that the extension of provisions to other industries, including care homes and the hospitality sector, should be considered.

I have provided a flavour of some of the key findings of the Equal Opportunities Committee’s report. Other members will focus on different aspects.

I move,

That the Parliament notes the conclusions and recommendations contained in the Equal Opportunities Committee’s *5th Report 2010 (Session 3): Inquiry into Migration and Trafficking* (SP Paper 543).

16:18

The Cabinet Secretary for Justice (Kenny MacAskill): I congratulate Margaret Mitchell and the Equal Opportunities Committee on securing the debate, which provides an opportunity to

tackle important issues. I read the committee's report with interest and I am sure that the Parliament will join me in complimenting the committee on its extensive work.

Scotland has a long and proud history of welcoming migrants. The positive cultural, economic and social contribution that migrants make in shaping a modern and vibrant Scotland benefits us all.

In "The Government Economic Strategy", we recognised that migration is a key part of ensuring Scotland's future prosperity. Integration into our communities in Scotland begins from day one. Work is supported through our fresh talent initiative, which includes our free relocation advisory service, the aim of which is to welcome new Scots and retain Scots who are already here.

No single organisation is responsible for, or able to tackle, all the issues of concern that some migrants in Scotland experience, as the committee correctly acknowledges.

We, too, recognise that partnership working and supporting such relationships are key to achieving a joint vision of Scotland. The support that we provide is varied and includes funding for, for example, the COSLA strategic migration partnership, a Highlands and Islands migrant worker co-ordinator and last year's Scottish migrants network conference.

I assure the committee that we are not complacent and will continue to provide political leadership in condemning racism and welcoming migrants to Scotland.

We are committed to continuing to work with the UK Government so that it understands the devolved implications of changes to immigration rules.

There are a number of links between immigration and trafficking. We and our agencies work closely with the UKBA on both those issues. The problem and responsibility are shared. Our relationship is generally positive, but we disagree on occasion and it is important that we express our concerns frankly.

In particular, I am concerned about the UKBA's withdrawal of funding for three officers seconded from Dumfries and Galloway Constabulary to work at Stranraer. The impact is that there will no longer be a direct immigration resource at either of the Stranraer ports.

Jim Hume (South of Scotland) (LD): In the ports of Cairnryan and Stranraer, the authorities have detected human trafficking for inhuman purposes, such as the sex trade. Why, therefore, were there no convictions in Scotland for human trafficking last year, in contrast to the rest of the UK, where there were more than 100 convictions?

What will the cabinet secretary do to battle the low conviction rate?

Kenny MacAskill: The Crown and the police take those matters very seriously. As Jim Hume will be aware, the UKBA's withdrawal has affected the situation. Dumfries and Galloway Constabulary has correctly pointed out that Stranraer to Cairnryan is the main conduit. Many people do not come up to Scotland but simply transit through the ports and go south.

The withdrawal of the UKBA is a matter of great concern not only for me as the Cabinet Secretary for Justice in Scotland but for the Minister of Justice in Northern Ireland and, indeed, the Minister for Justice and Law Reform in the Republic of Ireland. However, Jim Hume should rest assured that we recognise that trafficking is happening in Scotland, even if much of the traffic through Stranraer goes south down the M74. The Crown and, in particular, the Scottish Crime and Drug Enforcement Agency are on the case.

The director general of the UKBA maintains that there will be no problems, as immigration will be dealt with in Northern Ireland. I disagree with that conclusion. Fewer UKBA officers on Scottish soil will mean a lower checking and arrest rate at the Stranraer and Cairnryan ports in relation to immigration offences, which will weaken our defences.

We expressed strong concern to the Home Secretary and the UKBA at the time that the decision was made. We will liaise with the Northern Ireland Executive and Dumfries and Galloway Constabulary and, if there is evidence that the decision has a negative impact on policing the Stranraer port, we will make further representations.

Mary Scanlon (Highlands and Islands) (Con): Is the Cabinet Secretary for Justice satisfied with the response from Damian Green, the Minister of State for Immigration? In particular, is he not satisfied that the Prime Minister has undertaken to assess the effectiveness of the new arrangements that the cabinet secretary has been talking about at the end of February 2011, which is next week?

Kenny MacAskill: The arrangements are a matter of continuing concern. I appreciate that they are being reviewed south of the border, but we believe that they are prejudicial. My discussions with the Northern Ireland Executive and the Government in the Republic of Ireland go back to last year. There is an issue. We have not yet been satisfied by the response of the Government south of the border or the UKBA. We continue to highlight the issue and, in the interim, all organisations—the Crown, the police, the SCDEA, the Scottish Government and UKBA

officers elsewhere—will continue to do what they can.

The issue is just one of those highlighted in the committee's report, to which we have provided a detailed written response. We are taking forward action in the areas in which the committee highlighted concerns. We are striving to ensure that people live their lives free from crime, disorder and danger. Within that context, we place a high priority on tackling trafficking.

The key to eradicating trafficking is partnership working, and we will always listen to and take on board any recommendations that are made. I emphasise that we take our responsibilities under the Council of Europe Convention on Action against Trafficking in Human Beings very seriously, in particular by providing leadership on the anti-trafficking agenda in Scotland. We do so in a variety of ways, through engaging with Scottish stakeholders and working with UK departments.

We are grateful to the committee, as the issue is of concern. I assure members that all bodies in Scotland are taking responsibility for dealing with this most heinous of matters.

16:25

Richard Baker (North East Scotland) (Lab): I welcome the Equal Opportunities Committee's inquiry into migration and trafficking, and the opportunity to debate the committee's report.

Issues that relate to migration in Scotland have at times been emotive and difficult, and this Parliament has had responsibilities to those who seek asylum in Scotland with regard to their welfare. I share the committee's concerns about the UK Border Agency's decision to terminate its contract with Glasgow City Council, and like others I worry about the impact on the families and individuals who will be affected.

More broadly, I am sure that many of us will be concerned about the direction of the UK Government's approach to immigration. We can reflect on the quite different approach that we have taken here in recognising the positive benefits that can result from people coming to Scotland to live and work—an approach that is exemplified in the fresh talent initiative.

I will focus on two points, the first of which concerns employment and exploitative practices. We know that we have had problems in Scotland with the illegal activities of some gangmasters. Legislation has been pursued at Westminster to tackle the exploitation of migrant workers who are being paid a pittance and forced to live and work in dreadful circumstances, as Margaret Mitchell

mentioned. However, more work must be done on enforcement, as the committee's report identifies.

As Citizens Advice Scotland told the committee, a minority of employers are still actively undermining the law in this area. Too few migrant workers are made aware of their employment rights or the worker registration scheme, and the Scottish Government must address that situation.

The second point concerns trafficking and sexual exploitation. We must all be concerned that there are, today, victims of such abuses in our country. Like the committee and the Scottish Government, I am disappointed that the UK Government has decided not to opt into the European Union directive on trafficking, but we must focus on what we can achieve here.

There is rightly concern, as Jim Hume said, that while there have been 100 convictions for trafficking in England and Wales following operation pentameter, there has been none in Scotland.

Amnesty International, which produced the report "Scotland's Slaves", is right to argue that while we must acknowledge the Lord Advocate's point—made in evidence to the committee—that there have been convictions in relation to lower-tariff crimes such as brothel keeping, there continue to be convictions for trafficking in addition to convictions for those lesser offences in England and Wales, and more must be done to understand the reasons for the disparity in conviction rates.

The committee has highlighted the concern that Scotland should not be seen as a soft touch for traffickers, and members on all sides of the chamber have rightly highlighted the need to address the issue, particularly as the 2014 Commonwealth games in Glasgow may unfortunately be a focus for traffickers.

As the committee identifies, the new measures on trafficking as a result of the Criminal Justice and Licensing (Scotland) Act 2010 are welcome, but Parliament did not support the amendments that were lodged by Trish Godman and Marlyn Glen to criminalise the purchase of sex, or my own amendment, which was intended to criminalise the purchase of sex from those exploited by another for that purpose. I recognise that these are difficult issues, but the position under my amendment is the current law in England and Wales. There is a very real danger that the legal position in Scotland will be perceived as weaker, and indeed will be so. That will not help us to deter those who through their actions encourage traffickers, nor will it help us to hold to account those who are responsible for trafficking. I hope that Parliament will reflect on those issues again.

The committee's report reflects the determination of members across the chamber to

ensure that we have a better-informed debate about migration in Scotland; that those who have come to our country are treated with the respect they deserve and have their rights protected; and that we recognise the positive contribution that such people can make to our society. I congratulate the committee once again on its excellent report.

16:29

Mary Scanlon (Highlands and Islands) (Con):

Some weeks ago, I spoke in the debate on the Equal Opportunities Committee's excellent report on issues relating to the Mental Health (Care and Treatment) (Scotland) Act 2003. Today, we are debating an equally excellent report on migration and trafficking.

Having read through the report's main conclusions and recommendations, I was tempted to say that a lot of ground had been covered but that, despite the holding of 11 meetings on the subject and the fact that the report runs to 700 paragraphs, it only scratched the surface and raised more questions than answers. I had not intended to say that myself, in case it was perceived as a negative comment, so I was very pleased to read, when I finally got to paragraph 700, that

"the Committee reluctantly recognises that although it has covered a lot of ground in its inquiry, it has only scratched the surface of what are major issues",

and that the inquiry had raised more questions than answers.

Like others, I thank Margaret Mitchell and her committee for a substantial piece of work, and I trust that their work will be continued beyond May this year. In that context, I question whether 1 hour 20 minutes is sufficient time to debate such a first-class report.

Like Richard Baker, I commend the fresh talent initiative, which the report praises highly. It is always good to know that Scotland can initiate good ideas that can be replicated across the UK. Likewise, I am sure that we can learn from other Governments and devolved Administrations.

I do not think that the UK Border Agency is the only organisation in which there is confusion about devolution issues. There could be much-improved working and communication among the Scottish Parliament, the Scottish Government and Westminster on a host of issues across the board. Although the letter from Damian Green, the UK Minister of State for Immigration, came to us only hours before the debate, I was pleased to read that the memorandum of understanding between the Scottish Government and the Home Office

"is due for review after the Scotland Bill has been concluded."

We welcome that.

Paragraph 134 of the report mentions that migrants from eastern Europe pay 37 per cent more in taxes than they receive in benefits and are more likely to start their own business. I know from one of Scotland's biggest shortbread manufacturers, which is based in the area that I represent, that if migrant workers were not available to be involved in its production, it would consider moving some production capacity to Poland or even China.

The committee was right to raise the issue of language classes. Most migrant workers come here to work. They are not available in the daytime when classes are run and they do not mix so much outwith their own community. Investment in English learning for new migrants could save a huge amount of public money in translation fees.

In the past, many professional and highly trained people who have come to the Highlands from Poland and other eastern European countries have had to take jobs that were well below their capability for some considerable time, just to get the opportunity to learn the language. We would all benefit enormously if classes were offered at a time that suited migrants and which did not interfere with daytime work commitments. It is now the case that many eastern European workers use their children to translate. I am sure that members would agree that presenting with symptoms to a general practitioner or to someone else in the national health service can be highly problematic without sufficient language skills.

It is worrying that people do not have sufficient language skills, but it is even more worrying that, as the report says, public service and other service providers that advise and support migrant workers may not be fully aware of migrants' rights and entitlements.

I was surprised to read the point that the report makes about the Gangmasters Licensing Authority; I am sure that we all thought that the relevant power already existed in Scotland.

Finally, paragraph 664 states that Scotland could be seen as a soft touch for traffickers because of the lack of prosecutions. None of us would want that to be the case.

I highly commend the report.

16:34

Hugh O'Donnell (Central Scotland) (LD): I associate myself with Mary Scanlon's remarks about the length of the debate. Given that the report is one of the most substantial reports that the Equal Opportunities Committee has produced in any session of the Scottish Parliament, it strikes me as rather unfortunate, given the seriousness

and importance of migration and trafficking issues, that the time allocated to debating it has been chopped and further chopped.

That said, it was a real pleasure and privilege to be part of the committee. This is a substantial piece of work and I thank the organisations and individuals who came and contributed so much to the information that we have presented here today.

The genesis of the inquiry was in the common misconceptions about migration. I hesitate to contradict the cabinet secretary but, no matter how much we want to believe it, Scotland has not necessarily always had a good reputation for accepting migrants, whether they came from the Highlands to the Lowlands or from across the Irish Sea. Part of our job in the 21st century is to begin to address some of the challenges with the community that we have now, and the report goes a considerable way towards doing that.

At this point, I pay tribute to the Scottish Refugee Council and the Black and Ethnic Minority Infrastructure in Scotland. Those front-line organisations are often the first port of call for migration information.

Christina McKelvie (Central Scotland) (SNP): I know that the Scottish Refugee Council is an organisation that is close to both our hearts. Does the member share my concern that the SRC's information and advice service and its advice service grant are to be cut? One will be halved and the other will be cut by 62 per cent on 1 April. Does the member share my concern that the SRC will not be able to deliver the quality service that it has delivered and that that will lead some people into destitution?

Hugh O'Donnell: That point is well made and I share the member's concern. In due course, individual members might consider communicating with George Osborne about that and about the shutting down of the migration impact fund.

What fascinated me most about the process of the inquiry was the session that we held in Glasgow at which we engaged with and spoke to the migrant workers. It came home to me how different the mythology is from the truth. I will cite a brief example of that. I engaged with a number of people of different nationalities, a couple of whom were using interpreters. When we see someone using an interpreter, we assume that they do not speak English, which is another myth about the lack of skills of the people who come to our country. During lunch, it transpired that the individuals concerned spoke not only English—they had confidence issues—but French, German, Slovak and a little bit of Russian. Speaking to them stretched my French, which is bad at the best of times, to its limits. That brought home to

me the way in which we underestimate the skills, talents and abilities of people, because most of us form our impressions of what migration into the country means from the little box that sits in most of our living rooms. It is not always balanced, equitable and fair.

