



The Scottish Parliament  
Pàrlamaid na h-Alba

## Official Report

# MEETING OF THE PARLIAMENT

Thursday 23 May 2013

Session 4

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# Scottish Parliament

Thursday 23 May 2013

[The Presiding Officer *opened the meeting at 11:40*]

## General Question Time

### Flooding (Fife)

**1. Helen Eadie (Cowdenbeath) (Lab):** To ask the Scottish Government when it last had discussions with relevant officials concerning flooding in Fife. (S4O-02155)

**The Minister for Environment and Climate Change (Paul Wheelhouse):** The Scottish Government spoke to local authority officials regarding flooding in Fife in the aftermath of the flooding incidents in October last year. My officials are in regular contact with officials from local authorities across Scotland via the various stakeholder groups that have been established to assist with the implementation of the Flood Risk Management (Scotland) Act 2009, as well as through the local authority Society of Chief Officers of Transportation in Scotland flood risk management group. When flooding events happen, the Scottish Government will be in contact with responders such as Fife Council to understand the nature of the impact.

**Helen Eadie:** I thank the minister for that answer and for the very good debate that we had on the issue just a few weeks ago. How does the minister propose to deal with the apparent intransigence of a variety of officials in Fife Council, Network Rail, Scottish Water and other organisations who appear not to be having serious regard to the repeated flooding that is affecting many residents in both private and public sector housing in Rosyth and Cowdenbeath?

**Paul Wheelhouse:** I recognise the problems in Cowdenbeath. In the debate, the member mentioned that there had been two separate flood incidents in Cowdenbeath in the space of two years and that some people were affected again just as they were moving back into their properties, which was very distressing for them.

I recognise the role that Scottish Water has had in the discussions that the member has been involved in to date on behalf of her constituents. In accordance with the views of SEPA in the Government's 2005 consultation on investment needs in the water industry, we have agreed with Scottish Water to focus on where there is a risk of regular internal sewer flooding. Many properties in Cowdenbeath and Rosyth will have been affected in that way, and I am sure that the member will

agree that internal sewer flooding should remain our priority.

The Deputy First Minister has asked officials to examine how Scottish Water schemes should be prioritised in the next investment period to identify how we can tackle those problems. I am happy to meet the member if there is anything specific to Cowdenbeath and Rosyth that I can help her with.

### Fuel Poverty

**2. Mike MacKenzie (Highlands and Islands) (SNP):** To ask the Scottish Government what its response is to "The UK Fuel Poverty Monitor 2013". (S4O-02156)

**The Minister for Housing and Welfare (Margaret Burgess):** I welcome the report and its support for the action that the Scottish Government is taking to tackle the scourge of fuel poverty—in particular, the continuation of direct Government funding to tackle fuel poverty and for energy efficiency schemes in Scotland, in contrast to the withdrawal of Government funding in England, where the United Kingdom Government's fuel poverty programme budget has been reduced from £366 million in 2010-11 to zero in the current year.

**Mike MacKenzie:** Does the minister share my disappointment that the previous carbon emissions reduction target and community energy saving programme schemes failed to tackle fuel poverty in many rural parts of Scotland? Does she believe that the combination of Scottish Government support and the energy company obligation will be more effective in tackling the high levels of fuel poverty in Scotland's rural areas, particularly our islands?

**Margaret Burgess:** The Government is committed to enabling all parts of Scotland to benefit from Great Britain-wide programmes that consumers pay for through levies and bills.

CERT and CESP provided no protection or incentive for investment in rural and remote areas but, with Scottish Government funding, we helped to mitigate the effects of that in Highland, the Scottish Borders and Eilean Siar. Recent figures show that the percentage of homes that received professionally installed loft or cavity wall insulation increased more than threefold between the first and final rounds of CERT. At the fuel price summit in January, I told Ed Davey that Scotland must receive its fair share of the new energy company obligation.

Our new home energy efficiency programmes for Scotland are focused on addressing the areas that are worst affected by fuel poverty. We are providing £60 million to councils to lever in the energy company investment, which councils can

use to assist with the higher costs of delivery in remote areas if they wish to do so.

Evidence from the pilot schemes, which were launched in December, suggests that rural and remote areas are able to develop schemes and attract investment. The Scottish Government is currently funding a pilot project in Argyll and Bute, and we are scrutinising the report that has been provided by the Office of Gas and Electricity Markets on the delivery of ECO to ensure that all parts of Scotland are benefiting.

**The Presiding Officer (Tricia Marwick):** If we can have shorter questions and answers, we will proceed to the end of the questions available to be called.

**Liam McArthur (Orkney Islands) (LD):** The minister will recall that, during the fuel poverty debate in January, I raised with her an initiative in Orkney that looked to harness renewables resources to develop a tariff targeted at fuel-poor households. She indicated that she would speak to the fuel poverty forum about how support might be provided to that initiative. Will she update the Parliament on progress in those discussions or write to me in due course?

**Margaret Burgess:** That work is still on-going. A discussion has yet to take place, but I reassure Liam McArthur that I have not forgotten about the commitment that I made. It will be discussed at the next meeting of the fuel poverty forum.

### Film and Television Industry

**3. Patricia Ferguson (Glasgow Maryhill and Springburn) (Lab):** To ask the Scottish Government what recent action it has taken to support the Scottish film and television industry. (S4O-02157)

**The Cabinet Secretary for Culture and External Affairs (Fiona Hyslop):** In recent weeks, to support film and television content development, Creative Scotland's £4 million film and television funding programme for 2013-14 has opened for applications.

On infrastructure, I followed up meetings that I had in February with the chief executive of Scottish Enterprise and the board of Creative Scotland with a meeting with Iain Smith, who is the chair of the British Film Commission, and a further meeting with Creative Scotland and Scottish Enterprise. A delivery group has been established involving the Scottish Government, those agencies and Scottish Development International to take forward work on live opportunities for film and television production from the private sector, which I cannot share in detail with the Parliament at this stage.

I attended the European culture and audiovisual council in Brussels on Friday 17 May, where there were a number of discussions of relevance to the film and television sector, including the implications of the proposed transatlantic trade and investment partnership between the United States of America and the European Union.

**Patricia Ferguson:** I thank the cabinet secretary for that update. She is aware of my interest in the area and my concern that Scottish producers may not be able to capitalise on the high-end tax credit that came into place on 1 April. Many regions in England, Northern Ireland and Wales now have studio complexes that allow their producers to capitalise on that tax credit. When will Scotland be able to take advantage of that provision? When can we expect to see a film studio complex, and is it likely to be in Glasgow?

**Fiona Hyslop:** We have many advantages in relation to the sector, particularly on skills, but Patricia Ferguson is right to identify our need for a film studio complex, particularly one with an effective sound studio.

For commercial confidentiality reasons, I cannot go into any details on progress on the discussions, but I reassure the member that the delivery group of all the different public agencies is in active discussions with a range of organisations. I hope that those discussions will give an opportunity for positive news in the area at some point in the future.

I undertake to keep Patricia Ferguson regularly informed. She has taken a regular and keen interest in the area. She is right that the tax relief changes create a great opportunity for us to capitalise on not only film production but the potential for television series production. The regular employment that that could bring to the industry is a great opportunity for Scotland's economy as well as for the industry.

### Social Housing (New Homes)

**4. George Adam (Paisley) (SNP):** To ask the Scottish Government what help is available to local authorities and social housing agencies to build new homes. (S4O-02158)

**The Minister for Housing and Welfare (Margaret Burgess):** The Scottish Government is committed to working in partnership with local authorities and housing associations to develop much needed, high-quality social and affordable housing. We are investing £860 million in housing supply in the current three-year period and, last year, we introduced a three-year resource planning approach, bringing the council and registered social landlord funding streams together into one budget for the first time. That approach

enables each council to exercise its strategic role more flexibly.

**George Adam:** I ask the minister to comment on the continuing Scottish Government investment in Paisley and how it is taking forward the Government's ambitious house building plans.

**Margaret Burgess:** We are doing all that we can to boost housing supply throughout Scotland. Despite Westminster's cut in our capital budgets, we will deliver at least 30,000 affordable homes during this parliamentary session.

We have been able to allocate funding of more than £18 million for Renfrewshire Council in the current three-year period. I understand that the vast majority of that will be invested in the Paisley area, including, for example, in a further phase of the Shortroods development near Glasgow airport, which will deliver 42 affordable homes and help the area's regeneration.

The resources that are available for future allocations will depend on future budget decisions, but we have been able to provide a minimum planning assumption of more than £9 million for Renfrewshire Council for the next three-year period to March 2018.

**The Presiding Officer:** Question 5, in the name of Rhoda Grant, has not been lodged. The member has provided an explanation.

### Rail Passenger Franchise

**6. Ken Macintosh (Eastwood) (Lab):** To ask the Scottish Government what it is doing to encourage a mutual, co-operative or not-for-dividend organisation to bid for the Scottish rail passenger franchise. (S4O-02160)

**The Minister for Transport and Veterans (Keith Brown):** The Scottish Government welcomes all types of bids for the next ScotRail rail passenger franchise, including those from a mutual, co-operative or not-for-dividend organisation. To ensure an open and transparent procurement process, no single bid or bid type can be given greater encouragement than any other.

**Ken Macintosh:** The Scottish Government rightly talks about promoting community benefit clauses in procurement contracts. Will the minister consider doing similarly with the tendering process for the Scottish rail passenger franchise, given that, this year, the subsidy for the franchise is rising from less than £450 million to more than £511 million? Does he not believe that that would help to secure better value for passengers and communities?

**Keith Brown:** There are substantial aspects of the bidding process that will consider community benefit clauses within the franchise process. The increased amount reflects the commitment of the

Scottish Government to growing rail services. A record 83 million passengers are using rail this year.

On the substantive point, the Railways Act 1993 prevents the Scottish Government from encouraging a public sector bid. That is a Railways Act that the Labour Party never changed during the 13 years when it had the opportunity to do so. If Ken Macintosh, like others in the Labour Party, prefers 100 years of Tory rule to the chance to change those things in Scotland, that will remain the way things are for the foreseeable future. He should decide what he wants. If he wants a public railway bid, the only way he can ensure that is in an independent Scotland.

**Alex Johnstone (North East Scotland) (Con):** Given that such a business model would require access to bank funding, and that it would be very difficult to raise equity funding, would such a model effectively require the Scottish Government to act as a lender of last resort?

**Keith Brown:** The legislation that I have mentioned specifically prohibits public sector bids, not not-for-profit bids. The member is right to say that financial backing would be required, as with the current franchise. The Government could not provide that financial backing. If that was to happen, it would only be in the event of the franchise failing and its becoming the operator of last resort, with the Government taking over the process. Any bid from any organisation would have to have financial backing; the Scottish Government could not provide that.

### Housing (Tenant Deposit Schemes)

**7. Elaine Murray (Dumfriesshire) (Lab):** To ask the Scottish Government whether private landlords had lodged all eligible deposits with tenant deposit schemes by the deadline of 15 May 2013. (S4O-02161)

**The Minister for Housing and Welfare (Margaret Burgess):** Up to the end of April this year, more than 140,000 deposits, with a total value of £89 million, had been lodged with one of the three approved tenancy deposit schemes. Those are the most up-to-date figures that are available. A comparison with the number of properties that private landlords have registered with local authorities suggests that some landlords still need to lodge deposits. The Scottish Government will continue to work with the scheme providers and other stakeholders to encourage compliance with the new law in that regard.

**Elaine Murray:** The minister will be aware of reports that only half of landlords registered their deposits by the deadline. Can she advise us how the scheme is being policed? What sanctions will

be taken against the private landlords who have not complied with the legislation?

**Margaret Burgess:** Private landlords have a duty to protect tenants' deposits under one of the three schemes. If they fail to do so, a sheriff court may order the imposition of a financial penalty on the landlord of up to three times the deposit.

In addition, local authorities have the power to take appropriate action where there is evidence of unregistered landlords or properties, or of non-compliance with tenancy deposit legislation. That may be taken into account as part of the fit and proper test for houses in multiple occupation licensing and landlord registration. We are promoting the scheme, and we are keeping a close eye on what is happening.

#### Waste Incineration (Health Implications)

**8. Elaine Smith (Coatbridge and Chryston) (Lab):** To ask the Scottish Government what action is being taken to assess the health implications of waste incineration. (S4O-02162)

**The Minister for Public Health (Michael Matheson):** Reviews were conducted in 2009 by the Health Protection Agency and Health Protection Scotland, which came to similar conclusions. The Health Protection Agency review concluded that the evidence suggests that

“any potential damage to the health of those living close to incinerators

“is likely to be very small, if detectable.”

Health Protection Scotland continues to monitor research in the area to maintain awareness of new developments and it is collaborating in relevant new research. That includes two UK-wide studies that are being taken forward by the small area health statistics unit at Imperial College.

**Elaine Smith:** I thank the minister for his answer, but I am afraid that it will not give huge comfort to my constituents. He may be aware that one of the new studies is research by the Health Protection Agency in England on the potential links between incinerator emissions and health outcomes. Will the minister consider conducting a similar study in Scotland to look at possible health impacts of waste incineration and, in particular, technologies such as pyrolysis plants, one of which Shore Energy proposes to build in my constituency?

**Michael Matheson:** I understand the concerns that Elaine Smith has raised. I mentioned that we are part-funding one of the studies—both of which are UK-wide studies—that are looking at some of the health outcomes for those who live close to incinerators. If it would assist the member in informing her constituents on the matter, I would

be more than happy to write to her to give more details of exactly what the areas of research are about and how they will be taken forward over the next couple of years.

#### Independence (Corporation Tax)

**9. Neil Bibby (West Scotland) (Lab):** To ask the Scottish Government what level it plans to reduce corporation tax to in the event of Scotland becoming independent. (S4O-02163)

**The Cabinet Secretary for Finance, Employment and Sustainable Growth (John Swinney):** It was a recommendation of the fiscal commission working group that the Scottish Government should take forward a programme of work to identify and develop key economic and fiscal policy opportunities to deliver economic growth, resilience, fairness, opportunity and sustainability. Corporation tax would be an important lever used responsibly as part of a wider design of tax policy set to promote investment and create jobs.

In 2011, the Scottish Government undertook analysis that modelled the impacts of a modest 3 percentage point reduction in the headline rate of corporation tax. It indicated that such a policy could increase the level of gross domestic product in Scotland by 1.4 per cent and increase employment in Scotland by 1.1 per cent or 27,000 jobs after a 20-year period.

Independence would give the Scottish Government access to a wide range of policy levers that could be used to boost sustainable economic growth.

**Neil Bibby:** Cutting taxes for big business more than the Tories is not a progressive policy. It is also a nonsense for the Government to suggest that it will increase spending on welfare and public services when, at the same time, it wants to create tax haven Scotland for big business. That is not Laffer curve economics; it is laughable economics. Is it not the case that the SNP tries to talk the language of social justice but falls down when it comes to the crunch?

**John Swinney:** I give Mr Bibby, after his considered question to me, these words, which are from one of his friends—I think he is one of his friends, although he may not be after I have read this quote:

“We have cut corporation tax twice and I want to go further. We will reduce the tax again when we are able.”

Those words are not mine; they are the words of Gordon Brown, the former Prime Minister.

Mr Bibby talks about tax havens. For heaven's sake—Mr Bibby and his Government had 13 years of an opportunity to get companies to pay their

corporation tax and never managed to get them to do it.

Finally, I say to Mr Bibby, who goes on about social justice, that the Labour Party presided over the Government that made the United Kingdom the fourth most unequal country in the world, and it wants to keep it that way. We want to do things differently for the benefit of the people of Scotland.

### **Transport Budget (Walking and Cycling)**

**10. Alison Johnstone (Lothian) (Green):** To ask the Scottish Government what proportion of its transport budget is spent on infrastructure to increase walking and cycling rates. (S4O-02164)

**The Minister for Transport and Veterans (Keith Brown):** In the current financial year, the proportion of the transport budget that is spent on cycling and walking infrastructure will be 0.7 per cent. In addition, as part of our trunk roads programme, upgrading of cycling and walking facilities is included in each contract.

The transport budget is not the only contributor to infrastructure. As part of the local government settlement, £5.6 million will be allocated to local authorities for cycling, walking and safer streets projects. Funding is also available from the climate challenge fund for community cycling projects.

**The Presiding Officer:** Please be brief, Ms Johnstone.

**Alison Johnstone:** The 4,000 or so people who pedalled on Parliament on Sunday to call for increased investment in cycling were disappointed that the minister was unable to attend. Can he reassure those people, and all those who want cycling to be safe for all from eight to 80 years, that his Government is committed to increasing investment to the levels that will enable it to deliver its own commitment to 10 per cent of all journeys being made by bike by 2020?

**The Presiding Officer:** Please be brief, minister.

**Keith Brown:** We will shortly produce the cycling action plan for Scotland, which I know the member has an interest in. That will contain our plans—not the definitive last word on our plans—to ensure that we achieve those targets and to ensure that we try to increase the number of people cycling not just for recreation, which there has been a real increase in, but for commuting to work and for other purposes. We are committed to those things and I am pleased that my colleague Paul Wheelhouse was able to be there on Sunday to meet the demonstrators.

## **First Minister's Question Time**

12:00

### **Engagements**

**1. Johann Lamont (Glasgow Pollok) (Lab):** To ask the First Minister what engagements he has planned for the rest of the day. (S4F-01394)

**The First Minister (Alex Salmond):** The murder yesterday in London of a member of the armed forces was one of extraordinary brutality and will be condemned by all people who have any sense of humanity. We should remember that one of the purposes of terrorism is to divide communities from each other. Our purpose should be to hold communities together, and that is what we will continue to do.

**Johann Lamont:** I fully agree with the First Minister. I believe that he speaks for all of us in the chamber and for those beyond, throughout Scotland, in condemnation of those terrible actions. We are determined to hold together in the face of that terrorism.

Last week, I asked the First Minister about Maureen Fleming. Her immense dignity in challenging the unfair system of accessing cancer drugs captured the attention of the people of Scotland. We know that Maureen met the Cabinet Secretary for Health and Wellbeing, Alex Neil, this morning, at the First Minister's request. Can we presume that she is now getting the drugs that she needs to prolong her life?

**The First Minister:** Certainly, that meeting took place this morning, and I met Mrs Fleming last week. I hope that the situation will be one of the factors that lead us to getting the best possible system of drug distribution in Scotland. It should be our aim and intention to have the best possible system of drug allocation, so that is what we intend to do. I was delighted that Mrs Fleming was able to meet the health secretary this morning.

**Johann Lamont:** Of course, we share the First Minister's aim to get this right in the future, but it is the business of Government to address the problems that Mrs Fleming and others face right now.

On Monday, the health secretary Alex Neil told a radio phone-in programme:

"If the clinicians thought she would benefit from it, she would get the drug".

Mrs Fleming's clinician believes that she would benefit from the drug, which is why he prescribed it, and so do many other clinicians who have been consulted about Mrs Fleming's case. The people who have denied her the drug do not have the same degree of clinical expertise on her condition.

The Health and Sport Committee was told this week that cost was the main issue. Since last week, we have been contacted by other people whose circumstances are similar to those of Mrs Fleming. Whom should they believe? Should they believe the doctors who are at the front line trying to keep people alive, or a Government that has form for misleading the public?

**The First Minister:** The Scottish Medicines Consortium was introduced a number of years ago in Scotland—under a different Administration, as it happens. That is our chosen system for deciding which drugs should be allocated. Very demanding formulas need to be used to do that.

Individual patient treatment requests, which are for people who have not had drugs allocated to them within the SMC system, are judged not on economic grounds, but on clinical grounds. The decision is about whether there is something particular to the patient that makes it important that a drug be prescribed.

The system is under review at present—which is well known. We have had the Routledge report, which made some substantial recommendations while accepting that the vast majority of opinion says that the SMC system is robust and effective. We are also looking at the individual patient treatment request system to see whether it can be improved. There have certainly been a number of indications in evidence that improvement is necessary and possible.

It should be remembered that it is simply not the case that individual patient treatment requests are not successful; two thirds of IPTRs are successful. However, improvements are being identified in the system. In particular, the evidence that was given to the Health and Sport Committee this week is very important. There is a consensus that we should not go down the road of having a cancer drugs fund. There was substantial evidence from a range of people and charities, who gave very substantial reasons for why we should not.

That does not mean that we cannot make improvements to the system, and that is what the Cabinet Secretary for Health and Wellbeing and this Administration are determined to do.

I say to Johann Lamont that there cannot be anyone in the chamber—or in the entire country—who does not want the best possible system of drug allocation for Scotland; that is a joint interest for us all. The way in which the Health and Sport Committee is conducting its business is important, because that information will be vital in getting a better system.

**Johann Lamont:** The point that we are making to the First Minister is that the system is not working. Examples such as Mrs Fleming's case mean that it is simply not working, and we need to

address that problem. We are seeking reassurance that such decisions are made on clinical grounds and not on ground of cost.

