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Pàrlamaid na h-Alba

Official Report

MEETING OF THE PARLIAMENT

Tuesday 30 October 2012

Session 4

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Tuesday 30 October 2012

CONTENTS

	Col.
TIME FOR REFLECTION	12693
PRESIDING OFFICER'S STATEMENT	12695
TOPICAL QUESTION TIME	12696
Ash Dieback	12696
Borders Railway	12698
THE FUTURE OF SCOTLAND	12701
<i>Motion moved—[Johann Lamont].</i>	
<i>Amendment moved—[Nicola Sturgeon].</i>	
<i>Amendment moved—[Ruth Davidson].</i>	
<i>Amendment moved—[Willie Rennie].</i>	
Johann Lamont (Glasgow Pollok) (Lab)	12701
The Deputy First Minister and Cabinet Secretary for Infrastructure, Investment and Cities (Nicola Sturgeon)	
.....	12706
Ruth Davidson (Glasgow) (Con)	12711
Willie Rennie (Mid Scotland and Fife) (LD)	12714
Aileen McLeod (South Scotland) (SNP)	12717
Jackie Baillie (Dumbarton) (Lab)	12719
Jamie Hepburn (Cumbernauld and Kilsyth) (SNP)	12722
Hugh Henry (Renfrewshire South) (Lab)	12725
Annabelle Ewing (Mid Scotland and Fife) (SNP)	12727
Mark McDonald (North East Scotland) (SNP)	12729
Ken Macintosh (Eastwood) (Lab)	12732
Christina McKelvie (Hamilton, Larkhall and Stonehouse) (SNP)	12735
Stuart McMillan (West Scotland) (SNP)	12737
Lewis Macdonald (North East Scotland) (Lab)	12739
Bob Doris (Glasgow) (SNP)	12741
Paul Martin (Glasgow Provan) (Lab)	12744
Rob Gibson (Caithness, Sutherland and Ross) (SNP)	12746
Willie Rennie	12748
Jackson Carlaw (West Scotland) (Con)	12751
Nicola Sturgeon	12753
Patricia Ferguson (Glasgow Maryhill and Springburn) (Lab)	12756
DECISION TIME	12761
PROTECTION OF WORKERS	12768
<i>Motion debated—[Hugh Henry].</i>	
Hugh Henry (Renfrewshire South) (Lab)	12768
John Wilson (Central Scotland) (SNP)	12770
James Kelly (Rutherglen) (Lab)	12772
Mary Scanlon (Highlands and Islands) (Con)	12773
Graeme Pearson (South Scotland) (Lab)	12775
Nigel Don (Angus North and Mearns) (SNP)	12776
The Minister for Community Safety and Legal Affairs (Roseanna Cunningham)	12778

Scottish Parliament

Tuesday 30 October 2012

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

Time for Reflection

The Presiding Officer (Tricia Marwick): Good afternoon. The first item of business is time for reflection. Our time for reflection leader today is Pastor John Leitch of the Glenboig Christian Fellowship.

Pastor John Leitch (Glenboig Christian Fellowship): Presiding Officer and members of the Scottish Parliament, Luke chapter 4, verse 4 says:

“Man shall not live by bread alone, but by every word that proceeds from the mouth of God.”

You are all no doubt familiar with the statement, “Let’s do this by the book.” It generally comes up in situations in which people want to ensure that everything is perfect or there is no comeback, but I would like to reflect this afternoon on doing it by the Book. As a Christian, I refer of course to the Bible, which I believe to be the word of God. Even if you do not share my convictions, though, there is no reason why you cannot benefit from the wisdom, guidance and direction that it offers.

Our land was once known as the “land of the Book” or “Bible-loving Scotland”. We have a tremendous heritage and history, built on the principles of scripture. Much of our judicial system was based on the premises of scripture, such as the necessity of two witnesses to confirm a matter.

Many of our public buildings have scripture inscribed in stone. On the lintel of our libraries we read:

“The entrance to his word gives light”.

The original motto of my home city, Glasgow, was:

“Let Glasgow flourish by the preaching of the word and the praising of his name.”

Likewise, Edinburgh had the motto:

“Except the Lord keep the city, the watchman wakes in vain.”

Even Westminster bowed to the wisdom, with the motto:

“Guard the city O Lord.”

If we turn to our halls of learning, the same respect and deference is given to the word. The University of Aberdeen’s motto is,

“Fear of the Lord is the beginning of wisdom”,

and the University of Glasgow’s is:

“The way, the truth, the life.”

So we have good precedent for “going by the Book.” It still contains excellent policies for any society, covering social behaviour, justice, welfare, commerce and the uplifting of the poor. Its wisdom is classless, non-racial and available to whosoever will. It has value for the individual:

“Your word is a light to my feet and a lamp to my path.”

It has value for the nation:

“Sin is a reproach but righteousness exalts a nation”.

It has value for the world:

“God so loved the world he gave us Jesus who came not to condemn but to save.”

We could well benefit the nation if we would simply “do it by the Book.” Thank you for allowing me to share these reflections with you. May God bless your deliberations this afternoon.

Presiding Officer's Statement

14:04

The Presiding Officer (Tricia Marwick): Before we start today's business, I would like to make a few remarks.

In recent days, we have passed a number of important hurdles in the debate on Scotland's constitutional future. The two Governments have reached an agreement, the section 30 order has been laid before both Parliaments and this Parliament has established a new committee—which has now had its first meeting—to look into those matters.

There is a great deal of interest in the work of the Parliament, from both within and outwith Scotland. It is therefore important that we set the correct tone in our debates and in our other parliamentary engagement.

Members will recall the words of our first First Minister, the late Donald Dewar, in his opening speech to the Parliament. He said:

"This is about more than our politics and our laws. This is about who we are, how we carry ourselves."

I agree. This is Scotland's national Parliament and, as such, the Presiding Officers are determined to ensure that the public are proud of the manner in which we conduct ourselves and engage with the challenging issues ahead. I am confident that we will have the support of all parliamentarians in that.

Finally, let me say a few words about the use of language and the conduct that I expect of all members in the chamber. Although context is critical, there are certain words that I consider to be unparliamentary by their very nature. I recognise that some members will seek to be creative, and we will therefore make our judgments according to the circumstances at the time. We will not seek to inhibit debate and the legitimate holding of the Government to account, but I remind all members to consider very carefully their choice of words and the tone in which they are delivered.

Topical Question Time

14:06

Ash Dieback

1. John Scott (Ayr) (Con): To ask the Scottish Government what action it is taking to reduce the threat to forests from ash dieback, or Chalara fraxinea. (S4T-00090)

I declare an interest as a farmer.

The Minister for Environment and Climate Change (Paul Wheelhouse): I thank the member for raising the issue. The Scottish Government is extremely concerned about the threat from ash dieback, and is working closely with the United Kingdom Government to try to eradicate or contain the disease.

On 29 October, the UK Government imposed restrictions on imports and movements of ash plants and seeds into and within Scotland and the rest of the UK. Ash planting had already been suspended on land managed by the Forestry Commission Scotland.

Ash dieback has been identified on one site in Scotland's national forest estate, and all the plants have been removed and destroyed. A second planting site in Scotland is now under investigation. There has also been one confirmed nursery infection in Scotland. All infected trees are to be destroyed by the end of October.

John Scott: It has been estimated that 80 million trees could be infected with the disease in the UK. What steps has the Scottish Government taken to assess the number of trees that could become contaminated in Scotland? I am grateful that the Scottish Government is collaborating with the UK Government to determine the best course of action, but can the minister say how many trees are at risk?

Paul Wheelhouse: Around 1 per cent of Scotland's tree population is made up of ash trees, and a substantial area is under cover: there are 11,700 hectares of ash in Scotland alone. Ash is not the largest tree species in Scotland, but it is clearly important for the biodiversity of our national forests.

Surveys are under way of all other nurseries and planting sites that have plants from potentially infected sources since 2007 and of ash sites that were identified as having potential health issues during the national inventory survey and the native woodland survey of Scotland. Earlier in October, the Forestry Commission Scotland issued a briefing that advised woodland owners and managers of the threat from Chalara dieback of ash. Advice is also being provided on alternative

species that are suitable for planting on native woodland sites.

John Scott: What is the Scottish Government doing to make the public and owners of trees aware of the disease and its signs and symptoms? Given the difficulty of identifying the disease in the autumn months, does the cabinet secretary, with the benefit of hindsight, now wish that he had made the Parliament aware of the presence of the disease in Scotland before now?

Paul Wheelhouse: John Scott has raised the issue of the awareness of the disease. It is worth pointing out that, in Scotland, the presence of the disease was first suspected in July this year. In England, its presence was suspected in February and confirmed in March. We had no reason to believe that it was present in Scotland until July, and its presence was confirmed only in August. Thereafter, we took decisive action in removing all the infected trees from the national forest estate site that I identified, at Kilmacolm in Renfrewshire.

On the question about my regret for not making the Parliament aware of the presence of the disease prior to now, it is worth noting that, when the disease was first identified, it was misunderstood. It was expected that a different fungus was causing the problem, so there was a delay in recognising the fungus in its own right. Obviously, action has been taken at the UK and Scottish Government levels thereafter.

Claire Baker (Mid Scotland and Fife) (Lab): The minister will be aware of newspaper reports that the Forestry Commission was aware of the threat of ash dieback as far back as 2009. When exactly did the Scottish Government and the Forestry Commission Scotland first become aware of the threat of ash dieback and what action was taken then to stop the disease spreading?

Paul Wheelhouse: The member is correct in her assessment that Scotland has been aware of the disease. Work is on-going to identify exactly how it is being transmitted to the UK and within the UK.

As I said in response to John Scott, the disease was first identified in Scotland in July and was confirmed in August. Until that point, there was no evidence of its presence in Scotland. We are now undertaking extensive survey work to identify the extent of its presence in Scotland. I assure the member that we will do everything that we can to move forward, to manage the disease effectively and to try to eradicate it in the best way possible.

Alison Johnstone (Lothian) (Green): One high-risk pathway for the disease's entry to the UK is through imported ash saplings. Many such trees are of Scottish provenance but have been grown in Europe before being imported back, potentially with the disease. Supporting such sapling nursery

business in Scotland would seem more beneficial. What can the minister do to support that industry, especially now that the import ban is in place?

Paul Wheelhouse: Alison Johnstone is right to raise an important point. It was not necessarily understood that the recent infection was of seedlings that were taken on to the continent and then brought back. Growing on seedlings in continental Europe and then bringing them back is a well-established practice. We are trying to make buyers aware of the risk that seeds that have been germinated here, transported to the continent and brought back could be a transmission source.

As I said, we are trying to understand exactly how the disease is transmitted. I understand that one suspicion is that it can be carried on the wind by up to 20km at a time. On a visit to Roslin this morning, I spoke to Forest Research researchers who said that exactly how the disease is transmitted is still uncertain. We need to do more work through Forest Research and other agencies to identify the exact risk.

Borders Railway

2. Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP): To ask the Scottish Government when the Borders railway will be operational. (S4T-00093)

The Minister for Transport and Veterans (Keith Brown): We expect to make an announcement about the Borders railway shortly, once the commercial terms of the contract between the Scottish ministers and Network Rail have been finalised.

Christine Grahame: The tone of the minister's answer is very different from the negativity of the Conservatives and in particular Mr Lamont, who is forever going on about the Borders railway. I suppose that he would have a different tune if the line went through his constituency. In any event, that is not our fault—it was the Liberals and the Labour Party who decided the route.

However, I will raise a positive note, as I am a positive person. Would the minister be willing to consider—even if it affected prices and time—cross-party and local campaigners' views on accommodating charter trains, given their potential additional economic benefit to the Borders? Will he also give me a further update on journey times?

Keith Brown: As the member knows, I had a productive meeting with her, Claudia Beamish and representatives from the Campaign for Borders Rail earlier this month to discuss tourist trains at Tweedbank station. I took that proposal seriously, and we have had further discussions with Network Rail.

As I said, we are completing a further assessment. We will have a further meeting with the Campaign for Borders Rail, which I hope will be in November. I expect to make an announcement on our agreement with Network Rail shortly.

As I have said, there is no change to the proposed journey times. The target of a 55-minute journey time remains. In the Network Rail contract, the specified journey time for the new section of railway remains unchanged, at 44 minutes. The fastest end-to-end journey time of 55 minutes also remains unchanged and I intend it to be achieved.

Christine Grahame: Would charter trains make any difference to the regular running of trains? Would they operate at weekends? Would they have an impact on commuting?

Keith Brown: That important point must be discussed further with Network Rail and the eventual operator, ScotRail. Possible synergies between ScotRail and Network Rail to ensure that those services can happen are important but, obviously, it is more important that the standard services are delivered without interruption. As both Christine Grahame and Claudia Beamish have said previously, there are substantial economic benefits to be had from allowing charter trains, so we want to do that, if possible, while making sure that that has no effect on the regular running of trains.

John Lamont (Ettrick, Roxburgh and Berwickshire) (Con): Councillor David Parker, the leader of the Scottish National Party-led Scottish Borders Council, has indicated that he is happy to see the costs rise provided that the railway is built. Does the minister agree with that analysis?

Keith Brown: I do not even agree with the terms of the question because, of course, David Parker is not an SNP councillor but an independent councillor.

We will never be happy to see an increase in costs for any project. For example, we are bearing down heavily on the costs of the Forth road crossing, as we have in the case of previous projects, such as the M74 and the Airdrie to Bathgate line. We recognise that rail projects tend to be more challenging than roads projects, so we are not at all complacent about the costs, and we will do all that we can to drive down costs.

To return to Christine Grahame's original point, which has also been made to me by Claudia Beamish, if there are additions that we can make to the project that will help the economic situation in the Borders, we will look sympathetically at them.

Claudia Beamish (South Scotland) (Lab): I welcome the minister's remarks about charter trains on the basis of the cross-party discussions that we have had.

How does Transport Scotland plan to ensure the accessibility of all stations for bus users, pedestrians and cyclists?

Keith Brown: Claudia Beamish will know that many of those issues are still under discussion. However, for example, park-and-ride facilities are an integral part of the project. Obviously, accessibility to stations should be built in from the start of a project, rather than being retrofitted, as it sometimes has to be.

In passing, I thank Claudia Beamish for her constructive approach to the Borders rail project.

Elaine Murray (Dumfriesshire) (Lab): The role of authorised undertaker is being transferred from Transport Scotland to Network Rail, which is also providing finance to the Edinburgh to Glasgow improvement programme. Is there any connection between Network Rail taking on that role for Borders rail and the £350 million reduction in funding for EGIP between 2014 and 2019?

Keith Brown: There is no connection between those two projects whatsoever. The same body is involved, but the decision on Borders rail was taken substantially before the decision on EGIP. The projects will result in a combined investment of about £1 billion in Scotland's railways, and we are pleased to be working with Network Rail on something that will so advantage the people of Scotland and public transport networks.

The Future of Scotland

The Presiding Officer (Tricia Marwick): The next item of business is a debate on motion S4M-04594, in the name of Johann Lamont, on the future of Scotland.

14:18

Johann Lamont (Glasgow Pollok) (Lab): In speaking to the Labour motion, I emphasise that we have lodged it for debate precisely because we have respect for this Parliament and its role in holding the Government to account. Our expectation is for Government to seek not to finesse questions, but to confront and answer them.

All of us in this Parliament—in this country—are entitled to our own opinions. What we are not entitled to are our own facts.

We called for the debate this week because nothing about what the First Minister and his deputy told us last week about Scotland's future in Europe was satisfactory. They tried to convince us, but they did not say that what they were offering were their opinions. They came to chamber and revealed that for months—possibly years—they have been trying to convince us with their own facts, without ever establishing them.

Before last Tuesday, the First Minister was on the record as saying that he had sought advice from Scotland's law officers on Scotland's status in relation to the European Union, were we to choose to leave the United Kingdom. The First Minister said that; he often implied it. He even went to court to keep that legal advice secret. Then the dam burst when the Deputy First Minister told Parliament that the advice that the First Minister was seeking to keep private did not in fact exist. No one could make that up.

What followed was a week of contradictions and contortions, smokescreens and bluster, references to opaque rules, and baseless assertions. The only thing that is clear about this sorry mess is that the people of Scotland cannot expect the First Minister to be honest with them when it comes to fulfilling his lifelong dream of breaking up the United Kingdom. The people of Scotland can no longer trust their First Minister to tell them the truth.

Why is this debate important? It is important because the people of Scotland deserve to know what the consequence will be if they vote yes in 2014. Will we still be a member of the European Union? Will we have to adopt the euro as our currency, with all that goes with that? Will a border have to be erected between Scotland and England?

The First Minister does not try to find the true answers to those questions; whatever the truth is, he starts with the answers that he wants and then works backwards. Last week he boldly proclaimed to the Parliament again that yes, of course an independent Scotland would be a member of the European Union. That was backed up by his loyal deputy, whose spokesperson told the media last week:

"The cast-iron position is that an independent Scotland will retain the pound".

We have heard such assertions many times, but that was the first time that they had been repeated since Scotland finally found out that in five years of being in government the Government had not bothered to get any legal advice to determine whether its grand plan had any basis in reality. What basis does the Government have for its claims? It seems that the basis is simply that that is what the Government wants to happen.

Last week, the First Minister again cited Lord Mackenzie-Stuart. Lord Mackenzie-Stuart was a fine man, I am sure, and a successful judge, but it seems that all that we have to go on is a throwaway line that he gave to *Scotland on Sunday* 20 years ago. He did not offer unequivocal advice but merely said that he was "puzzled at the suggestion"—and that was before the European Union was formed, before the single currency and, significantly, before the Treaty of Lisbon, which for the first time allowed countries to leave the EU. Alex Salmond backs up his position with the words of Eamonn Gallagher—another fine man, I am sure, but one who was a member of the Scottish National Party branch in Brussels.

I am sure that the opinions of those men are relevant, if slightly dated, and that they add to the debate. However, it is complete nonsense to hold that they are definitive opinions while ignoring the views of José Manuel Barroso, the President of the European Commission, and José Manuel García-Margallo, the Spanish foreign minister.

Such selective hearing exemplifies the hollowness of the nationalists' position. Deep down, none of that matters to them. All the consequences, should they come to pass, will be worth it as long as the nationalists have what they view as self-determination. As long as they can get over the line of the referendum, all else is grist to the mill.

John Mason (Glasgow Shettleston) (SNP): The member used the word "definitive". Does she accept that we are not in definitive territory, or even legal territory, because all these things—*[Interruption.]*

The Presiding Officer: Order.

John Mason: Does the member accept that all these things are subject to negotiation? Does she accept that we are going into a negotiation on all of this and the lawyers cannot give us definite positions?

Johann Lamont: When that is relayed to the First Minister, I am sure that he will wish that he had come to the Parliament to defend his position himself. The First Minister did not say, "Oh well, it's all subject to the lawyers." He said, "We will be in Europe and we will have sterling." None of that has been proven. It is all gristol to the mill.

That is why we have a First Minister who gets his advisers to write letters for referendum experts and cites those experts in the chamber before they have agreed to sign. That is why the First Minister even offered to extend his penmanship to the Trump, to get his backing over the release of Megrahi. That is why we have a First Minister who proudly announced investment from the Korean company Doosan, but, when Doosan pulled out, claimed that it was not his place to tell people, even though he had included Doosan in budget documents that the Parliament voted on. That is why we have a First Minister who lobbied the UK Government on behalf of his favourite discredited newspaper proprietor, Rupert Murdoch, claiming that he was good for Scottish jobs, although he is still unable to provide a shred of evidence to back that up.

What happened last week was not a one-off but part of a pattern of behaviour that the people of Scotland are getting sick of, as are many people in the First Minister's party. We will remain in NATO, somehow, with no nuclear weapons. We will keep the pound and a place on the monetary policy committee, but there will be no restrictions on borrowing. We will remain in the EU, but we will not have the euro.

I call on the First Minister to bring an end to the assertions and boasts. If he comes forward now with the true position of an independent Scotland, questions over his character will disappear and this Parliament and the people whom we represent can have a real debate.

In two years, the people of Scotland will come together to decide our future.

Patrick Harvie (Glasgow) (Green): I am grateful to Johann Lamont for giving way.

Last week, both Johann Lamont and I gave evidence to the House of Lords Economic Affairs Committee about many of these issues. I seem to remember her saying that she respected the fact that I had been honest in acknowledging the areas of doubt and uncertainty that both the yes and the no sides of the debate have to engage with.

The Labour Party, as well as the Scottish National Party, is responsible for the tone of the debate. Can Johann Lamont guarantee that if Alex Salmond and the SNP stop pretending to have cast-iron guarantees, she will stop demanding cast-iron guarantees on issues that are subject to negotiation after the vote?

Johann Lamont: As I said last week to the House of Lords committee and in this chamber, we owe it to the people of Scotland to scrutinise the proposition that has been put forward so that they can make the decision with full knowledge. All the evidence thus far from the First Minister and the Deputy First Minister is that they think that simple assertion is enough. That demeans the debate, it demeans this Parliament, and it denies the people of this country the opportunity that they require.

I make that commitment because, as I have said, in two years the people of Scotland will come together to decide our future. That will be an historic moment and our fellow citizens deserve to know exactly what they are going to vote for. Trust is key to the debate because the day after the referendum we will need to come together to unite behind that result.

