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Pàrlamaid na h-Alba

Official Report

MEETING OF THE PARLIAMENT

Tuesday 28 October 2014

Session 4

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Scottish Parliament

Tuesday 28 October 2014

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

Time for Reflection

The Presiding Officer (Tricia Marwick): Good afternoon. The first item of business is time for reflection. Our leader today is the Rev Canon Dr Nicholas Taylor, rector of St Aidan's Episcopal Church, Clarkston.

The Rev Canon Dr Nicholas Taylor (St Aidan's Episcopal Church, Clarkston): It is a great privilege for me to be invited to lead this time for reflection.

Clergy and elected politicians have in common that our calling is to be simultaneously leaders and servants in our communities, as well as their representatives in and to our society. Effective leadership is founded upon knowing and understanding our communities and their needs and aspirations, and our ability to articulate those needs and aspirations in a language that not only is clear and rooted in the lives and experience of our people, but captures a vision of what their future might be, and motivates them to strive in practical ways towards its realisation.

Last year, as the bicentenary of David Livingstone's birth was celebrated in Scotland and in many parts of Africa, Archbishop Desmond Tutu noted that

"Many Scots have been at the forefront of the struggle for justice and respect for humanity, particularly in Africa."

Archbishop Tutu was by no means the first to make such an observation; in places where I have worked in Africa, and no doubt in other parts of the world, Scottish missionaries and secular educators and medics, among others, are remembered with an affection and appreciation that is not always conferred on expatriates associated with European imperialism.

Important questions about the future of Scotland have been vigorously debated in recent times, and will continue to be, with this Parliament playing an important part in deciding them. The Presiding Officer and others have noted with enthusiasm the high levels of participation in the democratic processes. Among the voices often at the margins of political discourse have been individuals and groups whose agendas and concerns have emphasised not economic or other forms of self-interest but the potential of Scotland to be a force for good in the world.

However realistic or unrealistic we may consider some of the idealism expressed in recent debates, the conviction that Scotland can be an agency for good in the world and an example of justice in all aspects of our common life is surely a vision that we can all share. It is my hope and my prayer that this Parliament will exercise both leadership and service in realising that vision.

Business Motion

14:03

The Presiding Officer (Tricia Marwick): The next item of business is consideration of business motion S4M-11315, in the name of Joe FitzPatrick, on behalf of the Parliamentary Bureau, setting out a revision to today's business programme.

Motion moved,

That the Parliament agrees to the following revisions to the programme of business for Tuesday 28 October 2014—
delete

followed by Scottish Government Debate: Scotland Devolution Commission, The Smith Commission

followed by Business Motions

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

and insert

followed by Ministerial Statement: Update on Ebola

followed by Scottish Government Debate: Scotland Devolution Commission, The Smith Commission

followed by Legislative Consent Motion: Criminal Justice and Courts Bill – UK Legislation

followed by Business Motions

followed by Parliamentary Bureau Motions

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

Motion agreed to.

Topical Question Time

14:03

Weather Conditions

1. Mike MacKenzie (Highlands and Islands) (SNP): To ask the Scottish Government what plans it has in place to help deal with the current weather conditions. (S4T-00814)

The Minister for Transport and Veterans (Keith Brown): Conditions are generally improving and the Met Office amber and yellow warnings that have been in place have expired as the weather front moves south.

Yesterday I saw the work being carried out to open the A82 and this morning I attended the traffic Scotland control centre at South Queensferry to monitor the situation across the road network and ensure that the necessary actions were in place to reopen the roads when it was safe to do so. Both Paul Wheelhouse and I have participated in regular SGoRR—Scottish Government resilience room—meetings to co-ordinate the response and the Scottish Government and its partners continue to monitor the situation closely. The partnership approach to on-going incidents continues.

Nearly 230mm, or 9 inches, of rain has fallen in the north-west Highlands since Friday. The A83 remains closed and it is estimated that around 18,000 tonnes of material has come away from the hillside above the Rest and Be Thankful. The old military road diversion route is being set up for use in tandem with a clear-up operation, to allow people to continue to travel through Argyll and Bute, and we are confident that the OMR will be open in time for the evening peak.

I am aware that there have been other flooding issues on roads across the country and that rail travel has also been affected. We continue to work closely with stakeholders to provide the latest information on what is happening.

I urge the travelling public in the areas concerned to use the traffic Scotland website and the Twitter feed for updates. Our ready for winter campaign highlights how the public can be prepared for weather events. We encourage everyone to be as prepared as they can be, to be aware of where to get help, and to look out for those nearby who may not be as able to cope with some of the extreme weather that we expect.

Mike MacKenzie: I am well aware that the minister is not responsible for the weather, but can he elaborate a bit further on what the Scottish Government is doing to deal with the landslides

that are affecting the A83 in the Rest and Be Thankful area, particularly the resilience road?

Keith Brown: There is a landslip on the A83 at the Rest and Be Thankful, which is being dealt with. Much of it was caught in the netting that was put there, and that will be cleared. However, there were also landslips at either end of the Rest and Be Thankful—the old military road really operates as a diversion route only for the Rest and Be Thankful itself. The landslips at Ardgartan and Glen Kinglas are relatively small, at about 20 tonnes, and they are being removed. Once those areas of debris have been removed—we expect that to happen very shortly—we can, of course, open the old military road pending the full clearance on the Rest and Be Thankful itself.

Mike MacKenzie: How is the minister ensuring that drivers are prepared for such emergencies?

Keith Brown: I have already mentioned the getting ready for winter campaign, which we launch every year. We launched this year's campaign last week. We are putting out information through traffic Scotland and, as we do whenever there is an issue at the Rest and Be Thankful, we have contacted a substantial list of individuals and organisations in Argyll and Bute and they are also putting out information. As soon as we are able to open the old military road, which we expect to happen in the next hour or so and certainly before the evening peak, that information will go out to drivers as well.

The usual information obtains. People should get as much information as they can about the route that they intend to take, give themselves as much time as possible, and take the things in their car, such as a blanket and a mobile phone, that we have said every winter before now that people should take.

David Stewart (Highlands and Islands) (Lab): Is the minister aware of the reports in *The Press and Journal* this morning that tree-felling operations on a steep bank above the A82 a mile north of Corran contributed to one of the landslides? Will he speak to Forestry Commission Scotland to review the effects of tree felling, particularly near the A82 road network?

Keith Brown: Yes. I spoke to the Forestry Commission yesterday when I visited the site where the incident took place. The work that the Forestry Commission has undertaken there is specifically designed to lessen the risk to the road, of course, but a huge amount of rainfall has brought down some tree cuttings, which were not piled and complete, from a substantial distance away. A great deal of work is going on with the Forestry Commission to minimise that risk. The idea was that the trees there, which go back to the 1930s and perhaps have not been managed as

well as they have been in the past, must be taken away to reduce the risk to the road. The Forestry Commission has undertaken that. I spoke to it yesterday—my colleague Paul Wheelhouse was on both calls—and the matter is in hand.

Dave Thompson (Skye, Lochaber and Badenoch) (SNP): I thank the minister, Transport Scotland and BEAR Scotland for their efforts in keeping our roads open. In particular, where are we with future improvements to the A82? How quickly are we moving on with the route action plan? How might that help in such situations?

Keith Brown: We are making substantial progress and are committed to improving the A82. That is demonstrated by the Crianlarich bypass, which will shortly be complete, and the works at Pulpit Rock, which are extremely difficult to progress but have been scheduled for completion very soon. In addition, the work on the A82 Taret to Inverarnan scheme, which I visited last week, is progressing well. Ground investigations are currently taking place that will help to inform the on-going work to design a preferred route by next summer.

Audit Scotland Reports (NHS Orkney and NHS Highland)

2. Jim Hume (South Scotland) (LD): To ask the Scottish Government what its response is to recent Audit Scotland reports on the financial management of NHS Orkney and NHS Highland in 2013-14. (S4T-00808)

The Cabinet Secretary for Health and Wellbeing (Alex Neil): The Scottish Government takes seriously the publication of section 22 reports by the Auditor General for Scotland and continues to work directly with NHS Highland and NHS Orkney on the progress that both boards are making towards addressing the issues raised. At no point has patient safety been compromised. All NHS health boards, including NHS Highland and NHS Orkney, met all their 2013-14 financial targets, including breaking even on their revenue and capital budgets for the sixth consecutive year. In addition, the Auditor General has issued an unqualified audit opinion on all health board accounts.

Jim Hume: Audit Scotland's report states that the overspend at NHS Highland and NHS Orkney was down to increased spending on agency and locum staff due to problems in filling vacant medical posts, which is a recurring theme. There has been a 73 per cent increase in long-term nursing and midwifery vacancies and a 103 per cent increase in long-term consultant vacancies just in the past two years. Does the cabinet secretary accept that there is a widespread problem across the country in retaining and recruiting staff and that that is at the root of

boards' struggle to break even and meet waiting time targets?

Alex Neil: Although I agree that the number of vacancies has increased, a large part of that is because of the increase in the establishment figures for doctors and nurses.

I have on many occasions in the chamber mentioned recruitment challenges, particularly in remote, rural and island communities. I have implemented a series of initiatives, including recruiting overseas junior doctors and giving NHS Highland board £1.5 million to lead for Scotland on various rural medicine initiatives, particularly aimed at recruiting new people.

As the member will also know, in areas such as Ardnamurchan, which is part of the Highland board area, there is a particular problem in recruiting general practitioners. The issue is not money, because the money is available; rather, the issue in recruiting GPs and consultants in the rural hospitals is the effect on work-life balance of out-of-hours working, which is often a problem.

We are well aware of the challenges and we are rising to them in every possible way. However, the issue is not unique to Scotland; the problem is being faced by rural and island communities throughout the United Kingdom. Of course, the background to that is an overall shortage in many of the areas of expertise that the boards require.

Jim Hume: I appreciate the minister's views, but there is a cost to the problems. Figures that were released in April showed a 25 per cent increase in locum doctor costs, up to £51 million. It would be cheaper to have someone filling those posts permanently. It is clear that the boards' problems are the intolerable pressures on their budgets.

While spending on the NHS has increased by 4.4 per cent in England since 2009, it has fallen by 1.2 per cent here. That is why posts are going unfilled, that is why nine boards cannot meet cancer targets, and that is why thousands of patients continue to have their legal right to be treated within 12 weeks breached. Does the cabinet secretary agree that the real mismanagement of the NHS is happening not at board level but in St Andrew's house?

Alex Neil: I have never heard as much rubbish in all my life—or not since I last listened to a Liberal Democrat speech.

As I said, the reality in rural and island communities is that there are major recruitment challenges. To ensure that the services that should be delivered are delivered safely, from time to time we recruit locum doctors. That is costly; in fact, the cost of the locum doctor is up to 180 per cent more than the cost of a full-time doctor.

We cannot get full-time doctors, because it is difficult to persuade enough of them to live in rural areas and for them to get the right work-life balance. Another problem is finding an occupation for their spouse. Indeed, it is very often the case that, when we think we have filled a position, it remains unfilled because the spouse cannot find a place to work. Therefore, to try to reduce such a complex challenge to silly point scoring does not do the member or the debate any good. Everyone knows the challenges that the health service north and south of the border faces in recruiting GPs, consultants and specialists. We must take an innovative approach and, in the longer term, we must increase substantially the number of doctors we train in the first place.

Rhoda Grant (Highlands and Islands) (Lab): I am glad that the cabinet secretary recognises the specific recruitment challenges in rural areas. He will also be aware that NHS Highland does not receive its full NHS Scotland resource allocation committee funding allocation. He has made money available to the board temporarily, which it must repay. Would it be wise to include that money and thereby ensure that it gets its full allocation, so that it does not remain in the same financial position?

Alex Neil: There are two separate issues in that regard. There is the issue of brokerage, when a health board will not have enough money to meet the cost of the services that it needs to deliver during a year and, in line with the precedent set by previous Administrations, we make money available to the health board, with an agreed repayment plan. That is brokerage, which is completely separate from the NRAC arrangement.

We are bringing all boards up to their NRAC allocation, and by 2016-17 every health board, including NHS Highland, will be within 1 per cent of its NRAC allocation. This year, NHS Highland's baseline funding is £525.2 million, which is an uplift of 3 per cent on the previous year. The funding includes a £2.5 million NRAC parity uplift. NHS Highland is getting its annual NRAC uplift, and by financial year 2016-17 it will be within 1 per cent of its NRAC allocation.

We have followed the precedent of the previous Administration in relation to the Scottish health allocation revenue equalisation—SHARE—and Arbutnott formulas, in that, rather than cut some boards' allocations and take other boards straight to their NRAC allocation, we are giving everyone an uplift, with a disproportionate uplift for boards that are below their NRAC allocation.

Mary Scanlon (Highlands and Islands) (Con): I am glad that the cabinet secretary recognised that NHS Highland required brokerage of £2.5 million from the Scottish Government, so that it could break even.

Given that NHS Highland met only two of the nine targets that are set out on page 23 of the Audit Scotland report, including the target on urgent referral for cancer treatment, and given that the board must make cuts of a further £12.3 million if it is to break even next year, including cuts of £10 million at Raigmore hospital, how concerned is the cabinet secretary that patients in the NHS Highland area are treated less favourably than patients in the rest of Scotland?

Alex Neil: Let me say to the member, first, that we are talking not about cuts but about efficiency savings. Efficiency savings north of the border are reinvested in their respective boards, unlike the situation south of the border. If NHS Highland makes efficiency savings, NHS Highland will be the beneficiary.

I accept that there are particular challenges in the NHS Highland area. Not just in Highland but throughout the north of Scotland there is a shortage of particular types of oncology consultant. There is a dire shortage of colorectal cancer consultants in the north of Scotland—indeed there is a shortage of such consultants across the United Kingdom. That is why some targets were not met when they should have been met. As the member knows, we are advertising vigorously to recruit people to positions, so that the board can manage its budget and, more important, achieve its outcomes and targets for the benefit of patients.

Neil Findlay (Lothian) (Lab): The cabinet secretary mentioned recruitment problems in remote and rural areas. There are recruitment problems across every region in Scotland.

Audit Scotland has highlighted the financial problems that face NHS Highland and NHS Orkney. As a result of a freedom of information request we have learned that NHS Highland's use of agency staff has increased by 100 per cent and that bank staff posts have gone up by 400 in the past year. On top of that, the Scottish Ambulance Service is ready to go on strike for the first time in 25 years. All that is happening before winter pressures kick in. Does the cabinet secretary have any plan for the NHS in Scotland?

Alex Neil: As usual, Mr Findlay is misinformed. On bank staff, the national health service, like many other public services and private industry, operates on the basis of bringing in additional staff as and when required—it is very similar to the use of supply teachers in education—

Neil Findlay: Zero-hours contracts.

Alex Neil: No, not zero-hours contracts.

On average, across Scotland the proportion of nurse hours that are filled by bank nurses is of the order of 5 to 6 per cent. That is a reasonable

figure in an organisation that performs more than a million operations and when more than 1.7 million people attend accident and emergency every year. The organisation employs a total of 157,000 people and it looks after its staff so that, when staff are off sick, there are still people on the wards doing the jobs that need to be done. That is what bank staff do.

Let me be frank. The agency budget has gone down dramatically since Mr Findlay's party was in power. When Labour was in power, the agency budget was far higher than it is today. We have deliberately—under my predecessor and under me—had a policy of instructing NHS boards to substantially reduce the use of agency staff. The use of agency staff is a different issue from the use of bank staff. Very often, bank staff are nurses who are employed by the national health service.

Ebola

The Presiding Officer (Tricia Marwick): The next item of business is a statement by Alex Neil on an update on Ebola. The cabinet secretary will take questions at the end of his statement. There should therefore be no interventions or interruptions.

14:20

The Cabinet Secretary for Health and Wellbeing (Alex Neil): I am grateful for the opportunity to update Parliament today on the important issue of Ebola.

Members will be aware that we responded to questions on the subject in the chamber earlier this year. Last week, I provided an update in writing to the Opposition health spokespeople and the Health and Sport Committee. However, the outbreak of Ebola in west Africa is an issue of such international importance that it is right and proper that I make a statement to provide reassurance on where Scotland stands.

The situation in west Africa is grave. What we are seeing is nothing short of a public health disaster in the affected countries. The World Health Organization publishes weekly updates on cases and deaths, and the latest information, from 25 October, is that there have been a total of 10,141 cases of Ebola with 4,922 deaths.

Historically, the disease has been confined to rural and more dispersed communities in central Africa, where it cannot easily take hold. However, the outbreak in west Africa is affecting urban communities with large, densely-packed populations—areas where people move about regularly—and countries that, to varying degrees, face challenges in health infrastructure and leadership. Once Ebola had a finger hold in that part of the continent earlier this year, it began to spread very rapidly, and there is no sign yet that the epidemic is under control.

We in Scotland will play our full part in contributing to the international effort, along with our friends in the rest of the United Kingdom and elsewhere, to bring Ebola under control in west Africa.

More than 50 professionals from the national health service in Scotland have offered to help, and some are already in situ in west Africa. Nevertheless, it is likely that more support will be needed. I wrote to NHS chief executives on 16 October to reiterate our support for volunteers and particularly to identify the need for more nurses and laboratory staff.

I extend my sincere thanks to the Scottish aid workers who are operating in the region and the

many healthcare workers and other staff who have expressed a willingness to volunteer in west Africa. We need to know that all our volunteers who travel to west Africa will be safe, and I am reassured that robust arrangements are in place to ensure that in partnership with Health Protection Scotland. We know who is going to west Africa; we know that they will be trained well both before they go and when they arrive; we are confident that they will be looked after when they are there; and we know that they will be monitored and supported when they return.

In Scotland, we are lucky enough to have the resources and infrastructure, and the public health expertise and experience, to be in a good position to deal with any serious infectious diseases, but we are not complacent. There has been an increase in concern about Ebola in the past few weeks, prompted by the reports of transmissions of the disease to healthcare staff in Spain and the United States. However, it is important that we understand the reality of the risk—the fear of Ebola can be more infectious than the virus itself.

The risk of a case arriving in Scotland is very low. There are no direct flights to Scotland from the affected countries, and robust exit screening is now in place in the three affected countries. Entrance screening is in place at Heathrow and Gatwick as well as in key European hubs such as Paris and Brussels.

Even if a case does appear in Scotland or the UK, it is very unlikely that we will see any transmission of the virus. The disease can be caught only through blood and other body fluids, and affected individuals will be unwell and will have a fever and other symptoms that are not infectious but will lead them to healthcare well before they are likely to pass the virus to other people. Indeed, the greatest risk of Ebola is to healthcare workers, because they are more likely to come into contact with body fluids when treating a patient.

We must keep the risks in perspective, but we must also be ready to respond. That is why we have been working with the NHS to ensure that it is prepared and ready. My colleague Michael Matheson, the Minister for Public Health, has led that work since early summer, when he met experts from Health Protection Scotland. Following that, we established a viral haemorrhagic fevers national group, chaired by Health Protection Scotland, to ensure that all the necessary arrangements and contingency plans are in place. That group met for the first time in August, and last week it started to meet on a weekly basis.

Given the importance of ensuring that we can quickly identify and diagnose possible cases of Ebola, we have provided funding to NHS Lothian to introduce a national testing service for viral

haemorrhagic fevers in Scotland. That service, which will be in place from 1 December, means that blood samples will no longer need to be sent to the south of England for testing and we will get the results more quickly.

We are also working closely with the infectious disease clinical community to ensure that the facilities and resources are in place to rapidly respond to any potential case. Our main infectious disease units in Glasgow and Lanarkshire in the west, Edinburgh in the east and Aberdeen in the north are ready to operate as regional centres of expertise, providing advice to other local hospitals or clinicians as needed and managing possible cases.

Our many other infectious disease specialists and wards around Scotland are also ready to respond if needed. I am confident that we are ready to safely manage any possible case, should one emerge. Indeed, we have already shown that our health boards, working with the Scottish Ambulance Service and others, can safely manage such types of infection. We safely managed a case of Crimean-Congo haemorrhagic fever in Glasgow in 2012. We have 14 isolation rooms available to manage patients with Ebola in the three regional infectious disease units in Scotland, and we have access to many more specialist facilities across the UK.

An important strand of our work is ensuring that everybody across the NHS in Scotland and any other relevant professionals have all the information that they need, and I am grateful to Health Protection Scotland and the other professionals involved for all the work that they have done in the past few months to update the many different pieces of guidance and technical advice in relation to Ebola. That information is all available on the Health Protection Scotland website, and I encourage all health professionals to ensure that they are familiar with the content, as it is very likely that any questions that they have will already have been answered.

I have already mentioned the entry screening that is in place in the UK and European hubs. I am in regular contact with my ministerial contacts in the rest of the UK in the Scotland Office and the Department of Health, and we will keep under review the need for any additional entry screening, including in Scotland. I am not yet convinced that that is proportionate or necessary, but I am ready to implement screening if our assessment changes.

We have to make sure that our international partners across Europe are keeping under review the question of screening and other public health measures. Discussions are already taking place at a European level on all those matters. In addition, we are working with the oil and gas industry to

ensure that any of our oil and gas workers who come from or go to affected countries will have access to the same type and quality of monitoring arrangements that are in place for medical volunteers.

That international, joined-up approach is vital if we are to successfully tackle the outbreak. Across the world, countries need to pull together, and we in Scotland are keen to play our part.

Earlier this year, the Scottish Government donated £0.5 million to the World Health Organization's Ebola response. That was not a one-off gesture. Last week, I announced an additional donation of £300,000-worth of medical equipment and supplies to west Africa from Scotland. That includes more than 100,000 respirators and 1 million disposable aprons, which will be distributed to charities that run clinics in Sierra Leone. I will continue to ensure that we offer every assistance that we can to the international effort. The best way for us to protect public health in Scotland is to support the efforts that are under way in west Africa.

I hope that I have provided sufficient reassurance that we are monitoring the situation closely and that we take the public health of Scotland very seriously. The Government's resilience committee, SGoRR, which is chaired by the First Minister, has already met three times on this matter. That has provided an opportunity for us to engage with the Scottish experts and to ensure direct Government oversight of our preparedness.

We will continue to be vigilant and alert, and we will maintain our links with other parts of the UK to ensure a joined-up approach. The public should be reassured that the risk of Ebola coming to Scotland is still very low but, if it arrives here, the NHS is ready to respond and public health will be protected.

The Presiding Officer: The cabinet secretary will now take questions on the issues raised in his statement. I intend to leave about 20 minutes for questions, after which we will move on to the next item of business.

Neil Findlay (Lothian) (Lab): I thank the cabinet secretary for his comprehensive statement and his response to my earlier letter appealing for MSPs to be kept updated on Ebola and any impact on Scotland or Scots. I pay tribute to the 50 NHS professionals working in the affected region and the non-governmental organisations and their volunteers who are there doing tremendous work in a very difficult situation.

