



The Scottish Parliament  
Pàrlamaid na h-Alba

## Official Report

# MEETING OF THE PARLIAMENT

Tuesday 4 September 2012

Session 4

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## Scottish Parliament

*Tuesday 4 September 2012*

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

### Time for Reflection

**The Presiding Officer (Tricia Marwick):** Good afternoon. I welcome everyone back after the recess and to our first ever Tuesday afternoon sitting.

The first item of business this afternoon is time for reflection, and our time for reflection leader today is the Rev Scott McKenna, minister at Mayfield Salisbury parish church, Edinburgh.

**The Rev Scott McKenna (Mayfield Salisbury Parish Church, Edinburgh):** At its very best, religion is rational and philosophically rigorous. In the Old Testament, King Solomon prays for wisdom, for an understanding heart. In this context, the “heart” is the seat of reason. Later this month, Mayfield Salisbury parish church is hosting a festival of science, reason and religion, with leading thinkers from Scotland and England.

One of my favourite faith narratives, which is common to the Hebrew Bible—the Tanakh—the Christian Bible and the Qur’an, is the shocking story in which Abraham, the father of faith, is commanded by God to sacrifice his only son, Isaac, on an altar in the land of Moriah. Abraham rises early in the morning, travels to the mountain top, builds an altar of wood, binds his son and lays him on the altar. The Bible says:

“Abraham stretched out his hand and took the knife to slay his son.”

At the very last moment, an angel of the “LORD” says:

“Abraham, do not lay your hand on the lad, or do anything to him for now I know that you fear God.”

Isaac was released and a ram was offered in his place. What a brutal story—the sacrifice of a son! It is ghastly—and yet.

The Bible needs to be handled with care and many of the faith narratives within it are not to be taken at face value. In the 19 verses that make up this story in the book of Genesis, the word “God” appears five times in the first half; in the second half of the story, the word “LORD” appears five times. The Hebrew people were not always monotheistic: in the first half, “God” is the God Elohim and, in the second half, the “LORD” is the God Yahweh. Elohim is the God of justice and Yahweh is the God of compassion. Brutal as it sounds, this ancient story is, in fact, a narrative on an ancient people wrestling with the nature of God

and the social and ethical values that follow as a consequence. They are wrestling with justice and compassion and, in the end, they find that they need both. Later, the Bible refers to only one God, Yahweh Elohim. They needed both, but Yahweh, the God of compassion, had the upper hand.

God bless you in your work.

## Business Motion

**The Presiding Officer (Tricia Marwick):** The next item of business is consideration of business motion S4M-03925, in the name of Bruce Crawford, on behalf of the Parliamentary Bureau, setting out a business programme.

14:05

**The Cabinet Secretary for Parliamentary Business and Government Strategy (Bruce Crawford):** At this morning's meeting of the bureau, we had a discussion about whether we should insert in tomorrow's business a statement on Orkney ferries. That statement will be taken at 5 o'clock and the *Business Bulletin* will be updated tomorrow at 2 o'clock.

I move,

That the Parliament agrees the following programme of business—

Tuesday 4 September 2012

2.00 pm Time for Reflection

*followed by* Parliamentary Bureau Motions

*followed by* Topical Questions (if selected)

*followed by* First Minister's Statement: Scottish Government's Programme

*followed by* Scottish Government Debate: Scottish Government's Programme

*followed by* Business Motions

*followed by* Parliamentary Bureau Motions

5.00 pm Decision Time

*followed by* Members' Business

Wednesday 5 September 2012

2.00 pm Parliamentary Bureau Motions

2.00 pm Portfolio Questions: Education and Lifelong Learning

*followed by* Scottish Government Debate: Scottish Government's Programme

*followed by* Business Motions

*followed by* Parliamentary Bureau Motions

5.00 pm Decision Time

*followed by* Members' Business

Thursday 6 September 2012

11.40 am Parliamentary Bureau Motions

11.40 am General Questions

12.00 pm First Minister's Questions

12.30 pm Members' Business

2.30 pm Parliamentary Bureau Motions

2.30 pm Stage 1 Debate: Local Government Finance (Unoccupied Properties etc.) (Scotland) Bill

*followed by* Financial Resolution: Local Government Finance (Unoccupied Properties etc.) (Scotland) Bill

*followed by* Parliamentary Bureau Motions

5.00 pm Decision Time

Tuesday 11 September 2012

2.00 pm Time for Reflection

*followed by* Parliamentary Bureau Motions

*followed by* Topical Questions (if selected)

*followed by* Scottish Government Business

*followed by* Business Motions

*followed by* Parliamentary Bureau Motions

5.00 pm Decision Time

*followed by* Members' Business

Wednesday 12 September 2012

2.00 pm Parliamentary Bureau Motions

2.00 pm Portfolio Questions: Finance, Employment and Sustainable Growth

*followed by* Scottish Government Business

*followed by* Business Motions

*followed by* Parliamentary Bureau Motions

5.00 pm Decision Time

*followed by* Members' Business

Thursday 13 September 2012

11.40 am Parliamentary Bureau Motions

11.40 am General Questions

12.00 pm First Minister's Questions

12.30 pm Members' Business

2.30 pm Parliamentary Bureau Motions

2.30 pm Scottish Government Business

*followed by* Parliamentary Bureau Motions

5.00 pm Decision Time

Tuesday 18 September 2012

2.00 pm Time for Reflection

*followed by* Parliamentary Bureau Motions

*followed by* Topical Questions (if selected)

*followed by* Scottish Government Business

*followed by* Business Motions

*followed by* Parliamentary Bureau Motions

5.00 pm Decision Time

*followed by* Members' Business

Wednesday 19 September 2012

2.00 pm Parliamentary Bureau Motions

2.00 pm Portfolio Questions: Justice and the Law Officers; Rural Affairs and the Environment

*followed by* Scottish Government Business

*followed by* Business Motions  
*followed by* Parliamentary Bureau Motions  
 5.00 pm Decision Time  
*followed by* Members' Business  
 Thursday 20 September 2012  
 11.40 am General Questions  
 12.00 pm First Minister's Questions  
 12.30 pm Members' Business  
 2.30 pm Parliamentary Bureau Motions  
 2.30 pm Scottish Government Business  
*followed by* Parliamentary Bureau Motions  
 5.00 pm Decision Time  
*Motion agreed to.*

## Scottish Government Question Time

### Topical Questions

14:05

#### Rape (Legal and Practical Definition)

**1. Siobhan McMahon (Central Scotland) (Lab):** To ask the Scottish Government what action it will take to ensure that young people across Scotland have access to the relevant information regarding the legal and practical definition of rape. (S4T-00018)

**The Cabinet Secretary for Justice (Kenny MacAskill):** We strengthened the law relating to rape through the Sexual Offences (Scotland) Act 2009. That important legislation modernised and clarified the law to ensure that it was appropriate for a modern Scotland. It replaced the old common-law offence of rape with a wider statutory offence that more accurately reflects modern society's understanding of what constitutes rape. It also provided, for the first time in Scots law, a simple, easy-to-understand definition of consent.

When the 2009 act was implemented in late 2010, we raised awareness of the reformed and modernised laws. In addition, awareness raising is on-going. For example, the Crown Office and Procurator Fiscal Service highlighted a recent successful conviction of a man for rape under the 2009 act that related to the provisions that mean that if a victim removes consent during sexual intercourse and the accused continues, the crime is one of rape.

I can confirm that we are working within the curriculum for excellence and with specialist services to ensure that young people understand what sexual violence and rape are, and that the message is clear that such conduct is totally unacceptable. I will be attending and speaking at the Association of Chief Police Officers in Scotland rape prevention campaign launch event in Edinburgh on 13 September. That police-led campaign is designed to increase awareness of what constitutes rape and to challenge attitudes and opinions about rape, including specifically—but not exclusively—the attitudes of young men.

**Siobhan McMahon:** Is the cabinet secretary aware of the recent survey by the Havens charity that suggested that one in 20 males between the ages of 18 and 25 would try to have sex with a sleeping person? In light of that and George Galloway's ignorant and distasteful comments, and in line with the Scottish Government's commitment to preventative action, will the cabinet secretary consider offering direct funding to

individual rape crisis centres across Scotland, which would give them greater freedom to respond to local issues?

**Kenny MacAskill:** The matter to which the member refers is an issue of great concern, which is why I ended my answer by saying that matters had to be dealt with especially with regard to young men.

The new legislation that the Parliament passed in 2009 is of benefit. It makes it quite clear what the definition of consent is; it also makes it clear that various matters that would not have been categorised as rape are now dealt with. Regardless of what may be suggested by any individuals, there are not different categories of rape. It is a heinous offence. If it is perpetrated in an extremely violent manner, that makes matters even worse, but the crime per se is entirely unacceptable in any shape or form, whoever it is perpetrated by and in whatever manner.

With regard to funding, the huge cuts from Westminster notwithstanding, this Government has committed £34.5 million to tackling violence against women, which represents an increase of more than 50 per cent. We are always keen to see what we can do to support significant ventures. Whether on rape crisis or violence against women, outstanding work is being done, so we are happy to look at such matters. The Government's commitment, as embodied in its 50 per cent increase in funding, shows how we are putting our money where our mouth is.

#### **Aberdeen City Council (Tax Increment Financing Applications)**

##### **2. Kevin Stewart (Aberdeen Central) (SNP):**

To ask the Scottish Government whether Aberdeen City Council has submitted any new tax increment financing applications since rejecting the business plan incorporating the city garden project. (S4T-00001)

**The Cabinet Secretary for Infrastructure and Capital Investment (Alex Neil):** The Scottish Government has not received any new tax increment financing applications since Aberdeen City Council rejected the business plan incorporating the city garden project.

**Kevin Stewart:** The Labour-led administration has ignored the wishes of the majority of people who voted in a referendum for transformational change in the city. Does the cabinet secretary believe that the new TIF proposal will create transformational change?

**Alex Neil:** We have not received any detailed information regarding Aberdeen City Council's updated proposals for the city centre, but the invitation to the council was to submit a business case for a scheme incorporating the city garden

project, which would lever in a substantial level of private sector funding—not just for any project in Aberdeen. It is simply not possible to transfer that invitation to a completely different project. In the future, the Scottish Government will consider rolling out TIF beyond the initial pilot projects, which included the original Union Terrace gardens. Any further TIF proposals would need to be considered if and when such a new round took place.

**Kevin Stewart:** As the cabinet secretary said, the council has rejected £55 million of private investment. Does he agree that its proposals equate to the inverse Midas touch and will likely stymie future investment in the city from the private sector?

**Alex Neil:** I totally agree with the member. The decision by the Labour group in Aberdeen is anti-investment, anti-progress and anti-democratic.

**Lewis Macdonald (North East Scotland) (Lab):** Will the cabinet secretary confirm that the chief executive of Aberdeen City Council has written to the Scottish Futures Trust to ask that it confirms its willingness to consider an amendment to the application for TIF? Will he further confirm that the TIF application guidelines that were issued to Aberdeen City Council and other local authorities did not include any requirement for private sector funding per se? Will he give an assurance to the people of Aberdeen and the north-east that he and the Scottish Futures Trust will consider any amendment to the TIF application on its merits?

**Alex Neil:** I have made it absolutely clear that the essential element in the TIF application was the Union Terrace gardens project. If that is not included in any business case submitted by Aberdeen City Council, it cannot be considered.

**Mark McDonald (North East Scotland) (SNP):** Lewis Macdonald omitted to mention that at the time of the TIF pilot scheme launch, the cabinet secretary announced that the Aberdeen TIF would be required to demonstrate public support in order to proceed. The city garden project demonstrated public support through the city-wide referendum, but the current hotch-potch, back-of-an-envelope proposal not only has been untested by referendum, but did not feature in a single manifesto at the recent local council elections. Does the cabinet secretary consider that the Labour-led administration's alternative proposals have in any way met the public support test?

**Alex Neil:** When we announced which councils had been invited to prepare full TIF business cases for ministers' consideration last year, we said that Aberdeen City Council's plan to use TIF for the Union Terrace gardens project would be progressed if public support for the project could



be demonstrated. That support was demonstrated in the referendum that took place, in which 45,301 votes were cast in favour of the project and 41,175 opposed the plans. The invitation to submit a business case was for that specific project—read my lips: it was for that specific project—for which public support was demonstrated, and not just for any project in Aberdeen. I repeat: there is no possibility of approving an amended TIF that does not include the central feature of the original proposal.

**Richard Baker (North East Scotland) (Lab):** Is it not the case that the fact that the Scottish Government will not consider any variance of the TIF proposal is simply sour grapes from the SNP, which is determined to punish the council for daring to reject the SNP's preferred plan—which would have involved hundreds of millions of pounds of debt for the council—even if it punishes Aberdeen at the same time?

**Alex Neil:** The people who are punishing Aberdeen are the Labour people who are running Aberdeen. Not only are they punishing Aberdeen, but they are taking this decision in defiance of the democratic wish of the people of Aberdeen, so I will not take any lessons from anyone on the Labour benches. This is far from being sour grapes, and I suggest that the member stops whistling in the wind.

**Nanette Milne (North East Scotland) (Con):** We are talking about sour grapes. Does the cabinet secretary agree that the Labour Party has made a laughing stock of Aberdeen? I am hearing from people that Aberdeen is the city that likes to say no. Is that the image that we want for our energy capital of Europe?

**Alex Neil:** The Labour Party has made a laughing stock of itself and it will be punished appropriately at the ballot box by the people of Aberdeen.

## Scottish Government's Programme

**The Presiding Officer (Tricia Marwick):** The next item of business is a statement by Alex Salmond on the Scottish Government's programme. The First Minister's statement will be followed by a debate. There should therefore be no interventions or interruptions.

14:15

**The First Minister (Alex Salmond):** The programme that I am about to outline is the programme of a Government that is ambitious for Scotland. We are using our current powers to the full to help businesses and families and we are committed to expanding this Parliament's powers so that we can take full responsibility for creating a wealthier and fairer nation.

In the autumn of 2014, people in Scotland will choose whether they want this nation to be independent. In my view, one of the best arguments for independence is that this national Parliament—as its record shows—is the one that is best placed to share their values, reflect their priorities and legislate in their best interests. That is the core of the argument that I will make this afternoon and of the programme that I will announce.

I start by focusing on jobs and growth, because they are our top priority and because economic policy shows clearly the constraints of Scotland's current constitutional position. The figures show that the Scottish Government is doing all that we can do to support jobs in these tough economic times. The most recent labour market statistics show that Scotland is leading the United Kingdom on all three headline labour market indicators. Our unemployment and economic inactivity rates are lower and our employment rate is higher than the UK average. The figures also suggest that the decline in economic output has been significantly smaller in Scotland than in the rest of the UK—0.2 per cent over six months here compared with 0.7 per cent across the UK for the most recent period for which there is comparable data.

The fact that there has been a contraction in output underlines the need for urgent action. Any plan to support growth must focus on immediate public sector capital investment. The construction sector is suffering most at present. Sometimes members claim in this chamber that capital budgets available to the Scottish Government and the Scottish Parliament have been increased. However, these are only adjustments to the plans that were set out by Alistair Darling, who, we remember, promised cuts that were deeper and tougher than those of Margaret Thatcher. The

capital budget of the Scottish Government today is 30 per cent lower—I repeat, 30 per cent lower—in real terms than it was in 2009.

I have written five times to ask the Prime Minister to provide additional funding for shovel-ready capital projects across the country. Those are projects that could improve our long-term productivity while helping to promote economic recovery now. No extra funding has been forthcoming, despite the fact that the first letter to the Prime Minister—in March—was written at his specific request.

The weekend papers seemed to suggest something of a rethink by the coalition about the importance of capital spending, so let me repeat: whatever plans there are for the future and whatever infrastructure might be built, the minimum that is required, right now, this year, is £5 billion for the UK and £400 million for Scotland. There has never been an economic recovery without a recovery in the construction sector.

In the absence of that additional funding, we have had to bring forward as much capital spending as our current powers allow. In 2008-09 and 2009-10 we brought forward more than £300 million, supporting 5,000 jobs. In June this year, John Swinney announced that he was implementing a £105 million capital spending package.

Over this year and the next two years, we will switch over £700 million of spending from resource to capital and capital receipts. In addition, our £2.5 billion non-profit-distributing investment pipeline now has four major projects in procurement, including new colleges for Inverness, Glasgow and Kilmarnock as well as improvements to the central Scotland motorway network.

That urgent focus on capital investment is part of a wider programme of support for businesses and economic growth. We have maintained the most competitive business taxation environment anywhere in the United Kingdom. Sixty per cent of business premises—more than 120,000 of them—receive relief on business rates.

Our enterprise agencies have been notably effective. Last year, more than 7,000 planned jobs were attracted here, together with almost £350 million of investment. Ernst & Young's latest business attractiveness survey shows that Scotland is the number 1-ranked part of these islands—it is comfortably ahead of even London—for attracting jobs through inward investment. The enterprise agencies are also helping Scottish companies to market themselves overseas. Food and drink exports increased by almost 20 per cent last year, to a record £5.4 billion.

Our low-carbon sector continues to go from strength to strength. The renewable energy industry now employs 11,000 people, and it has seen £2.8 billion of investment since 2008. The Institute of Public Policy Research report that was published last weekend shows unequivocally the importance of wind power in providing a stable, secure and economic source of renewable energy. Wave and tidal power will join it. Scotland has massive resources in all three areas.

In Thurso and Renfrew in the past fortnight, I have met young engineering trainees and apprentices who are being equipped with the skills that they need for the jobs of the future. In communities the length and breadth of the country—from Machrihanish in Argyll to Methil in Fife, and from Eday on Orkney to the Forth, the Tay and the Clyde—the renewable energy revolution is beginning, and with it we are seeing the prospect of the reindustrialisation of Scotland.

Tomorrow, there will be a ministerial visit to Ravenscraig. A further part of our low-carbon future is taking shape on the site that is emblematic of Scotland's deindustrialisation in the 1980s and 1990s. The Building Research Establishment is developing a housing innovation showcase at Ravenscraig for the technologies that will be crucial to our housing sector and the low-carbon economy in the decades to come. Ravenscraig's regeneration is further evidence of our determination that all communities in Scotland, including those that are most affected by industrial decline, will benefit from a low-carbon future.

We are also promoting the economics of security and equity, recognising that confidence among ordinary households—the confidence to plan and spend—is central to any lasting economic recovery. We have helped to sustain demand by protecting household budgets in tough times through policies such as free education, prescriptions, concessionary travel and frozen council tax bills.

While we have promoted a social wage for ordinary households, the UK Government's last budget proposed antisocial tax cuts for a minority. One half of the coalition now wants to reverse that policy, safe in the knowledge that the other half will not let it. That is what passes for joined-up government at Westminster.

