



The Scottish Parliament
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Official Report

MEETING OF THE PARLIAMENT

Thursday 23 June 2011

Session 4

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Scottish Parliament

Thursday 23 June 2011

[The Presiding Officer *opened the meeting at 09:15*]

Offensive Behaviour at Football and Threatening Communications (Scotland) Bill (Emergency Bill)

The Presiding Officer (Tricia Marwick): Good morning. The first item of business is consideration of motion S4M-00377, in the name of Roseanna Cunningham, to treat the Offensive Behaviour at Football and Threatening Communications (Scotland) Bill as an emergency bill.

09:15

The Minister for Community Safety and Legal Affairs (Roseanna Cunningham): The Offensive Behaviour at Football and Threatening Communications (Scotland) Bill was introduced in Parliament on 16 June. Rule 9.21 of the Parliament's standing orders provides that bills may be considered under emergency procedure. I propose that the Offensive Behaviour at Football and Threatening Communications (Scotland) Bill be considered under the emergency procedure, under rule 9.21.

The reasons for considering the bill under the emergency procedure were discussed at the Justice Committee when I appeared before it earlier this week, and there has been significant media coverage of the issue, but I hope that it is helpful to Parliament for me to set out the Government's reasons for proposing that the bill be considered under the emergency procedure. I make it clear that the Government does not make the proposal lightly and we do not propose that the process should be used as a matter of course. However, we believe that the bill is exceptional and justifies the use of the emergency procedure.

The bill is a specific response to a particular problem that was brought into sharp focus at football matches and on our televisions earlier this year. I was ashamed to witness such behaviour and I am sure that my views are shared by many in the chamber. The Government reacted quickly to those events by calling a football summit and thereafter establishing the joint action group, which is addressing a wider range of actions and strategies to tackle sectarianism and offensive behaviour over the longer term. The group will report to ministers in July. However, the Government believes that we need to move even

faster than that. We believe that it is right that we should give a clear signal to the police, the courts, the football authorities and the clubs, and to the fans and the wider public, that offensive and sectarian behaviour around football matches is simply not acceptable. It is time to end this blight on our national game.

We also believe that it is right that we tackle the wider issue of people sending threatening communications. The scenes at the old firm game were bad enough, but when they were followed by hateful and vitriolic posting on the internet and by the sending of bombs and bullets through the mail, it was clear that we had to act, and act quickly. We believe that the bill must be in place for the start of the new season so that the law is clarified, the police are given additional tools to deal with such behaviour and everyone is clear about our intentions and determination to deal with the issue right from the outset of the season.

Johann Lamont (Glasgow Pollok) (Lab): Will the minister give way?

Roseanna Cunningham: I am approaching my last paragraph.

I welcome the support that we have had for the bill, most notably from the police, who will have to respond to the legislation and deal with offenders. The police are clear that we should have the new powers in place by 23 July. That is why we have brought forward the bill quickly and why we are asking Parliament to respond accordingly. It is a short bill, and it is clear and focused on the particular issues that I have outlined. Of course, it is only the first part of a wider and long-term strategy. I therefore call on the Parliament to support my proposal that the bill be taken under the emergency procedure.

I move,

That the Parliament agrees that the Offensive Behaviour at Football and Threatening Communications (Scotland) Bill be treated as an Emergency Bill.

09:18

Paul Martin (Glasgow Provan) (Lab): I rise on behalf of the Scottish Labour Party to oppose the motion in the name of Roseanna Cunningham. I make it clear that the Scottish Labour Party deplores any form of sectarianism. Of course we support the introduction of legislation to tackle the root of that very serious issue, but we must recognise the Parliament's role in interrogating whether proposed legislation will be effective and will stand up to scrutiny. Proposals should be tested at every possible opportunity.

The way in which the Government introduced the legislation is unacceptable. We are concerned that we are not being afforded the opportunity to

produce effective legislation. Is the Government suggesting that wider Scotland should not be given the opportunity to interrogate the legislation at every opportunity? The Government must realise that this is not its Parliament—it is the people's Parliament. People in wider Scotland deserve their say and to be afforded that opportunity.

Given the importance of the issue, we propose using the recess period to give additional opportunities to scrutinise the proposals and to allow for proper consideration of the bill. That would enter into the spirit of what the Government's business manager, Bruce Crawford, suggested in a recent article in the *Sunday Herald*, in which he called for more focused opportunities for pre and post-legislative scrutiny and committee inquiries. The Government should enter into the spirit of what it has proposed in press articles.

Margo MacDonald (Lothian) (Ind): Why does the member think that there should be such a different attitude in England when Alex McLeish gets death threats because he is going to another club? Does the member think that the Westminster Parliament will rush through emergency legislation to deal with that?

Paul Martin: We need to focus on the issues and major challenges that we face in Scotland. There should be opportunities for people in wider Scotland to contribute to what is an important debate. The process that the Government is following will not give the people's Parliament that opportunity.

For once, I agreed with the First Minister when he said in his victory speech that the Scottish National Party does not hold a "monopoly on wisdom". That was confirmed following the appearance of the Minister for Community Safety and Legal Affairs at the Justice Committee on Tuesday. It is time for the Government to recognise that this is the people's Parliament and to give the people of Scotland the opportunity to contribute to this important debate.

09:22

Alison McInnes (North East Scotland) (LD): I rise to oppose the motion. The First Minister told the country in his victory speech in May that the SNP had

"a majority of the seats, but not a monopoly on wisdom".

He was right, but today those words ring hollow, because the SNP is attempting to use its majority to circumvent, marginalise and just plain ignore the wisdom of the Parliament, outside experts and the people of Scotland.

We are being asked to agree to a process that will result in two new criminal offences being

created in slightly more than a week. We are being asked to create a new law with no formal consultation and no time for expert evidence or detailed examination of whether a law is needed, where it might be needed, how it will work, what it will cost or what wider implications it might have. There is not an emergency. We do not have wide, gaping holes in our laws that mean that criminals are getting off scot free. We have not suddenly discovered a new crime that needs to be addressed instantly, and it is disrespectful to the people of Scotland to suggest otherwise.

Parliamentary process is not meant to be played with at the Government's whim. Pre-legislative scrutiny, evidence taking and committee consideration are not meant to be an inconvenience to Government; they are there to ensure that every decision that we make and every new law that we create is in the best interests of the people whom we are elected to represent.

Our code of conduct states:

"Members are accountable for their decisions and actions to the Scottish people. They should consider issues on their merits, taking account of the views of others."

By using its majority to force through the bill at breakneck speed, the Government is not allowing members to consider the issue on its merits or to take account of the views of others. However, I can guarantee that we will still be held accountable by the people of Scotland. Making new laws is not a process that should be rushed. It is the most serious thing that Parliament does, and Parliament should be given time to do it.

09:24

David McLetchie (Lothian) (Con): We in the Conservatives have a great deal of sympathy with the sentiments that have been expressed by Paul Martin on behalf of Labour and Alison McInnes on behalf of the Liberal Democrats. However, we must recognise the political realities, which are that the Government is determined to enact a piece of legislation before the start of the new football season to address some of the problems that emerged in the course of the previous season.

That being the case, and given the Government's majority in the Parliament, the choice before members is in reality between an expedited form of the ordinary bill procedure or using the emergency procedure and, as the cabinet secretary has proposed, having an emergency bill.

The difference between the two is simply this. If we had an expedited ordinary bill procedure, any amendments to the bill at stage 2 would be considered only by the members of the Justice

Committee—nine members of the Parliament. If, however, we adopt the emergency bill procedure, stage 2 will be taken on the floor of the chamber and all members will have an opportunity to debate and vote on the issues.

Given the pace that the Government has determined for the legislation, it is vital that all members of the Parliament have the opportunity to consider and vote on amendments to the bill. In the circumstances, the process that the cabinet secretary proposes is therefore correct.

09:25

Patrick Harvie (Glasgow) (Green): The minister tells us that it is time to end the blight of sectarianism. If members of this Parliament thought that the five sides of A4 that make up the bill would achieve that, we would want to see it passed quickly. However, I do not believe that these five sides of A4 will achieve that. Indeed, I go further: I think that there is a risk that the bill will do more harm than good.

When we legislate at such a pace, we make mistakes. It has happened before and it will happen again. If we let it happen with a bill that creates offences that could see people in prison for up to five years, there is a serious risk that, as has happened south of the border with other legislation, people will be convicted and imprisoned for trivial matters that we would not wish to see prosecuted. There is an additional risk that legislation that contains mistakes will result in people not being convicted—they will get through loopholes—when their behaviour has been serious.

If we get legislation such as this bill wrong, we will bring into disrepute the entire attempt to address sectarianism and wider hate crimes through legislation. We risk doing more harm than good if we pass legislation at this pace and do not take the time to iron out mistakes. Let us pause and take the time to hear from wider civic Scotland—as Paul Martin said—and to do our jobs as parliamentarians and scrutinise the Government's legislation. When we have acted at this pace in the past, we have made mistakes, as anybody would. Let us not do the same with an issue as serious as this one.

The Presiding Officer: Ms Cunningham?

09:27

Roseanna Cunningham: I simply press the motion.

The Presiding Officer: The question is, that motion S4M-00377, in the name of Roseanna Cunningham, to treat the Offensive Behaviour at Football and Threatening Communications

(Scotland) Bill as an emergency bill, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: The Parliament is not agreed. The division bell will sound and proceedings will be suspended for five minutes to allow members to return to the chamber.

09:28

Meeting suspended.

09:33

On resuming—

The Presiding Officer: We come to the division on the motion. Members should please cast their votes now.

For

Adam, Brian (Aberdeen Donside) (SNP)
 Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Gavin (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Carlaw, Jackson (West Scotland) (Con)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Davidson, Ruth (Glasgow) (Con)
 Dey, Graeme (Angus South) (SNP)
 Don, Nigel (Angus North and Mearns) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Finnie, John (Highlands and Islands) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Goldie, Annabel (West Scotland) (Con)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 Mackenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)

Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McDonald, Mark (North East Scotland) (SNP)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McLetchie, David (Lothian) (Con)
 McMillan, Stuart (West Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Salmond, Alex (Aberdeenshire East) (SNP)
 Scott, John (Ayr) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Urquhart, Jean (Highlands and Islands) (SNP)
 Walker, Bill (Dunfermline) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wilson, John (Central Scotland) (SNP)
 Yousaf, Humza (Glasgow) (SNP)

Against

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Dugdale, Kezia (Lothian) (Lab)
 Eadie, Helen (Cowdenbeath) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Hume, Jim (South Scotland) (LD)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 MacDonald, Margo (Lothian) (Ind)
 Malik, Hanzala (Glasgow) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)
 Park, John (Mid Scotland and Fife) (Lab)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)

Smith, Drew (Glasgow) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Stewart, David (Highlands and Islands) (Lab)

The Presiding Officer: The result of the division is: For 78, Against 39, Abstentions 0.

Motion agreed to,

That the Parliament agrees that the Offensive Behaviour at Football and Threatening Communications (Scotland) Bill be treated as an Emergency Bill.

Business Motion

The Presiding Officer (Tricia Marwick): The next item of business is consideration of a Parliamentary Bureau motion. I ask Bruce Crawford to move motion S4M-00371, setting out the timetable for the Offensive Behaviour at Football and Threatening Communications (Scotland) Bill.

Motion moved,

That the Parliament agrees that stages 1, 2 and 3 of the Offensive Behaviour at Football and Threatening Communications (Scotland) Bill be taken on the following days—

Stage 1: 23 June 2011; and

Stages 2 and 3: 29 June 2011.—[Bruce Crawford.]

The Presiding Officer: The question is, that motion S4M-00371, in the name of Bruce Crawford, on the timetable for the Offensive Behaviour at Football and Threatening Communications (Scotland) Bill, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Adam, Brian (Aberdeen Donside) (SNP)
 Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Gavin (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Carlaw, Jackson (West Scotland) (Con)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Davidson, Ruth (Glasgow) (Con)
 Dey, Graeme (Angus South) (SNP)
 Don, Nigel (Angus North and Mearns) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Finnie, John (Highlands and Islands) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Goldie, Annabel (West Scotland) (Con)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Johnstone, Alex (North East Scotland) (Con)

Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 Mackenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McDonald, Mark (North East Scotland) (SNP)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McLetchie, David (Lothian) (Con)
 McMillan, Stuart (West Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Salmond, Alex (Aberdeenshire East) (SNP)
 Scott, John (Ayr) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Urquhart, Jean (Highlands and Islands) (SNP)
 Walker, Bill (Dunfermline) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wilson, John (Central Scotland) (SNP)
 Yousaf, Humza (Glasgow) (SNP)

Against

Harvie, Patrick (Glasgow) (Green)
 Hume, Jim (South Scotland) (LD)
 Johnstone, Alison (Lothian) (Green)
 MacDonald, Margo (Lothian) (Ind)
 McArthur, Liam (Orkney Islands) (LD)
 McInnes, Alison (North East Scotland) (LD)
 Rennie, Willie (Mid Scotland and Fife) (LD)

Abstentions

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Dugdale, Kezia (Lothian) (Lab)
 Eadie, Helen (Cowdenbeath) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Malik, Hanzala (Glasgow) (Lab)

Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)
 Park, John (Mid Scotland and Fife) (Lab)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Drew (Glasgow) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Stewart, David (Highlands and Islands) (Lab)

The Presiding Officer: The result of the division is: For 78, Against 7, Abstentions 32.

Motion agreed to,

That the Parliament agrees that stages 1, 2 and 3 of the Offensive Behaviour at Football and Threatening Communications (Scotland) Bill be taken on the following days—

Stage 1: 23 June 2011; and

Stages 2 and 3: 29 June 2011.

Offensive Behaviour at Football and Threatening Communications (Scotland) Bill: Stage 1

The Presiding Officer (Tricia Marwick): The next item of business is a debate on motion S4M-00357, in the name of Kenny MacAskill, on stage 1 of the Offensive Behaviour at Football and Threatening Communications (Scotland) Bill.

09:36

The Minister for Community Safety and Legal Affairs (Roseanna Cunningham): First of all, I thank the Justice Committee for moving so quickly to take evidence on the bill, those who have submitted—and might still be in the process of submitting—written evidence and those who have given or will give oral evidence. I realise that everyone has had to respond quickly to enable us to put the legislation in place before the start of the new football season and I am sure that the whole Parliament will acknowledge the contribution that has been made externally so far.

I must start with the reasons for introducing the legislation and our urgency in doing so. A few weeks have passed but we must not forget where we were at the end of the last football season, when we were faced with some of the most shameful behaviour and incidents that have been seen in many years. Those scenes were broadcast and reported on repeatedly and seen throughout the world, and the disorder, the bigotry, the threats and, ultimately, the bullets and bombs through the post have shamed not only Scottish football but Scotland itself.

The bill is a direct response to those shameful incidents. It is short, sharp and aimed directly at the most immediate problems we face. We will face other, wider challenges in the longer term but the bill represents a proportionate response to an immediately serious issue.

Football is Scotland's national game; it brings pleasure to millions and can be a very powerful force for good. Unfortunately, as the events of the last season have shown, it can also be where the bigoted attitudes and behaviours that we seek to eradicate are most visible and damaging. During the 2010-11 football season, some of those problems reached an intolerable level with sectarian and other offensive singing and chanting from supporters, misconduct by players and managers, death threats posted on the internet and live ammunition sent to prominent figures both directly and indirectly associated with football. When support for a football club is expressed through violence, when pride becomes bigotry and

hatred and when rival supporters chant vile sectarian abuse at one another on the terraces, we cannot simply shake our heads and say, "This is the way it's always been and the way it always will be".

Willie Rennie (Mid Scotland and Fife) (LD): Why does the Government want to pass a law that, according to the Law Society of Scotland,

"rather than being innovative, in many ways simply restates the law that already exists"?—[*Official Report, Justice Committee*, 21 June 2011; c 63.]

Roseanna Cunningham: There are very good and specific reasons why this legislation is required. If the member had been able to listen to the Lord Advocate's evidence at yesterday's meeting of the Justice Committee, he would have heard them. I commend the *Official Report* of that meeting to him.

We do not intend to take the path of hopelessness and acceptance. Instead, we seek a path to a more hopeful and inclusive Scotland where the Government acts decisively to protect people from discrimination and hatred and to make our communities safer.

Some have suggested that the Government thinks that the bill on its own will eradicate sectarianism from Scottish football, but the proposed legislation is not a quick fix for the whole problem of sectarianism. It is specifically directed at dealing with some very ugly manifestations of sectarianism and is only one part of what will be a broader strategy of on-going and developing work.

Margo MacDonald (Lothian) (Ind): Is the legislation specifically targeted at the two clubs in Scotland that are identified with sectarian chanting or does it encompass behaviour at other clubs? For example, I have seen my club drawn into this net and cannot think why.

Roseanna Cunningham: The bill relates not to specific clubs but to behaviour. If such behaviour happens at other club grounds, it will be caught.

When the First Minister was re-elected on 18 May, he made it quite clear in his acceptance speech that

"We will not tolerate sectarianism, as a parasite in our national game of football or anywhere else in this society."—[*Official Report*, 18 May 2011; c 32.]

Johann Lamont (Glasgow Pollok) (Lab): The minister said that the legislation will apply to other football clubs. Does she not realise that the pace at which the bill is being put through Parliament means that we have had no discussion or debate about whether it should address sectarian behaviour not just at football clubs but in our communities? That denies a problem that is much more widespread and affects more than football clubs.

Roseanna Cunningham: That is a nonsensical position to take. We are not denying the problem in Scotland; instead, the bill deals very specifically with its manifestation in football. We all realise that there is a bigger, much more deeply rooted problem that manifests itself in much wider parts of society, and the Government will continue to deal with that. Indeed, I have been given that specific task by the First Minister.

As I said, the bill is only one part of what will be a broader strategy. It provides for two new criminal offences, the first of which outlaws offensive behaviour that incites public disorder at football matches, when travelling to and from matches and when watching football in public areas and places such as pubs. The second outlaws threatening communications, and I will now say something about each.

Our primary intention with regard to offensive behaviour at football matches is to tackle behaviour that is likely to incite public disorder. Three forms of such behaviour are covered: expressing or stirring up hatred based on religious, racial, sexual or other grounds through, for example, sectarian singing or other offensive chanting; threatening behaviour; and any other behaviour that would be offensive to a reasonable person. Some commentators have attempted to divert attention from what the bill is obviously intended to cover by suggesting increasingly fanciful hypothetical situations that appear to bring the provisions into disrepute and I am delighted that the police, the prosecution service, the football authorities and others have welcomed the introduction of the offence, partly because of the clarity that it brings.

James Kelly (Rutherglen) (Lab): Will the minister give way?

Roseanna Cunningham: I really need to get on.

The offence is not about criminalising the singing of national anthems or making the sign of the cross. The bill seeks to criminalise behaviour that is offensive and likely to incite public disorder. National anthems in and of themselves are expressions of national pride; they are not normally sung to stir up racial or ethnic hatred and cannot be considered offensive to a reasonable person.

That said, we have to be clear: that does not mean that bigots can misuse innocent songs and gestures for despicable purposes. We are no more listing banned songs than we are listing songs that are always acceptable, however deviously they might be used. As the Bishop of Motherwell, Joseph Devine, said this week:

"Any sign, song, picture or whatever can be easily abused ... In themselves, the sign of the cross and the

national anthem are noble and honourable expressions, but they can be manipulated for evil intent. Those who intentionally and malevolently exploit and corrupt such eminent symbols should be held to account."

That point was made equally eloquently by the Lord Advocate yesterday to the Justice Committee, and I cannot agree more.

It has been suggested that the offence is not necessary and that existing offences such as breach of the peace are adequate to deal with the kind of behaviour that we are seeking to tackle at football matches. Indeed, I think that Willie Rennie made that very point.

I am, of course, aware that people are arrested and prosecuted for offensive and disorderly behaviour at football matches under the existing law. However, we are concerned that neither breach of the peace nor the offence of threatening and abusive behaviour is ideally suited to dealing with disorder at football matches—in particular, the sectarian and bigoted behaviour that can all too often provoke disorder. To prove that breach of the peace has been committed, it is necessary to establish that the accused's behaviour would be likely to cause genuine alarm to a reasonable person, but proving that offensive sectarian chanting at a football match would cause alarm to a reasonable person will not always be straightforward. Given everything that happened last season, the link to public disorder is more straightforward.

There is an impression that the bill was made up in splendid isolation. That is absolutely not the case. We have benefited directly from the experience of prosecutors, police and others with hands-on experience of tackling disorder at football matches. When Chief Superintendent Andy Bates, the match commander at Ibrox, and Chief Superintendent Gill Imery, the match commander at Tynecastle, say that they believe that the bill will benefit them in policing difficult football matches, we can be confident that we are getting it right.

Of course, not all the problems with Scottish football last year took place at or around football matches. The live ammunition that was sent to prominent public figures who are connected in some way with Scottish football, the death threats to Celtic manager Neil Lennon that appeared on the internet, and the sectarian bile that was posted on social networks and blogs all go beyond what happens on the terraces. To address that, the bill introduces a new offence of making threatening communications.

The offence covers threats of serious violence that are intended to cause fear or alarm and threats that are made with the intent of inciting religious hatred. They include implied threats,

such as images that depict serious harm to an individual.

Patrick Harvie (Glasgow) (Green): The minister has made it clear several times that the bill refers to "hatred". In previous hate crime legislation—to use the shorthand description—the Government used the term "malice and ill-will". Are "hatred" and "malice and ill-will" identical in meaning? Will they be interpreted identically in the courts? Is "hatred" a wider concept than "malice and ill-will" and, if so, in what way?

Roseanna Cunningham: I am afraid that I must advise Mr Harvie that nobody can predict exactly how the courts will interpret any phrase. One difficulty that we are in is that some court judgments have interpreted even breach of the peace in a way that is not recognisable to some of us. I am sure that members who heard that football fans chanting racist abuse at a black player was discovered not to be a breach of the peace, according to the court, would find that surprising, to say the least. When a case is in court, we are in the court's hands.

The threatening communications offence applies to threats that are made through the mail, on the internet and on banners, posters and T-shirts, and to other threats whether they are written, images or sound recordings. However, it does not restrict a person's legitimate freedom of speech, including the right to criticise or comment on religion or non-religious beliefs, even in harsh terms. The offence is concerned solely with threats.

Stewart Maxwell (West Scotland) (SNP): I thank the minister for her comments on what the offence does not cover and on freedom of speech. Is she open to including a freedom-of-speech provision? Outside bodies have suggested that—to many members, I am sure.

Roseanna Cunningham: We have not considered that aspect—

Alison McInnes (North East Scotland) (LD): Why not?

Roseanna Cunningham: I say with the greatest respect that that is because the bill as drafted excludes speech. That is why the proposal looks as if it would be extra to requirements.

The second offence is not restricted to football. The high-profile threats that have been made to prominent figures who are connected with Scottish football have highlighted the issue, but no matter the context in which such threats are made, there is no place in Scotland for people who threaten and intimidate their fellow citizens in such a way.

The measures in the bill are a proportionate response to a serious problem. We must act quickly to restore faith in our national game, which

matters to millions of Scots. I am reassured that Stewart Regan, the Scottish Football Association's chief executive, and Neil Doncaster, the Scottish Premier League's chief executive, agree that measures should be in place before the new football season starts and not come in halfway through it or later.

We expect the offences in the bill to be enforced and prosecuted. Through our record investment in the Scottish police service to secure 1,000 extra officers for the front line, the resources are available to ensure that enforcement happens. We are also working with the police service through the joint action group, which was established in March, to assess whether more is needed. We will not hesitate to ensure that resources are available, if gaps are identified. The group will report on 11 July.

Significant police resources and other resources are deployed on policing football. We know that more than 1,000 officers are required to police an old firm game and that arrests and prosecutions take place for offences at football. The new offences will make the job of Scotland's police officers that bit easier. The offences will be not an added burden but further tools in the box.

Sectarianism, discrimination and prejudice are all completely unacceptable wherever and whenever they occur. As a society, we must stand united and do what we can to build a proud and confident nation in which everyone—regardless of their background—is welcomed. The measures in the bill are a significant initial step towards that goal.

I move,

That the Parliament agrees to the general principles of the Offensive Behaviour at Football and Threatening Communications (Scotland) Bill.

09:50

James Kelly (Rutherglen) (Lab): I welcome the opportunity to speak in the stage 1 debate on the bill's general principles. Scottish Labour recognises the scourge of sectarianism, particularly when it manifests itself in parcel bombs being sent to senior public figures, including a previous member of the Parliament. We recognise and condemn it as a stain on Scottish society when thousands of people sing songs against particular religious groups.

John Mason (Glasgow Shettleston) (SNP): Does James Kelly accept that seeking to delay the bill or such legislation sends out the message that sectarianism is acceptable?

James Kelly: I must say that that is absolute nonsense. I have just got to my feet, and the first thing that I have done is to make it absolutely clear

that Scottish Labour condemns sectarianism without fear and without favour.

I will outline my thoughts on the bill, including the truncated timetable. There is a case for introducing legislation to create an offence that deals with sectarianism and for examining the gaps in relation to breach of the peace and internet crimes. However, that case is very much work in progress.

I congratulate the Justice Committee on its work this week to interrogate the bill and I welcome the Government ceding to Labour demands for committee scrutiny of the bill, because it has flagged up important issues.

Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP): In fairness, what the Justice Committee did was cross-party.

James Kelly: I recognise that cross-party work was done, but I am sure that Ms Grahame concedes that that came after I and my Labour colleague on the committee made representations to her.

As was said in the discussion of the emergency bill motion, the timescale for the bill is too short. The arguments in favour of taking the bill under the emergency procedure have been flimsy. The Justice Committee heard the concerns of the Law Society of Scotland, the Church of Scotland and Celtic about the truncated timetable. The football clubs were somewhat surprised by the bill. In recent weeks, the SNP Government has told us that one reason for introducing the bill as emergency legislation was that the clubs had asked for it and wanted it in place by the start of the new season. However, as the committee heard yesterday, the clubs did not ask for the bill or for it to be treated as an emergency. Indeed, the Rangers representative said that the bill's publication was something of a surprise.

The Lord Advocate told *The Times*—not a parliamentary committee or Parliament—that Parliament was there to pass laws and that we should get on with passing laws. I say to him that Parliament is not "The X Factor". A rush to legislate does not serve Parliament or Scotland well. We should have taken more time to consider the bill.

Derek Mackay (Renfrewshire North and West) (SNP): There is no doubt that the incidents that we have seen have been escalating. If the member thinks that we are going too quickly in passing legislation before the start of the new season, what kind of incident would make him think again?

James Kelly: I point out to Derek Mackay that the shambolic appearance of the minister at the Justice Committee on Tuesday led to the

confusion in yesterday's newspaper headlines, which suggested that someone making the sign of the cross or singing the national anthem would result in a prosecution. That is the result of rushing to legislate—[*Interruption.*]

The Presiding Officer: Order. We would like to hear the member speak.

James Kelly: More time requires to be taken in order that we get the definitions correct, particularly in section 1, which deals with offences around football matches. Police, prosecutors and the public need certainty about those definitions. When the first football game of the season comes, the police officers who are at the grounds will need to know what songs and gestures are covered by the act.

Humza Yousaf (Glasgow) (SNP): Will the member give way?

James Kelly: No, I will not give way. I have taken plenty of interventions and I need to make progress.

A specific framework must be put in place so that people have that certainty come the start of the season.

Also at the Justice Committee, the Lord Advocate explained why he felt that the laws relating to breach of the peace are ineffective. He cited case law in which alleged breaches of the peace had been committed on domestic premises but the matter was not pursued by the court. It is, therefore, a surprise that offences that take place on domestic premises are not covered by the bill. I feel that that should be examined. When a football match is on, more people gather in homes across Scotland to watch it, and there have been instances in my constituency of people committing antisocial behaviour on domestic premises because of actions around football matches.

Margo MacDonald: Will the member take an intervention?

James Kelly: I am sorry, but I need to make progress.

The definition of "regulated football matches" also needs to be reconsidered. For example, the bill does not cover highlights of football matches. Old firm games often kick off early and the highlights are still running throughout the evening, when people have consumed more alcohol, which can lead to trouble in pubs.

On the internet issues, the minister must provide clarification. The bill sets out two categories of offence. Category B deals specifically with religion, but category A is much more wide ranging. The minister seemed somewhat surprised when that was pointed out at the committee on Tuesday.

Inadequate resources are being allocated to support the bill. As Les Gray of the Scottish Police Federation said, the money that is being allocated will not scratch the surface. The financial memorandum states that police support for the bill will be met from existing resources. We are told that we need to pass the bill as emergency legislation in time for the start of the new football season, but the financial memorandum shows that no additional police resources are being committed to support it.

The issue of sectarianism is wide ranging and requires much further consideration beyond the bill. We need to consider what we can do in our education system and how we can work with groups such as Nil by Mouth. It appears to me that the Scottish National Party has come somewhat late to the tackling sectarianism agenda. It was quiet and complacent about it for much of the previous session. If the bill is to be passed at stage 3, consideration must be given to a sunset clause.

Parliament has a duty to make a difference and we have a job to do in getting right the legislation to tackle sectarian bile and in stating that it is unacceptable. If we get the legislation wrong, that will result in chaos and confusion. So far, the SNP's performance on this has been short of the mark; it has a big six days ahead. Scotland deserves better and it is time for the SNP to get its act together.

10:00

John Lamont (Ettrick, Roxburgh and Berwickshire) (Con): We are all agreed on the need to tackle the problem of sectarianism in our society. It may seem an obvious point, but it is important that whatever disagreements there may be on aspects of the bill are looked at in that context. None of us wants to see our society blighted by that problem in the future. In the limited time that I have available to me this morning, I will focus on three areas of concern: first, the lack of consultation; secondly, the uncertain nature of some of the offences in the bill and the unintended consequences; and thirdly, the wider problem of sectarianism in small parts of our society.

Concerns have been raised in a number of quarters, both by the Justice Committee and by other individuals and organisations, about the speed with which the bill is being pushed through Parliament. Given the nature of the events that we witnessed at the end of the last football season, it is understandable that the Government wants to move swiftly to address the problem of sectarianism. We have seen some very ugly scenes plastered across our television screens and newspapers in recent months; however, we should not pretend that the problems are new. We

should be wary of falling into a pattern of legislating to suit short-term media headlines rather than finding long-term solutions to Scotland's problems. Legislation can make a difference, but we have a responsibility to ensure that it is fair, workable and consistent.

There are also concerns about how the legislation might be interpreted. For example, could a republican Scot claim that someone singing "God Save the Queen" was engaging in offensive behaviour under section 1? Despite what the minister has said this morning, neither she nor the Lord Advocate has been able or willing to rule out that possibility, which I still have concerns about. It would be ridiculous if we passed legislation that had the consequence of criminalising those who sing their national anthem.

Even more than is usual for legislation on criminal behaviour, much will depend on the police's and the procurators fiscal's interpretation of the law; however, the ambiguity that is allowed for in the bill will make their job extremely difficult. What about songs that have more than one set of lyrics but have been known to be offensive in the past? What about football supporters humming or whistling the tunes of offensive songs without singing any of the words? What about songs that do not refer to religious aggravation but instead celebrate events such as the Ibrox disaster or the death of former prominent players? Such songs may not be examples of sectarianism, but they are equally likely to incite hatred and are equally vile in tone.

Roseanna Cunningham: Does the member not accept that he has just outlined precisely the reasons why one must not go down the road of listing songs or excluding songs? That is exactly our argument.

John Lamont: If the legislation is so uncertain that people do not know whether they are breaking the law, surely there is an argument for taking the time to consult to ensure that we get it right. The bill will clearly put a lot of additional responsibility on our police officers. That is no reason not to pass the bill, but it demands that we tread carefully before venturing down such an ambiguous path.

My third and final point is about my concerns for our wider society and what we should be doing to tackle the problem at an earlier stage. The problem of sectarianism in parts of west central Scotland is much bigger and wider than just sectarianism at football matches. The reality is that young men at football matches act in that way as a result of the conditioning that starts at an early age. Certain parts of society—admittedly small—in west Scotland have promoted that culture, including partly through our education system. The segregation of our young people brings them up to believe that the two communities should be kept

separate. That is something that I know a little about, having been brought up and educated in the system of west central Scotland—the same system that produced many, if not all, of those who have been responsible for the shocking behaviour that we have witnessed in recent months.

I am a former pupil of Kilwinning academy—a school that I am incredibly proud of and which gave me an excellent education, got me into university and probably taught me more about life than many other schools might have done. However, the school—or, more accurately, the system—conditioned me into thinking that there was a difference between those of us who went to Kilwinning academy and those who went to the Catholic school around the corner, St Michael's academy.

Yes, my school was a co-educational, comprehensive, non-denominational school. Yes, I remember that there were some pupils who originated from other parts of the world, but the school was predominately white and Protestant. I remember only one Catholic classmate or, rather, only one classmate who was prepared to admit to being Catholic.

Annabelle Ewing (Mid Scotland and Fife) (SNP): Will the member give way?

John Lamont: I have quite a lot to say in the time available to me.

Every morning, the buses from the Garnock valley would bus the pupils past Kilwinning academy to the Catholic school around the corner. In my early, naive years, I would ask my parents to explain why the buses drove past a school that I thought was perfectly adequate to go to another school. Unfortunately, others at my school were less naive. When the old firm played or on dates of historical importance, I clearly remember the stones and eggs that were thrown at the buses ferrying pupils past my school. The pupils in the buses would spit at my classmates as they walked to school. Of course, the school tried to take tough action against those responsible, but when so many are involved in such behaviour, that is extremely difficult.

The education system in that part of Scotland is effectively the state-sponsored conditioning of those sectarianism attitudes. I say that as someone who believes that as a Christian country we should do more to promote Christian values in our young people and to support religious education in schools. In those small pockets of west central Scotland, those attitudes are being entrenched at home and in the wider community. It was not just football supporters or pubs that were segregated in that way. More respectable

institutions such as rotary clubs and golf clubs were split on religious grounds.

However, we should not be surprised by that, when in west central Scotland we allow our children to be educated into believing that there is something so different about the two religions that pupils cannot be allowed to share the same school building. It is little wonder that parts of our society continue to segregate themselves in later life when that is what they are taught when they are at school.

The Government has indicated its willingness to listen to parties from across the chamber and to govern in a consensual manner. I hope that the minister will reflect on the concerns that have been expressed today and ensure that the bill is as fair, workable and consistent as possible.

The Deputy Presiding Officer (John Scott): We move to the open debate. I am sorry to tell members that we are extremely tight for time and that I will have to restrict what would otherwise have been six-minute speeches to five-minute speeches.

10:07

Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP): I must not take it personally, Presiding Officer, but every time I stand up there is a warning.

I accept David McLetchie's argument on the pragmatic approach, and the minister's good purposes. That said, I have some comments to make. For new members, I say that usually in a stage 1 debate I would speak as convener, but this is not a committee stage 1 debate because the business bureau did not refer the bill to my committee. In passing, I say to James Kelly that this is not a competition about which political party wanted scrutiny; scrutiny came from across the parties. As convener of the Justice Committee, I made my view on that clear at the beginning, when the bill was introduced.

If members will forgive me, I will speak as convener, even in these unusual circumstances. I thank the committee staff, the official report—which published the oral evidence for us, which was helpful to us and, indeed, to the minister—all the witnesses, including the minister and her officials, and the Lord Advocate. Not least, though, I thank committee members for attempting at breakneck speed to give some semblance of disinterested scrutiny to the proposed legislation.

The Lord Advocate said in his contribution at the committee yesterday that draft guidance for clubs and the police—which no one has mentioned so far—will be published on Friday. The guidance will, I hope, be extremely helpful. However, I have

to say to the Lord Advocate that to imply that because it is a short, sharp bill, it should not be contentious or flawed, is not a compelling argument from him or the minister. If there were ever a one-section bill—I do not know whether there ever could be one—it might be extremely contentious, so that is not a principle that one can rely on.

Many witnesses, particularly the Law Society of Scotland, the Church of Scotland and the Equality Network, were extremely unhappy about the use of emergency procedure. When I put it to him that the proposed legislation had been well trailed in the media, Tim Hopkins of the Equality Network quite rightly said:

"We knew that it was coming but I have to say that when we saw it on Friday morning it came as quite a surprise to us—it was quite different from what we were expecting."

I replied:

"That is a fair response."

There is a big difference between trailing a policy and having specific legislation before us.

