



The Scottish Parliament
Pàrlamaid na h-Alba

Official Report

MEETING OF THE PARLIAMENT

Tuesday 4 December 2012

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CONTENTS

	Col.
TIME FOR REFLECTION	14211
TOPICAL QUESTION TIME	14213
Waiting Time Targets	14213
Legal Representation	14215
EUROPEAN UNION FISHERIES NEGOTIATIONS	14217
<i>Statement—[Richard Lochhead].</i>	
The Cabinet Secretary for Rural Affairs and the Environment (Richard Lochhead)	14217
LEVESON REPORT	14232
The First Minister (Alex Salmond)	14232
Johann Lamont (Glasgow Pollok) (Lab)	14237
Ruth Davidson (Glasgow) (Con)	14242
Willie Rennie (Mid Scotland and Fife) (LD)	14245
Mark McDonald (North East Scotland) (SNP)	14248
Paul Martin (Glasgow Provan) (Lab)	14250
Stewart Stevenson (Banffshire and Buchan Coast) (SNP)	14252
Graeme Pearson (South Scotland) (Lab)	14254
Colin Keir (Edinburgh Western) (SNP)	14256
Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP)	14258
Hugh Henry (Renfrewshire South) (Lab)	14260
Marco Biagi (Edinburgh Central) (SNP)	14262
Patrick Harvie (Glasgow) (Green)	14264
Dennis Robertson (Aberdeenshire West) (SNP)	14266
Kezia Dugdale (Lothian) (Lab)	14268
John Mason (Glasgow Shettleston) (SNP)	14270
Margo MacDonald (Lothian) (Ind)	14271
Willie Rennie	14272
Annabel Goldie (West Scotland) (Con)	14274
Patricia Ferguson (Glasgow Maryhill and Springburn) (Lab)	14277
The Cabinet Secretary for Culture and External Affairs (Fiona Hyslop)	14280
POINT OF ORDER	14284
VIOLENCE AGAINST WOMEN	14286
<i>Motion Debated—[Jamie Hepburn].</i>	
Jamie Hepburn (Cumbernauld and Kilsyth) (SNP)	14286
Malcolm Chisholm (Edinburgh Northern and Leith) (Lab)	14288
James Dornan (Glasgow Cathcart) (SNP)	14290
Jackie Baillie (Dumbarton) (Lab)	14291
Dennis Robertson (Aberdeenshire West) (SNP)	14292
Annabel Goldie (West Scotland) (Con)	14293
Margaret McDougall (West Scotland) (Lab)	14294
Gil Paterson (Clydebank and Milngavie) (SNP)	14296
Rhoda Grant (Highlands and Islands) (Lab)	14296
Drew Smith (Glasgow) (Lab)	14297
The Cabinet Secretary for Health and Wellbeing (Alex Neil)	14299
CORRECTION	14301

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

Time for Reflection

The Presiding Officer (Tricia Marwick): The first item of business this afternoon is time for reflection. Our time for reflection leader today is Ms Morag White, the leader of the girl guides in Coatbridge.

Ms Morag White (Girl Guides, Coatbridge): Good afternoon. I have belonged to girl guiding for over 30 years and I work in a unit in Coatbridge, North Lanarkshire. We are part of Girlguiding Scotland, which at present has 59,000 members, including almost 11,000 trained volunteer leaders. It is the largest girl-only youth organisation in Scotland. Our statement of purpose is:

"Girlguiding UK enables girls and young women to develop their potential and to make a difference to the world."

The aim of guiding is to help girls and young women to develop emotionally, mentally, physically and spiritually, so that they can make a positive contribution to their community and the wider world. The core value of guiding is our promise and law, the fundamental principles of which remain unchanged. They are, in fact, what unite 10 million girls and women across the world. We all have a sense of belonging.

We see a five-year-old girl joining rainbows, unsure of what to expect and not wanting to join in the activities. Slowly, she becomes involved in the group chat and gradually she belongs. Moving on to brownies, the same feelings of uncertainty arise. The time within brownies is a great learning process, with new skills learned and tasks achieved. With pride, she takes home her well-earned badges. What a different person she is becoming—more confident and self-assured. She belongs.

Moving into the guide unit is also a challenging time, with another phase of adjustment, but quickly she integrates and, with the help of her patrol leader, she learns to give her opinion and to help make decisions on what they, as a group, would like to achieve. She also has opportunities to travel further—often abroad—and to attempt new personal activities that teach her that she can achieve great things in her life. The range of badges that can be earned is extensive, and even the Queen's award, the highest badge attainable by girls, is within her reach. Still she belongs. Each guide and guider still has their own identity and

opinions, but they need to share those opinions and to learn to appreciate and tolerate each other. As guiders, we still belong and strive to do our best for the girls in our care.

Similarly, you all represent different parties across Scotland and belong to the Scottish Parliament, and you strive to do your best for the people of Scotland. I wish you all continuing success in your endeavours.

Topical Question Time

14:03

Waiting Time Targets

1. Murdo Fraser (Mid Scotland and Fife)

(Con): To ask the Scottish Government what it is doing to ensure that national health service boards do not manipulate waiting time figures in order to meet targets. (S4T-00151)

The Cabinet Secretary for Health and Wellbeing (Alex Neil): To ensure that all NHS boards are fully complying with waiting time guidance, earlier this year the Scottish Government instructed all NHS boards to undertake an extensive internal audit of their waiting time practices. We expect those audits to be completed and published by the end of the year.

Murdo Fraser: Yesterday, we learned that two top executives in NHS Tayside have been suspended following the Audit Scotland investigation to which the cabinet secretary referred into discrepancies in waiting time figures. That follows allegations of behaviour in NHS Grampian to massage waiting lists and, of course, the fiasco earlier this year in NHS Lothian. Will he now accept that there is an endemic problem with manipulation of data in NHS boards across Scotland? What urgent steps is he taking to sort out the situation?

Alex Neil: To date, only two of the 14 boards have identified problems, namely NHS Lothian and NHS Tayside. I will wait until I receive all 14 audit reports from the 14 health boards before rushing to judgment.

For obvious reasons, I cannot comment in detail on the two suspensions in NHS Tayside, which Mr Fraser mentioned. Apart from anything else, I am not the employer. The health board is the employer.

Murdo Fraser: I think that most reasonable people would think that two out of 14 to date is a pretty serious failure rate for the NHS boards.

We have had cause to question the Scottish National Party Government's figures in other areas and we have found them wanting. Now we are wondering whether we can trust its NHS waiting times and waiting list figures. Given the seriousness of the situation, will the cabinet secretary request time for an urgent statement to Parliament so that we can have the matter fully discussed and debated?

Alex Neil: I will be happy to report back to the Parliament once all the facts are clear, and they will be available when the audit reports are

published by the end of the year. I emphasise that they are going to be published. Everything will be in the public domain, so if there are problems in any other health boards apart from NHS Lothian and possibly NHS Tayside, they will come to light with the publication of the audit reports. We are being totally transparent on the issue. The time to make a judgment will be once people have the facts, and not beforehand.

Jackie Baillie (Dumbarton) (Lab): It would appear that the waiting times scandal is indeed not simply confined to NHS Lothian, with reports of figures being fiddled not just in Tayside but also in Grampian. I welcome the fact that the reports will be published in December, although I hope that it will not be just before Christmas. The Presiding Officer will recall that Nicola Sturgeon said to her party conference that all patients are now covered by the waiting time guarantee. Was she wrong?

Alex Neil: No, not at all. We have made it absolutely clear that we are making substantial progress on the waiting time targets in a whole range of areas. Unlike the previous Administration, we actually measure these things and we do not have an institutional fiddle like the hidden waiting times that were prominent when Jackie Baillie's Administration was in charge of the national health service.

Unlike the previous Administration, we have nothing to hide. We will publish all the audit reports, and then a judgment can indeed be made about whether there is a scandal beyond Lothian or possibly Tayside. In relation to Grampian, there are merely allegations that have appeared in one newspaper that I have read, and so far they have not been substantiated.

Jim Hume (South Scotland) (LD): The cabinet secretary should be aware that tucked away amid the mass of health statistics that ISD Scotland released last week was the news that, compared with the same point last year, 5,809 additional patients are awaiting a key diagnostic test in the NHS and the percentage of patients having to wait for more than four weeks has doubled. Does the cabinet secretary agree that those increases are unacceptable? Can he explain why almost 6,000 extra people are waiting for a key diagnostic test in the NHS?

Alex Neil: I think that the member got some of the figures mixed up there. However, where we are not achieving particular targets, action plans are in place to ensure that we achieve them. We have very ambitious targets for waiting times. Clearly, given that there are 5 million hospital consultations in Scotland every year, it is inevitable that, from time to time, something may well go wrong. Where there are any systemic problems, we will deal with them along with our health boards. We are achieving far, far more than

was achieved under the previous Labour and Liberal Administration, and we are certainly achieving far, far more than the Tory and Liberal coalition in London.

Legal Representation

2. Lewis Macdonald (North East Scotland)

(Lab): To ask the Scottish Government how many people appeared in court without legal representation on 3 December 2012 as a result of protest action by defence solicitors in Aberdeen, Forfar, Arbroath, Dundee, Perth, Alloa, Falkirk and Dunfermline. (S4T-00150)

The Cabinet Secretary for Justice (Kenny MacAskill): The total number of people who appeared in custody courts without legal representation on 3 December in Aberdeen, Arbroath, Dundee, Perth, Alloa, Falkirk and Dunfermline while defence solicitors were protesting is 17. There was no strike action in Forfar, but there was in Kirkcaldy, where 16 people appeared without representation, which brings the total to 33. *[Kenny MacAskill has corrected this contribution. See end of report].*

Normally, people from custody would appear without a solicitor in attendance only in exceptional circumstances, but I should make it clear that no one needed to appear without legal representation as a result of defence solicitor protests. Duty solicitors were available on all the dates in question, as they would usually be, to ensure that access to justice was maintained. However, some clients have appeared in court unrepresented, even though they seem to have had prior conversations with a defence solicitor.

Lewis Macdonald: I am grateful for that information. However, it is clear that the impact of the action went beyond those who appeared in court. How many people who were held in cells over the weekend were liberated on Monday morning without having appeared in court? How many police forces instructed officers to consider discretion and other available disposals to avoid detaining people who might otherwise have been detained in preparation for such action?

Kenny MacAskill: Those are operational matters for the police. Mr Macdonald would require to approach the chief constable. I cannot possibly provide that information, as it is not routinely provided to the Government.

Lewis Macdonald: I am surprised that Mr MacAskill is not interested in the liberation on Monday morning of people who were held over the weekend and that he has made no inquiries about that.

That aside, I am encouraged to note that the cabinet secretary is due to meet the Law Society of Scotland and other representatives of the legal

profession tomorrow. Will he approach that meeting with a fresh offer, with a view to resolving the dispute? For example, in line with the question that I asked the First Minister two weeks ago, will he consider the Scottish Legal Aid Board offering to collect all contributions and to charge the legal profession for providing that service?

Kenny MacAskill: As I have said previously, I met the Law Society on 20 November. It wished to have further meetings and thought that it would be helpful if I could meet members of the bar association directly. I will meet bar association representatives and the Law Society tomorrow.

We have put two matters to the Law Society. The first is that we are willing to consider an increase in the disposable income threshold, which is a matter that the profession seems to have majored on. I accept that and am willing to increase the threshold from £68 to £82, but that will require to be met from within the existing budget, which would affect fees. That proposal is with the Law Society and I await its response.

As regards collection, I believe that the matter should be dealt with by solicitors. They are the ones who interact and interface with agents. That is what they do when they collect private fees and when they deal with assistance by way of representation. It is what civil agents do. We are seeking to get parity in that regard. I have made the offer that SLAB would be willing to seek to recover contributions from people who have not made payments, but that would have to be done on a commercial basis. That would apply to any other business—large or small—in Scotland.

Kevin Stewart (Aberdeen Central) (SNP): How long is the strike action likely to last?

Kenny MacAskill: That is a matter that I cannot really give advice on. It is for those who are taking part in the action to give us such an indication.

It is rather regrettable that very little intimation of strike action has been given. That has caused considerable inconvenience, not simply for clients who are unrepresented but for the Crown, the Scottish Court Service and sheriffs who are required to preside. I will make it clear to the Law Society that, although members of the legal profession, like other people, are entitled to take action, people usually give some intimation of their proposed action so that preparatory steps can be taken. I will discuss that issue with the Law Society. It is a matter of note that the action that has been taken to date has been restricted to action that will not affect the fees of its members.

European Union Fisheries Negotiations

The Presiding Officer (Tricia Marwick): The next item of business is a statement by Richard Lochhead on the annual European Union fisheries negotiations. I note that Claire Baker and Jamie McGrigor, the two major Opposition party spokespeople, are not in the chamber; notwithstanding, I call Richard Lochhead. Mr Lochhead, you have 13 minutes.

14:14

The Cabinet Secretary for Rural Affairs and the Environment (Richard Lochhead): I am pleased to make this statement on fisheries as we approach the crucial end-of-year negotiations. As I speak, my officials are negotiating for Scotland at the European Union-Norway talks in Bergen, which precede the December fisheries council that will determine Scotland's fishing opportunities for 2013.

No one can deny that the Scottish fishing industry has been going through extremely challenging years in a period most recently blighted by the legal quagmire of the cod recovery plan and, as always, overshadowed by the deeply flawed common fisheries policy, which we debated here back in June and which has failed fish stocks, our wider marine environment and, of course, our proud fishing communities.

I want to change that, as I know many of my colleagues in the chamber do, because we care passionately about this industry, which I have worked alongside for many years. When we look back, we cannot fail to be impressed by the Scottish fishing industry's achievements in recent years. Between 2007 and 2011, the value of our landings increased in real terms by nearly a fifth, culminating in the 359,000 tonnes of seafood landed last year being valued at just over half a billion pounds, the highest value in real terms this century. All that was, of course, delivered at a time of recession. That is a big endorsement of the wonderful seafood that our fishermen bring ashore and to which our leading onshore sector adds value. However, we must never forget that in bringing seafood to our tables, many fishermen have made the ultimate sacrifice.

As well as increasing value, there are many other positive trends in the sector. We have seen increased quotas in recent years in a number of key stocks, including west coast haddock and nephrops and North Sea haddock, whiting and herring. The International Council for the Exploration of the Sea's advice for next year points to further increases across many of our most important stocks: up 15 per cent for North

Sea haddock; up 11 per cent for North Sea whiting; up 15 per cent for North Sea saithe; up 53 per cent for North Sea megrim; up 15 per cent for North Sea herring; and up 18 per cent for west of Scotland nephrops.

However, as happens every year in the varied mixed fishery that we have in Scottish waters, the advice also points to reductions in a number of other stocks: a 20 per cent reduction is suggested for North Sea cod; a 48 per cent reduction for west coast haddock; a 20 per cent reduction for Rockall cod; a 20 per cent reduction for west of Scotland and North Sea monkfish; a 21 per cent reduction for North Sea nephrops; and a 40 per cent reduction for west of Scotland megrim.

It is fair to say that, as usual, we will have our work cut out fighting to protect Scotland's position this December. Our approach will be guided, as in previous years, by three cardinal principles: first, science and stock sustainability; secondly, protecting the socioeconomic wellbeing of our industry and the communities who depend on it; and thirdly, acting in line with our commitment to achieve discard-free fisheries. Driving all those key principles is our conviction that conservation and stability of stocks will deliver long-term economic health for the industry.

I am sure that most members in the chamber share my view that it is immensely frustrating that the EU's deeply flawed fisheries regulations so often get in the way of many of those aims. For example, although the cod recovery plan is about cod, it greatly impacts on our ability to fish other stocks. Members may recall that at last year's December council, we came away from one of the toughest negotiations that I have experienced with a victory over the European Commission's lawyers in favour of conservation measures and Scotland's fleets. However, despite everyone, including the scientists, our fishermen and even the Commission, agreeing that the cod recovery plan is flawed, the Commission stubbornly insists on the plan's rigid requirement to impose further automatic cuts in days at sea this year.

Commissioner Damanaki promised a review of the plan by spring this year to address Scotland's and other countries' demands, but she did not deliver any proposals until September, meaning that we could be well into next year before any freeze is approved by the European Parliament and the European Council. After all the waiting, we owe it to our fishermen to secure a freeze this December and we are working tirelessly with the United Kingdom Government, other member states and the European presidency to achieve just that. We are now aware, however, of a potential squabble between the European Parliament and the Council about which has the right to propose vital amendments and other

technical conservation measures. That squabble could delay improvements that we desperately require and is an unfortunate example of legal navel gazing by EU institutions that we could do without. They are picking legal fights with each other while our fishers' livelihoods are endangered and an industry is placed at risk.

Without those technical conservation measures, the EU will find itself unable to comply with its international obligations on fisheries conservation and a number of stocks will be put at risk of serious damage. The internal dispute within Europe threatens to play havoc with our fisheries, so today I am calling again on all key players in the EU institutions to see sense and allow those technical conservation measures to remain in force next year and—this is important—allow the changes, which we want, to proceed.

As if that were not enough to contend with, the rigid rules built into the cod recovery plan some years ago now require a 20 per cent cut in the North Sea cod quota in 2013. However, that stock is steadily recovering—thanks to the huge efforts of Scotland's fishermen it has more than doubled over the past six years. Our fishers are seeing ever greater numbers of that stock—a finding that is backed up by our scientists. Scottish fishermen have delivered Europe's greatest reduction in cod discards, with rates plummeting from 43 per cent in 2009 to around 25 per cent in 2011.

Imposing a 20 per cent quota cut is simply a recipe for massive discards. Our fishers will not be able to avoid catching ever more plentiful cod, for which they will have no quota, and they will once again be forced to dump dead fish back in the sea. Our innovative discard-free catch quota scheme will be placed on a knife edge, which will likely force 23 of our biggest white-fish vessels to start discarding cod again. The cod recovery plan is supposed to promote conservation, but it threatens to leave long and winding trails of discarded fish across the North Sea and Europe's seas.

Back in the real world, we have made the scientific case for maintaining North Sea cod landings at this year's levels, which would avoid an increase in discards and still achieve a healthy recovery of the stock by 2015. A rollover of this year's quota will be another top priority at this month's negotiations.

I will demand a way out of the legal straitjacket that threatens to cause yet more obscene waste in our seas. Our fleet's cutting-edge cod conservation efforts should instead be rewarded and recognised. Scotland's innovative real-time closure programme leads the way in protecting abundances of cod and has been lauded by international scientists and others throughout Europe and beyond. This year, our North Sea

prawn fleet adopted gears that ensure unwanted catches of fish are kept to an absolute minimum. Given those innovations, we want to see fundamental changes to the cod plan now, not later.

We are calling for more flexibility where there are progressive changes in fishing practices. For example, if fishermen use gears that reduce cod catches, wherever they are, member states should be able to move allocations of fishing effort from one sea area to another to reflect changes in fish stock biology.

Members may be aware that we saw the need for such flexibility this year when more plentiful prawns in the west led to greater fishing effort there while much of the North Sea effort allocation remained unused. That has led to a shortage of effort on the west coast, to the point that we could run out of days-at-sea allocations there by January. However, I assure our West Coast prawn fishers that they will be provided with options to stay active through to the end of this effort year.

We will also work in other ways to protect our west coast fisheries in this month's negotiations. We want to maximise our valuable monkfish and megrim opportunities and safeguard the welcome recent expansion of the west coast haddock fishery. Our key priorities will be to increase monkfish flexibility in the west of Scotland and to mitigate the proposed megrim and haddock quota cuts in the west in ways that support long-term stability.

Of course, we can expect these crucial decisions to be taken in Brussels by bleary-eyed ministers at some ungodly hour of the morning, following hours of unseemly horse trading. It is clear that that is not the way in which Europe should do its business and govern our fisheries, which is why we all believe that a radical overhaul of the CFP is vital. We have got to move away from Brussels-based micromanagement and bring decision making closer to home—to those who best know how to govern and manage our rich and diverse waters.

Scotland has been the first country out of the blocks to promote regionalisation of the flawed and broken CFP. We have been lauded for taking that initiative and we will continue to champion radical reform in the months ahead. It is now vital that the Council agreement reached in June is not watered down by MEPs. We have to seize this once-in-a-decade chance for the sake of our fishermen, fishing communities and the wider marine environment.

Just as the CFP has failed Scotland, I am afraid that it is a similar story with the international mackerel negotiations where we face the dispute with Iceland and the Faroe Islands, and where the

same old stale talks grind on without moving forward an inch. It is clear that the process is simply not working. For five years, Iceland and the Faroe Islands have set their own arbitrary and irresponsible quotas, and for five years, the same negotiators have failed to agree while Iceland and the Faroe Islands have massively overfished the stock. The EU and Norway have made offers to Iceland and the Faroe Islands that were far in excess of their previous shares because we recognised recent changes in the distribution of the stock, but Iceland and the Faroe Islands have dug in their heels and refused to negotiate sensibly. We will not be held to ransom, and I have made it clear that we will not resume talks until they come to the table with realistic and concrete proposals on which we can have a sensible discussion.

