



The Scottish Parliament
Pàrlamaid na h-Alba

Official Report

MEETING OF THE PARLIAMENT

Tuesday 23 October 2012

Session 4

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Tuesday 23 October 2012

CONTENTS

	Col.
TIME FOR REFLECTION	12397
BUSINESS MOTION	12399
<i>Motion moved—[Joe FitzPatrick]—and agreed to.</i>	
TOPICAL QUESTION TIME	12400
Hall's Meat Processing Plant	12400
Aberdeen Western Peripheral Route	12401
EDINBURGH AGREEMENT	12406
<i>Statement—[Nicola Sturgeon].</i>	
The Deputy First Minister and Cabinet Secretary for Infrastructure, Investment and Cities (Nicola Sturgeon)	
.....	12406
GREENHOUSE GAS EMISSIONS (ANNUAL TARGET REPORT)	12420
<i>Statement—[Paul Wheelhouse].</i>	
The Minister for Environment and Climate Change (Paul Wheelhouse)	12420
ROLE OF THE MEDIA IN CRIMINAL TRIALS	12431
<i>Motion moved—[Christine Grahame].</i>	
Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP)	12431
The Minister for Community Safety and Legal Affairs (Roseanna Cunningham)	12435
Lewis Macdonald (North East Scotland) (Lab)	12438
John Lamont (Ettrick, Roxburgh and Berwickshire) (Con)	12441
Sandra White (Glasgow Kelvin) (SNP)	12443
Graeme Pearson (South Scotland) (Lab)	12445
Roderick Campbell (North East Fife) (SNP)	12447
Joan McAlpine (South Scotland) (SNP)	12449
Mary Fee (West Scotland) (Lab)	12452
Colin Keir (Edinburgh Western) (SNP)	12454
Bob Doris (Glasgow) (SNP)	12455
Alison McInnes (North East Scotland) (LD)	12457
Annabel Goldie (West Scotland) (Con)	12460
Patricia Ferguson (Glasgow Maryhill and Springburn) (Lab)	12462
Roseanna Cunningham	12465
Jenny Marra (North East Scotland) (Lab)	12468
PARLIAMENTARY BUREAU MOTION	12471
<i>Motion moved—[Joe FitzPatrick].</i>	
PRESIDING OFFICER'S RULING	12472
DECISION TIME	12476
5TH FIFE SCOUT GROUP (SCOTTISH CHAMPIONSHIP AWARD)	12477
<i>Motion debated—[David Torrance].</i>	
David Torrance (Kirkcaldy) (SNP)	12477
Claire Baker (Mid Scotland and Fife) (Lab)	12480
Dennis Robertson (Aberdeenshire West) (SNP)	12482
Anne McTaggart (Glasgow) (Lab)	12483
Liz Smith (Mid Scotland and Fife) (Con)	12484
Richard Lyle (Central Scotland) (SNP)	12485
Duncan McNeil (Greenock and Inverclyde) (Lab)	12487
Stuart McMillan (West Scotland) (SNP)	12488
The Minister for Children and Young People (Aileen Campbell)	12490

Scottish Parliament

Tuesday 23 October 2012

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

Time for Reflection

The Presiding Officer (Tricia Marwick): Good afternoon. Our first item of business is time for reflection. Our time for reflection leader this afternoon is Bushra Iqbal MBE, the founder and chair of North Lanarkshire Muslim Women and Family Alliance.

Bushra Iqbal MBE (North Lanarkshire Muslim Women and Family Alliance): Bismillah ir-Rahman ir-Rahim—in the name of Allah, the most beneficent, the merciful.

Presiding Officer and members of the Scottish Parliament, aslamoalikum—peace be upon all of you. My topic today is our purpose of life and accountability. We humans are special because we have been chosen to represent God on this planet earth. Every human has been honoured by God Almighty by being given the title of a governor, as stated in verse 30 of chapter 2 of the Qur'an. We have also been given the right to choose or refuse to follow the guidance of God, as mentioned in verse 256 of chapter 2 of the Qur'an. This honour that each one of us, man or woman, has been given comes with a great responsibility and we will be accountable for the choices that we made in our life, as mentioned in chapter 99 of the Qur'an.

So we have established that, because of our authority and choice in our lives, we have a special purpose to fulfil, and that purpose is ultimate accountability. We are told in the Qur'an, in verses 10 to 12 of chapter 82, that all our deeds are constantly being recorded by special angels assigned to each individual. Is that not an amazing revelation, made 1,400 years ago, when we had no concept of closed-circuit television or other gadgets for recording people's actions and words? We still have angels.

The liberty to choose or refuse to act responsibly in our life is free from any compulsion. However, this liberty comes with full and final accountability to the one who gave us this life, blessed us with all the resources and gave us the choice and liberty. This choosing and refusing has huge implications for society and the universe as a whole, so it is but natural to have a system of checks and balances in place in both the worlds. How we express our choice and liberty is what determines our value and status in both the worlds. This very message was delivered by all

the prophets including Prophet Mohammed, peace be upon him—all of them.

Prophet Mohammed, peace be upon him, was to be the perfect role model for the whole of humanity. However, how each individual perceives his message is a matter of choice. It was that very thought and belief that made Umer Bin Khatab, the head of the Islamic state, say:

"I fear that in my domain even if there was a hole in a bridge and a sheep's foot got caught in it, I may be held accountable for that injury."

I believe that the notion of accountability in both worlds is the key to human success and lasting peace.

Aslamoalikum. Peace be upon all of you.

Business Motion

14:04

The Presiding Officer (Tricia Marwick): The next item of business is consideration of business motion S4M-04530, in the name of Joe FitzPatrick, on behalf of the Parliamentary Bureau, setting out a revision to today's business programme.

Motion moved,

That the Parliament agrees the following revision to the programme of business for Tuesday 23 October 2012—

after

followed by Topical Questions (if selected)

insert

followed by Ministerial Statement: The Edinburgh Agreement

delete

5.00 pm Decision Time

followed by Members' Business

and insert

5.15 pm Decision Time

followed by Members' Business—[Joe FitzPatrick.]

Motion agreed to.

Topical Question Time

14:05

Hall's Meat Processing Plant

1. Neil Findlay (Lothian) (Lab): To ask the Scottish Government what support it will provide to the West Lothian area following the announcement of the closure of the Hall's meat processing plant. (S4T-00071)

The Cabinet Secretary for Finance, Employment and Sustainable Growth (John Swinney): We are committed to working with West Lothian Council and other task force partners to explore all options for a recovery plan, following the disappointing news of the closure of Hall's of Broxburn. A meeting will be held on 24 October to discuss the plan in more detail and identify the interventions that will provide the greatest impact ahead of a task force meeting on 30 October.

Neil Findlay: I thank the cabinet secretary for his answer and for his efforts on Hall's. A decade ago, following the Motorola closure, the then Scottish Executive put around £10 million into West Lothian to support it through the trauma of that closure. Given the immense challenge and localised nature of the job losses at Hall's, what scale of support is likely to be offered to help the county cope with this disaster?

John Swinney: I say to Mr Findlay at the outset something that reinforces what I said to Councillor John McGinty, the leader of West Lothian Council. The Government will work in partnership with the local authority and other partners to tackle the economic issues and consequences that will clearly arise from the decision about Hall's of Broxburn. At this stage I am unable to put a cash figure on that, but I assure Mr Findlay that the suggestions that have been made by West Lothian Council and developed with my officials, some of the points that Mr Findlay has raised in his correspondence with me, and the points raised locally by my colleagues Fiona Hyslop and Angela Constance will be considered as part of the recovery plan. We acknowledge the significance and localised nature of the economic impact, which will, essentially, structure the approach that we take to designing a recovery plan.

Neil Findlay: I thank the cabinet secretary and ask simply that he also keeps regional list members informed of what is going on.

John Swinney: Throughout all the dealings on the issue of Hall's of Broxburn, there has been tremendous co-operation across the political spectrum, and across public bodies and elected bodies in West Lothian. I have greatly appreciated

the involvement of members of Mr Findlay's party in the task force, as well as the involvement of my colleagues. I assure him that I will keep Parliament and the relevant regional and constituency members up to date with the steps that we take. If members have any suggestions as to what steps the Government should take, I make clear in Parliament today the Government's willingness to hear and act on those suggestions.

Chic Brodie (South Scotland) (SNP): Will the Scottish Government seek the release from HM Revenue and Customs of similar data for Vion's United Kingdom operation on a like-for-like basis? On its consolidated figures for 2011, Vion International had an operating income of €9.5 billion, which was up 7 per cent on the year before. It paid dividends of €327 million, which was up 3 per cent. Its wage bill for that period grew only 0.2 per cent. In 2011, Vion's nominal tax rate, together with the effect of different foreign taxes, was 26.9 per cent. Its effective tax rate was a clawback of 1.7 per cent.

John Swinney: Through the task force, the Government has worked closely with Vion to ensure that we have had access to a comprehensive range of financial information to enable us to determine some of the underlying difficulties and issues that were being confronted by Hall's of Broxburn. That financial information has been made available to the accountants whom I commissioned to assess the financial performance, who have advised the task force throughout. I think that the information with which the task force has been provided has given a comprehensive understanding of the financial issues that have had to be addressed in Hall's of Broxburn and has given us a sense of where opportunities exist to create a sustainable business operation. That will remain the focus of the Government's activities, which, combined with our dialogue with parties that are potentially interested in components of the operations of Vion, we will continue to take forward to secure the best outcome that we can for the people of West Lothian.

Aberdeen Western Peripheral Route

2. Maureen Watt (Aberdeen South and North Kincardine) (SNP): To ask the Scottish Government what steps it is taking to expedite the building of the Aberdeen western peripheral route following the Supreme Court's final rejection of the legal protests that have delayed the project. (S4T-00078)

The Minister for Transport and Veteran Affairs (Keith Brown): We are already expediting the delivery of this vital project for the north-east. During the legal challenges, we ensured that as much preparatory work as possible was

progressed so that we were in a position to move immediately following the United Kingdom Supreme Court judgment last week. The prior information notice signalling the start of procurement was published only two days after the judgment, on 19 October. Further works will begin next month—drilling rigs are on site to carry out vital ground investigations. Over the next year, there will be more advance works to clear the site ahead of the main works, which are expected to get under way in 2014 and to be completed by the spring of 2018.

Maureen Watt: The minister has already agreed that there should be community benefit clauses in the contracts that guarantee opportunities for apprentices and the long-term unemployed. I hope that there will be work with the universities to give trainee civil engineers and surveyors practical experience. Will the minister also work with the Cabinet Secretary for Rural Affairs and the Environment to urge farmers to use recycled stones lying at the sides of their fields in the construction process so that we can regain some agricultural land, which is being lost at a phenomenal rate to house building?

Keith Brown: I have assured the member that we will raise that issue with the procurement team for the project. Any development that ensures that materials do not have to be transported, helps the environment and means that we do not need to buy further materials but can use local materials instead will be good for the project. I have therefore given an undertaking to the member that I will take up the issue with officials to see what we can take forward. I give the member the commitment that I will work closely with the Cabinet Secretary for Rural Affairs and the Environment to see what we can do in that area.

Maureen Watt: Can the minister give us any idea of what savings will be made by combining the AWPR project with the Balmedie to Tippetty project?

Keith Brown: We were sure of the savings that we would have made had we been able to proceed with the project when we wanted to some years ago. However, officials are currently working on the cost of the project and therefore the savings that would be arrived at by bundling those two projects together. I intend to produce that information for the Parliament as soon as possible.

The Presiding Officer (Tricia Marwick): Many members want to ask supplementaries, so I urge them to be as brief as possible.

Richard Baker (North East Scotland) (Lab): The minister has indicated that the AWPR will be complete in 2018. What impact will that have on improvements at the Haudagain roundabout, which ministers have linked to completion of the

work on the AWPR? Can the minister give a completion date for that linked project?

Keith Brown: It is not just ministers who have linked the programme; Aberdeen City Council has also said that the AWPR and the third Don crossing require to be in place in order to meet the transport planning objectives for the Haudagain roundabout. It is also worth saying that we have already committed £3 million towards the design work for the Haudagain roundabout. We now have to get on with the AWPR.

It would be interesting to know from Richard Baker—if possible—whether he intends to continue to support the project or to start to cast it into doubt, as his colleague Elaine Murray has done with the Forth road crossing, which she now says she has had second thoughts about. We really should have continuity on that from the Labour Party.

Brian Adam (Aberdeen Donside) (SNP): I very much welcome the decision of the courts in recent weeks. Can the minister confirm that the Haudagain redevelopment and the third Don crossing works will be included in the AWPR contract? Can he give us some idea of when the individual elements of what is a package are likely to happen?

Keith Brown: It is worth saying that, over 30 years, the project will support 14,000 jobs in the north-east of Scotland and create £6.3 billion of additional income, so it will have a massive impact.

As I said in relation to the Haudagain roundabout, it has always been our position that the Balmedie to Tipperty and AWPR projects should proceed first before we can accrue the benefits from the Haudagain roundabout and, obviously, we await legal proceedings in relation to the third Don crossing. I assure the member that we will crack on with the project as soon as we can and that we intend to see the benefits accrue to the north-east as soon as possible.

Alex Johnstone (North East Scotland) (Con): Given that the minister has made it clear that other road development projects in the north-east will be included as part of the AWPR development, has he given any further consideration to the option of including the A90-A937 junction at Laurencekirk as part of the AWPR contract?

Keith Brown: There is no update to provide in relation to Alex Johnstone's question since the last time that he asked it. We do not intend to include that junction in the bundle for the AWPR.

Kevin Stewart (Aberdeen Central) (SNP): Can the minister outline any discussions that he has had with Aberdeen City Council with regard to its responsibilities for the construction of the third Don

crossing, which would complete the holy trinity of vital roads projects to keep Aberdeen moving?

Keith Brown: The member will be aware of the legal constraints on discussion of the matter. There have been discussions between officials at this stage. We very much hope that Aberdeen City Council will share our desire to progress with the project as soon as possible, because we can then see the implementation of the whole suite of transport solutions for Aberdeen and the north-east. We will continue to work with Aberdeen City Council, with which we have developed a very constructive relationship on how the AWPR is paid for and progressed. We hope to continue such co-operation with the council on other projects.

Lewis Macdonald (North East Scotland) (Lab): Can the minister confirm that potential private finance partners remain interested in the AWPR under the non-profit-distributing model that the Government has taken forward? In the event that no competitive bids are received, what is the Government's plan B for financing such a project?

Keith Brown: As the member would expect, there is a very healthy interest in the market for the project. We have been asked to make as many projects proceed as possible within the resource constraints that we face. I do not expect there to be a lack of competition for the contract. In fact, the opposite seems to be the case. We will have the same huge level of interest that there was in relation to, for example, the M8, which was another NPD project. We are very confident about the level of interest that there will be in the project.

Alison McInnes (North East Scotland) (LD): The commitment made many years ago was that the two councils would each fund 9.5 per cent of the cost of the AWPR, minus the fastlink costs. The minister has rolled in the Balmedie to Tipperty project and there is talk of rolling in the third Don crossing. How will it be possible to identify the discrete costs of the AWPR if the contract is let in that way? How can local taxpayers be sure that they are not being asked to pick up part of the tab for the other projects? There needs to be absolute transparency and clarity. What mechanism does the minister propose to use? Has he discussed the matter with the local councils?

Keith Brown: The mechanism will be one of dialogue. We are talking to the two councils. It is not beyond the wit of the officials and the politicians involved to ensure that we produce the right solution. Discussions have so far been very productive and I am very confident that we will get an agreeable solution.

Patrick Harvie (Glasgow) (Green): If the minister is concerned about inconsistency from the other side of the chamber, perhaps he will welcome consistency from the Green Party on the

issue. How are we supposed to take remotely seriously any assessment of the costs and benefits of the project when we are still working on an estimate of the cost from almost a decade ago? If he is going to come forward with a revised cost, can he give a clear commitment that he will specify the portion of the revised cost that is about the AWPR specifically and does not relate to the other projects?

Keith Brown: Yes, I am perfectly willing to give a commitment that the figures that I will produce for Parliament very shortly—as the member will understand, given that the court decision has just been made, they are currently being worked on—will itemise the cost of the two projects. It will also be clear at that time that it makes sense to do the two projects together.

There is no doubt about the benefits. I have mentioned 14,000 jobs. That is a serious issue. The project will support 14,000 jobs in the north-east of our country, there will be £6.3 billion of benefit and there will be huge environmental and safety benefits. This is a very good project and I am delighted that we are getting to grips with it.

The Presiding Officer: I regret that I do not have time to call Nigel Don.

Edinburgh Agreement

The Presiding Officer (Tricia Marwick): The next item of business is a statement by Nicola Sturgeon on the Edinburgh agreement. The Deputy First Minister will take questions at the end of her statement, so there should be no interventions.

14:20

The Deputy First Minister and Cabinet Secretary for Infrastructure, Investment and Cities (Nicola Sturgeon): I am grateful for the opportunity to make a statement to Parliament on the Edinburgh agreement, which was signed by the First Minister and the Prime Minister on 15 October. The Edinburgh agreement is a watershed moment in Scotland's home rule journey. It paves the way for the most important decision that our country will make in more than 300 years and—crucially—it ensures that Scotland's referendum is designed and delivered by this Parliament.

The elements of the agreement between the two Governments are set out in the memorandum published on 15 October. The Governments are agreed that the referendum should have a clear legal base; be legislated for by this Parliament; be conducted so as to command the confidence of the Parliaments, the Governments and the people; and deliver a fair test and a decisive expression of the views of the Scottish people, and a result that everyone will respect.

To put beyond doubt this Parliament's competence to legislate, the Governments have agreed to promote an order under section 30 of the Scotland Act 1998, which will require the agreement of both this Parliament and Westminster. The proposed order will allow a single-question referendum on Scottish independence to be held before the end of 2014. Once the order is agreed by both Parliaments, the Scottish Government will introduce legislation that sets out the date of the referendum; the franchise; the wording of the question; the rules on campaign financing; and other rules for the conduct of the referendum.

As the First Minister announced on Saturday, the Scottish Government will also introduce a paving bill to ensure that all 16 and 17-year-olds can register for and vote in the referendum, should that be the franchise agreed by this Parliament.

The Government's proposals on those issues will be informed by our consultation on a draft bill, which took place earlier this year. Today, we are publishing the 26,000-plus responses to that consultation—the third largest consultation response in the history of this Parliament—and the independent analysis of those responses. The

Government is grateful to all those who took part, and to the independent researchers for their analysis.

The analysis indicates broad support for the Government's proposals on the question, the timing of the referendum, votes for 16 and 17-year olds, and spending limits. Opinion is split on the issue of voting on Saturdays. Quantitative analysis indicates a majority against a second question on the ballot paper—an option that has, in any event, been foreclosed to this Parliament by the United Kingdom Government's position on the section 30 order.

Additional issues were raised in the responses about, for example, the impartiality of broadcasters. In the Edinburgh agreement, the Governments have agreed that broadcast coverage of the referendum must be impartial. That issue will be considered further by broadcasters, the Office of Communications and the Electoral Commission.

I emphasise that the report provides both qualitative and quantitative analysis of the responses, and it is not merely the weight of opinion, but the arguments behind those opinions that are important in reaching final decisions. The Government will consider carefully the responses and the analysis, which will influence and inform the final bill that we present to Parliament for consideration.

As set out in the Edinburgh agreement, the Electoral Commission will play an important role in formulating the question for the referendum. The Government will refer our proposed referendum question to the commission for review of its intelligibility. The commission will take views from others on the proposed wording and then report on the question. The final decision on the question will, of course, be for this Parliament, taking account of the commission's views.

I am meeting the Electoral Commission tomorrow to discuss the next steps in its involvement, and to ensure that the process of reviewing the question takes place in good time. I will confirm to the commission that we seek its advice on setting spending limits that ensure a fair contest and a level playing field.

Both the section 30 order and the Government's referendum bill will be considered and scrutinised by this Parliament in the normal way. The timetable for the section 30 order—here, and at Westminster—is intended to lead to the order being agreed early next year. That will enable the Government to introduce its referendum bill shortly thereafter. We would then expect Parliament's consideration of the bill to take place through the summer and autumn, which will allow royal assent by November 2013, approximately one year

before the vote. The Government looks forward to that process, to the scrutiny that members will bring and to the debates in this chamber that lie ahead.

Throughout the negotiation, the Government's central objective has been to ensure that the referendum on our nation's future is made here in this Parliament. That approach is consistent with the 1989 claim of right for Scotland and with the clear mandate that the Scottish Government won in last year's election; it is also consistent with the consultations by both Governments that saw Scots—by a margin of almost 10 to one—choose this Parliament to legislate for the referendum. Although we regret that those who favour a third option cannot press that case as their Parliament considers the bill, we are pleased that the other constraints that were originally proposed by the UK Government have now been dropped.

Another central feature of the agreement is that both Governments are committed to working together constructively in the light of the outcome of the referendum—whatever that outcome is—in the best interests of the people of Scotland and of the rest of the United Kingdom. The Edinburgh agreement was negotiated in that spirit and it shows that Governments can work together in everyone's interests while firmly standing up for what they believe in. That will be as true after independence as it is now and it points to the potential for a positive new partnership among the people of these islands.

In light of the Edinburgh agreement, by which both Governments have agreed the process for Scotland to achieve independence, I can confirm that the Government has now commissioned specific legal advice from our law officers on the position of Scotland within the European Union if independence is achieved through this process. The Scottish Government has previously cited opinions from a number of eminent legal authorities, past and present, in support of its view that an independent Scotland—[*Interruption.*]

The Presiding Officer: Order.

Nicola Sturgeon: —will continue in membership of the European Union but has not sought specific legal advice. However, as the Edinburgh agreement provides the exact context for the process of obtaining independence, we now have the basis on which specific legal advice can be sought. The views of those other eminent authorities will continue to be highly relevant, but the Government's position in the independence white paper will be based on and consistent with the advice that we receive.

Given that my statement answers the ruling of the Scottish Information Commissioner on the existence of legal advice, there is now no need for

the Government to pursue its appeal against that ruling in this specific case, and I have asked our lawyers to advise the court accordingly and to ask that the appeal be dismissed. [*Interruption.*]

The Presiding Officer: Order. This is an important issue, which has been raised a number of times in the chamber. Please have the courtesy to listen to the cabinet secretary.