I want to ask the cabinet secretary about the level of training being provided to staff on dealing with the disease prior to leaving for and then entering the affected area. What support will be

provided to them when they are there and on their return? What support and co-operation is being given to Scottish-African charities working here and with people in Sierra Leone to help prevent the spread of the disease and deal with the consequences of it?

Today, I met representatives of some of the Scottish-African charities, and they asked me whether I could put forward a request to the minister for him to meet them so that they could discuss ways in which they could work together with the Scottish Government in order to help deal with the situation on the ground and some of the consequences of that, including things like education. I would really appreciate it if the minister could take me up on that offer.

Alex Neil: My colleagues Michael Matheson and Humza Yousaf and I are planning to meet the NGOs involved and, indeed, other organisations whose support we require—although some of the organisations may not be NGOs working in Africa, they may nevertheless be able to help with the supply of material.

We have now received a request from Oxfam for additional support as well as the Department for International Development list, which we are working our way through. Therefore, we would be more than happy to meet and are planning to meet the NGOs and, indeed, others as well. This has to be a joint effort: it is not just about the Scottish Government but about all the people who can make a contribution.

In terms of the staff who have gone, the latest number that I have is that 59 staff have volunteered from Scotland. Of them, 31 are doctors, 17 are nurses, seven are paramedics, three are lab technicians and one person is of unknown skill but has nevertheless volunteered. Prior to assignment in west Africa, those healthcare workers participate in a three-stage training programme that includes five days of training in a facility in the UK and three days of training in the relevant facility on arrival in west Africa. In our case, that will be in Sierra Leone because part of the international agreement is that the UK Government will lead the effort internationally in Sierra Leone while, for example, the United States Government leads the international effort of other Governments in Liberia. We have obviously agreed with the UK Government that we will focus our efforts in support of it in Sierra Leone, which we are doing.

The arrangements for monitoring the staff's healthcare in situ are under the auspices of Public Health England. It has been agreed by the four Administrations in the UK that Public Health England will be the lead agency for co-ordinating the arrangements and acting as a conduit for them. It has offered to register any aid worker from

the UK, wherever they are based, as they are doing with NHS volunteers from across the UK. Public Health England registers the aid worker before they leave, tracks them when they are there, performs a risk assessment on their return as regards exposure to Ebola and sets up a monitoring system as well. I believe that a total of 12 beds have been allocated in Sierra Leone, which are ring fenced for any health worker working in the area—not just UK health workers—who happens to contract Ebola.

I am happy to send any member more details, because I have volumes of details on the arrangements. However, I can assure the chamber that, in terms of the training and looking after the health and wellbeing of the volunteers when they are in the countries concerned, we now have a very comprehensive package that is similar to that for the rest of the UK.

Nanette Milne (North East Scotland) (Con): I welcome the statement, which brings us up to date with the action that is being taken to combat the Ebola outbreak, and I thank the cabinet secretary for an advance copy of it. I, too, thank all the healthcare professionals who have volunteered to help in affected areas.

The cabinet secretary will be aware of recent comments by Dr Devi Sridhar, senior lecturer in global health policy at the University of Edinburgh, that if Ebola comes to Scotland my home city of Aberdeen is likely to be at risk, given its airport and its concentration of population with international connections. As Aberdeen royal infirmary is one of the four centres in Scotland with a dedicated infectious diseases unit, will the cabinet secretary ensure that it receives adequate resources and support, should there be a case of Ebola in the north-east?

As a north-east member, I clearly welcome the cabinet secretary's comment that he is working closely with the oil and gas industry to protect workers in that industry, but is he fully confident that the necessary precautions are in place for those returning to the UK who have been engaged in countries overseas that are affected by the virus? Will workers returning from such countries be prohibited from going on to installations in the North Sea until it is certain that they have not been infected?

Alex Neil: I am happy to reassure the member on a whole host of points. On her last question, we have agreed with the oil and gas sector that no worker who returns from one of these countries will go back on to an oil rig in less than 21 days of arriving in the country. The reason for the 21-day period is that that is, of course, the incubation period for Ebola.

Perhaps I can take the chamber very quickly through the processes that each oil worker coming from west Africa to the UK will go through. After all, that is where the main risk will be, and Aberdeen with its oil workers is the area within Scotland that is most likely to be affected.

First of all, there is a full exit screening process that people must go through before they leave any of the countries involved, and if they show any signs whatsoever of the disease, certain clinical judgments will be made. To date, all those suspected of having Ebola, with one exception, have not travelled and have been treated in the country. Again, that situation is very much under the control of the UK Government in agreement with the affected countries and as part of the practice that is being adopted internationally. It is therefore likely that for any oil worker suspected of having Ebola the clinical decision will be to deal with them in country and ensure that they get the same treatment there that they would get back at home in the UK. To date, only one case—who, as you will know, was not an oil worker, but a nurse—has come to London, and that chap successfully recovered from Ebola.

Once the oil worker goes through exit screening—and assuming that they have not been identified as having Ebola—they will get on their flight. The three main routes from west Africa into the UK are via Casablanca, Brussels and Paris, and the flights primarily go into Heathrow, with a small number going to Gatwick. A small number of individuals will also go through St Pancras station, where there is also a screening process. Anyone arriving at Heathrow, Gatwick or St Pancras who has been to one of those countries will go through an entry screening process and for those with a temperature—or, indeed, for those about whom there is any worry at all, even if they have recently arrived in the country—there is a tracking process in which they are followed up and monitored for up to 21 days.

On the subject of oil workers, we are working very closely with Oil & Gas UK and the industry, because two companies that operate in the North Sea also operate in the affected region. I should point out, however, that most of the oil in that region comes from Nigeria, which is now Ebola free, so the risks should be absolutely minimal. Just in case, however, we are working very closely with the oil companies, particularly the two that have installations in the North Sea and west Africa, and with NHS Grampian to ensure that all the facilities are in place in Aberdeen to absolutely minimise any chance of an oil worker or indeed anyone else contracting Ebola.

Linda Fabiani (East Kilbride) (SNP): Although I was very pleased to hear that the Scottish Government is working alongside so many others,

we are very much talking about a reactive situation, and there have been discussions about whether the international community was caught a bit off guard on this issue.

I recognise that it is always better to take a preventive approach to such issues in developing countries. With that in mind, I am interested to know about the collaborative international research that is going on, and the information and training programmes that are being put in place in affected countries. What discussions are taking place on that just now? There are many reasons, to do with cultural practices as well as health infrastructure, why such diseases cannot be contained quickly when they break out.

Alex Neil: There are many in-country initiatives in place. One problem is the cultural opposition in affected countries to the cremation of dead bodies, as burial poses a particular risk. Initiatives are in place to try to minimise any risk as a result of the cultural problems arising from wide-scale cremation.

With regard to the wider picture, I will make two points about vaccines, which I did not mention in my previous answers. Two vaccines are about ready for distribution at the turn of the year. Initially, they will be distributed in small numbers—20,000 units in January—but more than 1 million units will be distributed by April.

As members will be aware, there is a global agreement to fast-track the approval process for those vaccines. If we had to wait for them to go through the normal processes, it would be years before we could use them. The most advanced vaccine is being produced by GlaxoSmithKline, but there is also a Canadian vaccine that is about ready to go.

Those vaccines will obviously be tested for side effects and so on before they are finally used. The good news is that there is now a high expectation that a vaccine will be available at some point in the first half of 2015. It has also been agreed globally—very sensibly, I think—that the top priority group for vaccination will, for obvious reasons, be the health workers who are working in west African countries.

The jury is out on the effectiveness of the drug ZMapp, which has received widespread publicity. In any case, there are currently no more supplies of it worldwide, as the last supply was used by a Norwegian patient two weeks ago, and the drug is based on plants, which take some time to grow. A lot of effort is going on internationally to determine the safety of the vaccines and to make them widely available as early as possible, and to investigate possible cures for Ebola.

In among all the bad news, there is a degree of optimism that by this time next year vaccines will be widely available, in west Africa in particular.

Dr Richard Simpson (Mid Scotland and Fife) (Lab): I join other members in thanking the cabinet secretary for his comprehensive statement and clarity in tackling the issue.

It is good that our health service has already had experience of dealing with Crimean-Congo haemorrhagic fever. What risk assessment has been carried out with regard to demand for the 14 isolation rooms and associated equipment during a normal winter? It is predicted that the Ebola outbreak could well last into 2016, and the growth curve will not stop at least until summer next year. What training and equipment is being made available to ambulance workers?

Alex Neil: We are currently finalising a contingency plan for the worst-case scenario: a situation in which there is much higher demand, particularly if we end up dealing with more than one—or even just one—Ebola case. Under the current procedure, if someone has come from west Africa and is identified as being affected by Ebola, and if there is a clinical decision—and it will be a clinical decision—to transport them to the UK, they will go initially to the Royal Free hospital in London. Once it is appropriate, they will be transported to one of the infectious disease units in Scotland.

We have in place a whole host of procedures and training, not specifically for Ebola but for haemorrhagic fevers. That provision was increased quite considerably two years ago when we dealt with the Crimean-Congo fever case. My colleague Michael Matheson has been working on those arrangements with all the relevant professionals since the start of the summer, and training and risk assessment are built into our on-going work across the board.

The Presiding Officer: We have very little time left for questions on this important statement. I would appreciate short questions and short answers, cabinet secretary.

Bob Doris (Glasgow) (SNP): I commend the Scottish Government on its preparedness in relation to this matter. There are various places where, in theory, Ebola could spread, such as schools and higher education establishments in Scotland. Whilst, theoretically, the chances are very limited, has the cabinet secretary been in contact with further and higher educations and schools to talk about the actions that they would have to take to play their part?

Alex Neil: Absolutely. We have been in touch with local authorities, schools and every college and university in Scotland. We have paid particular attention to being in direct contact with every

university or college where the 30 students in Scotland from the affected countries in west Africa are studying, and we are in touch with those people through their college or university to make sure that they are well aware of the risks, and in particular, so that they let us know if they or any of their friends or family are travelling to or from west Africa, so that we can monitor their situation.

We have categorised the groups of people at the highest risk. Oil and gas workers are obviously at the top of that list because of their numbers. There are a small number of students and people from the indigenous population, and we are in touch with them. The acting chief medical officer has made every general practitioner in Scotland aware of what needs to be done if Ebola is suspected, as have those in appropriate other outlets. I think that we have covered every possible avenue, and the acting chief medical officer will remind people regularly until any potential threat from Ebola is completely eradicated.

Jim Hume (South Scotland) (LD): I thank the cabinet secretary for advance sight of his statement and I also thank the NHS staff and others who have, not without risk to themselves, volunteered to go out to tackle Ebola.

The minister has stated that he does not believe that it would be proportionate or necessary to implement screening here in Scotland and I agree with him on that. However, what criteria will he use in his on-going assessments and what will need to happen before screening is considered to be necessary?

Alex Neil: Point-of-entry screening is already being done in London. I think that I am right in saying that 85 per cent of those who fly in directly from west African countries come through Heathrow, and the balance come through Gatwick and St Pancras. Very comprehensive screening is being done there.

We are in regular touch with the Scotland Office and the Department of Health, in particular with the minister for public health, Jane Ellison. They are going through an exercise to establish whether they will extend screening to regional airports in England, and there is a set of criteria and an assessment methodology for that. We are working with them and will keep the situation under review.

I think that I am right in saying that, at the moment, there is no additional screening in regional airports in England, although some consideration has been given to it. There are very clear assessment criteria, and I or Mr Matheson will be happy to send more details to the member. It would take me quite a while to go through all those criteria and assessments.

Gil Paterson (Clydebank and Milngavie)

(SNP): The cabinet secretary said that guidance has been sent to health professionals to ensure that they are equipped to deal with any suspected cases. What information will be provided to pharmacists, particularly on recognising potential cases?

Alex Neil: The acting chief medical officer and the chief pharmaceutical officer are informing the pharmacy industry through various sources, particularly the health boards, of anything that they need to be aware of, so that everybody who is involved in medical care or healthcare of any type in Scotland is fully aware of the signs, risks and procedures should they suspect anyone of having Ebola.

Patricia Ferguson (Glasgow Maryhill and Springburn) (Lab): I thank the cabinet secretary for his comprehensive statement. I agree with him when he says that the best way for us to protect public health in Scotland is to support the efforts that are under way in west Africa.

Having recently visited Cameroon and having been screened on entry to that country, I can testify to the seriousness with which the countries in west Africa are taking this particular outbreak. I applaud the funding and supplies that have been made available by the Scottish Government, but the task of fighting Ebola is falling to countries that struggle continually to provide a health service to their citizens in the normal course of events. I wonder whether the Scottish Government might look at ways of helping to provide assistance to the most affected west African countries, in order to sustain the health services that the people within those countries need in their daily lives.

Alex Neil: As I said in my statement, we have already shipped out £300,000-worth of aprons, masks and so on, but it is not just what is in store in Larkhall for the NHS in Scotland that we are shipping. We are working to a list prepared by DFID and the priority at the moment is for stuff that is required to deal with Ebola in the hospitals and in the clinics in the affected countries. Once we have broken the back of that, we will look at the longer-term situation and how we can help.

We have already sent money—we sent £500,000 through the WHO—but rather than us trying to reinvent the wheel, we are working through established international organisations such as the WHO. We are working closely with DFID, with Oxfam and with other organisations as well. We will respond to the Oxfam request very positively. When a request comes in for longer-term assistance, clearly Mr Yousaf, Mr Matheson and I will do what we can to provide anything that we possibly can to help those people, because the health service is, quite frankly, pretty primitive in the affected countries.

Indeed, I have asked Mr Matheson and Mr Yousaf, along with a small number of officials, to visit west Africa at an appropriate time and to identify any additional help that Scotland can provide, because I agree with the member that we should be doing everything that we can not just to help those countries over this Ebola crisis but to help them to avoid such a crisis happening again and to build up a better healthcare system.

The Presiding Officer: My apologies to the two members I was unable to call.

Smith Commission

The Presiding Officer (Tricia Marwick): The next item of business is a debate on motion S4M-11301, in the name of Nicola Sturgeon, on the Scotland devolution commission, the Smith commission.

14:52

The Deputy First Minister and Cabinet Secretary for Infrastructure, Investment and Cities (Nicola Sturgeon): It is now nearly six weeks since the referendum and the sense that our country has changed—changed for the better and changed for good—grows ever stronger with every day that passes.

Expectations have changed. The people of Scotland have been promised substantial additional powers for this Parliament and want those promises to be delivered in full.

The state of our democracy has changed. The turnout in the referendum and the extraordinary level of engagement during the campaign have set new standards in participative democracy, which I think that all of us on all sides of the chamber welcome.

Our outlook has changed. We have emerged from the referendum as a more self-confident and more self-aware nation that is ready to tackle the challenges and opportunities that lie ahead. Of course, there has been some change for political parties as well—for the Scottish National Party and the Greens, thousands of new members and, for the SNP, new leadership; for Labour, let us just say that they live in interesting times. There has been change for everybody—positive, vibrant change that is welcome not just across the Parliament but across our country.

It will come as no surprise to anybody in the chamber to hear me say that I believe as passionately today as I did before the referendum that Scotland should be—and will be in the future—an independent country. However, I also accept unreservedly that independence was not the choice of the Scottish people on 18 September. That is democracy and I accept that.

I also accept—this is an important point for me to state on the record—that independence will not be the outcome of the process that Lord Smith is leading. Scotland will become independent only when a majority of the people of this country vote for that in a referendum. I believe that that will happen, but when it happens is a matter for people in this country.

Murdo Fraser (Mid Scotland and Fife) (Con): I am grateful to the Deputy First Minister for giving way. In the last speech that she made in the

Scottish Parliament before the referendum, she said that the referendum was a “once-in-a-lifetime” vote. Did she mean what she said?

Nicola Sturgeon: I always mean what I say, as I am sure that Murdo Fraser knows. All of us would do well to learn from the process of the referendum. I say not in some kind of party-political way but sincerely that one thing that all of us, whatever side we were on, should have taken from the referendum campaign is that the people of Scotland are in charge. It is not for politicians on either side of the debate to dictate the destination of the debate. Whether and when Scotland becomes an independent country will be determined by the people of this country. That is a principle that all of us should be able to agree on.

I accept—I have accepted it before and will do so again—that the Smith commission will not result in independence, but it offers an enormous opportunity for all of us to rethink the future governance of our country. As I have said previously, we will work in good faith with Lord Smith and all the parties involved. John Swinney and Linda Fabiani are representing the SNP on the commission. They will do so constructively and they will seek to do so in the best interests of the people of Scotland. I call on all representatives on the commission to do the same and I would expect all of them to do so.

Of course it would not be appropriate for any of us during this debate to prejudge or constrain the outcome of the Smith commission process in any way. All of us must respect Lord Smith’s work and allow the discussions to take place. However, I will today set out the case for the ambitious proposals that the Scottish Government published on 10 October.

The first point to make is that in this process we do not seek powers for their own sake. We propose an ambitious approach that would give the Parliament the tools that it needs to tackle the issues that face us in Scotland: powers that will help us as the parliamentarians of our country to make Scotland a more prosperous country, with job creation as a priority—on that note, I welcome warmly the input and intervention of some of our major airports this morning in calling for the devolution of air passenger duty; powers that will enable us as parliamentarians to do as much as we can to make our country a fairer society so that everyone, no matter what their circumstances, has equal access to opportunities and a fair chance in life; and powers that will give Scotland a clearer and stronger voice on devolved issues on the world stage, so that we can best represent our interests abroad and strengthen our international relationships. I hope that all of us can unite around those principles, if not necessarily behind the

package of powers that will enable us to put them into practice.

That is why we are putting forward a coherent sweep of proposals that, taken together, will transform the Parliament's ability to make real and lasting improvements—in short, to transform the Parliament's ability to serve the people we are elected to serve.

Our approach to the process and our proposals are undermined—underpinned, rather—by four interconnected objectives. I hope that that will be my last Freudian slip of the debate. First, the outcome of the process must meet the expectations of the Scottish people. I make no apology for repeating that point. There is a powerful majority for change in this country. The 45 per cent who voted yes and the significant number of people who voted no on the promise of more powers—the promise of the vow—represent a majority for change.

The Westminster parties' rhetoric during the campaign of home rule, devo max and near federalism must now follow through into a commitment to deliver substantial additional powers for the Parliament. At least one poll since the referendum has shown 66 per cent support for devo max, defined as all powers short of defence and foreign affairs. That is where public opinion is. If that public opinion is not met by what the Westminster parties are now prepared to sign up to, that will be unforgivable. The people of Scotland will not be prepared to forgive that and that should be in the minds of all of us.

Secondly, the agreed outcome must significantly enhance the democratic and financial accountability of the Scottish Parliament and Government to the people we serve. It is not credible for the Parliament to raise only a fraction of the expenditure that it controls, so any settlement must bring into better alignment its revenue and expenditure powers. Our proposal is for full fiscal responsibility so that we can be more directly accountable to the Scottish people, with the tax revenues raised in Scotland being retained here.

Scotland is in a strong fiscal position, which would continue under further devolution. However, getting the powers that fiscal autonomy would deliver is not about standing still; it is about empowering the Parliament to grow our economy better, more quickly and more sustainably, with more jobs at the heart of that.

I turn to democratic accountability. We all know and can be proud of the Parliament's record in delivering positive change in areas for which we are responsible. The smoking ban, free personal care and free higher education are clear examples of that.

We have provided a level of access to decision making for people and organisations that Westminster, to be frank, has never achieved and can never achieve. We must build on that and bring key decisions in areas such as tax and welfare that affect the daily lives of people in Scotland closer to the people they affect.

The Parliament must also become responsible for its own affairs. We demonstrated collectively—as a Parliament and a people—that we could make a success of the biggest democratic event in this country's history. Surely we can be trusted with the Parliament's own structures and procedures and with decisions about elections in Scotland.

Our third principle is that we must transform the Scottish Parliament's ability to create jobs and growth, tackle inequality and represent our interests in the European Union and the international community. That is the essence of the powers-for-a-purpose argument.

Our proposals are about giving the Scottish Parliament policy levers to deliver change. Any employer or economist will tell us that tax and welfare are key levers to promote jobs and growth. Any charity or advice worker will tell us that they are also at the heart of delivering a fairer society in Scotland. Any fisherman, farmer or export business will tell us that having a voice in the EU is critical to promoting our interests. However, Westminster remains the dominant force in all those areas, often taking decisions that do not reflect Scottish circumstances and are opposed by this Parliament and a majority of Westminster Scottish MPs.

There are many examples of how having powers in those policy areas would significantly enhance the Parliament's ability to grow our economy and tackle poverty and inequality. For example, control over the minimum wage would allow us to do much more to tackle one of the biggest scandals in Scotland today, which is the level of in-work poverty. By contrast, decisions made at Westminster—such as the introduction of the bedroom tax—run counter to what we are trying to achieve.

Our final principle is that any agreed arrangements must be fair, be equitable and enable the Parliament to receive and reinvest the financial and economic rewards of sound decision making, as well as to have the tools to manage the risks of our new responsibilities. Our proposal is that the Scottish Parliament should raise all its own revenue. That is the most coherent way of achieving such fairness. Of course, the Barnett formula would still be required during the transition.

Any final agreement that falls short of that and requires allocation of resource from Westminster to the Scottish Parliament must also be equitable and, in our view, based on the continuation of the Barnett formula. I am glad that all the parties say that they now agree with that position, although some of the noises that we hear from Westminster colleagues of parties that are represented in this chamber cause significantly more concern.

We have presented a coherent and ambitious package of proposals, but the final word that I want to say concerns the Smith commission process. I said at the start of my speech that I know that the process will not deliver what I think is best for Scotland. I go into it with open eyes and the ability and willingness to compromise to secure the best deal that we can for Scotland.

For me, that means recognising that independence will not be the outcome of the process and that, for example, powers over defence, security and intelligence, the currency, citizenship, foreign affairs and no doubt other issues will remain at Westminster. I also recognise that we will not get everything that we asked for in the proposals that we set out on 10 October. That is what I mean by compromise, pragmatism, realism and a determination to get progress. For others who are represented in the chamber, that must mean recognising that they will need to go further than their currently published proposals in order to show Scotland that they are serious about delivering on the promises that were made in the referendum campaign.

I was encouraged by comments from the Conservatives—that is not something that I often say—that their proposals should be viewed as a floor, not a ceiling. That was welcome, and I hope that others will take a similarly constructive approach. I hope that, this afternoon, we will get some clarity from Labour, whose proposals have been widely described as being the weakest of any party's. I know that the timing is difficult for Labour, given the coincidence of a leadership election with the Smith process, but I nevertheless hope that we can get some clarity on the areas on which it will go beyond the woefully inadequate proposals that were published before the referendum.