As First Minister in Scotland's Government and the leader of the chief proponents of one of the two options on the ballot, Alex Salmond has a responsibility to ensure that we have an honest and open debate. We cannot do that in this climate, where any concern or question is explained away and every debate is closed down.

What does the First Minister mean when he uses the word "debate"? Can his definition of it restore any of our trust? Let us remember what the television presenter Andrew Neil asked him on 4 March.

The First Minister was asked,

"Have you sought advice from your own ... law officers".

His answer was,

"We have, yes".

What words does he then use, which he now claims change the phrase

"We have, yes"

into the truth, which is, "No, we haven't"? The words that he believes produce that magic transition are

"in terms of the debate".

When does yes mean no? In Alex Salmond's world, yes means no when we are having a debate. What chance do we have of an honest debate when we have a First Minister who believes that?

It is time that the SNP has the courage of its convictions, lays out its case—backed by real facts and real evidence—and, for better or worse, lets the people decide.

There have been authoritative statements from the European Commission that may not fit with the SNP's argument, but they are clear and straightforward.

If I may, I will quote:

"In response to a question tabled by Eluned Morgan MEP, in 2004, the commission replied: 'When a part of the territory of a member state ceases to be part of the state, e.g. because that territory becomes an independent state, the treaties will no longer apply to that territory.'

In other words, a new independent region would, by the fact of its independence, become a third country with respect to the Union and the treaties would, from the day of its independence, not apply anymore on its territory.' The commission explained further that the new state could apply for membership, but for the application to be accepted it would require the unanimous agreement of member states."—[*Interruption.*]

If Mr Neil wants a debate he has to listen to it as well as shouting from a sedentary position.

Let me continue:

"The commission confirmed that position on 11 September 2009, saying that the application 'would have to go through every country's parliament ... One can legitimately expect the Spanish politicians in Madrid would want Scotland to have a bumpy ride ... The notion that Scotland becoming a member state is seamless is highly optimistic."

I know that those opinions from the Commission are authentic and so too does the man I was quoting: the former deputy leader of the SNP, Jim Sillars. If the SNP will not listen to me, they should surely listen to one of their own.

Jim Sillars went on:

"It is the commission, the body with the political power, not any private person however exalted in the legal world, which is the decisive voice."

He added:

"On this core EU issue, of importance not just to the business community but to the people who work for it, we have had a demonstration of amateurism; and along with it, thanks to the bungled FOI request, a loss of trust."

What is to be done when there has been, in the words of the former deputy leader of the SNP, such a devastating "loss of trust"? What will not restore trust is the humiliating sight of the First Minister hiding behind the ministerial code, hand picking a new judge to look into the case, refusing to look at the substance of the scandal and then crowing, "It's okay, these guys have never found me guilty so far." This is not about his future; it is about the future of Scotland, and Scotland deserves better.

That is why, today, I am calling for a judicial inquiry into the First Minister's handling of this affair from the beginning—an inquiry into the basis upon which the First Minister ever asserted that Scotland would automatically be a member of the EU, and what it was that made him say that this separate Scotland would not have to adopt the euro. I am calling for an inquiry into why he said that he had sought advice from the law officers when he had not. No amount of bluff and bluster will stop us seeking the truth. He cannot hide behind the section 30 order that he signed with the Prime Minister because, as he made clear when it was first offered, he did not think that he needed one. Indeed, when the offer of a section 30 order was first made, the First Minister told the UK Government to butt out.

We need to restore the public's confidence in the way that we do politics. If the First Minister does not care about that, if his Cabinet colleagues are too frightened to challenge him and if his back benchers do not worry about burning their credibility in TV and radio studios up and down the country, we in the Scottish Labour Party will take action to restore confidence in our political system.

In June 2004, Alex Salmond was asked whether he would stand again for the leadership of his party. He said:

"If nominated I'll decline. If drafted I'll defer. And if elected I'll resign."

Well, he did not decline and he did not defer. If he does not take the urgent action that I have outlined and apologise to the people of Scotland for misleading them on this and on so many other vital issues, perhaps that third option will be taken from him.

I move,

That the Parliament notes with grave concern the confusion caused by the contradictory comments of the First Minister and Deputy First Minister as to whether or not legal advice had been sought regarding an independent Scotland's status in respect of EU membership; considers that clarification of the situation is still required and calls on the First Minister to make a full statement to the Parliament providing such clarification, and urges the Lord Advocate to inform the Parliament what advice he has provided to the Scottish Government, believing that the credibility of the First Minister and the Scottish Government are at stake and that nothing less than full disclosure is required.

14:32

The Deputy First Minister and Cabinet Secretary for Infrastructure, Investment and Cities (Nicola Sturgeon): Johann Lamont has demonstrated again today that, as long as Labour continues to struggle so badly with the responsibilities of opposition, it will not be judged to be fit for government by the people of this country.

The future of Scotland is always a worthy subject for debate for the Parliament. It is also a subject that all of us—inside and outside the chamber—will consider over the next two years as we approach the most significant democratic event in our long history as a nation. This Government has an ambitious vision for Scotland as a prosperous and successful country reflecting values of fairness, opportunity, equality and social cohesion. How to achieve that kind of society is what we should be talking about in a debate entitled “The Future of Scotland”.

However, the motion is not really about Scotland's future. It does not address our place in the world as an independent nation, it is not about Labour's vision for our country—if, indeed, it has one, which is something that is increasingly open to doubt—and it fails to address the very real risk to Scotland that a no vote in 2014 would present. For example, it fails even to mention the depressing virtual certainty that Trident and its successors will be based on the Clyde for another 50 years if Scotland does not become independent. Shamefully, for a motion supposedly about Scotland's future, it does not even consider the disgraceful welfare reforms of the UK Government, which will impoverish so many of our vulnerable citizens. Those are the issues that people in Scotland would expect an Opposition worthy of the name to be debating in the chamber.

The motion is not about any of the issues that affect the lives of people in our country. Instead, it is a desperate attempt by Labour simply to rerun last Thursday's First Minister's questions, when the leader of the Opposition first had the opportunity to substantiate the claims that she makes again today. The fact is that she failed to do so then and has failed to do so—albeit at greater length—today.

Ken Macintosh (Eastwood) (Lab): Does the Deputy First Minister believe that whether Scots use the euro or the pound is a matter that affects the everyday lives of every Scot who lives in this country?

Nicola Sturgeon: Yes, I do. I refer the member to the example of Sweden, which is in the European Union and does not use the euro, because the people of Sweden have decided not to.

Contrary to what the motion says, there is no contradiction between what the First Minister and I said in our statements last week. Our statements on 23 and 25 October made the position perfectly clear, but I am more than happy to set out that position again today for the benefit of Opposition members.

The Scottish Government has published a number of papers on constitutional matters since

2007. Those documents set out our view that an independent Scotland would continue in membership of the European Union. We have consistently quoted the views of a number of eminent legal authorities in support of that position. Johann Lamont may decide to dismiss them, but I think that they can all claim to know—or could all have claimed to know—more about these matters than she does.

Further, as the extracts from our documents show, we have also been clear that negotiations will be required on the terms of Scottish membership of the EU. As the First Minister said, those documents were underpinned by law officers' advice in exactly the way that has been set out by the Lord Advocate today in a letter to Ruth Davidson, which has been placed in the Scottish Parliament information centre for every member of the chamber to scrutinise.

However, as I outlined in my statement to Parliament last week, the Government's judgment is that the time is now right to seek an opinion from law officers on the specific issue of an independent Scotland's continuing membership of the EU. The reason why we have chosen to do so now is worth repeating. As recent comments from the European Commission have made clear, the basis on which Scotland becomes independent is a highly relevant factor. The Edinburgh agreement confirms that the UK Government will respect the legality of the referendum and its outcome, and that both Governments will work together in the light of that outcome. That provides a clear basis on which Scottish law officers can consider a specific scenario and apply the relevant legal principles.

Willie Rennie (Mid Scotland and Fife) (LD): Will the Deputy First Minister comment on last week's remarks by my colleague Michael Moore, who said that there was nothing that prevented the Government from seeking legal advice before the Edinburgh agreement?

Nicola Sturgeon: Legal advice that is obtained after the Edinburgh agreement, which sets out the process for independence, will be a lot more meaningful than legal advice that is obtained before that agreement. That is the point.

Johann Lamont: I repeat the point that, in January, the cabinet secretary's Government said that the actions of the UK Government in offering her Government the relevant powers were not necessary, so why would the Scottish Government not have taken advice on these matters when it did not need the context of the UK Government to determine its position?

Nicola Sturgeon: We were being constructive and putting the legality of the referendum beyond doubt, so we chose to enter into the negotiations

with the UK Government. I think that that was something that all the Opposition parties called on us to do back then.

I turn to the convention that ministers do not confirm the fact or content of legal advice from the law officers. That convention is well established and has been followed by successive Governments. It is also enshrined in ministerial codes for the Scottish and UK Governments. In addition, UK and Scottish freedom of information legislation provide mechanisms that are used to protect legal advice from law officers and others. It was in the interests of upholding our interpretation of the relevant FOI provisions that we made the decision to appeal the ruling of the Scottish Information Commissioner. I believe that that was entirely appropriate at that time.

We are not the first Government to consider that such action is appropriate. I refer members to the case of *Her Majesty's Treasury v the Information Commissioner*, when the most recent Labour UK Government took a case against the Information Commissioner to the High Court in England to uphold that very position. Incidentally, it won that case.

Circumstances changed as a result of my decision to seek the Lord Advocate's permission to tell Parliament that I had requested specific advice, and in those changed circumstances we do not consider it appropriate to continue with that appeal. However, the principle that was involved in the appeal has not been conceded. We remain of the view that the protection that the legislation provides is important, and the differing interpretations of the law on the part of the Government and the Scottish Information Commissioner will require to be resolved at a later stage.

The Government is therefore very clear that it has acted properly at all times. Nevertheless, the First Minister was asked to investigate possible breaches of the code, and he has invited Sir David Bell, a distinguished public servant, to investigate the complaint independently. I suggest that we all now allow Sir David to proceed with his investigation, and I call on members on all sides of the chamber to do the right thing and respect his findings when they are published.

Jackson Carlaw (West Scotland) (Con): Can the Deputy First Minister tell me where it says in the ministerial code or the letter that was sent by Frank Mulholland to Ruth Davidson today that ministers are not allowed to confirm that they have sought legal advice?

Nicola Sturgeon: That is set out in the letter, but the ministerial code says that we are not permitted to confirm the existence or the content of advice from the law officers. I refer the member

to the letter that the Lord Advocate sent to Ruth Davidson earlier today.

Lewis Macdonald (North East Scotland) (Lab): Will the member give way?

Nicola Sturgeon: I will make progress in the final minute or so that I have available.

I have now set out very clearly the Government's response to what I consider to be the baseless allegations in the Labour motion. In the time remaining, I will turn to the actual future of Scotland and consider the crucial subject of an independent Scotland's place in Europe.

As I set out earlier, our publications have consistently said that, in our view, an independent Scotland would continue in the European Union. We have set out a range of opinions that support that position.

I quote Graham Avery of the University of Oxford, who is a senior adviser at the European Policy Centre in Brussels and honorary director general of the European Commission. He said to the Westminster Foreign Affairs Committee:

"For practical and political reasons the idea of Scotland leaving the EU, and subsequently applying to join it, is not feasible. From the practical point of view, it would require complicated temporary arrangements for a new relationship between the EU ... and Scotland ... Neither the EU ... nor Scotland would have an interest in creating such an anomaly."

The position that we have cited is clear. However, as John Mason said, it is not simply a legal question but a matter of policy and politics, and that is where the Opposition's arguments are particularly and completely incredible. The notion that oil-rich, renewable energy-rich, fishing-rich Scotland would not be a member of the European Union—a member that would be welcomed with open arms—is, to my mind, patently absurd. It is time for the debate about Scotland's future to stop dealing in Opposition absurdities.

The Government will make the positive case for Scotland's future as an independent nation. We will set out our ambitious vision for Scotland as a prosperous and successful European country. We will argue that independence will enable Scotland to be a country that is fit for the 21st century. We will show that independence is right for Scotland because it is the only way to realise that vision and to deliver a better and fairer society for the people of our country. I am confident that our vision for Scotland will win the argument and deliver a yes vote in 2014.

I move amendment S4M-04594.3, to leave out from "notes" to end and insert:

"welcomes the Edinburgh agreement, which provides the framework for Scotland to reach independence, and the commitment of the Scottish and United Kingdom governments to work together constructively in the light of

the outcome of the referendum, whatever it is, in the best interests of the people of Scotland and of the rest of the UK; believes that an independent Scotland continuing in the European Union would be in the best interests of Scotland, the rest of the UK and the EU as a whole and that a Scotland rich in oil and other natural resources would be welcomed as a continuing member of the EU; notes that a range of international experts have made the case that an independent Scotland would continue in the EU and that, in light of the Edinburgh agreement, the Scottish Government has now commissioned specific legal advice on Scotland's position in the EU from the Law Officers; welcomes the independent investigation announced by the First Minister to determine whether there has been any breach of the Scottish Ministerial Code and calls on all parties in the Parliament to accept its findings, and regrets the Labour Party's unwillingness to use a debate entitled "The Future of Scotland" to address substantive policy issues on the future of Scotland such as the fact that, within the union, Trident nuclear weapons will remain on the Clyde and the damaging impact of UK Government welfare reforms that are impoverishing so many of Scotland's most vulnerable citizens, which are both compelling arguments for a different and independent future for Scotland."

14:43

Ruth Davidson (Glasgow) (Con): It seems to me that creating a new nation state such as an independent Scotland is a matter of trust. We have to trust those who are proposing the creation or transition of that state to safeguard three things.

First, they must safeguard national security, because the primary responsibility of Government is the defence of the nation state's people and the military structure that provides that. Secondly, they must safeguard the nation state's economic security by establishing its central bank, currency and regulatory regime. Thirdly, they must safeguard the nation state's political security by establishing its place in the world through membership of international organisations such as the EU. People need to trust that the proposals for each of those pillars of nationhood are sound.

In relation to those assertions, we have already heard the Deputy First Minister assert on live television that an independent Scotland would have a seat on the monetary policy committee of the Bank of England, only to backtrack later after she found out that that would not be the case. The SNP Government has asserted that an independent Scotland would share a regulator and a lender of last resort with the rest of the UK, only to be gently reminded that all EU countries have their own regulator and that there is no agreement that the Bank of England would support an independent Scotland. So much for being able to trust the economic pillar.

On defence, we have heard the blind assertion that an independent Scotland could automatically assume membership of NATO, with its first strike nuclear policy, while simultaneously removing nuclear weapons from its territory. That assertion

seems to be based on no evidence or advice. I ask the Deputy First Minister to tell members what discussions have taken place with NATO to assure the people of Scotland that that is indeed the position. I will take an intervention on that point if the Deputy First Minister cares to make one.

Nicola Sturgeon: No.

Ruth Davidson: Once again, the SNP is playing fast and loose and using assertion rather than fact, so trust in the pillar of defence also falls.

That is some record to have, even before we get to last week's events. The Labour leader has today outlined the timeline that has seen Government ministers assert and assert and assert as fact something that is unknown. The Government does not know whether Scots will be spending pounds or euros, whether farmers will continue to get European support, or whether the Schengen agreement will alter our border controls. On Tuesday, the Deputy First Minister told members that the Government had not asked for advice from its law officers, despite the fact that the First Minister claimed on television that advice had been sought, and despite countless experts, two European Commission chairmen and the Spanish foreign minister saying on the record that the opposite of what the First Minister asserts is true.

Mark McDonald (North East Scotland) (SNP): Does the member think that the UK will be in or out of the EU any time in the next five or 10 years?

Ruth Davidson: I know the current structure under which the UK is a member of the EU, and that the current position is that we will remain a member. I am not asserting as fact anything that I do not know to be true.

Today in *El País*, the European Commission's vice-president, Commissioner for Justice Viviane Reding, makes the situation in Catalonia very clear. An independent Catalonia would be considered to be a new state, it would have to apply for membership under the provisions of article 49 of the Treaty on European Union, and it would need unanimous approval to be admitted. We can assume that, as for Catalonia, so for Scotland. Despite not knowing the position on Europe, the SNP's assertions have continued today.

We have heard its supposed answer on how to clear up the mess of its own making: it is for the First Minister to refer himself for investigation to see whether he broke the ministerial code. Let us look at the system. Alex Salmond is to refer himself to Sir David Bell, who has been appointed by the First Minister, to be investigated under terms of reference that have been decided by the First Minister. The rest of the panel—Lord Fraser and Elish Angiolini—are apparently surplus to

requirements. It is one thing to appoint the judge but to dismiss the jury and choose the charges on an issue that is entirely about trust raises eyebrows.

What about the Government wasting taxpayers' money in court to keep secret advice that it now says it never had in the first place? On Tuesday, the Deputy First Minister said that she would update Parliament on how much was spent after the £3,000 figure that she quoted turned out to be incomplete. When can we expect that update? When can we be told who in the civil service sanctioned the use of that cash, and when, to fight to keep non-existent advice secret? Indeed, when

"legal sources close to the First Minister"

tell the national press that Scotland's law officers

"consistently told Alex Salmond's Holyrood government that an independent Scotland's future inside the European Union was not automatic"

and would require "detailed negotiations", we need to know whether that is true.

Of course, the person who could clear this up is the Lord Advocate himself, Frank Mulholland, who has written to me today to say that he has no intention of appearing before this Parliament to answer legitimate questions and clarify the issue.

Iain Gray (East Lothian) (Lab): The member will know that the UK law officer relevant to this matter, the Advocate General, has made clear his view that the likely consequence of Scotland's leaving the UK is that it would have to apply to join the European Union. Does the member not find it passing strange that we can know the opinion of the Advocate General but are denied the opinion of the Lord Advocate?

Ruth Davidson: I do indeed find that strange. I refer to rule 4.5.2 of standing orders, which makes it clear that there is no impediment to the law officer coming to Parliament.

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

Ruth Davidson: I need to make progress, because I am very close to my time limit.

A referendum is not an election where the results can be reversed in five years. The people of Scotland are being asked to make a decision that could affect our nation for ever. They need and deserve the fullest possible information about what independence means to make that choice, and it is simply not good enough for Scotland's Government to assert as fact that which is not and to go to court to deny to Scotland's people information that the Scottish Information Commissioner has decided is in the public's interest to know. The people of Scotland need the

truth and where there is only opinion—even legal opinion—they also need to know that for what it is.

Scotland deserves a Government that people can trust and I am not sure Alex Salmond's referral under the ministerial code will restore any of the trust that has just been lost.

I am pleased to move amendment S4M-04594.1, to leave out from "believing" to end and insert:

"and requires that a full legal justification for the Scottish Government's assertions in relation to membership of the EU, and its possible consequences in terms of the existing privileges enjoyed by Scotland as part of the United Kingdom, be made available as soon as possible in order to inform a full and substantive debate ahead of the proposed referendum."

14:51

Willie Rennie (Mid Scotland and Fife) (LD): It is true that the north to south walk from the top to the bottom of Scotland presents an opportunity for tourism and economic growth. Nevertheless, as today's debate is about the First Minister's word, he should be here, responding to these claims.

Before I go further, I make it clear that this is all about confidence in the First Minister, which was shattered last week not really because of the contradiction between what the Deputy First Minister said last week and what the First Minister said in March, but because they continue to say that those two statements are not contradictory. It is not possible for both what Nicola Sturgeon said and what Alex Salmond said to be right. I have tried to understand what this is about and to put myself in the position of the Deputy First Minister and the First Minister as they make their desperate attempts. On 13 September, the First Minister said in response to a question from me that I seemed

"to be doubting the legal advice even before it is published."—[*Official Report*, 13 September 2012; c 11413.]

What exactly did he mean? Did he mean the legal advice in terms of the debate that underpinned all Government documents that had ever been published in the past six years, or the legal advice that, even though it did not actually exist, he went to court to keep secret, wasting taxpayers' money and fighting the Scottish Information Commissioner? This is nonsense—and the SNP members know it is nonsense.

I would have thought that the Scottish Government would welcome the Labour Party's proposal for a judicial inquiry. The present situation is bad for Scotland; confidence in what ministers say to us has been shattered. Two ministers said opposite things. They cannot both be right, and scrutiny by a judge would allow the

Scottish Government to regain trust. As a result, I support the Labour Party's proposal.

Even more significant is what last week's statement means for the wider debate on an independent Scotland's membership of the EU. The SNP expects us to believe its assertions, but by its admission it has just been guessing. It did not have the legal advice that would have underpinned its assertions; it has just been guessing about Scotland's continuing membership of the EU. This is so important because independence is not just like any other piece of legislation, which can be repealed. There is no going back. Once you become independent, there is no turning back. You are gone. You are separate.

People should not have to guess about the terms of being a member of the European Union. It is not as if Scotland would not be a member. There is no doubt that an independent Scotland would be—I am not denying that. *[Interruption.]* The issue is the terms on which Scotland would be a member of the European Union, and those terms could be significant. We are just into a big guessing game now, and we cannot simply rely on guesses. If the SNP is wrong in its assertion that we would be an automatic member of the European Union, it could be extremely significant. *[Interruption.]* I said "automatic member"; SNP members should listen very carefully.