It is also vital that the Commission makes clear to us what trade sanctions it proposes to impose on Iceland and the Faroe Islands. We have been waiting to see those sanctions for more than two years while the same old logjam festers. Believe it or not, the Commission's lawyers now tell us that we must give up an extra share of the mackerel quota that has been allocated for 2013 over and above the sizeable reduction in quota that the scientists have already advised. Our message to them is very clear: we cannot and will not accept such an absurd situation in which responsible fishermen are hit with a double whammy to benefit irresponsible fishermen. We have to be guided by natural justice, fairness and common sense throughout the negotiations, rather than the arcane reasoning of Brussels lawyers. We simply cannot reward bad behaviour by giving up that extra share. We must also challenge ourselves to think more radically about how we can change the game to find a breakthrough. That is certainly the message that I will send to the United Kingdom Government and the Commission over the coming weeks and months.

We have stiff challenges ahead as we prepare ourselves for this month's end-of-year negotiations. Our sights are firmly set on achieving a freeze in the cod plan's annual effort cuts and a rollover in the North Sea cod quota, but we will not lose sight of other important objectives, mainly on the west coast, where we will work hard to mitigate potential cuts to quotas that we think are not justified. We will ensure that Scotland's priorities are uppermost in the minds of UK ministers, and we will do our utmost to fight for Scotland's interests across the board. Our aim throughout will be to maximise the opportunities for our fishers and thereby create the platform for Scottish fisheries and the stocks that they rely on to thrive and survive in 2013 and beyond.

The Deputy Presiding Officer (John Scott):

The cabinet secretary will now take questions on the issues raised in his statement.

Claire Baker (Mid Scotland and Fife) (Lab): I thank the cabinet secretary for the advance copy of his statement.

I know that there is disappointment that we have moved away from having a debate this week. The negotiations will impact on the livelihoods of many families and fishing communities, which bring much economic and social value to Scotland.

The heated and chaotic negotiations are well documented, and they are as annual as Christmas. They probably have as much confusion as Christmas, but perhaps not so happy an outcome. We urgently need reform of the common fisheries policy to bring an end to the yearly wrangle.

I understand the frustrations over the cod recovery plan. The Scottish fishing sector has made significant investment and can demonstrate returns in stocks for that effort, but there is a lack of reward from an inflexible and unresponsive plan. Time is running out. The cabinet secretary said that he is

"calling ... on all key players in the EU institutions to see sense".

What response has he had so far?

The cabinet secretary has rightly emphasised the importance of mackerel. It is unfair that Scottish mackerel have had their Marine Stewardship Council certification withdrawn because of the unacceptable behaviour of Iceland and the Faroe Islands. How will the cabinet secretary balance Scotland's clear commitment to sustainable fishing with the demand for fairness for that important sector? Does he believe that sanctions are the only answer? How will they be introduced? What is the timescale for sanctions having any impact? Does the cabinet secretary expect that a quota cut might be a condition of sanctions?

Richard Lochhead: I thank Claire Baker for her comments and certainly agree with her sentiment that it is now time for our fishermen to be given more reward, given the trailblazing conservation measures that they have adopted in Scotland's seas. Those measures have meant that many stocks are now fished at maximum sustainable yield, which means, in effect, that they are sustainable. That is a huge step forward, and the Commission would be wise to take that on board in this year's negotiations.

The member mentioned the changes that we desperately need and the potential delay in getting them that may arise over the next few weeks as a result of the internal wrangling between the

European Parliament and the European Council. It is certainly my view and that of many other member states whose representatives I have spoken to that we need the European presidency, the relevant MEPs on the various committees of the European Parliament, and the Commission to get into the same room and hammer things out prior to the December negotiations, or soon thereafter, so that we do not have unnecessary delays that are down to competition over who has the right to propose amendments. Everyone should put the interests of our fish stocks and our fishing industries first at this crucial stage.

Claire Baker is quite right about the mackerel dispute: we need to balance sustainability needs with getting fairness for the Scottish sector. The best way forward is not sanctions, although they are necessary. The best way forward is for the parties to come back to the negotiating table and to be sensible. We cannot have a situation in which one side of the table is making all the offers and the other side of the table is making none. That is not acceptable; it is not fair; and, as I said in my statement, we have to have natural justice. Therefore, in that negotiation I will not allow the Commission to ask Scotland to deliver a double cut as a condition of imposing sanctions, but I will continue to urge all parties to come around the negotiating table.

Jamie McGrigor (Highlands and Islands) (Con): I thank the minister for showing me his statement. I am glad that he will argue for a rollover of this year's total allowable catch figure and will also push for a freeze on the annual reduction on days at sea.

The cabinet secretary says that the west coast prawn fishers will be provided with options to stay active through to the end of this effort year. Bearing in mind the fact that the Scottish Government has known about that problem since May, can he give some specific details of those options? Does he recognise that Marine Scotland's suggestion about the fishers using flexible grids fitted to each net is not acceptable on safety grounds and because of the unsuitability of such grids in the west coast sea areas?

Also, is the cabinet secretary concerned that the "where possible" proviso for the maximum sustainable yield element of the reformed CFP has been dropped? Does he agree with the fishing industry representatives that an MSY for all stocks at the same time is simply unachievable and how will he ensure that we get practical legislation in that area?

Richard Lochhead: Jamie McGrigor highlights an important issue on the west coast of Scotland. Although I can be accused of many things, I was unable to predict the lack of prawns appearing in the North Sea a few months ago, which of course

led to the unprecedented amount of fishing effort being transferred from the east coast to the west coast. That gives us all a big challenge on how to manage the days at sea that were available for the west coast because the European Commission does not allow us to transfer days at sea from the east coast to the west coast. We are asking for that flexibility to avoid that problem in the future.

I assure Jamie McGrigor and other members in the chamber that we worked closely with the west coast fisheries interests and the compromise that we arrived at allowed fishing to continue. As far as January is concerned, we are working closely with the west coast sectors to make sure that there is economic activity for the fleet on the west coast and that they do not have to tie up much more than they normally would at that time of year. We are paying close attention to that and we will do what is best for fishing communities on the west coast. We will keep members across all parties informed about how we take that forward.

Jamie McGrigor quite rightly says that it is very difficult to achieve maximum sustainable yield for all stocks at the same time in a mixed fishery. That is why we are looking for the appropriate flexibility within the common fisheries policy negotiations. We are trying to persuade other member states and Europe that we have this mixed fishery in Scottish waters and that we cannot simply command biology. We have to have flexibility, because not all stocks will be at the same level at the same time in a mixed fishery. The member raises an important point.

Angus MacDonald (Falkirk East) (SNP): The cabinet secretary will be aware of Ulrike Rodust's amendment 15, which would require member states to close 10 to 20 per cent of their territorial waters to all fishing activities for at least five years. If that proposal went ahead, it would clearly go against the decentralisation agenda; it would have a devastating effect on Scottish coastal communities—in particular on small-scale boats—and harbours in those areas would in effect cease to function. What can the cabinet secretary do to impress upon all MEPs the imperative to reject that proposal, particularly when the sole Liberal Democrat MEP on the fisheries committee, Chris Davies, has in the past advocated closing down the industry completely for two years?

Richard Lochhead: The member refers to the co-decision process that now takes place between the European Parliament and the European Council over the common fisheries policy, which means that MEPs now have a crucial role in shaping future European fisheries policy. It is important that MEPs table sensible amendments. It is indeed the case that there is one amendment on the table just now that would in effect close down Scottish waters at an arbitrary figure of 10 to

20 per cent for a number of years. That is a ludicrous proposal. I expect that many member states will oppose that amendment and I hope that all MEPs will also seriously oppose it, given the damage that it would inflict on Scotland's fishing communities. I assure Angus MacDonald that we are putting a great amount of effort into putting Scotland's case across to all MEPs who have a role in those negotiations. I have met many MEPs in recent weeks and months. Only yesterday, I spoke on the telephone to Pat the Cope Gallagher—the renowned Irish MEP—about some of those issues.

David Stewart (Highlands and Islands) (Lab):

The cabinet secretary will be well aware that the scientific advice from the International Council for the Exploration of the Sea is for an increase in the total allowable catch for the west of Scotland nephrops. That, of course, is to be welcomed, but the Mallaig and North-West Fishermen's Association tells me that that may be subject to a six-week closure from 21 December. It claims that that lies at the door of Marine Scotland, not its fleet. Will the cabinet secretary investigate that claim and resolve the issue before the deadline is reached?

Richard Lochhead: I have worked closely with north-west and Mallaig fishermen over recent months on that issue. As I said in my answer to Jamie McGrigor, in an unprecedented situation, fishing effort transferred from the North Sea to the west coast because, for the first time in many years, the prawn stocks did not appear in the usual numbers in the North Sea and some of the bigger vessels went to fish on the west coast. Because the European Commission gives us only one pot of days for the west coast, we do not have flexibility between the east and west coasts and that, of course, gave the industry and the Scottish Government a very challenging management situation. That highlights why we need radical reform of not only the common fisheries policy, but the cod recovery plan, which is the root of the problem.

I have worked closely with the industry, which is why we reached an agreement with it that took into account its fishing patterns between now and the end of January, and they have been able to fish each week since that issue arose. As I said to Jamie McGrigor, we are working to ensure that there is economic activity for the west coast fleet in January.

Rob Gibson (Caithness, Sutherland and Ross) (SNP): The annual talks are set against the need for a radical overhaul of the common fisheries policy. What position are the UK Government and the Council of Ministers likely to take on the threat of tradeable fishing

concessions? What are the implications for fishermen in Scotland in the coming years?

Richard Lochhead: That highlights one of the big concerns that we have had throughout the CFP negotiations: the original proposal by the Commission to introduce individual transferable concessions. That, in my book, is individual transferable quotas, which is also the privatisation of our historic fishing rights in Scottish waters. I opposed that, as did the Scottish industry and most Scottish fishing communities. Thankfully, that proposal seems to be off the table and that threat has been removed. Scotland was in the vanguard of highlighting the threat that that posed to the future of our fishing communities.

Of course, some MEPs are tabling amendments for that to be reintroduced and to be part of the common fisheries policy. Angus MacDonald mentioned Chris Davies, the Lib Dem fisheries spokesperson for the European Parliament, who is a leading advocate of that approach as a measure to reduce fishing fleets. Scotland's fishing fleet has paid its fair share in recent years. It should not be cut any further and we do not want to see the privatisation of Scotland's fishing rights.

Tavish Scott (Shetland Islands) (LD):

Presiding Officer, I apologise for not being present during the opening words of Mr Lochhead's statement. I am grateful to him for an advance copy of that statement.

The cabinet secretary talked about the cod recovery plan in his statement. Is it the case that the Euro lunatics have absolutely taken over the European asylum? Is the cabinet secretary arguing that the proposal is that our fishermen need more days to catch their quota, but that a new internal European row could achieve exactly the opposite: a cut in days and, indeed, further quota cuts?

Does the cabinet secretary accept that, just the other day, the Shetland white-fish boat, Arturus, with a Marine Scotland scientist on board, caught 360 boxes of fish and that only one box was of unmarketable size, which proves that conservation mechanisms are working? Does he accept that, when he comes back from Brussels, what we absolutely need for our industry is a rise in quotas that matter financially and a rise in days at sea, too?

Richard Lochhead: I totally agree with Tavish Scott's sentiment on the danger of the lunatics taking over the asylum in Brussels, should we have a situation in which internal legal wrangling between the European Parliament and the European Council prevents what is right for Europe's cod stocks and Scottish fishermen. That is why it is important that we bang heads together and that the various key players in the dispute get

into a room and sort that out before the December negotiations, otherwise Scotland's fishing communities will pay a potentially painful price because of factors outwith their control.

I put on record that the Shetland fishermen have made a huge contribution to the conservation of cod and other important stocks. That shows that Scotland is leading the way and that our fishermen should be rewarded, not punished, by the negotiations.

Graeme Dey (Angus South) (SNP): In evidence to the Rural Affairs, Climate Change and Environment Committee on 21 November, Scottish MEPs Ian Hudgton and Struan Stevenson were agreed on the need for the adoption of

"sensible rules and achievable targets"—[*Official Report, Rural Affairs, Climate Change and Environment Committee*, 21 November 2011; c 1354.]

for the elimination of discards. What progress is being made towards achieving that goal?

Richard Lochhead: I am thankful that, in recent years, Scotland has negotiated some flexibility that has enabled us to cut discards in Scottish waters. The Scottish fleet should be commended for cutting discards more than any other country has achieved in its waters. That is a huge feather in the cap for Scotland's fishing industry and for our conservation credentials.

As I said in my opening remarks, the biomass in the pivotal cod stock is now double what it was in 2006. That is a huge step forward. I hope that it will be fished at sustainable levels by 2015, which would be a massive breakthrough. We must now guard against ill-informed measures being adopted at the fisheries negotiations this month, which would lead to an increase in discards, not a further reduction.

Margaret McDougall (West Scotland) (Lab): I apologise for arriving late in the chamber and missing the cabinet secretary's opening statement.

Will the cabinet secretary elaborate on how receptive other member states have been in his talks with them about flexibility on the cod quota, as a 20 per cent cut would seriously affect the livelihoods of our fishermen and, undoubtedly, increase discards, despite our discard-free quota scheme?

Richard Lochhead: That is a good point. I hope that I can offer comfort to members by saying that many other member states share Scotland's concerns about some of the proposals that are on the table because of the clear recognition that a cut in cod quota when the cod stock is recovering would make it more difficult for the fleet to avoid the fish and, therefore, discards would increase,

not decrease. That would be of no benefit at all to cod mortality.

Other member states that fish the same cod stocks that we fish recognise that as well. I hope that that will be an effective alliance to help the Commission to see sense.

Dave Thompson (Skye, Lochaber and Badenoch) (SNP): I welcome the cabinet secretary's comments on the obscenity of discards, but I am worried about his other comments about advice for the west coast. An increase in the prawn quota, coupled with a decrease in the haddock, monkfish and megrim quotas, will almost certainly mean more discards if it goes ahead.

Will the cabinet secretary tell us what he plans to do to prevent the danger of more discards on the west coast while protecting the valuable and sustainable west coast prawn fishery?

Richard Lochhead: I recognise the importance of the prawn fishery to the west coast fishing communities. We have worked closely with the west coast fishermen and I commend them for adopting a number of new selective gear measures in recent months and years, which will help to cut down discards of other stocks for which they do not have quota. That is a big step forward, which should help us to strike the balance to which Dave Thompson refers.

I point out that some quota increases are happening on the west coast, which is good news. However, when we consider the west of Scotland haddock quota reduction, we must remember that that stock went up by 200 per cent last year, so it is still a substantial increase compared to two years ago.

Alex Fergusson (Galloway and West Dumfries) (Con): The cabinet secretary rightly mentioned the fact that a 20 per cent quota cut for cod would greatly endanger the catch quota trials that the UK and Denmark have been running together, which have been successful in reducing discards. What representations has he made within the UK and the EU to promote an extension of the trials? How likely does he perceive any such extension to be?

Richard Lochhead: I thank Alex Fergusson for highlighting the success of the catch quota trials, which are innovative and which arose through a joint initiative between the Scottish Government and the industry in Scottish waters. The trials prevent any discards but, of course, require cod quota for the participating boats.

The matter has featured heavily in the negotiations between the EU and Norway in recent years. It has been frustrating and disappointing that we have not been able to

expand the scheme. It seems to me cruelly ironic that, due to other negotiating issues that are at stake, not all the negotiating partners support a scheme that stops discards and promotes fisheries conservation. That is unfortunate. We should put conservation and what is best for the cod stocks first.

The scheme remains on the table and we want to expand it. Unfortunately, at the moment, the threat of a 20 per cent cut in cod quota threatens the scheme; it does not support it.

Stewart Stevenson (Banffshire and Buchan Coast) (SNP): Will the cabinet secretary confirm what role the Scottish Government has had in seeking to resolve the mackerel dispute with the Faroe Islands and Iceland?

Richard Lochhead: That is a huge issue for thousands of families in Scotland whose livelihoods depend on Scotland's most valuable fish stock, mackerel. Therefore, it is very frustrating that the international negotiating framework has virtually broken down, meaning that the previous 10-year agreement has not been replaced. Instead, we are seeing unilateral quotas being fished by Iceland and the Faroe Islands. I continue to urge those countries to come back to the table so that we can have a sensible negotiation.

If we have to go down the road of sanctions, we want those to be in place as soon as possible in order to show those countries that we mean business. It is in no one's interest—not the interests of the fishing communities in those countries or the interests of our countries—if the stock is fished out and all our respective industries lose thousands of livelihoods. It is really important that we all get back around the table as soon as possible. As I said previously—I say it again to Stewart Stevenson because I know that it is an important issue in his constituency—we are now trying to think out of the box to find new ways that could lead to a breakthrough in the international negotiations.

Elaine Murray (Dumfriesshire) (Lab): The cabinet secretary referred to the crazy process of annual negotiation and the logjam of amendments to the European legislation that would introduce a reformed policy. Does he share concerns that delaying the second reading of the legislation beyond the end of next year would compromise the introduction of the new CFP and condemn our fishermen to further years of the current failed policy?

Richard Lochhead: It is right to highlight the dangers of delaying the technical regulations. If they are not renewed because they are being held up by the dispute between the European Parliament and the European Council, some

existing closed areas will no longer be closed, which would not be good for fisheries conservation, and other technical measures that are supposed to be in place to promote conservation will not be in place for 2013. That will lead to damage to very important fish stocks throughout Europe, including in our waters. Also, some of the changes that we need to see to improve the current regulations, through the amendments, would be delayed. I therefore repeat that I hope that all parties will support the legislation. We need all the key players in Europe to bang heads together, get in a room and sort this out for our fishing communities and the fish stocks.

Mark McDonald (North East Scotland) (SNP): I heard the UK minister say, during a debate at Westminster the other week, that Scotland gets a good deal because we are, on occasion, allowed into the room during negotiations. Given that the talks are to be led by Cyprus, which has a population of 1.1 million, does the cabinet secretary share my belief that it is time not just that Scotland was in the room negotiating, but that we had the opportunity to lead the negotiations in the future?

Richard Lochhead: The member will not be surprised to learn that I agree with his comments. No country will make our fishing industry more of a priority than Scotland, which is why we should lead all these negotiations and be at the top table in our own right. I note with interest how Europe takes some comfort from the fact that the Irish are about to take over the presidency for both the crucial stage of the common fisheries policy negotiations and the crucial stage of the common agricultural policy. The word around the Council of Ministers and throughout Europe is that it is good that a small country that knows what it is doing, has a key interest in some of the issues and makes them a priority will be in the driving seat for those negotiations. That shows the power of small nations in Europe.

Alison Johnstone (Lothian) (Green): I apologise for not being present for the opening of the cabinet secretary's statement and thank him for advance sight of his statement.

If there is a rollover of this year's quota, what additional measures will the Government take to ensure that fishing mortality in cod continues to decrease?

Richard Lochhead: We are pushing for a rollover of the cod quota because a cut in the cod quota will not conserve any extra cod but will only increase discards. The fact of the matter—which I know that the member will welcome—is that the cod stock in the North Sea has doubled since 2006 and is very much going in the right direction. It is very much recovering thanks to the magnificent efforts of the Scottish fleet. However,

we continue to work with all our fleets on more technical measures and selective gear. As I said, in the past 12 months we have seen new gears adopted by many of the fleets in Scottish waters. That must be welcomed, as it will contribute even more to the recovery of the cod stock.

Liam McArthur (Orkney Islands) (LD): In his statement, the cabinet secretary set out the potential threat of a 20 per cent cut in the North Sea monkfish quota. He will be well aware that that is a critical stock for the white-fish fleet, not least in Orkney. In the past, there has been a lack of scientific evidence to underpin the Commission's proposals to cut the quota for that stock. What scientific evidence will he be able to bring to the negotiations, and how confident is he that he will be able to resist a devastating cut to large parts of the Scottish white-fish fleet?

Richard Lochhead: Liam McArthur rightly mentions some of the stocks that are of high value, particularly to the industries in Orkney and Shetland. It is important that we take them into account during the negotiations.

We are not happy with the current proposals for the cut in the megrim stock. There is a proposal for a decrease in the west coast waters and a substantial increase in the North Sea. Of course, there is an arbitrary line in our waters, and we think that there should be a much more sensible split of those stocks. We are putting together a scientific case to make that argument. We recognise that fishermen in the west of Scotland in particular would suffer if there were too drastic a cut in the west of Scotland megrim and monkfish catch.

On monkfish, Mr McArthur will be aware that there is a long-standing issue around flexibility with regard to the North Sea and the west coast. The more flexibility that we have, the more the fishermen will be helped with their day-to-day activities.

Jamie McGrigor: On a point of order, Presiding Officer. How will we explain to Scottish fishermen that we have abandoned the most important annual debate on fisheries in order to debate regulation of what fish suppers are wrapped in?

The Presiding Officer (Tricia Marwick): That is not a point of order. The Parliamentary Bureau had such a discussion today. I suggest that you have a word with your business manager.

Leveson Report

The Presiding Officer (Tricia Marwick): The next item of business is a debate on the Leveson report.

I ask members who wish to speak in the debate to press their request-to-speak button now. I note that Ruth Davidson is not in the chamber.

14:51

The First Minister (Alex Salmond): For the seventh time in as many decades a report has been published that deals with concerns about the press. On the previous six occasions, between 1949 and 1993, there was no Scottish Parliament to debate implementation of those reports. Lord Justice Leveson, therefore, has set this Parliament a challenge. It is one that we should meet in a manner that is considered, constructive and consensual.