That is the spirit in which we enter the process. I hope that we can come out of it with something that takes this country forward. I also hope that, as Lord Smith has indicated is his intention, the wider public will be meaningfully involved in the process. One of the wonderful things about the referendum was the degree of public engagement. We do not want to go back to the days when people tried to do deals behind closed doors.

The public are in charge of this country's future. That means that we will always go in the right

direction. This party—this Government—is determined to play an active, constructive and positive part in that. I have great pleasure in moving the motion in my name.

I move,

That the Parliament welcomes the submissions made to The Smith Commission by all parties involved; notes the publication of *More Powers for the Scottish Parliament: Scottish Government Proposals*; recognises the importance of all parties working together constructively to agree substantial further powers for the Parliament that deliver a better deal for the people of Scotland; encourages people and organisations across Scotland to respond to the commission's call for evidence by 31 October 2014; offers its support to the commission in developing proposals for strengthening the powers of the Parliament, and agrees that the people of Scotland must have the opportunity to inform and influence the implementation of these proposals through public participation and dialogue.

15:07

Drew Smith (Glasgow) (Lab): This is an important and timely debate. I thank the Scottish Government for bringing the motion before Parliament. At the outset, I say that Labour members will support the motion today as we fully support the work of the Smith commission. We welcome the fact that it is now taking forward the work to entrench and enhance devolution within our United Kingdom. That that is happening so quickly after the referendum is obviously welcomed on this side because we were clear before the referendum that, if Scotland chose to remain within the UK, it would be a vote not just for partnership with our closest neighbours and friends in the rest of Britain—and, as the Deputy First Minister suggested, the first-ever democratic endorsement of the union—but a vote of confidence in devolution, as well as the best result for jobs, public services, businesses and people alike.

The amendment in the name of Iain Gray makes clear that the contributions of all parties should be noted and welcomed alongside the proposals that the Scottish Government brought forward—after the vote, of course.

The referendum was the biggest exercise in democratic participation that our nation has ever seen. It is, therefore, important that participation in this process is as wide as possible, within the timescales that were set out to the Scottish people, which have been honoured to date, and which we believe must continue to be honoured.

The task is to achieve the greatest possible agreement between the political parties, just as has been done by the pro-devolution parties and our other partners. I hope that, across the chamber, we share an objective of wanting to see the Scottish Parliament strengthened and

entrenched in the constitutional settlement that the Scottish people have themselves chosen.

Labour's proposals for devolution were published some seven months ago, following months of consultation within our party and with academics, trades unions, business and a variety of interested individuals and groups. Many of those groups will make their own submission to the Smith commission directly. Again, we welcome that. Earlier this month, Scottish Labour submitted our proposals, which have been agreed by our annual conference. Along with our proposal for a UK constitutional convention, those changes are what we have already guaranteed will be delivered by the next Labour Government.

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

Drew Smith: Not at the moment, Mr Crawford.

The other parties have their own commitments and, for the first time, the Scottish National Party has accepted that devolution, and a strong Scottish Parliament within rather than out of the United Kingdom, is the people's settled will.

Labour's proposals were developed on the basis that we wished to bring forward powers for the Parliament—

Nicola Sturgeon: Would Drew Smith describe his party's proposals as a floor, not a ceiling? In other words, does he recognise that they were minimalist, and is there an appetite on the part of the Labour Party to go further than its submission?

Drew Smith: I am about to describe Labour's proposals, if the Deputy First Minister will allow me to do so. I would simply say that we are not going to—*[Interruption.]*

The Deputy Presiding Officer (John Scott): Order.

Drew Smith: We are not going to negotiate an outcome to the Smith commission that should rightly take place within the Smith commission.

Our proposals were clearly aligned to progressive purposes. On tax and welfare, the work programme, entrenching the Parliament, housing benefit, the railways, health and safety, access to employment tribunals, attendance allowance, equalities, and double devolution, our desire is to devolve power not just to this place but away from it, to local government and the communities that it serves.

Sandra White (Glasgow Kelvin) (SNP): Will the member take an intervention?

Drew Smith: No thank you, Ms White.

We are interested not in power for its own sake but in the purposes for which it can be used to

secure and enhance the devolution settlement and to make a difference to the people we seek to represent.

The Deputy Presiding Officer: There is too much noise in the chamber. Please allow the speaker to be heard.

Drew Smith: There are issues that have been raised in the context of the independence debate, which, as the Deputy First Minister said, showed an explosion in engagement and ideas. That should inform what happens next.

There are also issues that have been debated for longer and over the period of successive Governments. Beyond that, we need to think carefully about the issues that are likely to continue to be of importance, such as our demographic challenge, the inevitable decline of revenues available from finite resources, such as oil and gas, as a major component of our economic success, and the continuing challenge of climate change and our approach to issues such as hydraulic fracking.

Any division of power between different layers of government will create potential inconsistencies and necessitate partnership working between those different levels. Rather than seeing that as a problem to be overcome, we should understand that the instruction that the people of Scotland have given us is to work together—a strong Scottish Parliament and a partnership with the people of England, Wales and Northern Ireland. I hope that the process of the Smith commission and the transfer of powers that will follow it, and the good will that we show to each other, will mean that new partnership arrangements are created between this Parliament and Government elsewhere in the UK, and indeed at the UK level.

Entrenching the Parliament means setting out explicitly that this is a permanent feature of our constitution, endorsed, as it has been, by not one but now two referendums. I disagree with the UK Government's proposals in relation to the Human Rights Act 1998 but I would regret any suggestion that many of our most fundamental rights should be different, or competing, in different parts of the UK.

Mark McDonald (Aberdeen Donside) (SNP): Will the member give way?

Drew Smith: I would rather make the point, if Mr McDonald does not mind.

There will now need to be consideration of how respect for human rights is best embedded in the principles of this Parliament for the future and how our citizens have the best possible support to access their rights and achieve redress when it is required.

The proposals that we have made to Lord Smith represent Labour's view but we are absolutely committed to engaging with those with alternative perspectives and, especially, to hearing new ideas on matters that we have not considered previously. Lord Smith himself has asked the political parties to maintain something of a self-denying ordinance, asking them in *Scotland on Sunday* just this week to let the nominees "get on with it".

The Deputy First Minister has set out her proposals, as is her right, and the commission will examine them, along with everything else that the others have said. It was suggested in the press this morning that this debate could be seen as an attempt to procure a mandate from the Scottish Parliament for the Scottish Government's view. Of course, we have been here before. Before the referendum, the SNP had a majority in the chamber and the Scottish Parliament agreed to motions supporting Scottish independence. However, that is not what was agreed to by the people of Scotland, because there was no mandate in the country for the Government's constitutional proposals.

Similarly, there is no majority for any one set of party proposals in the commission. The debate needs to be less partisan. If Parliament is used as an alternative route to the commission in which we have all agreed to take part, we will achieve nothing other than to make constructive discussion more difficult and to damage the good faith that is vital to this process.

I have no doubt that there can be a degree of common ground, for example on issues such as votes at 16, where there is a common goal between the Scottish Government and my party, although not among all parties in the commission. Likewise, there are issues that will be common to those parties that campaigned to secure Scotland's place in the UK but opposed by those on the losing side. Nevertheless, the correct place for all that to be resolved is in the commission.

This debate is welcome and provides an opportunity to allow the expression of ideas beyond those that are expressed in the party submissions and for their case to be made in more detail. I hope that we will hear more, for example, on how the cause of women's equality in public life might be advanced in this process, or on the case for real and genuine devolution away from central Government—we have had a period of centralisation in Scotland's governance—in favour of reinvigorated local democracy. I have been contacted by a number of constituents with specific ideas about what they want to see considered and no doubt others have been encouraging people to make a direct contribution to the commission.

I want to make clear the principles that my party will continue to apply to this process. They have been outlined before and they remain. The process is about enhancing and entrenching devolution within the UK. People in Scotland voted for a strengthened Parliament working in partnership with the rest of Britain, not in opposition or competition to it. That means that we must continue Scottish representation in the UK Parliament. That issue was decided conclusively in the referendum.

It is also our position that the continuation of the Barnett formula must not be put at risk by fiscal proposals that would leave Scotland worse off and threaten the public services that we have a responsibility to maintain.

Throughout the referendum, Labour's argument was that we could enjoy the best of both worlds: a strong Scottish Parliament backed up by the strength of a UK that, at its heart, is based on the pooling and sharing of the risks that we face and the resources that we have. Across the whole of Scotland, that was the argument that won the referendum and, alongside powers for a purpose, that is what will guide Labour's approach to this debate.

It is worth remembering where the Smith commission process originated. The commitment of the pro-devolution parties to widening and improving devolution was continually called into question by those who favoured ending devolution and opting for independence. There were constant suggestions and smears of bad faith, but that was in a campaign—these things happen. However, the timetable that Gordon Brown set out was about demonstrating that our good faith would be held to in an immediately testable way. That is what the progress of the Smith commission has already demonstrated and maintaining good faith in the process is what Scottish Labour will stick to in the period ahead.

Devolution is not a consolation prize; it is a prize worth seizing on its own merits.

I move amendment S4M-11301.1, after "*Proposals*" to insert:

"and the publication of all parties' enhanced devolution proposals".

15:17

Murdo Fraser (Mid Scotland and Fife) (Con): I welcome the debate and on behalf of my party I pay tribute to Lord Smith and his commissioners for the very important work that they are undertaking. I signal our support for the Scottish Government's motion and the Labour amendment.

One of the golden rules of politics is that we cannot please everyone at the same time. The

formation of the Smith commission proves that point precisely. On the one hand we have a lot of people, many of them in the nationalist camp, jumping up and down and demanding implementation of the so-called vow that appeared in the *Daily Record* a few days before the referendum vote—

Members: “So-called”!

Murdo Fraser: I see that they are getting excited already, Presiding Officer. I am barely into my first minute.

With its very tight timetable—[*Interruption.*]

The Deputy Presiding Officer: Order. Notwithstanding Mr Fraser’s pronouncement: order, please.

Murdo Fraser: On the other hand there are voices, among them former First Minister Henry McLeish, who have said that the timetable is far too short, and that a much more elongated process and broader public consultation are required. That has been echoed by other voices.

When politicians make commitments they should try to meet them, whenever possible. The Prime Minister David Cameron could not have moved much faster than he did. Within a few hours of the announcement of the referendum result, he came out from 10 Downing Street and announced that the Smith commission would be established to deliver the promises made in the vow. It seems unreasonable now to criticise him for taking that forward.

When it comes to honouring commitments, let us not forget the point that I raised just a moment ago. The Deputy First Minister herself said, in the very last speech that she made in this Parliament before the referendum, that it was a “once-in-a-lifetime” vote. I heard what she said in response to my intervention about the Scottish people being in the driving seat for this process and she is absolutely correct. However, barring accidents she will be the leader of the devolved Administration in this Parliament very soon. She will have a very strong leadership role and I hope that she will stick to the commitments that she made prior to the referendum.

The Smith commission has an ambitious timetable and its work is proceeding quickly.

Mark McDonald: Will the member give way?

Murdo Fraser: Not at the moment.

However, it is not as if we are starting with a blank sheet of paper. We have had a conversation about Scotland’s constitutional future for many years, with added impetus over the past 24 months. All three unionist parties have brought forward their proposals for improving Scotland’s governance within the United Kingdom, and all

three parties had their own internal processes and external consultation in drawing up their plans.

From my party’s perspective, the Strathclyde commission report was the culmination of an extensive process of discussion and consultation, and it is generally acknowledged that it represents a comprehensive and ambitious set of proposals to devolve further powers to Scotland, particularly around tax.

Annabelle Ewing (Mid Scotland and Fife) (SNP): Does the member therefore agree with the Strathclyde commission’s conclusion that there would be no need for fresh legislation with respect to the devolution of air passenger duty?

Murdo Fraser: Yes, it is the Scottish Conservatives’ position that APD should be devolved, and we will continue to make that point in the Smith commission. I hope that that unequivocally answers Ms Ewing’s question.

I have said before that the implementation of the Smith commission proposals would give Scotland in the UK many of the features that would apply to a state in a federal system. The essence of federalism is the sharing of sovereignty and a clear division of power between the different levels of government within a state. That would not necessarily involve substantial additional devolution beyond what is currently being proposed. Indeed, anyone who makes that case has clearly not looked at federal systems as they operate in countries such as Germany or the USA.

Part of the problem with this debate is that terms such as “federalism” and “devo max” are bandied around without many folk having a clear idea of what they actually mean. [*Interruption.*] I say to Mr Swinney that I admit that parties on all sides of the debate are equally guilty in that respect. Some on the unionist side have used the term “devo max” as a catch-all phrase to describe any form of additional devolution, but to many on the nationalist side, it has a specific, defined meaning, which was set out a few moments ago by the Deputy First Minister: it refers to a situation in which everything is devolved to Scotland, except for defence and foreign affairs, and the Scottish Parliament is entirely responsible for raising all revenues within Scotland and for paying a sum to Westminster to cover the cost of the very minor reserved competencies.

The problem with that nationalist definition of devo max is that that is not an arrangement that is compatible with either a federal United Kingdom or, for that matter, any sort of continuing UK state. I know of no federal system in the world that operates on that basis.

In his recent paper entitled “The Day after Judgement: Scotland and the UK after the

Referendum”, Professor Jim Gallagher stated of devo max that it

“is simply a botched form of independence, and does not lead to a sustainable economic or social union. It is not sustainable economically as the conditions of fiscal sharing that support a stable currency ... are not met. Nor does it meet the conditions of social solidarity implied in a common UK pension and welfare system.”

If that is what is meant by devo max, frankly we would be better off being independent.

I know that there will be nationalists who will quote an opinion poll that they commissioned, with all sorts of leading questions, that suggests that the majority of the people in Scotland support devo max, but if devo max represents independence in all but name, that is precisely what the people of Scotland rejected in a referendum just a few weeks ago, and nationalists have to learn to live with that result.

Let us not get distracted by those diversions.

Bruce Crawford: Will the member give way?

Murdo Fraser: I think that I am in my final minute.

There is a consensus in Scotland that we want to remain part of the United Kingdom, but we want further devolution. I believe that the Strathclyde commission proposals represent a sensible balance between the demands for further devolution—particularly greater financial accountability—and the strongly expressed view of the Scottish people that they wish to see the United Kingdom continue.

Whether it is the Conservative proposals that form the basis of a new settlement or something else will be for the Smith commission to determine. Let us wish it well in its important work and hope that we achieve a lasting settlement for Scotland and the UK that provides us with a better system of government for generations to come.

15:24

Annabelle Ewing (Mid Scotland and Fife) (SNP): I am very pleased to have been called to speak in the debate, for it affords all the political parties represented in this chamber the opportunity to set out what they see as the key principles underlying their submissions to the Smith commission. At the same time, it is important to note that the objective as far as engagement is concerned goes far beyond these walls; as the Deputy First Minister said, that must be as inclusive as possible for it is, indeed, the people of Scotland who must have the opportunity to inform and to influence the implementation of the proposals through the widest possible engagement.

In that regard, over the past weeks we have seen thousands of individuals, as well as third sector and other organisations, taking the time to formulate and submit their positions to the commission. It is important to note that that element of the process concludes this Friday and I urge all those who are listening to the debate or are interested in making a submission but have not yet done so to email their submissions to haveyoursay@smith-commission.scot by the close of play on Friday.

It is very clear that consideration of what change Scotland wants and needs is very much rooted in the massive engagement that we have witnessed as part of the independence referendum campaign—a campaign that galvanised significant sections of the population to want to ensure that, going forward, their voices were heard. Indeed, the hope, excitement and sense of opportunity that we see around us in our changed Scotland are alive and well and, I submit, growing. It is in that context of the legitimate expectations of the people of Scotland, based on the promises that were made, that the Smith commission must operate, and what expectation could there reasonably be other than that maximum self-government in the UK should be delivered as a result of the Smith commission process?

We need look no further to find support for that than what the Unionist parties said in the days running up to polling day. On 8 September, 10 days before polling day, Gordon Brown said:

“the plan for a stronger Scottish Parliament we seek agreement on is for nothing else than a modern form of Scottish Home Rule within the United Kingdom”.

On 13 September, five days before polling day, Danny Alexander said:

“Scotland will have more powers over its finances, more responsibility for raising taxation and more control over parts of the welfare system—effective Home Rule but within the security and stability of our successful United Kingdom.”

On 15 September, three days before polling day, David Cameron, the UK Prime Minister, said:

“If we get a No vote on Thursday, that will trigger a major, unprecedented programme of devolution with additional powers for the Scottish Parliament.”

As for the infamous vow—we have heard that mentioned in caveated terms, at least from the Tory benches this afternoon—that was published on 16 September in the *Daily Record*, two days before polling day and signed by the UK Prime Minister, the UK Deputy Prime Minister and the UK leader of the Opposition, we note that the promise was for “extensive new powers”. Indeed, they agreed that

“The Scottish Parliament is permanent, and extensive new powers for the Parliament will be delivered by the process

and to the timetable agreed and announced by our three parties, starting on 19 September.”

Those were the promises made and that is what the people of Scotland have the legitimate expectation to see delivered within the timetable set forth.

For our part, the SNP has captured those legitimate expectations on the part of the people of Scotland in the key principles underlying our submission. We need powers for a purpose—powers that will enable our Scottish Parliament to help create jobs and economic growth, to tackle inequality, to represent our interests in the world in the areas of our responsibility and, of course, to significantly enhance the financial and democratic accountability of this Parliament. Such a package will allow this Parliament to deliver real change for the people of Scotland, which is exactly what they want and expect.

A challenge faces all the unionist parties, and I appeal in particular to the Labour Party to take this opportunity to raise its sights and be radical in its thinking. Surely the Labour Party in Scotland does not want Scotland to continue to be treated as a branch office of Westminster. That is a situation that no one could reasonably describe as the best of both worlds.

The Deputy Presiding Officer: Thank you for your brevity.

15:30

Sarah Boyack (Lothian) (Lab): Drew Smith made a powerful speech about the need to ensure that Governments work together and the need for real devolution for the Scottish Parliament. The argument about getting the best of both worlds, with a strong Scottish Parliament that is backed by pooling and sharing across the UK, underpinned the recent referendum debate. The Smith commission now has the task of delivering consensus on modernising our devolution settlement.

Much of our focus has rightly been on strengthening the Scottish Parliament; we also need to focus on new powers for local government. Double devolution needs to be on the Smith commission’s agenda and is a key part of our submission, as Drew Smith said. We need to create the political space in which we can discuss the devolution of powers from the UK Government and the Scottish Government to local councils and communities.

We need to challenge the Scottish Government to engage in that debate, just as it demands that we look at the debate that is needed in the Smith commission. Not one reference to the issue was made in the first two speeches that we heard from the SNP benches. It is a key part of the proposals

in our “Powers for a purpose” report. Local government services have a huge influence on our lives and we need to think about how local authorities can work together and have more resources. The commission on strengthening local democracy in Scotland put it well when it talked about

“spheres not tiers of governance”.

Nicola Sturgeon: I agree whole-heartedly with the member on the need to ensure that powers, if they are transferred to Scotland, lie at the right level in Scotland, and I endorse many of her comments about local government.

I think that the member is a candidate for the leadership of her party. Will she share with us her thoughts on whether Labour’s submission to the Lord Smith commission goes far enough? Are there areas in which she hopes that it will develop over the next period?

Sarah Boyack: We will never be able to make Nicola Sturgeon happy with our submission. We know that. [*Interruption.*]

The Deputy Presiding Officer: Order.

Sarah Boyack: If we are having a proper discussion, let us put double devolution—local devolution—firmly at the centre.

Nicola Sturgeon: Will the member give way?

Sarah Boyack: No, thank you. The member has already spoken at length.

Our vision for local government is one in which decisions about local communities are taken locally. In our devolution commission we argued for double devolution and the reversal of the trend under the SNP Government towards centralising local services and controlling funding. Nicola Sturgeon talked about the importance of fiscal accountability. What fiscal accountability do our local councils have? What independence do they have to set the revenues that come to them?

The debate on the Smith commission focuses on greater accountability on funding and new funding streams for the Scottish Parliament, but it is vital that we also focus on devolving power from the UK Parliament and the Scottish Parliament to local government level.

The Cabinet Secretary for Finance, Employment and Sustainable Growth (John Swinney): Will Sarah Boyack reflect on the fact that under the previous Administration, which she supported, about £2 billion of local government’s funds was ring fenced, controlled and directed by St Andrew’s house, and that that ring fencing no longer exists, which gives local authorities £2 billion of financial flexibility that they never had when Labour was in power?

Sarah Boyack: First, that is a moot point. [*Interruption.*] The finance minister might like to talk to my constituents, whose flood mitigation measures have been delayed for years because his colleague Mike Russell completely changed the funding mechanisms and devolved the opportunity to local government so that, instead of getting support through an 80:20 per cent arrangement, it has to fund the measures itself. Communities are experiencing the outcome of Government policy—never mind the billions of pounds that have been taken out of spending on social justice programmes across the Government, which is also important for local government—[*Interruption.*]

The Deputy Presiding Officer: Order. Allow the speaker to be heard.

Sarah Boyack: We need devolution from the Scottish Parliament and UK levels. Although English councils face even bigger cuts than councils in Scotland face, they are getting city deals, new initiatives and opportunities, and new resources and fiscal levers to enable them to work together to promote investment, infrastructure, jobs and training. We can see the impact that the approach is beginning to have, particularly in big cities such as Manchester and Leeds. There is an ambition for such an approach in Scotland, too.

Nicola Sturgeon: On that point, will Sarah Boyack acknowledge, first, the Scottish Government's £500 million commitment to the Glasgow city deal and, secondly, our growth accelerator model of financing, which is allowing the redevelopment of the St James's quarter in her own city? Why can she not recognise the things that are already happening? I agree with her on the local government point, but she still has not answered my question: does she think that Labour's submission to the Smith commission goes far enough?

Sarah Boyack: With respect, I did answer that question. In particular, the local government recommendations were welcomed by many organisations as being a breath of fresh air and real powers being devolved to our local communities. The Deputy First Minister would do well to look at those comments.

We recommended significant devolution of financial resources in relation to employability programmes, training provision and housing benefit. We want our local authorities to have real resources and to be able to shape and support our local communities. We want higher-quality training programmes that are appropriate to the needs of social and economic priorities, and we want to increase the capacity of local authorities to deliver better value in housing support and to significantly increase the capacity of affordable local housing. Currently, £1.7 billion comes through housing

benefit, and that money needs to be used by local government to much better effect.

We also argued that the agenda needs to take on the idea that the Orkney, Shetland and Western Isles councils, and other councils that have island communities, must have more opportunities and that we need to devolve responsibility for the Crown estate.