Given the situation in the eastern end of the Mediterranean and the potential for it to generate refugees and migrants, before anyone publishes anything about migration, they should sit down and read the Equal Opportunities Committee's report.

16:38

Christina McKelvie (Central Scotland) (SNP): The inquiry by the Equal Opportunities Committee was very important and it will make an important contribution to public discourse about migration in Scotland. I do not need to tell anyone in the chamber that migration is a contentious political topic that all too often generates more heat than light. That contentiousness did not form part of the committee's approach and, from the outset, the inquiry was grounded on committee members' shared understanding that migrants have made and do make significant contributions to Scottish social, cultural and economic life. All my colleagues approached the inquiry in that spirit and, as a consequence, it was a positive experience that, if our recommendations are heeded and acted upon, has the potential to lead to positive outcomes.

Our recommendations are wide ranging and cover issues in public services, employment and skills, relations between the Scottish and UK Governments, data collection, and the information and support that are available to migrants. I do not have time to go into all the details about those issues, and I echo the points that other members have made about more time for the debate. The inquiry report has uncovered and collated some genuinely new and useful information on each of those areas and it has made practical and achievable recommendations about how we can move forward.

I think that I am right in saying that the public perception of migrants, the role that the media and politicians play in shaping that perception and the feeling among committee members that there are many myths out there that feed negative attitudes were the starting point for a wider inquiry. For me, it was a bit about myth busting. The evidence that we received made it clear that the general attitude to migrants in Scotland remains, sadly, negative, if not overwhelmingly so—we got some good examples in the inquiry. Prejudice exists and it will, as the report acknowledges, continue to exist in some folk even when they are in full possession of all the facts. There is no doubt that prejudice

grows as a result of ignorance and misinformation and that, by busting the myths about migration, we have a better chance of building understanding across our communities. One of our central recommendations is that a concerted programme of education and awareness raising that is led by Government and extends right across all public services should be undertaken.

I am pleased that the Scottish Government's response to the report is unequivocal in its recognition that political leadership is at the heart of achieving the tolerant and cohesive society that we wish for. That leadership must come not just from Government, but from all of us who have been elected to political office. We have a responsibility to the communities and the nation that we serve to challenge myths and ignorance and to refuse to pander to media that, as we heard in evidence, too often seek to blame migrants for society's ills. We do not have to be strident, but we have to be steadfast. The committee's report gives us some of the tools that we need to perform that task.

I want to touch on trafficking, as it is close to my heart—I am a campaigner for Stop the Traffik. I am extremely disappointed by Damian Green's response to our report and that he will not pursue a right of appeal on the status of a trafficked person. The right of people to appeal should be built into the national referral mechanism. I am very disappointed that Damian Green will not pursue that.

Trafficking was a major element of the inquiry. I wish that we had more time to talk about it, because some things that came out about it were heart wrenching. We heard extremely sobering evidence that made it clear that, although our knowledge of the nature and extent of trafficking in Scotland is growing, it is still far from adequate for us to be able to take on the traffickers as effectively as we need to. Trafficking is invidious and hidden.

I acknowledge the strong stance that the Scottish Government has taken against trafficking and that its efforts are sometimes frustrated because some powers are reserved to the UK Government. Obviously, I would say that, because I think that they are, but I also argue that we all have to raise our game in the face of the problem. Again, I refer to Damian Green's response. I am disappointed that the UKBA is still refusing to communicate with MSPs on an equal footing and is not giving us parity with MPs. That is a real mistake.

I hope that the anti-trafficking provisions in the Criminal Justice and Licensing (Scotland) Act 2010 will help to bolster the legal fight against traffickers, and I urge the Government to keep a close eye on the impact of those new provisions.

Ultimately, nothing will more strongly send the message that Scotland does not tolerate trafficking than a successful prosecution that leads to the conviction of traffickers. As we have heard, that has not yet happened here, but I know that the Scottish Government and the Cabinet Secretary for Justice are working towards that and are committed to achieving it.

16:43

Malcolm Chisholm (Edinburgh North and Leith) (Lab): Given the short time that we have for speeches, I will limit my remarks to the scourge of human trafficking, which is, according to the UN Office on Drugs and Crime, the fastest-growing international crime. Because of its covert nature, we can often only guess at its true scale, but it has been estimated that between 600,000 and 800,000 men, women and children are trafficked across international borders each year.

The number of those people who end up in or passing through Scotland is unclear. One of the key concerns that was raised in the inquiry was the paucity of data across the UK and for Scotland in particular, so I welcome the news that the new Scottish intelligence and co-ordination unit is due to complete its strategic assessment of the scale of human trafficking in Scotland some time next month. I hope that we hear more about the results of that research then. I also welcome the multi-agency working of that unit and of the Scottish Crime and Drug Enforcement Agency, of which it is part. I hope that they can find a way to work with front-line specialist support agencies on data collection issues and service delivery more generally. Specialist support agencies are vital in identifying victims of human trafficking and ensuring that they are provided with the right type and quality of support to meet their needs. It is essential that they are adequately financed.

In Scotland, the TARA project has been hailed by organisations such as Amnesty International and the Poppy project for its commitment to providing a quality, victim-centred approach for women trafficked for sexual exploitation. We heard evidence, however, that although in theory TARA now offers Scotland-wide support, in practice it is not resourced at a level that enables it to provide a high level of support to people throughout Scotland.

The Cabinet Secretary for Justice told the committee that negotiations on funding were still under way but that the Scottish Government hoped to be able to offer funding to allow for further expansion of TARA's services across Scotland and to address problems with access to mental health support.

Investment in initiatives to map and prevent trafficking and to bring to justice the perpetrators through the human trafficking unit of the SCDEA is important, but it is vital to maintain a victim-centred approach through adequate funding of front-line support services.

The report by the anti-trafficking monitoring group, "Wrong Kind of Victim?", which provides a fairly comprehensive review of measures to implement the European convention against trafficking since its ratification in the UK, states that the national referral mechanism is "not fit for purpose" and is not working as an effective means of identifying and providing support to potential victims of trafficking.

A key concern highlighted in evidence is that the immigration status of any referral appears to be a key factor in deciding whether that person will be found to be a credible victim of trafficking. We heard that in the first nine months of its being in place, 76 per cent of UK nationals referred to the national referral mechanism were officially recognised as being trafficked. In stark contrast, only 29 per cent of non-British EU nationals and a mere 12 per cent of third country nationals were officially recognised as being trafficked.

People are getting negative asylum decisions in the same letter as that which tells them that they are not believed to be trafficking victims. That process is clearly discriminatory and the committee recommended that the Scottish Government should consider setting up a localised multi-agency NRM alongside a local infrastructure of support. Decisions on the trafficking status of victims could be made in isolation from asylum decisions and the welfare of the potential victim should be the primary concern. I therefore urge the Scottish Government to reconsider the recommendation.

Although the committee was pleased to hear that traffickers are being convicted for charges including brothel keeping and illegal earnings, we remain concerned that, to date, there have still been no convictions for trafficking offences in Scotland, despite there having been more than 100 convictions south of the border. It is imperative that we fully understand the reasons for that, whether it is due to problems with legislation, the difference in burden of evidence, knowledge gaps within the police or judiciary, or something else. I had a lot more to say about that, but my time is up.

I welcome the shared commitment around the chamber to a strong and positive response to human trafficking in Scotland and feel confident that we are making good progress in beginning to tackle this heinous crime.

16:47

Stuart McMillan (West of Scotland) (SNP): I, too, express my thanks to the clerking team for their hard work and dedication throughout the inquiry. The committee ensured that a wide range of voices and opinions was heard, which was certainly advantageous to the inquiry.

The Equal Opportunities Committee has produced a piece of work that is helpful in relation to both the wider debate about migration in Scotland and the issue of trafficking.

In the short time that I have been a member of the committee it has proven to be a committee with very little in the way of party politics, and for that I commend every member. The report is testimony to the committee's joined-up approach to establishing the facts behind serious issues for today's world.

I am delighted that we have produced an evidence-based report that scotches the myths about migrants taking all the jobs and costing the taxpayer vast sums of money.

The report, which was agreed by all parties on the committee, recognises that migrants can and do play an important social and economic role in Scotland. From employment to education and many more areas within Scotland, migrants contribute vastly to our country.

One example that we did not touch on in the inquiry but which I want to highlight now is the importance of migrants in football. Most Scottish football teams either have had or do have players from outside Scotland. Celtic Football Club, Rangers FC and my own team, Greenock Morton, have all had players from other countries. Morton currently has a player from France and in the past we have had players from Finland. One thing about football is that we do not hear footballers being criticised for coming to this country to play football and nor should they be.

Being involved in this inquiry opened the eyes of all members to some of the erroneous language used in the media, such as "bogus asylum seekers" and "illegal immigrants". The issue highlights the importance of the power of the media and how they can influence public opinion—that has already been mentioned.

The evidence that we received in the session with the minister was very direct and to the point, and I am sure that it struck a chord with not only parliamentarians in the chamber, but everyone outside the chamber who works with migrants and asylum seekers on a daily basis.

As other members have made clear, the evidence session that we held in Glasgow city chambers, in which we spoke to many people from a range of nationalities and backgrounds, was

absolutely fascinating. I always feel that taking the Parliament out to people, particularly in the way in which that session was facilitated, ensures that we get to the nub of the matter and extract the issues directly with a minimum of filtering. That can be only a good thing for policy makers and I hope that we can all learn lessons and work to improve the lives of everyone who lives in Scotland.

The report has 159 pages and 700 paragraphs, and no member who speaks this afternoon has any chance whatsoever of doing its content any justice. Some members have already mentioned trafficking, and I am sure that we will hear more about it later. Clearly, more needs to be done to combat what is a disgusting and hideous practice but, as we will all appreciate, the task is not easy. The underworld is certainly intent on keeping this crime part of its empire but we parliamentarians and, indeed, everyone in the public sector must get to grips with the fact that lives are wrecked as a result of trafficking and must work to get those people back on track.

Time is short and I must apologise for concluding on a negative point. I am disappointed that the UK Government has not responded to our report until today. Given that the report touches on devolved and reserved issues, it was right that it provided a response, but I suggest that waiting until the day of this debate to do so is not in the spirit of the report and does not reflect the consensual manner in which we approached the topic.

Nevertheless, I am happy to say that we have produced a body of work that all members can rightly be proud of. This is just the start. The hard work of repairing broken lives and turning around the misconceptions held by many people starts now and we need to do more to deal with trafficking and to bring those responsible to justice.

I commend the report to the chamber.

16:52

Elaine Smith (Coatbridge and Chryston) (Lab): Early in 1948, a plane deporting migrant workers from the United States to Mexico crashed. In his song "Plane Wreck at Los Gatos", Woody Guthrie displayed his anger at the prejudice faced by those people, even in death:

"The sky plane caught fire over Los Gatos Canyon,
A fireball of lightning, and shook all our hills,
Who are all these friends, all scattered like dry leaves?
The radio says, 'They are just deportees'."

We cannot continue to delude ourselves into thinking, more than 60 years later, that we in Scotland do not have problems with the perception and treatment of migrants. This report shows clearly that we do.

Of course, many organisations—for example, the Scottish Refugee Council, the Black and Ethnic Minority Infrastructure in Scotland and Unite Against Fascism—have known that fact for years now and the trade unions are making every effort to tackle the many issues that are involved. Indeed, every year on St Andrew's day the Scottish Trades Union Congress holds a march against racism. Last year, the STUC general secretary Grahame Smith said:

"Racism and discrimination have no place in our society. It is vital that we continue to challenge racism in all its guises and we have to ensure that black and minority ethnic workers are fully involved in our 'There is a Better Way' campaign to challenge any discrimination against black workers as the cuts take effect."

Although the committee's excellent report provides a good resource for the Parliament to continue tackling prejudice, exploitation and misinformation, Mary Scanlon was right to point out that it only scratches the surface. Unfortunately, as I suspected, the evidence taken by the committee shows that the public perception of migrants in Scotland is generally negative, with little distinction made between asylum seekers, refugees or migrants. The terms are simply not well understood. As Stuart McMillan pointed out, the term "bogus asylum seeker" has entered common usage, even though it is nonsense. After all, anyone who seeks asylum cannot be bogus or illegal. There is also a sad lack of understanding that anyone who flees their own country hardly does so on a whim; undoubtedly they are escaping war, violence or fear of persecution. Moreover, there is little knowledge of the positive contribution made by migration to our communities, although the committee has noted Scottish Government research carried out in 2009 that shows such an impact.

Although some sections of the Scottish media have adopted a more positive tone, overall reporting of migration issues has not been well balanced, with negative stories given prominence. However, the NUJ issued helpful guidelines following work carried out in conjunction with the Scottish Refugee Council, Amnesty International and Oxfam. Paul Holleran of the NUJ gave the committee some positive evidence on good practice.

A major conclusion by the committee was that politicians need to be well informed about migration in order to be able to speak responsibly on the issue and that they need to be mindful of the consequences of any public pronouncements that they make. That is important. Perhaps the report should be compulsory reading for all MSPs or even wider than that.

I urge the Scottish Government to reconsider its refusal to take forward an awareness raising campaign. Such a campaign would help to bust

the myths and inform the public that migrants' demands on public services are not as high as those of the general population. Migrants are housed largely in private rented housing rather than social housing, and migrants do not depress wages. Overall, migrants pay more in taxes than they receive in benefits and public services. Those are important facts that need to be widely known and understood.