We promote a living wage to support economic justice, and we have a policy of no compulsory redundancies in the Scottish Government and the health service. That does not mean that there will not be a reduction in numbers, but it does give people more security in planning for the future.

That focus on growth will continue in the next parliamentary year. It is at the very heart of many of the bills that we will introduce.

The budget bill will protect capital spending as far as possible and prioritise resources to support our core purpose of promoting opportunities for all through sustainable economic growth. In addition to the draft budget, a progress report on the Government economic strategy will be published in the next few weeks.

Our bankruptcy bill will modernise bankruptcy laws and ensure that they are fair for both creditors and debtors.

We will introduce the land and buildings transaction tax bill and the landfill tax bill to set out how those taxes will operate and ensure that they meet Scotland's needs once the Parliament assumes responsibility for them in 2015.

The better regulation bill will protect our people and our environment while helping businesses to flourish and create jobs.

It is essential at any time, but especially in tough times, that public sector procurement, which is worth more than £9 billion annually, brings the maximum possible public benefit. Already, 45 per cent of the value of Scotland's current procurement spending goes to small and medium-sized businesses, and more than 75 per cent of the contracts that were awarded through the public contracts Scotland portal last year went to companies that are based in Scotland.

The procurement reform bill will build on that record. It will ensure that community benefit clauses are included in all new major public sector contracts and that those who receive such contracts make binding commitments to training and apprenticeships.

As part of that emphasis on managing public sector spending effectively, the Forth Estuary Transport Authority bill will enable us to adopt the most cost-effective approach to managing and maintaining the existing Forth road bridge and the new replacement crossing. That new crossing is Scotland's biggest engineering project in a generation. It already directly employs 1,100 people, and many more people are employed in the 300 Scottish firms that are now working in the contracting and supply chain for the project.

That record demonstrates that this Parliament is exercising its current economic powers wisely. However, without full responsibility for our economy, we will continue to be constrained by the choices—frequently, at present, disastrous—that are made by Westminster. With independence, we would have the fiscal powers that are needed to bring forward capital spending, promote growth sectors of the economy and encourage even more businesses to invest or start up in Scotland.

We would also be able to take advantage of Scotland's comparatively strong financial position. In the five years to 2010-11—the most recent for which "Government Expenditure and Revenue in Scotland" figures are available—Scotland was in a relatively stronger current budget position than the UK as a whole to the tune of £8.6 billion, or £1,600 per person. That includes the year 2010-11, when Scotland's position was stronger by £2.7 billion, or more than £500 per person.

In other words, if we were an independent country, those resources over that period could have been used to increase spending, reduce taxation, bear down on borrowing, invest in an oil fund or, indeed, fund any combination of those options.

Without access to our own resources, Scotland can do none of those things. That is the point and purpose of the economic choices that independence offers. It is also one reason—just one, but a very important one—why we are introducing a referendum bill in this parliamentary year. We believe that only with independence can we have the powers that we need to promote jobs and growth.

Earlier this year, the Government issued a consultation paper on our proposals for running and regulating the referendum. That sparked a huge response, with more than 26,000 replies. They are being analysed by independent researchers, and we will publish the report by next month.

I expect to meet the Prime Minister in the next few weeks to conclude the discussions that our respective ministers have been having over the summer. However, the fact that our response rate was almost ten times that of the UK Government's consultation, which was not subjected to any independent analysis, underlines the fact that the people of Scotland recognise that Scotland's referendum should be made here in Scotland.

I believe that independence is crucial to creating a fairer Scotland as well as a wealthier one. In this programme for government, we are continuing to invest in human capital as well as our physical capital. The Government's opportunities for all initiative has no parallel anywhere else on these islands. It guarantees a training opportunity to any young person between 16 and 19 who is not in education, employment or training.

During 2011-12, we delivered more than 26,000 modern apprenticeships, every one of which is linked to a real employment opportunity. The completion rate increased again, to a record 75 per cent. We now have 56 per cent of youngsters employed, compared with a UK average of 50 per cent.

We retained the vital educational maintenance allowances when the UK Government chose to abolish them. In the past few days, it has become clear that we have a record number of Scottish students at Scottish universities for the coming year, compared with the 25,000 decline in English students able to go to English universities. There has also been an increase in English and international students coming to Scottish universities. All of that is excellent news for the sector and for Scotland and a complete vindication of this Government's policy of re-establishing free education.

Our post-16 education reform bill will develop a system of education and training that meets the needs of learners and employers and helps to drive jobs and growth. Among other measures, it will support college regionalisation, aided by an investment programme that has already transformed Dundee, Aberdeen, Banff and Buchan, Thurso, Langside and Forth Valley colleges, and provide for outcome agreements with our universities as the basis for widening access to all sections of the community.

However, we know that we need to do more. We have invested an additional £30 million to support youth employment in the past year and have appointed Angela Constance as the first dedicated Minister for Youth Employment anywhere on these islands. Next week, in partnership with the Scottish Trades Union Congress and others, we will hold a key summit on women's employment to explore and address specific concerns on that issue.

Our commitment to fairness is also shown in our support for core public services, such as the national health service. A University of Nottingham report has recently said that the management of health service reform in Scotland, with its emphasis on partnership working,

"should serve as a role model for the public sector"

across the UK. Our adult health and social care integration bill maintains that emphasis on partnership and collaboration. It will establish the joint accountability of health boards and councils for the delivery of adult health and social care.

We will also introduce three significant pieces of legislation to improve the effectiveness of our justice system. The tribunals bill will establish a simpler system of tribunals, including a new system for appeals. The victims and witnesses bill will place victims' interests at the heart of improvements to the justice system—for example, by expanding the protection available to vulnerable witnesses. The criminal justice bill will implement the recommendations of the expert reviews led by Lord Carloway into criminal procedure in general and by Sheriff Principal

Bowen into sheriff and jury procedure—for example, by simplifying processes for arresting and questioning suspects and by providing greater protections for vulnerable and child suspects. We are consulting on how to implement Lord Carloway's recommendation to remove the requirement for corroboration in criminal trials.

Lord Carloway is a very distinguished judge and of course the new Lord Justice Clerk of Scotland. The idea that he is operating in anything other than the best interests of Scots law is ridiculous.

In promoting a fairer Scotland, we will legislate for equal rights. Our marriage and civil partnership bill will enable same-sex couples to get married and allow civil partnerships to be registered through a religious ceremony. The bill will be subject to a conscience vote in the Parliament, certainly among Scottish National Party MSPs. It will strike a balance and will establish the right of same-sex couples to be recognised by the law in the same way as all other married couples. It will also ensure that no church, faith group or, indeed, individual celebrant will be required to take part in a same-sex marriage ceremony unless they wish to do so. In addition, freedom of speech and conscience will be rigorously upheld. In my view, that is the appropriate way to respect religious and private beliefs while ensuring equality of treatment before the law.

The emphasis on growth and fairness is based on a desire to allow everyone in Scotland to flourish. To achieve that, one of the major aims of the Scottish Government is a huge switch towards preventative spending. In partnership with local government, we have made more than £500 million available to three change funds to support early years initiatives and adult social care and to tackle reoffending.

We know that if we can care for adults who need it, reduce reoffending rather than simply deal with its consequences and, particularly, give people the best possible start in life, we will strengthen our communities, improve the wellbeing of our people and make long-term savings.

Focusing on children's early years is the most fundamental and effective form of intervention to address poor health, underemployment and harm. It is one of the very best investments that any Government, country or society can ever make, with the objective of offering each child an equal chance.

Today, I can announce that we are allocating £18 million from the early years change fund to create high-quality, co-ordinated and accessible family support. I saw the difference that such support can make when I visited Dr Bell's Family Centre in Leith this morning. That funding can

make such support more widely accessible. Given that, as a Parliament and a society, we have to face the impact of the coming welfare changes from Westminster, which will bear down on hundreds of thousands of people in Scotland, the initiatives that I have outlined, which are good things to do at any time, will be essential in the coming time.

In addition, in this parliamentary year, we will introduce a children and young people bill that will enshrine in law the commitment that all three and four-year-olds and all looked-after two-year-olds should receive a minimum of 600 hours of early learning and childcare, rather than the current minimum of 475 hours or the 412 hours that we inherited from the previous Administration. The bill will place in law key parts of the getting it right for every child approach and will promote stable and permanent home environments for children, for example by establishing new rights for kinship carers. For families across Scotland, the bill will deliver the best package of early learning and childcare support anywhere in the UK, which will help parents, especially women, into work and promote the wellbeing of children and families.

That bill demonstrates our wider aspirations for the next generation, which include aspirations on better early learning and childcare to promote the independence of parents and families; free education to protect the financial independence of our young people; an adult care bill and social wage to support the independence and dignity of older Scots; and job promotion to enable the economic independence of individuals. However, as well as supporting the independence of families and individuals, we need independence for Scotland the nation.

Over the last decade, in my estimation, the Scottish Parliament has achieved much: land reform, the ban on smoking in public places and world-leading climate change legislation. I believe that some of the legislation in the previous parliamentary year, especially that on anti-sectarianism and minimum pricing for alcohol, will come to be seen in the same way—as bold legislation that changed Scotland permanently and for the better.

The contrast between the record of this Parliament and that of Westminster is striking. Under the United Kingdom Government, entrants to English universities are down by 25,000 this year; in Scotland, admissions of Scottish students to Scottish universities are at record levels. Under the UK Government, the national health service in England is being dismantled; in Scotland, under our integrated health service, more than 90 per cent of patients are treated within 18 weeks of referral by a general practitioner. Under the UK Government, the Home Secretary, who is

responsible for falling police numbers, had to address the Police Federation of England and Wales in front of a banner that called her cuts “criminal”; in Scotland, Kenny MacAskill, who is responsible for rising police numbers and record low levels of recorded crime, received a standing ovation from the Scottish Police Federation.

No sane person in this Parliament or elsewhere would want powers over our universities, health service or police to be returned to Westminster. If we can manage those services more effectively than the UK Government can, why should we not also have control over pensions and welfare and our own voice in the world?

Earlier this year, I suggested that an independent Scotland could be a beacon for progressive opinion for the rest of the United Kingdom. The record of achievement of this Parliament demonstrates that potential.

This legislative programme of 15 bills will add to that record. It will lead to the best childcare provision anywhere in the United Kingdom; it uses all of the powers that we currently have to promote jobs, growth and opportunities for all; and it paves the way for Scotland's most important decision in 300 years. It is therefore a historic package of measures.

The record of this Parliament is the clearest possible evidence that the best people to take decisions about the future of Scotland are the people who choose to live and work in our country. We will give them the choice of independence: responsibility for ourselves as a nation, a voice in the world and a Government that reflects the people's priorities and Scottish values.

I commend our programme for government to this Parliament and to the people.

## Scottish Government's Programme

### The Deputy Presiding Officer (Elaine Smith):

The next item of business is a debate on the Scottish Government's programme.

14:41

**Johann Lamont (Glasgow Pollok) (Lab):** One thing that we can always say about the First Minister is that he is never knowingly undersold. However, we have also learned the importance of going behind the assertion to look at the detail and reality of what his Government is doing. It is not good enough for the First Minister to display so little self-awareness, as he does when he says, "We do wonderful things on the economy, we are committed to using procurement and we believe in the construction industry," and then spends £700 million bolstering the economies of Spain, Poland and China.

This is a programme of few surprises, bar one major surprise. Nothing in it addresses the problems that face families the length and breadth of Scotland. There is much that we can agree on in it, in much the same way as a magnolia paint chart fails to engender much opposition. Is it a radical Government? It is radically conservative in its ambitions for changing people's lives for the better. It is radical only in Alex Salmond's ambition to change his title from "First Minister" to "Prime Minister".

Since last May, the First Minister has lauded his landslide result over us. Let me tell him about landslides. A Labour landslide in 1945 led to the creation of the national health service and a Labour landslide in 1997 led to the creation of this Parliament. An SNP landslide in 2011 led to a referendum that he really does not want to hold and to a country being put on pause while the First Minister dithers. Is the Government's programme radical and reforming? I think not—unless members think that in 50 years people will be waxing lyrical about the great Salmond better regulation reforms of 2012. What a wasted opportunity.

There he is—the First Minister with an overall majority. What an opportunity he has to change Scotland for a generation, radically to overhaul education and to set our NHS on a new footing. If he had been prepared to be radical, we would have been prepared to work with him, but when it comes to the big issues—[*Interruption.*] Let me go back. We would have been prepared to work with him—we offered to work with him on the referendum question, but he has since stoically refused to meet us.

When it comes to the big issues that affect people's lives, the poverty of his ambition borders on destitution. Here is a man who glories in his own powerlessness. He says that he cannot change Scotland because he does not have enough power, so he does not use the power that he has to change Scotland for the better.

**Kevin Stewart (Aberdeen Central) (SNP):** As we are talking about radicalism, would not it be a bit radical for the Labour Party to spell out what extra powers it wants for this Parliament, or is it happy for the Tory-Liberal coalition to decimate the country?

**Johann Lamont:** I assure Kevin Stewart that our commitment is to making devolution work, not to breaking up the United Kingdom.

By the Scottish Government's figures, every family in Scotland is worse off by £1,200 a year, so what do we have in the programme to protect families? Nothing. When asked about Tory cuts, the First Minister acts like a second-rate presenter of a daytime cookery show—he pauses only to open an oven and present us with another cut that George Osborne prepared earlier.

Speaking of the Tories, perhaps David Cameron is not the only one who should look at a reshuffle, when we see the tired and jaded set of priorities that are the best that the First Minister's front benchers can come up with after five years in government. Perhaps the First Minister should look for a hungry back bencher to take over the NHS before nursing numbers fall even further. Perhaps Mike Russell should be shown the door and replaced by someone who is not intent on doing more damage to our colleges. Perhaps Alex Neil should look elsewhere, so that someone who is prepared to tackle fuel poverty can take his place.

The legislative programme is a mixture of the late and the far too late. It contains the First Minister's unnecessary bill to provide at some point after 2014 the childcare that he promised five years ago. He could deliver that promise with the stroke of a pen. Instead, there are parents who voted for that measure in 2007 whose children will be at secondary school before it is delivered. Mind you, those children will probably be at university before the curriculum for excellence comes in.

As I said, a year after he gave the Chinese, Polish and Spanish economies a kick start with the £700 million Forth road bridge contract, the First Minister has decided that we need to look at the procurement rules. That is too little, too late.

Do not get me wrong—there are things in the First Minister's programme that can be commended.

**Members:** Ooh!

**Johann Lamont:** It is good to be back among the SNP back benchers, who make Pavlov's dog look joyously spontaneous, in comparison.

The problem with the programme is that it is like a 1970s Lada: it is fine as far as it goes. If only the First Minister had the ambition of Falkirk Council, whose Labour-led administration ensures that council contracts include training or employment for local young people. Unlike Labour in Wales and Labour in Falkirk, the Scottish Government has so far refused to prioritise the use of community benefit clauses to benefit the country. If the First Minister has come round to that way of thinking, that is good and we will welcome it, but we will wait until he walks the walk rather than simply talks the talk.

The one issue that dominates the thinking of every family in the country is the economy. Hard-working people fear for their jobs and worry about how they will make ends meet, pay their way and put food on the table. The challenge for the First Minister is to test his policies against how they will create jobs and growth in the economy, and not against how they will further his referendum campaign.

The programme fails to ask the right questions—let alone to provide any answers. We have a Tory Government in Westminster that is deepening and prolonging the recession by cutting too far and too fast. What is the response from the Scottish Government? The problem when the First Minister talks about the Westminster Government is that it is a Tory Government that he celebrated coming in when he said that he wanted to see the end of the Labour Government. He argued for people not to support Labour in the previous election, and the Tory Government was the consequence.

The SNP has nothing new to say and has not even kept to what it promised to do. In the previous parliamentary year, the First Minister took time out to attend the premiere of "Brave". This year, I hope that he will take time out to be brave for Scotland.

The First Minister said:

"There has never been an economic recovery without a recovery in the construction sector",

so why did he slash the housing budget? Why has he—consistently over time—ended or had an unconscionable delay in bringing forward infrastructure projects such as the Glasgow airport rail link?

The SNP promised to deliver 100,000 training opportunities for young Scots each year. However, Mr Salmond's fine words on youth unemployment will be little consolation to young Scots who are on the dole queue. The Scottish Government's latest

figures for 16 to 24-year-olds show that the youth unemployment rate increased over the year. More than one in five 16 to 24-year-olds are unemployed. The SNP's promise of 25,000 modern apprenticeships was nothing more than an exercise in fiddling the figures to mislead the public. More than 10,000 publicly funded apprenticeships that were supposed to help the unemployed went to people who were already in work.

This is the First Minister who says that the rocks will melt in the sun before he will introduce tuition fees. The price of that boast—from this man who dares to say that the further education sector will benefit from his policies—is that we have seen opportunities for thousands of young Scots melt away as he has slashed funding for further education colleges by 20 per cent. Why is the SNP Government attacking the funding of our vital further education colleges?

Is the First Minister aware that 25 per cent of school leavers in Fife go to Adam Smith College and Carnegie College, while a mere 2.5 per cent go to his alma mater, the University of St Andrews? That is a disgrace, and today's legislative programme has nothing to say to the thousands of young people who will be affected by his draconian cuts. Student debt has not been abolished, as he promised. What about clearing places for Scottish students? Sorry—the quota was full.

In those circumstances, what is an Alex Salmond promise worth? Not much in education and even less when it comes to the national health service. He promised to protect the NHS budget, yet the health budget will be slashed by £319 million in real terms, and there are all sorts of additional financial pressures. There are now fewer staff in the NHS than there were when he became First Minister; more than 5,500 staff members have been cut from the payroll, almost 2,500 of whom are nurses. The SNP promised shorter waiting times, then we heard of NHS Lothian's practice of using so-called social unavailability—offering patients appointments that they could not possibly attend. That is cynical manipulation of waiting times under the SNP.

Nurse numbers have been cut to a level that is lower than it was when the SNP came to power in 2007, with more than 2,000 nurses having been cut since 2009. A growing list of inspections shows deterioration in care standards as nurses and other staff struggle to cope with increasing pressure. All the denial in the world cannot hide those figures and the reality for people in their experience of the NHS.

Accident and emergency department waits are worsening, with more than 5,000 Scots waiting longer than eight hours for treatment in A and E

departments in 2011. We know the First Minister's record of being in denial, even when evidence comes to him of the treatment of patients.

