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Official Report

MEETING OF THE PARLIAMENT

Wednesday 12 December 2012

Session 4

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Scottish Parliament

Wednesday 12 December 2012

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

Presiding Officer's Ruling

The Presiding Officer (Tricia Marwick): Good afternoon. Before we start, I will make a very short statement.

Last night, I responded to a point of order from Lewis Macdonald in relation to the Scottish Government's handling of parliamentary questions. I commented that, as a matter of general courtesy and respect for the Parliament, the content of any point of order should not be circulated to the press in advance of its first being raised in the chamber.

Earlier today, I met Mr Macdonald, who assured me that neither he nor anyone acting on his behalf had circulated any such information in relation to the specific point of order that he raised yesterday. There was absolutely no intention on my part to imply that Mr Macdonald had released such information, so I have no hesitation in accepting Mr Macdonald's assurance.

On the wider issue, I attach great importance to the use of parliamentary questions as a means of holding the Government to account, and I remind ministers that I expect questions from members to be dealt with in a fair and transparent way.

Portfolio Question Time

Justice and the Law Officers

14:01

The Presiding Officer (Tricia Marwick): Question 1 has been withdrawn. I have received an explanation from Mark Griffin that I am satisfied with.

Prisoners (Father and Child Visit Contracts)

2. Mary Fee (West Scotland) (Lab): To ask the Scottish Government what its position is on prisoners being issued with contracts for father and child visits. (S4O-01589)

The Cabinet Secretary for Justice (Kenny MacAskill): As with all questions regarding the operation of the Scottish Prison Service, I have asked Colin McConnell, the chief executive, to consider the question. He has advised the following. When offenders ask for bonding visits, they are advised of the provisions that will be applied. The offender is asked to sign a form acknowledging that they understand the process. That is not a contract.

Mary Fee: I have with me a copy of a contract that is given to prisoners in Shotts prison, which clearly states that father and child visits are a privilege and not a right. That is in direct contravention of article 9 of the United Nations Convention on the Rights of the Child.

Through answers that were given to parliamentary questions in April and June, the previous and current SPS chief executives have given conflicting statements on whether such visits are a right or a privilege. In September, I received a letter from the current chief exec, in which he stated the reverse of what he told me in June. Can the cabinet secretary clarify exactly what is going on in Scottish prisons?

Kenny MacAskill: I can clarify exactly what Mr McConnell said to Mary Fee. I understand that the contract to which she refers relates to HM Prison Shotts. The use of the word "contract" is misleading. It is a colloquial expression that is used only in HMP Shotts, whereby visitors are asked to agree to abide by various criteria to allow them to participate in the scheme.

I understand that Ms Fee wrote to Colin McConnell, the chief executive of SPS, about the issue in September. In his reply of 27 September 2012, he advised that it was entirely incorrect that parent and child visits or, indeed, any visits should be removed as a punishment, as advised in this case.

It is quite clear—this is central to the revised guidance that will be given—that the rights of the child are paramount, as is recognition of prisoners' rights to have a family life under the European convention on human rights. The criteria for accessing the scheme will be presumed inclusion, although regard will be paid to any child protection issues as part of the relationship policy. For the avoidance of doubt, the chief executive of SPS has recently reminded governors that removal of bonding visits should not be used as a punishment.

In those circumstances, I hope that Ms Fee will accept that, given the assurance that Mr McConnell has given her, the reminder that he has sent to governors and my assurances on behalf of the chief executive.

The Presiding Officer: Question 3, from Michael McMahon, has been withdrawn. I have an explanation with which I am satisfied.

Gun Crime

4. Bob Doris (Glasgow) (SNP): To ask the Scottish Government how it will continue to address gun crime in light of a 50 per cent reduction in firearms offences over the last five years. (S4O-01591)

The Cabinet Secretary for Justice (Kenny MacAskill): The latest figures are encouraging, but too many offences in Scotland still involve a firearm, which is why we will be creating a licensing system for air weapons.

I will continue to press the Home Office to devolve legislative powers on all firearms to the Scottish Parliament. Discussions will continue with the police and the gun lobby, as well as with other stakeholders, to ensure that we can make our communities safer.

Bob Doris: That is welcome progress, but we must go further. I note that 38 per cent of all firearms offences in 2011-12 involved air weapons, which are particularly prevalent despite the campaign for their restriction since the murder of Andrew Morton in the Glasgow region in 2005.

What additional information can the cabinet secretary give us about the timing of any consultation to restrict the use of air rifles in Scotland now that those powers are contained in the Scotland Act 2012?

Kenny MacAskill: I thank the member for asking that question. I established a Scottish firearms consultative panel in November 2011, and it has been examining the practicalities of licensing air weapons, which I consider to be the best way to combat their misuse. Addressing the firearms issue is a manifesto commitment of the

Scottish National Party, which forms the Scottish Government.

The matter has been raised with me personally by Andrew Morton and Sharon McMillan, who tragically lost their young son. We have given them a commitment that action will be taken to ensure that no more tragedies occur, and that we will address the other difficulties around the misuse of air weapons, whether those relate to children, animals or any other aspects.

On that basis, I confirm to Mr Doris that a consultation on the proposals will be launched on Friday.

Alex Johnstone (North East Scotland) (Con): Can the cabinet secretary tell me what proportion of gun crime is currently carried out with weapons that are legally held and properly registered? Would that figure underpin my view that the current firearms legislation is fit for purpose?

Kenny MacAskill: I do not think that the current firearms legislation is fit for purpose. In all the investigations that we have carried out with experts and the police, including the police south of the border, it has been recognised that the firearms legislation is difficult to understand. As I recall, there are around eight acts of Parliament that make up the legislation, together with some seven significant amendments, some of which appear to be mutually contradictory.

There is a desire for an overarching review in order to consolidate the firearms legislation. We wish to undertake that. Action has so far not been taken by the Home Secretary. It is clear that many of the worst problems that we face in our communities come from weapons that are used illegally rather than by those who seek to use them more responsibly.

We must deal with two matters. Law enforcement officers will deal with those who use firearms illegally and seek to perpetrate crimes, serious or otherwise. We have a significant problem in Scotland with air weapons, and we stood on a commitment to address that. I have commented on the matter and given assurances to the parents of young Andrew Morton, and we will seek to deliver on that commitment.

There are clear differences between the abuse of firearms that occurs in our communities and some of the more significant crimes, but both those behaviours are unacceptable, and we, as a Government, will seek to take action. We can address only one particular aspect at present, and address it we will. I continue to urge the Home Secretary either to take action or to give us the powers to allow us to do so in order to ensure that we get comprehensive and credible legislation that is fit for the 21st century.

Community Service Orders

5. Stuart McMillan (West Scotland) (SNP): To ask the Scottish Government what action it is taking to promote the use of community service orders. (S4O-01592)

The Cabinet Secretary for Justice (Kenny MacAskill): We have improved community sentences. Last year, we introduced the new community payback order, which gives our judiciary the option to impose a clearer, tougher, more flexible and more effective sentence than the community disposals that it replaced. That has been backed up with additional funding, which has given local authorities £4 million to support the unpaid work element of the CPO.

We have implemented new targets for starting and completing unpaid work, and funded the fast-track pilot in Glasgow that resulted in more than 90 per cent of offenders in Glasgow starting unpaid work within 24 hours of being sentenced. We have also created a new law that gives communities a say in the type of unpaid work that they want offenders to do.

Collectively, those measures demonstrate that we are committed to following an approach that has effective community sentences at its heart.

Stuart McMillan: I thank the cabinet secretary for that response. He will be aware that, on a number of occasions both inside and outside the Parliament, I have asked whether those who are serving a CSO might be allowed to undertake work to allay flooding conditions throughout the west of Scotland. What action is the Scottish Government taking to ensure that such community service orders are undertaken in the west of Scotland? Will he consider once again encouraging the use of CSOs in dealing with the inclement weather conditions over the winter?

Kenny MacAskill: We certainly encourage that, and I have seen matters such as snow clearing for myself, whether in the west of Scotland, the east of Scotland or elsewhere. I am aware of the particular matter that Mr McMillan has raised, and we are perfectly comfortable that that is the type of work that can be carried out so long as there is no danger to the health and safety of all those involved, whether they are carrying out or supervising such sentences. However, we leave such matters to the local authorities, which are the bodies charged with dealing with the issue, although we have put in additional funding through proceeds of crime money and through providing additional day support.

Perhaps Mr McMillan might care to speak to the local community payback teams to see what work can be carried out and to give those suggestions to them. Certainly in my experience, if communities in the east of Scotland or elsewhere

make suggestions of work that they want done, the community payback teams are keen to ensure that, where possible, they carry out such work, whether that is clearing snow, addressing difficulties in graveyards or, as is sometimes the case, just litter picking. Community service orders are about making those who have damaged our community do some hard work to atone for their difficulties and make our communities better places.

Graeme Pearson (South Scotland) (Lab): As the cabinet secretary may know, the number of community service orders for 2010-11 stood at 5,940, of which some 1,932—more than a third—were breached. The number of community service orders also stands at the same level as for 2006-07. What steps will the cabinet secretary take to ensure that such orders are properly enforced and are not seen, in the public's eye, as a soft option?

Kenny MacAskill: They are not seen as a soft option. Enforcement has to come through the shrieval bench or whatever bench imposes such orders—normally they are imposed by the shrieval bench. It would be fair to say that breaches for minor matters may result in the court simply remitting the sentence back, although usually the court will make quite clear the basis on which the sentence must be done. From discussions with the shrieval bench and with the Sheriffs Association, I know that individual offenders can sometimes cause great frustrations. That is why, as a Government, we are quite clear that a community payback order is not optional but obligatory. If such an order is imposed by the court, it is meant to be done; if it is not done, the court has the failsafe—and will have our full support wherever this is felt necessary—of simply remitting people to a custodial sentence. However, we believe that good work is being done, and we usually have the best results where there is close co-operation between the community payback team and the shrieval bench working together on successfully ensuring that people do their work and that our communities are improved.

Air Weapons (Licensing Consultation)

6. Roderick Campbell (North East Fife) (SNP): To ask the Scottish Government— notwithstanding the answer given to Bob Doris earlier—when it will introduce its consultation on the licensing of air weapons. (S4O-01593)

The Cabinet Secretary for Justice (Kenny MacAskill): As I indicated to Bob Doris, we will begin the consultation on Friday.

Roderick Campbell: Can the cabinet secretary advise who participated on the Scottish firearms consultative panel and what contribution they made?

Kenny MacAskill: I welcomed all the contributions. Those who sat on the panel represented: the police; the Crown Office and Procurator Fiscal Service; the British Association for Shooting and Conservation; the Scottish Target Shooting Federation; the Gun Trade Association; the British Shooting Sports Council; the Scottish Air Rifle and Pistol Association; the Gun Control Network; the Scottish community safety network; the Convention of Scottish Local Authorities; and the Scottish Government.

I was grateful for all the input, much of which was from an expert basis. Clearly, there were sometimes disagreements around the table—

Hanzala Malik (Glasgow) (Lab): Will the minister take an intervention?

Kenny MacAskill: However, I thank each and every person who contributed for the efforts that they made.

The Presiding Officer: It is not possible to accept interventions during questions. I call Lewis Macdonald to ask question 7.

Fiscal Direct Penalties (Non-payment)

7. Lewis Macdonald (North East Scotland) (Lab): Thank you, Presiding Officer. I also thank you for your gracious comments earlier regarding the point of order that I raised with you yesterday afternoon.

To ask the Scottish Government how many fiscal direct penalties have been discharged without having been fully paid since 2009. (S40-01594)

The Cabinet Secretary for Justice (Kenny MacAskill): Overall fine-collection rates are at their highest ever, and the Scottish Court Service is taking a robust approach to pursuing all outstanding fines. That gives a clear message to defaulters that there is no place to hide. Recent figures that were published by the Scottish Court Service show that 17,202 fiscal direct penalties have been discharged since 2009-10. The figures show that 6,694 penalties that were imposed in 2009-10 were discharged that year, with a further 5,756 and 4,752 discharged in the past two years. A discharge is often linked to an alternative punishment, such as a supervised attendance order. All decisions on discharges are taken by courts, in light of the facts and circumstances of the case.

Lewis Macdonald: The cabinet secretary will be aware that many alternative disposals do not apply in the case of fiscal direct penalties. Page 2 of the Scottish Court Service's most recent quarterly fines report lists the fiscal direct penalties that have been paid for each financial year since 2009. Will the cabinet secretary confirm that the

percentages that are reported in that official statistics publication for Scotland have been calculated only after discounting the 17,000 fiscal penalties that were discharged over the period, thereby giving an entirely false impression of the success rate in collection of fiscal fines? On that basis, will he confirm that fewer than half of the fiscal direct penalties that have been imposed on offenders since 2009 have been paid in full? If that is the case, does he agree that urgent action is needed to put that right?

Kenny MacAskill: The Scottish Court Service is taking the appropriate action. The report sets out the basis on which the calculations are made. As indicated, 78 per cent of fines that were imposed in 2009-10 have been paid or are on track to be paid.

However, there is clearly more work to be done. We would welcome further powers on the issue. Perhaps Mr Macdonald wishes to join me in once again encouraging the United Kingdom Government to give us and the Scottish Court Service the ability to access matters through the Department for Work and Pensions, which would make collection of fines much easier. However, so far, the UK Government has refused to give us that power. If matters were either devolved here or dealt with by the UK Government, I am sure that what Mr Macdonald seeks would be much easier to achieve for the people who do an outstanding job in seeking to collect fines with the current limited powers.

The Presiding Officer: Question 8, from John Pentland, has been withdrawn. An explanation has been provided, with which I am satisfied.

“Shaping Scotland’s Court Service” (Ayr Sheriff Court)

9. John Scott (Ayr) (Con): To ask the Scottish Government what the impact of court closures, as proposed by the Scottish Court Service in its consultation, “Shaping Scotland’s Court Service”, will be on Ayr sheriff court. (S40-01596)

The Cabinet Secretary for Justice (Kenny MacAskill): The Scottish Court Service consultation document proposes that Ayr sheriff and justice of the peace court would continue to hear local civil, summary and sheriff and jury cases.

John Scott: The cabinet secretary will be aware that the Scottish Court Service has proposed the closure of a number of courts near my constituency, including Kirkcudbright and Rothesay sheriff courts and the justice of the peace courts in Irvine and Kilmarnock. That will mean that the courts that remain, including Ayr sheriff court, will have to hear an extra 276 or thereby criminal cases a year. Does the cabinet

secretary share my concern that the proposals will place great strain on our already busy courts, could lead to trials being delayed and might put access to justice at risk?

Kenny MacAskill: John Scott is right to raise the potential impact on Ayr sheriff court because, clearly, there will be no variation in its current work. However, Kirkcudbright sheriff court sits on a limited basis and the number of cases is restricted. There is the possibility that those cases might go to Dumfries or elsewhere. I can give the member the assurance that the Scottish Court Service has considered the issues, and that it does not wish to damage or jeopardise proceedings at Ayr. I encourage the member to speak with the Scottish Court Service if he has concerns about that. My understanding is that it has considered the issues and is certain that Ayr has sufficient capacity to cope. I am sure that the Court Service would be delighted to engage with the member.

Time Bar Reform

10. Gil Paterson (Clydebank and Milngavie) (SNP): To ask the Scottish Government what discussions it has had with the Law Society of Scotland about reform of the time bar. (S4O-01597)

The Minister for Community Safety and Legal Affairs (Roseanna Cunningham): As part of a period of informal preconsultation discussion with a range of key stakeholders, the Scottish Government met the Law Society of Scotland on 5 March 2010 to discuss recommendations for the reform of the law relating to damages for personal injury that are contained in three separate Scottish Law Commission reports, one of which relates directly to the time bar in connection with personal injury actions. The consultation paper on the recommendations in the three reports will be published later this month and we anticipate that dialogue with the Law Society will continue after publication.

Gil Paterson: One of the anomalies in cases in which a person has inadvertently caused himself or herself to be affected by the time bar is the result of their being of a young age at the time of the crime. They might lay charges when they are mature but then, if they find that they are not yet strong enough to relive the trauma, they withdraw those charges. What steps is the Scottish Government considering to ensure that justice can be found for such people—particularly for those who have at a young age been victims of sex crime?

Roseanna Cunningham: I am conscious of the time bar issue and how it relates to child victims of any crime. I assure Gil Paterson that the consultation that I talked about will invite views on

time bar as well as other issues. We want to consider the consultation responses before we introduce any legislation. As the member knows, the matter is quite complex and interest groups will have the opportunity to contribute further at a series of events that we intend to hold during the consultation period.

Rural Affairs and the Environment

Aquaculture (Economic Value)

1. Dave Thompson (Skye, Lochaber and Badenoch) (SNP): To ask the Scottish Government what its estimate is of the value of aquaculture to the economy, and the Highland economy in particular. (S4O-01598)

The Minister for Environment and Climate Change (Paul Wheelhouse): The Scottish aquaculture industry is a very important contributor to Scotland's economy. In 2011, Scottish aquaculture production amounted to 170,000 tonnes, with an estimated farm-gate value of over £600 million. It employs approximately 1,800 full-time and part-time staff across salmon—including ova and smolt production—cultivation, shellfish cultivation and the cultivation of trout and other finfish species. Many companies now operate hatcheries, farms and processing facilities across Scotland.

Approximately 75 per cent of aquaculture production is generated in the Highlands and Islands of Scotland, with around 1,300 full-time and part-time jobs within that industry being located in the region. Many communities now depend to a significant extent on the employment, investment and revenue that the aquaculture industry provides.

Dave Thompson: Aquaculture brings considerable benefits to my constituency directly through local jobs and indirectly through the supply chain of hardware and feed, for example. Does the minister agree that, although environmental concerns must be addressed, it is regrettable that extreme forms of environmentalism detract from genuine objections from local communities, and that we must balance preservation of the environment with the real benefits that such developments bring to remote and rural communities?

Paul Wheelhouse: I certainly agree with that position. It is worth remembering that a regulatory framework is already in place and is working well, and that we have a successful aquaculture industry. However, the purpose of the Aquaculture and Fisheries (Scotland) Bill is to take us to the next stage and to ensure that, in the future, we continue to have in place an effective and proportionate framework that facilitates

sustainable growth while taking into account the needs and concerns of all those who make use of Scotland's marine environment.

Claudia Beamish (South Scotland) (Lab): I take on board Dave Thompson's points, but can the minister clarify what sustainable development assessment was undertaken during the shaping of the Aquaculture and Fisheries (Scotland) Bill—bearing in mind the fact that sustainable development takes into account economic, environmental and social issues?

Paul Wheelhouse: The bill is underpinned by a good understanding of the science that is involved in the aquaculture sector. I am sure that Claudia Beamish, who is well informed about these matters, is aware of the importance of looking at the ability of each catchment to sustain biomass and aquaculture production. I gave evidence to the Rural Affairs, Climate Change and Environment Committee on the work that the Scottish Environment Protection Agency is doing with its autoDEPOMOD software to look at the future sustainable growth of the sector, to facilitate a greater understanding of what can be sustained at local level and to consider what constitutes sustainable development when a planning application is made for additional biomass within a certain location.

Climate Change (Annual Targets) (Scotland) Order 2010

2. Sarah Boyack (Lothian) (Lab): To ask the Scottish Government whether it will meet the remaining annual emissions targets set out in the Climate Change (Annual Targets) (Scotland) Order 2010. (S4O-01599)

The Minister for Environment and Climate Change (Paul Wheelhouse): The Scottish Government is committed to meeting our climate change targets. The order sets a series of binding successive annual targets to 2022. Our first climate change report on proposals and policies, "Low Carbon Scotland: Meeting the Emissions Reduction Targets 2010-2022", or RPP1, set out the delivery framework for meeting the targets to 2022 and remains current.

As Sarah Boyack be aware, the Scottish Government's approach to addressing our greenhouse gas emissions targets and the setting of our annual targets is informed by the work of the Committee on Climate Change. We remain on course to meet those targets, which were set on advice from that committee, for the period to 2022.

We are also working to ensure that the measures that are taken to reach the targets will be as robust as possible in the forthcoming RPP2, which is to be presented to Parliament early in the new year.

Sarah Boyack: Even the Scottish Government admits that there is a gap between the emissions reductions that are expected as a result of current policy objectives and the meeting of our future targets. Will the new RPP that the minister mentioned include the policies in devolved areas that the United Kingdom Committee on Climate Change believes need to be rolled out, such as demand-side transport management, agriculture and land use?