The First Minister has said that Mrs Fleming has been refused the drug on clinical grounds. Let us look at the case. Last week, the First Minister told members in the chamber that Mrs Fleming could not get cetuximab because she had had chemotherapy, and the health secretary, Alex Neil, has repeated that. Alex Neil told the BBC that there were

“a number of conditions suggested by the drug company Merck. One of those conditions is that anyone who has had chemotherapy will not get this drug.”

Why would Mrs Fleming's doctor prescribe the drug for her if she was precluded? Why would he appeal that decision?

We contacted Merck Serono Ltd, and it issued, at five to 10 this morning, a statement that says:

“Cetuximab has been proven to be effective and is licensed for use in bowel cancer patients previously treated with chemotherapy, and is widely used for such patients in England.”

Whom should we believe—the clinicians who seek to prescribe the drug, the company that manufactures the drug, or Alex Neil?

**The First Minister:** In the last part of her question, Johann Lamont—perhaps unintentionally—put her finger on the real issue, which is that we should not be in a position in which politicians decide which drugs are, or are not, allocated. That is why we set up the SMC system in the first place, and why individual patient treatment requests are clinically determined. That is the point and purpose of the system.

The SMC's decision on licensing cetuximab for prescription came in January 2010. The SMC made clear that

“The submitting company has requested that SMC review a niche within the licensed indication specifically for patients who have not previously received chemotherapy for their ... disease. The efficacy and safety data presented reflects this niche.”

There is no doubt that that was the basis on which the drug was submitted and approved by the SMC. Incidentally, those are the same guidelines that have been used in England by the National Institute for Health and Care Excellence.

It is also the case that, because there is a cancer drugs fund in England, one can get the drug through that means, but it is certainly not—even on those conditions—licensed for everyone. The guidance says that the drug is for specific conditions and that there are restrictions on its use. There is no guarantee that patients with that cancer type would receive the drug through the cancer drugs fund.

Other serious questions—of which Johann Lamont must be aware—about the cancer drugs fund came up in evidence this week. There is a huge consensus that we should not go down that route in Scotland. However, it is possible—and relevant—that we can make improvements in both the SMC system and the individual patient treatment request system. We should certainly do that, and find the best possible system for the distribution of cancer drugs and drugs for other serious diseases.

**Johann Lamont:** I absolutely do not dispute that it should not be for politicians to decide whether someone gets a drug or not, but the cases should be clinically decided. I do not think that the First Minister listened to me. Clinicians in large number believe that Mrs Fleming's case is suitable, and the drug company says that the drug is suitable. The only person who is now saying that it was somehow a clinical decision is the First Minister himself. His point that Mrs Fleming does not qualify because she had chemotherapy has been disputed and denied by clinicians who understand her case.

Mrs Fleming's case was first raised eight months ago and another letter was sent to Alex Neil six weeks ago, but she received a reply and was offered a meeting only after her case was raised in this chamber. People may recall that Ian Morrison was refused treatment until his case was highlighted in the chamber, but he is now getting the cetuximab that he needs, despite his having previously had chemotherapy.

Maisie Black needed a rare drug, but it was not until she was on the front page of the *Daily Record* that a £21 million fund for orphan drugs was established. We recall John McGarrity, who was ignored on a trolley for eight hours, but once his experience made it into the papers, £50 million was conjured out of thin air to deal with a problem that we were initially told did not exist anyway.

That is no way to run a health service. We all agree that the NHS should be free at the point of need, but is it not the case that, for too many patients, the health service becomes free only at the point that it embarrasses the First Minister?

**The First Minister:** Because of the issue's importance, because we are discussing individual patients and because of the nature of the discussion, I will not even begin to rise to that bait. That is not how such things should be discussed.

Let me just take Johann Lamont through the situation. The SMC licenses cetuximab as it does because the drugs company made that specific request, so it was licensed on that condition. That is where the chemotherapy aspect comes in; it is not applied in individual patient requests, which by definition are to apply a drug to a particular patient

for particular reasons, which are outside the SMC licensing process. That also is part of the system. Therefore, Johann Lamont should take the point that the conditions on which the SMC licensed cetuximab were identical to the conditions—*[Interruption.]* They were identical to the conditions on which the NICE system licensed the drug in England. That was the request that was made.

An individual patient treatment request decision is based on clinical grounds and on the specific characteristics of the individual patient, which are also clinically judged. Of the individual patient treatment requests for cancer drugs, two thirds are accepted. Nowhere in the process that I have identified is there any intervention from the health secretary, the First Minister or any other politician. Those matters are determined clinically .

On the orphan drugs fund, Johann Lamont does herself no credit by not welcoming that announcement. If she cares to remember, the announcement was based on a clinical recommendation that arose from the Routledge review. Therefore, the health secretary acted to set up such a fund.

The overwhelming body of evidence—I can quote expert after expert, from Professor David Webb, Eric Low, the east of Scotland cancer research network representative, and Leigh Smith of Melanoma Action and Support Scotland, who all gave evidence to this week's Health and Sport Committee meeting explaining this point in substantial detail—is that a cancer drugs fund is not the way that we should proceed in Scotland. *[Interruption.]*

**The Presiding Officer (Tricia Marwick):** Order.

**The First Minister:** Those experts said that they believe that the cancer drugs fund will not be renewed in England because of its faults and failures.

However, what we can do in Scotland is find a better system in respect of the SMC and take forward the recommendations of the Routledge review. I also believe that we can find a better system for individual patient treatment requests. As we get to that system, I hope that we will all remember the joint ownership of the current system, which was not devised by this Government but was inherited by us. As we improve that system, as we are duty bound to do as parliamentarians who represent our constituents and as human beings who genuinely care about the health of Scotland, I hope that we will have the support of the Parliament on a non-party-political basis.

#### **Prime Minister (Meetings)**

**2. Ruth Davidson (Glasgow) (Con):** I, too, associate myself with the First Minister's

comments regarding the violent death of a soldier outside the Woolwich barracks yesterday. Our thoughts are with the soldier's family. All our efforts are in playing our part in bringing our communities together following that terrible act.

To ask the First Minister when he will next meet the Prime Minister. (S4F-01393)

**The First Minister (Alex Salmond):** No plans in the near future.

**Ruth Davidson:** This week, the First Minister published the Scottish National Party's economic case for independence. Rather than give the people a clear picture of a separate Scotland's economic future, it posed more questions than answers. As if his wee "booklet", as he called it, had not caused enough confusion, a rather frustrated First Minister blurted out afterwards that the SNP was prepared for an independent Scotland not only to use sterling without proper agreement but to embark on this brave new world by defaulting on its debts. Will he explain how an independent Scotland would pay its way if, right from the start, it would not have a legally supported currency or be able to borrow from anyone other than a back-street loan shark?

**The First Minister:** I am tempted to answer Ruth Davidson with two words: Denis Healey. In addition to providing the Scottish people with a fascinating insight into the machinations of the London Treasury in the 1970s, the tremendous interview with the former chancellor in *Holyrood* magazine, in a little reported aspect, states:

"On Scotland keeping the pound, he says Scotland would gain but adds that so 'would the rest of us' and he doesn't see why Westminster could say the Scots couldn't have it."

Rather than listen to the rather ungainly and suspicious advice from the patched-up coalition of Treasury ministers in London, Ruth Davidson should listen to the authentic words of Denis Healey—someone who does not have to disguise his words or underestimate oil revenue any more and who can tell us the truth—and take her marching orders from a man who knows.

**Ruth Davidson:** I am glad that the First Minister raises nonagenarian Denis Healey as the way forward because, to pay for the First Minister's plans, the First Minister would have to tax everyone until the pips squeak. [*Interruption.*]

**The Presiding Officer:** Order.

**Ruth Davidson:** The First Minister's economic plan for Scotland would turn this country into a central American-style basket case. It is no wonder that, when he made his way to Alexander Dennis, he kept his finance secretary back at home on the naughty step. Instead of the reality check that we got from honest John's document—

a truthful briefing paper that tells us what would really happen—we got the First Minister giving us increasingly fantastic claims.

**The Cabinet Secretary for Finance, Employment and Sustainable Growth (John Swinney):** Come on, Murdo, get on the front bench.

**The Presiding Officer:** Order.

**Ruth Davidson:** Oh, sorry—the finance secretary wants to speak now, does he? He did not have anything to say on Tuesday.

**The Presiding Officer:** Ms Davidson, your questions are to the First Minister.

**Ruth Davidson:** The First Minister would not be able to borrow at anything other than exorbitant rates under his plans. He would be spending money that he did not have like water, but he expects us to believe that, all the while, he would be squirreling away money for a rainy day.

There are only two conclusions. Either the First Minister would be printing money faster than Zimbabwe or he would be taxing the people of Scotland up to their oxters. Will he show us exactly where in his wee booklet it tells us how a country that would have instantly defaulted on its debts and would have no control over its monetary policy would finance an oil fund, a 3 per cent cut in corporation tax and an ever-expanding welfare and benefits system?

**The First Minister:** I have a rich opportunity and a variety of things to cover. I remind Ruth Davidson that our position is that the responsible thing to do is to take a share of the assets and liabilities of the United Kingdom. The point is that that would involve both sides of the balance sheet: the assets and liabilities.

The irresponsibility in the debate comes from some in Ruth Davidson's party and the UK Government, who seem to suggest that they live in a world where the UK can claim all the assets of the UK but still share out the liabilities. The problem with that, legally, has been set out by, for example, Professor David Scheffer, who points out that people cannot make that argument. If people argue that there is a sole continuing state, that of course has advantages, but one disadvantage is that it ends up with all the liabilities that were issued in the name of that state. It is therefore far better to stick to the responsible attitude of the Scottish Government.

I will ignore the ageist remark about Denis Healey—I really do think that it was a bit much. I will turn to somebody much younger. Writing in *The Scotsman* today, he says:

"Albert Einstein"—

we should bring him into the debate as well—

“reputedly defined insanity as doing the same thing over and over again ... The Scottish Conservative and Unionist Party has been slow to learn the truth of this observation from the great scientist.”

There are many more gems, climaxing with that rallying call that he is not sure whether the Conservative Party is the right vehicle for centre-right politics in Scotland. With loyalty such as that on the back benches, I am surprised that Ruth Davidson even bothers to ask me a question.

### **Cabinet (Meetings)**

#### **3. Willie Rennie (Mid Scotland and Fife) (LD):**

To ask the First Minister what issues will be discussed at the next meeting of the Cabinet. (S4F-01399)

**The First Minister (Alex Salmond):** Issues of importance to the people of Scotland.

**Willie Rennie:** I associate myself and my party with the First Minister's remarks about Woolwich. Last night's attack was sickening and can never be condoned. Our thoughts are with the victim's family.

What discussions has the First Minister had with the Home Secretary, the chief constable in Scotland, military chiefs and the United Kingdom security services following last night's attack? Some steps have been taken on security around military installations and other sensitive buildings. What steps has the First Minister taken in response to last night's events?

**The First Minister:** The Cabinet Secretary for Justice had a conversation with his counterpart in the UK Home Office this morning to look at some of those aspects and to be updated on the meetings that took place in London yesterday. The Police Service of Scotland yesterday implemented its contingency plan on such matters and is taking appropriate steps in Scotland. Willie Rennie will understand if I do not specify what those appropriate steps are, but they are very much part of the contingency planning that the Police Service does for such events.

**Willie Rennie:** I thank the First Minister for his very helpful answer. I am sure that he agrees that it is important that fear must not turn into hate in such circumstances. I will do all that I can to work with him to keep peace between and within our communities. These were not the actions of Britain's Muslim community; it feels as wounded by the attack as anyone else. Will the First Minister report back to the Parliament in due course once we have had time to consider the consequences of this attack for Scotland, so that we have an opportunity to reflect on and explore what we should do?

**The First Minister:** I thank Willie Rennie for his question and the manner in which he asked it. Just

as this Parliament unites in our condolences to the family of the murdered member of the armed forces and our condemnation of a horrendous attack, so we also unite on what the response across Scotland's diverse communities must and shall be.

Willie Rennie knows that we have had challenges in the past, such as the attack on Glasgow airport in 2007. One of the most splendid things to come out of that evil attack was the response of Scotland's communities. Across the faiths and across the communities, people bound together to make it absolutely clear that we would not allow acts of terrorism to divide our communities in Scotland. That will apply equally to the murderous attack that took place in London.

One of the things that enable that to be the case in Scotland is this Parliament's ability to speak with one voice in our condemnation of a murderous attack and our absolute determination to ensure that such acts of terrorism do not divide the communities of Scotland. I thank Willie Rennie very much for the way in which he asked his questions.

### **Independence (Protection for Savers and Pensioners)**

#### **4. Kenneth Gibson (Cunninghame North) (SNP):**

To ask the First Minister what assessment the Scottish Government has made of the claims in the Treasury analysis paper regarding an independent Scotland's ability to provide protection for savers and pensioners. (S4F-01398)

**The First Minister (Alex Salmond):** I agree with Jim Spowart, the former managing director of Direct Line and the founder of Intelligent Finance, who said about the Treasury paper:

“There is a huge credibility gap between the claims made in this report and how financial services operate in the real world.”

The truth of course is that an independent Scotland would be an attractive place for savers, pensioners and indeed financial services. Our financial sector is hugely important, of course, but it accounts for 8.3 per cent of our gross domestic product, compared with 9.6 per cent of the United Kingdom's GDP. The simple fact is that, like every other independent nation in Europe, we will fulfil all our requirements and obligations. Every other nation in the European Union has protection schemes for savers and pensioners. Despite the no campaign's rather desperate efforts to suggest otherwise, Scotland will be no different from that.

**Kenneth Gibson:** The First Minister will note that the Treasury is acting not as an honest broker but as an integral part of the no campaign. How concerned is he that the Treasury will again deliberately deceive the Scottish people about

Scotland's oil wealth, as it and the then Labour Government did in the 1970s? The McCrone report exposed that some years ago and the former Labour Chancellor of the Exchequer Denis Healey admitted that only last weekend. Does the First Minister agree that, whether it is scaremongering over an independent Scotland's place in the world, over pensions or over the currency, people cannot trust a single word that the no campaign says?

**The First Minister:** I agree. Denis Healey's interview deserves a second mention. I hope that every single member of the chamber—and people outside it—reads that incredibly revealing interview. So much of it was substantial, including the very important admission that the Treasury deliberately underplayed the significance of oil in the 1970s to stop the advance of the Scottish National Party. If it was prepared to do that in the 1970s, surely it is prepared to do that in 2013 when life is much more sophisticated and the black arts of Treasury politics much more pronounced. Of all the great quotations, the best one was this:

“we would suffer enormously if the income from Scottish oil stopped but if the Scots want it [independence] they should have it and we would just need to adjust but I would think Scotland could survive perfectly well, economically, if it was independent.”

So says Denis Healey; so say all of us.

### Government Grants (Tax Levels)

**5. Ken Macintosh (Eastwood) (Lab):** To ask the First Minister what action the Scottish Government is taking to ensure that its grants are awarded only to companies that pay correct levels of tax. (S4F-01407)

**The First Minister (Alex Salmond):** The Scottish Government's job is to attract jobs and investment to Scotland—as we are doing noticeably successfully, given that for the past five years we have been first or second in the Ernst & Young inward investment league table. The United Kingdom Government's job is to collect corporation tax, which it seems to be incapable of doing, whether it is the present Government or, indeed, the past Labour Government, which was apparently even worse at it.

**Ken Macintosh:** I am unclear from that answer whether the First Minister is defending the award of more than £10 million of our taxpayers' money to a successful multinational such as Amazon, given its apparent unwillingness to pay correct levels of corporation tax in this country. Is it credible to talk about a socially just Scotland while extolling a race to the bottom on corporation tax and handing out millions of pounds of Government grants to companies that dodge tax and avoid recognising workers' rights?

**The First Minister:** Ken Macintosh should reflect on the fact that Amazon was awarded support by the former Labour Administration in Scotland—I can detail that if he wants, cite the quotes that went along with it and say why it was a tremendous success—and by the present Labour Administration in Wales, which is boasting of its success and role in attracting investment from Amazon to Wales.

In case Ken Macintosh does not want to be reminded of the past and, given that we are always told that what Labour is doing in Wales is irrelevant, I will reflect on the words of Helen Eadie from not that long ago on 13 December last year. She was so concerned at the threat to investment grants by the Scottish Government from—as she saw it—the European Commission that she wrote to the European commissioner. She said:

“Amazon's recent decision to locate significant operations in part of my home area of Fife that suffers from a severe lack of job opportunities is just one example of an investment that would be put at risk if RSA”—

regional selective assistance—

“had to be limited to small and medium-sized firms.”

While Ken Macintosh is telling us that we should not be generating thousands of jobs in Scotland, Helen Eadie is warning us that we must absolutely continue grants to Amazon. Once the Labour Party gets its own act together, it can come and ask me a few questions.

### Domestic Violence Disclosure Scheme

**6. Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP):** To ask the First Minister whether the Scottish Government will consider piloting a domestic violence disclosure scheme. (S4F-01397)

**The First Minister (Alex Salmond):** The Scottish Government is examining with substantial interest the Clare's law pilots in England and Wales. We will take on board any evidence from the pilots when they conclude in September. However, we will also discuss the matter fully with our partners, such as Police Scotland and Scottish Women's Aid, to ensure that we make the right decisions to protect victims in Scotland.

**Christine Grahame:** I am pleased that the operation of the pilots in England is being monitored, as I have concerns that, although we all wish to protect women from violent partners, there are issues relating to human rights, the confidentiality of any disclosures and, indeed, the possibility of vigilantism. Does the First Minister agree that the matter is complex and that careful and that full consideration of all the implications of such a scheme would be required?

**The First Minister:** Christine Grahame is absolutely correct to say that this is not an easy area and that all the complexities and, indeed, the evidence from the pilot studies have to be explored before taking action. I know that she also appreciates that victims have human rights as well, among which is the right not to be subjected to inhumane and degrading treatment. That is why the Government has substantially increased—by 62 per cent—the funding for campaigns against violence against women, and that is well recognised by those who work in the field. For example, Dr Mairead Tagg said on the BBC on 10 May 2010:

“To be fair we have seen a huge improvement in the services for domestic abuse since the Scottish government came into being.”

It is hugely important that we take the lessons from the pilot studies and examine the complexities but, above all, we must have a real conversation and discussion with our partners, including Scottish Women’s Aid, to ensure that we are doing the right thing to further extend the protection of people against domestic violence.

## Mary Barbour Commemoration

**The Deputy Presiding Officer (Elaine Smith):** The next item of business is a members’ business debate on motion S4M-05921, in the name of Anne McTaggart, on Mary Barbour commemoration. The debate will be concluded without any question being put.

*Motion debated,*

That the Parliament congratulates moves to build a monument in honour of Mary Barbour, Glasgow City Council’s first female councillor; understands that Barbour pioneered the city’s first family-planning clinic and pushed for major welfare changes, including free milk for schoolchildren, pensions for mothers, municipal banks, wash houses, laundries and public baths; understands that the former MP, Maria Fyfe, will chair a formal group involving all Glasgow City councillors local to Govan aimed at raising money for the monument; expresses disappointment that very few women are honoured by monuments in Scotland; considers that this is a fantastic way to celebrate the groundbreaking work that Barbour undertook, including in relation to the Increase of Rent and Mortgage Interest (War Restrictions) Act 1915, which it understands she instigated, and wishes the group every success in fundraising.

12:33

**Anne McTaggart (Glasgow) (Lab):** I am genuinely delighted to bring the campaign to recognise Mary Barbour’s achievements and legacy before the Scottish Parliament, and I thank members across the chamber for their cross-party support and for joining me in calling for a statue to be dedicated to the memory of Mrs Barbour.

The impact that Mary Barbour had on the lives of women, children and ordinary families in Govan is undeniable. Too many of us are unaware of the changes that she brought about for people across Glasgow. I hope that members will acknowledge some of those changes in their speeches.

Mary Rough was born into a working-class family in Kilbarchan in 1875. Later, she moved with her family to the village of Elderslie. That was before she married David Barbour and settled in the Govan area of Glasgow, where she worked as a thread twister and carpet printer. As a working-class mother of two children in Govan, she was well aware of the poverty and deprivation faced by ordinary people, particularly women. Those experiences led her to take an active part in Scotland’s first co-operative women’s guild at the Kinning Park Co-operative Society. That guild later became known for producing a generation of leading female politicians and activists, many of whom played a crucial role in the establishment of women’s housing associations throughout Glasgow and in the 1915 rent strike.

It was during that rent strike that Mary became known for her effective local activism and for

encouraging the political radicalisation of ordinary working people in Glasgow. Mary recognised the need to organise women into a united resistance that would fight against underhand rent increases being applied by unscrupulous landlords. In her efforts to challenge that injustice, she went on to form the South Govan Housing Association, which would later become known as Mary Barbour's army.