Those are the problems of Alex Salmond's Scotland, and nothing in this legislative programme does anything to address them. In recent days, the political pages of the press have been filled with stories of his spin doctor moving on and new spin doctors being hired. Funnily, there is never any copy on his head of policy. The reality is that this is a Government that is bereft of policy and ideas—it has full-fat slogans, yes, but calorie-free policy, definitely. There is nothing for jobs and nothing for those who are in need, except slogans and soundbites with the promise—the threat—that you are on your own if you disagree.

However, reality is beginning to creep in as the spin doctors creep out. The country knows the lived reality of Salmond's Scotland, behind the spin. There are record numbers of drug deaths, which are up 76 per cent on the 2001 figures. There is no record of the number of drug addicts who have successfully completed their treatment and there has been no refreshed drug policy since 2008. We have called on the SNP for a full inquiry into drug treatment policy. Will the First Minister now agree to one?

What happens when Alex Salmond does keep a promise? In 2007, the SNP proposed to entitle three and four-year-olds to a minimum of 600 hours of free nursery care a year. Five years on, still nothing has been done. Now, we will get a bill to do what the First Minister could do in a moment. Why has it taken so long? Is it because the Government is underfunding local authorities, perhaps? Even the current SNP Minister for Children and Young People said in the chamber, in 2007, about investing in pre-five children:

“we must not waste any more time.”—[*Official Report*, 31 October 2007; c 2870.]

What has the Government been doing, other than wasting time and opportunities? That rehashed 2007 policy will not address the childcare problems of 2012. What is the SNP doing about childminding costs, which are higher in Scotland than in England? What is the SNP doing about out-of-school care costs, which are higher in Scotland than in England and Wales? What about wraparound childcare for children who are at primary school and which makes such a difference to working families? The answer in the bill on all those issues is clear: nothing.

On two-year-olds, the bill does not go far enough, either. There are about 60,000 two-year-olds in Scotland—enough to fill Hampden and more. The bill would entitle approximately only 700 looked-after two-year-olds to nursery provision—just over 1 per cent. In England, even the Tories

and Lib Dems are aiming to give nursery places to 37 per cent of two-year-olds from the most deprived backgrounds from next year. The First Minister is planning to entitle just 1 per cent. Is that the “progressive beacon” that he talks about when he lectures in London?

**The Deputy Presiding Officer:** Ms Lamont, can I stop you for a moment, please? There is a bit of time for interventions, which might stop members feeling that they have to shout across the chamber.

**Johann Lamont:** We need to allow those members to be comfortable with what they enjoy most—rather than thinking and listening to the debate.

The truth is that on childcare costs and nursery provision, what the First Minister says is simply not the case. We would have liked the Scottish Government to have introduced its community empowerment bill, and the possibility of decentralising power into our local communities. That is in stark contrast with a First Minister whose every instinct is to centralise to this place where we all know he has absolute control.

The programme should be an opportunity to build on the progress that Labour made on land reform. The First Minister will know that Scotland still has one of the most concentrated patterns of land ownership in Europe. Vast areas of Scotland are still controlled by a tiny number of people. I was informed over the summer that the First Minister has never visited a community buyout since taking office. I had the privilege of doing so when I visited the Isle of Lewis this summer. Community buyout schemes have halted or even reversed decades of population decline, as jobs have been created and more houses have been built. I will never apologise for visiting islands such as Lewis, which represent so much of our heritage of which we can be proud.

Such measures are of economic importance as well as being about social justice. They should be at the heart of our economic policy, as well as our social policy commitments to supporting fragile and remote communities. Perhaps the First Minister will find time to look at how he can further support the land buyouts that are revolutionising communities. They are a form of devolution that can make a difference to the lives of real people in real communities—not political parties.

In this year of great triumph for Scottish athletes, which we all hope will be followed with similar success in Glasgow in 2014, Alex Salmond could today have announced measures that would improve provision of sporting opportunities for Scots. He could not even do that, which is symptomatic of this Administration's total lack of ambition for the people of Scotland. Just saying



that one is ambitious does not make one ambitious.

Instead, as all too often, the First Minister went for gimmick over substantive policy. First, he announced that a DVD of the film “Chariots of Fire” will be played to every school child in the autumn term. That is not good enough. We need policies to get children on to the playing field, not in front of the television. We need a legislative programme that addresses Scotland’s needs.

There is common ground here; we are proud of our record of delivering on equality when we introduced civil partnerships, so Nicola Sturgeon has my support with her equal marriage proposals. I note that the children’s bill will contain measures to safeguard vulnerable children—something that the First Minister knows will be welcomed on this side of the chamber. The challenge is to ensure that schemes are practical, not theoretical, and that they deliver to protect vulnerable children.

Let us ensure that any new measures have the resources to guarantee that they can be properly implemented. We will do all that we can to prevent harm to children who are living with the consequences of addiction in the family home.

The problem with this programme is not what is in it but what is not in it.

**Margo MacDonald (Lothian) (Ind):** I apologise for coming into Johann Lamont’s peroration. I agree with very much of what she has said in the past three or four minutes, for example on the community empowerment bill and buyouts, and on the introduction of proper measures to stimulate participation in local sport. However, most of those measures do not cost a great deal of money. The difference between those measures and the measures that she criticised the Government for introducing is the amount of money involved. There is not enough money. The member must look at why that is the case.

**Johann Lamont:** If the Government makes proposals that increase participation by our young people, I will happily support them—I say that as a mother who was at the swimming pool at 5 o’clock this morning with my son. We know how difficult it is for young people to participate—particularly for those who do not have parents who can take them. If the Government will come forward with proposals to be more inclusive in relation to sport, I assure Margo MacDonald that I will support the Government all the way.

However, as I have said, the problem with the programme is what is not in it. There is not one measure that will create a job in Scotland, there is nothing to promote investment, nothing to defend Scotland from Tory cuts—[*Interruption.*] I emphasise again that just saying it does not make it so.

I also welcome the First Minister’s referendum bill. Let us pass it as quickly as possible, but be clear that the First Minister has a mandate to ask the question and the people of this country are entitled to answer it, and to decide once and for all whether they want to stay inside the United Kingdom. Let us have a single-question referendum on whether to stay in the UK, as soon as possible.

The First Minister talks about negotiating with UK Government ministers. He should talk to the parties in this Parliament about how to ensure that we can have a referendum that is not a fix and that has conditions that are reasonable for any democratic country.

**The Deputy Presiding Officer:** Can the member come to a conclusion, please?

**Johann Lamont:** Then, we can end the First Minister’s dithering and distraction and focus on Scotland’s real priorities—how we create jobs and growth; how we fund world-class public services in a time of scarcity; and how we make Scotland a just and prosperous land.

I may disagree with Alex Salmond on the constitution. That can be an honourable disagreement. What depresses me is that he will not use the powers that he already has to help Scotland now—today. The legislative programme might be a nationalist one, but it is not the programme of a patriot who cares about Scotland’s needs.

15:02

**Ruth Davidson (Glasgow) (Con):** It is the first day of term and the First Minister is already getting a row from the teacher.

Let us look at how the First Minister spent his summer. He went to the golf, the tennis and the book festival. He enjoyed some fizz at the television festival, hoovered up the canapés at the “Brave” première, brought his own vol-au-vents and put on his own party at the Olympics—sorry, the Scolympics—and spent as much time rushing towards the buffet table as he did avoiding the negotiating table. It would also appear that he spent even less time at his desk doing the job that he was elected to do, which is to run a Scottish Government that has competency over health, education, justice, transport and finance.

There is no doubt that the number of bills announced by the First Minister will occupy the time of Parliament over the coming session, nor is there doubt that with an overall majority in the chamber, ministers will get their way on most of—if not all—the measures. However, it is debatable whether, when Parliament rises for its recess next summer, the passage of those bills will have made

changes to Scotland that will have benefited the man or woman in the street.

**Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP):** Will the member take an intervention?

**Ruth Davidson:** I am sorry. Can you let me progress, please?

On the strength of the array of bills that were flagged up today, the answer seems to be clear. The Scottish Government's approach is, "Never mind the quality, just feel the width." It is a legislative programme that throws into sharp relief the rhetoric of a Government that claimed upon its election to stand for the Scottish national interest but which, over the course of the past 12 months, has shown itself to be interested only in promoting the Scottish National Party's interest.

The First Minister dresses it up as a legislative programme about the economy, but it is, rather, a programme that is dominated by one thing, and by one thing only: the Scottish Government's obsession with tearing apart the United Kingdom. It singularly fails to address the most pressing concerns of the Scottish people.

I thank the First Minister for advance sight of his speech. I should not have been surprised at the bluster, the assertion and the highly selective use of figures that has become the hallmark of this Government, but once again I was surprised. Let us take a look at some of his soft-shoe shuffles.

"There has never been an economic recovery without a recovery in the construction sector."

That, from a Government that has slashed tens of millions of pounds from the housing budget and overseen a slump in the building of new homes to its lowest level in a decade and a half.

Next, the First Minister said that the Government

"will develop a system of education and training that meets the needs of learners and employers".

That, from a Government that is reducing college funding year on year and which is strong-arming mergers through.

**Kevin Stewart:** Ms Davidson mentioned soft-shoe shuffles. Perhaps she should tell members that there has been a 30 per cent reduction in capital budgets and that cuts to colleges in England are of up to one third of budgets.

**Ruth Davidson:** Let us look at the capital spend figures. We have already heard the old lie about shovel-ready projects and Westminster's demands for infrastructure. Neither Kevin Stewart, the front bench nor the First Minister has acknowledged the extra £1 billion that has come Scotland's way since the 2010 comprehensive spending review.

The First Minister has selected fantasy figures that are predicated on an oil price that is already out of date and not in the Government's favour, and which take no account of Scotland's liabilities, such as the £102 billion of pensions liabilities, a proportion of the UK national debt, and costs from the banking crisis that was made in Edinburgh and not in the London that the First Minister loves to blame.

**The First Minister:** The "Government Expenditure and Revenue Scotland" figures include payments to the national debt, as Ruth Davidson should know.

Let us return to the capital investment figures. Alistair Darling planned to make a 36 per cent reduction in Scotland's capital budget. As a result of the changes that have been made during the past couple of years, that is now a 30 per cent real-terms reduction in this year, compared with 2009. Does Ruth Davidson accept the fact that the Scottish Government's capital budget is now 30 per cent lower in real terms than it was in 2009? Yes or no?

**Ruth Davidson:** Does the First Minister accept that he has had £1 billion in extra cash from the 2010 spending review? He will never admit to it, because he is all about priorities of spending on capital projects.

The First Minister's selective citing of figures is about one simple thing—bolstering the referendum bill, which will provide no answers to Scotland's problems. Quite the contrary is true: it is a bill that cannot even decide on the number of questions. I, Johann Lamont and Willie Rennie have tried to help the First Minister. We commissioned a panel of respected independent experts to draft a fair, legal and decisive question for the referendum. We have even written to the First Minister about the panel's recommendations and have offered to meet him to discuss them and to help him to proceed with the issue. What have we got? We have a flat refusal. His shilly-shallying around talks to thrash out the issue with the UK Government shows his reluctance to take a single fair question to the people of Scotland.

What of the 26,000 consultation responses that were promised to us by the end of the summer? Here we are in September and we have not heard a peep. His national conversation has turned out to be little more than a national monologue. The First Minister speaks and everyone else is expected just to listen, and anyone who has a view other than the one that he already holds is not welcome to take part.

Let us look at the rest of the First Minister's offering, because I do not want to be wholly negative; after all, I am not the leader of the Labour Party. I am pleased to see that the Scottish

National Party has found room for measures to reform the Freedom of Information (Scotland) Act 2002. Perhaps, in the future, we might even see the Scottish Government accepting the rulings of the freedom of information commissioner rather than mounting costly appeals to try to block the release of information on whether ministers hold legal advice on the status of an independent Scotland within the European Union—all at the taxpayers' expense.

The proposed equal marriage bill has been largely debated through the media and it now will be aired in the chamber. I hope that the issue, which ignites passions and reveals firmly-held views, can be debated freely and in a manner that shows courtesy and respect to members from all sides of the debate, thereby demonstrating the Parliament at its best and ensuring that the level of debate is elevated, and not diminished. It will also be a vote of conscience for MSPs from the Scottish Conservative Party.

On the criminal justice bill, Lord Carloway should be commended for his work, but changes to corroboration should be part of a wider review of the law of evidence and should not be considered in isolation.

However, I am surprised by the First Minister's repeated reference to university applications. Only under the SNP could we expect the debacle of Scottish students being turned away from Scottish universities in favour of students from south of the border, because ministers refused to pay attention to the warnings that they were creating a two-tier admission system. Only under the SNP would we be completely unsurprised that, with nobody but themselves to blame, the existence of the problem is simply denied. All the Scottish students who have been turned away from Scottish universities in favour of students from south of the border must simply have imagined it.

**The Cabinet Secretary for Parliamentary Business and Government Strategy (Bruce Crawford):** Will the member give way?

**Ruth Davidson:** I am sorry. I am already over my time.

It is clear where the First Minister's priorities lie, and they are not the priorities of Scotland's people. Their priorities are economic recovery and jobs. We hear lip service from the First Minister, but the track record tells a different story.

**The Deputy Presiding Officer (John Scott):** You should be drawing to a close now, please.

**Ruth Davidson:** We have a Scotland-only retail tax that is pummelling businesses, and now we see, with a sucker punch, Scotland's property owners being floored by the SNP's plans to slash

the value of empty property relief and to raise business rates on properties by up to 80 per cent.

It is the legislative programme of a Government that has run out of steam and run out of ideas, and which fails to live up to the ambitions of Scotland's people. It is a programme that seeks to create the illusion of activity through a plethora of policies, but which somehow contrives to be somewhat less than the sum of its parts. It is the programme of a Government—

**The Deputy Presiding Officer:** I would be grateful if you would close, please.

**Ruth Davidson:** It is the programme of a Government that has been reduced to a simple, overriding goal: to break Scotland away from the rest of the United Kingdom. It is not a programme of success for Scotland but a product of this First Minister's fear of failure.

15:12

**Willie Rennie (Mid Scotland and Fife) (LD):** Thank you to all the members who have expressed their condolences to Astrid Gorrie following the sad death of her husband, Donald. Donald was proud to be a member of this Parliament, not for the position itself, but for what he could do—what he could change while he was here. He was a model for all parliamentarians present and future, and we are all sad at his passing. [*Applause.*]

I am sure that Donald would have been a supporter of the Government's proposed equal marriage legislation. In fact, in 2004, he said, in typical Donald fashion:

"I thought that the system in this country was that the church did its thing and the state did its thing. It is quite wrong for the state to tell the church what it may or may not do. We should not impose anything on it, nor should we prevent things from happening using blanket provisions."— [*Official Report*, 3 June 2004; c 8936.]

Donald was absolutely spot on. The Government's bill will bring freedom to churches to manage their own affairs rather than their being instructed by Government about what they can and cannot do. Many want to conduct same-sex marriages, and no Government minister should prevent them from doing so.

Equal marriage will be a mark of a modern, fair and equal society and I applaud Nicola Sturgeon for leading the effort. It will not be easy, but I applaud her for her courage. With scares about brothers marrying, premature death, job losses and—the latest—polygamy, the more that those who are opposed to equal marriage protest, the stronger the case becomes.

For almost 80 years—SNP members will not like this bit—the SNP has protested about oppression

by the British state. It has marched, advocated, shouted and argued that Scots should be free from the dead hand of Westminster. However, now in power, the SNP, instead of delivering that change, says that it needs a little bit longer to sort out the paperwork. Sixteen months after the SNP won the mandate to hold the referendum, there has been little progress. There has been no publication of the responses to the consultation, there is no date for negotiations between the Scottish secretary and the First Minister and there is not even a date for the referendum. The SNP spends more time arguing for a second question that it does not support than it does arguing for the independence that it apparently does support—and now it is redefining independence at a ferocious rate to include more and more of the British state that it had previously demonised. One gets the distinct impression that the SNP now fears its own policy.

**Mark McDonald (North East Scotland) (SNP):**

Perhaps Mr Rennie might like to take this opportunity to put on the record his apology to the Scottish Council for Voluntary Organisations and civic society for his attempt to shut them out of the debate on Scotland's future.

**Willie Rennie:** That was a valiant attempt, but as soon as Martin Sime starts living within SCVO policy, I will no longer criticise him. Mr Sime should understand that the SCVO does not support a second question; he knows that and the First Minister should not misrepresent it.

We will support the victims bill, which will assist victims in recovering from crime and give them a greater role in the justice system.

**The First Minister:** If Willie Rennie is correct in his extraordinary attack on Martin Sime, why did Alison Elliot feel required to write to him to remind him that, in a free society, people such as those in the SCVO should be protected against authoritarian voices such as Willie Rennie's?

**Willie Rennie:** I am sure that the First Minister has read Alison Elliot's speech from earlier this year, in which she said:

"For the avoidance of doubt, we are not launching a campaign for a particular outcome in the referendum. We are not launching a campaign to get a second question on the ballot paper."

The First Minister might not like to hear that but perhaps, having done so, he will no longer argue that SCVO is arguing for a second question—it certainly is not.

The procurement bill must turn the procurement budget into an economic development tool, especially for local and small businesses rather than the big businesses favoured by the current system. If the Scottish Government reverses the

trend towards bundling contracts into supercontracts, it will have our support.

Although the children and young people bill will eventually bring Scottish nursery entitlement up to the level that the coalition in England is delivering for three and four-year-olds, it will not do the same for the many more disadvantaged two-year-olds. At a UK level, we have delivered for 40 per cent of the most disadvantaged two-year-olds, who are going to get a great entitlement to nursery education, and I hope that the First Minister will increase his entitlement for those in Scotland.

The big missed opportunity, however, is Scottish Water. By changing it to a public benefit corporation that would be firmly in the public sector, we could release a potential windfall of £1.5 billion, which could be used now for business growth, energy efficiency, superfast broadband, support for research into science and technology and early intervention. Given that the First Minister has said before that Scottish Water could borrow easily in the markets if it was placed on the same status as Network Rail, I find it incredible that he is spending another £140 million on it that could be invested in his so-called shovel-ready projects. We can all think of the shovel-ready projects that could receive investment if he was bold enough to make that change but, as always—

**The Deputy Presiding Officer:** I would be grateful if you could draw to a close, please.

**Willie Rennie:** Certainly, Presiding Officer.

Given the choice, the SNP prefers to complain rather than act. It has ducked away from this single most effective decision for jobs and the economy.

**The Deputy Presiding Officer:** We move to the open debate.

15:19

**Kenneth Gibson (Cunninghame North) (SNP):** It is indeed good to be back. I notice that the speaker before last, Ruth Davidson, talked about the need to elevate the debate, but she accused the First Minister of telling a lie and then made assertions on capital funding that she could not back up. Sunday's editorial in *The Sunday Times* said of the UK Government:

"It has aggressively cut measures that might improve this country, such as spending on infrastructure, and it has raised taxes ... Any serious government would now reaffirm its determination to get the economy under control ... Mr Clegg, perhaps, has done us all a service. He has reminded us that this is not a serious government. Its lasting contribution to politics could be to allow an undeserving Labour party back into power at the next election."