Perhaps, like any other new member of the European Union, we would have to join the euro and the fiscal stability pact. That means that the Scottish deficit would need to be reduced from 7.2 per cent—*[Interruption.]* Members should listen, because they might learn something. The deficit would need to be reduced from 7.2 to 3 per cent of gross domestic product. That would mean £5 billion off the budget or £5 billion on taxes. That is £1,000 for every man, woman and child in Scotland. That could be the price to pay.

Annabelle Ewing: Will the member give way?

Willie Rennie: No.

Annabelle Ewing: Will the member give way?

The Presiding Officer: Ms Ewing, the member is not giving way.

Willie Rennie: The SNP says that it wants Scotland to decide its future by itself, but the SNP wants an independent Scotland to be forced to choose between keeping the pound, under the control of a foreign UK Government, and adopting the euro, which would cost us billions. Alex Salmond wants Scotland to choose between a pound rock and a euro hard place. And that is just on the currency. With Schengen and the rebate, there is so much more that is under question. We cannot let the SNP members off the hook. They

want a decision—a permanent act—to end a country.

Those who advocate such a change need to set out the legal basis, which must be shared. They need to convince not just the Cabinet—which I suspect is already convinced about Scottish independence—but all 27 Cabinets across the European Union. Nicola Sturgeon is right that this issue is about not just legalities but politics, including the domestic politics of countries across the European Union. As we all heard last week, the Spanish Foreign Minister has cast doubt on our automatic membership and has said that we would need to go to the end of the queue. We have heard today of another Spanish intervention. Domestic Spanish politics has a direct impact on our politics, and those who ignore that are ignoring the realities of the debate. We cannot simply wait for a Spanish veto in 2015.

Annabelle Ewing: Will the member give way?

Willie Rennie: No.

We cannot simply wait for that veto. We need to know now. That is why the Scottish Government needs to start to publish the basis of the legal evidence and it needs to show that the rest of the European Union—all 27 members—agree with that basis. We cannot simply guess on the basis that the SNP is right in every single assertion that it makes.

This is too important. We cannot turn back if we go for an independent Scotland. We need to know now. Otherwise, the SNP is expecting Scots to take a step into the dark and vote in the referendum without the knowledge of what that dark means. The First Minister and the Deputy First Minister cannot both be right. Their complicated explanations have reassured no one. The public know that they have been caught out, and they need to come clean.

Finally, given the significant doubt over what the SNP tells us, the level of proof that the public requires is now significantly higher. That means that the SNP needs to show us the legal basis of joining the European Union, the terms on which Scotland would join the European Union and that all 27 member countries of the European Union are agreed on that. Without that, people will have very much doubt about what the SNP tells us.

I move amendment S4M-04594.2, to insert at end:

"and, in moving forward to publication of the white paper on independence, calls for the full legal case and basis for Scotland's terms for continued membership of the EU, including consideration of whether Scotland might be required to join the euro or the fiscal stability pact, to be published alongside evidence that the case has been accepted across Europe."

14:59

Aileen McLeod (South Scotland) (SNP): It is depressingly predictable that the Labour Party has opted to move a motion on a subject on which the Scottish Government has already responded with two comprehensive statements to the Parliament. As was made clear in both those statements, the Scottish Government has chosen formally to seek legal advice now, because the Edinburgh agreement makes clear the context in which an independent Scotland will be established.

That context matters, in that we now expect the former UK Government to wholly endorse the position that Scots vote for in 2014, including their right to remain part of the EU. Therefore, let there be no doubt that, under an SNP Government, an independent Scotland will take its place at the EU's top table as a full and constructive member state, ready and willing to play its part in helping to tackle the major challenges that the EU collectively faces at an unprecedented juncture.

Willie Rennie: Will the member give way?

Aileen McLeod: I will come to Mr Rennie later.

No one takes seriously the proposition that the EU will try to expel Scotland following the 2014 referendum. There is simply no provision under EU law to do so. Put simply, Scottish citizens and their membership of the EU are protected by EU law, not threatened by it. In any event, why would anyone in the EU even contemplate such a move? Scotland has been inside the EU for 40 years. We already comply with all necessary EU legislation. We are a major market for exports and investment from the other EU member states, and thousands of nationals from the other 26 countries have settled in Scotland and contribute to our economy, as our nationals do in the economies of the other member states. Scotland has unparalleled renewable energy resources in the EU.

Given the continuing nonsense that we have heard on the back of the hysteria and hysterics last week, it is time to put some facts on the record. We need to try to move the debate beyond the process and focus on the substantive issue of Scotland's membership of the EU. Our universities are among the best in the world and our scientists contribute substantially to joint EU research projects. Are we supposed to take seriously the scaremongering claims that Scotland will be unwelcome in the EU? That is simply ludicrous.

The SNP's message is clear and unambiguous: Scotland's future inside the EU is safe with this Government. However, can our opponents say the same? Can those on the Tory, Labour and Liberal Democrat benches give the same unambiguous promise to Scotland's voters and to her businesses and workers, whose livelihoods depend on access to the EU internal market? I

doubt it. All three political parties in Westminster are running scared of the right-wing rhetoric of the UK Independence Party, which many observers expect to win the 2014 European Parliament elections south of the border.

Just last week, six Tory back benchers tabled a bill that, if passed, would result in the UK leaving the EU. It is perhaps appropriate that one of the six is called Mark Reckless—Reckless by name, reckless by nature. However, getting the UK out of the EU is no longer a minority sport—quite the opposite. It seems to be quickly becoming the official policy of the Tory-Lib Dem coalition, with the Labour Party, as is its way nowadays, dutifully following on behind. It now seems certain that the Tory-Lib Dem coalition will bring to an end the UK's participation in the European arrest warrant. As the Scottish police have made clear, that will make the process of law enforcement in our country much more difficult. In fact, the Tory-Lib Dem coalition is poised to ditch 130 measures on justice co-operation with our EU partners, the majority of which are practical matters of law enforcement. The SNP Government opposes that move.

That change will not, however, bring an end to the demands from the Eurosceptic right. Under Westminster rule, Scotland's future in the EU looks increasingly uncertain, as Cameron is unwilling to face down the Eurosceptics, while the Labour Opposition sits in the wings, waiting to see which way the wind is blowing. The influence of the UK Government in EU negotiations has reached an all-time low. Even our closest friends have given up in the face of British obstructionism and high-handed lecturing on the alleged failings of our partners. The Westminster Government is set to bring the UK out of the EU. I firmly believe that the majority of Scots want a future inside the EU. To them, I simply repeat the question that the First Minister asked earlier this year: do they want to be independent in Europe or isolated in Britain? Like him, I know what I would rather be.

I turn to the amendment from the Liberal Democrats, which asks for assurances that an independent Scotland would not be required to join the euro. On that question, I invite Mr Rennie to consult two legal texts, both of which are easily read and neither of which requires interpretation. The first is article 140(1) of the Treaty on the Functioning of the European Union—I have a copy here for Mr Rennie if he would like to have a look at it later. It requires that any member state that seeks to adopt the euro must pass five tests, one of which is that the state must have been in the European Union's exchange rate mechanism for at least the previous two years. That is in the treaty and so enjoys the status of primary EU law. No one disputes that.

Secondly, there are two Council decisions that govern the operation of the exchange rate mechanism, one of which dates from 1997 and the second of which dates from 2006. Both state that membership of the ERM is voluntary.

If we put those two statements together, it is crystal clear that, before a member state is eligible to join the eurozone, it must have its own currency and have voluntarily decided to join the ERM. If it does not do so, it is simply not eligible to join the euro and it obviously cannot be forced to do so. That is the approach that Sweden adopted in 1995 and to which it continues to adhere. It remains outside the euro.

It is a great shame that the Labour Party chooses to tie up the Parliament's valuable time on an issue that the Scottish Government has already fully addressed. The people of Scotland would prefer us to debate issues that really matter to them, such as the huge damage that the Tory-Lib Dem Welfare Reform Act 2012 is doing to our disadvantaged and vulnerable citizens.

I urge the Parliament to vote against the Labour Party's motion and support the amendment lodged by Nicola Sturgeon. [*Applause.*]

The Deputy Presiding Officer (Elaine Smith): Order. At this stage, there is a little bit of time to give back to members who take interventions but, for those who do not, it is speeches of six minutes.

15:06

Jackie Baillie (Dumbarton) (Lab): I am not sure whether anything is clearer after that speech other than the fact that I have lost almost seven minutes of my life on it.

Harold Wilson said that a week was a long time in politics, but had he considered events in the chamber last week, I am sure that he would have judged that a day was a long time in politics for the SNP.

Last week's events are scarcely believable. We had revelations, reversals and, today, utter rubbish. The situation has all the elements of a cracking farce, with the First Minister in the starring role. It is quite something for his actions to be so jaw-dropping as to eclipse the loss of two of his MSPs, who were relegated to the inside pages, and all because of legal advice on whether Scotland would have automatic entry to the EU and whether it would be required to join the euro.

I will tell members a story. It is the story of a First Minister who went to court to conceal whether he had sought legal advice and the content of that legal advice. I ask members to imagine our surprise at discovering that the First Minister was hiding the fact that he had no legal

advice at all and was wasting our money to protect something that did not exist.

The Deputy First Minister, who doubles on occasion as the First Minister's human shield, was sent out to explain why that was all perfectly reasonable and to tell us that she was now seeking specific legal advice from the law officers. She, of course, denied that she had sought specific legal advice from them before.

It was a shame that she had not checked with her boss about what he had previously said because, in the now infamous interview with Andrew Neil, when asked whether he had sought specific legal advice from his law officers, the First Minister replied, "We have, yes". There is no mistaking the meaning of that but, in the First Minister's fantasy world, what did we know? We were to be treated to the 27-word defence. I confess that it was such an amazing defence that it stopped me right in my tracks.

The law officers have considered a plethora of documents from the SNP, but it appears from the *Independent on Sunday* that they consistently told the First Minister that Scotland's future as part of the EU would not be automatic and would require detailed negotiations. That must have slipped his mind, or perhaps he could not reveal it for fear of breaching the ministerial code.

I turn to the ministerial code. The First Minister rightly defends it. I invite the Deputy First Minister in his place to look a little more closely at paragraph 2.35. We must bear it in mind that there are several types of legal advice: advice from the law officers is one, advice from the solicitors in the Scottish Government is the second and external legal advice is the third.

The code makes it clear that ministers cannot reveal whether advice has been sought from the law officers. It goes on to say that ministers cannot reveal the content of advice from law officers or other legal advice. Now, those are four interesting words. Can the Deputy First Minister reveal whether she sought any other legal advice but cannot tell us what is in it? Perhaps the real story here is that the SNP has sought other legal advice that does not tell the SNP what it wants to hear, so it is in complete denial.

Here is the Deputy First Minister's opportunity to clear this up. Has the Scottish Government taken any other legal advice on entry to the European Union? The Deputy First Minister should feel free to intervene. Let the record show that the Deputy First Minister did not move a muscle. Let me ask again, because this is important. The ministerial code is no bar to revealing whether legal advice was sought from sources other than the law officers. That is absolutely clear. Will the Deputy First Minister now confirm whether any legal

advice has been sought and does indeed exist? Okay, let the record also show that the Deputy First Minister did not bother to stand up and intervene.

After hiding from the media the morning after her challenging “Newsnight Scotland” interview, the Deputy First Minister admitted that an unfortunate impression had been created. Well, who created that impression? If it wasnae their fault, whose fault was it? Does she not understand that the reason for the anger that has raged in the Scottish media on the issue is precisely because much more than a nod and a wink had been given on this issue to so many of the commentators and journalists. The reason for the betrayal that they have felt is precisely because they were told that this existed, and it simply did not exist.

Is it not the case that the First Minister is playing fast and loose with the truth? The legal advice that does not exist according to the Deputy First Minister seems to exist in the First Minister's mind and appears to be confirmed in the *Independent on Sunday*, but no, no—the official SNP position remains one of denial. It reminds me of the story of the emperor's new clothes, but the First Minister has no cover on this one.

The serious underlying issue is one of trust. Trust and honesty, in my view, are important traits for a politician. What I have learned this week is that the First Minister has demonstrated neither, and this at a time when the stakes could not be higher. We are facing the most important constitutional question in more than 300 years, but we now know that we cannot trust or believe what the First Minister says. Is it not the truth that the First Minister will say and do anything to get his way, even if it means that he has to bend the facts? He has damaged his credibility and, on today's performance, he is damaging the Deputy First Minister's credibility.

In closing, let me turn—

The Deputy Presiding Officer: You must close.

Jackie Baillie: I will say quickly that, in a week when the First Minister has denied his own words, I do not believe that the hand-picked advisers can simply consider the ministerial code, nor do I believe that the SNP-majority Parliament will be anything other than partisan, because that is what SNP members have demonstrated. This is a matter for an independent judicial inquiry. If the SNP had any respect for the people of Scotland, it would not run away from proper scrutiny.

The Deputy Presiding Officer: I reiterate that there is a little bit of time for interventions, but it is up to members whether they take them or not.

15:13

Jamie Hepburn (Cumbernauld and Kilsyth) (SNP): Of course, the Labour Party is not pursuing the subject in a partisan way.

I greatly regret that the Labour Party has chosen to lodge the motion that is before us. When I saw that the subject for the debate was Scotland's future, I thought that it would be a genuine debate about Scotland's future, but it has been a missed opportunity. It was interesting to hear from Labour members and others in the chamber that it is time to move beyond process and get to the substance of the debate. We have heard that time and again, yet Labour wants to bring it back to process every time.

Last week was a shameful episode in the Scottish body politic. [*Interruption.*]

The Deputy Presiding Officer: Order.

Jamie Hepburn: Labour members will hear in a moment why it was a shameful episode. We saw a scandalous press release from the Labour Party that used the term “barefaced liar”. I think that the Labour Party will live to regret using that terminology, because we need to conduct this debate in proper terms and in a proper manner.

It is clear that a strategy has emerged among the anti-independence parties. They talk of a positive case for the union, but they know that no positive case exists, so every time they are going to play the man and not the ball. We see them engaging in a spiteful, vengeful, nasty, negative name-calling campaign, and we have seen some of that again today.

Jackie Baillie rose—

Jamie Hepburn: There is one of the main proponents of it, Presiding Officer, so I will gladly give way.

Jackie Baillie: Jamie Hepburn is absolutely right—we should not be name calling. Does he therefore regret his comments on television that perhaps I—now what was it—boiled cats and ate them for breakfast? [*Interruption.*]

The Deputy Presiding Officer: Order. We will hear the member.

Jamie Hepburn: Just to clarify, it was kittens, not cats. If Ms Baillie had been paying attention she would know that I wanted to make the point that I was joking, whereas when she uses her terminology she means it. It is a disgrace to the political process.

Our country's future is more important than this—dare I say it—cat-calling style of exchange. It is a privilege for each and every one of us to be elected to this Parliament. That is something that we would do well to remember. By using the

terminology that it did last week, the Labour Party is endangering political engagement. If our political discourse becomes an exercise in name calling, people out there will disengage from the process and from playing their part in determining Scotland's future. It is incumbent on Labour to up its game.

I utterly reject the terms of Labour's motion. It is flogging a dead horse when it comes to the Andrew Neil interview. Earlier, I heard a Labour member asking, from a sedentary position, whether we had a transcript of that exchange. Yes, I have a transcript of that exchange. The difference from the transcript that the Labour Party utilised is that this is the actual transcript, not the edited transcript. It is clear from the terms of the First Minister's exchange with Mr Neil that the First Minister was referring to documents that had been published at the time of the interview. It has always been the case that every document published by this Scottish Government or the previous Scottish Executive was always underpinned by legal evidence.

It is interesting to hear criticism of the process by which the First Minister referred himself under the ministerial code. He did it because he was asked to by a Labour member of the European Parliament, yet Labour now has the temerity to come here and criticise the process. It is almost as if Labour wishes that he had not done so, because it could then complain that he had not done it. That is game playing. Labour needs to raise its level of debate.

The process for referring a minister under the ministerial code is much stronger than it was under the previous Administration. When Jack McConnell was the First Minister, if he referred himself under the ministerial code, essentially he was investigating himself. We now have independence in the process. That should be welcomed.

I said earlier that it was unfortunate for Labour to have a debate on Scotland's future and then debate anything but. I welcome the Deputy First Minister's amendment because it allows us to focus on Scotland's future. I will focus on one or two of the issues that the amendment raises. I turn to Trident. Last week, as was referred to, I was on television with Jackie Baillie. I was one of those back benchers burning my credibility, according to Johann Lamont. I was interested to hear Jackie Baillie say that the difference between her and the First Minister is that she tells the truth. I will bear in mind the Presiding Officer's statement earlier and say this carefully. I would think that anyone who made that statement would want to be a lot more careful about making claims that the removal of Trident will cost thousands of jobs in Scotland, because that is not true.

Jackie Baillie: Will the member take an intervention?

Jamie Hepburn: No. Ms Baillie can sit down.

As a result of a freedom of information request, an article in the *Sunday Herald* this week reveals that

"520 civilian jobs at HM Naval Base Clyde ... directly rely upon the Trident programme".

In response, Stephen Boyd, assistant secretary at the Scottish Trades Union Congress, said:

"Suggestions that as many as 11,000 jobs would be lost to Scotland if Trident were not replaced are inaccurate".

That reflects the STUC's report on Trident, one of the authors of which was Claudia Beamish. We would do well to place that on the record.

Drew Smith (Glasgow) (Lab): Will the member give way?

The Deputy Presiding Officer: The member is in his last minute.

Jamie Hepburn: The STUC's report pointed out that it is far from the case that it would cost jobs if Trident was not replaced. It said:

"Overall ... Scotland would economically be a net loser from any decision to replace Trident. There would be serious consequences for its public services and for employment of a prolonged period of time."

We should place that on the public record. We know that the SNP position is clear, because we agree with the STUC, but what do we hear from the Labour Party?

We could refer to the leadership contest that recently took place. The Scottish Campaign for Nuclear Disarmament asked all the candidates for the leadership of the Scottish Labour Party what their position was on the renewal of Trident.

The Deputy Presiding Officer: Mr Hepburn, will you start to wind up?

Jamie Hepburn: Indeed I will, Presiding Officer.

Tom Harris said:

"I believe that the UK should retain an independent nuclear deterrent, while other countries possess nuclear weapons."

Ken Macintosh MSP said:

"I support the Government's announcement to proceed to the initial stages of Trident's renewal."

Johann Lamont MSP did not respond to the survey, which was sent by post and by e-mail twice. A message was also left on the answering machine in her office.

If we are to talk about Scotland's future, let us talk about Trident and let us find out what Johann Lamont thinks.

15:20

Hugh Henry (Renfrewshire South) (Lab): As someone who opposes what the SNP is trying to do to Scotland, perhaps I should have welcomed the events of the past week in undermining the SNP's case and perhaps fatally wounding its proposition, but a lot of what has happened in the past week leaves me profoundly sad. It demonstrates that the First Minister holds the Parliament in contempt. He really does not care about the Parliament's workings or the way in which it operates. He feels that he can say anything, even though it does not resemble the facts, and no one will be able to do anything about it.

Annabelle Ewing: Will the member give way?

Hugh Henry: No. I will do so in a couple of minutes.

The First Minister's contempt is contempt of the highest order.

We are seeing a number of people who have had principled views on independence for many years and who passionately believe in it prepared to put aside all their other principles and their integrity in order to bolster the First Minister's fading credibility on something on which he has clearly been found out. In that respect, the First Minister delivers all the sincerity and all the talent of a snake-oil salesman at Glasgow's Barras at the weekend.

Willie Rennie and Ruth Davidson made two very interesting points. Willie Rennie put to bed the issue that there are people in his party or my party who believe that somehow Scotland would be refused membership of the European Union. We have never said that that would be the case if Scotland decided to separate from the rest of the United Kingdom. The issue is the terms on which Scotland would become a member of the European Union and what the consequences of that would be.

Ruth Davidson was right to highlight the inadequacies of the rigged inquiry by a hand-picked man appointed by the First Minister to investigate him. There is no substance in such an inquiry, which is why Johann Lamont is right to call for an independent judicial inquiry.

The other thing that is conveniently overlooked in all the debate about the Scottish ministerial code is section 1.1 of that code. It says:

"Scottish Ministers are expected to behave in a way that upholds the highest standards of propriety."

Can we honestly say that, over the past week, our First Minister and his Deputy First Minister have upheld the highest standards? We cannot. The number of people, including people who believe in independence, who have spoken to me in the past

week and are appalled by what the First Minister has done over the past number of months is unbelievable. With everything that the First Minister says, he is losing credibility with people who believe in independence.

There are other issues relating to the ministerial code and legal advice that we need to bottom out. I would like clarity about who provides that legal advice and why the law officers are now being asked to provide it. The ministerial code says:

"The Scottish Law Officers ... have Ministerial responsibility for the provision of legal advice ... on all matters relating to the law of Scotland ... The primary source of legal advice for the Scottish Government ... is the Scottish Government Legal Directorate".

Why are the law officers being asked to deliver advice on something that the legal directorate should be delivering advice on? That needs to be clarified.

We have heard a lot about some other things. The First Minister said on STV:

"That's quite clear in the Ministerial Code. It's both the fact of whether it exists, and the content. I would need to clear it with the Lord Advocate if I wanted to say I had not sought legal advice."