There are lots of ideas in our report. I hope that, rather than complain about our not going far enough, SNP members will take the opportunity to look at new powers for local government, look at the opportunities that come through the Smith commission and support Labour's proposals in "Powers for a purpose". Our communities urgently need those extra fiscal levers, that extra financial support and the extra opportunities to regenerate our communities. Let us make sure that we focus on double devolution as well as strengthening our own Scottish Parliament.

15:37

Kevin Stewart (Aberdeen Central) (SNP): That was an interesting speech by Ms Boyack. She mentioned the fact that the commission is looking at local democracy but failed to mention the Local Government and Regeneration Committee's report into the flexibility and autonomy of local government, which I hope the Parliament will be able to discuss in the near future. I am surprised that somebody who has talked so much about independence for councils did not, at the same time, feel it right to seek independence for her nation.

I welcome the opportunity to take part in the debate and I believe that the people of Scotland, who were hugely engaged in the referendum, will watch the process very carefully indeed. I will start with the engagement issue.

The referendum campaign led to 97 per cent of people who were eligible registering to vote and a turnout of 84.6 per cent, and more people than ever before were involved in the political process. I would like that to continue. Young people were engaged to a huge degree, with almost 90 per cent of 16 and 17-year-olds registering to vote. We must ensure that we continue to enthuse our young people, and this Parliament should be given the power over elections to ensure that our young people continue to be able to cast their votes at every election. If someone is old enough to marry, to work and to pay tax, they are old enough to vote for the Government that taxes them.

We should do everything possible to ensure that those who are older, who may have registered to vote for the first time, do not disappear off the registers again. This Parliament should control all aspects of electoral law, including the use of

electoral registers. I am pleased that the Minister for Local Government and Planning wrote to the UK Government on 6 October asking it to transfer all the remaining responsibilities in relation to elections in Scotland, including electoral registers, to the Scottish Parliament. That would allow this Parliament to consider the purpose of the registers and who should have access to them, which would enable the Scottish Government to produce legislation to prevent the sale of the registers to private debt collectors, among others.

The Smith commission should also take cognisance of the views of the people when it comes to decision making. A recent Panelbase poll showed that 66 per cent of those who were surveyed wanted this Parliament to control all policy areas except defence and foreign affairs—in other words, the *devo max* position that most people thought was what was promised in the now infamous or, to use Murdo Fraser's term, "so-called" vow. In the same poll, 71 per cent said that this Parliament should have control of all the taxation that is raised in Scotland, 68 per cent said that we should control all oil and gas revenues that are generated in Scottish waters and a whopping 75 per cent believed that we should control the welfare and benefits system.

In my opinion, the Smith commission must take cognisance of those views and full fiscal responsibility should pass to this Parliament. We should have full responsibility for all domestic expenditure, including expenditure on welfare and employment issues. This Parliament must have the ability to end the austerity agenda, which is damaging our economy and punishing the most vulnerable people in our society. All working-age benefits should be devolved to this place. The Scottish Parliament should have the right to set the minimum wage and to deal with employability programmes that are tailored to the needs of the people of Scotland.

I believe that, if we hold the levers of economic power here, we can reinvigorate our economy, create jobs and protect our most vulnerable. Why is it that the London-controlled parties believe that welfare issues can be devolved to Northern Ireland but not to Scotland? Why is it that Stormont is deemed to be capable of taking on the responsibility of setting corporation tax and air passenger duty but Holyrood is not? The Tories, the Liberals and Labour must explain why it is that they think that the Northern Ireland Assembly can do those things but we cannot. That is a question that they must answer today.

Let us look at air passenger duty. Scotland's largest airports—Edinburgh, Aberdeen and Glasgow—have today made a joint submission to the Smith commission, in which they call for air passenger duty to be devolved to the Scottish

Parliament. The chief executive of Edinburgh Airport Ltd, Gordon Dewar, said:

"We shouldn't wait for another two years of negotiations to end when we have the opportunity to devolve APD to Scotland now and have immediate control over its reduction and future abolition."

Both the Lib Dems and the Tories agree that APD should be devolved. The Tory Strathclyde commission has said that there is no need for fresh legislation. Labour said in its interim report that there was scope for devolving APD but then decided against that in its final report. It would be a show of good will and would prove that Scottish Labour is not just a branch office of London Labour if the relevant power were delivered now, without delay. I hope that we can all support that.

14:52

Tavish Scott (Shetland Islands) (LD): I had rather hoped that the debate would be about the Smith commission but, instead, it seems to be a debate about embarrassing the Labour Party. I suppose that that is entirely understandable. A leadership election process is going on in that party, and it is quite understandable that its political opponents should seek to take advantage of that. Nicola Sturgeon did exactly that in her opening remarks and in her interventions on Drew Smith and Sarah Boyack.

Nicola Sturgeon also said that we should not prejudice the work of the Smith commission. I wish that she had read the interview that Lord Smith of Kelvin gave in *Scotland on Sunday*, in which he said specifically that it would be very helpful if the party leaders did not seek to bind the hands of those who are negotiating on the parties' behalf. It does not seem to me that the tone of the nationalists in today's debate, led by the Deputy First Minister, has helped in any way. *[Interruption.]* There they go again. The Deputy First Minister said that we should not prejudice the work of Smith but went on to do exactly that in her remarks, in which she sought "clarity from Labour". I hope that Iain Gray and Gregg McClymont will be given the space to move onwards and upwards in a way that is beneficial to this Parliament and to the structures that many of us want to see across the UK.

The Deputy First Minister made some helpful remarks, particularly on rethinking the governance of the country. I absolutely agree with Sarah Boyack's observations about decentralisation within Scotland. This is a debate about not just what flows from London to Holyrood, but what flows from Holyrood out and across Scotland. We have seen seven years of the reversal of that flow under the current Scottish Government. One clear theme that has come through in the thousands of responses that have already been made to Lord

Smith's commission is a very strong public opposition to that approach. I hope that that is reflected in what happens over the next month or so.

Much is made of the front page of the *Daily Record* a couple of days before polling day, but rather more is made of it now than was made then. Again, let me quote the Deputy First Minister, who said on 17 September that what was on the front page of the *Daily Record* was

"last minute flimsy and meaningless".

Today, it seems to be rather more than that. If the Deputy First Minister wants to intervene she is very welcome to. I will repeat what she said, which was that it was

"last minute flimsy and meaningless".

Nicola Sturgeon: Is Tavish Scott's intention in this debate to prove me right? Or is he going to try to prove me wrong?

Tavish Scott: I was going to try to quote the Deputy First Minister. She said that the vow was

"last minute flimsy and meaningless".

Now, she says that it is an awful lot more than that. Maybe she should make up her own mind as to what it actually is rather than invent a whole new scenario of constitutional change that she absolutely dismissed two days before the referendum.

Let me make a couple of other points in relation to what can happen in the next month. The first is that there are those of us who care about not only tackling the inequalities and poverty in this country with the powers that I certainly want to see in this Parliament—much stronger powers over both taxation and welfare—but making sure that that can happen in different parts of the UK. There is an obligation on those of us who want to see the strengthening of the whole of the UK to see that change happen not just here but elsewhere as well. There are very interesting thoughts now emanating from different parts of the country as to what may happen.

I have a lot of time for the arguments that are made by, for example, David O'Neill, the president of the Convention of Scottish Local Authorities, in relation to decentralisation and the financial responsibility and power of local government. Sadly, we have seen the reversal of that process over some years now, and it would be very helpful if those who want to come from the responsibility side of that debate changed the position and moved it forward in a way that was genuinely beneficial to local decision making in Scotland rather than it always being concentrated on everything being in Edinburgh.

On that principle, Sarah Boyack raised the point about the Crown Estate. I do not want to see the Crown Estate's powers over the sea bed being in Edinburgh; I want to see them in the islands. It would be very helpful if all those who want to support that would say so. If Richard Lochhead wanted to support that from the front bench, I would very much welcome that.

On the landscape of how this process will now move forward, it is inordinately helpful that the turnout, as the Deputy First Minister said, was so high in the referendum that happened a month or so ago. It gives a grounding and a basis for what could happen if the parties can work constructively together—the first signs on that are very encouraging—on producing a very much stronger package for the future. To do that, we all need to accept the limitations of our own positions and what we bring to the table—by that I mean all political parties—and instead forge something that is much stronger for Scotland within the United Kingdom and produce powers that can genuinely make a difference for the people of Scotland.

15:48

Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP): I very much welcome the Smith commission and, indeed, the tight timetable—better than the long grass. I accept, too, the result of the referendum and the remit of the commission. However, we have to look at the backcloth and mood music for the commission. We have to recognise the scale of the vote for independence while accepting the outcome: 55.3 per cent said no and 44.4 per cent said yes, which is a difference of 383,397 votes on an 85 per cent turnout. That is not a trouncing.

I am rather bewildered by the discussion today about the so-called vow and whether in fact it was "flimsy" and "meaningless". It is turning out to be pretty flimsy and meaningless, from what has been said in the chamber today. However, it is widely claimed that the authorised intervention of Gordon Brown, who even reviewed a David Cameron referendum speech, is credited with moving the yes to a no in the last days of the referendum. On that basis, it must be accepted that, in that 55 per cent who voted no, there were many who were voting for something that the UK had vetoed for the ballot paper: a more powerful Scottish Parliament.

The political parties should accept that any devolved settlement must be at the higher end of devolution, which would reflect that 45 per cent yes vote and those pre-referendum promises. I therefore cannot comprehend why the Labour Party's submission to the Smith commission is from its devolution commission and is dated March 2014. It takes no account of what happened during

the course of the referendum debate or of the results, or indeed of the Brown so-called vow. It is so timorous as to be risible, if not contemptuous of the vote. Mind you, I have no idea, even after today's debate, of what the Labour Party's current position is on its submission to the commission.

The Tory Strathclyde recommendations also predate the vote. Although I note that Ruth Davidson has emphasised that they are a floor and not a ceiling—that view has been endorsed today—I wait to see how high that ceiling is. I have to say to the previous speaker that the less on the Liberals the better. Frankly, the self-pronounced party of federalism lost its way to federalism a long time ago.

I turn to the exhortation of Lord Smith that no agreements should be announced in any policy area until consideration has been given to submissions from the public. He has also said that he wants a “substantial and cohesive” set of further powers. To that end, I have consulted my constituents, who include Lord Smith, although I do not expect to have a response from him. The survey asks about a wide range of powers that could be transferred to the Parliament, with room for individual comments. It is not biased and has been approved by the Parliament's allowances office. I wish that more members had done the same.

The responses are coming in thick and fast. The summary of the hundreds of responses to date is that 5 per cent want no change and 95 per cent want more powers. A substantial proportion of the 95 per cent want a high range of powers to be transferred. For example, in the range of 80 per cent of people want powers on personal tax, corporate tax, VAT, welfare and benefits, pensions, broadcasting, health and safety, immigration, climate change, energy and telecommunications such as broadband. At the lower middle range come defence and foreign affairs, with defence at 55 per cent and foreign affairs at 58 per cent.

For me, that reflects the position that we find in other surveys that have been done. Mine is a very open survey that does not ask people how they voted—it does not care about that—but which seeks their views and encourages them to submit them. All the responses, not edited or summarised, will go to the Smith commission.

We must be clear that there must not be any stitch up by politicians or political parties. If my mailbag is anything to go by—let alone the 1.6 million independence voters and the many people who voted no but who want substantial powers—tweaking is simply not on the cards. The debate in the referendum was about powers for a purpose, as the Labour Party submission to the commission

puts it. People wanted a socially just Scotland that reflected Scottish values, and they still want that.

This is a grown-up Parliament—I have been here for 15 years now—and my constituents want it to be a grown-up Parliament with grown-up powers. That is what my survey tells me and, frankly, that is what the other parties should be listening to from their constituents.

15:53

Malcolm Chisholm (Edinburgh Northern and Leith) (Lab): I like to agree with the Deputy First Minister whenever possible so, like her, obviously I welcome the new standards in participative democracy that we saw during the referendum. I hope that the wider public will be meaningfully involved in the Smith deliberations, and I believe that we must have enhanced democratic and financial accountability at the end of the process—I hope that that will be the case. It is perhaps not an astounding revelation to say that I am quite open-minded about going further than my party's recommendations, but I think that they are a stronger set of proposals than many members have suggested in the debate. I am glad that Sarah Boyack emphasised the importance of double devolution from our point of view.

John Mason (Glasgow Shettleston) (SNP): I wonder whether Malcolm Chisholm might go further and talk about triple devolution. Glasgow City Council, for example, is very centralised, and we need to bring power down to the communities.

Malcolm Chisholm: I have supported that position for a very long time.

It is no surprise that the Scottish Government has presented devo max proposals. I said months before the referendum—it was fairly obvious, really—that the SNP would, in the event of a no vote, become the champions of devo max.

I object not to that, but to the specific devo max narrative that the SNP has developed systematically over the past six weeks. I give the party some credit, as all its members have been saying the same thing for six weeks, but the reality is that not one person in any of the parties that are opposed to independence used the term “devo max” either in the last week of the referendum campaign or at any other point.

I re-examined the vow this week—

Annabelle Ewing: Will the member take an intervention?

Malcolm Chisholm: I cannot just now, because I am already two minutes in and I have already taken one intervention.

The vow refers to

“extensive new powers”;

“sharing ... resources equitably”;

“the continuation of the Barnett allocation”;

and a

“say on how much is spent on the NHS”.

Gordon Brown has been invoked in the debate today. He spoke about home rule, which is discussed in the Labour Party’s submission to the Smith commission. He also spoke about federalism, on which I can do no better than quote John Mason, who intervened on me a moment ago. He said at the Finance Committee:

“Am I right in thinking that federalism does not define the amount of power that is down at the individual state level and is more about how the structure works?”—[*Official Report, Finance Committee*, 8 October 2014; c 21.]

I do not know where the idea that there was some promise of devo max or anything like it in the last week of the campaign came from, but I seriously object to the way in which that has been implied by the SNP in the past six weeks.

Jim Eadie (Edinburgh Southern) (SNP): Will the member give way?

Annabelle Ewing: Will the member give way?

Malcolm Chisholm: I give way to Annabelle Ewing.

Annabelle Ewing: Malcolm Chisholm will be aware that the vow itself refers expressly to “extensive new powers”, and that it was signed by the UK Prime Minister, the UK Deputy Prime Minister and the UK leader of the Opposition—we do not have one of those in the Scottish edition in the chamber today.

Would Malcolm Chisholm care to say what he feels is meant by a vow of “extensive new powers” as signed by all three unionist party leaders?

Malcolm Chisholm: My speech is about that. I believe that we all agree with extensive new powers; I am simply making the point that that does not equal devo max as the SNP has defined it. We should accept the correct definition, because there has been confusion in the past over different meanings of the term.

One problem with devo max is that it stands in opposition to what we regard as a fundamental principle of the devolved settlement, which is the pooling of resources and risks.

As was mentioned often in the referendum campaign, pooling resources and risks works to our advantage. For example, we benefit on pensions by getting more for our population share, and the proportion will increase in the future. I could give many other examples of how such pooling of resources helps Scotland.

The settlement is also about pooling risks. If there is an asymmetric local shock to the system, we would, as David Bell discussed at the Finance Committee on 8 October, be supported by the resources of the entire UK with regard to our welfare in such an event.

Many people have commented on the crash in the oil price in recent months. Once again, that is covered when we are part of the UK, whereas it would have a devastating effect on a Scottish economy that was either independent or devo max-dependent.

The only example that anyone can give of devo max operating anywhere in the world is the Basque country. Once again at the Finance Committee on 8 October, David Bell pointed out the fundamental difference between the Basque country and Scotland with regard to the strength of our economy.

Nicola Sturgeon majored today on job-creating powers, but again the gap is not as great as some individuals are saying in relation to what is up for grabs. Even under independence, we were not going to get many job-creating powers, such as the power to vary interest rates. On the other hand, we already have great job-creating powers through economic development, skills, education, infrastructure and investment.

The Scottish Trades Union Congress says that there are not as many issues as the SNP has suggested, and it has proposed the devolution of health and safety and of labour market regulation. I am certainly quite open-minded in that regard.

We all agree that we have to do something about the high vertical fiscal imbalance, whereby we are responsible for a lot of our spending but not much of our resources. The key flashpoint in that respect is income tax. I respect what Gordon Brown has said about that, but I note what the red paper collective says about devolving all income tax to allow the Scottish Parliament more flexibility to create a progressive tax system. That idea is quite appealing to me; I imagine the Conservatives also support the full devolution of income tax, but for other reasons.

There will be a genuine debate about that and I do not think that anyone is foreclosing on the conclusion to that debate. I do not know what people expect the Labour Party to do today apart from to come forward with the proposals that it has put to the Smith commission, but I am sure that many people in the Labour Party, as in other parties, are open-minded about the conclusion of those deliberations.

16:00

Roderick Campbell (North East Fife) (SNP):

Like others, I welcome the appointment of the Smith commission and wish it well with its task. Whether it be devo max, home rule, federalism or “extensive new powers” as indicated in the vow, what its outcome cannot be is some slight tweaking of Calman and a bit of air passenger duty here and more income tax there, as if that would be satisfactory.

To Murdo Fraser, who spoke in such disparaging terms about the vow, I say that it is a shame that he did not make those comments before the referendum.

Murdo Fraser: By no means was I disparaging; I simply said that the vow was “so-called” because it was only the *Daily Record* that described it as a vow.

Roderick Campbell: Now we seem to have moved on from insulting the general principle to insulting the *Daily Record*. The *Daily Record* should take note.

The status quo was the big loser in the referendum campaign. Only a radical change to the financial and democratic accountability of this Parliament and the acquisition of welfare powers will meet public expectations. It needs to be something that goes beyond the abolition of the bedroom tax, welcome though that is.

I accept that, to the unionists, pooling of resources and risks remains an article of faith, as we heard from Malcolm Chisholm just now. However, I suggest that that needs to be balanced against the desire to set our own priorities. The need to establish what powers should be exercised is a precondition for a successful settlement. With respect to our opponents, simply to obsess about whether the Scottish Parliament is able to raise the majority of its expenditure is the wrong way to look at it.

I spent part of the recess reading Gordon Brown’s book “My Scotland, Our Britain”, which is silent on that question. However, with others, he has shown a new interest in the assignation of a proportion of VAT receipts to the Scottish Parliament. That strikes me as a step forward. It is not a huge step, but it indicates that there is some fresh thinking, at least on Gordon Brown’s part.

The Labour Party has, of course, been criticised for its timidity on income tax and there is a strong feeling that its devolution commission was watered down from the interim proposal; a fact that was confirmed by the Labour MP Michael Connarty on “Good Morning Scotland” at the weekend. Without wishing to add fuel to the fire, I feel that it is not a great help to the commission for Labour to be missing its leader in Scotland. The Smith

commission needs a Labour Party that can move forward, and for the good health of the commission, its representatives need to accept that an insistence on the lowest common denominator, or the poorest commission, would, as Henry McLeish described it, be a bitter disappointment. The Labour Party needs to recognise that, whatever its interest in the result of the UK general election in 2015, Scotland expects delivery, although I accept that, without a leader, the Labour Party is perhaps not in the best position to take matters forward.

I was surprised that English votes for English laws does not feature in Gordon Brown’s book in any meaningful way and, indeed, that following the referendum campaign, David Cameron’s attempts to seek party advantage on behalf of the Tories seemed to be such a shock to Gordon Brown. Had he forgotten that that was one of the failings of the Scotland Bill in 1979 that was raised by Alec Douglas-Home? Indeed, opposition to the first Irish home rule bill in 1886 raised the same issue. I can, however, agree with those who accept that English votes for English laws should in no way undermine the efforts of the Smith commission to get more powers.

What of the Tories? They were on the wrong side of the referendum debate in 1997 and drew a line in the sand with Calman, but now they embrace the devolution of income tax bands and rates under Strathclyde while Ruth Davidson insists that devo max, as most people understand it, is off the table. All I would say is that there is no such line in the sand as David Cameron seemed to suggest last week. Although the Tories have two redoubtable representatives on the Smith commission, some humility about past mistakes might be appropriate.

The Lib Dems are, of course, veteran home rule-ers. However, Scotland remembers that they were unable to deliver proportional representation—their great constitutional issue—at Westminster, or indeed reform of the Lords. While support for devolving some taxes beyond income tax is to be welcomed, why are they so timid on welfare and other matters? What about the unelected House of Lords? What guarantees do we have that a Smith commission proposal will be agreed there? We are right to be wary of that.

I am pleased that my party is engaging in a positive way with the Smith commission. I particularly welcome the emphasis on powers for a purpose. Notwithstanding the result of the referendum, a key test of an empowered Parliament will be how it succeeds in reducing inequality in our society. The neo-con model of the minimal state—no Government interference unless absolutely necessary—is even under assault in America where, in mid-term elections,

the biggest domestic concern of voters would appear to be the ever-widening gap between rich and poor.

Whatever the merits of low corporation tax, I recognise that getting large corporate firms to pay any tax at all is increasingly difficult. That will require international action but in no sense can it really be suggested that without control of defence, foreign affairs, and the currency—dare I say it—we can somehow achieve independence by the back door.

How far and how long Scotland's constitutional journey takes us depends on the Scottish people themselves. Circumstances will dictate the pace. Of course, that veteran Irish nationalist Parnell said in 1885:

"no man has the right to fix the boundary to the march of a nation".

Although independence is not on the agenda at present, let us not predict the future today. We need a settlement that commands widespread support. The referendum campaign went well beyond parties and beyond the representatives of civic Scotland to ordinary men and women.

I am aware of the concerns of civic Scotland—the STUC, the Church of Scotland and the Electoral Reform Society—about its need to participate, but please, let us not end up thinking that this process is just for the political parties, with civic Scotland having some kind of veto.

I welcomed Annabelle Ewing's comments and I will be very interested indeed to see how many individuals make their own submissions to the Smith commission. The commission seems to have made a good start and I wish it every success.

16:06

Alex Rowley (Cowdenbeath) (Lab): I, too, welcome the debate. I would welcome it if we could have unity in the Parliament, so that representatives of the different political parties could work hard and work together to ensure that we reach a decision that is in the best interests of Scotland and can go forward with unity.

I welcome the fact that Nicola Sturgeon's position is that the SNP might not get everything that it wants. I think that each party has to accept that—Labour has to accept it. I certainly take the view that Labour's post-referendum submission was timid, to say the least. I want to see Labour being willing to negotiate its position, therefore that submission should certainly not be seen as a ceiling in relation to how we move forward.