The housing associations later brought about an end to the protests when, on 17 November 1915, they initiated one of Glasgow's biggest demonstrations. That mass demonstration, which included shipyard workers who downed tools, was in response to eviction notices being served on 47 local campaigners. The protestors' march on the courts shocked the establishment so much that rents were frozen at pre-war levels, and eventually led to the Housing, Town Planning, &c Act 1919.

Mary became Glasgow's first woman councillor in 1920. Throughout her 11 years as a councillor for the Fairfield ward in Govan, she championed the needs of working-class women and children. She was instrumental in the establishment of public washhouses, laundries and baths. She is perhaps most famous as the campaigner who brought about an initiative that supplied fresh milk to schoolchildren free of charge. She also promoted the development of child welfare centres, brought about the establishment of home help for vulnerable people living alone and championed the introduction of a pension scheme for mothers.

Mary broke new ground in 1924 when she became the first woman baillie in the Glasgow Corporation. She used her time as baillie to support calls for birth control for women and chaired the women's welfare and advisory clinic, Glasgow's first family planning centre. She retired from politics in 1931, having played a pivotal role in improving the lives of working people, championing in particular the rights of women and children across Glasgow.

The case for a permanent monument to commemorate Mary Barbour's achievements is compelling. As we move towards sourcing funding for our monument, we must remember the campaign's significance not only for Govan, Glasgow and Mary Barbour's legacy but in highlighting the wider absence of memorials to historically significant women. The excellent work of the mapping memorials to women in Scotland project addresses that issue. Developed by women's history Scotland, the Glasgow Women's Library and Girlguiding Scotland, the project has helped map out the locations of memorials to women throughout Scotland. The project, which received a message of support from the First Minister last year, is vital in ensuring that the

contributions of women throughout history are not overlooked.

Our campaign has relied on the hard work of many people, but some deserve a special mention. I take the opportunity to thank Maria Fyfe, who chairs the remember Mary Barbour committee and has worked tirelessly to raise the campaign's profile—she sends her sincere apologies for her unavoidable absence today; Cathy Jamieson MP; Mary Lockhart, who has worked incredibly hard within the Co-operative movement on the issue; Caroline Wilson of the Glasgow *Evening Times*, who has shown huge commitment to and passion for the campaign; Sharon Thomas, an artist, who was commissioned to produce a unique portrait of Mary Barbour; Elaine Dougall of Unite the Union; the women's committee of the Scottish Trades Union Congress; Glasgow Labour women's forum; and Glasgow city councillors. I thank all of them and the countless others who have joined us along the way.

I hope that the debate will encourage greater awareness of the life and achievements of Mary Barbour. Again, I thank all those who have worked so hard to bring about a permanent and lasting reminder of a true Glasgow heroine.

12:39

**Ruth Davidson (Glasgow) (Con):** I congratulate Anne McTaggart on securing the debate. As participants in it are acutely aware, Glasgow has an honourable tradition of electing gobby women. I think that Mary Barbour is at the root of that tradition, but her contribution to the lives of the people of Glasgow has had insufficient recognition until now.

I am happy to welcome Glasgow City Council's decision to approve a statue of Mary Barbour, which I hope will find a place in George Square with some of Glasgow's other notable monuments. As we heard, and as those of us who are from the city know, only three named women are commemorated by statues in Glasgow: Queen Victoria; Dolores Ibárruri—La Pasionaria—who was a prominent Communist leader in the Spanish civil war; and Lady Isabella Elder, who created Elder park in memory of her husband and is the only local woman to make the grade. Until now, Glasgow has rather neglected its famous women, but a statue of Mary Barbour is a starting point for remedying that neglect.

It might seem strange to hear a Conservative leader argue for such recognition for a Labour figure, but I think that Mary Barbour's achievements were substantial and that it benefits public life in Scotland if we can acknowledge party-political differences while making a neutral

assessment of impact and standing. It does no one any favours if we retreat to the sort of schoolyard politics that would try to block a legitimate proposal to celebrate someone who fought for their beliefs and changed the face of the country, for no reason other than that the proposal comes from a political opponent.

That is why I am happy to say that Mary Barbour was no ordinary politician. She was a campaigning force of nature, and forcing a change in the law to stop the exploitation of ordinary people by private landlords during the first world war, thereby protecting vulnerable families from war profiteers, is a significant achievement that deserves to be acknowledged.

As we heard, Mary Barbour did not stop there. She went on to become Glasgow's first female Labour councillor. She was associated with organisations such as Glasgow Women's Housing Association, which was established to fight the rent rises that had been cynically brought in while Glasgow's menfolk were at the front. Mrs Barbour was so involved in the resistance to evictions that her followers became known as Mrs Barbour's army. It is staggering to think that she was able to attract 20,000 people on to the streets of Glasgow in November 2015, to demonstrate in that cause.

The rent restrictions act, which was passed shortly after that, brought order to a chaotic housing system and protected thousands from unfair eviction. At such a time, it was clearly in everyone's interest to prevent civil unrest, so Mary Barbour's actions not only helped ordinary people but contributed to the war effort.

Anne McTaggart talked about Mary Barbour's other political successes, such as helping to found the women's peace crusade, being elected to the town council as the first female Labour councillor and becoming the corporation's first female baillie and one of the city's first female magistrates.

Mary Barbour campaigned on many issues: municipal banks; washhouses, laundries and baths; free milk for all schoolchildren; child welfare centres and play areas; home helps; and pensions for mothers. Most progressive was her commitment to and chairmanship of the women's welfare and advisory clinic—Glasgow's first family planning centre—which showed that she was brave in the face of controversy and was not afraid to be bold and challenging, if she thought that that was the right thing to do.

Mary Barbour loved the city of Glasgow but knew that many of its poorer citizens had never seen beyond its boundaries, so in her later years she helped to set up organised seaside outings for the children of disadvantaged families.

I might have very different politics, but I recognise in Mary Barbour a courageous,

compassionate and campaigning woman, who was set on improving her city and the lives of its people. Glasgow celebrates plenty of its famous sons. It is time that we celebrated the accomplishment of our daughters, too.

12:44

**Patricia Ferguson (Glasgow Maryhill and Springburn) (Lab):** I congratulate my friend and colleague Anne McTaggart on securing the debate, and I congratulate my friend and former colleague Maria Fyfe on the initiative that she is pursuing, with her usual determination and drive, which I am sure will result in a statue to Mary Barbour being erected, I hope in good time for the centenary of the rent strike for which Mary is perhaps best known.

Mary Barbour, together with her contemporaries Agnes Dollan, Jessie Stevens and Helen Crawford, made an impact on my city and our country that can be felt to this day. Without them, municipal housing—or social housing, as we now call it—might never have come to pass. Indeed, one of their key demands was that there should be a system of municipal housing to prevent the exploitation of working people in the housing market, so generations have them to thank for the housing that resulted from their campaigning. Those women would, quite frankly, turn in their graves if echoes of the bedroom tax were ever to reach them.

Before the first world war, rents in Glasgow were low, but with the arrival of war and the need to staff the munitions factories on the Clyde, unscrupulous landlords thought that they could raise rents with impunity. However, they had not reckoned on Mrs Barbour and the women of Govan. In a short period, strikes and protests had spread throughout the city, with estimates of the number of households that took action of anything up to 30,000. In the end, as we have heard, they forced the Government to rush through the rent restriction act.

Mary Barbour's legacy can be seen in legislation and social change and, as we have heard, in the many causes that she championed as the first woman councillor in Glasgow. However, that is not all that she and her generation achieved. When I first joined the Labour Party, I was enthralled by stories told by two of the older members of our local branch: Margaret Young and Jenny Auld, who were children when Mrs Barbour was active.

Margaret Young could remember the rent strikes in Partick, where she grew up, and she spoke vividly of her mother's involvement in them. She also remembered being sent up closes to deliver Independent Labour Party literature at election time, as it was not unknown for ILP

activists who ventured into certain streets in Partick to be physically attacked, whereas children were regarded as safe.

Jenny Auld grew up in Lanarkshire and was in service as a young woman. She defied her employer by leaving the big house to go out to use her first vote in an election for the Labour candidate. When she returned to her place of work, knowing that she had lost her job, she found that, in addition, all her belongings had been thrown from a window into the muddy street. That generation of women were inspired by Mary Barbour and grew up as the inheritors of her socialist principles, her steel and her resolve.

As has been noted, there are only three statues of women in Glasgow, and although I would be the first to say that the wit and wisdom of the late Bud Neil deserve to be commemorated, is it not ironic that we got a statue of Lobby Dossier, a fictional cartoon character, 30 years before we are likely to have one of Mary Barbour?

There is an episode of that excellent political drama, "The West Wing", in which President Bartlett is surprised that the First Lady went all the way to Pennsylvania to dedicate a statue to Nellie Bly, the real-life pioneering investigative journalist. However, after Mrs Bartlett has upbraided the President, the episode ends with him dedicating his Saturday morning radio address to the recognition of influential women by their country. He tells his listeners that it is not good enough that there are only 50 statues in America that are dedicated to influential women and that he will try to do something about it. "The West Wing" scriptwriters were right when they had President Bartlett say that women such as Nellie Bly

"open a door to the world for all our daughters".

Mary Barbour opened that door to so many of the women who came after her and improved the lot of her fellow Glaswegians in doing so. She deserves to be remembered.

12:48

**Sandra White (Glasgow Kelvin) (SNP):** I congratulate Anne McTaggart on securing the debate. I am reminded of the debate on science that we had on Tuesday, and the comments in that debate about encouraging more women to be involved in science. It is apt that today we are debating the very positive and strong impact that women have in their communities and beyond, in wider society.

I echo Patricia Ferguson's comment about the bedroom tax. It is also very apt that the debate is taking place at a time when we are talking about the bedroom tax. Perhaps aspirations will go further. Who knows what will happen with regard

to the bedroom tax and what all of us will do against it?

I was born and brought up in Govan and I grew up with the story of Mary Barbour. My relatives worked in the Fairfield shipyard and stayed in the Fairfield community, as it was called. I recollect my great auntie Bessie, who was a great storyteller, passing down through the generations the story of Mary Barbour and the other ladies, who were ordinary housewives, and the children who were involved in the rent strike. It was a fantastic story that was certainly an inspiration to us all.

I remember, a number of years ago, when my aunt and my mother were elderly, taking them along to the Pearce Institute in Govan to listen to Alice Sheridan give a talk for the Govan reminiscence society about the rent strike and the strong women who were involved in it, not just in Govan but in Partick. The story goes on and on.

The motion is correct to say that we have nothing to commemorate these inspirational women. A monument or a statue—whatever it may be—is a must. As Ruth Davidson said, regardless of politics, we should all stand together to commemorate and celebrate the strong women in our society.

The theme of strong and inspirational women runs through the debate. I know that Mary Barbour and the Independent Labour Party have inspired other members, but if members will indulge me, I will say who in my party my inspiration came from. Wendy Wood was my inspiration. She was probably not the most popular person, as she incurred the wrath of both Westminster and her own party, which was called the Scottish National Movement at the time. I am not saying that I am deliberately like Wendy Wood, but I admire her stance on many things.

I will mention two wee snippets of Wendy's life. She had two spells in prison. Her first was in Saughton prison in Edinburgh after she attempted to disrupt a meeting of the Blackshirts at the Mound in Edinburgh and was arrested for a breach of the peace. Her second spell in prison came because she demonstrated against the conditions in women's prisons in Scotland, and she was imprisoned for that. Once she left prison, she set to work on the prison commissioners and eventually got a letter saying that Duke Street prison was to be demolished and a new women's prison was to be built at Greenock.

I was inspired by Wendy Wood as well as by Mary Barbour and what I was told by my aunt. We have had great women in our society, but do we honour them properly? I do not think so. At this point, I depart from what Ruth Davidson said as she called for a monument or statue in George Square. As I am a Govanite, I think that members

will expect me to look for some form of monument in Govan. It does not have to be in Elder park, but it should be somewhere in the area where the whole thing started. For me, that would be an appropriate commemoration. It will be up to Maria Fyfe and others in the working party to decide where it will go, but as a Govanite I would like to see something in the Govan area to commemorate Mary Barbour and those many other women.

12:53

**Hanzala Malik (Glasgow) (Lab):** Good afternoon, Presiding Officer. I am really privileged to take part in this debate and I thank Anne McTaggart for bringing it to the chamber.

Mary Barbour was born in 1875. She was one of seven children and her father was a carpet weaver. The year 1896 saw her marry David Barbour and settle in the Govan burgh of Glasgow. She joined and became an active member of the Kinning Park co-operative guild, which was the first to be established in Scotland. That, in itself, is impressive.

Mary joined the Independent Labour Party and the socialist Sunday school, and the Glasgow rent increases during the first world war brought her to the forefront of local political activity. The Glasgow Women's Housing Association was born in 1914 in Govan, which is also my birthplace—like Sandra White, I was born in Govan. It is a very special place. I thought that I would add that for good measure.

It is important that we recognise the incredible appreciation that we should have for women not only now but who in that era faced up to huge challenges.

As a working-class housewife with two children and a husband, Mary Barbour was well qualified to be engaged in many of the activities that soon spread to the whole of the Clydebank area. In 1915, in one of the largest demonstrations in Glasgow's political history, thousands of women marched through the streets of Glasgow along with thousands of shipyard engineers. As a result of that, the Increase of Rent and Mortgage Interest (War Restrictions) Act 1915 heralded a change in housing systems for the city of Glasgow, and the same progress was made throughout the United Kingdom thereafter. Maria Fyfe, whom Anne McTaggart and Patricia Ferguson mentioned, was also a hero to me and I learned a lot from the challenges that she faced as a woman.

Mary Barbour was the first woman councillor for the Labour Party elected to represent Govan on the then Glasgow town council. During her term as a Labour councillor, she fought for a range of policies and pushed for things such as wash

houses, launderettes, public baths, free milk for school children—I am old enough to have benefited from that—child welfare centres, play areas, pensions for mothers, home helps and local banks. Between 1924 and 1927, she served as the Glasgow Corporation's first woman baillie. I can relate to that, as my wife, Haleema Malik, was one of the first Pakistani women to be elected to Glasgow City Council and she also served as a baillie of the city. I recall the challenges that she faced—and, believe you me, they were some challenges. If my wife can have to face those challenges in this day and age, I cannot imagine the challenges that Mary Barbour had to face. I have a lot of respect for the lady for achieving as much as she did.

Given the fact that Mary Barbour passed away on 2 April 1958, she deserves more respect from the city than we have given her to date, and I have absolutely no hesitation in supporting the bid for a memorial to her. I commend Anne McTaggart's motion and personally appeal to Glasgow City Council to consider what it suggests, as that is a wonderful idea. I thank Anne McTaggart for bringing the debate to the chamber today.

12:57

**Hugh Henry (Renfrewshire South) (Lab):** I thank Anne McTaggart for giving the Parliament the opportunity to put on record our appreciation of the contribution that Mary Barbour and the generation that she came from made to Scottish society. We must recognise that without the efforts of people such as Mary Barbour, we would not be sitting in this place today. Not only did Mary Barbour's generation ensure that women got the vote; they proved that women could play an active and useful role in politics. Without the lead that was taken by Mary Barbour and her generation, not only working women but working men would not have made the advances that they made.

Mary Barbour and the people around her at the time were a product of their generation. They were impelled to political activity because of the injustice and unfairness that surrounded them in society. It is right that we mark the contribution that those pioneers made, as we have so much to be thankful for. Not only do we have the opportunity to engage in democratic politics in places such as the Scottish Parliament and Glasgow City Council; we owe our education, our health service, decent housing conditions and—more significant—the fact that workers are now treated fairly in factories and offices to the efforts of that generation, who struggled so much.

I put on record the contribution of not only Mary Barbour and people from Govan and Glasgow, but of Renfrewshire, because Mary was a product of Renfrewshire, which I represent. Like Hanzala

Malik and Sandra White, I was born in Govan, but Mary's formative years—as Anne McTaggart said—were spent in Kilbarchan and Elderslie in Renfrewshire. She married David Barbour, who came from Johnstone.

Kilbarchan was a hotbed of political radicalism. It was the home of radical, educated weavers who fought for democratic rights and workers rights. They were hugely political and that clearly influenced Mary.

Mary moved to Elderslie and worked in Stoddard's carpet factory there. That, too, was a community with strong industrial and trade union roots.

Members can imagine what it meant when she moved from the political environment in which she grew up to the hotbed of political radicalism in Govan, where the injustice and poverty were stark. She had the confidence of her upbringing to be able to take that a step further.

I am delighted that Maria Fyfe and others in Glasgow are doing much to mark Mary Barbour's contribution to society, but I also pay tribute to my colleagues Councillor Derek Bibby and Councillor Chris Gilmour in Renfrewshire Council, who want Kilbarchan to mark the contribution that Mary Barbour made to Scottish society. She was a product of Kilbarchan and made her mark in Govan, but the whole of Scotland benefited from her activities.

The worst thing that we could do is to say that all we need to do to commemorate Mary Barbour is to stick up a statue and the job will be done. Actually, the significant thing is what she stood for. She stood against injustice and exploitation.

Where injustice and exploitation exist, the need for Mary Barbour's of today is greater than ever. When we have injustices such as the bedroom tax, as Patricia Ferguson and others have said, the present generation of Mary Barbour's needs to come forward and stand against them.

When there are tragedies such as the one in Bangladesh in which women and child workers are killed because of poor working conditions, we can say that Mary Barbour's work is not finished. The best tribute that we can pay to her is not only to mark her contribution with a statue but to say that her work goes on and will not finish until we see fairness and justice throughout the world.

13:03

**The Minister for Housing and Welfare (Margaret Burgess):** I, too, thank Anne McTaggart for bringing the debate to the chamber. It is always important to recognise the pioneering women who took vital steps in politics on behalf of all of us who have followed since. It is right that

the debate stretches outwith Glasgow and Govan to other parts of Scotland.

I imagine that when Mary Barbour became the first female councillor in Glasgow in 1920, she thought that gender equality in public and political life would have been secured by 2013. However, almost 100 years later, that is not yet the case. The gender balance in this Parliament is considerably better than that at Westminster, and we are making headway with public appointments, but there is still a lot more for us to do.

There is little doubt that Mary Barbour's passion and success in driving forward policies to improve the lives of many of the poorest people in our society helped to shape the country in which we live today. Although we have come a long way since she was active, we can still draw on her for inspiration to deliver our aim of creating a fairer and more equal country.

The Scottish Government's commitment to reducing inequalities is echoed in the national performance framework's solidarity and cohesion targets as well as in our commitment to the principle of universal entitlement, which I firmly believe maintains the sense of togetherness that should be the cornerstone of any society as of the society of which Mary Barbour was proud.

For example, through our "Child Poverty Strategy for Scotland", we express our commitment to focus on the need to tackle the long-term drivers of poverty through early intervention and prevention to break the cycles of poor outcomes. That is something of which Mary would approve.

Despite everything that we are trying to do, our social policies continue to be undermined by the welfare reforms that are being introduced at Westminster. A few members have mentioned that. I wonder what Mary Barbour would have thought of something as unfair as the bedroom tax. Could she have envisaged that, 100 years on, something like that would happen?

Over the five years to 2015, Scotland will have £4.5 billion taken from hard workers on low incomes, families, people with a disability and social housing tenants—precisely the people whom society should be helping, not harming, and protecting, not pillaging. Those are the people about whom Mary cared so passionately as she worked so hard to improve their lives.

Whether we are discussing the changes to tax credits that were introduced by the UK Government last year, which have been hitting the budget of more than 100,000 working families in Scotland, or the fundamental changes to child benefit, there is no longer a universal bond from one generation to the next—there is just a muddle of unfairness. The sad reality is that reducing the

value of tax credits and child benefit will result in a lower income for those with caring responsibilities, the vast majority of whom are women. A hundred years ago, that was very much the sort of situation that Mary Barbour fought to improve.

Like Mary Barbour, the Government remains dedicated to supporting those who care for children, through measures such as increasing the amount and flexible delivery of free early learning and childcare from 475 hours to a minimum of 600 hours a year. That action will improve outcomes for children and will support women in Scotland into work.

Issues hindering women's access to and participation in employment are a key priority for us. Working closely with the STUC, we held the first ever Scottish women's employment summit in 2012 to consider the issues and to identify actions to tackle them. Such measures will provide tangible benefits for women and families across Scotland.

Like Mary Barbour, I recognise the vital role of social housing in providing people with an affordable home and a platform for getting on in life, and in delivering a community that people want to live in. We have heard about Mary Barbour's community spirit and her working for her community to keep it together. To me, that is a significant part of what she did.

Mary fought very hard for the hardest hit. I wonder what she would think about the one-size-fits-all bedroom tax. It does not matter about someone's age or disability, the availability of smaller houses or the economic conditions—the poorest will be hit the hardest.

The UK Government's reforms call into question the role of housing support in a civilized country. Access to decent housing is a fundamental need and right, which Mary Barbour recognised 100 years ago. I am sure that she would be pleased about what the Scottish Government is doing to try to address that.