As Jackie Baillie pointed out with reference to the ministerial code,

"The fact that the legal advice has or has not been given to the Scottish Government by the law officers"

is the issue, but

"the content of any legal advice given by them to anyone else must not be revealed ... without the Law Officers' prior consent."

In other words, ministers can release the fact of whether or not advice has been given and then advice has to be sought on whether the content should be released. The Scottish Government needs to be up front and honest about that.

The ministerial code goes on to say—*[Interruption.]* We are being told that ministers cannot release advice, but that is not true. It goes on to say that the

"release of the content of legal advice is likely to be appropriate only in highly compelling cases."

How much more compelling does it need to be than whether Scotland stays in the United Kingdom or leaves to have an uncertain future? Nothing is more compelling than that.

The First Minister has form in terms of not being totally up front. In September 2007, I asked him whether his pledge on class sizes would be met within the lifetime of that session of Parliament. He said, "Yes." However, I know for a fact, and it was subsequently revealed, that the ministers had been told that not only would it not be achieved by 2011 but it probably could not be done by 2015.

The ministers and the Cabinet Secretary for Education and Lifelong Learning knew that, and I am told by well-placed sources that the First Minister's office had been informed.

We have a First Minister who has a track record of hiding the facts and hiding the truth. That is shameful and he is bringing this Parliament into disrepute.

15:27

Annabelle Ewing (Mid Scotland and Fife) (SNP): Before I begin, I will comment on that disgraceful speech. The member talked about integrity. I remind Hugh Henry that, as far as I am aware, he is the only member in this Parliament since my election last May who has sought to bring into a debate in an absolutely disgusting way the children of another member of this Parliament. Shame on Hugh Henry. How dare he talk about integrity?

Hugh Henry has shown that he has no respect for the office of First Minister and he has no respect—[*Interruption.*]

The Deputy Presiding Officer: Order.

Annabelle Ewing: He has no respect for democracy in this country. Last May, the people of Scotland put their trust in the SNP to govern their country with a majority Government.

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

Annabelle Ewing: No, thank you. [*Interruption.*]

The Deputy Presiding Officer: Order. The member has to be heard.

Annabelle Ewing: I will not take any interventions at this point, thank you. I have wasted far too much time on Mr Henry's disgusting comments, but I wanted to put that on the record. I hope that his comments could perhaps be reflected upon further over the course of the afternoon.

I am pleased to have been called to speak in the debate. It could perhaps be termed the future of Scotland 2, since I recall that only a few weeks ago I was pleased to be called to speak in the future of Scotland 1—perhaps, on reflection, given the negativity, we could have called it “Bleak House”.

There would have been a welcome for the sequel debate—it could have been a blockbuster hit—if Labour had sought to focus on the key substantive policy issues facing Scotland, such as Trident renewal or UK welfare cuts; if the focus had been on defining Labour's vision for Scotland in the years to come; and if Labour had been keen to use its Opposition day debate to discuss what

hope it could offer the citizens of our country for a brighter future for them and their families. Sadly, what we have heard today and in the debate a few weeks ago is the limitless negativity of the Labour Party; the complete lack of vision that Labour members all seem to share for their country; their apparent contentedness to strive for so little for their fellow citizens; their preference for Tory rule on welfare rather than home rule; and their preference to spend billions of pounds on nuclear weapons rather than on schools and hospitals for our citizens.

In contrast, I and my SNP colleagues will place no ceiling on the ambition of our people and country. We will not say—as Labour and the anti-independence parties do—that we can go so far but no further, or that, for some reason, we should accept second best; we will not say that we are not capable of taking our own decisions and that we should have somebody else making them for us. It is, of course, the people who care most about our country who are best placed to take decisions that affect our country—that means the people who live and work here.

The historic Edinburgh agreement paves the way for the independence referendum and, crucially, for an agreed framework through which the process can be secured. To pick up on one element of the debate, that agreement in turn provides the basis for legal advice to be sought from the law officers, including on EU membership. That, to me, seems axiomatic.

What I have found curious about the debate, in interventions from the Opposition parties, is the lack of any understanding about the fundamental principles underlying the EU and how it operates in practice. It has always been and remains the case that the EU is an inclusive organisation, which is open for membership to all countries that have a land area on the European continent and which share common democratic principles and respect for human rights. The idea that—somehow uniquely—Scotland would not be welcome is, frankly, ludicrous. As the cabinet secretary says, that lacks any credibility.

The next point to bear in mind is that we have been—as the excellent contribution from my colleague Aileen McLeod made clear—in the EU for some 40 years. We are EU citizens and we have certain rights. It is also to be recalled that it is difficult to get out of the EU—we need look only at the instance of Greenland some years ago in that respect.

As a matter of law, it is clear that Scotland is in the EU and that it will stay in the EU. It will be in exactly the same position as the rest of the UK in relation to international law on successor states. That is indeed the sum of the eminent benchmark opinion that we have before us to date.

As a matter of politics, it is clear that Scotland would be an attractive prospect. Indeed, Scotland has one quarter of EU wind and tidal resources and one tenth of EU renewable energy wave resources. Are the anti-independence parties saying that Scotland would not be welcome in the EU?

Drew Smith: Will the member give way?

The Deputy Presiding Officer: The member is in her last minute.

Annabelle Ewing: Are they saying that Scotland, with 90 per cent of oil and gas reserves in the EU, would be ejected from the EU when no territory has ever been ejected before? *[Interruption.]*

The Deputy Presiding Officer: Order.

Annabelle Ewing: Given our vast fishing resources, are they saying that Scotland remaining a member of the EU would not be hugely attractive, particularly to certain member states that have been so cited this afternoon?

What a silly debate the anti-independence parties have been reduced to. Why do they seem so enthusiastic about other countries' membership of the EU, but wish to make an entirely make-believe world of difficulty for their own country? I have vision for my country: I wish to see it play its equal part with other countries in the international for a of the world. I wish to see our country prosper and to see real social justice, where we have control over our own welfare system and in which people are treated with dignity. Roll on the 2014 independence referendum.

The Deputy Presiding Officer: I remind members of the Presiding Officer's statement before the debate. I also advise the chamber that I cannot make rulings on what is said by members from sedentary positions, and I ask members to desist from making remarks from such positions.

Sandra White (Glasgow Kelvin) (SNP): On a point of order, Presiding Officer. Are you saying that members can make any remark that they wish as long as they are not standing up? That is what Mr Henry did, but no one told him to desist.

The Deputy Presiding Officer: That is not what I am saying at all. If members make remarks without using their microphones from sedentary positions, I am in no position to hear what they have said and I therefore cannot make a ruling.

15:34

Mark McDonald (North East Scotland) (SNP): I will do my best to approach the debate with the same level of humility and respect that Mr Henry managed—or perhaps a lot more.

Mr Henry talked about the notion that either we remain part of the UK or we face an uncertain future as an independent country. I was interested by his words, because their implication is that if Scotland remains part of the UK its future is, by definition, certain. However, when I intervened during the leader of the Conservative Party's speech—I am pleased that she has decided to drop the vaudeville act that she rolled out at First Minister's question time to such universal acclaim—she responded that she could not confirm or deny that the UK will remain a member of the EU in five or 10 years' time.

Indeed, yesterday evening, the Radio 4 programme "Analysis" looked at the Labour Party's relationship with the European Union. A commentator said that he thought that there was a 50:50 chance of the UK withdrawing from the European Union within the lifetime of the next UK Parliament. He thought that the party that is most likely to take the UK out of the European Union is the Labour Party. That demonstrates that even if Scotland remained in the UK, our future in the European Union would be uncertain.

We can say with some certainty, based on the precedent of Greenland, that a country's starting point as an independent nation is that it is inside the European Union and it can then negotiate the terms of its withdrawal, should it wish to withdraw. We also see, from the example of Sweden and the noteworthy points that Aileen McLeod made, that a country's being a member of the European Union does not automatically mean that it is a member of the eurozone.

Aileen McLeod made that point clearly, but of course we heard from Labour members that a person's professional expertise is clouded by their political persuasions. On that basis, we probably should not pay attention to the Advocate General for Scotland, Lord Wallace, or to the cuts commission proposals that Professor Arthur Midwinter, a former adviser to the Labour Party, will bring forward. However, if we are setting those parameters and saying that a person's political persuasions undermine their ability to engage in a debate, we have reached a sorry state indeed.

It is disappointing that this debate is purely about process. My eye was caught by an article in the *Morning Star* on 24 June, in which it said:

"Left Labour MSP Neil Findlay said the referendum debate so far had been tedious."

The article went on to quote Mr Findlay as saying:

"The people who inhabit planet normal"—

I assume that he counts himself as one of those—

"are bored ... The labour movement needs to cut through the"

BS

"and the sideshows and focus on the type of Scotland we want to see".

I could not agree more with Neil Findlay. I know that he has said that he never agrees with the Scottish National Party, but I charitably suggest that I agree with him that this debate should be about the kind of Scotland that we all want.

Hanzala Malik (Glasgow) (Lab): I make two subtle points. Membership of the EU is not guaranteed. Turkey is an example in that regard. Having said that—[*Interruption.*] Will members please allow me to finish? I do not imagine that Scotland would be denied membership of the EU. The question is, what price would we have to pay?

Mark McDonald: I accept that Mr Malik does not think that Scotland would be denied membership of the EU. Our position is clear. Unlike Turkey, we are already in the European Union and therefore we are a member state of the EU, as part of the UK. EU citizenship rights are afforded to our citizens, which is not currently the case in Turkey. The situation is not analogous.

The point is that this debate should be about what kind of Scotland we want to see in future. There will be differences of opinion. The better-together parties often have fun with the suggestion that, because Patrick Harvie and I share a different vision for the future of Scotland, the yes campaign is riven with splits. I hope that the Labour Party and the Tory party do not have exactly the same apocalyptic vision of the future—[*Interruption.*] I often have my doubts on that.

People should be asking themselves, "What do I want Scotland to look like in future? How do I want Scotland to develop?" They should then ask themselves whether that vision becomes more or less likely as a result of Scotland becoming independent.

Rhoda Grant (Highlands and Islands) (Lab): Will the member give way?

Mark McDonald: I am sorry. I am in my final 40 seconds.

My vision is for a socially just future for Scotland. A future for Scotland without nuclear weapons and a future for Scotland that delivers the kind of human decency and dignity to our citizens that we would all expect—not just for ourselves or for our relatives, but for our fellow Scots—is more likely as a consequence of independence. It is more likely as a consequence of our taking control of our resources, whether they are natural, financial, or human resources.

That is the point around the vision debate and it would be good if, just for a change, the Labour Party could heed the words of Neil Findlay—I am probably never going to repeat that phrase. We need to get away from the sideshows and the

process-laden nonsense and start talking about what the vision is for the future of Scotland.

If, as Mr Henry asserts, Labour has a positive vision of a certain future for Scotland within the UK, let us hear what it is, because all I see at the moment for people on welfare and for public sector workers who are looking at their pension issues is a future that is riven with uncertainty as part of the United Kingdom.

Let us have an honest debate about the Scotland that we all want.

15:41

Ken Macintosh (Eastwood) (Lab): Last week gave many of us the opportunity to catch a glimpse of what life in an independent Scotland under an SNP Administration might be like. No, I am not talking about the furore that surrounded the rather pretentiously named Edinburgh agreement—I will come on to that shortly. I am referring to the film that was shown on the BBC, "You've been Trumped". I do not know whether other members also saw the film or how they felt, but I was embarrassed and ashamed. I was embarrassed that Scotland could be treated like some sort of banana republic by this bully of a man, and ashamed that not only did we do nothing to stand up for the local residents but we actually seem to have connived with the billionaire against the powerless.

The lowest point for me was to see our own police officers seemingly intent on carrying out the bidding of Mr Trump against those who lived on the Menie estate. I mention that documentary because—as with the rest of the events that played out in the Scottish Parliament last week—one man was central to making all that happen. That man is not the bullying billionaire Mr Trump; it is our esteemed First Minister, Mr Salmond. The very person who should have been there to stand up for his own local constituents, the very person who should have been there to defend our interests against the unscrupulous attentions of the rich and powerful, the very person who should have been there to defend our proven systems of democratic accountability and decision making was instead cosying up to that bully. Mr Salmond is the one who picked up the phone to the chief planner; he is the one who bypassed the democratic and accountable procedures; and he is the one who, as I understand matters, to this day has not had the courage or the decency to go and talk directly to the residents, who are his own constituents.

The Deputy Presiding Officer: Mr Macintosh, could you return to the motion?

Ken Macintosh: It is not the fact that our esteemed First Minister enjoys the company of

rich and powerful men that worries me, although I do not believe it to be a particularly attractive character trait. It is the treatment of his own office, the disregard for the office of First Minister and the disregard for the interests of the people of Scotland whom he is supposed to represent that I find most disturbing. That is what disturbs me about the other events last week.

Mark McDonald: Will the member take an intervention?

Ken Macintosh: In a minute, Mr McDonald.

Many of us are familiar with our esteemed First Minister's habit of making things up as he goes along. He makes assertions and then he believes his own assertions. There are many examples, some of which were given earlier, but one that I vividly recall from the previous session of Parliament was when he rebutted a question at First Minister's questions about falling numbers of qualified teachers in our nurseries. I mention it because it is one of many examples that came out around the issue of the SNP's broken election manifesto promises. The First Minister rebutted the Government's own statistical evidence that the number of teachers was falling with the answer that the number of teachers was "substantially increasing". An argument could have been made over how much the number of teachers was falling by, but under no scenario was the number of teachers increasing—never mind substantially.

At the very least the First Minister misspoke. However, true to form, instead of apologising to the chamber or correcting himself, our esteemed First Minister sent out his human shield to set the record straight—in that case it was the then junior education minister Adam Ingram, someone I have a lot of respect for. That pattern was repeated last week as the First Minister sent out the hapless Jamie Hepburn to be slaughtered by Andrew Neil and the less hapless but equally unfortunate and uncomfortable Deputy First Minister, who was left squirming by Gordon Brewer on "Newsnight".

At least those individuals have some credibility, but then, as now, when his own trust is at stake, the First Minister hides behind the trust, the credibility and the respect that others have earned.

Mark McDonald: As somebody who visited the residents of the Menie estate, I wonder whether Mr Macintosh could remind me and the chamber, first, on whose watch Mr Trump was first invited to Scotland and, secondly, what role his party played in supporting the Trump development both locally and nationally.

Ken Macintosh: Mr McDonald seems to have missed the point that the First Minister picked up the phone to the chief planner and intervened directly, bypassing normal procedures, on behalf of a billionaire. That is not something that any

other MSP, never mind any member of the public, could do. It was an abuse of office, and that is why I dislike and am very concerned about what happened last week. It is not about the behaviour of one individual; it is about the fact that he is abusing the office of First Minister and the power that goes with it.

This should be an honest place for honest debate. There are parliamentary colleagues who have had the humility to come to Parliament—John Swinney and Nicola Sturgeon are among them—and who have retained their dignity and respect by being more open and honest with the chamber and the rest of Scotland. However, our esteemed First Minister hides behind others. He hides behind assertion and will not admit when he has led us all to believe something that is not true. That matters for two reasons. It matters because it reflects on the office of First Minister and the credibility of the Scottish Parliament. It also matters because these are crucial decisions that affect everyone living in Scotland.

I hope that, despite recent adverse events in Europe, we would want to be members of the European Union. I further hope that the European Union would want to retain us as a member. However, as Willie Rennie, Hugh Henry and others have said, that is a far cry from agreeing the terms of that membership. We need to know whether we would have to renegotiate those terms. One way or another, we need to know whether those terms would include a share of the UK's rebate, whether they would include a veto and—centrally—whether we would need to join the euro.

Clarity on the latter point is not just a matter of the utmost practical significance; it is a highly politically significant matter, too. Given what has happened in the eurozone over the past year, the chances of Scotland voting for independence if, as a result, we would have to join the euro are virtually nil. That would be the killer blow for the SNP's dreams of independence. I believe that, unfortunately, that is why the people get the accurate impression that the SNP will say absolutely anything to ensure that that does not happen.

However, we are not having a frank debate about independence and this is not about the power of argument; this is all about the power of assertion. The SNP has asserted that we would have the safety net of the Bank of England, the sterling zone and the monetary policy committee when none of those is a proven fact. This is about having an open and honest debate. It is not about the character of just one politician; it is about his public office. He is the First Minister of Scotland, and he does that office a disservice when he fails

to treat the Scottish Parliament and the Scottish people with the respect that we deserve.

15:47

Christina McKelvie (Hamilton, Larkhall and Stonehouse) (SNP): Like many of my colleagues, I was delighted to see the title of the motion. I thought that, at last, Labour had got the point and had realised that the future of Scotland matters. For the past few days, I have been thinking about the many things that Labour could bring up in the debate. Our economic future? Absolutely. Our humanitarian future? Possibly. Our welfare future? Most definitely. Instead, what do we get? We get the no future for Scotland under Labour debate. We get snipe, snarl and lashing out, because Labour members cannot make an argument for the discredited and failing union.

Let us look at the only arguments for the union, which were articulated recently by a friend of mine. Our main Parliament will be hundreds of miles away, and our MPs will be in a small minority. We will have a Government that we did not vote for, and we will hand over all our oil and gas revenues to the London Treasury. The biggest nuclear arsenal in western Europe will be based on the River Clyde only 30 miles from our largest city. An austerity budget will be imposed by London, cutting jobs and threatening public services, instead of Scotland being responsible for raising and spending its own taxes. We will join a country whose health and education services are rapidly being privatised. Is that a manifesto to be proud of? No, I think not.

In their lashing out over the past few weeks, Labour members have talked about dishonesty. Well, let us have an honest debate about Scotland's place in Europe. I will see their Spanish foreign minister and raise them Mr Almunia, the European Commissioner for Competition and the Vice-President of the European Commission, who is a fierce opponent of Catalan independence. He said this week that it would "not be honest" to say that a breakaway region would be stuck outside the EU if it was independent. Mr Almunia also insisted that citizens of the EU could not be stripped of their rights just because their territory separated from a member state. That nails it. The fact that it would not be honest to make that argument says it all.

Let us consider the issue of honesty. Is it honest to cry foul just because something does not suit Labour's negative agenda, even though it suited the party very well in government?

Drew Smith *rose—*

Christina McKelvie: Was it honest to suppress a top secret document—the McCrone report—to deny the people of Scotland the full facts of the

benefits of Scotland's oil? I will quote the main conclusion of the McCrone report, just in case Opposition members have forgotten what it said, because it was so secret for 30 years:

"This paper has shown that the advent of North Sea oil has completely overturned the traditional economic arguments used against Scottish nationalism. An independent Scotland could now expect to have massive surpluses both on its budget and on its balance of payments and with the proper husbanding of resources this situation could last for a very long time into the future."

Was that the honest action of Labour and Tory Governments, which for 30 years have been hell-bent on stripping out of Scotland every penny that they have been able to? Is it honest to convene a cuts commission that will punish the sick, the old and the young? Is it honest to accuse the people of Scotland of having a "something-for-nothing culture"?

I think that Johann Lamont got mixed up when she used that phrase and that she actually meant that Labour is the nothing-for-something party, because when the people of Scotland face the most savage of welfare cuts, they get nothing from Labour. When the people of Scotland face the prospect of continuing to be a nuclear dump for Westminster, what do they get from Labour? Nothing—utter silence. When the people of Scotland face attacks on their universal benefits from Labour's cuts commission, what do they get? Nothing. When their pals, the Tories, devastated public sector pensions at Westminster yesterday, again we got nothing from Westminster Labour members, who sat on their hands and allowed their Tory pals to lay waste to pension provision in Scotland.

Drew Smith *rose—*

Christina McKelvie: Yes, Labour is the nothing-for-something party. That something is the dignity and independence of our elderly, which Labour is attacking by seeking to take away their free personal care and their bus passes. That something is the denial of free education to our young folk and the creation of a situation in which people can learn as long as they are rich. That something is the return to the sick man of Europe tag, which would result from Labour's ending of free prescriptions. That something is the pillage of our oil and gas resources to shore up illegal wars and pay for weapons of mass destruction. No questions were asked yesterday and none have been asked today about the squandering of £350 million on such weapons when people are at food banks and are losing their jobs.

Drew Smith *rose—*

Christina McKelvie: That something is the subjugation of our nation to a Tory-Labour alliance at Westminster that is not interested in the people of Scotland. The future of Scotland under Labour

is the nothing-for-something party. How dare Labour come to this chamber to talk about the future of Scotland and to present no vision, no hope and no ideas about what that future should be. Scotland deserves better.

15:53

Stuart McMillan (West Scotland) (SNP): As members might imagine, I will not be voting for the Labour motion but will be supporting Nicola Sturgeon's amendment.

Yet again, we have a Labour motion of rhetoric and hyperbole when the questions that the public want answered are on the details of independence and of remaining in the union. Labour's motion talks about

"confusion ... as to whether or not legal advice had been sought regarding an independent Scotland's status in respect of EU membership".