Paul Wheelhouse: Sarah Boyack is correct to say that it is an extremely challenging set of targets. It is worth the whole Parliament's while to remember that they are the most challenging and ambitious targets anywhere in Europe, and that it is difficult stuff to do.

That said, the analysis to which Sarah Boyack refers and on which there has been coverage in the media, looks at going beyond what the Committee on Climate Change has recommended. Our efforts in Scotland provide more rigour and analysis, and are more up to date with regard to understanding the baseline position and the measures that are needed for us meet our annual targets. I hope that all members recognise the seriousness of the challenge that we face globally, and the ambition of the Parliament as a whole, which the Government is pursuing. It is a difficult challenge, but we will present in RPP2 our proposals to meet those more ambitious targets.

Patrick Harvie (Glasgow) (Green): It is not at all challenging to set a target; it is challenging to meet that target. Given the failure to meet the first target, the Government is required to revise the RPP to show what additional action will be undertaken to make up the lost ground. By how much does the Government believe it needs to overachieve on the year 2 target in order to make up that lost ground?

Paul Wheelhouse: I made the point in my ministerial statement on the subject of missing the target that we are focused on the long-term trajectory. I suspect that the pattern will be that we will have annual fluctuations above and below targets.

I know that Patrick Harvie has a strong interest in cumulative emissions—I accept that he has made a robust point, which he has made on many occasions—but I ask him to focus on the trajectory. We believe that we are on a trajectory to meet our longer-term targets.

In respect of the link that Patrick Harvie made between the missing of the target in 2010 and the implication for RPP2, I say that they are two distinct things. On missing the target, we are putting in place measures to ensure that we have enough contingency to meet our annual targets. At the same time, RPP2 will look at the period 2023

to 2027. It has involved some hard graft to look at exactly what is required to reach our targets in the longer term.

NFU Scotland (Meetings)

3. Mary Scanlon (Highlands and Islands) (Con): To ask the Scottish Executive when it last met representatives of NFU Scotland and what issues were discussed. (S4O-01600)

The Cabinet Secretary for Rural Affairs and the Environment (Richard Lochhead): On behalf of the Scottish Government, I say that I regularly meet representatives of NFU Scotland to discuss a range of important issues affecting the farming sector in Scotland. Indeed, only last week I met a number of NFUS senior representatives while visiting a farm at Longniddry to see at first hand the extent of the impact of the recent bad weather.

Mary Scanlon: I am aware that the cabinet secretary met the Hendry family at Wester Manbeen farm near Elgin this week to look at their organic dairy herd. What further help will the Scottish Government provide to dairy farmers in Moray and the Highlands and Islands to ensure that there is a future for milk production in the north of Scotland, given that the number of producers in those areas is at an all-time low?

Richard Lochhead: The member is right. I did not meet the NFUS but I met some local farmers in my constituency earlier this week and it was a fascinating insight into the success of an organic dairy farm in Moray. I was very pleased to hear that at the moment demand for organic milk outstrips supply. That is a rather healthy sign, which is I hope an indication of things to come in the demand for dairy products, particularly in the organic sector, in Scotland.

As part of our work to support a sustainable dairy sector in Scotland, we are undertaking a review led by James Withers, the chief executive of Scotland Food and Drink. The review will consider how we can make more of the Scottish brand for dairy products and capture some of the more exciting export opportunities, particularly in Asia and other markets, all of which could add significant value to dairy production in Scotland, offer new economic opportunities and, I hope, give dairy producers confidence for the future.

Claire Baker (Mid Scotland and Fife) (Lab): If the voluntary recommendations on guidance, codes and data collection in the rent review working group's report, which was published earlier this week, are not taken up widely across the industry, is the Scottish Government prepared to legislate to make them mandatory? Does the cabinet secretary agree that there is a strong case

for a rent register to be mandatory from the outset?

Richard Lochhead: Claire Baker raises an important issue. We have said all along that we would listen to the views of the tenant farming forum, which is currently considering the report that the member refers to. I have to keep an open mind until that cross-industry representative body tells me its views on how the report should be implemented.

If the member favours mandatory action in terms of legislation, I can give her comfort by telling her that I have an open mind on the matter at this stage.

Fiona McLeod (Strathkelvin and Bearsden) (SNP): In the Cabinet Secretary's discussions with the NFUS, has the subject been raised of research into *Neospora caninum*, from dog faeces, which causes neosporosis in cattle?

Richard Lochhead: I have to say that I cannot recall such a conversation in recent times. I am, however, aware that the issue of dog fouling on agricultural land is important.

The current legislation does not prevent the fouling of agricultural land by dogs, but I believe that the outdoor access code asks dog owners to be responsible when visiting agricultural or rural land. We hope that they take that on board.

I confess a limited knowledge of the issue. I would be happy to look into the issue that is raised by the member in order to understand it better and see whether there is a need for research.

Tavish Scott (Shetland Islands) (LD): In the cabinet secretary's discussions with the NFUS, will he take up the matter of the inspection regime and the penalties that apply under the integrated administration and control system? At this point in the agricultural year, can he tell Parliament how many farms and crofts are being assessed for potential penalties under that regime, given the intense financial burden that that can place on farms and crofts?

Richard Lochhead: Tavish Scott raises an important issue, and I know that his constituents have strong views on the sledgehammer-to-crack-a-nut approach that has been adopted by the European authorities in relation to the common agricultural policy.

We raised the issue during the on-going negotiations. As I have indicated previously, I am unable to give members any comfort at the moment that Europe recognises that the approach that is being taken is wholly disproportionate and could be interpreted as a disincentive to produce agricultural products. It should be addressed as part of the on-going negotiations. The Scottish

Government, with I hope the support of the UK Government, is still pushing for that.

On the level of penalties, I can only refer to last year, when the level of penalties—in relation to the electronic identification of sheep, for example—was a lot less than people were anticipating. We have worked closely with sectors, including the sheep sector, to ensure that our approach is proportionate. We have to adhere to European regulations, but we will do what we can to be proportionate. We will continue to adopt that attitude.

Wet Soil (Assistance)

4. Alex Johnstone (North East Scotland) (Con): To ask the Scottish Government what steps it will take to assist farmers who continue to be affected by extremely wet soil conditions. (S4O-01601)

Richard Lochhead: When I visited a farm in East Lothian last week and, previously, during a separate visit in September, I saw at first hand the difficulties facing farmers and producers due to the adverse weather conditions

I have been working closely with farming stakeholders to identify ways to support those affected. I have taken steps to ensure that support payments are made even more quickly than last year and to allow farmers more time to complete capital works under some of our grant schemes.

In the opening of the payment window, we settled around 78 per cent of all single farm payment claims—up 7 per cent from last year's achievement—which resulted in £370 million of immediate support to around 16,200 farmers. That is down to the dedicated hard work of agriculture staff in offices across Scotland, who have been working overtime and at weekends at a time when European regulations have asked for more inspections to be carried out before payments can be made. It is a sign of their dedication and professionalism that they have broken last year's record in order to help the cash flow situation in farms in Scotland.

Alex Johnstone: Not for the first time, a question has been lodged and then overtaken by events. I note that, last week, the minister made several announcements relating to the spreading of slurry, including within nitrate vulnerable zones.

I have read the minister's statement to the press, in which he says:

"staff have been able to work with farmers to avoid or reduce penalties"

and

"of the small number of farmers who have contacted us so far ... most have avoided penalties completely."

I worry that, although penalties have been reduced and most farmers have avoided them, that does not indicate that all farmers are able to avoid penalties. Will the minister give more information and tell me what farmers need to do to avoid penalties in these extremely difficult times?

Richard Lochhead: I am working closely with officials to ensure that we can help and support farmers in and outwith nitrate vulnerable zones who are affected by the weather.

On the level of penalties, the fact that the vast majority of the farmers who have contacted us have been able to avoid penalties shows that we are taking a constructive approach.

I hope that Alex Johnstone is not suggesting that, because of the bad weather, there should be no penalties under any circumstances. If there is no relation to the weather, we cannot have a policy of imposing no penalties at all. We have a regulatory regime that must be adhered to, but we are doing our best to be proportionate and reasonable.

I will certainly keep an eye on the matter and I am happy to keep the Parliament up to date on the level of penalties.

Green Investment Bank

5. George Adam (Paisley) (SNP): To ask the Scottish Government what the environmental benefits will be for Scotland of the Green Investment Bank. (S4O-01602)

The Minister for Environment and Climate Change (Paul Wheelhouse): The UK Green Investment Bank is the world's first investment bank dedicated solely to greening the economy. The bank is designed to provide financial solutions to accelerate private sector investment in the green economy by addressing market failures that affect green infrastructure projects—projects that are needed to help us to achieve the transition to a low-carbon economy.

The Enterprise and Regulatory Reform Bill, which is currently progressing through the United Kingdom Parliament, will enshrine the bank's green purposes in statute. The Scottish Parliament passed a legislative consent motion on 18 September 2012 to agree to those green purposes.

Funding support from the bank could provide a wide range of environmental benefits through investments made in Scotland. The Scottish Government is working closely with the UK Green Investment Bank to help to secure that investment for Scotland.

The bank's chief executive has promised to put together a holistic set of measures for the bank's performance. I expect the bank to report in due

course on the environmental benefits of its activities.

George Adam: Last week, a Scottish Renewables report showed that investment in clean, green energy is set to break the £1 billion mark this year. Will the minister assure me that the Scottish Government will continue to give the industry the certainty that it needs to continue that unprecedented investment, rather than the infighting and uncertainty generated by the Con-Dem coalition?

Paul Wheelhouse: Yes. Our policy of aiming to provide the equivalent of 100 per cent of Scotland's electricity consumption from renewable sources by 2020 has provided such certainty. We recently committed to achieving a new interim target of 50 per cent by 2015 on the way to that target.

This year, we also launched Scotland's renewable energy investment fund, which was capitalised with £103 million of Scotland's fossil fuel levy moneys that were returned to Scotland. With an initial focus on marine, district heating and community renewables, it is deliberately complementary to funding offered by the Green Investment Bank, which the remaining £103 million of Scotland's fossil fuel levy helped to capitalise.

Tree Planting (Prime Arable Land)

6. Dennis Robertson (Aberdeenshire West) (SNP): To ask the Scottish Government what discussions it has had with Forestry Commission Scotland and NFU Scotland regarding tree planting on prime arable land. (S4O-01603)

The Cabinet Secretary for Rural Affairs and the Environment (Richard Lochhead): Our woodland expansion advisory group included representatives of the Forestry Commission Scotland and NFU Scotland, as well as other representatives of farming, forestry, conservation and communities. The group recommended that the focus of woodland expansion should be away from prime agricultural land but that it should be recognised that there are important opportunities for small-scale tree planting, for example, on field margins, along water courses or to improve the environment in and around towns. We have accepted that recommendation, together with all the others from the group.

Dennis Robertson: The cabinet secretary is probably aware that, in my constituency, farmers are very concerned that tree planting is happening on prime arable land. Will he look into that in more detail, as it could prevent new entrants, who are essential for continued growth in the farming sector, from entering into farming?

Richard Lochhead: I have recognised for some time that the matter is a concern of farmers throughout Scotland. That is why we set up the advisory group in the first place. Now, we have decided to accept its recommendations.

It is worth while putting the issue into context. Since 2006, Forestry Commission Scotland has purchased 44 farms and around 10,000 hectares. At the time of the announcement just a few weeks ago, we were committed to buying a further six farms in Scotland. That is a total of 50 farms, which is a small number in relation to Scotland's 25,000 farms. So far, tree planting is complete or under way in accordance with the agreed plans on only 19 of those farms.

I recognise that the issue is important for many farmers, as it is for the Scottish Government, and I am confident that we have a way forward. The advisory group has pointed to ways in which Mr Robertson's constituents can be much better consulted by the Forestry Commission. They will be consulted in the future through the establishment of local reference groups, which will include farmers from each region. There is also revised guidance for staff, and the undertaking of consultations and community engagement in relation to land use on farms is required.

Of course, we also have set up new starter farms within Forestry Commission Scotland. I hope that, as far as the future is concerned, the Forestry Commission will be creating new starter farms as opposed to preventing new entrants from getting into agriculture.

The Presiding Officer: That—

Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP): On a point of order, Presiding Officer. I am not often called in rural affairs questions, so I do not know whether the situation is usual. I am certainly not challenging or criticising you, Presiding Officer, but we have reached only question 6. It appears that the questions have been very technical, and there have been long and technical answers. Would it be possible to consider putting fewer rural affairs questions in the *Business Bulletin*, as we have reached only question 6 and four members have not had a chance to ask a question?

The Presiding Officer: If you had just waited 30 seconds, Ms Grahame, you might have heard what I am going to say.

It is disappointing that we have reached only question 6. I ask members to reflect on the length of their questions and the cabinet secretary and minister to reflect on the length of their answers. Perhaps next time we could make far more progress than we have made today.

Fisheries Negotiations

The Presiding Officer (Tricia Marwick): The next item of business is a debate on motion S4M-05172, in the name of Richard Lochhead, on the annual European Union fisheries negotiations.

14:42

The Cabinet Secretary for Rural Affairs and the Environment (Richard Lochhead): Last week, I delivered a statement on fisheries in which I outlined our approach to the crucial end-of-year fisheries negotiations. I am grateful to the Parliamentary Bureau for allowing us more time in scheduling a debate on the same subject this week. I fleetingly thought that colleagues might have been so taken with my eloquence last week that they wanted to hear a repeat performance, but I suspect that the reality is that the Parliament values the crucial significance of fisheries to our country and the importance of debating the subject at such a pivotal moment in the year for Scottish fisheries.

Last week, my officials negotiated for Scotland in the EU-Norway talks in Bergen, so there have been developments since last week's statement. Perhaps I should say that there have been non-developments because, somewhat unusually, those talks ended without a clear resolution and will recommence in January. That means that we will be unable to agree the position on all our fish stocks at this month's fisheries council. Therefore, I am afraid that there is more uncertainty for the fleet on the shared stocks with Norway and other issues, but I think that we have the industry's support in postponing the talks, because that may result in a better outcome for the industry. I understand that it is therefore relaxed about that postponement.

No one can deny that the Scottish fishing industry has experienced challenging times recently. It has had to deal with not only a deeply flawed common fisheries policy but the legal straitjackets of a deeply dysfunctional cod recovery plan. As members know, I believe that it is essential that we understand and engage with our fishermen's concerns. Only yesterday, I met all our industry leaders at the fisheries management and conservation group, which brings together the Government, industry, non-governmental organisations and others in a collective forum to oversee the management of Scotland's fisheries. At that meeting, we had an extensive discussion about Scotland's priorities for this month's fisheries council, to which I will travel on Monday. The take-home message was the urgent need for radical reform of the cod recovery plan and of regulation that has failed our fish stocks, our wider

marine environment and, of course, our fishing communities.

Above all others, that is the message that I will take with me when I travel to Brussels on Monday for the vital end-of-year talks which, for me, will be about putting sustainable fisheries and common sense before the arcane and rigid world of legal technicalities. "Lawyer says no" is a mantra that I will simply not accept, especially when "no" means trampling all over our shared objectives for conservation and sustainable fisheries management.

I will also take with me to Brussels next week the knowledge that the Scottish industry has shown a vigour and resilience that has delivered remarkable achievements in recent years. The produce that our fishermen bring ashore is, of course, second to none. Between 2007 and 2011, our landing values increased in real terms by a fifth, culminating in 359,000 tonnes of seafood being landed last year, which was valued at over £0.5 billion. As I said last week, that is the highest value in real terms this century. In addition, all that was delivered against the backdrop of an unprecedented recession.

That trend reflects rising quotas in many of our key stocks. We have seen increases in recent years in stocks such as west coast haddock, nephrops and prawns, and North Sea haddock, whiting and herring. As I pointed out last week, 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, 11 per cent for North Sea whiting, 15 per cent for North Sea saithe, 53 per cent for North Sea megrim, 15 per cent for North Sea herring and 18 per cent for west of Scotland nephrops.

Tavish Scott (Shetland Islands) (LD): The cabinet secretary presumably shares the industry's concern about the number of data-deficient stocks. Although the ICES's advice on the stocks that he mentioned is correct and helpful, does he have any view on how to address the data-deficient stocks, which are still a very important part of the Scottish white-fish industry's catch?

Richard Lochhead: We have attempted to address that in recent years by building our scientific knowledge about some of the high-value stocks that are important to the Shetland fishery and others. That is beginning to pay off. We have also had to resist the European Commission's attempts in recent years to slash automatically those quotas where there is, in its view, a lack of data. Thankfully, we have managed to resist that to an extent in recent years.

Once the catch to which I have referred is landed, our onshore sector then does a tremendous job in adding value to it. As Claire Baker's amendment notes, this month's negotiations will be crucial for the processing interests as well as for our catching sector. While our catchers struggle with EU regulation, our onshore interests face new challenges as well. We should not ignore them as they attempt to market our produce successfully around the world. They continue to fly the flag for Scottish-caught produce overseas despite tough trading conditions and they are to be commended for maintaining such a strong track record of Scottish exports.

Our seafood sector therefore needs our support. Nearer to home, I urge our colleagues in the chamber and all fellow Scots to include Scottish-caught seafood in their plans for the festive period and enjoy some of the fine produce harvested from our own pristine waters. That produce comes from one of the most varied fisheries in Europe, which makes it a fantastically rich asset for Scotland, but it also means that the advice on quotas is often a mixed bag: while some stocks are up, others point downwards. This year is no exception, and the ICES's advice is a 20 per cent reduction in North Sea cod, a 48 per cent reduction in west coast haddock, a 20 per cent reduction in Rockall cod, a 20 per cent reduction in west of Scotland and North Sea monkfish, a 21 per cent reduction in North Sea nephrops and a 40 per cent reduction in west of Scotland megrim.

In addressing some of those issues, our approach will be driven by three well-established principles, which I will repeat and on which we have been consistent over the years: following the science on stock sustainability; supporting the social and economic wellbeing of the industry and the communities that depend on that industry; and seeking to reduce discards in line with our pledge to achieve discard-free fisheries in Scottish waters. Those principles are all underlined by our firm belief that conservation and the stability of stocks go hand in hand with the long-term wellbeing of the industry.

We believe that those are sensible and laudable aims, if only we could be allowed to get on and deliver them unhindered. Unfortunately, the EU's deeply flawed fisheries regulations continue to thwart us at every turn. Europe's approach to sustainable fisheries should be responsive to the changing biology in our seas, with the flexibility to react sensibly and swiftly to the constantly moving dynamics of our marine ecosystem. Instead, Europe is bound by constraints of rigid regulations, such as the cod recovery plan, and trapped within unbending rules that were imposed years ago through political deals. At last year's December council, we saw the worst of that and got a taste of it when we did battle with the Commission's

lawyers. We won that battle in favour of conservation measures. Scientists, fishermen and even the Commission all agreed then that the cod recovery plan is flawed, but the Commission stubbornly insists on imposing a rigid requirement for further automatic cuts in days at sea this year.

The Commission at least promised us a review of the plan by spring, in response to our demands, but, again, it did not deliver proposals in time. The review proposal was not delivered until September, and that delay means that a freeze could not be approved by both the European Parliament and the council until well into next year.

Liam McArthur (Orkney Islands) (LD): I share the cabinet secretary's frustration about the legal straitjacket in which he finds himself. He is armed with the science that he mentioned. Will he talk about the support that he expects to get from other member states, which must share many of his frustrations?

Richard Lochhead: We expect the support of up to 22 member states for our proposed measures in relation to effort freeze and in relation to cod, which I will come on to. I hope that that alliance will hold throughout next week. As Tavish Scott's amendment makes clear, securing an effort freeze this month is key to the continued health of the industry and it would be deplorable if our fishers were to become collateral damage in a bureaucratic falling-out between EU institutions.

I am thankful that other member states share that view. We have been able to develop proposals with the European presidency—not the Commission—to deliver what everyone agrees is necessary, but we are in danger of becoming embroiled in the dispute between the European Parliament and the council over who has the right to approve vital amendments to fisheries regulations.

That is another extraordinary example of self-indulgent legal bickering between EU institutions, which pick legal fights with each other while fishers' livelihoods are endangered and our industry is placed on the critical list. The squabble is blocking the passage of crucial technical conservation measures. If EU ministers do not defeat the Commission's lawyers in Brussels next week, many vessels in our fleet will face economic chaos and our stocks will be damaged in 2013.