The other part of the inquiry was about human trafficking. It is horrifying to realise that we are surrounded by modern-day slavery. Ignoring it is not acceptable and silence would make us complicit in the crime. As we have heard, trafficking can include forced labour, domestic servitude or sexual exploitation. Evidence was provided with regard to racism pervading sexual slavery, with women being marketed according to racial stereotypes.

Another piece of evidence, from TARA, highlighted the link between the making of pornography and sexual exploitation. I wanted to say more about that but, sadly, I have run out of time. Freedom for Scotland's slaves must be a top priority for the Parliament in the next session.

The inquiry acknowledged that it has only scratched the surface of this major issue. We cannot continue to put up with attitudes of racism, misinformation, prejudice and enslavement. Public policy, action and funding must be directed at eliminating this scourge from our society.

16:56

Christopher Harvie (Mid Scotland and Fife) (SNP): I, too, thank the Equal Opportunities Committee for its report and Margaret Mitchell for her lucid and liberal introduction.

Having lived and worked as an economic migrant in Germany for more than 25 years, my experience has given me a certain insight into the problems that one can face. I ended up as a person sufficiently homogenised to stand as a candidate for the German Social Democratic Party in the Baden-Württemberg local elections. An even more desperate case was David McAllister, a Scottish Tory in search of a mandate, who had to go to Lower Saxony to become Minister-President there, on which I congratulate him. A fairly implausible prospect awaited him in Scotland.

Working closely with immigrant communities in Kirkcaldy, I have seen the problems that confront such groups. In that context, I wag a finger at certain universities in Scotland that, by closing down the European language departments that are so important, especially for areas of eastern Europe such as Poland and Russia, are not doing their best to facilitate integration. Such closures affect the linguistic capabilities of people who

come to Scotland and makes it more difficult for them to adjust to the business of living here and making themselves into citizens of the country.

We need the devolution of immigration policy as a whole, the Scottish demographic being one that is favourable to migration. We should consider our need for the skilled labour that we are finding it difficult to produce in Scotland to tackle issues such as renewable opportunities in the North Sea.

We must also place the debate in the context of an international situation that is becoming much more fragile. Some members may have read Misha Glenny's euphoric book "The Rebirth of History", which was about the liberalisation of east Europe in 1991. I do not know how many members went on to read the sequel, which was called "McMafia: Seriously Organised Crime". The book came out in 2005 and was a lot less idealistic.

People trafficking is only a segment of an enormous number of illegal transactions between countries. Every year, £390 billion goes on drugs, so the £30 billion that is formally attributable to the traffic in illegal migrants is relatively small, but the two can be linked, as we can see from the cannabis farms that have grown up in Scotland.

The weekend before last, the *Financial Times* did an article on the business of money laundering and the recycling of totally criminal proceedings. The article stressed that, because the financial transactions that are carried out in what we could call the world of moral hazard have become so extensive and complex, it is almost impossible for dealers in those businesses to tell which transactions are legal and which are dodgy. Whereupon, the reporter tells us, the various dealers concerned nearly laughed their heads off.

17:01

Bill Kidd (Glasgow) (SNP): I am pleased to take part in this debate on the Equal Opportunities Committee's report on migration and trafficking because I was a member of the committee when the issue was first considered. I am pleased that the report has been produced. It was a long and complex inquiry and it has proven to be worth while.

Migration is a natural human trend. If it were not, we would all be living in a congested great rift valley in Africa. It is important that migration is not looked on as some sort of bogeyman, as much of the red-top populist press and outrageous media present it. Of course consideration must be given to available resources in every country, and there should be serious consideration of integration issues with local communities and migrants, but if the starting point is one of rabid negativity, the outlook for humanity and dignity is very poor, as is

the outlook for the potential benefits that we in Scotland, as a host community, can accrue from migrants.

Some of the issues relate to matters that are presently reserved to Westminster. One of those, which is well documented in the report, is the failure to collect viable and accurate data on migration. Improved data would enable resources to be better focused for the benefit of agencies and migrant groups. However, the provision of some local services is within the remit of the Scottish Government and its delivery agencies, such as those in health, education and policing. An obvious concern about the services that are devolved to Scotland is that migrants frequently fail to register with a general practitioner and thereby fail to receive the full benefits of the national health service. Similarly, schooling and housing services are often less well used by migrant individuals and their families, as they do not have a support group or signposting to services.

I am glad, therefore, that the Scottish Government has committed additional funding in 2011 for the teaching of English to speakers of other languages and that, through COSLA, resources have been made available for the local authority toolkit and the development of the relocation advisory service. I attended the Glasgow evidence-taking session that has been mentioned a few times and came away with some cases. I found local authorities supportive in helping with those cases.

Trafficking is a disgusting 21st century slave trade. It is often hard to identify because of the violent criminal nature of the beast and its international tentacles but, given the cross-border co-operation between the Scottish Crime and Drug Enforcement Agency and Europol and the work of TARA here in Scotland, there are signs that we are probably heading in the right direction, even if we have not quite got there yet. As the report says, TARA must be strongly commended for its hard work in helping the victims of trafficking to come forward and speak about traffickers and at the same time to receive help in recovering from their various ordeals. I say "various" because trafficking is not always about sex slavery and forced prostitution; there are other forms of serfdom to be found—in factories, farms and even private households.

It would be extremely useful if the Gangmasters Licensing Authority could operate more successfully and more widely in Scotland—I think that it is not legally allowed to do that at the moment.

I congratulate the continuing members of the Equal Opportunities Committee on their hard work—without me—and on their dogged

persistence in following through this important report. It is a credit to the Scottish Parliament that the report has been produced. I look forward to hearing the minister's response.

17:05

Robert Brown (Glasgow) (LD): I join others in thanking the Equal Opportunities Committee for its work on this matter. The report is substantial, has on-going aspirations and will be supplemented later this year by the report of the inquiry into the extent and incidence of trafficking in Scotland that is being conducted by Baroness Kennedy under the sponsorship of the Equality and Human Rights Commission.

I have been struck by the personal anecdotes and experiences that committee members gathered from people during their inquiry, which they have highlighted today. One of the strengths of the Parliament is that members can learn from engagement with the public and are able to widen their experience and expertise. It is also important to note that the Cabinet Secretary for Justice and the Minister for Housing and Communities have been present for the debate; this issue goes wider than any one department and certainly wider than law enforcement. I take issue with Richard Baker's emphasis on the changes in the law that he seeks. There might be some justification for that view, but we have to take an evidence-based approach not only to legislation but—much more important—to the administration and policy side.

I echo the point that Mary Scanlon and Christopher Harvie made about the importance of language—particularly of learning English. It is an issue of empowerment. As the committee suggests, we must do everything we can to remove barriers in the way of people who want to learn English, whether they be time, accessibility, geography or whatever.

Although I do not quite get the image of Christopher Harvie as an homogenised German, I can say with some certainty that his presence in Germany was a result of migration, not trafficking. Like Malcolm Chisholm, I want to concentrate on trafficking.

I think I was the first MSP to raise the possibility of the Glasgow Commonwealth games acting as a magnet in terms of people being trafficked. I believe that that has been the experience in relation to Commonwealth and Olympic games elsewhere and we would be making a big mistake if we did not see the possibility of its being the case with the Glasgow Commonwealth games. I was struck by the mismatch between the lack of prosecution in Scotland and the number of victims of trafficking who are being supported by TARA. There is something not quite right there. It would

be helpful if the cabinet secretary or the minister—whichever winds up the debate—could give us an update on the work that is being done by the multi-agency group that has been established by Strathclyde Police to deal with this matter in the lead-up to the Commonwealth games.

The Amnesty International report suggests that Glasgow has something like 13.5 per cent of the people who are trafficked into and, just as important, within the UK. I confess that I find that an extremely precise figure, given that this is such a vague area. As Bill Kidd said, the issue involves not only sexual exploitation but labour exploitation. Aidan McQuade, the director of Anti-Slavery International, said:

“There is a fundamental misunderstanding that trafficking is an immigration crime when it is in fact a crime of exploitation and forced labour”.

The last point that I want to make in this short debate is that we have to have a focus not on the immigration status but on the trafficking aspect. That is important.

The background to this debate is a serious human tragedy that affects many people. We have to deal with it as effectively as we can, despite the different views that are held across the chamber. The committee's report has made a substantial contribution that I am grateful to be able to welcome this afternoon.

17:09

Jamie McGrigor (Highlands and Islands) (Con): I am pleased to close this important debate for the Scottish Conservatives. Like other members, I pay tribute to the excellent work of my friend Margaret Mitchell and commend all the members, clerks and support staff of the Equal Opportunities Committee for another very thorough and useful report. Thanks should also go to all those who gave evidence, both oral and written. The debate has largely been constructive, as befits the subject, and there have been some excellent speeches. Given the importance of the issues that we have been talking about, the debate could have gone on for much longer.

One theme that emerges strongly in the report, which has been raised by several members today, is the lack of meaningful data about migrants who live and work in Scotland and the difficulties that that can cause. I hope that the UK Border Agency will seriously reconsider the committee's suggestion that migration figures be produced on a Scotland basis, not just a UK basis. As we heard, the lack of meaningful migration data is felt especially acutely in the education sector, in which the planning of services is so important.

Paragraph 62 of the report talks about the working in Scotland scheme, which allowed

international students the opportunity to remain in Scotland to work for up to two years following their graduation from a Scottish university or college. That scheme attracted more than 8,400 graduates—the brightest and best students from around the world—and seems to have been a very good idea. I happen to know that it was particularly valuable to those at art colleges who were able to stay here and paint some of Scotland after they finished their work in college.

The committee also makes important recommendations for tackling negative perceptions of migrants in Scotland. MSPs and other elected representatives have an important role to play in tackling prejudice and misconceptions. As Mary Scanlon rightly highlighted, businesses in the Highlands and Islands—not least those in the tourism and aquaculture sectors—and our public services have benefited hugely from the contribution of migrant workers. We need to recognise that and talk up the many positives that are associated with migration to Scotland.

The committee's conclusions on trafficking are practical and common sense, and they will receive support from across the chamber. Human trafficking is a vile and malevolent trade that all agencies at every level must work to prevent, but we need accurate statistics to ensure that we are directing appropriate resources to tackle it. Close and effective working relationships between the Scottish and UK Governments are essential, so I welcome the response of Damian Green, the UK Minister for Immigration, to the committee's report and the news that the UK Human Trafficking Centre will hold a trafficking training day in Glasgow for all agencies next month. It is also appropriate that the Scottish Government examine what more it can do to push forward an anti-trafficking agenda, raising awareness of the problem and the assistance that is available. In addition, the Scottish Conservatives acknowledge the important role that the voluntary sector plays in supporting migrants and the victims or potential victims of human trafficking.

As Margaret Mitchell and others have said, concerns have been expressed that the London Olympics next year and the Glasgow 2014 Commonwealth games could lead to an increase in human trafficking, which makes the debate even more timely. It would be a travesty if the potential of those mega-events to achieve so much for nations across the globe was in any way negated by an increase in human suffering.

The Scottish Conservatives welcome the Equal Opportunities Committee report and the debate. The report is an important basis on which to move forward on these matters and will be of real use to

the Government and the Parliament more widely in the years ahead.

17:14

James Kelly (Glasgow Rutherglen) (Lab):

Like other members, I congratulate the Equal Opportunities Committee, under the competent leadership of Margaret Mitchell, on looking into the issue. The report is comprehensive. The fact that it runs to 700 paragraphs reflects the number of evidence-taking sessions the committee undertook on a wide range of subjects.

The report is an invaluable piece of work that I am sure the Parliament and the Administration after the election will consider. It draws attention to many important migration and trafficking issues. We might not have considered data—which Jamie McGrigor mentioned—to be an issue when the inquiry started. To assess the impact of migration and to develop policies that are positive about migration, we need effective and consistent data across the UK and we need data to be shared in the UK and Scotland. It is disappointing that we have no Scottish subset of data.

Several members made good contributions on public awareness about migrants. Elaine Smith argued strongly that we still have much to do on public education. In the history of Scotland—particularly in the past 100 years—we have a proud tradition of bringing in people from other countries, who have settled and contributed here. However, that has not been without difficulties, and—sadly—that remains the case in 2011.

The media are partly to blame. As Stuart McMillan said, some terms that the media use about migrants are unacceptable. The points that the committee makes about public awareness are important not just for the Parliament but for the media and wider society to take forward.

We must continue to reinforce the message of fair treatment for migrants. It is sad that too many employers do not give migrant workers appropriate contracts. The committee's report highlights that some employers withhold migrants' passports, which is unacceptable. Migrants' rights are undermined, as Richard Baker and Bill Kidd said. We must stand firm against the gangmasters on such issues.

Pointing out the contribution that migrants make is important—Christina McKelvie made an articulate comment on that. It is also important to give migrants appropriate access to services.

Malcolm Chisholm outlined how trafficking continues to grow. Robert Brown highlighted—as he has before—the fact that trafficking could be a problem in relation to the Commonwealth games. A major issue is that no prosecution for trafficking

has occurred in Scotland. That might send the message that we are not as proactive in pursuing trafficking criminals as we should be, which lends weight to Richard Baker's argument that legislation is required to reinforce prosecutors' actions.

The debate has been excellent and the report is important. I am sure that the work will be taken forward.

17:18

The Minister for Housing and Communities

(Alex Neil): The debate has been interesting and helpful. The view in the chamber on migration and trafficking has been universal. Like everyone else, I commend the committee—under the first-class convenership of Margaret Mitchell—for the way in which it conducted the inquiry and for conducting its work professionally during the parliamentary session.

The debate is a testament to our pride in our migrant populations in Scotland. It is heartening to hear that colleagues from across the political spectrum agree that migrants continue to make positive social, economic and cultural contributions to shaping Scotland.