I omitted some words, although only 13, not 27. When the Labour Party embarked on this crusade after the failure of the previous five, surely it should have done some research beforehand. During the first parliamentary session, when Iain Gray and Jack McConnell were ministers, they provided clarity on the issue in written answers to parliamentary questions. Iain Gray said:

"Whether legal advice is sought by, or provided to, ministers on any subject is a confidential matter."—[*Official Report, Written Answers*, 8 November 2002; S1W-31067.]

Jack McConnell said:

"It is not the practice of the Scottish Executive to disclose whether they have taken legal advice on an issue, nor to disclose the nature of any legal advice received."—[*Official Report, Written Answers*, 3 July 2000; S1W-08098.]

I may be wrong, but it appears to me that, on the issue of legal advice, the Labour Party is doing two things. First, it is playing politics with the issue despite knowing full well that legal advice is neither confirmed nor denied—nor disclosed—unless permission to do so is granted by the law officers. Secondly, its main reason for doing so is, I believe, to provide a smokescreen for its own inadequacies in providing a positive vision for Scotland.

Labour's cuts commission—it is cutting free personal care, the bus pass and eye tests and ending the council tax freeze, to name just a few things—is not something that it can crow about. No members on my side of the chamber agree with Labour's cuts agenda, and I am sure that none of us could go out and sell it on the doorsteps as a positive vision for Scotland.

The smokescreen is an attempt to hide not only Labour's inadequacies, but the party's hand-in-glove coalition with the Tories in Scotland in the no campaign. That coalition—or partnership—with the

Tories sticks in the craw of hundreds of thousands of people in Scotland who have not forgotten how Mrs Thatcher's policies affected our communities.

With the Tories and the Lib Dems having embarked on a welfare cuts agenda that will once again hammer many communities and people in Scotland, I urge the Labour Party to think again about getting into bed with Cameron and Clegg. If the Prime Minister and the Tories are the masters in the coalition, that begs the question of who the puppets are.

Before I go on to discuss matters of real importance to the people of Scotland, and why Scotland's future should be as a normal independent nation, I note that reading of Labour's agenda was quite revealing. A Sunday newspaper reported that a Labour strategist admitted that, to get a no vote in the referendum, the tactic is to launch personal attacks on the First Minister.

I believe that the people of Scotland deserve better than that. They want politicians who will try to work together to improve the country not who spend their time cooking up new ways of attacking the First Minister. The people of Scotland want to know what Scotland will be like if they vote either yes or no, and the nonsense that is lobbed with regularity from Labour Party members does them and the people of Scotland a disservice.

I believe that an independent Scotland in the EU is the best option for the country. Last week, after giving evidence to the Westminster Parliament's House of Lords Select Committee on Economic Affairs, Liz Cameron, the chief executive of Scottish Chambers of Commerce, said:

"I am delighted that my fellow panellists agreed with Scottish Chambers of Commerce that continued membership of the EU is of huge advantage to Scottish businesses. Whatever the outcome of the referendum, ensuring that this can continue is a priority."

That is one of the important issues that the no campaign needs to address. Labour has been silent on EU membership, the Lib Dems are positively gushing about the EU and the Tories are trying to deal with a Eurosceptic wing to stave off the challenge from UKIP at the next European elections.

The Prime Minister's comments to the effect of, "Vote for me in 2015 and I might just give you a referendum on EU membership" sound very familiar to us here in Scotland. Earlier in January, we heard, "Vote no and I will give you more powers", but there was no mention of what those powers would be. The no campaign is all over the place on that particular issue.

Scotland's business community wants answers on EU membership so that it can plan accordingly. In the 14 minutes of Johann Lamont's speech earlier today, and in previous debates on

Scotland's future, there has been a vacuum in respect of Labour's vision for Scotland and its policy on Scotland's place in the world.

I was going to conclude, Presiding Officer, but I see that I have a bit more time.

James Kelly: Will the member take an intervention?

Stuart McMillan: Okay—I will take it.

James Kelly: Speaking of vacuums, perhaps Mr McMillan can explain why the First Minister has not been able to appear today, and why he is running scared and has not come to Parliament to account for his actions in the past week.

Stuart McMillan: I am afraid that if James Kelly does not understand the importance of renewable energy and its jobs potential for Scotland, there is a vacuum in him and certainly not in the chamber.

I believe that a Scotland that is free from Trident and tuition fees, and that has the full ability to deal with the social issues that are affecting our population, is far more important than the lack of vision that the Labour Party portrays. Listen to Labour members: they want Trident and tuition fees, and they are content to sign up to a pact with their Tory and Lib Dem colleagues on welfare reform.

I do not know how anyone can think anything other than that Labour prefers that Scotland cannot do things for itself. Labour must tell the people of Scotland why it prefers a Tory Government to self-government for Scotland.

15:59

Lewis Macdonald (North East Scotland) (Lab): There are no limits to what the Government will do to avoid addressing the issues of substance around the independence referendum. It is ministers—and only ministers—who have turned the serious and substantial issue of legal advice on Scotland in Europe into their own political pantomime. “Yes, we have,” said Alex Salmond. “Oh no we haven’t,” said Nicola Sturgeon. They have now decided to hold an inquiry into the ministerial code to show that they could both be right after all.

On Thursday, the First Minister told us that he had invited Sir David Bell to join the independent panel of advisers and to lead the investigation into his own conduct. Then, at the weekend, it transpired that Sir David Bell would not merely lead the investigation; he would be the investigation. The very same permanent secretary who had advised Mr Salmond to bring in Sir David Bell had, on the very same day, called Lord Fraser of Carmyllie and told him that he was to be stood down from the investigation. Perhaps that was

because Lord Fraser recognises that the issue goes far beyond the confines of the ministerial code. Alex Salmond's decision to stand down Lord Fraser and Dame Elish Angiolini is not part of the solution but a symptom of the problem, which is a First Minister who delights in manipulating the machinery of government to his own ends.

The First Minister's defence is that the investigation is into the law officers' prerogatives. It is not. On Saturday, Alf Young reminded readers of *The Scotsman* that the primary source of legal advice to ministers is not the law officers but the Government's lawyers in the Scottish Government legal directorate. Ministers are bound by paragraph 2.30 of the ministerial code to “ensure that the legal implications” of pursuing Scottish independence in Europe

“are considered with SGLD at the earliest opportunity”.

If they did not do that, that might have been a breach of the ministerial code. The code also says that law officers

“must be consulted in good time before the Government is committed to significant decisions involving legal considerations”

on the basis of a reference from Scottish Government legal directorate, which might be at the request of Government lawyers, ministers or the law officers.

On the basis of what Nicola Sturgeon has said, it would appear that the Government's lawyers did not refer the issue of Scotland in Europe to the law officers, whether it be at the request of ministers or otherwise. Given the requirements of paragraph 2.31 of the ministerial code, that looks like another breach.

The much-loved paragraph 2.35 is also worth a closer look. Whether legal advice has been given to ministers by the Scottish Government's legal directorate, which is the primary source of such legal advice, is not covered by that paragraph. Ministers are fully at liberty to tell us whether such advice has been asked for or given.

The Lord Advocate has said today that he consented to Nicola Sturgeon revealing last week that she had asked for legal advice because of the exceptional circumstances of the case. In his letter to Ruth Davidson, which is now available in the Scottish Parliament information centre, he says:

“(i) this is a matter of fundamental importance to the country and to the Referendum debate;

(ii) a significant amount of legal comment and analysis on the issue ... is already in the public domain; and

(iii) this is an issue of international importance which may set a precedent.”

That is all true, but it has all been true for many months, regardless of the terms of the referendum

agreement on which the statement was made in Parliament last week. The Lord Advocate clearly recognises the exceptional circumstances, and the fact that the responsibility for the failure to ask for his consent to reveal the fact of legal advice rests squarely with ministers.

Ministers also have questions to answer about the ministerial code. They have failed to ensure that the legal implications of pursuing independence in Europe were considered with the Scottish Government legal directorate “at the earliest opportunity”. They have failed to ask Government lawyers to refer the matter to the law officers “in good time” before committing to “significant decisions” such as holding a referendum on independence.

Ministers then went to court to cover up those failures. That court action was not just a waste of public money; it was also a cover-up for failures in the most basic responsibilities of Government—that ministers should make decisions about the future of their country

“in a fully informed legal context”

as demanded by the ministerial code.

However, as Lord Fraser has affirmed, we are talking about more than breaches of the ministerial code. That is why an inquiry, appointed by Alex Salmond, with a remit written by Alex Salmond, to consider the actions of Alex Salmond in relation to the ministerial code just will not do.

The deliberate exclusion of the two former Lord Advocates who might know how the code is supposed to work shows that the inquiry has been designed with only one possible outcome in mind. What we need is an independent inquiry into ministers’ words and actions and full disclosure of all the legal advice that has been offered and received on Scotland and Europe. Only if those things happen can we hope to move on to the issues of substance that should surely concern us all.

16:05

Bob Doris (Glasgow) (SNP): It will not surprise Lewis Macdonald to hear that I do not agree with the content of his speech; however, I congratulate him on the way he conducted himself and the language and tone that he used. I must single his contribution out from others from the Labour benches and from some other members and say that he did himself some credit.

Speakers in the debate have used expressions such as “not telling the truth” and “dishonest”; last week, we heard the phrase “straight as a corkscrew”; and this week we have already heard terms such as “snake-oil salesman” in the chamber. Quite frankly, I think that those who are

prepared to say things in a television studio should be prepared to say them in the chamber or just haud their wheesht. Why not use the phrase “barefaced liar”? We seem to have bullish bravado in the TV studios and bottle merchants in the chamber. I am delighted, of course, that the expression has not been used in the chamber, given that it is unparliamentary and simply debases the entire political debate. The point, though, is that members should not be touring TV studios and radio stations, debasing the debate outwith the chamber.

In any case, it seems clear that the tactic being employed by Labour and the better together group is to mount personalised attacks and a negative campaign. However, when Labour mounts such attacks and campaigns, the Scottish Government tends to come up trumps—and I have no objection to that.

I congratulate Labour on focusing on the European Union, because it is important that we shine a light on the matter. Aileen McLeod has already mentioned the 120 or so Tory MPs who are openly campaigning to pull back from Europe. However, this is not just an issue for the Conservative Party. The *Daily Mail*, which I have to say is quite helpful for those who might be looking for right-wing reactionary comments—I apologise to the *Daily Express* for not using quotations from it—had an article that quoted

“Labour MP John Cryer, a leading member of the party’s Euro-sceptic wing, who is in favour of holding a referendum on leaving the EU”

as saying:

“There has always been a strong streak of Euro-scepticism running through the Labour Party, which has been obscured by all the attention paid to the Conservatives.”

His is not a lone voice; indeed, it is reported that up to 50 Labour MPs would associate themselves with those comments. Moreover, these Eurosceptics are no non-entities; they include the likes of former minister Frank Field and Kate Hoey. Willie Rennie referred to a step into the dark when he talked about conversations on the EU. However, I tell him and others in the better together campaign that it is time to shine a light on what the better together parties really believe about the EU.

Michael McMahon (Uddingston and Bellshill) (Lab): Will the member give way?

Bob Doris: I am sorry, but I want to make some progress. I do not think that their position has been exposed and, when it is, the people of Scotland will certainly—

Johann Lamont: Will the member give way?

Bob Doris: To be fair, I think that we heard quite enough from the member in her opening speech.

On the Edinburgh agreement, it seems eminently reasonable to me that only when an agreed process is in place should one look for specific legal advice. I freely accept that the Scottish Government and the SNP have said that they believe that a referendum would be legally binding in any case, but seeking agreement and consensus, as the Labour Party asked us to do, is the way forward. I would argue that, now that we have that agreement and consensus is the perfect time to take that legal advice.

Rhoda Grant: Does Bob Doris agree that we should not only seek legal advice but make it public and that we should not hide whether such advice has or has not been sought? How much would he spend on hiding something that does not exist?

Bob Doris: The member has asked a number of questions, but what I can say is that I agree with Patricia Ferguson, Sarah Boyack, Jim Wallace and Henry McLeish, all of whom failed to say whether they had received legal advice or to reveal it. Consistency is important not only in government but in opposition.

I would like to move on now to some of the issues for Scotland's future rather than the processes, which Labour seems to be concerned with. I want Scotland's future to be nuclear free, as do the Scottish Government, the SNP and the yes Scotland campaign, whereas all the better together parties are nuclear parties. As we heard earlier, Claudia Beamish was involved in a 2007 STUC report that looked at the benefits of a nuclear-free Scotland. That report estimated:

"Up to 3,000 public sector jobs could be at risk. Of the current £153m annual operating costs approximately £50m comes back to Scotland in terms of wages for those maintaining Trident or the Scottish service personnel staffing Trident."

In other words, keeping Trident costs up to 3,000 public sector jobs. That is according to not me but Claudia Beamish. Those are the words of the STUC.

Claudia Beamish (South Scotland) (Lab): Will the member give way?

Bob Doris: Do I have time, Presiding Officer?

The Deputy Presiding Officer (John Scott): Yes, if you want.

Claudia Beamish: I thank the member for allowing the intervention. Can he clarify whether that part of the report was written by me?

Also, that report was an attempt to have an honest and clear debate about the future and

about the alternatives for defence. It was done by a wide-ranging group of people, including the STUC and some eminent academics, some time ago.

The Deputy Presiding Officer: Good. That will do. Mr Doris, you must be brief.

Bob Doris: I did not pull out some obscure part of the report; I quoted from the executive summary, which Claudia Beamish would have signed up to.

Having taken that intervention, I have time to point out only briefly that we have heard nothing from Labour on welfare reform. I am not surprised about that, given that Labour MPs did not vote on the Public Service Pensions Bill last night. I had thought that that was because they were whipped to abstain or not to vote, but I understand that they had a free vote and were not whipped. They just chose not to turn up to defend the interests of Scottish public sector workers. That is a scandal, and that scandal will end with independence, when we will truly look after Scotland's future.

16:12

Paul Martin (Glasgow Provan) (Lab): Let me say first that I consider myself a fair-minded person, perhaps the kind of fair-minded person that Nicola Sturgeon referred to last week. Let me confirm my absolute clarity on that by congratulating the minister on securing the Edinburgh agreement last week.

Of course we want to have a discussion and a debate on Scotland's future, but the very question that I have raised is this: how can we possibly have a debate on Scotland's future if the Scottish Government withholds information from the Scottish Parliament? How can we do so if the First Minister fails to appear before the Scottish Parliament to give us the opportunity to raise those questions so that we can move forward?

What is becoming very clear is that the Government either does not have the answers or makes them up as it goes along. Yes, that is the case. Again we have heard the First Minister playing fast and loose with his answers on the future of Scotland, and that is unacceptable.

One thing that we should keep in mind is that it is easy for us to have this debate in the comfort zone of the debating chamber but, for families whose futures and livelihoods depend on the decisions that we take here, it is unacceptable that many of these questions have not been answered to date. It also appears that many of them will not be answered for the future.

As far as I am concerned, the Deputy First Minister was right in what she said last week about how any fair-minded person would interpret what

the First Minister said in his interview with Andrew Neil.

Jamie Hepburn: Will the member give way?

Paul Martin: I will in one second.

Here is how I see it. Right-minded people across Scotland can see that the First Minister has been caught out. He wanted to create the impression that he had done his homework and that, on EU membership, he had all the necessary legal tests. Instead of being honest, he blustered his way to the end of the interview and used £12,000 worth of public money to cover his tracks in court. The First Minister should pay back every penny of the public money that he wasted on that court action to defend the legal advice that never was.

Jamie Hepburn: What Paul Martin today calls bluster, last week he called “barefaced lies”, although not in the chamber. He described himself as a “fair-minded person”. Does he stand by that accusation, and is he brave enough to repeat it in the chamber?

Paul Martin: I stand by any comments that I have made outside the chamber. Members such as Jamie Hepburn have become experts in providing a defence for the First Minister. They should get used to it, because we will probe the First Minister at every possible opportunity. Maybe those members will have to come back to the chamber and defend their First Minister—that is an issue between them and him.

After the First Minister’s shambolic attempts to cover his tracks last week, he agreed to refer himself for investigation on whether he broke the ministerial code. To use Nicola Sturgeon’s term, it is “unfortunate” that the ministerial code does not cover interviews with BBC journalists. Alex Salmond has picked who will decide and who will be the judge and jury in the process. That is far from the objective process that we should have. There should be an objective process in prosecuting the future challenges that face us, and the First Minister has a role in that.

The argument that Lord Fraser should be excluded from the case because he is a former law officer is absolutely ridiculous. That is like saying that Alex Salmond should exclude former Presiding Officers because they cannot be trusted to make impartial judgments on the conduct of ministers in Parliament. We know exactly why Lord Fraser has been excluded from the process. The First Minister has shown contempt for the Parliament in his appointments. He is well aware that the inquiry is perceived as a fix and that it will be as pointless as Pinocchio doing a lie-detector test.

As I have said, there should be a full and open judicial inquiry. All aspects of this fiasco should be interrogated at every possible opportunity. All the documents that were made available to ministers, including the legal advice that Jackie Baillie sought earlier, should be provided to the judicial inquiry. The First Minister should not drip-feed information to the Parliament. We should have an objective inquiry that ensures that every aspect of the process is interrogated properly.

Scotland faces the most important decision in living memory. It is not for the Government to play fast and loose with the future of our communities and constituencies. We must move forward in a positive manner, and we will do that. I support Johann Lamont’s amendment.

Jamie Hepburn: On a point of order, Presiding Officer. Will you advise us on whether it constitutes unparliamentary language if a member says in the chamber that they stand by a statement that they made outwith the chamber in which they accused another member of being “a barefaced liar”?

The Deputy Presiding Officer: I do not believe that it does. Language used outside the chamber is a matter for the member, and his response thereafter is also a matter for him.

16:18

Rob Gibson (Caithness, Sutherland and Ross) (SNP): I have had to listen to a debate in which we are told that the people of Scotland want clarity, but the proposals today are not about seeking clarity on the way forward for our nation. In fact, there are clear signals from what was achieved last week after the Edinburgh agreement and with the setting up of the Referendum (Scotland) Bill Committee, of which I am proud to be a member.

Our timetable is clear: before the end of November, we will deal with the legal issue of section 30; thereafter, we will deal with the ways in which 16 and 17-year-olds will be able to vote; and, at some point next year, we will consider the referendum bill. Advice will be given on the questions to which people want to know answers before they come to the great decision that the referendum will bring in 2014.

During that debate, the legal advice will be clear. When people want to make up their minds, they will have the advice in the Government documents. Indeed, the Parliament will be able to discuss it as close to the referendum as it can and discuss the matters with certainty.

Meanwhile, we have to sit and listen to the Labour Party hiding behind a smokescreen because it does not want to discuss the issues. All

the huffing and puffing over process is designed to obscure its behaviour in the Parliament and in London and the contempt with which it treats the Scottish people. Last night, when Labour failed to vote to save public pensions, it showed the line that it is moving down. Many members have mentioned that already, but it shows an appalling lack of support for the public sector workers who are the backbone of Scotland.

I will go on to talk about many of the other things that the Labour Party does not say.

Ken Macintosh: Will Rob Gibson take an intervention?

Rob Gibson: No, thank you.

I will come to the European Union in a minute, but there has been a lot of debate about Trident and the fact that the Labour leader refused to say in the Parliament or outside it what her position is on it. She has been able to ape the Eurosceptic things that her leaders in London have said about Europe, so why could she not just take their line on Trident?

Why does the Labour leader have to follow the welfare reform agenda and support a Tory-Liberal Government in London that is ripping the heart out of the lives of families that need the support of members in this Parliament? It is support that the Labour Party has abrogated.

Helen Eadie (Cowdenbeath) (Lab): Will Rob Gibson take an intervention?

Rob Gibson: No, thank you.

Labour are Eurosceptics chasing the south-east of England vote and sending up dog whistle signals about cutting the EU's budget. It is all aimed at power in London and has nothing to do with Scotland's future. The Labour Party does not say anything about that, and we must consider why.

On the European Union issue, the Labour Party's supporters in the Scottish Liberal Democrats—who differ slightly from their London masters—peddle a lot of nonsense as well. Willie Rennie claimed that we would have to adopt the euro. Why does Sweden not have the euro? It has been a member since 1995. That has already been explained, and the same point can be made about Bulgaria, the Czech Republic, Hungary, Latvia, Lithuania, Poland and Romania.

Helen Eadie: Will Rob Gibson take an intervention?

Rob Gibson: No, thank you.

Mary Scanlon (Highlands and Islands) (Con): Will Rob Gibson take an intervention?

Rob Gibson: No, thank you.

Indeed, next June, Croatia will join the European Union and will not be in the euro. It could not be until at least 2017, whether it wanted to or not. That is the position of a new member state.

Willie Rennie is wrong. The claims that we would have to adopt the euro are false.

Mary Scanlon: Will Rob Gibson take an intervention?

Rob Gibson: No, thank you.

The changing EU will be looser, not deeper. It will have new members by 2016. There will be many new nations in the world in that time. Many other nations are vying to become members of the European Union, and that will change the way in which the EU adapts to the new world in which it tries to bring people together.

The Labour Party does not say that it wants to keep Scotland in the European Union. It adopts the attitude of London and tries to keep Scotland hermetically sealed in a little package. That does not recognise the fact that, when Scotland and England went into a union in 1707, they did so as equal partners. This partner is reviewing that process in the Referendum (Scotland) Bill Committee, of which I am a member.