An interesting comment was made by the representative from the Church of Scotland, who compared the bill with the legislation to ban smoking:

"Law works at its best when the majority of the population think that it represents a collective will ... Measures that have been effective, such as the smoking ban, work not because they are enforced but because the passage of the legislation was taken to mean that people supported it—it was seen as the collective position."—[*Official Report, Justice Committee*, 22 June 2011; c 88 and 82.]

That is a fair argument.

Representatives of the clubs, the Scottish Football Association and the Scottish Premier League confirmed that they had not sought legislation but that their concerns had been somewhat assuaged after the briefing by the Lord Advocate yesterday morning, particularly with regard to the guidance.

I am grateful to the Lord Advocate for that. I am also grateful to him for distinguishing from breach of the peace—raised earlier by Willie Rennie—which is one of the criminal offences currently utilised in cases of aggressive threatening behaviour *inter alia* at football matches. I look forward to the response from the Law Society, which took a distinctly different view.

On balance and in fairness, I should say that the Association of Chief Police Officers in Scotland fully supported the legislation.

No doubt others will deal with the funding arrangements.

Questions that have arisen on specific sections of the bill will have to be addressed at stages 2 and 3. An example is section 1(5)(b). I will not quote it—members can see it—but does it exempt public houses showing a match on a widescreen when only one team's supporters are present? Does it apply to supporters' club rooms? The Lord Advocate could not answer that question when I asked him about it at yesterday's meeting, when he said that he would give it consideration. We need to know about that, because it is a serious issue.

The provisions in sections 2(4)(a) and 2(4)(b) seemed wide to me, and I did not fully understand the explanation. I may be dull of wit and mind but I hope that someone will explain those provisions to me because they may be open to challenge under freedom of movement legislation. No doubt that will be explained in due course, during the amendment stages.

Section 6(2), which another member addressed earlier, excludes unrecorded speech. I ask members to look at what is said in the interesting submission from the Equality Network about why that is excluded, because I believe that it is not excluded in other, comparable legislation.

We all wish to see a reduction in sectarian violence but if, as predicted, the bill proceeds to stage 3 and is passed, I give notice that I intend to lodge an amendment or amendments at stage 2—and possibly at stage 3, if my stage 2 amendments are rejected—to require either a review or a sunset clause after two seasons of football, because the very people who should be engaged in this debate, namely the supporters and the fans, have not been engaged. We have not heard from them.

10:13

Graeme Pearson (South Scotland) (Lab): I acknowledge the convener of the Justice Committee's even-handed account of the work done by the committee in the past couple of days. She is quite right—and the minister knows—that although this is a short bill, as today's debate has demonstrated, big issues lie behind the words on the paper.

Legislation worthy of enforcement demands proper public scrutiny and a review by members of this Parliament in order that we can give knowing consent and authority to the law. The minister relies on the authorities to support her position, although I have seldom heard those in authority decline what appear to be additional powers.

In the context of anti-sectarian legislation, the Justice Committee, on behalf of Parliament, has spent two short meetings taking evidence, debating complex issues and reviewing proposals

deemed a priority by Government. The process has been sobering. It has demonstrated starkly the frustrations faced by members of the public, and others already referred to, in trying to feed into our considerations. As witnesses representing interests as diverse as the Church of Scotland, the Equality Network and national football authorities and clubs indicated, there has been little or, in the case of the clubs, no attempt to consult on the proposals. One witness noted that such a course of action was unheard of.

There is a view that failure to give the general public the opportunity properly to consider the bill over a reasonable period means that the community might have no sense of ownership of the bill or confidence that it can deliver its stated aims. That is crucial when we consider that we pride ourselves on supporting the principle of policing by consent. If, as has been suggested during the past two days, elements of the proposals alienate or criminalise a section of our community unnecessarily because the legislation was poorly prepared, we will regret the unseemly haste that has been demonstrated.

Members have identified the weaknesses in the bill. It is striking that only the Government and the people who will be tasked with enforcing the legislation on the Government's behalf have spoken enthusiastically in support of the bill, without acknowledging the criticisms. Academics Dr Sarah Christie and Dr David McArdle left us in no doubt that more effective enforcement of the current legislation would be a more appropriate response, and their view was reinforced by the Law Society of Scotland.

Fewer than 130 football banning orders are current, after four years of prosecutions. In my opinion, that indicates a lack of universal commitment in respect of our current difficulties. Indeed, one of our witnesses opined that elements of our judiciary

"see banning orders as a regime that was developed down south to deal with a peculiarly English problem. One of the sheriffs said, 'It is an English act with a kilt on it.' It is of limited utility in Scotland".—[*Official Report, Justice Committee*, 21 June 2011; c 61.]

I think not.

Our witnesses gave of their time and energy to offer their views at very short notice. Many more individuals, by means of e-mail and written submissions, reported grave concern that a police officer would be required in the heat of action to establish the difference between an offence under the bill and a joke, proselytising, free speech or satire—and would likely have to do so in the glare of the media and crowd attention. That is a tall order for anyone. As a result of those concerns, two Christian organisations are going to court to attempt to prevent the progress of the bill.

Our witnesses from football clubs said that although they had attended a highly publicised summit the announcement of the bill had come as a surprise. They were briefed on the proposal only immediately before the Justice Committee's meeting—a week before the bill is due to become law. A Government that displays cavalier disregard for basic principles creates danger. We need wisdom and prudence, not tough talk and grandstanding. The vast majority of football supporters deserve to be treated with respect. Sections 1 to 4 will not produce a suitable or proportionate response to the problems of sectarianism.

The Deputy Presiding Officer: You must close now, please.

Graeme Pearson: I invite the minister to display her skills in openness, accessibility and listening and to go away and think seriously about the reservations that have been expressed. The Scottish Police Federation said:

“the financial memorandum is way off the mark”.—
[*Official Report, Justice Committee*, 21 June 2011; c 38.]

Given the reduction in policing and the use of stewards in our football grounds in the interests of cutting costs, I hope that we will think again.

10:18

John Finnie (Highlands and Islands) (SNP): I will make a few general comments, specifically on policing, and I will pick up on evident misunderstandings on the part of some members.

I am disappointed that Graeme Pearson thinks that there is not universal commitment to tackling offensive behaviour at football matches and threatening communications. That is not my understanding; I think that there is public support for tackling hate crime associated with football and I think that there is public support for the criminal justice system and its ability to enforce the bill and other legislation.

There are genuine and heartfelt concerns about the consultation process, but the public understand that we need to act on the matter, and that is what has happened. Members heard about the evidence that has been taken. I will talk about the evidence from the Association of Chief Police Officers in Scotland and the Scottish Police Federation. I am a former official of the Scottish Police Federation and I have to say that the federation often comes from a slightly different perspective. However, it welcomes the powers in the bill and, as Mr Pearson rightly said, spoke with enthusiasm about them. That is important. The police witnesses were content with the timeframe.

On the resources, the figures are in the financial memorandum. Les Gray said that the financial

memorandum is “way off the mark”, but that should be put in the context of what Assistant Chief Constable Corrigan said—much as I would like stronger powers for the Scottish Police Federation, Mr Corrigan holds the weight in such matters.

James Kelly: I am sure that the member has studied the financial memorandum. Does he agree that the resources to support the bill will be met from existing resources and that no additional police resources will be put in to support the bill?

John Finnie: I will address the member's point in my next comment, because I was about to speak about the difference in emphasis between what Mr Gray and ACC Corrigan said about the finances. ACC Corrigan talked about using a “reasonable number” of officers. As Mr Pearson understands, every event is risk assessed and the assessment relates to the resources—and all the implications of that. ACC Corrigan went on to say that it is not about tripling the number of officers—I think that his comment followed Mr Gray's comments and were made in the context of talk about the heavy campaign on the control of alcohol in football grounds, which by its nature required a police presence. The bill will require a targeted presence.

It is also important to recall that Mr Corrigan has said elsewhere that he would adopt a “preventative” approach, which involves publicising the issue. When that happened at the most recent old firm game, there was a marked reduction in the instances of sectarian singing.

Johann Lamont: Does the member think that there is a particular issue to do with policing pubs in which football is watched, in relation to establishing which games are being watched and whether people are actually watching the game? Does he accept that, in the initial stages, a deal of police resource will be required to enable the police to go into pubs where there might be disorder?

John Finnie: With respect, that happens at the moment. I am a regular attender at football matches, and public houses are often visited by officers in considerable numbers who are dealing with other matters. That is happening in any case. It is about the difference between being reactive and being proactive. I think that ACC Corrigan was emphasising that the mere promotion of the legislation would be sufficient to address the issue.

On resources to tackle threatening communications, it was fascinating to hear what ACC Corrigan said about how gang violence in Glasgow is being dealt with by police cadets who have knowledge of social media. In any case, there are resources to deal with internet crime.

I want to talk about three other matters that I think are important, which other members mentioned.

The Deputy Presiding Officer: You have 40 seconds.

John Finnie: Yes indeed.

The question is whether the proposals are necessary, legitimate and proportional. I think that they are necessary, as has been evidenced. I asked a simple question of the Lord Advocate yesterday. I asked him whether he thinks, as the police do, that the bill will fill a gap in the legislation. He said yes.

Is the bill legitimate? Certainly, everyone should welcome the aim of strengthening protection against criminal acts that are carried out in the name of prejudice. Is it proportional? It most certainly is. Guidance will be issued. I commend the bill and the scrutiny that is on-going.

The Deputy Presiding Officer: I remind members that we are very tight for time and they must keep speeches to a strict five minutes.

10:24

Humza Yousaf (Glasgow) (SNP): Offensive behaviour at football affects everyone in society, as many members said, whether we are football fans or not.

The sectarian and religious hatred at football grounds that the bill aims to tackle is not confined to people of a particular religion or faith, as members said. My cousin, like me, is a Scottish Pakistani of the Muslim faith but, unlike me, he is a passionate supporter of Rangers Football Club and has attended many matches in his time. Members who are familiar with old firm security will be aware that the police do their very best to keep fans separated for as long as possible, but there inevitably comes a point when fans meet and converge, and sometimes violence occurs.

My cousin once told me that he happened to be walking back from an old firm match during one of those unfortunate times when violence broke out. He did his best to avoid the mêlée, but he told me that he was confronted by a rival fan and asked whether he was a Protestant, although that word was not used. He looked down, stared at himself and mumbled back, "Actually, I'm a Muslim." The young man replied, "Don't get cheeky. Are you a Protestant Muslim or a Catholic Muslim?" Perhaps that is a funny point but, unfortunately, the story simply reiterates the point that sectarianism goes far beyond the constraints of religion, which we often restrict it to.

I wish to address briefly some concerns that many members have made in the debate and over the past few days and weeks.

Many members have quite correctly commented on the haste that the bill is being dealt with. I have no doubt at all that, in an ideal world, we would have liked as much time as possible for consultation on this important bill, but a balance of priorities must be struck. Every member should cast their mind back to where they were when they heard the news about Neil Lennon, Paul McBride QC and Trish Godman, who is a former colleague of many members, being sent parcel bombs through the post. Scotland was numb. As a society, we felt that the rivalry and posturing had gone far too far, and there was a clear indication from the people that they expected something to be done about the matter now.

John Park (Mid Scotland and Fife) (Lab): Will the member take an intervention?

Humza Yousaf: I do not have enough time. This will be a quick five minutes, unfortunately.

It has been reiterated time and again that the bill does not intend to be a magic bullet for the problems that we face, and it will not eradicate in an instant all offensive and hate-driven behaviour on our football terraces. However, it is an indicator of our resolve to send out a strong message that, as parliamentarians, we hear the cries of the people and are taking their concerns with the utmost seriousness, which they deserve.

Some members have suggested that the nature of the offences that will be created is unclear. I draw their attention to the Conservative Party's very own Paul McBride QC, who said:

"As legislation goes, it's simple as pie—you don't even need to be legally qualified to understand it."

As one of those non-legally qualified people to whom Mr McBride alludes, I can attest that, although the bill may not be pie-like in its simplicity, it is not nearly as complex as some members suggest.

Yesterday's sensationalised headlines about national anthems and religious gestures were simply unhelpful. Mr Lamont, who initiated questioning on the matter, must know better. He will be fully aware that there is the element of discretion in relation to many offences, be it breach of the peace or otherwise. Officers and the courts must take into account all the relevant facts, the details and, most important, the context. I do not believe for a moment that Mr Lamont thinks that the various authorities would ever overstep that mark. In fact, given his legal background as a former solicitor, it is inconceivable that he does not know all that. Perhaps he simply awoke that morning feeling slightly mischievous, or perhaps

he was putting forward his credentials for a certain soon-to-be-vacant post in his party.

Jim Hume (South Scotland) (LD): Will the member give way?

Humza Yousaf: I have only a minute and a half left. Okay, go ahead then—you have 10 seconds.

Jim Hume: The member has mentioned a Queen's counsel and Mr Lamont, who is a former lawyer. Does he disagree with the Law Society of Scotland? It has stated that the bill

"seeks not to replace or clarify the existing law but to add another layer of law, which is not always the best way to approach things."—[*Official Report, Justice Committee*, 21 June 2011; c 66.]

Humza Yousaf: I take to be more important the views of the Lord Advocate, who has said that the bill will plug any gaps that exist and, on top of that, the views of the police, who are, it should be remembered, on the front line picking up broken bottles and taking people to hospitals in the aftermath of many matches. They say that the legislation must be brought in now.

When we took evidence from police officials on Tuesday this week, ACC Campbell Corrigan and Les Gray told us that they were confident that they could train their officers in sufficient time for the start of the season. Any member who attempts to undermine that confidence in our police is extremely unhelpful.

There are a number of other points that I would like to make, but I can see that I am out of time.

I agree with the convener of the Justice Committee, Christine Grahame, that some kind of review structure should be in place for the legislation.

Football is our national game. We should be proud of it, and we should not feel the need to cringe when we hear it mentioned on the evening news. Let us not pass up the opportunity to start the new season with a different tone on the matter.

10:29

Alison McInnes (North East Scotland) (LD): As many members have said, every single one of us wants to see an end to sectarianism. We want to see an end to all discrimination, prejudice and abuse, but the bill will not achieve that. Laws do not operate in a vacuum. If we need a new law to help to deal with these issues—and, given time, we may find that we do—it must be created in concert with a wider approach. Attempting to legislate without that context is as unwise as it is futile.

We cannot tackle sectarianism from the top down. We need a joined-up approach that involves people from different communities throughout

Scotland. I welcome the work that is being done with the joint action group on football, and look forward to reading its final report and seeing what recommendations it makes on what can be done to prevent a repeat of the dreadful scenes that we saw earlier this year. Sadly, such scenes have been a fact of life in Scotland for more than 100 years. However, I am forced to ask why the Government went to the trouble of setting up the joint action group if it is not willing to wait and hear what it has to say. Yesterday, *The Scotsman* opined that the

"Unseemly rush leaves Scots law open to ridicule".

Not one member is saying that sectarian behaviour or any abusive or prejudiced behaviour should be tolerated, but such behaviour is already illegal. The bill, which the Government would prefer no one to look at too closely, will not criminalise anything that is not already illegal. It will not make the existing law clearer or give the police any additional powers to deal with sectarianism or other abusive behaviour. As far as I can see, it will create more confusion, more inconsistency and more questions.

Before any law is passed in the Parliament, there are questions that have to be answered. We are usually able to explore the issues during weeks of scrutiny and evidence and expert advice taking. However, as we have seen, the Government is determined that Parliament will not be allowed its rightful role in the legislative process. I still want the questions answered, and the people of Scotland deserve to have them answered. Therefore, I will ask the minister those questions.

What evidence is there that there are gaps in our existing laws that need to be closed? How many people have committed crimes aggravated by religious prejudice but have not been punished because our existing laws do not cover the offences? Could the scenes that we witnessed earlier this year have been prevented if existing laws were enforced more consistently? How many prosecutions could be brought under the new offences? How many of those prosecutions could not be made under the current law? How many breach of the peace charges with a religious prejudice aggravation have been brought, only for the aggravation to be dropped in order to make the prosecution?

In what circumstances will the new law make singing "God Save the Queen", "Rule, Britannia!" or "Flower of Scotland" illegal? Should people not have the right to know what they can sing without being arrested? Should people not know where they can sing without being arrested? Why should singing a certain song be a crime if it is sung at a football ground but not if it is sung on a march?

How are the police meant to determine whether a person is on a journey to or from a match? In what circumstances could a person be described as being on a journey to a match, if they have no intention of attending that match?

What situations are covered by the provision on a match that is being televised? Is a hospital common room or a mobile phone in a park covered?

What is the definition of a "serious injury"? What is the definition of "stirring up" religious hatred?

Does the communications aspect cover what is written on a flag or on a person? At what point does speech become recorded speech? What if a private conversation in a public place is caught on tape? How does the Government expect the new law to be policed?

Christine Grahame: Will the member take an intervention?

Alison McInnes: I have no time, as I have many questions for the minister.

If the financial memorandum is indeed "way off", how can the public be confident that there will be adequate resources to enforce the new law? How can the Government defend passing a new law that will require test cases to define its extent?

Christine Grahame: Will the member give me 10 seconds?

Alison McInnes: No.

What consideration has the Government given to the difficulties with gathering evidence for crimes that have been committed abroad and with getting witnesses and suspects to Scotland? How is a defence of reasonableness defined?

Neil Findlay (Lothian) (Lab): On a point of order, Presiding Officer. I say to Ms Grahame and others that Alison McInnes's comments could be debated if we were given more time to discuss the bill.

The Deputy Presiding Officer: I am sorry, but that is not a point of order. We will move swiftly on.

Alison McInnes: Can the Government guarantee that a newspaper that reprints a death threat from the internet or elsewhere could not be caught out by the reckless provision in section 5?

I see that I am running out of time, so I will leave it at just 30 unanswered questions for now. I look forward to hearing the answers to those questions, as do the people of Scotland, I am sure.

I am reminded of something that a wise man once said—I am sure that he must be a wise man, as he is a former MSP, and he went on to be political adviser to the First Minister. When he was

considering sectarianism in the Justice 2 Committee in 2002, Duncan Hamilton said:

"it is wrong to legislate simply because we have the power to do so and to assume that that legislation will make an improvement".—[*Official Report, Justice 2 Committee*, 11 December 2002; c 2449.]

I could not agree more.

The Deputy Presiding Officer: Helen Eadie has a very tight five minutes.

10:34

Helen Eadie (Cowdenbeath) (Lab): If the bill is about sending a strong and clear message from the Parliament that sectarianism is not acceptable in any shape or form, I congratulate the Government on initiating that message. I strenuously support its aim, but I strongly oppose its rushing the bill through Parliament in the way that it is doing.

Like others, I have heard and read what commentators, professionals and people on the front line are saying about denying civic Scotland's input to the legislative process. Paul Martin spoke for me when he offered that Labour Party members would work through the recess to address the issue with urgency, and I am disappointed that the Government has turned that offer down. James Kelly also spoke for me in everything that he said.

As others said, we are being asked to vote on many issues without anticipating what the unintended consequences might be. The Law Society of Scotland said that lack of consultation and use of the emergency bill procedure set a bad precedent. Similarly, others who gave oral evidence to the Justice Committee expressed very serious concern that there had been no prior consultation on the issues.

Probably like many other members, I have been sent an e-mail from the Christian Institute and CARE—Christian Action Research and Education—advising us of the legal challenge that they propose and the QC opinion that they have secured, which sets out a variety of matters such as failure to consult stating legal precedents, European convention on human rights issues and questions about the Scottish Parliament's competence on the extraterritorial issues. In the QC's words,

"The procedural failures in the introduction of—and the substantive defects on the face of—the Bill are so"

conspicuously bad

"that it is unclear why the Bill is being taken forward in its current form, which leave it open to successful legal challenge before the courts by any interested member of the public."

In its financial memorandum, the Government says that the legislation is a minimal change and that it does not seek to prosecute new offences or increase the number of prosecutions significantly. Some people propose that that approach suggests that the bill is window dressing or a public relations statement to Scotland's people about what direction the Government is insisting on. Members might agree that that is, of itself, sufficiently important, but there is a real danger of creating unrealistic expectations.

I am in no doubt that the destination that the Government wants to get to is absolutely right, but its road map is absolutely wrong. There are many questions for it to answer. For example, is it acting illegally? Aidan O'Neill QC of Edinburgh states in his opinion of 21 June, which was prepared for the Christian Institute and CARE, that it is doing so on a range of issues. I read much of that detailed opinion yesterday evening.

In an oral presentation on the bill's provisions at the stakeholder meeting on 17 June, the civil servant tasked with advising on the policy of the bill stated that civil servants had been instructed only some three weeks ago to produce a bill on the issue, whereas they would normally expect the production of a bill to be the outcome of a process of research and consultation extending over 18 months.

Are the various commentators correct who have said that it is rather unclear whether section 1 introduces new substantive criminal offences or is about clearly restating the law? It is valuable to be clear about the law, but the bill is not introducing new crimes and the sort of behaviours that we are talking about are already offences.

In the committee, Tim Hopkins said:

"The inclusion of the offence of stirring up religious hatred, in particular, was not trailed at all—we had certainly heard nothing about it. The offence is actually quite substantive and, indeed, created a huge amount of debate down south when it was proposed. That is where we think the biggest problem lies."

He continued:

"The offence is similar to breach of the peace, so arguably it does not extend the law very much. Homophobic and sectarian behaviour at football matches can already be prosecuted as a breach of the peace aggravated by one of the statutory hate crime aggravations. It has been said that breach of the peace is too broad and the boundaries of the law are not clear."—[*Official Report, Justice Committee*, 22 June 2011; c 88.]

We already know that there are many people in Scotland who, like the Government, have a huge reservoir of good will and the ability to contribute to this key work. We need to accept their offers of assistance and engage with them meaningfully.

However, I remind members that, when the United Kingdom Government attempted to

legislate for Scotland, as well as for England and Wales, on inciting religious hatred, the Scottish National Party MPs opposed the measure in the Westminster Parliament on the basis that they considered existing Scots law to be sufficient to deal with the issue. I leave members to ponder that point.

10:40

Roderick Campbell (North East Fife) (SNP): I welcome the bill. Many critics question whether it is necessary. Many commentators have commented that, in the common-law offence of breach of the peace and in section 38 of the Criminal Justice and Licensing (Scotland) Act 2010 in particular, we have sufficient laws, which could be enforced in relation to behaviour such as that under discussion if they were used fully, and that sentencing could also be addressed under current legislation. "So why do we need the bill?" they ask.

Let us be clear that existing legislation could be used on many occasions, but it is in the nature of law that offences can be prosecuted in many different ways, and it is for the police and the Crown to consider how best to proceed when alternatives are available. In addition, the same argument—that the same ends could be achieved under existing law—was made during the passage of the Offences (Aggravation by Prejudice) (Scotland) Act 2009 and rejected then.

There is no doubt that the bill fulfils a need. It represents an opportunity to send a clear message to Scotland that behaviour of the sort that it covers is not acceptable in modern-day Scotland. It makes that abundantly clear to all who attend football matches and I believe that it will encourage enforcement.

However, it is not an all-encompassing bill and nor should it seek to be one. I am heartened by the support of the police representatives in that respect, by the comments of the SFA chief executive, Stewart Regan, and by the willingness of the football clubs' representatives to embrace the measure in an undoubtedly short timescale. However, that means, of course, that there is a responsibility on the Parliament to ensure that the bill is well crafted.

In that respect, I welcome the Law Society of Scotland's comments on the definition of regulated football matches. I also welcome the Equality Network's thoughtful contribution to the debate and its support for the section 1 offence. I also share its concerns on the narrow remit of section 5(5) which, in contrast to section 1, is restricted to religious hatred only. However, the clear intention of the bill is not to impact on proselytising or anything of an artistic nature. Therefore, on the

defences that would be available under section 5(6), it is arguable that less is better. I am not currently persuaded that the adoption of an English-style freedom of expression defence would improve matters.

We have heard a little about deficiencies in the existing law on breach of the peace. It is clear that paragraph 21 of the policy memorandum does not adequately state the common-law position. However, it is equally clear from the decision in *HMA v Harris* that the absence of a public element would be fatal to a prosecution for breach of the peace. Addressing that is at least part of the intention of section 1(5)(b).

James Kelly: On the deficiencies in the current law on breach of the peace in relation to domestic premises, does Roderick Campbell accept that there is a shortfall in the bill in that the offences in it do not cover such premises?

Roderick Campbell: No, I do not agree with that point.

Critics of the bill have also made a great deal of play about what they say is a lack of clarity in a bill that may outlaw the singing of the national anthem. I fully support the minister and the Lord Advocate when they draw attention to the fact that, in considering whether there is any offensive act, account must be taken of the facts, character and context. No legislation can be looked at in a vacuum.

I also fully support the fact that measures on offensive legislation will cover not only fans' behaviour but that of players and officials. That is an important aspect that needs to be emphasised.

Margo MacDonald: Would that offensive behaviour extend to the chant that one occasionally hears on Easter Road: "If you hate the"—expletive removed—"Jambos, clap your hands"?

Roderick Campbell: The minister might care to deal with that matter in her closing speech.

We should also accept that the bill is no silver bullet. We cannot change a culture overnight.

Johann Lamont: Will the member give way?

Roderick Campbell: No.

Additional measures—such as stricter policing of licensed premises on the day of matches, tougher policing, prosecution of e-hate crime and tackling sectarianism among offenders—are important. I also hope that the joint action group can build on its work and its six-point joint action plan, which was announced in May.

Perhaps inevitably, much of the comment on the bill has focused on the speed of its progress, but we have a problem that needs to be sorted and we

should not shy away from dealing with it. Sunset clauses may have attractions, but in my view it will be necessary to keep the legislation under review for longer than it would be prudent to use a sunset clause.

The Deputy Presiding Officer: I regret that the member must close now.

Roderick Campbell: We have work to do on the bill, but let us support it and get to work on helping to build a better society.

10:45

John Park (Mid Scotland and Fife) (Lab): I welcome the opportunity to speak in this very important debate, as I welcomed the opportunity to participate in the members' debate on sectarianism and anti-Irish racism last week. I left that debate knowing that many members in the chamber want to tackle the issue. While today's debate might ebb and flow, I know that every single one of us here wants a solution, and wants to improve the circumstances that people are facing outwith the Parliament.

There are legitimate concerns about the speed of the bill process, but I recognise that the Government is trying to improve things. I will highlight my main concern about the pace at which we are going. One issue that has been raised is how we as a Parliament engage with civic Scotland. There are people who have legitimate concerns on this matter inside and outside the Parliament, but if we try to introduce laws on sectarianism too quickly it allows those who have illegitimate concerns to raise them, too. That is one of the main issues that we need to deal with today and in the next week or so as we scrutinise the legislation.

The changes that we are seeking to introduce are a laudable attempt to move things in the right direction. However, in order to make a real difference we must educate people over a longer period of time. That is why I stressed in last week's members' debate that I felt—perhaps with the benefit of hindsight—that it was a little disappointing that the First Minister and the Scottish National Party Government moved away in the previous session of Parliament from that educational approach and from the focus on sectarianism.

If we are going to introduce legislation now, we need to ensure that we promote education alongside it. I see that Stewart Maxwell is shaking his head, but, for the new members here, that is what happened: the focus was taken away.

Stewart Maxwell: I am sorry to correct Mr Park, but that is not what happened. We moved to a situation in which we dealt directly with the issue

and with organisations outside the Parliament. We moved away from public relations stunts and publicity events that were purely for the *Evening News* and did not actually tackle the issue.

John Park: I thank Stewart Maxwell for giving me the opportunity to respond to that. To declare an interest, I was actively involved in sectarianism work before I entered the Parliament in 2007. Although the summits might have had a PR or a media focus, I know about the level of work that was going on in the Scottish Government at that time, and I know that it stopped taking place after 2007. I am speaking from experience.

There are a number of organisations such as Nil by Mouth, sense over sectarianism and show bigotry the red card—which I became aware of last week and is part of Show Racism the Red Card—that do some fantastic work. As parliamentarians, we need to support them as much as we can, but we need to find out how we can lever in significant support.

Roseanna Cunningham: Does Mr Park accept that those organisations have received significant sums of money from this Government throughout the period and are continuing to receive that money against the backdrop of the cuts from Westminster that we are having to deal with?

John Park: I know that the Government took a different approach, and that there has been a lack of focus. I am trying to explain that we need to move forward. It is not just about legislation; it is about education and putting extra resource into it over a longer period of time.

I will say a bit about threatening communication and how we challenge some of the language and behaviour around that. We have a real issue that has developed over a period of time with regard to self-regulation and the internet. I commend the Government for trying to do something about that, as the issue is difficult to deal with.

The registration, operation and moderation of websites must be examined more specifically. Certain organisations have encouraged people to hide behind nicknames to criticise people in the public eye and make arrangements around football matches. We as a Parliament must tackle that, and so must the Scottish Government.

I am happy that we are moving forward on the issue today. There has been debate about the pace of the process, but we need to send a clear message that we are united in wanting to tackle sectarianism and make a difference. I know that members in the chamber believe that, but the Government must listen to the points that we make so that we can all make a difference and get legislation that we can work on.

10:50

Colin Keir (Edinburgh Western) (SNP): For Margo MacDonald's benefit, as a pretty well-known Jambo around the place who has done missionary work in Easter Road on numerous occasions I do not take offence at many of the things that she mentions.

I welcome the fact that members on all sides of the chamber recognise the need to clamp down on sectarian crime, and hate crime in general. Such crimes shame this country. We undoubtedly have one of the most awkward sectarian problems in Europe, which damages this country and its international reputation as a multicultural, friendly and tolerant society.

My colleagues and the minister have outlined the bill's aims and the importance of ensuring that it comes into force before the start of the football season. Earlier this week, the Justice Committee took evidence from a number of people representing different stakeholder groups with an interest in the proposed legislation. Like members in the chamber today, everyone wants an end to this cancer, and we should not allow it to take any more of a grip than it already has.

The bill is generally supported by the police. Assistant Chief Constable Corrigan and Les Gray of the Scottish Police Federation both view the bill as a useful tool for enforcement, mainly because the Scottish courts are now defining breach of the peace in a more restrictive way, which makes convictions more difficult to obtain. The minister gave a good example of that in her opening statement.

We have heard from the SPL, the SFA, Celtic and Rangers, all of which desire to see the end of sectarianism because it does their clubs no good nationally or in the international arena. I grant that they did, like many people, have concerns about the speed of the bill's progress.

It was interesting to hear the Lord Advocate's views. He was quite clear that the sensationalist headlines in many of yesterday morning's newspapers were not accurate. Humza Yousaf pointed out earlier that the guidance will make clear that, as with breach of the peace, everything is determined on fact, circumstances and, most important, context.

As the Lord Advocate stated, the guidance makes clear that the bill

"is not intended to criminalise the singing of national anthems in the absence of any other aggravating behaviour. It is not intended to criminalise the making of religious gestures while national anthems are being sung in the absence of any aggravating behaviour".

It is

"not intended to cover peaceful preaching or to restrict freedom of speech, including the right to criticise or comment on religious or non-religious beliefs, even in harsh or derogatory terms. It is not intended to criminalise jokes or satire about religious or non-religious beliefs."—[*Official Report, Justice Committee*, 22 June 2011; c 101.]

Those concerns have been addressed, which deals with some of the issues that objectors have raised.

I will move my focus to the wider aspects surrounding sectarianism, such as education, although I will not necessarily make the same point that John Lamont made earlier. It would be short-sighted to suggest that sectarianism flares up only during football matches or sport in general. Although it is often manifested during certain football games, we must acknowledge that we need to look beyond enforcement to tackle the root of the problem, as Assistant Chief Constable Corrigan mentioned in his evidence.

The Labour Party has on several occasions suggested that the SNP did little to fight sectarianism during its first term in government, but that is misleading. Over the past three years, the SNP has developed an online educational resource that has delivered workshops in schools to nearly 3,000 pupils, who have now gone on to deliver a wide range of anti-sectarian work.

James Kelly: Can Colin Keir tell us what happened to the anti-sectarianism strategy that the then Minister for Community Safety, Fergus Ewing, promised in November 2009?

Colin Keir: It might be a better idea if the member asked the minister that question.

We took advantage of the role-model status of footballers to educate young people about the wrongs and dangers of Islamophobia, which should have no place in multicultural Scotland. In 2009-10, the Scottish Government provided £415,000 to projects aimed at tackling sectarianism, including in schools, and additional resources were made available to Learning and Teaching Scotland.

I see that I am running out of time. I know that there are concerns about the speed with which the legislation is going through the Parliament. One bill on its own will not change our society; it takes every citizen to acknowledge that there is a problem and to show willingness to solve it. As I have said, there are concerns about the speed with which the legislation is being passed, but the problem is not of our making—it goes back many years and it needs to be looked at now. I would like our generation to be the one that relegates sectarianism and hate crime in Scotland to the history books. That might not be possible in the short term, but I believe that the bill could be a good starting point for on-going work.

10:55

Jenny Marra (North East Scotland) (Lab): I welcome the Government's willingness to address this hugely important area of our national life, which is complex and evokes a multitude of reactions, loyalties, grievances and emotions in all of us, across parties, across religions and across this country.

Questions have been raised about why tackling sectarianism was not a priority for the SNP Government during the four years of the previous session, and about why First Minister Jack McConnell's initiative on sectarianism was never taken up but was pushed to the side and forgotten. Perhaps Alex Salmond and Kenny MacAskill will ask themselves those questions in a quiet moment during the recess.

Where do we draw the line between cultural patriotism and sectarian behaviour? It is a precariously thin line. No one really knows where to draw it—indeed, no one really wants to draw it. One risk of the bill—which the Justice Committee clearly identified over the past couple of days—is that the definitions of the new crimes and of sectarian behaviour are not sufficiently clear. The bill fails to draw the line.

That failure throws up two issues. The first is that by failing to define those crimes properly, the Parliament is handing the power to define sectarian crime to the courts. Nobody would really envy the procurator fiscal who is charged with marking the first of these cases in late July or August, nor the procurator fiscal who prosecutes the case and the sheriff who hears it come September. There is wide scope for judicial interpretation. That is the courts' job, but by leaving the lawyers such latitude for interpretation Parliament has surrendered a lot of its democratically elected mandate to pass good, clear, thorough and workable legislation and handed it over to the courts and the Crown.

The second issue is that the law will not be clearly understood by the public. One of the founding principles of jurisprudence in this country is that the law must be clear and understandable, so that people know what they can and cannot do before they are hauled in by the police and the courts.

Over the past few days, the Justice Committee has heard about the confusion about what will fall within the ambit of the bill and what will not. Certain songs, words and phrases will be covered, but it will depend on how they are delivered and the intonation and level of aggression used.

I am not saying that this is easy law to make—it is highly complex, highly charged and highly emotive—but that makes it all the more clear that Parliament should have taken the time to consult

properly, pore over the detail and start to foresee the consequences of the bill.

Humza Yousaf: Will the member take an intervention?

Jenny Marra: No thank you.

The bill could throw up all sorts of human rights issues: challenges relating to freedom of speech, to freedom of expression and to the European convention on human rights might all come down the line. That is why the Government must commit not just to passing the bill then sitting back and letting the football season commence but to writing a sunset clause or review period into it. Whatever mechanism is used, the Government must commit to making monitoring, enforcement and paying proper attention to the legislation a priority over the whole five years of this session, not just these opening few weeks.

We owe it to Scotland and to the next generation—to the children who are sitting behind me today—to legislate well on this issue and commit to seeing it through.

As part of a longer-term commitment on tackling sectarianism, I ask the Government to work with other parties on a major review that probes the causes of our problem. We all know that prejudice is not confined to the football terraces. The bill tries to tackle the most obvious and public manifestation of sectarianism, but it does not tackle religious bigotry in the play parks of our communities, in the pubs and in the streets. The root causes of our problem must be addressed, and I do not think for a minute that that will be easy.

I look forward to the Government's proposals for tackling the root causes of bigotry; an investigation into the poverty that blights areas where bigotry and prejudice can too easily take hold; and careful and considered proposals on how we can bring about a cultural change and move to a better Scotland that is tolerant and accepting of different religious and cultural identities.

11:01

John Mason (Glasgow Shettleston) (SNP): Thank you for the opportunity to take part in the debate. A number of members have asked whether the bill is too rushed. As a person, I tend to be on the cautious side of things—I want to consult, hear people's views and sleep on a decision before I make it, which sometimes might upset my staff. However, there are times in life when we have to make a point, take action and show that something is really important. I believe that we are in that position now.

The opposite danger of going too fast is going too slowly, so that five years from now we are still

sitting here talking about these things, with people still having similar concerns.

The bill is not the final answer on sectarianism, but it is an attempt to deal with one part of it. It is important that this Parliament states that we are serious about it.