Nicola Sturgeon: I should also make it clear that, in confirming that the Government has asked for law officers' advice, I have sought and received the prior agreement of the Lord Advocate. This statement is therefore consistent with paragraph 2.35 of the ministerial code and the long-standing convention on which that section of the code is based, both of which will continue to be vigorously upheld by ministers. The confirmation that I have given relates to the particular circumstances of the issue and does not set a precedent.

I now look forward to the referendum campaign, which is the most important democratic event in Scotland's long history as a nation. The Government will set out the positive case for an independent Scotland. We have an ambitious vision for Scotland as a prosperous and successful European country, reflecting Scottish values of fairness and opportunity and promoting equality and social cohesion.

Full home rule will allow us to create an exciting new Scotland that is fit for the 21st century. We will have the responsibility to find our own solutions to the challenges that we face and to build a society that is based on fairness, confidence, innovation and prosperity. We believe that independence is right for Scotland because it is the only way to deliver that vision and to deliver a better and fairer society for the people of our country.

We also believe that a yes vote in the referendum is now the only way to protect the advances that Scotland has made with devolution through the social contract, which has delivered vital universal benefits such as free university education and personal care for our elderly.

Finally, the case for a yes vote is based on a simple but powerful and fundamental premise—the people who are best placed to take decisions about Scotland's future are those who choose to live and work in Scotland.

The people of Scotland will now consider what kind of nation they want to be. This Government is confident that its vision for Scotland will win the argument and deliver a yes vote in autumn 2014.

The Presiding Officer: The Deputy First Minister will take questions on the issues that were raised in her statement. I intend to allow around 20 minutes for questions, after which we will move to

the next item of business. It would be helpful if members who wish to ask a question of the cabinet secretary would press the request-to-speak button now.

Patricia Ferguson (Glasgow Maryhill and Springburn) (Lab): I thank the cabinet secretary for advance sight of her statement. I also welcome the publication of the analysis of the consultation—some 165 days after the consultation ended.

Today an editorial in *The Times* said:

"The Electoral Commission is not, however, just some arm of the Westminster Government, to be treated as a butt of SNP abuse. It is an independent legal entity, answerable to Parliament, there to guarantee the fair running of elections in Britain. To cast aside its judgment would not only be irresponsible, it would be unprecedented".

Does the cabinet secretary agree with that assessment? If she does, will she take the opportunity to allay the fears concerning funding that her speech to her party conference created and indicate to Parliament that the Electoral Commission will be entrusted with the setting of spending limits for the referendum campaign? If that is not her position will she explain to Parliament why it is not?

Nicola Sturgeon: I gave Patricia Ferguson an advance copy of my statement, as she graciously mentioned. I also saw her listening to my statement, so she will have heard me say that I will be confirming to the Electoral Commission—tomorrow, when I meet it—that we will seek its advice on setting spending limits that ensure a fair contest and a level playing field.

The position of this Government is exactly the same as the position of the UK Government would be for sub-UK referendums should it be setting the rules. That position is that the Electoral Commission advises, the Government proposes and Parliament decides. However, I would not be asking the Electoral Commission for its advice if I did not think that it was incumbent on this Government to give weight to the advice of the Electoral Commission and to take due account of that advice in coming to its final decisions.

I cannot understand what anybody, on any side of the chamber—regardless of the legitimate differences of opinion that we have on independence—would find to disagree with in my statement that what we want to do is to ensure a fair contest and a level playing field. Surely that is what everybody should want in order that the people of Scotland can take a decision in that context. That is what this Government will seek to achieve and we will do that working with the Electoral Commission.

I look forward to meeting the Electoral Commission to discuss the issue further and I look

forward to receiving its advice. Of course, as is the case with all aspects of the referendum bill, that aspect will be open to scrutiny by this Parliament as the bill passes through the normal process.

Ruth Davidson (Glasgow) (Con): I, too, thank the cabinet secretary for advance sight of her statement.

On Friday it was proved beyond all doubt that the Scottish National Party is a party without principle, voting for a policy that it does not believe in, and today the members of that party with principle voted with their feet and walked out. However, NATO is not the only international body that is tying the SNP in knots. We found out today that, despite desperate claims of knowing the answers and despite thousands of pounds of taxpayers' money spent in courtrooms to keep information from the Scottish people, the SNP has never taken advice on a separate Scotland's place in the European Union. It does not know whether we would be spending pounds or euros. However, it is worse than that—when I and other party leaders tried to exact the truth, we were shouted down.

The Deputy First Minister has told this chamber that she knows that Scotland would continue in the EU. In fact, in June, she said:

“An independent Scotland will be a member of the European Union ... arguing otherwise ... is ... an utterly absurd position”—[*Official Report*, 21 June 2012; c 10388.]

It is not absurd and the Deputy First Minister does not know. Monetary policy, EU membership—when will she stop trying to hoodwink the public on the big issues? Scotland needs to know, so when the Deputy First Minister eventually gets that advice, will she promise to publish not her interpretation, not SNP spin, but the actual advice, so that Scotland has the information that it needs to make this historic decision?

Nicola Sturgeon: I respectfully suggest to Ruth Davidson that the word “principle” is one that Tories would be advised to avoid using in any context.

I do not doubt Ruth Davidson's knowledge of these matters, but the position that the SNP has articulated and believes in with respect to Scotland's position within the European Union has been backed by—indeed, it is drawn from—the opinion of some of the most eminent legal authorities in Europe. I am referring to people such as Eamonn Gallagher, the former director-general of the European Commission and an EC ambassador to the United Nations; Emile Noël, the first and longest-serving secretary-general of the European Commission; Lord Mackenzie-Stuart, a judge in the European Court of Justice and the President of the European Court of Justice for a

period; and Xavier de Roux, the editor of the European legal dictionary—the list of eminent legal authorities goes on and on. That is the basis of the opinion that the SNP has articulated, and we will continue to do so.

I repeat what I said to Ruth Davidson in the chamber previously. The notion that oil-rich, renewable energy-rich, fishing-rich Scotland would not be a member of the European Union—one welcomed with open arms—is patently absurd. It does Ruth Davidson no credit to try to argue such an absurd notion.

I assure her that—as I said in my statement and as the First Minister has also said—the white paper that we will publish covering this and other issues will be entirely consistent with the legal advice that we receive.

The Presiding Officer: Many members want to ask a question. To allow me to get through as many as possible, I remind members that they should ask one question and not make a speech. I would also be grateful if the cabinet secretary could keep her responses as brief as possible.

Jamie Hepburn (Cumbernauld and Kilsyth) (SNP): The Deputy First Minister said that one of the aims of the Edinburgh agreement was to

“deliver a fair test and a decisive expression of the views of the Scottish people”

through the referendum. Does the Deputy First Minister have any information on the most recent indications of what the views of the Scottish people are likely to be in that referendum?

Nicola Sturgeon: Strangely enough, yes, I do. Jamie Hepburn may have seen an opinion poll that was published in *The Times* on Thursday, which shows that the gap between support for independence and support for the case against independence has narrowed to 8 per cent. Interestingly, if people believe that there is any prospect of another UK Tory Government, support for independence rises to 52 per cent of the Scottish population. Even more interestingly, perhaps, if people believe that there is the prospect of a Labour Government, that support rises to 44 per cent. That is encouraging.

Opinion polls aside, this Government believes that the case for independence will be won on the strength of our arguments. Over the next two years, we will put forward those arguments with conviction, belief and determination, and we will seek to persuade a majority of our fellow Scots that their best future lies with independence and a new relationship of equals between the countries of these islands. I encourage those who are on the other side of the argument—which is a perfectly legitimate place to be—to be equally positive when they pursue their own cases. If that happens, we

will have a debate over the next couple of years that will enhance Scotland and an outcome that will be right for Scotland.

The Presiding Officer: I call Jackie Baillie, to be followed by Aileen McLeod. I ask Mr Macdonald to keep his voice down a bit.

Jackie Baillie (Dumbarton) (Lab): How much taxpayers' money has the Scottish Government spent on a court case to hide information on legal advice about the European Union—legal advice that was not even commissioned and that does not exist? Could President Barroso, Jim Sillars, Romano Prodi and a number of others be correct in saying that Scotland would not have automatic entry to the European Union? Perhaps the cabinet secretary should seek legal advice on whether joining the eurozone is a requirement for new countries when they join the EU.

Nicola Sturgeon: Jackie Baillie's latter point is not the case. I will answer her specific question with a specific answer. To date, the total figure for expenses is £3,960, which is £3,300 plus VAT. That is not absolutely final—it might change—but it is the figure to date.

I say to Jackie Baillie and other members that we took the appeal because we were defending what we considered to be an important principle. In asking for the appeal to be dismissed, we do not concede that principle. The principle is that the Scottish Government's view is that, under the freedom of information legislation, the Scottish Information Commissioner requires to be satisfied that ministers have considered the public interest, but it is not open to her to substitute her own view of the public interest. The Information Commissioner's view is that she has the final say on the public interest. We continue to differ on that issue of principle, which I have no doubt will be settled in the future.

I hope that Jackie Baillie is satisfied with the specific answer to her specific question on costs. I would be happy to update Parliament on the final cost as soon as the figure is available.

Aileen McLeod (South Scotland) (SNP): Does the Deputy First Minister agree that it is outrageous that unelected peers such as Lord Forsyth, who was of course rejected by the Scottish electorate, and Lord Cormack should seek to undermine Scotland's referendum? Does she agree that it is right that the biggest decision that our country will make for many generations to come should be made here in Scotland, for the benefit of all who live and work here?

Nicola Sturgeon: Yes, I do. The section 30 order will require to go through this Parliament and Westminster, including the House of Lords. However, it would have been indefensible for Westminster to legislate for our referendum,

particularly given the unelected element there. It is right and proper for this most important of decisions to be taken here in the Scottish Parliament.

Willie Rennie (Mid Scotland and Fife) (LD): I thank the Deputy First Minister for the advance copy of her statement. I commend her for managing to ignore the siren voices that urged rejection of a section 30 order. Instead, she sought a mature agreement with the Secretary of State for Scotland, so that the referendum can be decided by the people and not by the courts. From today, it will be based on actual law, rather than imaginary law.

I feel the Deputy First Minister's embarrassment in relation to the European Union. The First Minister said that his white paper would be consistent with the legal advice, but she has had to tell us that he has none—it was all imaginary. The same issue applied to the second question, but now the position is at least based on actual responses rather than imaginary responses.

All that work was supposed to be informed by Professor Tierney—the First Minister's expert adviser—but we have heard not one mention of his work today. When will he speak?

Nicola Sturgeon: I pay tribute to Michael Moore—he and I had a constructive negotiation that led to a good agreement. I also thank my predecessor on the task, Bruce Crawford, who started the Scottish Government's work and did a sterling job.

I am not entirely sure about the second part of Willie Rennie's comments. What I said today about the white paper being consistent with the legal advice that we receive is exactly the same as the First Minister's comment in the Parliament about the white paper being consistent with the legal advice that we receive. There is absolutely no contradiction whatever.

As for Willie Rennie's point about Professor Tierney, it is clear that we have the consultation responses and the agreement about the section 30 order. It will be for the Government to reflect on the consultation, to reflect generally, to submit a question to the Electoral Commission, to receive the commission's views and to put its final proposal on the question to the Parliament for a final decision. All the views that we take into account in that process will be openly shared with Parliament.

We will go through that perfectly acceptable, perfectly robust and absolutely right and proper process. That will take us to a referendum bill in which the Parliament can have confidence and will ensure that everybody can have confidence in and respect the result of the referendum.

Clare Adamson (Central Scotland) (SNP):

What steps will be taken to ensure that the wording of the question on the ballot paper will be fair, will be easy to understand, will gain the Scottish people's confidence and will produce a result that is beyond challenge?

Nicola Sturgeon: As I have just said to Willie Rennie, we will now reflect on the consultation's findings, submit our question to the Electoral Commission and await its feedback and report. We will then submit a final proposal to Parliament in the referendum bill, which Parliament can fully scrutinise and make a decision on.

It is essential that the question is fair. Those members who have in the past criticised the Scottish Government's proposed referendum question in the chamber should be aware of the consultation's findings, which show broad support for the question.

We will take all the appropriate steps to ensure that the question is the right one, and that it will facilitate the decision that we want the Scottish people to take.

Richard Baker (North East Scotland) (Lab):

Why can the Deputy First Minister do what the First Minister has consistently refused to do, which is to reveal the existence or non-existence of legal advice under the ministerial code? Has the advice from law officers changed, or is it just another example of ministers making the rules up as they go along? That is exactly why oversight of the referendum would be best left with the Electoral Commission.

Nicola Sturgeon: I will answer that question in two parts. We are now seeking specific advice, specifically because of the Edinburgh agreement. Before the agreement, the process by which independence could be achieved was not settled. It is settled now, and that is why we are seeking legal advice.

On why I am telling Parliament, those members who now seem to be complaining have been asking us to tell Parliament about the advice for months, so one would think that they might manage to be a little bit more gracious about it.

I have sought and received the specific permission of the Lord Advocate to share the information with Parliament today. That means that I am giving Parliament the information in a way that is entirely consistent with the relevant paragraph of the ministerial code. The ministers in this Government will continue to uphold that ministerial code and the long-standing convention—not just of this Government, but of other Governments—in that regard. I would have thought that members on all sides of the Parliament could agree on and welcome that.

Mark McDonald (North East Scotland) (SNP):

I am delighted that 16 and 17-year-olds will be given the right to vote on the future of their nation.

Will the cabinet secretary expand on her statement with regard to how the Scottish Government plans to ensure that all 16 and 17-year-olds are able to vote? What role does she see for partners such as schools, colleges and other organisations in encouraging and educating 16 and 17-year-olds in relation to voter registration?

Nicola Sturgeon: As the First Minister said on Saturday, we intend to introduce paving legislation to ensure that all 16 and 17-year-olds can vote, which I think is right. If we say that it is right in principle for 16 and 17-year-olds to vote, it is right that all people in that age group should be allowed to vote.

I refer Mark McDonald to a comment in *The Sunday Herald* this Sunday just past. Brian Byrne, the chair of Scotland's electoral registration committee, said:

"I don't see any major concerns with it, as long as we get legislation which is clear and unambiguous and early."

That is why we intend to introduce paving legislation.

There will be a role for schools and modern studies classes to educate and raise awareness—in a completely impartial way—among young people. That is a thoroughly good thing, and we should all welcome young people becoming engaged and involved in the democratic process.

I have no doubt that all the parties and campaigns in the referendum will vigorously and enthusiastically try to persuade 16 and 17-year-olds that they should go for their side of the debate, and in my case that will mean persuading them to vote yes.

Patrick Harvie (Glasgow) (Green): I thank the Deputy First Minister for the advance copy of the statement.

It seems that the Edinburgh agreement provides the process for the referendum, but not the process for the transfer of sovereignty. However, leaving that aside, I wonder why, if the Government thinks that the agreement provides the basis on which legal advice can be sought with regard to whether Scotland would inherit or renegotiate membership of the European Union, does not the exact same argument apply to other international bodies and international treaties such as the United Nations, the European Court of Human Rights and indeed NATO? Will the Deputy First Minister seek legal advice on those matters?

Nicola Sturgeon: I refer Patrick Harvie to what I said in my statement, which I think is worth

repeating. This Government will uphold the long-standing convention, which is enshrined in the ministerial code, that ministers do not reveal the fact or the content of legal advice. In this one instance, I have prior permission from the Lord Advocate to tell Parliament that we have now commissioned advice. The permission does not extend any further than that. However, as the First Minister has said, the white paper will in all respects be consistent with any legal advice that this Government has.

The Presiding Officer: I intend to let the statement and questions run on until all the members who have a question have the opportunity to ask it.

Maureen Watt (Aberdeen South and North Kincardine) (SNP): I was pleased that the cabinet secretary said in her statement that she was going to meet the Electoral Commission this week, and I am sure that they will discuss ways in which we can ensure that the campaigns are equitable and transparent. Therefore, will she join me in condemning the attempts of the anti-independence parties to undermine the fairness of the financing of the independence referendum?

Nicola Sturgeon: I repeat what I said earlier: it is most important to have a level playing field. It is not and should not be important to either side who has an advantage or a disadvantage; neither side should have an advantage or be at a disadvantage. We must have a level playing field. We will seek advice from the Electoral Commission about how spending limits are to be set to ensure a level playing field, and I hope that every member in the chamber and those on all sides of the debate will support that.

Kezia Dugdale (Lothian) (Lab): Will the cabinet secretary tell the chamber what deadline Craigforth consultancy was given to provide the Government with the analysis of the consultation responses, whether that deadline was met, and crucially, when she first saw the analysis document?

Nicola Sturgeon: The important thing with any analysis is that it is proper and robust. The consultation received more than 26,000 valid responses. There were 30,000 responses but some of them were discounted because they were anonymous.

The Government received the final draft copy of the analysis on 12 October, I saw it at the end of last week and we have published it on the first day back after the parliamentary recess. That is absolutely right and proper.

I say again that we have concluded the Edinburgh agreement, and I hope that people welcome that, but the consultation will now inform the decisions that Parliament will make. With one

exception, which is the issue of whether there should be one or two questions, the Edinburgh agreement does not close down any issue. It simply transfers the legal power from Westminster to the Scottish Parliament. The Scottish Parliament will make the final decisions and they will be influenced by the excellent consultation.

Margo MacDonald (Lothian) (Ind): I appreciate the Deputy First Minister's good intentions, but as an old lag from the first referendum on a proposed Scottish Assembly, I tell her that there is no such thing as an even playing field. For example, she said that the campaign will run from now on. When do we start putting the monetary restrictions on? When will the broadcasting restrictions go on? There are two styles of broadcasting: one is knowledgeable and aimed at Scottish viewers; and the other gives the view from the United Kingdom and beyond. I suggest to the Deputy First Minister that it is not all downhill from here. She should tell us now when the monetary restrictions will be put on the campaigns.

Nicola Sturgeon: That issue was specifically laid out in the consultation. The Scottish Government's proposal is 16 weeks before the vote, which is longer than has been the case previously. The previous timescale was 12 weeks before the vote and the Electoral Commission has recommended that it be extended to 16 weeks. Those points are laid out in the consultation and Margo MacDonald can read the response and the analysis for herself.

Margo MacDonald is right to raise the wider issue about the period of time between now and the start of the 16 weeks, not just for funding but also for broadcasting impartiality. I am happy to discuss those issues with the Electoral Commission when I meet it tomorrow, and I am happy to discuss those issues further with Parliament after that.

Jim Eadie (Edinburgh Southern) (SNP): As we move from the negotiations over process to the debate about the future of Scotland, will the cabinet secretary explain how every household in Scotland can receive the balanced information that will be required to allow people to make an informed choice about what independence will mean for them, their families and their communities?

Nicola Sturgeon: As members are aware, the Scottish Government will publish the white paper on independence next autumn. That will set out the perspective for independence and will be available for everyone who will vote in the referendum to consider and to use to inform their decision.

I cannot speak for the other side of the debate, but I can certainly speak for this side of the debate

when I say that we will set out the powerful and overwhelming case for independence in detail, clearly and in a way that I think will convince the majority of Scots to vote yes in the autumn of 2014.

The Presiding Officer: That ends the statement from the Deputy First Minister on the Edinburgh agreement.

We have a point of order from Willie Rennie. *[Interruption.]* Excuse me, can we have Mr Rennie's microphone on? Is your card in, Mr Rennie? I wonder whether you could hop over to Liam McArthur's seat. Thank you.

Willie Rennie: On a point of order, Presiding Officer. I am told that the Scottish Information Commissioner has just stated that the figure for the cost of the legal challenge regarding the European Union advice that the Deputy First Minister just gave does not include taxpayer-funded legal costs. Can the Presiding Officer advise me whether the Deputy First Minister can be given the opportunity now or later this afternoon to clarify the cost that she has just outlined?

The Presiding Officer: The Deputy First Minister can do so now.

Nicola Sturgeon: I am happy to provide full detail on this to Parliament as soon as we have a final figure. Willie Rennie will have heard me say that the figure that I quoted was not a final figure. *[Interruption.]*

The Presiding Officer: Order.

Nicola Sturgeon: It is also the cost for the Scottish Government's legal costs. However, as I said in my statement earlier, I will furnish the full details to Parliament as soon as we have the final figure. I am happy to circulate that to all members.

The Presiding Officer: Thank you, Deputy First Minister.

Greenhouse Gas Emissions (Annual Target Report)

The Presiding Officer (Tricia Marwick): The next item of business is a statement by Paul Wheelhouse, the Minister for Environment and Climate Change, on the Scottish greenhouse gas emissions annual target report. The minister will take questions at the end of his statement, so there should be no interventions or interruptions. *[Interruption.]*

Members who are leaving the chamber should do so as quietly as possible and let us get on with this item of business. Mr Wheelhouse—you have about 10 minutes for your statement.

14:56

The Minister for Environment and Climate Change (Paul Wheelhouse): Thank you, Presiding Officer.

I announce to colleagues across the chamber that the first Scottish greenhouse gas emissions annual target report for the year 2010 has been published today, under section 33 of the Climate Change (Scotland) Act 2009. As members will be aware, Scottish emissions in 2010 exceeded the level that was required by the annual target that was set under the 2009 act. Many people will remember that 2010 was a challenging year for all sorts of reasons—not least the two exceptional cold snaps, which were a major factor but were not the only reason why emissions rose in 2010. The report today sets out clearly what influenced emissions in that year.

Progress towards Scotland's greenhouse gas emissions reduction targets is measured against the level of the net Scottish emissions account, which incorporates the following: greenhouse gas emissions from Scotland, including international aviation and international shipping; emissions removals through carbon sinks such as forestry; and accounts for emissions allowances by Scottish industries in the European Union emission trading system.

The net Scottish emissions account for 2010 is calculated as being 54.7 megatonnes of carbon dioxide equivalent. The Scottish target for 2010 was 53.6 megatonnes, which means that the target was missed by 1.1 megatonnes. Naturally, I and all members of the Scottish Government are disappointed that Scotland has missed its first climate change target. The 2010 increase in greenhouse gas emissions was the first year-on-year increase that has been experienced in Scotland since 2006, so we should not lose sight of what has been achieved to date.