What will the Labour Party's manifesto say in the first elections after we become independent? There are blank faces among the Labour members.

The Edinburgh agreement gives us certainty to go forward. Every nation has its unique route to the future. Scotland is moving forward steadily and will not be diverted into discussions of process, which will find their due place when the referendum bill is published.

16:24

Willie Rennie: I was intrigued by Rob Gibson's new plan for Europe. I am not sure whether he is planning to be an EU commissioner who designs this great new Europe, under the SNP, with this great influence, but it was more fantasy than fact. I will return to the point about the euro later.

In the debate, the SNP spent a lot of time criticising the Labour Party and saying that it is not positive, but I do not think that I heard a single positive word from the SNP in its criticism of the Labour Party. If members are going to try to be positive, I give them one bit of advice: they should try to be positive when they are doing it. It tends to work.

Bob Doris's speech was a wee bit more moderate—it is the new Bob Doris—but he then proceeded to use all the derogatory language that he criticised other people for using. I offer him

another bit of advice: if he does not want to use derogatory language, he should not use derogatory language.

Mary Scanlon: Can I make a positive contribution to the debate, as I could not get in to make a speech? Information from the European Commission, which was last updated on 8 August 2012, states:

“Sweden ... has not yet adopted the euro, but in accordance with the Treaty it will do so once it meets the necessary conditions”,

which are bank reform and economic convergence criteria.

Sweden is not in the euro because it has not met the conditions, but under the treaty it will be in the euro and must be in the euro. That information is from the European Commission.

Willie Rennie: I am glad that Mary Scanlon got her opportunity to make a full speech. [*Laughter.*] She is right, though, because the one thing that Aileen McLeod omitted to say is that Sweden has a derogation, and she could not guarantee that Scotland would have one.

That is the point about all of this: the SNP cannot guarantee anything. It is all guesswork. SNP members can point to their favourite lawyers, European commissioners or members of the European Parliament who say certain things, but they fail to give any credit to people who have a contrary point of view.

Bob Doris: Will the member give way?

Willie Rennie: Not just now.

There is doubt—that is the whole point. Because there is no return and no way back from the creation of an independent nation—it is not like a normal bill—we need a greater level of proof and a higher degree of certainty. That is why we need the Scottish Government to show us the legal basis of its legal advice. It also needs to show that the 27 members of the European Union agree with that. If it does not do that, it is clear that the step would be a step into the dark, because we would not know the future.

Jamie Hepburn: Will the member give way?

Stewart Maxwell (West Scotland) (SNP): Will the member give way?

Roderick Campbell (North East Fife) (SNP): Will the member give way?

Willie Rennie: Not just now.

The point about the Edinburgh agreement was interesting. I was under the clear impression that it is really an agreement about the referendum. I accept that the UK Government has agreed within the process that it will accept the result, but that

does not oblige the United Kingdom to agree to every single demand of an independent Scotland, and it would be silly for it to be required to do so. That is what the SNP seems to think that it means, but it does not. It is simply about a process to get to the referendum.

I am sure that the United Kingdom Government will be reasonable if Scotland goes independent—it is a reasonable country—but it will not simply agree to every demand that an independent Scotland thinks it is entitled to make, especially if it is against the interests of the 27 members of the European Union and the interests of the United Kingdom. The Edinburgh agreement is about the process for the referendum—the section 30 order. It is for nothing more than that. The SNP needs to understand what it has signed up to.

This is about more than simply legal advice; it is about politics. The Spanish foreign minister, from whom I am sure the SNP does not like to hear, said:

“In the hypothetical case of independence, Scotland would have to join the queue and ask to be admitted”.

SNP members cannot ignore that.

Jamie Hepburn: I will quote another Spaniard back to Mr Rennie. The vice-president of the European Commission, Joaquín Almunia, says that there is no mechanism by which to remove the rights that people in Scotland have acquired as European citizens.

Willie Rennie: Jamie Hepburn makes my point, which is that there are contrary views. John Mason hit the nail on the head: there is no absolute certainty about this. However, because the process is about creating an independent country, we need more certainty, especially because the First Minister and the Deputy First Minister have been making contradictory statements about whether they had the legal advice in the first place.

Helen Eadie: Does the member agree that that would be a good reason for the Scottish Parliament's European and External Relations Committee to have a public inquiry on the issue? Is he aware that one of the other people who cast doubt on the issue was the much respected SNP MEP Professor Neil MacCormick, who was quite categorical that there were a lot of questions and absolutely no certainty about Scotland's membership of the EU?

Willie Rennie: Helen Eadie is right. There needs to be an inquiry. If SNP members refuse to have one in committee, they are letting Scotland down.

Helen Eadie was right to refer to Neil MacCormick because there is doubt. Even the SNP admits that there would have to be a negotiation. By that very admission, it implies that

there would have to be a bit of give and take. If there is give and take, we lose something. That is the potential in an independent Scotland.

At the end of this debate, we need certainty. SNP members do not want to give us certainty; they just want to give us assertions. After last week's shambolic showing from the Scottish Government, we desperately need that certainty.

16:31

Jackson Carlaw (West Scotland) (Con): I begin by agreeing with Nicola Sturgeon's comment at the start of the debate. She said that she had hoped that we would have a broader debate this afternoon, and I am sure that the opportunity for that broader debate will come. However, the events of last week made it inevitable that we would have the debate this afternoon that we have had.

I must also say that, by their conduct this afternoon, SNP members give the impression that they are proud about the events last week. They seem not frustrated, angry or in any way embarrassed but proud of the confusion that they created.

A lot of the confusion has hung around the legal advice—the existence, the nature and everything in it. I want to be clear about this, because these codes are drafted very carefully. The fact that legal advice has or has not been given to the Scottish Government by the law officers and the content of any legal advice given to the Scottish Government by the law officers or anyone else must not be revealed. We are talking about whether legal advice has or has not been given, not whether the Government sought legal advice.

Mark McDonald: Will the member take an intervention?

Jackson Carlaw: Not just now.

In his letter to Ruth Davidson today, Frank Mulholland says the same thing:

"In light of recent discussion of these matters I would wish to place on record my view that it is extremely important that the long-standing convention against disclosure of the fact or content of Law Officers' legal advice should be maintained".

He is not talking about whether legal advice is sought.

The television interview in which the First Minister was asked by Andrew Neil whether legal advice was sought was not seen for the first time last week; it was seen months ago, and no one really expressed surprise. When the First Minister went on to say that he could not say what the legal advice was, he was absolutely and perfectly correct, but he was not breaching the code to say

that he had asked for legal advice, in the same way that we all knew that Tony Blair had asked for legal advice on whether the Iraq war was legal but could not reveal what the legal advice was.

Bruce Crawford (Stirling) (SNP): Will the member give way?

Jackson Carlaw: I am not accepting interventions. Only Ruth Davidson and I have been able to speak for the Conservatives, so I will persevere.

When the First Minister was hiding behind the Deputy First Minister, or sending out Jamie Hepburn or the long-suffering Stewart Maxwell, the proposition was put that the First Minister was unable to get his point across because Andrew Neil kept interrupting him. Forgive me, but the First Minister celebrates 25 years as an elected politician this year—we know that, with his imperial ambitions, this is indeed his silver jubilee. Thanks to his natural modesty we have been spared the balcony appearance, the tea towels and the mugs, but, quite frankly, the idea that the Paisley grammar school boy Andrew Neil mugged the inexperienced First Minister such that he could not get his point across on a television programme is by far the most preposterous assertion that the Government made last week. Of course the First Minister could have got his point across.

Worse than that, when it was discovered that the First Minister knew that he said that he had sought the legal advice, he went on to use taxpayers' money to cover up the fact. That is completely unacceptable. A fair-minded person will conclude that he was bluffing or incompetent or that there was something more malicious. I am happy to accept whichever of those three is true. Frankly, I do not think that what happened was malicious; I think that the First Minister was bluffing and that the Government's covering up has been wholly incompetent.

There have been extraordinary interventions on Trident by Jamie Hepburn, supported by Stuart McMillan and Bob Doris. I understand that the SNP's policy on Trident is now that it supports membership of a NATO alliance, which retains the right to use nuclear capability as a first-strike resort. That is now the SNP's policy: it supports an alliance with a nuclear deterrent at its heart; its only concern is whether the submarines sail up and down the Clyde, not the use of nuclear weapons. That is what all SNP members have signed up to. Mr Hepburn has had the opportunity to follow his colleagues elsewhere if he does not believe in the use of Trident, but he has stayed in a party that now believes in its use—just as long as it does not sail up the Clyde.

Annabelle Ewing gave us a great lecture on various countries. The point is that we have had

the Lisbon treaty since then, and it says that every member must have its own commissioner and that it will have weighted voting rights. We have one commissioner in the United Kingdom; an independent Scotland would require there being two, which would mean 28 commissioners. An extra commissioner for Scotland would require the unanimous support of the other member states. That is the situation now, and no one in the SNP can guarantee that.

That is the point: the approach is confused. The First Minister has absorbed the politics of Westminster too much in 25 years. At Westminster, people cannot ever accept that they are wrong. Many of us might have hoped that things would be different in a Scottish Parliament—but no. The First Minister simply could not stand up and say, “As the Deputy First Minister acknowledged on the radio last week, the impression was given—even encouraged—that legal advice had been sought. We apologise for any part that we played in creating that false impression, and we regret using taxpayers’ money to try to cover up that fact.” He should have said that.

What is depressing is that we know how the votes will go tonight. However, at the end of the day, the First Minister is leading a campaign to encourage the people of Scotland to vote for an independent nation. He is at the head of that campaign. As a unionist, I want to defeat the SNP on its terms on the basis of a pro vote for the union, not on the basis of people making a judgment in the referendum on whether they trust the First Minister. However, when we look back on the result in years to come, the SNP will have to think carefully if it loses the referendum and independence is defeated. SNP members’ cheers this afternoon will echo back at them because one of the reasons why they will have lost the referendum will be that, last week, people made a decision about the integrity of and their trust in the person who is leading the campaign, and found them wanting.

16:38

Nicola Sturgeon: As is customary in summing up a debate, I would like to begin by saying that it has been good, but, sadly, I do not think that it has been very good. In particular, some contributions by Labour members—including and perhaps especially some of their sedentary contributions—have been completely outrageous and unacceptable. Labour’s conduct in the debate has confirmed my view that, from its perspective, the debate is nothing more than a fig leaf to cover Johann Lamont’s inadequacies at First Minister’s questions last Thursday. That is the purpose of the debate, and she knows it.

Let me deal with a number of the issues that have been raised. First, we have heard from Willie Rennie, Johann Lamont and other members that the First Minister should have been taking part in the debate. Members might be interested to know that the First Minister is this afternoon delivering a major speech to the renewables industry to outline an ambitious new green power target for Scotland, before meeting representatives of the Freshlink company in Glasgow to discuss its plans for the future, which is a matter of profound interest and significance to the people whose livelihoods depend on that company. In other words, the First Minister is working on behalf of the people of Scotland, which is exactly what he should be doing and exactly what he will continue to do.

Secondly, I will address, as I did in my opening remarks, the so-called, alleged contradictions between the statements made by myself and by the First Minister. I accept—regretfully, but I accept it—that it is in the vested interest of Opposition parties not to accept any reasonable explanation that this Government gives on any issue. After all, we all saw the article in a Sunday newspaper this week entitled “Target Salmond”, which revealed that the strategy of the Opposition parties in the referendum campaign will be to smear the First Minister. I am happy to let the people of Scotland draw their own conclusions, because just as Labour’s scaremongering was defeated in 2007 and 2011, so will its smear tactics be defeated in the referendum in 2014.

I accept the vested interests of these Opposition parties, but what I think is outrageous is the way in which in this debate they appear to have completely ignored the terms of the non-political Lord Advocate’s letter to Ruth Davidson, which was issued today. I do not think that that is acceptable.

Thirdly, I turn to the convention enshrined in the ministerial code that ministers do not reveal the fact or content of advice from law officers. I will quote from section 2.35 of the code. It states:

“The fact that legal advice has or has not been given to the Scottish Government by the Law Officers and the content of any legal advice given by them or anyone else must not be revealed outwith the Scottish Government without the Law Officers’ prior consent.”

In response to the amateur—I stress the word “amateur”—theatrics of Jackie Baillie, I point out that all she had to do was read the *Official Report* of my statement last week, when I said that the Government had

“not sought specific legal advice.”—[*Official Report*, 23 October 2012; c 12408.]

That was the answer to Jackie Baillie’s question. If she had had any interest in the answer, she would have checked that in advance of this debate.

At the heart of the proposition that Jackie Baillie and others have put forward is that we should say when we do not have law officers' advice. However, even a child could work out that, if ministers said when they do not have such advice, by definition they would also be confirming when they do have such advice. That is a ludicrous proposition. So, too—

Jackie Baillie: Will the cabinet secretary give way on that point?

Nicola Sturgeon: No. Jackie Baillie had her chance.

So, too, is the proposition and the distinction that Jackson—

Ruth Davidson: Will the cabinet secretary give way?

Nicola Sturgeon: I am coming on to the Tory proposition and the distinction that Jackson Carlaw seeks to make. *[Interruption.]*

The Deputy Presiding Officer: Order.

Nicola Sturgeon: Clearly, if ministers have sought legal advice, the law officers will provide that legal advice, so to reveal that legal advice has been sought from the law officers reveals the fact of such advice and puts us in breach of the ministerial code.

The propositions from the Opposition are ludicrous. The proof that they are ludicrous is that we know that the previous UK Labour Government thought so too. That is why it went to court in the case of *HM Treasury v the Information Commissioner* to uphold that convention. Incidentally, that was over an issue that arose when one Gordon Brown was Chancellor of the Exchequer.

The next item that I want to look at is oversight of the ministerial code. During the debate we have had a call from some members on Labour's benches for a judicial inquiry. I pause only to ask how much that would cost the taxpayer.

We then had another Labour call for a different inquiry. What is clear—this is deeply disturbing—is that Labour has clearly calculated that just in case the outcome of the independent inquiry that its MEP called for does not suit its circumstances—as was the case with the past five inquiries—it had better discredit the process in advance. That is absolutely disgraceful and outrageous.

What would be so amusing, were it not so serious, is that the current model of oversight of the ministerial code was called for by Labour in a motion proposed in the chamber on 28 February 2008 by—wait for it—Jackie Baillie. It is a disgrace that Labour now seeks to discredit that model.

Turning to the substantive issue, many members in the debate have talked about the importance of evidence over assertion. On behalf of this Government, I accept our responsibility to set out our case fully and clearly—we will do that.

That responsibility falls on the Opposition parties, too. Let us have some evidence from the Opposition—any evidence at all—to back up its ridiculous claim that Scotland, with its abundance of resources that many other European nations rely on, including Spain, would not be welcomed in the European Union as an independent nation. Let us have any evidence that the cogent, authoritative position set out so well by Aileen McLeod on euro membership is anything other than completely accurate.

Let me tell Willie Rennie, who seems to want accuracy from everybody else, that Sweden does not have a derogation on the euro. It did not join the exchange rate mechanism for the obligatory required two years, which is why it is not in the euro. Mary Scanlon's point covered that ground, too. One of the conditions of the euro is voluntary membership of the exchange rate mechanism. Let us accept our responsibility, but let the Opposition parties rise to that challenge, too.

I am very happy indeed to leave the Opposition parties—the better-together Labour-Tory-Liberal alliance—to wallow as much as they wish in issues of process and to carry out desperate personal smears and attacks. That reveals better than anything their paucity of vision and ideas. We will continue to express a positive case for the independence of our country; that is the argument that will win the day in 2014.

The Deputy Presiding Officer: Before we move to Patricia Ferguson's closing speech, I remind members that interventions from a sedentary position have never been welcomed in the chamber, nor are they welcome today or, indeed, in the future.

16:48

Patricia Ferguson (Glasgow Maryhill and Springburn) (Lab): In two years, the people of Scotland will be asked to vote in a referendum on our country's constitutional future. There will never have been a more important question posed in our lifetime. The future shape of our society and the direction of our economy will be directly affected by the decision that is made on that day.

The basis of that decision must be informed debate across a wide range of serious issues. Clarity and transparency are necessary prerequisites, if our constituents are to play a full part. Nothing less will do. Our national conversation must be firmly rooted in evidence; it must not be simply the subject of the loudest

declaration of mere unsubstantiated assertion. The contradictory comments of the First Minister and his deputy on the matter of legal advice on an independent Scotland's membership of the European Union is an unhappy example of how not conduct such weighty business.

The First Minister, in attempting to explain his behaviour on the legal advice over EU membership that never was, has at best made himself and his deputy appear to be ridiculous and, at worst, has left them open to the charge of indulging in duplicitous behaviour. Either way, Mr Salmond has irrevocably damaged his reputation and—much more serious—has tarnished the office of First Minister.

Mr Salmond's inability to admit to mistakes is not a strength, but a weakness. Let me offer him the advice of Denis Healey—a real political heavyweight—who said:

"It is a good thing to follow the First Law of Holes: if you are in one, stop digging."

That is a law that the First Minister should resolve never to break again.

The First Minister could have made it clear that his response to Andrew Neil was a slip. Instead, he ducked and dived and bobbed and weaved. When he could no longer dodge the issue, he sent his deputy, Nicola Sturgeon, into the ring to take the punishment. It was not an edifying performance, and it is unfortunate that what we have heard from SNP back benchers today has been little better; it has been a weak imitation of their master's voice.

The people of Scotland deserve more than the faithful reaffirming of SNP back benchers' belief in Mr Salmond's inexhaustible self-regard. The people of Scotland require, from their First Minister and from all their elected representatives, transparency and a frank discussion of the issues. That is why today's debate matters. The First Minister must clean up the confusion that he, alone, created.

The debate has been a curate's egg; it has been good in parts. Ruth Davidson made an interesting point at the beginning of the debate—*[Interruption.]* I am sorry if SNP members do not want to be fair-minded and to listen to a point of which it is worth reminding them. Ruth Davidson commented on the appalling waste of money that is the court case that the SNP Government took forward to try to hide the fact that it had a piece of paper with nothing on it.

Aileen McLeod made the case for us. The debate is about the conditions under which Scotland might be a member of the EU; it is not about quoting treaties that in some cases have been overtaken and in others apply to members of

the EU and not to states that might accede to membership. Therein lies the problem. We will have legal advice about the status of an independent Scotland in Europe, but it will not be consistent and it will need to be tested. That is why scrutiny by this Parliament is so important.

Jamie Hepburn drew attention to our colleague Catherine Stihler's request to the First Minister to refer himself under the Scottish ministerial code. Catherine Stihler went further than that, though: she said that in her view the ministerial code might have been broken. She also asked whether an investigation could consider whether there had been a clear abuse of power and position. Those facts and matters will not be considered under the set-up that the First Minister has put in place.

Hugh Henry and Jackie Baillie were right to distinguish between the types of legal advice to which the First Minister and Deputy First Minister have referred. The ministerial code is very clear, so it is a shame that the First Minister has chosen to twist the terms of the code before running to hide behind his own selective quotations.

Lewis Macdonald was right to remind us that the First Minister could have asked for permission to disclose that he had sought legal advice—or not, as we found out—months ago, but chose not to do so.

On the issue of the likely status of an independent Scotland in Europe, why was it that members of Christina McKelvie's committee refused the opportunity to have an inquiry into just that matter? *[Interruption.]* If she is telling me from a sedentary position that that is not what happened at the committee, perhaps—

Christina McKelvie: Will the member take an intervention?

Patricia Ferguson: No. I have listened enough. I will be happy to take Ms McKelvie's intervention when I have finished my point.

The point that I was going to make to Ms McKelvie—who, by the way, was not in a position to take interventions in her speech—is that I have written to her, as she will know, and I have asked her to undertake such an inquiry. If the opportunity had not previously arisen, it has now. Is Ms McKelvie going to take it?

Christina McKelvie: I thank Patricia Ferguson very much for taking that intervention. Opposition members have nothing to say—that is why I did not take an intervention from any of them. *[Interruption.]*

The Presiding Officer: Order.

Christina McKelvie: Let us talk about the European and External Relations Committee inquiry. The inquiry on the white paper—when it

comes out—is on the agenda. The agenda is already published, so perhaps Patricia Ferguson should have looked at the facts. Also, I had to read Patricia Ferguson's letter in the *Daily Mail* before I had seen the original.

Patricia Ferguson: Perhaps Ms McKelvie should be more assiduous in checking her correspondence. I can assure Ms McKelvie that the letter was sent to her and to the clerk of the committee before it was sent anywhere else.

My colleague Paul Martin is right to draw attention to the inadequacies of the review that the First Minister has put in place. The swaggering way in which the First Minister described his record of victories to Bernard Ponsonby last Thursday was particularly unedifying. Some humility was called for in those circumstances, but I suppose that that was too much to expect.

Willie Rennie's assessment of the Edinburgh agreement is absolutely correct. [*Interruption.*]

The Presiding Officer: Order.

Patricia Ferguson: The fact of the matter is that Willie Rennie's assessment is absolutely correct because the agreement is only about the section 30 order and not about any negotiated settlement that would have to follow a yes vote in the referendum. That settlement would take years following a referendum and it is something on which we have yet to hear the points that the SNP Government would want to discuss with the rest of the UK—other than its headlines of wanting to keep the Queen and the pound.