The reality is that, as the First Minister said, capital funding is £3 billion lower than it was in 2009.

I want to pick up on something that the leader of the Labour Party said. She talked about council housing and denounced the SNP's spending on housing, but 1,011 council homes were built in the 2011-12 financial year. Perhaps she could remind us under which housing minister the lowest number of affordable houses were built under devolution. Which party built only six houses over a four-year period?

**Johann Lamont:** I am sure that the member will welcome and celebrate the £1 billion of housing investment in our city. He had the courage to support our policy of stock transfer and investment in Glasgow's housing, unlike his friends in his own party.

**Kenneth Gibson:** The forthcoming parliamentary year will surely be one of the busiest. The financial memoranda of every one of the 15 bills will come before the Finance Committee for scrutiny. My colleagues and I on the committee look forward to that challenge. In addition, we will be the lead committee for consideration of the Freedom of Information (Amendment) (Scotland) Bill.

I am sure that the Scottish Government's programme of legislation will help to create a better, fairer Scotland for all. Of course, progressive policies and a desire to make Scotland a better place to live and work have been a hallmark of the SNP's time in government.

**Margo MacDonald:** The member mentioned the making of a better, fairer Scotland. How can we make a better, fairer Scotland when it is estimated that, in two years' time, 500,000 Scots will be taking home food parcels? We are pushing water uphill if we proceed with devolution as a means of funding everything that we need.

**Kenneth Gibson:** Of course, I do not support the continuation of devolution beyond the referendum, as the member knows. I support independence for Scotland.

As we have heard, our older people are entitled to free personal care, free prescriptions and free bus travel, and their NHS has been safeguarded from Westminster cuts. Scotland's streets are safer than ever, with crime at its lowest level since 1975 and an extra 1,139 police officers. With that record, it is clear why the SNP overwhelmingly won the trust of the Scottish people last year; it is also why Scotland's economy has proved to be more resilient than the economies of other areas of the UK, thanks to a shorter and shallower downturn.

The forthcoming legislative programme intends to build on those achievements and to reward the trust that the people of Scotland have placed in this Government. As we have heard, the programme will be varied and wide-ranging. We

will build on the progress that has been made in sustaining jobs in the Scottish economy, but the most important bill, which many people have discussed over recent weeks and months, will be the one that will seek to re-establish Scotland as an independent nation. According to Sir Winston Churchill,

"Of all the small nations of this earth, perhaps only the ancient Greeks surpass the Scots in their contribution to mankind."

It is astonishing to me that anyone can lack faith in the ability of such a talented people to deliver a thriving, fairer and dynamic future through independence.

The word "ambition" has been used, but I take issue with the leader of the Labour Party, who seems to think that it is ambitious to want her country to be run from Westminster, but that it is not ambitious to want Scotland to run its own affairs. In my view, that is a warped way of looking at things.

It is now abundantly clear that Scotland can no longer afford to remain part of the union. We need only look at the success of other smaller nations that do not have a fraction of our resources, such as Switzerland, Singapore and Luxembourg, to name but a few. The GERS figures show that Scotland is more prosperous than other parts of the UK and contributes more to it—or would, under independence—than those other parts. While our Norwegian neighbours benefit from a \$600 billion oil fund, the UK is saddled with a debt of £1 trillion.

If Scotland were to benefit from its natural resources our fiscal position would be far healthier than that of the UK, and Scotland ranks sixth among the Organisation for Economic Co-operation and Development nations in terms of gross domestic product per capita.

Far from being a distraction from the difficult task of economic recovery, as some would paint it, the full powers of independence would provide us with the necessary tools to do this job properly. Instead of borrowing money for vanity projects and white elephants such as Trident, an independent Scotland could invest in key industries, such as renewables, to create jobs, grow our economy and tackle climate change. Instead of hammering the poor and disabled while rewarding the super-rich, we could create a tax and benefits system that is fair and progressive for Scotland's needs.

As we conduct this great debate, I am sure that the powers, opportunities and security that independence will bring are things that the people of Scotland will find irresistible. I am delighted that the debate will begin in earnest during the Scottish Government's legislative programme. With the powers of independence such as taxation powers,

we could capitalise on our strengths in life sciences, take responsibility for welfare, join up benefits, education and employment services, and provide fair and decent support for those who need it. We need the full range of policy levers. This legislative programme is important, but think how much more we could do for the people of Scotland with independence.

15:26

**Patricia Ferguson (Glasgow Maryhill and Springburn) (Lab):** The First Minister has brought before us his legislative programme for the coming year and we finally have a timeframe for the legislation that will allow the independence referendum to take place. Everyone in this chamber accepts that the SNP has a mandate to hold an independence referendum and we know that the First Minister has the MSPs to pass the legislation. We know just how compliant they are to the First Minister's instructions—although he does seem to be testing their limits on NATO somewhat—so there is little doubt that legislation will be introduced and that it will be passed. What remains in doubt is the detail of that legislation. That doubt should remain when the First Minister benefits from a lifetime of conviction, five years in office and numerous consultations and deliberations at the taxpayers' expense is truly astounding.

Anything other than a single question referendum providing for a clear and unambiguous outcome will be an abuse of the trust placed in the SNP by the people of Scotland. This will be the single most important decision that the people of Scotland will be asked to make and the First Minister must stop using it as his own personal political plaything. Devolution and independence are not the same and it is simply wrong to suggest that they should appear on the same ballot paper. Scotland deserves better.

Scotland deserves the chance to determine whether it wants to separate from the rest of the United Kingdom and it deserves the facts to allow it to make that decision. The First Minister's Government needs to start making decisions and give the people of Scotland the information that they need to make an informed choice. While we on the opposition benches try to tie the First Minister down to making decisions about the process, people in offices, schools and factories around the country have already started to have the debate about independence but without having a clear idea about what it would mean for them, their families and their communities.

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

**Patricia Ferguson:** The First Minister may think that the current situation suits him. He clearly

thinks that it allows him to portray himself as the Scottish David against the Tory Goliath at Westminster. However, this is a battle manufactured by the First Minister and it does a great disservice to the people of Scotland. While playing out this manufactured battle loudly and on the front pages of Scotland's newspapers, the First Minister is also quietly battling on another manufactured front—his battle against Scotland's own freedom of information law. It is a battle conducted at the taxpayers' expense and a battle to keep from disclosing exactly the kind of information that the people of Scotland deserve to have—legal opinion on a separate Scotland's place in Europe. Scotland deserves better.

**The Cabinet Secretary for Education and Lifelong Learning (Michael Russell):** Will the member give way?

**Patricia Ferguson:** I will give way to Mrs MacDonald.

**Margo MacDonald:** I thank my friend. Although I agree with her that the Government has a duty to set out the possible routes that independence might take—in terms of policy, because of course it is up to whoever is elected after independence to determine which policy will be in vogue—does she not also believe that the Government in Westminster, which is currently backed up by her own party, should give us the facts of what they see happening in 10 years' time?

**Patricia Ferguson:** I do not accept Mrs MacDonald's assertion that my party is backing up the coalition Government—it is doing anything but that. [*Interruption.*] I must say that pots and kettles come to mind when I hear members of the SNP talk about my party's position. As Ms Lamont reminded us, it was Mr Salmond himself who said, "Don't vote for Labour". He has reaped the wind that he has sown.

What Scotland needs now is to hear what the First Minister's vision is, not of the number of questions on a ballot paper or how he sees himself being remembered in future, but of the kind of Scotland he thinks that separation will deliver.

**The First Minister:** I did ask people not to vote Labour last year—and they didn't.

I am interested in the denial of the obvious, which is that the member's party is not just supporting but in cahoots with the Conservative and Liberal Government. It is part of a joint arrangement: the better together campaign. How can the member get uncomfortable when Margo MacDonald reminds her that she and her party are supporting the Conservatives and the Liberals in a joint campaign to try to convince the people of Scotland not to take charge of their destiny?

**Patricia Ferguson:** The First Minister is being rather disingenuous. Those of us who have been in politics for some time remember that the SNP has more to be embarrassed about in relation to the coalitions that it has formed in UK politics than any other party in the Parliament. *[Interruption.]*

The First Minister might assert that his vision is for a Scotland with

“the ability to take our own decisions”—

that is, after all, what his manifesto said. *[Interruption.]*

**The Deputy Presiding Officer:** Order.

**Patricia Ferguson:** However, since the manifesto was produced, we have witnessed the First Minister becoming increasingly lukewarm on the issue of decision making and ceding powers that he has not yet won to institutions over which a separate Scotland would have no control. His much-talked-of economic levers would lie in the hands of the Bank of England and he even wants a separate Scotland to remain in NATO. No doubt he thinks that a separate Scotland can be independent in NATO as well as independent in Europe.

To the First Minister, it is all just a slogan. It is about whatever it takes to win a vote. To the people of Scotland, however, it is about their future and their children's future; it is not about Alex Salmond's place in the history books. Scotland deserves better, and the members of this Parliament deserve better than the antics from the SNP front bench that we sometimes see—and have seen today—when members rise to speak.

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

**Patricia Ferguson:** I will do so.

In the absence of a coherent vision, the people of Scotland are deciding what a separate SNP Scotland would look like. They are using the evidence that is available right now to make that decision. They are looking at the drop in nursing numbers and the cuts in public funding. They are looking at a Government that is described as “feeble” on fuel poverty. The people of Scotland are making their decision on those issues.

**Neil Findlay (Lothian) (Lab):** On a point of order, Presiding Officer. Will you provide some advice on the use of electronic devices in the chamber? I understand that during the past hour the First Minister has been multitasking and that he sent—invisibly—no fewer than 31 tweets during his statement. Will you advise on the protocol for using such devices in the chamber?

**The Deputy Presiding Officer:** Thank you. I will reflect on your point of order and get back to you about it at decision time.

**Michael Russell:** On a point of order, Presiding Officer. Will you also reflect on the fact that people who know that tweets have been sent must have been reading an electronic device or informed by such a device? I presume that your ruling will cover both parts of the equation.

**The Deputy Presiding Officer:** Thank you; it will do.

15:34

**Joan McAlpine (South Scotland) (SNP):** I was interested to hear from Patricia Ferguson that the Labour Party no longer thinks that members of NATO are independent countries. That will come as news to France, Denmark and the UK.

The front-bench spokesmen of the Labour and Tory alliance are doing their best with the scripts that they have been given, but—unfortunately for them—the Scottish people have heard all that negative naysaying a million times and are unconvinced by it.

The Scottish social attitudes survey showed that 71 per cent of people trust the Scottish Government to act in Scotland's best interests. That is a 10 per cent increase from 2010.

Willie Rennie's speech was more balanced, but his party has believed in home rule for longer than the SNP has existed. Now that the Liberal Democrats are in power in Westminster, why have they not only abandoned their long-standing commitment to home rule, but any discussion of home rule?

**Willie Rennie:** I find what has been said rather strange, as we have delivered the Scotland Act 2012 and quite substantial powers, and we have a commission under the chairmanship of Sir Ming Campbell that is moving forward to the next stage of home rule. I am not sure how that comes to abandoning our long-term commitment. Will the member explain that?

**Joan McAlpine:** I sat on the Scotland Bill Committee with Willie Rennie and noted how he blocked any opportunities that his party had to advance the Parliament's powers within devolution.

**Willie Rennie:** Will the member give way?

**Joan McAlpine:** No. Willie Rennie has already had his say. I am sorry.

This year's legislative programme continues the Government's ambitious and responsive approach to governing Scotland. The issue of fairness is addressed in the marriage and civil partnership bill, for example, the principles of which have support right across the chamber and across wider society.

The legislative programme also responds to public concerns about the state of the economy and the need for jobs. The situation has been exacerbated by the Westminster Government's disastrous deflationary economic policies.

With the powers that we have in the Parliament, the Scottish Government is seeking to make things better here. The procurement reform bill in the legislative programme is a particularly good example of how the Government responds to the concerns of business, trade unions and communities. Public sector procurement represents £9 billion a year, and it is essential that we do everything that we can to ensure that the money is spent well.

The bill is ambitious. Anyone with a working knowledge of the subject will say that the constraints that are imposed on public authorities by EU procurement rules are considerable. For example, the EU's remedies directive, which was implemented into Scots law in 2009, means that a contract can be automatically suspended without the need for an interim interdict if a summons is served. It is clear that a public procuring authority that gets things wrong can pay a high price. When we talk about that, let us remember that the procuring authorities are not just the Scottish Government and local authorities. The definition of a contracting authority is extremely wide, and all sorts of small, arm's-length organisations are subject to EU procurement rules.

Earlier this year, a former head of procurement in Whitehall—Peter Smith—told the BBC about risk aversion in contract decisions. Officials fear criticism for awarding contracts on factors other than cost. He also highlighted confusion about regulation.

**Helen Eadie (Cowdenbeath) (Lab):** I am very surprised that the member is talking in such terms about fairness and all the rest of it. As far as I can see, not a single member of the SNP at Westminster has done anything to help the beleaguered Remploy workers. I have not had any reports back from the Scottish Government about what is being done here about procurement work in relation to Remploy workers. The situation is dramatic and devastating. People right across Scotland will lose their jobs. Where is the fairness and competence of the member's Government? Where is the justice? Where is the right in that for the Scottish people?

**Joan McAlpine:** It is clear that the Scottish Government is doing everything that it can to help the situation in which the Remploy workers find themselves.

The EU rules may be strict, but they allow for factors other than price to be taken into account where appropriate. Therefore, I welcome the fact

that the procurement bill will introduce a statutory requirement that public sector bodies include community benefit clauses in all new public sector contracts, and in particular that those in receipt of those contracts publish their commitments on training and apprenticeships.

Small and medium-sized enterprises are the backbone of the Scottish economy. It is encouraging that they win three quarters of the contracts that are currently advertised on the public contracts Scotland website, and I look forward to that figure increasing with the legislation.

It is right that the Government should support a wide consultation on the living wage resulting from Mr Park's bill, and I very much hope that a way can be found to pay workers a living wage without breaching EU procurement rules.

The procurement bill is an ambitious attempt to use the powers that we have in this Parliament to maximise employment and deliver on the SNP's commitment to fairness and prosperity. However, only full control of our economy will deliver all of our objectives, and only the restoration of full powers of independence to this Parliament will see our country fulfil its potential.

That is what connects the referendum bill to the other bills in this programme, and that is why this programme is truly ambitious for the people of Scotland.

15:40

**Lewis Macdonald (North East Scotland) (Lab):** We welcome the announcement that ministers will bring forward bills to support victims and reform aspects of the Scottish legal system, and we will engage in the parliamentary debate on those measures, but we will also seek to strengthen them where we believe that they fall short or that the balance is wrong, and we will point out other areas in which Government action is still awaited.

In particular, we welcome the proposal for a victims and witnesses bill, and we will continue to press ministers to ensure that that bill includes measures that will make it effective in meeting the aspirations of victims and those who champion their cause.

The Scottish Government has thus far resisted Labour's proposals for a victims charter and a victims commissioner. We believe that those proposals should emerge at the end of the legislative process. We broadly welcome the proposals in the Scottish Government's consultation but believe that they do not go far enough. For example, it is desirable to provide victims and witnesses with advice before they



attend court, but we know that the sentence that is handed down can be so complex that even legal experts have trouble disentangling the rules. When Parliament debated and agreed the Criminal Cases (Punishment and Review) (Scotland) Bill in June, it was noted that many of the aspects of that act would not go far enough in sorting out those complications.

On the other hand, a sentencing council was agreed by this Parliament two years ago and would help to resolve those issues by reforming complex sentencing options. That does not require new legislation; it requires political will, which is something that we have not yet seen.

A victims charter would go further than the minimum standards that are proposed in the consultation. Enshrining the rights of victims and witnesses in legislation will encourage more people to come forward, and the specialist courts that deal with the victims of domestic abuse and sexual crimes should be rolled out across the country to ensure that people across Scotland have access to the same levels of justice.

Many victims who fear that the justice system looks after the offender rather than them look to the Government to redress that balance, and a victims commissioner would help to do so. It has been said that a full-time commissioner could cost the taxpayer £500,000 and is, therefore, too expensive. However, victims know that legal aid for just one convicted criminal who is determined to pursue every possible avenue for appeal can cost the taxpayer that much, so arguing against a victims commissioner on the ground of cost will not persuade many people. If it is the right thing to do, Government should do it.

That is an argument for proper support for victims; it is not an argument for restricting access to criminal legal aid. The Scottish Civil Justice Council and Criminal Legal Assistance Bill is already in the parliamentary process and will be one of the measures that will be determined in this session. As that bill goes forward, along with the criminal justice bill, it is essential that ministers listen to those whose concern is around access to justice for all. For example, at present, there is no provision for recompense for those who are found not guilty but who have spent their own savings to prove their innocence. There must be no perverse incentives to plead guilty for those who are not guilty but fear the financial consequences of a trial for their families. It will be up to ministers and Parliament to ensure that that does not happen.

Scottish Labour welcomed the Carloway review, and we welcome the proposed criminal justice bill, which will implement its recommendations. However, the impact of changes to one part of Scots law on the balance of the system must be carefully and fully considered. Experts such as the

Scottish Law Commission and legal practitioners must be closely involved and consulted on the implications, both in our domestic courts and internationally.

The centrepiece of the Carloway proposals is the removal of the requirement for corroboration. That is not something to cast aside lightly, as the Scottish Law Commission has made clear. There is little doubt that some who have committed crimes have walked free because the prosecution case did not meet the test of corroboration in a technical sense, and it is equally clear that Cadder has altered the balance of the legal system in a way that increases the likelihood of that happening in the future. Crimes such as sexual violence, rape and domestic abuse often fail to produce convictions because of the requirement for corroboration as it currently stands. That should be addressed in order to convict the guilty, but removing the requirement for corroboration should be done in a way that protects the innocent too.

At the moment, guilt in a jury trial must be proved beyond reasonable doubt to a simple majority of jurors: it is enough to convince eight out of 15 jurors that the accused is guilty, even when the other seven disagree. If the requirement for corroboration is to be removed, action on reforming criminal verdicts becomes all the more important. That is why my colleague Michael McMahon is proposing a member's bill to include the question of the majority required for a conviction and to raise the issue of the not proven verdict. That verdict is variously seen as an anomaly or a secondary finding, although in law it is merely a different form of acquittal. Where corroboration is no longer a requirement, the case for removing the option of the not proven verdict is all the stronger. I hope that ministers will engage constructively with parliamentary debate in that area.