I call on all key players in EU institutions to see sense and to work together to ensure that technical conservation measures remain in force next year and that other amendments that are required are delivered.

Dennis Robertson (Aberdeenshire West) (SNP): The cabinet secretary said that failure would be devastating for our fleet. Does he agree

that it would also be devastating for the people who process the fish that are caught?

Richard Lochhead: Dennis Robertson is right. There would be a huge knock-on impact on our onshore sector.

Quite apart from all the legal wrangles, we are contending with rigid rules in the cod recovery plan, which require a 20 per cent cut in the North Sea cod quota in 2013 even though the stock has more than doubled during the past six years and our fishers and scientists are seeing cod in ever-greater numbers. There has also been the greatest reduction in cod discards in Europe, with the rate falling from 43 per cent in 2009 to around 25 per cent last year.

A 20 per cent cut will undo all that good work and is a recipe for massive discards, which would be tragic. Try as they might, our fishers will find it impossible not to catch ever-more plentiful cod. They will have to dump all the cod for which they have no quota back into the sea, dead. Our innovative discard-free catch quota scheme will be left with little cod quota to make it viable, which could mean 23 of our biggest white-fish vessels having to start discarding cod again. As I said in last week's statement, the cod recovery plan is supposed to promote conservation but threatens to leave long and winding trails of discarded fish across Europe's seas.

I took the opportunity to speak to our scientists about the matter again yesterday. They assured me that there is a good scientific case for rolling over the North Sea cod quota. The approach would avoid an explosion of discards while still achieving a healthy recovery of stock by the target date of 2015. The reality is that the cut is driven not by sensible science but by an arcane legal rule that is buried in the plan. On that basis, I will make a rollover of this year's cod quota a top priority at next week's council.

Beyond the December council, we need to push reform further, demanding more responsive regulations that recognise and reward our fleet's cutting-edge conservation efforts. Jamie McGrigor's amendment rightly lauds the enormous and highly creditable conservation efforts that our fishers have made in recent years and refers to the need to promote and encourage initiatives, rather than undermine them or allow Brussels lawyers to undermine them. The North Sea prawn fleet and other fleets have been taking good steps, by adopting new selective gear during the past year. We should welcome that.

We must recognise that the flexibility that we require to achieve at next week's council will be important for many of our fleets, particularly on the west coast of Scotland, where fleets have faced challenges in recent months and will continue to

face challenges, as a result of the effort problems that we have experienced in Scottish waters due to the lack of flexibility in the cod recovery plan.

There are many other issues that I could speak about. I will happily take comments from the floor and try to respond to them in my closing speech. All that I can say is that we will continue to keep our eye on all the various important issues that will be discussed at the council next week. There are issues relating to high-value stocks such as megrim and monkfish, as well as issues with some of the other key stocks that I have mentioned.

The negotiations boil down to the fact that next week, once again, we will have to decide on these crucial issues with other exhausted ministers at some ungodly hour of the early morning in Brussels following hours of rather grubby horse trading. I am determined to see decision making brought closer to home and to do away with the micro-management from Brussels that has been so damaging to fisheries conservation and to our fishing communities in Scotland. That is why Scotland has been the first country off the blocks to promote regionalisation.

Hanzala Malik (Glasgow) (Lab): Will the minister take an intervention?

Richard Lochhead: I will if I have time.

The Deputy Presiding Officer (John Scott): I am afraid that you are in your last minute, cabinet secretary.

Richard Lochhead: I apologise to Hanzala Malik.

That is why we have to secure the radical reform of European fisheries policy throughout 2013 as that is negotiated. Let us hope that this is our last experience of the broken CFP, which is so damaging to everything that we stand for in this Parliament.

We have other issues to contend with in 2013 as well, such as how to break the deadlock over the mackerel stock, which is Scotland's most valuable stock and which has been endangered by irresponsible behaviour by the Faroe Islands and Iceland. In 2013, we will be thinking out of the box about how we can have a game changer in the negotiations. Otherwise, we will be left without a mackerel stock and without a pelagic sector in Scotland, and thousands of livelihoods will be endangered.

I look forward to hearing the comments of members around the chamber so that we can go to Brussels next week and secure the best possible deal for Scotland.

I move,

That the Parliament supports the Scottish Government in its efforts to achieve the best possible outcome for Scotland

during the important annual fisheries negotiations; endorses its calls for the EU to replace the deeply flawed and discredited Cod Recovery Plan with a plan that respects mixed species fisheries, and agrees that there is a need for the EU to deliver radical reform of the failed EU common fisheries policy by bringing decision making on managing fisheries closer to home to promote sustainable fisheries, tackle the problem of discards and protect fishing rights for the benefit of Scotland's fishing communities and the marine environment.

14:56

Claire Baker (Mid Scotland and Fife) (Lab): I am pleased that we have been able to schedule this debate in advance of the Council of Ministers negotiations. Last week's statement was welcome as it established the key areas of concern. Although we have seen some setbacks in the past few days, particularly in relation to mackerel, today's debate gives us all an opportunity to emphasise our priorities as the Cabinet Secretary for Rural Affairs and the Environment heads off to further negotiations.

Our fishing sector provides employment, with just under 5,000 fishermen in the catching sector and many more jobs in connected sectors, and our world-class produce carries Scotland's brand around the world. Although the sector is distinctively Scottish, it operates throughout the UK, as the fleet may choose to land fish elsewhere, and there is a common regulatory system. Although the annual quota negotiations emphasise the difference between countries—last year, they were described as heated and chaotic—the industry is dependent on our relationships with Europe, particularly through onshore operations and exports.

Fishing is a significant industry in Scotland. As the cabinet secretary said, it has seen real-terms growth in landing values and success in international recognition and quality in recent years, but this diverse sector also faces many challenges, including in relation to the future of our more vulnerable coastal communities and the margins that are being experienced by many in the onshore sector, which is a key part of a productive fishing industry. Labour's amendment recognises that their futures are just as dependent as the future of the fleet is on the annual negotiations.

I recognise the pressures on the sector—the value of the increasing stocks is being squeezed by inflexible regulation and the irresponsible behaviour of other countries is damaging our reputation—but I also recognise the need for sustainable management and international agreement.

We must not forget that all the opportunity and wealth comes from exploiting—that word does not necessarily have to be interpreted negatively—the natural resource of our seas, so proper

management of our seas and co-operation are essential if we are to leave a legacy for future generations. We have experienced—and in too many parts of the world are still experiencing—the consequences of overfishing, but we know the success that we can achieve with stock recovery through sustainable management.

Today, we look towards the EU fishing negotiations. I sometimes think that the outcomes might be more positive if we had annual co-operation discussions rather than negotiations, but they take place within the highly charged atmosphere of the EU. The annual negotiations are well past their shelf life and progress must be made on reform of the common fisheries policy so that we can move away from the annual horse trading.

Last week's statement and members' questions identified the key challenges as we go into the negotiations. Some positive outcomes are predicted for the sector, including proposed increases for North Sea haddock, whiting and herring and west of Scotland nephrops.

However, following the cod recovery plan, a cut to total allowable catch of more than 20 per cent has been proposed, which would have an impact on quota as well as reducing days at sea. Cod is one of our most valued fisheries and was valued at £2.3 million in 2011. Although there is no denying the initial need for a cod recovery plan, the plan no longer works and needs significant reform.

As the cabinet secretary said, in September the European Commission made proposals for a new plan, yet we are dealing with the frustrations of delays to reform and now an unacceptable dispute between the European Parliament and the Council of Ministers over who can propose and agree amendments that could ease the situation.

The inflexibility of the cod recovery plan is damaging to Scottish fishing and risks hindering our conservation measures. We are starting to see a recovery in cod numbers, although they are still well below the target biomass levels. The advice from ICES shows a slight increase, but we must still be vigilant.

I understand that if we want to catch fewer fish, it seems sensible to reduce the amount that can be caught. However, the fact that we have mixed fisheries in Scotland means that that is more likely to lead to increased discards. There should be a sensible response to that, but the plan is so inflexible and unresponsive that it risks causing more problems than it solves. The proposed quota cuts will damage Scottish fishing, and mixed fisheries will make them impossible to achieve without increasing discards, which are an issue that we are all united in trying to tackle.

As the cabinet secretary outlined, the proposed quota cut and reduced effort could perversely also have a negative impact on conservation credits, which is a successful scheme that rewards conservation measures, and the cod catch quota scheme—Alex Fergusson raised that following the statement last week—which concentrates on reducing discards. A cut to effort will make it difficult to offer additional days at sea as an incentive, which will potentially limit the number who can take advantage of the scheme. The future of the cod catch quota scheme is at risk if quota is reduced.

In Scotland, we have shown that there are innovative approaches to the modern management of fisheries. In their briefing for today's debate, WWF Scotland and RSPB Scotland are right to call on MSPs to call on the Scottish Government to ensure that, if there is a rollover of this year's cod quota, additional measures must be taken to ensure cod mortality continues to decrease. As I said, we are only seeing a slight increase in cod biomass, so there is still much progress to be made. If the quota is to be frozen, that must be concurrent with participative and adaptive management. It will be hugely disappointing if a cod quota reduction limits our ability to deliver on conservation measures.

There needs to be investment in finding solutions and innovative ways of working that will support a sustainable industry, which is why I was pleased to recognise the work of Dan Watson, a recent graduate of Glasgow School of Art who won the UK James Dyson award this year. He went on to win the international award—beating finalists from 17 countries—with his SafetyNet system, in which escape rings are fitted to the cod end of existing nets and light up to act as emergency exit signs for smaller fish, which is quite an intriguing image.

It is encouraging to see that level of interest and innovation among graduates but, to go to the next level with that model or other innovations, there must be investment in science and manufacturing from both the public and private sectors. Such investment is needed if we are to deliver sustainable fishing methods that can be applied in this country and used to tackle some of the significant challenges that we see around the world.

Labour's amendment also addresses the mackerel dispute. It was disappointing that, last week, the second round of fishing talks between the EU and Norway concluded without agreement. Although that also has an impact on North Sea cod and herring, it has serious consequences for mackerel. The on-going dispute with Iceland and the Faroe Islands has led to the Scottish mackerel fishery having its Marine Stewardship Council

certificate suspended and to proposals for a quota cut to compensate for overfishing. This is a desperate situation but one not of the Scottish fleets' making. Both within the Labour Party and in the Parliament we have always taken the position that we should be guided by science, which is calling for a quota cut, but that cut would be hugely unfair to Scottish fleets that are being affected by the irresponsible behaviour of other countries.

Sanctions must be the last resort and we call for some sense to be brought to the reconvened talks, although I appreciate how difficult that will be. There is a suggestion that a quota cut will be a condition of introducing sanctions and I welcome the cabinet secretary's comment last week that that would not be acceptable. However, the impasse needs to be broken and those who recognise the unfairness of the situation must present a united case. Sanctions would have unintended consequences for other sections of the sector. In the Westminster Hall debate earlier this week, Angus MacNeil MP raised issues to do with the impact on consumer costs should there be sanctions. It is not a risk-free solution, and that gives us all the more reason to reach a resolution through negotiation. It must be clear that that is to the benefit of all partners.

Labour's amendment also calls on the Scottish Government to announce the full operational details of the concordat on fisheries management between the UK Administrations that will come into effect in 2013. Under the concordat, which was announced last December and will come into operation next year, quota allocations to the four UK countries will replace the present system whereby the UK Government allocates quota directly to fishermen and producer organisations. I understand that it also seeks to rationalise arrangements for the licensing and administration of fishing vessels.

Last year, the concordat was presented as

"a framework for enabling the four UK Fisheries Administrations to be given a greater degree of control over the management of their own commercial fishing fleets, within a UK wide quota and effort management and licensing system."

That is a quote from the concordat. I have managed to get a copy of the letter that was sent by the cabinet secretary to the members of the fisheries management and conservation group in May, which recognised that

"some issues of detail remain to be settled in relation to allocation."

Last week, the Welsh fisheries minister provided a written statement with an update on the management of fisheries, which described the discussions on the concordat as "arduous". It is important that Parliament is informed of these

changes and that they carry the confidence of the sector, and I would appreciate further information from the cabinet secretary.

There are many challenges ahead for the Scottish fishing fleets, but there are also many opportunities. I am proud that we have a fishing sector that is working towards sustainable fishing and that is prepared to take an international lead in ensuring that we leave a positive legacy for future generations.

I move amendment S4M-05172.2, to insert at end:

“; recognises the importance of these negotiations in terms of the fish processing and wider fisheries industry; expresses disappointment at the breakdown of talks concerning mackerel and calls for renewed efforts to reach a negotiated settlement, and further calls on the Scottish Government to announce the full operational details of the concordat on fisheries management between the UK administrations that will come into effect in 2013.”

15:06

Jamie McGrigor (Highlands and Islands) (Con): I am pleased to speak in the debate and I am delighted that the Scottish Government and party business managers retrieved the debate after it was displaced by the debate on Leveson. I found the cabinet secretary's statement very helpful, so perhaps the delay was a blessing in disguise.

It is right that we have the annual debate, as the outcome of each December's EU fisheries negotiations remains vital to Scotland's fishing communities and the jobs and livelihoods that depend on them. Many of those communities are on the North Sea coast and in the remote rural and island communities of the Highlands and Islands.

We agree with the Scottish Government that the suggested 20 per cent reduction in North Sea cod in this year's proposals is not acceptable. Scientific evidence shows that the North Sea cod stock is recovering well and that the biomass of the stock has doubled in the past five years. A further 20 per cent reduction in catching opportunity would lead inevitably to a significant increase in discards, which everybody is trying to avoid. It would also risk destroying the almost discard-free catch quota scheme, which is producing positive results.

The Scottish fleet has shown itself to be one of the most responsible in Europe. Since I have been in this Parliament, it has done masses of work on enlarging the mesh size of the nets and experimenting with different types of cod end in the trawl nets. It has also installed escape panels in the nets. All those measures have helped to minimise discards and have assisted the cod

recovery plan, but they are all measures that prevent the fleet from catching fish. I therefore put it to members that that is a real sacrifice in the name of conservation. In some instances, video cameras have even been installed to ensure that there is evidence of the right things happening. How many other European fleets have done as much as our Scottish fleet in the name of conservation? A rollover of this year's total allowable cod catch is vital and will allow the stock to continue to recover sustainably with continued and realistic progress on discard reduction.

We welcome the increase in quota for some key North Sea stocks such as haddock, but we have real concerns about the quota reductions in some important stocks off the west coast, including megrim, monkfish, whiting and hake. We also have concerns about the recommendation for a zero TAC of Rockall haddock. For those skippers who have traditionally fished the west coast white-fish stocks from Oban, Mallaig, Lochinver, Kinlochbervie and Scrabster—their number has drastically reduced compared even with 10 years ago—those proposals fly in the face of their practical experience, which is that the stocks of those species are in better shape now than they have been for 10 years.

Given the Scottish fleet's efforts on conservation over the past decade, which are among the best in Europe, and the severe overall reduction in boat numbers and in the effort of those fishermen who are left, we cannot afford to see yet more year-on-year TAC cuts.

Total fishing effort in kilowatt days by Scottish white-fish vessels fell by more than two thirds—69 per cent—between 2001 and 2011. The EU fisheries deal must ensure a sustainable fishing industry, as well as sustainable stocks for those boats that are left. That is the purpose of my amendment.

I want to make some points on behalf of my west coast prawn fishermen constituents further to my questioning of the cabinet secretary last week following his statement. They faced the possible closure of the west coast prawn fishery for six weeks from 21 December. Thankfully, it looks like a last-minute compromise deal has been reached that will avoid the crisis. However, that deal will completely close the fishery for two weeks, from 21 December to 7 January, after which it will then allow fishing on only four days a week. The fishermen are being done out of a lot of effort through no fault of their own.

The cabinet secretary said last week that not even he could have predicted the lack of prawns in the North Sea this year, which caused the east coast vessels to migrate to the west coast prawn fishing grounds. The point is that, since May, the west coast prawn fishermen and their

representatives have been warning him and Marine Scotland about the impact that that was having. In the nicest possible way, I ask why it has taken so long to settle what should not have been a difficult issue and to protect the artisanal fleet. Why should they have to put up with a compromise when I am led to believe that the cabinet secretary previously assured them that, if vessels had quota remaining, he would ensure that they would have days at sea to catch it? Will he guarantee that that problem will not be repeated next year? West coast fisherman and the fish processors who depend on their catch deserve better than a compromise.

I will close by referring to the CFP reform proposals. What can the cabinet secretary do to ensure that the “where possible” proviso on the maximum sustainable yield is reinserted into the plan? Scotland’s mixed fishery means that it is simply not possible to achieve a maximum sustainable yield for all stocks at all times. The cabinet secretary must make the EU recognise that reality. How can ministers persuade their EU colleagues that discards are a complex issue and ensure that the regulation that is achieved is practical and deliverable? Should the real focus not be on ensuring that fishing mortality is at sustainable levels?

My colleague Alex Fergusson will talk about the catch quota scheme and its success in reducing discards, but it must be borne in mind that only 26 boats in the demersal fleet are involved in what is a pilot scheme. That scheme has already had the unintended consequence of putting up the price of the leasing of cod quota for other boats and vessels.

The Deputy Presiding Officer: The member should be drawing to a close, please.

Jamie McGrigor: I am just finishing, Presiding Officer. Will the cabinet secretary tell members how the pilot scheme will become an overall scheme?

We wish the cabinet secretary every success.

I move amendment S4M-05172.3, to insert at end:

“; recognises the outstanding work that is being carried out by the Scottish fishing industry to preserve its longevity and the sustainability of fishing stocks; further recognises that the Scottish fleet has recently carried out an enormous amount of work with conservation measures such as experimental cod-ends, escape panels and net mesh sizes; encourages the Scottish Government to continue to work alongside the UK Government to promote the use of initiatives such as the catch quota trials and selectivity measures in technical net design and real-time closures, and believes that the use of such initiatives should avoid further penalties being imposed on Scottish fishermen at a time when they are already doing their utmost to conserve fish stocks in innovative and successful ways.”

15:13

Tavish Scott (Shetland Islands) (LD): John William Simpson tweeted me last night—that is the way of the modern Shetland fisherman—that he had landed 450 boxes on the Lerwick market yesterday and grossed £29,000. He said:

“We certainly can’t land our expensive quota allocation and keep a viable business going in this climate.”

I am sure that many of my colleagues in the chamber will recognise that comment from their own areas. Indeed, that is my main point in this very welcome parliamentary debate on fisheries—our white-fish fleet does not have the time at sea to catch the amount of fish that it was allocated in 2012, yet the European Commission wants to make that position worse, as the cabinet secretary rightly pointed out.

The Commission wants a further 18 per cent cut in days at sea in the North Sea. Some white-fish vessels had only 90 days at sea this year. Ninety days less 18 per cent is only 74 days at sea. No business that I know can survive by operating on only 74 days out of 365. The industry is at a tipping point. If the December fisheries council agrees that cut, the financial consequences for Scottish vessels are simply enormous.

The cabinet secretary was right in pointing out that the EU-Norway fisheries negotiations in Bergen last week broke up without agreement on mackerel, herring, cod or, crucially, effort in the North Sea. Those talks are due to reconvene in January, but we should ask ourselves why the talks collapsed for the first time in modern times. They collapsed because the European Commission is in a legal hole that is entirely of its own making. The cod recovery plan commits to cut upon cut in effort—in the number of days for which our boats can fish. After last year’s fisheries council, Commissioner Damanaki promised that that would be sorted during 2012. The Shetland Fishermen’s Association, the Scottish Fishermen’s Federation and many more have lobbied the Scottish Government throughout this year for a fix, but that has not happened. Fishermen wonder why a promise that was given by a fisheries commissioner at last December’s European Council meeting has not come to pass.

Now, the European Commission, the Council of Ministers and the European Parliament are in a legal dispute over who makes decisions. Fishermen do not care, I certainly do not care and I rather suspect that the fisheries secretary does not care, either. What we care about is getting an EU presidency compromise that removes articles 9 and 12 from the cod recovery plan, which would allow a rollover on days and agreement to be reached on cod quota in the North Sea.

Leslie Tait, who is the chairman of the SFA, met the cabinet secretary yesterday. He tells me that the intelligence on other member states is that they support that position, but fishermen know—the cabinet secretary is fully aware of this, as his earlier remarks indicated—that support now is one thing, but when the European Commission tries to buy off a member with a grubby little compromise at 4 in the morning next week, anything can happen. Were one member state to drop out of the arrangement, the deal would be off. As I understand it—I would be happy to be corrected—there needs to be unanimity before the legal challenge can be overcome.