Kevin Stewart made a point earlier about controls and powers. The danger is in beginning to talk about what powers we would want here when

that is the job of the Smith commission. However, Kevin Stewart made the point about control over the administration of elections in Scotland and that should absolutely be a power that we should hope to achieve. We should be clear that, as part of that, 16 and 17-year-olds would have the vote in future Scottish Parliament elections and in local government elections. I hope that we will be able to persuade the UK Government that that is the right thing to do, given the result that we saw in the referendum itself, so I very much welcome that point.

My view is that the Smith commission, regardless of what it comes up with at the end of the day, is not an end in itself. As the late Donald Dewar said, devolution is a journey. We are on that journey and the commission is part of that journey. My view, as a member of a Labour Party for home rule in Scotland, is that, as we move forward, we should be taking what other powers we need to ensure that Scotland is able to move forward in a sustainable way that ensures prosperity for all in Scotland. For me, the commission is not the end of the road.

I want to pick up on a few points that Nicola Sturgeon made. She mentioned setting out the principles of what we are trying to achieve, including a fairer society and job creation. Powers must be powers for a purpose and, if we look at Scotland right now, there are powers that we are not using right now. If we are trying to tackle unemployment, poverty and deprivation, that is not just about having powers to bring jobs to Scotland; it is about ensuring that people in communities right across Scotland are able to get those jobs. When we see the types of policies that are being brought forward right now—the massive cuts and the denial of college places to young people—we see that those are all issues that we need to address right now.

We should not pretend that whatever the Smith commission comes up with will be the panacea. One of the briefings that came out today made it clear that politicians need to have the will to use the powers. We are not using the powers that are in our hands in this Parliament right now to create full employment for young people and for people across Scotland. We need to do that.

On democratic accountability, Nicola Sturgeon said that surely we in this Parliament can be trusted to have the powers that we need. Surely we can, but surely local councils can also be trusted to have the powers that they need to tackle issues in local communities. What we have seen over the past number of years is a centralisation of powers to this Parliament, whereby local authorities are unable to tackle a lot of the issues out there. We need to look at that.

Bob Doris (Glasgow) (SNP): I have listened carefully and with interest to Mr Rowley's speech. He mentioned powers for a purpose—a phrase that we have heard quite a lot. It is estimated that 100,000 children have been pushed into poverty. Many of my constituents would welcome having power here over aspects of the tax credit system, because the reforms to that system have pushed many families into poverty. Many of my constituents who voted no would also welcome that power being devolved. Is Mr Rowley open-minded about more detailed and deeper aspects of the welfare system being thoroughly devolved to this place to protect our most vulnerable constituents and families?

Alex Rowley: I would say two things in response to that. First, the previous Labour Government lifted more than 200,000 children out of poverty in this country, which demonstrated that that can be achieved when there is a political will to do it. Secondly, I do not believe that the way to lift people out of poverty is to increase benefits; the way to lift them out of poverty is to give them jobs so that they have the independence to be able to provide for themselves. The way to do that is to look at a policy of full employment in Scotland, rather than to cut the college budgets and deny young people the opportunities of skills and training. We need to be more ambitious. The education secretary is sitting on the Government benches. We need to look at vocational education as well as academic education. We need a radical programme for Scotland. We already have a lot of the powers in place to be able to do that. We have more powers coming in 2015, which we need to use for the purpose of tackling poverty and inequality, as well as the powers that will come through the Smith commission.

I do not support the idea of 100 per cent of income tax being devolved. I see that as a Tory trap; it is being used by the Prime Minister for other reasons. I certainly believe that we should be looking at devolving 75 per cent of income tax to the Scottish Parliament. We should then be able to look at devolving 50 per cent of VAT revenues to the Scottish Parliament, making that move cost neutral and creating the opportunity for 54 per cent of spending in 2016 to be controlled by this Parliament. No doubt those discussions will continue within the Smith commission. I certainly welcome the view within the Parliament that people go into the commission with an open mind. Remember that it is about powers for a purpose, and let us start using the powers that we have.

16:13

Stuart McMillan (West Scotland) (SNP): I am delighted to be speaking in the debate. The Smith commission has an opportunity to help to bring

forward proposals for real substantial powers for this Parliament. It has the opportunity to take this Parliament and the people of Scotland forward by plugging some of the gaps and the democratic deficit that currently exist. I believe that it will do that; I believe that it will produce a report that contributes to that. I am sure that every party on the commission will fight its own corner and put its own case but, at the same time, will compromise to allow a report of substance to be produced.

However, there are limits to what the Smith commission can achieve. First, given the short time frame—which was not of the making of those on the SNP benches—can it take full cognisance of civic Scotland and the wider population? Secondly, where is the guarantee that the report from the commission will be implemented in full and will be unamended at Westminster?

I believe that the Smith commission must look at two key issues. The first is what powers can be devolved to Scotland to bring about real social change to help us to create a stronger economy, with more jobs, while protecting public services; and the second is how to tackle inequality within our country. To do either of those two things, the commission must build on the active engagement of the people of Scotland that we witnessed throughout the referendum campaign.

As democrats, we should all be proud of the unprecedented levels of voter registration, engagement and participation in the referendum. The result did not go the way that I wanted it to, but that does not mean to say that I do not recognise positives from the process. We cannot let that level of political engagement simply dissipate and disappear. We all have a duty to do what we can to encourage everyone to retain their interest and participation in the political process.

It is clear that the electorate voted for change. Politicians from both sides of the debate have acknowledged that point and, indeed, promises made before the referendum indicated that the status quo was no longer viable. In his pre-referendum speech in Aberdeen, the Prime Minister stated:

“‘Business as usual’ is not on the ballot paper ... The status quo is gone. This campaign has swept it away. There is no going back to the way things were.”

We also know from various surveys that the majority of voters want change. They do not want to go back to the old business-as-usual style of politics. They, and we, need real change that impacts on the everyday lives of voters, their families and the communities throughout Scotland. The vast majority of the Scottish people now expect and demand that more powers come to the Scottish Parliament. That is what the majority of the no campaign offered and that is what is anticipated.

The *Sunday Herald* published a survey that indicated overwhelming support for new powers—from all taxation to welfare and benefits; from devo max to broadcasting. The simple fact is that the people of Scotland are now more politically aware and active than ever before and it is time to deliver for them. The Electoral Reform Society Scotland also highlights that point. It stresses that

“there is a vital component missing in the process designed for the Smith commission which fails to reflect the levels of engagement we saw during the referendum campaign. That component is the Scottish people.”

The commission should consider each and every avenue to find a way to maintain the level of public participation that we saw in the referendum.

The deadline for public comments to the commission is this Friday. I am sure that colleagues across the chamber have already been doing what they can to encourage people to make submissions, but the commission should do everything in its power to engage with the public and civic society. The Electoral Reform Society Scotland makes a valid point that the public should be more closely involved. Its suggestion of a citizen-led process to test the outcome of the Smith commission discussions should be considered.

If the Smith commission is to do its job properly, it must take on board the promises made to the Scottish people by the no campaign. It must ensure that those promises of effective home rule, devo max or federalism are the end product. The new powers that we get need to help us to create new jobs, protect our public services and tackle inequality throughout Scotland. The main political parties have already stated their positions, but we must also take into account the views of the Scottish public.

Duncan McNeil (Greenock and Inverclyde) (Lab): Is the member suggesting that there should be a referendum on the conclusions or proposals of the Smith commission?

Stuart McMillan: I am suggesting that we listen to the public, because that is important in a democratic process. We need to talk to the public and, if Mr McNeil does not want to do that, that is a matter for him.

We need to ensure that we have not only responsibility for a range of powers but the resources to ensure that we can make a positive change. We need to ensure that we control as many of the levers as possible.

On 8 October, during the debate on Scotland's future, I asked Gavin Brown if he could guarantee that what the Smith commission produces will be enacted in full by Westminster. He could not provide that guarantee and that is the point. Power lies at Westminster and the timetable offered by

the UK Government means that the bulk of the parliamentary scrutiny will take place after the Westminster elections next year. Who knows who will be in power at that point and what dynamic there will be in the political process?

A strong report from the Smith commission will give us the chance to have something meaningful for this Parliament and the people of Scotland. A strong report that reflects the promises that were made during the referendum campaign will maintain the pressure on Westminster. I believe that we will get that report but I am less convinced that the Westminster elite will not water it down as it goes through the parliamentary process at Westminster.

16:19

Christina McKelvie (Hamilton, Larkhall and Stonehouse) (SNP): We have heard many ideas about what powers should come to this Parliament, and the consensus term of the day seems to be “powers for a purpose”. This country of ours is going through the most amazing transformation. From fantastic debates in communities, in schools, on buses and in parks, to discussions in every walk of life, the future of Scotland is the topic of debate. What is being debated, and will continue to be debated, is the issue of what Scotland needs in order to be a fair, prosperous and innovative nation.

Responsibility to deliver on that has fallen to all of us. Our representatives on the Smith commission have a tall order to deliver, but it is one that I think is vital to the prospects of our people. There is no one I know who does not know what devo max means. That is incredible: we have the most politically educated electorate on the planet. There is no chance of pulling the wool over our constituents' eyes—no chance whatever. Lord Smith, who I have worked with on the future of the University of the West of Scotland, has a tough job, but it is one that I think he can handle with great skill and humility.

The question is, what powers are we talking about? There are many areas that we could focus on, but I want to focus on just a few of them today. The first is welfare. One of the enduring themes of the referendum debate has been the impact of poverty on the people of Scotland. The vision of common weal—I urge those who have not read it to do so—focuses strongly on what we need to do to bring the issue of poverty to the fore and deal with it. Many civic organisations focus on that, too. One of the main questions that came out of the debate was this: how do we make our people less impoverished and more advantaged, and how do we give them the opportunities that they need to do that? Nothing short of full devolution of welfare will do if we are to tackle the inequality in this, the

third most unequal country in the developed world. Devolution of all benefits—not just housing benefit—and the associated capacity assessments would allow the Scottish Parliament to address the hardships that our people have endured, and continue to endure.

Equality and human rights is another area that I wish to focus on. Given the lurch to the right of Westminster on human rights, it is imperative to protect the hard-fought-for rights that we have. The Scottish Human Rights Commission needs to get on with its work to protect and enhance our human rights. Scotland leads the way and is a beacon for the rest of the world on this subject, with Scotland's national action plan for human rights.

Kevin Stewart mentioned the right to vote at 16, which I championed before the referendum. That is fundamental to our democracy, and we have seen how well our young people took part in the process.

That leads me to another key power that needs to be devolved and is intrinsically linked to human rights; we need power over immigration and asylum to be devolved to the Scottish Parliament. We need to address the demographic needs that we have in terms of skills shortages and in relation to academics in our universities. We need to get away from the dog-whistle politics of all the Westminster parties in relation to those who are seeking sanctuary and legitimate work and study in our country. That will enable us to get on with our good anti-trafficking work and get away from the anti-EU rhetoric that is coming from Westminster.

On top of all of that, employment law legislation and health and safety at work legislation should be devolved. I am sure that our trade unions would relish having those laws brought to this place.

The most important currency that we have is our people. Empowering our people means ensuring that people do not rely on in-work benefits. That takes me back to the key point: ensuring that this Parliament can deal with poverty in all its forms, which means devolution of the powers over the minimum wage, which would enable this place to ensure a fair day's pay for a fair day's work. This place should decide that. A priority for us all should be the question of what we pay our people for the work that they do for our nation.

At the start of my speech, I asked what powers should be devolved, but maybe we should be thinking about the issue from the opposite point of view. Murdo Fraser and, perhaps, Malcolm Chisholm might not like this suggestion, but maybe we should be thinking about the few powers that should possibly be shared rather than about what should be devolved. The general

public—in other words, our constituents, including Murdo Fraser's and Malcolm Chisholm's—know exactly what devo max means. In fact, if my information is correct, the phrase was coined by a previous Secretary of State for Scotland, so it is not a nationalist con or a nationalist myth. People know exactly what devo max means. Let us not pull the wool over their eyes.

Let us get on with it. Let us work with the Smith commission and do what the people of Scotland want. I believe that 10,000 people have contributed to the Smith commission so far. The people of Scotland are awake. They will not go back in the box. They will not give up their voice now that they have found it, and neither should we, on their behalf. Let us work for the aspirations of the most important aspect of this debate—the people of Scotland. The people should be heard.

The Deputy Presiding Officer (Elaine Smith):

If members have electronic devices on, could they ensure that they are on silent please?

16:26

Siobhan McMahon (Central Scotland) (Lab): I am pleased to have been asked to participate in this afternoon's debate on the Smith commission. As other members have said, the referendum result could not have been clearer; the people of Scotland have spoken and they have said that they wish to remain in the UK. However, the result does not mean that they want the status quo. There is agreement on all sides of the chamber about that. My constituents and others wish to see a stronger Scottish Parliament within the UK. I agree, and I am sure that the Smith commission will deliver that.

I am excited by the process—not necessarily because of the promise of new powers for this Parliament, but because everyone who has an opinion on what is best for Scotland and the UK has the opportunity to have their say and will have their voices heard. Although that does not mean that everyone will have their proposals accepted, I hope that the debate makes us think about the country that we want, and that it will allow us to be open to new ideas.

I fully agree with the proposals that are set out in the Scottish Labour paper—in particular that the Scottish Parliament should become permanently entrenched in the constitution, that partnership arrangements should be given a legal existence, that the Barnett formula should remain as the funding mechanism for public services in Scotland, that housing benefit should be devolved to the Scottish Parliament, and that enforcement of equalities legislation should become a devolved matter.

However, I have taken the opportunity to submit my own proposals. I know that not everyone in my party will agree with the proposals but it is something that I have been working on for some time, and I believe that the Smith commission allows me the opportunity to put my ideas out in the public forum for discussion. I have suggested that the entire equalities portfolio be devolved from Westminster to Holyrood. When that suggestion was made in 1997, it did not gain support from Labour or the Conservatives. The Tories suggested that the proposal would undermine the level playing field for business across the UK and that everyone within the UK must enjoy the same protection under anti-discrimination law. That position is no longer tenable.

As members will know, I have been a member of the Equal Opportunities Committee since my election in 2011. I have become increasingly frustrated by the lack of real engagement on the part of the Scottish Government, equalities bodies and others with regard to the subject; over the past three years, I have heard every excuse for not doing something purposeful. That led me to research what other countries that are similar to Scotland have done in the area.

In particular, I have looked at Northern Ireland. I suggest that it is an example that Scotland should aim to follow. I recognise that the circumstances in Northern Ireland were very different when the devolution of that portfolio took place, but I believe that it can be used as a model for us here in Scotland. As a result of the Stormont settlement, responsibility for equalities there lies with the Office of the First Minister and Deputy First Minister. As a result, the Northern Ireland Assembly has been able to legislate on age, disability, gender, race and ethnicity, religious belief, political opinion and sexual orientation discrimination. With respect to EU legislation, it is the responsibility of Whitehall to inform the Northern Ireland Government of any responsibilities that that may mean for devolved matters. UK ministers retain the power to intervene to ensure that the legislature complies with EU directives.

Its position of having a distinctive body to legislate has enabled the Assembly to consider other avenues that would potentially widen equality. The Northern Ireland Human Rights Commission has raised issues to be examined by the United Nations Committee on the Elimination of Racial Discrimination, including the rights of non-citizens to social protection, sectarianism as a form of racism, discrimination and racist hate crime in Northern Ireland, internal immigration control and racial profiling, and the situation of Irish Travellers.

The Belfast agreement gives provision for the Northern Ireland Human Rights Commission to be consulted and to advise on Westminster equalities legislation—particularly that which is being done due to a push from the Equality and Human Rights Commission to reflect on the particular circumstances of Northern Ireland. Again, we should do something similar in Scotland.

There is broad support for the change across civil society. The Law Society of Scotland and Stonewall Scotland argue that discrimination law should be devolved because it is closely linked to devolved matters. The Scottish Council for Voluntary Organisations has suggested that some issues, such as sectarianism, are more pertinent in Scotland than they are across the UK. That sentiment is agreed to by Unison and the Educational Institute of Scotland.

The Equality and Human Rights Commission notes that it would be possible to have separate Scottish equality law in devolved areas such as housing and health, and that the Scottish courts and a Scottish equality commission could enforce that. In some legislative areas primacy would remain at Westminster, but it should still be possible to have a distinct Scottish equalities position.

I understand that there will be many pitfalls to devolving that particular portfolio and it is not an area that could be devolved quickly. I believe that the Smith commission should do what is right by the people of Scotland and the people of the rest of the UK. Therefore, I would not wish my proposal to have a detrimental impact on either section of the population.

I urge the Smith commission to have a serious discussion about the proposal. If it believes that it could not reasonably argue for the complete devolution of equalities to Holyrood, it should look to expanding our powers in this area. We already have public sector equalities duties, so I suggest that we be given the power to establish further duties, for example one for socioeconomic factors. That would allow us to judge Government policies, such as the council tax freeze, and to see the real impact that they have on our communities. If that was done and if we were granted powers of enforcement we could begin to be serious about equalities legislation in Scotland once again.

16:31

Jamie Hepburn (Cumbernauld and Kilsyth) (SNP): The campaign that each of us has engaged in over past months has seen the unleashing among the wider public of huge interest in the direction of our country. A massive amount of energy has been created, which I believe will lead to people being far more involved

in the civic and political life of Scotland than has been the case for some time. Thousands have made submissions to the Smith commission, which testifies to that energy.

Although I have to acknowledge that the will of the people was not for independence—although my area voted yes—I caution any person in this chamber against using terms such as “the settled will of the Scottish people.” Drew Smith used that term and his party seems to be keen on using that term, but it ill behoves any of us in this chamber to say to the people what their will—settled or otherwise—might be. The people will determine the future of our country and they will express their will. I will try to return to that theme a little later.

I turn to where the Smith commission might take us. It is clear to me that there is great appetite for this Parliament to become equipped with significant additional competences. During the referendum, 1.6 million people voted for independence, which self-evidently would have equipped this Parliament with greater powers. We know, through the Ashcroft poll, that 25 per cent—one in four—of no voters voted no because they believed that it would lead to extra powers for this Parliament. A Panelbase poll showed that 66 per cent of people support devo max, 71 per cent believe that Scotland should have control of all taxation that is raised in Scotland, and 75 per cent believe that this Parliament should have control of the welfare and benefits system.

In my area there is even greater support. I can say that because I have conducted my own survey on the issue. That was not to keep Christine Grahame happy, although it is a happy coincidence that it will. Thus far, responses show that over 90 per cent of people believe that all taxation should be controlled in the Scottish Parliament, 86 per cent support devo max and 88 per cent believe in having control of the welfare and benefits system. That has been informed by the experience of the referendum campaign.

The three unionist parties’ vow was a significant intervention in the referendum. Murdo Fraser described it as a “so-called vow”. We so call it because that is how it was presented. It ill behoves anyone to suggest that that was a so-called vow, when it was clearly presented as a vow to the people of Scotland. I have been concerned about the response of the unionist parties since the time when the vow was made. We saw the motion that was tabled at Westminster that did not refer to certain aspects of the vow, including the Barnett formula or the Scottish Parliament being made permanent.

I am certainly unconvinced that those parties’ submissions to the Smith commission meet the standards of the substantial devolution that was committed to in the vow. On that basis, when we

hear from the Conservative Party that its proposals are a floor and not a ceiling, I hope that the Smith commission can look to meet the real aspiration of people across Scotland for the Parliament to be equipped with serious new powers that can make real differences to the lives of the people whom we represent.

I certainly hope that that desire is not interpreted as binding the hands of those on the commission, which seems to be of great concern to Tavish Scott. Just as those of us who campaigned for a yes vote must accept the referendum result, so should those who campaigned for a no vote accept that there is significant support for substantial devolution of further powers. Whether or not they refer to a so-called vow, I believe that people understand that to be a commitment to them.

Sarah Boyack talked of a desire for “powers for a purpose”. I very much agree with that perspective, which is why I believe in independence. I believe in independence so that the Scottish Parliament has powers for the purpose of making Scotland a fairer country, but we are not in that territory.

The powers that I would like to see invested in the Parliament include control of electoral administration. We can give 16 and 17-year-olds the vote. I saw that the SCVO supports the view that 16 and 17-year-olds be given the vote, and the Electoral Reform Society said something similar. Given the conduct of young voters throughout the referendum experience, surely no one is seriously questioning their right to have a vote.

We should also have tax and welfare powers to challenge the deep-seated inequalities that we see in our country. In the recess, Save the Children published its poverty map, which showed that one in four children is living in poverty in eight local authority areas in Scotland; indeed, the figure in Glasgow is one in three. If we have real powers to begin to tackle that particular social ill, we can do something that is worthy of the Parliament.

I hope that the sovereignty of the people will be recognised as part of further devolution and that that can be invested in the Parliament, which is answerable wholly and solely to the Scottish people.

I do not have much time, so I will conclude quickly. I echo the point that was made by my colleague Stuart McMillan. It is essential that, whatever comes out of the Smith commission, the people of Scotland are involved in that process. If the energy that I spoke of earlier were not harnessed and the will of the people, which has been talked of, were ignored, that would be a

travesty. I hope that the people can be involved in the process.

16:37

Jean Urquhart (Highlands and Islands) (Ind):

I welcome the Smith commission, and I welcome this debate very much. I am pleased to hear that it is generally welcomed, in spite of challenges about its predicting outcomes or somehow trying to influence the Smith commission. It would be passing strange if we did not debate the topic.

For me, one of the important and central themes of the referendum at the time of the great debate was recognition of our battle against poverty in Scotland. In general terms, the Parliament has a responsibility to redress the consequences of poverty and inequality issues and policies from elsewhere—homelessness, illness, crime and unemployment—but it has very limited powers to prevent those consequences.

It is no longer sufficient for the Parliament to mitigate the effects of an austerity programme that has no mandate from Scottish voters. I believe that the Scottish people have the right to choose our own political, economic and social direction, and that means that the Parliament must have powers in areas such as workers' rights, social security and inequalities, in order to set that direction.

We have a strong record on equalities in the Scottish Parliament, but the powers that we have to build on that are limited. After the success of votes for 16 and 17-year-olds, which many other members have mentioned, it is impossible to justify taking that right away, but that will happen unless we are granted the power to reduce the voting age for all elections.

In this Parliament there is also a strong belief in improving the representation of women. There is cross-party support for the women 50:50 project, which seeks legislation to improve the gender balance of the Parliament, but we have no role in legislating for the election of MSPs. Therefore, as things stand, we would have to beg Westminster to fulfil that ambition for us.

The impressive political participation of 16 and 17-year-olds and the drive for equal representation are symptomatic of the surge of public engagement in the future of Scotland that has accompanied and followed the referendum, on both sides of the debate. That has been celebrated by all parties. By contrast, those who want real engagement in UK politics have been forced to occupy Parliament Square in an attempt to be heard and have been met with intimidation and even violence by the authorities.