I will pick up on as many points that have been raised as I can. I will start by tackling migration issues. We all agree that migration is a key element of economic growth, which is the Government's number 1 policy priority and is probably a priority that is shared across the chamber.

We believe that the current devolution settlement makes it more challenging for Scotland to address our unique demographic and population issues. Throughout the debate, we have talked about the need for us to provide leadership and strong messages of support to migrant communities and said that we should try to combat overtly negative press and ill-informed attitudes towards migration. I believe that the committee and the Parliament have demonstrated that leadership today as well as the need to raise that awareness.

It is particularly challenging for Scotland to disseminate welcoming messages across the world, as it is, when the UK Government is actively discouraging immigration by placing an annual limit on it. We will continue to press the UK Government to consider a more flexible approach that reflects Scotland's needs and, indeed, the needs of the wider UK economy. That position is reflected right across industry and society as a whole. As David Lonsdale, the Confederation of British Industry Scotland's assistant director, said about migration:

"It's important that we get the structure right and that sufficient flexibility is built in so that highly skilled people who are essential to work being done in Scotland can get a work permit more readily".

Also, the Federation of Small Businesses said the cap was the

"economics of the sixth form"

and claimed that it could stop businesses filling vacancies during times of high demand. On the other side of industry, both the Scottish Trades Union Congress and Unison have commented on the issue. The STUC said that

"Migrant workers bring valuable skills and are valuable members of our community"

while Unison said that

"public services in Scotland would struggle to cope without the skills of migrant workers."

As a number of members said, it was helpful that the committee heard evidence that people and the press in Scotland are more positive towards migrants than is the case in other parts of the UK. The Government agrees that more needs to be done, however. As Elaine Smith highlighted in her speech, sections of press coverage remain overwhelmingly negative. As a Government, we recognise that we have a role to play in pressing home positive messages and tackling racism and misunderstanding where and when we can. For example, the Scottish connections hub in the one Scotland, many cultures anti-racism website celebrates the benefits of migration to Scotland. We are clear that asylum seekers, refugees and migrants must be treated fairly and humanely and must be welcomed and supported.

We continue to work with strategic partners such as BEMIS and the Scottish Refugee Council to look at ways to raise awareness and dispel myths about migration in our communities. That work is supported across Scotland. Academics at the University of Stirling have said that the way in which news on immigration issues is framed in Scotland differs from the way in which it is framed in other parts of the UK. They have noted that when Scotland-based media run inaccurate headlines, articles or television pieces on asylum seekers and immigration, they tend to respond more quickly to criticism than do those based in other parts of the UK. That is not to say that everything in Scotland is rosy—far from it—but we need to celebrate the positives as well as challenge and face up to the negatives.

There are many other issues that I would like to cover, but unfortunately I do not have time. It is very important that on issues such as migration and trafficking the Parliament speaks with one voice: we all need to say that, on this issue, we will not separate on party-political lines. On that basis,

we can all be proud of the debate that has been held today.

17:24

Marlyn Glen (North East Scotland) (Lab): It was over a year ago that the Equal Opportunities Committee decided to hold an inquiry into migration and trafficking. During the inquiry we heard from more than 50 witnesses at 11 meetings and took evidence from 25 migrants, who had come to Scotland from all over the world. We have published a report that runs to more than 150 pages and reached more than 140 conclusions. Despite that, we agree that we have probably only scratched the surface; these are truly huge issues.

A great deal of work continues to be done. As we have heard, the Equality and Human Rights Commission is undertaking an inquiry into human trafficking. Also, Scotland's Commissioner for Children and Young People has commissioned research into the prevalence and nature of child trafficking. It will be published next month. We therefore suggest that our successor committee might want to take further evidence on those issues as an important follow-up in the next session of Parliament.

We hope that our report will help to inform work that will be done in the next session and has helped the debate on migration and trafficking more generally. We hope that it will help make a difference. Given what we heard in evidence, we hope that it will help bring people round the table to work together, because, unfortunately, it is clear that there are barriers to effective working between levels of government and agencies on both issues. A lack of concerted effort and co-operation has an impact not only on individual migrants and the victims of trafficking but on our society as a whole. I welcome the cabinet secretary's recognition of the importance of partnership working.

As has been said, Scotland must be involved in developing migration and trafficking policies if we are to ensure that policies are well informed and we can deliver the services that we need for all our population.

We must have resources in place to provide information and support to those who choose to come to work or study here. At the moment, many migrants are floundering because the services are not in place. They tend to find out things from their local communities, because they do not know where else to turn.

Many migrants bring skills and experience with them to Scotland—and not only in football, which Stuart McMillan used as his main example. Despite that, we are turning many away because

we do not accept the qualifications that they already have. Migrants therefore take unskilled jobs or they take their skills and experience elsewhere, and Scotland is put at an economic disadvantage.

We are also concerned about the lack of engagement between Scottish employers and the Migration Advisory Committee. There needs to be much better engagement to ensure that the most accurate and up-to-date information is available, so that Scotland is best placed to address skills shortages.

How the media cover the subject of migration is also crucial, as Elaine Smith, Bill Kidd and others outlined.

As for trafficking, I echo Malcolm Chisholm and commend the report and findings of the anti-trafficking monitoring group, "Wrong kind of victim?", which the committee found most useful in its deliberations. We agreed with much of the report, especially in relation to the national referral mechanism, on which we have made a number of recommendations.

I also want to mention the important role played by support agencies such as TARA and the Poppy project, which gave evidence, in identifying and supporting women who have been trafficked for sexual exploitation.

Victims must be able to access support services in Scotland, and yet we heard evidence that suggested that some were having to go to England for such services because they are not available here. Scotland must be able to provide appropriate services, which should include the provision of 24-hour residential services and the availability of translation and legal representation.

The report expresses the serious concerns shared by Jim Hume, Richard Baker and others about the complete lack of prosecutions for trafficking. We hope to see progress on that in the near future.

I believe that the committee's inquiry has made a major contribution to the on-going debate in relation to migration and trafficking. I sincerely hope that it will help to eliminate some of the myths about migration. As Christina McKelvie said, we politicians have a responsibility to ensure that people are aware of the facts and of the positive contributions that migrants make to our economy and our society. We need to be aware of the issues and the facts, so that we can help and not hinder.

We also have a role to play in helping migrants in our communities engage with the political process, so that their voices can be heard and positive change can happen.

As has been said, we also need to do much more to tackle trafficking to ensure that Scotland is not seen as a soft touch for traffickers. We need to ensure that we have the penalties and procedures in place to act as a deterrent, and we need the UK Government and its agencies to co-operate fully.

This has been a useful and timely debate, although it was rather short. I sincerely hope that it helps to make a difference to people's lives.

Energy Bill

The Presiding Officer (Alex Fergusson): The next item of business is a debate on motion S3M-7945, in the name of Alex Neil, on the Energy Bill, which is proposed United Kingdom legislation.

17:30

The Minister for Housing and Communities (Alex Neil): This is a rather versatile day of business, Presiding Officer.

I welcome today's opportunity to highlight the benefits of the UK Energy Bill, in particular the green deal policy benefits that can be brought to Scotland. The Energy Bill had its first reading in the House of Lords on 8 December 2010, had its second reading on 22 December and has now completed its committee stage. The report stage will begin on 2 March.

I assure the Parliament that the Scottish Government is working closely with UK Government ministers and officials on the content of the bill. We have negotiated a number of changes to ensure that Scottish circumstances have been taken into consideration and written into the text of the bill, and I sit on the green deal ministerial oversight group.

Many of the bill's provisions are reserved to the UK Parliament, and we are principally concerned with those provisions that fall within the devolved competence of this Parliament, particularly those that come under the legislative consent motion that is required to allow the UK Parliament to legislate on these matters.

Rest assured that the LCM is not a blank cheque to allow the UK Government to implement the green deal in a manner that disadvantages Scotland. We will be actively involved in the development of the policy at every stage in the future, as we have been recently, and we will ensure that the requirements of Scotland are recognised.

I will now give the Parliament a brief overview of those provisions that are devolved and of the Scottish Government's views on them. First, the green deal and the energy company obligation—the ECO—provide the opportunity for significant investment in sustainable energy measures. We need to ensure that as much of that investment as possible comes to Scotland to top up what we are already doing and will continue to do ourselves. Many of the finer points of the initiatives will be outlined in secondary legislation following the passage of the Energy Bill, so we do not yet have the answers to specific questions about targets and how they will work in rural areas. Members should rest assured that we will continue to work

closely with the UK Government as the bill is developed to ensure that its provisions are designed and delivered to recognise issues that are specific to Scotland.

Patrick Harvie (Glasgow) (Green): Given the close involvement that the minister is suggesting the Scottish Government should have with the green deal and its implementation, can he set my mind at rest on a few points as to why we should vote for the LCM? The green deal does not seem to be offering loans at anything cheaper than market rate, so I am left wondering what the "deal" bit of the green deal is all about.

The subordinate legislation that the minister mentions is due to be handled at Westminster, I understand, so—

The Presiding Officer: I must hurry you, Mr Harvie—we have little time.

Patrick Harvie: What opportunity will this Parliament have to ensure that the new arrangements are more suitable for allowing additional action in Scotland than the previous arrangements were?

Alex Neil: Mr Harvie should listen to what I have to say, as I am sure that I will be able to reassure him on all points.

The stakeholder input and the views of the Economy, Energy and Tourism Committee will be extremely valuable to us as we present to the Department of Energy and Climate Change what it is that Scotland wants from the initiatives. DECC held its first stakeholder event on the ECO last week, and it has given a commitment to take away the comments and issues that were raised and to feed them into the development of the policy.

The private rented housing sector is key to ensuring that Scottish ministers can influence delivery in respect of key devolved aspects of the policy, including those that affect the private rented sector. The Scottish Government is committed to ensuring that all Scottish building owners and tenants have full access to UK Government energy efficiency programmes, including the green deal, as well as to our own programmes in Scotland.

Cathie Craigie (Cumbernauld and Kilsyth) (Lab): Will the minister take an intervention?

Alex Neil: I am sorry, but I do not have time.

We note the UK Government's proposals to introduce new powers to regulate private landlords, to ensure that private tenants can access energy efficiency improvements to their homes through the green deal. We note that regulation in that regard would not be in place in England until 2015 at the earliest.

The Scottish ministers already have powers to enable the regulation of energy efficiency across all tenures, under the Climate Change (Scotland) Act 2009. The new powers that are offered through the LCM would not alter or weaken existing legislation-making powers but would expand the options that are open to us. We will therefore consider the UK Government's proposals in the context of our powers and the needs of the people of Scotland. We will make a statement on our position in respect of the use of our regulation-making powers in the 2009 act by the end of March.

The proposal to deliver the green deal by building on the current system of energy performance certificate assessments is not a barrier to implementation in Scotland. The bill will enable delivery of that intent. The Scottish Government will continue to work with Whitehall to ensure that subsequent framework regulations, which implement the green deal, recognise and accommodate differences in process in Scotland. I confirm that there is scope for looking at improving the information that is presented in, for example, the energy report that the energy performance certificate process produces. However, until the requirements of a green deal assessment are set out in detail, we cannot determine what additional measures might be needed.

The Presiding Officer: You must close now.

Alex Neil: I will cover the repeal of the Home Energy Conservation Act 1995 in my closing speech.

The Presiding Officer: I am sorry to hurry members, but there is no time available.

Alex Neil: I move,

That the Parliament agrees that the relevant provisions of the Energy Bill introduced in the House of Lords on 8 December 2010 relating to the creation of powers to develop a new Green Deal for energy efficiency measures, the repeal of the Home Energy Conservation Act 1995, enabling the Coal Authority to charge for services and to implement additional measures to make improvements to regulatory frameworks for the energy markets, so far as these matters fall within the legislative competence of the Scottish Parliament, or alter the executive competence of the Scottish Ministers, should be considered by the UK Parliament.

17:36

Lewis Macdonald (Aberdeen Central) (Lab): The policy objectives of increasing energy efficiency and reducing fuel poverty are widely shared. The issues that we consider today are whether the bill that the Westminster Government has introduced will add value to existing legislation and whether the Scottish Government is right to give the bill its whole-hearted support, especially given that the minister has conceded that much of

the substance will not appear until secondary legislation is produced.

Members of the Economy, Energy and Tourism Committee took evidence on the bill from non-governmental organisations that work in the field and from the Scottish Government. It was hard to avoid the conclusion that even Mr Neil found it hard to understand the purpose of some parts of the Westminster bill that he was defending.

Friends of the Earth Scotland went further. In a briefing paper this week, the organisation urged us to refuse to allow the reappropriation by the UK Government of measures to tackle energy efficiency in the private rented sector and fuel poverty. It is perhaps surprising that Scottish National Party ministers are unconcerned that such views are being expressed in the sector in Scotland.

Alex Neil will recall being asked by the committee what chapter 3 of the Energy Bill will add to the toolkit that is available to the Scottish ministers under the Climate Change (Scotland) Act 2009. He said:

"Chapter 3 will give us a specific power to regulate the private rented sector. We believe that, in effect, we already have that power under the 2009 act."—[*Official Report, Economy, Energy and Tourism Committee, 2 February 2011; c 4751.*]

It is hard to see why ministers are keen for Westminster to legislate on the private rented sector, if that will only duplicate measures that have been agreed by all parties in the Scottish Parliament and put in statute.

Gavin Brown (Lothians) (Con): I heard the evidence that was provided to the committee. We were also told about a specific provision for tenants, which is distinctive. Will the member comment on that?

Lewis Macdonald: The provisions include a responsibility on the tenant to request improvements—not on the landlord to offer them. Also, the powers on energy efficiency in the private sector are limited by clause 50, which provides that they may be exercised only if they

"will not decrease the number of properties available for rent."