In short, the process that we are discussing is an internal EU institutional arm wrestle. It must not be allowed to destroy an industry. The lawyers must not be allowed to win. After all, when the Germans need the EU to rip up European law to save the eurozone, no lawyer stands in the way. What is good enough for the eurozone should certainly be good enough for the cod recovery plan. The European lunatics should not be allowed to take over the Brussels asylum.

The European Commission still wants further conservation methods to save the cod. I think that that shows a grotesque lack of awareness of how strong cod stocks are across the entire North Sea. As we know, fisheries science can lag two years behind the reality of what is happening.

Our boats have obeyed cod avoidance areas where no fishing takes place—except that fishing does take place in those areas: French, English, Spanish and Norwegian gill netters fish in areas that have been closed by the Scottish Government as a conservation measure. Surely “closed area” should mean exactly that—an area that is closed. I suggest to our minister that if the environmentalists and the scientists want closed areas, they should agree on them, but on the simple condition that they are closed for all boats, not just for Scottish or Shetland white-fish vessels.

I conclude by talking about mackerel. My understanding of the EU-Norway arrangements is that the EC is again renegeing on the agreement on sanctions that should be imposed on Faroe and Iceland for illegal fishing. The Commission is now saying that 25 per cent of the international mackerel quota should be left unallocated for now. In other words, it wants it to be available to be traded in the future. As Stewart Stevenson—who, like me, represents a pelagic port—might observe, that is equivalent to running up the white flag on the flagpole. There would be dancing in the streets of Tórshavn and Reykjavik were that to happen. Illegal fishing would have won. I expect our cabinet secretary and the UK minister, who have been on the right side on the issue, to keep it that

way and to ensure that no such arrangement is allowed to happen.

I very much support the tenor of the cabinet secretary's remarks, and the amendments of Claire Baker and Jamie McGrigor, to whose knowledge on prawns I would always bow. I look forward to the rest of the debate, which will ensure that the minister has a very clear understanding of the strong feelings that we share on the future of the industry at this crucial time.

I move amendment S4M-05172.1, to insert, after “mixed species fisheries”:

“; notes that the European Commission wishes to reduce days at sea by 20% in 2013 as part of the legally binding Cod Recovery Plan; recognises that all member states neighbouring the North Sea agree that days at sea should be frozen at current levels; deplores a legal stand-off by competing parts of the EU that could leave Scottish fishermen with a damaging cut in their ability to prosecute sustainable fisheries, and calls on the Presidency of the EU to bring forward measures that put fishermen, the industry and their future before bureaucrats;”

The Deputy Presiding Officer: We move to the open debate. I ask members to stick to six minutes, including interventions, as we are tight for time.

15:19

Angus MacDonald (Falkirk East) (SNP): It is probably fair to say that fisheries negotiations, more than any other type of negotiation, and the annual horse trading that takes place every December give us all that déjà vu feeling. As a relative newcomer to the chamber, for years I watched the negotiations from a distance. Now that I can watch them at close hand, the proceedings seem even more convoluted than they did when I viewed them as an outsider.

For example, as I mentioned in my question on last week's ministerial statement, we have the ludicrous situation with compromise amendment 15—which is now, I believe, compromise amendment 21—which was proposed by Ulrike Rodust, the German Social Democrat rapporteur. It would require member states to close 10 to 20 per cent of their territorial waters to all fishing activities for at least five years. Apart from being totally off the wall, such a proposal would, if it were to go ahead, clearly go against the decentralisation and regionalisation agenda. It would have a devastating effect on Scottish coastal communities, particularly on small-scale boats, and harbours in those areas would effectively cease to function.

The Rodust amendment mentions territorial waters, which are defined in United Nations law as those within 12 nautical miles of the coast, but the text of the amendment is so ambiguous that it

could technically cover everything out to the 200-mile limit.

I was pleased to hear both Struan Stevenson MEP and Ian Hudghton MEP agree that the amendment should be thrown out when we discussed the issue at the Rural Affairs, Climate Change and Environment Committee a few weeks ago. However, it is imperative that pressure is put on all Scottish and UK MEPs to reject the proposal when the committee vote takes place, which I think is on 18 December.

One very welcome development from the negotiations is the move towards regionalisation. As far as possible, decisions that relate to the means of achieving the goals that are set by long-term management plans should be taken at an appropriate regional level and involve those in the fisheries concerned, scientists and other stakeholders, which would result in the maximum degree of regionalisation. Unfortunately, the proposed compromise from the European Parliament as it currently stands still has too much detail to be decided in Brussels.

However, it is encouraging that, throughout the discussions on CFP reform, Scotland has played a leading role in developing solutions and building alliances to shape and reform the CFP as we would wish to see it. Indeed, Scotland, which has one of the most significant fisheries resources in Europe, is ready not just to have a seat at the negotiations but to take its turn in leading negotiations. It makes absolute sense that the nation with the most vested interest in sustaining fishing stocks should lead on the negotiations, given that Scottish vessels land 84 per cent of the total value of UK landings of key stocks; that the Scottish fishing zone makes up 60 per cent of UK waters; that the number of fishermen who are employed in Scottish boats currently sits at 5,000; and that landings were valued at just over £500 million last year.

I turn to discards. In the north-east of Scotland, fishermen have endured swingeing cuts over the past 20 years. Two thirds of white fish have been scrapped and the cod quota is a fifth of what it was in the mid-90s, and yet Brussels attempts year after year to introduce further restrictions. The stocks are good, but the quotas are low, which causes unnecessary discarding. There should be no doubt in anyone's mind that discarding dead or dying fish is a waste of biological and economic resource, never mind being just plain crazy.

In Scotland, with the help of the industry, significant progress has been made in eliminating discards, although there is still some progress to be made if we are to have discard-free fisheries. We have shown in Scotland that the conservation credit scheme is working. For example, Scottish discards of North Sea cod have reduced overall by

nearly half since 2007, from 6,500 tonnes to 3,500 tonnes. Much of the discarding is of fish below minimum landing size, and it is hoped that those can be increasingly avoided with the use of highly selective gears, which will further reduce the overall amount of fish that are discarded.

We already have other discard reduction measures in place in Scotland, including more selective fishing nets to avoid catching unwanted fish in the first place and the observation of seasonal temporary closures of rich fishing grounds during critical times. While discards are high on the agenda in Brussels, we have been doing our bit to ensure a workable and enforceable discard policy that is designed in collaboration with Scottish stakeholders.

However, we must ensure that a ban on discards does not end up penalising our fleet in other ways. Members will be aware that another major issue in the negotiations is the cod recovery plan. It is imperative that there is a freeze on further reductions of effort under the cod plan. Member states across the EU have made it clear to the European Commission that the flawed cod recovery plan must be replaced, and that there must be no more cuts in days at sea in 2013.

Again, each and every one of us must lobby our respective MEPs to ensure that there are no more cuts in days at sea in 2013. I make a specific plea to members of the Liberal Democrat group to highlight that to their sole MEP on the Committee on Fisheries, Chris Davies, who has made statements against the industry in the past and has made calls to halt the industry and put fleets to the side.

Cod stocks are recovering. International scientists have commended Scotland's approach to cod recovery, North Sea stocks have gone up by 150 per cent since 2006 and Scottish fishermen have delivered Europe's greatest reduction in cod discards, with rates plummeting from 43 per cent in 2009 to 25 per cent in 2011, as the cabinet secretary mentioned.

As if our fishing industry has not had to endure enough over the years, it is now faced with a 20 per cent cut in North Sea cod quota for 2013. It should be plain for all to see that that will result only in massive discards, as our fishermen will not be able to avoid catching the ever more plentiful cod.

I reiterate that it is imperative that, for the sake of our £0.5 billion industry in Scotland, each and every one of us in the chamber lobbies our MEPs to reject the bad compromises that have been tabled in Brussels.

15:25

Graeme Dey (Angus South) (SNP): The importance of fishing to Scotland and our coastal communities cannot be overstated. In spite of the well-documented downsizing of the industry over a number of years, at the beginning of 2012 there were still almost 2,100 vessels operating and nearly 5,000 fishermen employed within the industry. We have 18 travel-to-work areas in which more than 2 per cent of the population is employed in the sector—by comparison, there are only three such areas in England and one in Northern Ireland—so fishing still very much matters to our country. However, those who make their living from the industry continue to dread this time of the year and the crucial negotiations that will determine the level of opportunity that they will have in 2013.

Although the bare figures suggest that fishing remains a Scottish success story, with a near 20 per cent increase in real-term landings recorded between 2007 and 2011, the industry faced tremendous challenges during that period and anecdotal evidence suggests that it is becoming harder to attract new entrants. That was certainly the message that I received from skippers and processors alike at Peterhead fish market during the summer. They told me that young folk are not going to sea or becoming involved in the vital processing sector in the way that they used to because neither occupation is now viewed as offering a secure and profitable future.

Actually, I do not have to look far from my family circle for proof of that. Three generations of my wife's family were involved in the industry on the Buchan coast. Her brother—the last of those—has, like so many fishermen, now turned to the oil industry to make his living. In Peterhead, it was quite depressing to meet a gentleman who told me that he previously owned Scotland's largest beam trawler, which is now, having been stripped of its fishing gear, put to use anchored in proximity to North Sea oil rigs in order to keep fishing boats away from the installations.

The industry could do with some Christmas cheer from next week's negotiations and some sign of hope from the haggling over the reform of the common fisheries policy. As the cabinet secretary has mentioned, the science provided by the International Council for the Exploration of the Sea suggests that quota increases of between 11 and 15 per cent for North Sea haddock, whiting and saithe would be in order. However, the same source points to a 20 per cent reduction in North Sea and Rockall cod and a 48 per cent cut in west coast haddock.

In his statement to Parliament last week, the cabinet secretary suggested that he would have his work cut out fighting Scotland's position, but

that may prove to be something of an understatement, given the lessons of history. As we have heard, at the heart of the problem lies the inflexible cod recovery plan. On the one hand, we are told that the stock has doubled in size over the past six years and we know that Scottish boats have reduced their levels of discards by over half in the past five years, yet under the cod recovery plan a 20 per cent cut in North Sea catch is being proposed for 2013, with all the discard implications that that will have. It is to be hoped that common sense prevails in the negotiations. The contribution made to the recovery in numbers by the trail-blazing conservation measures that have been adopted by Scots fishermen should be rewarded by a reductions freeze and a rollover of this year's quota. This is not only about following the science; it is about natural justice.

These matters are of such a nature that the Parliament can speak with one voice on them, but it is imperative that Scotland's representatives in Brussels do the same as we seek to reform the common fisheries policy. From the videolink evidence session that the Rural Affairs, Climate Change and Environment Committee held a couple of weeks ago, which Angus MacDonald referred to, it was clear that the two participating members of the European Parliament are pretty much on the same page. Both were agreed on the need for meaningful regionalisation and for delivering reform within a reasonable timetable. Struan Stevenson described proposals to close 15 to 20 per cent of member states' territorial water as "terrifying"; Ian Hudghton used the word "ludicrous". They were also pretty much agreed on the need to achieve a combination of sensible rules and targets for the elimination of discards.

The impression given was that Scotland's two members of the Committee on Fisheries will speak up for Scotland's needs, but the nature of the all-round decision-making process—with next week's committee vote being followed by plenary consideration in February or March—suggests that we need to ensure that all our MEPs actively do so.

The two Scots Labour MEPs could play a significant role in helping to secure a CFP that is appropriate to Scotland's needs. Labour is in the same socialist grouping in the European Parliament as Ulrike Rodust, the rapporteur on the issue. Within that setting, Scots voices need to be heard, garnering support for Scotland's interests and countering some of the rapporteur's less palatable suggestions for future policy. I say that not to make a party-political point—I have no reason to doubt that those MEPs will do that—but simply to emphasise the need for Scotland's MEPs, as well as its MSPs, to speak with one voice in support of one of our most important industries.

15:30

Margaret McDougall (West Scotland) (Lab): I pay tribute to all the fishermen who go to sea and risk their lives to bring us high-quality fresh fish every day. We should do all that we can to protect their livelihoods.

I now have some understanding of how difficult the EU's fisheries negotiations can be and how vital the outcome is to our fisheries industry and all the associated businesses and communities on land. It is therefore essential that we get the best possible deal for Scotland. As has been said, the main issues of concern for the Scottish Government are the mackerel dispute, which has been a long-running problem, and the reduction in the quotas of total allowable catch for cod.

Everyone is aware of the mackerel dispute, which is about the overfishing of mackerel stock by Iceland and the Faroes and which has led to a proposed decrease in the total allowable catch for Scottish fishermen. The irresponsible and unsustainable fishing methods of Iceland and the Faroes have led the International Council for the Exploration of the Sea to suggest a 15 per cent reduction in the total allowable catch for mackerel.

Mackerel is Scotland's most profitable fish. In 2011, its value to the Scottish economy was £164 million, which far exceeds the value of any other type of fish. Therefore, any cut in the total allowable catch would have a negative effect not only on the Scottish fishing economy, but on Scotland's overall economy. The fact is that the problem is not caused by Scotland, yet we are suffering because of the actions of other countries, which is not acceptable.

Negotiators need to engage with Iceland and the Faroes and come up with a solution to the mackerel dispute, because if both those countries continue to overfish the mackerel stock, that will result in serious problems for the long-term sustainability of our fishing fleets. I note the proposed sanctions, but I hope that they will not be needed and that they will encourage negotiations through which all the countries that are involved can sign up to a deal. The problem is a long-running one, but I hope that, this time round, we can come up with a solution that all parties will be able to agree to and maintain.

As highlighted in last week's ministerial statement on the issue, the proposed 20 per cent cut to the total allowable catch for cod will affect fishermen's livelihoods and will be counterproductive because of the likely increase in discards. Thanks to good fisheries management, the cod population is increasing, so cutting the total allowable catch will mean that more cod will be discarded, and everyone agrees that discards are wasteful and uneconomic.

In his statement last week, the cabinet secretary said:

"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."—[*Official Report*, 4 December 2012; c 14219.]

We in the Labour Party agree that we cannot achieve a long-term sustainable future for the marine environment, the species within it and the people who depend on those species if the practice of discards continues. How can we be expected to meet a full discard ban on cod by 2018 if the total allowable catch is cut by 20 per cent? Many fish species tend to swim together, so it is difficult to catch only one type of fish. I therefore hope that the planned reduction will be reconsidered.

We need to push for decentralised decision making with a degree of flexibility to make the system work effectively. If the policy is devolved, it will allow coastal states to develop their own solutions to issues, while allowing key stakeholders and those who have local expertise to come to the forefront and manage their fishing industry effectively and sustainably.

Keeping in mind the fact that fish do not recognise borders, we can all agree that decentralised decision making and the process of regionalisation within fishing policy is the way forward. It is clear to me that a one-size-fits-nobody policy has damaged our fisheries industries and fishermen's livelihoods by failing to work in EU markets. It has also damaged our environment by failing to create sustainable fisheries and leading to high levels of overfishing and discards.

Although we all understand the need for centralised targets and quotas to protect our fish stocks, we cannot assume that what works in one EU state will work for all countries. There are times when countries need to work together towards a common goal such as solving the mackerel dispute, but it is recognised that there must be a level of flexibility to allow those who have local knowledge to make their own decisions as long as they promote sustainability.

I close with a quotation from the Scottish Fishermen's Federation:

"There is a pile of priorities that need to be addressed urgently—the number of days that vessels can put to sea, sanctions for Iceland and Faroes for overfishing mackerel, and a common sense approach to discarding".

I am pleased to hear that the cabinet secretary recognises that those issues all need to be addressed as a matter of urgency, because the power struggle between the various European institutions over who has supremacy in making

decisions about fishery management is damaging the long-term future of our fishing industry.

15:36

Roderick Campbell (North East Fife) (SNP): I missed the cabinet secretary's statement last week—I think that we were all consumed by the Leveson saga at the time—so I am grateful to the Parliamentary Bureau for allowing time for a full debate today. Hopefully the report of this debate will not become the chip paper so beloved of Jamie McGrigor.

Reform of the CFP must remain a priority. We are once again at an important time in the negotiation timetable, and last week the cabinet secretary rightly referred to an increase in the value of landings by almost one fifth during the past four years at a time of recession. It must be said that this is in the context of a proposed significant reduction in the North Sea cod and west coast haddock quotas, and particularly in the context of a reduction in the number of fishermen who are employed on Scottish-based vessels to fewer than 5,000 last year, which was down 200 on the previous year.

After the poor results in 2010, last year saw an improvement in shellfish landings for east coast fishermen, particularly in my North East Fife constituency, but my understanding is that the situation is much worse this year, even allowing for the North Sea prawn fleet's success in adopting gear that ensures that unwanted catch is kept to a minimum. There is a shortage of prawns in the North Sea, and that is a difficulty for the industry in Fife especially when, disappointingly, no progress has been made in reopening a previously viable winter sprat fishery in the Firth of Forth.

Hanzala Malik: The Scottish fishing fleet has made the biggest sacrifice in Europe by giving way to European legislation, so if the EU wishes to compound the situation by freezing our stock limits, perhaps it would invest in inshore fish farms to compensate us. Perhaps we should be looking for investment from the EU to compensate our fishing industry.

Roderick Campbell: The member makes a very good point and I take it on board.

I move on to cod recovery. We know that a further 20 per cent cut in the cod quota is required in 2013, despite the sterling efforts of Scottish fishermen in assisting the recovery of the fish and the positive way in which they have approached discards. Obviously, it is good news that the cod recovery plan is under review but the dispute over whether plans need to be agreed by the European Parliament as well as the Council of Ministers is neither helpful nor sensible. That needs to be

sorted out, and we are right to oppose effort cuts if their impact is to detract from the attraction of the Scottish Government's conservation credit scheme.

I am grateful for the resolute stand for common sense that the cabinet secretary and his officials have made in Europe in that regard. We all know that automatic cuts to days at sea are deeply flawed on scientific and fisheries grounds; indeed, as Tavish Scott implied last week, the science points to an increase in cod stocks—he reinforced that point today. The fact is that the management framework provided by the existing CFP has failed, and discards are an indicator of its shortcomings. The Scottish Government is right to commit to achieving discard-free fisheries and to pursue its innovative discard-free catch quota scheme. We should support European Commission proposals to ban discards altogether by 2016, if not earlier.

The CFP is too removed from the communities on which it impinges. We are right to continue to press the case for regionalisation and away from Brussels-based micromanagement. Fishing communities need to be given responsibility for their local resources. I agree with those who believe that that should be bottom up rather than top down.

Trading fishing quotas in an international market would only make bad management worse. I am glad to hear that the Scottish Government will continue to oppose those who, in effect, seek the privatisation of the fishing industry. Let us say no to those who favour such a trade. As the Scottish Government suggests, the socioeconomic wellbeing of fishing communities must remain a high priority in the negotiations. For the future, commission proposals for the new CFP to achieve maximum sustainable yield by 2015 are a laudable aim, even with the caveat suggested by Jamie McGrigor.

We must all hope that progress can be made in the mackerel dispute between the EU and Norway on the one hand and the Faroes and Iceland on the other. It cannot be right to allow a total catch to exceed the scientific advice by more than 40 per cent and to threaten the sustainability of the stock. Given that the UK has the largest share of the mackerel quota of any EU member state, mainly fished by Scottish boats, we should not sit on the sidelines if agreement cannot be reached. We should press the European Commission to implement its proposals on sanctions with a view to bringing to an end the unacceptable practice adopted by industries in Iceland and the Faroes. However, I accept Claire Baker's points in that connection.

The Scottish Government is working extremely hard to protect the interests of the Scottish fleet,

protect our natural stocks and negotiate with neighbours to achieve a genuinely sustainable agreement for all those who fish the seas of northern Europe. However, it is clear that we can have only so much clout if we do not have the full representation of a member state. I would urge everyone in the chamber to reflect on the probability that Scotland and the rest of the UK would benefit from Scotland being an independent member state in negotiations.

The new CFP is likely to predate the referendum but can we not imagine that working as two individual states within the EU might be for the benefit of Scotland and the rest of the UK? With 60 per cent of the UK fishing zone in Scotland, and 70 per cent of key stocks held by Scottish producer organisations, no one should doubt the importance of fishing to the Scottish economy. Good luck to the cabinet secretary and the UK ministers in the negotiations ahead.