The Scottish people will not tolerate the promises of radical devolution being buried under the impenetrable elitism and grubby cynicism that the establishment has employed at Parliament Square. If the process is to meet the expectations of the people of Scotland, it absolutely must be undertaken in the spirit of the referendum campaign, with all the passion, ambition and messy participation that that implies.

It is important that we recognise how we have arrived in this place: without the Scottish people and the voters of Scotland, albeit in a great deal smaller numbers than the 84 per cent who voted in the referendum, we would not have the Scottish Government that delivered the referendum. The referendum has been seen to be one of the most amazing events in Scottish history. Let us not forget or walk away from that. It is no good saying that the no result is the settled will of the Scottish people when the outcome saw almost 45 per cent of the voters declare for independence.

We must accept that for people to come that distance was a massive achievement. Many people voted no and yes for very different reasons. However, it seems to be clear that the Smith commission's challenge is to make sure that real powers are delivered for the Scottish Parliament in order to make the difference and to recognise that none of the policies stands alone. We cannot watch policies on employment and welfare at a distance and expect those policies not to have an effect on the powers that are devolved. For example, the health service is affected by those policies. Therefore, the issue is not all about income tax—in fact, it might not be even about income tax. The powers over other areas of public life are what would really make a difference to Scotland.

16:43

Jim Eadie (Edinburgh Southern) (SNP): As we reflect on recent days' events, there is surely a delicious irony in former First Ministers who spent so much of their time in office looking over their shoulders now asserting the Scottish body politic's independence against interference from the Westminster political establishment. I mention that not through any desire to intrude on the very public grief of the Labour Party in Scotland but simply to observe that that is part of the backdrop to the debate about which further powers should come to this Parliament.

The other important context is the proximity to the referendum. The invigorating, energising and transformative democratic process that we have all lived through and participated in is one that we can all be proud of. We need to harness the energy of the campaign, as Christina McKelvie and Jamie Hepburn said, and to ensure that the

outcome of the Smith commission reflects wider civic society's views. I agree with the Electoral Reform Society's suggestion that we should devolve responsibility for electoral administration and the franchise to the Scottish Parliament, to allow 16 and 17-year-olds to continue to vote in Scottish elections—my colleague Kevin Stewart made that point.

The referendum result demands not only that we respect the result but that we move the debate on to the next stage of Scotland's home rule journey. We do not have to agree that the result is, as Drew Smith suggested, the settled will of the Scottish people for all time to accept that it settles the issue of independence for now.

If we can agree that independence will not be achieved through the Smith commission process, we can also agree that there is a pressing imperative to deliver substantial further powers to the Parliament—as members have said, they are powers for a purpose, which will improve the lives of the people of Scotland. The Smith commission's establishment means that the extensive further powers that the three UK party leaders promised must come to the Parliament if the vow that they made in the closing days of the referendum campaign is to be fulfilled and the expectations of the people of Scotland are to be met.

In the very different context of the struggle for civil rights in the United States, Martin Luther King said:

"Now is the time to make real the promises of democracy."

His words are relevant to our debate. It is surely up to the UK parties to make real their promises now. We cannot and must not return to business as usual.

The debate is not about unionism versus nationalism. It should not be about manoeuvring to achieve short-term party advantage. It cannot be about rerunning the arguments of the referendum. Instead, it must be about achieving maximum unity on the powers that the Parliament needs if it is to improve the lives of the people of Scotland—substantial powers that are consistent with the promises that have been made.

Alex Fergusson (Galloway and West Dumfries) (Con): The member's speech so far, along with many speeches from his back-bench colleagues, tends to suggest that there is no desire among the unionist parties in the Parliament to deliver extra powers for the Parliament. Can he point to one speech by a Labour, Conservative or Liberal Democrat member that suggests that that is the case?

Jim Eadie: That was an interesting intervention, but it did not reflect the views that I have

expressed. When the member has had a chance to read my speech, he might realise that he is commenting on contributions from other members.

I am absolutely of the view that we should seek the maximum unity on the powers that should come to the Parliament. That is the Smith commission's purpose, and the party that I represent is constructively engaged in the process.

Malcolm Chisholm took issue with the demand for devo max, but the same Malcolm Chisholm said on the Labour Home blog on 18 October 2011:

"Scottish Labour must respond by developing a devo max position".

In fairness to him, I should say that he went on to highlight the merits of the devo plus proposal from Reform Scotland, which Duncan McNeil has supported in the past.

I am not fixated—nor are the Scottish people, I suspect—on the language that is used to describe the powers that we seek, whether we talk about devo max, quasi-federalism, home rule or a powerhouse Parliament. The important point is to bring about the transfer of, as the motion puts it,

"substantial further powers for the Parliament",

through a coherent package of powers that will endure and allow us to make a fundamental difference to people's lives. I am confident that progress can be made. The Deputy First Minister set out the need for the Parliament to have control over the range of personal and business taxes, over key economic levers such as employment policy and over welfare and the minimum wage.

I will talk about areas in which substantial further powers for the Parliament could bring benefits. If we all agree that we want greater investment in social housing, can we agree to remove the barriers to investment that arise from the current Treasury rules, to bring about an appropriate financial framework for supporting additional investment? If all the parties in the Parliament agree that the UK's post-study visa regime is significantly more restrictive than the regimes of a range of competitor countries, can we agree that the Parliament should be able to devise its own solution, to suit Scottish circumstances and allow overseas students to work in this country and contribute to the growth of our economy?

If we agree that the roll-out of personal independence payments and universal credit is an attack on the most vulnerable members of our society, can we unite to insist on the transfer of welfare policy to the Parliament? If we agree that addressing low pay is a national priority, can we unite to demand control over the minimum wage, so that the Parliament can increase it annually in

line with inflation and improve the lives of thousands of people in Scotland?

In 1997, Donald Dewar, Alex Salmond and Jim Wallace put aside their differences so that Scotland could move forward. This is a similar moment, when all parties must work together. Let the vital work of the Smith commission continue, and let us achieve the powers for a purpose, so that we can shape and change Scotland for the better.

16:49

Dr Richard Simpson (Mid Scotland and Fife (Lab)): I welcome the opportunity to participate in the debate. It is critical that the Smith commission, in fulfilling its difficult task to a fearsomely tight timetable, holds to a set of principles. The initial pronouncements from the commission in that respect, which have been agreed by the three parties, are a good start. Unless we base the powers that we are to obtain on principles, we will have problems in the future.

We need to recognise that Scotland requires more powers if it is to play its fullest part in a prosperous United Kingdom. However, collectively, in prospering, we need to tackle the poverty, inequality and lack of opportunity that are the norm for too many of our fellow citizens here and across the UK. The powers that we ask for or receive should not damage the United Kingdom. I believe that, rather than proceed with a long list of powers that should be transferred, we should start by looking at each power and deciding whether it would be better held and delivered at a Scottish level. Whether that is at Holyrood, in our communities through local authorities or in our smaller individual communities is a matter that must be debated—I entirely support Sarah Boyack's speech in that respect.

A further principle that has not so far been enunciated is that, when the Scottish Parliament—or the Welsh or Northern Ireland Assembly—chooses a different path, the UK Parliament should be barred from penalising the devolved Parliament. An example of such penalising was seen when Lord Stewart Sutherland's UK-commissioned report on the provision of personal care came out. In the jurisdictions of England and Wales, decisions were reached that awarded funding for attendance at two different levels and for nursing care, while in Scotland we adopted free personal care.

The state subsidies in England were different, but they amounted to almost the same total, yet the Scottish Parliament has lost funding of about £500 million since 2002. I therefore welcome the Labour Party's proposal that attendance allowance in its totality should be transferred to this

Parliament. The principle that we should not be punished is important.

I understand that the Scottish Government's defence for not treating pensions differently, as it indicated that it would have liked to do, is based on the principle that it would have been doubly punished for taking an action that it believed in. We must take responsibility for what we do and must never be in the position of blaming others for things that should lie in our power.

The attendance allowance situation was regarded across Scotland as being unreasonable and unfair, yet the whole area of personal care is fundamental to our future. We have had the Sutherland, Marmot and Dilnot reports and now the Barker report from the King's Fund indicating that health and social care is fundamental to the equity and justice of our society. Each jurisdiction must have the power to try its own solutions and take responsibility for them.

As a public health spokesperson, over the past few weeks I have been in discussions with a number of experts who have concerns about issues that affect our communities differently from how they affect the rest of the United Kingdom. Alcohol, tobacco, obesity and premature death associated with poor nutrition affect the whole UK, but they affect Scotland to a greater extent. The experts believe that, as part of tackling those issues, Scotland should have powers to levy—or not to levy—excise on any food or drink in any way that it wishes.

The different public health issues related to alcohol, tobacco and other food and drink, which result in poorer health and higher obesity rates, mean that they believe that such powers must be transferred—I presume with a reduction in any residual block grant by a proportion that reflects our population share of UK receipts. That raises another principle. When we act on something in our society and that creates a benefit, that benefit should accrue to this Parliament and not to the United Kingdom. That is fundamental to our approach.

The experts quote the example of Canada, where different states have taken different approaches to alcohol taxes for different reasons. At one point, one state had a particular problem with a high-alcohol-content beer. Sales were soaring and there were significant crime and health consequences for communities. That state increased the duty, thereby controlling sales and reversing the problems, while other states chose to tax different types of alcohol in different ways to address different problems. That is an important principle.

Public health and nutrition experts will watch how other nations and states attempt to tackle

obesity and poor nutrition through fiscal measures. While the jury is out on many of the issues in question, Scotland should be free to experiment. Some experts have suggested that our Parliament should take powers over the marketing and advertising of all food and drink, as far as that is possible in the EU.

I hope that the settlement will be stable, if not for the lifetime of younger members, at least—please God—for mine. I hope that the constitutional debate that we have entered into will be conducted in good faith by the different parties. I believe that it will be, although some members' speeches seem to indicate that that will not be the case, which I deeply regret. I think that our representatives will go into the process with an open mind, as will the representatives of other unionist parties. It will take stateswomen and statesmen a great deal of effort to achieve a balanced and united settlement that the Scottish people will accept, and I wish them well in that endeavour.

16:56

George Adam (Paisley) (SNP): I, too, welcome the chance to speak in the debate. I begin by recognising and welcoming the fact that all the parties in the Parliament are together in their aim of securing more powers for the people of this country and strengthening the Parliament. That is our starting point. The important part of the debate is about how many and what powers the Parliament should have.

It will come as no surprise to members that I believe that independence will still be the best way to tackle inequality in Scotland. That is for another day, but the referendum campaign reinvigorated the public and gave them new interest in our politics and hope for the future, which we must take forward.

We must remember that we agreed on a great deal in the many debates that we had during the referendum campaign about the type of Scotland that we want and how to build it, and we must work towards addressing the many challenges that we face. Much was said about areas of multiple deprivation and the need for more powers to deal with such issues. We need to have the powers to tackle those challenges now, so that we can make a difference. In many of the debates during the referendum campaign, I found that I had a great deal in common with many Labour members; we differed only on how to get to the end goal.

Financial and democratic accountability must be enhanced, the ability to deal with inequality must be secured and access to Scotland's resources must be a priority. Responsibility for welfare and benefits should be fully devolved to the

Parliament. It is clear that the Scottish Government should not be using its own resources to combat regressive Westminster policies such as the bedroom tax.

I disagree with Alex Rowley's ideas about job-creating powers. The economic levers to create jobs must be at hand. It is not sensible that employment in Scotland cannot be controlled by this Parliament because the powers are held elsewhere. The economic environment in Scotland is best examined and understood by those here in Scotland.

I welcome what other colleagues have said about the devolution of APD to Scotland. Amanda McMillan, who is the managing director of Glasgow Airport, has said:

"If Scotland is to attract and sustain the routes that will enable it to compete effectively in the global marketplace then it is imperative the issue of APD is addressed. It is a significant barrier to growth and it also makes it extremely challenging to maintain our existing routes."

That is an example of a power that we must get. Businesses in that area, particularly in my constituency, want us to go down that route.

A recent report commissioned by Scotland's airports said that APD was costing businesses 2 million passengers per annum and that, by 2016, APD would cost the Scottish economy up to £210 million per annum in lost tourism spend. That is an important part of our economy, which we must protect. Scotland's airports said:

"We are therefore of the opinion that the Scottish Government, directed by the Scottish Parliament, is best-placed to manage this tax in a way that benefits Scotland."

When we enter the debate, we must do what is best for the people of Scotland, because they believe that we need extra powers so that we can make such changes.

As for other tax powers, current proposals are for 85 per cent of tax revenues from Scotland to remain reserved. I can reveal that I have not come across one person who says, "That's right, George, 15 per cent is enough. We don't want any more. We just want to keep it at that." Everyone else in Scotland is far too ambitious about making the type of change that we want to make to say that 15 per cent is enough. Why would they say that? It is ludicrous.

The problem is that the decisions have been made by individuals at Westminster who some people in this chamber would call "prehistoric" and who are determined to cling on to their jobs and their influence. This Parliament's priorities should be the priorities of the people of Scotland. That is what has come across most in today's debate.

The Scottish public have faith in this institution. A Scottish social attitudes survey has shown that

only 22 per cent of Scots want welfare decisions to be handled by Westminster and only 32 per cent want Westminster to control taxation. They know that the Scottish Parliament is more likely to get a better deal for them when it comes to job creation, the national health service, welfare, taxation and social justice. It is about time that the Scottish branch of the London Labour Party realised that as well. A recent Panelbase poll showed that there is overwhelming support for the Scottish Parliament to control welfare benefits, which 75 per cent supported. In the poll, 65 per cent supported the Scottish Parliament controlling pensions; 68 per cent supported it controlling oil and gas revenues; and 54 per cent supported it controlling broadcasting.

People in Scotland will not be content with arbitrary bits of this and that being handed down from Westminster. Scotland has changed dramatically since September and our referendum debate, but the unionist parties have shown that they are still determined to cling on to the type of politics that has gone on before. Regardless of party colour, we cannot allow that to happen. Any politician who does not embrace the need for change and the fact that Scotland has changed for ever will find themselves facing the wrath of the Scottish people.

17:01

Alex Fergusson (Galloway and West Dumfries) (Con): I have to say that, if she did nothing else in her opening contribution, Nicola Sturgeon undoubtedly and robustly underlined her credentials as the First Minister in waiting when she steadfastly and deftly refused to answer Murdo Fraser's pretty simple question on whether "once in a lifetime" actually meant what it said. She has clearly served her apprenticeship well, although it does not give me a lot of comfort that we are going to achieve much more clarity at future First Minister's question times than we have done in the past. Nonetheless—

John Swinney: That is not very gallant. [*Interruption.*]

The Deputy Presiding Officer: Order, please.

Alex Fergusson: I am just about to become gallant, Mr Swinney: I nonetheless wish Nicola Sturgeon well when she takes on the role of First Minister.

John Swinney: That is better.

Alex Fergusson: I am genuinely delighted to be winding up the debate this evening for the Scottish Conservatives, because the subject of enhanced powers for this Parliament is one in which I have long held a keen interest. From the very outset of the Parliament in 1999 it has seemed to me that

we have suffered from what I can only call an accountability deficit in terms of how we spend our budget; a process that the late and very much lamented David McLetchie used to point out regularly was more of a redistribution exercise than a genuine budget, especially given that the allocation for the vast majority of the available funding is pre-determined anyway.

That accountability deficit is what has allowed successive Scottish Governments to pick the low-hanging fruit of free prescriptions, free bus transport for the over-60s and free this and free that, while simultaneously being able to point the finger of blame at Westminster whenever they have come under financial pressure. That system, expedient though it undoubtedly is for those in the Government, does nothing to make me or any other member of this Parliament truly accountable to our electorate, which surely is one of the basic principles of democracy. Without embracing the principle of accountability whole-heartedly, we are not, in my view, really a properly functioning Parliament. I look forward eagerly to the day that that accountability deficit is finally addressed, as I hope that it will be.

I had the great pleasure of working with Tavish Scott and Duncan McNeil on the devo plus group. I was always keen to be involved in that initiative because, as soon as it became clear that we were to have a referendum on Scotland's constitutional future, I was convinced that the electorate would demand—and, indeed, deserve—to know what would be what I can only call the consequences of a no vote, with the consequences of a yes vote being fairly obvious. I felt that the devo plus proposals provided a pretty good starting point—a basis—for a long-term, sustainable constitutional settlement that could take us many decades into the future.

Not for a minute did I agree with every last detail of devo plus, and I do not believe that my two parliamentary colleagues did either, but it was a carefully costed and fully appraised proposal that provided a possible way forward following a no vote in the referendum. Now that we have had that no vote, despite the full resources of the Government being thrown into the campaign for independence—

John Swinney: What about Westminster? [*Interruption.*]

The Deputy Presiding Officer: Order.

Alex Fergusson: The full resources of the Scottish Government were thrown into the campaign to convince the people of Scotland to vote for independence, but the people decisively rejected that option, preferring instead to secure Scotland's place within the United Kingdom for the foreseeable future.

There is no mistake about that—it is clear—and that has to be our starting point in the debate. The consequences of the no vote are now also clear in that the process is under way—with commendable speed, as Murdo Fraser noted—to try to secure that long-term sustainable constitutional future. It falls to Lord Smith and his commission to bring that about. That is an onerous responsibility, and it surely falls on every participant in the commission to work with equal passion and vigour to bring about a successful outcome.

As a member of the Strathclyde commission, I naturally commend its recommendations as a sound starting point in the process, but this debate should not have been about the minutiae of what should and should not be devolved or about individual parties' proposals, much as some members wanted it to be. I regret that that has been the case because, as some members have pointed out, that is the work of the Smith commission, not this Parliament. Rather, the debate should have been about the broad principles and the desire to work together towards a genuinely positive outcome that will deliver what the majority of the Scottish people have robustly voted for.

Like Richard Simpson, who made an exceptionally good speech, I was enormously heartened by the statement that Lord Smith issued at the end of the commission's first meeting last week. Three points in particular caught my attention: first, that the eventual outcome will strengthen the Scottish Parliament within the UK; secondly, that it will bring about a durable but responsive constitutional settlement that maintains Scotland's place within the UK; and, thirdly, that it will not cause detriment to the UK as a whole or its constituent parts. Those three principles are hugely important, because they signal an end to the "We was robbed" rhetoric that has, in my view, received far too much publicity of late.

If all those sitting round Lord Smith's table really have signed up and committed to those principles, we can all be truly optimistic about a positive outcome and an infinitely better and more accountable devolutionary settlement than the one under which we currently operate.

I hope that I misunderstood the Deputy First Minister when she seemed to suggest in her opening speech that, unless Lord Smith delivers her definition of devo max, she will find his recommendations unacceptable.

Nicola Sturgeon: This intervention is meant in good faith. I am sure that the member also heard me say that I accept not just that independence will not be the outcome of the commission but that we will not get everything that we ask for. We are taking part in the process in good faith; I simply ask everybody else to do likewise.

The Deputy Presiding Officer: I will reimburse your time, Mr Fergusson.

Alex Fergusson: Thank you, Presiding Officer.

I appreciate that, because I was going to say that I would give the Deputy First Minister the benefit of the doubt, as she went on to agree that the process will require give and take. It will require a willingness to compromise, as Alex Rowley said. We need to accept that no single participant will walk away from the commission with all their preferred options having been met. That is inevitable.

The prize at the end of the day is simply massive. Smith is not Calman mark 2. It is not a cross-party response to an electoral outcome—we are talking about Scotland's future, in which we all have an equal interest and about which we are all equally passionate, as I hope members will agree. That future rests in the hands of Lord Smith, and I am sure that I am not alone in wishing him well as he goes about his work. If he gets it right, I believe that the Government's still preferred option of independence can be put to bed, not just for Nicola Sturgeon's lifetime but for several lifetimes after that.

17:09

Iain Gray (East Lothian) (Lab): For those of us who are members of the Smith commission, there is a certain discomfort in taking part in the debate. Mr Scott alluded to that, and colleagues from other parties have chosen not to take part in the debate, which is entirely reasonable. However, I will say a couple of words.

We had our first commission meeting last week. It was followed by some fun at our expense on behalf of those in the media, who were laughing about the fact that we all emerged and said that the meeting had been positive and constructive. Indeed, such message discipline across five parties was impressive, given that some of us sometimes struggle with that among our comrades and friends. [*Laughter.*]

That was simply a shared truth at the beginning of what is a sincere and serious process. In the meeting, we agreed that we should not hold our discussions in public across the floor of the chamber or in television studios night after night. In this closing speech, therefore, I will restrict myself to offering some reflections on contributions from members, and on the principles that were agreed by all in the first meeting, which are the starting point for Smith's deliberations and have already been made public.

Those principles are important. Many SNP members have tried to misrepresent somewhat the promises that were made by various illustrious

personages such as Gordon Brown, Nick Clegg, David Cameron and Ed Miliband. Christina McKelvie based her entire speech on a promise that exists only in her own febrile imagination and nowhere in the real world. Annabelle Ewing made the fatal mistake of reading out the promises that were made. They included the promise that there will be “extensive new powers” coming to the Parliament, as if there were any doubt that that is going to happen.

Christine Grahame: Will the member give way?

Iain Gray: The Smith commission is the guarantee that more powers and greater fiscal responsibility will come to this Parliament—*[Interruption.]*

The Deputy Presiding Officer: Order, please.

Iain Gray: One would have to be the greatest cynic in the world to believe that that was not the case.

The principles that were agreed by all of us on the Smith commission constitute the promise that there will be extensive new powers as promised, and that those powers will be substantial, significant and durable.

The Deputy First Minister, to her credit, accepted in her opening remarks that the whole context of the Smith commission is the decisive endorsement by the Scottish people of devolution and the rejection in the referendum of independence.

The arguments for independence were made, elaborated, examined and debated for three long years. The weight of the entire Scottish Government, its civil servants and its—or rather, the taxpayers’—resources were thrown behind those arguments, and they were rejected, not by 1 or 2 per cent but by more than 10 per cent. On a turnout that was universally acknowledged as remarkably high, some 25 per cent more Scots said no than said yes, and it is from that result that the Smith commission springs.

The Deputy First Minister’s creditable tone was rather undermined by the contributions from some of her colleagues, such as Christine Grahame, who it seems is now engaged in the old Brechtian tradition of electing a new people because they did not give her the result that she wanted in the vote.

Christine Grahame: I wanted to intervene earlier, because Iain Gray said that one of the principles of the Smith commission was to form a substantial set of powers. He missed a bit out: the commission statement referred to a “substantial and cohesive” set of powers. If one is dealing with tax, it would seem that one would have to deal completely with the benefits system at the same time.

Iain Gray: I will deal with that point a little later, because I want to talk about employability—and to make a similar point, in fact.