If that is what ministers want, surely it would be better for them to explain that in the context of Scottish legislation as it went through the Scottish Parliament.

When he gave evidence to the committee, Alex Neil defended the proposed repeal of the Home Energy Conservation Act 1995, which requires local authorities to set targets in promoting energy efficiency. He said that not enough councils meet their HECA targets. However, a number of Scottish local authorities have used the targets

effectively to make a difference to people who are living in fuel poverty. Scottish Environment LINK told the committee on 26 January:

“We strongly believe that that act should not be repealed; rather, it should be amended or replaced with a duty on local authorities to have targets to achieve energy efficiency in the private housing sector in their areas and to report on the achievement of those targets.”—[*Official Report, Economy, Energy and Tourism Committee*, 26 January 2011; c 4719.]

Other organisations reiterated the point this week. WWF Scotland, for example, pointed out that the proposals in the Scottish Government’s long-delayed energy efficiency action plan

“only extend to strengthening guidance for Local Housing Strategies and there is no requirement or duty to promote energy efficiency.”

At the very time when we should be looking for ways to build on the successes of earlier efforts to improve energy efficiency, ministers in both Governments focus instead only on the deficiencies in HECA in order to remove and not replace an existing statutory duty.

The Scottish ministers should put pressure on the UK Government on proposals that are not yet fully formed, as the minister said. We also want the green deal and the energy company obligation to be amended to deliver for Scotland. If they threaten to take us in the wrong direction altogether, they should be rejected.

17:40

Gavin Brown (Lothians) (Con): I intend to focus my remarks on the issues on which the committee took evidence and on which there appeared to be some dispute, at least initially.

The first of those is the repeal of the Home Energy Conservation Act 1995, which everyone calls HECA. It was suggested that there was a dilution of the provisions because a duty under HECA would become guidance and reporting in a local housing strategy. However, even those who suggested that could see that there were enormous flaws in HECA. Elizabeth Leighton, who gave very good evidence on behalf of Scottish Environment LINK, said:

“We can certainly consider alternatives to HECA, because the reporting requirements alone are enough to drive local authority housing energy officers crazy.”—[*Official Report, Economy, Energy and Tourism Committee*, 26 January 2011; c 4731.]

There are enormous deficiencies in HECA. For example, there are no consequences for a local authority if it does not achieve the indicative targets that are set. We heard evidence that only nine out of the 32 local authorities had hit those targets. There appears to be a broad consensus that HECA is not fit for purpose.

Lewis Macdonald: Does Gavin Brown accept that there is also a broad consensus on the need to replace HECA, rather than simply to repeal it, as is proposed?

Gavin Brown: I accept that there is a broad consensus that we need to ensure that energy efficiency continues to be a focus for local authorities. Norman Kerr, who took a balanced view throughout, stated:

“Should it be repealed, it will be important to replace it, perhaps with other duties in local housing strategies that will continue to make fuel poverty and energy efficiency a focus for local authorities.”—[*Official Report, Economy, Energy and Tourism Committee*, 26 January 2011; c 4720.]

The combination of the Scottish housing quality standard and the fuel poverty element of local housing strategies in action so far has probably had a bigger effect than HECA. If they were to be strengthened, they would probably have a bigger future effect than HECA. On that basis and having listened to the evidence, I am not concerned about the repeal of the act.

The other issue concerned the private rented sector. Concerns were raised about the interplay between section 64 of the Climate Change (Scotland) Act 2009 and chapter 3 of the bill. The minister gave us a point-blank assurance that there would be no negative impingement—that question was put to him directly and he answered.

The Government’s legal representatives also gave us a deeper understanding. They stated that, although there is much in chapter 3 that is similar to the Climate Change (Scotland) Act 2009, it contains provisions that give the Scottish Government new powers, albeit subtly, to confer duties on local authorities to serve notices and provisions that deal with tenants. It was stated clearly that the provisions on tenants distinguish chapter 3 of the bill from the 2009 act.

Having had some initial reservations, after examining the Scottish Government’s background paper, I think that the charges have been answered. On that basis, the Conservatives will support the LCM at decision time.

If there is a lesson for the Scottish Government, it is that it would be better to put all the issues into the background paper that goes initially to the relevant committee. The minister answered all the points during his oral evidence, but it would have been better to have had that information in the background paper so that we could have been aware of the issues prior to taking evidence.

17:44

Liam McArthur (Orkney) (LD): I am a little puzzled. I certainly appreciate and share the desire to keep fuel poverty at the front of, and central to, political debate in Scotland. Likewise,

we should keep central the challenge to bear down on harmful emissions and improve energy efficiency. However, it is impossible to escape the feeling that Lewis Macdonald and his colleagues are perhaps playing politics with the motion. Do I believe that the green deal is the last word in tackling the scourge of fuel poverty that does so much to scar this country? I do not, and further work is certainly needed to ensure that it dovetails effectively with other measures that are being taken.

Lewis Macdonald: Will the member give way?

Liam McArthur: I will let in Lewis Macdonald in a second.

WWF makes sensible suggestions in its briefing regarding the development of EPCs and the energy company obligation, for example.

I certainly believe, however, that the green deal has an important role to play in unlocking potentially billions of pounds of investment, creating thousands of jobs, helping to insulate millions of homes throughout the UK and improving the energy efficiency not only of homes, but of our businesses and workplaces.

Lewis Macdonald: Does Mr McArthur have a view on why the bill has come forward at this stage, when it is apparent from everything that we have heard that many of the provisions have not yet been fully formed and are not intended to be produced before the bill has completed its passage through Westminster?

Liam McArthur: A framework has clearly been set, and the minister has addressed the issue of how Scottish interests will be represented through the continuing stages of the process, so I take reassurance from that.

WWF also states:

“The UK Energy Bill contains several provisions that could dramatically enhance domestic energy efficiency activity in Scotland”,

including the green deal and the ECO.

It seems clear that rather than closing off options for taking action as some have suggested, the bill and the motion do quite the reverse. It is my understanding that by agreeing to the motion today, the Parliament will enhance the suite of options that are available to Scottish ministers to act, as the minister reiterated a number of times in his speech.

At a time when we face high and spiralling fuel prices, the bill is a good thing in terms of its substance and the urgency that it shows on the part of ministers. At a time when budgets are tight and set to remain so for some time, an innovative financing mechanism that will allow domestic consumers and businesses to pay back the cost of

energy efficiency improvements through their energy bills, thereby reducing or removing up-front costs, is surely worthy of welcome.

UK ministers have made clear that there will be additional help for lower-income and vulnerable households and hard-to-treat-properties, following on from the refocusing of the carbon emissions reduction target and the smaller and more targeted warm front programme. Again, I assume that Scottish and UK ministers and their officials will need to continue to work closely on the detail of that.

I am pleased that attention is being given to the private rented sector, in which, as I think we would all acknowledge, far more significant improvements in energy efficiency need to be achieved. Again, the detail will need to be thrashed out over the coming months. The suggestion that it may not be possible post-2015 to refuse any tenant who requests a green deal could well go some way towards triggering such an improvement.

Moreover, Chris Huhne confirmed to the Economy, Energy and Tourism Committee that this Parliament's Climate Change (Scotland) Act 2009 could be used in relation to the private rented sector

“to prod the green deal into action.”—[*Official Report, Economy, Energy and Tourism Committee*, 12 January 2011; c 4571.]

That is welcome, and is further proof of the complementary nature of the tools that are now at ministers' disposal.

I am aware of the concerns that have been raised by environmental groups—and again this afternoon—regarding the repeal of HECA. However, a consultation in 2007 showed that two thirds of respondents agreed that HECA should be repealed because it was no longer useful as a driver to improve energy efficiency. Gavin Brown has reiterated some of the concerns that were expressed to the committee in that regard.

I entirely accept that there is a role for such a driver, and the green deal can go beyond what HECA was able to achieve; Norrie Kerr has offered some balanced and constructive proposals in that regard. Given the track record of some local authorities in that area, there is cause for reasonable optimism about how that might be made to work. It is also—

The Presiding Officer: You should close, Mr McArthur.

Liam McArthur: On that basis, I will support the motion this afternoon.

The Presiding Officer: I am afraid that contributions must now be limited to three minutes.

17:48

Rob Gibson (Highlands and Islands) (SNP): I have pleasure in supporting the Government's position this afternoon. Having heard the arguments in the Economy, Energy and Tourism Committee, I am glad that we have agreed that the LCM and the Energy Bill will not impinge on the powers that we have under the 2009 act, which is ours in Scotland and which gives us wide opportunities here.

As we discussed in the committee, the green deal can create many jobs: up to 10,000 jobs may be created in Scotland from the work that will ensue. We therefore have to give it some kind of fair wind.

As for higher fuel bills, the question of how far we can deal with the situation in Scotland is helped by the fact that our ministerial team has ensured that discussions on how the money will be allocated in due course have from an early stage involved our civil servants.

It is not unusual for the detail of such a large bill to be fleshed out in secondary legislation. After all, that happened with the Climate Change (Scotland) Bill, and it happens with practically every bill that is passed by the Scottish Parliament. I do not see what the problem is for Labour—other than the issue that I will deal with in a minute.

Lewis Macdonald: Will the member give way?

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

As far as HECA is concerned, the Government believes that we will increase the degree of effort that we make on energy efficiency by raising the housing quality standards that will be demanded after 2015; indeed, there are already much tougher quality standards in place. To answer the question whether HECA is any use, most of the people who responded to the consultation on the energy efficiency action plan did not think that HECA was important in gathering information or facilitating energy efficiency work.

What is in the Energy Bill that is a problem for Labour? If there had been better relations between the previous Administration and the Government in London on some of these issues, that would have been wonderful. As I have mentioned, we now have better relations with the UK Government, but everyone needs to realise that the sharing of responsibility for energy efficiency and energy itself between Westminster and Scotland is what causes the problems when it comes to whether we think that the UK Government is going to do enough, which is the

basis of the debate. I have not seen any Scotland Bill proposals from Labour to bring energy powers to Scotland, but let us discuss that on another occasion.

17:51

Sarah Boyack (Edinburgh Central) (Lab): I have read the *Official Reports* of the evidence sessions and the submissions that were made to the Economy, Energy and Tourism Committee, and I agree completely with the concerns that Lewis Macdonald raised. If we are to tackle fuel poverty, concerted action needs to be taken at every level of government.

The Energy Bill is important because it will set the UK framework. I say up front that there is much in the bill that Labour can support, but we are not uncritical. We support the concept of the green deal, but we think that commentators have raised legitimate issues that need to be addressed. I make the point to Liam McArthur that it is legitimate to make constructive criticism.

There are some aspects of the bill's proposals that we believe would be a step backwards. In particular, we agree with Friends of the Earth and WWF that the repeal of HECA must not happen without a new duty being put in place. If HECA is to go, we need to know what will replace it. It is not good enough to say that something will happen. It is possible to design something that would still be a duty, but that is not on the table; I am surprised that Alex Neil did not even mention that.

It is not about local authorities having to do all the work themselves; it is about them being able to set the priorities. They have the local knowledge and the housing stock, so they are best placed to act, but they need to be able to set the priorities. The climate change legislation targets will not be met just as a result of central Government demanding that they are met. Local authorities are crucial.

Gavin Brown: Will the member give way?

Sarah Boyack: I am afraid not, because we are all running out of time.

I want the minister to give us an assurance that he understands the points that have been made. HECA may not be perfect, but it is better to have the present duty than to have nothing. We have not been promised anything, which is why we are putting pressure on the minister and the Government.

I want an assurance that the provisions in the Climate Change (Scotland) Act 2009 on our private rented sector will be respected and will not be watered down by the Energy Bill. It is difficult for all of us to get into issues that are quite substantive in three or four minutes. That is why

we are exerting pressure. If we do not do so today, there will be silence on those issues. It is not our job to allow difficult issues that people have raised not to be mentioned in this Parliament.

We need to step up a gear on the energy efficiency regimes that we have in Scotland, and we must ensure that nothing in the Energy Bill inadvertently undermines that work. We must step up that work. We know that we must do more, which is why we need robust action by the Scottish National Party Government.

The minister does not have until the end of March to tell us what he intends to do on section 64 of the 2009 act; he has less than 20 parliamentary days to come up with a statement.

It is imperative that we create opportunities for energy efficiency and renewables so that people can insulate their homes and bring down their energy bills. That is why the detail of the golden rule is crucial. We need to know what is in the deal and what is not. People who make the kit are already asking us whether windows are in it. It is important that such details are raised. We support the idea of the green deal, but we need the detail to be right, which is why we are asking questions today.

17:54

Iain Smith (North East Fife) (LD): The Economy, Energy and Tourism Committee took evidence on the legislative consent memorandum because we recognised the Energy Bill's importance in a UK context and to Scotland specifically. We took evidence from a number of voluntary and other organisations that have a particular interest in fuel poverty and energy efficiency issues. We also had a session with the minister, who was able to respond to a number of the points that were raised during those sessions.

It is fair to say that there are concerns about the implications of the Energy Bill. It is a substantive piece of legislation that significantly changes the way in which we deal with such issues throughout the UK. Of course, it was not a matter for the Economy, Energy and Tourism Committee to consider the UK-wide policy, but we considered the implications for devolved issues in Scotland. We looked at the impact on the energy company obligations, at whether they will address Scotland's different energy requirements and the fact that the way in which we treat the heating of housing has to be different, and at whether those points will be taken into account in a way that they were not under the previous carbon emission reduction target scheme. We have received an assurance from the minister that his officials are discussing the detail of the bill, which will try to ensure that the new obligations will take

Scotland's particular needs into account when the new schemes are being designed. That is a fundamental step forward from where we were because it puts Scotland in on the ground floor in developing those schemes to benefit Scotland, rather than trying to retrofit a scheme that fails to deliver for Scotland, which was the truth about CERT.