Jackson Carlaw is also correct. [*Interruption.*] He is—absolutely. I seem to remember that Mr Swinney was very fond of the approbation of Mr Carlaw and his colleagues in previous sessions. Of course, as the SNP is fast finding out, constitutional politics means that people have on some issues to ally themselves with people with whom they would not normally have a great deal in common. [*Interruption.*]

The Presiding Officer: Order.

Patricia Ferguson: As I was about to say, Jackson Carlaw is correct to say that the First Minister could have cleared up this whole sorry issue quite some time ago. He could have done it very easily and he could have avoided this whole farrago.

The people of Scotland demand clarity and transparency so that they can weigh the evidence when the SNP puts forward its case in support of separation. Issues such as public sector pensions, the division of the UK's liabilities and assets, the currency options that would be available to a separate Scotland, fiscal policy and taxation require scrutiny that is based on the facts—on actual evidence.

Mr Salmond's habit of stating a fiction loudly and at length, hoping that it will provide an adequate substitute for fact, will not do. The farrago that we have witnessed on the question of EU membership must not be repeated. The First Minister must come clean. We have already heard today from Johann Lamont that Labour believes that a full judicial inquiry and nothing else will do. That has been borne out not just by the events of the past week, but by the way in which the debate has been conducted on the SNP benches.

Decision Time

17:00

The Presiding Officer (Tricia Marwick): There are four questions to be put as a result of today's business. I remind members that, in relation to today's debate on the future of Scotland, if amendment S4M-04594.3, in the name of Nicola Sturgeon, is agreed to, amendment S4M-04594.1, in the name of Ruth Davidson, falls.

The first question is, that amendment S4M-04594.3, in the name of Nicola Sturgeon, which seeks to amend motion S4M-04594, in the name of Johann Lamont, on the future of Scotland, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Nigel (Angus North and Mearns) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Finnie, John (Highlands and Islands) (Ind)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McDonald, Mark (North East Scotland) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse)

(SNP)

McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Urquhart, Jean (Highlands and Islands) (Ind)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wilson, John (Central Scotland) (SNP)
 Yousaf, Humza (Glasgow) (SNP)

Against

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Brown, Gavin (Lothian) (Con)
 Carlaw, Jackson (West Scotland) (Con)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Davidson, Ruth (Glasgow) (Con)
 Dugdale, Kezia (Lothian) (Lab)
 Eadie, Helen (Cowdenbeath) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hume, Jim (South Scotland) (LD)
 Johnstone, Alex (North East Scotland) (Con)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Malik, Hanzala (Glasgow) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Murray, Elaine (Dumfriesshire) (Lab)
 Park, John (Mid Scotland and Fife) (Lab)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Drew (Glasgow) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)

Smith, Liz (Mid Scotland and Fife) (Con)
Stewart, David (Highlands and Islands) (Lab)

Abstentions

Harvie, Patrick (Glasgow) (Green)
Johnstone, Alison (Lothian) (Green)
MacDonald, Margo (Lothian) (Ind)

The Presiding Officer: The result of the division is: For 62, Against 51, Abstentions 3.

Amendment agreed to.

The Presiding Officer: The amendment in the name of Ruth Davidson falls.

The second question is, that amendment S4M-04594.2, in the name of Willie Rennie, which seeks to amend motion S4M-04594, in the name of Johann Lamont, on the future of Scotland, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will a division.

For

Baillie, Jackie (Dumbarton) (Lab)
Baker, Claire (Mid Scotland and Fife) (Lab)
Baker, Richard (North East Scotland) (Lab)
Beamish, Claudia (South Scotland) (Lab)
Bibby, Neil (West Scotland) (Lab)
Boyack, Sarah (Lothian) (Lab)
Brown, Gavin (Lothian) (Con)
Carlaw, Jackson (West Scotland) (Con)
Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
Davidson, Ruth (Glasgow) (Con)
Dugdale, Kezia (Lothian) (Lab)
Eadie, Helen (Cowdenbeath) (Lab)
Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
Fergusson, Alex (Galloway and West Dumfries) (Con)
Fraser, Murdo (Mid Scotland and Fife) (Con)
Grant, Rhoda (Highlands and Islands) (Lab)
Gray, Iain (East Lothian) (Lab)
Griffin, Mark (Central Scotland) (Lab)
Henry, Hugh (Renfrewshire South) (Lab)
Hume, Jim (South Scotland) (LD)
Johnstone, Alex (North East Scotland) (Con)
Kelly, James (Rutherglen) (Lab)
Lamont, Johann (Glasgow Pollok) (Lab)
Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
Macdonald, Lewis (North East Scotland) (Lab)
Macintosh, Ken (Eastwood) (Lab)
Malik, Hanzala (Glasgow) (Lab)
Martin, Paul (Glasgow Provan) (Lab)
McArthur, Liam (Orkney Islands) (LD)
McCulloch, Margaret (Central Scotland) (Lab)
McDougall, Margaret (West Scotland) (Lab)
McGrigor, Jamie (Highlands and Islands) (Con)
McInnes, Alison (North East Scotland) (LD)
McMahon, Michael (Uddingston and Bellshill) (Lab)
McMahon, Siobhan (Central Scotland) (Lab)
McNeil, Duncan (Greenock and Inverclyde) (Lab)
McTaggart, Anne (Glasgow) (Lab)
Milne, Nanette (North East Scotland) (Con)
Mitchell, Margaret (Central Scotland) (Con)
Murray, Elaine (Dumfriesshire) (Lab)
Park, John (Mid Scotland and Fife) (Lab)
Pearson, Graeme (South Scotland) (Lab)
Pentland, John (Motherwell and Wishaw) (Lab)
Rennie, Willie (Mid Scotland and Fife) (LD)
Scanlon, Mary (Highlands and Islands) (Con)

Scott, John (Ayr) (Con)
Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
Smith, Drew (Glasgow) (Lab)
Smith, Elaine (Coatbridge and Chryston) (Lab)
Smith, Liz (Mid Scotland and Fife) (Con)
Stewart, David (Highlands and Islands) (Lab)

Against

Adam, George (Paisley) (SNP)
Adamson, Clare (Central Scotland) (SNP)
Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
Beattie, Colin (Midlothian North and Musselburgh) (SNP)
Biagi, Marco (Edinburgh Central) (SNP)
Brodie, Chic (South Scotland) (SNP)
Brown, Keith (Clackmannanshire and Dunblane) (SNP)
Burgess, Margaret (Cunninghame South) (SNP)
Campbell, Aileen (Clydesdale) (SNP)
Campbell, Roderick (North East Fife) (SNP)
Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
Constance, Angela (Almond Valley) (SNP)
Crawford, Bruce (Stirling) (SNP)
Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
Dey, Graeme (Angus South) (SNP)
Don, Nigel (Angus North and Mearns) (SNP)
Doris, Bob (Glasgow) (SNP)
Dornan, James (Glasgow Cathcart) (SNP)
Eadie, Jim (Edinburgh Southern) (SNP)
Ewing, Annabelle (Mid Scotland and Fife) (SNP)
Ewing, Fergus (Inverness and Nairn) (SNP)
Fabiani, Linda (East Kilbride) (SNP)
Finnie, John (Highlands and Islands) (Ind)
FitzPatrick, Joe (Dundee City West) (SNP)
Gibson, Kenneth (Cunninghame North) (SNP)
Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
Keir, Colin (Edinburgh Western) (SNP)
Kidd, Bill (Glasgow Anniesland) (SNP)
Lochhead, Richard (Moray) (SNP)
Lyle, Richard (Central Scotland) (SNP)
MacAskill, Kenny (Edinburgh Eastern) (SNP)
MacDonald, Angus (Falkirk East) (SNP)
MacDonald, Gordon (Edinburgh Pentlands) (SNP)
Mackay, Derek (Renfrewshire North and West) (SNP)
MacKenzie, Mike (Highlands and Islands) (SNP)
Mason, John (Glasgow Shettleston) (SNP)
Matheson, Michael (Falkirk West) (SNP)
Maxwell, Stewart (West Scotland) (SNP)
McAlpine, Joan (South Scotland) (SNP)
McDonald, Mark (North East Scotland) (SNP)
McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
McLeod, Aileen (South Scotland) (SNP)
McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
McMillan, Stuart (West Scotland) (SNP)
Neil, Alex (Airdrie and Shotts) (SNP)
Paterson, Gil (Clydebank and Milngavie) (SNP)
Robertson, Dennis (Aberdeenshire West) (SNP)
Robison, Shona (Dundee City East) (SNP)
Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
Stewart, Kevin (Aberdeen Central) (SNP)
Sturgeon, Nicola (Glasgow Southside) (SNP)
Swinney, John (Perthshire North) (SNP)
Torrance, David (Kirkcaldy) (SNP)
Urquhart, Jean (Highlands and Islands) (Ind)
Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
Wheelhouse, Paul (South Scotland) (SNP)
White, Sandra (Glasgow Kelvin) (SNP)

Wilson, John (Central Scotland) (SNP)
Yousaf, Humza (Glasgow) (SNP)

Abstentions

Harvie, Patrick (Glasgow) (Green)
Johnstone, Alison (Lothian) (Green)
MacDonald, Margo (Lothian) (Ind)

The Presiding Officer: The result of the division is: For 51, Against 62, Abstentions 3.

Amendment disagreed to.

The Presiding Officer: The third question is, that motion S4M-04594, in the name of Johann Lamont, on the future of Scotland, as amended, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Adam, George (Paisley) (SNP)
Adamson, Clare (Central Scotland) (SNP)
Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
Beattie, Colin (Midlothian North and Musselburgh) (SNP)
Biagi, Marco (Edinburgh Central) (SNP)
Brodie, Chic (South Scotland) (SNP)
Brown, Keith (Clackmannanshire and Dunblane) (SNP)
Burgess, Margaret (Cunninghame South) (SNP)
Campbell, Aileen (Clydesdale) (SNP)
Campbell, Roderick (North East Fife) (SNP)
Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
Constance, Angela (Almond Valley) (SNP)
Crawford, Bruce (Stirling) (SNP)
Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
Dey, Graeme (Angus South) (SNP)
Don, Nigel (Angus North and Mearns) (SNP)
Doris, Bob (Glasgow) (SNP)
Dornan, James (Glasgow Cathcart) (SNP)
Eadie, Jim (Edinburgh Southern) (SNP)
Ewing, Annabelle (Mid Scotland and Fife) (SNP)
Ewing, Fergus (Inverness and Nairn) (SNP)
Fabiani, Linda (East Kilbride) (SNP)
Finnie, John (Highlands and Islands) (Ind)
FitzPatrick, Joe (Dundee City West) (SNP)
Gibson, Kenneth (Cunninghame North) (SNP)
Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
Keir, Colin (Edinburgh Western) (SNP)
Kidd, Bill (Glasgow Anniesland) (SNP)
Lochhead, Richard (Moray) (SNP)
Lyle, Richard (Central Scotland) (SNP)
MacAskill, Kenny (Edinburgh Eastern) (SNP)
MacDonald, Angus (Falkirk East) (SNP)
MacDonald, Gordon (Edinburgh Pentlands) (SNP)
Mackay, Derek (Renfrewshire North and West) (SNP)
MacKenzie, Mike (Highlands and Islands) (SNP)
Mason, John (Glasgow Shettleston) (SNP)
Matheson, Michael (Falkirk West) (SNP)
Maxwell, Stewart (West Scotland) (SNP)
McAlpine, Joan (South Scotland) (SNP)
McDonald, Mark (North East Scotland) (SNP)
McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
McLeod, Aileen (South Scotland) (SNP)
McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
McMillan, Stuart (West Scotland) (SNP)

Neil, Alex (Airdrie and Shotts) (SNP)
Paterson, Gil (Clydebank and Milngavie) (SNP)
Robertson, Dennis (Aberdeenshire West) (SNP)
Robison, Shona (Dundee City East) (SNP)
Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
Stewart, Kevin (Aberdeen Central) (SNP)
Sturgeon, Nicola (Glasgow Southside) (SNP)
Swinney, John (Perthshire North) (SNP)
Torrance, David (Kirkcaldy) (SNP)
Urquhart, Jean (Highlands and Islands) (Ind)
Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
Wheelhouse, Paul (South Scotland) (SNP)
White, Sandra (Glasgow Kelvin) (SNP)
Wilson, John (Central Scotland) (SNP)
Yousaf, Humza (Glasgow) (SNP)

Against

Baillie, Jackie (Dumbarton) (Lab)
Baker, Claire (Mid Scotland and Fife) (Lab)
Baker, Richard (North East Scotland) (Lab)
Beamish, Claudia (South Scotland) (Lab)
Bibby, Neil (West Scotland) (Lab)
Boyack, Sarah (Lothian) (Lab)
Brown, Gavin (Lothian) (Con)
Carlaw, Jackson (West Scotland) (Con)
Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
Davidson, Ruth (Glasgow) (Con)
Dugdale, Kezia (Lothian) (Lab)
Eadie, Helen (Cowdenbeath) (Lab)
Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
Fergusson, Alex (Galloway and West Dumfries) (Con)
Fraser, Murdo (Mid Scotland and Fife) (Con)
Grant, Rhoda (Highlands and Islands) (Lab)
Gray, Iain (East Lothian) (Lab)
Griffin, Mark (Central Scotland) (Lab)
Harvie, Patrick (Glasgow) (Green)
Henry, Hugh (Renfrewshire South) (Lab)
Hume, Jim (South Scotland) (LD)
Johnstone, Alex (North East Scotland) (Con)
Johnstone, Alison (Lothian) (Green)
Kelly, James (Rutherglen) (Lab)
Lamont, Johann (Glasgow Pollok) (Lab)
Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
Macdonald, Lewis (North East Scotland) (Lab)
Macintosh, Ken (Eastwood) (Lab)
Malik, Hanzala (Glasgow) (Lab)
Martin, Paul (Glasgow Provan) (Lab)
McArthur, Liam (Orkney Islands) (LD)
McCulloch, Margaret (Central Scotland) (Lab)
McDougall, Margaret (West Scotland) (Lab)
McGrigor, Jamie (Highlands and Islands) (Con)
McInnes, Alison (North East Scotland) (LD)
McMahon, Michael (Uddingston and Bellshill) (Lab)
McMahon, Siobhan (Central Scotland) (Lab)
McNeil, Duncan (Greenock and Inverclyde) (Lab)
McTaggart, Anne (Glasgow) (Lab)
Milne, Nanette (North East Scotland) (Con)
Mitchell, Margaret (Central Scotland) (Con)
Murray, Elaine (Dumfriesshire) (Lab)
Park, John (Mid Scotland and Fife) (Lab)
Pearson, Graeme (South Scotland) (Lab)
Pentland, John (Motherwell and Wishaw) (Lab)
Rennie, Willie (Mid Scotland and Fife) (LD)
Scanlon, Mary (Highlands and Islands) (Con)
Scott, John (Ayr) (Con)
Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
Smith, Drew (Glasgow) (Lab)
Smith, Elaine (Coatbridge and Chryston) (Lab)
Smith, Liz (Mid Scotland and Fife) (Con)
Stewart, David (Highlands and Islands) (Lab)

Abstentions

MacDonald, Margo (Lothian) (Ind)

The Presiding Officer: The result of the division is: For 62, Against 53, Abstentions 1.

Motion, as amended, agreed to,

That the Parliament welcomes the Edinburgh agreement, which provides the framework for Scotland to reach independence, and the commitment of the Scottish and United Kingdom governments to work together constructively in the light of the outcome of the referendum, whatever it is, in the best interests of the people of Scotland and of the rest of the UK; believes that an independent Scotland continuing in the European Union would be in the best interests of Scotland, the rest of the UK and the EU as a whole and that a Scotland rich in oil and other natural resources would be welcomed as a continuing member of the EU; notes that a range of international experts have made the case that an independent Scotland would continue in the EU and that, in light of the Edinburgh agreement, the Scottish Government has now commissioned specific legal advice on Scotland's position in the EU from the Law Officers; welcomes the independent investigation announced by the First Minister to determine whether there has been any breach of the Scottish Ministerial Code and calls on all parties in the Parliament to accept its findings, and regrets the Labour Party's unwillingness to use a debate entitled "The Future of Scotland" to address substantive policy issues on the future of Scotland such as the fact that, within the union, Trident nuclear weapons will remain on the Clyde and the damaging impact of UK Government welfare reforms that are impoverishing so many of Scotland's most vulnerable citizens, which are both compelling arguments for a different and independent future for Scotland.

Protection of Workers

The Deputy Presiding Officer (Elaine Smith):

The final item of business is a members' business debate on motion S4M-04509, in the name of Hugh Henry, on a protection of workers bill. The debate will be concluded without any question being put.

Motion debated,

That the Parliament congratulates the members and representatives of the Union of Shop, Distributive and Allied Workers (Usdaw) on the union's Freedom From Fear campaign, which it understands seeks to bring together employers, police and local authorities to tackle the scourge of violence, threats and abuse against shopworkers; further applauds the work of all trade unions, including those in Renfrewshire, for running campaigns that seek to protect their members at work; believes that all public-facing workers are at risk of being assaulted and that around 80% of Scottish workers have interactions with the general public during their working day; welcomes the decrease in incidents against shopworkers, which it understands are now at less than half the 2004 levels; remains concerned that, in the last 12 months, incidents of violence and verbal assault against retail staff have increased by 83%, as recorded by the British Retail Consortium's Annual Retail Crime Survey; is appalled that, according to the survey, in every minute of every day another shopworker is assaulted, threatened or abused, and believes that all public-facing workers deserve the same level of protection as workers covered by the Emergency Workers (Scotland) Act 2005.

17:05

Hugh Henry (Renfrewshire South) (Lab): The issue—to be frank—is not about a bill; it is about freedom from fear. All workers in this country should have a right to be free from fear. "Freedom from fear" is one of the slogans that the campaigning trade union, the Union of Shop, Distributive and Allied Workers, has used for many years in lobbying members of Parliament of all parties. USDAW cannot understand—nor can the other unions that are involved, to some of which I will come in a moment—why it hears warm words from politicians, but gets so little action on an issue that affects so many people.

It is true that the issue affects many people; we are talking not only about retail crime, which affects not just shop and retail staff, but communities. The issue impacts on public sector transport workers, housing workers and others. We know that the impact on communities can be quite profound. Many years ago, I remember meeting a community group from Jackie Baillie's area, which faced the loss of the local convenience store because the shopkeeper could not withstand the level of attacks against and abuse of staff. The community in question was a particularly impoverished one, in which the loss of that retail outlet would have been keenly felt. That story could be repeated across Scotland.

We should have it enshrined in the Scottish Parliament that every worker has the right to be treated with dignity and respect. Every worker should have the right to a working life that is free from fear, threats, bullying, physical assault and verbal abuse.

Unfortunately, that is not the reality. Some of the most recent figures that have been produced show a worrying trend. The "Retail Crime Survey 2011", which was published by the British Retail Consortium in January 2012, shows that retail crime across the United Kingdom cost shops £1.4 billion in 2010-11, which represented a 31 per cent increase on the previous year.

However, money is not necessarily the issue. More worrying was the reported increase in violence towards retail staff, 35,000 of whom had been the victims of physical or verbal attacks or threats. The total number of incidents against employees rose by 83 per cent in comparison with the previous 12 months to a staggering 26 offences per 1,000 employees. That rise was due largely to an increase in the number of incidents of verbal abuse—there were 13.3 such incidents per 1,000 employees—but verbal abuse can be debilitating, shattering and life changing for those who are on the receiving end of it and the perceived physical threats that can underlie it. The Scottish Government's crime and justice survey has revealed that 37 per cent of public-facing workers have been abused in the past 12 months and that 10 per cent of them have been physically assaulted.

Unison, the public sector union, conducts an annual survey of violence against public service employees, which showed that 34,739 staff reported violent incidents in the past year—7,000 more than in the previous year and almost 15,000 more than when the survey was first conducted in 2006. Dave Watson, Unison's Scottish organiser, said that those figures

"demonstrate an appalling level of violent incidents faced by staff who are simply doing their job."

The phrase "doing their job" can be translated into many areas of employment, such as the bus workers simply doing their job. If they are assaulted, the bus service is lost to a community, which puts at a disadvantage people without motors who rely on public sector transport. There are also the train drivers and train guards who are faced with violent assault, and there is the potential consequent loss of service.

Margo MacDonald (Lothian) (Ind): I think that what Hugh Henry has just described is a culture change, not merely a behavioural change. If I am right that it is cultural, where does it come from and what do we do about it, because we do not want that to become embedded in our culture?

Hugh Henry: Margo MacDonald touches on a profound issue that is worthy of a more detailed and prolonged debate than a short members' business debate. I agree that cultural issues are involved and that there is an acceptance not just of the physical aspects but of the view that it is all right to abuse staff. For example, USDAW reports that every year, in the run-up to Christmas, some members of the public who feel that they are harassed into buying presents think that it is acceptable to abuse the overworked, harassed staff who are simply trying to do their job. Yes—there is a cultural issue, but for the staff involved it is a problem that affects their health and wellbeing.