I realise that the SNP still believes that it was in the right about independence. I can even see why the Scottish Government’s starting position with regard to the Smith commission had to be the maximalist position: to ask for everything.

Murdo Fraser was right to say that to argue for devolution of all powers except defence and foreign affairs is to argue for de facto independence, which would open us up to exactly the risks that were so exhaustively debated in recent years and so clearly rejected by the Scottish people only weeks ago.

I will give just one example. The Scottish Government’s proposals would leave the Scottish economy disproportionately dependent on volatile and declining oil revenues. Even in the few weeks since the referendum, oil prices have fallen as low as \$84 a barrel and less. The Office for Budget Responsibility estimates of oil revenues, reviled by the Scottish Government for their pessimism, now look wildly overoptimistic, and the Scottish Government’s own figures now look laughably and dangerously wrong. All the calculations from independent bodies that an independent Scotland would face cuts and austerity of a greater order than the UK apply just as clearly to the independence-lite proposals that the Scottish Government has presented to Smith as they did to independence.

More important for where we are now, the Scottish Government’s proposals would also breach at least four of the Smith principles. For example, the proposals would not protect Scotland’s place in the United Kingdom; indeed they are designed to do quite the opposite. They would certainly cause detriment to Scotland and to the rest of the UK. In truth, if SNP colleagues feel differently, they will have to come up with a more substantial and rigorous argument than a Panelbase poll in the *Sunday Herald* on one Sunday.

The Deputy First Minister made some interesting comments on Barnett when she revealed that their proposals are the only ones that would leave Barnett redundant after a transitional period.

Kevin Stewart: Would Mr Gray give way?

Iain Gray: No, I am sorry.

Our proposals on tax are the product of almost two years of consideration by the devolution commission. They hold fast to the principle that we believe in redistribution and fiscal balancing, we believe in a shared tax and benefits system, and we believe that that works better for the benefit of

our people when it operates across the United Kingdom. That is why, for example, we have argued that income tax should be significantly more devolved to Parliament, but that it should remain a shared tax.

I understand that others on the Smith commission have struck that balance differently. We will listen to their arguments, but they have to convince us that their proposals are consistent with the agreed principles of Smith and in the best interests of Scotland. We remain open-minded to those arguments.

We should not, however, see Smith solely in terms of tax. We want to see a rounded package of proposals that enhances this Parliament's ability to make things better for Scotland's people. We called our own commission report "Powers for a purpose"—a title that, in the highest form of flattery, almost every SNP speaker has hijacked for themselves. We want enhanced powers to get more people into work and, as Alex Rowley said, to get more people into better jobs through the devolution and improvement of the work programme.

We also want to add to the already extensive powers and responsibilities on housing by devolving housing benefit and allowing a new and powerful approach to turning that resource to increasing housing supply rather than simply propping up a private rented sector that needs reform. Housing benefit is the second largest benefit after pensions, so that is no small proposal; it is a significant and bold change for a purpose and is exactly about delivering for those who most need it in the way that Ms Sturgeon referred to in her opening.

The Deputy Presiding Officer: Could you come to a close, please?

Iain Gray: The story of devolution has always been about change and growing responsibility. We can spend the next 12 weeks refreshing, restructuring and reinvigorating this Parliament as the electorate has charged us with doing, or we can spend the next 18 months refighting the referendum, rehashing the arguments that we have had for so long, and trying to rewrite the result. We on this side of the chamber will certainly do the former and seize the opportunity of Smith in good faith, with open minds, and with the best interests of Scotland at heart.

17:19

The Cabinet Secretary for Education and Lifelong Learning (Michael Russell): Politics is always about the unexpected but it is also the art of the possible. The no vote happened. That is unavoidable: no ifs, no buts. However, let us

understand that some other things happened, and have happened since the referendum.

The first of those important things is the massive engagement in politics. It was not only the largest turnout ever; Scotland has been energised and politicised by the referendum experience. If anyone wanted proof of that, it would be found in the membership of what we could call the yes alliance parties, which is up massively. In my constituency, membership is up almost fivefold from when I was selected four years ago. That influence is being seen already. Politics is changing.

I do not want to call in evidence all the experiences in Argyll, but in the Oban North and Lorn by-election last week, the no parties could not prevail in a seat which they had just won, by a massive increase in their vote, on 17 July. I congratulate the new councillor, Iain MacLean, but the real issue is the work that was done by the yes forces in that ward. There is an energy in politics that was not there two years ago.

We have an understanding of what happened during the referendum and that is vitally important. The Ashcroft polling has been referred to, but a quarter of no voters made their decision based on the promise of more powers—based on the "so-called vow" that Murdo Fraser referred to and based on the clunking interventions of Gordon Brown, who said, in words that may come to haunt him:

"as close to a federal state as you can be".

The public understood what "extensive powers" means. That is important, especially for those who try to reserve those powers. "Extensive powers" means just that—not just the powers that the existing Westminster parties might get away with. I will call in evidence none other than the former First Minister, Jack McConnell. Just last week, he said:

"I believe very strongly that expectations have been raised in Scotland by the slightly panicked reaction"

by the pro-union parties

"in the last 10 days of the referendum campaign."

He went on to say that

"The current proposals from all three UK-wide parties do not meet that expectation."

That point needs to be reflected upon by all the Westminster parties. What they have offered up until now is not good enough.

Murdo Fraser: I am grateful to Mr Russell for giving way. Can he give us an example of any "federal" country in the world—he has used that word—that operates a system of devo max as proposed by the Scottish Government?

Michael Russell: I can give Murdo Fraser an example of a federal country that shares responsibility for immigration—an issue that was covered by the Calman commission—and that is Canada. There are many federal countries that have substantial powers that are not available to this Parliament.

The reality is that the problem that Mr Fraser is trying to get away from is a problem that was created by the Westminster parties. It is a problem of their making. It is the price that they paid for the “panicked” vow, it is the price of their victory in the referendum, and it is a price that will be demanded by the Scottish people. There is no doubt about that.

To be fair, that is why the Smith process is under way. It is the choice of the Prime Minister to do it that way. He said, as the other leaders said in June and in August, that he would not, but his hand was forced by events, so things have changed.

I am personally very supportive of Robert Smith. I think that we all are. He was a good university chancellor and he was a great Commonwealth games chairman. He has had a distinguished career; he was influential as a BBC governor. Perhaps we could do with him there again. I was pleased to work with him on the governance review in higher education. He is even a Brandane by marriage and is a big shinty supporter.

Robert Smith will have the support of this Government and he will have the support of the party of which I am a member. However, we must avoid the failures of the past. First, we must avoid the failure of 1979. There were promises made by Alec Douglas-Hume, who said that better devolution would be along in a moment. Twenty years is what it took before there was any change. That must not happen again.

I am very glad that Alex Fergusson referred to Calman, because we must not have the mistakes of the Calman process again. I will never forget the launch of the Calman report in June 2009. I was Minister for the Culture, External Affairs and the Constitution. I went to the launch over at Dynamic Earth and I watched Ken Calman totally fail to explain his own taxation proposals. He eventually had to call members of his commission to explain them. Up stepped the man who was never shy but was never any great friend of constitutional progress—Iain McMillan. He could not explain the proposals, either. Hovering in the background was Jim Gallagher, trying to argue against further change.

Calman as a process was a reaction to the SNP victory. It was not about making change; it was about trying to get away with as little change as

possible. It was not responding to what Scotland actually needed.

Iain Gray: Does the cabinet secretary accept that one of the failures of the Calman process was the failure of his party in government to support, participate or take part in it in any way to develop new powers for this Parliament until, in a panicked reaction at the last minute, he changed sides?

Michael Russell: I shall come to that point in just a minute—I am about to make the point about what has changed.

Of course Calman did not just unravel at the time; it unravelled when those two great heroes of Scottish power—Jim Murphy and Gordon Brown, who were in government at the time—reacted to it. The reality of Calman is that, of all the proposals, 18 happened and 17 did not. That is rather an interesting balance. When the Tories and Liberals were elected, they managed to produce a bill that had no reference to what Scotland wanted and no reference to the Scottish Government; they just did it.

We do not want another Calman process. What we need is an inclusive process that is positive about change. The big difference is the one that Iain Gray referred to: this Government and this party will take part, and is taking part, in an exercise about powers and—I will use the phrase—powers with a purpose. It is a process with a purpose, too. The difference is that in taking part in it we can reflect what the people of Scotland are saying.

Alex Rowley was extremely interesting. He used the word “timid” about Labour’s proposal. He also made a gesture towards the Tories and the Strathclyde commission, as Gordon Brown has done in talking about powers over VAT. There is the beginning of some movement away from timidity towards recognition of where Scotland actually is.

Unfortunately, Tavish Scott did not do the same. He carped about the Crown Estates. The reality is that the Liberals offered change on the Crown Estates in their manifesto, but they failed to deliver in government at Westminster. We have already made proposals that are vastly in excess of the Liberals’ proposals. There is a little sign of sense settling on some Labour members but, as far as I can see, there is no sign of that at all from the Lib Dems.

I will concentrate on three important contributions. Richard Simpson’s contribution was very important because he made the absolutely essential point that the financial benefits and risks of policy decisions that are made by this Parliament have to be experienced by this Parliament. That was what underlay the issue of transformational childcare. I entirely agree with

Richard Simpson that that principle needs to be observed.

Siobhan McMahon talked about devolution of equalities. I absolutely agree and I am glad that she recognised the difficulties that the current Scottish Government has had. I want, for example, quotas in further education and higher education, but that power is not devolved to this Parliament, so we need to get hold of it.

I refer to what Jamie Hepburn said. His critique of Drew Smith was absolutely correct. The words “settled will” are not a statement of finality about a particular constitutional settlement; they are about the settled will of transferring power to Scotland. That was John Smith’s “settled will”. There is no settled will about the nature of that. Donald Dewar acknowledged in his very first speech in the Parliament that devolution is a process and not an event.

The reality of the situation is that the range, depth and scope of the desire for change is there and continues. There is a rising tide of desire for change in Scotland. It cannot be constrained and it cannot be reduced; it must be acknowledged, respected and acted on. It is the job of the Smith commission to do that. That will have the whole-hearted support of the SNP and the Scottish Government. However, it has to react to the reality of that situation, not put it in a straitjacket of proposals that were made before the referendum, before the vow and before the promises that were made in panic, as Jack McConnell said.

Seventy-five years ago, in “Autumn Journal” Louis MacNeice asked a question that required to be answered:

“What is it we want really? For what end and how?”

Scotland will not be content with evasions, half answers, sophistry and failure to deliver. It wants a comprehensive response to the question that it has asked to be delivered without delay. The referendum is over, but the promise was made. We will willingly be part of answering that question, but there will have to be a significant step forward. It is not the SNP that is asking for it: it is the people of Scotland.

Criminal Justice and Courts Bill

17:30

The Presiding Officer (Tricia Marwick): The next item of business is consideration of motion S4M-11314, in the name of Kenny MacAskill, on the Criminal Justice and Courts Bill, which is United Kingdom legislation.

Motion moved,

That the Parliament agrees that the relevant provision of the Criminal Justice and Courts Bill, introduced to the House of Commons on 5 February 2014, relating to the amendment of the Rehabilitation of Offenders Act 1974, so far as this matter alters the executive competence of the Scottish Ministers, and relating to the activities of officers of the National Crime Agency when those officers are operating in Scotland, should be considered by the UK Parliament.—[*Kenny MacAskill.*]

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

Decision Time

17:30

The Presiding Officer (Tricia Marwick): There are three questions to be put as a result of today's business.

The first question is, that amendment S4M-11301.1, in the name of Iain Gray, which seeks to amend motion S4M-11301, in the name of Nicola Sturgeon, on the Scotland devolution commission, the Smith commission, be agreed to.

Amendment agreed to.

The Presiding Officer: The next question is, that motion S4M-11301, in the name of Nicola Sturgeon, on the Scotland devolution commission, the Smith commission, as amended, be agreed to.

Motion, as amended, agreed to.

That the Parliament welcomes the submissions made to The Smith Commission by all parties involved; notes the publication of *More Powers for the Scottish Parliament: Scottish Government Proposals* and the publication of all parties' enhanced devolution proposals; recognises the importance of all parties working together constructively to agree substantial further powers for the Parliament that deliver a better deal for the people of Scotland; encourages people and organisations across Scotland to respond to the commission's call for evidence by 31 October 2014; offers its support to the commission in developing proposals for strengthening the powers of the Parliament, and agrees that the people of Scotland must have the opportunity to inform and influence the implementation of these proposals through public participation and dialogue.

The Presiding Officer: The next question is, that motion S4M-11314, in the name of Kenny MacAskill, on the Criminal Justice and Courts Bill, which is United Kingdom legislation, be agreed to.

Motion agreed to.

That the Parliament agrees that the relevant provision of the Criminal Justice and Courts Bill, introduced to the House of Commons on 5 February 2014, relating to the amendment of the Rehabilitation of Offenders Act 1974, so far as this matter alters the executive competence of the Scottish Ministers, and relating to the activities of officers of the National Crime Agency when those officers are operating in Scotland, should be considered by the UK Parliament.

The Presiding Officer: That concludes decision time. Members who are leaving the chamber should do so quickly and quietly.

World Mental Health Day

The Deputy Presiding Officer (John Scott):

The final item of business today is a members' business debate on motion S4M-11065, in the name of Linda Fabiani, on world mental health day. The debate will be concluded without any question being put.

Motion debated.

That the Parliament notes that 10 October 2014 is World Mental Health Day; welcomes this day of global mental health education, awareness and advocacy; understands that World Mental Health Day 2014 shines the spotlight on schizophrenia and that one in 100 people have schizophrenia; welcomes the work of Support in Mind Scotland, which celebrates its 30th anniversary this year, and its upcoming 1 in 100 campaign, which is to be launched in October; understands that this work takes place 10 years on from the first Scottish review of schizophrenia care and treatment; is concerned that nine out of 10 people with schizophrenia cannot get employment and experience discrimination and stigma; is further concerned that people with schizophrenia face shorter life expectancies by 15 to 20 years on average compared with the general population; understands that early intervention boosts the life chances of people with schizophrenia and welcomes the work of charities and other stakeholders right across Scotland in supporting the one in 100 Scots living with schizophrenia, including Support in Mind Scotland, and congratulates the volunteers in its East Kilbride support group, which has been working locally for 36 years.

17:32

Linda Fabiani (East Kilbride) (SNP): This is an important debate on something that matters every day of our lives, but the motion mentions 10 October because that was world mental health day. It is an important day to reflect on—a day of global mental health education, awareness and advocacy.

We all have physical health and mental health to some degree. Just like physical health, mental health does not discriminate when it sends problems. Much is linked to someone's mental health and sense of wellbeing.

I welcome what the Parliament has achieved over recent years. In 2005, the Mental Health (Care and Treatment) (Scotland) Act 2003 came into practice. It was set in motion by the previous Labour and Lib Dem Government and its implementation was carried through by the Scottish National Party minority Government. However, the act was backed by absolutely everyone in the Parliament. It was regarded as one of the most progressive pieces of mental health legislation in the world.

Under the current Government, there has been a big focus on mental health, with the mental health strategy for 2012 to 2015 setting out key commitments on improving the nation's mental health and wellbeing.

Like good physical health, good mental health cannot be assumed. Anyone at all can be diagnosed with a mental illness but, unlike those with many forms of physical illness and problems, those with mental health problems clearly suffer from discrimination and stigma. Prejudice and misguided stereotyping about mental illness must be tackled, which is why charities such as those behind the see me campaign are important. They tackle the stigma and all the disadvantages that are put on people who suffer poor mental health.

Of course, sensationalist media stories do not help, either. We have all seen those, and I will not dignify them by repeating any of the terrible headlines that we have seen over the years. If we are honest, we must all admit that there are times when our language is not as good as it could be. I know that I am guilty of that now and then. However, times move on and terminology that was normal and accepted years ago is no longer perceived in that way. That is a way of moving on.

That subject raises the issue of common misconceptions around mental health. World mental health day 2014 shone the spotlight on schizophrenia. Around one in 100 Scots experience schizophrenia at some point in their lives. It is reckoned that 26 million people worldwide have that illness. Major symptoms include hallucinations, delusions and fatigue. Of course, the word “schizophrenia” does not mean that someone has a split personality or multiple personalities, although that is how the condition has been depicted over the years in real life and on television, in novels and in films. It is an important illness to raise awareness of. It is widely misunderstood.

Sensational stories in the media exacerbate the problem of discrimination against people with schizophrenia. For example, there is a common misunderstanding that people with schizophrenia are violent. However, the reality is that people with mental illness are much more likely to be the victim of a crime.

Health inequalities for people with schizophrenia are alarming—[*Interruption.*]

Sorry, Sandra. I heard a wee voice in my ear, and it was you.

Sandra White (Glasgow Kelvin) (SNP): The member quite rightly raises some issues. Does she agree that one of the most important aspects of the mental health strategy is raising awareness of mental health issues with professionals in the legal profession—the police and people in other areas associated with justice—and doctors?

Linda Fabiani: That is right. There is institutional bias against people who have mental health issues. That has to be tackled. It feeds into the inequalities that exist. The health inequalities

mean that someone with schizophrenia is expected to die 20 years younger than the average life expectancy, and poor physical health is a major issue facing people with schizophrenia and associated mental health problems. There is also an issue around employment. Nine in 10 people with schizophrenia are not employed, despite the fact that most are able to work. That is because of direct discrimination and misconceptions in institutions and on the part of the general public.

Another issue is the fact that, sometimes, people with schizophrenia are reluctant to seek help. Over the years, I have dealt with constituents who have been diagnosed with schizophrenia and are suffering the institutional discrimination that we are talking about but, because of the terrible stigma that attaches to the condition, they do not want to say the word or talk to professionals who could help them. There are big issues there.

There is an issue around early diagnosis. The minister can tell us more about the waiting times for child and young adult mental health referrals. I have concerns about that in relation to early diagnosis.

In my motion, I mention the charity Support in Mind Scotland, which focuses on supporting people with severe mental illness and their supporters. In my constituency, East Kilbride, there has been a support group for more than 35 years; I give a big shout-out for Sheila McLeod and Elinor Gardiner, who have headed the East Kilbride branch of the organisation for all those years. I have attended many of its events in the years for which I have represented that area. As I said, often people do not want to speak to professionals. That is where the voluntary sector comes into its own, because it can gain the trust of people who really need a bit of help.

I want to mention another constituency organisation, Theatre Nemo, and the importance of the confidence and relationship building that can come from drama, culture and the arts.

Let us celebrate Support in Mind Scotland's 30th anniversary and support its one in 100 campaign, which has just launched. Let us make yet another pledge here in this chamber that wherever we come across stigma and discrimination on mental health issues, we will stand against it.

17:41

Malcolm Chisholm (Edinburgh Northern and Leith) (Lab): I congratulate Linda Fabiani on bringing the subject of mental health to the chamber, in recognition of world mental health day earlier this month. The motion points out that there is a particular focus this year on schizophrenia and

the impact that that mental illness has on the lives of individuals and families across Scotland and the wider world. I will stick to that aspect of the debate, although I agree with what Linda Fabiani said at the beginning of her speech about the Mental Health (Care and Treatment) (Scotland) Act 2003, the see me campaign and other initiatives. There has been a great deal of continuity between the previous Government and this one on those developments.

As Linda Fabiani points out, Support in Mind Scotland has been running for 30 years and doing exceptional work in bringing the issues faced by sufferers into the public consciousness, challenging stigma and raising awareness. The first stage of its one in 100 campaign was launched earlier this month with a broad inquiry into people's experience of living with schizophrenia and the obstacles that they face in navigating everyday life. Its efforts to reach communities in Scotland who have experience of coping with mental illness is commendable. Support in Mind reaches out to share best practice and to learn from the experiences of others.

I notice that it has a particular interest in a report from the Schizophrenia Commission on schizophrenia in England called "The Abandoned Illness". Some of the findings in that report are interesting. Perhaps the minister can comment on whether there are similar features in Scotland. For example, on premature mortality rates, the report says that people with schizophrenia die 15 to 20 years earlier than their fellow citizens.

The report also talks about issues such as poor employment outcomes, the absence of support for families and the significant fear about speaking up because of stigma. I imagine many of those features are also present in relation to schizophrenia in Scotland.

On the basis of those findings, which present ample evidence for taking a more targeted approach to mental health services, Support in Mind Scotland is keen to emphasise the mutual experiences of service users in Scotland and England. What is interesting is that it proposes to carry out a review of the report and the findings to consider what applies here in Scotland and what the response of policy makers should be. To carry out that analysis, a small steering group of academics and professionals has been convened from across the national health service and other mental health networks. That will be another interesting report when it appears.

The Mental Health Foundation has also taken a great deal of interest in schizophrenia. It points out that, around the world, 26 million people live with schizophrenia. It is keen to highlight that perceptions of mental ill health and schizophrenia are slowly changing. Many who are asked state

that in fact people with schizophrenia are not the danger to others once believed. That is certainly progress, although there is still further to go, not least in the media.

Moreover, the foundation says that if someone is diagnosed with schizophrenia, while it is a cause of concern, it should not mean that they lose the capacity to have a full and productive life. That can be helped by the more efficient co-ordination of services, which is one of the areas highlighted as an issue in the report on England that I mentioned. There needs to be a joined-up approach to treatment and support. That starts with early intervention and accurate signposting. Most important, the treatment of conditions such as schizophrenia should be seen as being as important as the treatment of physical conditions. Just because an illness is not visible does not mean that it is any less critical. Without vital early diagnosis, a mental illness can very quickly lead to physical symptoms and self-harm.

One of the worrying features is that people with schizophrenia and, indeed, other mental illnesses are often not looked after effectively in comparison with the treatment of other, more straightforward physical illnesses. The motion speaks of the one in every 100 people who have a life expectancy that is 15 to 20 years lower because of their mental illness. That enormous disparity tells us all that we need to know about the serious challenges faced in improving outcomes for those with schizophrenia. The worsening mental health of each affected individual should not come at the cost of deteriorating physical health.

A paper published last year in the *British Medical Journal* by the University of Glasgow's Dr Daniel Smith concluded:

"People with schizophrenia have a wide range of comorbid and multiple physical health conditions but are less likely than people without schizophrenia to have a primary care record of cardiovascular disease. This suggests a systematic under-recognition and under-treatment of cardiovascular disease in people with schizophrenia, which might contribute to substantial premature mortality observed within this patient group."

In short, that suggests that people are dying earlier because of delayed diagnosis. Now is the time to recognise that kind of link and to make a pointed attempt to achieve the more preventive approach that the mental health strategy sets out.

I support the motion and welcome world mental health day's focus on this much-misunderstood condition.