Paul Martin said that this is a people's Parliament. He is correct, but the danger for him is that he is getting out of touch with the people. Even since the election, a number of people in my constituency, which is adjacent to his, have suggested to me that all marches be banned. I do not agree with that, but there is considerable public feeling that we have to do something, not just in the bill but beyond it.

Patrick Harvie said that if we get it wrong, we might do more harm than good. He is mistaken on that point. Sometimes we have to try things. They will not always be perfect, but we have to give them a go and we have to be seen to be doing something.

Margo MacDonald: Does the member believe that we have to do something for the sake of doing it? In the park today, I passed a car on which was an Irish flag flying gaily in the breeze. It was there really to tell us to get our act together and not be so silly with this legislation.

John Mason: I disagree that we are acting for the sake of acting. We are acting because there is a real problem here and we all believe that we have to deal with it.

A number of speakers have raised the issue of who has been fighting hard against sectarianism and who has not. We all have to share some of the blame for not always confronting it at different times. I think I am correct in saying that Donald Gorrie of the Liberal Democrats was the first MSP who really ran with it in the Parliament. I am happy to accept that Jack McConnell did, too. When I was elected to Glasgow City Council, which clearly was not run by my party, sectarianism was not on the agenda—the council was not talking about sectarianism, but we raised the issue at that stage.

I want to raise a couple of issues on which I hope that the minister can provide some reassurance—some members have raised them already. The first is resources. Some legislation, such as the smoking ban, has been largely self-policing. However, other legislation, such as that prohibiting the use of mobile phones while driving, has become a joke, because one cannot walk down the street or drive a car without seeing people using a mobile phone while driving. That is a danger with any legislation. I suspect that it would take more resources than we have at our disposal to clamp down on the use of mobile phones. I seek a reassurance from the minister that she is happy that the British Transport Police,

for example, have enough resources. When I am on trains in my constituency that pass near Celtic Park—

Drew Smith (Glasgow) (Lab): I know that John Mason is aware of my motion on the fact that Partick Thistle's ground is to become a police-free ground. How does he envisage the bill being enforced at such a ground?

John Mason: As the member probably knows, I am not a Partick Thistle fan but a Clyde fan, so I would not want to go anywhere near Partick Thistle. The member is asking the same question that I am asking. I seek from the minister some reassurance about resources.

The second point, which is raised in legal advice from the Christian Institute and elsewhere, relates to freedom of expression. Can the minister give us some reassurance that the bill does not need to include a section that guarantees freedom of speech, especially with regard to religious evangelism or proselytising?

11:06

Patrick Harvie (Glasgow) (Green): I say to John Mason that the disagreement that we have is not about the nature of the problem but about whether the detail of the bill—not the signal that it sends—is part of the solution.

For the benefit of new members, for whom this is the first taste of legislative scrutiny in the Parliament, I point out that this is not how it is supposed to be—it is not the way in which scrutiny normally happens. Most stage 1 speeches begin with a fairly obvious and slightly boring comment in which the member thanks the relevant committee for producing its detailed stage 1 report and taking all the evidence on the bill. We make that comment time after time—and we mean it. Today, we do not have before us a stage 1 report that would give us the opportunity to reflect on how members have received evidence, reflected on it and changed their view. Often, members do not change their view on the principle of legislation, but they do change their view on the detail. That detailed scrutiny has not happened in this case. We do not have the capacity or time to do our job on the bill in a week.

There are really serious issues relating to the detail of the bill's content. I raised one such issue during the minister's opening remarks: it concerned the difference between "hatred" and the term "malice and ill-will", which has been used in previous hate crime legislation. The minister was not able to say whether those terms mean the same thing or why there has been a change. If we do not know what the terms mean, why have we changed from one to the other?

The wide nature of this hate crime legislation is welcome in principle. This is not a sectarianism bill—it covers a wide range of forms of hate crime. That is good in principle, for example because of the high level of homophobia that exists both in football and elsewhere in society. However, it clearly implies a far wider range of situations in which offences could be committed under the bill. Previously, time has been taken to consider the options—to recognise that not every form of hate crime requires exactly the same legislative response, because the details differ. The working group on hate crime that was set up back in the first session produced recommendations that were not enacted until my member's bill—the Offences (Aggravation By Prejudice) (Scotland) Bill—did so last session. There were years of consultation and scrutiny to get the detail right before the proposals reached the statute book or even came before Parliament for a vote.

Humza Yousaf: Patrick Harvie spoke about his concerns about time. Does he agree with the SFA head, Stewart Regan, who says that it would be "challenging" and unnatural to introduce legislation midway through a season? Is he content to wait for another football season to go by without doing anything?

Patrick Harvie: Parliament does not operate by football season—it operates by taking the time to get the legislation right. Passing bad legislation now would be worse than doing nothing.

I want to talk about section 5 of the bill, on threatening communications, because that is where I see the most serious problems arising. The section ignores and cuts through fundamental debates about what freedom and liberty mean in the online sphere that are on-going in our society and throughout the world. It bears no relationship to regulated football matches, so there is no justification for the argument that the threatening communications section must be in place for the new football season. It has nothing to do with what happens at football games or where games are broadcast. It does not cover live speech, but it covers recorded speech. A person could say something live that is perfectly legal and legitimate, but as soon as someone takes a clip of it on their mobile phone and puts it up on YouTube, an offence will have been committed. There are really serious problems.

Alison McInnes: Will the member give way?

Patrick Harvie: I am afraid that I do not have time to take another intervention. I wish that we had more time.

Section 5 covers religious grounds only. Why does it not cover hate crime in general, as other provisions of the bill do? Will it cover trivial issues such as those involved in the Twitter joke trial

down south, of which members will be aware? Paul Chambers was convicted of menacing electronic communication for a really trivial joke. There is also no commitment to a freedom-of-speech defence. The minister says that the issue has not even been considered.

In concluding, let me say something that the fictional Sir Humphrey once said to his Prime Minister and that I hope someone has said to this minister: "If you must do this damn silly thing, don't do it in this damn silly way."

11:11

Bob Doris (Glasgow) (SNP): I hoped that I would never see the day in this chamber when Labour, in the form of Mr Kelly, would use our sectarian problems for party-political point scoring. In his speech, Mr Kelly suggested that the SNP had come on board late to tackle the scourge of sectarianism. His comment was unworthy of our debate and I thought that we would struggle to exceed it, until I heard Mr Lamont's speech. Denominational schooling does not foster sectarianism, but intolerance of denominational schooling can do so. We witnessed a little of that intolerance in Mr Lamont's speech this morning.

I stress two other points in relation to tackling sectarianism. First, despite some of the comments that we have heard in the chamber today, sectarianism is not specifically a west-of-Scotland problem—that is just wrong. Secondly, sectarianism at football grounds does not occur only with some Celtic or Rangers supporters—it happens to varying degrees with different football supporters at different clubs across Scotland. Margo MacDonald got that wrong.

Margo MacDonald *rose—*

Bob Doris: I am sorry, but I have only four minutes. I do not have time to take an intervention.

The speed of the bill process and the degree of scrutiny to which the bill is subject have been hot topics, to say the least. There is a balancing act to be performed. Do we have the bill on the statute book before the start of the new football season, or do we afford greater time for consultation and scrutiny? There is a reasonable debate to be had about that, but there is no black and white here—it is a judgment call. On balance, I agree that we should be fleet of foot and act quickly to get the bill on the statute book before the start of the football season. On balance, that judgment is correct. We need to focus on the start of the new season. That is why the bill has been introduced now.

I turn to how the police and the courts will use the bill—specifically, its interpretation. I strongly believe that having a list of approved or proscribed songs or actions would be unworkable and

unhelpful, no matter how long we take to scrutinise the bill. That is why there are no specific lists for breach of the peace. Under common law, breach of the peace is

"conduct which presents as genuinely alarming and disturbing, in its context, to any reasonable person."

There are no specific lists of conduct that falls into that category. We must proceed likewise in the bill. However, as we have heard, there will be guidance.

Margo MacDonald: Will the member give way?

Bob Doris: I have only four minutes. I ask Margo MacDonald to sit down.

Margo MacDonald: The member is lucky to have four minutes.

Bob Doris: The specifics of the bill relate to how some people in our society use football as a vehicle to peddle sectarianism and hatred. Although there is other relevant legislation, there is clearly a legislative gap on the specifics of football. This emergency bill seeks to fill that gap and I support it for the reasons that I have given. I ask for reassurance that there is robust post-legislative scrutiny and follow-up legislation if need be.

I name-checked Mr Kelly at the start of my speech. Mr Kelly suggested other ideas for future legislation, which we should not rule out. I listened carefully to what he had to say.

I apologise to Margo MacDonald and other members for not being able to take their interventions, but time has been rather short.

11:15

David McLetchie (Lothian) (Con): A great many fine words have been spoken this morning, none better than those of the Minister for Community Safety and Legal Affairs in her opening speech, which reflected our collective sense of outrage and shame at the behaviour of some of our fellow Scots at football matches, not only during the season just gone, which was truly an annus horribilis, as someone might have said, but in seasons past.

Those of us who love the game of football and who frequently attend matches to support our team, as I have been doing for nearly 50 years, have become so used to the vile and crude songs, abuse and chants that we have almost tended to regard it as an ingrained part of the game—an unpleasant part of the football experience that has to be suffered and that nothing will change.

The events of the season past have brought into focus the need to do more to tackle the problem, not just for the sake of the game but for the reputation of our country. To that extent, the resolve and determination of the Government

should be welcomed. However, we sit in this Parliament not just to voice fine sentiments and noble aspirations and goals; we are here also to construct the laws that govern our citizens and it is in relation to a proposed law—not a tokenistic or symbolic offering, or a piece of political grandstanding—that we must examine and decide upon the bill that the Government has brought to the Parliament.

The “something must be done” syndrome is one of the weaknesses of the Parliament. A new, bad, ineffectual law can make a situation worse, not better. Patrick Harvie made a spirited and informed contribution on that point.

Helen Eadie: Can the member state why his party did not support the Scottish Labour Party's view that members should sit during the summer recess, just as has been done in other Parliaments in Europe when there is something fundamentally important to consider?

David McLetchie: I did not think that that was an appropriate timetable. I thought that I explained that in the debate that we had this morning as a preliminary to this one.

We must not only consider the specifics of the bill and ask whether it will help in the eradication of such appalling behaviour from our society; we must also ask whether it is appropriate, in the circumstances, to pass such a law in this accelerated fashion. Our party has considerable reservations. Although Christine Grahame's proposal to include a sunset clause to review the operation of the legislation after two years is welcome, that is not a substitute for getting it right first time.

Christine Grahame: Will the member take an intervention?

David McLetchie: I am sorry—I want to make a little more progress.

Our reservations stem not just from the prospect that the singing of our national anthem could in certain circumstances and contexts be characterised as a criminal offence, although that has attracted a great deal of publicity over the past couple of days. It is a far wider issue.

The bill does not attempt to define what is sectarian. There are those who argue that sectarian behaviour should be viewed in the context of prejudice towards members of a religious group, or a group with a perceived religious affiliation. I argue that that is far too narrow a focus. Sectarianism in Scotland, in the wider sense, embraces attitudes and positions that are born out of the history of Ireland, most recently Northern Ireland—of which we have had a timely and unwelcome reminder in recent days. The migration of people in both directions means that

in certain parts of Scotland social divisions reflect those to be found in Ireland, of which religious persuasion is only one aspect. That is an inescapable fact. For that reason, sectarian behaviour in Scotland embraces not just religious prejudice and bigotry, but the expression of support for terrorist and republican nationalist organisations.

I am afraid that the bill repeats exactly the same error that was found in the 2003 legislation, which created the concept of an aggravated offence that was meant to tackle sectarianism. The error is that the provision was one-sided. It explicitly tackled only one aspect of sectarian behaviour. Some of us knew it all along, and said so. It was highlighted at a recent court case in evidence from one of our eminent historians, Professor Tom Devine. As a result of his erudite explanation of the history of our country and of Ireland, the court concluded that evincing vocal support for the Irish Republican Army in a public place could well be a breach of the peace, but it could not be an offence aggravated by religious prejudice under the terms of the Criminal Justice (Scotland) Act 2003.

The bill before us makes exactly the same error. It is heavy on explicit references to membership of “a religious group”

or

“a social or cultural group with a perceived religious affiliation”,

but it says nothing explicitly about behaviour that expresses support for terrorist organisations, be they republican or loyalist, which have been responsible in recent years for the murders of thousands of our fellow citizens. There will be no public confidence in the proposed measures unless that sort of behaviour is specified in the bill. I am afraid that the ministers' answer that such conduct can fall into some other generalised sub-category will not wash. We will, therefore, lodge an amendment at stage 2 to repair that omission, and I urge the Government to consider it seriously.

The Scottish Conservatives will abstain in the stage 1 vote, in order to give the Government an opportunity to address our concerns on that and other issues, and we will make our final judgment at stage 3.

11:21

Johann Lamont (Glasgow Pollok) (Lab): We all acknowledge the significance of the debate and the importance of the issue.

I will speak first about the timing and why that matters. The Lord Advocate said that we had a choice: we could talk to ourselves for a while, or we could just get on with it. Even with the very limited scrutiny that the Justice Committee could

give to the bill, it was able to raise important questions—not in a hostile way, and not in a way that would be difficult for the Government—that I, for one, had not thought of before. Our process strengthens any legislation, even when we start from the point of view of supporting a bill. I hope that, in her summing up, the Minister for Community Safety and Legal Affairs will make it clear that she disagrees fundamentally with the approach that the Lord Advocate took when he made his comments.

After the election, the Scottish Labour Party in particular wished to acknowledge what the SNP had done in winning the election. We said that we wanted to co-operate with the Scottish Government wherever we could, but that we reserved the right not to do so where we disagreed. When I said that—I have said it publicly—I did not imagine that the argument that I would get into would be on sectarianism, an issue that all members of the Parliament—particularly Jack McConnell during his time as First Minister—have highlighted and on which they have demanded that action be taken.

It is a matter of huge frustration that, instead of taking the current approach, we could have built unity by working through the parliamentary process on good proposed legislation, and thereby sent out a very strong message. The Government has made it difficult for people to build that unity. I object in the strongest of terms to any implication that says that we do not care about sectarianism if we oppose the bill. That is fundamentally unfair and unjust. We want to ensure that, if the bill is enacted, the voice coming from the Parliament says that we are united in opposing the behaviour that has promoted it and that we take the matter seriously. We do not want the law to be implemented in such a way that people can deride and disregard it.

We have lost an opportunity, at this early stage, to build such unity. We were explicitly told by ministers, by means of an argument that I found I could accept, that the clubs wanted the legislation to be in place before the new season started. That was a powerful argument for supporting the passage of the bill, but the clubs have in fact told us that that is simply not the case. We must ask what the truth of the matter is. Sadly, I am left with the feeling that the First Minister thought that it was a good idea to get the legislation in before the next season, and his ministers have been left to develop a post hoc rationalisation for doing that.

Margo MacDonald: If the First Minister and the Government were, at this late stage, to be persuaded by the arguments that the bill must be given greater scrutiny, would the Opposition find it in their hearts to applaud that step back rather than condemn it?

Johann Lamont: Absolutely. I am happy to condemn the SNP on a range of things, including its objections to the constitutional settlement but, on this issue, we can be united on getting the right legislation through. During stages 2 and 3 we want to do what we can to make the bill as strong as possible and we will reserve our judgment on the bill until the end of that period.

John Lamont talked about Catholic schools. In my constituency, I have Catholic and non-denominational schools of which I am immensely proud. It is inconsistent for people to argue that children going to separate schools causes discrimination, when we know that, historically, that is not the case. Further, it certainly does not make sense for someone who advocates private education to say that those difficulties are the consequence of separating children.

Alison McInnes asked a number of questions and I would welcome the minister making a commitment to answer them in writing, because that would help us in our further consideration of the bill.

There is a place for legislation that sends signals, clarifies issues and ensures that people understand that the subject with which it deals is a problem, so we do not simply say that there is no place for this kind of legislation. We will make a judgment on the bill after interrogating it further at stages 2 and 3.

I will ask the minister a number of questions. We accept that there are issues around breach of the peace legislation that can weaken the possibility of securing a conviction. I accept the role of legislation in naming the crime, which is why I support legislation on stalking and legislation that identifies trafficking and domestic abuse. I understand why that is being done and I do not think that that, in itself, should be an objection.

We have significant concerns, however, about how the legislation will be policed in public houses. I am not talking about a ridiculous scenario. I am concerned about the possibility that someone who is abusive and offends people in a pub in which the television is not on will not commit a crime, while someone who does so when the television is on will commit a crime. How will that be policed? Who should someone complain to? How will we train people who work in pubs to deal with that situation? That is not a trivial point; it is important. Related to that is the question whether someone who commits an offence was or was not going to the football, or had been going to go the football but changed their mind.

Those who do not wish this legislation to work will make hay in those areas and we must acknowledge that there are those who do not want it to work. I am not being mischievous, but there

are people who, by the very nature of their bigoted behaviour, will want to find ways of undermining people's confidence in the legislation.

Equally, we need to know what advice the police are getting. We are asking the police to implement legislation as it is getting royal assent. How do we imagine that they are being trained? What are they to be told that they have to do? I would like reassurance on that matter.

Another area that we would like the minister to consider further concerns the question of domestic premises. Bob Doris made the point that sectarianism does not happen only at Celtic and Rangers games, but it is also true that it does not happen only at football games. Do we imagine that the bigot leaves his bigotry at the turnstile as he heads home? I know that, in our communities, sectarianism is the abuse of choice and that, when a football match is on, someone who has hostility to his neighbour will use their faith against them as a means of abusing them. We would like to know whether it is possible for the bill to encompass those situations. It is important that we do not allow the bill to be about just football. If we had had longer to think about the matter, we might have wanted to amend the hate crime legislation in a different way in order to identify specific behaviours in our community and in the football ground. In saying all that, I do not want to gainsay the important response to the events of last year.

I want the minister to respond in particular to the points from Tim Hopkins about why condition B in section 5(5) identifies only religious hatred and to say whether she would consider expanding that condition. I also ask the minister to respond to the critical issue of the sunset clause. For us, it is not a get-out clause. We must identify now how the review would take place and who would be involved in it. I would like the monitoring of the bill to be reported to the Parliament within six months and at regular intervals thereafter. If we get confidence on those matters, it might be that that would give us confidence in supporting legislation that we know must be seen as a response to unacceptable behaviour that has shamed us and shamed Scotland in the way that the minister identified.

11:30

Roseanna Cunningham: A great many points have been raised today. I will deal with as many as I can in this speech and will follow up others as quickly as possible.

There is support across the chamber for the aims of the bill. I welcome that, because it is helpful for us all to remember where we are trying to get to, even if we have the occasional disagreement on how we get there. A modern

Scotland cannot continue to tolerate behaviour at football matches that stirs up any kind of hatred, or threats that are intended to cause others fear and alarm, on the internet or elsewhere. I believe that support for that aim is echoed across Scotland. People saw the scenes that we all saw and have had enough. Rightly, they expect this Government and this Parliament to do something about the situation.

We have taken decisive action from the start because it is our view that we should move quickly on the matter. We simply cannot run the risk of allowing the next football season to kick off in the same way in which the last one finished. That is the fundamental point that has driven us and is the reason why we did not try to extend the legislation much beyond its present scope. I will return to that point.

There has been support for taking action before the start of the new season. Support has come not only from the SFA, for the good and practical reasons that Stewart Regan outlined over the past day or two, but from Paul McBride, one of the people who was a victim of what happened at the end of last season. His view is that we are absolutely correct to bring in the legislation as quickly as possible and that there is no reason for delay.

James Kelly: Would the minister care to correct the impression that has been given that the football clubs asked for the legislation to be introduced by the start of the new season? Clearly, as was shown at yesterday's Justice Committee meeting, that is not the case.

Roseanna Cunningham: I am not conscious that I ever indicated to anyone that the football clubs had asked us to do that. They certainly support the principle of the legislation, and are on record as saying so, and the SFA is definitely of the view that it needs to be in force before the start of the football season and should not be introduced in the middle of a football season.

A number of members have called for us to consider having a sunset clause, which would provide that the legislation would expire after a fixed period unless the Parliament agreed to keep it in force beyond the end of that period. There are significant concerns around attaching a sunset clause to legislation that involves the creation of criminal offences, not least of which is the risk that the sun might set in the period between someone having been convicted and having been sentenced. There are good reasons why, in the main, those clauses do not tend to attach to legislation that deals with criminal offences. However, I understand the concerns that lie behind the request and the Government is actively examining options for reviewing the operation of the legislation over time. We will take into account

the concerns that have been expressed and we hope to bring a proposal back to the Parliament before the end of next week. I hope that members will accept that in the spirit in which it is offered.

Margo MacDonald: I remind the minister that the Terrorism Act 2006 requires to be renewed every year. Perhaps we could consider that device?

Roseanna Cunningham: It will not surprise Margo MacDonald to know that we took that into account in relation to the requests that have been made. There are reasons why the provisions in the 2006 act would not apply in the same way in relation to the issue that we are discussing. I am happy to discuss the issue further with Margo MacDonald if she wishes.

There has been a lot of discussion and debate about whether the bill is needed, given the existence of other laws that could be used to prosecute individuals. In committee, the Lord Advocate and I used examples to make the point that there have been real concerns in recent years about the uses of breach of the peace and how they have been narrowed over time. We want the bill to provide further clarity for police and prosecutors by focusing on the core problem of behaviour that incites public disorder.

Alison McInnes asked a series of questions, some of which relate to specific figures, and I will make sure that she gets specific answers to those. I say this in the kindest way, but some of her questions suggest that she probably does not know a great deal about current Scots law. She asked what the definition of a reasonable person is in Scots law; everyone who is involved in Scots law has used that terminology endlessly in legislation and it is often integral to the working of the law. It is not defined, precisely because a reasonable person can change in all sorts of circumstances and over time. I undertake to get back to Alison McInnes on the specific issues to which we can easily provide an answer, but some of her questions go way wider than required for discussion of the bill.

Alison McInnes: Will the minister take an intervention?

Roseanna Cunningham: I really must get on if I am to deal with points from other members.

The second offence addresses threatening communications, including those that incite religious hatred. I believe that it will address a gap in the current law in Scotland when it is compared with legislation elsewhere.

A lot of points have been raised. One or two members mentioned freedom of speech. Of course, it was always possible to extend the second offence to include actual speech but,

precisely because of the concerns that have been expressed here today—concerns that we share—we did not do so. I hope that members will accept that.

John Park made some rather more measured comments about changes in the way in which sectarianism might or might not have been tackled over the years. He must accept that, under the previous Administration, entirely new projects were started. Specific examples are the Iona Community, which worked with prisoners, and the sectarianism in the workplace project, which was funded through Nil by Mouth. For all the anti-sectarianism groups, this year's financial contribution is more than £0.5 million, and that is working extremely well.

John Park: I acknowledge those projects, some of which have had lifespans over successive Governments. My point was that there was political leadership before 2007, but that shifted and the First Minister did not have the same focus. With hindsight, we all agree that that leadership should have stayed.

Roseanna Cunningham: In the two and a half minutes that I have left, I need to deal with what we are talking about today.

James Kelly raised a point about the definition of regulated football matches, which is exactly the same as it is in football banning orders. We are deliberately not changing it.

After John Lamont's astonishing diversion into a diatribe against Scottish education, perhaps the Conservatives need to reconsider how they approach sectarianism in Scotland. What he said suggests that they are reckless about whether sectarianism gets stirred up even further. It was a quite astonishing intervention.

I hope that I have dealt with John Mason's freedom-of-speech point.

Other members raised the issue of resources. We are in constant discussion with the police about the resources that will be required. Part of that discussion is taking place in the joint action group and announcements will be made on 11 July as a result of that work. I hope that members accept that.

I come to Johann Lamont's perfectly fair point about the extent to which the fallout from such behaviour can extend far beyond football. She is absolutely right and I agree with her. I have not ruled out coming back with further legislation in future if we can identify how best to do that. However, we are using an accelerated timetable to pass the bill and we are trying to keep it as confined and defined as possible. I will have a discussion with Johann Lamont about the future.

I must conclude because time is short—I have 20 seconds. I underline the importance of the bill and remind members about the clear and unequivocal support given by Assistant Chief Constable Campbell Corrigan and the on-the-record support for the introduction of the legislation by Celtic Football Club and Rangers Football Club. Members are welcome to look at the record if they want to see the quotes.

The Presiding Officer (Tricia Marwick): That concludes the stage 1 debate on the Offensive Behaviour at Football and Threatening Communications (Scotland) Bill. The question on the motion will be put after First Minister's question time.

Offensive Behaviour at Football and Threatening Communications (Scotland) Bill: Financial Resolution

11:40

The Presiding Officer (Tricia Marwick): The next item of business is consideration of motion S4M-00383, in the name of John Swinney, on the financial resolution for the Offensive Behaviour at Football and Threatening Communications (Scotland) Bill.

Motion moved,

That the Parliament, for the purposes of any act of the Scottish Parliament resulting from the Offensive Behaviour at Football and Threatening Communications (Scotland) Bill, agrees to any expenditure of a kind referred to in paragraph 3(b)(iii) of Rule 9.12 of the Parliament's Standing Orders arising in consequence of the act.—[*Roseanna Cunningham.*]

The Presiding Officer: The question on the motion will be put following First Minister's question time.

Scottish Executive Question Time

General Questions

11:41

The Presiding Officer (Tricia Marwick): Questions 1 and 2 were not lodged. We move to question 3. I remind members that supplementary questions are just that. I do not expect a preamble before the question, and I expect you to get to your question very quickly indeed.

Council of Economic Advisers

3. Gavin Brown (Lothian) (Con): To ask the Scottish Executive what plans it has for the Council of Economic Advisers. (S4O-00054)

The Cabinet Secretary for Finance, Employment and Sustainable Growth (John Swinney): The Council of Economic Advisers will continue and the new council will be announced, in due course, by the First Minister.

Gavin Brown: When the Government and the Council of Economic Advisers disagree, as we know they did in the previous parliamentary session on many occasions—on energy, education and the constitution to name but three—should the council's advice be ignored or should it be listened to and acted upon?

John Swinney: The Government will consider advice from many individuals and organisations in the course of its work. We set great store by the work of the Council of Economic Advisers and we consider all the recommendations that it makes to ministers. It is unlikely that any group of independent-minded individuals will produce advice that the Government can and should accept in all circumstances. The Government is elected on a series of manifesto commitments and on a political proposition to the public. It is for ministers to defend that proposition and the decisions that flow from it. Clearly, it is incumbent on us to consider carefully the recommendations and contribution of the Council of Economic Advisers, which are warmly appreciated by the First Minister, me and other ministers.

Suicide Prevention (Glasgow)

4. Ruth Davidson (Glasgow) (Con): To ask the Scottish Executive how much funding has been allocated by Glasgow City Council for suicide prevention in the last three years. (S4O-00055)

The Minister for Public Health (Michael Matheson): Under the concordat that was drawn up in 2007 between the Scottish Government and the Convention of Scottish Local Authorities,

funding for local suicide prevention action in all local authorities, including Glasgow, is drawn from the overall funding that is provided to local authorities. Decisions on local spending priorities are the responsibility of individual local authorities in light of local need and circumstances.

Ruth Davidson: The information from mental health charities that are working in Glasgow indicates that that funding has been significantly reduced, particularly in the past 12 months. How will the Government meet the health improvement, efficiency, access and treatment targets on suicide reduction by 2013 if Glasgow City Council is not supporting the charities, particularly given the disproportionately high rate of suicide in Glasgow?

Michael Matheson: Each of the 32 local authorities in Scotland has a tailored suicide prevention action plan, which sits alongside the choose life action plan that was launched by the Government back in 2002. The intention behind the strategy is to reduce overall suicide levels in Scotland by 20 per cent. To date, suicide levels have been reduced by 11.5 per cent and progress continues to be made. It is important that local authorities such as Glasgow City Council work in partnership with our colleagues in NHS Health Scotland to make the national strategy and local suicide prevention plans work together.

Kenneth Gibson (Cunninghame North) (SNP): Following the seminar on the identification of suicide clusters and the reporting of suicide in old and new media, which was held jointly by Samaritans and the University of Edinburgh in the Scottish Parliament on 1 June, what discussions will the minister initiate with Scotland's media to ensure responsible reporting of suicide, which would help to prevent further tragedies by minimising the likelihood of copycat suicides?

Michael Matheson: I was able to go along to that seminar for a short period and to hear some of the evidence that is being gathered from around the world on copycat suicides that take place on the back of what can only be described as irresponsible reporting by some media outlets. I encourage the media in Scotland to continue to act in a responsible way to ensure that we do not encourage such behaviour, and I would be more than happy to work with the researchers at the University of Edinburgh and with Samaritans on how we can improve the situation in Scotland by further reducing the number of suicides that occur here.

Rail Services (Edinburgh and Berwick-upon-Tweed)

5. Paul Wheelhouse (South Scotland) (SNP): To ask the Scottish Government what progress has been achieved in assessing the business case for re-establishing local rail services between

Edinburgh and Berwick-upon-Tweed. (S4O-00056)

The Minister for Housing and Transport (Keith Brown): A study examining the opportunities for service enhancements across the wider Edinburgh to Newcastle corridor is on-going and should be finalised later this summer. It includes investigation of the case for local services between Edinburgh and Berwick-upon-Tweed. When the study is completed, it will be published on the Transport Scotland website.

Paul Wheelhouse: I must declare an interest, as a member of Rail Action Group East of Scotland.

I know that the minister is aware of the project's significance. Can he be more specific about the timescale for providing interested parties with access to the report that MVA Consultancy produces? Will he agree to meet me, constituency member John Lamont, office-bearers of RAGES and key stakeholders in the area to discuss the findings?

Keith Brown: The report is in its final stages and a process is under way between Transport Scotland and MVA Consultancy to sort out some final issues. That process should take place fairly quickly, but I cannot be more specific than to say that the report will be finalised over the course of the summer. Once it has been concluded and published, I would be more than happy to meet the local member and others who have an interest in the project.

John Lamont (Ettrick, Roxburgh and Berwickshire) (Con): I work very closely with RAGES, which campaigns for the re-establishment of local train services and the reopening of Reston station. Although RAGES has always welcomed the positive noises from the Scottish National Party Government on the project, it would like to see more concrete action and progress. Does the minister believe that Reston station will be reopened by the end of the parliamentary session in 2016?

Keith Brown: It would be extremely foolish of me to say that in advance of receiving the report, the delay in the production of which has been caused, not least, as a knock-on result of Network Rail's production of the east coast franchise timetable. We are moving ahead on the issue quickly. We would like to see the best possible services being provided in that part of the country, but we must wait to find out what the report says. There is not too long to wait. As I said, as soon as it has been published, I will be happy to meet the member to discuss it further.

Ninewells Hospital

6. Murdo Fraser (Mid Scotland and Fife) (Con): To ask the Scottish Executive what recent discussions it has had with NHS Tayside regarding Ninewells hospital. (S4O-00057)

The Deputy First Minister and Cabinet Secretary for Health, Wellbeing and Cities Strategy (Nicola Sturgeon): I last met the chair of NHS Tayside on 9 June, at which time I discussed with him the Healthcare Environment Inspectorate's report on Ninewells hospital.

Murdo Fraser: The cabinet secretary referred to the extremely disappointing follow-up report that the HEI carried out in April. It identified failings on cleanliness in Ninewells hospital, which had been raised in an inspection six months previously and had not been dealt with adequately. The microbiologist Professor Hugh Pennington has proposed that hit teams be set up to ensure that inspections are properly followed up. Will the cabinet secretary consider that proposal?

Nicola Sturgeon: As I am sure Murdo Fraser knows, there is a process in place to ensure that any recommendations that are made in reports by the HEI are followed up and that action plans are agreed by the relevant board and the inspectorate. Indeed, the report that he rightly draws attention to was a follow-up report—it was produced as a result of the inspectorate going back in to ensure that previous recommendations had been implemented.

I share Murdo Fraser's disappointment that, in the case of Ninewells hospital, not enough progress had been made against the initial recommendations, and I discussed that with the chair of NHS Tayside. We have a robust system in place in the form of the inspectorate, and I have every intention of ensuring that that leads to the improvements that we want to see.

Just for the record, I point out that, as is the case throughout Scotland, infection rates in the NHS Tayside area have come down dramatically. Although we will always look to ensure that the inspectorate's recommendations are fulfilled properly, it is important to point out that infection rates are much lower than they have been in the past. It is important that we keep that downward pressure on them.

Dr Richard Simpson (Mid Scotland and Fife) (Lab): I accept those comments, but I want to press the cabinet secretary a little further. The problem is one of repeated failure—that is not a criticism of the inspectorate. Professor Hugh Pennington says that we must have a much more proactive approach. Will the cabinet secretary at least consider the possibility of having, in addition to the HEI, a hit team that can go in to manage a

situation when there has been repeated failure in a hospital?

Nicola Sturgeon: I did not take anything that Murdo Fraser or Richard Simpson said as a criticism of the inspectorate, which I think has shown its worth since its establishment. I hope that members across the chamber know that on this issue, in particular, I am open to others' ideas and will always give those ideas due consideration. However, I emphasise that the process that takes place after the HEI issues a report is not a passive one. There is already a system in place to ensure that recommendations are followed up and that scrutiny is applied to ensure that improvements have happened, but I will continue to consider all reasonable and sensible suggestions about how we can further strengthen that system and ensure that we have the best possible regime in place.

Wind Turbines (Local Agreement)

7. Adam Ingram (Carrick, Cumnock and Doon Valley) (SNP): To ask the Scottish Government what plans it has to enhance the role of local people in agreeing sites for wind turbines when these are to be located close to their communities. (S4O-00058)

The Minister for Local Government and Planning (Aileen Campbell): Planning modernisation has introduced enhanced opportunities for people to get involved at earlier stages in the planning process, and recent online planning advice for onshore wind has reaffirmed that role.

Shortly, the Scottish Government will publish a renewables route map, setting out how it will meet challenging new targets. The route map will set out our ambitions for locally sourced energy and will include consideration of public engagement. In addition, we will consider the responses to the Government's consultation "Securing the Benefits of Scotland's Next Energy Revolution".

As was stated in a written answer to Mary Scanlon last week, we are

"proactively seeking to further improve the consenting system and promote best practice, in particular by instigating and leading the European GP Wind Project. This EU-funded project identifies good practice in reconciling objectives on renewable energy with wider environmental objectives and in the active involvement of communities in planning and implementation."—[*Official Report, Written Answers*, 16 June 2011; S4O-00051.]

Adam Ingram: In the context of local engagement, would it not be helpful to clarify further the guidelines on where wind farms should be sited, how cumulative impact should be addressed and what contribution each area of the country is expected to make to a national target for onshore wind power?

Aileen Campbell: Our planning guidelines on wind farms are set out clearly in Scottish Planning Policy, which is supplemented by online planning advice. The online planning advice, which was launched only in February this year, includes advice on how to prepare spatial frameworks for large-scale onshore wind farms and advice on onshore wind, which deals with detailed siting matters for turbines. It suggests that securing support from local communities ought to be an area of focus for planning authorities. If Adam Ingram has ideas on how that advice could be supplemented, he should feel free to write to me and my office.

Dave Thompson (Skye, Lochaber and Badenoch) (SNP): Some wind farm developers offer to buy a property that will be affected by a development but are willing to pay only part of the price agreed, with the balance being paid only if they get planning permission. Does the minister agree that it may be worth while looking at a formula to ensure that developers pay home owners fair compensation in situations in which property values are adversely affected by the close proximity of a wind farm development?

Aileen Campbell: As I said in reply to Adam Ingram, the online advice can be supplemented. If Dave Thompson wishes to discuss those points with me, he should feel free to write to me and I will look at the issues that he has raised.

Scottish Further and Higher Education Funding Council

8. Neil Findlay (Lothian) (Lab): To ask the Scottish Executive how many compulsory redundancies are estimated and how many full-time equivalent student places in the further education sector will be reduced, as a result of reductions in funding by the Scottish funding council. (S4O-00059)

The Minister for Learning and Skills (Dr Alasdair Allan): Prior to the election, ministers wrote to the principal of every college in Scotland to seek an assurance that they would not make any compulsory redundancies. Nearly all colleges have now given a commitment that they will seek to avoid such a step unless as a last resort, with at least seven going further and giving an absolute guarantee. Colleges have also agreed to maintain the same level of activity as in 2010-11 in the forthcoming academic year.

Neil Findlay: The dictionary definition of "compulsory" is "required; mandatory or obligatory". The definition of "voluntary" is:

"brought about or undertaken by one's own accord or by free choice".