The challenge facing the social housing sector in particular is the reason why we have given money to social landlords to help them to advise their tenants. However, many impacts of the UK Government's welfare reforms go beyond what we currently have powers over in our own country. It saddens me that the reforms that the Government chose to introduce go against the vision that people such as Mary Barbour had for this country.

I passionately believe that the best solution can be found by the Scottish people having control over such matters. We must ensure that no one is held back because of discrimination or disadvantage. Until then, the Scottish Government will continue to act and intervene where we have the powers to do so.

Mary Barbour was indeed an inspirational woman, and a monument is a fitting tribute to her.

**Patricia Ferguson:** I am delighted that the Government and its ministers are so firmly behind Mary Barbour as an inspirational figure. Would they therefore be willing to make a contribution towards the commemoration of Mary Barbour?

**Margaret Burgess:** That is something that I will take back and look at. I cannot comment on that at this stage but, as I have said, she was certainly an inspirational woman, and a monument is a fitting tribute to her. I have no connections with Govan or Kilbarchan—perhaps we could stretch it down to Ayrshire—but I wish Maria Fyfe and her group every success in their fundraising efforts.

I am glad that I will not have any say in where any monument—if that is agreed to—is placed, but it would be a very fitting tribute to a woman who has done so much for Glasgow and for women in Scotland.

13:10

*Meeting suspended.*

14:30

*On resuming—*

### **Forth Road Bridge Bill: Stage 3**

**The Deputy Presiding Officer (John Scott):** Good afternoon, everyone. The first item of business is a debate on motion S4M-06605, in the name of Keith Brown, on the Forth Road Bridge Bill. No amendments to the bill have been lodged, so we move straight to the debate on the motion to pass the bill.

**The Minister for Transport and Veterans (Keith Brown):** I thank the Infrastructure and Capital Investment Committee's convener, Maureen Watt, and the committee for their consideration of the bill, and I thank the Subordinate Legislation Committee and the Finance Committee for their earlier consideration of it.

The Forth Road Bridge Bill provides for the regime for the management and maintenance of the Forth road bridge by a body other than the Forth Estuary Transport Authority. The bill provides for a single contract to manage and maintain both Forth road bridges and deliver value for money and operational efficiencies, with projected savings over the alternatives of about £1.2 million per annum. The bill also provides for a transfer to the Scottish ministers of FETA's land and assets for use by the bridge operating company and of its liabilities.

There will be no compulsory redundancies for the 72 staff employed by FETA, because they will be transferred under the Transfer of Undertakings (Protection of Employment) Regulations 2006 to the new operating company. FETA's existing byelaws will be revoked and replaced as necessary by road traffic regulation orders.

The Infrastructure and Capital Investment Committee published its stage 1 report on 18 March, and my considered response to the issues that it raised was made during the stage 1 debate and contained in my reply of 24 April to the committee convener. At stage 2, Elaine Murray moved an amendment on the Forth bridges forum, which was subsequently withdrawn. We welcome further debate on the bill today.

The bridge has served the local area and the nation well over the past 49 years and has carried more than half a billion vehicles since opening in 1964, which is well beyond what was envisaged when it was designed and built. It will obviously be 50 years old next year. I suspect that every member in the chamber has used the bridge. It is not something that is quickly forgotten, particularly because, at one time, it had the longest suspension bridge span outside the USA.

The bill will dissolve FETA, whose staff have dedicated large parts of their working lives to the bridge and built up an extensive knowledge of its workings. By transferring the FETA staff and their experience to a single operating company that will look after both bridges and the connecting roads, we are not only protecting jobs but ensuring that the wealth of knowledge is retained.

I am reminded of a programme that I saw recently from the American television channel PBS about the Brooklyn bridge and the extent to which the construction and maintenance of a bridge is significant as that can form a large part of people's lives. I was privileged to be at an event recently to which the veterans who built the Forth road bridge came along, and we heard about their stories and experience.

I welcome the news that the recent inspection carried out by FETA on the anchorages has provided very positive findings. Anything that offers confidence that the bridge is on a more secure footing will be well received by the people who rely on it. The efforts of the FETA workforce on that should be recognised, as should the work to prevent further deterioration in the cables from corrosion. The findings also confirm the Forth road bridge's future as part of a twin-bridge strategy under which the bridge will be used as a dedicated public transport crossing. I look forward to using the bridge in the pedal for peace event, which I will undertake with Provost Jim Leishman of Fife Council this Saturday.

The bill will pave the way for a single operating company to look after the trunk road from Halbeath in the north to Kirkliston in the south, and it will include the Forth road bridge and the new Forth crossing motorway. The bridge operating company contract will combine the best practice from FETA's operations and work services manuals with Transport Scotland's new fourth generation of operating company contracts to ensure that existing service levels are maintained, if not improved.

As I mentioned at stage 1, the Scottish Government's approach to contracting for network maintenance has delivered continual improvement and significant efficiency savings, which were estimated to be worth about £18.6 million in 2012-13. The Highways Agency in England recently highlighted how Scotland's approach can generate cost savings without compromising service delivery. We have given assurances that the important role that FETA has in the community will be captured in the contract or via the Forth bridges forum.

As the bill has progressed through the Parliament, we have engaged with and continued to listen to people who will be affected. We acted promptly when worries were expressed about

pensions, for example. We were quick to put fears to rest by committing to the continuation of FETA's current arrangements. Ministers will act as a guarantor for FETA pensions. When concern was expressed about the continued availability of the crossing to pedestrians and cyclists during severe weather, we gave a commitment that arrangements that FETA put in place would be written into the operating contract, to ensure that the public do not experience a diminution in service post the dissolution of FETA.

The construction of the bridge's neighbour, the Forth replacement crossing, continues to progress on budget and is employing about 1,200 people and benefiting 334 Scottish firms. The crossing is on time for completion by December 2016.

We have committed funds to improve the cycle link between Fife and Edinburgh—in particular the part between the existing bridge and Edinburgh.

The people of Scotland are having their say on the new crossing's name. Other countries, particularly Canada, are paying attention to how we are engaging individuals and communities in the biggest infrastructure project in a generation. The response from the public, in voting for their favourite name, has been tremendous. More than 27,500 people have had their say and, with 15 days left before voting closes on 7 June, the public still have the opportunity to influence and be part of an historic process, by logging on to [www.namethebridge.co.uk](http://www.namethebridge.co.uk).

Bus lanes that are built as part of the Forth replacement crossing managed motorway project on the M90 and the M9 will prioritise public transport between Halbeath and Edinburgh. We have recognised the importance of public transport and the need to make it more attractive to the public. The public transport corridor will continue to encourage modal shift from the car to public transport and will contribute to cross-Forth travel becoming more sustainable.

The bill is an important step in achieving that. When the new crossing opens in 2016, commuters will be able to exploit public transport options at Ferrytoll and the new Halbeath park and ride. They will be able to travel along the bus lanes and across the existing Forth road bridge to Edinburgh and West Lothian, which will take as much as 30 minutes off the peak journey times from the time when the considerable investment began.

Given that 75 per cent of all southbound bridge traffic passes within a mile of Halbeath, I was pleased to announce last year that the Scottish Government would provide up to £10 million to Fife Council for the park-and-ride facility. I was there at the start of the construction project, which is well under way; I look forward to it being delivered later this year.

The Forth bridges forum has been set up to facilitate a strategic and collaborative approach to the management and operation of the bridges. It is led by Transport Scotland and attended by senior officials from the bodies that are currently responsible for the bridges—Network Rail for the Forth bridge, FETA for the Forth road bridge and Transport Scotland for the new Forth crossing—and from the City of Edinburgh Council, Fife Council, West Lothian Council, Historic Scotland and VisitScotland. Collectively, the forum not only supports the bridge operators with planned activity but takes forward action to promote the three bridges as a tourist destination. I hope that members agree that Scotland will have a valuable and unique asset in three iconic structures—feats of cutting-edge engineering of their times, spanning three centuries—which will become an international tourist destination.

A good example of how well the forum's arrangements are working is its sub-group, the Forth bridge world heritage nomination steering group. That group has invited participation from the local community, which is central to everything that the forum is doing, and has just launched a 12-week consultation exercise to help to inform the application for world heritage status for the Forth bridge.

Provision for the Forth road bridge to be adopted into the trunk road network will allow for the most cost-effective management of the bridge and support the transport measures that we think will facilitate the shift from the car to more sustainable forms of transport. As I said, through a number of provisions and our listening to the people who are most affected by the bill—local communities and the workforce at FETA—we will protect existing staff, with a commitment of no compulsory redundancies. Through TUPE, we will ensure that the expertise that we have in FETA is retained.

For those reasons, I hope that members will support the bill at decision time.

I move,

That the Parliament agrees that the Forth Road Bridge Bill be passed.

14:39

**Elaine Murray (Dumfriesshire) (Lab):** As the minister has said, the bill is very short. It abolishes the Forth Estuary Transport Authority and transfers its assets to the Scottish ministers. It transfers the staff who work for FETA to the bridge operating company and it trunks the existing Forth crossing and the surrounding roads.

There is little in the bill to amend. However, I lodged an amendment at stage 2 to allow discussion of an issue to which I will refer later. I

have not brought that amendment back at stage 3. First, it would not get through, and there seemed little point in dragging every member of the Parliament into the chamber for one unsuccessful amendment. Secondly, I do not think that an amendment to this very short bill is required to achieve the changes that I wish to discuss, given that the issues involved are not contained in the bill.

Committee members are aware of the concerns expressed by the City of Edinburgh Council about the abolition of the Forth Estuary Transport Authority and the consequent lack of input from local elected members and lack of availability of information on how management decisions will be made. The Forth Estuary Transport Authority includes councillors from four local authorities: the City of Edinburgh Council, Fife Council, West Lothian Council and Perth and Kinross Council. The minutes of FETA meetings were recorded and published—they were certainly published on the Edinburgh council website.

During stage 1 consideration of the bill, none of the councils other than Edinburgh expressed concerns. Before this debate, I contacted councillors from the other councils represented on FETA, and it turned out that they all agreed with Edinburgh's concerns. Some went further and said that they felt that FETA's abolition exhibited a centralising tendency on the Scottish Government's part and, by implication, on the Scottish Parliament's part. They were concerned that the bridge's operation was being privatised. One councillor told me that he was disappointed with the Infrastructure and Capital Investment Committee members for not opposing FETA's abolition, because he would have liked FETA to manage the new crossing, in addition to the existing one.

If that approach had been possible, it would have attracted my support. However, Graham Porteous advised the committee on 16 January that FETA would not be permitted to manage both bridges, because it is fully funded by the Government. He said that, if it used Government funds to bid for the contract, that would constitute state aid and would contravene European Union legislation. No evidence was brought to the committee at stage 1 or subsequently that contradicted his advice. Committee members have to base judgments on evidence rather than make them because other people say that they do not like the decisions that have been made. The fact that the committee was not presented with evidence that contradicted the advice that we were given is one reason why I did not pursue the proposed option.

**Keith Brown:** Is it possible, now or subsequently, to let us know exactly which

councillors made those comments? We received no suggestions along those lines from any of the councils. We have to consult councils, rather than individual councillors.

**Elaine Murray:** I accept that it is possible that the Scottish Government did not receive such suggestions. In fact, I did not receive them until I asked councillors whether they agreed with the comments that the City of Edinburgh Council had openly made. However, I got that feedback from all the councils that are represented on FETA.

There was general agreement that it made sense for both bridges to be managed by the same organisation. It was also stated that new legislation would have been required, even if it had been possible for FETA to bid to operate both bridges. There were also issues about demonstrating value for money if FETA entered the tendering process, as it was deemed to be difficult to produce an accurate figure for FETA to operate both bridges. On 6 February, Barry Colford from FETA stated that the focus needs to be on the best outcome for road users, although he expressed disappointment that the company was to be discontinued.

I will move on to the amendment that I moved at stage 2, which I did not bring back. I think that there has been confusion over what was being requested for the continued involvement of local councillors after FETA's abolition. The minister argued that it would be wrong for local authority elected representatives to be

"involved in looking after an operating contract that is wholly the responsibility of the Scottish ministers"

and that that would be

"not dissimilar to asking for the Scottish ministers to be involved in a local roads management project".

He believed that that would "muddy the waters" with regard to the

"line of accountability about who is responsible for taking the decisions on the operating contract and who is responsible for the expenditure".—[*Official Report, Infrastructure and Capital Investment Committee, 27 February 2013; c 1436.*]

The minister recognised the need for local representation and advised that he would establish a forum to deal with issues that might arise during the building of the bridge and after it is completed. Local community representatives will be welcome on that forum, as will council officials, I understand. However, for reasons that I still fail to understand, councillors will not. The forum will monitor the building and operation of the bridge; it will not operate the bridge, so objections regarding lines of accountability do not apply.

The minister argued that democratic accountability would be ensured because

“Transport Scotland and the Government will stand behind the contract”.

He also said:

“We should not complicate that further by putting in elected representatives who would not be responsible for the spending decisions.”

The thing is that the forum will not make spending decisions, which will be made by the operating company; the forum will monitor the operation of the bridge and scrutinise spending decisions.

Graham Porteous went on to explain:

“if community groups are unhappy with what the contractor is doing, they have the avenue of the forum to make representations on their behalf.”—[*Official Report, Infrastructure and Capital Investment Committee, 27 February 2013; c 1437.*]

I was really asking for local councillors to be able to be part of the forum and make representations on behalf of their constituents, or more generally on behalf of their local authorities, which will, after all, be affected by the operation of the bridge.

In addition, in the interests of accountability, the minutes of the forum’s meetings should be published and made available to interested members of the public, who might not be members of the forum. That was the gist of the amendment that I lodged at stage 2.

The minister did not think that it was appropriate to establish another quango in legislation, and I accept that argument. My amendment was probably lopsided in that it referred only to local elected member representation and did not fully encompass the responsibilities of the operating company, which will operate the old bridge as well as the new bridge. Let us be honest—we had not taken evidence on making the forum a statutory body at stage 1 so, in fairness, perhaps the amendment was not appropriate.

I decided not to lodge another amendment at stage 3 because I do not think that those things are for the bill. However, they are concerns of councillors who represent the authorities with the principal interest in the Forth crossing and I hope that they can be discussed further.

14:47

**Alex Johnstone (North East Scotland) (Con):**

As the minister and members will be aware, I like nothing better than a good fight but, to justify that position, it must also be my position to agree with the Government when I do agree with it. I therefore rise to support the motion in the minister’s name.

**Members:** Hear, hear.

**Alex Johnstone:** I am surprised by how that impressed back benchers.

I support the decision to go ahead with the change in the management of the Forth road bridge to accommodate the new bridge and structures. It is perhaps surprising that we have reached this stage with no amendments made and almost unanimity in the Parliament. That is because it has been a long road to get to where we are. The decision to go for this particular management structure, which brings an end to FETA and simply manages the bridge and its approach roads as a contract that would do for any other part of the trunk road network, is the best option.

There have been one or two moments of controversy, which it would be inappropriate not to mention at this stage. There was the question of the quality of the consultation that took place. I believe that the Government got that right, but it is not the first time in recent months that we have had question marks over consultation. Perhaps the Government must look at that, to ensure that all parties feel that they are adequately consulted on future legislation.

There was also concern over the transfer of liabilities. Right up to the end of the committee’s stage 1 proceedings, there appeared to be significant concerns, particularly from the City of Edinburgh Council, which believed that it was not being absolved of liabilities. The minister’s timely and decisive letter cleared that argument up once and for all.

In this short opening speech, it is appropriate for me to take the opportunity to pay tribute to FETA and the work that it has done. FETA and its staff have demonstrated their ability to manage the existing Forth crossing, and we can all welcome the fact that many of its staff will transfer to the successor organisation and continue to do that good job.

However, it was under FETA that the most divisive and perhaps inappropriate decision was made in recent years, which caused me to believe that councillor representation in the process was negative, rather than positive. The Parliament’s decisions to permit city entry charges and to require a local referendum to implement them meant that Edinburgh went through the process of having local councillors campaign for city entry charges and then, in the local referendum campaign, against the imposition of city entry charges.

As a result, councillors on FETA suggested that the Forth road bridge tolls should be made variable, with the option of charging up to £4 for cars at certain times as a proxy for the city entry charges that they could not have. Local councillors in Edinburgh proposing changes to the Forth road bridge toll to get round the problem that they created for themselves was an abuse of power.

The fact that, as a result of actions by the Parliament, that never actually happened is a good thing. Nevertheless, the proposal called into question the actions of the councillors behind it.

It remains my view that it is an advantage in the process that ministers will have responsibility for the future management of the bridges. As a consequence, if we in the Parliament have a problem with a bridge's management, we can take it to the minister and have a more direct and responsible line of accountability than we would otherwise have had.

I will say a few words in response to, and in support of, what the minister said about the new bridge. The three bridges together across the Forth will be iconic. If the rail bridge achieves its objective of gaining world heritage status, the whole area of the bridges will become significant for tourism. The opportunities that that presents are worthy of support and our enthusiastic promotion, and I believe that that will be a tremendous advantage for Scotland as well as the Edinburgh area.

My preferred option for the bridge's name is St Margaret's crossing, and I will encourage everybody to adopt that name whenever possible. I want that name to be on the bridge for ever more. After that, the only thing to achieve will be the canonisation of Margaret Thatcher, and my work will be done.

14:52

**David Torrance (Kirkcaldy) (SNP):** I can tell Alex Johnstone that I voted for the bridge to be called St Margaret's crossing.

The Forth Road Bridge Bill proposes to put the management of both the Forth road bridge and the new replacement crossing under a single bridge operating company. It will also remove legislative barriers, allowing the Scottish Government to include the Forth road bridge in the new contract for maintenance. The benefits of that include financial and operational efficiencies and a strategic and collaborative approach to the management and maintenance of both bridges and the connecting roads from junction 3 of the M90 in the north through to junction 1A of the M9 in the south.

The bill also makes provision for the dissolution of the Forth Estuary Transport Authority but allows for the transfer of all FETA's 72 current employees to a new company under TUPE regulations. That will not only protect their terms and conditions but, more important, ensure the retention of such a valuable wealth of experience so that it can continue to be utilised.

A unified management approach is the key to the continued and effective operation of one of the east coast's vital transport structures, which links north and south. The replacement crossing will provide more efficient and speedier links for both business and commuters, and it will be vital in helping to promote growth in industry and tourism in Scotland.

Locally, the new crossing will provide a welcome boost to the economy by removing uncertainties and helping to increase confidence that, in the future, there will be excellent transport links for the whole of Fife, the east coast and beyond. Those links will allow businesses to grow and expand, providing jobs and strengthening the local economy.

Commuters will also have reason to celebrate the new crossing. Transport Scotland has confirmed that pedestrians, cyclists and bus users will experience no changes as a result of the bill. It is intended that the new operator will carry out the same functions as the current operator. Once the replacement crossing opens, the Forth road bridge will be used exclusively by buses, taxis, cyclists and pedestrians. That will be of real benefit to commuters on both sides of the Forth. Not only will the provision of a dedicated crossing reduce travel times, but it should make journeys much easier and more pleasant. I hope that it will also prove to be a boon to tourism in Fife by encouraging more tourists to venture into the region and experience all the cultural and historical attractions that are on offer.

Commuters have already experienced some of those benefits following the implementation of motorway management technology on the M90 in Fife in December 2012. That was the first time that the intelligent transport system had been used in Scotland. The system creates a dedicated bus lane and uses mandatory speed limits during periods of congestion to minimise traffic jams and provide greater flexibility in journey times for regular commuters. Another early benefit of the crossing is that the system helps to relieve a great deal of the pressure on a heavily used and essential section of the transport network.

The approach under the bill will also provide value for money. The twin bridge contract will allow staff to work on both bridges and on connecting roads. Operations will be managed from existing premises, from where the use of vehicles, plant and equipment will also be overseen. That will not only ensure the best use of available resources but result in savings to the public purse.

The lack of amendments at stage 3 indicates support from across the chamber. I, too, am happy to support the Government's Forth Road Bridge Bill. It will ensure the continued effective

management of the Forth replacement crossing while simultaneously enhancing existing essential transport links.

The benefit of having an excellent system in place to facilitate easy access not only to Fife but to the whole of the east coast is incalculable. It will provide reassurance in the future for the business sector and commuters.

**The Deputy Presiding Officer:** We have a little time in hand, so interventions would be welcome.

14:57

**Margaret McCulloch (Central Scotland) (Lab):** This week, the Infrastructure and Capital Investment Committee visited the Forth to hear first hand about the progress that is being made with the new crossing and learn more about the legacy of the existing one. I regret that I could not join my committee for that visit, but I understand that it was an informative trip. It followed a lot of helpful advice and updates that we have received over a period of time.