15:43

Stewart Stevenson (Banffshire and Buchan Coast) (SNP): When I rose to my feet to speak on 14 June 2001 at 11 minutes past 4, it was my second day in this Parliament and the subject was the CFP. This is my 442nd speech in Parliament and yet so much remains the same. Jamie McGrigor and Tavish Scott spoke on that day. Absent are the late Margaret Ewing, and also absent are Ross Finnie and Rhona Brankin, who were ministers. The motion that day was moved by the convener of the European Committee, Hugh Henry. Richard Lochhead was the first member to speak after Mr Henry. Plus ça change, plus c'est la même chose—or, as Angus MacDonald said, we are having “that déjà vu feeling”.

In 2001, I referred to Allan Macartney, who, for some years prior to that, had been an active proponent of regional management—locality management—of our natural fishing stock. It is good news that that is now, in essence, an orthodoxy in the debate and it is very much to be welcomed. On that day in 2001, Jamie McGrigor spoke of more local control. We could see the beginnings then of the consensus that we are hearing in today's debate. I certainly welcome that.

On that day, I referred not only to the economic issues around fishing but to the human issues that are involved in what is the most dangerous industry in these islands. Tavish Scott and I, who represent the constituencies that have probably the most substantial fishing interests in the country, have too often had to engage with the consequences of that danger.

The cabinet secretary spoke of legal bickering. That is nothing new. When I first visited fisheries

negotiations at the end of 2002, the commissioner was Franz Fischler—I see the nodding heads of those who remember—who was a small country's commissioner. He was from a country with no coast, no fishermen and absolutely nothing at stake. He was, of course, an Austrian. The person whom I and the then shadow fishing minister, Richard Lochhead, met that day was Maja Kirchner, who was the commissioner's assistant and—yes—a lawyer. The lawyers have been around this issue for some considerable time, to the benefit of no one apart from perhaps themselves, due to their funding receipts.

A year later, in an article for my local paper, I wrote of Tavish Scott's difficulties as a minister as a result of the way in which the Executive's dithering on the subject was hanging over him. Mr Scott's colleague in Westminster, Alistair Carmichael, described the 2003 deal as

“bad, corrupt and downright deceitful.”—[*Official Report, House of Commons*, 9 December 2003; c 1024.]

Tavish Scott: That is typical of Alistair Carmichael.

Stewart Stevenson: As I said, nothing changes—including Alistair Carmichael.

In 2004, the real effects of the cuts in our fishing fleet started to be seen onshore and offshore. Painters who were based around harbours closed as a result of there being fewer boats to paint and we even saw butchers' shops closing, which had been the main source of food supplies for the fishing fleet.

In 2006, Jim Wallace, who is now out of ministerial office, reminded us of a speech that he made in Westminster in 1988, in which he referred to

“drastic cuts in the total allowable catch, particularly those for cod and haddock.”—[*Official Report, House of Commons*, 1 December 1988; c 912.]

The lawyers have not been helping, but our fishermen have been rising to the challenge. They have designed new nets that enable them to be highly discriminating in terms of the species that they catch. Our fishermen are hugely more effective conservationists than is any lawyer in any office anywhere in the EU.

The right to catch has to be viewed as a basic human right—not a right that is for sale, but one that is held in trust for future generations of our fishermen. It gars me grue that, as has been referred to, Spanish fishermen are fishing in some of the deep holes off Peterhead from which our fishermen are banned for good conservation reasons. In a single haul of a net, they can lift years of future catch that is barred to our fishermen. We simply have to get away from that being the way in which we work.

We need our ministers speaking for our fishing interests at the top table in Europe. As I said all those years ago, even Ross Finnie would make better decisions than Franz Fischler.

Tavish Scott: Praise, indeed.

Stewart Stevenson: Indeed.

Richard Lochhead has done well. We have managed to negotiate something that is appropriate to our circumstances, but he could do even better if we had the powers of a normal country.

I agree with Tavish Scott about the necessity of dealing with the issue for the sake of our pelagic fleets. It is absolutely appalling that we have not been able to resolve the issue. I do not know how to—which is not a sentence that is heard often in Parliament. However, we must—for heaven's sake—get together and find out the answer because we need it, and we need it now.

15:49

Rhoda Grant (Highlands and Islands) (Lab):

The Scottish Government is rightly concerned about the mismanagement by Europe of our fishing stock, but it presided over what could have been a catastrophe at home this year, when the west coast prawn fishery faced closure in the summer due to overfishing. The impact that that would have had on the communities on the west coast is immeasurable. Fishermen there are unable to pick and choose where they fish. The onshore fish processors that are dependent on local landings to keep their industry alive would also have been devastated. They provide jobs where there are very few alternative forms of employment.

Economic devastation was averted at the last minute, but it should never have come to that. The cabinet secretary will say that he cannot second-guess fish stocks and availability. That is so, but he can act when a problem emerges and the speed of his action has left us with a problem for next month. It is still unclear what fishermen on the west coast will fish next week. That makes it impossible for them to plan crew and staffing levels. It is also impossible for processors that need to meet orders. Should they take them or will there be no fishing for the next few weeks?

The cabinet secretary needs to make an announcement about that soon. He needs to allow the fleet and the onshore processors to plan ahead. He needs to take responsibility for the situation and ensure that it never happens again. There is real concern that the same thing could happen all over again when the restrictions are lifted in May. The cabinet secretary needs to ensure that a management structure is in place

that protects the fishery and the dependent communities. Otherwise, a similar situation will arise next year.

Until management of our fisheries is vested in our local communities, such situations will recur. Only when our fishing fleet is responsible to future generations for the fish that they will inherit will there be a step change in how our seas are managed. Inshore fisheries and static gear boats show a marked difference in attitude that needs to be replicated throughout the industry to ensure that we leave a thriving stock to our children.

Steps have been taken, but we need to go further. We need to protect breeding grounds in order to allow fish time to breed. We also need to ensure that they have periods when they are not disturbed so that they can form shoals to allow them to breed. Measures such as the total allowable catch and the days at sea provisions are blunt instruments when it comes to managing the sea. Our attitude should be that we need to farm the sea to ensure that the fish exist for future generations. We are leading the way. We need to go further, but we also need to ensure that the rest of the EU comes with us on that.

Many members have mentioned discards; it feels like groundhog day. I do not think that we have had a fisheries debate in which there was not a unanimous outcry that discards are absolutely obscene. The world's resources are being thrown away. We need to move towards zero discards and certainly not to move backwards. We must ensure that penalties are in place to stop fishermen actively pursuing species that require protection. We also need to ensure that all the fish that are caught are landed and marketed, thereby cutting waste. Throwing dead fish back is wasteful and causes an ecological imbalance that damages our seas more widely.

The measures that are put in place need to be balanced against the cost of landing the fish. If the penalties are too great, the fishermen will themselves choose to discard in order to make room for a more lucrative catch. However, if the penalties are not great enough, fishermen will go out and fish for the fish to which the penalties relate, if they are seen as a lucrative catch.

I will touch briefly on the mackerel negotiations and join other members in expressing great disappointment that no progress has been made. I hope that progress will be made, but is it not time for the EU to consider sanctions to protect that fishery and to ensure that our fishermen are protected? We had the status to show that we were fishing the mackerel sustainably, so it seems wrong that that has been removed not through any action of ours, but through the actions of other states. We need to take steps to ensure that that status is returned.

I was a little tickled by Roderick Campbell's comments about how the negotiations would be so much better if Scotland were an independent country. In the light of this week's interventions by the President of the European Commission, I think that they would be better because we would not be there. It may be better for the cabinet secretary because he would not have a sleepless night but, unfortunately, we would have to abide by the outcome of the talks and would have no seat at the table.

I believe that there are problems with the negotiations, which are based on fishing alone. We need to have a link between our fishing industries and the communities in which they are based. We need to reclaim that link in order to ensure that there is an incentive for future generations to manage our fisheries. Until we do that, there will be horse trading year after year.

15:55

Rob Gibson (Caithness, Sutherland and Ross) (SNP): Rhoda Grant has provided me with three areas that it would be useful to debate. I do not wish to repeat what other members have said, but she referred to the answers of the EC President, José Manuel Barroso, to BBC questions on an independent Scotland's status vis-à-vis EU membership. There are unintended consequences, to which Rhoda Grant alluded. If, as José Manuel Barroso argued, we have to join the membership queue, Spanish and other EU fishing boats would have to leave Scottish waters forthwith, and the deep holes to the east of Peterhead and so on might be protected much better. However, I would like to know what the UK Government is currently doing to get them protected while we are in the EU.

If commonsense politics prevail, Scotland will, of course, have a proper place at the top table to right the wrongs of the failed CFP and to seek a settlement that will be sustainable for our fish and our fishing communities, and that will rebuild stocks that have been ruinously plundered with the CFP's decades of mistakes. If the Government uses science and natural justice, Scotland will make the best use of that top-table place. After all, Cyprus, which currently holds the presidency of the Council of the European Union and which will lead the negotiations on the new CFP this month, has a population of 1.1 million. Ireland, which will take over the presidency in January next year, has a population of 4.4 million. It will lead the negotiations on the crucial stages of the common fisheries policy and the common agricultural policy. I believe, as Richard Lochhead said last Tuesday, that

"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."—[*Official Report*, 4 December 2012; c 14230.]

Given that fishing is relatively more important to Scotland than it is to the rest of the UK, it is vital that Scotland have a seat at the top table.

Claire Baker: Mark McDonald argued similar points the last time we debated the fisheries negotiations, and I questioned how having less influence in Europe would help Scottish fishermen. Now the question must surely be this: how would being out of Europe or having years of negotiations benefit Scottish fishermen?

Rob Gibson: Scotland would have a major say, given that we have approximately 70 per cent of the UK's quotas of key stocks, Scottish vessels land 84 per cent of the total value of UK landings of key stocks, Scottish vessels account for over two thirds of regulated effort in the cod recovery zone, and the Scottish fishing zone makes up 60 per cent of UK waters. The last thing that will happen in Europe is commonsense politics. Therefore, the Labour Party's wish that Scotland would be out of the EU is not shared by the Scottish National Party. Indeed, José Manuel Barroso will be retired by that stage and someone more sensible will be in his place.

Claire Baker: Does Rob Gibson realise that votes will be based on populations, not on the number of fish?

Rob Gibson: I think that we could do with a better measure than we are currently being given, and it is obvious that the current horse trading in the middle of the night does not help that one bit.

On the questions of climate change, marine management and so on, Scotland has led the way in the specifics of the catching effort. However, I put it to Jamie McGrigor, who is interested in our fishing every prawn in the sea, and Rhoda Grant, who talked about the need for us to farm fish, that we came to the view at committee that of the prawns that are caught in creels, the berried prawns should be put back so that the stock can regenerate. How do we do that when we fish out in trawls every prawn in the sea? It is not a simple subject, but it is one that we will have to look at if we are going to find a sustainable fishery for the people in the Hebrides and the west coast at the moment.

Jamie McGrigor: I agree with Rob Gibson's point, but trawler fishermen would put it to him that creels fish 24 hours a day and tend to pick up the prawns that he is talking about, which are the large female ones, whereas a trawler may go over a piece of the seabed when the prawns are not up and not catch anything.

Rob Gibson: That is the kind of debate that we are having in the committee at the moment, but it was creel fishermen who pointed out that they are setting the example. I am asking people who talk about farming fish to address such points.

I suggest that the mackerel stocks issue has unintended consequences for our northern ports in Scotland as well as for the fleets, given that Icelandic and Faroese boats land here. I would hate to get into the situation of our whole processing sector being affected by that, so we wish the cabinet secretary well for next week's meeting and ask him to ensure that Scotland gets a good deal and that Norway, an independent nation that helps us with the negotiations with Iceland and the Faroes, tries to find us some way forward on the issue.

16:01

Dave Thompson (Skye, Lochaber and Badenoch) (SNP): I welcome this debate on the annual fisheries negotiations. The fishing industry is vital to the Scottish economy and is particularly important in my constituency, where fishing is the main livelihood of many people.

I want to start on a positive note by reminding members that the Mallaig & North West Fishermen's Association and the Scottish Government, working together as the Scottish langoustine project, have secured a contract to provide high-quality west coast prawns to 500 Sainsbury's stores throughout the UK. Prior to that contract, our west coast prawns were exported to Spain and Portugal, among other countries, but those markets are now in decline. The Sainsbury's agreement therefore not only represents a great deal for UK consumers, who can now buy our high-quality Scottish products, but offers a degree of security to the prawn fishermen in the Minch.

From Sainsbury's point of view, the good practice of the west coast prawn fishermen means that there is a sustainable fishery that offers a consistent supply for the supermarket. The security of income that is provided by the deal is a solid platform for growth. I understand that the project is making good progress and that it is hoped that it will be expanded in the new year, with other supermarkets now becoming interested.

Of course, such projects depend on a steady supply of prawns, which brings me to the inflexibility of the common fisheries policy. That inflexibility was highlighted for all to see by the move of the east coast prawn fisherman to the west coast fishery when their own supplies dried up. Unfortunately, because of the crazy common fisheries policy, there is currently no easy way to deal with that type of problem, which has caused great uncertainty for the west coast fishermen, as

has been said. They faced the prospect of their fisheries being closed in January. However, I am pleased to welcome the cabinet secretary's assurances that options will be in place to ensure that that does not happen. I agree with him, however, that it would be far better for all involved if the regulatory framework was responsive enough to recognise and react to changing circumstances much more sensibly.

It has been clear for many years that the common fisheries policy is not fit for purpose and is failing Scottish fishermen. Another unfortunate symptom of that is that despite the acknowledgement by fishermen, scientists and even the European Commission that the cod recovery plan is counterproductive and encourages discards, we seem to be unable to make the necessary reforms.

Our fishermen face further effort reductions in 2013. That nonsense must be stopped. I wish the cabinet secretary well in his efforts to knock sense into the heads of the Brussels bureaucrats.

There are a number of quota increases. West coast prawn and North Sea haddock, whiting and herring quotas are expected to rise next year, in recognition of our fishermen's commitment to sustainable practices. However, misguided quota cuts might drive up discards. For west coast fishermen, the reduction in haddock, monkfish and megrim quotas, coupled with an increase in the prawn quota, might lead to an increase in discards, which we all agree are an unacceptable waste of fish. The 48 per cent decrease in the haddock quota seems to be at odds with what fishermen are seeing in the grounds. Perhaps further scientific advice is necessary before such a large reduction in the quota is made.

We all know about the positive impact of adoption of selective gear. Our fishermen are to be commended for their enthusiasm for taking such measures. However, their efforts are being undermined by a regulatory system that is not responsive to local needs.

Fisheries do not respect international boundaries and are complex. Co-operation with our European neighbours is essential if we are to fish sustainably.

Scottish fishermen have worked incredibly hard in challenging circumstances to make huge progress on reducing discards and ensuring that stocks remain sustainable, while delivering the economic benefits on which we and our fishing communities depend.

The future of the Scottish fishing industry requires us to promote sustainable practices internationally and to ensure that all states fish in accordance with the principle of sustainability. The European Union is—this is unfortunate or

fortunate, depending on how we look at it—the best forum for formulation of policy and agreement on future action, but the current common fisheries policy framework must be reformed and its shortcomings addressed.

At a time of economic hardship, we all agree that we must tackle the obscenity of waste through discards. I am confident that the cabinet secretary will push for the best deal for Scottish fishermen. The Scottish langoustine project demonstrates the high standards of our fishing industry and what can be achieved when the Government and the industry work together.

It is essential that UK ministers appreciate how important our fishing industry is and that they do all that they can to secure the best deal for Scottish fishermen. How much better it would be if our distinctive Scottish needs were represented by a distinctive Scottish voice at the top table.

16:07

Elaine Murray (Dumfriesshire) (Lab): I do not record the progress of my life by the number of times that I have spoken in Parliament, but I have spoken once or twice on the issue. It is nearly a year since I left the Rural Affairs, Climate Change and Environment Committee, so I was initially reluctant to accept the invitation to speak in this debate, thinking that my experience might be a little out of date. However, when I had a look through the *Official Report* of the RACCE Committee meeting of 21 November, I had, like Angus MacDonald, a feeling of *déjà vu*. I was reminded of the saying, “the wheels of the Lord grind exceedingly slow but exceedingly fine.” I am not sure how fine the EU’s considerations are, but its wheels are certainly exceedingly slow, because there seems to have been little progress since the committee’s previous videoconference with MEPs Ian Hudghton and Struan Stevenson, a year earlier. It is disappointing that things seem not to be progressing.

Members spoke on behalf of their local fishing communities about how policies affect them. The fish that are important to my constituency and local economy do not come under the CFP; they swim in from the Atlantic Ocean and up the rivers Nith, Annan and Esk, providing opportunities for angling and half-netting, or they are farmed up on the west coast and brought down for processing.

I concur with the cabinet secretary’s view that we should eat fishy things at Christmas. At a well-known retailer, members will find a fishy product that is processed in Dumfriesshire—I am not talking about food, which gives members an idea of where to find it.

Under the common fisheries policy, we have the ridiculous situation in which, despite the fact that

North Sea cod stocks are increasing thanks to technical conservation measures that were predominantly developed here, a 20 per cent reduction is still being required. As members have said, law-abiding mackerel fishers in Scotland and the UK might lose a share of the mackerel quota to compensate for greedy fishers elsewhere, in the Faroes and Iceland. If justice always worked in that way, there would be an outcry.

Nobody believes that the common fisheries policy under which the negotiations will take place has worked. It has not produced sustainable fisheries, a sustainable EU market or sustainable livelihoods for our fishermen. As others have said, maximum sustainable yields based on single species do not work in mixed demersal fisheries. The policy has been criticised from all sides, including by environmentalists, fishermen, politicians, scientists and now even the European Commission.

Following last week’s statement, I raised concerns about the potential delay in introducing the reformed common fisheries policy, and in response the cabinet secretary described some of the consequences of that and of the dispute between the European Parliament and the Council. The dispute is holding up renewal of the technical regulations and could seriously affect conservation measures because boxes that are currently closed could not remain so.

The MEPs who took part in the video conference with the RACCE Committee advised that there are about 2,600 controversial compromise amendments. If they are delayed until January or February next year, the plenary vote will probably not take place until April or May. In that case, there will be only limited time to get the second reading through before the end of next year. As European Parliament elections will take place in June 2014 and a new Commission will be appointed after that, there would be no legal basis for rolling over the European maritime fisheries fund. If the reformed CFP has not been implemented by 2014, the European Parliament will, according to Struan Stevenson,

“basically be back to square one”—[*Official Report, Rural Affairs, Climate Change and Environment Committee*, 21 November 2012; c 1349.]

I understand that that would mean that the opportunity to reform the crazy process by which fishing quotas are negotiated would be lost. That would be little short of disastrous for Scotland’s fishing communities.

Those are points on which we all agree. Maybe we need to talk a little about the points on which we do not agree, and the effect of Scotland leaving the United Kingdom. I believe that there is an extremely strong case for Scotland to lead the negotiations because the Scottish industry is

particularly important and most of the fish are in our waters. My colleagues at Westminster might not agree, but I believe that there is a strong case to be made for the Scottish cabinet secretary to lead the negotiations. However, he would be in a stronger position if he was leading a delegation representing 78 MEPs and a population of 63 million people rather than seven MEPs and a population of 5.3 million people. I honestly believe that giving Scotland the correct place in the negotiations would mean that we had a stronger voice. I strongly believe that, as long as Scotland is given the appropriate position and the one that it is right for us to have, given the importance of our industry, we are definitely better together on the fishing industry and in a better position than we would be in if Scotland was apart from the UK.

Dave Thompson: Will the member give way?

Elaine Murray: I am in my final minute.

Having said that—I know that the cabinet secretary and the SNP members will not agree with me on that point—I wish the cabinet secretary and his team the very best of luck next week in getting those very important negotiations under way, because they are so important to our vital, much valued and much loved Scottish industry.

16:13

Richard Lyle (Central Scotland) (SNP): First, I pay tribute to all who work in the fishing industry. The achievements of Scotland's fishing sector in the past few years have been impressive.

I agree with other members that the discarding of fish is a waste of valuable resource. The Government should oppose the EU's proposed 20 per cent cut in the North Sea cod quota in 2013, which threatens the sustainable fishing practices of Scottish fishermen.

Scotland, which has one of the most significant fisheries resources in Europe, should have a seat in the negotiations and should take its turn in leading them. No one could deny that the Cabinet Secretary for Rural Affairs and the Environment and the SNP Government fight hard for Scotland's fishermen.