I, this Parliament and Scotland's people should be heartened that Scotland's emissions have fallen by 24.3 per cent since 1990. Looking forward, the long-term trend shows that emissions in Scotland will continue to reduce. Provisional figures from the United Kingdom Department for Energy and Climate Change suggest that domestic gas consumption in the UK as a whole decreased by 25 per cent between 2010 and 2011, and I expect that that will be reflected in Scotland's 2011 emissions data.

It is the trajectory that is critical, so I am confident that we remain on track to deliver the 42 per cent target by 2020, and to deliver our long-term target of 80 per cent reductions by 2050. Parliament will appreciate that we must all take the action that is necessary to achieve that end.

Our world-leading climate change targets are an inspiration to many. When it voted unanimously to pass the Climate Change (Scotland) Act 2009, the Scottish Parliament acknowledged that meeting such ambitious targets would be challenging. Year-to-year fluctuations in factors that are beyond our control are inevitable. As I have said, the trend remains strongly downward, which is key. I can assure members that the Scottish ministers remain fully committed to delivering Scotland's ambitious and world-leading greenhouse gas emission targets, despite the budget constraints and challenging financial environment in which we are all operating.

In January, the UK Committee on Climate Change acknowledged that Scotland has made good progress on reducing its greenhouse gas emissions, including action on energy efficiency in buildings, use of more efficient vehicles, and promoting schemes for farmers. I visited last week Upper Nisbet climate change focus farm, near Jedburgh, to see a mixed farm that is adapting its approach.

My ministerial colleagues and I have a collective responsibility to take action and are working together to develop a low-carbon economy to ensure Scotland's prosperous future. To help to build on the fantastic work that was undertaken by my predecessor, Stewart Stevenson, in tackling climate change, I am holding a series of bilaterals with colleagues to identify where we can achieve more. Achieving the transition to a low-carbon economy is crucial to this Government, which is why it is identified as a strategic priority in our economic strategy and why the Cabinet Secretary for Finance, Employment and Sustainable Growth announced a green stimulus package.

Today's report identifies the key factors that influenced Scottish greenhouse gas emissions in 2010, and there are a number of things to consider. As I stated earlier, prolonged extremely cold weather at the start and end of 2010 had a

major impact on emissions. It is worth recalling that the average temperature for the six months covering January to March and October to December 2010 was the coldest in almost a century—in fact, since 1919. As a consequence, domestic heating emissions rose and the consumption of heating fuels increased as people heated their homes to keep warm and safe. The figures show how greenhouse gas emissions in the residential sector increased by 15 per cent, which equates to more than 1.1 megatonnes of emissions.

There are also significant underlying data changes to consider. Historical emissions data have been significantly revised upwards due to new data being made available, and to changes in the methodology. As a result, the latest revision to industrial-process data increased Scottish emissions by a further 1 megatonne in 2010.

The 2010 weather was exceptional, but there may well be other cold years to come, so this early experience highlights the need not just to plan to meet the targets, but to build in contingency where we can. One part of that will be improvement of the energy efficiency of our buildings, which is why the national retrofit programme is at the heart of the sustainable housing strategy for Scotland, which the Cabinet Secretary for Infrastructure and Capital Investment launched earlier this year, in June.

We agree with the UK Committee on Climate Change's recommendation that it will be necessary to accelerate the pace of emissions reductions in order to meet longer-term targets. Implementation of policies and measures across all sectors of the economy will be necessary to ensure that emissions continue to fall at the right pace. It is important to stress that the Scottish Government already has a comprehensive package of policies and measures in place to deliver emissions reductions. Policies such as the green deal, the climate challenge fund and Scotland's zero waste programme, along with European Union-wide policies such as new car CO₂ emission standards, will help to drive down emissions in Scotland.

We are also continuing to invest in low-carbon initiatives that will help to create multiple benefits, including emissions reductions, for the people of Scotland. The Scottish Government has invested almost £300 million in domestic energy efficiency and fuel poverty programmes between 2007-08 and 2011-12, with a further £250 million planned investment over the next three years. On transport, the Scottish Government has since 2007 invested £93 million in active travel, £8 million in low carbon vehicles, £8.8 million in green buses and more than £9 million in freight facilities. A further £26.25 million will be invested

in cycling over the next three years and the future transport fund will support the transition to low-carbon travel and freight.

Since 2008, the Scottish Government's climate challenge fund has made 542 awards to 394 Scottish communities to support low-carbon action at local level. By 2015, the fund will have awarded an incredible £68.6 million to community-led projects.

The Scottish Government is also ahead of schedule on its renewables targets, with 35 per cent of Scotland's electricity needs coming from renewables in 2011, which beat our interim target of 31 per cent. Scottish Renewables claims that that activity displaces 8.36 megatonnes of carbon dioxide emissions. Early growth in 2012 suggests that we are moving further towards our target of the equivalent of 100 per cent of Scotland's electricity demand being met by renewables by 2020. Between April 2011 and July 2012, £2.3 billion-worth of new renewable energy projects were completed in Scotland, creating more than 4,600 jobs.

In forestry, the Scottish Government is reversing the declining woodland planting rate to protect that important carbon sink. Our action helped nearly to double the planting rate to about 5,000 hectares in 2010-11, with a further increase to around 9,000 hectares in 2011-12. We aim to achieve a planting rate of 10,000 hectares per year from 2015, and progress for 2012-13 looks very encouraging indeed. Yesterday, I announced plans to invest £1.7 million in the restoration of Scotland's peatlands as part of the Scottish Government's green stimulus.

I am confident that a low-carbon economy will bring significant economic benefits and opportunities for our communities, businesses and industry while helping to protect our environment and wildlife from the effects of climate change. That is a high priority for the Government. A low-carbon economy will make much more effective use of our resources while reducing the amount of energy that people use in their homes and in schools, workplaces and public buildings. A low-carbon economy will improve air quality in our public places by reducing traffic pollution, and it will benefit our biodiversity as a result of measures ranging from peatland restoration and tree planting through to increasingly sustainable land use. A low-carbon Scotland will be a better Scotland.

Later this year, we plan to present to Parliament our second report on proposals and policies, which will look forward to our targets for the years 2023-27 and will refresh the actions that were identified in our earlier report. Where we can, the Government will deliver more, not just at home but internationally. That is why Scottish ministers are championing climate justice and strengthening

support for developing countries through our £3 million climate justice fund.

However, the issue is not just about action by Government; it is important to recognise that the Government can lead directly on only some actions. Scotland also needs partnerships between the public and private sectors and it needs communities to engage and to take action together. All of us, as individuals, need to consider what action we can take to make a difference. That is why we must work together to facilitate opportunities for people—young or old, rural or urban, deprived or affluent—to play their part. I look to the Scottish Parliament to support the Government in achieving that.

The Deputy Presiding Officer (Elaine Smith):

The minister will now take questions on the issues that were raised in his statement. I am afraid that we are extremely tight for time. If I am to fit in every member who has indicated that they want to ask a question, we will need succinct questions and answers.

Claire Baker (Mid Scotland and Fife) (Lab):

I thank the minister for providing an advance copy of his statement. We all support Scotland's ambitious climate change targets and we recognise that they are world leading, but surely it is now time to lead by example. There has been a failure to meet the first greenhouse gas emissions annual target. In the statement, the Scottish Government offers every excuse under the sun, including the lack of sun, but the Government must now accept responsibility for the failure of its policy direction. Emissions from the residential and transport sectors were higher in 2010 than they were 20 years ago.

The minister says that there is a "comprehensive package", but Stop Climate Chaos Scotland, in response to this year's draft budget, said:

"Today's Budget makes it clear that the Government is not taking sufficiently seriously the need for urgent action to tackle emissions and meet its legally-binding climate change targets."

The failure on emissions makes future targets even more challenging, and we are not seeing the step change that is needed to achieve our ambitions. Scotland is set to fail to meet all but one of the annual emissions reductions targets between 2010 and 2022.

In the light of those concerns, what does the minister hope to achieve through the bilateral meetings that he mentioned, and what influence can he assert on the draft budget—particularly in relation to fuel poverty, transport and housing—which, as it stands, does not carry the confidence of the members of the public who will come to lobby us in Parliament on Thursday? It is revealing

that not one member of the Cabinet is here for the statement. The minister might have had to make the statement alone, but it is clear that he cannot deliver on the targets alone.

Paul Wheelhouse: Ms Baker states that the Government is not taking climate change seriously, but perhaps she will reflect on the 2013-14 budget, which includes a number of measures under the heading of "green investment". Those include, as I have just highlighted, the additional funding for peatland restoration, which was a direct response to issues that were raised by the Rural Affairs, Climate Change and Environment Committee. Our energy assistance package is helping more than 230,000 people on low incomes to reduce their energy bills. About 30,000 insulation measures have been installed under the universal home insulation scheme—UHS—and 7,000 households have received funding to replace old and inefficient boilers. We have invested £48 million to support householders.

I ask Claire Baker to take into account the extensive areas in which the Government is making commitments and putting in funding in straitened financial times. Last week, the Cabinet Secretary for Health and Wellbeing also announced public sector investment in hospital buildings. Claire Baker does Parliament a disservice by suggesting that the Scottish Government is not taking the issue seriously. We must live within a constrained budget; I hope that she reflects on that.

Jamie McGrigor (Highlands and Islands) (Con): Will the minister set out more details of what support the Scottish Government is offering businesses to reduce their reliance on energy from fossil-fuel sources? Will he join me in commending the work that is taking place in the Scotch whisky industry—the biggest investor in renewables in Scotland outside the utility sectors—which is confident that, by 2020, 20 per cent of its primary energy will be derived from non-fossil-fuel sources? As the Scottish Government's failure will make future targets even more difficult to achieve, what will he do to make up the ground that has already been lost?

Paul Wheelhouse: There are two parts to that question; I will take the second first.

Mr McGrigor suggested that our having missed the 2010 targets will make it more difficult to achieve future ones—I think that he misheard what I said earlier. An adjustment has been made to the statistics that were used for the baseline, but we have also taken into account the impact of the weather in 2010.

As I said in my statement, we will see fluctuations above and below targets as we go along. The key thing on which to focus is the

trajectory, and I am confident that we are on trajectory to hit the 42 per cent target and the later target of 80 per cent.

On support for business, I point out that, since 2007, the Scottish Government has invested £19.9 million in supporting business and public sector organisations through the Carbon Trust. To date, that has resulted in 1,271 kilotonnes of CO₂ savings and up to £153 million cost savings to those businesses.

The Scotch whisky sector, to which Mr McGrigor referred, is setting a good example in its action to reduce its energy costs. That is good business sense, but it is also good for the environment. I hope that other sectors will pick up that example.

The Deputy Presiding Officer: I remind members that, if they wish to ask a question, they need to press their request-to-speak buttons.

Angus MacDonald (Falkirk East) (SNP): As the minister mentioned in the final section of his statement, the Scottish renewables industry is making a significant contribution to reducing carbon emissions as well as to creating jobs and investment throughout Scotland. Can the minister assure me of the Government's continuing commitment to the industry?

Paul Wheelhouse: I can indeed. New figures show that electricity generation in Scotland displaced 8.36 million tonnes of carbon dioxide during 2011. The figures, which were published on Monday, are contained in a reply to a parliamentary question at Westminster.

In August 2012, the Department of Energy and Climate Change published figures mapping renewables investment and jobs throughout the United Kingdom. They show that £2.3 billion of new renewables projects were completed in Scotland between April 2011 and July 2012, which created more than 4,600 jobs, as has been mentioned. They also show that Scotland's renewables sector has a higher level of projected investment—£9.4 billion—than the renewables sector in any other part of the UK.

Claudia Beamish (South Scotland) (Lab): As I am sure the minister will acknowledge, there are some missed targets in the present report on proposals and policies. How will they be accounted for in the new RPP, which has not yet been announced? Will he commit to including downstream emissions in the carbon assessment tool for future budgets in order to get a realistic picture of emissions across departments and to highlight the sense of collective responsibility to which he referred in his statement in, for instance, transport policy decisions?

Paul Wheelhouse: I will take on board the points that Claudia Beamish raises on

downstream emissions. We are well aware that transport and the domestic sector are areas of the economy on which the Government, stakeholders and members of the public need to take more action. I will work closely with colleagues in transport and housing, through bilaterals, to identify whether there are ways in which we can make a greater impact on climate change gas emissions within a constrained financial environment.

Chic Brodie (South Scotland) (SNP): The minister will be aware that in April 2013 new regulations will be introduced that will make it compulsory for businesses that are listed on the London Stock Exchange to provide in their annual reports emissions data for their entire organisations. What discussions has the Scottish Government had regarding compliance, implementation and measurement with such companies that are headquartered in Scotland or which have major subsidiaries here?

Paul Wheelhouse: As Mr Brodie might be aware, that is a United Kingdom Government requirement under the UK Climate Change Act 2008. The Deputy Prime Minister, Nick Clegg, announced unexpectedly at the Rio+20 earth summit in Brazil in June that rules on emissions reporting would come into effect from April 2013 for companies that are listed on the stock exchange. My officials are working with UK officials at the DECC, who are leading on implementation of the scheme, to ensure that Scotland's views are taken into account.

Margaret McDougall (West Scotland) (Lab): The Scottish Building Federation and many non-governmental organisations such as Scottish Environment LINK have highlighted that the green investment package and the national retrofit programme are not sufficient to reduce carbon emissions from Scotland's homes. What discussions has Paul Wheelhouse had with the Minister for Housing and Welfare about meeting their target to cut emissions by 42 per cent and ensuring that there is adequate funding for that?

Paul Wheelhouse: Margaret McDougall raises an important issue. I hope to have detailed discussions with my colleague Margaret Burgess on the housing front. There have already been discussions on issues to do with building regulations and how their implementation impacts on our achievement of climate change targets. I undertake to keep Parliament informed of work in that area.

Joan McAlpine (South Scotland) (SNP): What discussions is the minister having with the UK Government about climate change plans, given that many of the powers that would help us to make the most of the challenges and opportunities

that are associated with climate change remain reserved?

Paul Wheelhouse: Joan McAlpine raises an important point. We are, however, all partners in the UK Climate Change Act 2008, which is why we are working with the UK Government to encourage other nations across the EU to increase their ambition and to try to achieve a 30 per cent reduction.

The UK act requires five-year emissions budgets, and we are part of that, with all of Scotland's action on climate change counting towards the additional targets. Scottish climate change ministers, including Stewart Stevenson, have always had regular contact with DECC ministers. I recently spoke to Owen Paterson by telephone and I hope to meet Ed Davey soon.

Jim Hume (South Scotland) (LD): I thank the minister for advance sight of his statement. Last year, the Scottish Government stated its commitment to integrating climate change more closely into its policy. Almost half of Scotland's emissions stem from the housing and transport sectors. Will the minister inform Parliament of the nature of the bilateral discussions that he has had with his ministerial colleagues? What necessary policy changes will be effected as a result of those discussions, in order to get the Climate Change (Scotland) Act 2009 back on track?

Paul Wheelhouse: I cannot reveal any detail of the discussion that I have yet to have with my colleague Keith Brown, but I propose to have such a discussion. There are a number of policy areas in which we are trying to achieve significant change in behaviours, including in relation to residential properties and individuals' use of transport options.

A key area that we will look at is how we can influence behaviours in the community to encourage modal shift and encourage people to use more low-carbon options in transport. The Government has also announced additional funding for cycling, which I hope Jim Hume welcomes, to stimulate active travel options in Scotland.

Rob Gibson (Caithness, Sutherland and Ross) (SNP): The Kyoto protocol requires measurement of emissions from soils and peat from 2013. Can the minister provide Parliament with an estimate of the number of megatonnes of CO₂ equivalent that can be reduced annually from peatland re-wetting through investment by various bodies? That would enable emissions from peat to be counted in a more comprehensive picture of greenhouse gas emission figures.

Paul Wheelhouse: I know of Mr Gibson's long-standing interest in the issue. I hope that he welcomes the recent announcement of investment

in peatlands. There is still a lack of clarity about the absolute level of impact of peatlands and there is on-going research on the subject, so it would be premature for me to state the expected impact for Scotland as a whole. However, we know that 20 per cent of Scotland's landmass is taken up by peatland, so it clearly has a significant role to play. It is well known that when peatlands are drained, some of the carbon in the peat is lost to the atmosphere in the form of CO₂, and that it can be as much as 4 tonnes of CO₂ per hectare per year. However, it is too early to comment on the aggregate impact.

The Deputy Presiding Officer: I call Neil Findlay. Please be brief, Mr Findlay.

Neil Findlay (Lothian) (Lab): How will cutting the Edinburgh to Glasgow improvement programme at the same time as increasing road building contribute to meeting climate change goals?

Paul Wheelhouse: Mr Findlay's point is perhaps too narrow. We have to look at the overall emissions of the economy as a whole. Therefore, if we are investing in roads, for example, we have to find other ways of reducing emissions of CO₂ and other greenhouse gases in other sectors of the economy. Each sector of the economy has to take its fair share, in terms of reducing greenhouse gas emissions, and transport is no exception.

The Deputy Presiding Officer: Very briefly, Marco Biagi will ask a question.

Marco Biagi (Edinburgh Central) (SNP): The Climate Change Act 2008 places a duty on all public sector bodies, including those that one might not automatically think of as being part of the effort, such as the national health service. What discussions has the minister had with all public sector bodies and parts of the Government to ensure that action is being taken across all sectors?

Paul Wheelhouse: We have had a number of discussions with directors and others within the Scottish Government. I certainly accept the point that all parts of Government have to play their part. I point to the example that was announced on Friday last week of significant investment in the NHS to produce greater energy efficiency and reduce its emissions. Across Government, all departments are taking the issue seriously and all ministers are bound by legally binding targets.

The Deputy Presiding Officer: Finally, and very briefly, Alison Johnstone will ask a question.

Alison Johnstone (Lothian) (Green): The minister acknowledges that the trajectory is crucial. Does he agree that, given that we have missed the first target by more than 1 million

tonnes of CO₂, it is essential that we overachieve this year if we are to close the gap and avoid missing future targets? Does he also agree that we should do so by prioritising energy demand reduction, with a minimum standard of energy performance in private housing, and prioritising traffic demand measures, which are glaringly omitted from the current RPP? Can he advise when the updated RPP will be available?

Paul Wheelhouse: Alison Johnstone asked quite a lot, there. In terms of the last point on when the RPP will be available, we are planning to produce the report by the end of this year. I hope that we can achieve that, but as the member will appreciate, the document will be very complex. We have to get a robust document in place so that we can have the proposals and policies that we need to achieve our long-term targets. I hope that Alison Johnstone appreciates that it is better to get that right and to get the document before Parliament in good order, rather than rush it to meet the deadline.

In terms of the other issues that Alison Johnstone mentioned—

The Deputy Presiding Officer: I am afraid that you must be brief, minister.

Paul Wheelhouse: I apologise. I will perhaps correspond with Ms Johnstone on the issues.

The Deputy Presiding Officer: Many thanks. That ends the statement and questions.

Rob Gibson: On a point of order, Presiding Officer. The importance of this statement and the questions and answers on it cannot be overstated. When parliamentary business is planned in the future, could the minister be given more time and could the answers be slightly longer, because it is a complex subject? I realise that there is a lot of business in Parliament, which is a problem, but I ask that business managers look at this, because the subject is highly important.

The Deputy Presiding Officer: Thank you. Everyone who wished to ask a question was called, although we were very tight for time. It is for the Parliamentary Bureau to programme the timetable. Your point is now on the record.

Role of the Media in Criminal Trials

The Deputy Presiding Officer (Elaine Smith):

The next item of business is a debate on motion S4M-04505, in the name of Christine Grahame, on the role of the media in criminal trials. I call Christine Grahame to speak to and move the motion on behalf of the Justice Committee. You have up to 13 minutes, Ms Grahame, but it would be helpful if you used less than that.

15:22

Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP): I certainly hope that I do not use 13 minutes, Presiding Officer.

I am pleased to open this debate on the role of the media in criminal trials on behalf of the Justice Committee, which is to have a very busy week—we are back again on Thursday.

I ask members to cast their minds back to the images—albeit that this is something that happened in England—of the landlord Chris Jefferies and the murdered tenant, Jo Yeates. In fact, if one googles “landlord” and “murder”, up come strings of references to those events. Images of Chris Jefferies as a rather strange-looking individual ran on the front pages. Even people of whom I would have thought better said that he had done it. Of course, he had not done it. Trial by media; conviction by media. Had the case proceeded to court, could Chris Jefferies have been given a fair trial? In the meantime, the real murderer had time to cover his tracks.

That was in England, and we have different restrictions on reporting; nevertheless, we have seen many developments such as the televising of the sentencing of a person convicted of a high-profile crime, and Twitter and internet blogs being used to report court proceedings, notably in the case of Tommy Sheridan. We have also observed the ease with which members of juries can now access, on the internet, material relevant to the case in which they are involved. What impact might that have in prejudicing a trial?

The committee's work to date on those issues has involved the commissioning of a briefing by the Scottish Parliament information centre and the holding earlier this month of an introductory evidence session with leading legal, media and criminal justice experts. With personalities such as Donald Findlay QC, Alistair Bonnington, Magnus Linklater and Aamer Anwar around one table, one can imagine how lively and challenging the session was. Even I could not get a word in edgewise, and that takes some doing. The

session certainly provided much food for thought and demonstrated to us that there are no easy answers on some of the issues.

That is one of the reasons why we were keen to hold the debate. We wanted to throw the discussion open to more members, and we wanted members to put their heads together to try to come up with ideas about where the committee should go next with the issue. We have yet to decide whether to undertake a full-blown inquiry into the role of the media in criminal trials, if, indeed, we have the time to do so in our heavy legislative timetable—the minister and the cabinet secretary should take note, please—or whether we should focus on one or two particular issues of interest.

To set the scene for the debate, I intend to highlight some of the key issues that were raised during the evidence session and in the written evidence that we received. I want to focus on three issues in particular: contempt of court legislation; the televising of court proceedings, jury deliberations and the use of the internet and social media; and filming witnesses arriving at and leaving court. I am sure that my colleagues on the committee will deal in more detail with some of the other topics that were raised.