The new crossing is a once-in-a-lifetime project. As such, it demands full parliamentary scrutiny and a level of accountability that can sometimes be lost when Governments commit to such big undertakings. The bill is essentially about how we manage the Forth road bridge and its connecting roads, which will continue to be an important part of our national infrastructure that will affect the local communities.

As we have heard, the bill will abolish the Forth Estuary Transport Authority, transfer assets and liabilities to the Scottish ministers and redesignate the existing Forth road bridge as a trunk road. It will also allow for the transfer of staff under TUPE regulations, which is necessary in such circumstances.

I draw members' attention to some of the comments made by the Union of Construction, Allied Trades and Technicians and Unite—both unions that represent the workers concerned—which gave the committee their views on the process.

In dissolving FETA, the Scottish ministers will tender for a new operating company, to which FETA's workers will immediately transfer. However, the trade unions want to ensure that there is no erosion of their members' rights in the process and that any changes are consistent with the letter and the spirit of the TUPE regulations.

We expect that the maintenance contract will also go out to tender, and Unite seeks firm assurances that there will be no compulsory redundancies as a result, given the Scottish Government's previous statements on the matter.

Equally, UCATT is clear that it wants its members to continue to benefit from their membership of the Lothian Pension Fund. The Scottish Government has indicated that that will be guaranteed and that FETA workers will be granted admitted body status, even when they are transferred to the new contractor. I ask the Scottish Government to confirm that that is indeed the case and that steps are being taken to secure jobs and pensions on the Forth estuary.

In light of the arguments made both by my Labour colleague Elaine Murray and by the City of Edinburgh Council, I also ask the Scottish Government to ensure that there is no dilution of scrutiny or accountability.

The new forum that will be established in place of FETA will be officer led and not councillor led. Therefore, I can understand why local communities might feel that they are not being properly represented at a time of great change for the Forth estuary. I do not need to remind the minister that local people and businesses will have to live with the consequences of the decisions that we make today for many years to come.

I stress the need for a joined-up approach to public procurement that is consistent with the wider procurement reform agenda. The current Forth road bridge is iconic, and will remain so for the rest of its lifetime. Just as it is important to create opportunities for workers on the replacement crossing, it is important to make the most of our existing infrastructure. When the new contract is awarded, I ask the Scottish Government to do all that it can to promote youth employment, local jobs and apprenticeships. I also ask it to do all that it can to eliminate blacklisting and to ensure that no firms that continue with such unfair practices receive public money.

The bill has been introduced for understandable reasons, but there is a good case for further guarantees to give local workers and communities more confidence in the process at a time of significant change for all those who live by and work on the Forth.

15:01

**Jim Eadie (Edinburgh Southern) (SNP):** I, too, am grateful for the opportunity to speak in the stage 3 debate on the Forth Road Bridge Bill. By 2014, the Forth road bridge will have been an essential part of the national road infrastructure for 50 years. It is vital for the economy of Fife, it is an essential link for the east coast corridor and it is essential for the connectivity of Fife and beyond. The Forth road bridge now carries 25 million vehicles every year, which is almost six times the volume of traffic that it originally carried. There are

operational challenges, including its susceptibility to restrictions and closures during strong winds.

The purpose of the bill is

“to make provision about the management and maintenance of the Forth Road Bridge”

as part of the wider strategy to upgrade the Forth crossing transport network.

As we have heard, the bill allows for the dissolution of the Forth Estuary Transport Authority, which currently manages and maintains the Forth road bridge. The bill also allows for the designation of the Forth road bridge as a trunk road, bringing it under the direct responsibility of Scottish ministers. It allows for the transfer of all FETA’s assets and liabilities to Scottish ministers and for the transfer of FETA’s staff to the employment of the bridge operator, which will be appointed by Scottish ministers following a procurement process.

Although the Infrastructure and Capital Investment Committee highlighted a number of issues, it agreed that a single bridge operating company is the most appropriate and cost-effective approach to the management and maintenance of both the existing crossing and the new crossing.

The Forth replacement crossing is a major infrastructure project—one that is necessary to safeguard a vital connection in the country’s transport network.

The minister and other members who have spoken in the debate have referred to the transfer of the employment rights of existing FETA employees, which is an important issue. The bill offers continuing employment and certainty of tenure for all existing FETA staff. As my colleague on the Infrastructure and Capital Investment Committee, Margaret McCulloch, said, that approach will avoid compulsory redundancies and ensure that employees’ terms and conditions are protected.

In its stage 1 report, which was published in March, the Infrastructure and Capital Investment Committee said that it was

“reassured that significant efforts have been made to maintain the terms and conditions of FETA staff transferring to the new bridge operator.”

Local accountability arrangements formed the basis of much of Dr Murray’s speech. We need to remind ourselves of how the committee, having heard evidence from local authorities and other stakeholders, reflected that evidence in its report. The committee’s view was that

“the inclusion of local authority officials”

on the Forth bridges forum

“allows for an appropriate level of input”.

The committee did not recommend any changes to the forum’s membership, which I think is the correct approach.

The committee commended Transport Scotland for its work on the arrangements for staff who are to be transferred across, particularly in relation to pensions. It is right that Transport Scotland should continue to offer staff every available support and that it should work with their trade unions and the other bodies representing staff interests during the transition period.

As my colleague David Torrance highlighted, one of the positive aspects of the bill is the fact that there will be no change for users of the Forth road bridge—I am thinking in particular of cyclists, pedestrians and those who use public transport.

There is a role for the bridge as an active travel corridor. I welcome the minister’s commitment, which he reiterated this afternoon, that the public will not experience a diminution in the level of service that is provided. There is therefore an opportunity for the bridge to support sustainable and active travel. Following the opening of the new crossing, the Forth road bridge will be used exclusively by buses, taxis, cyclists and pedestrians. I think that we all welcome that.

I welcome the stage 3 debate. The Forth Road Bridge Bill is a short bill whose provisions are tightly defined and technical, but it is an important one for Scotland’s transport infrastructure network. I commend the minister, members of the Infrastructure and Capital Investment Committee and members from across the chamber for their constructive speeches this afternoon and the constructive approach that they have taken during the passage of the bill. I look forward to supporting the bill at decision time.

On the name of the new crossing, tempted though I am by St Margaret’s crossing—not least in deference to Margaret McCulloch, who is a member of the Infrastructure and Capital Investment Committee, and thinking of my political mentor, Margaret Ewing—perhaps we can all agree that it should be the Saltire crossing.

15:06

**Richard Lyle (Central Scotland) (SNP):** I, too, am happy to take part in the debate.

I will give members a short history lesson, if I may. I have fond memories of using the ferry crossing between North and South Queensferry in the 1960s. I also remember walking across the newly constructed Forth road bridge and the excitement of seeing it when it opened back in September 1964—it was quite something. It is indeed something of an icon, and at that time it

complemented the rail bridge. It is another of the many must-sees for visitors.

Who would have thought then that the bridge, which has now stood for 49 years, would have more than 25 million cars passing over it per annum, which equates to more than 68,000 per day? That level of intensity of use is one of the major contributors to the condition that the bridge is in, and it is why expert opinion has agreed that renewal of the bridge is in the best interests of Scotland's people. It will also be of great benefit to the local communities in the immediate area.

The new bridge that the bill outlines is pioneering in the sense that, for the first time, it truly captures the imagination of the public—of people from all walks of life. The inclusion of Scotland's people means that they are included in a decision-making process about a key piece of long-lasting infrastructure. I believe that that also encourages people to participate in politics in their day-to-day lives. I look forward to the results of the public vote on the name of the bridge. I have to confess that I have not voted yet. The options are Caledonia bridge, Firth of Forth crossing, Queensferry crossing, Saltire crossing and St Margaret's crossing. I compliment the minister on the way in which he has conducted that public participation exercise. I was pleased to see that even the Canadians want to get involved in what is happening.

My hope for the new bridge is that it will remain toll free—I know that, under an SNP Government, that will happen—just as the existing bridge is toll free, as a result of the abolition of tolls under the SNP Government. Alex Johnstone touched on that. I thought that he would go the whole hog and compliment the SNP Government, but he did not.

Looking specifically at the bill and the intentions behind it, it is clear to me that the Scottish Government has looked deeply into a number of options for the management of the bridge. I support the intentions to let a new single contract for the management and maintenance of the new bridge and to safeguard the staff. When reading into the bill further, I thought it best to look at the financial implications of our passing it. I note that the financial memorandum highlights that it is likely to cost about £1.2 million per annum less to let a contract for the management and maintenance of both the Forth road bridge and the Forth replacement crossing, compared with having the two bridges managed by separate organisations.

More generally, with replacement comes a whole host of economic and usage benefits for those who use the bridge. The replacement crossing will be of benefit to its users as it will reduce travel times and travel distances, as has already been stated. The new crossing will also

bring with it significant economic impacts for the communities of Lothian and Fife and—by extension—for Scotland as a whole.

As no amendments to the bill have been lodged, it is clear that the whole chamber supports the proposal. I am delighted to have had my chance to take part in the debate and to make my contribution to a hugely significant piece of infrastructure here in Scotland that will be fit for generations to come.

15:10

**Helen Eadie (Cowdenbeath) (Lab):** Alex Fergusson said that it was a long road to the bridge and then John Pentland, who is sitting behind me, said that it was a bridge too far—I say to him that it was never a bridge too far in my book. If I have to give credit where credit is due, I am very glad that the Government is building a new crossing. As one of the people who were pilloried in the beginning for daring to suggest, many years ago, that we should have a new crossing, I was delighted when it was agreed that we would have one.

On the debate on naming the new bridge, it would be anathema to me—I apologise to Margaret McCulloch—to call it St Margaret's crossing. To anything to do with Margaret Thatcher I say no—I am sorry, but absolutely no. *[Laughter.]* Given that some colleagues are saying that we will have independence next year, I am surprised that they have not talked about naming it the Liberty bridge. I throw that suggestion out there.

To come back to more serious issues, I am in trouble all the time these days for being out of step but I did not agree at stage 1, and I still do not agree, that the bill is the right way forward. To me, this is a bit like the debates that we have had about a sense of creeping privatisation in other Government departments—I believe that that is what this is all about.

FETA was established with a very specific, if broad, remit that was even better than that of the Forth Road Bridge Joint Board, which I used to be vice-chair of and which had a fairly broad remit when it was established. However, when FETA came along, its primary purpose was to look at a variety of initiatives—improving cross-Forth travel and reducing congestion, for example. Anybody who comes from that part of Scotland—as I do—will know about the terrible problems that there have been in crossing that particular part of the Forth. The bill will do nothing to enhance the situation. I know that the new Forth crossing should make a huge difference and I am delighted about that, but I still think that there will be issues.

FETA also improved and developed public transport initiatives. Park and ride was developed when I was a transportation spokesperson on Fife Council—on the north side of the river. Now we have the park-and-ride facility at Halbeath, which was planned all those years ago. Such things were part of a planning process that came under the FETA umbrella. What was great about FETA was that it looked at a very specific part of a congested area in Scotland and had a precise role to play.

When the minister is carrying on with this task, I hope that he will address those issues because, frankly, I do not think that Transport Scotland will be able to give them the same intensity of support that FETA has been able to give.

**Keith Brown:** In relation to Helen Eadie's point about the Halbeath park and ride, I point out—as I did in my opening speech—that Transport Scotland and the Government have followed through by providing £10 million to get that work done. The project was talked about for a long time but the work will now be done as a result of the Government money that is going into it.

**Helen Eadie:** Yes, but it was FETA and the local authorities that developed the idea in the beginning, and the fact is that starving FETA of cash diminishes the important role that it played in developing that idea—and then the Government comes along to provide the cash. That was my point. FETA came up with solutions for specific problems, and there were specific congestion problems all around that area of Scotland. I think that there will still be problems in the years ahead but the machinery will not be there to develop ideas. Governments can pull levers but if the levers are not attached to machinery, nothing will happen.

The committee identified many issues, and it is good that the minister has responded positively to so many of them. However, I return to the important point that my colleagues Margaret McCulloch and Elaine Murray raised with regard to local councillor representation. If one looks at the history of how the bridge came about, it is clear that it was the four key local authorities that decided that it would come into being. Throughout the bridge's history—since 1947—those authorities have addressed, through councillor representation, the specific concerns of the people in North Queensferry, South Queensferry, West Lothian, East Lothian and Fife.

I remember many of the issues that came up at the bridge board meetings during my time as the board's vice-chair. The Government says that it wants to engage with people, so why does it always discriminate against local authorities just because they might not be the right political colour

at a particular time? That is a regressive state from which we must move forward.

**The Deputy Presiding Officer:** Mrs Eadie, I am glad of your contribution, but you might wish to draw to a close very soon.

**Helen Eadie:** Okay, Presiding Officer—I am grateful for your tolerance. I will leave it at that.

15:16

**Annabelle Ewing (Mid Scotland and Fife) (SNP):** I am pleased to speak in the stage 3 debate on the Forth Road Bridge Bill. Although I am not a member of the Infrastructure and Capital Investment Committee, I most certainly have, as a member of the Parliament for Mid Scotland and Fife, an interest in the crossings over the Forth.

As I was returning to Edinburgh across the Forth road bridge the other evening, I was struck once again by what a magnificent feat of engineering it is. That also holds true for the iconic Forth rail bridge, and I welcome the fact that it is being nominated for a United Nations Educational, Scientific and Cultural Organization world heritage site award.

It is also to be welcomed that the Scottish Government has just launched a 12-week consultation seeking views on the benefits that a successful bid could deliver for the local communities. I gently say to Alex Johnstone that those benefits would accrue not only to Edinburgh but to the kingdom of Fife; that applies to the benefits of the new crossing with regard to tourism, education, and skills and innovation.

The naming process for the new crossing has been an excellent example of engagement with the public. The shortlist of five names was agreed by a distinguished panel, so it was not for individual back benchers—or the Scottish Government—to come up with names, as Helen Eadie seemed to suggest. The panel has come up with an excellent list of five possible names, so I found it very difficult to make my choice. I have just done so online; for good historical reasons, I have—like my Fife colleague David Torrance—chosen St Margaret's crossing. I hasten to stress to Alex Johnstone, who is smiling hopefully at me, that my choice had nothing to do with recent historic political events.

I was impressed by the process, and I encourage as many people as possible to go online, to phone or to text—whichever method they prefer—and to make their vote count, because it is very much a people's naming contest, as it should be. Such examples of public engagement augur very well for the contribution that the Forth bridges forum will make, as it will play a central role in ensuring that the interests of

local people are at the core of management and maintenance of the Forth bridges.

We have heard much this afternoon about the detail of the Forth Road Bridge Bill. The bill's principal objective is to facilitate the most cost-effective and co-ordinated approach to management and maintenance of the new Forth crossing and the Forth road bridge. It seems to me that contracting management and maintenance for both the bridges to a single bridge-operating company makes most sense, and will certainly provide best value for the taxpayer, who is under a great deal of pressure at present.

I am very happy indeed that the key issue of staff terms and conditions, which has been highlighted by many members—my colleague Jim Eadie, in particular, spent some considerable time on this—has been fully and properly addressed by the minister, such that FETA staff's rights and terms and conditions will be protected under TUPE. I welcome that. To have that assurance in the bill will provide enormous comfort to the excellent staff of FETA, although I am pleased to note that there will be opportunities for additional positions with the new operating company. I also welcome the minister's assurance that the Scottish Government will act as guarantor for the important pension rights.

In conclusion I say that, given that those key issues have been addressed, I am very pleased indeed to support the passage of the bill this afternoon.

**The Deputy Presiding Officer:** We move to winding-up speeches. Alex Johnstone has four minutes, or thereby.

15:20

**Alex Johnstone:** Presiding Officer, I am tempted to say that there is not much more to say on the subject, but I am aware of the schedule and will do my best to fill my part of the timetable.

On one issue that came up during the debate, I am somewhat disappointed to have been accused of not having given the Government credit for abolishing tolls on the Forth road bridge. I point out that the Government that took that decision was very much a minority Government, so the decision was made by the whole Parliament. Any attempts by Government back benchers to claim the glory for that decisive move is, in my view, an inappropriate use of Parliament.

The abolition of the tolls on the Forth road bridge was part of a sea change in attitudes to provision of such facilities. If we think back to the construction of the Forth road bridge, we recall that the Forth Road Bridge Joint Board was put together not only to build and manage the bridge

but to manage the debt that was associated with its construction, and the cost of maintaining it. Therefore, it was reasonable to think that the tolls should no longer be charged once the bridge had been paid for, but the tolls were then justified by the cost of maintaining the bridge. The change from the joint board to FETA had the effect of allowing the bridge authority to build up some extra money, and I suppose that it was sensible for the Government to use that extra resource to improve the bridge access roads, which is what happened.

**Keith Brown:** Alex Johnstone perhaps hinted at this, but I remind him that the deal when the bridge was constructed was that the tolls would go when the capital costs of the bridge had been paid. Those were paid off in 1994, which is when the tolls should have been removed.

**Alex Johnstone:** Indeed—that revelation was produced at the time when we discussed the removal of the tolls.

My reason for going through that record of history is that the idea that the bridge should not have tolls, but should be dealt with in much the same way as any other part of the trunk road network, has gained credence and support in Parliament. Therefore, in my view, it is entirely appropriate that we end the practice of having a separate board or organisation for dealing with the bridges. We should now be in the position where, given that the Government pays for maintenance of the facility, he who pays the piper should call the tune. It is important that we have ministerial responsibility and accountability for how the bridge is managed, because the Government will be responsible for deciding how it is funded.

I do not believe that ministerial accountability is a weak route for accountability. Being able to hold Government ministers to account in Parliament is a key part of ensuring public accountability. In recent years, the tendency for Government to form arm's-length organisations, which are under ministerial control to some extent, but can take the blame when things go wrong, has in effect weakened ministerial accountability in many areas. What is proposed is a clear and decisive line of accountability that will allow us to ensure that, once the new facility is provided, the bridges will be properly managed and funded and, if that does not happen, we will be able to call the minister to account in Parliament.

Cost-effective management is important. The decision that has been made could result in savings of £1.2 million a year on management of the bridge. That is an essential piece of management efficiency. We must ensure that public assets are managed efficiently. I do not see it as a difficulty that private companies will be in a position to bid for the contract and take on the

responsibility. After all, is it not private companies that are building the new Forth crossing in the first place?

I am confident that the arrangements that the Government has put in place through the bill will work; that the new and old bridges will be managed efficiently; and that we will be able to hold the Government to account should there be any failings in how it manages and finances this prospect. Therefore, I am delighted once again to offer my sincerest support for the bill at stage 3 when we vote at decision time.

15:25

**Elaine Murray:** As Alex Johnstone said, the debate is probably considerably longer than the bill. I, too, am not terribly sure that there is a great deal more to be said, although members have raised a number of issues. When Richard Lyle talked about crossing the Forth by ferry, that took me back; as a young girl I was brought up in Edinburgh and my grandparents lived in Fife. One of the attractions of going to visit my grandparents—aside from the attraction of seeing them, because they spoiled us—was sitting on the ferry eating our sandwiches. It made going to Fife feel almost like voyaging to a foreign country.

**Alex Johnstone:** It was.

**Elaine Murray:** I think that people there might well have thought we were foreigners coming in. However, that is a pleasant memory.

I, too, remember seeing the Forth road bridge being built, which was an exciting time. Who would have thought that, only 40-odd years later, we would need another crossing because of problems with the bridge? That is a bit of a surprise to those of us who are long enough in the tooth to have spanned the entire life of the bridge.

A number of members commented on the name of the new bridge. I, too, thought that St Margaret's crossing was quite a good name for historical reasons, until I heard Alex Johnstone, who totally put me off calling it that. He also shocked other members including David Torrance, who had already voted for calling it St Margaret's crossing.

**Alex Johnstone:** Elaine Murray will be aware that I explained my scheme. The second part, about getting Margaret Thatcher made a saint, will probably be slightly more difficult.

**Elaine Murray:** Indeed. There might be a certain amount of resistance to that.

A number of members talked about staff issues. Margaret McCulloch and Jim Eadie welcomed the fact that the wages and conditions of the staff will be preserved. We on the Labour benches

welcome the fact that the Scottish ministers will act as guarantor for FETA employees' pensions, and that jobs and conditions will be protected under TUPE. I am sure that it will be a relief to the 60 existing pensioners and other previous employees that they will remain part of Lothian Pension Fund.

Alex Johnstone also mentioned the consultation. Initially, there were concerns over the lack of consultation of the relevant trade unions. However, I believe that, as Margaret McCulloch pointed out, the trade unions UCATT and Unite are now happy with the conditions and the assurances that they have received.

Much of the essential detail is not in the bill. That is a matter of fact; it is not a criticism of the bill. As several members made clear, the conditions in the operating contract are crucial and must work in the public interest. Therefore, as Margaret McCulloch said, the procurement process will be important. It must ensure quality and sustainability and should not just be about getting the cheapest price for operation of the bridge. I, too, look forward to learning more about the proposed minimum standards on procurement and how community benefit will be ensured. Apprenticeships and job opportunities for people who are long-term unemployed must be part of the procurement process.