This afternoon, I want to demonstrate first of all why Lord Justice Leveson's report requires a specific response from Scotland. Secondly, I want to discuss the Scottish Government's initial view of the report's chief recommendation. In doing so, I want to set out clearly the difference as I see it between statutory—or state—regulation of the press, which I oppose, and voluntary self-regulation that would be recognised under Scots law, and which I believe has merit. Thirdly, I want to underline the importance of adopting—if it is at all possible—a cross-party approach to press regulation in Scotland.

In the very first paragraph of the very first page of his report, Lord Justice Leveson says:

"My Report may be less helpful to those with decision-making responsibilities in Scotland, Northern Ireland and Wales, but I have sought to set out my analysis and conclusions in a sufficiently explicit and reasoned way to enable the experts within the devolved jurisdictions to see ... how they could be made to fit."

It is worth making it clear that the elements of criminality and wider media malpractice that sparked the Leveson inquiry are not, in general, associated with the Scottish press as a whole. For example, the December 2006 report from the United Kingdom Information Commissioner's Office, "What price privacy now?", which was cited by Leveson, listed all transactions with private investigators that the commissioner had investigated. Only seven—0.19 per cent of the total—involved a Scottish publication.

I find it hard to understand some of the suggestions that I have heard; for example, the suggestion on the radio the other day that, somehow, this Parliament should have acted in 2006. There would have been two major problems with our acting in 2006. One was that data

protection is one of the areas that is reserved to Westminster and the other is that there was no evidence, in what was published, that there was in Scotland a widespread issue to be dealt with. However, we now know that there are certainly victims in Scotland to whom this Parliament owes an appropriate response.

Strathclyde Police has been given the details of 26 potential victims of phone hacking or press intrusion arising from consideration of the records of Glenn Mulcaire. It also has details of a further 180 instances of potential criminality concerning victims of illegal data access. I stress that that information was obtained by Strathclyde Police only on its request in July last year, despite the fact that those records have been held for some years by the Metropolitan Police. As soon as Strathclyde Police, on its request, obtained that information, it set up operation Rubicon. As many as possible of the potential victims were contacted by Strathclyde Police, to put them in the position of knowing what might have been done to them, in terms of privacy.

We should look at some of the wider aspects of what Lord Justice Leveson said. There is no doubt that he was extremely moved by instances of ordinary people coming before his inquiry—some of them from Scotland—and making explicit the damage that had been done to their lives, not necessarily by phone hacking, blagging or whatever, but by the activities of the press in general. That was a deeply moving experience for Lord Leveson and should be a significant factor in this Parliament's consideration. Inaction would have consequences for past and potential victims of press intrusion and for public confidence in the press.

As Lord Justice Leveson acknowledged, any action to implement his report will be required to take account of Scots law. There are a number of important reasons for that. First, it has been said in a number of quarters that any such action would require to be accompanied by a firm statement of press freedom. We have enshrined in this Parliament's founding statute the European convention on human rights, which has exactly such a statement in article 10, which enshrines the

"freedom to hold opinions and to receive and impart information and ideas without interference by public authority".

That provides a strong statutory guarantee; there is a stronger guarantee in Scotland—because of the position of the ECHR in this Parliament—than pertains in England.

There are other differences. Leveson made suggestions with regard to punitive or exemplary damages. We have not had exemplary damages in Scotland since 1908, but they are fundamental to one of the key incentives that Lord Leveson

suggests for the press to abide by his recommendation. Finally and fundamentally, our law of defamation differs significantly from the English law of libel.

Given that press regulation is the responsibility of this Parliament, given that there have been victims of press malpractice in Scotland, and given that a separate legal framework operates in Scotland, the view that Lord Justice Leveson set out in the first paragraph of his report is surely unarguable. We require in Scotland to use the expertise that we have in Scots law to make a significant response to his report and recommendations.

The recommendations require serious, expert and distinctive consideration within Scotland; they cannot just be left to Westminster.

Willie Rennie (Mid Scotland and Fife) (LD): I agree that this Parliament needs to consider the matter carefully. Is the First Minister ruling out a United Kingdom independent watchdog, or is that something that he is prepared to consider?

The First Minister: I will come on to that explicitly in a few seconds. The point that I am making, and the case that I have made during the past few days, is that the Scottish solution lies in our legislative responsibilities. By definition, in a self-regulatory system it is not for the politicians to define what comes forward from the industry; that is for the industry to determine. What is for us to determine is the statutory underpinning—if any—that this Parliament wishes to implement in that system, according to Leveson's recommendations.

In beginning our process of consideration, I do not want us to repeat mistakes that have, perhaps, been made by Westminster. As Willie Rennie knows, I was somewhat miffed that we were not given access to the report in the same timescale as Westminster was last week, but perhaps that will be to our advantage, if we can use the timescale to avoid getting ourselves into fixed positions at this stage.

I want to set out to Parliament the Scottish Government's initial assessment of the key recommendation that Lord Leveson made. Leveson envisages a press regulator that is developed by the industry itself but which then is recognised through a statutory mechanism. No one would be obliged to join the new body, but an incentive to do so for those who joined would be that they would be given limited legal privileges.

Leveson sets out clearly that there is a difference between statutory regulation and statutory underpinning of self-regulation. In my estimation, that principle, which provides the essence of the report, seems to be logically sound. It also appears to have substantial popular support. The principle has already been

recognised elsewhere in these islands in the past few years, since Ireland passed its Defamation Act 2009, which gave a statutory basis to the Press Council of Ireland and the Office of the Press Ombudsman.

A very important point is that seven UK titles have signed up to the Irish system, including *The Daily Star*, which is not signed up to the Press Complaints Commission system at present. *The Daily Star* provided no evidence to Leveson that its investigative journalism is withering in Ireland while it blossoms in London. Similarly, *The Sunday Times* has never argued that its UK edition flourishes in a free press while its Irish edition is somehow constrained by fear. Instead, as Leveson noted, those papers

“do not appear to allow any principled objections to statutory underpinning of press self-regulation to get in the way of constructive and willing participation in this system.”

As I have said in the past few days, the Irish system has a number of features that look attractive. Does that mean that we in Scotland should follow the Irish model exactly? No. It just means that we should look seriously at whether it can be adapted sensibly to the Scottish context.

No one—certainly, we cannot—can stop newspapers or journalists being careless, inaccurate or excessively intrusive, but the Irish example suggests that we might be able to establish a framework for the underpinning in Scots law of self-regulation by the press.

Tavish Scott (Shetland Islands) (LD): Will the First Minister give way?

The First Minister: I will come to Mr Rennie's point. It is up to the press, not the Government, to establish its own regulatory structure. Depending on what it decides, that structure could apply to other parts of the islands of the United Kingdom.

Willie Rennie: Will the First Minister give way on that point?

The First Minister: No. Mr Rennie has had his shot and I have been generous in answering his question.

The statutory underpinning cannot simply be UK-wide, as has been suggested elsewhere. It must adhere to Scots law. A Scottish solution is required for the underpinning—but not necessarily for the organisation—of the self-regulatory body. That body would need to meet certain criteria that are set in Scotland for statutory recognition. For example, It would need to provide a clear complaints procedure, a potential source of redress for people who felt that they had been wronged and a viable low-cost alternative to the courts. Membership of the body would be voluntary; newspapers would need to consider the advantages and disadvantages of membership—

for example, in relation to potential costs in defamation actions.

It has sometimes been said that the press is united against such a move, but that is not the case. I looked with great interest at the editorial in *The Courier* on St Andrew's day. It says—well, it says that I was right to set up a cross-party group to scrutinise the legislation in a Scottish context, but the important point is that it says that there is no need to fear having two regulatory systems for the press in the UK. After all, newspapers act under two defamation and contempt of court regimes at the moment. The press might have more flexibility than it has sometimes been presented as having.

Tavish Scott: If the principle of what the First Minister says is that we could end up with two separate systems across the UK—I am sure that he accepts that newspapers cross all boundaries—who would pay for the separate system in Scotland? Surely victims and taxpayers would not pay for that.

The First Minister: No. As is clear from the report—which, I am absolutely sure, a distinguished advocate like Tavish Scott has read—a self-regulated system must by definition be paid for by the industry, whatever it may be. Incidentally, there might be ways to ensure that the costs would not be as onerous as some people have suggested they would be; nonetheless, the industry should pay for a self-regulated system.

As members know, I have written to my counterparts in Parliament to invite them to talks on Thursday. I welcome their indications that they will accept that invitation. I propose the establishment of an independent implementation group, which would be chaired by a recent Court of Session judge. I confirm that all the parties here at Holyrood are welcome to suggest non-practising political representatives as potential members of that group. The group's purpose will be to meet the challenge that Leveson has set us of how to adapt to the Scottish legal context a proposal that is—inevitably—much attuned to the English legal system.

Johann Lamont (Glasgow Pollok) (Lab): Will the implementation group consider the possibility of working with the United Kingdom Government, through the use of a legislative consent motion, to have one new regulator that meets the demands of Scots law but which operates across the United Kingdom? Will we be allowed to look at that?

The First Minister: If the Labour Party wants to make such a proposal, a range of options are available. However, one thing on which there should be no argument is this Parliament's responsibility for Scots law and for the people of

Scotland. Although there are many occasions on which legislative consent motions can make sense, we should accept responsibility for Scots law. Of course, the group can look at how to adapt the Leveson recommendations to Scottish circumstances, because that is one issue that we would need to consider.

I am not convinced that the Office of Communications is the appropriate organisation to determine whether a self-regulatory body is meeting its statutory criteria, nor or do I think that a politician should do so. I think there are other ways in which to do it.

An implementation group would—very importantly—look at how we ensure that our response to Leveson takes account of any emerging solutions that are being developed at Westminster on whatever timescale the various parties say that things must be done.

It is open—as Johann Lamont suggested—to our implementation group to propose ways to work alongside Westminster. However, we must abide by our central responsibility: if we do not, what will we say to the victims of phone hacking or invasions of privacy in Scotland? Would we want to explain to them that, without a lead from Westminster, we do not have the ingenuity, the ambition or the will to meet the public's desire for change? I am sufficiently ambitious for this Parliament to think that we can do better than that. I am sufficiently optimistic to believe that we can seize the opportunity to take a serious and consensual cross-party approach here at Holyrood to rise to the challenge that Leveson has laid down.

Willie Rennie: Will the First Minister give way?

The Presiding Officer: The First Minister is winding up.

The First Minister: If we do that, we will do our duty to those who have suffered from the unacceptable practices of some media organisations. We will find the balance between the expectations of the public and the essential freedom of the press, and we will ensure that in Scotland, the seventh inquiry into press regulation secures more enduring results than did any of its six predecessors.

15:07

Johann Lamont (Glasgow Pollok) (Lab): I confirm that I am willing to work on a cross-party consensual basis to try to progress the debate, but I hope that the First Minister is not pre-judging the outcome. It did rather feel, on Thursday last week, that he had set a course that was not to be moved from. Building consensus is not simply about getting other parties to agree with the First

Minister's view of how we stand up for the people of Scotland on this issue, but about working together in that regard.

Today's debate is entitled "The Way Forward", but before we can be clear on that, we must remember how we got here. We do not have to look far for examples of how important a free press is to the democracy that we enjoy. Watergate, the MPs' expenses scandal and the thalidomide victims are just three examples of journalism that would not have been possible without a free press.

As Opposition leader, I am all too aware of the need for the press to hold the Government to account. Even in the past few days, media pressure has forced multinational companies to review their tax arrangements. The press is an essential pillar of our society, and it has shaped the way in which we do politics in this country. It is a prism that informs people's views, opinions and politics.

We all agree that we need a free press, but we must recognise the impact that comes with that power, particularly when media ownership is overly concentrated. That has resulted in relationships between the media and politicians that have gone beyond what is appropriate, and it has meant that their common interests have been pursued before what is best for the people of this country.

We now have an opportunity to change that, and to make our politics better. I was a Labour activist in the 1992 general election—I know that it is hard to believe—when we failed to overturn John Major's Government, and I watched with great frustration as the right-wing press turned on and traduced Neil Kinnock. I understand why some people in my party decided that they would do their best not to let that happen again. I understand why Tony Blair hired Alastair Campbell and Peter Mandelson, and why he flew to Australia to meet Rupert Murdoch. I understand why Gordon Brown tried in vain to maintain those relationships with the press barons.

I also understand why a nationalist party that was keen first to convince the public that it was worth taking a chance on as a Scottish Government, and later that independence offered a better way for the people of Scotland, would also try to build those relations with the media and make those compromises. Politicians are in the business of ideas and if we are to communicate those ideas to the public, it will largely be through the prism of the media, no matter how ferocious or friendly they might seem.

We find ourselves in difficult territory. Where people stand should not be about black or white, or about being for or against state intervention—

which is a cartoon debate about the politics. We need to wrestle with some very difficult issues. It is important that we inform our thinking through the debate that is going on across the country and the fascinating views that are coming from all sides of the press industry and beyond. I hope that in the future, we will recognise that we need to take steps together in a difficult area.

The world changed in July 2011. Although it was clearly wrong, many of us could not get angry about celebrities complaining about their phones being hacked. Maybe we should have done. However, when we heard the allegation that the voicemails of Milly Dowler had been accessed, we knew that it could not go on. Milly was just 13 when she was abducted on her way from school near her home in Surrey. Her body was found in woods almost six months later. The horror that the Dowler family went through every day during that time, and have gone through every day since, is beyond anything that we can comprehend. The idea that a mother and father who are facing up to every parent's worst nightmare were given false hope because a reporter hacked into and deleted Milly's messages, knowing that she was probably dead, made us all sick to our stomachs. I am sure that every parent, every family and every decent-minded person shared that feeling.

That was the point at which the dam broke and the public was given an insight into some of the practices that were used by some parts of the media, and the public were rightly sickened. It became obvious at that point that change was needed, and that it was inevitable. It was why Lord Justice Leveson undertook such a significant inquiry, and it is why we are here for the debate today. As we debate how to move forward with Leveson, we must be clear about why we need to move forward. That must be our test, and we cannot miss the opportunity.

I have asked the First Minister to reflect on what Leveson said about him and about how he has conducted his relationships with the media. On Sunday, the First Minister told the BBC that he was completely vindicated by Leveson, but he knows that he would have needed to edit more than 27 words out of the Leveson report to be able to draw that conclusion. The First Minister and everyone else knows that there are lessons in the report for him, and it is for him to decide whether he can proceed, with humility, to recognise the challenge that has been made to him.

Lord Leveson was also given a challenge: how do we balance the freedom of the press—which we all should enjoy—with protection for the victims of the media's excesses? How do we ensure that when the media get it wrong again, there will be consequences for them? How do we support and protect the majority of honest and hard-working

journalists who are just trying to make sense of the world? How do we allow for polemic, debate and—dare I say it?—the media's wonderful role of prodding a stick at pomposity wherever it is found?

In his report, Lord Leveson has set out sensible ideas that tread that difficult balance. It has brought about a lot of debate during the past few days from political leaders, the media industry, and the victims through the hacked off campaign. It is worth remembering that Leveson is the one independent voice in all of this. He was the one person who was tasked with picking a way through the minefield without having any vested interests. He has not rushed it, and his report speaks of measured consideration. I commend him for setting out a road map to which we can all work.

Despite the divisions and rancour since the Leveson report was published on Thursday, I am struck by how much agreement there is. It seems that political leaders, press and victims have all agreed that the status quo is not an option and that an independent self-regulatory body is required in order to bring about change. There is also agreement that the freedom of the press is too important to leave in the hands of politicians. We might argue about how we will implement the report and what constitutes state regulation, but those problems are not insurmountable and we can work together across political lines, with the industry and with the victims to find a way of implementing the ideals that Leveson has proposed. Surely it is not beyond us to find a way of setting up a system in which everyone can have confidence. We have managed it with the General Medical Council. In Scotland, no one questions the independence of the Auditor General or the Scottish Information Commissioner—well, almost no one.

The media practices that we are talking about do not appear to be as widespread in Scotland, and they are certainly not as high profile. However, we must understand that what happened to the Dowlers, the Hillsborough victims and Christopher Jefferies was symptomatic of a culture of unchecked power and arrogance in some sectors of the press that also exists in Scotland.

The First Minister has tried to make the case for a separate system here in Scotland. As he is a nationalist, that does not surprise me and it is inevitable. It is worth remembering that, even though regulation of the press has been devolved since 1999, we have had a unitary authority across Scotland and the rest of the United Kingdom. The problem with that authority was not that the same rules were applied in England and Scotland, but that they were not applied robustly enough, if at all. Let us not make this another proxy debate about the constitution. We have the

critical job of responding to those who feel provoked in the face of the press.

The First Minister: Leveson decided that the system needs a statutory underpinning to be successful. However, let us suppose that the Prime Minister sticks to his guns and does not want any statutory underpinning. How could we have an LCM in this Parliament, as has been proposed by Johann Lamont, if there is no legislation coming to have an LCM about?

Johann Lamont: Equally, the First Minister says that, regardless of what happens in Westminster, there should be a Scottish regulator with Scottish responsibility, despite the fact that it would be difficult to manage that. The First Minister drew a comparison with Ireland, but of course Ireland's relationship with London is not the same as Scotland's relationship with London. Those are different matters, altogether.

The First Minister: How could we have a legislative consent motion if there was no legislation at Westminster to which to give consent?

Johann Lamont: The first thing to point out is that the Labour Party has said that it will bring forward legislation. [*Interruption.*]

The Presiding Officer: Order.

Johann Lamont: My point is that the First Minister ought not to rule out something on the basis of his political views about where decisions should be made. His decision should be on the basis of how best to serve the needs of victims. If nothing happens at Westminster, that clearly creates a different context here.

Members: Ah!

The Presiding Officer: Order.

Johann Lamont: However, the First Minister ought not to presume. Anyway, his argument has not been that, in the absence of action at Westminster, we need a Scottish regulator. He has said, starting from first principles, that it is the Scottish Parliament's job to create a Scottish regulator. I will go into talks with the First Minister if he makes a commitment that he rules nothing out at this stage.

Those of us who believe in devolution understand that, just as some matters need to be devolved to give people more control over them, some things are better done at UK level.

Mark McDonald (North East Scotland) (SNP): Will the member give way?

The Presiding Officer: The member is winding up.

Johann Lamont: We do not devolve for the sake of devolving; we understand at what level power works best, and that is where we place it.

Given how closely the media across the United Kingdom are interlinked, it is difficult to see how we would be better served by an ombudsman for Scotland. The decision will be taken in the context of what happens in the rest of the United Kingdom. I believe that we should have an ambition for better media and better politics across the United Kingdom; I will make the case for that.

Leveson has presented an opportunity to put right something that was not working. We cannot afford to get it wrong and we cannot allow the debate to be manipulated for anyone's interest, because it is too important for that. The main message that comes from the debate should not be about how we define ourselves against each other, but about how we propose to make progress to serve the interests of the people of this country—in particular those who have for too long been victimised by some sections of the press.

15:18

Ruth Davidson (Glasgow) (Con): I apologise to you, Presiding Officer, and to the First Minister and all members for my late arrival.

When the full scale of the phone-hacking scandal and illegal behaviour in the national press became apparent, major change in press regulation was inevitable. It was inevitable because the people who matter most in all this—the public—had lost faith in a system that was meant to ensure that journalists' behaviour was kept within the bounds of reason and decency.

We now have an opportunity not only to restore faith in the regulation of the press but to put the public interest back at the heart of everything that the press does. We all agree that there cannot be a return to the free-for-all that existed before 2006. It is, however, also in the public interest that the Government and politicians are kept well away from control of the press and the freedom of journalists to report, investigate and express opinions.

After an investigation lasting over a year, it was inevitable that Lord Leveson would recommend a major upheaval of our regulatory system. Indeed, major change is already on the way. Under Lord Hunt, a significant toughening of press regulation is under way, including a new investigations arm, the ability to negotiate compensation and the power to levy fines for the worst offences. Today, the Prime Minister has sent a clear message to editors that those reforms must be introduced with urgency.

Last week, there was a certain sense of urgency in this chamber, too—such urgency, in fact, that the First Minister abused First Minister's question time to make an unannounced statement on the Leveson report before he knew what it contained. Most sensible people would have waited to see what the report said before pronouncing, but the First Minister had already made up his mind that it would be introduced in Scotland. What he announced was a judge-led implementation body that would

"consider how best to implement the Leveson proposals in the context of Scots law and the devolved responsibilities of the Parliament."—[*Official Report*, 29 November 2012; c 14119.]

Seemingly, the First Minister had already decided to introduce something that he had not read. He said that the Opposition leaders were being invited to talks because he wanted consensus on a way forward, and then he pronounced on what much of that consensus must be.

The truth is that the First Minister is in a corner of his own making. He says that he wants

"a particularly Scottish suggestion and solution that meets our responsibilities".—[*Official Report*, 29 November 2012; c 14122.]

However, the speech that he made a few moments ago shows that he misunderstands the position for newspaper publishers in Scotland.

First, newspapers here are well used to dealing with differences in Scots law while operating under one UK system of regulation, no matter how discredited that system may now be. Indeed, if there were problems with the Press Complaints Commission, they were not limited to one part of the United Kingdom, even if the most flagrant breaches of its code of conduct were committed by Fleet Street titles. The PCC has always had strong representation from Scotland, and until recently four of its 17 commissioners were Scots. Scottish legal advice was readily at hand to inform its decisions. There is nothing in the Leveson recommendations for the new regulatory body that requires a different system of regulation here.