That is why USDAW is so determined to keep its freedom from fear campaign going. It believes that it should not just remind the public that such behaviour is unacceptable, but remind politicians that the workers involved need more than warm words. They cannot understand—I pose this question without putting forward a specific alternative—why the Scottish Parliament thinks that the law was inadequate in relation to nurses, police officers or doctors, but is adequate in relation to retail staff, bus drivers, train drivers, housing workers and others. They merely ask for some consistency in that regard and for the protection that some other workers in this country are given. They believe that the law in that respect is inadequate and they ask why they should not be counted in the same way as the workers who are protected. Why is that protection and support not given to them?

USDAW and other trade unions will not let up on the issue, and we will keep hearing the refrain that they want politicians to give them more than warm words; they want politicians to give them something that will give them some protection when they do their jobs.

17:13

John Wilson (Central Scotland) (SNP): I congratulate Hugh Henry on securing this worthwhile members' business debate. I have known Hugh Henry for a long time, and I know well that the protection of vital employment rights is one of his priorities.

I share the sentiment behind the motion's aims, but there is a sense of déjà vu about the debate, because Hugh Henry introduced the Protection of Workers (Scotland) Bill in the previous session of Parliament, which was unfortunately defeated at stage 1. Mr Henry's motion is similar to the early day motion 574 that was tabled in the House of Commons by Graeme Morrice MP, so it might be a case of where Hugh Henry leads, others follow.

I have spoken in the past about Scotland's rich industrial heritage with regard to the workers memorial day. In modern Scotland, many work locations might have changed, but the threat of assault, whether verbal or physical, is very real. The trade union USDAW's freedom from fear campaign understands that the situation with regard to abuse and violence at work is not the same for all.

Many employees in the retail sector are female, and in the current economic climate they occupy very responsible positions. In small shops that sell alcohol and tobacco, staff might be left on their own but they still have a duty to challenge people who are buying alcohol and tobacco and they face the threat of verbal and physical abuse if they refuse to serve customers who cannot prove how old they are. We have to protect those staff from verbal abuse and violence by ensuring that their workplaces are free from such threats.

I do not know about other members' experiences, but when I go out to the shops I find that it is not unusual to see only one or two people in the shop without any real support on the floor. I know that Hugh Henry's aim, and that of the motion, is that all public-facing workers should have the same level of protection as workers who are covered by the Emergency Workers (Scotland) Act 2005.

Unfortunately a distinction was created in 2005, although it was not of my making, and that is still the reality today. Hugh Henry has clearly outlined that the 2005 act covers workers in the emergency services, but many workers in the retail sector feel that they have no protection from abuse. Threats are made by individuals, particularly when they are challenged for proof of age. In addition, we are seeing an increasing number of threats from people who are challenged when they have been caught shoplifting. We have to address that serious issue and ensure that workers feel safe and secure in their workplaces.

The motion implies that the public have become more intolerant of violence and assault, as shown in the decrease in the number of incidents. However, as Hugh Henry pointed out, the difficulty is that statistics that are coming out now show that in some areas the numbers are increasing. It would be difficult to determine whether that is due to the economic circumstances that people are facing.

Employers have a duty of care to their employees and they should ensure that their staff do not find themselves in a situation in which they could suffer violence and abuse. I recognise the work that trade unions have undertaken in conjunction with First ScotRail on its current public awareness campaign on the railways. I

congratulate them on their contribution to making the travelling public aware of their campaign.

I genuinely look forward to the day when all workers in every sector can carry out their duties without fear of verbal or physical abuse. I trust that we will all do all we can to reach that objective in Parliament. I look forward to the day when we enact proper legislation to deal with the objectives that Hugh Henry has outlined tonight.

17:18

James Kelly (Rutherglen) (Lab): I welcome the opportunity to take part in this evening's debate and I congratulate Hugh Henry on securing it. I compliment USDAW on its freedom from fear campaign, which has been run regularly at this time of year to coincide with the run-up to Christmas, which is a very busy period for shops and retail areas.

The debate is important because we are talking about something that impacts on people's lives in communities throughout Scotland, and the Parliament should debate and flag up issues that give out the right signals and indicate a way forward so that we can make a difference.

As Hugh Henry and John Wilson have illustrated, there is no doubt that retail workers face challenging circumstances. There is a perception that when people go out to work, they do their daily chores, they work diligently, and they pick up their wage packet or have their salary paid into their bank account at the end of the month. When people go to work, they do not normally expect to be assaulted in the course of their duties. Unfortunately, however, that is what happens day and daily in communities throughout Scotland.

The Parliament has passed many laudable initiatives on, for example, alcohol; indeed, with the challenge 21 scheme, we rightly expect retail outlets to challenge people who are underage. However, on a cold November night when no one from the local community is coming out, two or three rowdy underage individuals might well turn up and start giving shopworkers abuse. Such incidents are very difficult to handle.

As Margo MacDonald suggested, the question facing the Parliament in this debate is how we change the culture and get the message across.

John Finnie (Highlands and Islands) (Ind): Does the member agree that the message sent to workers from the cuts in health and safety and the recent report suggesting that there was little capacity for proactivity is not the sort of message that this Parliament should be sending?

James Kelly: That brings me to my point about how we take all this forward. In the short term, the

key thing is to support USDAW's freedom from fear campaign, which can do a bit to change the culture in the run-up to Christmas by impressing on the public the message that assaults on shopworkers and retail staff are totally unacceptable. We can also consider extending protection of workers legislation from emergency workers to shopworkers. Such measures would make a difference by, for example, making it safer and more secure for people to go out and do their jobs. In fact, reducing such attacks would help not only those workers but the economy, as well as reduce the impact on the criminal justice system. People will not only feel safe in their shops and communities, but will feel bound to come out and support their shops and retail outlets and give the economy what would be a crucial boost at this time.

It is excellent that Hugh Henry has secured this debate. Everyone should get behind the USDAW campaign and we should think about extending the legislation to shop and retail workers.

17:22

Mary Scanlon (Highlands and Islands) (Con):

I, too, thank Hugh Henry for securing this debate and commend him for his consistent and, indeed, persistent approach to the issue of worker protection. I appreciate that the debate is not about the previous bill, but given that I was not involved in the previous debate I hope that I will be forgiven for having looked back at it for some background.

Reading through the *Official Report* from two years ago, I noted that the deputy convener of the Economy, Energy and Tourism Committee said:

"The committee was unable to access data on the effectiveness of the Emergency Workers (Scotland) Act 2005 ... ; therefore, we could not determine whether the legislation had acted as a deterrent."

In moving the issue forward, I hope that the effectiveness of the 2005 act will be scrutinised—perhaps it already has been—to provide much-needed data that can be used to formulate future approaches to protecting shopworkers. The deputy convener also said that there is

"a perception among workers that assaults are not taken seriously by the Crown Office and that that perception contributes to the thousands of incidents that go unreported each year".—[*Official Report*, 22 December 2010; c 31858.]

That brings me to the 83 per cent increase in incidents of violence and verbal assault against retail staff that was recorded by the British Retail Consortium over a recent 12-month period. I have to say that I find it difficult to reconcile that figure with the decrease in the number of incidents against shopworkers, which now stands at less than half the 2004 levels. After a steady downward

trend, there seems to have been a sudden spike, so the figures deserve more causal analysis to allow us to understand what has caused that sudden increase.

I also agree with Hugh Henry that verbal abuse is equally unacceptable. Many of us can remember what some schoolteacher said that made us feel quite humiliated at the time.

In the previous debate on Hugh Henry's bill, the then Minister for Community Safety, Fergus Ewing, rightly encouraged people to use the "Violence Reduction Handbook", 5,500 copies of which had recently been distributed to front-line staff. The handbook offers practical advice about encouraging employees to report all forms of violence, because underreporting seemed to be recognised as a factor.

John Wilson: Will the member give way?

Mary Scanlon: Let me finish this point.

Whether the 83 per cent increase is a more accurate reflection of what is happening and is due to better reporting—or, even more worrying, whether it is an actual increase in violent and abusive behaviour—needs to be better understood.

John Wilson: Would Ms Scanlon accept the proposition, which has occasionally been put to me, that some workers resist making reports to the police because their employers are not content with their making a report in case, for instance, they lose their off-sales licence?

Mary Scanlon: I do not know whether that is a major cause, but I welcome the point that Fergus Ewing made. I welcome the distribution of the "Violence Reduction Handbook" because I think that people need the confidence to come forward and report.

Those who spoke in the previous debate all agreed that employees need and deserve protection; the disagreement seemed to be on how that could best be achieved, as is perhaps the case again today. My colleague John Lamont stated that

"abuse of those who work with the public is unacceptable",

and said that the Scottish Conservatives agreed with the principles behind the bill. He also suggested that,

"we need to be better able to enforce the existing legislation",

and he cited the Law Society of Scotland's view, in saying that

"the existing common law provides sufficient protection to workers who provide a service to the public, as it takes account of aggravating circumstances."—[*Official Report*, 22 December 2010; c 31874.]

Finally, I want to commend the work that USDAW has done on the issue, which I hope has helped people to be more confident. I also commend USDAW on its respect for shopworkers week which, as James Kelly said, takes place next week. Just as James Kelly asked all politicians to work with USDAW, I hope that I can ask USDAW to work with all politicians, because I see that the USDAW briefing note states:

"Ask your local Labour politicians to support our campaign ... Make sure you invite your local Labour politicians".

I say to USDAW that the best campaigns are undoubtedly those that are supported by members of all parties and none.

The Deputy Presiding Officer: Ms Scanlon, you must finish.

Mary Scanlon: I would certainly be happy to support the campaign.

Finally, I thank Hugh Henry for securing the debate, which I hope has moved forward the issue of worker protection.

17:28

Graeme Pearson (South Scotland) (Lab): First, I congratulate Hugh Henry who has worked tirelessly, with the support of USDAW, to bring the matter to the attention of Parliament and to public notice. On behalf of Labour members, let me say to Mary Scanlon that, after her contribution today, I am sure that her future support for the campaign will be most welcome.

I have learned through experience that shopworkers do not expect a great deal from their workplace. They expect that it should have a reasonable level of cleanliness, that the environment should be safe and that it should have been designed to be secure so that they can work without undue pressure. Employers should be expected to deliver appropriate staff training to prepare staff to deal with the challenges that they may face. Working practices and arrangements should be designed to protect staff when they are going about their lawful duties. The design of the workspace should provide a secure environment for workers to do their work and to do it without threat.

In those circumstances, we should acknowledge and bear it in mind that many shop staff work part-time, are largely low paid and generally work very long hours and at antisocial times of the day, of the week, of the month and throughout the year during holidays. They do all that for the convenience of us, the general public.

The debate is timely, as it comes in the lead-up to the Christmas rush, when many staff face particular pressures. In all those circumstances,

shopworkers and other public servants do not deserve only the support of the general public, who need their service; they also deserve and need support and intervention from the police, prosecutors, the courts and Parliament.

We should deliver the necessary health and safety legislation, background and support, as well as the enforcement of current laws. If necessary, we should provide new powers if we find that the current arrangements are not working. The Government has a duty to ascertain why there has been an 83 per cent rise in verbal attacks and physical assaults on shopworkers. More important, the Government must explain how that rise is possible, given that it goes against the wider crime trends, which are going in a different direction.

Assaults and verbal attacks have a debilitating effect on staff. Staff feel vulnerable because they are often on their own in shops and other locations in our communities. Staff are easily identified by those who would attack them verbally or offer violence, and they often live in the same communities and feel the pressure of thuggish behaviour and threats day and daily. Such threats should not be faced by anybody in employment, never mind by people who are on the minimum wage, and certainly not by young people or those who have served the public for decades in the best interests of the communities that visit shops and premises.

Many shopworkers are young and at the start of their working lives. We should provide them with the confidence to go forward and do better in their future, and to build careers for themselves. The many others who have worked for decades also deserve the support of the general public and Parliament. I hope that the Government will bear in mind the statistics that Hugh Henry has brought to our attention and decide whether they show the beginning of a trend or just a spike. In any case, the issue needs to be dealt with.

Workers should have confidence that they can go to their work, do their shift and go home again without experiencing violence or threats. The trade union's freedom from fear campaign is an important way forward. It deserves a proper response from Parliament and, importantly, from the Government. I support Hugh Henry in his work to bring the issue to our attention.

17:32

Nigel Don (Angus North and Mearns) (SNP): I join other members in congratulating Hugh Henry on bringing this important debate to the Parliament. I am sure that, in 2004 or so, when the bill that became the 2005 act was being discussed, the measure seemed like a good idea. We need to be careful not to rewrite history on

that. I am sure that, at the time, medical staff, who often work on their own or in stressed environments and who are often out and about, particularly in ambulances and the like, seemed like a group of people who needed a bit of support. We can probably endorse that. However, when we use such terms, we recognise that many people who work in shops are in much the same situation, although they just happen to be indoors. As other members have said, many shopworkers are on their own and feel pretty isolated, and they are open to abuse.

Therefore, it is not surprising that there should be calls for the terms of the 2005 act to apply to shopworkers. We can well understand that. However, the first question that springs to mind is whether the law of the land is adequate without doing that. I think that it probably ought to be, and we have heard the view that it is. I wonder whether it is perfectly adequate in substance and whether, as is often the case in law, the struggle is to do with the evidence. In the absence of recording equipment, people who work in shops perhaps feel that there is no possibility of bringing a case.

Hugh Henry: That is the nub of the argument and of the debate. The dilemma is that if, as many have argued, the law of the land is sufficient to give workers protection from assault, it should be sufficient for police, nurses and other medical staff. If extra legislation is required for them, why not for others?

Nigel Don: I take the point entirely. The answer, I think, is that it is difficult to see why it should be required, but I am sure that it seemed like a good idea at the time.

I come to the point that Margo MacDonald rightly introduced early on in the debate. When our culture says that something is unacceptable, we do not, by and large, need law. We need law to say that murder, for example, is unacceptable, because some people simply choose to ignore that cultural fact—although they are very few. If we have a culture that says that we should not do something, people abide by it, generally speaking. However, if the culture does not tell us that we will not do something, law is probably inadequate.

Perhaps that is the point. There are plenty of environments—shops will certainly be among them—and communities where the law is not respected. If the culture is such that people do not worry about the law, changing the law will not solve the problem, although it may be a reasonable part of the process.

Margo MacDonald: I risk boring everybody's pants off at this time of night, but the question that has been raised is fascinating. I have my pet theories about it, and I wonder whether Nigel Don shares them. If there has been a cultural change,

influences must have come from somewhere. Where did they come from and what were they? I think that they were transatlantic.

Nigel Don: Partly because we have a relatively short time, I hesitate to get into that debate. There is a point in it, but I return to my basic point that the law is not terribly good as a deterrent. We know that, so we need a culture change. It would perhaps be sensible to change the law—I am sure that the minister will have a view on that—but, fundamentally, we need a culture change, which is why we need a freedom from fear campaign, which we all need to associate ourselves with, and a change in behaviour in our society.

John Wilson made an important point in his intervention. There are communities in our society where it does not pay to report people to the police. There are certainly circumstances in which an off-licence would not want to report something because it might lose its licence, and there will be situations in which the person serving in a shop does not want to report the person who has come in because although they know fine well who they are and who they belong to, in their culture, that is just not done.

That brings us back to the fundamental point that, although the law perhaps needs to be changed—I recognise the question that Hugh Henry has posed—I suspect that most of what we need to address is cultural. It is important that we do that.

17:37

The Minister for Community Safety and Legal Affairs (Roseanna Cunningham): I congratulate Hugh Henry on obtaining the debate.

There are certain things with which we all agree across the chamber. One of those fundamental things is that every individual has the right to live free from crime and the fear of crime, whether in their own homes, at work or out in the public domain. Therefore, I can say at the outset and without equivocation that I welcome the aims of the USDAW freedom from fear campaign, which seeks to prevent violence, threats and abuse against shopworkers.

We all start from the premise that violence is never acceptable. The person who commits a violent act—physical or verbal abuse—is responsible for their actions. It is important to start from that principle.

We must have effective criminal laws that protect workers and deter individuals from carrying out such attacks. As members have recognised, we have protection in the common law of assault. It provides legal protection to public-facing workers as they go about their daily lives. Indeed, it

provides protection to every member of the Parliament. Let us not forget that we are also public-facing workers, albeit not within the terms of the debate.

As I understand it—I was not actively involved in the committee consideration at the time—the specific statutory offence that was proposed in Hugh Henry's Protection of Workers (Scotland) Bill a few years ago would not have extended the scope of the criminal law in any way but would have recast the common law of assault and made it into a statutory offence. It would not have changed the nature of the criminal law.

I think that we all agree that laws are only part of the answer. Several members, including Margo MacDonald and Nigel Don, said that a much wider cultural problem may need to be addressed. We believe that tackling the underlying causes of assaults is far more important because it will help to reduce the number of attacks. Initiatives to prevent violence also have an important role to play.

I will come back to those topics, but I think that it is appropriate for me to pick up on some of the specific points that were made in the debate, because there are some interesting issues here.

Like Mary Scanlon—I am grateful for her intervention—I was slightly nonplussed when I read in Hugh Henry's motion what looked like a contradictory set of statistics, so I asked for more background detail. In some ways, the reality raises more questions than it answers. The 83 per cent increase is a single year-on-year increase against a background of consistently declining figures from 2004-05. However, it is interesting that the figure has jumped up and down, and I do not understand what lies behind that. There was a big fall from 2004-05 to 2005-06, and then the figure jumped up in 2006-07. It dropped back down in 2007-08, jumped up in 2008-09, dropped in 2009-10, and jumped back up in 2010-11. There is something quite odd going on here, and we need to go behind it to find out what is happening.

Hugh Henry: I agree with the minister on that. Perhaps she could help to answer a question that was put to me today in a phone call. Is it the case that statistics in relation to violence and attacks on workers that were kept before 2007 have been dispensed with? I think that she is right—we need to get the right figures. Will she check whether there has been a change in the way in which information and statistics are compiled?

Roseanna Cunningham: I can certainly ask that question, although I am not sure that it will explain the fluctuation that is going on. The figure of 58 incidents per 1,000 employees in 2004-05 has fallen to 26 incidents per 1,000 employees, so that trend is down. However, year on year, we get

quite wild fluctuations. I wonder whether what happens is that when the figures are high there are awareness-raising campaigns and the following year the figures fall, but they go back up again when complacency sets in. There might be something in that, but we need to go a bit further behind the figures. It was interesting to see them, as they form an odd graph and the trend is quite strange.

A number of members understandably raised the issue of the difference between what are termed emergency workers, because they were included in the 2005 act, and wider public-facing workers. I presume that that issue was debated under the previous Government and a decision was made. I have a quote from the then Lord Advocate, Colin Boyd, on the issue. People might feel that it is not satisfactory, but it explains what was behind the decision to confine legislation to emergency workers:

"The situation is different for emergency personnel. These workers perform a unique and vital role in our society. The nature of their work renders them, and those who assist them, particularly vulnerable to attack. When emergency workers are assaulted, obstructed, or hindered, in the course of dealing with an emergency, it is not only their lives which are put at risk, but the lives of those they are working to protect."

That informed the Government's thinking at the time when the original emergency workers legislation was put through. There is a big issue there.

Margo MacDonald: Will the member give way?

Roseanna Cunningham: I have only a few seconds to go. I am sorry.

I make the broader cultural point that we need to tackle alcohol and drug-fuelled antisocial behaviour, because a lot of what we are talking about this evening is generated by that. There are on-going campaigns on those subjects. Prevention is important, and the Scottish Business Crime Centre is crucial, as are the initiatives that it promotes.

I want to highlight some of the practical measures and the benefits that they bring, such as the facts that more than 340 licensed premises are now accredited under best bar none, a scheme to address alcohol-related crime; 400 businesses are now accredited under the Scottish Business Crime Centre's safer retail award; and 12 major shopping centres have the safer shopping award. Those are schemes that will help to drive down the crime figures.

John Wilson: Will the minister give way?

Roseanna Cunningham: I am almost out of time. I am in the Presiding Officer's hands.

The Deputy Presiding Officer: It is up to you, minister. I can give you a short time back.

Roseanna Cunningham: I will give way.

John Wilson: The minister has just given a list of figures in relation to work that has been done. Will she indicate where those figures stand in relation to the wider retail sector? It is nice to say that there are 300-odd accredited premises but how many does that compare to? Is it 300-odd out of 500 or 300-odd out of 5,000? We need to try to attain meaningful targets and not just targets that look good on paper but do not have any real effect.

Roseanna Cunningham: I will need to send that information to the member since I do not have it with me.

I also want to point in the direction of the work of the violence reduction unit, which is about the broader culture of violence and violent crime.

I am conscious that I am probably well over time so I will skip through things like cashback for communities.

More broadly, the Scottish Government funds the Scottish centre for healthy working lives—that is part and parcel of the issue. I was interested in comments about the possibility that incidents are not being reported because it does not suit employers to have them reported. That is probably an issue that we need to look at quite closely.

Following the previous members' business debate on the safety of shopworkers, the then Minister for Community Safety committed to meet USDAW to discuss its excellent work. That meeting took place and the minister showed support for USDAW's work. The meeting resulted in USDAW's participation in the Scottish Government-led age-restricted products enforcement group.

I hope that the member accepts that the Government is as concerned about the issue as he and other members are. However, the issue is not as straightforward as it might look on the surface and it bears closer examination.

Meeting closed at 17:47.

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