I was concerned about whether the section on the private rented sector should be included in the bill. That point was raised in evidence to us and we put those questions directly to the minister, who responded that its inclusion does not take away anything from the provisions in the Climate Change (Scotland) Act 2009, but puts additional tools in the toolkit. On that basis, the committee was willing to accept that part of the bill.

Different views were expressed about HECA, but the fundamental point is that no one provided any significant evidence that HECA drives forward energy efficiency. What is the point of having a piece of legislation on the statute book if it does not do anything useful? There are other pieces of legislation, including the Climate Change (Scotland) Act 2009, that can do that.

I have one more significant concern, which I hope that the minister will address. It is about the bill's timetable and how it will be progressed. As the Parliament goes into dissolution on 22 March, the Energy Bill will still be going through the UK Parliament and it will be subject to amendment. We need to know how that will be addressed. If the bill is passed at the UK level, how will regulations to which Scottish ministers will have to give consent be brought back to the Scottish Parliament for consideration?

17:57

Alex Neil: In the three minutes that I have, I will try to cover as many points as I possibly can.

I take on board Gavin Brown's point about background papers. We will ensure that what he suggested happens in the future.

I make it absolutely clear that it is not just my officials who are in touch regularly with DECC: we have two officials working inside DECC on behalf of Scotland, and I am in regular contact with Chris Huhne, as well as being a member of the oversight group. The level of co-operation between ourselves and London on the issue is therefore unprecedented.

Lewis Macdonald said that we have to have HECA or we will have nothing. The reality is that two thirds of the local authority areas in Scotland have nothing, because they have not implemented HECA. Between the UK bill, as it will be adapted for Scotland, as well as the climate change

legislation and the fuel poverty measures that we have taken, we have in place a far better system for tackling energy efficiency and fuel poverty than HECA could ever provide.

Cathie Craigie: Will the minister take an intervention?

Alex Neil: Unfortunately I have only three minutes, otherwise I would have been delighted to take the member's intervention.

I come to the green deal and the energy company obligation, which basically replaces the CERT system—a Labour measure that has become a dead CERT. The amount of investment that CERT makes in Scotland is substantially less than we anticipate getting through the ECO. That will be a major boost to investment in energy efficiency in Scotland.

Similarly, if we did not take advantage of the green deal in Scotland, we would be denying thousands of people the opportunity to get the money that they need at relatively low interest rates so that they can invest in their properties and make them much more energy efficient.

The green deal is a good deal for Scotland, and it will create 10,000 new jobs in Scotland. I find it incredible that the Labour Party and the Greens will vote against the motion and try to deny Scotland and unemployed people in Scotland the opportunity to have 10,000 new jobs. When those members go into the election, we will remind them that they voted against those jobs. If Labour's policy was the pathetic announcement on Monday, which is a tiddlywink approach to energy efficiency in Scotland, it has no case whatsoever. We are well ahead of the game and are, as always, working with our friends in London to deliver for the people of Scotland.

Business Motions

18:00

The Presiding Officer (Alex Fergusson): The next item of business is consideration of business motion S3M-7983, in the name of Bruce Crawford, on behalf of the Parliamentary Bureau, setting out a business programme.

Motion moved,

That the Parliament agrees—

(a) the following programme of business—

Wednesday 2 March 2011

1.15 pm Time for Reflection

followed by Parliamentary Bureau Motions

followed by Members' Business

followed by Stage 3 Proceedings: Wildlife and Natural Environment (Scotland) Bill

followed by Scottish Government Debate: Fuel Duty

followed by Business Motion

followed by Parliamentary Bureau Motions

8.00 pm Decision Time

Thursday 3 March 2011

9.15 am Parliamentary Bureau Motions

followed by Public Audit Committee Debate: Session 3 reports of the Public Audit Committee - key themes

11.40 am General Question Time

12.00 pm First Minister's Question Time

12.30 pm Members' Business

2.00 pm Themed Question Time
Finance and Sustainable Growth

2.40 pm Stage 3 Proceedings: Damages (Scotland) Bill

followed by Stage 3 Proceedings: Property Factors (Scotland) Bill

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Wednesday 9 March 2011

2.30 pm Time for Reflection

followed by Parliamentary Bureau Motions

followed by Stage 3 Proceedings: Private Rented Housing (Scotland) Bill

followed by Business Motion

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Thursday 10 March 2011

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

and (b) that, for the purposes of Members' Business on Wednesday 2 March, "after Time for Reflection and Parliamentary Bureau Motions" be substituted for "at the end of the meeting following Decision Time" in Rule 5.6.1(c) of Standing Orders.—[*Paul Martin.*]

Motion agreed to.

The Presiding Officer: The next item of business is consideration of business motion S3M-7985, in the name of Bruce Crawford, on behalf of the Parliamentary Bureau, setting out a timetable for stage 2 of the Public Records (Scotland) Bill.

Motion moved,

That the Parliament agrees that consideration of the Public Records (Scotland) Bill at Stage 2 be completed by 4 March 2011.—[*Paul Martin.*]

Motion agreed to.

Parliamentary Bureau Motions

18:01

The Presiding Officer (Alex Fergusson): The next item of business is consideration of three Parliamentary Bureau motions. I ask Paul Martin to move motions S3M-7987 to S3M-7989, in the name of Bruce Crawford, on the approval of Scottish statutory instruments.

Motions moved,

That the Parliament agrees that the Public Appointments and Public Bodies etc. (Scotland) Act 2003 (Amendment of Specified Authorities) (No.2) Order 2011 (SSI 2011/draft) be approved.

That the Parliament agrees that the Retention of Samples etc. (Children's Hearings) (Scotland) Order 2011 (SSI 2011/draft) be approved.

That the Parliament agrees that the Scottish Public Services Ombudsman Act 2002 Amendment Order 2011 (SSI 2011/draft) be approved.—[*Paul Martin.*]

The Presiding Officer: The question on those motions will be put at decision time.

The next item of business is consideration of a further Parliamentary Bureau motion. I ask Paul Martin to move motion S3M-7986, in the name of Bruce Crawford, on the suspension of standing orders for the purpose of stage 2 consideration of the Public Records (Scotland) Bill. For clarification, members should note that the rule to be suspended is rule 9.5.3A. I am sure that that clarifies it all.

Motion moved,

That the Parliament agrees that Rule 9.5.3A of Standing Orders be suspended for the purpose of Stage 2 consideration of the Public Records (Scotland) Bill.—[*Paul Martin.*]

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

Decision Time

18:02

The Presiding Officer (Alex Fergusson):

There are five questions to be put as a result of today's business.

The first question is, that motion S3M-7968, in the name of Rhona Brankin, on the work of the Public Petitions Committee, be agreed to.

Motion agreed to,

That the Parliament notes the continued evolution of its public petitions process; applauds the work of petitioners who have engaged with their parliament through this process by highlighting issues of concern and importance that led to examination by the Public Petitions Committee and key policy makers; believes the process to be a positive demonstration of the Parliament's founding principles, and supports the work of the committee and petitioners in bringing further improvements to the policies that affect the day-to-day lives of the people of Scotland.

The Presiding Officer: The next question is, that motion S3M-7950, in the name of Margaret Mitchell, on the Equal Opportunities Committee report on migration and trafficking, be agreed to.

Motion agreed to,

That the Parliament notes the conclusions and recommendations contained in the Equal Opportunities Committee's *5th Report 2010 (Session 3): Inquiry into Migration and Trafficking* (SP Paper 543).

The Presiding Officer: The next question is, that motion S3M-7945, in the name of Alex Neil, on the Energy Bill, which is United Kingdom legislation, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Adam, Brian (Aberdeen North) (SNP)
 Allan, Alasdair (Western Isles) (SNP)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brown, Keith (Ochil) (SNP)
 Brown, Robert (Glasgow) (LD)
 Brownlee, Derek (South of Scotland) (Con)
 Carlaw, Jackson (West of Scotland) (Con)
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 Constance, Angela (Livingston) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Don, Nigel (North East Scotland) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Finnie, Ross (West of Scotland) (LD)
 FitzPatrick, Joe (Dundee West) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Goldie, Annabel (West of Scotland) (Con)
 Grahame, Christine (South of Scotland) (SNP)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Hepburn, Jamie (Central Scotland) (SNP)

Hume, Jim (South of Scotland) (LD)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Kidd, Bill (Glasgow) (SNP)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McArthur, Liam (Orkney) (LD)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McLaughlin, Anne (Glasgow) (SNP)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMillan, Stuart (West of Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Morgan, Alasdair (South of Scotland) (SNP)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Neil, Alex (Central Scotland) (SNP)
 O'Donnell, Hugh (Central Scotland) (LD)
 Paterson, Gil (West of Scotland) (SNP)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Alex (Gordon) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Somerville, Shirley-Anne (Lothians) (SNP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow Govan) (SNP)
 Swinney, John (North Tayside) (SNP)
 Thompson, Dave (Highlands and Islands) (SNP)
 Tolson, Jim (Dunfermline West) (LD)
 Watt, Maureen (North East Scotland) (SNP)
 Welsh, Andrew (Angus) (SNP)
 White, Sandra (Glasgow) (SNP)
 Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

Against

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Foulkes, George (Lothians) (Lab)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gordon, Charlie (Glasgow Cathcart) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Paisley South) (Lab)
 Kelly, James (Glasgow Rutherglen) (Lab)
 Kerr, Andy (East Kilbride) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)

Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McConnell, Jack (Motherwell and Wishaw) (Lab)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Mulligan, Mary (Linlithgow) (Lab)
 Murray, Elaine (Dumfries) (Lab)
 Park, John (Mid Scotland and Fife) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Stewart, David (Highlands and Islands) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Whitton, David (Strathkelvin and Bearsden) (Lab)

The Presiding Officer: The result of the division is: For 70, Against 42, Abstentions 0.

Motion agreed to,

That the Parliament agrees that the relevant provisions of the Energy Bill introduced in the House of Lords on 8 December 2010 relating to the creation of powers to develop a new Green Deal for energy efficiency measures, the repeal of the Home Energy Conservation Act 1995, enabling the Coal Authority to charge for services and to implement additional measures to make improvements to regulatory frameworks for the energy markets, so far as these matters fall within the legislative competence of the Scottish Parliament, or alter the executive competence of the Scottish Ministers, should be considered by the UK Parliament.

The Presiding Officer: The next question is, that motions S3M-7987 to S3M-7989, in the name of Bruce Crawford, on the approval of Scottish statutory instruments, be agreed to.

Motions agreed to,

That the Parliament agrees that the Public Appointments and Public Bodies etc. (Scotland) Act 2003 (Amendment of Specified Authorities) (No.2) Order 2011 (SSI 2011/draft) be approved.

That the Parliament agrees that the Retention of Samples etc. (Children's Hearings) (Scotland) Order 2011 (SSI 2011/draft) be approved.

That the Parliament agrees that the Scottish Public Services Ombudsman Act 2002 Amendment Order 2011 (SSI 2011/draft) be approved.

The Presiding Officer: The next question is, that motion S3M-7986, in the name of Bruce Crawford, on the suspension of standing orders, be agreed to.

Motion agreed to,

That the Parliament agrees that Rule 9.5.3A of Standing Orders be suspended for the purpose of Stage 2 consideration of the Public Records (Scotland) Bill.

Proposed Waste Incineration Plant (Loganswell)

The Deputy Presiding Officer (Trish Godman): The final item of business is a members' business debate on motion S3M-7759, in the name of Jackson Carlaw, on the proposed waste incineration plant at Loganswell. The debate will be concluded without any question being put.

Motion debated,

That the Parliament expresses its concern in respect of the proposal to establish a waste incineration plant at Loganswell near Newton Mearns in Eastwood covering some 29 hectares and which is anticipated to burn some 1.5 million tonnes of raw waste a year, a proposal which would arguably turn Eastwood into the ashtray of the west of Scotland; further notes the evidence of Duncan McLaren of Friends of the Earth Scotland who advised the Transport, Infrastructure and Climate Change Committee on 23 November 2010 that it "would be insane to build Europe's largest incinerator in East Renfrewshire"; believes that further consideration of this project is needed, and expresses its support for the wider local community, which it considers is resolutely opposed to this proposed development.

18:05

Jackson Carlaw (West of Scotland) (Con): As someone who suggested a few months ago that Parliament should sit a bit longer, it is only appropriate that this members' business debate should start at 6 o'clock rather than at 5 o'clock.

It is a little over a year since I, along with other people in the community, first got wind of the possibility of a major waste incineration plant being built in the west of Scotland, at Newton Mearns in East Renfrewshire. At that time, the suggestion of such a plant was dismissed as scaremongering, yet it became apparent within a few weeks that plans existed and, in fact, were far worse than anything we had anticipated.

What is being proposed for Newton Mearns—a quiet, leafy, residential suburb—takes us nearer the world of "Quatermass" and the movie sets of James Bond. We are being presented with a hellish vision: an unsolicited application for the largest waste incineration plant in Europe, which will be built on green-belt land, be bigger than the 18-hole golf course that will sit beside it and will have more than a dozen chimneys, each as high as 400ft. The golf course makes it sound quite attractive, but the building will be 1 million square feet in size, with a multistorey car park, a visitor centre—haud me back—and two heavy goods vehicle lorry parks. It will be open 24 hours a day and will process 1.5 million tonnes of waste annually. To put that into some sort of perspective, East Renfrewshire will generate 31,000 tonnes of those 1.5 million tonnes.

The developers, in their dazzling, shiny presentation, risibly call the project a “Lifetime Recycling Village”, conjuring up images of a Disney-style retraining and holiday camp for pensioners—or worse. In fact, one 90-year-old local community activist said to me, “Jackson, dinnae tell me—is this where they’re gonna put me when my time’s up?” It does rather sound as if that is its purpose.