Secondly, tinkering with Scots defamation law as an incentive for newspapers to join a new system is not necessary. The protection against heavy damages for defamation that Lord Leveson thinks his kitemark system could produce would have little impact in Scotland, where defamation damages have long been limited. Unlike in English law—the First Minister is right to point this out—there is no such thing as exemplary or punitive damages under defamation in Scots law. Until Tommy Sheridan was awarded £200,000, which we know has never been paid, the biggest ever defamation damages award in Scotland was £60,000.

Further, as the First Minister will know, there is already provision in Scots law for legal aid in civil defamation cases under legislation that was passed here in 2007 and 2010. We have already made it easier for people of limited means to sue.

The First Minister: I say to Ruth Davidson that those are exactly the points that Lord Leveson makes. He accepted that he did not have time or the opportunity to examine the Scottish legal system, which is why he called on

"experts within the devolved jurisdictions"

to see how his proposals

"could be made to fit"

in a Scottish context. Is that not a call from Lord Leveson himself for us to rise to the challenge?

Does Ruth Davidson appreciate the difference between the legal context of statutory underpinning and the actual body of regulation? A self-regulated body would not be determined by this Parliament. What would be determined is our responsibility for the statutory underpinning. Does she appreciate that distinction?

Ruth Davidson: First, it is important to look at the fact that Lord Justice Leveson does not say that there need to be separate bodies across the different devolved jurisdictions. Secondly, we see from the proposals being put forward that the newspaper industry does not want to deal with two systems, and I cannot imagine that the most important people in this regard—the public—want the confusion of two competing systems, either. People want to know that they can go to a single body and be dealt with both quickly and fairly.

John Mason (Glasgow Shettleston) (SNP): Will the member give way?

Ruth Davidson: I am winding up.

If the First Minister is genuine in his support for a self-regulated system—he told the BBC on Sunday that he wants to protect a vigorous and self-regulated press—he cannot force newspapers to take part in his McLeveson plan. Let there be no doubt that even what has already been proposed by the PCC chairman, Lord Hunt, will cost far more than the old system. To set up a second, McLeveson body would add thousands of pounds of costs, with publishers already stumping up more than they did before for what is being brought in down south.

There is no escaping the new UK system for the biggest publishers of Scottish newspapers. A number of them are already preparing to sign up to it. What we must do now is call on the First Minister to see the sense—sense that is being spoken across the chamber—in accepting a UK-wide scheme for UK self-regulation. It must

command the trust of the public, and it is the best way forward.

Over the past few weeks, much has been said by my opposite number in the Labour Party, by the papers and by commentators about Mr Salmond's actions and what Lord Justice Leveson had to say about them. It is not too late for the First Minister to do the right thing and step aside from the process as it goes forward. In attempting to curry favour with Rupert Murdoch, his judgment was flawed, and his judgment is also flawed when it comes to grasping the reality of the legal and regulatory landscape in which Scots newspapers operate. There needs to be a debate about the future of the press in Scotland but, for so many reasons, this First Minister is not the man to lead it.

15:25

Willie Rennie (Mid Scotland and Fife) (LD):
Presiding Officer,

"We desperately wanted to shout out, 'It's not true, it's not true,' but when it's your voice against a powerful media, it just doesn't have weight."

That was the voice of Kate McCann. Her husband, Gerry, went on to say:

"We did approach the PCC about these articles, but the then chairman, Sir Christopher Meyer, explicitly told us that it would be better if we were to seek redress through the courts. I found it amazing that the press regulator could do nothing to regulate the press."

Those are just two well-known voices that Lord Leveson heard, but there are many, many more, anonymous voices of people who were not heard during the inquiry, but who have suffered in the same way as the McCanns suffered.

Now is the time to act. We must act with sensitivity, but we must act. There are those—including some members of the Scottish Parliament—who say that we should act through legislation only if the press fails to implement the independent watchdog. We might describe that as the one-more-chance principle.

In 1953, four years after the royal commission and only after the threat of legislation, we created the General Council of the Press. In 1962, a second royal commission said that there should be self-regulation that was effective. In 1977, a third royal commission said:

"We recommend that the press should be given one final chance".

In 1990, Parliament backed the Calcutt committee recommendations for radical improvements to self-regulation. In 1993, the Calcutt review concluded that the PCC was not an effective regulator of the press and recommended the setting up of a press complaints tribunal that

was backed by statute. Only last year, David Cameron told the Commons:

"I accept we can't say it's the last-chance saloon all over again. We've done that."

The press has had six chances over six decades. I would say that that is too many chances over too many decades. I heard the Prime Minister say this morning that

"the clock is ticking for this to be sorted out",

but the clock has been ticking for six decades. We have had many chances over 60 years. Now is the time to legislate for an independent body.

Liberal Democrat members and our colleagues at Westminster support a vigorous free press that holds the powerful to account and which is not subject to political interference, but a free press does not and cannot mean a press that is free to bully innocent people or to abuse grieving families. People who feel that they have been mistreated by powerful newspapers need to know that there is someone who is prepared to stand up for them. If we are to uphold our responsibility and our duty, what the McCanns felt must not be felt by anyone else. That is why we need an independent watchdog that is underpinned by the law, to which people can turn and to which newspapers must listen, and in response to which they must act.

We support some of the specific recommendations in the Leveson report. We have some concerns about the role of Ofcom, to which the First Minister referred. We are not quite sure that its duty as a regulator of broadcast media fits well with a role as a recognising body for independent watchdogs. We do not think that that is necessarily the way ahead, but we need to have independent self-regulation overseen by an independent board, which needs to be appointed in an independent, fair, open and transparent way and must have carrots and sticks—incentives—available to it to ensure that people take part in the system. We also need a recognition body, although, as I said, I do not think that it necessarily should be Ofcom.

On the cross-border issues, I understand what the First Minister is saying about the responsibility in this Parliament in terms of defamation, but there is another aspect, which is the Ofcom aspect. We cannot have two authenticating or recognition bodies across the UK. If we did, it would mean that Scotland would be restricted to only having an independent watchdog in Scotland.

To me, the authentication or recognition body needs to be at a UK level, so that we have the option: if the press in Scotland decides that it will have an independent watchdog just for Scotland, it can choose to do that, because one of the possibilities is that a multitude of bodies might apply to be watchdogs. However, by saying that

only this Parliament should authorise or legislate for the authentication body—not the defamation body—we are limiting options and reducing chances; in fact, we are ruling out the possibility of there being a UK-wide independent body.

If the First Minister wants to intervene, I will take his intervention.

The First Minister: I think that Willie Rennie has misled himself in that. Any self-regulating body could apply to be considered as the appropriate body to be statutorily underpinned. It is for this Parliament to decide the criteria for that statutory underpinning.

I think that Willie Rennie misleads himself in another way. I agree with him that the suggestion about Ofcom was not the wisest, although it was only a proposal in the Leveson report. However, the recognition does not have to be by a politician or by any body at all; an organisation can be recognised by the courts as an appropriate organisation in terms of the legislative underpinning laid down by this Parliament. At this stage, all of us should just open our minds to the possibilities so that we can get to a solution.

The Deputy Presiding Officer (Elaine Smith): You must come to a conclusion, Mr Rennie.

Willie Rennie: My mind is very open, and I am trying to have a genuine debate about the issue. Criticising me for trying to have a genuine debate will not encourage open debate in that respect. What the First Minister seems to be saying is that he does not agree with legislating for an authentication body. If that is the case, I will welcome another intervention from him.

The First Minister: I am pointing out that I do not think that the Ofcom proposal is the most sensible one that I have ever seen. I am also pointing out that a minister of justice does not have to be involved, as it is in the Irish situation. We could ask a self-regulated body to apply to the courts to be seen as the appropriate body, as underpinned in legislation passed by this Parliament. Westminster could do the same thing if it wanted. That does not prescribe who the regulatory body is north and south of the border; it just means that it would be recognised under Scots law, if proceedings were taken against it under Scots law. Willie Rennie should not try to create difficulties that do not exist. We can live up to our responsibilities—we must do, and do so in the most appropriate way.

The Deputy Presiding Officer: Mr Rennie, you are well over your time.

Willie Rennie: Yes, I appreciate that.

What the First Minister says seems to be a departure from the Leveson report, which recommended a recognition body. The First

Minister may be suggesting an alternative, but it would be better if he was able to set it out to the Parliament in full so that we can understand exactly what he means.

The Deputy Presiding Officer: Mr Rennie, you must wind up now.

Willie Rennie: I draw my contribution to a close.

The Deputy Presiding Officer: Thank you. We now turn to the open debate. As time is extremely tight, speeches must be a maximum of six minutes.

15:33

Mark McDonald (North East Scotland) (SNP):

It is worth taking a moment to reflect on where this situation arose. Willie Rennie referred to Kate and Gerry McCann as examples in that regard. There is also the example of Chris Jefferies, the landlord of the murder victim Jo Yeates in Bristol.

The Deputy Presiding Officer: Mr McDonald, can I stop you for a moment? I ask members to stop having conversations in the chamber, please.

Mark McDonald: The people to whom I referred were ordinary people who did not seek the limelight, but they were thrust into it. In the case of the McCanns, it was as a result of an unthinkable tragedy. Those of us who are parents could not begin to imagine the nightmare that they went through. The case of Mr Jefferies involves a man who had his reputation, innocence and dignity questioned and undermined by sections of the press.

We could also go back further to look at the many ordinary individuals who were wrongly outed as paedophiles during tabloid campaigns and whose reputations, innocence and dignity were questioned.

It is not just about celebrities, although there are serious questions to be asked about the treatment of those individuals and their families. Indeed, Charlotte Church spoke openly and honestly about the deeply personal impact on her family that occurred as a result of the coverage that affected her.

When considering the Leveson inquiry conclusions, the Irish example is instructive and merits scrutiny. I am not suggesting for one second that it would be an all-singing, all-dancing panacea, but Lord Leveson clearly looked at it and we have an opportunity to consider it further.

It is worth looking at the genesis of the Irish model. In 2003, the then minister Michael McDowell established a legal advisory group to look at the defamation laws in Ireland and their possible reform, with a view to the establishment of a statutory press council. At the same time,

there was talk of reform of the privacy laws in Ireland and a need perhaps to strengthen and tighten them, to prevent elements of press intrusion.

That led the press owners and the National Union of Journalists to design an alternative regulatory system themselves, as they wanted to stave off the implementation of much harsher privacy laws. They persuaded the Government to accept an interim press council and press ombudsman system that would be funded by the press and which in its operation would be independent of the press.

Ruth Davidson: It is reported today by the Irish journalist, Kevin Myers, that the Irish justice minister is unhappy with the work of the Irish press council and that the Irish Parliament will formally scrutinise its performance in 2014. Does that sound to the member like the sort of freedom of the press that the First Minister said he wants to enshrine?

Mark McDonald: In *The Irish Times* on Saturday 1 December, the columnist Noel Whelan said that although the Leveson model

"includes basic tenets of the Irish Model,"

he believes that the Leveson recommendations propose "a stronger system" than that which exists in Ireland. It is a case not simply of looking at the Irish model in and of itself, but of looking at whether changes could be made.

Talking about the Irish model in today's *Irish Times*, Conor Brady, the former editor of that newspaper, said:

"In 2011 the ombudsman processed 343 complaints, the vast majority against national newspapers. A great swathe of what might have translated into slow and costly litigation"

was avoided as a result of the effective operation of the ombudsman in Ireland.

Johann Lamont: If the UK Parliament proposed an Irish-type model that covered the whole of the UK, would Mark McDonald support it?

Mark McDonald: The First Minister has been clear that he wants the statutory underpinning to involve the adherence to Scots law by any regulatory body. In today's debate, he has not said that the regulatory body should be a distinctly Scottish body. We are relaxed about the proposals that may come forward.

Johann Lamont must accept that, although her party has given an indication about introducing legislation, it is not in a position to do that at Westminster—although we do not know what the Liberal Democrats' position would be on that. At the moment, the position of the UK Government and the Prime Minister indicates that legislation will not be forthcoming.

The Deputy Presiding Officer: You are in your last minute, Mr McDonald.

Mark McDonald: We must go forward on a cross-party basis. Despite what Ruth Davidson alleges, it is clear that the First Minister has never said that there must be a Scottish regulator. He has made it quite clear that the setting up of the body is a matter for the press: he said that to Brian Taylor on Thursday 29 November, he said it at First Minister's question time when talking about a "strengthened voluntary press council", he said it in an article in *The Sunday Herald* on 2 December, and he said in an interview on STV that it would be for

"the press to come forward with a self-regulatory body."

Those of us who have had reason to complain to the Press Complaints Commission know the clear disproportionality between the initial coverage and the contrition, apology or retraction afterwards. That needs to be looked at fundamentally, because reputations are often made or broken by the initial coverage. Often, a small retraction or apology in a sub-heading or column is simply not enough for those individuals who feel the pain afterwards.

The Deputy Presiding Officer: I must reiterate that I am afraid that there is no additional time for interventions, which must be taken within speeches.

Hugh Henry (Renfrewshire South) (Lab): On a point of order, Presiding Officer. The First Minister made a welcome commitment to try to proceed on the basis on consensus. I presume that he therefore has an open mind. Would it be possible to request that, as the lead minister in the debate, he attends it to hear what is being said?

The Deputy Presiding Officer: That is not a matter for me under the standing orders. There is now even less time, so speeches must be less than six minutes.

15:40

Paul Martin (Glasgow Provan) (Lab): I recognise that a great deal has already been said by a number of contributors in response to the Leveson inquiry. For me, what is compelling is the fact that we have talked the talk for more than seven decades, but now is the right time for us to take a once-in-a-generation opportunity to finally move on and move the issue forward.

It is recognised that the Leveson inquiry highlighted the experiences of many victims who suffered at the hands of journalists who abused their power and hacked mobile phones and bank accounts. They did so without giving any consideration to the impact of their actions on their victims.

The inquiry heard from my constituents Margaret and Jim Watson, whose daughter Diane was stabbed in a school playground by Barbara Glover in April 1991. In December 1992, their son Alan committed suicide. Alan was deeply hurt by what was said about Diane in newspaper articles, and newspaper articles were found in his possession when he was found dead.

The articles were written by Jack McLean on behalf of the *Glasgow Herald* and Meg Henderson on behalf of *Marie Claire* magazine. Jack McLean and Meg Henderson wrote articles that bore no resemblance to the truth about Diane. Their articles about her murder were written without any proper research, and they made the nastiest remarks in connection with her character. They should be ashamed of their contributions. All the comments that they made in connection with Diane's character were completely without foundation; they were simply made up to ensure that the newspaper column for the particular day was filled.

A lot of what Jack McLean and Meg Henderson said about Diane would, of course, have been said in the knowledge that the family members were not in a position to take defamation action against those journalists on behalf of the deceased family member. Margaret and Jim Watson have campaigned for a number of years to bring forward legal remedies on behalf of bereaved families to challenge inaccurate and defamatory information that has been written about deceased family members. I understand that the Scottish Government has completed its consultation exercise on the possible options for legal remedies that may be available to family members. I ask the First Minister to comment in his concluding remarks on how the Government wishes to bring them forward following the Leveson inquiry.

We have a job to do to protect the free press, but not at the expense of innocent people, such as Margaret and Jim Watson. I have known them for more than 20 years and have long admired their determination to get justice on behalf of their children and in their children's memory. That said, we should continue to remind ourselves that Margaret, Jim, Alan and Diane did not choose to be in the public arena. They should not have been placed in a position to have to be judged by the likes of Jack McLean and Meg Henderson. They found themselves to be victims. We have a job in the Parliament to ensure that we protect such victims from some of the challenges that they face in the media.

The inquiry also heard from the First Minister, who advised us that he believed that an *Observer* journalist had hacked into his bank account. He raised the matter with that newspaper but failed to report it to the police. I have been an elected

representative for nearly 19 years. During that time, I have attended a number of public forums and have sought to ensure that members of the public report every crime. I ensure that they are aware of the fact that unreported crime is not the way forward for their communities.

I ask the First Minister to explain in his concluding remarks—I would be happy to accept an intervention—why he did not report that matter to the police. The most senior politician in Scotland should set a good example by ensuring that unreported crime is reported at every possible opportunity.

This is a consensual debate—we recognise that and we recognise some of the challenges that face us. However, we want the Government to recognise that various challenges face us in Scotland as regards regulation of the press in the future. We ask the Government to have a genuinely open mind as to how we go forward and to reflect on the fact that victims such as Margaret and Jim Watson, their families and others should not be placed in the position that they were placed in.

15:45

Stewart Stevenson (Banffshire and Buchan Coast) (SNP): The word “sensitive” has occurred a number of times in the debate. *Harper's Weekly* said of Abraham Lincoln that he was a

“Filthy Story-Teller, Despot, Liar, Thief, Braggart, Buffoon, Usurper”

and so on. Interestingly, a hundred years ago, *Harper's Weekly* closed for business and today Abe Lincoln is on the \$5 bill. Time sometimes provides the remedy but mostly it does not.

In a number of instances, I find what the media do—with my heart, my head, my whole being—utterly repugnant. In the 1950s, around the family dinner table, my parents still talked about the fact that in the 1930s, the proprietor of the *Daily Mail* required his paper to support the British Union of Fascists. In 1964, when the *News Chronicle*, which my mother read, was taken over by the *Daily Mail*, it was immediately replaced in our house by *The Courier*. The *Mail* would not come into our house.

I may find it utterly repugnant—and others may join me—that a mainstream paper should adopt such political positions, but nonetheless I absolutely defend the right of the *Daily Mail* and any other publication to take actions of their choice that are within the law. A diverse media, just like democracy, means respecting the rights of those with whom we may fundamentally disagree.

Like other politicians—clearly, that includes Johann Lamont—I have to get the message

across about what I am doing to as many people as possible. I have to persuade and inform. I have to communicate. Our media—our newspapers—are an important part of that. I have even visited the *Daily Mail* office upstairs from time to time and I have been successful in getting it to take stories from me. I have benefited from that process of proper engagement.

I visit—as I am sure other MSPs do—all the editors of my local newspapers, my local radio stations and the other broadcast media that come into my constituency to see what they want from me; to seek to influence the filters that they will apply to what I say; and to assess the support that they are prepared to give to the positions that I take. That is no surprise—it is normal business.

However, legal protections are there to help our media hold us to account when to account we should be held. With that comes a concomitant responsibility not simply to obey the law—that is the duty of every citizen—but to behave in a way that is proportionate. We who are in politics often feel ill-served and ill-treated by the media but we have the corporate strength of our political allies, the parties of which we are members, to fight back.

Others simply do not have that power. That is the essence of what Leveson seeks underpinning for. Too many people in the media have crossed the boundary into illegality when they have sought information. Even more to the point, too many of them have parlayed away the rights of private citizens for profit, not because of public interest. On that basis I welcome Johann Lamont's remarks in relation to Milly Dowler, for example. I cannot do anything but agree with what she said.

The media have in their hands, when they get something wrong, the opportunity to correct it. As we heard from Mark McDonald, such retractions are too often grudging, inadequate and in no proportion whatsoever to the original error. The Press Complaints Commission has a fine set of principles and operating standards but, in practice, it seldom rises to meet the need and it more often falls to the level of industry preference.

I guess that no one understands the print media better than the print media itself, so self-regulation could be reasonable, if properly delivered. However, the present circumstances do not show self-regulation in a good light or show that it is operating adequately.

With the new PCC or whatever body or bodies—there could even be multiple bodies south of the border; I cannot discount that, as I do not know what will happen—we need legal underpinnings to incentivise and to penalise, when necessary. That is important.

We have heard about the legal framework in Ireland. We know that that allows a free press and protects citizens. We can draw on the knowledge and understanding there when we look at what we require here.

Each legal jurisdiction will need underpinnings that are specific to local law, but let us not take an early position on how we achieve that. The principles and practices of a new independent PCC can be easily encompassed into one package that could cover the Republic of Ireland and the whole British Isles.

I conclude by doing something that I do not often do: I quote the Bible. Perhaps the media should take tent of Thessalonians:

“Prove all things; hold fast that which is good.”

Let each and every one of us try that one for size.

15:51

Graeme Pearson (South Scotland) (Lab):

Much has been said in the debate about the impact of those in the media on victims and witnesses who have become their target, and I associate myself with all that has been said in that regard. However, let us not forget that the Lord Leveson inquiry reflects a low point in public life, even by modern standards.

Lord Leveson's examination of the cesspit of corrupt relationships reveals the rich and powerful rubbing shoulders with politicians and various public servants in pursuit of self-interest. I imagine that there would be no surprise in the public's mind in that regard.

The dissection of greed and avarice in the report demonstrates the lemming-like pursuit by professional politicians of all parties in the chase after power, influence and control. Leveson nevertheless provides a snapshot of life that is alien to ordinary members of the public—a snapshot in which some people suspend all normal behaviour to surrender the future to acts of criminality and amorality, all in the complete absence of any notion of integrity. In a previous life, I would have recognised such traits as part of organised crime, and I suggest that many members of the public would today see a form of polite mafia within the media hierarchy.