The Contempt of Court Act 1981 is the main piece of legislation that relates to contempt of court in Scotland. We heard from some witnesses that it works fairly well in relation to the print and broadcast media, but it is completely unsuitable for controlling material that is published through social media and the internet. As a demonstration of the frailties of the legislation, witnesses cited the example of the print and broadcast media not being able to disclose the identity of a famous footballer who had been granted a super-injunction, although his identity was well known on social media and internet sites. The internet is no respecter of national and therefore legal boundaries, of course. However, it came through strongly that it would be foolish to pass legislation in an attempt to police the internet, given the amount of information that is published and republished across many jurisdictions, and the difficulties—and, indeed, the costs—of tracing the authors of information or disinformation. Witnesses agreed that that particular genie is already out of the bottle.

The televising of court proceedings generated the most debate and dispute among the witnesses. Some were vehemently opposed to the television broadcasting of criminal trials on the basis that that could lead to proceedings being broadcast on prime-time TV and to what some called the Hollywoodisation of criminal trials. “Judge Judy” springs to mind, of course. I actually quite enjoy “Judge Judy”, but the programme is

more entertainment than something that I consider to be serious.

Other witnesses disagreed and felt that the scrutiny that would be provided through placing cameras in court would contribute to the administration of justice and increase the understanding of court procedures among the wider public. However, it was widely accepted that if televising court proceedings was to extend beyond the experiments that have taken place so far—for example, if it was to extend to the live broadcasting of High Court trials—a set of guidelines and safeguards would certainly be needed.

Some witnesses said that, in general, TV exposure would give a more rounded portrait of participants than a newspaper article would, but others expressed concern that TV coverage and the ability to replay proceedings on the internet and, indeed, to edit them could lead to additional risks to the accused, and even the acquitted, from those who might want to seek revenge. There was understandable concern from the police and victims groups in particular that victims and witnesses would be even less likely to come forward to give evidence if they knew that they might have to appear on TV.

Given the difficult issues that were raised around the televising of criminal trials, I was pleased to hear that the Lord President announced last week that judicial office-holders would conduct a fundamental review of the current policy on the use of television cameras in court and that, until that review is completed, no further applications to film in court would be considered. Although little detail of the review's timescale and remit is currently available, it is expected that the applications submitted to date, the experience of handling such applications and the applicability of the current practice note will be considered in it.

For clarity, I will give my understanding of practice as it was and is. On 6 August 1992, Lord President Hope issued a notice that stated that filming by television companies

"may be done only with the consent of all parties involved in the proceedings".

In January this year, Lord President Hamilton made an alteration to that notice to state:

"The Lord President has today directed that, for a trial period, filming may be done without the consent of all parties but only where the production company and broadcaster have provided the presiding Judge with an undertaking that the final broadcast will not identify those who have not consented to the filming. In addition, no member of a jury may be filmed."

Ultimately, of course, it is for the presiding judge to decide whether the filming of court proceedings or even a part thereof should take place.

With regard to jury deliberations and the use of social media and the internet, the witnesses agreed that it was almost inevitable that jury members would research or inadvertently come across material relevant to the trial in which they were involved. Some thought that although that is unavoidable in the current climate, jury members are far more likely to be influenced by what they heard during the day's proceedings in court than by reading material online or in newspapers, or hearing about the case on the TV. However, others thought that it was essential that judges' directions to juries were in "severe and unequivocal language" so that jurors understood that if they prejudiced a trial by deliberately researching relevant material they could be punished and even sentenced to prison, which is the nuclear option.

Some witnesses felt that jurors should be issued with written guidelines on their role and responsibilities. If I may step outside my role as convener, that seems to me to be a reasonably good and uncontentious idea.

A number of witnesses highlighted that it is illegal under the Contempt of Court Act 1981 to inquire of juries how they carried out their functions and suggested that now is the time to get rid of the ban. They believe that the time is right to conduct research into issues such as whether a jury member understood the judge's directions or whether they had any prior knowledge of a case from the internet or television. I have some sympathy for the view that such research should be conducted.

One witness concluded that

"if, at some future point, there is evidence-based serious concern about this, then juries should be abolished."

That is a step too far for me, but it is an interesting argument.

I move on to the filming of witnesses arriving at and leaving court. Although there can be protections in court with proceedings being held in camera, there is nothing to prevent witnesses from being filmed when they arrive at and leave court. The witnesses were agreed that there was no reason why an adult witness should not be filmed participating in what was seen as a public event. However, they felt that it was unacceptable for the media to follow witnesses beyond the steps of the court. Of course, there could be repercussions for witnesses. For example, some might be perceived to have grassed on neighbours—on fellow men and women.

It was clear that on occasion things get a little out of hand—to put it lightly—especially when a witness or the accused is in the public eye. For example, Aamer Anwar spoke of media scrums when witnesses, the accused and solicitors were

chased down the street to their cars. It was highlighted that such unacceptable behaviour might be covered by the common law and by the Protection from Harassment Act 1997, but I have my doubts that that would be a robust deterrent, given that it does not seem to be being used now.

Having raised some of the issues that we have tentatively identified following our round-table discussion, I look forward to hearing the views of other members on the role of the media in criminal trials, which has evolved so much in recent years, and their ideas on where the committee might focus any future work.

I move,

That the Parliament notes that the Justice Committee is examining the role of the media in criminal trials and that, in order to inform any future work in this area, the Committee would welcome members' views on the issues arising in both SPICe Briefing 12-50, *Role of the Media in Criminal Trials*, and in the summary of evidence gathered to date.

15:33

The Minister for Community Safety and Legal Affairs (Roseanna Cunningham): The Justice Committee has chosen an important and topical issue for debate. I look forward to hearing the views of all members, and I have no doubt that those will be wide ranging, given the complexities involved in how the media and our courts should appropriately interact. This is very much about striking the right balance. We need an open and transparent court system, but one that also ensures a fair trial and is sensitive to all those involved.

The issues bring into focus the way dearly held rights and freedoms act on one another. Members will be familiar with many of the almost universally accepted propositions involved: the press should be free; individuals have a right to express their own opinion; accused persons are innocent until proven guilty; accused persons should have a fair public trial, free from prejudice; and victims and witnesses should be protected from threats and adversive comment. We can immediately see how those basic propositions may impact negatively on one another. Balancing them will always be difficult, but necessary.

At the outset, I point out that almost all our trial proceedings take place in open court where the public can sit and watch. The issue is whether the communication of trials can be modernised while the rights of all parties, including the right of suspects to a fair trial, are respected.

I will mention some of the issues that have been raised. A major one is the televising of court proceedings. As Christine Grahame said, Lord Hope issued directions in 1992, which were supplemented in January 2012, that allowed

television cameras in courts in Scotland with the permission of the courts and the parties involved. The Lord President announced last week that he will review that policy. I have utmost confidence in him and in judicial office-holders to do that—the judiciary are best placed to consider when TV cameras should be allowed in court while maintaining an open and fair court system. I look forward to seeing the outcome of the review.

Applications are rare. In recent years there have been 10 applications, of which seven were granted. The first broadcasts were for the BBC2 series "The Trial" in 1994. Some members may remember that—I grant that many will not.

The televising of sentencing decisions in some high-profile cases, such as that of David Gilroy for the murder of Suzanne Pilley, has been mentioned. I welcome the filming of sentencing decisions in which there is a high, justified public interest—when the courts allow it. There are likely to be fewer issues to consider with the televising of sentencing decisions as opposed to the televising of the trial itself. For example, the difficult issues surrounding the filming of witnesses are not relevant in the context of sentencing. However, it is right and appropriate that the Lord President and the courts decide on those matters, in the light of each individual case.

The use of live text-based communications from court is another issue that has arisen recently. Again, there have been relatively few applications: three have been successful to date, one has been turned down and there are no applications outstanding. Again, the decision rests—rightly—with the presiding judge. The judicial council for Scotland is considering producing a practice note on the matter. As some members will know, as one of the members in the chamber with an active Twitter account, I am conscious not only of the attractions of using that medium to disclose information coming out of a court, but of the dangers of using that medium. With comments confined to the small number of characters that are allowed, it is a little challenging to see how justice could be done to a court trial, although, no doubt, some people would like to try.

On the media's reproduction of materials that relate to trials, a joint protocol is in place between the Association of Chief Police Officers in Scotland and the Crown Office and Procurator Fiscal Service on working with the media. That sets out information that can be provided at various stages of a criminal investigation and prosecution. Since work with the media is a day-to-day operational matter for those bodies, that is not an area in which the Scottish Government would—or should—interfere.

On other issues, there has been some concern that Scotland's interpretation of contempt of court

legislation is more restrictive than in England. The existence of the law of contempt of court is important. Our court system deserves to be treated with the utmost respect. I acknowledge the responsible approach by the Scottish media—newspapers and broadcasters—to reporting criminal cases and, in particular, to protecting the anonymity of victims of sexual offences, even though that is not, in Scotland, a statutory requirement. Our law on contempt of court contributes to that responsible culture. I certainly want the position of victims to be at the centre of our considerations, rather than at the margins. The discussion should not therefore be just a technical one about the pros and cons; it should be about the victims, first and foremost

Points have been raised about the possibility of jurors doing independent net-based research, and whether there should be professional jurors who would not need to be instructed on appropriate behaviour. The Government carried out a major consultation exercise on juries in 2008. The responses clearly established the value put on independent, randomly chosen representatives of society applying their common sense to cases of all descriptions. The Government accepts that and strongly agrees with it. In response, we widened the juror pool by abolishing age limits. Using the wisdom and experience of older members of society is extremely important.

Jurors are given guidance on how they should conduct themselves, which includes a clear warning that they should make their decisions only on the evidence that is presented to them.

All those examples show that there is a balancing act to be performed, in which politicians should tread particularly carefully. That was one of the considerations that led us to establish, clearly and beyond doubt, the independence of the judiciary and the courts in the Judiciary and Courts (Scotland) Act 2008, which establishes the Lord President's position at the apex of an independent court system. That is an arrangement in which we can have great confidence. We can all agree that Lord Hamilton, to whom the act gave those responsibilities in 2008, is a man of the utmost skill and integrity who discharged his responsibilities impeccably and that, in Lord Gill, he has a worthy successor.

The propositions that I set out at the beginning of my speech must be applied carefully. It is difficult to provide in statute for all situations that might arise. It is not always helpful to set in legislation long, complicated clauses or endless exceptions that make the law difficult to understand. Again, it is necessary in legislation, as elsewhere, to strike a balance.

The interaction of my original propositions is best decided by people of the highest integrity

applying their training and intellect to the specific circumstances before them, which will always be different. One size will not fit all. The Government is confident that our courts are run by people who have precisely those essential capacities. That is why we have confidence in our system of independent courts. We believe that the judiciary are best placed to make decisions on how to balance the rights of the media with an open and fair court system. I am confident that they will continue to do so in the future against the background of the rapidly changing challenges that are posed by this digital age.

15:41

Lewis Macdonald (North East Scotland) (Lab): Members will know that it is not only in this place that the relationship of the media with the criminal justice system is under scrutiny. Lord Justice Leveson's inquiry has heard a good deal about the impact of press intrusion on criminal investigations and court proceedings and, today, the director general of the BBC has had to respond to the opposite—to allegations of cover-up in the Jimmy Savile scandal. Those inquiries are just as pertinent to Scotland as they are to other jurisdictions.

A few weeks ago, the United Kingdom Government said that it would legislate to allow filming of some aspects of court proceedings in England and Wales. Here, as we have heard, the Lord President announced just last week a detailed review of policy on the use of television cameras in court. That review will no doubt take account of the evidence to the Justice Committee, which, as we have heard, has so far been largely—although not entirely—sceptical about or hostile towards increased media access.

As has been said, filming in court has been permitted in Scotland, on the basis of consent, for the past 20 years. Christine Grahame mentioned the amendment to the notice that was made earlier this year. In practice, only very limited parts of a very small number of court cases have been broadcast in that time. I have no doubt that what Lord Gill intends to hold is a review of whether now is the right time to increase such coverage, as is happening elsewhere, or whether it should be curtailed.

It is important to consider the wider context, starting with the European convention on human rights. The minister referred to the existence of almost universal values in this area, but Governments are also under specific obligations. The ECHR requires that an accused person be given a fair trial, that individuals' right to privacy should be respected and that a free press should be able to

“impart information and ideas on all matters of public interest”.

That is a set of obligations that are potentially in conflict. As the minister said, it means that legislation must be properly balanced to protect the rights of all who are involved in court proceedings, as well as the rights and duties of the people who report them.

Later this session, ministers will propose new laws on support for victims and witnesses, and I believe that that should be the starting point for and the centre of this afternoon’s debate. In dealing with the issue of filming in court, Alan McCloskey of Victim Support Scotland told the Justice Committee that

“From the perspective of victims and witnesses, coming to court is one of the most traumatic things that an individual has to do ... The potential to be in the media spotlight and to be part of that circus adds a different dimension.”—*[Official Report, Justice Committee, 2 October 2012; c 1779.]*

In other words, witnesses could be deterred from coming forward if trials were televised. They might be concerned about the impact that giving evidence could have on their families or on themselves.

Indeed, although witnesses might be given assurances about confidentiality in a particular case or in relation to their evidence, they might find those assurances difficult to believe if they were seeing other cases being played out on television or their broadcasting being repeated in detail after the trial.

Margo MacDonald (Lothian) (Ind): Does the member think that there might be a balancing act performed by television in court, given the uncensored information that can come out of court through the new media now?

Lewis Macdonald: I will come on to the new media, but I completely accept Margo MacDonald’s point that the two issues are related and that any inquiry that the Justice Committee—or indeed anyone else—engages in has to look at the relationship between the new media and the broadcast and print media, because if there are concerns about protecting victims and witnesses those concerns must apply to the accused as well. Accusations that are made in court will have a much greater impact on the lives of all concerned if they are broadcast to the nation.

There will be an impact not only on the accused person himself or herself or only on those who are found guilty. A story, once written, can be accessed on the internet for ever more. Instead of today’s news becoming tomorrow’s chip paper, the risk is that today’s proceedings could become a virtual life sentence, whether the person is convicted or not.

The broadcasting industry acknowledges some of that burden of responsibility. Its code of conduct says:

“Broadcasters should try to reduce the potential distress to victims and/or relatives when making or broadcasting programmes intended to examine past events that involve trauma to individuals.”

That safeguard and the practice of considering any application for filming in courts on a case-by-case basis provide confidence in the working of the current Scottish system. It is important that that confidence is not undermined. It will also be important when consideration is given to the benefits that broadcasting and greater access can have in increasing public understanding. It is important to recognise that the bits of court proceedings that are most likely to be of interest to most people are precisely the ones that are likely to be protected under any imaginable statutory provision.

Nobody wants witnesses or victims—or indeed the accused—to become bit-part players in a soap opera, as happens in some other jurisdictions. Their rights to a fair trial and to a just outcome have to be at the top of our list of priorities.

The Deputy Presiding Officer: Mr Macdonald, please start to conclude.

Lewis Macdonald: I conclude by referring to the new media issue that was raised by Margo MacDonald. As has been said, those who tweet, text or blog can reveal unreported information, find out about cases or discuss the day’s developments with friends or strangers. If jurors do any of those things, they compromise their own impartiality and the judicial process. That is equally true of witnesses.

In considering what priorities the Justice Committee should have, I note that a review of filming in courts is under way, commissioned by Lord Gill. The issues around social media are the ones where the greatest difficulties arise—that is a fact. Social media is not optional; it is there, and how the courts respond to it is something that bears future scrutiny.

Willie Rennie (Mid Scotland and Fife) (LD): On a point of order, Presiding Officer. There is an important matter that needs to be addressed. I apologise for interrupting the debate. Earlier today, the Deputy First Minister told the chamber that the Scottish Government had not sought legal advice on an independent Scotland’s continuing membership of the European Union. However, in an interview with Andrew Neil from the BBC in March the First Minister said, in response to a question on whether he had sought advice from his own Scottish law officers,

“We have, yes ... Everything that we have said is consistent with the legal advice we have received.”

Those two statements cannot both be true. Either the First Minister has misled this chamber since the spring or the Deputy First Minister has misled the chamber today. Can the Presiding Officer advise whether an early opportunity can be provided to allow the First Minister to clarify this serious matter?

The Deputy Presiding Officer: Mr Rennie, as you will know, the Presiding Officers are not responsible for the veracity of the statements of members of Parliament. However, you have raised the point of order and it will be reflected on and a response will be given to you.

To resume the debate, I call John Lamont, who has an extremely tight six minutes.

15:49

John Lamont (Ettrick, Roxburgh and Berwickshire) (Con): We welcome today's opportunity to consider the role of the media in the criminal justice system. Scotland's criminal justice system does not exist in a vacuum and must respond to and evolve within modern-day conditions if it is to remain a credible and effective institution.

Today, we have heard of a number of the difficulties that the modern world and the digital era present to the criminal justice system. Many of those challenges can be observed most starkly when considering the Contempt of Court Act 1981. In an age of citizen journalism and unfettered access to new media platforms, some have raised concern about the suitability of a strict liability offence of contempt of court. During evidence to the Justice Committee earlier this month, some witnesses observed that the majority of the public do not know and cannot be expected or presumed to know the legal implications of what they write or broadcast online regarding criminal trials.

While "ignorance of the law is no excuse" and the need to ensure the fairness of criminal trials must remain fundamental tenets of our legal system, the appropriateness of a strict liability offence punishable by a custodial sentence of up to two years must, in the light of modern conditions, be seriously assessed with regard to the principles of fair labelling and proportionality. However, evidence to the Justice Committee raised the possibility of the need for a more comprehensive reform of the 1981 act. Aamer Anwar commented on the need to bring the law of contempt into the 21st century, and Steven Raeburn likened the 1981 act to

"using a bow and arrow against chemical weapons"—
[*Official Report, Justice Committee* 2 October 2012; c 1777.]

and called for a "fundamental overhaul". The witnesses did not share one view, though, with

Alistair Bonnington supporting the case-by-case discretionary approach that the 1981 act allows.

It cannot be denied that today's digital era threatens the efficacy of the 1981 act in securing its objective that jurors' minds are free from the effects of prejudicial information that may endanger the fairness of a trial. Nevertheless, although there is evidence that jurors are discovering and actively accessing information relevant to their trial online, we have no similar evidence as to the effects that such exposure has on the decision making of a jury. Studies from Canada and Australia have shown the effects of trial reporting on the jurors' consideration of evidence to be markedly less pronounced than expected. For example, a study from New South Wales found that, although jurors often tracked down coverage that was relevant to their trial, they were generally not influenced by bias or incomplete reporting. Publicity was found to have influenced a verdict in only three out of 41 cases, underlining jurors' scepticism towards sensationalist and speculative reporting.

The need for such information in a Scottish context is clear. If experience elsewhere shows that jurors either do not believe or are uninfluenced by prejudicial information from citizen journalists, bloggers or even ardent tweeters, a knee-jerk overhaul of the 1981 act in the absence of solid empirical evidence would simply put the cart before the horse. A more sensible suggestion, which has been mooted in England and Wales, is an amendment to section 8 of the 1981 act to allow evidence on the matter to be gathered.

Discussion of the media brings us to the televising of court proceedings. Although rare, cameras in Scottish courts are nothing new. We have accepted their use in principle since 1992. It was Lord Hewart, the Lord Chief Justice, who said that it is

"of fundamental importance that justice should not only be done, but should manifestly and undoubtedly be seen to be done."

Open justice is critical in ensuring the fairness of a legal system, and the televising of certain court proceedings has the capability of furthering that aim.

However, the public interest in open justice is not limited to its capacity to deliver fairness in our legal system; there is also a public interest in increasing public knowledge of our legal, court and criminal justice systems. The most recent Scottish crime and justice survey statistics show that 64 per cent of Scots do "not know very much" about the criminal justice system, with 17 per cent saying that they knew nothing at all. Furthermore, only 19 per cent of those surveyed stated that they had ever come into contact with the Scottish judiciary. Making court proceedings more accessible to the

public through television not only may increase the public's awareness of the criminal justice system, but goes to the very heart of the authority of the law.

Margo MacDonald: Does the member agree that there is a potential hazard in the case of someone accused of behaving inappropriately towards children who is filmed in court, but is then released because there is no case to answer and goes back to their community?

John Lamont: I acknowledge that concerns exist, but many such arguments are not against the use of cameras in court proceedings per se, although they might be arguments against unfettered camera usage in all forms of court proceedings or arguments for restricting filming to the sentencing or appellate level, as has been proposed in England and Wales. If any proposals included televising criminal trials, strategic camera placement might be one solution to combat not just Margo MacDonald's concerns, but other concerns that were raised in the Justice Committee's evidence session.

It is important that the nuances in all aspects of the debate are recognised and that it is not presented as an argument between polar opposites. Presenting it as such would inevitably result in the baby being thrown out with the bath water. All parties should work together to avoid such an outcome.

The Deputy Presiding Officer: As a result of interruption, the debate is very tight for time. Although members have six minutes for speeches, shorter speeches would be appreciated and might allow us to fit everyone in.

15:55

Sandra White (Glasgow Kelvin) (SNP): I will try to be as speedy as I can be, to allow everyone to speak.

At the Justice Committee meeting, one witness—Iain McKie—made the good point that

"we cannot put the genie back in the bottle".—[*Official Report, Justice Committee, 2 October 2012; c 1775.*]

He could very well be right. Of course, we cannot stop—and, perhaps importantly, some people would not want to stop—the growth of certain media and people's access to it.

It is important to debate the role of the media in the justice system in order to listen to both sides of the argument, and I hope that we can move towards a consensus on the best way forward. Some argue that we need to look more closely at the juror system and even suggest that we should explore the possibility of having professional jurors. I take on board the minister's comments on jurors, but I would like to touch on that aspect. The

idea of professional jurors involves jurors being trained to understand the complexities of some cases and have expert knowledge, or being given a better understanding of the media and social media in particular.

A recent—unintended—case of expert jurors in America springs to mind. In a patent dispute between two very well-known companies over the use of software, one juror was revealed to have expert knowledge of software. In his words, he was quickly able to see that copyright had been infringed. In an interview after the trial, he said that he was able to inform the other jurors of his knowledge, and the reasons for his decisions helped the jury to reach a verdict much more quickly than it might have done without him.

In that case, having a juror with expert knowledge of a complex issue seems to have helped in reaching a verdict, but I am still to be convinced that moving towards a system in which all jurors are professionally appointed is the way to go. The professionalisation of the jury service could raise a number of questions about its impartiality, which is of serious concern, although I take on board what the minister said.