There are other measures coming forward and areas in which the Government is not proposing measures, such as fatal accident inquiries, for which ministers say that they lack the parliamentary time. There are other things that ministers should do for which legislation is not required, such as discovering how the current crisis of drug-related deaths involving methadone has reached this stage and finding out its root causes.

There are real issues of substance to be debated, which include Government bills for which there is broad agreement across parties. I call on ministers to build on that agreement in this parliamentary term and not to lose it as they did on a number of justice measures in the previous term.

15:46

**Rob Gibson (Caithness, Sutherland and Ross) (SNP):** The Government's programme contains both new bills and on-going work to improve life in Scotland. I will focus on greening Scotland, which is contained in the Government's programme.

The common agricultural policy, which is making its way through Europe at the moment, is one of the biggest pieces of domestic legislation to be tackled this year. It is split into two pillars, the first of which brings £0.5 billion into the pockets of Scottish farmers to produce the quality food that has given us such a strong reputation around the world.

The CAP is decided by co-decision between the Council of Ministers and the European Parliament. It is important that we have a voice at the top table. We need to have someone there as well as our members of the European Parliament when the European Parliament looks at the 7,000 amendments that it needs to vote on before the end of November in order to sift them to ensure that Scotland's interests are looked after.

I remind members that Richard Lochhead, the Cabinet Secretary for Rural Affairs and the Environment, told the Rural Affairs, Climate Change and Environment Committee on 14 March 2012 that if we were a European Union member state in our own right, the proposed convergence criteria would deliver anything between €170 million and €190 million a year in Scotland, which would be a substantial boost and give us many more options for targeting support within Scotland. The less favoured areas, which make up 85 per cent of Scottish farming, would stand to benefit if we were a member state because the convergence criteria would give us an opportunity to target support.

On the common fisheries policy, Scottish ministers would battle more strongly to gain greater regionalisation, given that Westminster's priorities often clash with ours. Again, a Scottish seat at the top table would foster our interests directly.

In the past year, because of the Scotland Bill, Scottish control of the Crown Estate has been barred by the Tory-Liberal Westminster coalition. I believe that until we in this Parliament have discussed controlling the Crown Estate in Scotland and agreed by majority vote to do so, as the Westminster Scottish Affairs Committee has suggested, we will not be able to control the marine area here in a constructive fashion. However, I hope that in the meantime the Scottish Government can look at ways to lift the burdens of Crown Estate taxes on trust ports and coastal

local authorities and that such work should proceed ahead of gaining more powers.

The leader of the Opposition mentioned that we have a long-standing, honourable record as far as land reform is concerned. That is so, but the land reform review group, which the Scottish Government set up in July under the chairpersonship of Dr Alison Elliot, will ensure that we not only develop new ideas to improve the current legislation and generate more innovative proposals, but ensure that they come about.

When the leader of the Opposition visited Lewis, she should have visited the Pairc estate, where the residents are trying to get control of the land in a hostile bid under the current legislation. That is complex and difficult, which is why the legislation must be reformed. That is one key part of land reform that will touch all parts of Scotland and enable more people in rural and urban Scotland to have a stake in the ownership, governance, management and use of our land. I believe that it is essential to a confident Scotland that land reform succeeds. We look for support for that from across the Parliament.

The Rural Affairs, Climate Change and Environment Committee, which I convene, received several pieces of anonymous evidence when we considered the Agricultural Holdings (Amendment) (Scotland) Bill. As a result, we have started to look at various parts of Scotland to find out about problems that tenant farmers face. We welcome the fact that the industry-led tenant farming forum—the industry body that has developed seven individual workstreams—will report by December 2013 on issues such as data collection, equipment repairs and renewals, holding investment, waygo compensation, diversification, succession and assignation, all of which are critical to a secure tenant farming sector.

One issue that arose from a delegation that visited Bute, and which I have followed up, is about the conditions that act against that security. Having surveyed tenant farmers' houses on several islands and on the mainland, I have found many of them to be in a very poor state of repair. I can only echo Dr Brenda Boardman's comments in an article on fuel poverty in yesterday's *The Herald* newspaper that property owners should foot the bill for wind and watertight buildings. She said:

"Landlords have to be responsible. They are the key."

That is as much a matter for landlords who have tenant farmers as it is for those who rent houses in cities.

We are to have an aquaculture bill, which we believe will be introduced in late autumn.

On the natural environment, our food producers and land users can have confidence that the Scottish Government is ambitious for Scotland, but we must ensure that all parts of Scotland help with our emissions reduction. At present, a good deal more help is necessary from our transport and residential sectors. The rewetting of peatlands could reduce carbon emissions by large amounts.

**Claudia Beamish (South Scotland) (Lab):** Will the member take an intervention?

**The Deputy Presiding Officer:** The member is about to close.

**Rob Gibson:** Now that the United Nations is measuring peatlands, Scotland can invest in our peatlands as a resource to help reduce our carbon footprint.

15:53

**Liz Smith (Mid Scotland and Fife) (Con):** In the coming months, the Scottish people, as well as making the momentous decision on their constitutional future, will likely give the closest scrutiny to the Scottish Government's political record and its current programme for government. In particular, the electorate will decide whether the correct priorities have been chosen and whether the Scottish Government has laid the foundation for a much more secure economy. Both sides in the union/independence debate can expect the highest level of public scrutiny, which is only right. It is therefore incumbent on us all to provide the facts on which the public can make up their minds about whether they want Scotland to remain part of the United Kingdom. Much of that debate is about the efficacy of policies that affect their everyday lives. After today and tomorrow, we will know much more about how the Scottish Government intends to respond to those expectations. I am sure that the debate will continue to be as robust as it has been this afternoon, which is exactly how it should be.

As well as that policy debate, a much more fundamental philosophical debate is going on that is fashioned partly by the unionist parties' and nationalists' respective beliefs about the nature of the state and the appropriate social and economic structure for modern Scotland. As well as the internal debates in the SNP about NATO, which currency to use or the appropriate approach to energy policy, there is another debate about how far to extend the powers of the state. There are clear signs that the Scottish Government is increasingly interventionist. The most obvious example of that is in wind farm development. Despite the firm promises that the SNP made in its 2011 manifesto to devolve more power to local communities, the Scottish Government has adopted a direct interventionist approach, even if

that means overriding local democracy. How many times in recent months have we seen the Scottish Government ignore the wishes of local people when it comes to proposed wind farm developments, because it is so obsessed with meeting its own energy targets?

**Patrick Harvie (Glasgow) (Green):** I am curious about the Conservatives' slightly changed tone of voice on the issue in recent months. The Conservatives voted for the climate change targets in the previous parliamentary session and endorsed them again in this session of Parliament. It is clear that those targets are unreachable without the decarbonisation of our electricity supply. Is the Conservative party therefore dropping that former commitment? Or does it agree that we need to get renewable energy on to the grid?

**Liz Smith:** With respect, that is a completely different issue. My point is about the demands of local communities. When local communities speak out forcibly and say that they do not want a particular wind farm, we have to take cognisance of that.

**Claudia Beamish:** Will the member give way?

**Liz Smith:** I will make a little progress.

Perhaps the debate is most acute in education. Let me take two examples. First, I turn to the children and young people bill. There are very clear, laudable intentions in quite a bit of that bill, including ambitions to improve child welfare; to develop better kinship care; to create more coherence in the provision of children's services; and, more specifically, to ensure the delivery of better services for our more vulnerable young people. It is entirely right that the Education and Culture Committee tackles the very difficult question whether it is right to remove children from their parents if the latter are unable to demonstrate that they can cope effectively. That debate is an important one and is long overdue. How often have we heard complaints from expert witnesses at the Education and Culture Committee that, all too often, we are good at identifying the problems but cannot come up with the answers?

Let me be clear that some aspects of the Scottish Government's proposed legislation threaten to extend the powers of the state to an unacceptable level, thereby undermining family life and the responsibilities that should be exercised first and foremost by parents and families.

The Conservatives have grave reservations about the proposed extension of the powers of the children's commissioner to include reporting on a parent, a teacher or perhaps a social worker when an individual child makes a complaint. That is fraught with all kinds of difficulties and we will certainly not support any extension of the nanny

state to interfere in matters that are not for Government. That bill strikes at the heart of this debate and the issue is one that this Parliament will debate over and over again.

I turn to our colleges and universities, which have been much in the news of late. Those institutions are among the finest further and higher education schools in the world. They are successful because of long-standing traditions and structures—in many cases they are many centuries old—that are built upon all that is best in Scottish education: academic excellence; a level playing field of opportunity; internationalism; and institutional autonomy. Their success is their own and it is a well-proven fact that colleges and universities around the world achieve most when they are as free as possible from Government intervention.

Of course, widening access is an important debate, but it is not about percentage targets or artificial numerical targets. The debate should be about a qualitative approach and ensuring that there is a level playing field. Setting artificial targets for universities is wrong. It misses the point about where the real problem lies, because that is in schools. That is something that we must target our energies on.

15:59

**Chic Brodie (South Scotland) (SNP):** I support the Government's programme for 2012-13. I believe that it builds upon the successes of and the foundations built—even in straitened times—over the past five years.

We were advised at the business in the Parliament conference in June to embrace change or to wither. I believe that the further changes enshrined in the 15 bills do that.

On "Good Morning Scotland" this morning, John Curtice asked what the narrative of this Government is. I answer thus: a brand that has a story to tell has meaning, and a brand that has meaning will have impact and resonance. Even in constrained circumstances, the impact and the resonance of Scotland the brand are there to continue to raise the aspirations of our people, to make Scotland more successful, with more opportunities and more benefits, and to secure sustainable jobs and growth. We have a story to tell.

We know what constrains us and we know that the programme sets us on the road to removing that constraint. In these tight times, the budget bill will be as important as ever. As I said, even with constraint, that will continue to embed further the Scottish people's trust in the competence of the Government's economic management.

Not for us the hokey-cokey economics of a hokey-cokey Westminster Government. Members know how it goes—you put one tax in, take the same tax out, put another tax in and shake it all about. It was unbelievable and breathtaking to hear the Tory party leader talk about Scotland's liabilities but not mention Scotland's assets. She criticised the lack of capital funding and its impact on construction and she asked why we were not doing enough on that. She talked about the very thing that her Tory chancellor in London is now doing, months after he was told that it was the answer to avoid economic disaster.

**Ruth Davidson:** I did not quite understand—*[Interruption.]*

**The Deputy Presiding Officer (Elaine Smith):** I ask for Ruth Davidson's microphone to be switched on.

**Ruth Davidson:** My card is not in my console—it is my fault. I hold my hand up, Presiding Officer, and I apologise.

**The Deputy Presiding Officer:** I will give Chic Brodie a bit of extra time.

**Ruth Davidson:** I apologise to the member for the oversight.

Does the member suggest that the Scottish Government did not cut investment in housing by more than £100 million over four years, from £389.6 million to £272.7 million? If that is what he suggests, he should probably tell the finance secretary about it.

**Chic Brodie:** I understand Ms Davidson asking that question, but she must stop trying to rewrite and be selective about the history of her Government cutting the overall capital spend for the Scottish Government.

We are talking about not just trust and competence, but fairness. I welcome in particular the proposed procurement reform bill, which will add even more openness, integrity and community benefit to public service contracts.

Notwithstanding the European Commission's statement on legislated-for payment of the living wage by contractors, I applaud and commend John Park's efforts in producing a consultation on proposals on the issue. I hope that the reform bill will make it clear that we want public bodies to encourage contractors through the buying process—as the Commission says we can—to start to pay their employees a living wage. The bill can not only do that but manage a major and on-going community revolution to support, promote and develop small and medium-sized enterprises, co-operatives, the voluntary sector, the third sector and social enterprises as key players in the provision of outsourced public services.

In doing that, we can connect with, employ and train the young of Scotland, as stakeholders in the new endeavours. The Clean Close Company in Dundee has manifestly created such a situation. We should let the young knock down the shibboleths of the old and accepted way of doing things and encourage them to innovate and to start up and grow businesses.

The better regulation bill does the same things. It may be limited, but it will help to grow businesses and protect the environment. We must challenge regulations and guidance and improve them wherever they are. We must ask whether they are necessary and, if they are enabled, whether they are working. Are they applied consistently and are they cost effective? Do they allow for faster cycles of cash flow? Do they add value? In respect of all regulations to start with and ones that are working we must keep asking the question, "Why?" Why do we follow certain processes, particularly in planning, where planners have recognised them as not helping businesses but rather hindering them?

I believe that the challenges for all facets of the Government's programme are not just the immediate economic ones, but major constitutional, cultural and demographic changes. Challenges and changes are constant, and they will be met and confronted. That is the narrative of this party and this Government, Mr Curtice.

16:05

**Margaret McCulloch (Central Scotland) (Lab):** As members return to the Scottish Parliament this week, the referendum bill might be topical but the economy must be foremost in our minds.

In introducing the draft budget last year, the Scottish Government promised to squeeze every penny out of every pound and to link its spending decisions back to its core objective of sustainable economic growth. However, a succession of experts came before the Finance Committee to argue that the Government was not doing enough to explain how its spending decisions would contribute towards those strategic objectives. The committee's budget adviser suggested that the Government could do more to explain how the draft budget would support Government policy such as the economic strategy.

There is no shortage of evidence highlighting the stimulus effects of capital investment in our economy, and there is no shortage of demands on capital budgets. In an economy in which business is reluctant to invest, Government intervention can make a big difference, but we must explore new ways of financing capital budgets given the austerity measures that are being imposed.

Maintaining Scotland's water and sewerage network is a capital-intensive business, so Scottish Water as an organisation is always capital hungry. It stands to reason, therefore, that we should look for new ways of generating income for Scottish Water as part of the hydro nation agenda. However, I notice that there was no mention of the Water Resources (Scotland) Bill in the First Minister's speech today.

I welcome the announcement that there will be another transfer from the resource budget to the capital budget over the next three years. That has long been supported by Scottish Labour and is a welcome capital injection into the Scottish economy. Nevertheless, I press the Scottish Government for more details on where that investment is to be directed. There is a difference between a project getting listed in the infrastructure investment plan and its being shovel ready.

There are other ways in which we can stimulate activity in the economy if we are prepared to innovate. I acknowledge the on-going consultation process on the draft procurement reform bill, and I encourage the business community to respond to the document. In particular, I hope that it will have its say on part 2, which deals with small to medium-sized enterprises and start-ups. Too often, SMEs are at a disadvantage because they can be outbid by big businesses that cream off the best bits of a contract and sub-contract the leftovers. It is clear to me that for those businesses—indeed, for all businesses—the public procurement process must be more accessible and transparent.

Only a few days ago, Mike Levack of the Scottish Building Federation described procurement for construction as "a lottery". For some time, the Federation of Small Businesses has argued that the aggregation of projects into big contracts can put public work out of the reach of SMEs. I have been working with the SBF, the FSB and business gateways in Lanarkshire to look at a model for bringing micro-businesses into consortia at the local level to help them to bid for contracts or sub-contracting opportunities. It is important that we identify and share best practices for small businesses, but if we want real and lasting change in procurement we need new legislation.

Of course, the bill is an opportunity to do more than just reform public procurement. It is our chance to use the purchasing power of the Scottish public sector to drive change in the economy and promote employment, apprenticeships and skills; yet, I am disappointed with the language in that part of the consultation. It is a paper full of suggestions that companies should be "asked", "encouraged" or "required to

consider" all kinds of action, but there are no concrete measures. For months, the cabinet secretary said that he was seeking advice from the EU on what he could legally ask of suppliers while we all waited in anticipation. If the suggestions in the consultation are as good as it gets for the procurement reform bill, we need to test the advice that he has received and we need to have a much broader debate about how we make the purchasing power of the Government really work for the people of Scotland.

As we have heard today, the coming months are likely to be dominated by the referendum debate. Although I look forward to participating in that debate, we must not lose sight of the economy, given the scale of what is now our second recession in four years.

**The Deputy Presiding Officer:** I remind members that although very short conversations are acceptable, prolonged conversations, including on the front bench, should be conducted either at the back of the chamber or outside it. I also remind members to turn off their mobile phones and other devices.

16:10

**John Mason (Glasgow Shettleston) (SNP):** I really must start my speech today by welcoming the planned bill on the referendum. The constitution is central to everything else that we do, which is where the previous speaker slightly missed the point. If we have the constitution right, we can have fairer and more progressive taxes and an end to nuclear weapons. We can stop being involved in illegal foreign wars, we can use real resources to create jobs and tackle poverty, and we can raise the statutory minimum wage. All of those changes depend on a better constitutional settlement.

Nowhere is that more obvious than in the budget. We need to have a separate budget for this country. The range of options that we would then have is huge, including welfare reform, which we can only tinker with at the moment, and capital expenditure, which is far too restricted by Westminster. If we are serious about redistributing income and wealth, we need the full range of taxes.

I welcome many other parts of the Government's programme. I will touch on the Commonwealth games, which particularly relate to my constituency. I very much welcome the preparedness to amend legislation, if necessary, following on from lessons from the London Olympics. Although the Olympics appear to have been a great success, there is always room for improvement.

Transport issues might be considered.

**Patrick Harvie:** Would the member agree that, in order to ensure that we do not repeat the mistakes of the Olympics when the Commonwealth games come to Glasgow, one of the lessons that we could learn is about public protest and people's freedom to challenge the messages of sponsors with dodgy corporate records?

**John Mason:** I find personally distasteful the idea that people could use only one product in a certain place and that there was quite a lot of restriction about gathering and so on. On the issue of products, there is a local brewery in my constituency whose product I would like to see on sale—not just the products of one huge multinational.

On tax bills, we welcome the setting up of revenue Scotland and the fact that it will work closely with the Scottish Environment Protection Agency and Registers of Scotland. Many people are not happy with Her Majesty's Revenue and Customs and feel that it is unnecessarily bureaucratic and expensive. Surely one of the advantages of being a small country is that we can be less bureaucratic and have simpler systems that are friendlier for the user.

The Institute of Chartered Accountants of Scotland and others have helped us to think about what kind of tax system Scotland would want. We will look particularly at the land and buildings transaction tax—and the encouraging signs that it will be a more progressive tax—and the landfill tax, which will largely be like for like and revenue neutral but will still be an important piece of legislation if we are serious about reusing materials and preventing and recycling waste.

An area that has not been given much coverage so far is same-sex marriage. It is a topic that has provoked more interest among the public than some of our other deliberations in this place. The wide range of views—often strongly held—among the public at large is not fully reflected in the Parliament. It seems that all the party leaders, and possibly a majority in each party, support the introduction of same-sex marriage, whereas among constituents there is much more of a balance on both sides.