The Government should be guided by the principles of science and stock sustainability, the wellbeing of our industry and the communities that depend on it, and discard-free fisheries. The advice from ICES suggests quota increases for North Sea haddock, whiting, saithe, megrim and herring and for west of Scotland nephrops stock. However, the advice also points to reductions in a number of other stocks: North Sea cod, west coast haddock, Rockall cod, west of Scotland and North Sea monkfish, North Sea nephrops and west of

Scotland megrim. Increases are welcome, but reductions are not.

The Government's guiding principle is that all decisions must follow the science. The proposed reductions in cod quotas are not backed by scientific evidence. On the subject of quota cuts, the cabinet secretary said in November:

"It's outrageous that once again Scotland is battling proposed cuts that are on the table for legal reasons rather than what's best for the fishery. Thankfully, a number of countries are joining forces to resist such crazy cuts. And I've made clear to Mr Benyon we cannot accept these unjustified proposals and expect full backing from the UK."

Will we get that backing? I am not convinced that we will.

Alex Fergusson (Galloway and West Dumfries) (Con): Can Richard Lyle tell us of anything that he has heard while he has been on the Rural Affairs, Climate Change and Environment Committee that has pointed him to make such an extraordinary statement?

Richard Lyle: Sadly, I have heard things many a time from the UK Government—

Annabelle Ewing (Mid Scotland and Fife) (SNP): I may be able to be a wee bit helpful to Richard Lyle and Alex Fergusson here.

Alex Fergusson: Annabelle Ewing is not trying to be helpful at all.

Annabelle Ewing: It must be remembered that at the time that Ted Heath took us into the EU—as we discovered some years later under the 30-year rule—as far as the UK Conservative Government was concerned the Scottish fishing industry was "expendable".

Richard Lyle: I totally agree with my colleague.

Proposed cuts to mackerel quotas are a direct result of overfishing by Faroese and Icelandic vessels. They are in essence a reward for their unsustainable practices. I note that talks in October among Iceland, the Faroes, Norway and the EU—at which a Scottish Government official was present—again failed to reach an agreement on mackerel quotas.

Until 2009, the Faroes had a three-way agreement with the EU and Norway. In 2012, the Faroese declared themselves a quota that was more than five times their agreed share in 2009. I wonder why? Oh, I think that the Faroes are independent.

Iceland caught very little mackerel prior to 2008 and has never been part of a coastal states agreement, but it has significantly increased its mackerel catch in recent years. In September, the European Parliament progressed plans to make sanction measures available to the EU. Will it use them? We will see.

I compliment the cabinet secretary on his diligence and excellent work for Scotland's fishermen. Given the huge importance of the fishing sector to Scotland, the wellbeing of our fishing communities is imperative. The Scottish Government should be at any EU talks about fishing. As has already been stated, more than 5,000 fishermen were employed in the industry in 2011. How many will there be in the 2012 figures when they become available?

The Scottish Government has already achieved significant successes in fighting for Scotland's fisheries. It got the European Commission to remove rules that were causing the large-scale discarding of haddock. It also got the Commission to reverse a regulation that would have caused swingeing and unnecessary cuts to Scottish vessels' time at sea, and it secured agreement from across Europe to make sure that the Commission cannot try to do the same thing again.

This Government has continued to put pressure on the Commission and Norway to ensure that we continue our ground-breaking catch quota scheme for cod, which has enabled fishermen to land more while catching less and stopping discarding. That work has been in the face of heavy Norwegian opposition to the proposal.

The achievements of Scotland's fisheries sector over the past few years have been impressive. It is therefore correct that the Parliament should support the industry to the hilt. Only by Scotland taking its rightful place in the world with independence can we finally resolve this situation.

16:19

Clare Adamson (Central Scotland) (SNP): Given that I live in and represent landlocked Central Scotland, I confess that fishing is not something with which I have been familiar. Indeed, I say to Mr Stevenson that I am in danger of being the Franz Fischler of the debate in that respect. However, since I recently joined the European and External Relations Committee, I am becoming aware of the importance of the fishing industry to Scotland's economy and the communities that host our fishing fleet.

Yesterday, I took part in the debate on the important role that scientific evidence plays in informing decision making and the contribution made by scientists and engineers in the Scottish Government, its agencies and delivery partners to the international reputation of Scotland through the provision of evidence and advice. It is, therefore, timely that we are having this discussion about fishing today, as we must recognise the scientific advice as we move forward in the negotiations. I acknowledge the cabinet secretary's comments

about his frustration that the current structures in the European Union and within the policy make it difficult to have recognition of that.

In yesterday's debate, there were many accolades for Scottish scientists both past and present, and the achievement of Anne Glover in her appointment as the first chief scientific adviser to the President of the European Commission was noted.

In a recent issue of *The Biologist* magazine, Professor Glover was asked to name the most important science issues that politicians need to tackle today. In her answer, she said that the most important issues are: understanding climate change; ensuring that, as we look to alternative forms of energy generation such as biofuels, we do not displace crop growth and damage food security, which is also important; water security; and the challenges of sustainable economic growth. Our fishing industry is affected by all those issues. I would like to highlight examples of them, although given the time constraints I may not get through them all.

I will start with food security. Being part of a modern and responsible nation means taking our responsibilities as good global citizens very seriously indeed. The Climate Change (Scotland) Act 2009 is an example of Scotland's commitment. However, I am old enough to remember the problems of the common agricultural policy, the initial principles of which have not changed since 1958. The unintentional consequence was the scandal in the 1980s of the wine lakes and butter mountains that were caused by complex systems of quotas and support prices. I hope that we have learned from that experience.

I agree with my colleagues who have already mentioned that, when the Food and Agriculture Organization of the United Nations reports that 870 million world citizens are chronically undernourished and that death from hunger is still the biggest health risk in the world, a policy that includes discards is nothing less than an obscenity. I support every effort of the cabinet secretary to negotiate an end to that wasteful practice. I note that the practice is equally distasteful to the fishermen as to members of the public, and I commend the Scottish fleet for the work that it has done in reducing discards from 43 per cent to 25 per cent.

I turn to Anne Glover's comments about sustainable growth and the challenge of delivering jobs and economic sustainability. Scotland's seas are economically productive. Although the fishing industry contributes £0.5 billion a year to the economy, it is estimated that the marine areas generate more than £3.5 billion. Nearly 40,000 people are employed in the marine sector, representing 1.6 per cent of Scottish employment.

Fishing takes place in all our waters, and aquaculture—in both fin fish and shellfish—takes place on our west and east coasts. The challenges in those sectors have been well highlighted in the debate. Our marine activity also includes the abstraction of cooling water for power stations and the treatment of waste water and dredge spoil, and our sea bed has cables in it that contribute to our communications. Our seas are also used for leisure activities and are a major tourist draw because of our natural and cultural heritage.

Perhaps the greatest untapped opportunity is the enormous potential of marine renewable energy generation from offshore wind, waves and tides, although that is starting to be harnessed. There is also potential for the storage of carbon dioxide under the sea bed through carbon capture and storage. All those technologies have the potential to tackle climate change, which is also vital to our fishing communities.

We have to ensure that the pressure exerted by human activity on our marine environment is done so with due consideration to the delicate ecosystems. Our policy making and our position in the negotiations should be looking towards enhancing the economic potential of all our marine environments.

I say to my Labour colleagues that I do not want our minister to go cap in hand asking for permission to speak and lead on negotiations on Scotland's vital industries. I want Richard Lochhead to be at the top table. Those Labour politicians who say that population size and the numbers of MEPs are key to influence in Europe do a great disservice to Europe's smaller nations; that view also flies in the face of the principles of the European Union.

16:25

Tavish Scott: This has, on the whole, been an extremely positive debate; I cite Dave Thompson's speech as an example of that. However, there was one discordant note.

To attack, as Richard Lyle did, the UK fisheries minister, Richard Benyon, was wrong on two accounts. When Richard Benyon was recently in Shetland meeting fishing skippers, he not only praised Richard Lochhead and the work that he had been doing, but he made a particular point of saying—in front of the president of the Scottish Fishermen's Federation—that the Scottish and UK Governments are working hand in hand to get the cod recovery plan because it is so important to our fishing interests. When some back benchers stand up and have a go at a UK minister, for goodness' sake they should have facts to support their argument. That UK minister recognises the importance of the Scottish minister and is working

with him. The two of them will achieve a lot for the industry. We should all support that rather score political points as Mr Lyle chose to do.

Angus MacDonald: Will the member give way?

Tavish Scott: I will come to Angus MacDonald in a minute because he said something that I entirely agreed and disagreed with.

I can only praise Stewart Stevenson's 442 speeches in Parliament. I cannot say that I count my speeches; most of them are probably instantly forgettable, but that is not a charge that we can ever levy at Mr Stevenson. He mentioned Franz Fischler. My goodness me—that is a name from the past that I rather wish I had forgotten all about. Neither was I hugely grateful to Mr Stevenson for reminding me about 2001.

I thought that the comment made by Alistair Carmichael that Stewart Stevenson quoted was a considered remark in the context of some of the things that he says, although now that he is in Government he is not so keen on having remarks such as that played back to him. That point proves the adage in politics that what goes around comes around—which is something that I may just pray in aid from my colleagues on the nationalist benches.

I assure Mr Stevenson—I know that he did not make this point—that the Advocate General in the UK Government has not yet been reshuffled. I thought for a moment that I had missed a reshuffle this afternoon.

Mr Stevenson is a lawyer and therefore it is important to move seamlessly into talking about lawyers and the law. I take in general good spirits the point that SNP members make about independence; they are, of course, entirely entitled to make that argument. However, when I see the French, the Dutch and particularly the Spanish nations looking at the potential Scottish independence, I see them rubbing their hands in glee. Our chances of holding on to the Shetland box and relative stability and holding out against individual transferable quotas in the face of the Spanish, who would just love to see negotiation on Scottish fishing quotas, can only be imagined. I am more than happy to debate the independence of fishing any time that the SNP wants because there are some severe dangers in it. It does not matter what I think but, believe me, Scottish fishermen across our ports think the same, too.

Stewart Stevenson: Would the rest of the UK in an independent Scotland make common cause? If we look at Croatia, which is joining the European Union soon, Scotland would be likely to have twice as many MEPs and a commissioner, neither of which we have now.

Tavish Scott: Mr Stevenson might concede—although probably not in public—that the real point

is that, whatever the negotiating priorities of any state seeking membership of the European Union, the negotiations would be the most difficult aspect of whatever happens in the future. At the very least, there is a deal of uncertainty about how our industry would come out of the process.

Kevin Stewart (Aberdeen Central) (SNP): Will the member give way?

Tavish Scott: No, I want to move on to the substantial issue.

In fairness, this has been a pretty positive debate on the issues that confront the minister. We have, of course, touched on independence; I am not in any way denying the importance of that to some members, but let me deal with what I think are the rather more fundamental arguments.

The minister, Stewart Stevenson, Angus MacDonald and others all made entirely the right observations about the benefits that can flow from regionalisation. Stewart Stevenson and I have made that argument for many moons, as has Richard Lochhead.

When we were in Brussels a few weeks ago, Liam McArthur and I met the aforementioned lawyer from the fisheries commissioner's cabinet, Maja Kirchner—she is still there. For the first time, she advanced a proposition that I agreed with, which is that Brussels should let go of fisheries management and that it should be devolved to the North Sea. That would mean that the fisheries ministers from Scotland, Denmark and all the member states around the North Sea would have the operational and management responsibility for sorting out the science, the fish stocks, the effort, the quota and so on—which they would do in conjunction with Norway as a non-EU member, as I heard Stewart Stevenson suggest from a sedentary position.

That is the right approach. That is what should be happening, and we should ensure that the European Parliament delivers that. That is all that I would say to members such as Angus MacDonald who cited certain MEPs. Believe me: if I could do something about some of my MEPs, I would be a very happy man, but that is not within my gift. In the same context, Mr MacDonald might wish to be slightly careful about the group that his colleagues are part of in the European Parliament. We all have such problems.

I turn to some of the other points that have been made. I appreciate that Claire Baker made her point in all seriousness and that she has a lot of knowledge of the issue, but I counsel against sending any signal to Iceland and the Faroes that the position on mackerel is open to negotiation. If we give way on mackerel—I am pleased that the cabinet secretary has not done that and that he is working with the UK Government on the issue—

Iceland will move remorselessly on to white-fish stocks. We are talking about a country whose economy, after the financial crash, is based completely on fisheries. Iceland needs mackerel for currency purposes.

Someone—it might have been Claire Baker—mentioned what Angus MacNeil said in last week's Commons debate. The point about the white-fish industry is that it is possible to source 1 million tonnes of cod from the Barents Sea. There are therefore other ways in which the processing industry could source white-fish stocks—in this case, the Grimsby processing industry, but Scotland is also affected. They do not need to come from Iceland. We need to be extremely careful about sending any signal to Iceland and the Faroes that they can get away with illegal fishing.

The Deputy Presiding Officer: Will you draw to a close, please?

Tavish Scott: I certainly will, Presiding Officer.

On the cod recovery plan, Mr Lochhead rightly made the point that fishing effort has been cut by 63 per cent in Scotland in the past decade, and yet the Commission says that that is not enough. If there is one message that the cabinet secretary will want to take to the negotiations, it is that we have played our part. Let us hope that we get a good deal out of the December negotiations.

16:33

Alex Fergusson (Galloway and West Dumfries) (Con): As Tavish Scott said, it has been a largely positive debate, with one or two exceptions. On that basis, I will try to keep my remarks positive.

Like other members, I am delighted that the Parliamentary Bureau managed to find time—again—to include this important debate in our schedule. I am even more delighted than I was originally, because it has given us all a chance to enjoy what I might call the aqua-reminiscences of Stewart Stevenson, which is always a pleasure.

In a strange way, it is quite fitting that the week's delay has resulted in our having the debate immediately after yesterday's debate on the role of scientific evidence and advice in public policy. It seems to me that the balance of scientific evidence and advice that comes from our fishing industry—which is an industry that has worked, and continues to work, commendably closely with the scientific community—would suggest that we are doing a lot of things right here in Scotland, but that the resulting evidence and advice that is available is, in effect, ignored by our masters in Brussels, who seem determined to impose a centralised management regime on an industry for which the term "localism" was surely coined.

The Rodust amendment, to which Angus MacDonald referred, is a prime example of the ill-thought-out solutions that seem to come out of Brussels. If ever there was an industry sector in the EU that demands local management, it must be the fishing sector. Roderick Campbell spoke very well on the issue.

If there is one single outcome that I want from the on-going attempts to reform the common fisheries policy, it is the adoption of the proposal for regionalisation of fisheries management, not just as a meaningless phrase but as a genuine reality. I do not want to sound complacent, but it seems to me that the Scottish fishing sector has a pretty fair idea of what needs to be done to ensure the sustainability of our stocks and is perfectly capable of delivering that.

However, the sector seems to be increasingly prevented from doing that by the on-going wranglings in Europe, which many members have mentioned and which Tavish Scott described—last week and this week—as the lunatics taking over the asylum. Year on year, Europe seems to deliver the polar opposite of common sense as a way of managing our fisheries sustainably.

Now, the same lunatics seem to be engaged in a new power struggle over who has the effective decision-making power to enable a new fisheries management plan to be put in place. Given that having such a plan in place is vital, it surely beggars belief that it could be blown out of the water at this stage by a sort of internal European trench warfare that has nothing to do with the sustainability of fish stocks, with fishing fleets or—as many members have said, and perhaps most important—with those who man vessels and the onshore industry that depends on them. Presiding Officer, if you wrote all that down as the script of a play, people would say that you had taken fantasy a step too far and that it was entirely beyond belief. I often think that that is exactly the case.

As Jamie McGrigor highlighted in the amendment that is in his name, the Scottish industry has in recent years spearheaded a range of conservation initiatives that include technical modifications to fishing gear and real-time area closures, which have reduced discards and aided stock recovery for a wide range of species. To those achievements I add the impact of the catch quota trials, which many members have mentioned. They have had huge success in reducing discards.

However, the worth of all that tremendous effort will be in great danger unless next week's talks focus properly on a worked-out management plan for Scotland's white-fish and prawn fleets in 2013. That means focusing primarily on quotas and days at sea, and we can do that sensibly only if the local scientific evidence that is available to us is

taken into account properly. If that happens, the evidence will show without any doubt—as many members have said—that our stocks of cod, along with several other species, are recovering and that the measures to reduce discards that I mentioned are effective. We can deliver a sustainable stock while cutting discards, and we can back that up scientifically.

It therefore patently cannot make sense to impose a further cut in the number of days at sea for the Scottish fleet in 2013, just as it cannot make sense to propose a 20 per cent cut in the cod quota to pursue what the cabinet secretary referred to as a

“deeply dysfunctional cod recovery plan”,

which the science tells us is no longer serving its purpose. As the Scottish Fishermen's Federation points out,

“The larger part of the Scottish fishing industry is subjected to constraints in days at sea and the governing regulation has for a long time been widely recognised by scientists, fisheries managers and the industry as being fatally flawed.”

We all know that much of what is being proposed is counter to Scotland's interests and the interests of fish stocks. The cabinet secretary has—rightly—been bullish and robust in his statements about what is and is not acceptable for the outcome of next week's talks. As he heads off for the talks, we genuinely wish him well, just as Rob Gibson did—although that is just about the only part of Rob Gibson's speech with which I agreed.

Rob Gibson: Aw.

Alex Fergusson: Well, it was not the only bit, but it was one of the few bits. [*Interruption.*] I thought that Rob Gibson was going to intervene there. I have no doubt that we will talk about the issue in the Rural Affairs, Climate Change and Environment Committee.

We genuinely wish the cabinet secretary well in pursuing the outcome. I hope that the outcome will live up to not just our hopes and expectations but our fisheries sector's needs and requirements.

The Presiding Officer (Tricia Marwick): I call Claudia Beamish, who has a generous eight minutes.

16:39

Claudia Beamish (South Scotland) (Lab): Along with other members, I pay tribute to our fishing fleets around Scotland, which work in frequently challenging conditions and have often contributed much to our conservation efforts on the coasts around Scotland.

Today, members from across the political spectrum have voiced concerns about the state of Europe's shared fisheries. I hope that it is safe to say that we are all in broad agreement, but a number of issues must be addressed if we are to achieve a sustainable and economically viable environment for our fishing fleet and fisheries for future generations. All these issues must be considered in the context of biodiversity and climate change—as Clare Adamson and others stressed—which is an essential consideration if we are to achieve good environmental status by 2020, as laid out in the EU's marine strategy framework directive. That directive may be one of the better aspects of the EU to have been mentioned today, given that some of the other proposals are, I agree, very challenging to the ability of Scotland's fisheries to move forward.

A number of the important issues have been raised today, but I draw particular attention to the Labour amendment's request that the Scottish Government publish the terms of the UK concordat on fisheries management, which we on this side of the chamber believe would be helpful at this stage. However, in my closing remarks I will concentrate on four main points that I believe are central to the on-going European negotiations, in addition to the points that the cabinet secretary stressed about science, support for fishing communities and tackling discards.

First, like many members who have already covered this issue, I want to stress the point—without labouring it too much, I hope—about the intended cod recovery plan. I join the cabinet secretary in his trepidation over the impending plan. Like many members, I agree that the proposed 20 per cent cut in quotas and the cut in the annual days at sea are likely to have a profoundly negative impact on the state of the cod fishery. That concern has been voiced by many stakeholders, including the Scottish Fishermen's Federation. Clare Adamson also stressed the obscenity of discards in a world of food poverty. From previous experience with mixed fisheries, we can expect that imposing such quota cuts will merely result in increased discards. I know that members will agree with me that the practice of discarding dead fish is not in any way helpful and must be prevented; it is simply unnecessary and counterproductive. I know that the cabinet secretary will do all that he can to prevent the plan from being put in place.

The cabinet secretary stressed that some of the EU posturing was "self-indulgent legal bickering", which must not prevail. The bad compromises of Brussels were also pointed out by Angus MacDonald. Dennis Robertson highlighted how failure to reach agreement will have an impact on the processing industry, which our amendment also mentions. Graeme Dey highlighted the fears

of the young people whom he met in Peterhead this summer about the future of both our fishing industry and our processing industry, which I know members of all parties are concerned about. My colleague Elaine Murray pointed out how the delay in the negotiations endangers the maritime and fisheries fund, which could also affect fragile coastal communities.