Eighteen academic staff at West Lothian College are to lose their jobs. I have spoken to several of

them who do not want to leave their posts but have to do so, because the course that they teach has been withdrawn and there is no job left. Are they subject to compulsory or voluntary redundancy?

Dr Allan: The member will be aware that colleges are independent institutions. I am happy to meet him about the individuals that he mentions, but I stress that ministers have no power to direct colleges on such matters, because such powers as we had were taken away by the previous Labour Government in 2006.

Marco Biagi (Edinburgh Central) (SNP): Without pre-empting the detail of the green paper on reform of the governance of the college sector that was committed to in the Scottish National Party manifesto, will the minister say what improvements in accountability learners and staff can expect from any changes and whether he foresees an effect on senior management decision making in colleges?

Dr Allan: The Government has already made it clear that we will take a comprehensive look at college sector governance. The Cabinet Secretary for Education and Lifelong Learning plans to say more about that next week when he makes a statement to the Parliament on 29 June. However, I understand the concern and disquiet that has resulted from college management decisions to implement a reduced budget for the 2011-12 academic year. I take seriously the concerns that some members of staff and students have raised. Only yesterday, I met a member of staff from Edinburgh's Telford College who had such concerns. The Government intends to listen closely to all those views and particularly to those who call for improvements to the democratic accountability of college governance arrangements.

Integrated Transport (Scottish Borders Council)

9. John Lamont (Ettrick, Roxburgh and Berwickshire) (Con): To ask the Scottish Executive what discussions it has had with Scottish Borders Council regarding promoting an integrated transport network in the area. (S4O-00060)

The Minister for Housing and Transport (Keith Brown): The reinstatement of the Borders railway will facilitate an integrated transport network in the Borders area, improving social inclusion and community accessibility. Transport Scotland currently meets with the Waverley railway partnership, of which Scottish Borders Council is the lead authority, on a monthly basis to discuss project matters. That is in addition to specific meetings on the various workstreams and quarterly joint committee meetings that are

attended by Transport Scotland and all three partnership authorities.

John Lamont: I am sure that the minister will be aware that several bus routes in the Borders are under threat, and he will know that there are growing concerns about the viability of the railway to Galashiels. Does he accept that unless there is an integrated transport network serving all parts of the Borders, fewer passengers will be able to access train services on the Galashiels railway, therefore further undermining its viability?

Keith Brown: The member will know that the Scottish Government remains absolutely committed to the Borders railway and has made substantial progress already.

Many of the decisions on bus travel are for the individual bus operators. However, through the bus service operators grant and our concessionary travel scheme, we provide substantial support to services across Scotland. It is for local authorities to choose to support particular routes as and when they see fit.

In addition, on integrated travel, we have completed a five-year programme to procure and roll out new smart-enabled ticket machines to the entire bus fleet in Scotland. That is the largest integrated ticketing scheme implementation anywhere in the world to date.

Planning (Community Involvement)

10. Gordon MacDonald (Edinburgh Pentlands) (SNP): To ask the Scottish Government what its position is on the principle that any local community should be closely involved in planning issues within that community. (S4O-00061)

The Minister for Local Government and Planning (Aileen Campbell): "Scottish Planning Policy", which was published in February 2010, recognises that effective engagement with the public can lead to better plans and decisions and more satisfactory outcomes, and can help to avoid delays in the planning process.

Gordon MacDonald: Is the minister aware that there is concern in my constituency regarding the potential development of an area that is known as the Dreghorn polo fields? A number of community groups wish to acquire the land to manage it for the benefit of the community. Does the minister agree that communities should be involved in planning decisions, especially those involving the removal of recreational spaces in a community?

Aileen Campbell: As the member will be aware, the proposal that he mentioned is currently before ministers on appeal against the council's decision. It would therefore be inappropriate for me to comment on the particulars of the case. I

agree with Gordon MacDonald that communities should be involved in the planning process. Community engagement is reflected in all aspects of the planning system.

First Minister's Question Time

12:00

Engagements

1. Iain Gray (East Lothian) (Lab): To ask the First Minister what engagements he has planned for the rest of the day. (S4F-00065)

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

Iain Gray: Two weeks ago, I met the First Minister and told him that we want to support legislation against sectarianism, but I expressed serious concerns about the timetable. He told me that the football clubs were demanding that he legislate before the start of the season. Yesterday, both Rangers and Celtic said that the bill was too rushed. The Law Society, the churches and Christine Grahame, the convener of the Justice Committee, all agreed. The Lord Advocate said that the bill does not necessarily have to be in place before the football season. Does the First Minister now regret not acting for four years and having to squeeze the legislation into two weeks?

The First Minister: I listened this morning to the comments that were made across the chamber. I always listen to our partners in the enterprise to try to eliminate sectarianism and sectarian displays from Scottish football. I accept—I think that everybody accepts—that we have a majority in this chamber but we need consensus. On this issue above all, I want consensus; I want consensus across the chamber and across our partner organisations.

I ask Parliament at half past 12 to agree—unanimously or near unanimously, I hope—to the bill at stage 1 to allow consideration to continue. I will then propose that business managers, in consultation with the convener of the Justice Committee, discuss a new timetable that will allow for further consideration and evidence to be taken on the bill in advance of formal consideration of stage 2 amendments at the Justice Committee. Stage 3 proceedings would then follow in the usual manner for a public bill, with the intention behind such a timetable for discussion being that the bill would be passed by the end of this year. If Parliament agrees to the general principles of the bill at 12.30, I will ask Bruce Crawford to initiate discussions with business managers.

What we say in this place on this issue has huge ramifications across society, so I hope that we can allow for the probability—the certainty, even—that each and every single one of us wants to eliminate sectarianism and sectarian displays from Scottish football, and that each and every

one of us wants to eliminate sectarianism from Scottish society.

What we do as a Parliament and how we avoid the opportunity to attack each other on who said what when, or who did what when, is an important part of that joint message. I hope that the Parliament will accept that there is a huge and genuine urgency in the matter, and that it will also accept that this Government wishes to achieve consensus in Parliament and throughout Scottish society.

Iain Gray: I welcome the fact that the First Minister has listened to the concerns about the timetable. It is certainly the intention on this side of the chamber to support the principles of the bill. I made it clear that we want to support the Government in legislating against bigotry in football and, indeed, anywhere else.

To achieve consensus, however, we have to try to get the approach right. This week's examination of the bill has not helped with that. At her appearance at the Justice Committee, the Minister for Community Safety and Legal Affairs struggled to clarify what actions would be caught by the bill. Indeed, the Lord Advocate had to return to the committee yesterday to provide further clarification. In the spirit of achieving consensus, I ask the First Minister to clarify now how actions such as singing the national anthem or blessing oneself could be considered a crime under the bill.

The First Minister: I advise Iain Gray to look at the words of the minister and those of the Lord Advocate, who was actually making his first appearance before the committee. As the Lord Advocate explained, these things depend on

"the facts, the circumstances and the context"—[*Official Report, Justice Committee, 22 June 2011; c 101.*]

as has always been the case with many offences in Scots law.

I am going to avoid the obvious temptation of saying that, in dealing with this subject, we have to be prepared to recognise that each of us has a bona fide interest in driving sectarianism out of the game of football and out of Scottish society. The bill that has been introduced is, I think, clear in its intent and purpose and can be clearly implemented. The objections that have been raised against it are not—by a vast majority—about intent or even content, but about whether enough time is being allowed to give wider society, and the groups and interest groups that we carry with us, their say on the bill. That was one of the points that was made by the Labour spokesperson in this morning's debate. What I am offering in good faith to the chamber is exactly the opportunity to do that.

Given that offer, given what people have said in the debate and given what is—believe me—the reservoir of good will from people across Scottish society to a Parliament that is prepared to take action on this matter, cannot we now go forward on that basis?

Iain Gray: If the First Minister had listened, he would have heard me say that, yes, we can go forward on that basis. However, that does not mean that we can sidestep difficult questions about legislating on such a difficult and sensitive area, or questions about the way in which the legislation, which we want to be put in place, will be implemented.

Concerns have been raised this week not only about the timescale, but about resourcing implementation of the legislation. Les Gray of the Scottish Police Federation said that he supports the bill, but it will not work without resources and the financial memorandum is not enough. Given that we all must prove that we are serious about legislating properly and ensuring that legislation works, will the First Minister make any commitment with regard to the additional resources that will be required to implement the legislation and make it work?

The First Minister: The resources will be in place to ensure that the legislation is implemented effectively. I know that Iain Gray will be the first to acknowledge that the evidence from the Association of Chief Police Officers in Scotland and from the responsible police officers who are in the front line, which demonstrated their strong welcome for the legislation and their confidence in their ability to implement it, is a factor that I am sure carries sway with people across the chamber in their wish to support it.

Iain Gray: One of the statements about the bill that the minister made this week—and which I welcomed—was that this would not be the beginning and end of legislation or other action to address sectarianism and bigotry. As the First Minister well knows, we have for some years now argued that we must at community level, and through educational measures in particular, work to root out this aspect of our society. What other measures does the First Minister envisage will follow consideration of the bill, that will go beyond football into wider society and, indeed, beyond legislation?

The First Minister: I am glad that Iain Gray has given me the opportunity to state that the legislative arm of the actions of the joint action group was only one of six workstreams and that the other five workstreams will report to the Government in the next few weeks. Obviously, we will want to share that work. One useful aspect of that timetable—and, indeed, of the new timetable for legislation—is that it will enable people to see

that legislative action is only one of the initiatives that are being taken in football. Moreover, initiatives in the game of football form only one part of the initiatives that will be taken across society. Again, I say that I listened to the debate this morning.

The support for community-based organisations working against sectarianism has in the past few years been greater than ever before. In financial terms, over the past four years a budget of £224,000 has become a budget of £525,000. I think that John Park said in the earlier debate that he had come across the organisation show bigotry the red card. Both Iain Gray and I attended the launch of that organisation. However, what is perhaps more important is that in the coming year the funding for its valuable work is £120,000. That organisation is coming to the attention of members and the wider society in football because it is one of the many groups that are being funded by the Government at the present moment. The community initiatives, the educational initiatives and particular organisational initiatives will continue to be supported in a co-ordinated fashion.

However, I am grateful to Iain Gray for giving me the opportunity to point out that the legislative arm is only one of the initiatives on how we will drive this evil out of the game of football. I listened to every aspect of the debate and I have spoken to many of our stakeholders, whose urgency and support in this matter are absolute in terms of their determination. I hope and believe—and I take people at their word on this—that by making available the timetable for fuller consideration, we will be able to carry the Parliament unanimously, and together exorcise and drive out this blight from our game of football and from our country.

Secretary of State for Scotland (Meetings)

2. Annabel Goldie (West Scotland) (Con): To ask the First Minister when he will next meet the Secretary of State for Scotland. (S4F-00058)

The First Minister (Alex Salmond): I will meet him on Saturday, alongside the Prime Minister, the Secretary of State for Defence and others when the Duke of Rothesay takes the salute at the armed forces and veterans parade that forms part of the celebrations for armed forces day.

Annabel Goldie: We all agree that we must deal with sectarianism, which is vile, odious and utterly unacceptable. The imperative of the majority Scottish Government is to get the bill right, so I welcome the common sense that has broken out and the Scottish Government's recognition of the need for a longer timetable. I am not given often to praising the First Minister, but he has shown maturity in accepting that his Government had not got the bill right. I say to him

well done for accepting that and for putting the bill on to a much more realistic footing.

It seems that, under the bill as drafted, there are circumstances in which making the sign of the cross or singing the national anthem could constitute a crime. Within the bill, criteria range widely: from hatred, to behaviour that is threatening or offensive, to behaviour that is likely to incite public disorder. Can the First Minister confirm that, with the new timetable, the Scottish Government will look at whether the criteria in the bill are consistent with previous legislation? Now that a more extensive consultation process is possible, will the Scottish Government consider whether the criteria as currently listed are adequate?

The First Minister: I believe that the criteria are adequate. I think that anyone who listened to and saw the Lord Advocate explain exactly those points before the Justice Committee yesterday would be fully satisfied that the nature of the bill is well within the tradition of Scots law, because it depends on facts, circumstances and context. Some of the stories that have been running this week have no basis in reality in that sense. The Lord Advocate gave excellent examples to explain that, so that even non-lawyers like me would understand. I thought that his evidence put the canard to rest. We should bear that in mind.

The bill—as Annabel Goldie knows, the legislation has two parts: offensive behaviour causing public disorder at and around football matches, and threats that incite serious harm or religious hatred—is certainly the type of legislation that is required. With the extra time that will be available for discussion and debate, I am sure, and I welcome Annabel Goldie's indication of this, that the Conservative Party will be able to support the legislation.

Annabel Goldie: I will broaden this out a bit. Even if over the longer timetable—which is very welcome—we address some of the ambiguities and uncertainties in and maybe even limitations of the bill, the sad and ugly truth is that in certain parts of the west of Scotland we have embedded and entrenched sectarian attitudes. The bill is only part of solving the problem. What is the Scottish Government's strategy to deal with that repugnant culture that, sadly, runs more broadly than just in football stadia or certain pubs?

The First Minister: We must not underrate the importance of not tolerating sectarian displays in our national game. There is a consequence of that having happened for generations in Scottish society. Sometimes societies decide that, on the balance of opinion, enough is enough and something requires to be done, and something that was acceptable or seen to be tolerated a generation ago no longer has a place in a civilised

society. The two things are interlinked because of the importance of our beautiful game of football and the power that it has for good, which must be mobilised—a point that was made by our church leaders during the debates that we had earlier this year. The work on driving sectarianism out of football is only part of a wider approach involving community and educational initiatives. I would be glad to go through the organisations and the import of what is being supported. We must not underrate the extent to which the two are connected.

If Annabel Goldie will allow me to do so, I will make an observation. It is rather unfortunate if I contributed to the sacking last week of Paul McBride QC as an adviser to the Conservative Party; I did not mean to do so. I have been following closely what Mr McBride has had to say about the bill. He is an advocate with huge experience in Scots law and his support for the bill has been fully in the traditions of Scots law. His has been one of the powerful voices arguing for action to be taken as quickly as possible.

Kezia Dugdale (Lothian) (Lab): In the light of new information regarding the cost of the Edinburgh trams project, does the First Minister agree that the time has come to instigate a full public inquiry?

The First Minister: I am supportive of a public inquiry into the trams project. We should let the City of Edinburgh Council continue its deliberations, but a public inquiry would be an excellent thing to do. I say as gently as possible to the member that, if it comes to a public inquiry, some people and some political parties will have more to worry about than others.

Cabinet (Meetings)

3. Willie Rennie (Mid Scotland and Fife) (LD): To ask the First Minister what issues will be discussed at the next meeting of the Cabinet. (S4F-00062)

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

Willie Rennie: When politicians change their minds, we must welcome their reflection and consideration rather than complain and criticise. I offer my thanks to the First Minister for listening on the Offensive Behaviour at Football and Threatening Communications (Scotland) Bill.

The First Minister: I welcome that acknowledgement from the Liberal Democrats. It gives me great hope that, as we go through the process as a Parliament, we can set an example to wider society, as Scotland would expect.

Willie Rennie: One of the issues that we had with the bill was that we believed that, in the main, the powers already exist to tackle the fundamental problems. We believe in voluntary action, community measures and using existing law before exploring further avenues for legislation. First, I ask the First Minister to request that the Lord Advocate publish an assessment of the use of existing law. Secondly, I ask him to prepare and agree a renewed comprehensive anti-sectarianism strategy to root out this cancer from Scottish society.

The First Minister: I am desperately trying not to break the consensus that I am trying to establish. I am sure that Willie Rennie did not mean to do that; however, he should look at the Lord Advocate's evidence to the Justice Committee yesterday. He laid out, in precise terms, the difficulties that breach of the peace as a general offence has been running into. He gave, as an example, something that would seem to most people to be a clear racial matter but which was ruled not to be a breach of the peace because of the interpretation of that general offence by the court. The argument that the existing framework of law is adequate is not borne out by the facts.

The other aspect is that both the proposed offences are indictable offences that carry a maximum penalty of five years in prison and limited fines. That is an indication of how seriously we take such manifestations of sectarianism. If something becomes an indictable offence, it is because this Parliament and this society decide that no more will it be tolerated in our country.

I agree with Willie Rennie that a strategy across society must be part and parcel of the approach that is taken. However, we must not underrate the importance of legislation as an indication by the Parliament—by law makers—that some things will no longer be tolerated in Scotland.

2012 Olympic Games Legacy

4. Jamie Hepburn (Cumbernauld and Kilsyth) (SNP): To ask the First Minister what the Scottish Government's response is to the reported concerns of the Scottish Chambers of Commerce that any legacy for Scotland from the 2012 Olympic games will be "absolutely minimal". (S4F-00060)

The First Minister (Alex Salmond): We share some of those concerns and will continue to work with partners to ensure that Scotland gets as much benefit as possible from London 2012. However, the United Kingdom Government has made it clear that the whole UK should benefit from the Olympics, which is a promise that should be redeemed.

Jamie Hepburn: Is not it the case that against a range of measures—the number of events to be hosted, the number of tickets for Scottish schoolchildren to attend events, the number of tourists coming to Scotland, support for grass-roots Scottish sport, and contracts awarded to Scottish companies—there is no discernible benefit to Scotland from the 2012 Olympic games? In addition, the Olympic committee continues its attacks on the integrity of the Scottish national football team.

Does the First Minister agree that when about £1.7 billion is being spent on regenerating the east end of London to stage the Olympic games, Scotland should receive the Barnett consequential of that figure, which could go towards Scotland having a legacy from the 2014 Commonwealth games of which we can all be proud?

The First Minister: Jamie Hepburn draws attention to a very important aspect. It is a view, incidentally, that is shared absolutely by the Administrations of Wales and Northern Ireland. We have put in a joint submission arguing exactly that point.

The point is this: there has been substantial expenditure on sporting facilities in London, and it is perfectly acceptable that that should happen when major international games come, but a great deal of the expenditure has been specifically on transport and regeneration in London and not on the games themselves. If that argument is accepted, that expenditure should have been Barnettable, according to the Treasury funding formula.

Until recently, there was a question about whether that expenditure was truly necessary for the games. However, Sebastian Coe, the chief executive of the organising committee, said very recently about the Olympics:

“This is not a £9.3 billion sporting project. Seventy-five pence in every pound that will be spent is going into the regeneration of London.”

Let me be quite clear: although Wales, Northern Ireland and Scotland believe that regeneration spending in London is a good thing, it is also right and proper that that expenditure, under the current funding rules, should have been Barnettted and an appropriate share given to the other three nations in these islands.

Margo MacDonald (Lothian) (Ind): The First Minister might recall that the Parliament’s cross-party group on sport warned about the loss to Scottish community sport that would occur because of the Olympic games, so I heartily back his efforts to claw back some of that money.

However, I ask him to take account of the legacy for Scottish sport if the Olympic committee

has its way as regards the football team. Will he add his support to the Scottish Football Association in advising young footballers that it would not be a clever move for them to play in a British team?

The First Minister: I give my total support to the Scottish Football Association in that matter. The SFA has to look after the interests of the game of football in Scotland and our presence in national and international arenas in the long term. It has to look beyond one particular tournament, and at the best interests of the Scottish game. I believe that it is doing that and that not just the Government but the Parliament should give the SFA their total support in the view that it has expressed on moves by the Olympic committee.

Investor Confidence

5. Elaine Murray (Dumfriesshire) (Lab): To ask the First Minister what steps the Scottish Government will take to provide confidence to investors in light of the report by the Ernst and Young Scottish ITEM club that the prospect of continuing constitutional change could put Scotland at an economic disadvantage. (S4F-00073)

The First Minister (Alex Salmond): I am sure that Elaine Murray would be the first to welcome the Ernst and Young direct investment report 2011, which has just identified Scotland as the prime location, measured by employment creation, for direct inward investment. I hope that Elaine Murray acknowledges that the Government and its policies might have had some small part in that wonderful success.

Elaine Murray: Indeed, the Ernst and Young report is extremely interesting. It points out, for example, that the public sector in Scotland began to cut jobs well before overall public spending constraints were introduced. It is a very interesting report indeed. However, if we can get back to the economic recovery—

The Presiding Officer (Tricia Marwick): If you would, and go for a question, Ms Murray.

Elaine Murray: I will go for a question. The ITEM club report identified business investment as the key driver for growth. For the sake of the Scottish economy and investment and employment in Scotland, will the First Minister act to reduce uncertainty and increase confidence, through the early introduction of a referendum bill? A promise delivered on early is not a promise broken. *[Interruption.]*

The Presiding Officer: Can we hear the member, please?

Elaine Murray: Will the First Minister include the referendum bill in his statement to the

Parliament on the legislative programme, in September?

The First Minister: Maybe I can help Elaine Murray, because I have the exact quotation from the Ernst and Young report, which I read and which—I am afraid—is not as Elaine Murray has represented it. I will read from the report, so that there is no doubt about it. It says:

“Supporters of the status quo”—

such as Elaine Murray—

“will point to the damage that uncertainty over governance, taxation and the affordability of self-funding measures might do to mobile investment.”

However, in the next sentence it goes on to say that

“Those in favour of change will offer the hope that better stewardship of Scottish affairs, if it can be delivered, will act as a stimulus to confidence and growth.”

Elaine Murray is a supporter of the status quo. She has that in common with English Conservative members of Parliament, who were making exactly the same point at Scottish questions yesterday. Many of us are in favour of the second argument: that better stewardship of Scottish affairs will act as a stimulus to confidence and growth.

Gavin Brown (Lothian) (Con): What is the Scottish Government’s view of the ITEM club report’s outlook for employees in the manufacturing sector?

The First Minister: The ITEM club report contains a number of key indicators. It projects a contraction in public sector employment, but one thing that it points to is that, during the past year, private sector employment has substantially outgrown the fall in public sector employment. There is no complacency on the part of the Government about that; as recently as last week the Government made clear to Treasury ministers its views about the wisdom or otherwise of their policies. However, there is no question but that the 40,000 additional jobs in the private sector in Scotland during the past year—the 10 per cent rise in construction and the 6 per cent rise in financial and business services—give us substantial hope that the vibrancy of the Scottish economy will enable it to withstand, at least in part, the harsh budget cutbacks of the Government at Westminster, which Gavin Brown supports.

M74 Northern Extension

6. Kenneth Gibson (Cunninghame North) (SNP): To ask the First Minister what economic benefits will be delivered to Glasgow and the west of Scotland by the opening of the M74 northern extension. (S4F-00061)

The First Minister (Alex Salmond): The M74 extension will open next week on 28 June, eight months ahead of schedule and on course to be almost £20 million under budget. At its peak, construction of the road sustained 900 construction jobs between 2008 and earlier this year. The road will provide improved access to economic, employment and education opportunities for the people of Glasgow and other parts of Scotland. The M74 completion was a major factor in attracting two major developers to invest in the Clyde Gateway east site, which will bring another 700 jobs to Glasgow.

Kenneth Gibson: I thank the First Minister for ensuring that that vital strategic road was built ahead of schedule and under budget. The M74 complete to compete group, which is led by Glasgow Chamber of Commerce and includes Scottish Enterprise, Renfrewshire Chamber of Commerce and the Confederation of British Industry, predicted that at least £1.5 billion, primarily in manufacturing, would be invested over the two decades following opening of the road. Can the First Minister say how many jobs he anticipates will be created as a result of the M74’s completion, to the benefit of families and communities in, for example, North Ayrshire, Renfrewshire and Inverclyde?

The First Minister: There will be significant journey-time improvement and congestion on the M8 will be reduced by the taking of approximately 20,000 vehicles off the route between Charing Cross and Baillieston.

As I said, the M74 is a major factor in attracting direct jobs to Glasgow. I should point out that a study that Scottish Enterprise commissioned said that completion of the M74 could create development opportunities that would be capable of supporting more than 20,000 jobs over a 20-year period. Is it not a good thing that one of the first acts of this Administration on taking office four years ago was to move to do what had not been done for an entire generation, and complete that vital road link for Glasgow and the west of Scotland?

Offensive Behaviour at Football and Threatening Communications (Scotland) Bill: Stage 1

12:30

The Presiding Officer (Tricia Marwick): I will now put the question on the motion for the stage 1 debate for the Offensive Behaviour at Football and Threatening Communications (Scotland) Bill.

The question is, that motion S4M-00357, in the name of Kenny MacAskill, on the Offensive Behaviour at Football and Threatening Communications (Scotland) Bill, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Adam, Brian (Aberdeen Donside) (SNP)
Adam, George (Paisley) (SNP)
Adamson, Clare (Central Scotland) (SNP)
Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
Baillie, Jackie (Dumbarton) (Lab)
Baker, Claire (Mid Scotland and Fife) (Lab)
Baker, Richard (North East Scotland) (Lab)
Beamish, Claudia (South Scotland) (Lab)
Beattie, Colin (Midlothian North and Musselburgh) (SNP)
Biagi, Marco (Edinburgh Central) (SNP)
Bibby, Neil (West Scotland) (Lab)
Boyack, Sarah (Lothian) (Lab)
Brodie, Chic (South Scotland) (SNP)
Brown, Keith (Clackmannanshire and Dunblane) (SNP)
Burgess, Margaret (Cunninghame South) (SNP)
Campbell, Aileen (Clydesdale) (SNP)
Campbell, Roderick (North East Fife) (SNP)
Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
Constance, Angela (Almond Valley) (SNP)
Crawford, Bruce (Stirling) (SNP)
Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
Dey, Graeme (Angus South) (SNP)
Don, Nigel (Angus North and Mearns) (SNP)
Doris, Bob (Glasgow) (SNP)
Dornan, James (Glasgow Cathcart) (SNP)
Dugdale, Kezia (Lothian) (Lab)
Eadie, Helen (Cowdenbeath) (Lab)
Eadie, Jim (Edinburgh Southern) (SNP)
Ewing, Annabelle (Mid Scotland and Fife) (SNP)
Ewing, Fergus (Inverness and Nairn) (SNP)
Fabiani, Linda (East Kilbride) (SNP)
Fee, Mary (West Scotland) (Lab)
Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
Findlay, Neil (Lothian) (Lab)
Finnie, John (Highlands and Islands) (SNP)
FitzPatrick, Joe (Dundee City West) (SNP)
Gibson, Kenneth (Cunninghame North) (SNP)
Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
Grant, Rhoda (Highlands and Islands) (Lab)
Gray, Iain (East Lothian) (Lab)
Griffin, Mark (Central Scotland) (Lab)
Henry, Hugh (Renfrewshire South) (Lab)

Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
Hyslop, Fiona (Linlithgow) (SNP)
Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
Keir, Colin (Edinburgh Western) (SNP)
Kelly, James (Rutherglen) (Lab)
Kidd, Bill (Glasgow Anniesland) (SNP)
Lamont, Johann (Glasgow Pollok) (Lab)
Lyle, Richard (Central Scotland) (SNP)
MacAskill, Kenny (Edinburgh Eastern) (SNP)
MacDonald, Angus (Falkirk East) (SNP)
MacDonald, Gordon (Edinburgh Pentlands) (SNP)
Macdonald, Lewis (North East Scotland) (Lab)
MacDonald, Margo (Lothian) (Ind)
Macintosh, Ken (Eastwood) (Lab)
Mackay, Derek (Renfrewshire North and West) (SNP)
Mackenzie, Mike (Highlands and Islands) (SNP)
Malik, Hanzala (Glasgow) (Lab)
Marra, Jenny (North East Scotland) (Lab)
Martin, Paul (Glasgow Provan) (Lab)
Mason, John (Glasgow Shettleston) (SNP)
Matheson, Michael (Falkirk West) (SNP)
Maxwell, Stewart (West Scotland) (SNP)
McAlpine, Joan (South Scotland) (SNP)
McCulloch, Margaret (Central Scotland) (Lab)
McDonald, Mark (North East Scotland) (SNP)
McDougall, Margaret (West Scotland) (Lab)
McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
McLeod, Aileen (South Scotland) (SNP)
McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
McMahon, Michael (Uddingston and Bellshill) (Lab)
McMahon, Siobhan (Central Scotland) (Lab)
McMillan, Stuart (West Scotland) (SNP)
McNeil, Duncan (Greenock and Inverclyde) (Lab)
McTaggart, Anne (Glasgow) (Lab)
Murray, Elaine (Dumfriesshire) (Lab)
Park, John (Mid Scotland and Fife) (Lab)
Paterson, Gil (Clydebank and Milngavie) (SNP)
Pearson, Graeme (South Scotland) (Lab)
Pentland, John (Motherwell and Wishaw) (Lab)
Robertson, Dennis (Aberdeenshire West) (SNP)
Robison, Shona (Dundee City East) (SNP)
Russell, Michael (Argyll and Bute) (SNP)
Salmond, Alex (Aberdeenshire East) (SNP)
Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
Smith, Drew (Glasgow) (Lab)
Smith, Elaine (Coatbridge and Chryston) (Lab)
Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
Stewart, David (Highlands and Islands) (Lab)
Stewart, Kevin (Aberdeen Central) (SNP)
Sturgeon, Nicola (Glasgow Southside) (SNP)
Swinney, John (Perthshire North) (SNP)
Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
Torran, David (Kirkcaldy) (SNP)
Urquhart, Jean (Highlands and Islands) (SNP)
Walker, Bill (Dunfermline) (SNP)
Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
Wheelhouse, Paul (South Scotland) (SNP)
White, Sandra (Glasgow Kelvin) (SNP)
Wilson, John (Central Scotland) (SNP)
Yousaf, Humza (Glasgow) (SNP)

Against

Hume, Jim (South Scotland) (LD)
McArthur, Liam (Orkney Islands) (LD)
McInnes, Alison (North East Scotland) (LD)
Rennie, Willie (Mid Scotland and Fife) (LD)
Scott, Tavish (Shetland Islands) (LD)

Abstentions

Brown, Gavin (Lothian) (Con)

Carlaw, Jackson (West Scotland) (Con)
 Davidson, Ruth (Glasgow) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Goldie, Annabel (West Scotland) (Con)
 Harvie, Patrick (Glasgow) (Green)
 Johnstone, Alex (North East Scotland) (Con)
 Johnstone, Alison (Lothian) (Green)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McLetchie, David (Lothian) (Con)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Scanlon, Mary (Highlands and Islands) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)

The Presiding Officer: The result of the division is: For 103, Against 5, Abstentions 15.

Motion agreed to,

That the Parliament agrees to the general principles of the Offensive Behaviour at Football and Threatening Communications (Scotland) Bill.

Offensive Behaviour at Football and Threatening Communications (Scotland) Bill: Financial Resolution

12:31

The Presiding Officer (Tricia Marwick): I will now put the question on the financial resolution for the Offensive Behaviour at Football and Threatening Communications (Scotland) Bill.

The question is, that motion S4M-00383, in the name of John Swinney, on the financial resolution for the Offensive Behaviour at Football and Threatening Communications (Scotland) Bill, be agreed to.

Motion agreed to,

That the Parliament, for the purposes of any act of the Scottish Parliament resulting from the Offensive Behaviour at Football and Threatening Communications (Scotland) Bill, agrees to any expenditure of a kind referred to in paragraph 3(b)(iii) of Rule 9.12 of the Parliament's Standing Orders arising in consequence of the act.

The Presiding Officer: I suspend the meeting until 2.15.

12:31

Meeting suspended.

14:15

On resuming—

Scottish Executive Question Time

Justice and the Law Officers

The Presiding Officer (Tricia Marwick): Good afternoon. We move to themed question time. I would appreciate it—yet again—if people made their supplementary questions brief and asked them without preamble.

Question 1 was not lodged.

Underage Drinking (Police Resources)

2. Graeme Dey (Angus South) (SNP): To ask the Scottish Government what its position is regarding the demand on police resources of tackling underage drinking and whether these resources could be better directed. (S4O-00063)

The Cabinet Secretary for Justice (Kenny MacAskill): The impact of Scotland's excessive alcohol consumption is estimated to cost Scots £3.5 billion each year, which includes crime costs of more than £700 million. The evidence is already clear on the link between alcohol consumption and crime. We know that more than three quarters of young offenders in 2009 said that they were drunk at the time of the offence, and we know that youth disorder and antisocial behaviour remains a serious issue in communities.

We took steps to tackle that through the Licensing (Scotland) Act 2005, and we used the Criminal Justice and Licensing (Scotland) Act 2010 to make improvements to help licensing boards to use the 2005 act to its full effect. For instance, we introduced the mandatory “no proof of age, no sale” measure, banned promotions of alcohol likely to appeal to young people and increased the penalties for selling alcohol to children. The 2005 act also permits Scottish police forces to use alcohol test purchasing as an enforcement tool, and it is used in a targeted, intelligence-based way, mainly to enforce licensing law in relation to off-sales.

We believe that a minimum price per unit of alcohol would be the most effective and efficient way to tackle alcohol misuse in Scotland.

Graeme Dey: Two litres of cider, seven bottles of alcopops, 1 litre of vodka, 4 litres of wine, 1 litre of Buckfast and 11 litres of lager—that is the haul of cheap booze that was taken off children aged 15 and under in just one Angus town on the night of 3 June. Fast forward a fortnight and Tayside Police are called into action to—

The Presiding Officer: Can we have a question, Mr Dey?

Graeme Dey: Sorry.

I wonder whether the cabinet secretary shares my view—I speak as the father of a 16-year-old—that parents should help to free up police time for tackling crime by better monitoring how their children spend their money and what they are up to when out and about at the weekend.

Kenny MacAskill: I do. There are two issues. One is cheap alcohol, which is far too readily available. That is why my colleague the Cabinet Secretary for Health, Wellbeing and Cities Strategy coined the phrase “pocket-money prices”. There is something ridiculous about that. Equally, Mr Dey makes the valid point that parents must take responsibility for their children. They have a significant role to play in addition to all of us, as parliamentarians, taking action against the scourge of cheap high-strength alcohol.

James Kelly (Rutherglen) (Lab): Sales of drink to those who are underage are being monitored and reduced by some excellent bottle-tagging schemes in Glasgow and Ayrshire. Does the cabinet secretary support such schemes? What action could be taken to roll them out throughout Scotland?

Kenny MacAskill: I am not aware of the particular schemes in the west of Scotland that Mr Kelly refers to, but I am aware of the schemes that have been operated by Lothian and Borders Police in the city of Edinburgh. Such schemes are worth while. Many of them are down to operational matters. I am more than happy to take on board any advice that Mr Kelly or others have, but it is certainly my understanding that such schemes are on-going across the country and are used in a targeted way when it is seen as proportionate to employ them. We fully support them.

Prison Visiting Committees

3. Dr Richard Simpson (Mid Scotland and Fife) (Lab): To ask the Scottish Executive when it will publish its proposals for the future of prison visiting committees. (S4O-00064)

The Cabinet Secretary for Justice (Kenny MacAskill): I recognise the dedication of visiting committee members and the important work that they carry out. As the Parliament will be aware, in January and February we consulted formally on the most effective way in which to provide independent monitoring of prisons. The consultation received a significant number of detailed submissions and we are currently considering them. We will, of course, publish a formal response when that process is complete.

Dr Simpson: I thank the cabinet secretary for that answer, in addition to the written answer that he gave previously. Does he agree that the prison visitors' independent role is critical to the way in which they help to reduce tension within the system? Does he accept that the overwhelming majority of responses were against a merger with HM inspectorate of prisons for Scotland? Will he help the prison visitors, who are becoming rather demoralised by not knowing whether there is certainty about their future, and give me an indication of when he thinks he will conclude his review of the consultation process?

Kenny MacAskill: I am not able to give a precise timetable at the moment. I want to see the information that comes back. Dr Simpson obviously is opposed to integration with HM inspectorate of prisons, but I have not made up my mind on the matter. Some people are opposed, and some think that it is important that we reduce the amount of duplication.

What I can say at the outset is that I recognise the important role played by prison visiting committees. It is correct and appropriate that they should be independent—otherwise, they would be neutered. We have to consider where they stand in the public sector landscape, and I will happily keep Dr Simpson apprised as we move towards a timescale.

Maureen Watt (Aberdeen South and North Kincardine) (SNP): I declare an interest as I served as a prison visitor for 11 years before coming to this place.

Does the cabinet secretary believe that the frequent and regular independent oversight of prisons that visiting committees provide is worth preserving to ensure the good operation of prisons and to protect the welfare of prisoners?