We all know that our jury system is intended to represent a broad section of society and to involve people of many differing backgrounds, professions and opinions, who can reach some form of consensus. However, I admit that, given the complexity of some criminal trials, many jurors may feel somewhat overwhelmed—other members have mentioned that. In such cases, it would be a good idea to explore the possibility of offering impartial expert advice on the issue and on points of law that are being discussed.

On broadcasting criminal trials, I have sympathy with the idea of having wider access, transparency and therefore oversight of trials in general, but it is important for any move towards more coverage to ensure that the principle of protection for the victims and the accused is paramount. Many witnesses expressed concern to the Justice Committee about the need to protect victims and witnesses from any undue stress as a result of the media's role. Going to court can be a difficult experience for many, as they have to relive the crime that was perpetrated against them and face the accused. That can be traumatic, as Lewis Macdonald said.

As was mentioned in the committee's evidence session, it is true that many witnesses come forward reluctantly. However, if they did not come forward in the first place, we might not get a conviction for many crimes, especially those of a violent or sexual nature. That issue is of paramount importance in informing any proposals.

Conversely, it is also important to protect those who are accused. Many people have mentioned Aamer Anwar. In his evidence, he noted that it is important to protect the rights of the accused who are subsequently acquitted. I agree that that is important. We have all read about cases—some have been mentioned—in which the police have released the name and details of their suspect, only for that to be the wrong person. In the time that it has taken for the mistake to be corrected, the media have seized on that information and, in the process of reporting, put the suspect and their family under considerable stress.

That can also be the case with trials, which are highly publicised. Even if the accused is acquitted, they may find themselves having to live with the public perception that they are somehow guilty by association for many years to come.

If reform is needed—and I say “if”—it must be done as carefully as possible to ensure that people have the right to a fair trial by their peers and that those who are involved in the criminal trial are protected at all times.

The genie cannot be put back in the bottle, but—as in many stories involving genies—we must be very careful about how we deal with the issue once the genie is out of the bottle.

16:00

Graeme Pearson (South Scotland) (Lab): The digital era offers a severe challenge to the courts with regard to how they administer justice in the modern environment. There is no doubt in my mind that there is a need to modernise the culture and administration of our courts, which are couched—as many see them—in arcane convention and processes that are often difficult to understand.

Sandra White was correct to identify that we need to take great care before we move forward on any reforms on access to courts by the media. We should remember why the courts are there in the first place: to seek and deliver justice, and to pay appropriate attention to fairness. They are not an entertainment, nor are they a source of information in a broad sense. However, it is an agreed convention throughout Europe—not solely in Scotland—that in order to administer justice it should be seen to be done. Evidence is often tested and the credibility of witnesses and witness statements is subject to examination and cross-examination.

In those circumstances, one of the overriding effects of attendance at court is fear. That fear affects witnesses, who have been drawn into a situation that is often not of their making, but who seek to deliver their civic duties; victims, who have unfortunately been on the receiving end of some

criminal activity; and the accused, who are there before the courts so that the courts can decide on their guilt or otherwise in respect of the charges. In my experience, jurors too are not particularly keen to volunteer to provide their duties.

Equally, officers of the court, along with the other actors in the trial process, expect that they will be seen and be subject to public scrutiny in the court and that, given that there is physical access to the court, people will be listening to the process. However, they do not expect to be the subject of a public broadcast in which their identities—and the identities of all those people—are transmitted to some unknown and unseen viewer.

Such changes create additional pressures with regard to the consideration of safety and the attraction that the courts hold in bringing people to offer evidence. I suggest that the development of closed-circuit television in recent years has been based to some extent on the fact that it is difficult to encourage witnesses to come forward and offer evidence. The provision of CCTV images has filled the vacuum that has developed in the past decades.

The use of TV in the court will have an impact on witnesses, who know that it may well transmit their identities to the areas that they have come from to give their evidence. Those witnesses who are unfortunate enough to come from areas that are notorious for criminality may well fear all passing adults for weeks and months after their appearance in court. Such pressure is too much for ordinary people to bear. The same attaches to those who serve the court as officials and those who are there as jurors, as well as to the accused.

Equally, TV's appetite for rerunning court proceedings might influence jurors who are engaged in the process of a trial, or jurors coming to live cases in the future. In 2010, a trial involving a former member of the Scottish Parliament created such a press feeding frenzy that the subject was rarely off our televisions. From that experience, I did not detect any improvement in the way in which justice was delivered in the Scottish context.

How justice is delivered in such circumstances is now to be the subject of a review by Lord Gill, and I welcome that. It is right that those who have the greatest experience of the processes should have the opportunity to assess the likely impacts. The transmission of judges' decisions goes a long way towards allowing the general public to understand what is done in their name in our Scottish courts, and I think that most judges would be happy to accept the responsibility of being the subject of such transmissions.

Margo MacDonald: I apologise for my question looping back a bit, but I wanted to get in before the

member progresses his argument much further. Is there the possibility of having an intervention on the part of an accused who feels that media publicity has made his or her trial impossible?

Graeme Pearson: I am sure that such an intervention, once televised, would create a great deal of conflict and difficulty for courts in deciding such a challenge.

I encourage the Government to spend a great deal of time looking at how TV could be used for pleading diets and procedural matters in the courts, so that the number of journeys that are made to court by prisoners who are in custody can be reduced. I also ask it to take great care before it decides to change the way in which media is used in our court processes.

16:07

Roderick Campbell (North East Fife) (SNP): I refer to my register of interests as a member of the Faculty of Advocates.

The televising of court proceedings has not been reviewed since the then Lord President issued guidance 20 years ago, so many will view Lord Gill's announcement of a review as a measure that is coming not before time. My view on the matter is one of caution. We clearly need an open and transparent criminal justice system, but the interests of justice must remain paramount. Allowing television cameras into court to film proceedings must not be for the purposes of entertainment—it should not be reality TV for those who are at home during the day to fit in between “Cash in the Attic” and “Countdown”. It can be justified only if it improves public understanding without impinging on the administration of justice.

Our nearest neighbours south of the border are looking at the possibility of televised trials. The traditional difference between the jurisdictions of England and Wales and of Scotland, until Lord Gill's announcement suspending it, was that the final decision was left up to individual trial judges.

While televising proceedings was banned altogether in England, there has been no such ban in Scotland, but there was a requirement for all involved parties to consent, until Lord Hamilton's recent change. However, it is clear that, while in both jurisdictions there is little disagreement that judgments, sentencing and the disposal of appeals can be televised safely, there are concerns that filming might seriously impact on the ability of witnesses and victims to give evidence.

If we look over the sea to Norway, another of our close neighbours, few of us will not have caught a glimpse of proceedings in the trial of Anders Breivik, the man who was convicted in

August of murdering 77 people in one of the worst indiscriminate killings in memory. His trial was televised in its entirety, with the exception of his testimony. The decision not to air that was made because of the considerable emotion that surrounded his crimes and the concern that giving air time to his extremist views, the basics of which were already widely known, would reopen emotional wounds across Norway. However, the televising of his trial was widely seen as having a cathartic effect: it allowed people to see with their own eyes that justice was done and, in some ways, perhaps offered through the objective spectacle a degree of closure to the nation.

To what extent should we follow such practice here? At the recent round-table discussion on the issue at the Justice Committee, a recurring concern was the need for safeguards and guidelines. Particularly strong points were made in that regard by Victim Support Scotland in relation to the protection of witnesses. Donald Findlay QC was strongly against the proposal to televise trials and suggested that lives could be put at risk by doing so, and Aamer Anwar referred to the unhappy experience of the O J Simpson trial. By contrast, Steven Raeburn of *The Firm* argued that

“the functions of the court are not operated for victims or for any particular interest group; they are for the public interest, and the public interest must be fully served.”—[*Official Report, Justice Committee, 2 October 2012; c 1787.*]

However, the public interest is surely best served by ensuring that the interests of justice take precedence. Any future change must surely be conditional on an assurance that the safety of no one—be they victim, witness, juror or other interested party—will be jeopardised and should be introduced only on the basis of clear guidelines for broadcasters, the judiciary and the public alike.

If there is a genuine case for televising trials, particularly in respect of evidence—I am not fully convinced that there is—it should be the subject of careful consideration. I think that we all await with interest the Channel 4 series “Windfall”, which will include the Nat Fraser trial. We should approach the issue with caution, but certainly not with closed minds. I await the outcome of the Lord President's review with interest.

Today's debate is of course wider than just whether to televise trials; it extends to how the media and press interact with our court system. The Contempt of Court Act 1981 is a piece of legislation that is worthy of closer scrutiny in these circumstances. As other members suggested, at the Justice Committee's round-table session a wide range of views was expressed on how the Scottish justice system should work with the media, not least the press.

The “superinjunction farce”, as it was labelled by Steven Raeburn—when an English footballer

sought a ban on newspapers reporting his alleged affair in order to protect his identity, while the social networking site Twitter was awash with his name—is an example from England and Wales of the frailty of legislation in the face of modern mediums of communication. Several witnesses at the round-table discussion suggested that the 1981 act is in need of review to make it robust enough to deal with 21st century communication, although how that can be done without venturing into the territory of policing the internet is not clear.

Neil Findlay (Lothian) (Lab): On the issue that the member just raised about policing the internet, was that not debated during the passage of the Offensive Behaviour at Football and Threatening Communications (Scotland) Bill?

Roderick Campbell: There was certainly a reference to it, but I do not think that it was a substantial part of the debate on the bill. However, that debate is now history and we shall see how the Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012 operates in practice.

Most people at the round-table discussion believed that extending the provisions of the 1981 act to cover internet communications would be a futile exercise. I agree with that view.

In view of the time, I will make one final point. Aamer Anwar said:

“We have reached a stage at which the judge’s directions must be in severe and unequivocal language, so that jurors understand that if they go home and research and download material, they can be sent to prison for doing so. Jurors need to understand that it is as serious as that.”—[*Official Report, Justice Committee*, 2 October 2012; c 1780.]

I agree with that and I think that the matter needs further attention.

16:13

Joan McAlpine (South Scotland) (SNP): I draw attention to the register of members’ interests and the information that I am a columnist with the *Daily Record*.

I welcome the opportunity to participate in this debate, because although the decision on televising court proceedings is quite rightly one for the Lord President, Scotland’s most senior judge, it is proper that parliamentarians have the opportunity to contribute their views and experience in that regard. My experience comes from a background in the print media, though I confess that my shorthand was never quite fast enough for me to follow a career as a court reporter. That said, the age of the court reporter passed many decades ago, and that, combined with the decline of the print media generally, is the

reason why we are having a debate about trial coverage today.

We have heard a lot about modernisation and responding to advances in technology, but equally there is a debate to be had about the decline of traditional media and the effect that that has had on the reporting of court proceedings. How do we fill the gap to keep the public well informed and ensure that justice is seen to be done? Even those newspapers that cover trials today simply do not have the space, or indeed the manpower, accurately to reflect lengthy court proceedings in the level of detail that was common 50 years ago. One will read edited highlights of the day’s action—and “action” is how it is presented. The reporter will have to make a judgment on what he or she considers most newsworthy and construct a narrative around that. As a consequence, the reader may remain ignorant of witness testimony and other evidence that turns out to be critical to the outcome of the case.

The dwindling number of local newspapers is also a factor in the debate. High Court trials of national interest will continue to be given space in our national newspapers, but the decline in the local press over the past 50 years means that cases that might be of great interest to a particular community go unreported. Combined with the closure of smaller courts—albeit for perfectly legitimate reasons—that means that the dispensation of justice could be increasingly remote unless we modernise.

It seems to me that this decline must be addressed by using electronic technology to deliver the kind of forensic reporting that we once saw in newspapers. That is not to say that every fad can meet this need. In my view, Twitter is an entirely unsuitable vehicle with which to report court proceedings. As has already been said, the pitfalls of trying to express a subtle, nuanced case in 138 characters are well known. Twitter should be used only to direct viewers to a verbatim report of proceedings.

However, I believe that it is worth exploring whether there might be a role for accredited bloggers in court, if they are trained in Scots law to the same level as traditional newspaper reporters and subject to the same expectations and restrictions. As others have said already, we have already seen such bloggers in action in high-profile trials, particularly in the work of James Doleman in the Sheridan perjury trial last year. If such accreditation were possible, that might also address the difficulties that have been highlighted, such as members of the public blogging from a trial and presenting it in a highly partisan manner.

Obviously, allowing television in court is another suggestion for filling the gap caused by the decline in verbatim reporting. I am not against television

cameras in court per se, but I take the point made by Donald Findlay QC and others about witness intimidation. However, the same arguments could have been made 50 years ago to prevent newspapers from covering trials and printing witness names and addresses.

Margo MacDonald: That is an intriguing point. Obviously, the member was not in favour of witnesses blogging afterwards and giving a highly partisan account, but does not every human rights law that we have allow us to be wrong and to talk about it in public?

Joan McAlpine: Yes, absolutely—after the trial. I guess that I was talking about people blogging from the court and giving partial reports of what was happening in court that would never appear in any newspaper under the rules that we have at the moment.

Personally, I do not think that ratings-driven television channels are the correct vehicle for the coverage of trials. The Channel 4 briefing pointed out that its High Court programmes used small, silent, remotely operated cameras so as not to disturb the proceedings, but at the end of the day television stations will want to show edited highlights and will concentrate on high-profile cases. That is already the pattern in the limited television of Scottish court proceedings that we have already seen. In 2008, cameras were allowed into the appeal court for the decisions on Nat Fraser and Luke Mitchell, but those decisions would have received considerable coverage whether or not they were filmed. My concern is for the less high-profile cases up and down the country that do not get coverage.

One way to avoid the Hollywoodisation of trials that is causing so much concern might be to take the matter out of the hands of television stations by having an independent court TV service provide a verbatim recording of proceedings in the way that the newspapers of old did. Such a service could be bound by the same rules as the televising of this Parliament and forbid editorialising through the use of camera angles and cut-aways.

Having said all that, we could be putting the cart before the horse in looking at television as the only solution to the decline of verbatim reporting.

The Deputy Presiding Officer (John Scott): I would be grateful if you would close, please.

Joan McAlpine: Thank you.

The Scottish Court Service already has stenographers who compile verbatim transcripts of trials, but it is difficult for members of the public to get hold of them without going through a complex application procedure and paying a great deal of money. If the Parliament can provide a timely

written report of proceedings, I do not understand why we cannot get the same for our courts.

16:20

Mary Fee (West Scotland) (Lab): When the Contempt of Court Act 1981 came into force, people received news through the print and broadcast media. At that time, the print and broadcast media were information services that delivered facts to people. However, in the past few decades, the media have become far more gossip driven. With the creation of the internet and social media, we now live in an information and gossip-intensive age. I have grave concerns about the use and influence of Facebook and Twitter in our courts and I have reservations about the broadcasting of criminal trials on television.

The main priority of any discussion about involving the media in court procedures needs to be the administration of justice, because our court system looks only at facts and not at gossip. In the past, cameras have been allowed in courtrooms with the express permission of the presiding judge and of all the parties involved. On occasion, we have had live televising of judges during sentencing proceedings but, crucially, that has been without witnesses present. The justice system needs to ensure that potential witnesses are protected and do not feel intimidated. I agree with the point that Victim Support Scotland made in evidence to the Justice Committee that going through a court case as a victim or witness can be traumatic. As I understand it, it is already difficult to get witnesses to come forward.

Donald Findlay QC, in his evidence to the Justice Committee, raised the fear that relaxing media restriction on the reporting of criminal cases might harm the people who are on trial. Currently, when someone is acquitted, that is because the justice system and a jury of their peers have listened to evidence and reached an informed decision. It is not fair to say that a person has been acquitted but that people can decide for themselves and watch it on television. That could also harm an offender's rehabilitation. If we want a Scotland that is a progressive beacon, those who commit offences in our society should be given a fair trial and, if convicted, should be judged on their actions, not vilified on prime-time television.

Many court cases involve the most vulnerable people in society, whether they are the victims or perpetrators. If we allow cameras into court, court cases could become voyeuristic. Regardless of the crime that is committed, we have a duty to ensure that justice is carried out in a fair and measured manner. We must ensure that victims, witnesses and the accused, and their families, are protected from retribution and retaliation.

We need only look at examples from across the Atlantic to see what might happen if we relax the restriction on media broadcasting of criminal trials. The trials of O J Simpson and, more recently, Casey Anthony were broadcast to every home in America and everyone had an opinion on whether they were guilty. Is there any evidence in America to show that the general public have a greater understanding of their justice system as a result of watching those high-profile cases, or does televising simply fuel more gossip?

Although I feel strongly that the general public need to be educated about how our justice system works, I am yet to be convinced that that can be done through the broadcasting of criminal trials. In evidence to the Justice Committee, Mr Steven Raeburn made the point that televising criminal trials could help to educate the public on criminal proceedings such as the double jeopardy and corroboration rules. However, I remain unconvinced that televising trials with no explanation of process or legal jargon will help to educate the public.

Before I became a member of Parliament, for many years I sat on employment tribunals. Tribunals do not involve nearly as much legal jargon or process as criminal cases, but I found that many people who brought cases to tribunals and many witnesses who were called to give evidence did not understand the process and found the legal jargon difficult and complex. If the process is difficult to understand at that level, how much harder would it be for the public to understand criminal proceedings?

One example that has been overlooked is the Leveson inquiry. It is not a criminal trial but, although it has heard evidence from many high-profile politicians and celebrities, there has not been a huge interest among the general public in its proceedings.

If a member of the public has a great interest in criminal proceedings, they can attend court in the gallery. However, I am not aware that there is a great public clamour to attend criminal trials unless the case has a high profile or is particularly salacious. Although I understand that a five-minute summary on the evening news might focus on one particular issue in the case, the general public would rather watch that than four hours of a criminal court case.

I am pleased that we are considering ways to educate the general public better on how our justice system works. However, broadcasting criminal trials is not the way forward. Any changes to the media reporting of criminal trials must not jeopardise the administration of justice. They must also protect the victims, witnesses and the accused.

16:26

Colin Keir (Edinburgh Western) (SNP): This is an incredibly interesting subject and there have been some excellent speeches from members.

Over the years, we have trusted the integrity of journalists and news providers to ensure that the proceedings from a court of law are handed down to us understandably and truthfully. Journalists, proprietors and editors also understood that there were legal limits that could not be crossed. Woe betide anyone who did cross them, as they might have ended up facing a charge of contempt of court.

However, the reality was and is that journalists, editors and proprietors always pushed the boundaries of law and journalism in the race to get a headline-grabbing story for the next print edition or broadcast. As Joan McAlpine said, we live in a society in which journalists and editors are under pressure because of falling sales.

The new thing is news media on the internet. It is fast paced and updated every minute or so. Anyone can be a media journalist, can they not? Therein lies the first of our problems. A well-trained journalist knows the boundaries that they cannot cross without running into contempt of court. However, what happens if someone reading a third-hand report of proceedings produces a report outside Scotland?

My second problem—I am sorry to pick on it—is Twitter. Tweets have a maximum of 140 characters. The author sits in court and produces numerous tweets, all of which sit nicely on the screen for any reader. However, if a reader subsequently picks a tweet, puts it into an inappropriate context with some of his or her comments and that tweet goes viral, lo and behold, we have a possible contempt of court. Who would be charged: the original author or the person who doctored the original text?

Steven Raeburn and Aamer Anwar mentioned those problems and connected ones at the 2 October Justice Committee meeting. It was one of the most fascinating meetings that I have attended in a long time, not least because, as the convener pointed out, she did not get much chance to speak.

How do we police the internet in a manner that is fair to the reader and the author? How do we maintain an adequate quality of reporting online? Should we allow Twitter to be used in criminal courts? At this moment, I just do not know. What is the difference between Twitter and journalists sitting in court passing paper messages out the door? My answer is that I suspect that anyone who passes paper notes out the door would be far more concise than someone who has just 140 characters.

As has been pointed out, Magnus Linklater suggested that the law in Scotland is tougher than that in England.

There is also the problem that, at the end of a day's proceedings, a juror could go home and start doing research on the accused and the witnesses involved in the trial. How are we to stop that so that the juror can come to a determination on the information that is gained in court alone? What happens if the news source that the juror uses is not professional and reliable? I suggest that there would be even more chance of a wrong judgment.

The question that has to be asked is whether the current laws on the reporting of trials are fit for the 21st century. My point of view on the televising of court proceedings is probably closer to Mary Fee's at this time. We have all seen fictional courts of law on television or in films. They are often perfectly filmed, with camera angles chosen to show the drama and emotion of the cross-examination and verdict, and they often have little regard for the legal niceties. However, that is not what we are likely to see. I am aware that there is a review of television access to criminal court proceedings, but I cannot imagine that it would provide riveting viewing. There would not be Hollywood-style productions. What has been shown of previous trials suggests that watching live proceedings would be boring to anyone but those with an interest in law or a particular case.

I would have concerns about images of the defendant, witnesses and jury being shown on television. A court appearance is stressful, and unless the defendant is a trained actor, his or her demeanour might be seen as a look of guilt by viewers. If the defendant's demeanour allows viewers to believe in their guilt, what will happen afterwards if they are found not guilty? Donald Findlay QC raised concerns about the safety of participants in a criminal trial should their images be seen on TV.

Should the rules on TV coverage be relaxed in the event of an appeal? After all, the defendant is seen as guilty at that time. Another issue is how the media react to friends and family outside the court. The reaction can be quite shocking in some instances—Aamer Anwar's media scrum comes to mind.

The Justice Committee's round-table discussion on the issue was phenomenally interesting and it gave us some food for thought, but the priorities should be the welfare of the victim and the principle that people are innocent until proved guilty.

16:32

Bob Doris (Glasgow) (SNP): I will say a little about the role of the accused in the process. I do

not think that members have said much about that in discussing television exposure.

The basic principle is that someone is innocent until found guilty. Donald Findlay asked the Justice Committee:

"If someone is acquitted, why should they have their image blasted into every home by the television?"

He also said:

"The lives of people who are convicted or acquitted of serious criminal charges could be put at risk, because there are people out there who want to seek vengeance."—[*Official Report, Justice Committee*, 2 October 2012; c 1781-2.]

I associate myself with those concerns.

I would also like to comment on the position of victims of miscarriages of justice. I have specific constituency experience of that from two cases in particular. At the times of the trials, there was significant media interest. A victim of a miscarriage of justice has a statutory right to appeal, and the appeal can again be subject to significant media interest. One day, with almost no support, the person is released from jail and told that they can walk free, yet they receive less support from society than someone who was guilty and has served their time.