The recent report of the Scottish Affairs Committee on the heinous practice of blacklisting has shocked most, if not all, members. Many of us want companies that are known to have been involved in blacklisting of applicants—because of their political views, trade union membership or simply because they have in the past raised legitimate concerns over health and safety issues—to be excluded from accessing public sector contracts. Many firms that are known to have used blacklists are in the construction sector, but action against blacklisting must be taken across the board and must include companies that might bid for operation of the bridge.

The issue of operation of the bridge took up a bit of time. I was interested to hear from Helen Eadie about the good work of FETA, of which I know she has a lot of personal experience. I, too, acknowledge the good work that FETA did over the years in developing things like the park-and-ride scheme and Halbeath. On the issue of creeping privatisation, the problem for the committee was that we had no evidence presented to us that we could do anything else, or that FETA could take this over. That was a problem for the committee, which we could not really get over.

I feel that Alex Johnstone still misunderstands what I was arguing for. I was not talking about the continuing existence of the current scheme, which

is not possible. I was not talking about councillors invading Transport Scotland and dictating to it how it goes about operating its assets. I was asking for local councillor representation on the bridges forum, alongside the community council representation, and not just council official representation, which is not quite the same thing.

Council officials are not accountable to people who vote. Like civil servants, they are there when the politicians are long gone, so they do not have the same stimulus, if you like, to be responsive to the views of constituents. Therefore, I think that it would be appropriate for councillors to be on the forum that monitors operation of the bridge. That does not mean to say that they would make decisions, but they would play an active part in scrutinising on behalf of their constituents.

I hope that consideration will be given to how minutes of meetings of the forum are publicised and disseminated to members of the public. We will support the bill at stage 3. The issues that I have outlined can be considered after the bill is passed. I hope that the minister will do so.

15:31

**Keith Brown:** I thank all members for their contributions to what has been a generally very positive debate—apart from the one gratuitously controversial statement by Alex Johnstone. I apologise for getting Alex's name wrong three times yesterday. I seem to have infected Helen Eadie with the same disease, so I apologise for that. I will make sure that I try to correct the record.

On the name of the bridge, I have been scrupulous in ensuring that I do not express any preference. I was not involved in selection of the shortlist. I fear that Alex Johnstone has done irreparable damage to his preferred option with his comments today. Let us hope that that is not the case.

I also thank Elaine Murray for lodging her amendment at stage 2. I hope that she will agree with me—and with the view of the Infrastructure and Capital Investment Committee—that the make-up of the Forth bridges forum is appropriate for the type of activity that will undertake and that it will ultimately benefit the local community. On the points that Elaine Murray made about having contacted local councillors, we have to take the views of the councils, rather than individual councillors, as I am sure she understands.

It is worth saying that neither Perth and Kinross Council nor West Lothian Council even responded to the call for evidence on the bill. We have to take the express views of the committee into account. We have made clear our reasons for the constitution and membership of the forum. I hope

that members will welcome confirmation that the agendas and minutes of future forum meetings will be made available online. Elaine Murray raised that issue, which I know has been a concern.

We do not believe that councillors need to be part of the forum for them to ask questions of ministers about management and maintenance of the crossing. It is worth pointing out that currently about 10 per cent of all correspondence that we receive on the subject comes from councillors, which I think proves that keeping the current proposals for ministerial responsibility for membership—to which Alex Johnstone referred—rather than making provision in the bill or subsequently in regulations, is sufficient.

Although the bill has been unamended since its introduction, we have been listening to people's views. A number of members have acknowledged the various points that we have listened to and agreed with—not least of which were the concerns of FETA staff.

During the passage of the Forth Crossing Act 2011, it was recognised that arrangements for future maintenance and operation of the bridge must be in place before the new Forth crossing opens. Subsequent analysis of the options has provided a clear way forward. Although the decision to dissolve FETA has not met with universal approval, retention of jobs, a guarantee in respect of staff pensions, a cost-effective regime—which Annabelle Ewing was right to say is very important—and the twin bridges management and maintenance strategy emerged as the clear priorities.

I am glad that so many stakeholders, as well as Parliament, are agreed on those outcomes, and I anticipate that once the new Forth crossing opens, we will agree on encouraging modal shift from cars to public transport across the Forth estuary, which the bill will also facilitate.

In reply to comments on privatisation, I point out that the previous Administration took the same decision with an earlier iteration of the trunk roads maintenance contract. It is the case that, should they want the contract to stay in the public sector, councils could collaborate and put forward their own bid for it; it would not even have to be the councils that were nearest to the bridge that did that. Councils have been able to do that in relation to the trunk roads contracts ever since the decision was taken in the mid-1990s to take responsibility for trunk roads away from councils and it is still possible. Councils would have to apply to be on the tender list. In the past, councils have applied for earlier versions of operating company contracts. FETA could not do that, but the councils could get together and do that if they wanted to.

To return to democratic accountability, elected local authority representatives are in a different category from local groups and local people, whom we have asked to be involved in the Forth bridges forum, in that they have a mandate of their own. That is where the potential for confusion would come in. I feel as strongly about that issue as I do about the requests that we are receiving for ministers to be involved in a council road project—the third Don crossing in Aberdeen. That is not the role of ministers. It is a local authority scheme, and it is right that Aberdeen City Council takes the project forward and deals with the concerns that have been expressed.

In the same way, it is right—as Alex Johnstone said—given that the new Forth crossing is being funded by central Government, that there is a clear line of accountability right through to the minister, who cannot hide from the scrutiny that Parliament can bring to bear. I hope that that assures those who are concerned about the issue that there will be accountability. As I have said, councillors can raise issues, and I am sure that they will continue to do so. The only person who has raised the issue of democratic accountability outwith Parliament is Councillor Hinds of the City of Edinburgh Council.

Elaine Murray's stage 2 amendment would have allowed scrutiny only of the Forth road bridge, which I do not think was the intention and which is probably another reason why it was withdrawn.

I have tried to respond to the various points that have been made, including the concerns that staff have raised. The pensions guarantee that we have provided is not a straightforward or inexpensive thing to do; the Scottish Government has made a substantial commitment, which we did because we listened to the concerns of staff members.

Margaret McCulloch asked about TUPE and the level of protection that will be provided. As a former shop steward, I know that concerns have been expressed about how effective TUPE can be, but following engagement with the United Kingdom Government, the Scottish Trades Union Congress has said that it is generally satisfied with the TUPE provisions, which prohibit gratuitous compulsory redundancies. Under TUPE, obligations are passed on to the contractor. As I have mentioned, perhaps the most important issue is that of pensions, on which we have given a guarantee.

On Alex Johnstone's point about tolls, I welcomed the abolition of tolls in my maiden speech in Parliament. I am aware that Helen Eadie was ahead of her time in asking for a new crossing, and ahead of her time—and, I am sure, out of step with her colleagues—in asking for bridge tolls to be abolished. I can only imagine how she jumped for joy when the Scottish National

Party was elected, which led in due course to both those things being guaranteed. That had not happened previously, despite the fact that—as I said in my intervention on Alex Johnstone—the tolls on the original Forth road bridge should have been abolished in 1994, when the capital costs were paid off. It is extremely important that, when Governments make such commitments on tax or charges, they follow them through. The tolls should have been abolished in 1994, and I am pleased that it was the SNP Administration that finally—with support from others, as has been mentioned—abolished them.

I mentioned at stage 1 that, at one point, it was proposed that the toll on the Forth bridge should go up to £4, which was a similar level to the Skye bridge toll. I was pleased to be involved in the campaign to abolish the Skye bridge toll, even although I still bear a conviction for refusing to pay.

I think that I have covered most of what members said in their speeches, which were very positive. It was interesting to hear from Richard Lyle about the early development of the bridge. I was but a babe in arms in the days of the ferry. Although I crossed the Forth by ferry, I do not remember having done so because I was too young. Since then—as all other members have done—I have used the bridge on many occasions.

I look forward to continuing our effective engagement. Members' comments reflect the fact that there has been effective engagement with stakeholders, members and the people who will be most directly affected.

Commencement of the bill is scheduled to not happen until June 2015, and there is still substantial work to be done not only on the arrangements for the TUPE transfer of staff, but on the operating company contract, in order to ensure that it meets the commitments that have been made during the progress of the bill. Commitments have also been made to other stakeholders. I put on the record an offer to provide regular updates to the Infrastructure and Capital Investment Committee, including details of how the contract is developing, community engagement and the FETA staff transfer.

The bridges over the Forth play a key part in keeping Scotland moving. I am grateful for the opportunity to be part of safeguarding the future of that vital link in Scotland's infrastructure, and am pleased to commend to members the motion

"That the Parliament agrees that the Forth Road Bridge Bill be passed."

## Scottish Coal Industry Task Force

### **The Deputy Presiding Officer (Elaine Smith):**

The next item of business is a statement by Fergus Ewing on the Scottish coal industry task force. The minister will take questions at the end of his statement, so there should be no interventions or interruptions during it. I note that not all the members who indicated that they wished to participate in the question session are in the chamber, and express disappointment at that.

15:41

**The Minister for Energy, Enterprise and Tourism (Fergus Ewing):** Presiding Officer, I understand that copies of the statement should have been made available to you very recently. I would have far preferred that far more notice had been given; I apologise for that. I felt that it was correct to say that to you and to members to whom I have not been able to provide a copy of the statement because of other matters.

Over the past year, my officials and I have had extensive engagement with the opencast mining sector in Scotland. The sector employs 3,000 people directly and 4,500 people indirectly, contributes £450 million to the Scottish economy, and provides well-remunerated jobs—average wages are around £42,000 a year. It is vital to the economies of Ayrshire, Lanarkshire, Dumfries and Galloway and Fife and other parts of Scotland. It is part of the social fabric of Scotland, and mining communities are proud, strong and resilient.

Since around last autumn, it became increasingly clear that the sector faced very difficult financial challenges as a result of the continuing low world coal prices. As members will be aware, the Scottish Resources Group called in the liquidators on 19 April 2013. That led to an announcement of 604 job losses on that day.

I set up a task force to look at the issues that the coal sector faces. I chair the Scottish opencast coal industry task force, and I am very pleased to have had cross-party MSP and MP representation as part of the group. The task force is equally well represented, with, as members, stakeholders that include trade union officials, the local authorities most affected, landowners and the Scottish Environment Protection Agency, and there is representation from the United Kingdom Department of Energy and Climate Change, the Coal Authority and the Scotland Office. The task force met most recently on Monday 20 May, in Cumnock in Ayrshire. That area is no stranger to the devastating effects that the loss of work in the coal industry can bring to communities.

The task force's remit covers the immediate employment challenges, and the main focus is on securing the re-employment of as many of the SRG workforce as possible. The task force is also to consider the restoration of opencast sites and the issues that threaten the longer-term viability of the coal sector as a whole.

Through our partnership action for continuing employment—PACE—initiative, we took immediate action to support employees who had been made redundant. We held four redundancy support events—on Tuesday 30 April in Lanarkshire, 1 May in Ayrshire and Alloa, and 2 May in Fife. On 17 May, we invited all 604 redundant employees to make an appointment with a PACE adviser to identify their training needs or other opportunities to assist them if they wished to remain in the mining sector or to retrain to work in another sector.

An important part of the reskilling efforts is the provision of driver training for large plant machinery. The certification of that training and its transferability to other sectors, such as the construction sector, is a key enabler in job market mobility for coal sector employees. The possibility of using some of the current SRG sites for that training is being explored as an option. To aid that process, additional funds of over £1 million have been made available through the Scottish Government's employability fund, which is administered by Skills Development Scotland. It was agreed on Monday that a short-life working group to address the issue of training and certification ticketing be set up, and that group will meet shortly.

I am pleased to update members that Hargreaves plc, a prospective buyer of the former SRG company, has been selected by KPMG, the liquidators, as preferred bidder for the former SRG business. Discussions between KPMG and Hargreaves are on-going, so I stress that it is not a signed or sealed deal as yet. However, the interest shown by Hargreaves is encouraging and it is a serious bid. Hargreaves was invited to, and attended, the most recent task force meeting. It was very encouraging to hear from Hargreaves that its plans for the former SRG business include the intention to re-employ up to 300 people in Scotland in the first six months, which estimate may rise to around 500 people in the first 12 months of the new operation. More details of the negotiation between Hargreaves and KPMG may be expected in the coming weeks as talks progress. However, councils were encouraged to open dialogue with Hargreaves at the earliest opportunity regarding sites located in the relevant council areas, and that is under way.

Members may be aware that Hargreaves is currently finalising the purchase of ATH

Resources plc, another coal operator and major employer in the Scottish opencast coal sector. Hargreaves's intervention in ATH has managed to maintain 230 jobs or thereabouts in Scotland by keeping ATH operating throughout a very difficult period for that company. We welcome that intervention by Hargreaves.

East Ayrshire Council is one of the largest affected authorities, with the loss of 350 jobs in the area, so the council has set up a local task force to run in tandem with the national task force. Douglas Reid, council leader, and Fiona Lees, the chief executive, provided an update to the task force on the East Ayrshire Council local task force.

The issue of state aid has been discussed at length within the task force, and although it is clear that state aid support for the coal industry is extremely restrictive, we are continuing to explore fully whether any avenues are open to us. That work is being done jointly by the Scottish Government and the United Kingdom Government through DECC.

The Coalfields Regeneration Trust has provided an update to the task force on its work. The Coalfields Regeneration Trust was established to provide support to Scotland's former coal mining communities. From 2011 to 2014, the CRT will have received £2.5 million in grants from the Scottish Government to carry out its activities in former coalfield communities. I am pleased to say that the CRT is considering what more it can do and what role it can play going forward.

By far the biggest threat facing the future of the opencast coal industry in Scotland is the proposed increase in track access charges for coal freight. The Office of Rail Regulation proposal has been out to consultation since March last year and is of grave concern as a result of the distance-travelled element of the charge. The proposed charge will be levied on a per-kilometre-travelled basis, which will mean that operators in Scotland, who have the furthest distance to travel to the main markets in the south of England, will be disproportionately affected, drastically undermining the competitiveness of the Scottish coal sector. Scottish operators and Scottish ministers, including me and Mr Brown, who is with me in the chamber, have responded to the consultation strongly, stating the case that the charges have the potential to destroy the Scottish opencast coal sector.

The Scottish Government continues to respect the statutory independence of the ORR in this matter, but it is vital that in reaching a decision on a charging regime it ensures that the wider impacts of the charges on the Scottish coal industry are fully considered. That was clear in the formal guidance that my colleague Mr Brown issued to the ORR last summer and in the

representations that were made during our most recent discussions. The ORR attended the task force meeting on Monday, and I thank it for its attendance at what was clearly a very difficult forum for it but one in which it received very direct feedback from the industry. The ORR determination will be available on 12 June this year. At that point, the ORR will take further comments, with the final documentation expected later this year.

The restoration of opencast coal sites is a subject of great importance to the task force. Members might be aware that my officials and I have been working closely with key stakeholders over the past six months to address the issues that the Scottish coal industry faces. We share the concerns that local communities have expressed about the responsible restoration of opencast coal sites. I am therefore pleased to make members aware of the newly created Scottish Mines Restoration Trust, which will facilitate the restoration of old opencast coal mines across Scotland. Although the task force's main concern is to retain as many of the existing coal jobs as possible, I ask that members note that the restoration process itself will potentially, over time, create hundreds of jobs across the country, as well as restoring the local environment.

The SMRT will be independent of the Scottish Government and its board will be made up of representatives of local authorities and other stakeholders. The SMRT will not directly fund restoration; it is right that coal operators will still be responsible for the restoration of their respective opencast sites. However, such tasks are often complex, and the trust will work with coal operators, local councils, landowners, communities and other bodies to facilitate the responsible and appropriate restoration of opencast sites.

I am sure that all members agree that community engagement is a critical factor in the creation and deployment of restoration plans for opencast sites. I assure members that community participation and engagement will be a prerequisite of SMRT involvement in the facilitation of restoration schemes.

Task force members are working well together. We are doing all that we can do to ensure continued employment in the coal industry in Scotland, and we are paying particular attention to the areas that are most affected by the recent redundancies. We are assessing the threats and issues that affect the long-term viability of the coal sector—principally, the ORR charging proposals—and we are working hard to ensure that the responsible and appropriate restoration of opencast sites in Scotland takes place.

I thank all members who have taken part in the various pieces of work that I described, principally the task force, and all members who will speak in response to my statement. These have been trying times for the Scottish opencast coal sector and I pay tribute to the efforts that have been made by all parties, working together, to find the best way forward. I will be happy to answer members' questions.

**The Deputy Presiding Officer:** I remind members that on Tuesday I had to advise members that business in the chamber usually takes place on a follow-on basis, so no times are set in stone for the start and end of business. Members who turn up late for a statement cannot expect to be called to ask questions if they have not heard the statement. However, members who were late on this occasion were only a few minutes late, so I am minded to call them. If they press their request-to-speak buttons, along with other members who want to be called, their request will be given consideration.

**Ken Macintosh (Eastwood) (Lab):** I apologise for misunderstanding the timing of the start of the statement.

I welcome the update from the minister and thank him for the advance copy of his statement. Given that more than 600 jobs are directly affected by the collapse of SRG, our first concern must be for those individuals, and for their families and others who are indirectly suffering as a result of the job losses. Will the minister assure members that maintaining the maximum number of jobs will be at the forefront of his efforts and those of Scottish Government agencies?

In relation to those efforts, I am led to believe that support for training for people who are affected might be limited to £200 per person. Is that the case and, if so, is such a sum sufficient to enable people to access the courses and reskilling opportunities that they might require?

From an answer that Margaret Burgess gave to Neil Findlay, I understand that the support that the Government is offering does not include any new money. Will the minister confirm that that is the case?

I understand that the liquidator, KPMG, is applying to the Court of Session to divest itself of the responsibility for the clean-up or restoration of sites that are rejected by a potential buyer. Which authority will end up with the responsibility for such mines, should approval be granted?

The minister mentioned the Scottish Government's grant to the Coalfields Regeneration Trust. The grant had been running at more than £1.5 million for each of the past eight years, at least. The Scottish Government has reduced that funding to just over £500,000 this

year and next. Given the impact that that is bound to have on already deprived and hard-hit communities, will the minister reconsider his support for the excellent work of the Coalfields Regeneration Trust?

**Fergus Ewing:** I will try to answer the questions raised. Of course I can confirm that my absolute concern is to ensure that, of the people who are presently redundant, as many as is practically possible will have the offer of re-engagement. I have made that abundantly clear at both the task force meetings that I have chaired thus far. That is a matter of resolute determination on my part and, I believe, on the part of all members of the task force and all parties represented therein that have constituency interests.

On training, I do not believe that there is a threshold or ceiling of £200 per person, but I will check that and write to the member on that specific issue. A substantial sum has been allocated to training; that money has been allocated in light of the gravity of the situation that we face.

Perhaps I can suggest to members that at present the problem is not really how much money might be available per person. The main challenge is to find a way to enable the assessment to be conducted. The assessment is necessary in some cases for drivers to receive ticketing. The matter is complex; it is one on which the National Union of Mineworkers has been actively working for a long period. That is precisely why we agreed at the task force meeting that was held in Cumnock on Monday this week that a sub-group will be set up that will involve all related parties, including Hargreaves, Kier Construction, the NUM and Professor Russel Griggs—who has an extraordinarily prominent role in all these matters—as well as other relevant people.

The objective is to find a practical way forward. Let me reassure members that, as energy minister, I will ensure that money will not be a problem in sorting out those issues. The problems are practical and logistical, primarily. If people are to get training, we need a place for that training; that means a mine that is registered and licensed to operate safely. I will ensure that it will not be for the lack of money that we fail to solve the problems. There is a clear will to do so and I am grateful to be able to clarify that. The CRT plays a prominent role, working with communities from the bottom up, as it were, and it will continue to do that.

Finally, on the thorny issue of ownership, I believe that the Scottish Government is party to the legal proceedings to which Mr Macintosh referred. Therefore it may well be that they are sub judice to some extent and I would prefer—rather than inadvertently fall foul of parliamentary

procedure—to write to the member to set out with clarity my response. I am not seeking to avoid his question, but I must respect the procedures that may apply, given that we have entered proceedings relatively recently and that it may be inappropriate or unhelpful for me to comment further on that matter. However, I undertake that every member will be informed, as soon as possible, of the precise position in relation to those matters, given that they are of legitimate public concern.

**Murdo Fraser (Mid Scotland and Fife) (Con):** I thank the minister for his statement and for the advance notice. I thank him also for the invitation to be part of the Scottish coal industry task force. I was pleased to attend the first meeting some weeks ago. I am afraid that, due to other commitments, I could not attend the meeting that was held this Monday, but I am grateful to the minister for the updates about what is happening in that forum.