Kenny MacAskill: Yes, I do. It is the right of every prisoner to be treated fairly and in line with prison guidance. They are entitled to such treatment notwithstanding the fact that they are serving a sentence. Prisoners should also have the right to contact an independent service and be able to raise any issues that they have about how they are treated, with the confidence that if the case is upheld the issues will be resolved effectively. I am grateful for the service that Maureen Watt gave as a member of a visiting committee, and I remain committed to what was carried out by her and is carried out by serving colleagues.

Miscarriages of Justice

4. Bob Doris (Glasgow) (SNP): To ask the Scottish Government what support is available for the victims of a miscarriage of justice. (S4O-00065)

The Cabinet Secretary for Justice (Kenny MacAskill): We recognise that those who have been a victim of a miscarriage of justice may face particular challenges on their release from custody.

Local authorities have a statutory duty to provide voluntary throughcare such as advice, guidance and assistance to people who request it within 12 months of their release from custody. That includes those who are released from custody following a miscarriage of justice.

The Government has protected the funding that is provided to the Miscarriages of Justice Organisation Scotland. We are making £66,000 available again this year, which will enable MOJO Scotland to provide a one-stop service to assist miscarriage of justice victims in gaining access to benefits, housing, health services, counselling and financial aid, with the aim of helping victims to reintegrate into society.

Bob Doris: I know that MOJO Scotland is grateful for the on-going financial support. It also believes that victims of a miscarriage of justice often suffer from post-traumatic stress syndrome, yet those who are guilty of crimes get far more support on their release from prison to reintegrate into the community. MOJO Scotland feels that the balance is wrong.

Will the cabinet secretary use his good office to take a cross-cutting approach with the health minister to see what can be done to support the victims of miscarriages of justice on their reintegration into society? Those people have committed no crime.

Kenny MacAskill: That is a valid point. Cabinet colleagues and I will be happy to look at what we can do. These are difficult financial times. I know that MOJO has a particular desire for respite-type facilities. Funding is difficult and limited across the country, as we have seen from those who have sought to raise funding for Combat Stress. As I said, Mr Doris's point is valid and appropriate, and I am happy to take it on board.

Human Trafficking

The Presiding Officer: I call Sandra White for question number 5.

6. Sandra White (Glasgow Kelvin) (SNP): Thank you, Presiding Officer. It is question number 6, actually.

To ask the Scottish Government what progress has been made in tackling human trafficking in Scotland. (S4O-00067)

The Lord Advocate (Frank Mulholland): Trafficking in human beings is taken very seriously by the Crown Office and Procurator Fiscal Service. It is often committed in furtherance of serious and

organised crime. We work closely with the Scottish Government, the police and the Scottish Crime and Drug Enforcement Agency, with support from other relevant organisations.

Following a review in 2009-10, all human trafficking offences are now referred to the national sexual crimes unit, where they are considered by specialist prosecutors at a very early stage to ensure that a specialist and consistent approach is applied to maximise the quality of the investigation and outcome.

Sandra White: I thank Mr Mulholland for that comprehensive answer. I know that he and the cabinet secretary will be aware of the recent Glasgow operation Andronicus, which has so far reported good success in the fight against human trafficking. I am sure that, like me, he will want to congratulate the great work done by Strathclyde Police in the operation. However, given the apparent difficulties in bringing such cases to court, will the Scottish Government consider launching a review of current guidance and legislation to ensure that, first, good practice is shared and, secondly, conviction rates are increased?

The Lord Advocate: I thank the member for her kind words of welcome, not only for the commitment to tackle this odious trade but for operation Andronicus and the work of Strathclyde Police. I associate myself with her remarks but, as she will understand, the operation is live and I cannot say anything more about it.

As I indicated, Scotland's police and prosecutors give this area of criminal behaviour a high priority, and high-quality bespoke training and guidance are available. Although there have as yet been few convictions for human trafficking, other offences with a human trafficking background—including trafficking in prostitution, living off immoral earnings, fraud, offences under the Identity Cards Act 2006 and the Immigration Act 1971, and attempting to pervert the course of justice—have been successfully prosecuted. At the end of any prosecution, we review it to see whether we can learn any lessons, and we will use any good practice that we learn to prepare and deal with the next prosecution in this area.

Security Industry Authority

7. Derek Mackay (Renfrewshire North and West) (SNP): To ask the Scottish Executive what discussions it has had with the United Kingdom Government on possible changes to the Security Industry Authority and the potential impact that these may have on the regulation of the private security industry in Scotland. (S4O-00068)

The Cabinet Secretary for Justice (Kenny MacAskill): At the request of Home Office

ministers, the Security Industry Authority is leading work on developing a framework for a new regulatory regime and is working closely with all stakeholders, including the Scottish Government. I met the Home Secretary on 14 September 2010 and the chair and chief executive of the SIA on 18 November 2010 to discuss their proposals. In addition, my officials have been meeting and corresponding regularly with the Home Office and the SIA in taking the proposals forward. Since October 2010, they have met on 10 separate occasions. I also wrote to the Home Secretary on 14 October 2010, 8 November 2010, 12 January 2011 and 21 March 2011 outlining my views on the proposed new regulatory regime.

Derek Mackay: The UK Government has said that it feels that the SIA is unnecessary. If the cabinet secretary agrees that moves to deregulate the SIA are wrong and simply give serious organised crime hope of muscling back into business that we have tackled, what scope does the Scottish Government have to re-regulate in a devolved Scottish context?

Kenny MacAskill: I know how much of an interest Derek Mackay has taken in this matter; indeed, he is right to be concerned. We as an Administration have previously made clear both our feeling that a strong regulatory regime is necessary and our opposition to the SIA's abolition. To be fair, I think that a review is taking place south of the border. We welcome that, but our fundamental view is that there must be regulation. One way of tackling the problem of serious organised crime is to have a regulated regime, especially in the area of security, where we continue to experience some difficulties. I assure the member that we will not allow that aspect of life not to be regulated, and if we can take that approach across the whole of the UK in conjunction with the Home Office we will be happy to do so. That said, we reserve the right to act independently if we feel that the good standard of safety in our communities is under threat.

Johann Lamont (Glasgow Pollok) (Lab): The cabinet secretary will recall that, when this issue was debated in the first session of Parliament, we acknowledged its significance and seriousness. At that point, we chose to give consent to the UK Parliament to establish a security authority that would also regulate firms in Scotland. I must emphasise the seriousness of the issue and urge that, if there is any suggestion that regulation of the security industry is to be weakened, we in Scotland act very quickly not just on bouncers but, critically, on the organisations and security firms that we know are still vehicles for organised crime and which intimidate communities and businesses. For example, the organisations that are running certain construction sites are effectively operating protection rackets. We will be happy to work with

the cabinet secretary if it proves necessary to develop plans in Scotland to ensure that there are no gaps that might allow those organisations to continue to prey upon our communities.

Kenny MacAskill: I welcome that commitment and I will be happy to keep Johann Lamont and her party colleagues appraised. I think that all members regard the current approach as necessary for the safety of our communities. Johann Lamont's point is correct. As an Administration, we have met not only counterparts south of the border—we are grateful for the review that they seem to be carrying out—but representatives of the legitimate trade, if I can put it that way, in this country, who are concerned about the situation. Obviously, we also meet the police and Crown representatives.

I welcome Johann Lamont's commitment and we will keep her fully appraised. If we need to strike out alone on this matter, we will not hesitate to do so. However, if we can ensure that matters are dealt with adequately within existing structures, we will be happy to remain where we are.

Cadder v Her Majesty's Advocate

8. Siobhan McMahon (Central Scotland) (Lab): To ask the Scottish Executive what changes it proposes to make in relation to solicitors' access to prisoners in police custody in light of the *Cadder v Her Majesty's Advocate* ruling. (S4O-00069)

The Cabinet Secretary for Justice (Kenny MacAskill): The Government acted immediately following the *Cadder* decision to bring forward emergency legislation to enshrine a suspect's right of access to legal advice before and during interview by the police. To give effect to that right, the Government brought forward regulations earlier this year to place a duty on the Scottish Legal Aid Board to arrange for solicitors to be available for the purpose of providing advice and assistance to any suspects in police custody. Those regulations come into force on 4 July.

In order to take the duty forward, the Scottish Legal Aid Board has been in discussions with the Law Society of Scotland about setting up a police station duty scheme. The scheme will ensure that solicitors are available to advise suspects prior to and during police questioning, and will provide a single point of contact for the police when suspects have requested advice. The scheme will provide significant improvements for the police and prosecution, as well as for suspects.

Siobhan McMahon: I thank the cabinet secretary for his response, but I am concerned about the proposals on a number of points. First, there seems to be an inherent conflict of interest in

SLAB—a Government body providing advice and solicitors for accused persons. Why, if the detention period is to be increased to 12 hours, are solicitors to be required to attend a police station within one hour—a requirement that effectively will render them on-call for 24 hours a day? Secondly, what steps is the Government taking to ensure that an adequate number of solicitors will remain on the police duty scheme, given the decision of Hamilton, Stirling, Alloa and Edinburgh to withdraw en masse from it?

Kenny MacAskill: The member raises several matters. I am surprised at her criticism of the independence of the Public Defence Solicitors Office, given that a Labour Administration established it. I believe that the procedures are clearly compliant with the European convention on human rights. I am not aware of any difficulties in that regard. The PDSO acts in the interests of those who face prosecution, which mirrors exactly the impartial way in which the Crown acts.

On dealing with matters within an hour, if only that were the case. It currently takes an average of two hours 54 minutes to secure initial solicitor advice, usually by telephone. I think that if there was a question of that being restricted to one hour, the police would be heartily cheered by that.

As I have said, it is appropriate to strike a balance. I am aware that some solicitors in private practice are dissatisfied with the situation, but it is not of our making. However, we are required to act to preserve good order. The current position is supported by the police and the Crown, and it provides a legitimate balance between protecting the rights of a suspect who is being detained and charged, and protecting the rights of the wider community, which also needs to be borne in mind.

Knife Crime (Sentencing)

9. Michael McMahon (Uddingston and Bellshill) (Lab): To ask the Scottish Executive whether it plans to review its position on sentencing for knife crime. (S4O-00070)

The Cabinet Secretary for Justice (Kenny MacAskill): The combination of tough enforcement backed by education is the key to tackling knife crime and violence in our communities, and under this Government that strategy is paying off. Crimes of handling offensive weapons have plummeted by 30 per cent since 2006-07, while in 2009-10 the average sentence length in Scotland for handling an offensive weapon was nine months, the longest for a decade and four months longer than that in England and Wales. We will continue to press home that successful strategy with the violence reduction unit and other partners, because any knife incident, with its damaging effects on Scottish communities, is still one too many.

Michael McMahon: Is the cabinet secretary aware that one of the many concerns that people had over his disastrous Offensive Behaviour at Football and Threatening Communications (Scotland) Bill was the ludicrous proposition that people who threaten others or incite hatred could receive jail sentences of up to five years, while those who carry a knife and could carry out the threat are more likely to receive community sentences? Would it not be better if the cabinet secretary, rather than trying to sound tough on football hooliganism and problems in football, concentrated on delivering what people want, which is safety from people who carry knives on their streets?

Kenny MacAskill: I am rather bemused by Mr McMahon's argument, as I thought that he would support the legislation that we discussed at stage 1 earlier today. I remind him that we face difficulties and challenges in this country regarding the carrying of knives. We do not underestimate the booze and blades culture, as my predecessor called it, but we are making progress. A record number of stop and searches has revealed that fewer people are carrying, more are getting caught and those who are getting caught are going to jail for longer.

Rural Affairs and the Environment

Renewable Electricity Target

1. Stuart McMillan (West Scotland) (SNP): To ask the Scottish Government what measures the Cabinet Secretary for Rural Affairs and the Environment will introduce to help the Scottish Government achieve its 100 per cent renewable electricity target by 2020. (S4O-00072)

The Cabinet Secretary for Rural Affairs and the Environment (Richard Lochhead): Next week, we will publish our renewables route map, which will set out how our targets will be met through the deployment of all forms of renewable technologies, onshore and offshore, to deliver a transmission network that is capable of bringing vast amounts of clean, green energy to our markets in the United Kingdom and Europe. Through the route map, the Scottish Government will commit to developing new strategies for microgeneration and for agri-renewables to reflect the growing significance of small-scale generation and opportunities for local and rural ownership of energy.

Stuart McMillan: What specific assistance does the cabinet secretary intend to introduce to help community organisations to develop small-scale community hydro schemes, which will help us to reach the 100 per cent target as well as tackle flooding in our communities?

Richard Lochhead: The member asks a very good question. Our water resources have a big role to play in helping us to meet our clean, green energy needs, and we have already announced assistance for such community projects. In April 2011, the Scottish Government launched the community and renewable energy scheme loan fund, through which loans of up to £150,000 are available for the pre-planning consent stages of developing proposals, as well as free advice and support from a nationwide network of local development officers. That scheme has a budget of £5.3 million for supporting community-owned projects and £2.4 million for supporting projects that are owned by land managers. All of the loans have a built-in condition that community benefits must be part of the project. There is now quite a lot on the table to help communities to move forward with their local energy schemes.

Rhoda Grant (Highlands and Islands) (Lab): The cabinet secretary may be aware of calls by Calum MacDonald for a crofters renewables act, which would make it easier for crofters to develop renewables on their own land. Will he introduce such legislation or support a member's bill on the subject?

Richard Lochhead: I support the sentiments behind the issue that the member raises. Our farmers and crofters are sitting on massive natural resources that could be used for renewable energy and other things, to provide extra income and more self-sufficiency for them. That is a good thing, and we all support it. In my answer to Stuart McMillan, I mentioned that we are supporting the development of an agri-renewables strategy. I would be happy to think about how the needs of crofters—if crofters have distinctive needs—can be built into that.

Jamie McGrigor (Highlands and Islands) (Con): Does the cabinet secretary accept that one of the problems for small and large developers is the difficulty in getting grid connections? What can the Scottish Government do to help with that?

Richard Lochhead: I could not agree with the member more. The lack of grid connections and the proper infrastructure in Scotland is a huge running sore, which is why the Government has, on numerous occasions, made strong representations to both the Office of the Gas and Electricity Markets and United Kingdom Government ministers. We must sort out this matter if we want to make the most of Scotland's fantastic renewable resources.

Zero Waste Plan Targets (Funding)

2. John Pentland (Motherwell and Wishaw) (Lab): To ask the Scottish Executive whether additional funding will be made available to enable

local authorities to meet collection of food waste and other zero waste plan targets. (S4O-00073)

The Cabinet Secretary for Rural Affairs and the Environment (Richard Lochhead): We have allocated an extra £4 million to zero waste Scotland this year to support the development of food waste infrastructure, which includes support to local authorities to develop food waste collections. I make it absolutely clear that achieving high levels of recycling, including recycling of food waste, is the most effective approach for local authorities to adopt.

John Pentland: I welcome Scotland's first-ever recycle week, but how will councils meet expectations such as that for a food waste bin for every household when they might have no additional funding? Last year, it was suggested that money could be taken from the £80 million in the zero waste fund but, so far, £4 million is on offer, and that is subject to funding applications. Should such initiatives be better funded and should funding be shared among all local authorities to help them to meet their 70 per cent target?

Richard Lochhead: The easy answer to John Pentland's fair point is that many local authorities are just getting on with it. Given that landfill tax is set to rise to £80 per tonne by 2014-15, it is in the financial interests of Scotland's local authorities to divert their waste from landfill. Food waste collections should be part of that—about 10 councils already run such collections.

Many councils are getting on with it, including Fife Council, which has just come up with innovations. As part of this week's national recycle week, I saw new ways of collecting waste that have been adopted in one part of Fife, which mean that the recycling rate will increase from just under 40 per cent—if I remember the figure correctly—to well over 60 per cent in that area, and close to 70 per cent in some streets. Many councils are using innovative ways to improve recycling rates and save our environment.

Animals (Abandonment)

3. Neil Bibby (West Scotland) (Lab): To ask the Scottish Government what action it has taken to prevent the abandonment of animals in Scotland. (S4O-00074)

The Minister for Environment and Climate Change (Stewart Stevenson): The Animal Health and Welfare (Scotland) Act 2006 contains a specific offence of abandonment. A person who is responsible for an animal and who abandons it in circumstances that are likely to cause unnecessary suffering, or who leaves it unattended without making adequate provision for its welfare, is subject to a penalty of up to six

months' imprisonment and/or a fine of up to £5,000.

Neil Bibby: In these tough financial times, bills are getting harder to pay, and vets' bills can be a shock to families' monthly budgets. The minister might well recall the successful campaign with the slogan, "A dog is for life, not just for Christmas." Will he reassure me that he will work with animal charities and others to raise awareness of abandonment throughout the rest of the year?

Stewart Stevenson: I very much support the campaign for dogs for life—and cats and a wide range of domesticated and pet animals. It is important that we make adequate provision for those that we take into our homes. We take over responsibility for such animals, as we do for everyone in our houses.

Supermarkets Ombudsman

4. Maureen Watt (Aberdeen South and North Kincardine) (SNP): To ask the Scottish Government what its position is on the time taken by the United Kingdom Government in appointing a supermarkets ombudsman. (S4O-00075)

The Cabinet Secretary for Rural Affairs and the Environment (Richard Lochhead): I have made numerous representations to UK ministers on the issue in recent years. An adjudicator is crucial to safeguarding the long-term future of our producers and suppliers. I am pleased that, at long last, the UK Government finally published a draft bill on a groceries code adjudicator in March. However, I think that I speak for many people in Scotland and in the Parliament when I say that I am disappointed that the process has taken so long. We will continue to urge the UK Government to establish the groceries code adjudicator as soon as possible.

Maureen Watt: Given the extent to which household budgets are being squeezed, does the cabinet secretary believe that it is more essential than ever that the supermarkets ombudsman—or groceries code adjudicator—is put in place to ensure that consumers and producers both receive a fair deal from supermarkets?

Richard Lochhead: Yes. It is important that everyone in the food supply chain receives a fair share of every pound that is spent on food in Scotland. That is why we have for a long time pressed for much more transparency and for someone to enforce the contracts between the players along the supply chain. The most powerful part of that supply chain appears to be the big retailers.

It is important that our primary producers who are at the bottom of the supply chain—our farmers, crofters and fishermen—have someone who stands up for them, to ensure that they are

not abused. It is a pity that the UK Government's proposals do not offer the new adjudicator enough teeth to perform their job properly. As I said, we are also disappointed about the delay in introducing the legislation.

Sarah Boyack (Lothian) (Lab): Does the cabinet secretary think that there is a particular opportunity in relation to milk and milk producers? During the previous session of the Parliament, we had a milk summit. There is great concern about the long-term economic sustainability of the industry and about whether we will continue to have fresh milk supplies in Scotland. Does the cabinet secretary agree that the establishment of the supermarkets ombudsman must be an opportunity to ensure that milk supplies and fair prices for consumers and farmers are firmly on the agenda?

Richard Lochhead: I agree with the member, who makes a good point. Our dairy farmers and milk producers are some of the producers who are most affected by the imbalance in power across the supply chain. We know that to our cost in Scotland, where many milk producers have gone out of business.

The adjudicator will certainly have a role to play. The European Union's high-level group on milk has made proposals on the dairy sector, which we are pushing the UK Government to adopt in the UK, to help Scottish producers. Dairy farmers in Scotland are proposing measures of their own to help to make the industry more viable, which we are looking to support if we can.

The Presiding Officer: I see that Richard Baker is not in the chamber to ask question 5. I hope that by 5 o'clock tonight he will have sent me a note to explain his discourtesy to the Parliament in not advising me that he would not be here and withdrawing his question.

Recycling (Carbon Footprint)

6. Helen Eadie (Cowdenbeath) (Lab): To ask the Scottish Executive what guidance it gives to local authorities to ensure that recycling achieves a minimum carbon footprint. (S4O-00077)

The Cabinet Secretary for Rural Affairs and the Environment (Richard Lochhead): Guidance to local authorities on the new carbon metric was published on the Scottish Government's website on 15 March. The carbon metric will be phased in and will replace weight-based figures as a means of measuring local and national recycling performance by April 2013. The carbon metric provides an understanding of which materials have the greatest carbon impact on our environment. Its key purpose is to prioritise the recycling of materials with the greatest benefit to fighting climate change.

Helen Eadie: As we celebrate the achievements of all political parties during zero waste Scotland week, what does the cabinet secretary think about Fife Council sending its recycling waste more than 160 miles away in heavy goods vehicles? What sense does he make of such an approach in the context of the impact of those emissions on the council's carbon footprint? In my constituency, 44 local jobs were reduced to 17 when Recycle Fife was removed as one of the local recyclers for Fife Council. Will the minister discuss the issue with the council's Scottish National Party and Liberal Democrat leadership and express his concern about the loss of 27 jobs in one of the areas of highest unemployment and deprivation in Scotland?

Richard Lochhead: Notwithstanding the member's point, we should praise Fife Council for leading many other councils in Scotland with its high recycling rate. I have the official figure with me, so I can correct the assumption that I made in answer to a previous question that the recycling rate in Fife was just under 40 per cent by saying that the rate is 47 per cent. As I said, the council has put in place innovations that will increase the rate to 70 per cent in some streets in Fife—that is up at the highest levels in the whole of Europe. We should congratulate Fife Council on the progress that it has made.

Transport of waste over considerable distances for treatment is an issue that is not unique to Fife but one that faces many councils in Scotland. The answer is to ensure that we get the infrastructure in place in the coming years. I would like plastics reprocessing to take place in Scotland, and I think that members would like much more reprocessing to take place in Scotland, which would create jobs and ensure that some of the recyclable materials that are collected would not have to travel over long distances.

Scottish Agricultural Wages Board

7. John Park (Mid Scotland and Fife) (Lab): To ask the Scottish Executive what discussions it has had with stakeholders regarding reform of the Scottish Agricultural Wages Board. (S4O-00078)

The Cabinet Secretary for Rural Affairs and the Environment (Richard Lochhead): The Government carried out a formal stakeholder consultation during the most recent review of the Scottish Agricultural Wages Board, in 2009. We are committed to reviewing the wages board again during this parliamentary session.

John Park: I welcomed the response that the cabinet secretary gave to a parliamentary question that I asked almost two years ago, when he committed to continuing the wages board, but I am a bit concerned about developments at United Kingdom level and about pressure on the cabinet

secretary, particularly from Conservatives in the Scottish Parliament, to get rid of the board. In the current climate, its work in ensuring not only that wages are looked at but that conditions of employment and industrial relations are at the forefront—

The Presiding Officer: Can we come to a question, please, Mr Park?

John Park: I will get there, Presiding Officer.

The Presiding Officer: Get there quickly.

John Park: I ask for a commitment from the cabinet secretary that there will be trade union engagement in taking forward the discussions. I hope that we will find a way forward to ensure that the wages board stays in place.

Richard Lochhead: I can certainly give the member a guarantee that trade union involvement will be at the heart of any review that we carry out. I know that he has a long record of standing up for the retention of the wages board and has strong views on the issue. As he will be aware, previous Administrations have also reviewed the wages board and we will carry out our review during this parliamentary session.

South of Scotland Alliance (Broadband Funding)

8. Joan McAlpine (South Scotland) (SNP): To ask the Scottish Government what support it is providing to the south of Scotland alliance bid for a share of the broadband delivery United Kingdom fund. (S4O-00079)

The Cabinet Secretary for Rural Affairs and the Environment (Richard Lochhead): The Scottish Government is working closely with the south of Scotland alliance to ensure that it makes the strongest possible proposal to secure broadband delivery UK funding for its broadband plan. My officials are part of the project team developing the bid and are advising it on how best to secure funding for the project.

Joan McAlpine: Does the cabinet secretary agree that it is highly unsatisfactory that what is now an essential part of our economic development and education is dependent on an auction decided by the UK Government?

Richard Lochhead: I hope that the south of Scotland alliance is successful in its bid for the funding. The Scottish Government will, of course, work closely with the alliance on that. Of course, as the member suggests, if much more resource had been dedicated to the subject, all rural communities would be on an equal footing and we could equip all our rural communities with what they need for future economic development in the 21st century.

Flood Risk Management (Kilmarnock and Irvine Valley)

9. Willie Coffey (Kilmarnock and Irvine Valley) (SNP): To ask the Scottish Government how it will improve flood risk management in Kilmarnock and Irvine Valley. (S4O-00080)

The Minister for Environment and Climate Change (Stewart Stevenson): We are helping to protect communities throughout Scotland from flooding by working with our partners to implement the Flood Risk Management (Scotland) Act 2009 and by providing funding through the local government settlement for local authorities to continue to invest in flood protection schemes.

Willie Coffey: I thank the minister for that answer and also welcome the Scottish Environment Protection Agency consultation that will take place in potentially vulnerable areas. It highlights two areas in my constituency where the average losses are estimated at £16 million a year. Will the minister ensure that residents and businesses in my constituency are encouraged to participate fully in the consultation and that their concerns are fully considered as part of any decision-making process?

Stewart Stevenson: The SEPA consultation to which the member refers is very important and I encourage people across Scotland to respond to it. Through the identification of potentially vulnerable areas, we can see that perhaps as many as one in 20 homes and one in 14 businesses may be exposed to flooding risk. Individual members in constituencies can play their part in encouraging people to respond to the SEPA consultation. We will similarly play our part.

South of Scotland Food and Drink

10. Aileen McLeod (South Scotland) (SNP): To ask the Scottish Government what progress is being made to support the promotion of local food and drink produce from the south of Scotland. (S4O-00081)

The Cabinet Secretary for Rural Affairs and the Environment (Richard Lochhead): Since 2008, the Scottish Government has provided more than £3 million of funding through the Scotland rural development programme and the European fisheries fund to support the growth of the food and drink supply chain across southern Scotland.

Aileen McLeod: Given the work that has been done by organisations such as Savour the Flavours, south of Scotland and Borders food forum and the Wigtownshire food forum, does the cabinet secretary agree on the importance of ensuring that our food and drink strategy is joined up with our tourism strategy and on the economic benefits that will arise for many of our small

businesses from the development of real food tourism, such as food trails?

Richard Lochhead: I agree. Some of the excellent initiatives that the member mentions have received elements of Scottish Government funding to help them to move forward. There is fantastic food and drink produce in the south of Scotland. I am sure that, between today and Sunday, we will all sample some of it at the Royal Highland Show. I thoroughly enjoyed starting to do so this morning.

Part of the ambition of the first ever food policy in Scotland, which was brought forward by the Scottish National Party Government, is to join up all the different agendas. The member rightly pinpointed some of the agendas that food and drink in Scotland impact on. That is why we can make the most of Scotland's food and drink potential.

Taking Scotland Forward: Culture and External Affairs

The Presiding Officer (Tricia Marwick): The next item of business is a debate on taking Scotland forward: culture and external affairs.

14:55

The Cabinet Secretary for Culture and External Affairs (Fiona Hyslop): I am delighted to lead the debate in my new position as Cabinet Secretary for Culture and External Affairs. I will set out my thoughts on my responsibilities to Scotland for who we are in terms of promoting Scotland's cultural identity or identities, where we are in promoting our cultural and economic interests, and where we want to be as a nation. The Government has made significant progress over the past four years, and I will set that out. I also intend to set out a clear direction of travel for the next five years, spelling out what we plan to do.

This week alone, we had a trio of exciting events that showcase Scotland's culture, creativity and international impact. This morning, I opened the refurbished marble Scotsman steps artwork in Edinburgh, designed by Turner prize-winning artist Martin Creed and supported by the Government through the Edinburgh festivals expo fund.

On Tuesday evening, the First Minister and I hosted a reception at Edinburgh castle for guests from the film and screen industries who are in Edinburgh for the 65th edition of our world-renowned international film festival. We will explore options for holding an investors night in Scotland to bring together the business community and film makers to encourage investment and create opportunities for the film industry to flourish.

This week, the National Theatre of Scotland showcased a 24-hour rolling programme of more than 200 five-minute plays written by people in Scotland and across the globe and broadcast over the internet to mark the company's fifth anniversary. That emphasises the dynamic and creative nature of one of our national performing companies, as it uses digital media creatively to engage throughout Scotland and the wider world, promoting our creativity to a potentially huge audience.

The Government's achievements over the past four years have been substantial. We established Creative Scotland to deliver benefits for the arts, screen and creative industries. We established the Edinburgh festivals expo fund, with £8 million of funding over four years, to support Scottish work at the world's biggest arts event. Government support for the festivals is crucial. They have

grown to generate more than £250 million-worth of tourism for the Scottish economy.

We also supported the increasing domestic and international success of the national performing companies with a new, closer relationship. We have made significant capital investment in museums and galleries, including £15.2 million for the redevelopment of the royal museum of Scotland, which reopens in July; £7.1 million for the redevelopment of the Scottish national portrait gallery, which reopens in November; £10 million for Anthony d'Offay's artist rooms; and, of course, £8.6 million for the development of the Robert Burns birthplace museum, which was officially opened in January.

We doubled our international development budget to £9 million. We established a track record of attending Council of the European Union meetings and we developed a more strategic, all-Scotland approach towards the promotion of Scotland overseas.

We delivered the 2011 census, and I pay tribute to all workers who were involved in that. It was a great success, with the response rate at least equalling the level that was achieved 10 years ago.

We delivered the restoration of Stirling castle's James V palace—a three-year, £12 million project that included reuniting the Stirling heads for the first time since 1777 in their stunning new gallery, brought to life by modern, Scottish digital technology.

As those achievements demonstrate, this is a culturally ambitious and outward-facing Government. The election result demonstrated the Scottish people's faith in our approach, and the fact that I am now Cabinet Secretary for Culture and External Affairs demonstrates the importance of culture and external affairs to the Government.

In bringing the two portfolios together four years ago, the Government recognised the potential to leverage our rich cultural assets to enhance the promotion of Scotland overseas. My ambition is to build on that synergy and bring together culture, trade and tourism to deliver ever greater benefits for Scotland's economy. My role is to support the fantastic range of cultural activity that happens throughout Scotland; to champion Scotland's cutting-edge technology and architectural design; to get the best from Scotland's major events, portraying Scotland as the perfect stage; and to act as a voice of Scotland beyond these shores, representing the Government's interests around the world and promoting Scotland as a modern, dynamic nation.

Being cabinet secretary is not just about making decisions on investment, although significant capital projects such as the Victoria and Albert

museum in Dundee make a major contribution to our ambitions. It is about championing, supporting and providing leadership, identifying synergies and encouraging everyone to work together for the benefit of Scotland.

We are a creative nation with a rich heritage. We have an unrivalled historical legacy in creativity, and we have used our nation's capacity for innovation to share worldwide some of the key inventions that have proved to be indispensable in the modern era.

Scotland has a fantastic and vibrant contemporary culture that is epitomised by the Edinburgh festivals as the world's largest arts event, and by our national performing companies as they tour international hits such as "Black Watch"—which was in New York for Scotland week—around the globe. We have a remarkable and long-standing international reputation for fantastic built and natural heritage, as well as original engineering and building design, with examples of world-renowned iconic structures such as the Forth rail bridge and Glasgow school of art.

However, our culture is not just our music, our theatres, our dance and our art. It is also our science, our design, our architecture, our cutting-edge technologies and our languages. All those shape and bring joy to the lives of the people of Scotland and the wider world.

We have built significantly on our historical reputation. We continue to deliver cutting-edge innovations into the global order—for example, initiatives such as the Scottish Ten project, which was developed by Scots to record and document the built heritage and is now used the world over to record iconic landmarks such as Mount Rushmore. I have been privileged to witness other exciting developments such as the application that uses musical therapy to aid recognition for people with Alzheimer's, and the cutting-edge, eye-catching and award-winning fashion designs that are coming out of Edinburgh College of Art.

Our creative industries spur on our technological innovation and make us an attractive place to be. Dundee is gaining a deserved reputation as a hub for creative industries on a global scale. The creative industries account for 4 per cent of Scotland's gross domestic product and 3 per cent of its employment, which is 63,000 jobs in total. Over the past decade, the creative industries have grown more quickly than the economy as a whole and they have a key role to play in supporting Scotland's economic recovery.

All that ensures that Scotland is a progressive nation with a global reach. We are a dynamic, modern nation, contributing to the world in which we live. We are keenly aware of our place as a

long-standing nation in the wider world and of our responsibility as a citizen in the community of nations. Promoting a nation of 5 million people in countries such as the USA, Canada, India and China is no mean feat but, of course, Scotland is no ordinary country.

We will strengthen and deepen existing relationships, using the many tools at our disposal to ensure that our culture and creativity remain our unique selling point in the world. We will engage with our priority countries to deliver economic benefits and encourage broader and deeper engagement with those who wish to live, work and study in, travel to and do business with Scotland.

Our wealth of experience will continue to benefit the international community, and in particular key partners throughout the developing world with whom we are building enduring partnerships. Scotland is aware of its responsibilities to the wider world and, in particular, of our special relationship with Malawi.

We will continue to contribute towards international development through our grant funding programmes, protecting spending that helps to make a difference to some of the world's poorest and most vulnerable people. We will build on that support, working with our partners in the developing world to address challenges in areas such as climate change in which Scotland can bring expertise to bear.

Presenting an enlightened, outward focus, leveraging our historic and cultural assets, and promoting innovation and building enduring relationships will be the basis on which Scotland positions itself in the world as a modern dynamic nation.

Earlier, I set out what the Government has achieved. I now turn to our ambitions for the next five years, as set out in our manifesto before the election. We will seize the once-in-a-lifetime opportunity that is presented by the second homecoming year in 2014, when both the Ryder cup and the Commonwealth games will come to Scotland, to bolster Scotland's international image.

Ruth Davidson (Glasgow) (Con): With a second year of homecoming, will there also be a second gathering? If there is, will provisions be put in place to ensure that small businesses do not lose money over it?

Fiona Hyslop: I think that that is an endorsement of promoting a second year of homecoming as the correct thing to do. I recognise the member's concerns about the gathering. The people who are organising the events for the year of homecoming can certainly determine whether such an event is appropriate.

However, do not underestimate the opportunities that we have to reach out and promote Scotland. Glasgow in particular has a fantastic opportunity to showcase what it has to offer to the wider world. We need to bolster Scotland's international image as the place to be for international events.

We will also deliver a rich legacy that boosts tourism, cultural participation, the economy and public health and wellbeing, while showcasing Scotland to the world.

Jamie McGrigor (Highlands and Islands) (Con): On the point about events—particularly in relation to Glasgow—would the cabinet secretary consider the idea put forward by Richard Demarco a few years ago of holding a biennale, similar to that in Venice, of the visual arts in Glasgow?

Fiona Hyslop: There are many fantastic ideas about how we promote culture and creativity in relation to the Commonwealth games. I am certainly attracted by that idea. This week, an exhibition by Richard Demarco will be held in the Scottish Government's office in Brussels, which will showcase his work and his important connection to promoting Scotland and its relationship with wider Europe.

We will introduce a young Scots fund, which will be focused on sport, enterprise and creativity and will aim to provide enriching opportunities for our young people. We will also build on the highly successful Edinburgh festivals expo fund to ensure that more artists can experience the opportunities that it has provided.

We will deliver our ambitious strategy for the creative industries. We will support and celebrate our culture and creativity and build on the powerful role that it plays across all the Government's ambitions by establishing a national book week, a new music initiative to help to support the contemporary development of flourishing new musical artists in this country and more apprenticeships for traditional arts.

We will contribute to the legacy from the Commonwealth games in 2014 by promoting Scotland and by getting Scotland dancing as part of the drive to improve the nation's health and wellbeing.

We will continue to utilise Scotland's rich heritage, tremendous cultural assets and worldwide reputation to increase exports, tourism and economic growth through our strategic approach to the promotion of Scotland and our engagement with the international community.

We will build on our innovative approach to the promotion of Scotland following the establishment earlier this year of a Scotland office in Canada, which brings together the resources of the Scottish

Government, Scottish Development International and our tourism agency as one.

We will develop proposals to sharpen the focus in our international development work on the areas of policy expertise to which Scotland's academic and scientific institutions, businesses and civic partners can best contribute, such as water, renewable energy and climate change.

We will develop a national strategy for museums and galleries, which will focus on how the sector can best use its tremendous skills and resources to ensure a sustainable future for the sector. We will capitalise on the success of the globalscot network by mobilising key segments of the diaspora to act as powerful advocates for Scotland.

We will encourage the public to engage in the process of architectural design and increase understanding of the planning system.

We will deliver improved visitor facilities for the battle of Bannockburn site in time to commemorate the 700th anniversary of the battle in 2014.

I believe that all that demonstrates an ambition for Scotland that will deliver success over the next five years. I look forward to hearing members' ideas and contributions on their priorities. I encourage them all to support Scotland as a creative nation with a rich heritage, which is contributing to the world as a modern dynamic country.