Such people are a tiny minority, thankfully, but their individual human rights need to be protected as well. Are we saying that their images should be blasted across the television? If we allow that to happen, it could create danger as well as compounding the miscarriage of justice. I have seen at first hand how such people's mental and emotional wellbeing is damaged by the lack of support. I wanted to put that on the record while we are discussing media exposure.

I want to say something about the vulnerability of witnesses. Detective Chief Superintendent Cuddihy said in his evidence to the committee:

"When the due process of law results in judicial proceedings, we must ensure that victims, witnesses and their families are protected from the fear of intimidation and influence—perceived or otherwise—and that they are free to give evidence without any undue pressure being applied to them that may result in the integrity of the evidence, the trial and justice being compromised."—[*Official Report, Justice Committee*, 2 October 2012; c 1793.]

Again, I associate myself with that concern.

Without going into any details, as that would be inappropriate, I am convinced that I have witnessed intimidation of witnesses in a courtroom simply by the fact the accused was in the same courtroom—never mind what would happen if greater exposure was shone on witnesses in the schemes and communities from which they come. I have significant concerns in relation to that.

I have significant concerns about the concept of someone who willingly gives evidence being labelled a grass by a minority of people in some of our communities and how that plays out in those areas. We should be doing what we can to support people to give evidence rather than putting barriers in their path. I am concerned that, although we want to see as much transparency as possible in the judicial system, we might not meet the ends of justice for people who are vulnerable by shining more of a light on the system.

On the other side, there is the issue of conniving witnesses. Not all witnesses go to court to tell the truth. If someone agrees to be a witness, there could be a concern that they will play to the audience when giving evidence. The criminal defence solicitor Aamer Anwar stated in his written submission that potential safeguards will do

“little to tackle how the filming of witnesses will stop them embellishing their evidence or tailoring it, due to the fact that they will be judged by millions watching at home”.

Indeed, witnesses may follow the trial via whatever media platform in advance of taking to the stand. That is another concern of mine.

I am concerned about how things will play out in the reporting of serious and organised crime. I tend to think that those involved at the very top of serious and organised crime do not like light to be shone on their activities, as they can be quite secretive. However, their henchmen are not that secretive and have a swagger in some of our communities. At times, they have been quite impudent when they have been on the witness stand or, indeed, been the accused. The idea of giving more exposure to that behaviour causes me significant concern. The issue is reducing, but it is still the case that in some of our communities glamour is associated with the gangster—the person who derives an income from criminality. I worry that the more exposure those people get, the more antiheroes we may create in some of our vulnerable communities. I therefore have a series of concerns.

Flipping completely on the issue, I go back to the core position that the more information we can get into the public domain about how the judicial system operates and the process of trials, the better. However, there is a huge array of significant issues, some of which I have outlined, which I am sure that the minister will consider when she weighs up her personal views on what will of course be an independent judicial review of the role of the media in the justice system.

16:38

Alison McInnes (North East Scotland) (LD): It is clear from this afternoon's debate that the issue of how the media interact with criminal trials is

extremely complex. Any liberal society must walk a fine line between allowing free and open reporting of criminal proceedings and ensuring that the right to a fair trial is in no way compromised. With the growing prevalence of social media and 24-hour news channels, the first of those aims is flourishing while the second is increasingly threatened.

I emphasise that I hope and believe that no media outlet in Scotland would ever intentionally seek to compromise criminal proceedings for the sake of a story. Yet with increasing and, particularly in the case of Twitter, instant access to various details of on-going criminal cases, there is a greater risk of unfiltered information entering into the public domain, of the publishing of partial facts, or of skewed or prejudiced perspectives—any one of which has the potential to influence proceedings.

A particular concern in this regard, which was raised by many of the experts we heard from in committee, is about the role of jurors in the information age. The question of how the changing manner in which information from court cases is disseminated to the public—and so often into the hands of those involved in deciding the case—should impact on how the justice system works is far from straightforward.

In committee, we heard suggestions ranging from the rewriting of the Contempt of Court Act 1981 to a move to a system of professional juries. I would be interested to know whether the minister is considering the media's impact on jury trials as part of the Government's wider reforms of the Scottish justice system.

I am sure that much of the focus of the debate, particularly in the press, will be on the on-going discussions about the presence of TV cameras in courtrooms, which is what we have mostly discussed this afternoon. That is not least because of the Lord President's announcement last week that current policy is to be reviewed.

Cameras have been permitted to film in Scotland's courts only on the rarest of occasions. The amount of press attention that the decision to allow coverage of the Gilroy sentencing attracted is testimony to its unusualness.

The arguments in favour of greater TV coverage—that there would be greater transparency in the legal process, which is an inherently Liberal Democratic view, and that justice would be shown to be done, which is perhaps not so much an inherently Liberal Democratic view—are well rehearsed. Greater transparency and more open access to our justice system can only be a good thing.

For lay people who come into contact with the courts for the first time, the experience can be

intimidating. I hope that I will not offend anyone in the chamber with this observation, but lawyers and judges can oftentimes seem to go out of their way to confuse, not least by the use of jargon and Latin terms. I do not intend to spend the day making the case for the use of plain English in courts—although that case might be worth making—but people should have the right to understand how the legal system works. They can be reassured that it works and works fairly only through that understanding, and the system will become less intimidating only through that understanding. Opening up court proceedings and letting more people see what takes place in the courtroom appears to be a prime way of achieving that aim.

The Government will soon publish its victims and witnesses bill. Protecting witnesses and victims must remain a primary concern whenever we talk about media coverage of the courts. That is one of the key arguments against greater media access. Even attending court can be a daunting experience for those concerned, and the presence of television cameras is unlikely to make things easier. Donald Findlay QC was particularly clear on that point. He argued that broadcasting a criminal trial

“would put pressure on witnesses, and it is difficult enough to get people to come forward.”—[*Official Report, Justice Committee*, 2 October 2012; c 1781.]

That is a legitimate concern.

Mr Findlay also fairly made a point that is often overlooked: what of the accused who is subsequently found not guilty? Other members have said that it would perhaps be unfair for them to return to their lives having spent a fortnight being publicly and professionally accused of committing a crime that their peers subsequently determined that they did not commit. Does that not risk the public prejudging and endangering the fundamental principle of being innocent until proven guilty?

There are also practical concerns. Broadcasting an entire trial is one thing, but if there are cameras in the courtroom, it is inevitable that an edited highlights reel of the day's proceedings will find its way on to the evening news. Having a reporter presenting a balanced summary is one thing, but whether it is possible to edit five or six hours of footage into a two-minute report without creating a narrative is quite another matter.

Others have referred to OJ Simpson effect. The last thing that we want is a media circus around criminal trials. That would favour no one. It would not favour the accused, the victim, the witnesses, the jury or, ultimately and most important, justice itself.

Despite those problems, I still find myself drawn to the position that we ought to allow greater

access to our justice system. It is a fact that the justice process seems closed off and mysterious to outsiders. It is not as open and transparent as it could or should be. It is not as simple as telling the TV companies to go ahead and start filming, but it is clear that we should give greater consideration to the matter.

In our committee evidence session, Steve Raeburn of *The Firm* magazine drew an interesting parallel. He said that the BBC Parliament channel

“is an example to follow ... It runs debates as often as Parliament sits, late into the night, probably to a limited audience but to a dedicated audience that is interested. It is our Parliament and we are entitled to see it.”—[*Official Report, Justice Committee*, 2 October 2012; c 1787.]

I wonder whether the principle is not the same. Of course, many issues must be addressed first and balances need to be struck, but is it not still our justice system and should we not be entitled to see it in action?

16:43

Annabel Goldie (West Scotland) (Con): There are few more important subjects than our criminal justice system, because at the heart of any society is the public's confidence that those who break the law will be dealt with fairly and without prejudice and that justice will be done. The victim expects that, the accused is entitled to it, and the public interest requires it.

Those fundamental tenets must be kept to the fore in any debate about our criminal justice system. Above all else, as other members have indicated, the criminal courts do not exist to provide public entertainment or media gratification. That is the umbrella that I want to hoist up before I consider in more detail the important issues that have emerged during the debate.

It is not surprising that the main elements in the debate have focused on the Contempt of Court Act 1981 and the possibility of extending the televising of criminal court proceedings. Let me therefore deal with the 1981 act first.

The 1981 act was passed in a communications environment that was dramatically different from what we know today, but the underlying principle of the act remains important and relevant: to ensure that the course of justice and court proceedings could not be seriously impeded or prejudiced by the publication of material and that a person who created a substantial risk of such impediment or prejudice would become strictly liable for such publication of material, thereby committing a statutory contempt. There is also a common law contempt, which requires the proof of mens rea—an intention to prejudice the court proceedings.

The whole reason for the underlying principle of avoiding impediment and prejudice to justice is to ensure that the guilty are convicted and that, in so far as possible, the conviction is safe from challenge. Although the world of communication has been transformed by the advent of the internet and social media, which has brought a new raft of challenges to preserving justice in criminal court proceedings, we must not lose sight of the fundamental principle of protecting and preserving justice. That is paramount when we consider any reform.

There are two prerequisites that the Justice Committee might consider before any amendment to the 1981 act is contemplated. First, research should be carried out to gather empirical evidence about the impact of the internet and social media on juries. As my colleague John Lamont said, accessing information online is not the same as being influenced by that information, but we need data on the issue.

Secondly, there is a need for official guidance now on the use of live communication devices from the court. The Lord Chief Justice of England and Wales last year issued guidance on the issue. Can there be some indication as to whether the Lord President in Scotland has reflected on that guidance? The convener of the Justice Committee may wish to clarify that point directly with the Lord President.

I will now reflect on televising court proceedings. As others have indicated, a limited facility already exists, but it is interesting that it is restricted to hearings that do not involve witness testimony. Those who support extending the scope of televised proceedings believe that it would strengthen the principle of justice being seen to be done and better serve the public interest.

I am very clearly of the opinion that exactly the same criteria as apply to determining contempt of court and what is acceptable communication from the court apply to televising court proceedings: those who break the law will be dealt with fairly and without prejudice; justice will be done; the guilty will be convicted; and, in so far as possible, the conviction will be safe from challenge.

As I said, the courts exist to deliver justice, not to provide entertainment. The current—and in my opinion correct—emphasis on fairness, impartiality and transparency does not derive from some abstract tenet of benevolent philosophy to make everyone feel good; it exists to minimise the possibility of prejudice, oppression and collusion resulting in unsafe convictions and miscarriages of justice. That is because the public interest and the victim expect that convictions should be sound and safe against challenge.

It is completely flawed to confuse the principle of justice being seen to be done with the notion that every man and his dog requires to view the minutiae of court proceedings. Mary Fee and Colin Keir alluded to that aspect. The reality is that the average man and his dog could not give a toss about the detail of court proceedings and court procedure. He may be interested in the identity of the accused, the charge against the accused and a summary of the evidence—all of which he can learn from news reporting. Indeed, that will also be sufficient to alert a member of the public that he or she may have evidence relevant to the case. None of that requires detailed viewing of the proceedings.

In relation to the particular issue of the public interest, I think that it is very clearly defined. It is a confidence that the guilty will be convicted and that the conviction will not be vulnerable to challenge because of prejudice to the accused or a lack of impartiality, or because nervous and frightened witnesses were unable to give clear evidence. Graeme Pearson referred to that aspect.

I can see the public interest being disserved by any significant expansion of televised court proceedings, especially if that intrudes on occasions when witnesses are giving testimony. Media coverage will distort the court environment. The accused, who may be innocent, could look shifty and edgy; witnesses who are already nervous could become agitated and confused; and bold, but lying witnesses could look confident and convincing. That has the makings of a parallel trial.

The one aspect of public interest that I do not agree with is the view that, because the taxpayer pays for the judges, the courts and the legally aided solicitor, the public is entitled to know what is going on. By that analogy, because surgeons, nurses and theatre porters are paid for by the public, we would have viewing galleries in the operating theatres of our hospitals.

There are perplexing issues in relation to the media's role, and it is healthy and encouraging that the Justice Committee is looking at those issues.

The Presiding Officer (Tricia Marwick): The member must close now.

Annabel Goldie: I urge the utmost caution in contemplating the extension of televised court procedures because I would have serious concerns were the coverage to include witness testimony.

16:50

Patricia Ferguson (Glasgow Maryhill and Springburn) (Lab): This has been an interesting

debate and the Justice Committee is to be congratulated on its work so far. I extend my sympathies to Colin Keir, who I suspect may not get to speak very often at future committee meetings following his comments to Christine Grahame, the committee convener, although I am sure that she will forgive him soon.

I come to the debate as someone with not only a keen interest in the media but a concern to ensure that our justice system is as robust as it can be and that it serves our country well. Roderick Campbell referred to the evidence given by an individual who suggested that the public and not the victim is the main player. I fundamentally disagree with that comment because, to my mind, the victim must be at the heart of the system. At the end of the day, victims are emblematic of us all: they are the symbol of our community in court on that particular occasion. They must be central to our notion of justice and the system that we put in place to deliver it. We must take great care not to turn their tragedy into a soap opera.

We must also take seriously the difficult job that we ask jurors to do on our behalf and the responsibility that we entrust to them. Any changes that we make must help to shine a light on the proceedings in our courts, not trivialise the role of the court service or jurors or—worse still—expose them to danger just for doing the job that society demands of them.

I share the concerns raised by many members that the use of social media in its many forms makes it difficult for jurors to maintain their impartiality. There is a concern that its increased use could see jurors led or witnesses influenced by information that may appear online during a trial. That is not in anyone's interests, but it is right that the Justice Committee progresses the discussion about how, or whether, the use of social media should be regulated on our behalf.

In evidence to the committee, one witness, Matt Roper of Scottish Television, made the telling point that, with the use of the internet and the plethora of hand-held devices that are available to us,

"The media can be the public at large".—[Official Report, Justice Committee, 2 October 2012; c 1778.]

How do we regulate such matters and, indeed, should we?

As we have heard, going to court is one of the most traumatic things that a witness or victim will ever have to do—in some ways, it is perhaps even more traumatic than the original crime or incident. We must ensure that victims or witnesses are not prevented from giving the best evidence that they can or do not try to avoid appearing at the trial at all.

My colleague, Lewis Macdonald, was correct to point out the difficulty that can arise when a person who is found innocent by the court is, in effect, given a life sentence by the court of public opinion. That is something that we must all guard against. John Lamont was perhaps correct to suggest that the filming of the sentencing of a convicted person may be appropriate in some cases. My hope is that the starkness of that particular element of the trial may even act as a deterrent to others.

Christine Grahame: A point of interest is that the sentencing that has been televised was not in real time. My understanding is that the judge ultimately decides what will be broadcast. For example, any sounds from the gallery can be edited out, so the footage is a rather more dignified than it perhaps would have been had the trial been broadcast in real time.

Patricia Ferguson: Christine Grahame is absolutely right about that. That is the way it should be, and that approach helps to encourage the starkness of that particular element of the trial as I have described.

My colleague Graeme Pearson highlighted how difficult it often is to persuade witnesses to come forward and cited the need to use closed-circuit television. In my view, that is proof of how difficult it can be to make witnesses feel that they are giving their evidence in a safe and secure environment.

Four years ago, I sat through the many weeks of the public inquiry into the Stockline disaster in my constituency, which was an extremely detailed and interesting process. The inquiry considered the events that led up to an incident that ultimately caused the death of nine people and injury to several others, and it allowed a highly detailed discussion to take place in a calm and reasoned way.

It occurred to me at the time that television coverage of that inquiry might have been in the public interest. The key distinction to make is that it was not a trial. It was a very different beast with a very different way of working and a very different atmosphere, and it was something that involved—to pick up on Mary Fee's point—a minimum of legal jargon. Indeed, the presiding judge was quick to pull up anyone who strayed into that territory too often.

My own view is that we need to be extremely cautious in taking forward this debate. I am not convinced that a right to televise trials would be a step forward, and I worry about the way in which social media are often used. However, Alison McInnes had a point when she suggested that there are other ways that might usefully be considered of making our courts and their

processes more transparent, open and accessible to members of the general public with a legitimate interest. That was a useful point to make.

Similarly, Annabel Goldie was absolutely correct to say that, in taking forward its inquiry, the Justice Committee needs to look at the broader evidence—of course it will do that—at what the data suggests is the effect of televising and using social media to cover court proceedings, and at what impact that might have on individual jurors in particular.

If our discussion has told us anything, it is that the Justice Committee is right to have begun its debate on the issue. I wish it well with its deliberations. I do not think that it has taken on an easy task, as this afternoon's debate has demonstrated, but it is an important piece of work, which I am sure will be complementary to the Lord President's review.

16:57

Roseanna Cunningham: I suppose that it is in the nature of such a debate that we have more questions than answers at the end of it, but I have been struck by the almost unanimous expression of caution from all sides of the chamber—almost every member who has spoken has expressed exactly the same reservations. It is instructive that, on such an issue, there is virtually no difference between individual members' views, regardless of party. It is important to state that, because we are discussing an area in which we want to be able to proceed as one, and it is quite clear that that will happen.

Understandably, a wide range of topics have been covered, and I might not get to mention them all. It is not surprising that such a variety of subjects have been raised, given the fundamental nature of the propositions that any debate on the media and the courts will involve and the fact that the issue touches on many principles that we hold dear. Therefore, I commend the Justice Committee for its courage in the face of a very large task.

As the First Minister remarked on one aspect of that task to the Leveson inquiry in June—this will be the only reference that I will make to the Leveson inquiry—

"it's much easier to say it's an undesirable thing to merge news and comment than to work out what to do about it."

We could apply the same dictum here. Nevertheless, a number of interesting suggestions have been made on what to do about the issue in the course of the debate. We listen carefully to all such suggestions with interest and to the deliberations on the wider questions that are posed in such a discussion, which include that of

how we can continue to protect victims and witnesses of crime and to ensure fair trials.

John Lamont made some useful references to studies of juries in other countries and other jurisdictions that suggested that juries are less easily swayed by biased reporting than might have been imagined. Their exposure to the reality of court processes may be quite telling in being a rather brutal reminder that regardless of what we see—particularly on American television programmes—a court process can be a lengthy, detailed set of days that is not easily encapsulated in the edited highlights version that one sees in fiction and from across the Atlantic in practice. Jurors who confront that reality may reflect on some of the comment that they then see and realise that they have to consider it quite carefully.

Sandra White talked about a number of things including the possibility of some kind of expert who would be provided for the jury. We need to be careful about going down that road in our discussions, because although there are complex and challengeable areas of law, the provision of some kind of expert who was not giving evidence in the trial would become a complex and challengeable position, too. We need to remember that most trials involve expert witnesses as well as outside experts who may wish to comment or not.

Joan McAlpine made some interesting points, particularly because in a sense she turned the debate on its head and challenged the mainstream media about their coverage. She implied—she did not use this terminology, so I hope that I do not put words in her mouth—that the mainstream media had effectively opened up a vacuum that had allowed the social media in. That is interesting to reflect upon.

Joan McAlpine then raised the interesting notion of accredited bloggers. Again, I am sure that the Justice Committee will have taken that on board and will consider whether that is a good point to pursue. On the issue of a court TV channel, which one or two other members also raised, most people would accept that we could really only progress on that if we were going to forbid editorialising or the selected highlights version of events.

There are a lot of questions. Each time that someone comes up with what might seem to be an answer, the answer leads to a whole other set of more questions.

To respond to Colin Keir, two Twitter requests have already been agreed to in Scotland. The sentencing of Tommy Sheridan in 2011 and the sentencing of David Gilroy in 2012 were both permitted to be communicated by Twitter from the court, but of course that is not the same as

tweeting throughout a trial—that would be an entirely different question.

A number of interesting points were raised, but equally each point that was raised begs many more questions. The Government is listening, but it is listening from a definite position, which is that it has put in place robust protections for the independence of the courts and the judiciary and it trusts in the people who operate those protections.

In the Judiciary and Courts (Scotland) Act 2008 we established for the first time in Scotland a statutory guarantee of the independence of the judiciary and we placed the Lord President firmly in control of the running of the administration of our courts. That was not merely a grand declaration of principle. It was also the way, we believe, to promote the efficient, professional running of the court system and to guarantee people's rights within it. It makes abundantly clear the separation of Government from the judiciary. As the cabinet secretary said, the people into whose hands the act entrusted the courts system deserve the highest confidence. They are the people who can best be trusted with balancing the issues before us.

The use of public media in court requires a careful balancing act to be performed at times between the principle that justice should be open and subject to public scrutiny and the requirement that trials should be conducted fairly. We must not risk prejudicing the outcome of criminal cases through our appetite for more modern communication of trials.

As the judiciary are the guardians of fair trials in this country, ultimately we should leave it to them to decide what role the media should have in individual criminal trials. That will vary according to the circumstances of the case. A trial for a sexual offence will raise very different issues—particularly of protecting victims—from those that are raised by a tax fraud trial. Moreover, the kind of issue that publicity might raise may become apparent only during the trial itself. The cabinet secretary has alluded to the difficulty of Parliament making rules for all those and other eventualities. Lewis Macdonald and Alison McInnes, among others, rightly reminded us how intimidating court proceedings already are for victims and witnesses without a further complication being added. It is very much the view of the Scottish Government that we must counterbalance the public interest with upholding the criminal law, and it is our view that upholding how our courts operate alongside the media should be left to those whose job it is to do so—the courts and the judiciary.

Undoubtedly, it is harder to deal with the impact of the uncontrolled third-party comment in the cybersphere and its implications, although it is not clear to me how the committee might investigate

that. The Lord President's review is confined to the issue of television in court, but I doubt that the issue of social media coverage is far from the minds of all our judges.

This has been a timely debate about a fast-changing situation. I look forward to the further work of the committee on the subject and, as always, I will examine its conclusions with interest.

The Presiding Officer: I call Jenny Marra to wind up the debate. Ms Marra, I would appreciate it if you could continue until 5.15.

17:06

Jenny Marra (North East Scotland) (Lab): I am pleased to close this debate on the role of the media in criminal trials on behalf of the Justice Committee. As the convener, Christine Grahame, said at the start of the debate, advances in social media and the internet alone have had a significant impact on the way in which criminal trials are reported and have provided major challenges for jurors in carrying out their functions responsibly.