First, I welcome assurances that there will be a free vote on the matter, which will apply to front-bench and back-bench MSPs. I hope that the Presiding Officer and her colleagues will enable debate within the chamber, as it would seem to me to be a failure of the Parliament if the public were debating a subject and we were not to debate it properly.

Secondly, I seem to hold a minority view on this subject, at least within this chamber. The subject touches on a range of issues, including the

relationship between church and state, which has been a thorny issue in Scotland for hundreds of years and in other countries for perhaps even longer. There may be elements in the church who want a close constitutional relationship between church and state, but that is not my desire—I want a clear separation between church and state. In many ways, we are heading towards a healthier relationship between the two than we have sometimes had in the past.

Although I am clear that God's teaching in the Bible does not support two people of the same sex having a sexual relationship, it is not my aim to try to force Christian values on wider society against its will. I believe that God's way is the best way for all of us, but God also gives us free choice to follow his way or not. Therefore, if same-sex marriage is introduced, the key question for me will continue to be: will freedom of speech and freedom of religion be maintained? Will the churches and others be allowed to opt out? I welcome the assurances on that from Government ministers and from various pressure groups who have been involved in the subject, but it remains to be seen whether and how that can be delivered.

There is legal opinion in the public domain that Westminster is unable to protect the churches from a challenge in the European Court of Human Rights if same-sex marriage is permitted. I hope that we can debate that issue and look at it in more detail. Therefore, I look forward to seeing the proposed bill—especially to seeing how those who disagree with the legislation will be allowed to follow their own beliefs.

In conclusion, I believe that we have a programme to be proud of. I foresee quite a lot of work for the Finance Committee, but I am sure that we are all up for that—our workaholic convener, Mr Gibson, will certainly keep us on our toes.

16:16

**John Park (Mid Scotland and Fife) (Lab):** I welcome the opportunity to speak in the debate and, in particular, the opportunity to speak about procurement and the living wage, which have already been mentioned by a couple of members.

Procurement has been touched on in a couple of speeches, and there is a contradiction at the heart of where we are just now. The aggregation of contracts in order to look for greater efficiencies has led to unintended consequences for smaller businesses who want to engage in the procurement process.

Having said that, I know that outside the Parliament there are a number of good examples of companies that have tried to work around the issue, particularly larger employers that, through

their subcontract process, have engaged with smaller employers to ensure that the desired output—local employment opportunities and training opportunities for local people—has happened. I hope that, during the consultation process, the Scottish Government will take those good examples on board and try to draft legislation that makes it much easier for such partnerships to happen at a local level. More importantly, quite strict performance clauses need to be put into contracts to ensure that there is a mandate—as the First Minister mentioned—around apprenticeship training and training for people who have perhaps been in other industries and want to move into construction or other sectors of the economy.

The procurement reform bill is an important bill. It does not sound as though it is important to people outside Parliament, but I certainly believe that it can make a huge difference to the employment prospects of the people whom I represent in Mid Scotland and Fife.

A big aspect of what is important is what people get paid for a fair day's work. It says a lot about the type of employers that we have and about the country that we live in. That is why over the summer I launched a living wage bill that I hope many people outside the Parliament will engage with and support. I have already had a lot of supportive comments and heard some helpful and supportive comments this afternoon.

**Kevin Stewart:** Will the member give way?

**John Park:** Kevin, you are on a hat trick.

**Kevin Stewart:** I thank Mr Park for giving way. I support the living wage as well, but there are difficulties in implementing the living wage in certain procurement contracts because of European legislation. The *Dirk Rüffert v Land Niedersachsen* case is a prime example of the difficulties. Does Mr Park agree with me that the best way of overcoming those difficulties would be if Scotland had a seat at the top table in Europe and could argue such points there?

**John Park:** The best way to overcome such difficulties is to engage with the consultation process that I launched on 20 August and listen to the significant amount of legal opinion from outside Parliament that tells us that the living wage is achievable. We need the political will to make it happen, instead of leaving it in the hands of lawyers or to the question of where politicians have seats.

I will go into a bit more detail on that point because we need to touch on some important issues in the living wage debate. We should look at the political support that has been generated across the parties in the chamber, local government and Scotland more widely. Most

parties promoted the issue during the recent local government election campaign, and many members have referred to it today. I believe that the 550,000 who are working in the private sector below the living wage would like moves to be made through public procurement to ensure that a living wage is paid to them so that they receive the same level of benefit that we promote for people who are employed directly by the Scottish Government and local government. With the political will and the understanding of what the living wage is, I believe that we can achieve it.

The second part of my bill—and this is not John Park's programme for government—

**Bruce Crawford:** Will the member take an intervention?

**John Park:** Certainly.

**Bruce Crawford:** I appreciate the way in which John is going about this afternoon's debate. He is being very measured—

**The Deputy Presiding Officer:** I am sorry to interrupt, cabinet secretary, but could you put your card into the console?

**Bruce Crawford:** That might help. You would think I would know to do that by now, Presiding Officer.

As I was saying, I appreciate the way that you have approached the debate, Mr Park. I heard your response to Kevin about whether the issue comes under European law. However, in terms of the general economy, is it not your understanding that we could impose a requirement to pay the living wage on the private sector only using powers that are still at Westminster?

**The Deputy Presiding Officer:** I will give you an extra minute for the interventions, Mr Park.

**John Park:** Thank you, Presiding Officer.

We are talking about what we are trying to achieve here and now, and I give you exactly the same response that I gave to Kevin Stewart. I believe that there is support outside Parliament for what I am trying to achieve, which is why I have brought up the issue in a constructive fashion.

I launched my bill on 20 August, and on 22 August a Scottish procurement policy note was issued saying:

"The European Commission has clarified that public bodies cannot require contractors to pay their employees a living wage as a condition of participating in a tendering exercise".

In the spirit of moving on constructively, I would say that it was not very helpful to send that note to stakeholders. A back-bench member has opened a consultation process and I hope to be able to engage with Scottish Government on it and find a

way ahead. Alex Neil has written to ministers and I appreciate the fact that he has given me a copy of the response. Some European commissioners might take a different view, so the process is on-going.

The political will exists. We have achieved many things in the Scottish Parliament, and I hope that I will get the back-bench support that I need to take the bill forward and have a decent debate about the living wage in Scotland.

**The Deputy Presiding Officer:** Before we move on, I remind members to address one another by their full names and avoid using just first names, nicknames or any other form of address.

16:23

**Stuart McMillan (West Scotland) (SNP):** I welcome the programme of bills that the First Minister announced today. As a member of the Economy, Energy and Tourism Committee, I anticipate having quite a busy year with the better regulation bill and the procurement reform bill. Both bills can make a positive difference to the communities that we serve as parliamentarians.

In the past, I have questioned the Cabinet Secretary for Finance, Employment and Sustainable Growth on the community benefit clauses. I know other members have also raised that issue. Although they can be used at the moment, I would like to think that the procurement reform bill will enhance them. However, we have to strike a balance between aiding communities and the legal requirements of the European Union. I do not want competition to be removed, as that would be disastrous, but I believe that there can be an enhanced method of procurement that helps people to work and keep their jobs within their areas, but which also provides further training opportunities.

During the summer, I met many organisations throughout the west of Scotland, including a number of businesses, and I was struck by their commitment to the areas in which they are based and their determination to succeed despite the current tough economic conditions. Their hope and optimism for the future were abundant. They all said a similar thing—that times are tough but that we have been in recessions before and that we will come out stronger at the end. We must not let go of that powerful message. If we really want to see our communities throughout Scotland improve, we need to have a sharp focus on improving the economic opportunities for all.

My summer visits were interesting—fascinating at times—and inspiring. I have only one disappointing comment to mention. A public sector employee raised with me a concern regarding



community benefit clauses. The individual informed me that a senior official within their public body, when questioned on the use of such clauses, had apparently stated that they were illegal and could not be used. I have no proof that the allegation is true, but I have no reason to suggest that the employee was making it up. If the allegation is true, that organisation has been done a disservice by that senior official, as have those who are unemployed and looking for opportunities in the area. We can pass laws within the current limitations of this Parliament, but if they are not fully implemented on the ground there is a serious challenge ahead. I anticipate, however, that with the procurement reform bill such allegations can be consigned to the dustbin.

Regulation is an area that the business community wants to be improved at every level. I am sure that some businesses would like less regulation, but I know from my discussions this summer that an improved regulatory regime is something that will be closely examined and I am sure that common ground can be found between the business community and the Parliament when the better regulation bill is introduced.

In his speech a few moments ago, John Park talked about working to create further employment opportunities. That was a welcome contribution to the debate, but I hope that he will speak to his party leader about the matter. In her opening comments, she seemed to treat the better regulation bill with some disdain, but later on she called for more jobs. If we are going to have more jobs, we surely need businesses to create them, so I hope that John Park will speak to his party leader about that point.

Citizens Advice Scotland announced today that a record number of people are turning to charities to feed themselves and their families. I challenge every single MSP to stand up and be counted on the issue. Nobody in Scotland should be living with the indignity of having to resort to charities in order to eat. The reasons for people contacting the food banks are varied, but it comes as no surprise that the UK Government's welfare reforms are one of them. If our citizens are struggling now, what will the situation be like when many more UK cuts are inflicted in the coming years?

In a country as rich as Scotland, nobody should have to live with the perpetual fear of wondering where the next meal is to come from. These are real people. Real lives are being consigned to daily misery and dread, and I for one want no part of living in a society that allows that to continue. While we remain part of a union that allows the welfare state to adversely affect our citizens, however, that will continue. While we remain part of a union that ensures that the gap between the rich and the poor increases, that will continue.

While we remain part of the union, the choice of helping those who are less well off will always be a distant second to the replacement of the weapons of mass destruction on the Clyde.

I believe that, with independence, this Parliament will be better equipped to improve the lives of our citizens. Surely, as parliamentarians, we are here to make things better. We need the powers to tackle poverty in all its guises. Continuing with a union that is not fit for purpose is not the answer. It will not even begin to tackle the poverty that exists. Under the last Labour UK Government, when Gordon Brown was the Prime Minister, the gap between the rich and the poor increased. We know that the current Tory and Lib Dem coalition is out of touch—and no amount of deckchair shuffling today will improve that—but we also know that the Labour Government that was in power at Westminster last time round could not be trusted to deliver for the less well-off.

Only independence can deliver for Scotland and the people. I warmly welcome today's announcement of the referendum bill and I will campaign for a yes vote for a better Scotland. The programme that the First Minister announced today is ambitious for Scotland and I welcome the positive vision for the people of Scotland.

16:30

**Patrick Harvie (Glasgow) (Green):** I thank the Government for the advance copy of today's statement.

The Government might continue to claim to have a clear focus on economic recovery as its central agenda, but I will continue to highlight the risk of that agenda being simply one of repeating mistakes. I still have no clear sense of what "recovery" means to the Government, beyond refloating a failed economic model that collapsed a few years ago and which will fail us again if we try to repeat it. The Government is clearly committed to, and is making progress on, the reindustrialisation and renewables agendas, but still seems to be quite comfortable with that industry remaining overwhelmingly in the hands of big business, and with passing up the opportunity to keep a share of it in community or public ownership. Moreover, if economic recovery is to mean anything, it must come with political recovery, the democratic accountability of our whole economy—not just the public sector—and an end to free-market domination.

Economic recovery certainly means having a low-carbon economy, but I am sad to say that the climate change section of the programme for government contains no recognition of the fact that the Government has just missed and failed to meet its first-ever climate change target, and that it

needs to do much better if we are to make up that lost ground in years to come.

**Claudia Beamish:** Does Patrick Harvie agree that if the Scottish Government is to meet its emissions targets by 2020 it will have to improve in housing and in transport, on which—in particular the latter—the programme for government says very little that is new?

**Patrick Harvie:** Absolutely. I have been as vocal in my criticism of the current Government's transport policies as I was in my criticism of its predecessor Labour-Liberal Administration, which pursued much the same agenda.

Although some of the issues require more powers in order to address them, many of them can be worked on right now. The procurement bill, for example, has been mentioned and John Park is quite right to say that we should be challenging—not accepting—the status quo of EU rules. We should be seeking from procurement not just value for money, but value to society, and we should be making economic justice arguments for, say, the living wage, maximum wage ratios and tax justice commitments, and placing barriers on companies that use tax loopholes and exploit tax havens and still expect to win public sector contracts.

We should be looking at localism to ensure that public sector money—taxpayers' money—continues to circulate in the local economy and we should also be considering sustainability and ethics to ensure that we take into account companies' track records in dealing with regimes that have abysmal human rights records. Of course, we might not be able to be absolute on those issues, but we must push at the very limits of EU procurement law if there is the slightest chance of getting the momentum to change it. It remains to be seen whether the Government has the will to do such things.

I would be concerned if, as one counter-indication, the better regulation bill simply became a deregulation bill at the behest of big business that is looking to safeguard its own interests. Bus services are one area where better regulation would very clearly mean stronger, not weaker, regulation. I could name other examples.

Those and other questions are about the kind of Scotland that we want to build. Another example that has been highlighted and which deals with a similar question is the same-sex marriage bill; I certainly add my voice to those of Johann Lamont, Willie Rennie and others in welcoming the bill and wishing Nicola Sturgeon well. I believe in her commitment to a bill that I welcome very strongly.

Ruth Davidson said that she looked forward to an open and respectful debate when we come to the bill's scrutiny. Well, that would be a nice

change, wouldn't it? Sometimes we do not quite manage to achieve that tone of voice in our debates, so it would be a positive move if we could do so on this issue. Whether one comes to the bill from the point of view of lesbian, gay, bisexual and transgender equality and giving same-sex relationships the same equal rights, dignity and status as mixed-sex relationships, or whether one comes to it from the point of view of religious freedom, I believe that one must reach the same conclusion. Religious freedom does not exist in Scotland on this question; if we wish to extend such freedom, we must add our support to the bill.

We should go further. I do not understand why the cabinet secretary has said that mixed-sex civil partnerships will not be supported. If same-sex couples are to have the right to choose whether to cohabit, to enter into a civil partnership or to marry, why should mixed-sex couples not have that same choice? Such questions are questions about the kind of country that we want to build.

That brings me to our constitutional future and to what will perhaps be the most important period of debate in modern Scottish political history. I have said it before and I will say it again: both sides need to bring a positive vision to the debate. If those of us who seek a yes vote in the referendum can articulate a compelling and transformational vision, we have a chance of convincing the so-far-unconvinced, but there must be room for substantive debate—on tax, welfare, defence, a written constitution, human rights, robust parliamentary scrutiny and even an elected head of state. I have no interest in being told that those are matters that will be debated after the referendum. I have heard that too often. They must be debated during and with the referendum, if we are to have a chance of persuading people to support that compelling and transformational vision of Scotland's future.

16:36

**Annabelle Ewing (Mid Scotland and Fife) (SNP):** I am very pleased to have been called to speak in this important debate on the Scottish Government's legislative programme for 2012-13. As we have heard, it is an ambitious programme from an SNP Government that is ambitious for the people of our country. The 15 bills that have been announced today will make a real difference to improving people's lives, and it is to be hoped that all members will seek to work constructively together to ensure that those important measures are properly scrutinised so that they can pass into law.

Before I focus my remarks on certain aspects of the legislative programme, it will come as no surprise to members to hear that I would like to say a few words about the proposed referendum

bill. It is a historic day for Scotland on which we are discussing, in our Parliament in Edinburgh, the introduction of a bill for a referendum on the independence of our country. What a privilege it is for me to be here as a member of the Scottish Parliament, and what a testament it is to the life's work of my mother, Winnie Ewing and, indeed, of my late father, Stewart Ewing, and of all the many Scots who have tilled the soil over the long years, that we have reached this important stage in Scotland's journey. Only by having the normal powers of an independent country can Scotland move forward and prosper, and only by having those powers will we see real social justice in our country.

Speaking of social justice, how can it be that Labour Party members prefer Tory rule to home rule when it comes to our welfare system? How can they possibly conclude that we are "Better together"—I quote from their campaign briefing—with the Tories, whose welfare cuts will hit the most vulnerable members of our society? Keir Hardie must be birling in his grave.

**Jackie Baillie (Dumbarton) (Lab):** I thank Annabelle Ewing for allowing me to intervene. Would she care to confirm to the chamber that all that she is doing in the Welfare Reform Committee is passing on those Tory cuts to the people of Scotland?

**Annabelle Ewing:** What can I say to that, other than that Keir Hardie must still be birling in his grave?

In looking to the next few years and what we can do for families with the limited powers that we currently have, I would like to focus on the proposed children and young people bill. As has been mentioned, it is intended to help to ensure that every child in Scotland can achieve their full potential. That is an overarching objective of this SNP Government, and it reflects its ambition to make Scotland the best place in the world for a child to grow up in. It appears that the focus is being placed on the early years and preventative spend. It has been widely recognised by the Christie commission and in reports such as "Joining the Dots", by the former Labour minister Susan Deacon, that preventative spend on the early years is pivotal in improving the lives of our citizens in the years to come and in getting the best value for the public purse.

As we have heard, the focus on early intervention and preventative spend is to be achieved by a number of provisions. A key element is the proposed increase in the amount of free nursery education from 475 hours to a minimum of 600 hours for three and four-year-olds, as well as for looked-after two-year-olds. That will build on the work that the SNP Government embarked upon when it increased

free nursery provision by 20 per cent in the previous parliamentary session, which was widely welcomed, as it benefited some 100,000 children.

It is clear that by enshrining the new enhanced package of free nursery care in legislation, we will be able to deliver lasting change and provide some flexibility in how nursery care can be delivered. I am confident that the Scottish Government's plans for the best free nursery package in the UK will be seen as a good thing by families across Scotland, even if this afternoon some Opposition members have displayed their usual negativity.

I also understand that the bill will include provisions to enhance children's rights and will provide a clear statutory framework for the organisation and delivery of services that are provided to children and young people, including—of course—vulnerable children. In that respect, it is important to recognise the significant efforts and sterling hard work of all those who have been involved in provision of services to children over the years. As they will know, there have been many changes, and it will surely be helpful to them to have those changes codified on a consistent statutory basis, and to have the child's interests put on a statutory footing at the very heart of the process.

I look forward to the debate on that bill and, indeed, on all the other bills as they come before Parliament. We in the SNP are determined to improve the lives of all our citizens and to transform our country. This legislative programme is another building block to that end, and I look forward with enthusiasm and vigour to the parliamentary year ahead.