15:08

Patricia Ferguson (Glasgow Maryhill and Springburn): A few days ago, an article caught my eye, not least because it combined two subjects that are very dear to me: art and the Maryhill area of Glasgow where I was born. The artist who was discussed in the article, Joe O'Brien, was born and brought up in Maryhill and his art is very much influenced by his experience of growing up there in the 1960s. Joe O'Brien is, as the article makes clear, one in a long line of artists—such as Robert Carlyle the actor, Donovan the singer and Susan Philipsz the Turner prize-winning artist, to name but a few—who come from that part of my constituency. The article suggested that perhaps that is something to do with the water in Maryhill.

I, too, was born in Maryhill. Although there have been some good amateur artists and musicians in my family, I am afraid that I am not one of them. Rather than there being something in the water in Maryhill, I suggest that the blossoming of talent in the area may have something to do with our proximity to the Kelvingrove art gallery, because Kelvingrove is a place that almost every

Glaswegian will have visited and in which they will have found something to admire, to inspire them and to remember.

I hope that future generations will be equally inspired not just by Kelvingrove but by the new developments along the Forth and Clyde canal, which now play host to the National Theatre of Scotland, Scottish Opera and the dance studios of the Royal Scottish Academy of Music and Drama—or the royal conservatoire of Scotland, as all of us must soon learn to call it. The BBC comedy unit and the studio of the sculptor Andy Scott are also located in my constituency. As a city, Glasgow is immensely proud of its galleries and museums. The opening of the new Riverside museum to the public this week demonstrates a continuation of that tradition of investment in the arts.

However, the provision of cultural facilities is not a statutory requirement for local authorities more generally, nor is it specified in outcome agreements. As council budgets reduce and savings are made, we must help to make the case against cuts to that part of their budgets, because there is a lot at stake. Many of our local authorities also contribute to the cost of our national companies. As a result, those companies can tour the country, mount new works and engage with schools, thereby extending access to the best that Scotland produces. However, if we do not also invest in the grass roots—for example, in music tuition for school pupils—we will produce neither the performers and artists nor the audiences of tomorrow. The minister may be reluctant to argue in Cabinet for additional money for local authorities to allow them to continue to make provision for culture in their areas, but I wonder whether she can at least make the commitment today in the chamber that support for the arts will be included in the outcome agreements that are negotiated with them.

This year the budget for our national performing companies and museums is scheduled to be cut by 4 per cent. There is also a 4 per cent cut to the budget in Wales. The difference is that the cuts in Wales will be spread over three years, whereas budgets in Scotland will take the full hit in just one. If we consider the complexity of running a museum or gallery, we must understand the pressure that a one-year budget imposes on those who run such institutions.

Fiona Hyslop: Does the member recognise that there were no cuts in 2010-11, because we did not pass on the Westminster cuts for that year? That protected our national companies in 2010-11.

Patricia Ferguson: It may have protected them in 2010-11, but it does not do so in 2011-12. That is the point that I am making. We are talking about the here and now.

Could the minister tell us today whether the practice of awarding moneys only for a 12-month period will persist throughout this session or whether a more strategic and sensible approach will be reinstated? I was surprised that, in her opening remarks, she did not commit the Government to maintaining free access to our national collections. I am sure that she failed to do so only because of time, as I know that the commitment was contained in the SNP manifesto. However, I would be grateful if she would confirm the principle, which Labour members guard jealously.

Labour's position is that the funding of Scotland's museums and galleries is an investment. The Government's studies tell us that 25 million people visit our museums and galleries every year and contribute £800 million to our economy, and that our cultural and creative industries make a contribution of £5.4 billion per annum. The United Kingdom economy is predicted to grow by 0.39 per cent per annum between 2007 and 2014, but the rate of growth in the cultural and creative sector is predicted to be 1.05 per cent per annum—three times higher. That is borne out by the experience of Glasgow. Since it had the accolade of city of culture in 1990, the number of cultural jobs in the city has increased by 43 per cent. On average, 82 per cent more performances are being staged in the city. If we are ambitious for our country, it is surely sensible for us to invest in this area.

Worryingly, the cut to the culture and Gaelic budget totals 9.9 per cent. The budget for Creative Scotland has been frozen, meaning that there will be little or no cash for new organisations or funding streams. Creative Scotland is tasked with carrying out the functions of both the Scottish Arts Council and Scottish Screen, but it must also take on additional responsibilities. To ask a new organisation to take on such an onerous workload with a budget that is, in effect, reduced is potentially problematic.

It is not just in economic terms that culture, the creative industries and the arts are important. Culture shapes our identity, provides us with recreation, educates us and gives us joy.

I believe that John Ruskin was correct when he said:

"Great nations write their autobiographies in three manuscripts—the book of their deeds, the book of their words and the book of their art ... of the three the only trustworthy one is the last."

This country has long-standing links with many developing countries. From a colonial past, we have managed to build friendships that endure. It is right that we, as a relatively wealthy nation, do what we can to assist those countries and help them to develop their potential. When that work

began, there were those who said that we were wrong to do it—that we should concentrate on problems at home and not concern ourselves with such issues. I defy anyone to visit Bottom hospital in Malawi and tell us that we were wrong. I defy anyone to say that Scotland's relationship—and Shetland's relationship in particular—with Minga school has not improved lives. I absolutely disagree with anyone who argues that we should have stood back when people in Sri Lanka, Pakistan and Haiti were devastated by natural disasters. Scotland has made a difference, and I hope that we continue to do so for years to come.

I am not for a moment saying that everything is perfect, but I think that the project-based approach is right, as is funding agencies and charities rather than Governments. We can be proud of the consensual approach that we have taken on these issues over the years, whether it has been through the cross-party groups, the Commonwealth Parliamentary Association or the wider work of the Parliament, in conjunction with the Government.

It is right that the Parliament monitors and scrutinises the approach of the Government as it awards funding and sets priorities, although that is done in a spirit of genuine concern so as to achieve the maximum benefit for the countries with which we work. Those who have been involved in that work have gained, too, in new experiences and in opportunities to test their professional skills in a very different environment from the one that they are used to. It is a true spirit of partnership.

In the past week, Parliament has had the opportunity to debate two important areas from the cabinet secretary's portfolio. I am beginning to notice the familiar faces: those of us with a genuine and probably passionate interest in culture, who will be turning out for debates such as this as we go forward. This is an area where we have a huge amount to gain as a nation. If we invest now, we can reap the benefits in future.

I was delighted to hear the minister—the cabinet secretary, I am sorry—talking about the links with tourism and events, which I was passionate about in a previous existence. I suggest that the inclusion of tourism in the portfolio might not be a bad thing.

The Deputy Presiding Officer (Elaine Smith):

I call Ruth Davidson, who has a flexible six minutes.

15:18

Ruth Davidson (Glasgow) (Con): Okay—I will use six minutes as a flexible friend. Thank you, Presiding Officer.

I am delighted to open the debate for the Conservatives today. I have been a bit of a wild rover of Scotland in my lifetime so far—I have lived in many different parts of the country. I was born and lived my formative years in the Borders—a good Selkirk girl. As it is not long past the first Friday after the second Monday in June, it is worth highlighting the common riding and the festivals in the Scottish Borders, which are a huge part of life there.

I then moved to the east neuk, where I went to school. With reference to the industrial heritage in that part of the world, we have the Scottish fisheries museum, which speaks to us all about where we come from and who we have been.

I was educated at university in Edinburgh, the cradle of the enlightenment—not that that helped get me a better degree, it must be said. Then I found my place in the world of work in Glasgow, which I am delighted to represent today as an MSP. Listening to Ms Ferguson talking about what we have in Glasgow, I reflect that it is true what a cultural jewel that city is, not just for the people who live within its confines but for people throughout Scotland and beyond.

When it comes to fixed cultural and artistic assets, the Kelvingrove art gallery is a fantastic resource that is visited by tens, indeed hundreds, of thousands of people every year. The new Riverside museum on the banks of the Clyde will bring not just its exhibits but the architecture and the building itself to a new audience, showing what we can do as a nation when we dream big.

We also have the St Mungo museum of religious art and life. Given the debate that we had in the chamber this morning, I hope that that museum will continue to play its part in the educational process in the west of Scotland and Scotland in general in relation to what we can do to move forward in areas that can be particularly difficult.

We also have a number of excellent individual venues, such as the Tramway, the Barrowlands and the Citizens theatre, to name but a few, and the moveable feasts, such as the southside festival, the mela and Eid. In economic terms, all those institutions and events bring in huge amounts to Glasgow and make it a more prosperous city. However, they do much more than that: they bring a great deal to the cultural life of Scotland.

I was pleased that the cabinet secretary mentioned what we do in Scotland to help others, such as the links that we have with Malawi. As I represent the region of Glasgow, which contains Blantyre, I think that it is right that we celebrate those links and do more. However, I will leave the issue of external affairs to my colleague, Jamie

McGrigor. Despite the fact that he has the most wonderful singing voice of any member in this chamber—believe me, you have not enjoyed “Campbeltown Loch, I wish you were whisky” until you have been driven one-handed alongside it in a souped-up Subaru by the gentleman himself—and is possibly more qualified than I am to talk about cultural issues, he will talk about external affairs in his speech.

I recognise the part that culture plays in our national life. I echo the cabinet secretary’s words about how rich we are in terms of heritage, history and legacy, particularly with regard to the inventions that she talked about, such as the goggle box, which brings all of that to a wider world and showcases it. Although it is important to embrace the cultural legacy of the past, we must refuse to be defined by it: we are the nation of Burns, Barrie, Stevenson and Scott, but we are also—for better or for worse—the nation of KT Tunstall, Christopher Brookmyre and “Grand Theft Auto”. There is so much of our heritage to be proud of, but that should not blind us to the good work that is going on now, from the physical theatre of “Black Watch”, which the cabinet secretary mentioned, and festivals such as Rock Ness and T in the Park, to the hardy perennials of the Edinburgh festivals and the Mod, which I do not think has been touched on yet.

It is said that we Scots are an oral people. That is borne out by our tradition of storytelling and folk tales, and we have a strong traditional folk sector.

I want to applaud all that is going on to make Scotland such a wonderful, vibrant, energetic, exciting and stimulating place in which to live, which grows artists and talented people and attracts them from abroad. However, there is much that we legislators can do to help the arts to progress and to open up access to artistic and cultural life. One of ways in which we can do that is through infrastructure. I was pleased to see that the SNP manifesto promised to encourage the expansion of community radio, and I look forward to seeing the proposals for how that expansion will take place.

Fiona Hyslop: Only this afternoon, on a community-based broadcast after the broadcast of First Minister’s question time, I gave an interview setting out my commitment to community radio. If the member wishes to tune in, the station might have a record of that.

Ruth Davidson: I will look up their recording of transmission and listen to it. That was prescient.

On Tuesday, I was in London speaking to the United Kingdom Minister for Culture, Communications and Creative Industries, Ed Vaizey, who confirmed that the second tranche of funding for superfast broadband development in

the UK is due to be announced next month, and that Scotland will do well out of that announcement. I welcome that because I think that we should not only be able to have footfalls in galleries in Scotland, but enable Scots to have access to the galleries of the world by clicking through virtual tours on the internet.

Access is a huge part of the arts equation, and one of the best ways in which we can open up arts to everyone in Scotland is through the festivals that we have up and down the country. I have talked about the ones that we have in Glasgow, and there are other local festivals as well as national ones. Participation in festivals, including at the grass-roots level, can do a great deal. The voluntary arts—they have not been spoken about in this debate, but I hope to hear more about them—which include craft and traditional craft, do a great deal to help with wellbeing and sense of community, and issues such as confidence, team building and mental health.

I want to touch on the Commonwealth games in my flexible six minutes. We all know that, alongside the Olympic games—that other huge multisport event—runs a cultural Olympiad. I hope that we can have something similar in Glasgow in 2014. I recognise what the cabinet secretary said about investigating options. We must get an accelerated start on that if we are going to make sure that it is a success in 2014.

Fiona Hyslop: Will the member give way on that point?

Ruth Davidson: I hope that the cabinet secretary will come back to that point in her closing remarks; I am just about to finish.

The arts in Scotland have so much to give. Let us give them to the wider world that comes to visit us. Yes, £5.4 billion in the Scottish economy comes from the arts and culture, but they have so much more value than the number of pounds that we put on them.

We have so much to be proud of and so many people who make Scotland the cultural giant that she is. From the biggest of the movie stars to the village theatre group, we are a race and a people with a hundred stories and a thousand voices to tell each one.

I hope that the Government fulfils its commitment to the arts in the coming parliamentary session. It will find the Conservatives to be helpful and consensual when it has good ideas, robust auditing and firm foundations for the future but, by God, we will be harsh critics should it fail to live up to the high expectations of the people of Scotland.

15:26

Jim Eadie (Edinburgh Southern) (SNP): I am delighted to have the opportunity to speak in today's debate. Every nation should be in a position to determine its own external affairs. Foreign relations is a field that affects the people of Scotland directly, but it is one in which Scotland has limited opportunity to take independent and decisive action. Be it in climate change negotiations, defending vital national interests in the EU, or the promotion of peace and justice in the world, Scotland's voice is not heard as we would wish it to be heard. We are held back, not by our ambitions or hunger to influence change, but by the constitutional constraints upon us.

Today I will focus on the Scottish Government's international development policy. Within external affairs, international development is arguably one of the Scottish Government's most successful policies. Scotland has been able to make ground despite the limited capacity to which I have referred. Indeed, Oxfam recently stated:

"Scotland's International Development Fund ... has grown from its infancy in 2005, into a more mature and significant tool with which to help fight poverty in developing countries on behalf of the Scottish people."

I hope that we all agree with that.

Many constituents whom I spoke to in the lead-up to the election, including a number of supporters of the British Red Cross, demanded a firm commitment that the Scottish Government's £9 million budget for international development would be protected, so I am glad that the Scottish Government has been unequivocal in its commitment to protect the current level of investment, while being mindful of the fact that the global recession and its consequences will be felt more sharply in developing nations.

It is regrettable that the UK Government defence secretary, Mr Liam Fox, recently set his face against there being a legal target to meet the United Nations national aid target of 0.7 per cent of GDP by 2013. Indeed, according to figures from the Organisation for Economic Co-operation and Development, the five nations in the world that have so far exceeded the UN target are small or medium-sized European countries, such as Norway, Sweden and Denmark. I am sure that the cabinet secretary will share my aspiration to see Scotland in a position to fully contribute and adhere to international aid commitments in the same way as many of our European counterparts do. The truth is that, in 2011, we still live in a world in which, according to the Scottish Catholic International Aid Fund, approximately 22,000 children die each day because of hunger and malnutrition. The challenges that developing countries face are compounded by the lack of

basic infrastructure and public services, such as clean water, sanitation, health and education.

The SNP Government made a commitment to play its part in helping to achieve UN millennium development goals by committing £13 million over three years, which has gone towards projects in some of the world's most disadvantaged nations—places such as Malawi, Zambia, Tanzania, Rwanda and Darfur. Those projects aim to tackle severe health problems, to ensure that sustainable sources of food can be achieved and, above all, to provide training to ensure that we have doctors, nurses and teachers on the ground.

The largest Scottish Government-funded programme—I associate myself with Patricia Ferguson's earlier remarks—is the Malawi development programme. To cite a successful example of the scheme, the Mary's Meals project is now feeding more than 10 per cent of the school population in Malawi. The principal aims of the millennium development goals are to eradicate poverty and hunger and to halve the proportion of people who are living on less than \$1 a day.

The Scottish Government must continue to monitor the progress and success of the projects that it funds. To that effect, it is encouraging that the independent review of the Scottish Government's projects in Malawi concluded that 32 of the 39 projects selected had met a number of key expectations—they were, for example, efficiently delivered, effective in meeting their planned outcomes and reasonably sustainable. Last year, UN secretary-general Ban Ki-moon said:

"In a few short years Malawi has come from famine to feast; from food deficit to surplus; from food-importing country to food exporting country."

Part of that success has come from ensuring that countries such as Scotland successfully manage projects through credible organisations, thereby ensuring that the development can be achieved in partnership with communities and non-governmental organisations.

I highlight the work of Christian Aid, which has exposed the cost of tax avoidance in developing countries. Christian Aid has estimated that tax avoidance by multinational companies costs developing countries somewhere in the region of £100 billion a year—one and a half times what those nations receive in international aid.

The challenge for the international community is to introduce a system of country-by-country reporting as an international accounting standard in order to prevent tax evasion. Forcing companies to reveal more information, including information on the profits that they make and the taxes that they pay in individual countries, would prevent them from hiding their profits and avoiding their

financial, social and corporate responsibility to the world's poorest. If countries such as Malawi had access to those funds, they would be able to build schools and hospitals, to improve their infrastructure generally and to lift more people out of poverty. In a country where thousands of children have been orphaned by HIV-related illnesses and people have a low life expectancy, those so-called missing millions would go a long way in alleviating poverty on a massive scale.

The European Commission has been exploring the potential introduction of a new accounting standard for multinationals, and I would be interested to know—perhaps the cabinet secretary could tell us when she sums up—whether the Scottish Government has made representations in support of such reforms, or would be in a position to make them, to the Commission and the UK Government. Scotland can provide leadership on the global stage on issues such as climate change, nuclear disarmament and international aid, and it is high time that we had the real powers that would allow us to have a genuine international voice.

15:32

Kezia Dugdale (Lothian) (Lab): I am thrilled to take part in the debate as an MSP who lives in, and now represents, a city whose cultural scene is renowned around the world.

It would be remiss of me to make a speech on culture without mentioning the various Edinburgh festivals and the fabulous contribution that they make to the economy of our capital city, and the enrichment that they offer its citizens and, indeed, visitors from across Scotland and further afield. I strongly encourage members to consider signing my motion on the Edinburgh festivals, S4M-00161, and to book as many shows as they can, now.

In the time available, I hope to cover two issues: crime fiction and Scottish theatre. The writer Denise Mina wrote a fascinating piece for the British Council a few years ago about how we classify culture. As a nation, we consider opera, ballet and theatre to be high art, while we classify musical theatre and crime fiction as being somewhat lowbrow. She argued that the real distinction should be between good and bad work—there are terrible operas and great crime novels.

Scotland certainly excels at crime fiction. From Inspector Rebus to Carol Jordan, and from DI Steel to Bob Skinner, our home-grown writers produce characters that not only sell hundreds of thousands of books but lead to television series and film productions that continue to entertain our people and power our economy. Nine out of 10 of the most borrowed books from libraries and the

top three novels that were sold at Waverley station last week were crime novels.

Crime fiction is something that we, as a nation, simply cannot get enough of. As well as being a cultural commodity that we consume under desks and on buses and beaches, quickly and feverishly, it has the power to drive social change, or at least to inform social attitudes. Ian Rankin's "Fleshmarket Close" looked at the life of asylum seekers living in Scotland, while Stuart MacBride's "Cold Granite" looked at the perilous livelihoods of Aberdeen sex workers. They are examples of narrative that seeks to make sense of our country's ills at the same time as shocking, amusing, horrifying but, ultimately, entertaining. I am sure that the minister recognises the value of our home-grown crime-writing talent, and I hope that she will do everything that she can to encourage and support the next generation of Scottish writers.

Moving from MacBride to Macbeth, I pay tribute to the excellent production of "Dunsinane" that recently finished a run at both the Royal Lyceum theatre in Edinburgh and the Citizens in Glasgow. The play, which was written by the Edinburgh-born David Greig, originally ran at the Hampstead theatre in London and was brought to Scotland by the National Theatre of Scotland in conjunction with the Lyceum. It has now returned to Hampstead with its Lyceum cast.

When I spoke to Alex McGowan, the director of the Lyceum, earlier this week, he had many interesting comments to make, one of which was to do with the conditions of the grants that Creative Scotland gives to theatres. At present, a company is allowed to use only 15 per cent of its grant to take its production out of Scotland. I wonder whether that is inhibiting the ability of our home-grown writing, acting and production talent to take their work beyond our borders. I would welcome the cabinet secretary's views on that point.

Fiona Hyslop: Kezia Dugdale makes an important point about the balance between helping to support and promote writers within Scotland and being unafraid to champion the export that she mentions. It is helpful to know of her support and that of other members in the chamber. We must have that opportunity to showcase our writers, so I very much welcome her comments.

Kezia Dugdale: I thank the cabinet secretary for that response.

The Lyceum's funding position is currently stable. It knows where it stands financially right up until March 2013, which is a position that some other theatres would envy. However, the theatre's finance is complex and much of the money that it receives to offer reduced-price tickets and take

theatre workshops into schools comes from the local authority. The City of Edinburgh Council has an excellent relationship with the theatre, but it is fair to say that all parties are nervous about future local government settlements and the impact that they might have on the accessibility of our arts.

"Dunsinane" was a co-production between the National Theatre of Scotland and the Royal Shakespeare Company, which is to be welcomed. Alex McGowan tells me that the Lyceum has a further three co-productions lined up in its new season, including one with the Dundee Rep, which I am sure my colleague Jenny Marra will welcome. However, a word of caution must be aired about co-productions, particularly if they are to become the norm in light of the difficult financial climate. Joint productions by their very nature reduce the number of opportunities for new writers to see their words come alive.

Finally, I will speak up for all the people behind the writers and actors—the set designers, the lighting and sound technicians and the costume people. They are all highly skilled individuals who often come through our further education system. There is a great deal of concern among that community that future cuts to FE courses, particularly in the arts subjects, could produce a dearth of the very skills that Scotland needs in order to keep producing first-class productions such as "Dunsinane".

Whether it is plot twists or playwrights, our Government should continue to support our world-renowned cultural sector.

15:37

Clare Adamson (Central Scotland) (SNP): As a Lanarkshire lass, I am delighted that our new Scots makar is Newarthill-born Liz Lochhead. In her poem "Kidspoem/Bairnsang", she describes more beautifully and succinctly than I could a little of my and my peers' early experience of Scottish culture. The poem is about a wee girl's experience of her first day at school. I quote:

"My Mum ...
gie'd me a wee kiss and a kid-oan skelp oan the bum
and sent me aff across the playground
tae the place A'd learn to say ...
gave me a little kiss and a pretend slap on the bottom
and sent me off across the playground
to the place I'd learn to forget to say
it wis January
and a gey driech day".

We have come a long way since my childhood experiences of education in Lanarkshire. We now celebrate our Scots language and recognise it for its richness and depth of expression. As a Wishaw councillor, I am delighted that North and South Lanarkshire Councils have included in their curriculum development surrounding the

international children's games an ICG Scots language project that has been developed and delivered in conjunction with Matthew Fitt. Indeed, when looking for a chirpy slogan that might cheer up those who are attending the games but are in need of a rain mac in August, we have simply settled on one Scots word that says it all—drookit.

I also welcome the fact that North and South Lanarkshire Councils are hosting a health and wellbeing conference, which will be held in conjunction with the games for the first time. Not only will our young athletes enjoy the cultural exchange that the games bring, but we will be examining and celebrating the sporting benefits for young people.

When I reflect on my early experience, I know that our culture surrounds us in every aspect of our lives. I grew up attending 7:84 and Wildcat theatre productions, and I recognise that Scots culture is defined and shaped by our politics, our history, our struggles and conflicts, and our immigrants.

Lewis Grassie Gibbon's "Sunset Song" is a classic example of culture that weaves the themes of Scottish national identity, peasant and rural struggle, and modernisation and technology, and it can be read as an analogy of our nation's transition from the pastoral to the industrial era. In culture, whether that found in a petri dish by Alexander Fleming or that which inspires and entertains us, we are indeed a rich nation.

Maya Angelou once said of our bard Robert Burns:

"His spirit was a humanitarian spirit, he was able to love human beings, and his imagination was vast."

I once heard Maya Angelou being interviewed on Radio 4 by James Naughtie. Ms Angelou took none too kindly to being introduced as one of the most renowned black authors in the world. Much to the embarrassment of Mr Naughtie, who had meant no offence, she asked why he needed to use the word "black" as she was simply one of the most renowned authors in the world.

Maya Angelou's fear was that the use of the word "black" diminished her achievements and recognition for her work. I fear that in some instances and by some organisations the use of the word "Scottish" has diminished and pigeonholed our own cultural achievements. James McAvoy, Brian Cox and Sean Connery are world-renowned actors who happen to be Scottish; Annie Lennox, Evelyn Glennie and Biffy Clyro are world-renowned musicians who happen to be Scottish; and Ian Rankin, Irvine Welsh and James Robertson are world-renowned authors who happen to be Scottish.

We must build on Scotland's past and ensure that from this point forward the word "Scottish" is a mark of excellence and talent and a benchmark for creative achievement throughout the world. The Scottish Government has come a considerable way in establishing that identity with the inception of Creative Scotland, which seeks to increase the number and range of people using and enjoying the creative arts. In addition, Creative Scotland seeks to identify, support and develop talent and excellence in the arts and, in doing so, to realise the benefits, both economic and otherwise.

Supported through the Scottish Government's Edinburgh festivals expo fund, the made in Scotland project has placed a diverse programme of high-quality Scottish work firmly in the spotlight. I look forward to the expansion of those funds and plans to make Scotland's talent available to a wider international audience. I also look forward to greater engagement with the Scottish diaspora and welcome proposals for the National Library of Scotland and the National Archives of Scotland to increase the availability of family records and boost our ancestral tourism.

The soundtrack to the film "Sex and the City"—I wager that nobody thought that that would come up this afternoon—includes Scots folk duo The Cast and their hauntingly beautiful rendition of "Auld Lang Syne". I was lucky enough to see The Cast in the Rowantree folk club in Uddingston many years ago, when singer Mairi Campbell treated us to an impromptu Scottish step dance. Mairi teaches Scottish step dance and is considered an expert in that area, but she had to attend the Gaelic College of Celtic Arts and Crafts in Nova Scotia to learn her craft because so much of it had been lost in Scotland.

In re-engaging with Scots and those of Scots heritage around the world, we enrich and reinvigorate our own culture, and I welcome a second homecoming in 2014.

15:44

Aileen McLeod (South Scotland) (SNP): I welcome the opportunity to participate in this debate. In my speech, I will focus on Scotland's relations with the EU and how they must, given the important negotiations that lie ahead, be strengthened.

It goes without saying that a wide range of EU laws, regulations and policies have very important consequences for Scotland, and impinge directly on the Parliament's devolved competences including, for example, agriculture and fishing, energy and climate change, research and development, and justice. It is therefore essential that the views of the Scottish Government and this Parliament be properly represented at all stages of

the EU legislative process: consultation, negotiation and legislative scrutiny.

In that context, I welcome the provision in the Lisbon treaty that national and regional parliaments are to engage with member state Parliaments to ensure that EU legislation that impacts on devolved matters does not violate the subsidiarity principle. As a member of the European and External Relations Committee and as the EU reporter for the Rural Affairs and Environment Committee, I look forward to participating fully in that new subsidiarity procedure.

However, Scotland's legitimate EU interests are represented not only through this Parliament; the principal responsibility in that endeavour falls to the Scottish Government. Currently, in formulating its negotiating position on EU legislative proposals, the UK Government is obliged to consult the Scottish Government. However, it is under no obligation to adjust its position in the light of that consultation, regardless of the importance to Scotland of the issue under discussion. Moreover, when the UK Government enters into policy negotiations in Brussels, Scottish Government ministers have no right to attend or to participate in those discussions, even if—once again—the issue is centrally important to Scotland. That is no longer acceptable and I will demonstrate why.

When, next week, the European Commission unveils its proposals for the shape of the EU budget for 2014 to 2020 it will, in effect, fire the starting gun for the debate on the future shape of all EU spending policies, many of which are of key importance to Scotland. One such policy is the common agricultural policy, further reform of which will be one of the key debates over the next two years. Unless Scottish ministers are fully involved in the entire process, particularly in debates in the Council of Ministers on agriculture, our farming and wider rural interests stand to suffer significantly.

The UK Government's approach to the EU budget talks is to secure a real reduction in EU spending. To that end, it wishes to phase out direct payments to farmers under the current CAP pillar 1 and to reduce spending under pillar 2. If agreed, those reforms will do considerable damage to Scotland's farmers and food-related sectors and will significantly undermine the economic wellbeing of our fragile rural communities, including in the south of Scotland. In fact, the Cabinet Secretary for Rural Affairs and Environment made that very point yesterday. That example alone highlights the defects in the current arrangements and shows why, when matters of such crucial importance to our industries and communities are being considered, it is essential

that Scottish Government ministers be able by right to attend and contribute to discussions in the EU Council of Ministers.

Since 2007, the SNP Government has attached considerable importance to our EU engagement. In that regard, it has set out four key priorities—energy and climate change; marine environment; research and creativity; and freedom, justice and security—and I know that ministers have worked constructively with the UK Government on delivering some of the many successes that since then have been achieved in those areas. However, in the light of the respect agenda, the time has now come for the Scottish Government's participation in that relationship to be enhanced.

The Scottish Government is seeking the Parliament's support for the Scotland Bill to be amended to give Scotland a statutory right for Scottish ministers to attend EU council meetings where discussions touch on devolved responsibilities, and a right to speak for the UK where Scottish interests predominate. It is absolutely vital for Scotland to be at the heart of the crucial negotiations that lie ahead on reforming the common agricultural policy, the common fisheries policy, future EU structural funds and future research and innovation policies, all of which will have significant implications for Scotland. In working together with our partners in both the Council and the European Parliament, Scotland needs as strong a voice as possible at that negotiating table.

It will come as no surprise to anyone that I believe that only as a fully independent member state within the European Union will Scotland have real influence and a real voice in ensuring that its EU policy interests are properly represented. Having spent five years working in the European Parliament in Brussels, I assure members that I never once encountered a colleague from one of the many smaller EU member states who thought that they would be better off allowing one of the larger member states to speak on their behalf. In an EU of member states there is simply no substitute for being at the top table—and that is where Scotland belongs. Until then, however, we must ensure that the arrangements for the devolved Scottish Government are such that Scotland's legitimate interests are represented in EU negotiations as part of the UK delegation.

I sincerely hope that in the debates to come on the Scotland Bill this Government gets the support of the entire Parliament in that endeavour.

The Deputy Presiding Officer: I now call Hanzala Malik, who is making his first speech in the chamber.

15:49

Hanzala Malik (Glasgow) (Lab): Thank you, Presiding Officer. First of all, I would like to take this opportunity to thank the people of Glasgow for electing me to represent their interests in the Scottish Parliament. It is a huge pleasure and privilege for me, as a Glasgow lad who always wanted to come to this chamber. At long last, the people of Glasgow have offered me the opportunity. I hope to do them proud.

I wish well the people who did not make it to the Parliament—whether the ex-MSPs or the new hopefuls. I also congratulate the Labour Party, because at long last it has managed to get somebody from an ethnic minority into this chamber. That is a welcome development, and I hope that the party can build on it. I hope to help the party in that aim.

I give particular thanks to all the community groups that are working so hard out there on our culture, our needs and our quality of life. Under very difficult circumstances, they do a lot of vital work for communities—the type of work that local authorities and the Parliament could not do. The amount of effort that people put into voluntary work is wonderful. I would like to thank them, and I hope that they will continue with their work.

Culture has changed in Scotland. It has moved away from being Americanised and anglicised; it has become Scottish, and more and more so. We are finding our roots. We are not just bagpipes and haggis; we have a lot more to offer from the important elements of our heritage and culture. When we talk about having one police force and one fire service, that is heritage, growth and looking forward. We are moving forward and getting our communities to come with us. We want better achievements and a quality of life that we can be proud of and can share around the world. For example, our fire service and our police force have started to train people from overseas. That is a very welcome new development. It means that we are encouraging those services to look for moneys from outwith the local authorities and the Government; they are now earning money because they have expertise to offer.

Sometimes we forget that we are a nation of inventors. Historically, we have done great and wonderful things, and we now need to embed that idea in our youth. We have a huge bank of expertise and young talent in this country—people who are itching to get on and do something. We want to build our economy, and the only way we will do that will be to give people opportunity. That is incumbent on us: we have to find new ways of encouraging young people. We do not wish our young people just to give up, so we must establish something for them.

One way of doing that will be to deal with our traditional friends. We Scots have many wonderful relationships around the world, and I will mention a few places with which we have worked historically: Bahrain, China, Indonesia, India, Iraq, Kuwait, Malaysia, Oman, Qatar, Saudi Arabia, Pakistan, Turkey, Sri Lanka, Hong Kong, Europe and the United Arab Emirates. Those are all people with whom we have worked, and we need to welcome them back to Scotland. I think that they have forgotten where we are. We need to tell them where we are and that we are open for business. We need to tell them that we are here as their friends and that we wish to work with them.

The work of our universities and colleges has been very encouraging. They have done tremendous work in promoting Scotland as a destination for education and expertise. They have shown dynamism for Scotland, but we sometimes forget that our universities and colleges need support. They do something that the Parliament perhaps cannot do—they can form one-to-one engagements with our friends overseas. They can encourage them to continue to come to this country as a destination for quality education. Also, while they are out there doing that job, they can promote Scotland as a destination for development, for industry and for inventions. We are open for business; this is the gateway to the new world.

We want our young people to be proud of us and of themselves, and the only way that we will achieve that is by ensuring that they recognise where their roots are, what their culture is, what their nation is and how they can make this country alive again. We need something that is bubbling, and that is going to happen only if we stimulate our industry and our economy by working with people.

It is important that the countries that I have mentioned realise that we are genuinely open for business and want to come and engage with us. We will also go to them if they want us to go there. We need to do that.

We are an industrial nation, not an agricultural nation; we need to have industry and to manufacture. We need to do things that will stimulate our economy, and the best way forward is through bringing our people together with us.

I am encouraged by a lot of what the cabinet secretary said, but I would like the Government to get our young people, our institutions and our colleges and universities more involved. We need to involve private industry, in particular. We must support our industries to encourage our economy.

The Deputy Presiding Officer: We have some time in hand, if any member wants extra time for interventions.

15:56

Derek Mackay (Renfrewshire North and West) (SNP): I congratulate Mr Malik on his thought-provoking maiden speech. In preparing my speech, I was a wee bit worried that it might feel slightly parochial. However, having heard some of the other speeches, I think that it will be equally parochial, but positively and for an important reason. I ask members to take that in the spirit in which it is offered.

I hail from Renfrewshire North and West, which includes the community of north Renfrewshire and part of Paisley. My colleague George Adam represents Paisley and will jealously guard the title of MSP for Paisley, but I co-represent the town of Paisley, particularly the community of Gallowhill and the Glasgow airport part of the constituency. Every member could have come to the chamber today and spoken about why their constituency or region is wonderful and has great cultural positives. I will take great pleasure in doing that for Renfrewshire North and West.

Paisley is, of course, Scotland's largest town and it has a wonderful history of weaving, including the story of sma' shot and the radical workers who rebelled to get the payment that they were due, thereby creating new law on workers' rights. Paisley's contribution to lawmaking also extends into the law of negligence in Scotland, which was established in Paisley with the famous "snail in the bottle" case. The 80th anniversary of that case will be next year, and a conference will be convened to commemorate it.

Another thought-provoking event in Paisley was the Scottish national holocaust memorial day service, which took place in 2009. The event reminded me of the line that those who do not learn from the mistakes of our human history are bound to repeat them. It is important that we know our history and our culture.

From a European perspective, Paisley is well established, right down to papal interests. The Cluniac monastic order visited Paisley last year, looking for a venue in Europe to take their order for a conference. The cabinet secretary, who was then a minister, supported that and Paisley has won the bid to host that conference. In addition, in 2013, Paisley abbey will celebrate its 850th anniversary. It has just launched a campaign for a new visitor centre, and it is a fantastic cultural asset to Renfrewshire. The British Library has helped to showcase the "Arbuthnott Missal", which in my opinion is equivalent to the "Book of Kells". Paisley is also home to Paisley shawls, which are known the world over.

Perhaps our finest achievement, which I shared in as the then leader of Renfrewshire Council and the chair of Paisley vision board, in respect of

which I declare an interest, was in attracting the Royal National Mod to Paisley in 2013. It was maybe not the venue that some people were expecting, but it was a fantastic achievement for both the mod and for the town of Paisley.

The Renfrewshire renaissance extends beyond Paisley. Renfrew town hall is being reinvigorated as we speak, with the town's common-good fund contributing to that. External support has also been secured from Historic Scotland and the Heritage Lottery Fund.

We have Braehead, which has not just a retail centre but Scotland's only indoor snow slope. I see Gil Paterson in the chamber; I understand that he is a keen skier and perhaps an unlikely snowboarder—I know that he enjoys that sport.