Although the Justice Committee's work in the area so far has been limited to a round-table session, we felt that it would be useful at this stage to explore some of the key themes arising from the evidence session and written submissions further in the debate. I am glad that we have done so, as the contributions from all sides of the chamber have been extremely valuable and the committee will use them to shape any future work that we undertake on the role of the media in criminal trials.

I will touch first on the Contempt of Court Act 1981, which is the principal piece of legislation relating to contempt of court in Scotland. The committee heard from witnesses that the act probably works quite well for broadcast media and newspapers but is completely unsuitable for controlling social media and the internet. We cannot expect everyone who uses blogs and Twitter to be experts in contempt of court legislation in the way that the print and broadcast media must be. We have heard from members that it is crucial that we find the right balance between freedom of speech, an open press and the rights of the victims and witnesses of crime to their privacy.

The witnesses at the Justice Committee were divided on whether the televising of criminal trials would be a positive development in opening up scrutiny and assisting in the administration of justice or whether it would be unwelcome and would lead to the sensationalising of criminal trials and potentially even put the accused, the acquitted, victims or witnesses at risk.

Margo MacDonald: I have one query. The member said that we cannot expect everyone who uses the social media to be as aware of the law as others. I thought that ignorance of the law is no excuse and that, therefore, we might expect everybody who comments on legal matters to have a knowledge of the law that they are using.

Jenny Marra: That is precisely the reason that Twitter is not generally used in courts at the moment—people do not have the detailed knowledge of the law that the broadcasters and journalists have to be trained in. We would have to look very carefully at that if we were going to expand the legal provisions.

We heard today that any further consideration of the role of the media in trials must be balanced against the needs of those who unwittingly find themselves involved in the justice system, who are often very vulnerable members of our communities. Victim Support Scotland expressed concern—as Bob Doris eloquently did today—that trials are already traumatic events for victims and witnesses and that any further media involvement could affect the quality of the evidence that they supply or even their willingness to supply evidence in the first place. That concern was backed by the Association of Chief Police Officers in Scotland.

As my colleague Mary Fee said eloquently, we must avoid the prospect of a Jerry Springer or Judge Judy scenario, in which real and traumatic experiences are broadcast in the name of entertainment. In Scotland, we pride ourselves on having a civilised justice system that does not allow voyeurism. We must remember that in the debate.

In announcing a fundamental review of the policy on the use of television cameras in court, the Lord President has recognised the challenges in televising criminal trials beyond specific aspects such as sentencing. We await further details of the review, and the committee will consider its outcome.

I will sum up some of the very good speeches that have been made. Graeme Pearson reminded us that it is difficult to encourage witnesses to come forward to give evidence in court. If their image was to be transmitted back into their community, we would have to consider that carefully.

Roderick Campbell made an excellent speech. He drew our attention to the Anders Breivik trial in Norway and he certainly made me think again about the role of television in such big trials. He advised us to proceed with caution but not with closed minds, given how useful that televised trial was to the people of Norway earlier in the year. He also asked for a review of the legislation that

regulates what the media can print about court proceedings, which would be timely.

Joan McAlpine made a number of interesting suggestions, including that of having accredited bloggers, as the minister said. The committee will certainly want to look at that idea, which draws on the experience of James Doleman in the Sheridan trial. I was also interested in her suggestion of a verbatim report of court proceedings, similar to that in Parliament. That is worth considering.

Mary Fee reminded us that, often, some of the most vulnerable people in our communities are in our courts. She warned us against the voyeurism to which televising trials might lead us. She drew our attention to the evidence from Steve Raeburn, the editor of *The Firm*, that televising trials would elucidate the changes in the law on double jeopardy and the possible forthcoming changes to corroboration. Having sat through several criminal trials in the High Court and the sheriff court, I was confused by the evidence that sitting all day to watch such trials could possibly elucidate those changes in the law. We need to scrutinise that evidence properly before making any decisions.

Colin Keir raised the important question whether the television restriction should be relaxed in appeals. The committee will certainly want to consider that. He made an astute and empathetic observation on the demeanour of accused people in court—guilt could be inferred across the medium of television, as being in our courts is a traumatic experience for many people.

This is an appropriate place at which to close the debate for the committee. Wherever we decide to take the issue, we must remember the importance of striking the balance between protecting the administration of justice and ensuring the freedom of expression of our media in Scotland. I thank members for their valuable contributions in today's committee debate.

Parliamentary Bureau Motion

17:14

The Presiding Officer (Tricia Marwick): The next item of business is consideration of a parliamentary bureau motion. I ask Joe FitzPatrick to move motion S4M-04545, on the establishment of a committee.

The Minister for Parliamentary Business (Joe FitzPatrick): The motion will put in place a committee to examine the section 30 order that resulted from the Edinburgh agreement—which was discussed earlier in the chamber—the referendum bill, and its implementation and any associated legislation. Although members may have different views on, and desires for, the outcome of the referendum, I am sure that all members on the committee and across Parliament will work hard to ensure that the committee is diligent in its duties on behalf of the people of Scotland.

I move,

That the Parliament shall establish a committee of the Parliament as follows:

Name of Committee: Referendum (Scotland) Bill Committee.

Remit: To consider matters relating to The Scotland Act 1998 (Modification of Schedule 5) Order 2013, the Referendum (Scotland) Bill, its implementation and any associated legislation.

Duration: Until 31 December 2014.

Number of members: 11.

Convenership: The Convener will be a member of the Scottish National Party and the Deputy Convener will be a member of the Scottish Labour Party.

Membership: Bruce Crawford, Annabelle Ewing, Linda Fabiani, Stewart Maxwell, Stuart McMillan, Rob Gibson, James Kelly, Patricia Ferguson, Annabel Goldie, Tavish Scott, Patrick Harvie.

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

Presiding Officer's Ruling

17:15

The Presiding Officer (Tricia Marwick): Before we move to decision time, I return to Willie Rennie's earlier point of order. I repeat what the Deputy Presiding Officer said: the veracity of answers either inside or outside the chamber is not the responsibility of the Presiding Officers.

However, the First Minister has requested the opportunity to respond to the points that Willie Rennie raised.

The First Minister (Alex Salmond): Thank you, Presiding Officer. With your permission, I wish to make a short statement in the light of the point of order that Willie Rennie made earlier this afternoon.

I have repeatedly made it clear in the chamber and elsewhere that, under the terms of the ministerial code, neither I nor other ministers can comment on either the existence or the content of legal advice without prior permission from law officers. We now have that permission in one specific case, as the Deputy First Minister outlined earlier today. I have maintained that position in the chamber on a number of occasions since March 4 this year—the date of my BBC interview with Andrew Neil, to which Willie Rennie drew attention. As the full transcript of that interview makes very clear, I was talking about the issue of Scotland's continued European Union membership in terms of general debate and in terms of many eminent legal opinions that were offered.

I was also—as the interview makes clear—speaking in terms of the various Scottish Government documents that contain reference to an independent Scotland's membership of the European Union. Those publications are, "Choosing Scotland's Future", which was published in August 2007, at page 24; "Your Scotland, Your Voice", which was published in November 2009, at page 107; and "Your Scotland, Your Referendum", which was published in January this year, at page 4. All those documents are underpinned by legal advice from our law officers: they have to be. That is the reality.

I will read very briefly the transcript—the full transcript—of the interview. I cited Eamonn Gallagher, Emile Noël and Lord Mackenzie-Stuart as eminent authorities. Andrew Neil then said to me:

"We've established that it is unprecedented, although you're trying to give a guarantee. Have you sought advice from your ... Scottish Law Officers in this matter?"

I replied:

"We have, yes, in terms of the debate, and obviously..."

At that stage, he interrupted and asked:

"what did they say?"

I said:

"Well you could read that in the documents that we've put forward, which argue the position that we'd be successful."

He asked:

"But what do they say?"

to which I replied:

"You know I can't give you the legal advice, or reveal the legal advice of Law Officers. You know that Andrew."

He said:

"But this is about the future of Scotland",

to which I replied:

"Yes but what you can say is everything we've published is consistent with the legal advice that we received."

In the interview—as is clear from that full transcript—I specifically refused to depart from the convention on specific legal advice, despite being pressured to do so by Mr Neil. Indeed, that is the position that I and other ministers have held to at all points subsequent to the interview and until earlier today, when the Deputy First Minister made her statement to Parliament, with the permission of the law officers.

I am happy to place a full transcript of that interview in the Scottish Parliament information centre at the earliest opportunity. Unlike some of the partial accounts and transcripts that have been circulated elsewhere, it makes that position and the content absolutely clear.

Finally, in one of the partial transcripts, I have been described as "a bare-faced liar". The quotation that is used to justify that has me saying in response to Mr Neil:

"We have, yes ... You know I can't release the legal advice of law officers, Andrew."

It misses out 27 words across three separate answers, which can be seen in the full transcript. I ask Paul Martin, as a member of the Scottish Parliament, to reflect on the number of adjectives we could include in 27 words between the names "Paul" and "Martin". That is no way to conduct a debate. The full transcript of the interview will be in the Scottish Parliament information centre, and members will be able to see that what was being talked about was Government documents and publications. I hope that, at a suitable opportunity, those who have made those assertions—although admittedly they did so outside the chamber—will have the courtesy and integrity to withdraw them.

Willie Rennie (Mid Scotland and Fife) (LD): Further to my earlier point of order, Presiding

Officer. Despite the First Minister's attempt, I am afraid that he has not cleared up the matter. He was asked a simple question by Andrew Neil, who is a respected journalist for the BBC. He was asked if he had sought the advice of his law officers. He said, "We have, yes." It was a straightforward question and he answered, "Yes, we have received advice from the law officers."

The First Minister went on to say—

The Presiding Officer: Mr Rennie, we really cannot conduct debates through points of order. Can you bring your remarks to a close?

Willie Rennie: I will bring my remarks to a close. This is a very serious matter, Presiding Officer, because the First Minister has not cleared up the issue. He said,

"Everything that we have said is consistent with the legal advice we have received."

He said "received", and the context was that he was talking about the law officers. The First Minister has not cleared up the matter. I urge him to come forward and clarify exactly what he said, because he has not done so, so far.

The Presiding Officer: First Minister, if you wish, you can make a further brief comment.

The First Minister: I admit that Willie Rennie did not add some of the descriptions that other people have used, but it is not a good idea for him to miss out the phrases

"in terms of the debate"

and

"Well you could read that in the documents that we've put forward, which argue the position that we'd be successful."

As I have pointed out, all the documents that I have listed were underpinned by legal advice from our law officers. That is different from the specific legal advice on a specific matter that the Deputy First Minister announced to members this afternoon. Any fair-minded person—I am aware that that excludes a number of people—would consider that the matter has been well and truly cleared up by the full transcript of the interview.

Paul Martin (Glasgow Provan) (Lab): On a point of order, Presiding Officer. I take the opportunity not to retract the statement that I made earlier today.

I also ask you, Presiding Officer, to ask the Government to take an early opportunity for a full and frank debate on the issue, and for the Government to reveal all the information that will allow a full and frank debate to take place. I look forward to that debate taking place at the earliest possible opportunity—possibly this week.

The Presiding Officer: As I have already stated, the veracity of what is stated in the

chamber is not a matter for me or the other Presiding Officers: it is for members alone. The statements that are being bandied around in the chamber were not made in the chamber but were made externally.

Mr Martin—there are plenty of opportunities in Parliament to have such a debate, but that is a matter for the Parliamentary Bureau, of which you are a member. I am sure that you will seek the first opportunity to bring it up there.

Decision Time

17:23

The Presiding Officer (Tricia Marwick): There are two questions to be put as a result of today's business. The first question is that motion S4M-04505, in the name of Christine Grahame, on the role of the media in criminal trials, be agreed to.

Motion agreed to,

That the Parliament notes that the Justice Committee is examining the role of the media in criminal trials and that, in order to inform any future work in this area, the Committee would welcome members' views on the issues arising in both SPICe Briefing 12-50, *Role of the Media in Criminal Trials*, and in the summary of evidence gathered to date.

The Presiding Officer: The next question is that motion S4M-04545, in the name of Joe FitzPatrick, on the establishment of a committee, be agreed to.

Motion agreed to,

That the Parliament shall establish a committee of the Parliament as follows:

Name of Committee: Referendum (Scotland) Bill Committee.

Remit: To consider matters relating to The Scotland Act 1998 (Modification of Schedule 5) Order 2013, the Referendum (Scotland) Bill, its implementation and any associated legislation.

Duration: Until 31 December 2014.

Number of members: 11.

Convenership: The Convener will be a member of the Scottish National Party and the Deputy Convener will be a member of the Scottish Labour Party.

Membership: Bruce Crawford, Annabelle Ewing, Linda Fabiani, Stewart Maxwell, Stuart McMillan, Rob Gibson, James Kelly, Patricia Ferguson, Annabel Goldie, Tavish Scott, Patrick Harvie.

5th Fife Scout Group (Scottish Championship Award)

The Deputy Presiding Officer (John Scott):

The final item of business is a members' business debate on motion S4M-04160, in the name of David Torrance, on the 5th Fife scout group Kirkcaldy. The debate will be concluded without any question being put.

Motion debated,

That the Parliament congratulates the 5th Fife Scout Group, Kirkcaldy, on becoming the Scottish champions, having won the Black's of Greenock National Camping Competition 2012; recognises what it considers to have been the significant contributions and hard work of Jenny Ritchie, Reagan McLauchlan, Chloe Whyte, Kiah McIntosh, Robbie Swanson and Olivia Ewan in the last six months, resulting in winning the Kirkcaldy District competition, competing in the zonal qualifiers and culminating in winning the final of the national competition; acknowledges Black's of Greenock, who has supported the Scout Association in Scotland for a number of years and who, it believes, has helped make this a very successful competition; considers that the Scout Association has been very successful in its work with young people in Scotland through encouraging them to use a range of life skills, and praises the association for providing an opportunity for young people to undertake new challenges and adventures and, as a consequence, help them toward recognising and fulfilling their potential as individuals and as active members of society.

17:25

David Torrance (Kirkcaldy) (SNP): I refer members to my register of interests.

I welcome to the Parliament Jenny Ritchie, Reagan McLauchlan, Chloe Whyte, Kiah McIntosh, Robbie Swanson and Olivia Ewan of the 5th Fife scout group Kirkcaldy, along with one of their leaders, Carol Lindsay; James Duffy, chief executive of the Scout Association; Duncan Clark, chairman of the association's Scottish board; Alex Duncan, its regional commissioner for the east of Scotland; and other members of youth organisations from across Scotland.

The national camping competition for scouts has been running for many years in various formats, with the current competition having been run for the past five years under a new regional structure for scouting in Scotland. Black's of Greenock has provided sponsorship for the competition, providing vouchers to the value of £500, £300 and £200 for first, second and third places respectively, and the Scout Association is grateful for its continued support.

The competition consists of patrols of six scouts aged between 10 and a half years and 14 and a half years, with the combined ages of the patrol members not exceeding 77 years, thus ensuring the participation of a wide range of ages. To reach

the finals, the scouts had to win their district competition and then take part in one of the three zonal qualifiers at Templars' Park in Aberdeen, Bonaly in Edinburgh, and Lapwing in Paisley on the weekend of 23 and 24 June. The top 10 teams then went through to the final at Fordell Firs national scout activity centre in Fife on the weekend of 15 and 16 September.

During the competition, the teams are judged on the basis of various skills, including leadership, teamwork, initiative, general camp craft, layout of site, hygiene and safety, cooking skills, camp gadgets and first aid. In addition to setting up camp and maintaining a safe and tidy campsite, the scouts had to undertake a wide range of tasks that tested their general scouting skills. I wonder how many in the chamber today can cook a three-course meal from basic ingredients over an open fire in a set time.

Not only did the 5th Fife scout group Kirkcaldy win the Scottish finals with 850 points from a possible 1,000, they were also the winners of their zonal qualifiers, achieving the highest score of any team competing over that weekend in June. The team was led by female patrol leader Jennifer Ritchie, and comprised four girls and two boys, which shows the impact that girls are having in the scout movement today. Female scouts now make up 15 per cent of the membership in the scouting section. The weekends of training preceding the competition highlighted the dedication and willingness to learn of the scouts who are present here today, who, with their leaders, spent every weekend in May, June and August and a couple of weekends in April and September working towards the competition. The results of their efforts can be seen as they sit in the chamber proudly wearing their Scottish championship neckers.

The scout movement started in 1907 with an experimental camp on Brownsea Island with boys from different social and educational backgrounds. Some 105 years later, scouting has grown to become the world's largest co-educational voluntary youth movement, with some 32 million members in 215 countries. Scouting has changed over the years, but it retains its primary purpose, which is to contribute to the development of young people and to help them to achieve their full physical, intellectual, social and spiritual potential as individuals, while encouraging them to become responsible citizens who make valuable contributions as members of their local, national and international communities.

Scotland can boast of having the first registered scout troop in the world, which was the 1st Glasgow, established in 1908. Scouting has come a long way since then. Since the world centenary of scouting in 2007, membership of Scottish scouting has seen six years of consecutive

growth, with young people joining scouting in ever-increasing numbers at a time when young people in Scotland are often portrayed in a stereotypically negative way by the media.

The Scottish scouting 2012 census recorded more than 41,000 members, who operate through 596 local scout groups in all 32 local authorities. Over the past six years, membership has increased by 19 per cent, with youth membership up 21 per cent, the number of adult volunteers up 12 per cent and the number of female members up by some 37 per cent. However, the highest growth has been in the age group that is classed as difficult to get to—namely, the explorer scouts, with an age range from 14 to 17—where there has been an incredible increase of 67 per cent. Undoubtedly, that shows the positive impact that scouting is having in communities in Scotland.

Scouting in Scotland is not standing still. It promotes a positive vision of the future that can also be enjoyed by more young people and adult volunteers. Scouting has a demonstrable impact on our communities.

Clare Adamson (Central Scotland) (SNP): I thank David Torrance for taking an intervention. I was lucky enough to attend the 33rd Blair Atholl jamborette this year, as my son is an explorer scout. Does David Torrance agree that the efforts of the Fife scouts in raising more than £10,000 to ensure that a Japanese troop that had been devastated by the tsunami could come to Blair Atholl this year is another example of the outstanding work of our young people in Scotland?

David Torrance: I think that all Scout Association members, and especially those in Fife, are to be congratulated on such efforts. I know that the Scout Association worldwide raises money so that scouts in countries who would otherwise be unable to come to world jamborees can be brought across to events such as the one in Blair Atholl.

Scouting also works in partnership with other organisations, such as Girlguiding UK, the Boys Brigade, Youth Scotland and Clubs for Young People Scotland. Scouting has been supported by the Scottish Government cashback for communities scheme and by the national voluntary youth work organisations support fund. That vital funding has not only helped to expand scouting in Scotland, but has contributed to its continued success.

Scouting in Scotland is supported by nine professional staff at Scottish scout headquarters, but the heart of the movement lies in the 7,000 or so adult volunteers, who turn up week upon week on their scout night, give up their time at weekends and often use their annual leave to take scouts camping for up to two weeks during

summer holidays. That is made possible only by their prior participation in modules for leader training, first-aid certification and camping permits. Many volunteers extend their qualifications even further by going on to gain outdoor qualifications in activities including canoeing, skiing, climbing, archery and other pursuits. That is done not only in their own time but, in some cases, at their own expense. We can only applaud their dedication and commitment, without which scouting would not be the success that it is today.

Also integral to the success of the scout movement is the support and back-up that is provided by parents, who take on a variety of different roles within scout groups.

To those from the 5th Fife scout group who are present in the chamber today, I say that I hope that they will continue to enjoy the rest of their scouting experience. To the scout movement in Scotland and worldwide, I wish every success in the future. I remain confident that the scout movement will continue to play a vital role in communities across Scotland and have a positive impact in educating young people and helping them to make significant contributions to many different sections of our society.

17:33

Claire Baker (Mid Scotland and Fife) (Lab): In thanking David Torrance for securing today's members' business debate, I add my warm congratulations to the 5th Fife scout group Kirkcaldy on winning the Lyall trophy and on becoming Scottish champions at the Black's of Greenock national camping competition 2012. In particular, my congratulations go to Jenny Ritchie, Reagan McLauchlan, Chloe Whyte, Kiah McIntosh, Robbie Swanson and Olivia Ewan, and I welcome them to the chamber this evening. I also take the opportunity to congratulate the Calder district and Arbroath and Montrose district scout groups, which finished second and third in the competition.

I welcome this evening's debate because it gives us the opportunity to recognise the contribution of not only the Kirkcaldy scouts but the scouting organisation as a whole. Uniformed youth groups including the scouts are a lot of fun not only for kids—we have all the Hallowe'en parties coming up next week—but for parents and carers, who volunteer in many different ways. When I got the note last night about baking for the Christmas fair, I thought, "Is it that time of year already?", but I like the involvement and being able to play my very small part in the organisation.

Uniformed organisations offer much more than that. They support children and young people to grow in confidence and to learn skills that can

benefit them throughout their lives. Yes, camping is one aspect, but regardless of age or location—be it inner-city or rural Scotland—the common theme that runs throughout scouting, from beavers and cubs to explorers and scout network, is of team building and problem solving.

A recent survey found that 89 per cent of scouts believed that they gained social, teamworking and leadership skills while part of the organisation. It is no surprise that the same survey found that 41 per cent of community organisations more widely believe that having scouting on a CV is a positive feature when appointing.

It is therefore great that the number of scouts in Scotland is on the rise and that more and more children and young people are getting the chance to learn and to perfect those skills. Membership is at its highest since the millennium. In the past year alone, scouting in Scotland has had an increase in membership of 4 per cent, which is the largest increase in the four countries in the United Kingdom. It is great that many girls across the UK are signing up, with one in seven of all youth members in Scotland being female. Last year, for the first time, the number of girls who joined outstripped the number of boys.

The rise in membership numbers is in no small part down to the tireless and dedicated work of volunteers across the country. Without those people, there would be no scouts, so their work should never go unrecognised. Indeed, if there were more volunteers, I am sure that the number of scouts would rise even more, as the waiting list seems to run into the thousands. The scouts should be congratulated on their efforts to ensure that their members continue to carry out voluntary work for the organisation. It is great that more than 2,000 young people in the 14 to 25 age group now volunteer in the scouts on a weekly basis.