17:45

John Mason (Glasgow Shettleston) (SNP): I thank Linda Fabiani for bringing up this subject. When I saw the title of the debate I was very keen

to speak in it, as it has become increasingly clear to me that mental health is a major issue that needs more attention.

Recently in my constituency a care home was proposed. Assuming it was for elderly or similar residents, folk were broadly happy. When it turned out that it was for folk with mental health issues, there was a fair degree of reaction in the community. There were concerns about the residents being a danger and a lot of misinformation was spread around. Since then, the company building the home has given us a lot more information and most constituents have been reassured by that, but there has been a hard core in the area who have not been willing to listen.

Routinely, constituents come into the office about housing or other problems to which my staff and I believe that there may be a mental health angle. I am particularly grateful to the Glasgow Association for Mental Health, the Scottish Association for Mental Health and the see me campaign for their advice, information, and support.

However, the issue was underlined for me last week when three issues in my constituency, all of which had a mental health angle, made it into the media. First, I am dealing with a family in which the 19-year-old daughter has anorexia. Relations between national health service staff and the family have become somewhat fraught. I am convinced that all involved want what is best for this young woman, but we are struggling to get a meeting of minds on how to move forward. Sadly, one person involved in the case was arrested last week.

I was glad to see that the *Evening Times* today has a spread on anorexia, which mentioned the see me campaign. The headline is "Anorexia had wrecked my body ... but even worse was the stigma". The story has a positive outcome: brave Leanne has battled to a normal weight and is now backing the mental health campaign, which is encouraging.

The second case, which has also had a fair amount of coverage, involves a well-known female writer and her ex-partner, who is a musician and one of my constituents. I most certainly agree that we should have adequate laws in place to protect actual and potential victims of stalking and I am happy if the law is to be reviewed. However, we have to balance that with our responsibilities to the other party, in this and other such cases, who might have a mental health issue. Often that person is not acting out of malice. One suggestion that I do not accept is that anyone charged with stalking could say that they have a mental health problem. That in itself plays down mental health issues as if they did not have an objective reality.

I very much hope that there will be no rush to change legislation without all angles on this issue being taken into account.

Malcolm Chisholm: Is John Mason suggesting that someone should have to suffer appalling behaviour from someone who could be excused on the ground of having mental health problems?

John Mason: There is a debate there on how appalling behaviour is—there is a whole range. There is stalking that is malicious and there is stalking that is just stupid and unwise, and is a result of mental health issues, which is slightly more what we had in my constituency.

The third case involves the Bellgrove hotel in my constituency, which some members may be aware of. It is really a hostel for homeless men rather than a hotel and is one of the last large homeless hostels in Glasgow. It is run by a private company and so avoids the Care Inspectorate and most other regulation. Last week, it received a new house in multiple occupation licence for 160 residents—generally, it has around 140 residents. My understanding is that a number of those men have mental health issues and are regularly in contact with the local mental health team in Parkhead. I cannot believe that the Bellgrove is the right place for them to be, and I cannot accept that the only regulation that it needs is an HMO licence. That again says to me that we are not taking mental health seriously enough. Indeed, all those examples say to me that we are not taking mental health seriously enough.

One point in the motion that particularly struck me, which Malcolm Chisholm also mentioned, was about people with schizophrenia having "shorter life expectancies by 15 to 20 years".

Nobody should say to us, please, that the matter is not a real and serious health issue.

17:50

Mary Scanlon (Highlands and Islands) (Con): I, too, thank Linda Fabiani for securing this debate on world mental health day and for giving us the opportunity to debate the critical issue of mental health.

In response to Sandra White's question, Linda Fabiani mentioned early diagnosis and institutional issues. For many people, the issue is not only early diagnosis but a lack of diagnosis.

Although the motion shines the spotlight on schizophrenia, many issues that relate to that condition—including difficulties with getting employment, discrimination, stigma and shortened life expectancy, which other members have mentioned—also apply to most other mental health conditions.

The motion highlights the work of the East Kilbride support group. I also acknowledge the work of the Highland users group on mental health—HUG—which is very competently managed by Graham Morgan.

As a member of the Health and Community Care Committee, which scrutinised what became the Mental Health (Care and Treatment) (Scotland) Act 2003—to which nearly 3,000 amendments were lodged at stage 2—I hoped that there would be significant improvements in early diagnosis, early intervention, appropriate treatment and support, with people not parked on anti-depressants, and that there would be access to cognitive behavioural therapy and other therapies, psychology and psychiatry specialists and advocacy and treatment with dignity and respect. I hoped and trusted that all the issues that we discussed in the first session of the Parliament would be significantly improved more than 10 years later.

However, I have looked at a recent briefing paper from the Royal College of Psychiatrists, and I doubt the progress and success of the previous legislation. I will quote directly from that paper without my glasses. It said:

“Despite its longstanding position as a priority within health policy it remains the case that mental health services do not receive the same degree of focus (or funding) as other disease areas ... Mental health is responsible for”

23 per cent

“of the disease burden”,

but it gets 11 per cent of the budget, and

“The life expectancy of those with severe mental illness is on average 20 years less for men and 15 years less for women”.

It said:

“depression is associated with ... a 50% increased mortality ... a three-fold increased risk of death”

in subsequent years in respect of coronary heart disease, and

“There is a disparity in research spending”,

which particularly applies to schizophrenia. One of the United Kingdom health research funders showed that mental health got 6.5 per cent of total funding, despite 23 per cent of patients suffering from such conditions.

The recent Health and Social Care Act 2012 for England sets parity for mental health and physical health. I would be thrilled to bits if that were the case in the Scottish Parliament. I hope that it will be.

We—especially Richard Simpson and others—have often spoken about dual diagnosis. We have spoken about people with mental health and drug and alcohol addiction issues. We know that many

people use alcohol and drugs as self-medication to mask and cope with mental health issues. That is in the paper from the Royal College of Psychiatrists.

The paper talks about services for older people and dementia. It says:

“Access to psychological”

and other services

“is much poorer for older people”.

The RCP makes plenty more points in its briefing. It is still

“concerned at the lack of Adolescent Intensive Psychiatric Care Units in Scotland. Young people with a need for this are required to be admitted to an adult ICU.”

It also mentions the consultant vacancies in psychiatry, although I appreciate that psychiatrists are not the only specialists. It is disappointing to read about all the issues that are raised in the royal college’s paper given that they were also raised 11 years ago when the Parliament passed mental health legislation.

Other members have mentioned their experiences of trying to help constituents to find support, particularly in relation to personality disorders. The time taken to diagnose such conditions and the transition from child to adult services, which needs to be looked at, are poor.

The Deputy Presiding Officer: You must close.

Mary Scanlon: I have overstepped my time, so I will leave it there. I am pleased to have had the opportunity to speak and I thank Linda Fabiani for securing the debate.

17:55

Stewart Stevenson (Banffshire and Buchan Coast) (SNP): I, too, thank Linda Fabiani. Let us make the debate personal: statistically, every one of us here has a 50:50 chance that at some time in their life someone with whom they have a direct one-to-one familial relationship will suffer mental ill health. That relates to two parents, a partner and a single offspring, which is statistically what we have as relationships, so the issues will be close to home.

I have discovered only in the past year, for example, that one of my mother’s aunts lived most of her life locked away in the asylum in Lochgilphead. She was never spoken about; I never knew that she existed until I did family research. That was the past and that was the stigma—it happened and it simply was not talked about.

In 1964, as a 17-year-old and before going to university, I very much enjoyed working for six or

seven months as a nurse in a psychiatric hospital. That was a time when the treatment of one who was seriously mentally ill was to be locked in a ward and forgotten about. Staffing levels were appallingly poor. The world today is very different; let us hope that that is a good thing.

I will talk about a few matters. The first is awareness. What does mental illness mean for the sufferer? Not all people who suffer from mental ill health are self-aware that they have a problem. We cannot do much about that, but what we—the family and everyone else—can do by being aware of that person's needs is be there to support them when they need that, catch them when they fall and lift them back up.

We need health treatment for people with mental ill health. We are increasing investment in mental health, which is welcome, albeit—as Mary Scanlon correctly highlighted—that it is the poor relation financially and, more critically, as a chosen specialism for people with medical training. That is more critical than money because, if we do not have the people with the skills, we cannot spend the money to help the people who need help.

We all have to be careful about the social interactions that we have with people who have different degrees of mental ill health. However, let us put a positive spin on the issue. Having a different mental approach, although it creates a huge burden for people, can deliver benefit. I will highlight the careers of three famous schizophrenics. Vincent van Gogh died at the age of 37. It is thought that he died because he shot himself. This is not the time to explore why there is doubt about that, but he produced the most wonderful impressionistic art. There is little doubt that how his brain and mind worked contributed to that. He paid a huge price for that, but he delivered a great deal for us, which we remember to this day.

Clara Bow—the it girl and one of the first stars in the silent cinema, who continued into the era of the talkies—suffered from schizophrenia for her entire life but contributed enormously to the experience and enjoyment of others. Nijinsky, the great dancer, was schizophrenic and, as with Clara Bow, he died relatively early at the age of 60. Many of those famous sufferers were in the artistic rather than the scientific or other domains, but one could speak about many others. Let us remember that people with mental illness can make a huge contribution, which is sometimes aided by the fact of their illness.

We talk about stress in modern society. Stress is good in pushing us forward, as long as we can deal with it but, in the complex world in which we live, too many people are overloaded, so that stress becomes distress and leads to mental ill

health. Each and every one of us should be watching for that to happen.

An outcome of mental ill health for some people is suicide. Unfortunately, I have been close to three people who committed suicide. One did so—at the age of 18, I may say—because of a chemical imbalance arising from a physical condition. Another threw herself off a high building while suffering from post-natal depression. As for the third person, to this day we do not know why the suicide took place. There was no sign of it coming—it is a mystery, wrapped in an enigma.

As individuals, we all have a duty to help people with mental ill health and guide them to treatment. As parliamentarians, we must ensure that we provide the resources to help them.

18:01

Liam McArthur (Orkney Islands) (LD): I congratulate my good friend Linda Fabiani on giving us this opportunity to mark—rather belatedly—world mental health day, which this year focuses on schizophrenia, as members said. I also take this opportunity to commend Support in Mind Scotland for its excellent one in 100 campaign.

This is just the latest debate in the Parliament on mental health. I was fortunate to be able to take part in the debate that my Liberal Democrat colleague Jim Hume led in April. I might return to one or two of the points that I made then. During the debate, it struck me that many if not all the members who spoke were drawing on some element of personal experience. Stewart Stevenson rightly drew us back to such an approach in this debate.

It came as no surprise that members should draw on personal experience. The figures from SAMH and others suggest that one in four people suffers from a mental illness at some point in their lives and three out of four of us will know someone, fairly directly, who suffers from poor mental health. Mental illness remains the dominant health problem for people of working age, and it continues to damage careers, relationships and lives, coming at a colossal financial and human cost.

As Linda Fabiani fairly observed, there has been a succession of initiatives over many years, in successive Administrations. I congratulate the current Government on its mental health strategy, which has waiting times targets and emphasises data collection, both of which are fundamental to ensuring timely diagnosis and delivery of effective treatment. Treatment can safeguard the individual's welfare in the first instance, and—without offering any guarantees—it can increase

the chances of the person subsequently enjoying good mental health.

However encouraging the early signs of progress towards meeting targets have been, recent figures suggest that there is cause for concern. Mary Scanlon pointed to issues at a regional level. We are seeing variations between health boards, which SAMH suggested earlier this year are giving rise to a postcode lottery. For example, although additional experts have been recruited, there is evidence of significant variation in the per capita ratio of psychologists in different parts of the country, which is cause for concern.

There is particular concern in rural areas. As I said in the debate in April, SAMH, in its know where to go campaign, showed how people who live in remote and rural areas face additional barriers to accessing information, help and support. A culture of self-reliance and stoicism in places such as Orkney can work against efforts to get people with health issues, including poor mental health, to engage early with medical professionals. Although the wider community can be a source of support, that can make things more difficult and increase the fear of stigma, for not just individuals but their wider families. The result is delays in getting people to seek help for mental health problems, and, as SAMH explains,

“the later individuals engage with health services, the more complex their treatment and recovery will be”.

In the islands that I represent, there are additional practical difficulties as well. Orkney Blide Trust and Orkney Minds, which do fantastic work, highlight a lack of transfer beds at the Balfour hospital for those who may require a spell in hospital on the mainland and instances of poor discharge planning affecting patients who return to Orkney. Although those who are involved in the mental health team in Orkney carry out phenomenally good work, there is an opportunity, with the move to the new Balfour hospital and the further integration of health and care services in the islands, to look at how the needs of mental health patients can be addressed more timeously and effectively. I am sure that that will be the focus of an event that the Blide Trust is organising next month, which I am looking forward to taking part in.

The stakes are high. SAMH highlights suicide rates that are twice as high for those with mental health issues. As Stewart Stevenson observed, each of us probably has some experience of a close friend—in my case, it was a guy called Andrew Harrison whom I worked with at Westminster back in the early 1990s—committing suicide almost out of the blue. Such mortality rates are not unusual. As Linda Fabiani’s motion says, the mortality rates are far higher for those with mental health issues. A report in the *British*

Journal of Psychiatry on a Nordic study states that, even given improvements, we are still seeing far higher rates of mortality among those with mental health issues. It is just one of the reasons why mental health needs to be put on a similar footing to physical health.

As I said in April, the issue needs to be discussed openly, taken seriously and addressed effectively. It is not a second-class condition and, ultimately, there is no good health without good mental health. I welcome the fact that Linda Fabiani has secured the debate and look forward to the minister’s response.

18:06

Mark McDonald (Aberdeen Donside) (SNP): It has been an interesting debate. I take on board the point that Stewart Stevenson made. Someone who has been a strong influence on my interest in mental health issues is a former council colleague, Councillor Jim Kiddie, who is the representative for Torry and Ferryhill on Aberdeen City Council. Jim has spoken openly, in the council chamber and at SNP conferences, about his own mental health problems. He has been a fantastic champion of issues related to mental health and has inspired those of us who take an interest in such issues. I also recognise Stewart Stevenson’s point that one in four of us will likely experience a mental health problem at some stage in our life, which emphasises further his point about those in our social and family networks.

I am always struck by the stigma issue—the fact that, to this day, nine out of 10 people report that they feel that there is a stigma attached to their revealing a mental health condition, whether in work, in education, among healthcare professionals or in their home life. A cartoon that is shared on social media compares how things would be if we treated physical health as we treat mental health in society. Someone is asked, “Have you tried not having a broken arm?” or is told, “Maybe you should try cheering up a bit, and that will stop the bleeding.” Those are the realms that we would be in if we spoke about physical health as we often speak about mental health.

It is worth noting that Halloween is just around the corner. Halloween is one of those times when, it is fair to say, mental ill health is at its most misrepresented. Who could forget the controversy that was created just the other year when some major supermarket chains had to withdraw very inappropriate “mental patient” costumes that were designed to perpetuate, in some ways, the stigma that people with mental health conditions are dangerous? It is almost without foundation, but the idea continues to be perpetuated by some elements of the media that if people have a mental

health condition they somehow become dangerous.

As well as focusing on treating mental health by recognising the needs of the individual, we need to look beyond that to future treatments that could be realised. While flicking through the news earlier in the year, I discovered that research undertaken at the University of Aberdeen has identified a potential genetic mutation of the ULK4 gene that could be linked to schizophrenia. The academics behind that at the university's medical sciences department have said that, although more work needs to be done, they are encouraged by the work that they have done, which could enhance understanding of how schizophrenia takes form in those individuals who are affected by it. The identification of genetic mutations and genetic markers offers the potential to inform future treatments for the condition.

It is important that we recognise the work that is being done by many organisations across Scotland to raise awareness of mental health and to tackle stigma, but we must also recognise the work that is being done across the country by our dedicated medical professionals and researchers to get to the bottom of how conditions such as schizophrenia take form and to work on future treatments that can help to tackle those conditions at a much earlier stage.

18:11

The Minister for Public Health (Michael Matheson): As others have done, I begin by congratulating Linda Fabiani on securing time for tonight's debate to recognise world mental health day, which was a few weeks ago.

I welcome the fact that we are having a debate on mental health. Several members, including Liam McArthur, mentioned that we have had regular debates on mental health issues. Although there is often a lot of focus on the services that are provided by the statutory sector, and our health service in particular, a tremendous amount of work to support individuals with mental illness is undertaken by third sector organisations, including Support in Mind Scotland and the volunteers in its East Kilbride support group, to whom Linda Fabiani referred. Part of the work that the Government does is to support organisations such as Support in Mind. At present, we are providing it with financial support over three years to 2017 to help it to deliver our shared objective of improving the wellbeing and quality of life of people who are affected by mental illness.

The challenge is clear. Mental illness is one of the top public health challenges in Europe. It is estimated that mental health disorders affect more than a third of the population every year, and

people with mental disorders have a much higher mortality rate than the general population—on average, they die more than 10 years earlier, as Malcolm Chisholm said. That is why mental health is one of the Scottish Government's clinical priorities. Our priorities in this area are being taken forward as part of our mental health strategy, which sets out 36 commitments. Within the sector, there is broad consensus that the approach that is set out in the mental health strategy is the right one, which will help to deliver the further improvements in services that we all want to be made consistently.

I am keen for further progress to be made on reducing the variation in availability of services and on increasing the pace of change in the delivery of quality mental health services for those who need them. It might be helpful if I outline to members some of the progress that is being made in delivering the commitments that are set out in the mental health strategy.

Liam McArthur: As I said in my earlier remarks, I very much welcome the approach that is being taken by the strategy. However, the minister will recall the exchange that we had in the debate in April about the legal status or priority that is attached to mental health, as compared with that for physical health. Does he believe that a signal about parity in law in that regard might address some of the issues that Stewart Stevenson recognised in terms of the pointer that it would give to people regarding the disciplines that they could pursue through higher education and, indeed, the research funding and so on that would go into research into those sorts of conditions?

Michael Matheson: Let me come to that point slightly later on when I address some other issues, because I want to go through a couple of the issues around the policy that has been set out in the mental health strategy.

The Mental Health (Care and Treatment) (Scotland) Act 2003 is probably not the right basis on which to measure the progress that has been made, because the legislation is not there for on-going operational policy purposes. It might be helpful if I set out some of the progress that has been made and turn to some of the points that Mr MacArthur has raised, which I intend to do.

Seven commitments have already been completed and the remainder are well under way or scheduled for work in 2015. Although there is not enough time to cover all the areas, I will go into a few of them. One of them is the issue of tackling stigma and discrimination, which a number of members have made reference to, and the see me campaign, which is Scotland's anti-stigma and anti-discrimination programme. The programme is hosted on behalf of the Scottish Government by the Scottish Association for Mental

Health and the Mental Health Foundation. It was principally focused on stigma, and has been refounded and extended to deal also with discrimination.

In a partnership that we forged with Comic Relief, funding has gone from £1 million a year to £1.5 million a year, which is a significant increase in funding. A key part of refounding the programme is around looking at areas where people have particular experience of stigma and discrimination, including in the workplace and in accessing health and social care services. That is why we are ensuring that the new campaign focuses particularly on those areas.

Linda Fabiani and others raised the issue of the challenge that individuals with mental ill health can experience in being able to gain access to employment. Again, a key commitment on that was set out in the mental health strategy. We have a stakeholders group that is made up of the Scottish Government, the health service, local authorities, the Department for Work and Pensions, the third sector and specialist employment providers. The group is drawing together a report with recommendations for the Scottish Government—"What works for mental health in employability"—in order to look at what further measures we can take to improve employment opportunities for those with mental illness.

I turn to a point that was raised by Linda Fabiani around children and adolescent mental health services and pick up on a particular point that Mary Scanlon made about what she feels is a lack of improvement in CAMH services. She was on the Health and Sport Committee with me in the previous parliamentary session when we investigated access to CAMH services. At that point, we found that there were significant deficiencies in accessing those services.

So, what has happened since 2008? We have set the health improvement, efficiency and access to treatment target for faster access to CAMH services at 18 weeks, which will apply as of December this year. We have seen over the past couple of years a significant increase in referrals and in the numbers of individuals who are being treated. We see average waiting times for CAMH services across the country being between eight and 10 weeks, which is a significant improvement since the inquiry that the Health and Sport Committee undertook. We have also seen significant financial investment: since 2009 an additional £13.5 million has been invested in CAMH services. That has also resulted in a 45 per cent increase in the CAMH services workforce. One of the things that the Health and Sport Committee identified was a lack of staff in CAMH services.

That is not to say that everything is right and that we do not have in some areas waiting times that are still far too long. However, what we are seeing is a general improvement. We want to make sure that we build on that level of improvement and take it further.

We have also applied the 18-week waiting time to access to psychological therapies. The reason why we have set that waiting time target for psychological therapies, which comes into force this December, is to create parity with physical services in a way that has not been done anywhere else in the UK. Having something in a bit of legislation does not result in parity; parity is achieved by the policy that is delivered on the ground, and Scotland is the only part of the UK so far that has set a target for accessing mental health services that is equal to the target for accessing physical health services.

Mary Scanlon: I remember the days on the Health and Sport Committee when Mr Matheson was not a minister.

I said that progress is disappointing, but it would be absolutely wrong to say that there has been no progress. I can remember the days when waiting times were years, rather than months and weeks. However, everything that I mentioned today about the lack of progress came from the Royal College of Psychiatrists, which has been very vocal on the issue during consideration of new mental health legislation.

I did not have time to mention the fact that, although a person can see a mental health specialist within a certain time, the RCP also said that, at June this year, 5,300 children were still waiting to access treatment in the service. That causes concern.

Michael Matheson: As I said, I do not want to give the impression that everything is as good as we wish it to be, but we are involved in a process of improving services. We want to maintain that, and that is what the mental health strategy sets out. However, it would be wrong to give the impression that no improvement has taken place and that we are not making progress.

The Deputy Presiding Officer: I do not wish to rush you, minister, but I would be grateful if you would draw to a close.

Michael Matheson: I turn to the points that Malcolm Chisholm made on life expectancy and poor employment opportunities. I mentioned the commitment in the mental health strategy to try to improve employability and opportunities, and the work that we are doing on that. The mental health strategy also addresses that second point on life expectancy, and we are doing work on that.

I will finish on a point that I think members will find useful. We are going to publish a 10-year review report, which will provide a national picture of mental health services in Scotland from 2003 to 2013, so that we can see where the challenges remain and where progress has been made. We should have that report by the end of this year and will, I hope, publish it early in the new year. I have no doubt that it will help to inform members about the areas where further work needs to be undertaken. I assure members that the issue continues to be a priority for the Scottish Government and that we will continue to build on the progress that we have made in recent years. I welcome the particular interest that so many members show in mental health.

The Deputy Presiding Officer: I thank all members for that excellent debate.

Meeting closed at 18:23.

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