This is East Renfrewshire, which is Europe’s largest suburb. There is no history of an industrial tradition in Eastwood or Newton Mearns, and the area has one of the largest elderly communities in Scotland. It is true, as the developers said to me, that a number of jobs will be created. In fact, they light-heartedly offered my mother, who will soon turn 80, a job in the 24-hour canteen if she would like it.

In the literature that the developers have produced in presenting the project, Newton Mearns has regressed to its 1926 boundaries, as it is shown stopping somewhere just north of Clarkston rather than advancing nearer the project. That is all designed to suggest a smaller project than is being proposed. It is not a Disney-style retraining camp. Let us cut to the chase: it is a massive industrial incinerator on a scale unseen anywhere else in the United Kingdom or Europe.

I get lost in the science of this: biomass, anaerobic digestion, ball mill technology, gasification and plasma vitrification. To the ordinary individual, that is all science fiction, but a colleague of mine is visiting a plasma vitrification plant today in Italy to see the process at work. The key point is that the technology is not available to be demonstrated in the UK; it does not operate successfully anywhere in our country.

The developers, in their critique of my motion, have said that it is not an incinerator. When is an incinerator an incinerator? LRV’s chief development officer, Willy Findlater, said in a presentation to East Renfrewshire councillors last week that 900,000 tonnes of waste will be incinerated. I would have thought that if someone is incinerating something, they are probably incinerating it in an incinerator. The European Union defines the gasification process that is at play as incineration, although one of the LRV management team helpfully told us that there are many different ways to label things. Indeed, but we will stick with the official EU description, which is incineration.

We are told that the project will create thousands of jobs, but the figures move from one week to the next. At last week’s presentations to the council and the public, we were told that 3,000 construction jobs will be created. However, in today’s briefing for MSPs, the number has become 4,000, which is a great increase in just a week. We

were also told that hundreds of jobs will be created on-site, but the fact is that many of them will displace existing jobs in local plants that deal with waste around the west of Scotland. We were told that 1,000 permanent positions will be created, but that number dropped to 328 in last week’s presentation to the local community and has gone back up to 700 in today’s presentation to MSPs. This is just fantasy. From one day to the next, the facts change.

We are told that it will be a power station, which is why the minister will have an opportunity to consider whether she wishes to approve it. It will generate 96MW of power, 56MW of which will be available to the national grid. Interestingly, however, there is no connection to the national grid, so the developers have said that they will connect this power to the Whitelee wind farm, which, sitting just to the south of Newton Mearns, also happens to be the largest in Europe. When asked how that will be done, they say, “Well, we’ll probably erect pylons.” How many pylons? What size will they be? When will they be erected? Alternatively—those who are involved in the Beaulay to Denny power line should wait until they hear this—the power might be transmitted by cables buried underground. Aye right—we have heard that one before. We have been told that if that does not work, the power will be used to serve an industrial village next door to the plant. What industrial village next door to the plant on green-belt land? The Scottish Environment Protection Agency is concerned that the project will simply vent the heat that it generates into the atmosphere.

I seek ministers’ assurance on one particular point. The developers are putting it about in the community, with a nod and a wink, that they have received the official nod from Scotland Office officials that the project will proceed.

There is also the issue of the number of trucks that will be required to service the development. Let me do the maths. Thirty-two-tonne trucks are capable of delivering 22 tonnes of waste when full. Shifting 1.5 million tonnes of waste in 365 days would require 68,182 trucks making 136,364 movements. That is 374 a day, 16 an hour or one every 3.45 minutes. In the time that I have been speaking, two of those trucks would have driven through the chamber. That is before we consider the movements of staff and the visitors to the project.

I am not here to grandstand, showboat or join a bandwagon. I did not choose the timing of this project. It sits next to the Brother Loch, which is a sentimental place for me. My grandparents fished there—they settled in the community 100 years ago—and I was brought up there. Those who know me know that I am not the sort of person

who volunteers to lie down in front of bulldozers or mount that sort of protest, but I will in this case. This project, with its chimneys venting invisible clouds of mushroom residue into the atmosphere, is absolutely inconsistent with Government policy.

In 2009, the national health service, SEPA and Health Protection Scotland said that the science of incineration is inconsistent and inconclusive. The project might well be professionally presented and well intentioned but, if it goes ahead, it will be a descent into hell for the Eastwood community.

18:13

Stewart Maxwell (West of Scotland) (SNP): I congratulate Jackson Carlaw on securing this debate.

When the proposal was first suggested, I did not immediately oppose it. Instead, I took the time to look at the material and the evidence and to speak to local residents and, of course, the developers. However, after doing that, and with a growing sense of unease, I have come to the conclusion that the proposal does not merit support. For a start, it is far too big. As Jackson Carlaw has said, it will cover 29 hectares, or about 29 Murrayfield rugby pitches. In addition, the plant will have a substantial visual impact. For example, the chimneys will be 65m high—or, in old money, roughly 200ft—in an area where there are no buildings.

One of the primary claimed benefits of the plant is that it will produce energy for the national grid. However, there is no mention of how that energy will get to the grid, other than the throwaway reference to underground cables or pylons that Jackson Carlaw highlighted. Given that underground cables are the expensive option, it is obvious that overhead pylons will be used. So, in addition to the 29 hectare incinerator and the 200ft-high chimneys, local residents will have enormous electricity pylons marching across their skyline.

Even if it was thought that such an enormous incinerator plant was a good idea, the question remains why this particular site is being considered. Potential suitable sites for waste management activities have been laid down. They include “Industrial areas”. Loganswell is a greenfield site. Another is

“Degraded, contaminated or derelict land”.

Loganswell is none of those. A further example is

“Working and worked out quarries”.

The site is rough grazing land. “Existing waste management sites” does not apply, nor does

“buildings that can be easily adapted”.

Another option is

“Sites that have the potential to maximise ... the re-use of waste heat through co-location with potential heat users”.

There is nothing anywhere near the site that could use the waste heat, and talk of possible greenhouses does not really overcome the problem. The final option is

“Sites accessible to railways, waterways or the trunk and principal road network junctions.”

There are no waterways or railways in the area. It is close to the M77, although about a mile away from the nearest junction. The Loganswell site fails on most criteria for what constitutes a suitable site.

I want to look in more detail at the transport issue. It is proposed that about 1.5 million tonnes of rubbish will be transported to the site every year. The developers believe that that will have a minimal effect on the road network, as the material is already being moved around. However, the big difference is that the transportation of that 1.5 million tonnes of waste is currently spread across the whole of the road network. The proposal will concentrate all of it on the M77, and near Newton Mearns in particular.

There has been some disagreement about the total number of lorries that will be needed to transport the waste. I listened with interest to Jackson Carlaw’s calculations, but even if we accept that all the lorries used will be the maximum size available, that will still mean a 44-tonne lorry laden with around 29 tonnes of waste arriving at the site every three to 10 minutes, depending on who is correct about the number of lorries required. However, it seems unlikely that 100 per cent of the lorries will be that size; at least some of them will be around the most common size, which is the 26-tonne lorry, with a capacity of around 10 tonnes.

Anyone who knows the M77 knows that it can get extremely busy for considerable periods of the day, and so they cannot envisage that all those additional lorries will have anything other than a negative impact on an already busy road. The developers have acknowledged that issue and have said that they will timetable lorry journeys away from peak times. That is to be welcomed, but it means that at other times of the day and night there will be an even greater concentration of lorries than if they were evenly spread.

Scotland’s zero waste plan prioritises the collection of separated waste rather than incinerating that which can be recycled. SEPA has stated that it believes that only about 5 per cent of the total waste will be recycled, which is a woeful figure. Some might even say that this type of plan discourages recycling and encourages the continuation of an attitude that it is okay to throw everything away. That is not the way that we should be going. It is a retrograde step.

Richard Lochhead, the Cabinet Secretary for Rural Affairs and the Environment, in a speech to Parliament, said:

“In our approach to waste, we are determined to remain mindful of the wider climate change challenge and our energy policies. That is why the Government is opposed to large, inefficient energy-from-waste plants. Such plants could easily become white elephants and drain public funds. They require excessive transportation of waste and could crowd out recycling and waste prevention.”—[*Official Report*, 24 January 2008; c 5494.]

I agree. The proposal is too big and it is at the wrong site. There are clearly enormous issues to do with transport, not to mention the untried nature of the technology. I hope that members agree that this is the wrong plant, in the wrong place and at the wrong time.

18:18

Ken Macintosh (Eastwood) (Lab): I, too, thank Mr Carlaw for securing the debate and allowing Parliament to discuss an issue that has caused considerable concern, not to say alarm, to local residents in East Renfrewshire. The plans to build an enormous waste plant on green fields a mere mile or so from suburban homes came out of the blue. To say that the plant is not wanted is a huge understatement. The developer has pulled off the remarkable feat of uniting nearly everyone, including all the locally elected representatives a matter of weeks from an election. That takes some doing. It is a measure not just of the scale of the opposition to the plant but of the lack of any kind of convincing argument for it.

When I first heard of plans for a recycling village, whatever my doubts I thought that I ought to look into it further and find out exactly what was planned. I wanted to know what the plant might do and what it might look like. I am conscious, as I hope all members are, of the increasing need to reduce waste and increase recycling and, more important, to take responsibility for the issue. In the past, it has always been too easy to regard waste and refuse as someone else's problem. One of the central messages of the environmental movement has been to educate us all to the contrary.

What has been encouraging in East Renfrewshire recently has been the willingness of local residents to adapt to changes to the normal refuse collections, with the weekly grey bin pick-up being replaced by a weekly brown bin pick-up. That has not been without problems, all of which I hope the council continues to address, but it shows the general acceptance of the need for us all to recycle more and waste less. The so-called recycling village fails to build on that work and new attitude. Unless we are careful, such proposals are in danger of provoking a reaction. People can see through false arguments pretty quickly. With the

proposal for Loganswell, residents can see the profits that it might make for its developers, but it is difficult to spot any genuine green credentials. The scale of the proposed development scares most local people, rather than impressing them, and runs totally counter to the ethos of environmental responsibility.

Friends of the Earth, among other organisations, has highlighted the fact that the plant would be “Too big, and inefficient”. It has stated:

“Scotland's Zero Waste Plan seeks to maximise high quality recycling, and to maximise energy recovery from unavoidable residual waste. It therefore makes a presumption against large, inefficient incinerators, and prioritises separated collection of waste.”

The development is not about helping the people of East Renfrewshire to deal with our waste; it is about bringing in hundreds of thousands of tonnes of refuse from across the west of Scotland, if not further afield. There will be hundreds of lorries every day carrying thousands of tonnes of rubbish from all over Scotland. What is environmentally friendly about that? It is the sort of project that, if labelled as recycling, will give recycling a bad name and will provoke cynicism, rather than support for ecologically sustainable policies.

I highlight my strong reservations about the detail of the proposed development. The fact that the company that is involved does not even own the land on which the plant is supposed to be built rang alarm bells with me and has caused great anxiety among those who live locally. Can members imagine being approached by a company telling them about the massive industrial plant that it is going to build on their land, when it has not bought anything but it has a map showing a huge incinerator in their garden? That is unsettling, to put it mildly.

As I suggested, despite my reservations, I was determined not to prejudge the application and to be open-minded about the need for the plant—nationally, if not locally—and the possible benefits that it might provide to the local economy, if not our ecology. The trouble is that, now that I have looked into the matter further, I can see no argument at a national level, never mind the local level. The company wishes to apply for permission nationally to build the development, in theory because it will generate substantial amounts of electricity. However, it is difficult not to conclude that the company is more interested in avoiding the local planning process, which I have no doubt would reject the proposal entirely.

SEPA has said that there is a presumption against inefficient plants because the heat energy that is produced, rather than the electricity, can be used only locally. All the heat that is generated from the plant would be wasted because it is too far away from Newton Mearns.

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

Ken Macintosh: I want to end on a positive note for local residents, so I point out that I was encouraged by SEPA's comments.

I finish by asking the minister to give us a positive message to reassure not just members but local residents that the Scottish Government will reject large-scale proposals of such a nature and that that is Government policy; that the views of local residents matter and will be taken into consideration; and that there is no room on unspoiled greenfield sites for developments of such a scale.

The Deputy Presiding Officer: I remind members that it is four-minute speeches.

18:23

Patrick Harvie (Glasgow) (Green): I agree with Ken Macintosh's comment about controversial planning applications in which the developer does not yet own the land. The proposal that we are discussing is not the only example of that in Scotland. The issue is highly controversial and needs to be dealt with more widely.

I congratulate Jackson Carlaw on bringing the debate to the Parliament. I did not expect it to be opened by a reference to "Quatermass", but a love of science fiction is obviously one of the vanishingly few characteristics that we genuinely share. If I understood him, the exact episode to which he referred might have been filmed at a nuclear site, which I will perhaps remind him of in a future debate.

Pretty much anything that we can do with our waste is controversial and comes with an ecological and social impact. That is one reason why we should begin every debate on waste with the point that we must produce less of it by reducing and reusing the materials that go through our economic system. However, there will always be, and certainly is at the moment, a substantial proportion that cannot be cut out of the system, and some waste management facilities will be necessary.

Recycling plants themselves are controversial, even though we want to recycle more. Landfill sites are hugely controversial, as well as having a wider, long-term ecological cost. Pretty much anything that we do with waste will be controversial. I think that there will always be some limited role for energy from waste, although it probably has more relevance for isolated communities, such as islands, where the cost of transporting waste to a recycling plant is an issue, than it has for other places. However, energy from waste must always be as efficient as possible,

which means capturing the heat as well as the power. The proposed development is not a combined heat and power scheme. It will produce something like 150MW of heat that will mostly heat only the sky above the site, with absolutely no benefit to anyone.