I welcome the interest that has been expressed today by Hargreaves in purchasing the former SRG business. That will provide some assurance to at least some of the former employees of SRG.

The minister will remember that at the first meeting of the task force he signed a letter that represented the very strongly held view in that meeting that any buyer should purchase the entirety of SRG's business, including its liabilities, rather than just cherry pick particular sites. Is Hargreaves interested in purchasing the entire business, as was indicated at that meeting, or is it in the business of cherry picking? If the latter, what might then happen to the remaining parts of SRG that might not be profitable?

**Fergus Ewing:** Murdo Fraser is correct in saying that, following the first meeting, I wrote to the liquidators to express the general view of the task force. At that time there had been no announcements by the liquidator as to any preferred bidder. That matter was not by any means clear, so at the request of the task force, and all the people there, including members from parties in this chamber, I indicated that the task force's preference was twofold: first, that a well-capitalised company should come in to take over coal operations, and secondly, that cherry picking should be avoided. I do not think that it was ever suggested that there would be a solution that answered every problem in relation to coaled-out mines. The letter is a matter of record and I can pass Murdo Fraser a copy of it.

I believe, and I should state for the record, that it is clear that Hargreaves is a well-capitalised company. That is beyond dispute; information has been provided to that effect. Therefore, we welcome the intervention of Hargreaves in ATH, and that view should receive the full support of all

members in this chamber. The welcome of the status of Hargreaves as preferred bidder for SRG seems to be entirely consistent with what the task force wants. At the meeting on Monday, which Murdo Fraser was unable to attend, the mood was to welcome the commitment that Hargreaves is making. That commitment extends to acknowledging its on-going responsibility for environmental matters—for restoring the mines that it will be working—as well as carrying out coaling operations.

**Willie Rennie (Mid Scotland and Fife) (LD):** I thank the minister for the advance copy of his statement and his work on the issue. I am a member of the task force, but I have not yet been able to attend its meetings, much to my regret.

I see no reference in the minister's statement to a replacement for restoration bonds. I have been very concerned about proposals to introduce a kind of pay-as-you-extract scheme to replace the bonds, in which companies would pay a fee for the coal that they extract, which might not match the full cost of restoration. If a company collapses just before it extracts any coal, there might not be any funds left to restore the big hole that would have been ripped out of the landscape. Will the minister set out his thoughts on that matter and whether he has reached a conclusion?

**Fergus Ewing:** Restoration is not a simple issue; it is a thorny one. It is an issue with considerable challenges, as all members will recognise.

Traditionally, restoration bonds have been used. They can come in many shapes and forms, as financial instruments. Their essential common element is that they provide an element of insurance cover to meet the costs of restoring the environment of a mine that has been coaled, in the same way that any insurance policy provides an amount of cover against specified events.

Problems have arisen in two respects. First, the level of cover may be insufficient to meet the total cost of restoration, and there may therefore be a shortfall. That will undoubtedly be the case in some instances. Secondly, it is becoming increasingly difficult to obtain restoration bonds.

For both those reasons, we have been looking at the issue with a group since, I think, last October, before the task force was formed. We believe that we need to look at solutions for the future. For example, I understand that another company that operates coaling provides a parent company guarantee, which, because of the extensive and robust financial standing of that company, is accepted as sufficient cover.

Those are matters in which the judgment of financial experts obviously has a role to play. I inform Willie Rennie that the next meeting of the

task force is due to take place on 1 July at Cumnock, courtesy of East Ayrshire Council once again. At the meeting that took place on Monday it was agreed that we will look extensively at the issue of restoration at the meeting on 1 July.

Mr Rennie knows that, in politics, there are often no easy answers. However, if we work together, using the new vehicle of the Scottish Mines Restoration Trust, we are far more likely to come up with solutions to a problem that is undoubtedly of concern—and rightly so—to many communities throughout Scotland.

No one is suggesting that the responsibility should be shifted from the coal operators. The coal operators have responsibility—responsible coal operators in Scotland acknowledge that fact—and the responsibility will continue. The question is how that can be made to work in practice in the future, and the matter is being looked into extremely seriously.

**Patrick Harvie (Glasgow) (Green):** The minister will be aware of the recent formation of the Scottish opencast communities alliance, an organisation that brings together the communities throughout Scotland that are directly impacted on by the industry. Does he agree that all parties in this discussion should recognise that alliance and be willing to work with it to represent the people who are most directly impacted on? Will he call on the Scottish Mines Restoration Trust routinely to ensure that its minutes are placed in the public domain?

**Fergus Ewing:** I will obviously work with all relevant stakeholders who have a contribution to make. I understand that the SMRT fully intends to work with the communities that are most affected.

As I said in my statement, community engagement is imperative and an essential part of all the work that is done on a particular coaled-out mine. It is beyond question that one should work with the local community, although quite who speaks for the local community is an issue that has exercised many people from time to time, and I suggest that the matter should be looked at on a pragmatic basis.

As Mr Harvie will know, the SMRT is, rightly, a body that is independent of the Scottish Government. Therefore, it will be for the SMRT to decide how it will engage. My understanding is that it intends to engage fully with appropriate representatives of the communities that are most affected.

**Willie Coffey (Kilmarnock and Irvine Valley) (SNP):** I pay tribute to the work of my colleague Adam Ingram MSP, who, despite his current illness, has attended the important work of the task force on behalf of his constituents in Carrick, Cumnock and Doon Valley.

I ask the minister to spell out for the Parliament the possible impact of the ORR's proposal to recommend the new freight-specific charge of £4.04 per kg<sub>tm</sub>.

**Fergus Ewing:** I thank Mr Coffey for that question. I have been in frequent contact with Mr Ingram, who, although still on sick leave, is working hard for his constituents in these matters, as his area is one of the most affected in Scotland.

Mr Coffey asks about the impact of the ORR's proposals on the sector. The data available from the industry in Scotland shows that the average total freight charge to transport coal from Ayrshire to the Aire valley power stations in Yorkshire is about £8 to £10 per tonne. By comparison, the equivalent charge to transport coal from Immingham, a Lincolnshire port, to the Aire valley is £3 to £5 per tonne. The charge to transport coal from a typical English mine closer to the Aire valley may be £1.50 to £3 per tonne.

Those figures show that, before any increases, the mines and businesses in Scotland bear a material cost disadvantage ranging from between £3 and £8 per tonne delivered. Therefore, the introduction of distance-related charging on a per-kilometre-travelled basis will lead to higher than average cost increases for Scottish coal supplied to English power stations. Were the ORR's proposals to be implemented, there is a serious risk that they would destroy the opencast coal sector in Scotland.

I was grateful, therefore, that the ORR appeared at the task force meeting on Monday, as well as at the previous meeting. I thank it for its attendance. Dr Murray was there, too. It was not a happy experience for the ORR, as strong points were made, but we had a dignified discussion. The point was put—by me, as it happens—that, if the charges were introduced, they could kill the industry in Scotland.

I am very hopeful, because there is a reasonable case based on evidence—some of which I have read out to members to show that it is serious evidence—and any regulator must and, I believe, will consider the evidence carefully in coming to a decision. One of the reasons that I felt that it was appropriate to bring the statement to the chamber today was to underscore the gravity of the predicament that the industry currently faces. I believe that I have been able to do so.

**Elaine Murray (Dumfriesshire) (Lab):** Having attended a briefing with the ORR at lunchtime, I am confident that it has been listening to what people have been saying.

I thank the minister for his statement. I did not see the advance copy as I was in the chamber when it was released, but as a member of the task force at the minister's invitation—I thank him for

that—I know that the task force is rightly concentrating on the immediate employment and restoration problems caused first by problems with ATH and now by problems with SRG.

Will the minister advise me whether part of the task force's remit will be to investigate how we could better progress economic development in coalfield areas, such as Upper Nithsdale, to ensure that their economies are less vulnerable to any future problems in the industry?

**Fergus Ewing:** I thank Dr Elaine Murray for her attendance at the task force and for her work on the issue as a constituency MSP over a fairly long period of not inconsiderable dialogue between us.

The purpose of the Scottish opencast coal task force is to consider issues relating to the opencast coal sector. That is quite a wide range of topics. There are, I think, nearly 50 people on the task force and, I must say, they have been pretty well behaved. That has made my chairmanship role pleasant and not challenging.

It would be wrong to extend the remit of the group to an extremely wide omnibus economic development role, especially as East Ayrshire Council has its own local task force. We really should continue to focus on the opencast coal sector.

As Mr Rennie said, we must focus on bonding and restoration. If we do that and move that issue forward—I am confident that we will do that, incidentally—we will have done a good thing for Scotland. It might impair the chances of us focusing on that important task if our remit were extended and radically changed.

However, I say to Dr Elaine Murray that I have personally asked Dr Lena Wilson to ensure that every possible attention is given to the areas that are most affected. I believe that that service will be received through Scottish Enterprise and all other relevant personnel, including SDS and the PACE team.

I absolutely accept the general point that it is imperative that we consider what other options can be explored for diversifying the economy from the coal sector.

**The Deputy Presiding Officer:** I have to say that, if I am to have any hope of calling all the members who wish to ask questions, questions and answers will need to be slightly shorter.

**Annabelle Ewing (Mid Scotland and Fife) (SNP):** I thank the minister for his statement. Will he explain in a wee bit more detail what progress is being made on the task force's work, in particular as far as issues relating to Fife are concerned?

**Fergus Ewing:** I am pleased that we have representatives from Fife Council involved in the task force. Alex Rowley attended the last meeting, as did Keith Winter, who is one of the senior officials. I also believe that Claire Baker attended the previous task force meeting.

The work of the task force is to consider all parts of Scotland that are affected. There are particular issues in Fife in relation to restoration. Those are being considered in great detail by the local authority, the Coal Authority, Russel Griggs, SEPA and other relevant stakeholders to determine whether we can make progress regarding the restoration of mines in Fife—in particular Muir Dean, which presents particular challenges.

Those are not easy matters. The point of a task force is to bring people together to work together in a swift and focused fashion. That is happening. I am confident that that work will deliver fruitful results.

**Mike MacKenzie (Highlands and Islands) (SNP):** Does the minister agree that, given the repeated warnings from the Office of the Gas and Electricity Markets about the lack of electricity generation capacity and the prospect of the lights going off, Scottish coal can continue to play its part in supplying power stations across the UK, alongside other forms of energy generation such as renewables?

**Fergus Ewing:** Mr MacKenzie is absolutely right. The regulator, Ofgem, warned last October that the spare generating capacity in the UK was considerably lower than it should be. In respect of England, I believe that the figure for spare generating capacity was around 4 per cent, which is far below a safe and prudent level. I believe that, since last October, there has been a further closure of coal-fired power stations. The figure from last October can therefore only have worsened. That is one of the most serious issues facing Scotland and the UK today.

Scotland has a spare margin of around 25 per cent of generating capacity. Our grid capacity to export our electricity to England is being quadrupled, at the agreement of the regulators, so as to allow our electricity to be exported down south to keep the lights on for our good friends in England.

Mr MacKenzie is quite right to point out that, were the threatened charges of the ORR to be implemented and were the expectations of industry to be realised—if it was not possible to continue to operate because to do so would be loss making—there would be a severe potential consequence for electricity supply in the UK at a time when the picture is, as I have painted it, pretty bleak.

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

The minister mentioned the closure last week of the opencast mine at Muir Dean in Fife. There are significant environmental concerns about the site. Although the bond is in place, it might not be sufficient. Although the SMRT has been established, it is not clear how it would address situations such as that at Muir Dean. While we are waiting for a solution, how will sites that are currently in limbo be maintained and secured, and how will communities be protected? We are already hearing reports of pollution concerns regarding Muir Dean.

**Fergus Ewing:** Those are serious matters, but they are not new. The general issue of restoration has been around for a long time. What is new, however, is that we have put in place a mechanism in the form of the Scottish Mines Restoration Trust, which seeks to facilitate solutions.

The SMRT provides a focus and a purpose that hitherto did not exist. That is a good thing, and I hope that other members welcome it. It is a very good idea, when there is a complex problem involving multiple parties, to bring them together to find a solution. That is what the SMRT will do.

Moreover, it was announced at the task force meeting in Cumnock on Monday that the sum of £1.1 million has been provided to the SMRT, which will assist it in performing various functions, such as obtaining any necessary technical, consultants' or environmental reports, obtaining information or engaging people whose advice is a *sine qua non* of finding successful solutions.

The SMRT's role will not be a panacea, nor is it primarily a funding body—it is a facilitating body. I believe, however, that its existence will help us to tackle challenges such as those at Muir Dean far more readily.

The local authority, together with the stakeholders that I mentioned in my answer to Annabelle Ewing, is working extremely hard in relation to Muir Dean. I can assure the Parliament that the matter is receiving full, thorough and comprehensive attention. I cannot and will not undertake that there will be outcomes that I cannot guarantee—that would be utterly irresponsible—but I am confident that everything that can be done is being done.

**Joan McAlpine (South Scotland) (SNP):** I reiterate the comments praising my colleague Adam Ingram. I take this opportunity to thank Russel Griggs, my constituent, for the hard work that he has put into finding solutions to what are very complex problems.

I ask the minister to give us an update on the situation in Glenmuckloch, in particular with regard

to any jobs that could be generated by the restoration of the opencast site there.

**Fergus Ewing:** I thank Joan McAlpine for her question. She has also played a substantial role in these matters, over a long period, in relation to her constituents.

As it happens, I met John Glen of Buccleuch Estates earlier today, and we are in regular contact with him as Russel Griggs has had massive involvement in the issue of late. I am hopeful that progress can be made at Glenmuckloch, which may allow a restoration project to proceed. I think that other members are aware of the work that is being done and the good will with which all parties involved are pursuing the objective of restoration at that site. Were it to happen, it would be a fillip and give succour to all those throughout Scotland who want to see other mines being restored.

**David Torrance (Kirkcaldy) (SNP):** Following the announcement that Hargreaves Services has bought the rights to take over the assets of Aardvark, what details are available about the plans for Aardvark's Fife operation and the jobs that it supports?

**Fergus Ewing:** In respect of Fife, Hargreaves is in discussions with Fife Council about the sites concerned. It is too soon to make an announcement as discussions continue on various solutions, but I assure David Torrance that work is continuing and councils have been invited by Hargreaves to continue the dialogue on a site-by-site basis.

**Claudia Beamish (South Scotland) (Lab):** In view of the SMRT not directly funding restoration and given the perceived—at least—varying robustness of local authority arrangements for restoration bonds, can the minister assure the Parliament that the matter will be looked at on a Scotland-wide basis so that communities are properly protected?

**Fergus Ewing:** Yes—I think that I can give the assurance that the member seeks. The purpose of the task force is to look at the issue strategically and comprehensively. That is why, at the next meeting of the task force on 1 July, I expect that we will receive a number of presentations from all those who have a material interest and a contribution to make. I hope that, thereafter, we will see progress being made.

**Colin Beattie (Midlothian North and Musselburgh) (SNP):** What opportunities are there to focus on and develop the transferable skills of workers who are affected by the collapse of Scottish Coal?

**Fergus Ewing:** The workers are highly skilled, and to some extent the skills can be transferred to

other sectors, most obviously the construction sector.

In order to enable those workers' skills to be recognised in other sectors, the short-life working group will be looking precisely at what certification might be required to secure that objective and to ensure that those people who wish to pursue a different career, in construction for example, are enabled to do so by having access to the necessary assessment to secure that certification. It is the access to the assessment—for example, carrying out the driving under supervision—that is important.

It is expected that many jobs, possibly hundreds, will be created in the restoration of mines. We will also explore the possibility that training and assessment can be carried out in relation to sites that are being restored in such a way that people can take part and complete some of the restoration work in the course of completing their training. That would be an imaginative way in which to seek to constrain the restoration costs, and it could therefore be part of the imaginative solutions that we are seeking to solve what is a thorny problem of, I suspect, several decades' duration.

**Chic Brodie (South Scotland) (SNP):** The minister has wrestled with the immediate problem facing the industry. I welcome the speedy action that he has taken thus far, but we have to think forward. On the basis that he has said that some moneys will be available to soften the blow in the affected communities, will he consider working with local councils by initiating research into geothermal energy opportunities—and therefore big job opportunities—for the provision of district heating networks through tapping into the warm water that runs through the disused coal mines in the affected areas?

**Fergus Ewing:** A wide range of topics were raised there. I inform Mr Brodie that I am expecting a report—which was commissioned some time ago—to be provided to me on the potential benefits that Scotland may derive from our untapped geothermal resource. In looking at that, we will certainly consider whether that potential includes any opportunities in relation to disused mines.

## **National Trust for Scotland (Governance etc) Bill: Final Stage**

### **The Deputy Presiding Officer (Elaine Smith):**

The next item of business is a debate on motion S4M-06524, in the name of Fiona McLeod, on the National Trust for Scotland (Governance etc) Bill. No amendments to the bill have been lodged so we move straight to the debate on the motion to pass the bill. I invite Fiona McLeod to speak to and move the motion on behalf of the National Trust for Scotland (Governance etc) Bill Committee.

16:26

### **Fiona McLeod (Strathkelvin and Bearsden)**

**(SNP):** It is only a short month since we debated the preliminary stage of the bill in Parliament. At that time, as committee convener, I thanked a number of groups and I reiterate my thanks at the final stage of the bill. I thank my fellow committee members and the witnesses who gave written and oral evidence. I especially thank the clerks and the Scottish Parliament information centre staff, who supported us throughout the short bill procedure.

At that preliminary stage debate on 23 April, I rehearsed the background to and the necessity for the bill. Members will recall that it was the 2008 financial crisis within the National Trust for Scotland that precipitated a lot of the problems that the bill seeks to solve. In that financial crisis, it was discovered that a lot of the problems were rooted in poor governance procedures within the National Trust. That led to the setting up of the Reid review under our former Presiding Officer, Sir George Reid. His report, which was entitled "Fit for Purpose", was published in 2010.

In that review, Sir George was clear that there was a need to restructure and to refocus the trust's governance procedures. Much of that has taken place in the three short years since the report was published but the bill completes legislatively the Reid report recommendations from 2010. It is important to add that there is still on-going work on restructuring and refocusing outwith the legislative process because the NTS has engaged in the review with a great deal of enthusiasm and commitment. It is still looking at an audit of all its assets. It seems strange that an organisation that owns or is the custodian of so much within Scotland still needs to know exactly what its assets are.

One important item that I look forward to seeing come to fruition is the introduction of local assemblies. That is important when we realise that the NTS is a membership organisation that has 310,000 members. To say that it can work with all those members at an annual meeting is perhaps a little far-fetched. The introduction of local

assemblies will bring that membership much more into the whole structure and function of the National Trust for Scotland.

I will spend a little time talking about the consultation review process, because it is an exemplar. Sir George Reid held 32 presentations, and there were 140 meetings with small groups. There were 9,061 responses to the membership questionnaire, a website forum, emails and of course old-fashioned letters. It is testament to that consultation process that the bill has come to Parliament with no objections at any stage, and with no amendments introduced either at the consideration stage or at the final stage today. The same can be said of the National Trust for Scotland's 2010 annual general meeting, when the membership voted 424 to 2 to accept the recommendations of Sir George Reid's "Fit for Purpose" report.

I conclude this short debate by saying that the bill is small but perfect, as the process that it has been through has shown. In finishing, Presiding Officer—

**The Deputy Presiding Officer (John Scott):** There is no rush.

**Fiona McLeod:** I move,

That the Parliament agrees that The National Trust for Scotland (Governance etc) Bill be passed.

**The Deputy Presiding Officer:** Fiona Hyslop has a generous four minutes.

16:31

**The Cabinet Secretary for Culture and External Affairs (Fiona Hyslop):** Thank you, Presiding Officer.

I am delighted to be here for the final stage of the bill. I begin by recognising the support that members of all parties have offered the National Trust for Scotland during its modernisation programme, specifically in respect of the bill. I know that that solidarity reflects the esteem and affection that are felt for the trust throughout the country. I put on record my thanks to the National Trust for Scotland (Governance etc) Bill Committee for its diligent work in taking on the responsibilities in relation to the bill.

I do not need to remind members of the vital role that the trust plays in our national life. No matter how familiar we are with the trust, it is easy to underestimate the sheer scale of its work. It is not just the physical scale, impressive as that is. What always impresses me is the human scale: the visitors in their millions; the 314,000 members—slightly more than the number that the committee convener mentioned, but perhaps that reflects the growth in membership while the bill has progressed through Parliament; the hundreds

of volunteers; the 1,000 staff; and those who support the trust's work through legacies or donations.

I hope that members have not been too busy to watch the BBC's superb series on the wildlife of the Hebrides. Recently, we saw one of the iconic images of Scotland: St Kilda and its teeming bird cliffs. It is interesting to reflect that the trust has more than twice as many members as there are gannets on St Kilda—and we know that there are a lot of gannets on St Kilda.