We are talking about not just buildings and artefacts but people—Paisley boasts John Byrne, Paolo Nutini and David Tennant. A bit further back, John Witherspoon was a Paisley minister who signed the American declaration of independence.

We are also home to one of Scotland's largest regional parks. We have made an immense international contribution, partly because Glasgow airport is located in Renfrewshire. We have become one of Scotland's newest fair-trade counties, which shows that we are not just nationalists but internationalists, with a deep sense of civic pride in support for those who are beyond our borders.

Sandy Stoddart, who is the Queen's sculptor in Scotland, lives in Paisley. He has a vision for a fantastic equestrian monument to Sir William Wallace. I would like to stick with the cultural consensus, but I gently point out to Labour Party members that the Paisley vision board—a partnership board—is supporting examination of the feasibility of that monument, which would be paid for from private subscriptions and not necessarily from public funds.

Kevin Stewart (Aberdeen Central) (SNP): Paisley also gave us Andrew Neil, but it must be forgiven for some things.

I declare an interest in sculpture, as I was at the forefront of ensuring that a statue of Robert the Bruce appeared in front of Marischal college in Aberdeen. Sculpture is immensely important. We should celebrate the fact that we have Mr Stoddart, Alan Herriot and some of the best sculptors in the world and that we help them to export their amazing art.

Derek Mackay: Indeed. I confirm that there are no proposals for a monument to Andrew Neil, but Scotland's patriot William Wallace should be remembered. It is slightly disappointing that the Labour group in Renfrewshire seems to prefer to

have 26 dog bins in Renfrewshire and has called for us to spend money on that instead of funding the sculpture's feasibility study. I am not convinced that tourists from around the world will come to Paisley to visit dog bins, although they might come to see a new equestrian monument to Sir William Wallace.

Our cultural contribution has been immense. As a Renfrewshire councillor, I have often seen members of the Parliament criticise Renfrewshire on education and culture policies. However, the administration in Renfrewshire is spending more than £100 million on schools, leisure and culture. What a fantastic achievement that is, without the requirement for public-private partnerships.

The financial climate in which we operate might have changed, but our ambitions and our cultural aspirations for Renfrewshire have not. I hope that members have not found my speech to be too parochial. I wanted to make the point that every part of our country—whether it is urban or rural—can have the ability and the ambition to go forward to boost our cultural economy and capitalise on Scotland's immense cultural wealth.

The Deputy Presiding Officer: I call Jenny Marra, to be followed by Joan McAlpine.

16:03

Jenny Marra (North East Scotland) (Lab): Presiding Officer, I am slightly nervous now that you have said that I am speaking before a cultural commentator such as Joan McAlpine, but I hope that I can do the debate justice.

I will pick up Aileen McLeod's point about Scotland's relationship with, and place in, the European Union. I disagree with her—we will probably discover that as we work together in the Rural Affairs, Climate Change and Environment Committee on the common fisheries policy and the common agricultural policy. I, too, have worked in Europe and I believe that devolution has given Scotland a big advantage, because Scotland now has a distinctive voice in EU negotiations and it has the clout of Britain's membership as one of the biggest contributors and biggest political players in the European Union. However, I look forward to working hand in hand with Aileen McLeod on that subject in the committee.

I agree completely with Clare Adamson that the word "Scottish" should be a cultural benchmark of excellence, and I firmly believe that it already is. I have been lucky enough to travel to a few places and wherever I have been in the world I have found that there is immediate recognition of and warmth for Scotland, which I think is in no small part due to the immense cultural offering that we have in this country.

On Sunday afternoon, when the rains went off for a while, it was a great privilege to lie on Magdalen green at the Dundee westfest festival. It was a fantastic afternoon, which was the culmination of a week in which the community of the west end of Dundee came together for several events, including music, theatre and a BBC debate. The culmination of the week was a world-record-breaking piggyback race on the green—in Dundee we always called it a cuddieback race, but I am not sure that the Guinness book of world records would recognise cuddies.

Ruth Davidson: Will the member give way?

Jenny Marra: No, thank you. Sorry, Ruth.

What struck me about the day was how people had come together to use their talents to bring the community together. Several new bands went on stage to entertain the crowds and it was encouraging to see other bands, including The View, sitting on the grass listening to the new talent that is coming out of Dundee. It was a great afternoon.

The westfest made me think of Labour's commitment in this year's manifesto to free music tuition in our schools. I went through music tuition at school, so the commitment is dear to my heart. The westfest proved how important it is that all children, from all parts of our community, have good access to and a good start in culture at school. I ask the cabinet secretary whether she is prepared to meet Labour's manifesto commitment on music tuition.

Kevin Stewart: Will the member give way?

Jenny Marra: If the member's intervention is briefer than his previous one, I will give way.

Kevin Stewart: It will be briefer; it is a simple question. Labour had a manifesto commitment on music tuition and it has said similar things in Aberdeen before now, but it has never said how it would fund the commitment. Will the member give an indication of how Labour would have funded its manifesto commitment?

Jenny Marra: There were many manifesto commitments, and it is not clear how many of the Government's manifesto commitments will be funded. For example, we do not know how the gap in higher education funding will be filled. The member should look to his Government for answers on funding commitments.

A couple of weeks ago I was lucky enough to go round the degree show at Duncan of Jordanstone College of Art and Design. As the cabinet secretary said, the art colleges produce some of the most impressive displays of culture and innovation in our country and it is exciting to see what the youngsters are producing and what the future holds. In the product design department I

was struck by a wireless Skype design by Anna Clara Rendahl. I would not be surprised if the item is in all our households in 10 or 15 years' time.

What is exciting about the cultural opportunities in our country is that they have an immense impact on local economies and the national economy. Does the minister have initiatives, such as a fund—perhaps funded from private money, because public money is tight—that would encourage graduates from our art schools to commercialise their innovations? There are a number of projects, but is there one that provides direct investment at graduation?

Fiona Hyslop: We have a number of existing funds to help to commercialise ideas from students and graduates, but I am happy to consider a proposal. She might be aware of the Scottish six, which is a proposal to invest in new talent and emerging ideas, particularly on product design such as Jenny Marra described.

Jenny Marra: I thank the minister for her intervention.

A couple of years ago the London School of Economics and Political Science produced a book entitled "Phoenix Cities: The Fall and Rise of Great Industrial Cities", which described the catalyst effect of major cultural institutions in post-industrial cities. The Victoria and Albert museum project in Dundee presents an opportunity to regenerate the city and its waterfront which, as I am sure all members know, is one of the most beautiful river vistas in the UK, if not in western Europe.

Indeed, a number of British institutions evoke great affection in Scotland and are set to bring great advances to our country. The V and A project is one of those. It was an inspirational idea a few years ago from the University of Dundee, with immense economic and structural spin-off advantages for our economy. The project will lead to massive regeneration of the waterfront, and to excitement, optimism and hope.

Since the start of this parliamentary session, I have already asked John Swinney whether he will commit to the Government's £15 million portion of the funding for the project. Today, I ask the cabinet secretary whether she can commit the full £15 million, so that Dundee can truly benefit from this exciting project.

The Deputy Presiding Officer (John Scott): I call Joan McAlpine. A generous amount of time is available for interventions, should members wish to take them.

16:10

Joan McAlpine (South Scotland) (SNP): I will take full advantage of it.

I thank Jenny Marra for her kind comments, although I think that her modesty was misplaced, as her contribution was very impressive. Like her, I am very interested in the cultural influence on our economy and in the way that cities can benefit from, in particular, the creative industries.

One of the world's leading thinkers in this field is Professor Richard Florida of the University of Toronto. He has identified what he calls a "creative class" of "high bohemians" who bring dynamism and energy to the places where they go to live, and stimulate economic regeneration—it is the power of cool, so to speak.

Such creative clusters exist all over the world. Some of the more famous examples are Palo Alto in California, Vancouver in Canada and Bangalore in India. It is particularly pleasing that Professor Florida has identified Glasburgh—the Edinburgh-Glasgow corridor—as one of Europe's creative mega-regions. I would add Dundee to that, as Jenny Marra told us about Dundee's incredible contribution to culture in Scotland, to form a mega-triangle of creativity. It is not only our urban areas that benefit from this cluster effect, because it moves out into the hinterland of the cities. We now talk about city regions as areas for development.

I will talk about an industry that combines creativity with technology and can have a huge impact on the growth of urban and rural areas: the computer games industry. Scotland has 10 per cent of the UK computer games industry and is now the third region for computer games development in Europe. The industry is rapidly changing. Games used to come in packages, and still come in packages sold through shops and delivered by the road, but that has changed a lot, with a resulting impact on the industry's carbon footprint, because now the trend is towards online games, network gaming and social games played through networks such as Facebook.

Games are also played on all sorts of screens. Computer games is a bit of a misnomer because games are played on tablets and, increasingly, on mobile phones. That means that they can be developed anywhere, so geography does not matter when it comes to developing computer games. The most successful mobile game to date, "Angry Birds", was born in Finland. It has generated revenue of \$70 million from development costs of \$140,000.

I was delighted when the Hare brothers of Outplay announced earlier this year that they were coming back from America to their native Scotland to set up a similar mobile games company in Dundee.

We also have our own homegrown examples of mobile games, such as the football game "Championship Manager" by Dynamo Games,

which won the best sports game in the international mobile gaming awards in 2011.

I am glad that the Scottish Government has recognised the importance of the video games industry through its creative industries strategy and the work of Scottish Enterprise. There is still more to do and, in particular, I urge the minister to take note of reports by the National Endowment for Science, Technology and the Arts and the Scottish Affairs Select Committee at Westminster that, while we produce lots of creative people, we must ensure that they have the mathematics and programming skills to make their imaginations come to life. An emphasis on STEM subjects—science, technology, engineering and mathematics—in schools is essential. That is something that we can do here in this Parliament with the power that we have over education.

However, the industry faces additional challenges that our limited economic powers in this Parliament cannot address adequately. The recession has hit the games industry in this country particularly hard. Across the UK as a whole, the sector has contracted by 9 per cent between 2008 and 2010. In Scotland, the size of the development workforce shrank by 18 per cent last year.

Our difficulties have nothing to do with a lack of talent or creativity, because we excel in those areas. A report for Scottish Enterprise two years ago called “Digital Inspiration: Strategy for Scotland’s Digital Media Industry” found that the Scottish gaming industry was world leading when it came to innovation, which is a tribute to our colleges and schools. However, the report also found that we need to be better at growing our digital-savvy companies, upscaling them and building on the talent that we have because, often, our most successful companies have sold out to multinationals; we have not been able to grow them ourselves.

An interesting fact is that, although we have 10 per cent of the UK industry, we have 25 per cent of the gaming companies in the UK. We have lots of start-ups, but they are not large enough. They are still too small and need nurtured.

Difficulties in bank borrowing have particularly hit the industry. It is not a traditional industry and does not have traditional businesspeople—cultural people are not traditionally au fait with business skills. It also suffers from the fact that, as all small businessmen know, the Royal Bank of Scotland and the Lloyds Banking Group dominance in the marketplace in Scotland makes it difficult to borrow the relatively small amounts that some of those one-man or two-person businesses need.

I welcome the fact that the Scottish Government’s creative industries strategy has

improved access to finance as a key objective, but we must go further. Other countries have overtaken not only Scotland, but the whole UK in the games industry. Canada, France and parts of the United States are offering tax relief to the sector and, within Canada, Montreal has witnessed a phenomenal growth in multimedia industries.

Other countries have picked that up. The Irish culture minister recently announced that he intends to thoroughly investigate the benefits that could come from a games sector tax relief. The UK-wide industry body TIGA—the Independent Games Developers Association Ltd—has lobbied for a long time for tax incentives. The Liberal Democrats and the Conservatives supported TIGA’s position before the 2010 general election but abandoned that support shortly afterwards.

Westminster has come up with some changes to the landscape that affect the digital media economy, but they do not address the unique challenges that Scottish companies face. For example, the Westminster Government created an industry hub in London, which is not really where the help was needed, and introduced tax relief on research and development to boost innovation. However, it refused to introduce the kind of tax relief that the film industry enjoys.

Although tax relief on R and D and innovation is welcome, Scotland’s biggest challenge is not innovation. We have the ideas and the developers; we just need the incentives that allow the developers to grow. We need to take matters into our own hands. A recent survey for PricewaterhouseCoopers showed that the computer games industry will be worth £86.8 billion in three years’ time. Scotland is well placed to take advantage of that, but we need the fiscal levers to assist our companies to reach the next level.

16:17

Christina McKelvie (Hamilton, Larkhall and Stonehouse) (SNP): I congratulate Hanzala Malik on a well thought-out, inspired and inspiring maiden speech. In it, he reminded us that we need to reach out to the world and that it is important to involve all the voluntary organisations that do that and, in particular, to involve our children in doing it.

On the subject of reaching out, last night I hosted the Refugee Council reception in the Parliament. A group of young children from all nations who are now at a primary school in Glasgow came along and read some stories from their book, which was about their dreams of Scotland and how they see their place in the

world. It chimed perfectly with what Hanzala Malik said today.

I also welcome him to his role as deputy convener on the European and External Relations Committee. I am sure that we will have some inspiring experiences together as we take that committee forward.

I will do something that I do not often do: praise the last Labour First Minister. During Jack McConnell's time in office, Scotland's links with Malawi were strengthened and enhanced. It was his idea that the then Scottish Executive should play a part in international development. Recognising that the devolution settlement did not allow for any great programmes, he decided to focus on Malawi and its obvious links with David Livingstone and Scotland.

I am proud that the first SNP Scottish Government built on Mr McConnell's fine initiative and developed the relationship with Malawi. I am delighted that we have continued to strengthen those links and work in partnership with people all over Scotland to bring some aid, some help and some improvement to the lives of people in Malawi.

I pay particular tribute to the work of the Scotland Malawi Partnership—I declare an interest as a member of that organisation—and the way in which it keeps the Parliament, the cross-party group, MSPs, members of Parliament, members of the European Parliament and the Government informed about what is happening out there.

I am sure that other members of the Parliament share the sense of achievement that Scotland has made a positive difference in the world. I believe that the sense of being part of a global community and striving for a better understanding of each other and for a fairer world chimes with the vast majority of Scots.

John Mason (Glasgow Shettleston) (SNP): I very much agree with what Christina McKelvie says about our commitment, and that we should be helping countries such as Malawi, even though we have a limited budget. I admit, however, that some of my constituents come to me and say, "Well, money's tight—shouldn't we just look after Scotland and forget about the rest of the world?" How would Christina McKelvie answer them?

Christina McKelvie: Scotland has always been a nation of pioneers, often in a very good sense, although sometimes not. I have represented Central Scotland, and my links with the David Livingstone centre when it was under threat reinforced my belief that we need to reach out to the world. We need to demonstrate Scotland's place in the world, and a big part of that is about how we deal with people who we care about. Our very special relationship with Malawi demonstrates

that well, so I would find that question quite easy to answer. Having visited Malawi in 2008, I witnessed the positive impact on communities of our commitment to support the people there, and I am delighted that that support is continuing.

My colleague Jim Eadie has spoken about Scotland's role in international development, our connections with other African nations and how we as a nation are reconnecting with the world. It is clear from the contributions from members on all sides of the chamber that it is a real cross-party effort; that this Parliament has become Scotland's voice in many respects; and that this crucible of debate helps Scotland to develop her own opinion. I note as an aside that it has not always been so. Some time ago, when members in a previous parliamentary session were debating the war in Iraq, some members suggested that such a thing should not be a point for discussion in this forum. It is exceptionally good to see that we have grown up from that strange position, and that no one here now would think to try to limit the topics that are open for debate in the chamber.

Scots now rightly look to the Scottish Parliament to hear what is being said about the great issues affecting the world, and they are entitled to expect their MSPs to have something to say about global events. For example, they expect us to express our solidarity with people who—even now, today—are taking to the streets to demand freedom and democracy for their nations, and our outrage that some of them are being killed by their Governments simply for making their voices heard. We talk about Scotland being a strong voice: in other nations when people try to be a strong voice they are put down, and in some cases lose their lives for it.

It is an indication of a sense of maturity in Scotland's Parliament that we talk about those things. It indicates that we view Scotland as part of the world, not as some strange, isolated land that is hedged around with devolution issues and reserved matters and issues that members dare not speak about in the Parliament. Long may that development continue.

Derek Mackay: Christina McKelvie eloquently expresses the SNP's compassion and international outlook in the world. Would she concur with me and welcome something else that the Labour Party has done, which is to distance itself from the repugnant views of Ian Davidson MP, who called the SNP neo-fascists?

Christina McKelvie: Sometimes in the heat of debate people say things that perhaps they do not mean to say. We should give Mr Davidson a taste of our compassion and offer him the opportunity to apologise.

My colleague Aileen McLeod touched on the continuing development that I mentioned in her contribution. I am delighted that she will be a member of the European and External Relations Committee; she brings skill, experience and understanding that we will all lean on in learning about the committee's work. She is an expert on Europe and I back her call for Scottish ministers to sit in sessions with other EU countries: speaking for Scotland, putting Scotland's case, fighting Scotland's corner and making new friends for Scotland throughout Europe. She talked about Scotland being a stronger voice, and that voice got stronger the day that she was elected.

Scotland has a place in the world, and it is a developing place. We used to be a shy nation, and a bit self-conscious about expressing ourselves, but that is fading now and our national self-confidence is growing. You would never have imagined that I was that shy, self-conscious person, but I am growing in confidence every day.

As Hanzala Malik said, we are teaching our school pupils how to look at the world through a Scottish prism and to identify Scotland's place in the world through self-reference as much as through hearing what others tell us about their place. It would be fantastic if we had the power to see ourselves as others see us, but we should also have enough pride and self-confidence to have a self-view—to see ourselves as we believe ourselves to be. We are doing exactly that; Clare Adamson gave us some eloquent and wonderful examples of it in her contribution.

The cabinet secretary talked about Scotland being a vibrant nation. She talked about music, theatres, dance, arts, science, architecture and everything else that makes us up. Each of those things is a thread of a Scottish tartan, a colourful mix of arts, culture and attitude—that is what makes us bright.

Fiona Hyslop talked about being a citizen of the world. One of the things that the Scottish Government is committed to doing is working with Scottish Water and WaterAid. Clean water is something that we expect, but in other parts of the world, that is not the case. We should be proud that we are committed to that work.

We are moving forward and developing ourselves. We are improving the Parliament, helping Scotland grow and making ourselves a nation rich in international friendships. Scotland is no longer the shy cousin hiding in the corner but it is a blossoming, developing flower.

We have much more to do. A nation is never finished and complete; it is always a work in progress. We have not and will not reach our finishing post, but we will touch milestones along the way. I like the milestones that we have been

touching recently and I look forward to the next stages of the journey with a great deal of hope.

The Deputy Presiding Officer: We move to closing speeches. I call Jamie McGrigor to close for the Conservatives. You have a very generous six minutes, Mr McGrigor.

16:26

Jamie McGrigor (Highlands and Islands) (Con): Thank you very much for being so generous, Presiding Officer.

I am pleased to have inherited my party's spokespersonship on Europe and external affairs from my great old friend Ted Brocklebank. I am sure that others in the chamber will want to wish Ted and his fiancée, Frances, best wishes for their future together, as their wedding will take place next week. That just shows the extra energy that retirement from politics can release—it appears that there is life in the old dog yet.

I congratulate Hanzala Malik on a really inspirational maiden speech. The only thing that I disagreed with was that he said that we were an industrial nation, not an agricultural one—I would like to think that we are both.

My friend Ruth Davidson has dealt very impressively with the cultural aspect of the debate. In my contribution, which will not include a rendition of "Campbeltown Loch" or any other song, I will focus on European issues and then say a few words about Scotland's role in external affairs and, specifically, our relationship with Malawi.

The forthcoming reform of the common agricultural policy is a vital crossroads for the Scottish agricultural industry and, indeed, the whole rural sector in Scotland. Although I welcome the interventions of the European Parliament's Agriculture and Rural Development Committee in support of food production, I know that Scottish farmers are still plagued by too much bureaucracy and regulation. It is important that access to agri-environmental schemes helps, rather than hinders, Scottish farmers and crofters. Moreover, we need a fairer EU-wide playing field on the issue of modulation.

Integrating greening measures into a reformed common agricultural policy should make life easier rather than more complicated and it should open up more income streams. The fact that our European cousins have recently seen the value of peatlands as a carbon sink could also be very important to Scotland, given our high proportion of peat-rich soil. Public good and food production should be seen in the same light, in terms of value to our farmers and crofters as well as the welfare of all people throughout the world. Perhaps the

cabinet secretary will address that in her closing remarks.

Another area in need of urgent reform is the common fisheries policy, which for decades has beleaguered our once-prosperous fishing communities throughout Scotland. Every job at sea promotes at least four on the land. That is why the industry is so important and why we, along with the UK Government and the Scottish Government, welcome the European Commission's commitment to devolving competence for fisheries management to member-state Governments. We await with interest the Commission's legislative proposals on reform, which are due to be published next month. We want an early appraisal from the Scottish industry and the Scottish Government of the proposals' value for Scotland.

Overall, the coalition Government's attitude to the EU is sensible and pragmatic. Many members would agree that some decisions that Brussels takes are making people feel increasingly isolated and disconnected from the European decision-making process. That is why David Cameron has pledged that an EU bill will be introduced to give the British people—I am glad to say that that includes us—a greater say in any decisions that the EU takes in their name. The bill will also ensure that any further handover of power from this country to Brussels takes place only with their consent. Any such proposal will be put to a vote, through a national referendum. That referendum will not be delayed for fear of not getting the result that the UK Government wants—unlike the planned referenda of some other politicians who are not a million miles from where I am standing.

All of us can be proud of Scotland's contribution to external aid and charity. Our strong and historic connections with Malawi, which go back centuries, have been augmented by the work of Scottish individuals, not least former members of the Parliament such as Jack McConnell and Karen Gillon. The former First Minister's initiative in 2005 of signing a co-operation agreement with Malawi demonstrated the Scottish tendency to help those who are in need. I hope that the current Scottish Government and the minister will continue the good work of Lord McConnell of Glenscorrodale—my goodness, that is a mouthful. The minister's announcement last year that financial support will be provided for 1,000 primary school teachers in Malawi is most welcome.

I pay tribute to my local charity, Mary's Meals, which is based in Dalmally in Argyll and has recently done so much in Malawi as well as elsewhere.

Fiona Hyslop: I, too, congratulate Mary's Meals. I had the opportunity to speak to the Malawi Government about its desire to extend

Mary's Meals and the principle that it represents to all primary school children in Malawi. From that start in Argyll, an impact has been made on thousands upon thousands of Malawian children.

Jamie McGrigor: I thank the minister for that remark. We who live near Dalmally are proud of our local charity and its humble origins. It is an acorn that has become a mighty oak.

Since Scotland conceived the enlightenment, which changed the face of western civilisation, our country has continued as an active international voice. The Parliament is effective in the Commonwealth Parliamentary Association. I hope that the new executive board that was elected yesterday will continue its good work.

Other bodies, such as the British Council Scotland, provide a forum for international cultural and educational exchange. Over the past year, the council has supported more than 1,000 international activities in 15 per cent of all Scottish schools, as well as giving global study and work opportunities to around 4,000 Scottish and international students. It is vital that the high quality and standards of our learning institutions are not allowed to drop due to financial constraint, because we must never lose Scotland's reputation for high-quality academia and for being outward looking and inventive.

Scotland has a key role to play in the UK in promoting what is good and fair across the world. We Scots have a wonderful reputation, but we must always remember why we have it. Being part of the UK has helped the Scottish reputation abroad in the past. I hope that it will continue to do so in the future.

16:34

Patricia Ferguson: I am not quite sure how to follow Jamie McGrigor's congratulations to Ted Brocklebank and his fiancée, but I simply say congratulations to them and all the very best for the future. I should probably draw a line under the matter there—except to say that those best wishes are very sincere indeed.

Like Jamie, I, too, congratulate my friend and colleague Hanzala Malik on his maiden speech. Hanzala's own life straddles two communities in Glasgow, and his interests straddle many more. His political activity follows on from that of his mother, Philomena, and his late father Mohammed, who was a great ambassador for his local community and a great servant of it. It is fair to say that he would be very proud of his son today.

In my opening speech, I could not do justice to all the areas of the debate that we were about to have. Now, I will try to pick up on some of the

issues that other members have raised but which I was not able to address.

I say very gently to SNP members that the interest of the Parliament, and indeed previous Governments, in culture and external affairs existed before—it did not just start in 2007. Up until 2007, culture was in fact represented at the Cabinet table, so that is not a new development. A number of the achievements that have been lauded today were not the whole or even the sole responsibility of the past or current Scottish Government.

I will cover this quickly, as I do not wish the nature of the debate to be of the kind that it was veering towards in some speeches, but I seem to remember two things—Creative Scotland and the new relationship with the performing companies—as predating 2007. Similarly, the idea of the year of homecoming was not a new one; it was actually the idea of Jim Wallace, the former Deputy First Minister, and it followed on from the year of Highland culture, which was very successful.

The idea of 2014 being celebrated partly as a year of sport was in the Labour manifesto in 2007, and it is something that I personally urged the Government to adopt on a number of occasions. Needless to say, I was ignored, but I am delighted anyway that we will be celebrating that year in the way that the minister outlined.

Ruth Davidson was correct to say that previous Commonwealth games have normally been accompanied by a cultural festival. Indeed, I was delighted to attend the cultural festival that accompanied the 2006 Commonwealth games in Melbourne. Entry to the festival, which lasted for two weeks and mirrored the timetable of the games, was free to anyone who wanted to go along. I wonder whether, in her closing speech, the minister could advise the Parliament of the developments that are probably already under way for 2014, as it would be interesting to hear them being outlined.

This afternoon's speeches have been interesting. Jim Eadie was absolutely right, as were Jamie McGrigor and the minister, to focus on the contribution of Mary's Meals. I am sure that anyone who has had any direct involvement with Mary's Meals realises how such a small contribution to an individual child can have such a huge effect. As we sit here in the relative comfort of Scotland, we cannot understand it. Only if we actually see it being demonstrated in Malawi, where one mug of porridge at lunch time can make the difference between a child being able to attend or not attend school, can we appreciate how huge an impact a small contribution can have. We have much to thank Mary's Meals for, given its contribution to Malawi and to the reputation of Scotland as a generous, forward-thinking country.

My colleague Kezia Dugdale correctly highlighted the efforts and the contribution of those who work backstage in our theatres to help us to enjoy the performances that we go to. They are often forgotten, and at a time of cutbacks they are also often the first people who find themselves having to look for other employment.

As an avid reader, I was interested in what Kezia Dugdale said about the crime novels of Edinburgh in particular and Scotland in general. Edinburgh was awarded the accolade of city of literature partly because of its reputation for crime novels, but also because of J K Rowling, Alexander McCall Smith and others. That accolade was awarded by the United Nations Educational, Scientific and Cultural Organization without any discussion, and it is one of which the city of Edinburgh should be proud.

Aileen McLeod made an interesting speech on the issues around representation in the EU and Europe more generally. Given her political viewpoint, I understand her argument. I do not necessarily subscribe to it—I do not think that she would expect me to—but I mention that, on one occasion when I visited Brussels with a delegation, it was pointed out that the Scottish Government had a little bit to learn. The example that was given to us was the engagement on the part of the Welsh Assembly, which involved Welsh ministers and Assembly members visiting Brussels together to make their contribution and represent a comprehensive view of what the Welsh Assembly and the Welsh Assembly Government thought should be happening. The Scottish Government should think about that and take forward a similar initiative.

Derek Mackay should make no apologies for being parochial—there might be things that he should apologise for, but being parochial is not one of them. However, I do not look forward to taking part in the debate that is bound to take place next year on his motion on the anniversary of the “snail in the bottle” case. I am joking: I studied it at college many years ago and realise how important it is. It would be a fascinating debate to take part in.

I, too, am a fan of Sandy Stoddart. I once had a long, interesting and enjoyable conversation with him about his idea for a statue of Ossian to be carved on one of Scotland's premier mountains. I did not think that that would be a good issue to take up with Patrick Harvie and his colleagues, and I think that even Mr Stoddart realised that the proposal should be parked for the present.

Jenny Marra is right to say that there is a warmth about Scotland that is reflected around the world. I think that people recognise us as the outgoing, generous country that we are and

always have been. That is not necessarily anything new, but it should be remarked upon.

I know that fair trade is of interest and concern to many members. I want Scotland to become a fair-trade nation just as badly as anyone else, but I have always believed that it is the journey to fair-trade nation status that matters. It is the number of cities, towns, colleges, universities, churches and individuals we take with us on that journey that is important, not the accolade itself.

I ask the minister—I am sorry, the cabinet secretary; I apologise for that once again—to say whether the Government has taken on board the points that were raised by the European and External Relations Committee in the previous session about the importance of the Government considering and lobbying for human rights in its dealings with other countries. I know that there was some success in that work with China, which I applaud and appreciate, but it would be helpful to hear a little more about that, because it concerns many members.

This afternoon's debate has been interesting and comprehensive and has ranged across what is a very broad portfolio. I look forward to debating the issues many more times in the next five years.

16:44

Fiona Hyslop: This has been an outstanding debate. I have attended many debates on culture and external affairs in the 20 months for which I have held my post and, if the speeches that I have heard today are anything to go by, the Parliament will have a great opportunity to promote the importance to us of our cultural offering and international reach. A number of contributions have extolled the experience that people have had in Scotland and its influence on their cultural identities and who they are, on where we want to contribute, on where we are internationally and on where we want to be as a nation.

We have spoken of the themes of cultural excellence, vibrant creativity and cutting-edge innovation, for which Scotland has a worldwide reputation. We are a creative nation with a rich heritage that contributes to the world as a modern and dynamic country. Scotland is about the old and the new, the traditional and the contemporary, and the historic and the modern. Scotland is about our magnificent past, our dynamic present, and our journey to a promising and exciting future.

We have heard stories that may be parochial but which I think are very important. They tell us about the shape of Scotland in the past and how that is being interpreted in the present. The passion with which individual members have spoken about their constituencies shows the

importance of culture in contributing to tourism and local economies.

I congratulate Hanzala Malik on an excellent first speech. He brought insight and challenge. I liked his phrase about Scotland being "open for business". It reminded me of William Wallace's Lübeck letter, in which he told continental Europe at the time that Scotland was open for business. It is a strong message that the Parliament can communicate collectively.

Today's debate demonstrates the consensus in the chamber about the importance of Scotland's culture—yes, it faces a number of challenges, and I will come back to the specific points that have been raised. We talked about our creativity and about external affairs. Everyone understands that we are facing challenging times, but that does not stop us being creative; indeed, it makes it more important than ever that we should be creative. That is why we have fought hard to ensure that culture is viewed not as a luxury but as a central component of a successful and vibrant society. That is why we continue to invest in our artists, creative practitioners and cultural institutions to ensure that they thrive and excel, and to ensure that our nation's great cultural offering is respected and enjoyed around the world.

I want to cover a number of points that members have made. If I do not cover them all, I will try to get back to members later.

I point out to Patricia Ferguson that the Scottish Government, through Historic Scotland, has invested in Maryhill burgh halls and I understand that the investment covers public art. She also talked about Kelvingrove museum. When I first went to the University of Glasgow, I stayed a hop and a skip from the museum and spent many a Sunday there. It has inspired generations and it will continue to do so, whether through the Glasgow boys exhibition, its standing exhibitions or indeed when I took my then 5-year-old to the Dr Who exhibition. It is interesting to note that the Glasgow boys exhibition outsold even the Dr Who exhibition.

Patricia Ferguson also talked about council budgets, which are an issue that we will need to come back to at another time. Obviously, one issue is the integrity and independence of councils in setting their own budgets. Patricia Ferguson was correct in identifying the amount of investment in culture in different areas.

We heard the passion of a former leader of Renfrewshire Council about the importance that Renfrewshire places on its cultural assets. We can be heartened when we hear about other cities and what they do. Joan McAlpine talked about Richard Florida, whom I was pleased to hear speak several years ago when Universities Scotland put

on a lecture. His ideas about city regions and the creativity of cities have inspired Edinburgh, for example, for a number of years.

We need to keep a close connection with what is happening with council budgets, but we also have to respect councils' independence. I politely say to Jenny Marra that I have had the Labour manifesto checked and it does not talk about free music tuition; it talks about free support for primary 5 and primary 6 pupils, supported by the youth music initiative. When councils such as my own, West Lothian, continue to provide free additional support for music tuition outside school, it is important that that is supported. I hope that, along with me, Jenny Marra will try to persuade other councils of the importance of free music tuition.

Patricia Ferguson: The minister has amplified my point. Some councils and council leaders are enthusiastic about culture and sport, which is often tagged along with it, but people should not have to rely on the enthusiasm of an individual or some individuals within a local authority. People look to us to level playing field for them.

Fiona Hyslop: The member's point is well made. That is an area on which members can get together to explore collectively. It gets to the nub of a problem with the national outcomes, which is that if we have a separate, significant cultural outcome, we might not treat culture as being embedded in health and wellbeing or crime and justice, with the result that it will become a discrete, extra luxury that it is easier to cut. Should we ensure, therefore, that culture is implicit and embedded in all other areas? I hope that that is a debate that the Education and Culture committee will come back to. I reassure Patricia Ferguson that I support free access to museums.

As regards the Commonwealth games, a number of extensive developments are taking place. For example, I have already agreed to provide investment for the Royal Scottish National Orchestra's new building at the Glasgow royal concert hall and for the development of the Theatre Royal. I saw a magnificent Scottish Opera performance involving primary school children in Glasgow in preparation for that development. In talking about her experiences, Ruth Davidson touched on the Commonwealth games, and I would like to come back to the chamber to expand on the developments that are taking place in relation to that. Collectively, we have a great opportunity to showcase what we have to the world.

Jim Eadie made an interesting speech, in which he mentioned tax evasion and brought to our attention the difficulties with international accounting. My perspective and that of the Government is that tax dodging can have a devastating impact on the global economy, as it

hits the most vulnerable in developing countries the hardest. We, too, believe that companies should be transparent and accountable when it comes to the tax that they pay in the developing countries in which they operate, and I would be happy to make that point in any discussions that I have with the UK Government or the European Commission.

In a highly thoughtful contribution, Kezia Dugdale talked about crime fiction. I, too, have seen "Dunsinane", which I thought was a fantastic production. The Edinburgh festivals expo fund has been used by the Edinburgh book festival to take Scottish authors such as Ian Rankin and Eleanor Thom to the international festival of authors in Toronto. That was a case of taking Scottish writers to the wider world. A similar exercise was conducted in India in recent times.

Clare Adamson made an excellent speech, in which she made us think more deeply about our identity as Scots. She talked about Maya Angelou and her love of Burns. Anyone who saw the interview that Maya Angelou gave in Loudon halls, in which she spoke about how Burns had influenced her at a very difficult time in her life, will recognise that it showed that the humanity of Burns reached across not only generation but gender. Imaginatively, Clare Adamson also managed to get "Sex and the City" into a parliamentary speech, which I think is the first time that that has happened.

With their experience in Brussels, Aileen McLeod and Jenny Marra will bring a great European perspective to our debates. I agree that we need to have representation and participation in Europe. In fact, I have represented the UK, not at a formal council, but at an informal council on creative industries, in Barcelona. I managed to explain to sundry ministers from all over Europe that Scotland was home to the fastest-selling entertainment product of all time in "Grand Theft Auto", which Ruth Davidson mentioned. Our digital companies are extremely important and need to be supported. I have visited Dynamo Games, which Joan McAlpine mentioned. She was right to accentuate the importance of tax and other incentives that other countries offer.

I want to reflect on Hanzala Malik's call for encouragement to be given to internationalising our economy, particularly for our new companies. Only this week, we had the national economic forum, which involved the First Minister, the Cabinet Secretary for Finance, Employment and Sustainable Growth and a range of cabinet secretaries engaging with Scotland's economic leaders and influencers. The session that I chaired was about internationalising our economy and improving exports. An interesting point that came out of that was that, although other companies in

some of our key sectors have more experience in that area, there are smaller companies in burgeoning areas such as the creative industries that are interested in exporting. As Joan McAlpine identified, we need to ensure that we provide more mentoring or other support, and helping them to understand regulation in other countries is part of that. I thank Joan McAlpine for bringing that to our attention.

Derek Mackay was passionate about Renfrewshire. The Renfrewshire renaissance is interesting. I am not sure that Paisley would have been the first place that all of us would have thought of as a tourist destination, but he showed why celebrating our culture and our tourism is so important. I am delighted that the Cluniac conference is coming to Paisley as I attended Paisley abbey when it was first discussed, and of course the Mod is coming to Paisley in 2013.