Any suggestion that the matter could be resolved simply by amending a voluntary oversight system fails to realise that significant and powerful members of the media had the audacity not only to break the law, but to corrupt public officials—including police officers—to achieve their aim. Their aims were not limited to headlines alone: it is self-evident that their aims included controlling the very means by which they could dictate business

success for themselves, corporately and personally.

Attempting to master Government ministers, politicians, public servants and police officers provided senior media figures with the best opportunity to deliver success. The acceptance of cash, gifts and supposed friendships in exchange for information, intelligence and favours—the very stuff entrusted to public figures—left the rest of us unprotected. We became the flotsam and jetsam of infighting between powerful figures. Even families that were struck by the most horrendous circumstances, such as Milly Dowler's parents, became pawns in the power play to demonstrate insider knowledge, and thereby influence. As others have commented, Scotland was not immune.

There is a need to change the law and to introduce new means of oversight. In that light, the First Minister's intentions to play a significant part in the proposed cross-party discussions on Scotland's response to Lord Leveson play poorly with me. The First Minister, whatever his motivation, was willing to engage with the Murdoch regime and promote its interests in the takeover of BSkyB despite already knowing the lengths to which the Murdoch group was prepared to go in the Dowler case.

Margo MacDonald (Lothian) (Ind): Is it possible that the First Minister had in mind not the interests of BSkyB but the 500-odd people whose jobs depended on the contract?

Graeme Pearson: The member makes her point. As I indicated, whatever the First Minister's motivation, he was still willing to engage with the Murdochs, even knowing the impact of their involvement with the Dowler case.

James Dornan (Glasgow Cathcart) (SNP): Will Graeme Pearson give way on that point?

Graeme Pearson: I am sorry, but I have only a limited time.

The First Minister has 20 years of experience in the Westminster bubble and knows the impact of journalistic endeavours in that context. In addition, on more than one occasion, he alleged that his bank account had been hacked by a journalist, although he has thus far failed to explain why he has not complained about that gross invasion of his privacy and the criminal act that it reflects. On public duty, ordinary members of our society are expected to report crime, and I expect Mr Salmond to do likewise.

In all other spheres of life, those circumstances would encourage an executive to step aside and ensure that a fresh eye reviewed the way forward with the intention of providing the Parliament with

a balanced set of proposals. I hope that Mr Salmond will reconsider his situation.

It is a necessary and obvious step that there should be cross-party talks. They should purposely examine the need or otherwise for a separate Scottish model of governance for calling the media to account. The idea that Scotland must have an individual solution does not hold water. In many areas, oversight can benefit from the UK response.

We need legislation and effective governance in the matter. However, we also require the press to be really free. To be effective in this global environment, the way forward needs to be swiftly identified. We should maintain an open mind on what the solution should be.

15:57

Colin Keir (Edinburgh Western) (SNP): I was in South Queensferry on Sunday and was approached by a rather well-to-do retired gentleman who informed me that he had been interested in politics for many years without being a member of any political party. As well as asking the usual questions that all MSPs have to answer, he told me that he had followed the Leveson inquiry since it began. His interest had begun with the anger that many people experienced after finding out about the actions of some none-too-reputable journalists, newspapers and others. The tragic case of Milly Dowler had made him think that the Government should take a hard line with, as he called them, the parasites of the press.

As the months passed, my constituent followed the stories of Lord Justice Leveson's inquiry on TV, on radio and in print. He informed me that, the more he knew, the more confused he had become on the subject. He still has no regard for those who acted illegally but does not know how to bring the press back into line without some serious, hard-hitting legislation. However, he said that he still liked the idea of a free press. My constituent's views mirror those of many. We know that something must be done, but the consequences of getting it wrong are massive.

In his report, Leveson points out that there is much to admire about the UK press. As politicians, we may not necessarily like what we see in print, but that is life and democracy. However, as is shown by the example that Willie Rennie gave, it is clear that the current set-up using the Press Complaints Commission has failed miserably. The public simply do not have faith in a system that has failed to deliver anything more than a slap on the wrist to print media offenders.

We should act in a cross-party way if possible. I welcome the fact that the First Minister has offered to hold talks with other party leaders on Thursday.

I also welcome the idea of an independent implementation group, chaired by a Court of Session judge, to determine how Leveson's proposals, or a variant of them, can be implemented in Scotland. I particularly like the idea that no politician should be involved in the group. Yes, I believe that we require a Scottish solution simply because there are differences between our law and the law in England and Wales. However, I believe that some statutory underpinning of Leveson's recommendations would be acceptable, although in principle I would like Scots law to be applied on all issues without our having to defer to Westminster.

The Irish model of regulation has some attractive points, particularly the Press Council of Ireland and the appointment of an ombudsman who can provide redress. It would also give some degree of similarity of process across these islands, not just within the UK. However, I am still open minded on the issue.

We live in extraordinary times for the print media. Circulation figures for most titles are falling to a pale shadow of what they were just a few short years ago. Therefore, there should be protection for journalists against unscrupulous editors and proprietors. Journalists are under pressure due to the nature of the job, with deadlines and accuracy to take into consideration. I am glad that there has been a suggestion that a whistleblowing hotline should be set up for journalists who feel that they are being pressured into breaking any code.

Leveson was not just about illegal phone and computer hacking, of course. Issues surrounding the relationships of politicians and the police with the press came into focus. The rather cosy relationship between some journalists and senior officers in the Metropolitan Police should send out warnings to those who are drawing up new legislation that clear boundaries should be in place. While there is a press that provides political opinion in its pages, politicians will try to influence that opinion. Every party leader, whether at Westminster or at Holyrood, has tried to get their message out and, with a bit of luck, have a campaign or an article with a slant in their particular direction.

For as many years as I can remember, party leaders have been accused of being too close to newspaper proprietors. Some complaints are more justified than others. I am pleased to see that the First Minister comes out of the report well, to the point that Leveson says that he cannot be criticised. I cannot agree with Graeme Pearson that the First Minister should stand down from the talks. I do not believe that he has anything to be defensive about. He is the right person for that job.

Graeme Pearson: Does the member accept that, in terms of transparency and the perceptions of the general public, there would be some virtue in the First Minister having the courage to stand aside and leave it to others?

Colin Keir: No, I do not think that the First Minister has to stand down. I think that Leveson has provided the answer to that—the First Minister has nothing to answer for. He cannot be criticised, to use Leveson's words.

We have an opportunity to collaborate on a cross-party basis. The alternative is that consensus is lost and probably the trust of the general public as well. My elderly constituent in South Queensferry wants to see politicians sort out the mess and then stand back from it. He wants to see the press returned to a set of institutions that can be trusted and which report the news instead of being the news. I believe that this is a subject on which we can park up the sometimes tribal nature of how we debate in this chamber. Thursday will be a first step; let us try to rise to the occasion.

16:03

Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP): It is interesting that Lord Leveson reflects on the commercial pressures on the press that drove some papers to a race to the bottom. Let us consider the drop in circulation of some of our titles. The *Daily Mirror* is down 8 per cent to 21,000; *The Scotsman* is down 14.8 per cent to 32,000; and *Scotland on Sunday* is down 17.7 per cent to 38,000. There are no figures for *The Herald* and *The Sunday Herald* because that publication has been designated by its American owners as a regional newspaper. I am not indicting those particular titles, but against that kind of pressure we can see why some papers took the law into their own hands and developed it.

It is important to note what the Leveson report does and does not say. In paragraph 12 of the executive summary, Lord Leveson says:

"Not a single witness has proposed that the Government or Parliament should themselves be involved in the regulation of the press. I have not contemplated and do not make any such proposal."

It is important to bear that in mind.

Leveson also says that the vast majority of the press do not fall below ethical standards that the public would expect of them and which, indeed, they expect of themselves. However, he also says that a subculture of people within certain publications ignored and, indeed, flouted those standards. The regional press can, in the main, be wholly exempted from criticism.

Leveson reminds us that many of the aberrations of certain aspects of the press were and remain criminal offences. There have been some 90 arrests to date, and although the application of the criminal law, of itself, would not resolve the problems in the culture and practice or indeed address the fact that certain journalists and publications felt that they were their own lawmakers, it still has its course to run.

Even before the current situation, the PCC was ineffective, to put it mildly. Even if we had not had the exposure of the horrendous phone-hacking activities, it would have needed to be reformed. Paragraph 42 of the executive summary says:

“The fundamental problem is that the PCC, despite having held itself out as a regulator, and thereby raising expectations, is not actually a regulator at all. In reality it is a complaints handling body.”

The PCC is very much dependent on the press itself.

The system needs reform. I think that we all accept that. However, how that is to be achieved while ensuring that the fourth estate remains robust, independent and, indeed, thraven enough to act in the public interest is the challenge. That brings us back to that awkward word, “regulation.”

Neil Findlay (Lothian) (Lab): Will the member give way?

Christine Grahame: I will let the member in later, if I have time.

Any profession that I have been in—teacher, lawyer, politician—has had professional regulation, and so should the press. However, that regulation must be independent of any interests and be perceived to be so. I therefore support the possibility of an independent press regulatory body and believe that its composition should provide a better balance between the profession and the public interest, and that it should be wholly devoid of politicians.

Throughout this debate, it has been made clear that the independent press regulatory body and the code of conduct and code of practice can be UK-wide. That is a matter for the press, in discussion with third parties. There is a distinction to be drawn in relation to what jurisdiction would recognise that independent regulatory body. If it were UK-wide, embedded in Scots law would be a recognition of that independent regulatory body. It would have no regulatory function itself. Leveson makes that plain in the part of the executive summary that deals with recognition, which says:

“In order to meet the public concern that the organisation by the press of its regulation is by a body which is independent of the press, independent of Parliament and independent of the Government, that fulfils the legitimate requirements of such a body and can provide, by way of benefit to its subscribers, recognition of involvement in the

maintenance of high standards of journalism, the law must identify those legitimate requirements and provide a mechanism to recognise and certify that a new body meets them.”

The law must recognise and certify that a new body—Scotland-wide or UK-wide—meets those standards.

Leveson continues:

“The responsibility for recognition and certification of a regulator shall rest with a recognition body. In its capacity as the recognition body, it will not be involved in regulation of any subscriber.”

Therefore, I think that we are unnecessarily getting ourselves in a little bit of a muddle.

Neil Findlay: Will the member give way?

Christine Grahame: I will take the member's question in a minute.

Leveson has recognised that there are demands and requirements under Scots law. He referred to civil remedies and talked about civil regulations changing. We cannot do that.

The Deputy Presiding Officer: You are in your last minute.

Christine Grahame: I apologise to Mr Findlay, but I will be unable to let him in.

We still have corroboration and criminal affairs to deal with, so it would be a mess if we did not have Scots input.

Whatever is decided, we must take our time. There is no emergency. Essential freedom of the press to expose and challenge must not be constrained unnecessarily. However, there is a huge difference between a free press and a free-for-all of the press.

16:09

Hugh Henry (Renfrewshire South) (Lab): We should not take for granted the value of having a free and robust press in this country. Christine Grahame talked about the need for a robust, independent and thraven press. We have all been beneficiaries of such a press over the years. Many scandals would never have been uncovered had it not been for the work of the press in this country.

The press often does the job that politicians should be doing, in that it identifies a need for change and for justice. We can see that if we look back at many papers over the years, including papers that are in the News Corporation stable. Groundbreaking investigations have been carried out by *The Sunday Times* insight team, for example. We need a free and rigorous press. We need only look at countries that have not had a free, robust and independent press to remind ourselves of the dangers of such a situation.

Graeme Pearson and other members talked about some of the work of the press over the years. If it had not been for the press, would there have been change in the regulation of MPs' expenses at Westminster? If it had not been for the press, would the banking scandals that emerged from the financial crisis have been fully exposed? Johann Lamont mentioned the thalidomide scandal; families suffered for years and the work of the press brought the scandal to light.

We should be able to say proudly that we have a campaigning and independent press in this country that is valued. It is also right that we identify abuses of the press and say that they are totally unacceptable. The press cannot take on itself the responsibility of saying how the law should be interpreted and applied. The press cannot somehow be above the law. A number of things that have come out in recent years have been a disgrace and a scandal. Collusion with the police has undermined the democracy of this country.

Ordinary citizens need to know that there is some way of holding the press to account when it behaves badly and there is abuse. We cannot have a system in which it is left to the few wealthy individuals who control the papers—or the corporations that control the papers—to decide what will be printed and when, and what is right and what is wrong.

Victims demand something more than currently exists. Paul Martin gave a moving example of the impact on a family in Glasgow. Arguments about a last-chance saloon, which members mentioned, no longer apply; we cannot keep giving the press one last chance, because it has not shown itself to be willing or able properly to implement recommendations. Something more is needed.

The Leveson inquiry has given politicians the opportunity to move things forward. The fine balance that must be struck is between safeguarding an independent press and ensuring that the aspirations of regulation are properly met. What is the suitable legal underpinning of regulation?

The public would not forgive us if we allowed the debate to be caught up in the constitutional arguments that are going on. The public want the best and most effective way of dealing with a press that has let them down, and we should not bring other arguments into the debate. If there is a need to underpin an approach in Scots law, I do not think that anyone in the Labour Party will argue against doing so. How that is done is a separate matter. However, most members of the public to whom I have spoken would value a UK-wide system that was underpinned in whatever way was appropriate, because papers in this

country, by their nature, cross borders. News crosses borders, as do people. Let us not get caught up in nitpicking about the constitution; let us ensure that we come up with something appropriate.

I welcome the First Minister's commitment to try genuinely to find a way forward. I hope that none of the proposals that he has made today is written in tablets of stone. I hope that he has an open mind, that he has not made a decision and that other parties will have an influence and be able to contribute. The approach can be consensual only if no decisions have already been made.

The final point about the First Minister's contribution is that he needs to reflect on public perception, on how he has been seen and on how he was the only political party leader to meet and provide hospitality to Rupert Murdoch after the Milly Dowler scandal came out.

The Deputy Presiding Officer: Mr Henry, you must finish.

Hugh Henry: It would be better for us all and for the Parliament if the First Minister allowed someone else to take the issue forward on his Government's behalf.

16:15

Marco Biagi (Edinburgh Central) (SNP): I apologise for being a little late for the debate. In the future, I will pay closer attention to the running of business. It was my responsibility and I am sorry.

Now that I am here, I am glad, because the debate has for the most part been civil, especially in comparison with some of the language that has been bandied about on the internet and elsewhere. A lot of alarmist language is going about, but it must be realised that UK newspapers are already substantially regulated by domestic law. Their content is restricted by laws on the integrity of court proceedings, especially in relation to children; on incitement; on data protection; on defamation, which has resulted in the notorious super-injunctions in England; and on obscenity. All those issues present difficult balances between competing rights. I am not saying that the right balance is being struck in all instances, but I simply observe that such law exists already.

In contrast, the Leveson report does not recommend additional regulations such as French-style privacy laws, although it could well have done so. However, it makes the distinctive recommendation of an industry-led body to manage standards of conduct—I suppose that that is the best term to use. The focus on corporate governance and professional standards is the

main reason why attention must be paid to the recommendation.

A particularly welcome aspect of the report is its examination of the international experience. The report draws parallels between the UK newspaper industry and other north European systems. The seminal academic work—the comparative study of news systems by Hallin and Mancini in 2004—describes north European systems as “democratic corporatist” systems, and further research has found that followed through to families of media systems among nations.

Countries that are similar to the UK have vibrant and often charged newspaper systems, as in southern Europe. However, the readership level in northern Europe is higher, which means greater resources, a more central role in society and more pressures to compete, which often result in riskier behaviour and a greater fundamental responsibility to society to get things right. We face the same challenge, which has been addressed by models in other countries through a great range of means.

The US media market has a potential customer base that is six times the size of that in the UK, but the circulation figures for the top-selling American newspapers are lower than those for the top-selling UK equivalents. We have a success story in the UK newspaper industry and we cannot afford to lose trust in it.

Margo MacDonald: In describing that success story, does Marco Biagi completely ignore the fact that *The Herald* and *The Scotsman* will be very difficult to find and read in five years’ time?

Marco Biagi: Circulation figures have been quoted extensively. Online circulation figures show that readerships have held up a lot better than people think. In the new media world, what are most commonly exchanged on Twitter are links to articles in *The Scotsman* and *The Herald*. Patterns of readership have changed, but the penetration in society remains strong.

I will look at three points from the international comparison. First, everything that Leveson recommends happens in at least one other nearby European country that is free and democratic. Not only have UK titles made no complaints about operating their subsidiaries in Dublin under the Irish Press Council, but the Reporters Without Borders world press freedom index 2012 rated Ireland as having the 15th most free media system in the world. The UK is 13 places lower, at 28th, and all the countries with forms of press council—the Netherlands, Denmark, Sweden and Germany, which Leveson highlighted—are ranked above the UK.

Secondly, every country has adapted its system to its local circumstances and legal traditions. The Netherlands has a very strong sense of journalism

as a profession like medicine or law, so the main sanction is to name and shame. In Sweden, there is a preference for direct financial penalties on corporate owners.

We must realise, therefore, that there is a need for separate Scottish statutory underpinning in order to recognise not only our values—as with everything that this Parliament does—but the distinctiveness of our legal system. It is also necessary to look at the pattern of the industry in Scotland, because if regulation is to be led by industry, the relative weights of key figures will be different, based on Scottish circulation.

I draw members’ attention to section 5 of the Climate Change (Scotland) Act 2009, which—as just one example—gives statutory underpinning to the advisory role of the UK Committee on Climate Change, which gives it the power to advise the Scottish Parliament even though there is one system for the entire UK. The 2009 act also gives the Scottish Parliament the ability to designate another body, should it wish to do so. That is obviously not a direct, like-for-like comparison, but it shows that such legislation can be put in place.

Thirdly, in every country the industry’s participation is important, as it must buy into the system. Leveson points out on page 1670 of his report that there is a fear in the media of a legislative solution.

The Deputy Presiding Officer: The member should draw to a close.

Marco Biagi: I see that the UK Secretary of State for Culture, Media and Sport has piled in today. I do not think that that is the best way to do business, even if it ultimately becomes the way forward. I would prefer to avoid that if at all possible. Above all, the debate that we have here should remain partnership focused. Knees have been jerking in Westminster, and in this Parliament we should sit down, calm down and work together.

16:21

Patrick Harvie (Glasgow) (Green): The First Minister began by stating that he opposes state regulation and supports voluntary self-regulation that is recognised by Scots law. It is fair to say that the Leveson proposals are a bit of a compromise between the views at each end of the spectrum: those of us who might want firmer state regulation and those who are ideologically opposed to any form of regulation, some of whom would like unregulated broadcast media as well. Perhaps a compromise is the only sensible suggestion.

The debate today has been about how Scotland and the UK respond, and to what extent our response needs to be distinctively Scottish. It is

clear that the industry is being invited to come forward with proposals for the bodies that will play a role as regulators. We need to wait and see: there may be only one, or there may be more than one. It might be that nothing will happen south of the border. I do not think that either side of the debate should rule in or out a single UK body or a separate Scottish body.

It is clear that we need separate legislation, because the legislation in Scotland is already distinctive and we would be shirking our responsibilities if we said that in no circumstances would we pass separate legislation. For members to come to the chamber with dismissive soundbites such as “McLeveson” indicates that some people are using the debate as a way of continuing to position this chamber in relation to the very media that are under discussion. We all need somehow to summon up the courage to have this debate as though those media were not listening.

Politically, we need a distinctive debate in Scotland, because there are many principles to be balanced. Some people are very clear about the principle of freedom of the press. That is important, but there are other principles such as public interest, honesty and the right of redress for people or groups of people who have been wronged. Many people would assert that privacy is a principle, in addition to the principles of respect for equalities and human rights.

If this Parliament is not to have a debate and produce constructive legislation that balances those principles in a way that we see fit, we will be shirking our responsibilities.

Neil Findlay: I hope that whoever is summing up for the Government will answer this question too. Leveson highlights the power of the press with regard to lobbying. Would Patrick Harvie welcome a statutory register of lobbyists?

Patrick Harvie: I thank the member for his intervention. He already knows that I welcome the fact that we will debate his proposals but I want to see the detail of them before I make a final decision on whether I will vote for them in the precise form that he is going to propose.

I mentioned the need to remember the other principles, including honesty, right of redress and respect for equalities. In chapter 8 of part F of the report, Leveson goes into the representation of women and minorities, and I would like to spend a few minutes addressing that. The report contains some examples that I hope will appal members across the chamber.

For example, the report mentions

“the juxtaposition of the article expressing outrage at a satirical programme on paedophilia and an article commenting on a 15 year-old’s breasts”,

followed by

“the Daily Mail’s support for ‘traditional values’ with the Mail Online’s ‘sidebar of shame’.”

The Sun, *The Daily Star*, and *The Daily Sport* come in for substantial criticism. All three contain articles that appear to eroticise violence against women. One example from *The Daily Sport*

“involved a comment piece expressing the writer’s desire to have sex with a celebrity, but joking that the only way that would happen was if he raped her.”

The critics of page 3-style content have come in for substantial criticism from the aforementioned newspapers. Leveson concludes:

“Describing the female critics of Page 3 as fat, ugly, jealous, feminist fanatics, harridans, and battleaxes goes some way to proving their point.”

Leveson has it right in that case.