I add my voice to the unanimous call for a way forward on the mackerel negotiations, in spite of the apparent misunderstanding of Tavish Scott, who seems to have misinterpreted the position of the Labour benches. As members are well aware, the continuing dispute with Iceland and the Faroe Islands must be resolved; otherwise, what is an already rapidly depleting fishery will be in danger of being beyond recovery. Those countries' decision to grant themselves quotas that, according to the Scottish Parliament information centre, exceed the scientific advice by more than 40 per cent, is extreme folly. Frankly, that is simply unacceptable coming from two supposedly mature and developed countries. The loss of Scottish mackerel's MSC status, through no fault of our own, is simply wrong and unjust.

If I understand him correctly, the cabinet secretary has indicated that he is not willing to resume talks until the representatives of Iceland and the Faroe Islands are prepared to negotiate properly and to move away from their unilaterally declared quotas. Labour agrees in principle with that stance. Sensible negotiations are certainly the most desirable way forward, but, if that does not happen, it is imperative that sanctions are enforced. We all know that sanctions are not a risk-free solution, but we must make a stand if necessary.

As members will be aware, quotas and days at sea are but one aspect of the efforts to ensure that Scotland has sustainable and economically viable fisheries for the future. Although those provisions are important, I believe, along with many of my colleagues, that technical measures—specifically, modernisation of technical gear—are essential to the functioning of shared fisheries. We heard in the cabinet secretary's statement last week that the new gear that the North Sea prawn fleet is using has resulted in far less unwanted catch. That is a prime example of innovative and flexible fishing practices that other member states should recognise and, if possible, replicate. Although I am sure that that is already in the cabinet secretary's mind, I call on him to pursue that policy line in the remaining stages of the negotiations.

Rhoda Grant stressed the need for fair management so that crew and staff are not put in the impossible situation of not knowing from week to week whether boats will be going out to sea.

Those specific points bring me on to a more general point about EU fisheries policy. The expected failure of the cod recovery scheme; the breakdown in mackerel negotiations; and the lack of technical information sharing demonstrate the importance of a general reform of the common fisheries policy. It is hopeless, not just for the people involved, but for the countries in which fishing is an important industry, that people annually have to negotiate through the night. That must end. We wish the cabinet secretary well with the negotiations this time, but let us hope that they are the last of such negotiations.

As we all know, the common fisheries policy has been in place for a number of years, but it does not seem to have resulted in the coherent Europe-wide fisheries policy that was intended. Frankly, the CFP has merely resulted in a tedious and unproductive process going backwards and forwards between member states. I agree with the cabinet secretary and with the many members who have stressed the point that a greater emphasis on regionalisation is essential. That would allow us properly to take advantage of the various forms of expertise in European countries, particularly ours.

Margaret McDougall was right to emphasise that local knowledge is essential. In the context of a broad Europe-wide fisheries policy, local groups and fishermen must have the flexibility to make decisions, as long as those are based on science and take sustainability into careful consideration.

I believe that all members would agree that the current round of negotiations is an ideal opportunity for discussions about possible reform. The current policy of centralisation has proved unfit for purpose. I urge the cabinet secretary to redouble his efforts in calling for discussions on reform, so that we ensure that the stocks in Europe's waters are properly managed for current and future generations. We in the Labour Party wish the cabinet secretary well with the negotiations next week.

The Presiding Officer: Cabinet secretary, in advance of those negotiations next week, I am sure that you will manage to continue the debate until 4.59, so you have 12 minutes.

16:47

Richard Lochhead: Thank you very much, Presiding Officer.

I welcome Tavish Scott to his first fishing debate in his new role as his party's rural affairs spokesperson. I trust that the supportive sentiment for the Scottish Government's position is a trend that he means to continue in future speeches. I welcome his reference to the fact that many fishermen now tweet. He referred to a tweet that

he received from a Shetland fisherman. I assure him that I receive many tweets every day from Scotland's fishermen, but I do not think that I will quote them in the chamber, because I am not sure that I would be doing myself many favours.

I welcome Stewart Stevenson's speech. He said that he has now made more than 400 speeches in the Parliament in the past decade or so, and I think that I can remember every single one of them, for one reason or another. I particularly noted the lawyer bashing in his speech today, which of course followed the speech from the eminent lawyer Rod Campbell, who I am sure did not take it personally. There are good lawyers as well as some of the perhaps more unpopular ones who are based in Brussels.

The debate has been good. As ever, prior to the difficult end-of-year negotiations, there is a lot of unanimity in the chamber and unity across the political parties. I believe that that unity is reflected throughout Scotland, and that Scotland is speaking with one voice ahead of next week's negotiations.

The political parties in Parliament, the industry, environment groups, scientists and the wider fishing communities all want to see a successful outcome at next week's negotiations, and all share the same concerns about some of the issues. Indeed, it has been very noticeable that we are all concerned about the many outside influences that are threatening our country and our fishing communities. Of course, as many members have reflected, that tells a story in itself; perhaps I will return to that point later in my speech.

This debate has been about Scotland's economy, our marine environment and our communities. As Clare Adamson and Rhoda Grant said, it is also about ensuring that there is food on our tables. A fishing debate is always an appropriate opportunity to recall that too many fishermen have paid the ultimate price when bringing food to our tables over the years.

The debate is also about real families and livelihoods. Families want to enjoy Christmas knowing that they will still have a livelihood in 2013. It is about the livelihoods of families who work on our fishing vessels, in our processing factories, on the quaysides as painters or electricians, or in the local cafes. We are talking about the livelihoods of all those families in communities throughout Scotland whom we all represent and who rely on there being a successful outcome at the end-of-year negotiations. They will be biting their nails during the next few days and wondering what on earth lies around the corner for them.

As ever, I have been struck by the fact that cod stocks have been the central thread running

through many of today's speeches. Cod makes up just one stock in our rich waters. It is by no means our most valuable stock, but it is still important, and it dominates the debate because the cod recovery plan's wide-ranging impact dominates and frustrates the ability of the rest of our fishermen in Scotland to catch other stocks in the same waters.

Kevin Stewart: We have heard a lot today about lawyers and some of their foibles, to say the least. Some of the science around cod recovery is ignored by the media—we have heard some real scare stories about that recently, which I am sure is not helpful to the negotiations. Can we also call for responsible media as well as responsible lawyers?

Richard Lochhead: That is an important point. I recently spoke out about some irresponsible headlines in some of Scotland's newspapers, because they do not help the public's perception of the good work that is being done in Scottish waters thanks to the sacrifices of Scotland's fishermen.

The cod recovery plan has now turned into an altar on which our fleet is being sacrificed. We all want the cod stocks to recover, and they are recovering—I will return to that point shortly—but the cod recovery plan is frustrating our ability to catch other stocks in our waters. It simply does not work in the mixed fishery that we have in our seas, which are rich in many different stocks that swim together and are caught in the same nets. The cod stocks are recovering, all thanks to the fleet's sacrifices.

However, the cod recovery plan is unresponsive to the biology of our seas, it is inflexible and it does not respond to circumstances or the needs of other fisheries in the same waters. It is also counterproductive, because although it seeks to conserve fish stocks and stop discards, it is causing discards and might be damaging stocks as well. Discards will result from the cod recovery plan because we cannot cut cod quotas when the stocks are recovering and are ever present in more areas of our seas. Cod is more difficult for the fleet to avoid because it is just about the biggest fish that swims in the North Sea. The plan is deeply flawed.

The automatic cut in the number of days proposed by the cod recovery plan is also counterproductive because, as Tavish Scott said, our fishermen need time at sea if they are to be able to catch their legitimate quotas. They have to catch those quotas in the right area of the sea while—we hope—avoiding the cod stocks, but they do not have time to go to where the fish are that they can catch, so they end up catching the fish that they are not meant to catch. That is counterproductive.

To avoid the cut in the number of days at sea and the cuts to quotas, we have to overcome the obstacle of the legal dispute in the European Union between the Council of Ministers and the European Commission. Our key interest is to ensure that we protect ownership in Scotland of our fishing rights and that future generations of fishermen will have access to those fishing rights. That is really important for the future of Scotland's fishing communities.

We have a legal view from the Commission on how we can achieve a freeze in days at sea, which is that the issue should be referred to the European Parliament, which would take up many months going through the co-decision process. We also have a legal view from the Council of Ministers, working with the member states and the presidency, which says that there is a way round that and that we can achieve a freeze by splitting the regulation, allowing one part to go to the European Parliament and keeping at the Council of Ministers the part that we want to use to get a freeze, rather than a cut, in days at sea in the council next week. That dispute is not helping anyone.

Jamie McGrigor: Does the cabinet secretary agree that rather than have these annual gladiatorial battles every December, we need to adopt multi-annual plans for the key target fish? The council seems to be blocking all multi-annual plans based on the extraordinary argument about who does what under the terms of the Lisbon treaty. What can the cabinet secretary do about that?

Richard Lochhead: As I said, this is a dispute between the Council of Ministers and the European Commission. Our fishermen do not want to hear about disputes; they want to hear about solutions so that they can have a livelihood in 2013.

I ask members to think about this. The scientists, the politicians, the fishing communities, the environmentalists and everyone else who has an interest in the issue agree that the cod recovery plan is not working and that it is damaging, yet we have a common fisheries policy that cannot provide a means by which we can fix it. The situation is an indictment of the common fisheries policy. The EU-Norway talks were postponed until January because of an inability to agree a roll-over of cod until the council, at next week's negotiations, finds a mechanism that can allow that to happen legally. The postponement of the EU-Norway talks is a welcome development because it is much better to have a productive outcome in January than to have had a damaging outcome last week.

The key issue is that cod stocks are recovering. Thanks to the fleet's sacrifices, cod stocks have

more than doubled since 2006. Our fishing fleet is taking a lead in Europe on fisheries conservation. Real-time closures were introduced by the Scottish fleet. The catch quota schemes that stop discards were introduced by the Scottish fleet. Much of the new and innovative selective gear to reduce discards and avoid certain stocks was introduced by the Scottish fleet. That is all good news.

Jamie McGrigor asked why the catch quota schemes are not being expanded. That is something that we have argued for vigorously in recent years but unfortunately we do not have the support of the Norwegians in relation to the stock that we share with that country.

Despite all the cuts in days at sea, the conservation credit scheme introduced by this Government in tandem with our industry has allowed our fleet to get back 70 per cent more time than would otherwise have been the case if Scotland had not led the way with those innovative measures, which are now being emulated by other countries in Europe.

The scientists say that we can avoid the 20 per cent cut that is being proposed by Europe. We can have a roll-over of cod stocks for the next two or three years, which will get us to where we want to be by 2015, with sustainable cod stocks. That is what we will fight for next week at the negotiations.

I turn to the west coast issues. The flexibility that we want to get at the fishing negotiations is desperately required on the west coast of Scotland. We will pay close attention to the impact on the west coast of Scotland of next week's negotiations. We must maximise our valuable stocks in those waters—we are paying close attention to monkfish and megrim opportunities—and protect the haddock fishery there.

One area on which we all agree is that we need a fresh start for fishing policy in Scotland and Europe. The CFP reform that is taking place now must deliver for Scotland. The European Parliament will vote on Monday and Tuesday. There was talk by some members of that vote being postponed until next year. My understanding is that it will now take place on Monday and Tuesday. Members will be glad to know that the 2,000 or so amendments have been whittled down to 104. However, some are daft: the proposal to close 10 per cent of Scottish waters, with no justification or scientific backing whatsoever, for example. We hope that Scotland's MEPs and other MEPs will vote those daft amendments down. I ask all parties in this chamber to lobby their MEPs.

Jamie McGrigor: Will the cabinet secretary take an intervention?

Richard Lochhead: I apologise, but I am running out of time.

Many other issues face Scotland's fishing communities. We want to make discards history. A lot of really good work is taking place, but we have to market Scottish seafood a lot better. We are working with Seafood Scotland, the Scottish Seafood Association and other bodies to achieve that and to protect the interests of fish processors in Scotland.

Claire Baker's amendment talks about quota management and what has been agreed between the UK Government and Scotland. At long last, we have a step forward, in that Scotland will now have some ability to control how quota is allocated to our fishing vessels. We have been arguing for that for many years.

The Presiding Officer: You need to wind up, cabinet secretary.

Richard Lochhead: On the mackerel dispute, I have said many times that the behaviour of Iceland and the Faroes is absolutely outrageous and must not be rewarded. We will resist any attempt by the European Commission to reward irresponsible behaviour.

This month's end-of-year negotiations will, as usual, present us with significant challenges. Our top priorities are clear: we will seek a freeze in the cod plan's annual effort cuts, and we want a mechanism to deliver a roll-over of North Sea cod quota.

There is much to play for. We will strive to gain the maximum for Scotland so that our fishermen are given the best possible platform for making 2013 a successful year.

When I go into these end-of-year negotiations, I have a great weight on my shoulders. I will do my best in these vital talks to deliver success not for Brussels lawyers but for Scotland's fishing communities.

Business Motions

The Presiding Officer (Tricia Marwick): The next item of business is consideration of business motion S4M-05174, in the name of Joe FitzPatrick, on behalf of the Parliamentary Bureau, setting out a business programme.

17:01

The Minister for Parliamentary Business (Joe FitzPatrick): Before I move the motion, I notify members that it is the Government's intention to have a ministerial statement on Remploy next Tuesday. I will seek Parliament's agreement to that tomorrow.

I move,

That the Parliament agrees the following programme of business—

Tuesday 18 December 2012

2.00 pm Time for Reflection

followed by Parliamentary Bureau Motions

followed by Topical Questions (if selected)

followed by Scottish Government Debate: Commonwealth Games 2014

followed by Legislative Consent Motion: Growth and Infrastructure Bill – UK Legislation

followed by Business Motions

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Wednesday 19 December 2012

2.00 pm Parliamentary Bureau Motions

2.00 pm Portfolio Questions
Health and Wellbeing

followed by Stage 1 Debate: Water Resources (Scotland) Bill

followed by Financial Resolution: Water Resources (Scotland) Bill

followed by Business Motions

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Thursday 20 December 2012

11.40 am Parliamentary Bureau Motions

11.40 am General Questions

12.00 pm First Minister's Questions

12.30 pm Members' Business

2.30 pm Parliamentary Bureau Motions

2.30 pm Finance Committee Debate: Draft Budget 2012-13

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

Tuesday 8 January 2013

2.00 pm Time for Reflection

followed by Parliamentary Bureau Motions

followed by Topical Questions (if selected)

followed by Scottish Government Business

followed by Business Motions

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Wednesday 9 January 2013

2.00 pm Parliamentary Bureau Motions

2.00 pm Portfolio Questions
Infrastructure, Investment and Cities
Culture and External Affairs

followed by Scottish Government Business

followed by Business Motions

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Thursday 10 January 2013

11.40 am Parliamentary Bureau Motions

11.40 am General Questions

12.00 pm First Minister's Questions

12.30 pm Members' Business

2.30 pm Parliamentary Bureau Motions

2.30 pm Scottish Government Business

followed by Parliamentary Bureau Motions

5.00 pm Decision Time—[*Joe FitzPatrick.*]

Motion agreed to.

The Presiding Officer: The next item of business is consideration of business motion S4M-05175, in the name of Joe FitzPatrick, on behalf of the Parliamentary Bureau, setting out a stage 1 timetable for the Land and Buildings Transaction Tax (Scotland) Bill.

Motion moved,

That the Parliament agrees that consideration of the Land and Buildings Transaction Tax (Scotland) Bill at stage 1 be completed by 26 April 2013.—[*Joe FitzPatrick.*]

Motion agreed to.

The Presiding Officer: The next item of business is consideration of business motion S4M-05176, in the name of Joe FitzPatrick, on behalf of the Parliamentary Bureau, setting out a stage 1 timetable for the Post-16 Education (Scotland) Bill.

Motion moved,

That the Parliament agrees that consideration of the Post-16 Education (Scotland) Bill at stage 1 be completed by 29 March 2013.—[*Joe FitzPatrick.*]

Motion agreed to.

The Presiding Officer: The next item of business is consideration of business motion S4M-05194, in the name of Joe FitzPatrick, on behalf of the Parliamentary Bureau, setting out a revision to the business programme for tomorrow, Thursday 13 December.

That the Parliament agrees to the following revision to the programme of business—

Thursday 13 December 2012

Delete

2.30 pm Scottish Government Debate: United Nations Climate Change Negotiations

and insert

2.30 pm Ministerial Statement: Scotland and the EU

followed by Ministerial Statement: Northlink Ferries

followed by Scottish Government Debate: United Nations Climate Change Negotiations—[*Joe FitzPatrick.*]

Motion agreed to.

Parliamentary Bureau Motions

17:03

The Presiding Officer (Tricia Marwick): The next item of business is consideration of two Parliamentary Bureau motions. I ask Joe FitzPatrick to move motions S4M-05177 and S4M-05195, on committee membership.

Motions moved,

That the Parliament agrees that—

Jayne Baxter be appointed to replace Margaret McDougall as a member of the Rural Affairs, Climate Change and Environment Committee;

Elaine Murray be appointed to replace Malcolm Chisholm as a member of the Infrastructure and Capital Investment Committee;

Malcolm Chisholm be appointed to replace Elaine Murray as a member of the Finance Committee.

That the Parliament agrees that Margaret McDougall be appointed to replace John Park on the Economy, Energy and Tourism Committee.—[*Joe FitzPatrick.*]

The Presiding Officer: The questions on the motions will be put at decision time.

Decision Time

17:03

The Presiding Officer (Tricia Marwick): The first question is, that amendment S4M-05172.2, in the name of Claire Baker, which seeks to amend motion S4M-05172, in the name of Richard Lochhead, on the annual European Union fisheries negotiations, be agreed to.

Amendment agreed to.

The Presiding Officer: The next question is, that amendment S4M-05172.3, in the name of Jamie McGrigor, which seeks to amend motion S4M-05172, in the name of Richard Lochhead, on the annual EU fisheries negotiations, be agreed to.

Amendment agreed to.

The Presiding Officer: The next question is, that amendment S4M-05172.1, in the name of Tavish Scott, which seeks to amend motion S4M-05172, in the name of Richard Lochhead, on the annual EU fisheries negotiations, be agreed to.

Amendment agreed to.

The Presiding Officer: The next question is, that motion S4M-05172, in the name of Richard Lochhead, as amended many times, on the annual EU fisheries negotiations, be agreed to.

Motion, as amended, agreed to.

That the Parliament supports the Scottish Government in its efforts to achieve the best possible outcome for Scotland during the important annual fisheries negotiations; endorses its calls for the EU to replace the deeply flawed and discredited Cod Recovery Plan with a plan that respects mixed species fisheries; notes that the European Commission wishes to reduce days at sea by 20% in 2013 as part of the legally binding Cod Recovery Plan; recognises that all member states neighbouring the North Sea agree that days at sea should be frozen at current levels; deplores a legal stand-off by competing parts of the EU that could leave Scottish fishermen with a damaging cut in their ability to prosecute sustainable fisheries, and calls on the Presidency of the EU to bring forward measures that put fishermen, the industry and their future before bureaucrats; agrees that there is a need for the EU to deliver radical reform of the failed EU common fisheries policy by bringing decision making on managing fisheries closer to home to promote sustainable fisheries, tackle the problem of discards and protect fishing rights for the benefit of Scotland's fishing communities and the marine environment; recognises the importance of these negotiations in terms of the fish processing and wider fisheries industry; expresses disappointment at the breakdown of talks concerning mackerel and calls for renewed efforts to reach a negotiated settlement; further calls on the Scottish Government to announce the full operational details of the concordat on fisheries management between the UK administrations that will come into effect in 2013; recognises the outstanding work that is being carried out by the Scottish fishing industry to preserve its longevity and the sustainability of fishing stocks; further recognises that the Scottish fleet has

recently carried out an enormous amount of work with conservation measures such as experimental cod-ends, escape panels and net mesh sizes; encourages the Scottish Government to continue to work alongside the UK Government to promote the use of initiatives such as the catch quota trials and selectivity measures in technical net design and real-time closures, and believes that the use of such initiatives should avoid further penalties being imposed on Scottish fishermen at a time when they are already doing their utmost to conserve fish stocks in innovative and successful ways.

The Presiding Officer: The next question is, that motion S4M-05177, in the name of Joe FitzPatrick, on committee membership, be agreed to.

Motion agreed to.

That the Parliament agrees that—

Jayne Baxter be appointed to replace Margaret McDougall as a member of the Rural Affairs, Climate Change and Environment Committee;

Elaine Murray be appointed to replace Malcolm Chisholm as a member of the Infrastructure and Capital Investment Committee;

Malcolm Chisholm be appointed to replace Elaine Murray as a member of the Finance Committee.