We have talked about our achievements, but we have also talked about what we want to do in the future. Put simply, we want to ensure that our country is seen as a great place to live, work, study, visit and do business. We have ambitious plans for international activity. We have a global reputation as a place of innovation and imagination, and we have world-class further and higher education. We heard much about what we can do with our young people—for example, from Hanzala Malik—and further and higher education is vital in that regard. As Cabinet Secretary for Education and Lifelong Learning, I was delighted to ensure that the Royal Scottish Academy of Music and Drama, which is to become the royal conservatoire of Scotland, managed to secure degree status for its dance course. Also important are our drama qualifications and those in other areas.

We have cultural icons and a broad cultural offering. We make a significant impact on the international stage. That creates opportunities for investment, for people to come here, and for us to play our part as citizens of the world and as a modern, dynamic nation.

We continue to punch above our weight on the global stage. Earlier this year, Vice Premier Li of China came to see the innovative and cutting-edge engineering approaches that we are supporting to harness wave and tidal power. We also managed to give him a cultural offering at Edinburgh castle, which reflected some of the interesting associations of Chinese and Scottish music, for example.

We have to ensure that we continue our strategic engagement with a number of countries around the world, from Europe and our near neighbours to North America, China, India and Russia, and also Malawi and Pakistan. In an impassioned speech, Christina McKelvie spoke

about the importance of that and discussed why we still want to reach out and have connections with countries such as Malawi. Our interest in other countries reflects our value system as a nation, and even at difficult times we should champion that.

We should also champion our historical and contemporary culture. I talked about the Scottish Ten and, as I speak, we are investigating and developing interpretation of world wonders such as the Rani ki vav step well in India and the eastern Qing tombs in China.

We have big plans for the future. We want to deliver ambitious strategies for our creative industries and our museums and galleries, and we have flagship cultural capital projects such as the V and A in Dundee. However, I appeal to Jenny Marra that doubting the V and A does not help with its fundraising. I appeal to her to join us and other Dundee MSPs to ensure that we all come together to champion what will be a first-class site.

The establishment of a Scottish digital network will help to provide the cultural sector in Scotland with significant creative outlets.

The introduction of the young Scots fund will deliver benefits by harnessing the creativity of our young people.

We will seek to secure a place at the top table for EU meetings.

Presiding Officer, as I reach the end of my extended 20-minute speech, will you tell me how long I have to go?

The Presiding Officer (Tricia Marwick): You have one minute, Ms Hyslop.

Fiona Hyslop: I hope that I have reflected the many and various contributions that were made in the debate. I thought that it was a first-class debate. Many people have a lot to say about how we can contribute going forward, and if this afternoon's debate is anything to go by, Scotland's reputation in the world and our nurturing of our cultural creativity will be things that we can be proud of in the five years to come.

The Presiding Officer: Thank you for your co-operation with your very long speech, Ms Hyslop.

Business Motion

The Presiding Officer (Tricia Marwick): The next item of business is consideration of business motion S4M-00393, in the name of Bruce Crawford, on behalf of the Parliamentary Bureau, setting out a business programme.

16:58

The Cabinet Secretary for Parliamentary Business and Government Strategy (Bruce Crawford): Presiding Officer, after the First Minister's announcement earlier today, I propose to take a revised proposal for next week's business to next week's meeting of the Parliamentary Bureau. I will therefore not be moving S4M-00393.

Parliamentary Bureau Motion

The Presiding Officer (Tricia Marwick): The next item of business is consideration of a Parliamentary Bureau motion. I ask Bruce Crawford to move motion S4M-00394, on substitution on committees.

16:59

The Cabinet Secretary for Parliamentary Business and Government Strategy (Bruce Crawford): On substitution on committees, Presiding Officer, the Parliament is being asked to agree the nominations for substitutes that are laid out in the business motion, as permitted under rule 6.3A. As you might imagine, they include all the committees that the Parliament has already agreed to in terms of the structure for this session. All the parties have successfully provided the business team with the appropriate names for substitutions in each committee.

I move,

That the Parliament agrees the following nominated committee substitutes, as permitted under Rule 6.3A—

Scottish National Party

Economy, Energy and Tourism Committee: Jim Eadie

Education and Culture Committee: George Adam

Equal Opportunities Committee: David Torrance

European and External Relations Committee: Colin Keir

Finance Committee: James Dornan

Health and Sport Committee: Dennis Robertson

Infrastructure and Capital Investment Committee: Sandra White

Justice Committee: Gordon MacDonald

Local Government and Regeneration Committee: Margaret Burgess

Public Audit Committee: Gil Paterson

Public Petitions Committee: Kevin Stewart

Rural Affairs, Climate Change and Environment Committee: Jean Urquhart

Standards, Procedures and Public Appointments Committee: Roderick Campbell

Subordinate Legislation Committee: Marco Biagi

Scotland Bill Committee: Derek Mackay

Scottish Liberal Democrats

Education and Culture Committee: Tavish Scott

Justice Committee: Jim Hume

Public Audit Committee: Liam McArthur

Rural Affairs, Climate Change and Environment Committee: Alison McInnes

Scottish Green Party

Economy, Energy and Tourism Committee: Alison Johnstone

Scotland Bill Committee: Patrick Harvie

Scottish Conservative and Unionist Party

Education and Culture Committee: Ruth Davidson

European and External Relations Committee: Alex Fergusson

Finance Committee: David McLetchie

Health and Sport Committee: Nanette Milne

Justice Committee: Margaret Mitchell

Public Audit Committee: Liz Smith

Rural Affairs, Climate Change and Environment Committee: Jamie McGrigor

Scotland Bill Committee: Murdo Fraser

Scottish Labour Party

Economy, Energy and Tourism Committee: Claire Baker

Education and Culture Committee: Hanzala Malik

Equal Opportunities Committee: Anne McTaggart

European and External Relations Committee: Neil Findlay

Finance Committee: Mary Fee

Health and Sport Committee: Rhoda Grant

Infrastructure and Capital Investment Committee: Graeme Pearson

Justice Committee: Margaret McDougall

Local Government and Regeneration Committee: Richard Simpson

Public Audit Committee: Neil Bibby

Public Petitions Committee: Malcolm Chisholm

Rural Affairs, Climate Change and Environment Committee: Claudia Beamish

Standards, Procedures and Public Appointments Committee: Mark Griffin

Subordinate Legislation Committee: Margaret McCulloch

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

I advise members that Richard Baker has written to me to apologise for not being present in the chamber to ask his question during themed question time this afternoon.

Decision Time

17:00

The Presiding Officer (Tricia Marwick): There is one question to be put as a result of today's business. The question is, that motion S4M-00394, in the name of Bruce Crawford, on substitution on committees, be agreed to.

Motion agreed to,

That the Parliament agrees the following nominated committee substitutes, as permitted under Rule 6.3A—

Scottish National Party

Economy, Energy and Tourism Committee: Jim Eadie

Education and Culture Committee: George Adam

Equal Opportunities Committee: David Torrance

European and External Relations Committee: Colin Keir

Finance Committee: James Dornan

Health and Sport Committee: Dennis Robertson

Infrastructure and Capital Investment Committee: Sandra White

Justice Committee: Gordon MacDonald

Local Government and Regeneration Committee: Margaret Burgess

Public Audit Committee: Gil Paterson

Public Petitions Committee: Kevin Stewart

Rural Affairs, Climate Change and Environment Committee: Jean Urquhart

Standards, Procedures and Public Appointments Committee: Roderick Campbell

Subordinate Legislation Committee: Marco Biagi

Scotland Bill Committee: Derek Mackay

Scottish Liberal Democrats

Education and Culture Committee: Tavish Scott

Justice Committee: Jim Hume

Public Audit Committee: Liam McArthur

Rural Affairs, Climate Change and Environment Committee: Alison McInnes

Scottish Green Party

Economy, Energy and Tourism Committee: Alison Johnstone

Scotland Bill Committee: Patrick Harvie

Scottish Conservative and Unionist Party

Education and Culture Committee: Ruth Davidson

European and External Relations Committee: Alex Fergusson

Finance Committee: David McLetchie

Health and Sport Committee: Nanette Milne

Justice Committee: Margaret Mitchell

Public Audit Committee: Liz Smith

Rural Affairs, Climate Change and Environment Committee: Jamie McGrigor

Scotland Bill Committee: Murdo Fraser

Scottish Labour Party

Economy, Energy and Tourism Committee: Claire Baker

Education and Culture Committee: Hanzala Malik

Equal Opportunities Committee: Anne McTaggart

European and External Relations Committee: Neil Findlay

Finance Committee: Mary Fee

Health and Sport Committee: Rhoda Grant

Infrastructure and Capital Investment Committee: Graeme Pearson

Justice Committee: Margaret McDougall

Local Government and Regeneration Committee: Richard Simpson

Public Audit Committee: Neil Bibby

Public Petitions Committee: Malcolm Chisholm

Rural Affairs, Climate Change and Environment Committee: Claudia Beamish

Standards, Procedures and Public Appointments Committee: Mark Griffin

Subordinate Legislation Committee: Margaret McCulloch

The Presiding Officer: That concludes decision time, and we will now move on to members' business. I ask members who are leaving the chamber to do so quietly.

Coastguard Services (David MacBrayne Group)

The Deputy Presiding Officer (Elaine Smith):

The final item of business today is a members' business debate on motion S4M-00117, in the name of Stuart McMillan, on David MacBrayne Group supports coastguards. This debate will be concluded without any question being put.

Motion debated,

That the Parliament notes the recent submission by the David MacBrayne Group to the UK Government's consultation on the review of coastguard services across the United Kingdom; notes that the David MacBrayne Group is the principal operator of the Clyde and Hebrides and Northern Isles ferry services and is the UK's largest ferry operator in terms of vessels operated and routes served and notes its view that any changes to coastguard services should be constructed on the premise of saving lives and not on saving money, and argues that it is vital that coastguard services remain based throughout the whole of Scotland in order to offer the greatest possible service to the public and that, with an ever-increasing level of seafaring traffic on the west coast of Scotland, it is ludicrous that the Clyde facility is earmarked for closure.

17:01

Stuart McMillan (West Scotland) (SNP): It is important to highlight a couple of points at the outset of the debate. First, the publication of the Transport Select Committee report at Westminster this morning has somewhat superseded the motion before us. It rejected the proposals and called on the United Kingdom coalition Government to withdraw them—I will return to that point shortly.

Secondly, I received a communication from the chief executive of the David MacBrayne Group in which the group highlighted its concerns with aspects of the motion and the potential misinterpretation of what the group had stated in its submission to the Transport Select Committee. I read the motion thoroughly a number of times after I received the e-mail, and I can see how the group might have interpreted it. The title of the motion was also mentioned. I appreciate that the David MacBrayne Group would not offer any political support on campaign issues, but its valid point of ensuring that any proposals should centre on saving lives and not saving money is in my opinion supportive of attempts to save the services.

My motion takes the usual format, and I did not in any way mean to cause either direct or indirect misinterpretation. The group's reading of the motion was certainly different from mine, but I am happy to put on record my thanks to it for raising its concerns about the motion and for bringing them to my attention.

I will summarise a couple of the proposals that the UK Government has put forward. First, there is a proposal to reduce the number of maritime operation centres in the UK, leaving only two 24-hour centres: one in Aberdeen, and the other in Southampton or Plymouth. There would also be seven sub-centres, only one of which would be in Scotland—in either Shetland or Stornoway. The result of those proposals is that the five operation centres in Scotland would be reduced to two.

Along with other members, I have met coastguard representatives a few times. I am sure that everyone in the chamber will know that they are absolutely committed to the job that they do. They understand the areas that they cover, and it would be very difficult for people from other parts of Scotland or the UK to understand the nuances of the territory in different parts of the country.

We debated the issue back in January in a members' business debate secured by Alasdair Allan. He has given me his apologies that he could not make this debate, but he said that he still has the same concerns that he had in January and remains supportive of what the Parliament said then and what has been said recently.

In the debate in January, the political consensus was that the UK Government's proposals were dangerous. Every MSP who spoke highlighted the importance of the coastguard service in their area; as we know, though, getting involved in a divide-and-conquer exercise only assists the UK Government.

Obviously, I want the Clyde base to stay in Greenock and to remain open, certainly for the west coast. There are many arguments for that, the main one being that nuclear submarines are based on the Clyde. While those submarines remain there, the best possible security must be available close by.

Secondly, the west of Scotland has some of the best sailing waters in the world. It is the UK's second most popular area for such activity, coming behind the Solent, and our recreational boating sector is increasing year on year. However, the proposals will reduce safety across the west of Scotland. As far as the coastguards are concerned, any modernisation of service delivery should always be about saving lives, not saving money.

David Stewart (Highlands and Islands) (Lab): Perhaps I can add another element to Mr McMillan's speech. The member will be aware that we are losing the Nimrod aircraft, whose fantastic fixed-wing capability for search and rescue was used, for example, in the Piper Alpha incident. Does he share my view that such a move will reduce Scotland's—and indeed the UK's—search and rescue capability even more?

Stuart McMillan: That very valid point has been made on a cross-party basis for a number of months now.

Coming back to the publication today of the Transport Select Committee's report, I note that the committee's webpage says:

"The Government should withdraw its controversial proposals to modernise the Coastguard Service, says the influential cross-party Transport Committee. Serious concerns were raised that the safety of people at sea, on cliffs and beaches will be jeopardised if the proposals proceed in their current form."

I do not know about anyone else in the chamber or anyone who might be watching the debate online, but I find that quite a damning indictment of the UK Government's proposals. It is abundantly clear that there is no support in the UK, let alone in Scotland, for a reduction in services. Ultimately, any change should primarily be about the determination to save lives, and no one genuinely believes that that will be realised under the current proposals.

I will raise a number of points about the Clyde base, which is in the west of Scotland region that I cover. First, has the Maritime and Coastguard Agency looked at alternative premises for the facility? When we attended a briefing at the navy buildings in Greenock a few months ago, Duncan McNeil and I saw for ourselves how rundown they were.

Secondly, I should point out that the facility has no problem with personnel. In fact, a high number of people are applying for positions at it.

Thirdly, it seems as if the coastguard is taking the brunt of the cuts. What of the management? I should also note that Inverclyde Council had offered to help find new premises if the facility was going to remain in the area, but I know that that will be a big challenge.

This has certainly been a big issue for a number of months across the whole of Scotland; indeed, it was a big issue in the Scottish parliamentary election campaign and has certainly been so in the Inverclyde by-election campaign. Irrespective of who wins next Thursday's by-election—I hope, of course, that it will be Anne McLaughlin—I expect that individual to go to Westminster, fight our corner and ensure that the Clyde base remains on the west coast and within Inverclyde itself. I firmly believe that, if that does not happen, security on the west coast will be reduced.

I hope that the chamber will continue this fight, speak with a single voice and make it clear that the UK Government's proposals are not supported by anyone here or any party in Scotland. Indeed, I hope that we continue to hear that single voice this afternoon.

17:09

Kenneth Gibson (Cunninghame North) (SNP): I thank Stuart McMillan for securing this debate on an issue of such importance to many people living and working on the west coast of Scotland.

Earlier this week, history was made when a passenger ferry crossed the Clyde at Govan for the first time in many years. It marks a new dawn for ferries on the Clyde, a mode of transport that served for more than 230 years until the 1960s and the opening of the Clyde tunnel. As passengers travel between the new Water Row pontoon in Govan and the Kelvin harbour landing stage, crossing to the Riverside museum, the new home of Scotland's museum of transport and travel, they will experience at first hand the rich tapestry of the Clyde.

What a history it has been. The Clyde witnessed the boom of the industrial revolution and became renowned for its shipbuilding, with "Clyde-built" being a byword for unsurpassable quality and precision. In recent years, the Clyde has transformed beyond recognition, with Glasgow deserving the title of European city of culture. The Clyde will bring more success as Scotland pioneers the renewable energy revolution, designing, building and maintaining marine technology.

Integral to the success and rich tapestry of the Clyde is the coastguard service, ensuring the safety of engineering workers, fishermen and holidaymakers. Its bravery, skill and dedication for generations has been remarkable. The coastguard service has been in operation since 1829 and, due to Scotland's long maritime tradition, has been of incalculable value to the people and communities that it serves. However, in its continued efforts to slash public sector spending, the UK coalition Government proposes to slash the coastguard workforce by half, scrap offshore rescue tugs and close eight of the UK's 19 coastguard centres, of which only three will remain open 24 hours a day, seven days a week.

Unfortunately, we have been in this position before. In 2000, Labour's John Prescott did a Nick Clegg and reneged on his promise to protect the coastguard service, closing three UK coastguard stations—two of them in Scotland, at Oban and Pentland. Unbelievably, the new consultation document has earmarked the Greenock coastguard for closure, intending that rescues be run remotely from Aberdeen, almost 200 miles away. This, colleagues, is madness.

The Greenock coastguard station looks after the busy Clyde and beyond. It manages Royal Navy traffic—including submarines, as Stuart McMillan said—ferry routes, cargo vessels, leisure craft and

an increasing number of cruise ships. It covers 1,300 miles of island and mainland coastline—an area that is home to a vast array of dangerous and difficult waters and terrain.

For years, the Clyde coastguard service has garnered a vast expanse of local knowledge—an invaluable commodity. Under UK Government proposals, that vast local knowledge would be sacrificed as operators in Aberdeen attempt to co-ordinate rescues on the rugged west coast of Scotland with no idea of local place names, landmarks and other information to aid the locating of a vessel or person in distress. It is evident that the proposals have not properly taken into account the number of lives that could be put at risk, and the Government must reconsider its decision with the utmost urgency.

Only today, as Stuart McMillan said, the House of Commons Transport Select Committee, which commands a Government majority, called on ministers to abandon their current plans, labelling them "seriously flawed." Having studied the evidence, committee chair, Louise Ellman MP, said:

"We found little support for the current proposals and we have no confidence that, under these proposals, the Coastguard will in future be able to respond to emergencies at sea as well as they do now, let alone in a more effective way.

A drastic reduction in the number of rescue co-ordination centres will result in a loss of local knowledge amongst coastguard officers who are responsible for taking calls from people and vessels in distress. The committee is not convinced by the Government's claim that technology can, at present, replace such local knowledge."

The proposals would see the loss of dozens of local jobs in Greenock, an area of the country where unemployed people outnumber vacancies by a factor of 58:1.

It is clear that, as in the past, the busy waters of the Clyde need a strong, professional coastguard service, able and equipped to deal with almost every eventuality. The UK Government must reverse its dangerous proposals and commit to the future of the Clyde coastguard and its skilled personnel, or devolve the service to Scotland so that this Parliament can secure its future.

17:13

Duncan McNeil (Greenock and Inverclyde) (Lab): I welcome this and every opportunity to make the case for the Clyde coastguard based at Greenock. However, as Stuart McMillan pointed out, I was a bit cynical and suspicious about the nature of the debate, given that we have had lots of opportunity to discuss the issue in a united way across the parties in the Parliament. I was delighted to take the opportunity to seek and receive the First Minister's support on the issue at

First Minister's questions some time ago, and of course Alasdair Allan's very good members' business debate on the issue was well attended, which clearly sent the message that the Parliament was united on the issue. I was therefore surprised to see the issue back on the agenda for this debate and was suspicious of the motives. However, I heard what Stuart McMillan said and I am happy with his reassurances that he is not using the response from David MacBrayne and his company as a political tool in the current by-election.

I make no apology for repeating some of the important issues about the Greenock coastguard station, which is better known as the navy buildings after the buildings that house the station. There are a wealth of experts in that station who are available to assist in times of difficulty. In these times, it is rare to find such a facility under one roof, and that needs to be recognised. It should not be given up easily. Some people would say that that type of capability should be the norm. I was glad to read—I will return to this—that the Transport Committee at Westminster is considering a radical rethink of the matter.

As has been mentioned, the Clyde coastguard manages Ministry of Defence traffic, including nuclear submarines. It also deals with significant cargo traffic at the Clydeport container terminal and manages the more than 30 cruise liners that arrive in Greenock every year, which each carry in excess of 1,500 passengers. The Clyde coastguard also covers ferry routes as far south as Arran and as far north as Mull, with estimated annual passenger numbers of 4 million to 5 million. The potential for human, environmental and political disaster is obvious. I hope that some of the political disaster can be avoided.

It is timely to welcome David MacBrayne's submission to the consultation. As Stuart McMillan also recognised, the last piece of work of the late David Cairns MP was supportive of the coastguard station. I hope that submissions such as those from David MacBrayne and David Cairns have influenced the Transport Committee, which came out with its condemnation yesterday. I hope that those submissions were of assistance in its deliberations. The fact that current coastguard personnel were prevented from participating in the so-called consultation makes it even more important that those submissions were received.

There is no doubt that the Transport Committee at Westminster shares our concerns. The chairman, Louise Ellman, said that there is little support for the proposals and that the committee has no confidence that they would allow the coastguard service to perform as well as, or more effectively than, it performs now. She said that any future reorganisation of the service should be

based on 24-hour centres rather than on stations that open only during daylight hours. She also stated:

"We accept there is a need for some modernisation, but the government's proposals for the future of the coastguard service are seriously flawed."

We agree. The Parliament agrees. There is a lot of U-turning going on just now. Let us hope that that continues and that the UK Government U-turns on its daft and dangerous proposals for the coastguard stations around Scotland.

17:19

Mike MacKenzie (Highlands and Islands (SNP)): One dark night around 10 o'clock in late September 1977, I went with two companions to the assistance of a yacht in Easdale Sound. We had been alerted by the screams of women on board the yacht. We commandeered the only boat that was available, the Easdale ferry, which was an overgrown rowing boat with an outboard engine. There was a brisk wind, but we were experienced boatmen and conditions at that point were not serious. As we approached the yacht, however, our engine failed, the wind and the waves suddenly began to rise and we were swept northwards towards open water.

Before we could rig our oars, we were driven on to a rock. A huge wave arose out of the darkness and broke over the boat. My two companions were washed overboard and I was driven to my knees. The boat was swamped. Fortunately, as the boat was wooden, it did not sink, but successive waves washed over it, and I could breathe only between waves.

The boat slowly drifted northwards through the darkness and huge seas. Eventually, it turned over in the heavy surf that was breaking on the island of Insh. I half swam and was half washed ashore, on to a small rock. The boat was smashed to pieces in minutes. I found a depression at the top of the rock and I lost consciousness.

When I came to, parachute flares were in the sky. Somehow, my companions had made it ashore and raised the alarm. The coastguard was alerted. Oban lifeboat launched but—wisely—turned back in the horrific conditions just south of the island of Kerrera. Luckily, the coastguard was able to contact the skipper of the one local fishing boat that was capable of searching in such conditions, and it put to sea.

Local knowledge again came into play, as those on the fishing boat were able to narrow the search area to where they knew I was most likely to be. I was spotted at 3 am, but conditions were still too bad to launch a helicopter. A Sea King from RAF Leuchars picked me up at 8 am.

Without the specific local knowledge of the coastguard, acting in co-operation with the fishing boat, I would not have survived. That local knowledge encompassed intimate understanding of tides and local weather conditions, which can often be contrary and counterintuitive. It also included knowledge and understanding of the capabilities of local vessels and their crews, who are often asked to help in such circumstances.

The story has a sad sequel. The fishing boat skipper who braved horrific conditions to search for me, and his crewman, were lost at sea a few years later when their boat sank. Afterwards, a pall hung over our community for many weeks.

We who live in coastal communities will pay for the coastguard cuts and will count the cost in lost lives and needless tragedy. As we are developing our offshore renewables, our seas and coastal areas will increasingly contribute significantly to our prosperity. That prosperity will be delivered by men and women who will at times work in hazardous conditions. It is therefore truly perverse that the London Government should contemplate the proposed cuts at this time. I urge all members of the Parliament to oppose the coastguard cuts.

17:23

Tavish Scott (Shetland Islands) (LD): First, I apologise for being late. I was at the Royal Highland Show, where I listened to the First Minister, if that is any consolation to the Minister for Housing and Transport. I apologise to Stuart McMillan for missing his speech, which I will read carefully. From what Duncan McNeil said, it must have had a slight frisson, so I look forward to clarity on that when I read the speech.

I will make three brief points to support the debate's general tone, and particularly what members have said about the select committee report that was published this morning. I hope that that report will firmly block proposals that would be damaging, as members from every political party that is represented here have said. There are many and varied reasons why the proposals are flawed—the select committee said that they were “seriously flawed”—but I will describe two reasons.

The first relates to the important point that was just made about local knowledge, which was excellently illustrated. I can think of several comparable examples, although they are not quite as dramatic as that in the distinguished speech that was just made. The Transport Committee's report should leave us in no doubt as to how seriously it took the point about local knowledge and how flawed the proposals are in not understanding that, in relation to the communications technology that supports the use of local knowledge and the pressure that the

proposed approach would put on volunteer coastguards, who are the cornerstone of much of the work that goes on in many of our coastal communities—certainly in my part of the world. I am pleased that the select committee has done a very good job on that point.

The select committee also did an excellent job on emergency tug cover, which members mentioned. The issue is increasingly important, given the diverse nature and increasing scale and size of the shipping in our coastal and international waters. The committee said that the Government should either extend the emergency towing-vessel contract, if it cannot secure an alternative before the end of September, or find a different way to procure the service.

The point is extremely important to me. Long before I was involved in politics, the Braer disaster happened to my community. I have too many memories, as most of Shetland does, of the three weeks after the disaster and of the impact of the Braer oil spill on the south of Shetland. Donaldson produced his report after the Braer disaster for a very good reason—I do not know whether the minister has had a chance to read the report or to be briefed on it. What stood in the Donaldson report then stands to this day. Since the moment when the current proposals were published, I have been at a loss to understand how the UK Government could not have simply gone back to Donaldson and recognised the need to continue tug vessel cover.

I hope that the UK Government will not only accept the case that the Transport Committee has made and follow its recommendations, but will rip up the proposals and accept that they were seriously flawed from day 1.

The Scottish islands were not going to be divided and ruled on the issue. I made a case, as did Alasdair Allan, Liam McArthur and Scotland's First Minister, for the Stornoway and Lerwick coastguard stations to remain open on a 24-hour basis, all year round, because that was the right argument to make, based on the shipping concerns and the needs and requirements of the oil and gas industry—and the renewables industry as it emerges.

In one of the many submissions that were made by the save Shetland coastguard campaign, whose petition attracted 13,000 signatures—the highest-ever number of signatures to a petition in support of a campaign in Shetland—Simon King, the wildlife cameraman, author and presenter, made the environmental argument and went on to say of the coastguard stations:

“If they were to disappear, the safety of all who live on or visit the isles would be threatened.”

That was right then and it is right now, and the UK Government needs to listen to that.

17:27

Jackson Carlaw (West Scotland) (Con): I begin my short speech by congratulating Mike MacKenzie on his measured, personal and powerful contribution to the debate.

It is not so long ago that we debated the matter on a motion that was lodged by Alasdair Allan. One of the things that I recall about the debate is that it seemed from Alasdair Allan's opening speech that he was expecting a degree of division in the Parliament on the subject. In fact, the Westminster coalition parties as represented here—Liberal Democrats and Conservatives—were happy to join the consensus in the Parliament that the proposals that were being considered were deeply flawed and needed to be abandoned and seriously revisited.

In the context of the debate I undertook to go to Westminster to meet the minister, and in March I went to see Mike Penning and discussed in detail the conduct and content of our debate in the Scottish Parliament. Shortly thereafter, I think that he extended the consultation period. He has travelled extensively throughout the UK to meet the communities and people who are involved in the issue and I think that many of the concerns about the proposed changes that have emerged in this debate and in debates around the UK have been forcefully represented to him. He made it perfectly clear that, although he thinks that many changes require to be made, he remains open minded about the outcome of the consultation.

By coincidence, the House of Commons Transport Committee report on the coastguard, emergency towing vessels and the maritime incident response group was published today. I listened carefully to Louise Ellman, the chair of the committee, when she was interviewed at some length on the "Today" programme this morning. I note that she accepts the need for the new technology. She wants to embrace that within the coastguard service and accepts that there is a need for modernisation and, indeed, for some rationalisation, but what the Transport Committee has concluded is much what members of the Scottish Parliament and members elsewhere have concluded, which is that the actual proposals that are contained within the Government's consultation are the wrong proposals and, as has been said, they are deeply flawed and, in some cases, unsafe.

I notice that the Secretary of State for Transport, Philip Hammond, has also welcomed the report, albeit that it must have been a little bit uncomfortable for him when he read it. He has

said that it is important that that on which we agree—the potential additional investment in new technology and a degree of modernisation—is not lost, but it is important that this time round, subject to the Government's response to the Transport Committee's report and to the consultation, the proposals that subsequently emerge, should they be different, command support from all those involved throughout the coastguard service and are designed both to embrace the opportunities that exist but modernise the service in a way that people can support and will be of benefit and also secure and safe.

17:31

Dave Thompson (Skye, Lochaber and Badenoch) (SNP): First, I congratulate Stuart McMillan on securing this important debate.

Picture the scene: it is Friday 13 September 2013 and Mike Penning—he is still there, unfortunately—rises to his feet in the House of Commons following the latest grounding of a tanker on Scotland's west coast. Television screens around the world have already been filled with pictures of seabirds covered in oil, environmentalists are predicting that the delicate marine environment will take decades to recover and surrounding communities are trying to come to terms with the economic devastation as their fishing, tourism and food production sectors begin to feel the impact of the latest disaster and the inevitable negative publicity.

Mr Penning, as the Tory minister responsible for the cuts to the system in 2011, has been called to make a statement about why no emergency tug was available to tow the stricken tanker to safety when its captain reported that it had lost power and was drifting towards the shore. Before the member of Parliament for Hemel Hempstead's voice is drowned out by angry jeering, he is heard to say, "Britain's maritime protection service now operates far more efficiently than it did before we were able to deliver the new streamlined high-tech service in 2011, saving the taxpayer money every year."

How do I know this? Do I have a crystal ball or the second sight? Am I a latter-day Brahan seer? I hope not, as he was burned in a barrel of tar for speaking his mind. I am no Brahan seer; it is just that, like most people in Scotland, I have a good helping of common sense, which tells me that such a disaster could easily happen if Mr Penning and his Westminster coalition Government press ahead with these cost-cutting measures.

I hope that we might be seeing evidence that the penny is finally dropping in the mother of Parliaments, where Transport Committee chair, Louise Ellman, has said that the cuts are

“seriously flawed” and will be “inviting disaster” if they go ahead. Surely the select committee’s damning report must be heeded, and we will now see a rapid dumping of the proposals.

Among the many fishermen’s groups appalled by the proposals is the Mallaig and North West Fishermen’s Association. It is based in my own constituency of Skye, Lochaber and Badenoch, which includes fishing interests from Skye to Loch Linnhe on the west coast and Avoch on the east coast.

Following publication of the Westminster select committee’s report into the proposed cuts, I contacted John Hermse, secretary of the MNWFA, to discuss where this latest development takes us. He knows better than most the value of having robust arrangements in place to help protect the lives of his members as they seek to harvest what the sea can provide to feed the country and sustain their local communities. He welcomed the fact that the tide of political opinion seems to be turning and told me:

“This is the wrong type of austerity measure for the country. The MCA at every opportunity stresses the most stringent safety standards for fishing vessels but they can’t have double standards when it comes to reducing their own organisation’s core abilities.

We discussed this at the last Scottish Fishermen’s Federation meeting and we were thankful that we could see that a bit of sense was being introduced into the debate.”

John Hermse is right about the lack of wisdom in cutting back on this essential safety net. Let us hope that the message has got through in London.

17:35

The Minister for Housing and Transport (Keith Brown): Like other members, I congratulate Stuart McMillan on securing the debate, which is particularly timely given today’s publication of the Transport Select Committee’s report on its inquiry into the coastguard proposals and other marine safety issues. The speeches today and in the previous debate in January send a clear message, which was confirmed by the select committee.

The strength of the concern about the proposals cannot be overstated. It extends not only throughout Scotland but throughout the UK. There is broad consensus that the proposals are ill considered and ill founded.

As the motion and the David MacBrayne Group emphasise, the overriding consideration must be protecting life, not just saving money. We all support—and must support—efficiency in public services, but not at the expense of a service’s primary function, which in this case is ensuring safety at sea. We heard an eloquent speech from

Mike MacKenzie about his experience in that regard.

Of course, it is not only the coastguard proposals that cause concern. The convergence of those proposals with the withdrawal of funding for emergency towing vessels and the uncertainty over the future of search and rescue services and marine firefighting capabilities threatens to create a perfect storm that would leave users of our seas and our precious marine environment itself exposed to unacceptable risks.

Tavish Scott was right to say that we should not forget the Donaldson report. It would be illuminating for those who consider the proposals to go back to that report and see what emerged from it.

Alongside those significant concerns on the substance of the UK Government’s proposals and its funding decisions, we are very disappointed with the process to date. Despite the fact that the Scottish coastline and sea area make up 60 per cent of the UK total, there was no prior consultation with the Scottish Government or wider Scottish interests. That meant that valuable information and expertise were not taken into account in arriving at the coastguard proposals. However, I hope that the consultation to which Scottish interests contributed heavily will lead us to a more sensible outcome.

The situation in relation to emergency towing vessels is even more perilous. Following a unilateral decision to withdraw funding, we are still no further forward in knowing how that vital service will be provided after September. The Scottish Government is pleased to play a part in the working group that was established to consider alternative provision, but we must emphasise that that is not a suitable model of engagement. In essence, we are asked to devise a solution to a problem that was created by the UK Government without any prior consultation or proper consideration of risk or appropriate resources. The select committee notes that the UK Government

“is, quite literally, inviting disaster.”

It is up to us to ensure that that disaster does not happen. We had one illuminating example of what that might mean from Dave Thompson’s speech. The decision-making processes on the future of search and rescue services and firefighting at sea have been marked by unacceptable uncertainty.

Given that scant regard for Scottish interests across the board, it is natural that we look to exploring the merits of devolution of the coastguard responsibilities to Scotland as an option at least. In so doing, we are mindful of the need for the cost implications to be properly and transparently examined in order that the appropriate resources transfer with the

responsibility. I also acknowledge the importance that the shipping industry, for example, places on a consistent and integrated UK service. However, those issues would not be insurmountable in the case of a devolved service.

We have made our points to the UK Government in response to the coastguard consultation and in correspondence between ministerial colleagues and their Whitehall counterparts. The First Minister has also raised the concerns directly with the Prime Minister. We also provided evidence to the Transport Select Committee and I am pleased that the concerns about the inherent risks of the proposals are strongly reflected in its report.

The David MacBrayne Group, which has years of experience of operating in Scottish waters, has also made a valuable series of representations. There is broad consensus with its contention that the focus on costs, rather than lives, is wrong and that local knowledge—about which we heard quite a bit tonight—is crucial. I also agree that the proposals' social and economic impacts, particularly in our more remote areas, should be considered.

A number of members said that we have not allowed ourselves to be divided and ruled. It was particularly interesting to hear some of the comments about the Clyde. That is where recreational sailing was born. I have sailed there many times, although I have never been given sole charge of the vessel, and it is reassuring to know that there is a coastguard out there looking out for me.

Stuart McMillan's point about the presence of nuclear submarines and all the other traffic in the Clyde is very important indeed. The consequences of not having the right cover really are unthinkable.

The David MacBrayne Group makes the point about its involvement in search and rescue. It can and should contribute directly to the debate, and I hope that it is listened to.

It will, I hope, be crystal clear that the Scottish Government has real concerns about the UK Government's proposals for the coastguard and ETVs. The Transport Select Committee endorses those concerns, and we need a constructive dialogue with UK ministers in order to take the issues forward. We accept the need for modernisation, but we do not believe that saving money should come at the expense of putting lives or the environment at risk.

This Government has taken great steps recently to improve the management of our seas. The Marine (Scotland) Act 2010 introduced marine planning to respond to the increasing use of our seas, and we stand poised to reap the benefits—

as other members have mentioned—of offshore renewable energy.

It is crucial that the valuable services that our coastguard and ETVs provide are not compromised in any way. We need maritime safety services that are capable of delivering for Scotland, which includes meeting all the demands that have been mentioned. That must include the search and rescue services and the fire-fighting capabilities that are also being reviewed.

We need to keep safe those who use our seas and coasts, and we must ensure that we keep those seas safe from pollution. Today's debate has again shown that members are unhappy at the way in which Scotland has been treated in relation to those vital issues. We need to work together with the UK Government in the weeks and months ahead, as it responds to the select committee's report and finalises decisions, to ensure that Scottish interests are heard, understood and properly taken into account.

Meeting closed at 17:41.

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