The report goes on to discuss the treatment of transgender issues, including several papers’ use of words such as “freakish” and “revolting” about named individuals. One such named individual was five years old. The report says:

“There was perhaps a public interest in the story itself, but included within the story was also the child’s name, date and place of birth, birth certificate, photographs of the child and the name of the school and hospital she attended.”

We are talking about a five-year-old child. There was also condemnation of the child’s parents for allowing her to be diagnosed with a condition.

The criticisms go on; I do not have time to address asylum issues or minority ethnic groups. Leveson concludes that the failures are systemic in the press as a whole and are not just down to specific instances, and that

“A new regulator will need to address these issues as a matter of priority, the first steps being to amend practice and the Code to permit third party complaints.”

I hope that there is support for such a proposal across the Parliament, and I look forward to further debate on the issues.

16:27

Dennis Robertson (Aberdeenshire West) (SNP): At 6 o’clock this morning, on “Good Morning Scotland”, the first soundbite that I heard from Gary Robertson was that the chamber would be “locking horns” on Leveson. Perhaps that is precisely why we are having today’s debate. Why did Gary Robertson—he might be one of the clan but he is no relative—use the term “locking horns”? Why did he not take the initiative and say that Parliament would be looking for a consensual debate on Leveson? Perhaps that is where we have a problem. The media often try to steer the public in a particular direction.

This afternoon, we have been talking about the press, but the press is not made up of a faceless minority but of individual journalists, editors and owners. When we look at the responsibility of those who produce the newspapers or come up with the headlines for our radio and television broadcasts, we have to ask about their contracts of employment. Do their contracts require them to adhere to a moral conduct code or moral standards?

Obviously, there are freelance journalists out there, and we heard earlier from a former journalist that people can misinterpret what is being said—even by members in the chamber.

Margo MacDonald: I am a former journalist, and most journalists with whom I worked were very much aware of the truth that had to be told in stories.

The member asked why Gary Robertson described members as “locking horns” on the issue. It was because members of the Parliament had put out press releases with the sort of terminology that would induce him to use that phrase, rather than suggest that we were going to have a consensual debate.

Dennis Robertson: I thank the member for the intervention. However, I come back to the fact that many other aspects in the press could have led Gary Robertson to say that the debate would be consensual.

I have thought about apologising to you, Presiding Officer, and to members for once again personalising what I am going to say. In February 2011, when my daughter died, the press were at my door by tea time. My daughter died just before lunch time and, at tea time, a reporter knocked on my door looking for a story. I was shocked. We were in emotional turmoil. My wife and family, especially my daughter Fiona, could not understand how the press could know and how the reporters could find us. Just a few hours after Caroline died, reporters were knocking at the door. Of course, we sent them away, because our grief was private. However, the following morning before 8, there were knocks at the door again. We had seven journalists before lunch time, the day after my daughter died.

One journalist in particular was apologetic and said, “I’m here, but I don’t want to be. I’m here because I’ve been sent and because, if I didn’t come, I’d have to answer to my editor.” That is the unfortunate face of the press. However, I come back to the point that the press is made up of individuals. Was it the editor’s responsibility or the journalist’s? Who thought that a story on my daughter’s death was in the public interest?

At that point, I was not an elected member. A year later, I came to this very spot in the chamber

and had a members’ business debate in which I talked about Caroline and her eating disorder. The reaction from the press showed great sensitivity. The press reacted in a manner—not sensationally or to sensationalise, but with compassion—that my family and I applaud. Our press can do that. We have a press and media that can have that balance. We require some regulation, but it should be voluntary. I say to people in the industry that they should look at their contracts.

I commend the people from radio and television who spoke to me after that members’ business debate, such as Colin MacKay and Glenn Campbell. I will name one journalist from the written press who I think summed up the reaction to the debate—it was Andrew Nicoll, which might surprise a lot of people. I have not named the newspapers that came knocking at my door and the ones that kept phoning me weeks after my daughter died, still wanting stories in the public interest. I have not named or shamed them, but they know who they are.

The Deputy Presiding Officer: I regret to say that you should close soon, please.

Dennis Robertson: I will conclude with the remark that those in the press can regulate themselves—they know how to regulate themselves and they should do so.

16:34

Kezia Dugdale (Lothian) (Lab): I commend Dennis Robertson for his incredibly moving speech. He has an incredible ability to grab members’ attention in a way that few other members can. I thank him for that.

Presiding Officer, I understand that I have only four minutes. If that is the case, I make it clear from the start that I will not take any interventions.

Lord Justice Leveson describes the press—all of it—as

“the guardian of the interests of the public, as a critical witness to events”

and

“as the standard bearer for those who have no one else to speak up for them.”

He goes on to quote Thomas Jefferson, who said:

“Where the press is free and every man able to read, all is safe.”

Those are fine words indeed.

However, for someone to say that they support Leveson does not mean that they oppose a free press. I argue that regulation is often, in fact, the enabler of freedom. For example, the Financial Services Authority’s regulations against insider trading help to ensure the freedom of the market.

A press that is subject to the independent regulation that Lord Justice Leveson has proposed will still be a free press.

We need to recognise the pressures that newspapers are under in a 24-hour news cycle and with the explosion of online and social media. I am a news addict, but that does not mean that I buy lots of newspapers. I consume most of my news online and I rarely pay for it. I get the news headlines every morning from Twitter, with my hairdryer in one hand and my iPhone in the other—members can picture it if they dare. There is a big question mark over the financial viability of newspapers, which have yet to find a way in which to make money from making news available free of charge. Leveson refers to that when he states:

“social media such as Twitter have ... contributed to a dramatic change to the cost base and economic model on which newspapers are based.”

In his view, that has

“increased the pressure for exclusive stories.”

We can see how the temptation to behave badly could build.

I raise that issue in order to provide some economic context for Leveson. It is hard to see how we will be able to get the cultural revolution that we need from the press without ensuring its financial sustainability. I argue that the freedom of the press is under far greater attack from the changing nature of the economics of journalism than from anything in Leveson. I fail to see how the cost of two regulators will in any way help with that.

At First Minister's question time last week, Johann Lamont asked the First Minister when he last complained to a newspaper about its coverage. He replied:

“I will check the record and see whether I can help Johann Lamont with that.”—[*Official Report*, 29 November 2012; c 14118.]

I understand that that information is still to be disclosed. Surely, in the light of all that has been discussed today, the First Minister understands the need to keep his promise. In that spirit, I wonder whether he will comment on that in closing, and whether he will reflect on paragraph 134 of the executive summary of the Leveson report, which is in the section headed “The press and politicians”. In that paragraph, Lord Justice Leveson states:

“I have recommended as a first step that political leaders reflect constructively on the merits of publishing on behalf of their party a statement setting out, for the public, an explanation of the approach they propose to take as a matter of party policy in conducting relationships with the press.”

If we are to take the First Minister's word in good faith and accept that he is committed to changing the nature of the press in this country and its relationship with politicians, surely he will tell us today when he will answer Johann Lamont's question and also when he will commit to publishing his statement of how he deals with the press.

16:37

John Mason (Glasgow Shettleston) (SNP):

Clearly, a lot has already been said on the subject both today and in the media beforehand. The key issue for me is that we have tried a totally voluntary system but it has not worked and we need a stronger system in future. There is a balance to be struck between freedom on the one hand and responsibility and being held to account on the other, but that is a balance that needs to be found in many areas of life. As individual MSPs, we have to balance freedom with responsibility. Every citizen has to get that balance right, or society will act. The broadcast media have to get that balance as well, so it is clearly nonsense to say that statutory involvement means no freedom.

It has been said that the work of *The Daily Telegraph* is a good example of press freedom, as it led to the exposure of the MPs' expenses scandal. I think that Hugh Henry was referring to that earlier when he said that, in some cases, politicians should be doing the work that the media is doing. I have to say that I was elected as an MP just too late to begin fiddling my expenses. As I understand it, the *Telegraph* was using stolen material. However, it seems to me that, if there is one lesson to be learned from that episode, it is not that newspapers should be encouraged to break the law but that there should be more openness in general, for example through stronger freedom of information legislation. The Finance Committee will be looking at that issue tomorrow.

I want to touch on the issue of attitude. The Finance Committee has taken evidence on employability, and a number of employers stressed to us that the attitude of applicants is more important than their qualifications on paper. The point about the importance of attitude also applies to our debate today. Many of us have travelled or would travel miles and miles to appear on the radio, on TV or otherwise in the media. Are we, as politicians, too obsessed with the media? Are we too worried about tomorrow's headlines? If so, that is bound to create unhealthy relationships. It is not just rules and regulations that need to change, but our internal attitudes. We should be wary of pointing at individual MSPs and saying that one is closer to the media than another. The reality is that we are all too concerned about

media opinion of us, and we should take collective responsibility for that.

On the mace are the words “justice”, “compassion”, “wisdom” and “integrity”. Are we being wise when we deal with the media? Are we dealing with the media with integrity? I believe that those values do not hold only for the 129 politicians in the Parliament; they apply outside the Parliament, including to the media. Does the training of journalists include consideration of wisdom, justice, compassion and integrity? Are those values taken into account in the recruitment process and when people are promoted? A number of professions are struggling with questions of ethics and values, including my profession of accountancy, in which there has often been an emphasis on keeping within the rules, but the bigger picture has been lost.

In that regard, I was struck by what Lord Andrew Phillips—who I believe is a Lib Dem peer—said at a recent charities ceremony. In relation to business, he said that there had been

“staggering corruption at the heart of the City and other financial centres”.

He encouraged the belief that there are other values in charities. He said:

“we parliamentarians kid ourselves that passing endless laws which are rarely reviewed or implemented solves social problems ... All of us must work for a renaissance of moral values—our British reputation”—

I will forgive him for that—

“for integrity should still enable us to take the lead.”

It will be good if whether Scotland should take a different route from the UK can be discussed among the party leaders on Thursday, but we should not be afraid of taking a different route. Some members have come across as being a bit timid. Sure, let us talk more about the issue and try to agree on a way forward, but once we have decided on one, let us be bold.

The Deputy Presiding Officer: I call Margo MacDonald, after which we will move to the closing speeches. Three minutes, please.

16:40

Margo MacDonald (Lothian) (Ind): I am aware of the fact that I have intervened a few times, so I will try to keep my speech under three minutes.

On the First Minister’s bank account, I can see why someone would want to keep their bank account secret. There is nothing wrong with that, and I think that we are being far too prissy if we say that there is. In the past, lots of people have decided to call it quits rather than have more publicity about something that was already embarrassing to them. In this case, I do not see

why the First Minister should be embarrassed, but I can quite understand that he might have felt that he wanted to keep some of his personal affairs private.

A free press is essential for a democracy—we cannot get round that—so we must take account of what Mr Biagi said about the changing nature of the press and the fact that the rules that we devise to ensure that it stays free and responsible must reflect that.

Kezia Dugdale was absolutely right: it’s the economics, stupid. That is what is driving the debate. As we heard from Mr Robertson, there are journalists who are sent out to do jobs that they find utterly distasteful and which they feel dreadful about—they do them because they know that they will lose their job if they do not—because their paper is under pressure, is not selling copies and is not making money. We should not forget that that is what is driving the change in standards, along with a culture that Hugh Henry referred to and which the leader of the Labour Party alluded to when she had the courage to say that there were a few people in prominent positions who did not appear to have the sort of morality in dealing with other people that the rest of us have.

I have worked as an investigative journalist for Radio 4. I took over after Roger Cook, whom some members may remember. He made his name by sailing close to the wind and breaking the law; I did equally good programmes, but I did not break the law. I had some thought for my responsibility. There was many a time when I did not do anything about a story because I knew that children were involved who were utterly innocent. That position is also representative of the press, and I ask the Parliament to remember that when it determines what to do about a regulatory body. I am sure that we can self-regulate without statutory interference.

The Deputy Presiding Officer: Many thanks. We now move to closing speeches. Willie Rennie has up to six minutes.

16:44

Willie Rennie: Margo MacDonald made a good contribution, because what she managed to identify, along with many others, is that there are good journalists and that we should not generalise. We often condemn others for generalising about society, groups and minorities. We should not generalise about the press. I hope that the members of the press up in the gallery are still listening.

I was reassured by some of the First Minister’s remarks earlier about the potential for a cross-border independent watchdog. If he is saying that it could be the courts—and perhaps the Scottish

courts—rather than Ofcom that authenticate or authorise the independent watchdog, and that there could be the potential for dual registration that would allow for UK-wide independent watchdog status for organisations, that would be a step forward. This Parliament does have to take responsibility, but we should recognise that we have agreed to legislative consent motions in the past and that Westminster is perfectly capable of doing so as well as legislating for Scotland. However, I think that we should see how this develops over time and, if we can do it here, we should do it here. The most important thing in this regard, though, is to consider members of the public who want to make a complaint against the media—doing so should be simple, quick and cheap. If they have to work out which regulatory body they have to go to and that increases the costs, that is something that we should be against.

I will look to have discussions on this with the First Minister on Thursday, but if we can achieve a UK-wide independent watchdog in order to make the process simple, that would be a positive thing that I would welcome. However, we should engage at a UK level. I encourage the First Minister to touch base with the UK party leaders and have a discussion with them. I think that his contribution to such a discussion would be helpful. It might help to persuade my colleagues in the UK coalition to see the light and perhaps agree to legislative underpinning of the process. I think that the First Minister's involvement in that would be welcome.

The Prime Minister said back on 7 October that he would implement Leveson if it was not “bonkers”. I do not think that Leveson is bonkers and we have not heard anybody describe it as bonkers since. I therefore hope that the Prime Minister might just look back at what he said on 7 October and agree that legislative underpinning, as a central part of Leveson, is something that we should proceed with.

John Mason was right to say that we need to strike a careful balance. It is important that we recognise the freedom of the press as well as the freedom of the public—freedom of the public from bullying and intimidation by newspapers and the freedom of the press to scrutinise people such as me and others in the chamber. It is important that we protect that freedom. We should not go from one extreme to the other and condemn all the press and say that everything it does is wrong, because that is not the case. As Marco Biagi said, the press is already limited by the law—limitations are in place. What we are debating is what the extent of that and of the state's involvement should be. I think that having legislative underpinning of an independent watchdog is something that we should support.

When we talk about independence, we should also recognise that the PCC is hardly independent of politics. Three of the past five chairs of the PCC have been Tory politicians. We could therefore argue that the independent watchdog that we support, underpinned by the law, would be a much more independent body than the PCC currently is. The media should welcome separating the politicians from the press in that regard. It would give the press protections as well. The carrots and sticks that we have talked about would provide protection for the media and would mean that lengthy court cases that cost them a lot of money would not drag on—it would give them some great advantages.

Hugh Henry was right when he said that we need a process that is available not just to the wealthy, who can afford to pursue it; it should be for all. Again, cheap, easy, quick redress for members of the public through a process that everybody recognises is something that we support.

I commend Colin Keir for being the only SNP back benchner who decided to defend the First Minister on the back of Leveson, but when the First Minister says that he “cannot be criticised”, he takes it out of context and is quoting selectively. The question for the First Minister is this: if he had his time over again, what would he do? If he was making that phone call to Jeremy Hunt or to Vince Cable, the secretaries of state, what would he do? Would he ask them to take jobs into account and act unlawfully, according to Lord Justice Leveson? That is not what I expect from a First Minister. He cannot simply say that it is their responsibility to take that into account; he needs to recognise that he, as First Minister, also has a responsibility.

I do not want to sour a reasonably hopeful and positive contribution—*[Interruption.]*

The Deputy Presiding Officer: You have 15 seconds to do so.

The Cabinet Secretary for Finance, Employment and Sustainable Growth (John Swinney): He just has!

Willie Rennie: There has been a great degree of consensus in the debate. I hope that we can agree to progress a legal underpinning of an independent watchdog so that we can move forward. We cannot repeat the mistakes of the past.

16:51

Annabel Goldie (West Scotland) (Con): There are not many more important debates than this one about how we, the Scottish Parliament,

respond to the findings and recommendations of the Leveson inquiry's report.

As we have heard, the inquiry was set up by the Prime Minister following the uncovering of a phone hacking scandal, which, we all agree, shocked the British public to its core. The inquiry exposed unethical as well as illegal conduct by some elements of the press—that is the dry technical description. To the broader public, it laid bare squalid practices and unprincipled, shameless behaviour that all reasonable people find repugnant.

The inquiry went further. It demonstrated the elementary failure of the current regulatory regime and a fundamental failure of our political system over the past two decades to tackle an intensifying problem. In that context, Lord Justice Leveson asked what the Roman poet, Juvenal, asked near 2,000 years ago: “Quis custodiet ipsos custodes?”—who guards the guard dogs?

Well, Lord Justice Leveson has published his findings and recommendations. In among the responses and the commentary, one feature has emerged: the problem is not simple and whatever we do, we should do with caution. In many respects, the debate has captured that mood and there have been some measured and reflective contributions from across the chamber. Dennis Robertson's speech was particularly courageous and, from a different perspective, Margo MacDonald's was very thought provoking. Yes, we need to do something, but we should be mighty careful about what we do.

The Leveson inquiry took place against the background of the democratic tradition: the freedoms and values that we cherish in our open society. Those freedoms are the envy of oppressed peoples around the world. Thomas Jefferson said:

“The only security of all is in a free press.”

He added that it was necessary to “keep the waters pure”. Lord Justice Leveson echoed those sentiments when he said:

“a free press is the lifeblood of a mature democracy”.

That is not something to be sacrificed or lightly put at risk, although that does not mean that the freedom of the press is unlimited. There are legitimate boundaries within which the press must operate and an effective system of regulation is essential to ensure that those limits are adhered to.

Today, we have heard many members add their voices to the debate. Although at times they may have been in disagreement with one another, we should remember what we all agree on. First, we as a Parliament have a duty to consider these findings and recommendations—although I

observe that responding does not necessarily mean legislating. Secondly, the status quo is no longer a tenable option.

Lord Justice Leveson rightly criticised the current regulatory system. The Press Complaints Commission made the press judge, jury and executioner in its own case, which was inherently flawed. In its place, Leveson recommended an independent self-regulatory body to remedy what he sees as a

“profound lack of any functional or meaningful independence from the industry”.

Under his model, appointments would be independent and representative of the public interest, as would be the setting of standards of conduct. He also detailed a speedy complaints-handling mechanism with significant remedial powers as part of a new regulatory system.

Christine Grahame: Will the member take an intervention?

Annabel Goldie: I am sorry; I have a lot to get in. I ask Ms Grahame to forgive me.

Those are the central recommendations of the report, which my party accepts and endorses to this Parliament. However, we do not believe that statutory underpinning is necessary to give effect to the main findings of the report. It is interesting that Lord Justice Leveson—I do not know whether Ms Sturgeon and Mr Swinney share this view, but if they would listen, they might learn something about the report—identified that very tension. He noted:

“a balance must be struck between the use of statute to deliver independence ... and the risk that the use of statute might introduce some element of state control of the press which is clearly unacceptable.”

My party's view is that any form of statutory provision that enacted the “requirements”—that is Leveson's language—that a regulatory body must fulfil would inevitably introduce the risk of political interference in the freedom of the press. That cannot be helped. Such statutes control the press. Governments pass statutes, and there is the rub. To introduce such legislation on to the United Kingdom's statute book or the Scottish Parliament's statute book would be an unprecedented step.

I want to end my contribution by returning to what my colleague Ruth Davidson argued in her speech. A two-system solution, as the First Minister has proposed, whereby the rest of the UK goes one way and Scotland goes another is unrealistic and unnecessary, because almost all the largest titles and media groups in Scotland either trade throughout the United Kingdom as a whole, are based in England, or are owned by non-Scottish proprietors. Newspapers are used to

dealing with differences in Scots law day in, day out; they are also used to operating under a unified UK regulatory system, albeit that that system was imperfect. Given that context, a Scottish solution will mean having to sign up to two systems. I presume that that also means paying for two systems, and I do not think that there is an appetite for that. Indeed, Leveson even noted that in his report in recognising that there is no reason why a new regulatory system could not easily apply across the various legal jurisdictions of the United Kingdom.

I return to Juvenal. His friends advised him to adopt the following plan: “Bolt her in, constrain her!” The free press and its crucial role are of such paramount importance that we cannot follow such an approach lightly. Bolting in and constraining through statutory provision that is susceptible to political meddling is only the answer of very last resort. Let us move forward together. Let us take the key principles of the report and together find a way to deliver them on a single, UK-wide basis.

16:57

Patricia Ferguson (Glasgow Maryhill and Springburn) (Lab): This has been a serious debate on an issue that is likely to be the subject of continuing national debate across the UK. We have heard some powerful contributions, and colleagues across the chamber have made considered points.

It is of paramount importance that a system is put in place that is independent, proportionate, transparent and fair, and that, crucially, has the confidence of victims in applying to all newspapers and titles. I believe that Lord Leveson’s proposals set us on the right track.

It took Lord Leveson over a year of investigation and consideration to come up with the extensive report that was published last week. His inquiry was established with cross-party support at Westminster. It is a pity that his proposals do not enjoy similar backing.

Stewart Stevenson: I simply seek a bit of clarity. The member said that she wanted all newspapers to be part of the body. Would she wish small local newspapers to be part of it—given that it will cost newspapers, should it not be voluntary—in exchange for benefits that are delivered under the law?