**The Deputy Presiding Officer:** I call Hugh Henry, who has a generous six minutes.

16:42

**Hugh Henry (Renfrewshire South) (Lab):** I associate myself with Stuart McMillan's comments and the passion that he articulated about not wanting to be part of a society in which people are going hungry and poverty is increasing. It is right that Stuart McMillan places issues such as that at the forefront, but he tried to suggest that somehow those problems are all to do with Westminster and that the problems of increasing poverty were evident under a Labour Government at Westminster. However, when we look at that Labour Government's record on tackling child poverty, we can see real success. If we contrast that with what has been happening in Scotland since 2007 under the Administration with which Stuart McMillan wishes to associate himself, we see that child poverty is increasing.

**John Mason:** Will the member give way?

**Hugh Henry:** No, thank you. Let me make some progress.

We need to get some kind of balance. We also need to recognise that if we are willing to talk about tackling inequality, injustice and unfairness, we need to question some of the things that have been done since 2007.

**Stuart McMillan:** Will the member take an intervention?

**Hugh Henry:** I will not just now, thanks.

Is it right that people like the First Minister and me continue to benefit from the policies of this Scottish Government, while more children in the communities that Stuart McMillan and I represent are driven into poverty? Is it right that the better off in society are continuing to flourish under this Scottish Government, while the poor, the dispossessed and the marginalised are suffering? Those questions need to be addressed.

**Jamie Hepburn (Cumbernauld and Kilsyth) (SNP):** Will the member give way?

**Hugh Henry:** No, thank you.

John Mason said what many SNP members articulated this afternoon—that, for them, the issue that is most important is the constitution.

“The constitution is central to what we do”,

John Mason said. That is the difference between SNP speakers and members on the Labour benches. The constitution is not central to what we do; tackling poverty and injustice is central to what we do.

**Stuart McMillan:** Will the member give way?

**Hugh Henry:** No, thank you.

It is interesting to note the flexibility of language and interpretation in “Working for Scotland: The Government’s Programme for Scotland 2012-2013”. For example, on page 72 we are told that

“the Scottish Government has exceeded the agreed target number of teachers in Scotland’s schools.”

The Scottish Government set a target in 2007 for the number of teachers in Scotland’s schools. It said that it would match the numbers that the Labour-Liberal Democrat Administration had delivered. However, that was a mere expedient, which was abandoned when it suited the Scottish Government. Now we have something like 3,000 fewer teachers in Scotland’s schools than we had under the previous Administration. The Scottish Government’s targets are flexible and its words are often hollow.

The Government goes on to say in its document that

“Scotland now has the lowest level of teacher unemployment in the UK—with the rate now lower in 2012 than in each of the last three years.”

Each of the past three years was a year of SNP Administration. The Government is boasting that it is doing better than it did in the previous three years.

The First Minister mentioned Angela Constance’s dedicated post, but unemployment among women aged 18 to 24 went up by 30 per cent in Scotland between March 2011 and March 2012. The number of women in that age group who have been receiving jobseekers allowance for 12 months or more has gone up by 335 per cent since June 2011. That is the reality with which the SNP Government is associating itself.

The Scottish Government talks about opportunities for all, but it cuts college budgets.

**Sandra White (Glasgow Kelvin) (SNP):** Will the member give way?

**Hugh Henry:** No, thank you.

**Michael Russell:** Will the member give way?

**Hugh Henry:** No, thank you.

The Government boasts about modern apprenticeships, but it is counting people who are already in work.

**Michael Russell:** Will the member give way on that point?

**Hugh Henry:** No, thank you.

Why has it taken five years to bring forward proposals to extend the number of hours of early years support? There is no mention of access to teachers in the document. When will teachers be included in discussions about pre-school education?

**Michael Russell:** Will the member take an intervention—

**Hugh Henry:** The cabinet secretary can answer the question in his speech tomorrow. There is no clear role for teachers in pre-school education and SNP ministers need to clarify the situation.

The First Minister has said that it is right to concentrate on the early years and to take preventative action. I agree. However, if we want to do that, we need to do something about vulnerable two-year-olds. Experienced social workers recently told me that often, in vulnerable families, the damage has been done by the time a child is five.

We are being told that the Government is offering the best package that exists anywhere in these islands, but in England 15 hours of free childcare per week will be provided for disadvantaged two-year-olds by 2014. The policy

is being introduced gradually: the first phase will reach 150,000 two-year-olds by 2013, and some 260,000 two-year-olds will be reached by 2014. In Scotland, according to a rough estimate from social work figures, just under 400 vulnerable two-year-olds will benefit. If we are serious about getting in early and tackling problems, we need to do something about vulnerable two-year-olds. We need to acknowledge that it is not just about looked-after children. There are many vulnerable children in Scotland's towns and villages who are not formally looked after but who are at risk.

**Michael Russell:** Will the member give way?

**The Deputy Presiding Officer:** The member is finishing.

**Hugh Henry:** Time after time, we hear warm words, glib statements and empty promises, but the SNP Government has the power, the ability and the opportunity to start doing something about vulnerable children.

16:49

**The Cabinet Secretary for Infrastructure and Capital Investment (Alex Neil):** When people get up to make a public speech, they very often start by saying, "That's a hard act to follow." I can honestly say that Hugh Henry's speech does not come into that category. Although he no doubt regards it as a cheery and participative effort, I do not think that the rest of us could do so.

To be fair, although we are only halfway through the debate—the other half will be tomorrow—very good speeches have been made across the chamber. John Park's and Margaret McCulloch's speeches, for example, were very thoughtful, and those by Annabelle Ewing, Chic Brodie, Stuart McMillan and other members were equally good. However, one of the worst speeches was made by the leader of the Labour Party, Johann Lamont. I have never heard a speech made by a leader of any party in the chamber that was as full of factual inaccuracies as hers. Indeed, it was so full of factual inaccuracies that it became very clear that Richard Baker had done the research for it. That in itself was depressing enough, but it was obvious when we heard from Ruth Davidson and Willie Rennie that he had done the research for their speeches as well.

This is a very serious debate about the future of Scotland. Basically we are debating two underlying issues, the first of which is the best way to deal with the economic challenges that our nation and other nations face. Do we want to follow the UK Tory-Liberal example and go down the road of austerity, or do we want to follow Barack Obama and the US and go down the road of growth? The difference is that the US has had quarter after quarter of growth in output and jobs

and reductions in unemployment. It still faces major challenges, but it has not had the double-dip recession this year that we have had, with the possibility of a triple-dip recession.

**Murdo Fraser (Mid Scotland and Fife) (Con):** Will the minister give way?

**Alex Neil:** I will in a minute, as I am sure that Murdo Fraser will make a better contribution to the debate than his leader did.

**Michael Russell:** That will not be hard.

**Alex Neil:** It will not be.

The second underlying issue is the future of Scotland. Should we continue as a devolved Scotland with limited power or as an independent country?

I will bring in Murdo Fraser, who is, I think, privately very close to independence.

**Murdo Fraser:** No sooner did Mr Neil get to his feet than the witch finders arrived in the gallery.

Does Mr Neil accept that Mr Obama does not have the euro zone to contend with as his largest market? Perhaps if he did, he would find economic growth harder to come by.

**Alex Neil:** Actually, Mr Obama does have the euro zone to contend with, as it is one of the largest markets for the US. I am sorry, but Murdo Fraser is as factually incorrect as his leader was in most of her contribution.

The two issues are fundamentally linked, because what we want as a Government and as a nation is the ability for us to choose. If the Parliament, the Government or indeed a Government led by Ms Lamont had the power, I am absolutely sure that it would not want to follow the austerity policies of the UK Tory and Liberal Government. We would want to follow a policy of growth and investment for very good reasons.

During the summer, I read about a speech that Gordon Brown had made in which he defended the union and attacked even fiscal autonomy, let alone independence. He referred to the United Kingdom as one of the most successful unions in history. What is successful about a double-dip recession throughout the United Kingdom, never mind just in Scotland? What is successful about a high level of unemployment? What is successful about dire levels of poverty and child poverty? What is successful about spending many billions of pounds on nuclear weapons when so many of our people need that money to be spent on public services and basic human conditions?

The fact is that, even with the very limited powers that we have, we have demonstrated, by making the maximum use of those powers, that we can make a difference to the Scottish

economy. That is why the level of employment in Scotland is higher than it is south of the border. It is why, generally, our unemployment is lower than it is south of the border, although it is still too high. It is why, despite the 30 per cent real-terms cut in the capital budget from London, we will be able to use our innovative approach—which involves the Scottish Futures Trust, the non-profit-distributing model programme and the reallocation of resources from the current budget to the capital budget—to either directly or indirectly leverage a total of nearly £12 billion in capital investment in Scotland over the next three or four years. Had matters been left to the previous Administration—or to London, with no Scottish Parliament—the level of capital investment would have been around £2.5 million a year over the next three years, which is a substantially smaller figure.

Ruth Davidson clearly knows nothing about housing or housing expenditure. We have used our resources in housing to maximise investment. The figure that matters is the total investment in housing. For every £7 that the previous Administration put in, it got £3 from elsewhere. We have reversed that. For every £3 that we put in, we get £7 from elsewhere—either the private sector, local authorities or other organisations. That is the difference. We are ensuring not only that we are building a record number of houses, but that we are using the money that is available to us wisely. That is why this year, next year and every year in this session of Parliament, we will complete more than 6,000 social houses—a record that is far better than the previous Administration's average of under 5,000.

Hugh Henry said that the constitution does not matter. In that case, why were Labour members devolutionists? Donald Dewar used to argue for a Parliament so that there could be Scottish solutions to Scottish problems in the health service, education, transport and social work. If the argument applies to all those areas of policy, it is surely even more important to have Scottish solutions to Scottish problems in the economy, taxation, welfare and the range of responsibilities that are reserved to Westminster.

The reality is that, if the people of Scotland vote yes, they face a prosperous future. If they vote no, those under 25 will lose their housing benefit and child poverty will go through the roof. The loud and clear message is that, if we want Scotland to have a decent future and we want our people and our children to be able to live and work in their own country, yes is the only way to vote in 2014.

**The Deputy Presiding Officer:** The debate on the Scottish Government's programme will continue tomorrow afternoon.

## Business Motion

16:59

**The Deputy Presiding Officer (Elaine Smith):**

The next item of business is consideration of business motion S4M-03926, in the name of Bruce Crawford, on behalf of the Parliamentary Bureau, setting out an extension to a stage 1 deadline.

*Motion moved,*

That the Parliament agrees that the deadline for consideration of the Social Care (Self-directed Support) (Scotland) Bill at Stage 1 be extended to 21 September 2012.—[Bruce Crawford.]

*Motion agreed to.*

## Parliamentary Bureau Motions

17:00

**The Deputy Presiding Officer (Elaine Smith):**

The next item of business is consideration of five Parliamentary Bureau motions. I ask Bruce Crawford to move motion S4M-03927, on committee membership; motion S4M-03928, on substitution on a committee; motion S4M-03929, on the designation of a lead committee; motion S4M-03930, on the office of the clerk; and motion S4M-03931, on parliamentary recess dates.

*Motions moved,*

That the Parliament agrees that—

George Adam be appointed to replace Sandra White as a member of the Health and Sport Committee;

Sandra White be appointed to replace George Adam as a member of the Public Audit Committee.

That the Parliament agrees that—

Colin Beattie be appointed to replace George Adam as the Scottish National Party substitute on the Education and Culture Committee;

Bob Doris to replace Sandra White as the Scottish National Party substitute on the Infrastructure and Capital Investment Committee.

That the Parliament agrees that the Infrastructure and Capital Investment Committee be designated as the lead committee in consideration of the Water Resources (Scotland) Bill at Stage 1.

That the Parliament agrees that between 6 January 2013 and 31 January 2014, the Office of the Clerk will be open on all days except: Saturdays and Sundays, 29 March and 1 April 2013, 6 May 2013, 24 May and 27 May 2013, St Andrew's Day (29 November 2013), 24 December (pm), 25 and 26 December 2013, 1 and 2 January 2014.

That the Parliament agrees the following parliamentary recess dates under Rule 2.3.1: 9 to 17 February 2013 (inclusive), 30 March to 14 April 2013 (inclusive), 29 June to 1 September 2013 (inclusive), 12 to 27 October 2013 (inclusive), 21 December 2013 to 5 January 2014 (inclusive).—[Bruce Crawford.]

**The Deputy Presiding Officer:** The question on the motions will be put at decision time.

## Presiding Officer's Ruling

17:01

**The Deputy Presiding Officer (Elaine Smith):**

Earlier today, Neil Findlay MSP raised a point of order regarding the alleged use of a social networking site by the First Minister during the debate on the Scottish Government's programme.

The Presiding Officer wrote to all MSPs in March reminding them about the use of electronic media in the chamber. The letter stated that the Presiding Officer did not consider that the use of electronic devices for purposes such as social networking sites was compatible with the requirements on conduct in the chamber. Having investigated this particular matter, I can inform the chamber that the First Minister has confirmed that the relevant tweets were sent on behalf of the First Minister from this account. [Interruption.] Order. Details of how the account is managed can be found on the First Minister's networking site.

**Hugh Henry (Renfrewshire South) (Lab):** Do not believe a word that he says.

**The Deputy Presiding Officer:** Mr Henry, we are moving on to decision time.

**Sandra White (Glasgow Kelvin) (SNP):** On a point of order, Presiding Officer. During the exchange with Neil Findlay regarding the First Minister and the tweeting or whatever it may be, the question was also asked how Neil Findlay could find out about it. While the First Minister was not using a device in the chamber, Neil Findlay was. So, is there not an order against him?

**The Deputy Presiding Officer:** That is not a point of order.

## Decision Time

17:02

**The Deputy Presiding Officer (Elaine Smith):** There are five questions to be put as a result of today's business. The first question is, that motion S4M-03927, in the name of Bruce Crawford, on committee membership, be agreed to.

*Motion agreed to,*

That the Parliament agrees that—

George Adam be appointed to replace Sandra White as a member of the Health and Sport Committee;

Sandra White be appointed to replace George Adam as a member of the Public Audit Committee.

**The Deputy Presiding Officer:** The next question is, that motion S4M-03928, in the name of Bruce Crawford, on substitution on a committee, be agreed to.

*Motion agreed to,*

That the Parliament agrees that—

Colin Beattie be appointed to replace George Adam as the Scottish National Party substitute on the Education and Culture Committee;

Bob Doris to replace Sandra White as the Scottish National Party substitute on the Infrastructure and Capital Investment Committee.

**The Deputy Presiding Officer:** The next question is, that motion S4M-03929, in the name of Bruce Crawford, on designation of a lead committee, be agreed to.

*Motion agreed to,*

That the Parliament agrees that the Infrastructure and Capital Investment Committee be designated as the lead committee in consideration of the Water Resources (Scotland) Bill at Stage 1.

**The Deputy Presiding Officer:** The next question is, that motion S4M-03930, in the name of Bruce Crawford, on the office of the clerk, be agreed to.

*Motion agreed to,*

That the Parliament agrees that between 6 January 2013 and 31 January 2014, the Office of the Clerk will be open on all days except: Saturdays and Sundays, 29 March and 1 April 2013, 6 May 2013, 24 May and 27 May 2013, St Andrew's Day (29 November 2013), 24 December (pm), 25 and 26 December 2013, 1 and 2 January 2014.

**The Deputy Presiding Officer:** The next question is, that motion S4M-03931, in the name of Bruce Crawford, on parliamentary recess dates, be agreed to.

*Motion agreed to,*

That the Parliament agrees the following parliamentary recess dates under Rule 2.3.1: 9 to 17 February 2013 (inclusive), 30 March to 14 April 2013 (inclusive), 29 June

to 1 September 2013 (inclusive), 12 to 27 October 2013 (inclusive), 21 December 2013 to 5 January 2014 (inclusive).

**The Deputy Presiding Officer:** That concludes decision time. The next item of business is a members' business debate. I ask members who are leaving the chamber to do so quietly. I will give a short interval for members to change seats.



## Renfrewshire Witch Hunt 1697

### **The Deputy Presiding Officer (John Scott):**

The final item of business today is a members' business debate on motion S4M-03284, in the name of George Adam, on Renfrewshire witch hunt 1697—shining the light for community-based events. The debate will be concluded without any questions being put.

### *Motion debated,*

That the Parliament congratulates the Paisley Development Trust and everyone involved with the event, Renfrewshire Witch Hunt 1697; notes that the event took place across Paisley town centre on 9 June 2012 and included storytelling and numerous re-enactments; praises all of the volunteers who gave up time to make what it considers to have been a great and successful day; thanks especially the 250 people who donned historical garments to make the re-enactments as authentic as possible and the estimated 1,000 people from Paisley and Renfrewshire who came out in force to support the day; considers that community-led events such as the Renfrewshire Witch Hunt 1697 are a great way to engage communities, bring people to towns, spark interest in local history and culture and, more generally, provide locally based and produced entertainment and enjoyment for towns as a whole, and believes that more events like this in cities, towns and villages across Scotland would be of great benefit to local communities and would highlight the talent and imagination of so many throughout the land.

17:05

**George Adam (Paisley) (SNP):** Members might not be aware that we have some visitors in the public gallery who are slightly different from the normal visitors. Rest assured that although Dr Who might be back on the television, he did not drop off our visitors tonight. Steven Moffat, who writes that show, is from Paisley, but our visitors are not to do with him; they are involved with Paisley Development Trust's Renfrewshire witch hunt 1697 project.

The project was unusual for me, because it dealt with cultural planning, which was a new issue for me and something that I was fairly cynical about. Everyone in Paisley hears the story of the witches in 1697 but, until this year, very few of us would have been able to give the full story and say what actually happened and when. My father told me that the final resting place of the witches was at Maxwellton Cross in Paisley. A horseshoe was put in the middle of the road, which we were always told was where the witches were buried. As a child, that captures the imagination. To this day, when children are told the story, they want to know more. However, my father was a story teller so, as I became an adult, I started to doubt many of the things that he said. In fact, we had a similar relationship to the one in the book "Big Fish" by Daniel Wallace, which is about a father and son as they get older. When we

watched the movie version of that, the two of us grat all the way through it, but that is another thing entirely—west of Scotland men bubbling, as usual.

When I found out that the story of the witches was true and learned about it, I could see the benefits of cultural planning and how we could use the story as a lever to develop our economy locally in Paisley. There are similar stories throughout Scotland that members will no doubt tell us about and that can be used in a similar way.

The festival was a new one for Paisley, with 1,000 people attending on the day. It was a fantastic event and we were lucky with the weather. There were almost as many people as were at another famous Paisley event, sma shot day, which has been going for a long time. Liz Gardiner of Fablevision Studios always talks about community planning and how we can use community-led projects to regenerate our town. That is the thing that really got me as the project moved forward. Initially, I was supportive and said that I would help, although I was slightly cynical, but then I saw what happened when the actors got together and started the road show. They went to museums in Paisley and to Renfrewshire schools.