It should be recognised that the uniformed organisations promote volunteering outside their organisations and that 82 per cent of youth members in the scouts volunteer at least once a year, while 36 per cent of former youth members continue to volunteer for at least two hours a week in other organisations. Therefore, scouting builds a real legacy of people getting involved in their community and volunteering.

It has been a pleasure to recognise the Scout Association and, in particular, the 5th Fife group in Kirkcaldy. I recognise the hard work and dedication of the many scout groups throughout Fife, which work well together and with other organisations. I wish them all the best in future years.

17:37

Dennis Robertson (Aberdeenshire West) (SNP): I, too, thank David Torrance for bringing this debate to the chamber and I welcome the Fife scout group to the public gallery.

When Mr Torrance talked through the achievements of the scouting movement, that took me back. I was a cub—although at that time they were known as wolf cubs—and I remember attaining the leaping wolf at the Templars park, which Mr Torrance referred to. I, too, had the privilege of attending Bonaly many a time when I was a member of the 77th Liberton here in Edinburgh.

The scout movement gave me an opportunity to compete as an equal among those who were able-bodied but who did not see a sight impairment as an impairment. I, too, can cook a three-course meal outdoors without appropriate utensils. I remember my first attempt at frying an egg. The stone was not particularly flat and the egg fell off, but on my second attempt the stone was certainly heated and the egg was perfect. I remember cooking a burger wrapped in cabbage leaves and then mud and tossed into the fire. It was one of the volunteer scout leaders here in Edinburgh at the time, Colin MacLean—who sadly died earlier this year—who retrieved it, thank goodness.

The scout movement did not only give me life skills; it allowed me to do many things that I probably would not have been able to do otherwise. I have been canoeing in the Tweed; I have climbed many Munros; I have been pony trekking; I have abseiled; and I had the privilege of going to a world jamboree in Amersfoort in Holland in the early 1970s. At that jamboree, I swam for Scotland, and I won gold. [*Applause.*]

The scout movement is a movement to be proud of, and it probably made me the person that I am today. I learned many a thing in my early days with the scouts and I keep them with me and dear to me as an adult.

Unfortunately, I am no longer involved in the scout movement but, having been a cub, a scout and a scout leader, I remember how much I enjoyed everything that I did and what a privilege it was. A few years ago, someone tapped me on the shoulder and said, “You won’t remember me, but I was one of your cubs. Can I introduce you to my children?” That made me feel my age.

The scout movement is a movement to be proud of. It is wonderful that girls now play an active part in it. I wish the scouts well now and in the future. I again congratulate the scout group from Fife who are in the gallery on the award that they have attained and on their achievements.

17:40

Anne McTaggart (Glasgow) (Lab): I join David Torrance in congratulating the 5th Fife scout group Kirkcaldy on their achievement in becoming Scotland's national camping champions 2012. I, too, welcome them to the public gallery.

I am confident that I speak for the entire Parliament when I recognise the invaluable contribution that the Scout Association and its many volunteers make to the lives of the young people of Scotland.

In addition to working with school-age children, the Scout Association provides training and support to adult volunteers, who develop new vocational and educational skills through training courses and events. Those skills enable adult volunteers to be leaders in our communities and offer young people the chance to be part of an active and dynamic international organisation.

That is a fantastic example of the lifelong learning process that all should have the opportunity to join and enjoy, and to which a well-funded voluntary sector should be able to contribute significantly. It is also a powerful illustration of the fact that education is much more than textbooks and times tables and that we have a duty to offer all young Scots excellent extra-curricular opportunities.

I am humbled by the work that the 77th Glasgow (disabled) scout group does in my region. That local group gives boys and young men from the ages of eight to 25 with physical disabilities the chance to take part in outdoor adventure activities and international excursions. The vital work that the group carries out is undertaken by volunteers. The organisation employs no paid full-time or part-time staff members. One of the local volunteers there is Michael Shanks, who does an excellent job with the group. The group has no statutory funding. All its funds are raised from voluntary donations, without which the association would not exist.

Given the vital role that volunteers play in the lives of young people in Scotland, it is right that such work should be fully and sustainably funded and that volunteers should never go unrecognised or be out of pocket as a result of contributing their time and energy to our communities.

With the curriculum for excellence being implemented in Scottish schools, we must ensure that our children's education is of as high a quality outside the core academic curriculum as it is within it. Part of that is supporting organisations such as the Scout Association to equip their members with the practical skills and confidence to create the community champions of tomorrow. Without proper investment in the voluntary sector and others who support extra-curricular

development, the four capabilities—competent individuals, successful learners, responsible citizens and effective contributors—remain ambitious phrases with little relation to what is delivered.

The current financial crisis all too often restricts opportunities for young people, but volunteers and local charities are stepping up to offer training and support in our communities, build the skills of local people and champion our economic recovery. That is why groups such as the Scout Association should be offered the Scottish Government's support and why volunteers throughout the country should be recognised for the crucial work that they do.

17:44

Liz Smith (Mid Scotland and Fife) (Con): I thank David Torrance for bringing this debate to the Parliament this evening and I add my warm congratulations to the six young people in the gallery. They should be immensely proud of what they have achieved, no doubt in the face of stiff competition from lots of other scout groups. While it is a great result for the six of them, I am sure that they would want to put on the record their thanks to the whole 5th Fife scout group in Kirkcaldy for helping them to achieve their national success and provide wider recognition of the merits of the scouting movement.

For exactly the reasons that Dennis Robertson spoke about, the scout movement is at the bedrock of the support for young people between the ages of 12 and 18 as they develop personally, physically and emotionally. I never fail to be impressed by the way in which the scout movement adapts to the challenges that are faced by young generations, which change over time even if there are some similarities. It is that ability to move with the times that I admire so much in the scout movement. The range of exciting opportunities that are provided to people are invaluable when it comes to later life.

As David Torrance said in his opening speech, all too often we in the Parliament are confronted with negative stories surrounding what is a tiny minority of young people in Scotland. That disproportionate attention sometimes threatens to diminish the good news, so it is always a pleasure to be able to support worthy causes such as this one, particularly as the group has successfully encouraged more youngsters to join as time has gone on. Other members have mentioned the increase in national scout membership, but I am particularly impressed by the fact that the membership in the Kirkcaldy district has increased for 10 years in a row. That is a considerable achievement given what is happening in some other areas of extra-curricular activity.

Indeed, these days, there is even more reason to encourage all youngsters to participate in scouting or similar activities, given the movement's track record in providing its members with relevant skills, self-esteem and confidence, as well as the opportunity to make the many lasting friendships that come about as a result of the work that such groups do in their local communities.

Before the debate, I took a quick look at the Kirkcaldy district scout group's new website and annual report. I was hugely impressed by the significant contribution that the scouts have made to their local community and the diverse range of activities that they pursue, whether that is helping in old people's homes, doing a beach clean or whatever. I was particularly impressed by the fact that it was the first group to have a sleepover in Deep Sea World. I trust that it was not underwater, but I congratulate the scouts on that, too.

One section of the report that really stood out for me was the chairman's comments. He wrote:

"I make no apologies for placing on written record once again my genuine and heartfelt thanks to each and every adult leader and helper who work tirelessly to provide exciting and enjoyable Scouting activities for the young people throughout the District. Without their commitment and enthusiasm the District would not be as successful as it is so to each and every one of you ... THANK YOU!!"

As parliamentarians, we also thank them.

This evening's debate is a timely opportunity to highlight the need for more adult volunteers to come forward to help with local beavers, cubs, scouts and explorer groups. I know from the conversations that I have had with scouts, cadets and girls brigade groups all over Perthshire and other areas of Mid Scotland and Fife that the level of volunteering is still a major issue, but the success of the 5th Fife scout group should be an inspiration to everyone. Many congratulations—I wish the group every success in the future.

17:48

Richard Lyle (Central Scotland) (SNP): I join my fellow MSPs in welcoming our scout visitors to their Parliament. I endorse the motion that is before us and pay tribute to the members of the 5th Fife scout group who are mentioned in it.

I also thank David Torrance MSP for bringing the debate to the chamber. I understand that he entered the scouts in 1969 at the age of eight and became a scout leader when he was 18. He has held most positions in his scout group over the past 33 years—he looks too young for that. For the past 12 years, he has been the group's scout leader. Because of his hard work and dedication, David Torrance has been awarded the highest achievement in venture scouts—now explorer scouts: the Queen's scout award. Throughout all

his hard work he has been in the same scout group for 43 years. I am sure that his leadership is an example to all.

People may ask, "What is scouting?" Scouting is a worldwide youth development movement that is active in 216 countries and territories and has a global membership of more than 28 million. As has already been said, it was started in 1907 by Robert Baden-Powell to give boys the opportunity to try activities that they would not otherwise have the chance to do, with the aim of helping them expand their horizons. In 1976, the movement started to accept girls as well. Today scouting has evolved; it has changed considerably to meet changes in society and the world in general.

I was never a scout but I understand that scouting provides challenges and adventures for young people of both genders aged between six and 25. It is a relevant and modern pursuit for those who enjoy adventure and want to meet new friends while developing new skills. Scouting is all about fun, as David Torrance and Dennis Robertson have told us. I have never boiled egg on a stone and I look forward to Dennis showing me how to do that. Scouting is also about helping members to fulfil their potential as individuals and as active members of society.

What do scouts do? The point has been well made that they work well for their community and they involve the community in their work. Scouts learn by doing, thinking for themselves, working in teams and taking responsibility. That includes everyday adventure at weekly or less regular meetings, as well as exciting outdoor activities or trips away. Scouting offers a huge range of activities and experiences to suit all ages, abilities and interests. Basically, it is a balanced programme.

Scouting includes activities such as badge work, awards and challenges. Scouts award badges to recognise personal achievements and progression. Young people can work towards a range of awards and challenges that reward participation, commitment and achievement.

Scouting also involves camping and outdoor activities. Over the past few months, David Torrance has told me about the work that he has done on outdoor activities in the Borders. Those activities are a very important part of scouting and, I suggest, are an excellent way to develop what scouts are doing.

Scouts also have international experiences. Lots of young people will have their first taste of foreign travel and meet people from other countries with the scouts, and there are opportunities to travel abroad to international camps. Service to the community has also been mentioned.

I pay tribute to all scouts. I agree with Liz Smith's comments and think that 95 per cent of kids are really excellent. The work that the scouts do is excellent and I support the motion.

17:53

Duncan McNeil (Greenock and Inverclyde) (Lab): I thank David Torrance, my colleague from the Health and Sport Committee. We are well represented by speakers who are members—or former members, at least—of that committee; I am glad to be in that group. The motion gives us an opportunity to support and congratulate the 5th Fife scout group of Kirkcaldy in winning the Scottish championship award. I do not have the experience of personal involvement in the scouting movement that David Torrance and Dennis Robertson speak of. I was with the other lot—the Boys Brigade. By way of mitigation, my grandson is on his way to 1st Gourrock beavers tonight at six o'clock, which he thoroughly enjoys and which I hope he will participate in for a long, long time.

I was tempted to speak in the debate tonight to give a wee mention to Black's of Greenock. The mention of Black's in the motion caught my eye. and I thought that there was an opportunity for me to lead into scouting in Inverclyde. Black's of Greenock was established when Thomas Black gave up his seagoing and established a sailmakers in Greenock in 1861. It is good to see that his name goes on long after him.

Remembering scouting in Greenock and district gives me the opportunity to say that scouts there will recognise the efforts and achievements of the 5th Fife scout group of Kirkcaldy because, in the past 10 years, scouts in Inverclyde have won the championship in 2002 and 2009. I suppose that we are here to boast as well and share the congratulations.

Scouting in the Inverclyde area has been long established. Members may know the Everton campsite, which was established in 1923. However, the scouting movement is not just a historical fact, of course; it is alive and surviving—indeed, it is thriving—and it has a future. There are just over 1,600 Inverclyde scouts, which is an increase of more than 100 per cent since 2007, among the communities of Wemyss Bay, Inverkip, Gourrock, Greenock and Port Glasgow right up to Quarrier's Village. They must be doing something right.

Although he would deny it, the scouts are ably led by the irrepressible and ever-enthusiastic district commissioner, David McCallum, who makes not only scouts but MSPs work. I do not know how many events we have attended this year. There was the presentation of the millennium awards in St Patrick's school in February. Apart

from the Queen's visit, of course, the single biggest event in the jubilee celebrations in Greenock was the scouts event. I joined them for that in Westburn church in June. The gang show will take place in November—David McCallum is organising it as we speak. Those events happen only because of the commitment of the volunteers. David McCallum would probably reject my mentioning him only, but I cannot mention all the volunteers and he represents an enthusiasm and commitment to serving the scouts well.

In all the events, activities and achievements that have been mentioned and will, it is hoped, be accomplished, one of the proudest achievements that the scouts talk about is the initiative at Glenburn special needs school. There are 40 beavers and cub scouts there, supported by a dedicated team that ensures that even the most vulnerable children in our community can participate in scouting. With that commitment and dedication, they will always have a future.

17:58

Stuart McMillan (West Scotland) (SNP): I, too, congratulate David Torrance on securing this members' business debate, and commend him for highlighting some of the positive work in his constituency. I also congratulate the 5th Fife scout group and the winning team members who are in the public gallery.

I have tremendous respect for the scouting movement and for everyone who gives up their time to assist Scotland's younger people. The Scout Association has a wonderful history, some of which we have already heard about. I am sure that it will be around for a long time after I have left this earth.

I was not in the scouts; I was in the Boys Brigade. I know that there is a small bit of friendly rivalry between the scouts and the Boys Brigade. That is healthy. Those organisations have immense mutual respect for each other, which is certainly to be commended and highlighted. Both provide younger people with opportunities that may not ordinarily be available to them, and I am delighted that so many young people take up those opportunities. We have already heard about the increasing numbers of younger people who have joined the scouting movement in recent years. That can only be a good thing.

In preparing for the debate, I contacted the district commissioner for the Greenock and district scouts, David McCallum. Mr McCallum and his team are committed to the younger people of Inverclyde and Scotland. They have doubled the number of young people taking part in scouting in one area since 2007, which is a remarkable achievement for the team. There are now 17

groups, from beavers up to explorer scout units, and there are many personal and group achievements within the membership. That increase took place not by chance but because of a concerted and planned effort.

I will not go into all the successes of the Greenock and district scouts, but I will highlight a couple. Greenock and district scouts have forged a working arrangement with the Ocean Youth Trust Scotland to help young people earn their Duke of Edinburgh's award badges. I know how difficult it is to get a Duke of Edinburgh's award badge, not because I did it but because my sister did. I know how much time and effort she had to put in to get her badges.

I highlight my entry in the register of interests, as I am an ambassador for the Ocean Youth Trust Scotland. I know exactly the excellent work that it does and how it helps hundreds of people from across Scotland and a range of backgrounds every year. Its working partnership with the scouts is only one example of the Inverclyde community working together.

Another positive example of the Greenock and district scouts involves activities related to this year's diamond jubilee celebrations—854 beavers, cubs, scouts, explorers and leaders held their annual parade and church service, which also became a celebration of the diamond jubilee. That was a wonderful achievement, which involved so many members.

The 60th Greenock and district group has 40 beavers and cub scouts at Glenburn school in Greenock, which is a school for pupils with additional support needs. The group, which operates on a Friday afternoon during school time, is operated by a dedicated team of individuals and offers a scouting opportunity to young people who would not ordinarily have that chance.

I congratulate the Greenock and district scouts on their decision to establish the group. I also congratulate Inverclyde Council on working in partnership with the Greenock and district scouts to make the group happen and on the other joint working that takes place between both organisations.

I could go on, but I would be here for a while. I have given a flavour of one or two of the things that take place within the Inverclyde area.

The part of David Torrance's motion from

"considers that the Scout Association has been very successful"

to the end is so accurate. Hundreds of thousands of Scots have benefited greatly from the scouting movement during its 105-year history. I am sure that over the next 105 years many more will have

the opportunity to benefit and will grab it with both hands.

As a former boys brigadier, I commend the Scouting Association and wish it every success in the future. Once again, I thank David Torrance for bringing the debate to the Parliament.

The Deputy Presiding Officer: I call on the minister, Aileen McLeod, to close on behalf of the Government.

18:02

The Minister for Children and Young People (Aileen Campbell): Presiding Officer, I remind you that it is Aileen Campbell not Aileen McLeod.

The Deputy Presiding Officer: I beg your pardon. Shoot me now—forgive me.

Aileen Campbell: It is an easy mistake to make. There can never be too many Aileens in life.

I, too, warmly congratulate David Torrance on securing the debate and thank him for drawing to our attention the achievements of the 5th Fife scout group, which is not an easy name to say. It is a bit like that old score, East Fife 4, Forfar 5; it is a bit of a tongue twister. I thought that it was the 5th Kirkcaldy scout group, but maybe I am wrong. Nevertheless, the 5th Fife scout group deserves our recognition.

The motion has given us the opportunity to debate the contribution that young people are making in their communities and to society. It is good to hear that the chamber is united in support of the motion. I am pleased and privileged to close the debate.

I congratulate the 5th Fife scout group on becoming the Scottish champions, having won the Black's of Greenock national camping competition this year. David Torrance laid out very well the challenges that the scouts undertook to win the award. I bet that, despite the challenges, it was a lot of fun. That is what Richard Lyle was alluding to when he said that fun is fundamental to the scouting movement. I am sure that the scouts have a lot of stories to tell, which they might share with us later on.

It was nice to meet the scouts in the garden lobby earlier and see them being shown round our Parliament.

I pay tribute to Clare Adamson for her intervention, which was useful in highlighting the fantastic work that the scout movement does around the country.

Like others in the debate, I want to name the scouts involved: Jenny Ritchie, Reagan McLauchlan, Chloe Whyte, Kiah McIntosh, Robbie

Swanson and Olivia Ewan. Their talents, hard work and tenacity contributed significantly to the scout group winning the award, so well done to everyone involved. Well done, too, to the 9th Airdrie scout group and the 4th Arbroath and Montrose scout group, who were the runners-up in that challenging competition.

I also welcome to the chamber James Duffy, the chief executive of the Scouts Association; Carol Lindsay, the Kirkcaldy scout group leader; Duncan Clark, the chairman of the association's Scottish board; Alex Duncan, the association's commissioner of the East Scotland region; and others who are involved in youth work.

It is good to know that other uniformed groups and cadets are represented in the public gallery. Over the summer months, I enjoyed meeting the Boys Brigade, the girl guides and the cadets at the Edinburgh military tattoo. Like Stuart McMillan, I had to make an admission about my background. At the girl guides event that I spoke at, I had to admit that I was a member of the Girls Brigade. Nonetheless, I recognise the support that each of the uniformed groups give to one another.

Like Duncan McNeil, I take the opportunity to thank Black's of Greenock for its support over the past four years for the Scout Association in Scotland. It is partnerships such as that that help to forge communities, enhance society and make a real and lasting difference to young people's lives. I wish his grandson all the best at his first scout meeting tonight.

The Government wants Scotland to be the best place in the world for children to grow up. Youth work organisations, such as the scouts, are helping our young people to be the successful, confident, effective and responsible individuals that our nation needs.

David Torrance provided a useful historical overview of the development of the scout movement over the years, and it is good to know that Dennis Robertson's positive and happy memories of the scouts have had a lasting legacy.

As Anne McTaggart stated, youth work is making a significant contribution to young people's health, wellbeing and learning. It supports delivery across all the national outcomes and it contributes to key policies such as curriculum for excellence, opportunities for all and getting it right for every child.

The youth work sector has a vital role to play in implementing curriculum for excellence. There are important delivery partners in the sector that offer young people valuable opportunities for learning and personal development both in and out of school. Young people learn in different ways, and youth work gives them the chance to flourish in a wide range of learning contexts. Curriculum for

excellence recognises that not all learning takes place in schools, and activities such as the scouts can play an important role in young people's lives.

In informal and fun settings across the country, youth work organisations are helping young people to develop confidence, learn to problem solve and work well with others. Employers are calling out for those skills and our young people need them to succeed in the modern world—Claire Baker made a point about how important it is for people applying for jobs to have such skills in their résumés.

In particular, as other members did, I want to highlight the valuable role that the thousands of volunteers play across Scotland. Without volunteers, it would be impossible to deliver the activities that organisations such as the scouts provide. A recent snapshot survey by YouthLink Scotland estimates that more than 73,000 adults are volunteering with national voluntary youth work organisations. In my constituency, the Biggar youth project, street level with universal connections, and many others including the local uniformed groups are providing positive activities for our young people. Volunteers make that happen, and it is right that we acknowledge their time commitment towards ensuring that young people have activities in their communities.

Indeed, Scouts Scotland is a volunteer-led movement. Its programmes for young people are delivered with the support of almost 7,000 adult volunteer members, not to mention the countless number of parents and other supporters. In addition to that, more than 2,000 young scout members regularly volunteer their time to support their younger peers. As Claire Baker said, volunteers build a real and lasting legacy for a community.

Dennis Robertson: Does the minister agree that the scout movement, as with other uniformed organisations, removes all gender, disability, ethnic minority barriers? It sees young people as young people—that is attributable to the volunteers and we need to acknowledge that, too.

Aileen Campbell: Absolutely. Dennis Robertson's experience during his time in the scouts is a perfect illustration of why the scouts and other uniformed groups are so important. They give young people the chance to be young people and to experience all the things in life that are natural for young people across Scotland to experience. The member makes a very good point.

It is important that we focus on the positive aspects of what young people in Scotland do. Too often, we see negative headlines about aspects of young people's lives that are not going well, but there is a raft of young people who are doing

extremely good things in their communities. It is often the case that we do not hear enough about those stories. Tonight's debate is important in that it highlights the young talent that we have in Scotland. We should never shy away from showcasing what Scottish young people can do for their communities.

Meeting closed at 18:11.

Young volunteers are essential, and it is good to know that opportunities have been provided by the voluntary sector and by people across the country. We should value that army of workers more. Youth work organisations such as the scouts are a vital cog in our drive to improve young people's life chances.

Youth work really is about giving people the skills that they need to succeed in life, which is why I am pleased to congratulate the 5th Fife scout group on its achievements in building young people's skills and capacities, developing young people as future leaders, and trusting young people to take charge.

I am pleased, too, to thank the group for giving us a good debate. The scouts who have attended the debate deserve our recognition, and the scouts and others who are involved in youth work deserve our thanks for improving the life chances of young people across Scotland.

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