Patricia Ferguson: That is one of the matters that has to be discussed more with the regulatory body, but Mr Stevenson makes a valid point. That discussion must be had with the smaller titles because, as my colleague Kezia Dugdale pointed out, it is very difficult for them to operate in the current economic situation without taking that

further step. I accept the point that Mr Stevenson makes.

We have heard the Conservatives express the same concerns that have been expressed at Westminster, but I truly believe that they should think again. The Conservatives seem to argue that the stumbling block for them is the underpinning by statute of the new regulatory body, but surely Lord Leveson has exercised a particularly light touch there, as the system’s independence would be enshrined in statute, and the regulatory body would ensure that the self-regulator remained independent.

Scottish Labour does not support state control of the press. We do not think that politicians should meddle with the content of newspapers. We are clear that a free, probing and irreverent press is essential to democracy and should be able to hold the powerful to account. However, the press must not abuse its own power; nor must it victimise the defenceless and the vulnerable. Leveson’s proposals allow a system of regulation that is independent of politicians as well as the press.

Lord Leveson has also helpfully suggested some carrots to try to help to maintain the proportionality of his proposals and to encourage acceptance by the media—that is to the good. The First Minister wants us to commit to having a separate system in Scotland. We do not believe that the case has been made for a separate system and we genuinely hope that the First Minister will not close his mind to the arguments that have been put to him. Many of the titles that would be covered by a Scottish regulator operate in the rest of the UK too, so how does it help to have a system in Scotland that is separate from the system in the rest of the UK?

Mark McDonald: Will the member give way?

Patricia Ferguson: Not at the moment, Mr McDonald.

We have heard mention of the cost but, more importantly, how does having a separate system help the victims who may then have to approach two regulators? The First Minister wondered why we could not adapt the Irish model to our needs. I ask the First Minister why we cannot adapt Leveson to our needs. I have looked at the Irish system reasonably carefully and it allows serving editors to be on its regulatory body. Also, it has on at least one occasion, as Kenneth Roy points out today in the *Scottish Review*, criticised the style of prose that was employed by a journalist. I would not expect any system that we would want to be involved with to do either of those two things. In addition, the Irish system allows only the individual who has a grievance to take forward that

grievance to the press council; no one else can do it on their behalf.

Patrick Harvie: Is the member aware that the article in question, which was only criticised—not in any way censored—was a racist rant that contained racist and sexual innuendos about African men and that implied that the only thing that Africa had given the world was AIDS? We should be comfortable with valid criticisms being made of that kind of journalism.

Patricia Ferguson: I take Mr Harvie's point. I agree with him about the points that he makes. However, the criticism went on to talk about the style of the prose as well as the content. I have no problem with the points that Mr Harvie made, I would just say that I do not want a regulator that looks at the type of prose that any journalist is using and considers it a matter for criticism. Mr Harvie is right to make the distinction between the two points—I was about to do the same myself so I am grateful to him for that.

Stewart Stevenson made an interesting speech and he laboured the point about activity that was within the law. However, he will have heard Paul Martin's powerful speech about a situation in which journalists did not break the law but still caused great offence, great anxiety and great harm to a family. Indeed, Dennis Robertson made similar points in his speech. That is why we need to have a strong regulator in this country.

Graeme Pearson was right to highlight the actions of some elements of the media and the way in which those in power in the police, in politics and in the media gravitated together in an invidious alliance that had the best interests of no one but themselves at heart.

Christine Grahame is right to treasure the independence of the press and I concur entirely with her comments in that regard. Hugh Henry was also correct to identify the cross-border nature of the debate and the concern that redress is available to all and does not just fall within the purview of those who can afford to access it.

Patrick Harvie, too, was right to say that the Leveson report is a compromise. However, I happen to think that it is a fairly clever and sensible compromise, which is why I think that it should be supported. He is also right to point out that there has been, in some newspapers, a complete disregard of equalities issues. The examples that he cites are absolutely damning.

Scottish Labour would wish to be part of a constructive dialogue with the First Minister. We hope that he will keep an open mind about the nature of the process and, indeed, about his own involvement in such a process. At the end of the day, we believe that the actions of all must be

guided by the needs and the requirements of the victims.

17:05

The Cabinet Secretary for Culture and External Affairs (Fiona Hyslop): I am very pleased to make the closing speech in this debate on the way forward for Scotland in the light of Lord Justice Leveson's report "An inquiry into the culture, practices and ethics of the press".

A number of members took time in their speeches to remind us of the background to the issue. I thought that Dennis Robertson, in particular, gave a wise speech on his personal experience of the two sides of the medium. Although it would have been courteous of the UK Government to make the report available in advance to party leaders in the Scottish Parliament, there is some advantage, as we have heard, in taking the opportunity of a few days' reflection before holding this debate. That has allowed us a chance to begin to assimilate the report, and there have been some thoughtful speeches about the way forward, which is a positive development.

I will respond to as many of the speeches as I can. I very much agreed with the first half of Graeme Pearson's speech in which he set out serious concerns about the impact on public life, in particular, of relationships with the press.

Paragraph 117 of the Leveson report's summary and recommendations states:

"Taken as a whole, the evidence clearly demonstrates that, over the last 30-35 years and probably much longer, the political parties of UK national Government and of UK official Opposition, have had or developed too close a relationship with the press in a way which has not been in the public interest."

I note the recognition on page 1,439 that Leveson is

"conscious of the limited extent to which the Liberal Democrat party ... have ... fitted within that description"

and he makes it very clear on page 1,438 that the parties of devolved Government are specifically excluded from that general criticism, when he says:

"In my opinion, the conduct of politicians of devolved Government cannot be reasonably be considered as part of the historical UK national patterns with which my generic conclusions are concerned."

That is a strong indictment of the UK Government parties and, indeed, the Opposition, over many years, but I have not heard Mr Pearson, Johann Lamont or Ruth Davidson say that somehow David Cameron or Edward Miliband have been prevented from taking forward proposals in that regard.

As the devolved Administrations are exempt, it is perfectly correct that the public and, more important, the victims of the press in Scotland look to this Parliament, this Government and the leadership of this First Minister to lead this debate and take forward cross-party talks. I am very pleased that all the parties have agreed that they should take part in those discussions, which is where we want to progress the issue.

Patricia Ferguson: Does the cabinet secretary accept that the UK political parties have, in fact, accepted the criticism that Lord Leveson has levelled at politics at Westminster generally? Perhaps we need to take a leaf from that particular book.

Fiona Hyslop: Lord Leveson exempted us from that criticism. It is more important that we move on.

Of the main areas covered by the Leveson report, almost all are devolved to the Parliament, namely regulation of the printed press; Scots private law, including defamation; criminal law, including contempt; police functions and prosecutorial functions. The only key areas that are not devolved are data protection and media plurality and competition. In considering how we discharge this Parliament's responsibilities, there are some common values that we share. None of us wants to see the regulation of the press by the state; neither does Lord Justice Leveson. All of us believe in the freedom of the press, and Stewart Stevenson set that out particularly well.

The Scottish Government wants an open and inclusive approach to determine the Scottish response to the Leveson report. I really want to give assurances on that request made by Patricia Ferguson, Johann Lamont and others. We have deliberately framed this as a debate without motion to allow members not to be unnecessarily corralled into a fixed position. Marco Biagi set out the position well: instead of a knee-jerk reaction, we can think through the issues as they apply in the context of Scots law. The important point is that we want the independent implementation group to consider how we can underpin in Scots law a framework of self-regulation by the press.

Mark McDonald set out the case well when he said that it was about the press proposing a framework. One of the key issues is how that framework would be recognised, but it would be up to the press, not the Government, to decide the framework.

Depending on what the press decides, the structure could also cover other parts of these islands. Willie Rennie and some of the Labour members made that point. However, the statutory underpinning cannot simply be UK-wide; it must adhere to Scots law. The expert implementation

group can advise us on that. We envisage that the group, chaired by a past or present Court of Session judge, would consider how best to provide the statutory underpinning and how best to respond to Lord Leveson's report as a whole.

I will address some of the issues that were raised.

Willie Rennie rose—

Fiona Hyslop: I want to move on. I have a number of issues to address.

One of the issues that we will require the implementation group to consider is whether the arbitration panel that Leveson set out or the Irish system of an ombudsman is the more appropriate route.

Secondly, we will require it to consider who should provide the recognition—that is the point that Christine Grahame raised in her speech—and to address the concern about Ofcom and ministers. The proposal that the court could be the recognition body is one way forward on that.

Paul Martin made an important point in a concerned and reflective speech about the situation of the Watson family in particular. At the end of 2011, Roseanna Cunningham set out why an extension of the law may not be the most appropriate way of delivering the requisite protection, but added:

"We will want to consider carefully the outcome of"

the Leveson inquiry

"to inform our final conclusions".

I understand that Lord Justice Leveson heard evidence from the Watsons. In his report, he extended and stressed his sympathy towards them. However, he came to the conclusion that there may be better remedies. We can consider further his conclusions in that regard at a later date.

Kezia Dugdale asked whether the Scottish Government would release information about its meetings with the press. I tell her that we do that. We are more transparent than the UK Government. The list of meetings covers a longer period than the UK Government's. It includes editors and proprietors, whereas the UK Government list covers proprietors and senior executives only. Of course, all the First Minister's correspondence with the Murdochs was released.

The important thing is to consider how the Parliament takes things forward. The first paragraph of the first page of the Leveson report says:

"my Report may be less helpful to those with decision-making responsibilities in Scotland, Northern Ireland and Wales, but I have sought to set out my analysis and

conclusions in a sufficiently explicit and reasoned way to enable the experts within the devolved jurisdictions to see ... how they could be made to fit."

That is the task we face. That is what we need to do to take forward implementation.

I do not usually quote Conservatives, but I quote to Ruth Davidson what Ken Clarke says on page 1,756 of the Leveson report:

"I am not convinced, though, that a statutory underpinning of some kind would amount to state control of the press. You have pointed out the statutory duty of the Lord Chancellor to uphold the independence of the judiciary. I would note as well that press organisations have a legal obligation to register with Companies House and HM Revenue and Customs as businesses; this doesn't appear to me to amount to political interference in their work. This is not my endorsement necessarily for a statutory backing, but simply an observation that it would not be the freedom of expression Armageddon some commentators would have you believe."

I hope that there will be a way forward as we develop the arguments and look at statutory underpinning, certainly in the Scottish context, and it is the Scots law context that we want the implementation group to look at.

The debate has been worthwhile. If I have not managed to respond to every point that was made and every suggestion that was offered, I am sure that we will have an opportunity to do so as we go forward. If we move forward positively, I am sure that we will have a number of opportunities in the future to debate the Leveson report in the Parliament.

There is definitely a Scottish interest in the debate. The Scottish Government definitely has a duty to take forward the issue. The Parliament definitely has a responsibility to rise to the occasion and ensure that we find a way forward that implements Leveson's proposals and reflects Scotland's distinct legal system, so that the victims of the press are responded to in a way that they expect and that we can deliver.

Point of Order

17:15

Mark Griffin (Central Scotland) (Lab): On a point of order, Presiding Officer.

I rise to raise a point of order relating to parliamentary written questions. On 5 October, I asked a number of specific parliamentary questions regarding the attendance and activity of Scottish Government ministers, officials and agencies at the 2012 Ryder cup. I received a holding reply from the minister on 2 November, which promised a reply to my questions as soon as possible. Subsequently, on 14 November, almost six weeks after I submitted my original questions, Clare Adamson MSP submitted a more general question in relation to the 2012 Ryder cup. Ms Adamson's question was answered within two weeks, on 27 November. On the same day, I received answers to my questions, which simply referred me to the answer that was given to Ms Adamson.

I find it disrespectful to Parliament and to parliamentarians that the Government chose not to answer my specific questions but instead to answer a more general question that was lodged by one of its own back benchers six weeks later.

Presiding Officer, I ask that you use your authority to ensure that my questions are answered in full, without delay, and that you make it clear that the Government should answer all questions in a prompt and even-handed manner, and not using what I can describe only as a planted question to undermine the ability of Opposition parties to hold the Government properly to account.

The Presiding Officer (Tricia Marwick): I thank the member for the advance notice of this important point of order, which has enabled me to investigate the matter myself. As Mr Griffin said, on 5 October 2012 he lodged three written questions asking the Scottish Government for details relating to the attendees and the costs of the delegation that attended the 2012 Ryder cup. Those questions received a holding reply on 2 November. On 14 November, Clare Adamson lodged an inspired parliamentary question on the outcomes of the First Minister's visit to Chicago in September 2012. That inspired question was answered at some length by Fiona Hyslop on 27 November. Also on that date, Mark Griffin received written answers from Shona Robison that simply referred him to the answer that was given to Clare Adamson.

For a member to have to wait nearly eight weeks for an answer to a parliamentary question and then simply to be referred to an answer that

has been given to a question that was lodged six weeks after his original question is, in my view, not acceptable. [*Applause.*] Please do not applaud.

I note that the Scottish Government's guidance on using inspired questions to give information to the Parliament, which is published on its website, states:

"Where a question on the same subject already exists, consideration should be given to using that question to make the announcement, whether or not it is an Opposition question, instead of arranging an inspired question."

It appears that that guidance has not been followed in the case of Mark Griffin's three written questions, which predate by six weeks Clare Adamson's inspired PQ.

I expect the Scottish Government to treat all members equally when responding to written and oral questions, irrespective of which party they are from. I consider that the Government has treated Mr Griffin with discourtesy. I invite ministers to reflect on how the answer was put into the public domain and to consider what steps they need to take to ensure that members are not treated with such discourtesy in the future. [*Applause.*] There is no need to applaud.

Violence Against Women

The Deputy Presiding Officer (Elaine Smith):

The final item of business today is a members' business debate on motion S4M-4855, in the name of Jamie Hepburn, on the white ribbon campaign's 16 days of action to tackle violence against women. The debate will be concluded without any question being put.

Motion debated,

That the Parliament recognises the 16 Days of Action to tackle violence against women that takes places from 25 November to 10 December 2012; commends the continued work of those promoting awareness of this issue and campaigning for an end to violence against women in places such as Cumbernauld and Kilsyth and across the rest of Scotland; also recognises White Ribbon Scotland's work to challenge attitudinal problems around this issue; believes that it is wholly unacceptable that an estimated one in four women will experience violence from a man at some point in their lives; considers that this is not solely a women's issue and that everyone has a role to play in preventing violence against women, and restates its commitment to tackling domestic abuse and all forms of violence against women.

17:20

Jamie Hepburn (Cumbernauld and Kilsyth) (SNP): I begin by thanking the members who added their names in support of my motion in order to enable it to be debated this evening. Their support is sincerely appreciated, as is the presence of members who have stayed behind either to participate in or to watch the debate.

I also thank White Ribbon Scotland for its support in advance of tonight's debate, and for the invaluable information and guidance that it has been able to provide me with to help me to prepare. I also thank Zero Tolerance for the briefing with which it has provided members for the debate. I note that it will hold an event in Parliament this Thursday to mark 20 years of activity, which is co-sponsored by Malcolm Chisholm and by Christina McKelvie—who I know is disappointed not to be able to take part in tonight's debate. I give notice of my apologies for being unable to attend that event. I hope that it goes well.

White Ribbon Scotland began in 2006. It does not exist in isolation, but is part of an international movement to engage men in tackling violence against women. That movement began in Canada in 1991, around the same time that the City of Edinburgh Council ran its first zero tolerance campaign, which was in the winter of 1992.

The white ribbon movement now exists in more than 60 countries across the world, working with non-perpetrating men to tackle violence against women and recognising the important role that men have to play in tackling this social evil.

Clearly, not all men are perpetrators of violence against women, but the white ribbon movement recognises that we live in a society where women do not have equality with men and that, as a consequence of that inequality, many women are victims of gendered violence.

White Ribbon Scotland seeks to engage with men and boys to tackle violence against women by challenging the gender inequality that underpins it. Since 2006, White Ribbon Scotland has worked with local authorities, police departments and members of the general public to help them to challenge sexist attitudes, to reconsider their own behaviour and attitudes and to promote healthy masculinity. In that time, 2,200 members of the public have taken the online pledge to never commit, condone or remain silent about violence against women. This year, White Ribbon Scotland has been working with local authorities and partner organisations on educational events across Scotland. In particular, it has been working in secondary schools in Dundee, educating more than 1,400 young people about the campaign and the link between negative attitudes and violence against women.

The motion's being lodged and its being debated this evening have been timed to coincide with a campaign of 16 days of action to tackle violence against women, which is being headed by White Ribbon Scotland. I note that my friend, Bob Doris, has lodged a motion to mark the campaign.

The 16 days began on 25 November and will end on 10 December. Those dates are neither incidental nor accidental. The first date marks the international day of the elimination of violence against women, and the second is international human rights day, which marks the anniversary of the signing of the Universal Declaration of Human Rights in 1948, which was brought about by the determined work of Eleanor Roosevelt, who was famously described, in connection with that achievement, as being someone who would

"rather light a candle than curse the darkness."

The purpose of connecting those dates—of tying the international day of the elimination of violence against women to international human rights day—is to encourage people around the world to see women's rights as a vital component of the broad spectrum of human rights.

The reality in modern Scotland suggests that we desperately need to focus our efforts better on tackling the problem of violence against women. In Scotland, domestic abuse is too prevalent, with an incident being recorded every 10 minutes. White Ribbon Scotland suggests that one in five women experiences domestic abuse in Scotland and Zero Tolerance suggests that one in four women experiences some form of violence or abuse. In

2011-12, domestic abuse incidents reported to the police rose by 7 per cent to nearly 60,000. In 81 per cent of those incidents, the victims were female and the perpetrators were male. In the same year, reported incidents of rape rose by 19 per cent. Around 100,000 children in Scotland live with domestic abuse and as many as one in three young women has experienced dating abuse. Almost one in four 14-year-olds has been forced to do something sexual by someone they were dating. As the father of a young daughter, those statistics are particularly alarming to me.

A change in attitudes will be key to dealing with the problem. A study by the centre for research on families and relationships at the University of Edinburgh in 2011 found that young children justify men's violence against women using gender stereotypes and a rigid understanding of adult relationships. The researchers found that young people subscribe to naturalised definitions of masculinity to explain, rather than to question, why men are violent. Those ingrained views should worry us all and we need to challenge them if we are to challenge violence against women. We need to start that work by supporting the work of White Ribbon. I hope that the debate goes some way towards furthering that work.

The Deputy Presiding Officer: The debate is very tight and we are unable to extend it this evening. If members speak for about three minutes, I might get everyone in, otherwise I might have to drop a member.

17:25

Malcolm Chisholm (Edinburgh Northern and Leith) (Lab): I congratulate Jamie Hepburn on lodging the motion, which commends the work of the people who are promoting awareness of violence against women and are campaigning for an end to it. It is quite right to mention White Ribbon Scotland in that context, because it is clear that men are the problem, in the sense that men cause the problem, and it is vital that men speak out on the issue.

It goes without saying, however, that men must work with the leaders of the work, who are the women and women-led organisations who have been working in the area since the 1970s. During the 16 days of action, it is important to remember that work. In 1976, when Scottish Women's Aid was founded, there was a lack of public awareness and understanding of domestic abuse and there was undoubtedly a failure by statutory agencies to respond appropriately. Much of the work that Scottish Women's Aid did was around awareness raising and getting domestic abuse on to the political agenda.

I wanted to say more about that, but I am conscious that I have only three minutes and I am already talking too fast, so I will briefly mention the Rape Crisis Scotland centres, which also started in the 1970s. Today, a network of centres across Scotland works to provide much-needed support to those who experience rape and sexual assault and to raise awareness and challenge myths. Activists and volunteers have driven much of the agenda around sexual violence.

The third organisation that I want to mention is Zero Tolerance Charitable Trust, which had a profound influence on me when it started in Edinburgh 20 years ago, in 1992. I would like to say more, but I have lodged a motion that congratulates Zero Tolerance on its 20th anniversary, which has attracted 53 signatures and which I hope will be selected for debate soon, so I had better desist from saying more about the organisation. However, it is important to say that all the men who are involved in White Ribbon should work with the women's organisations that have led and continue to lead the work.

It is also important that White Ribbon asks men the hard questions on the subject. It should ask men not just to condemn domestic abuse—which I hope the vast majority of men would do—but to understand that male privilege and power are at the heart of the problem. Domestic abuse and violence against women more generally are rooted in gender inequality, which is reflected in the unequal power relations that continue to exist between men and women, the unequal pay structures and working conditions that exist and the value—or lack of value—that we place on women's roles in every way in everyday life. In that sense, male violence against women is a profound societal and cultural problem that is rooted in social relations rather than just in the psychopathology of individual men. White Ribbon should learn that lesson from the women's organisations that I mentioned.

White Ribbon must also ask men to reject all forms of abuse and exploitation, including some activities that many people regard as being normal parts of masculinity, for example attending lap-dancing clubs. I could mention many other examples, but they will probably be mentioned in the Zero Tolerance debate, which we will have, I hope, soon, because such abuse and exploitation are the new frontier on which Zero Tolerance is focusing.

In the 16 days of action, we should remember all the work that has been done and—most of all—the thousands and, indeed, millions of women throughout the world who have suffered and who continue to suffer the unacceptable scourge that is violence against women. I hope that members will come to the Zero Tolerance event in the

Parliament on Thursday night. There are other events this week, such as the conference on Friday on rape and women's inequality, which I will attend.