Claire Cassidy, a young teacher from Renfrewshire, has made a pack as a teaching aid for Renfrewshire Council education department. That will be used as part of the curriculum for excellence for primary and secondary school children. The pack goes into the story in great detail. Christian Shaw was an 11-year-old young woman who accused people of witchcraft. The children are asked to think about whether she had a mental health condition or was actually possessed, which gives them a chance to debate the whole history and the ideas. For young people in particular, that lights their imagination and makes them want to learn more about what happened in their area.

The project can also lead to cultural tourism. The 1697 events happened five years after the events in Salem in America, which are a lot more famous than the events in Paisley. Salem has a whole tourism strategy based around the events there. My family on my paternal side have been in Paisley since at least 1759—that is when records began, so they might have been there during that witch hunt period. We have opportunities throughout Scotland to get people to come home to seek out their past—that is cultural tourism. The Cabinet Secretary for Culture and External Affairs has talked about that a lot in the past year or so.

The cast are in the public gallery, so I hope to do the story some justice. In 1697 a young girl, Christian Shaw, the daughter of the laird of Bargarran, complained about being tormented by a number of local witches. On 17 August 1696 she caught Catherine Campbell, one of the family's

servants, stealing some milk. When Christian reported the theft to her mother, Catherine Campbell wished the devil to take her soul to hell—I think that what she says is even more brutal than that when it is done in old Scots, but I will not do that. The actors in the public gallery would probably do it a lot better, and once they get the funding for next year members will be able to see the story in its entirety if they come to Paisley on about the 9 or 10 June next year.

The story went on and over the weeks, as things progressed, the family believed that Christian Shaw was possessed. They took her to a doctor in Glasgow, who said that nothing could be done. The whole presbytery arrived in Paisley and decided that it was witchcraft. It is worth bearing it in mind that the events took place in 1697, so only 10 years before the act of union we were killing people for being witches. Maybe we were not in a good frame of mind to go for the act of union in 1707.

Seven people—Margaret Lang, John Lindsay, James Lindsay, John Reid, Catherine Campbell, Margaret Fulton and Agnes Naismith—were found guilty of having bewitched Shaw and were condemned to death. One subsequently committed suicide by hanging himself in his prison cell, while the other six were hanged and then burned on the Gallow Green in Paisley on 10 June 1697. It was the last mass execution for witchcraft in western Europe.

It was great to watch the story unfold as the actors showed us what happened. They did such a great job that although young people initially looked on the re-enactment as a pantomime and shouted “Burn the witches, burn the witches!”, when the court scene was re-enacted outside Paisley abbey children shouted words such as “Mercy, mercy.” They became involved in the story because it was local to them and they understood it. It was a fantastic achievement on the part of every actor who took part on the day. Such re-enactments are something that we could do in a greater way in Paisley and in other places in Scotland. We have so many stories to tell and such events enable our young people to become involved in and proud of their local heritage. It is about not only Scotland’s heritage, but local heritage.

The project has created another great festival for Paisley. Community planning is a fantastic lever and provides an opportunity for us to regenerate towns throughout Scotland. As I say, Scotland has many stories to tell. Such stories can lead to tourism opportunities and to educational opportunities for our young people. They give us the chance to embrace our past—the good and the bad.

17:13

**Neil Bibby (West Scotland) (Lab):** I thank George Adam for securing the debate. On the Labour side of the chamber, Mary Fee, Hugh Henry and I were keen to support the motion. It is important that we take the time to recognise not only the success of local events but their significance to the community and the dedication and hard work of those involved in their organisation and delivery.

A number of excellent events were held in Renfrewshire over the summer. The Renfrewshire witch hunt was the newest and most innovative event on the Renfrewshire events calendar. As has been said, the Renfrewshire witch hunt event in June was a huge success. An estimated 1,000 people came out to support it and a number of volunteers gave up their time to help re-enact an event of historical significance in Paisley’s history and to educate people about what is perhaps one of the darkest chapters in our local history.

It is also important to note that the event on 9 June did not stand alone but was a culmination of a near year-long series of works by the Paisley Development Trust, which was formed to take forward community renewal through the arts and culture.

Paisley town centre has undoubtedly benefited from most of the trust’s projects to date and I am sure that that will be welcomed across the chamber.

One of the most interesting parts of the witch hunt project was the inclusion of a school pack and a touring exhibition, which George Adam mentioned. As well as events and activities, such initiatives are equally important to local engagement and generating interest in local history.

I congratulate everyone at Paisley Development Trust on their work on the project and on the wider work that they continue to do to benefit Paisley. I was pleased to hear that everyone who attended the feedback session following the Renfrewshire witch hunt event agreed that a re-enactment should take place annually, and I look forward to attending the event in the years to come.

Of course, we must not forget the financial contributions that have been made by individuals and organisations, including the heritage lottery fund and Renfrewshire Council, which make such projects possible.

Community events have a wide range of positive effects. They bring local people together, provide entertainment and activities and often generate a small boost to the local economy. With that in mind, I was pleased to see a range of upcoming events on the Renfrewshire Council

website, which lists events in a wide range of categories, from community events to comedy, books and business events. I was particularly pleased to see that a section is dedicated to events that are aimed at young people.

All levels of government have a role to play in encouraging and supporting community-led events. I hope that a number of events in the future will prove to be just as successful as the Renfrewshire witch hunt.

I thank Paisley Development Trust, all the volunteers who are here and the volunteers who are not here for contributing to a fantastic family day out. I look forward to more successful community-led events in Paisley and across Renfrewshire.

17:16

**Graeme Dey (Angus South) (SNP):** I congratulate George Adam on lodging the motion, although it is disappointing that he did not take his lead from the visitors in the gallery and turn up in costume. It certainly sounds as if the Renfrewshire witch hunt 1697 event was an experience that was well worth having.

However, I say to my colleague George Adam that such memorable and attention-grabbing historical re-enactments are not confined to Paisley or Renfrewshire. We in Angus have a tradition that stretches back to 1947 of re-enacting another famous moment in Scottish history. Arbroath Abbey Pageant Society, which became Arbroath Abbey Timethemes five years ago, was formed in 1947 to commemorate the signing of the Declaration of Arbroath. The big date in the organisation's calendar is, of course, 6 April, when a re-enactment is staged just outside the abbey. I have attended a couple of the re-enactments and have even had my picture taken with Robert the Bruce. I do not normally seek such mementos; the only other famous person with whom I have had my picture taken—which I treasure—is Bruce Foxton. Some in the chamber will be asking, "Bruce who?", but I know that, with her impeccable taste in music, the cabinet secretary will concur that such a photograph is worthy of being treasured.

There is something particularly special about the re-enactment of the signing of the declaration when it occurs at the abbey, but Timethemes is also active throughout the year and throughout the area in bringing to life the events of 1320. Participants regularly attend various houses and castles across Angus and the Mearns. Earlier this year, they were asked to stage a re-enactment in front of Glamis castle, at the gathering to celebrate the Queen's diamond jubilee.

Public engagement by Timethemes goes beyond that. It takes the declaration's signing and its significance into schools across the county. Participants attend in full costume with a range of items to help to explain what life was like in medieval Scotland. Pupils are allowed to dress up and the roles of each character involved—of barons, knights, monks and so on—are explored, along with the food, living conditions and farming of the day. The children stage a declaration signing of their own. Through their engagement with Timethemes, a number of schools have produced artwork that relates to the signing of the declaration, and some of those items are on show at Arbroath railway station.

Timethemes is a strictly non-political organisation that performs a fantastic service in bringing to life a hugely significant moment in Scotland's history. I know that Timethemes is delighted that Historic Scotland has offered it the chance to help to add to the visitor experience at Arbroath abbey. Historic Scotland has advised members of Timethemes that they are welcome to attend the abbey in costume at any time to assist in getting across the story of the declaration to visitors.

I very much welcome the opportunity that the motion has provided to highlight the work of volunteers such as those from Timethemes, and those who were involved in the Renfrewshire witch hunt 1697 event, in raising awareness of significant moments in the country's history and making them seem that bit more real. I confess that, until the debate, I was largely unaware of the case of the Bargarran witches, its parallels with events in Salem four years earlier and the fact that Paisley staged the last mass execution for witchcraft in western Europe. I wish I had been able to attend the re-enactment, if only to see how they were able to stage the scenes in which Christian Shaw is said to have pulled straw, coal, gravel, chicken feathers and cinders from her mouth.

I congratulate the people behind local re-enactments such as those in Paisley and Angus, and I support the closing lines of the motion, which encourage other towns, cities and villages throughout Scotland to follow their lead.

17:20

**Annabel Goldie (West Scotland) (Con):** I, too, thank George Adam for securing the debate. His motion eloquently celebrates an event that is of great historic significance to Paisley, and it highlights the wider benefits of such occasions to all communities. I observe, in relation to our visitors in the gallery, that proceedings in Parliament can be very unpredictable. Who knows what might unfold during the debate?

When I was a small child, my parents regularly pointed out to me the circle in the Paisley street where the charred remains of the last perpetrators of witchcraft were buried, and that became part of my local folklore. As both George Adam and Graeme Dey have said, the unfortunate individuals had allegedly bewitched an 11-year-old Bargarran girl, Christian Shaw. Bargarran lies between my home village of Bishopton and the town of Erskine. She was supposedly a smart and lively girl. Well, we are all like that in my area—the people in the public gallery this evening are testament to that. She alleged that she had been cursed by the servant Catherine Campbell, as a consequence of which poor Christian took fits, saw strange visions, levitated and claimed that others were torturing her body. We have not seen any of that in this Parliament—at least, not yet.

As George Adam and Graeme Dey said, an unhappy fate awaited the perpetrators. One miscreant—James Reid—hung himself in his cell and the remaining six were strangled at the stake on the Gallow Green in Paisley, after which their bodies were burned on a blazing bonfire. Afterwards, their charred remains were buried at Maxwellton cross at a site that is marked by a horseshoe and the circle of cobbled stones to which I have referred.

All that is gruesome, ghastly and ghoulish but is, in its own way, a rich cultural legacy. What became of young Christian? She went on to become a successful businesswoman and manufacturer of thread. She and her mother became the founders of Renfrewshire's textiles industry.

On Saturday 9 June 2012, Paisley town centre returned to 1697 and every citizen of Renfrewshire was invited to dress in historical attire, come into town and join in the re-enactment of the event. The Renfrewshire witch hunt 1697, which was spearheaded by the Paisley Development Trust, involved schools, businesses and community groups. Our visitors in the gallery this evening are an impressive representation of the event.

I believe that such community-based events are vital to community spirit. They encourage pride in the local area and nurture relationships across all sectors of society. Whether it is the witch hunt in Paisley, the annual papingo shoot at Kilwinning Abbey, Bishopton gala day or a street party for the diamond jubilee, I congratulate everyone who is involved in such community activity and who demonstrates such community spirit. Far too often, we are told that community spirit is dead, but that is certainly not what I see. There are countless examples of it to be found in the west of Scotland, from the events in Paisley to community fairs, gala days, school fêtes and other charitable events.

There are also the volunteers who clean up beaches, villages or urban spaces or who just give of their time to help others. I have recently visited Age Concern in Largs, Engage Renfrewshire, the Renton Community Development Trust, Volunteer Centre East Dunbartonshire and the Hessilhead Wildlife Rescue Trust treatment centre—all of which are made possible by volunteers.

I congratulate and support the Paisley Development Trust and everyone who is involved with the Renfrewshire witch hunt 1697 event, including our visitors to the gallery this evening. I also congratulate all the people in our local communities who go that extra mile to support their local heritage and identity, to sustain their local culture and to foster community spirit so that their communities can flourish.

17:24

**Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP):** I congratulate George Adam on bringing the motion to the chamber. I turn to the witches of Galloway. I once went to a part of the River Cree where I lived and was told that three witches had been tied to stakes in the middle of the river, which is tidal. When the tide came in, if they drowned that proved that they were not witches and if they survived, they were witches. There you are: heads you lose, tails you lose. That was the story for witches.

Had I been living in the 17th century, I have no doubt that I would have qualified for the title “witch”. I live alone. I have a black cat, which has fangs, evil eyes and answers with a variety of yowls when I speak to it. He weaves in and out between my feet as I try to walk, squawking as he goes and responding to my comments. In the 17th century, I would have been wearing a long skirt, and the yowling cat seen weaving in and out between my legs under my long skirt would have been deemed to be the devil in feline form. Sometimes, appearances were all that it took to be condemned as a witch. However, I would probably also have been just as outspoken, which would not have helped.

I make a serious point, which was reflected towards the conclusion of George Adam's speech, when he talked about children going from seeing the re-enactment as a pantomime to realising that it had involved the demise of real people. Persecution, injustice and superstition are the dark and sombre side of parts of our history. Unfortunately, in some parts of the world, they persist—although the title “witch” is perhaps not given to the people who suffer a similar fate. I am sorry to end on such a serious note, because some people think that I still have witch-like qualities.

**The Deputy Presiding Officer:** That is for others to judge.

17:26

**The Cabinet Secretary for Culture and External Affairs (Fiona Hyslop):** I congratulate George Adam on securing the debate, and welcome our visitors. By highlighting the event in an interesting contribution, George Adam has brought to members' attention the vital role played by local communities in preserving our nation's rich history and the way in which those communities make our heritage come to life with entertaining and engaging activities.

Inevitably, as the case of the Bargarran witches sadly highlights, our nation's story has some dark periods. However, it is testimony to our local communities' desire to retain and own their part of the nation's story that events such as the Paisley witch trial re-enactments still grip the local and national psyche.

As we heard, as a result of a child's statement, seven Paisley residents were arrested, later found guilty under witchcraft legislation, sentenced to death, hanged and then burned on the Gallow Green in Paisley.

It is estimated that across Scotland, up to 4,000 innocent individuals were accused of witchcraft and killed between 1560 and 1707. Christine Grahame just spoke of the Galloway witches.

History may provide the facts and our national records may hold some of the accounts, but it is to communities that we look to maintain a living memory of our history. The passion that exists locally for local history, combined with the determination to keep alive the part that towns and communities played in Scotland's rich story, no matter how small, ensures that a living memory is retained. Annabel Goldie and Neil Bibby reflected that in their contributions.

This year, for example, Historic Scotland has appointed three tourism and community managers to cover properties in north, central and south regions. Their focus is to work with community groups, schools and colleges, external partners such as VisitScotland, destination management organisations and local tourism groups to build and develop business links and joint promotions and to help raise awareness of what Historic Scotland can contribute to a growing area of cultural tourism, which, as George Adam pointed out, also has an economic benefit.

The events that take place and the public programmes at sites of Historic Scotland's responsibility explore how we can link with other events and activities happening across the country. That is a positive step. Graeme Dey,

speaking about Arbroath, is another example of an MSP who is actively engaged with Historic Scotland in his area to try to maximise the cultural, heritage and economic impact to help his constituency.

A number of community-based events tell the story of places in Scotland. The Dirleton castle witch event tells to a family audience the story of the East Lothian witch trials of the 16th and 17th centuries. The event was attended by more than 400 people, although I suspect from George Adam's figures that they may have been outnumbered by those who attended the Paisley event.

Hallowe'en in Huntly at the end of October will be an innovative community-led event, organised by the arts agency Deveron Arts in collaboration with Historic Scotland, local schools and the wider community. There will be a masked pipe band lit by lanterns and a creepy ceilidh for all the family.

Following the success of "Macbeth" at St Andrews castle in April this year, the St Andrews university production company asked if it could perform it at Inchcolm abbey as part of the Edinburgh fringe festival, as Inchcolm is referred to in the play. "Macbeth" was last performed on the island in the 1980s. Historic Scotland officials worked in partnership with the university production team and collaborated with it to see this most famous of plays return to Inchcolm.

Elgin cathedral will enjoy a series of carol concerts this year as a result of the local youth band and local churches approaching Historic Scotland officials to request that the cathedral be made available to support their wishes.

As well as Historic Scotland, Creative Scotland also works tirelessly to engage communities in order to offer as diverse a range of cultural events as possible. Festivals are wonderful celebrations and Scotland truly is a festival nation. We have over 370 festivals this year alone—large and small, of all kinds, taking place year-round and across the length and breadth of the country. New festivals emerge each year and these, alongside existing events, are now all brought together in an extremely useful annual guide produced jointly by Creative Scotland and *The List*.

Scotland's festivals span a range of activities and different forms of entertainment including the visual, performance and literary arts; food, heritage, sport and multi-media events; and we should not forget the festival of politics, which has just finished in this very building. We also have the Imagine children's festival each May. A new festival of arts and ageing will be held for the first time this year, in different parts of Scotland. Twelve festivals are held annually in Shetland as well as festivals in Dumfries and Galloway, the

Western Isles and the Scottish Borders. As we have heard, community-based festivals play a very important role in the health, wellbeing and cohesion of our places.

Creative Scotland, our national agency for the arts and creative industries, has established its touring, festivals and arts programming investment stream, which develops opportunities for audiences to access the arts through new festivals, events and programmes. There are a number of opportunities and I encourage members to take them up on behalf of festivals in their constituencies.

Over the autumn and winter months, there will be different events and festivals including those based around Hallowe'en, the changing seasons or, as we have heard, local historical events such as Viking raids—another focal point for local legends and traditions. The planning, preparation and enjoyment of those events ensure that people meet and engage with one another, help bring communities together and tell the story of Scotland and its local places.

Activities such as researching local heritage, devising events and making costumes, props and floats bring together families and the wider community, as they work together to make a successful festival. Annabel Goldie was correct to praise the volunteers who are involved. Sometimes festivals bring economic benefits and sometimes they raise money for local charities—that is an important part of participation.

We have all heard of Up Helly Aa in Shetland and we are increasingly seeing the revival of Celtic pagan traditions around Beltane—the ushering in of springtime.

Lastly, I mention Scotland's history festival, held in November each year, which brings together many talks and events that present episodes of local and national historical importance in unexpected ways and in a wide variety of places. Audiences and participants alike find that those experiences add substantially to their lives and to their understanding of cultural activities and what they can bring to local communities.

However, at the end of the day we need to reflect on the source of our heritage and recognise the suffering that is sometimes involved. Looking at the story of the Bargarran witches, I was struck to hear about the memorial that was built in May 2008 at Maxwellton cross in Paisley—the site where the witches' charred remains were buried. The bronze memorial has a stainless steel horseshoe embedded in it and includes the inscription, "Pain Inflicted, Suffering Endured, Injustice Done". On that note, we can reflect on the contribution of the re-enactments and the way in which they act as memorials, and we can also

reflect, as George Adam has done, on the contribution that festivals can bring in telling all these stories to Scotland.

*Meeting closed at 17:34.*

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