Through its inspiration, dedication and sheer hard work, the trust is in it for the long term and for everyone who loves Scotland and its superb heritage and landscape. It rightly receives support from Government for many of its activities, which range from state-of-the-art visitor centres to traditional farming practices, but the resources that we provide are far outweighed by those that are brought by its members, volunteers and other supporters.

As members know—and as Fiona McLeod set out—the trust is completing a programme of reform. Operational and financial sustainability is central to that, and the bill will contribute significantly to enabling the trust to develop a modern and business-like approach across all its operations.

The trust is not alone in needing vision and a sustainable business model to deliver benefits to the nation, as that need applies across the whole heritage sector. That is why I have just launched a public consultation on proposals to establish a high-level strategy for Scotland's historic environment and on provisions to create a new lead body to carry out the roles that are appropriate to national Government in that area.

The trust has already been involved in discussions on those matters. It was quick to welcome the public consultation and to affirm its willingness to continue to work as a partner in developing an inclusive strategy to get the best out of our diverse heritage landscape, and I welcome that positive approach.

The trust's knowledge and experience complement that of Government and its agencies. Many bodies are working for the good of Scotland and, for them all, growing together must surely be a better strategy than working in isolation. We are committed to working with the trust to ensure the continuation of its distinctive role as a key player in sustaining our heritage. I am quite clear that the trust acknowledges its responsibility to the nation, which I think is an important part of the trust's role and responsibility. Our aim is a collaborative sector in which healthy competition drives all players towards higher standards and to a greater realisation of the potential benefits that our

heritage can deliver—in economic, educational, cultural and social terms.

The final stage consideration of the bill today offers Parliament a valuable opportunity to reaffirm the value of partnership working between Government and the third sector. The Government believes in developing and maintaining partnerships and in creating new synergies across Scotland. We need a strong and well managed National Trust for Scotland as a key player in delivering our vision for the conservation of Scotland's rich cultural and natural heritage, environmental awareness and education. We need the trust to continue in its role as a significant contributor of economic benefit to the nation and to local communities, particularly in remote and rural areas.

I affirm my and the Government's full support for the bill, and I ask members to join me in speeding its passage towards completion.

**The Deputy Presiding Officer:** We move to the open debate, in which speeches may be of a generous four minutes.

16:36

**James Dornan (Glasgow Cathcart) (SNP):** It has been a great privilege to be a member of the National Trust for Scotland (Governance etc) Bill Committee and to have worked closely with my colleagues Fiona McLeod, Jayne Baxter and Jamie McGrigor, as well as the clerking team, which has been of great assistance to committee members. My one complaint is that we never took the opportunity to go on a couple of visits. I also compliment the witnesses and all those who took part in the Reid review that Fiona McLeod mentioned, which is indeed a great piece of work.

As I have said before, Scotland has some of the finest cultural and natural heritage to be found anywhere in the world, and protecting that for future generations is something that we should all strive for. The work of the National Trust for Scotland is integral to achieving that aim. Because that work is so important, it is imperative that the trust has a governance structure that works. In my view, the bill will provide that.

It may surprise some to know that 43 per cent of the National Trust for Scotland's work is undertaken in the west of Scotland. Recently, I met Robert Ferguson, who is the trust's general manager for Glasgow and the west of Scotland, to discuss the trust generally and, more specifically, Holmwood house and Pollok house, which are the trust's two properties in my Glasgow Cathcart constituency. Both those properties are real treasures. Holmwood house, which has been described as Alexander "Greek" Thomson's finest domestic design, was built for James Couper in

1857 and is currently undergoing work to restore it to its former glory. However, today I want to concentrate on Pollok house.

Based in the centre of Pollok park and just a stone's throw away from the famous Burrell collection, Pollok house is regarded as one of Scotland's grandest Edwardian country homes, although the building dates back to the 13th century. Pollok house is also significant for the National Trust for Scotland due to its long-standing connection to founding member and owner of Pollok house Sir John Stirling Maxwell, who served as the trust's first vice-president and was later president from 1943 until his death in 1956.

Pollok house also played an important role in the creation of the trust, the idea for which, I am informed, started there with Sir John Stirling Maxwell. He was a man who recognised very early the importance of green spaces within the city and, as early as 1911, took steps to protect Pollok estate and allow wider public access to it. Scotland's first conservation agreement originated in Pollok house in 1939, when Sir John led by example in creating the first conservation agreement for Pollok park. It is no accident that the estate is surrounded by sports clubs, which have proliferated around its boundaries.

Pollok house is now owned by Glasgow City Council as part of the estate that was gifted to the city by the daughter of Sir John Stirling Maxwell on his death. Since 1993, the house has been leased and managed by the National Trust for Scotland and is one of a number of properties across Scotland to follow that model of management. The house is now open 12 months of the year and receives more than 80,000 visitors annually.

The trust has worked in partnership with others to make Pollok house more of a country house. To exploit the recent popularity of "Downton Abbey", the trust has looked to create more of an "Upstairs, Downstairs" representation in the house—I know which part I would probably have lived in.

Such innovative thinking is particularly important for buildings, such as Pollok house and Holmwood house, that are relatively off the beaten track for tourists. It is no coincidence that a large proportion of visitors to Pollok house come from the local area. Perhaps I might suggest, therefore, that to help Pollok house—and Holmwood house for that matter—to get some publicity and to attract more tourists, the cabinet secretary might come and visit it some time soon to see all the good work that is going on there.

The change in governance structure will not only positively affect the properties that the National Trust for Scotland manages, but could act as an example of good practice for other stakeholders

across the country to secure the future of places such as Pollok house, Holmwood house and many other culturally significant sites and properties across Scotland.

As members are aware, I am extremely proud to represent my home constituency, which in many ways is the centre of Scotland's political and cultural universe, as is seen in the fact that it hosts Hampden, the home of Scottish football, and was home to John Maclean, socialist and supporter of home rule for Scotland, and of course to Madame Ecosse, our very own Winnie Ewing—and her illustrious offspring, I hastily add. I am delighted to say that, thanks to my being a member of the committee, I am now aware of the importance of Pollok house and its history and, therefore, willing to add confidently one more item to that venerable list in respect of Glasgow Cathcart: original home of the National Trust.

16:40

**Patricia Ferguson (Glasgow Maryhill and Springburn) (Lab):** As we discussed in our debate in March, the case for reform of the NTS is overwhelming. That fact was underlined by the “Fit for Purpose” report, which was published by the review team that was led by Sir George Reid. It is a comprehensive report that is full of interesting and important facts and figures, all of which helped the review team to make the case for reform of the NTS governance structures.

For me, one of the most telling sections of the report is headed “What You Said”. In that section, comments by staff, council members and funders were gathered together, which helped to illuminate the depth and scale of the problem and gave a hint as to what the future might be for the NTS if it did not reform. I will share just three of those comments with members, because they are worthy of repeating. A council member said:

“The governance is dysfunctional. There is a pervasive mindset among staff and those on the Board and Council that personal and sectional interests are more important than the interests of NTS as a whole.”

A member of staff suggested:

“Too much of our time goes on serving governance structures and not enough on doing our job.”

Equally worryingly, a major funder said:

“Why should I put money into NTS if they are all chasing each others' tails? I want to, but I can't until they are clear where they are going, and why.”

The review by Sir George and his team was thorough and, as the committee convener said, it reached out to the membership, with more than 9,000 members responding to a questionnaire and another 2,000 attending 32 meetings throughout the country. In light of the evidence that was received, the review team concluded that the trust

was not sustainable in its present form and that it was in poor shape financially, with legacies being used as ready income to be spent, projects delayed until money was found and, sadly, assets sold to balance the books. Perhaps the most damning indictment of the structure was that there was no single database or inventory of its assets.

It is clear that what worked 80 years ago needs to be updated if the NTS is to thrive and meet its core task, as specified in the National Trust for Scotland Order Confirmation Act 1935, which was to promote

“the permanent preservation for the benefit of the nation of lands and buildings in Scotland of historic or national interest or natural beauty”.

The National Trust preserves the past for the future. Let us hope that the problems that were identified are now in the past. The NTS has begun to move on and has embarked on a programme of work to prepare for the provisions of the bill and rearrange its governance procedures. The local assemblies to which the committee convener referred will give strength to the new governance and provide a real role for the membership at large.

Sir George and his team have been widely praised for their work and the report that they have delivered. They did a comprehensive job and they deserve our thanks for helping to preserve the national treasure that is the National Trust.

I was struck by James Dornan's comments for two reasons. First, I was sorry to hear that the committee did not go on one or two visits to better understand the day-to-day work of the NTS. I recommend that he visit St Kilda, to which the cabinet secretary referred, if ever he gets the opportunity. That is not just because it is in the most remote part of Scotland—I hope that Mr Dornan does not take that the wrong way—but because it is a genuinely amazing place with the most wonderful scenery and an atmosphere that I have never experienced anywhere else. I am grateful to the National Trust for facilitating my visit there a number of years ago.

As someone who has regularly visited Pollok house and its environs over many years, I say to Mr Dornan that he is absolutely right to sing its praises. I am sure that the minister would very much enjoy a visit to Pollok house and would find it the most interesting of places. Its setting, among other things, helps make it a particularly special part of Glasgow's heritage and what Glasgow has to offer the tourist and the home visitor.

Scottish Labour very much supports the bill. I congratulate the members of the committee, the clerks and SPICe for the work that they have done in scrutinising the bill and I offer my good wishes

to the staff and members of the NTS as they look forward to the new era that the bill heralds.

**The Deputy Presiding Officer:** Many thanks. I now call Mr McGrigor, after which we will move to the closing speeches. Mr McGrigor, you have a generous four minutes—but no more than five.

16:45

**Jamie McGrigor (Highlands and Islands) (Con):** Like others, I begin by thanking the clerking team, ably led by Joanna Hardy, and my colleagues on the committee, who were well served under the convenership of Fiona McLeod. I also extend my thanks to the witnesses who appeared before us and whose wise counsel guided our thinking. Lastly, I wish to thank my friend Alex Fergusson MSP for speaking on my behalf at stage 1.

The bill can perhaps be described as a technical piece of legislation whose aim is to tidy up existing and somewhat archaic governance in the National Trust for Scotland, and it should be uncontentious in its nature. However, that does not detract from the very serious necessity of bringing it forward, following adverse publicity and the resignation of the chairman three years ago—a time when the trust was engulfed in financial crisis, with 65 redundancies and the closure of several of its loss-making properties.

I therefore pay great tribute to Sir George Reid for his intensive and far-reaching inquiry, which resulted in the “Fit for Purpose” report. Sir George’s two-year examination of how the trust was run rightly highlighted what he described in his inimitable way as its “byzantine” governance and pointed to a lack of strategic direction and an inability to deal with problems. He also told the committee that he was enthused by the positive attitude to change in response to his findings.

Reform was inevitable, which was reflected in the views of the trust’s members, who voted overwhelmingly in favour of change at their annual general meeting in 2010, which saw the trust streamlined, replacing two boards with one.

The trust has been able to implement the Reid recommendations within the National Trust for Scotland Order 1935, which avoided the necessity of primary legislation. It is no surprise that the management of the trust was so chaotic, when one considers that the number of trustees was nearly 90. Thankfully, the number has now been reduced to 15.

The Blakenham review of the National Trust in England, Wales and Northern Ireland in 2003 concluded that the decision-making framework was overly complex and led to a lack of clarity and to duplication of staff effort. I am sure that the Reid

review group must have studied that review closely in coming up with its own recommendations.

One of the key comments made by Sir Kenneth Calman was that the bill will remove the responsibility of the honorary president and honorary vice-presidents to attend board meetings, thus ending potential conflicts of interest—a move commended by the Office of the Scottish Charity Regulator, for seeking to create greater clarity. The possibility of having up to four co-opted members was kept, which is sensible in order to provide specialised expertise. The trust would like to keep those co-opted members for more than a year if necessary.

The 1935 order at present provides for the governing council to include various representatives of public or scientific bodies. Recommendation 3 of the Reid review was that there be no representative members of the council. The rationale for that recommendation was that there are now more appropriate mechanisms for ensuring co-ordination, expert advice and policy development at a national level. That was endorsed by OSCR, which referred to and welcomed the recommendations at page 19 of its guidance.

The other most striking, if not obvious, recommendation that is contained in the bill relates to the establishment by the trust of a five-year plan, which is eminently sensible, as is the suggestion—to which Patricia Ferguson referred—that an audit of assets should take place.

I was also interested in the organisation adopting a rather snappier title than the somewhat cumbersome “National Trust for Scotland for Places of Historic Interest or Natural Beauty”, which, after all, was a throwback to the 1930s.

I said at the outset that this private bill is technical in its nature but necessary in its content, and I have no hesitation in commending it to the chamber.

I end by agreeing with Patricia Ferguson that everyone should visit St Kilda. I have done so twice, and it is one of the great wonders of the world; so is the inn there, which is known as the Puff inn.

16:50

**Fiona Hyslop:** I thank members for their involvement in the debate and their comments.

Although I said that the bill committee was diligent in its actions, it was perhaps not as diligent as it might have been—just because we have reached the closing stages of the bill’s consideration, that does not mean that committee members should not ensure that they visit National

Trust for Scotland properties on a regular basis. I certainly welcome the invitation to visit Pollok house.

James Dornan's speech served as a highly effective reminder that people feel passionately about the places that surround them. Their stories are about people—perhaps people who worked the land or who served in the houses—and about wealth creation in Scotland and understanding how our nation has developed.

I put on record the Scottish Government's full support for the proposals. We look forward to continuing our excellent working relationship with the trust as we move forward at this exciting time. We have heard a great deal about the role that Sir George Reid's review played in getting us to where we are now, but I would also like to put on record our thanks to Sir Kenneth Calman and Kate Mavor—who, respectively, are the trust's chair and chief executive—for their current leadership and their work in driving forward the change agenda.

The work of the trust links with a remarkable cross-section of the Government's work: it is important to the culture and heritage agenda, to the natural environment agenda, to local communities and to the economy. In addition, the trust's positive, collaborative and forward-looking approach is an example to many other charities that are involved in the field. It encourages them to work in partnership with not just the Government but one another and other organisations. When it comes to heritage, that is more important than ever.

The debate has provided us with an opportunity to appreciate the challenges that the trust has faced in recent years. With the quotes that she used, Patricia Ferguson set out clearly how challenging the position that the trust was in was for staff, trustees and others. We should recognise how positively the trust has responded. Its modernisation and refocusing have been determined, efficient and effective, and I know that its return to good health has been welcomed by everyone in the chamber. I can think of no better way to mark that than by approving the bill's passage to the statute book, which will help to secure a sustainable future for a body that, as we have heard, is part of our national heritage in its own right.

The needs of our heritage are many. Resources will be scarcer than we would wish. Even in these challenging economic times, we must renew our drive to ensure that all organisations in this area benefit from collaboration and co-operation. As I said, the Government is consulting on a strategy to ensure that we work with our partners on the highest priorities. We are committed to ensuring that that process allows the trust's work in the historic environment sphere to be situated in the

firmest possible policy context, while guaranteeing the organisation's independence as a vital partner and a critical friend.

All the many bodies and individuals who care so much about our incomparable heritage will have to work hard together to sustain our heritage in the future. The coming years will be a period when many opportunities will present themselves. We recognise that the trust will be a key partner and a key leader in enabling Scotland to take full advantage of those opportunities.

We need a National Trust that is vibrant, efficient and effective; that is independent in governance and spirit, yet which contributes as a key player and works as a partner of government and communities at a national and a local level; and that helps to conserve and to unlock social, cultural and economic benefits to the benefit of all.

By passing the bill, we will help to ensure that the trust can continue on its course as a leading conservation charity that has a modern governance structure, is sustainably managed, and is fit to serve the people of Scotland and respond to the challenges and opportunities of the 21st century.

Presiding Officer, as somebody who is originally from Ayrshire, I am sure that you would join me in recognising Culzean castle in particular as an excellent example of the NTS's work on the natural environment and the built environment. It is another shining example of the fantastic work that the National Trust contributes to Scotland.

**The Deputy Presiding Officer:** I indeed share your enthusiasm for Culzean castle.

16:55

**Jayne Baxter (Mid Scotland and Fife) (Lab):** I am very pleased to sum up on behalf of the committee in this final stage debate on the National Trust for Scotland (Governance etc) Bill.

As members will recall, we explored the bill's background during the preliminary stage. At that time—and again in today's debate—we heard about the history that led to the bill and the committee's consideration of the broad principles behind it. During the bill's progress, what has been clear from everyone's contributions is the esteem and regard in which the National Trust for Scotland is held and its distinctive role in preserving Scotland's heritage.

Perhaps rightly for an organisation that is so integral to preserving the historic and natural beauty of many of Scotland's most prominent and recognisable landmarks and places, the trust is similarly embedded in the structures of Scottish public life. However, as with our historic houses and scenic places, the world has moved on, and

the trust now inhabits a place that is quite different from the one that it inhabited when it was established in the 1930s.

Previous contributions to the debate have highlighted the cumbersome and cluttered governance arrangements that dominated the organisation until the Reid review. We have heard about the outcomes of the Reid review and OSCR's views on best practice for the board of trustees. We know that the 1935 order that established the trust provided for certain public or scientific bodies to nominate representatives on the trust's board of trustees. Such members are known as representative members. Back in the 1930s, when the trust was newly constituted and was building its capacity across Scotland, there was certainly a case for drawing from a broad base of experience. However, although that representative body aspect of the board members has changed, in taking evidence the committee was keen to establish that the trust will continue to draw on the expertise that exists in other specialist organisations.

It is not just specialist input that the committee was keen to retain for the trust; it was keen to retain its relevance to communities right across Scotland. In his evidence, Sir George Reid described the structure of regional fora and local assemblies that were established in response to recommendations in the Reid review and which are open to external bodies. He also pointed to the range of pan-Scotland bodies that exist to bring representatives of different bodies together to work on specific issues. He went on to outline the role that new media have to play in sharing ideas and expertise, and alongside all that, he asserted that "the trust listens". I know that the trust will have listened to members' contributions during the passage of the bill.

The committee also heard from Sir Kenneth Calman, who made an important distinction when he explained that the changes to the board were

"not about abolishing external specialist expertise, but about abolishing the role of that expertise in the governance structure."—[*Official Report, National Trust for Scotland (Governance etc) Bill Committee*, 12 March 2013; c 29.]

Sir Kenneth described for the committee the partnership events that allow the sharing of information and experience, and described a couple of specific examples, which included the trust's work with the National Library of Scotland to record various collections that are held in libraries within the trust's portfolio. Similarly, we heard of the task-based focus group that had been established to look at problems with the harling on the Hill house in Helensburgh.

We understand that representative members have already been removed from the board of

trustees following the Reid review, as the trust has the ability to alter the 1935 order to allow that. However, we were persuaded that codifying the abolition of representative members through the provision in the bill will safeguard those new arrangements. Although that provision will have no practical effect on the current membership of the board of trustees, it will ensure that the new, streamlined arrangements persist and cannot be unpicked. That is to be welcomed, and I ask members to support the motion at decision time.

## Energy Bill

16:59

**The Deputy Presiding Officer (John Scott):** The next item of business is consideration of motion S4M-06723, in the name of Fergus Ewing, on the Energy Bill, which is United Kingdom legislation.

*Motion moved,*

That the Parliament agrees that the relevant provisions of the UK Energy Bill introduced in the House of Commons on 29 November 2012 relating to a duty on fossil fuel plant not to exceed annual CO2 emissions limits and the regulation making powers for monitoring compliance with, and enforcement of, the emissions limit duty, in so far as these matters fall within the legislative competence of the Scottish Parliament or alter the executive competence of the Scottish Ministers, should be considered by the UK Parliament.—[*Fergus Ewing.*]

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

## Decision Time

16:59

**The Deputy Presiding Officer (John Scott):** There are three questions to be put as a result of today's business. The first question is, that motion S4M-06605, in the name of Keith Brown, on the Forth Road Bridge Bill, be agreed to.

*Motion agreed to,*

That the Parliament agrees that the Forth Road Bridge Bill be passed.

**The Deputy Presiding Officer:** The second question is, that motion S4M-06524, in the name of Fiona McLeod, on the National Trust for Scotland (Governance etc) Bill, be agreed to.

*Motion agreed to,*

That the Parliament agrees that The National Trust for Scotland (Governance etc.) Bill be passed.

**The Deputy Presiding Officer:** The final question is, that motion S4M-06723, in the name of Fergus Ewing, on the Energy Bill, which is United Kingdom legislation, be agreed to.

*Motion agreed to,*

That the Parliament agrees that the relevant provisions of the UK Energy Bill introduced in the House of Commons on 29 November 2012 relating to a duty on fossil fuel plant not to exceed annual CO2 emissions limits and the regulation making powers for monitoring compliance with, and enforcement of, the emissions limit duty, in so far as these matters fall within the legislative competence of the Scottish Parliament or alter the executive competence of the Scottish Ministers, should be considered by the UK Parliament.

*Meeting closed at 17:00.*



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