The Presiding Officer: The next question is, that motion S4M-05195, in the name of Joe FitzPatrick, on committee membership, be agreed to.

Motion agreed to.

That the Parliament agrees that Margaret McDougall be appointed to replace John Park on the Economy, Energy and Tourism Committee.

Grampian Autism Alert Card

The Deputy Presiding Officer (John Scott):

The final item of business is a members' business debate on motion S4M-04776, in the name of Mark McDonald, on Grampian launches autism alert card. The debate will be concluded without any question being put.

Motion debated,

That the Parliament welcomes the launch of Grampian's new initiative, the Autism Alert card, which, it understands, is supported by Grampian Police, a range of partner organisations across the region and the National Autistic Society Scotland; believes that the card will help to ensure that those with the condition are quickly identified; notes that the card includes details of a personal contact who can take police and support organisations through the best ways to help an individual with autism, particularly in highly pressurised situations, and recognises calls for young people and adults with autism to apply for a card and for the initiative to be considered in other areas.

17:06

Mark McDonald (North East Scotland) (SNP):

I thank members of parties from all around the chamber who signed my motion, which has enabled it to be debated in the chamber. I also thank the National Autistic Society Scotland, first for inviting me to the launch event for the autism alert card, and secondly for the support that it provided to me in drafting the motion and preparing for the debate.

I note that, as my debate follows Alison McInnes's debate on Camphill yesterday and precedes Richard Baker's debate tomorrow lunchtime, we have a hat-trick of North East Scotland members' debates in Parliament this week. I hope that the high standard that Alison McInnes's debate set last night will continue during this debate and tomorrow's debate, as I have every confidence that it will.

I am holding up the autism alert card that the Grampian region launched on 12 November, one month ago today. I believe that it will make a key contribution to improving understanding of autism in the criminal justice system, and that it will have a wider application across the public and private sectors.

The card demonstrates a strong commitment from the organisations that have signed up to it, which include Grampian Police, NHS Grampian, the three north-east councils, Autism Initiatives Scotland, G4S, Grampian Autistic Society and the National Autistic Society. The input of G4S, which handles prisoner transfer, is an important facet, alongside Grampian Police's involvement.

When I was offered the opportunity to speak at the launch event on 12 November, I said that I hoped that other organisations in the public and

private sectors would look at ways in which they could buy into the process and make use of the autism alert card in order to help them and individuals with autism and Asperger's syndrome who may use their services or frequent their premises.

The card has been launched to help to ensure that those with the condition are quickly identified and supported by Grampian Police and a range of partner organisations that I have just outlined. The National Autistic Society Scotland is heralding the card as a "breakthrough" for Grampian.

There are an estimated 50,000 Scots with autism, nearly 6,000 of whom are thought to live in the Grampian region. The card will include details of a personal contact who can lead police and other organisations through the best ways to help the individual with autism in what could be highly pressured experiences for them.

At the launch event we heard from David Silvester, a retired joiner from Moray who has Asperger's syndrome. He said:

"On the outside I appear articulate and look like I'm functioning well. This could be a real problem if I'm a victim of crime or accident, because police will expect me to communicate and process information in the same way they do, and I can't always do this."

He went on to say:

"It would be great if the public could see that people with autism are not 'weird' or 'odd'. We just see the world in a different way. We have support needs, but also capabilities. For example, I'm very observant, and often spot the detail in a situation or conversation that many people might miss, so I could be an excellent witness. But the police would need to know the best way to communicate with me. That's where the Autism Alert card could be invaluable."

Sandy Fraser, who is 18 and from New Deer, and who has Asperger's syndrome, also attended that event. In the press release that was issued following the event, he was quoted as saying:

"I'm an observant driver, but if I come into contact with the police the flashing lights, crackling radio noises, high visibility vests and the questioning could be confusing and overwhelming. I think the Autism Alert card is going to really help police resolve these kinds of situations with less stress."

Karen Williams, who is the director of corporate services at Grampian Police, said that the card

"will allow our officers to quickly identify a card-holder's condition, improve understanding of their needs and offer them the best possible support."

The crucial issue is that understanding of autism be improved. Only a minority of people with autism come into contact with the criminal justice system as victims, witnesses, suspects or offenders, but they are vulnerable because of their social and communication difficulties. Making an emergency 999 call—many of us would take that process for granted—can be very difficult for someone with

autism, as can giving a statement to a police officer following a burglary. The wider implications of the situation may not be apparent to them, and they can have difficulty in understanding the subtleties of language. For example, they often interpret statements literally, so if anyone uses figures of speech, colloquialisms, sarcasm or humour, that is often not relayed by the individual, which can often lead to their displaying what could be considered to be suspicious or difficult and challenging behaviour.

The card contains enough basic information to allow a police officer or other member of the emergency services to recognise someone with autism and support them through a range of situations. Police forces are also supported to identify training for their staff to improve their knowledge of autism. Some areas have produced short films to demonstrate the alert card in use in a variety of situations, such as at airport security, with a witness to a crime, or at a home fire-safety check. It should be noted that the Grampian autism alert card stands alongside cards that have been issued in Strathclyde, Lothian and Borders, and Highlands and Islands.

Although there has been no formal evaluation of the schemes yet, the National Autistic Society Scotland has said that there is informal evidence from people that the cards are helping. Users of the card have reported that knowing that they feel safer and more confident in public spaces improves their self-confidence. They also feel more confident when they come into contact with organisations. Police officers and others have said that they are helped to support people with autism better. That has led to the avoidance of more serious situations developing and has potentially avoided more costly interventions, which are often not needed.

We should note that the recent case of Gary McKinnon, for example, has much to teach us about societal and criminal justice attitudes towards autism and Asperger's syndrome. Much still needs to be done to educate not just the public sector, but wider society and politicians about the difficulties that can be caused when people with autism or Asperger's syndrome come into contact with the criminal justice system or other services. As we move to having a national police force, the Government and the national police force might consider whether the scheme could be replicated on a national basis. I know that the National Autistic Society is keen on that, and I am certainly keen on it. The anecdotal evidence that has been received certainly suggests that it is of benefit. I hope that the Government will consider progressing that.

17:13

Richard Baker (North East Scotland) (Lab): I congratulate Mark McDonald on securing the debate. I know that he takes a particularly keen interest in the issue. Across the chamber, we all want to ensure that steps are taken to support people with autism and their families, of course.

Like members from across the north-east I have, since I was elected, met a number of parents of autistic children, so I know how challenging their lives can be in caring for the children, even into their adult years. Therefore, everything that we can do to help them and their families should be done.

I very much welcome the National Autistic Society's taking forward of the alert card initiative in Grampian. Over the years, there have been a number of debates on ensuring that we have the support services that we need for people with autism in Grampian. Mark McDonald said that there are some 6,000 people with autism in Grampian, so there is a great need there. In that regard, we had a debate over the future of St Andrew's school in Inverurie in which MSPs from around the chamber took an active interest. There have been on-going discussions over the level and range of support services that are available to people with autism—for example, the constant need to provide more access to speech therapy and the need to recruit more speech therapists to Grampian.

Although we have been successful in a number of such campaigns and, indeed, in securing a future for St Andrew's school, one of the challenges for debates on such issues is that they are undoubtedly about resource-intensive issues. We will and should continue to campaign and work for improved services in such areas, but we all know that these are tough times financially. It is therefore welcome that today we debate an initiative that is not simply about resources but is a step that has been taken by a charity that is supported by local agencies, including Grampian Police and the other agencies that Mark McDonald mentioned. I am sure that it will have taken a lot of work to put in place, but it comes across as a straightforward concept. However, it is one that will make a real difference to people with autism.

We want people with autism to play an active role in our communities, but of course social encounters that we might regard as being routine can be anything but for them. I hope that the introduction of the autism alert card will give people with autism greater confidence in social situations and make others more aware of the issues regarding people with autism and the fact that they find some encounters difficult to deal with, so that they can give more consideration to how to deal with such situations themselves. I am

sure that the card will be broadly helpful in that regard.

It is important that we do all that we can do to promote the use of the card, whether in dealing with the emergency services in the important situations to which Mark McDonald referred, or in going to the shops, making a purchase or getting on a bus. I am sure that in all such situations the cards will help people with autism and everybody involved.

It will be important for not only Grampian Police but our councils and other local agencies to do all that they can to promote the card and awareness of the scheme to ensure that people know that the card is now being used and that we can maximise its benefits. It is therefore welcome to hear that other agencies, along with Grampian Police, have signed up to the scheme.

I agree that the card will make a positive difference for people with autism. This excellent scheme was introduced by the National Autistic Society on behalf of those for whom it works so hard to support. I congratulate the society on its initiative and Mark McDonald on giving Parliament the opportunity to raise awareness of the project, to discuss it and to welcome it today.

17:17

Dennis Robertson (Aberdeenshire West) (SNP): I, too, congratulate my friend and colleague Mark McDonald on bringing this important debate to the chamber this evening. He hit the nail on the head when he said that it is about understanding and awareness.

In my social work days I came into contact with many families that included people with autism and Asperger's, which is a wide-ranging spectrum. I had to become aware quickly, because I had not been particularly aware of the impact and all the associated aspects of autism through the spectrum. For example, I was not aware that people with autism perhaps had less sensitivity to heat or cold, that they would perhaps not make eye contact, or that they sometimes did not realise the consequences of taking certain actions.

Such awareness is a learning curve, which is why it is essential that we have the alert card for our emergency services, particularly the police, and for our emergency services in the health sector, when people have to present themselves at accident and emergency. People with autism have difficulty in processing certain aspects of communication, so the alert card will ensure that the most appropriate member of staff can engage with them.

Having children with autism and Asperger's can be devastating for parents, especially for those

who want to demonstrate their love by giving their young children a cuddle or hug. Quite often, that demonstration of love is rebuffed, because the young child cannot process or understand what is happening to them.

In bringing the debate to the Parliament, Mark McDonald has highlighted an issue to do with raising the profile of autism and Asperger's in the community. He said that 6,000 people are affected in Grampian—if I had been asked to guess how many people in Grampian have the condition, I would not have come up with such a number. Many more people have the condition than we realise, but perhaps that is because many people with autism and Asperger's live normal lives.

We must raise awareness and understanding, through education. We need to ensure that teachers, general practitioners and other people in the health sector and, in particular, people in the emergency services, are aware. We need to ensure that parents and carers are given the right information, to ensure that as the children grow up and become young adults they understand the impact of autism and Asperger's on their lives.

I congratulate Mark McDonald on securing this important debate and wish him well in raising awareness in Grampian even further.

17:21

Nanette Milne (North East Scotland) (Con): Like other members, I welcome the debate. I pay tribute to Mark McDonald's commitment to raising awareness of autism and to his excellent speech, in which he set out the benefits to autistic people in Grampian of the autism alert card. The focus of the debate is the launch of the card, but before I talk about that new initiative I will make a few general comments about the most challenging aspects of the serious condition that we are talking about.

In recent years, progress has been made in tackling misconceptions about autism and changing public attitudes towards people who are affected by the condition. However, we need to go further. We need to expose the ignorance and myths about autism and highlight the very real problems that people with the condition face, such as bullying at school and difficulty in obtaining full-time employment.

Mark McDonald: Is the member aware that the National Autistic Society frequently tweets autism myths and facts? I take the trouble to retweet those tweets. The charity does good work to try to dispel myths and explain facts about autism.

Nanette Milne: I am a non-tweeter, so I am interested to hear that. It sounds like a worthwhile initiative.

It is estimated that about 50,000 people in Scotland—one in every 100—have autism. Incidence is quite high in the north-east, where around 6,000 people are affected. The number is rising in Scotland as more people are recognised as having the disorder. Early diagnosis and therapeutic and educational interventions are needed to help people and their families and carers, so it is sad that there is still a lack of awareness among professionals and that services remain patchy.

As Mark McDonald just highlighted, a number of recent innovations have helped people with autism. The new transitions project, which was launched in the north-east in autumn, has the aim of supporting and preparing secondary 3 and 4 pupils with autism for moving on from secondary education. I am sure that we all acknowledge that leaving school can be difficult and traumatic for any youngster; the situation is exacerbated for a young person with autism.

The project is a joint venture between National Autistic Society Scotland and Inspire (Partnership Through Life), a local charity that works with people who have learning disabilities. It offers to young people with autism in Aberdeen and Aberdeenshire specially designed modules, which focus on strategies for coping with anxiety and anger, employment options, behavioural problems and, perhaps most significant, the development of social skills, which is a challenge for a young individual with autism.

I have no doubt that the autism alert card will also help people as they move beyond school and into adult situations. I very much welcome the initiative in Grampian, which potentially will increase the safety of people with autism. The pioneering approach, which NAS Scotland described as a breakthrough for Grampian, strengthens the links between people with the condition and Grampian Police and other stakeholders. The card gives details of a personal contact in case the person encounters difficulty, for example if they become anxious on public transport or in a shop, or during sporting activities such as swimming. More important, it provides a massive degree of support for the individual with autism in that it helps the police to understand that the reason for what could be perceived as erratic behaviour is that the person has autism. That is a great step towards achieving a better understanding and awareness of the condition.

As I have done in previous debates, I pay enormous tribute to NAS Scotland as not only a leading charity in its field but one of the most vocal and active charities in Scotland. I commend the sterling work of NAS Scotland, the autism alert card initiative and the motion that Mark McDonald has brought to the chamber for debate.

17:25

Maureen Watt (Aberdeen South and North Kincardine) (SNP): I add my congratulations to Mark McDonald on bringing his motion to the chamber for debate this evening.

It might not be immediately obvious that someone has autism or an autism spectrum disorder. In fact, autism is a very underdiagnosed condition precisely because it is a spectrum disorder. We know, for example, that Asperger's is a form of autism. People with Asperger's are often of average or above average intelligence. They have fewer problems with speech, but they might have difficulties with understanding and processing language, and they have difficulties with social interaction, as Mark McDonald mentioned. They may appear insensitive because they have not recognised how someone else is feeling, and they may appear to behave strangely or inappropriately precisely because they do not have the mechanisms that others have in terms of social interaction. As has been mentioned, they cannot process facial expressions, tone of voice, jokes or sarcasm—things that the rest of us take for granted.

Even though not everyone who should perhaps be armed with the autism alert card has it, it is important to raise awareness of the card and of autism in general.

Mark McDonald mentioned the criminal justice system. As a former prison visiting committee member, I know that too many people who are caught up in the criminal justice system may have autism. However, even outwith prisons, when there are boyhood pranks, the person with autism is often disarmingly honest and has not got into the habit of running away as his mates might have done, so such people get caught up in the system.

It is vital that security guards in shopping centres are made aware of the card and are trained to recognise autism. I have a friend who is obsessed with watching out for shoplifters, and security guards are often a bit apprehensive about what he is doing. People who work for transport providers should also be trained to recognise the card.

It is good that the card is working well in other areas. I make the analogy with the thistle assistance card, which I had the pleasure and privilege of launching for the south east of Scotland transport partnership in my role as convener of the Infrastructure and Capital Investment Committee. That card, which has been well received, alerts transport providers to people who have sight, hearing, speech and mobility problems. It has special stickers that people can put on that say "Please wait for me to sit down", "Please talk slowly and clearly" and so on. It can

also be used when, for example, people with Parkinson's need more time at the checkout in shops and so on.

The cards have tremendous benefits, but it is important that training is provided for everyone who might be presented with a card and that card holders can feel confident in presenting their card at all times so that we can break down more barriers and misconceptions or ignorance about autism.

17:29

The Minister for Commonwealth Games and Sport (Shona Robison): I thank Mark McDonald for bringing the launch of Grampian's new initiative, the autism alert card, to our attention and I thank those members who have attended and contributed to the debate.

As members might have noticed, I am not Michael Matheson. I am standing in for Michael as he is unable to attend the debate. I am very familiar with this subject from my time as Minister for Public Health and it is very dear to my heart.

I fully welcome last month's launch of the card in Grampian. The card is supported by Grampian Police, the National Autistic Society Scotland, a range of partner organisations across the region and, of course, Mark McDonald and other local members. Those partner organisations include the charities Autism Initiatives Scotland, the Grampian Autistic Society, and G4S, Aberdeen City Council, Moray Council and Aberdeenshire Council.

I believe that the card will help ensure that people with autism are more quickly identified as being on the autism spectrum and get the assistance and understanding that they require. Members across the chamber have laid out very clearly why that is important. It will help to address the unique challenges that people with autism can face, particularly if they are victims of crime or an accident. As has been said, in such situations they may experience immense pressure and become very anxious but feel unable to explain their situation or what they are experiencing. In addition to the difficulties that they experience in the moment, they may have trouble interpreting facial expressions, not understand what it is being said to them or misinterpret others' intentions. All those things can have very serious consequences, particularly if a person is caught up in a serious crime or medical emergency.

As has been said, there is still a challenge to help the wider public understand autism a bit more. Those without an understanding of autism may find such individuals' behaviour or words at such times unusual, which can be difficult and stressful for both the person with autism and the person dealing with them. Public and emergency

services professionals may find the person with autism's behaviour particularly challenging in a high pressure situation.

The card will include details of a personal contact: a named representative of the individual on the spectrum who can assist and support police and ambulance, hospital and other key service professionals by taking them through how best to help the individual and providing them with a fuller understanding of the individual's needs.

The autism alert card is for use not only in emergencies or highly pressurised situations, but in daily life—as Maureen Watt said—when someone is out shopping, using public transport, using leisure facilities or out at social events. By showing the card, a person can make another person aware of their condition, improve their understanding and help facilitate communication.

NASS, which is one of Scotland's leading autism charities, is encouraging all affected young people and adults in the Grampian region to apply. An estimated one in 100 Scottish people are on the autism spectrum. That equates to around 50,000 people, of which almost 6,000 are believed to live in Grampian.

Autism alert card schemes have already been launched in the regions of Strathclyde, central Scotland, Lothian and Borders and the Highlands and Islands, including Orkney and the Shetland Isles. The schemes have been launched by and are available through a variety of leading autism organisations, including Scottish Autism, NASS and the autism resource centre. Mark McDonald made a very good point about the possible opportunities to take the card schemes further with the coming into being of the single police force, which I will pass on to Michael Matheson as an idea to take forward.

The Government is committed to improving the lives of people with autism and those of their families and carers. As many members will be aware, in November 2011 Michael Matheson launched "The Scottish Strategy for Autism" to ensure that people with autism and their families are supported by the widest possible range of services, including social care, education, housing and employment. That was widely welcomed. The Government is beginning to make a real difference by improving the support services that are available to people who need them. One year on we are making good progress, while acknowledging that there is always more to be done.

Alongside the strategy, the minister announced an investment of £13.4 million over four years to implement the 10-year strategy, building on improvements to autism services and access to those services. Part of that funding was the autism

development fund of £1.5 million per annum, which is available to local and national organisations to enable them to deliver local services on the ground. To date, some 53 organisations across Scotland are benefiting from that.

Other initiatives that are being funded to drive forward the work of meeting the strategy's recommendations to address gaps in services include the roll-out of six new one-stop shops throughout the country, funding for training courses and investment in a 10-month national mapping project that will provide a picture of services on the ground and gaps that need to be addressed.

In February, the roll-out of one-stop shops was announced as a spending priority by the Minister for Public Health. The one-stop shops provide local services for people with autism in Edinburgh and Glasgow. Six additional one-stop shops are being planned or are in the early stages of being established in Grampian, the Highlands, Tayside, Fife, Lanarkshire and Ayrshire. Those will be voluntary sector models working in partnership with local authorities, the national health service and local groups representing parents and those on the autism spectrum. Each one will be tailored to meet local needs. The one-stop shops could perhaps provide a vehicle through which people could obtain information about, and seek help in applying for, an autism alert card. A variety of research projects are also being funded through the £13.4 million that is being invested to deliver the strategy, including one that is addressing the issue of waiting times for obtaining a diagnosis.

People on the autism spectrum face a wide variety of issues in their daily lives, and no two people on the spectrum are the same—an important point that has been raised in the debate. For some, their differences may not be immediately obvious and can be easily misunderstood. The work that is being undertaken, of which I have mentioned just a few examples, will help us to realise our vision of individuals on the spectrum being respected, accepted and valued by their communities and having confidence in services that treat them fairly so that they are able to lead meaningful and satisfying lives.

I thank everyone for their contributions to the debate. I will make sure that Michael Matheson is made aware of the points that have been made during the debate.

Meeting closed at 17:37.

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