Many of the relevant technologies have improved over the years and we should not be saying, "Never—no way." However, aside from the inefficiency of the technology that is being proposed in the development that we are discussing tonight, the scale of the proposed site gives us concern. Apparently, the proposed floor space will be more than three times the floor space of the millennium dome. It will be capable of handling 1.5 million tonnes of raw waste a year. To put that into perspective, just over 55,000 tonnes of municipal solid waste were collected in East Renfrewshire in 2007-08. Waste has to be managed in some way, but I suggest that, above all other concerns about the development—such as the specific technology that is being used—it is the scale of the proposal that is most inappropriate, given the site that is proposed.

Building such massive plants with a locked-in dependency on that waste stream brings many risks as there is a need continually to feed the machine once it has been built. I draw members' attention to the experience that has been reported from Kent. It appears that, rather than making money from a plant that was approved 10 years ago, Kent County Council could be losing £1 million a year as a result of the contract. The plant came on stream only recently because it took a long time to get through the planning process, but the council is now locked into a 25-year deal to provide the incinerator with 320,000 tonnes of waste to burn each year. The council now finds itself having to feed the machine—having to constantly find waste to burn, which means that it is burning waste that could be more valuably recycled. Speaking on behalf of the council, a councillor said that it had been a "stupid" decision in hindsight, as there had been no way to predict changes to the industry.

Those are the key concerns that are shared across the chamber.

I welcome Jackson Carlaw's commitment to lie in front of the bulldozers. To end this speech on the science-fiction theme on which I began it, I should say that I welcome the idea of Jackson Carlaw lying down in front of a bulldozer in his dressing gown, Arthur Dent-style. If he would like me to put him in touch with anyone who can offer non-violent direct-action training, I would be happy to do so.

18:28

Ross Finnie (West of Scotland) (LD): I, too, congratulate Jackson Carlaw on securing this debate. Of course, he can always be relied on for a colourful flourish. First, we had the visual image of East Renfrewshire turning into the ashtray of the west of Scotland and, as Patrick Harvie mentioned, we were given visions—perhaps going further than any of us would have wished—of “Quatermass”.

This is a serious issue, although the debate is unusual in the sense that the company has not yet made an application, and some of the information that we have had is of a loose and skeletal nature, which has not been entirely helpful. We await the planning application, the section 36 application, the environmental assessment and the transport impact assessment. We members assume that that leaves the minister entirely unfettered in relation to the way in which she can respond to the debate.

The Minister for the Environment and Climate Change (Roseanna Cunningham): Sadly not, as the member is well aware. [*Laughter.*]

Ross Finnie: We may laugh, but it is a serious issue. We have a statutory responsibility for the collection of municipal waste, so we can make an impact through regulation, incentives and other means to ensure that people reuse, reduce and recycle. However, from my time as the Minister for Environment and Rural Development I know that the question of going beyond that and adding a mixture of industrial and commercial waste has always been a headache. Indeed, the impositions placed on us by European directives regarding landfill, which Patrick Harvie mentioned, mean that there are going to be issues with that. He suggested that such schemes may be appropriate only on islands. The perennial difficulty is how we ensure that it is the residue that is incinerated and that, in addition to having implemented measures to reduce waste, we have extracted every conceivable particle that can be recycled.

When the scheme was first mooted, the location seemed a bit unusual; nevertheless, a proposal that might deal with our problem of industrial waste in the west of Scotland was not to be instantly dismissed. However, having looked at it, I believe that there are at least five preliminary concerns, all of which other members have mentioned.

First, the applicant must justify why they want to develop in the green belt, and the compelling reasons for doing so are not clear to me. The site encircled by the green belt would have to meet the criteria that the Scottish ministers have set for its use, but it does not meet those criteria, so it is

difficult to see the compelling argument for its choice.

Secondly, there are various problems with the volume and management of traffic, which are unsatisfactory. Like other members, I went to the presentation at which it was posited that there would be restrictions on how vehicles would access and egress the site. However, none of that information is in the public domain, so we must make our own assumptions about the possible deleterious effect.

Thirdly, the literature clearly talks about the site dealing with mixed residual and recyclable waste. That is totally at odds with the zero waste commitments or proposals that the Scottish ministers are introducing through regulations as part of the zero waste strategy. I simply do not understand how that can be squared.

Fourthly, I believe that the gasification and plasma vitrification processes are not to be dismissed. They may well be technically both innovative and interesting in certain applications. However, in the context of the other side of the proposal—the so-called green energy power station—the literature says that electricity is to be generated from the steam yet there is no reference whatever to heat recovery. That, too, is totally at odds with SEPA’s thermal treatment guidance and I do not understand how such a proposal can be put forward.

Fifthly, there is the question of the recycling recovery rate, which has been mentioned by other members. The applicant claims that it will be 40 per cent. Even taking that at face value and not mentioning SEPA’s suggestion that it will be only 5 per cent, the waste framework directive calls for a rate of 50 per cent by weight by 2020 and the Scottish ministers’ target is 70 per cent by 2025. The projected recycling recovery rate falls woefully short of those targets.

18:34

Elaine Murray (Dumfries) (Lab): I, too, congratulate Jackson Carlaw on securing the debate. I do not have a constituency interest in the Loganswell proposal, but I have read about it and listened to what other members have said about it. It is clear that there is extensive public opposition to the proposal, not least because it involves the development of a 29-hectare industrial site on a greenfield area that is only 3 miles from a centre of population and because it proposes to bring in waste from 11 local authorities from across central and southern Scotland, with an estimated 350 to 400 vehicle movements just to bring the waste in. I, too, have looked at the Lifetime Recycling village website. The rhetoric looks cosy and green, but the information is skeletal, as Ross Finnie said.

The proposed facility would not be the first batch gasification plant in Scotland, as Scotgen operates such a plant at Dargavel, just outside Dumfries. The minister's predecessor, Mike Russell, opened that plant in August 2009. Dargavel is a much smaller plant than the proposed plant. It is designed to process only 60,000 tonnes of hazardous and non-hazardous waste annually and it obtains its fuel from the nearby Ecodeco plant, which Shanks operates on Dumfries and Galloway Council's behalf.

Little public concern was expressed about either facility. That is probably partly because they process Dumfries and Galloway's own rubbish—people's own rubbish is always slightly less distasteful than other people's rubbish. The Ecodeco plant is also adjacent to the former landfill site, so it created no great increase in vehicle movements.

In defence of the technology, I must say that it is not incineration of raw waste. Batch gasification is a newer, much more sophisticated and cleaner technology. My home is less than 4 miles from Dargavel as the crow—or possibly the buzzard—flies and I have no fears whatever about toxic fumes affecting me, my family or my constituents. However, I have other significant concerns that apply to Loganswell and similar proposals and which other members share.

The rationale behind the Ecodeco plant was improving Dumfries and Galloway Council's dismal record on recycling and sending material to landfill. It has achieved that—according to SEPA's latest figures for July to September last year, 38.5 per cent of municipal solid waste is now recycled or composted and 46 per cent goes to landfill.

As other members have noted, the EU waste directive and the Scottish Government's zero waste strategy describe a waste hierarchy that starts with prevention, which is followed by reuse, recycling and recovery, such as energy from waste. Landfill is at the bottom. In the Ecodeco plant, all wood, paper, cardboard, textiles and plastics become solid recovered fuel—they are burned and not recycled. The paper and cards that my constituents put in their rubbish bins in good faith are not recycled—they are burned. Ferrous and non-ferrous metals can be recycled as metals and biological materials can be composted, so the recycling at the Ecodeco plant is only partial.

Like Patrick Harvie, I do not object to recovering energy from waste that cannot be reused or recycled and if the best possible use is made of the heat. However, that is not—unfortunately—happening in Dumfries and Galloway and is probably not what will happen at Loganswell. Moreover, as far as I am aware, the Scotgen facility at Dargavel has yet to sell any energy to the national grid. Waste2Energy Engineering Ltd,

which designed the gasification plant, owes a string of unpaid debts to small businesses throughout my constituency.

A bit like Kent County Council, Dumfries and Galloway Council is only five years into a 25-year contract with Shanks for a technology that is already out of date under EU and Scottish waste policy. If the targets change, I do not know what Dumfries and Galloway Council will do.

I therefore advise caution and scepticism about such proposals. In their consideration, the phrase about not touching with a bargepole comes to mind.

18:38

The Minister for the Environment and Climate Change (Roseanna Cunningham): I think that all members will agree that the debate has been interesting and valuable, even if it sounded at times as if it might turn into a science-fiction convention—I hate to advise Jackson Carlaw and Patrick Harvie that I, too, am a fan.

How best to manage waste never fails to stimulate discussion. Notwithstanding Ross Finnie's open invitation to me to compromise myself and my colleagues, members must know that I cannot comment on specific proposals. I will give a waste policy overview, because that is part and parcel of the debate.

All members agree that we need to change how we view and manage the waste that we produce, because the days of straightforward landfill are over. Members are right to point out that a key objective of the zero waste plan is to increase significantly the quality and quantity of recyclable material that is captured—the emphasis is on recyclable material. Indeed, the Scottish Government has set a target of recycling 70 per cent of all waste by 2025.

Of course, delivering zero waste policy and meeting future waste targets will require changes and improvements to our infrastructure. However, since one objective of the zero waste plan is to increase significantly recycling performance, much of the infrastructure that is needed will be associated more with enhanced collection and recycling services than waste plants. That does not mean that energy-from-waste plants or other types of residual treatment facilities will not be needed—they will—but that the policy direction that is set out in the plan will reduce the volume of available material to feed those types of facility. In a sense, that is the point that Elaine Murray turned on its head.

Although it is important, the role of residual treatment facilities will be a restricted one. Indeed, the Scottish Government is currently consulting on

proposed legislation that includes measures to restrict the materials that can be processed in energy-from-waste plants. Those measures are necessary as we need to ensure that materials that are capable of being recycled do not end up in such plants. That is the best way in which to ensure that energy from waste is genuinely sustainable and does not crowd out recycling. Elaine Murray made that point. It is important that that is the context in which we keep the future role of energy from waste.

I turn to planning policy. Members will be well aware that waste management installations require planning permission and a range of other consents as necessary. The Government has made significant progress in modernising the planning system, streamlining processes, opening up the transparency around major developments and clarifying the relationship between planning and waste. Scottish planning policy is clear about the challenges that the Government zero waste goals set and the significant increase in waste management infrastructure that will be needed to meet our targets.

In order to support planning authorities in making soundly based decisions on applications for waste infrastructure, we recently provided the evidence base on the infrastructure capacity that will be required across Scotland. We published that online in a revision to annex B of the zero waste plan. If members have not had a chance to look at annex B as yet, they might find it useful to do so. The guidance will assist planning authorities in preparing development plans and determining applications for new waste infrastructure across Scotland. The new data provide a robust context for the consideration of the scale of new proposals alongside remaining matters that need to be addressed. Scottish planning policy is very clear that decisions on energy-from-waste infrastructure must also take account of SEPA's thermal treatment of waste guidelines. Among other things, the guidelines require high levels of efficiency and set out that all proposals of this kind need to comply with the strict requirements of the waste incineration directive.

From experience, I know that proposals for waste management infrastructure frequently arouse strong emotions. Like other members, I understand the passion with which Jackson Carlaw speaks. Those strong emotions extend to recycling centres, too. The sentiment does not single out only energy-from-waste plants and landfills, a point that Patrick Harvie recognised. There is considerable controversy around all of this. Some people reject the idea that waste that is generated outside their area should be treated in their area. In a small country such as Scotland, this is an issue that we have to tackle carefully. It

will always be likely that waste will cross local authority boundaries, as it does already. Do people seriously imagine that we can have an array of this kind of infrastructure in every local authority area in Scotland?

We need to rise to the challenge of meeting Scotland's waste and resource management needs. If we view waste as a resource, there is an opportunity to create jobs and for the energy that is created to heat and power local homes and businesses. This will form part of the efficiency process in infrastructure projects, an approach that is set out in annex B to the zero waste plan, which states that need and proximity for waste management facilities should be considered strategically. We need to recognise that the achievement of a sustainable strategy might involve waste crossing planning boundaries within Scotland.

The Lifetime Recycling village proposal—this is where I have to tread carefully—that is the focus of our debate is presented as a single project. However, given the dual functions of the proposal, it will require separate consents under two planning regimes. As the biomass plant element of the Lifetime Recycling village is proposed to be an electricity-generating station of more than 50MW, that part of the application will be determined by the Scottish ministers under section 36 of the Electricity Act 1989. The recycling and sorting facilities on site, which the applicant also proposes, will be considered under the Town and Country Planning (Scotland) Act 1997 by East Renfrewshire Council.

If and when the application is formally submitted, members of the public will have an initial 28-day period to submit representations to the Scottish ministers, followed by another 28-day consultation once ministers have received and published their first statutory consultee response. The statutory consultees are the local planning authority, SEPA and Scottish Natural Heritage. Public representations are of course a material planning consideration and they will be considered alongside all consultation responses and planning and legal obligations before ministers come to a decision.

I understand that the application has already been through the pre-application scoping process and the formal Scottish Government scoping opinion has been issued. The developer for the Lifetime Recycling village proposal is currently working on the draft environmental statement, which I understand that it plans to have ready for checking in the summer.

As the application for the biomass plant element of the Lifetime Recycling village will ultimately be determined by the Scottish ministers, as indicated, it would be inappropriate for me to comment any

further on the merits or otherwise of the application. I hope, however, that members are reassured that there is a rigorous process in place to ensure that the application is considered objectively, having regard to all relevant Scottish Government policies.

Meeting closed at 18:46.

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