17:29

James Dornan (Glasgow Cathcart) (SNP): I congratulate Jamie Hepburn on securing the debate and White Ribbon Scotland on its 16 days of action campaign.

I am sure that many members have, as I have, had a number of cases in which we have seen the victims of domestic abuse and abuse by men against women. The victims are often not just the women, but the children of the women. The psychological fall-out from the initial behaviour can be long lasting. Housing, health and schooling issues can all stem from one act of senseless violence.

I will talk about a couple of projects in my constituency that help people who are affected by domestic abuse. The Domestic Abuse Project, which was founded in 2000, is dedicated to alleviating the suffering of women and their families who are experiencing or have experienced domestic abuse. The service is based in a community centre and is provided in a low-key and easily accessed setting. As many such organisations are, it is run by a board of directors, all of whom are volunteers, and day-to-day support is provided by a small team that is headed by a project manager.

The project's ethos is to help its clients to make their own decisions—decisions that will enable them to live more safely. It does that by providing a community response to domestic abuse and by working with the most appropriate partners, whether they are statutory agencies or other voluntary organisations, to find accommodation, provide a bridge to other services, provide a support and advocacy service, accompany clients to appointments, and carry out risk assessments and safety planning. Clients are offered the assistance that is most appropriate to them and their circumstances. That might involve information, advice and guidance, personal development, one-to-one support or small group work.

An exciting development for the organisation this year has been a pilot project that has created the opportunity to provide much-needed outreach and a one-to-one service, which was identified as an unmet need. In addition to working directly with women who have experienced or are experiencing domestic abuse, the project works to raise awareness of issues through training and speaking to other groups and agencies, including health, housing and education services.

In the past three years, the project has helped about 400 people to regain control of their lives. Many of the women who use the services go on to become involved in the community through informal learning and volunteering opportunities, and some gain full-time employment.

The project supports one of my favourite community organisations, which is WAVES—Women Against Violent Environments. I wish that there was no need for that organisation, but it does tremendous work. It is a peer-support group that is based in Castlemilk. Through it, women get together to discuss issues, and families are taken on outings. More important is that the group allows women to meet and chat in relaxed surroundings, which reduces isolation and aids the recovery process.

Society still has a long way to go to deal with violence against women. Until we get there, organisations such as the Domestic Abuse Project, WAVES and others have a crucial role to play in supporting those who are affected by such violence and in helping them to move on from it positively.

I thank Jamie Hepburn again for securing the debate. I also thank White Ribbon Scotland and wish it all the best in its campaign over the 16 days. I congratulate it on its continuing good work to protect women throughout Scotland.

17:32

Jackie Baillie (Dumbarton) (Lab): I, too, congratulate Jamie Hepburn on securing the debate.

Almost half of women in the United Kingdom experience domestic violence, sexual assault or stalking. Violence against women causes more deaths and disability among women who are aged 15 to 44 than cancer, malaria, traffic accidents and war. Two women are killed per week as a result of domestic abuse. Those are just some of the chilling statistics that are cited by White Ribbon Scotland and which demonstrate the white ribbon campaign's importance.

Despite the previous Scottish Executive's efforts to use groundbreaking and hard-hitting advertising campaigns that contained clear messages about there being no excuse for domestic abuse, and despite the current Government's efforts, the numbers who are reporting abuse continue to rise. As other members have said, we need to recognise that the abuse of women is rooted in gender inequalities. It is fundamentally about differences in power between men and women. We need to do more to prevent abuse from happening and to change society's attitudes and values.

The debate recognises all of that. Jamie Hepburn outlined the importance of the white ribbon campaign, so I will not go on about the significance of the 16 days. I will just repeat what he said—that women's rights are fundamentally about human rights and concern us all.

We need to support and work with White Ribbon Scotland and other organisations such as Zero Tolerance, Rape Crisis Scotland and Scottish Women's Aid to challenge all violence against women. I commend the campaign entitled "Together we can stop it", which Women's Aid has launched. It makes real the stories that lie behind the statistics. It is challenging behaviour and giving women confidence to report incidents.

I acknowledge that the responses from the police and the courts are constantly improving. I highlight the significant contribution that has been made to women's experience of the justice system by the success of the domestic abuse court in Glasgow, which has been rolled out to Edinburgh and which I believe is being piloted in Livingston. I commend the police for launching a nationwide festive campaign to tackle domestic abuse. I must be honest and say that I wish that we did not have to have all these campaigns, but we must look at how they contribute to the whole process, which is about changing attitudes.

Something that is not often mentioned is the Forced Marriage etc (Protection and Jurisdiction) (Scotland) Act 2011, which was passed by the Parliament and is approaching its first anniversary. Two orders have been served under the act, and two more are pending. That is a small but important step for women, but we must be relentless in our pursuit of the issue.

We must focus on two fronts. First, we must focus on services, for which there is a continuing need. From the most recent census, Scottish Women's Aid identified that 22 per cent of women who requested accommodation had their needs met, which means that 78 per cent of women did not. There is a continuing problem in that regard. Secondly, we must change attitudes in society. We must challenge gender inequality, as it is only when we start to do so that we will make a sustained difference.

17:35

Dennis Robertson (Aberdeenshire West) (SNP): I will try to be brief. I congratulate Jamie Hepburn on bringing the debate to the chamber, and I commend Malcolm Chisholm for getting through his speech so rapidly, although I could still understand every word that he said. Given the limited time, I will not repeat what other members have said, but I agree with every sentiment that has been expressed during the debate.

There are various support mechanisms for women in Aberdeenshire, and I will speak about one in particular: the domestic abuse team. It is there to respond to people who contact it by phone, and it is willing to speak to people over the phone or to arrange to meet them to discuss how they can best get out of the dreadful situation in which many women find themselves.

Members have said that the issue is to do with inequality, which is true. We need a culture change. Men do not have the right of control over women, and it is high time that men acknowledged that. Men are the perpetrators and—perhaps because of culture, education, masculinity or sport—they believe that they have such a right when they do not.

We need to find ways to break down that culture. Domestic violence is abhorrent and should not happen. Young children should never witness violence at home or in the street, most of which is against women.

We have a lot of work to do, perhaps through education in the early days. We must try to ensure that women attain gender equality. Once again, I commend Jamie Hepburn and the other members for their comments this evening.

17:38

Annabel Goldie (West Scotland) (Con): I congratulate Jamie Hepburn on bringing such an important issue to the chamber. Violence against women is unacceptable and abhorrent, and it has no place in Scotland. The international day for the elimination of violence against women and the 16 days of activism against gender violence demonstrate the solidarity of women around the world, which is to be commended.

I also commend the white ribbon campaign, which is a campaign for men in Scotland who want to end violence against women. It is part of an international campaign in more than 55 countries, which is the largest effort in the world by men who work to end violence against women. I say well done to Jamie Hepburn for lodging the motion and for bringing the debate to the chamber.

The statistics are depressing. In Scotland, nearly 60,000 incidents of domestic abuse were recorded by the police in 2011-12, which is a 7 per cent increase on the 2010-11 figures. Since 2002-03, there has been a 67 per cent increase in recorded incidents of domestic abuse, and there are currently 163 incidents of domestic abuse recorded by the police each day.

I noted from one of the local papers in my area, the *Kirkintilloch Herald*, that

“more women are killed ... as a result of male violence than car accidents, cancer, malaria and war combined.”

That fact drew me up short and shocked me.

There are also women who do not report crime because they believe that it is a private family matter. We have to encourage them to believe that it is nothing like that at all. They must have the courage to come forward and report such unacceptable behaviour.

There are women who are frightened that reporting the violence will make it worse. We need to encourage them and let them know that the only thing that will make it worse is not reporting it. When it is reported, it must be tackled.

It is vital that help is made available for women who are fleeing violence. We should recognise the valuable work of many voluntary groups in that regard. Members have already paid tribute to some of them, and I have recently visited organisations in my own area that do excellent work to support and protect women and children who are fleeing from domestic abuse. My most recent visits were to Renfrewshire Women's Aid and Inverclyde Women's Aid, who do fantastic work to support women and their families.

I also pay tribute to the Women's Support Project. That is a feminist voluntary organisation that is recognised as a Scottish charity. It works to raise awareness of the extent, causes and effects of male violence against women, and works for improved services for those who are affected by violence. A lot of positive work is being done out there.

We must never forget children, and some members have already alluded to them. Tragically, children can also be victims because they are often present when incidents of abuse occur. On my visit to Inverclyde Women's Aid, I was delighted to learn that it is running classes in schools about healthy relationships to try to reverse the trend of domestic abuse and explain to children that things can be done in a different way and there is a different way to live their lives.

Domestic violence is a stain on Scotland. We must tackle it, encourage women to come forward, and support them when they do. As Dennis Robertson said, we must change this pernicious culture because it still exists. All credit to Jamie Hepburn—tonight's debate is testament to the political commitment in the Scottish Parliament to providing that encouragement and support.

17:41

Margaret McDougall (West Scotland) (Lab): I also thank Jamie Hepburn for bringing this very important debate to the chamber and highlighting the work of White Ribbon Scotland.

Domestic abuse can and does affect far too many women in Scotland, and yet so many suffer

in silence. Today, we send a clear message that there is no place for domestic abuse. For two days last week, white ribbon campaigners held a roadshow in the Rivergate mall in Irvine to promote the 16 days of action. That was only one of the many events that are taking place in North Ayrshire. Irvine Rugby Club showed its support for the campaign before its game, and the majority of football clubs in North Ayrshire have also signed up to it.

During the next two weeks, there will be a workshop at Garnock academy, displays of women authors at all North Ayrshire libraries, and a screening of an animation that was produced by local school pupils with support from North Ayrshire Women's Aid. The aim is to get young people, particularly young men, engaged with the campaign while shedding light on the problem of domestic abuse.

Worryingly, during 2011 almost 2,000 incidents of domestic abuse were reported in North Ayrshire, which makes it one of the worst areas in the west of Scotland. It is hoped that those figures will be reduced this year because of the preventative work that is being undertaken by the domestic abuse task force and a range of initiatives working with White Ribbon Scotland and other organisations. Strathclyde Police is targeting offenders and delivering a programme of education that, it hopes, will change attitudes, alter behaviour, and break the cycle of domestic violence in our area.

Young people who see domestic abuse when they are growing up think that it is normal and they sadly go on to be abusers. That is why the white ribbon campaign is so important in its reaching out to young men and boys, showing them role models that set good examples, and letting them know that violence against women is not acceptable in any situation.

We also need to make sure that there is support for the women who come forward. *Third Force News* recently reported that two out of three women who come to refuge accommodation are being turned away and that funding at ground level is becoming increasingly stretched for the services that face high demand. Given that a report of domestic abuse is made every 10 minutes in Scotland, we cannot afford for those services to be underfunded; otherwise, in all likelihood, women will not feel safe enough to come forward.

Progress has been made, but domestic abuse is still far too common in Scotland. We need to break the cycle by educating children, raising awareness and promoting key services. I congratulate the work of White Ribbon Scotland, because we must rid Scotland of domestic abuse and let offenders know that it will not be tolerated.

17:45

Gil Paterson (Clydebank and Milngavie)

(SNP): I, too, thank Jamie Hepburn for bringing the debate to the Parliament. I declare an interest on the issue, as I am a board member of Rape Crisis in central Scotland. One of my tasks over a good number of years has been to attempt, when possible, to send the message that violence or abuse by men against women and children is unacceptable. I have endeavoured to target male-dominated forums and institutions and to highlight the fact that, although the issue is typically defined as a women's issue, that is a mile off the mark. The reason why I believe that is that 80 per cent of such crimes are committed by men on women, so, in my book, it is very much a man's problem and the only ones who can remedy it are men, by their actions.

That is not to fail to recognise or in any way minimise the important work that women have done on the issue over generations. When I was growing up, matters such as men beating or abusing their wives were dealt with almost exclusively by women, who would, for the most part, have to do the vital support work quietly and in most cases on their own, separately from men. It took the work of women in families or small extended groups, which at that time were not supported by the public purse, to fight for women's right to be protected from abusive men.

Things have moved on since then and there has been a substantial increase in the number of organisations that campaign in the interests of women. I believe that progress has been made in that regard. However, work still needs to be done to highlight the issue further among the male population because, by and large, the issue remains outside the mainstream consciousness of men. That said, we are making progress.

I am pleased that so many male members of the Parliament are speaking in the debate. The issue crosses party-political lines. As parliamentarians, we all have a duty to do what we can to counter the issue as often as possible and to highlight the immorality that is violence against women and children. I am pleased that, since the inception of the Scottish Parliament, each Administration has adopted a strong approach to tackling the issue.

My message to men is simply that they should influence their male friends and spread the word across society that violence against women is not a women's issue and that it is men's responsibility to stop what is going on.

17:48

Rhoda Grant (Highlands and Islands) (Lab):

I congratulate Jamie Hepburn on securing this important debate and I pay tribute to the work of

the white ribbon campaign, which is run to show that men will not condone violence against women. Like other members, I believe that we have come a long way in tackling violence against women and we have made much progress. Much of that has been done since the creation of the Parliament with its devolved responsibilities.

Many of the responses have been driven by Scottish Women's Aid and other groups that have secured cross-party support for progress. I welcome the fact that we have come so far, but I must admit that we have far to go. I hope that we can build on that progress by criminalising the purchase of sex. Prostitution leads to vulnerable people—mostly women—being coerced to have sex in return for payment, either in cash or in kind. For the most part, people are coerced by poverty and the need for money—often, they are single parents or have drug and alcohol problems. Others are coerced by abusive partners or pimps, and we see greater numbers of people being trafficked into our society.

Young people coming out of care are a prime target for those who would profit from selling other human beings, yet we criminalise the victims while those who feed the industry by their demand get off scot free. Those who purchase sex need to understand the damage that their behaviour causes. They cannot buy consent. The impact of their actions is that many prostitutes suffer post-traumatic stress and mental health problems, not to mention the physical effects, which include assault and rape. That is unacceptable in a modern Scotland and I hope that we can build the same consensus and tackle that aspect of violence against women.

The Deputy Presiding Officer: Finally, I call Drew Smith.

17:50

Drew Smith (Glasgow) (Lab): I am grateful to you, Presiding Officer. I was not sure whether I would get the chance to speak in the debate, so I am glad that you have managed to squeeze me in.

Earlier, we debated the media. In noting the juxtaposition of that debate with this one, I was struck by the fact that, in the *Evening Times* and STV Glasgow's online news, barely a week goes by without our seeing news of a violent attack in Glasgow city centre or somewhere in the city. Sometimes, such attacks are connected with prostitution, but there are also stranger attacks and a range of other incidents. We can only guess at the number of women who live in fear of violence behind closed doors, at home.

Violence is a whole-of-society issue and one that crosses class. We have talked about the debate on football and whether there is a

connection, with increases in domestic violence around football matches. However, we need to remember that violence against women is something that happens in every section of our society, including among groups of men that we perhaps might not suspect. I am also struck by the fact that there was a violent attack in Glasgow this week in which a man was raped. However, we need to remember that 85 per cent of domestic violence is committed by men against women, so a proper effort to tackle domestic violence needs to be informed by a gender analysis.

The truth is that violence against women exists in our society because too many of us tolerate it. As Gil Paterson rightly said, it is important that so many of us are here in the Parliament tonight to make our views known. In my view, discrimination against women is a contributory factor to our toleration of men's violence against women, as are men's attitudes to the sexualisation of women and girls. We should be prepared to say clearly that sex is not a right and that men have no right to demand it, nor to seek it through violence or the threat of violence.

On my way to the Parliament this morning, I listened to my colleague Kezia Dugdale on the radio discussing the issue of everyday sexism. There is no doubt in my mind that there are connections between discrimination, how we view women, the image that we create for young girls and the issues of violence in our society.

Recently, I met John Carnochan of the violence reduction unit, and I was impressed by what he told me about the international best practice that exists around encouraging men and everyone in society to interrupt violent abuse where challenging it directly might be not possible. I look forward to the violence reduction unit bringing forward its future work programme and its ideas about how we might implement some of that in Scotland.

In my view, violence against women by men is more than a symbol of societal sexism. As Gil Paterson rightly said, violence in our society, in homes and on our streets is not just a women's issue, but it remains an issue on which a gender analysis is vital. Real men neither hit women nor tolerate other men hitting women.

I commend Jamie Hepburn and indeed all the speakers in this debate. Thank you for the opportunity to take part, Presiding Officer.

The Deputy Presiding Officer: I thank all members for their disciplined approach to time, which allowed me to call everyone who wished to speak.

I call Alex Neil to wind up the debate. No more than seven minutes, please, cabinet secretary.

17:53

The Cabinet Secretary for Health and Wellbeing (Alex Neil): Thank you, Presiding Officer. I will try to be as disciplined as everybody else.

I join other members in congratulating Jamie Hepburn on securing this debate, and I also congratulate White Ribbon Scotland on its tremendous efforts, including in the Parliament today. I welcome to the gallery members of Scottish Women's Aid and other organisations.

Violence against women is an issue on which we are totally united as a Parliament, not just in abhorring it, but in our underlying analysis that it is a gender-based problem and that fundamental to understanding it are the basic inequalities between men and women in our society.

I have been a member of the Parliament for 13 years and, over that period, a number of members who have spoken in the debate have dedicated a lot of time and effort to the campaign, including the Presiding Officer. We are working together as a Parliament on the issue—it is not a Government-versus-Parliament issue—but we must also work with our key partners in the voluntary sector, the local authorities and the police. Our objective should be not just to reduce violence against women, but to eliminate it, although, as Rhoda Grant rightly said, we have a long way to go before we can achieve that objective.

The Government is tackling the issue in four ways. First, it is educating our young people, in particular, to develop healthy relationships and to equip themselves with the skills that they need to challenge inappropriate behaviour when it occurs. Drew Smith is absolutely right that we should challenge inappropriate behaviour at all times in all settings.

Secondly, the Government is funding the violence reduction unit to deliver the mentors in violence prevention pilots, which encourage young people to take a stand against harassment, abuse and violence. We are providing £20,000 to help with the roll-out of the project in 2012 and again in 2013.

Thirdly, the Government is implementing legislation that provides protection for victims, such as the Domestic Abuse (Scotland) Act 2011, which came into force in July 2011, and the Forced Marriage etc (Protection and Jurisdiction) (Scotland) Act 2011, which I had the pleasure—if it was a pleasure—of piloting through the Parliament; we should not need such legislation in the 21st century, but we do. The Forced Marriage etc (Protection and Jurisdiction) (Scotland) Act 2011 provides protection for women who are at risk of forced marriage and the violence that is often associated with it. As Jackie Baillie rightly

pointed out, we are tackling the issue through orders under that act.

Finally, we are supporting the continued work of organisations that promote awareness of the issue and which campaign for an end to violence against women. I am referring to organisations such as Scottish Women's Aid, which Malcolm Chisholm and Gil Paterson mentioned, and local aid groups and rape crisis centres, which play a vital role. At a time when we are having to make cuts, I have been doing my best—like my predecessor Nicola Sturgeon—to protect the budget for tackling violence against women, which is a fairly modest budget to begin with. I hope that all the local authorities in Scotland, regardless of their political persuasion, will not see it as an easy area in which to reduce funding, because such work is essential. In many ways, to reduce such funding is to cut off one's nose to spite one's face, because reducing funding for, say, Women's Aid groups results in far bigger bills having to be paid from other budgets. Therefore, spending on up-front measures to protect women should not be cut.

I turn to the 16 days of activism against gender violence campaign, which provides an appropriate opportunity to recognise the fact that violence against women is a violation of women's human rights. That message lies at the heart of the white ribbon campaign. The Government fully supports the campaign, which, as Jamie Hepburn said, has grown from its roots in Canada to be an international education and awareness-raising initiative that engages men in a positive way to take action on an issue that has traditionally been seen as a woman's concern. White ribbons are worn proudly, including by me today. We have provided funding of £180,000 for the period 2012 to 2015, specifically for White Ribbon Scotland. I am proud of the fact that we are doing that.

More generally, funding for work to address violence against women has been maintained at £34.5 million, which represents a 62 per cent increase on funding in previous times. That is not a party-political point; it simply represents a commitment by the Parliament that is totally supported by all the parties to continue to fund such essential services in this time of austerity.

At the end of the day, the issue is not about money, primarily. It is about attitude and culture. It is about men behaving well towards women. There is absolutely no excuse for any violence against any woman by any man anywhere. We are united and determined in sending out that message from the Parliament of Scotland to the people of Scotland, which is what this evening's debate has done.

Meeting closed at 17:59.

Correction

Kenny MacAskill has identified an error in his contribution and provided the following correction.

The Cabinet Secretary for Justice (Kenny MacAskill):

At col 14215, paragraph 3—

Original text—

The total number of people who appeared in custody courts without legal representation on 3 December in Aberdeen, Arbroath, Dundee, Perth, Alloa, Falkirk and Dunfermline while defence solicitors were protesting is 17. There was no strike action in Forfar, but there was in Kirkcaldy, where 16 people appeared without representation, which brings the total to 33.

Corrected text—

The total number of people who appeared in custody courts without legal representation on 3 December in Aberdeen, Arbroath, Dundee, Perth, Alloa, Falkirk and Dunfermline while defence solicitors were protesting is 23. There was no strike action in Forfar, but there was in Kirkcaldy, where 16 people appeared without representation, which brings the total to 39.

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