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Scottish Parliament

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

Time for Reflection

The Presiding Officer (Ken Macintosh): Our first item of business this afternoon is time for reflection. Our time for reflection leader is Dr Jonathan Reyes, executive director of the department of justice, peace and human development for the United States Conference of Catholic Bishops in Washington.

Dr Jonathan Reyes (United States Conference of Catholic Bishops): Presiding Officer, members of the Scottish Parliament: thank you for allowing to me to be with you this afternoon.

The department that I manage for the United States Conference of Catholic Bishops is committed to what Pope Francis has called “integral human development”. The Catholic Church recognises that faith in God has consequences in all areas of life, including a profound commitment to help serve the development and flourishing of every person. I am in Scotland this week to give a series of lectures on one shining example of that kind of integral human concern: Oscar Romero, Archbishop of San Salvador from 1977 to 1980.

For much of the past century, the country of El Salvador, an impoverished and majority Catholic country, was politically turbulent, caught between two warring parties: a ruling militaristic Government dominated by a few wealthy families, and Marxist revolutionary forces. As is always true in cases of political violence, it is the people of the country who suffer the most. Romero’s enduring concern was the welfare, spiritual and material, of those suffering people. He was born into a family of modest means and his service was marked by a consistent interest in and care for the people in his charge. He made the effort to truly know them and to understand their concerns by personally visiting with them. He stood in authentic solidarity with them.

Archbishop Romero was a man of peace who sought to find ways to reconcile warring factions. However, as the situation worsened and he saw that serious injustice was injuring his people, he spoke out. He called for an end to random killings and secret imprisonments, for more justice in governance and for peace between all parties. In so doing, he knew that he was risking his life. In his third year as Archbishop of San Salvador,

Archbishop Romero was shot and killed while celebrating the mass. As he had given his energies during his life to serve his people, so he gave his blood in their defence.

In many ways, our politically turbulent times are not so unlike Archbishop Romero’s. May the God of peace help each of us to emulate the qualities for which Romero is rightly honoured: an authentic solidarity with those we serve, a generous personal concern for those most in need and unflinching courage in speaking and acting for justice and the genuine welfare of all. Thank you.

The Presiding Officer: Thank you very much. Before we begin business this afternoon, I am sure that all members will wish to join me in thanking the emergency services and our own staff for their professionalism and assistance today. I also thank all members for their patience while the issue that we dealt with earlier was resolved.

Topical Question Time

14:03

Child Poverty

1. Ruth Maguire (Cunninghame South) (SNP): To ask the Scottish Government what its response is to the recent Child Poverty Action Group report, "The Austerity Generation". (S5T-00748)

The Cabinet Secretary for Communities, Social Security and Equalities (Angela Constance): That report can be added to the catalogue of evidence that the United Kingdom Government's onslaught of welfare changes and austerity has been deeply damaging to individuals and families. The report shows that across the UK, universal credit will push 1 million more children into poverty—1 million more children; I find that utterly appalling, and the Tories should be thoroughly ashamed of themselves.

The member asks for the Scottish Government's response to the report. I cannot put it better than the CPAG chief executive officer, Alison Garnham, who said of the UK Government:

"Since 2010, rather than investing in our children, government policy has been creating an austerity generation whose childhoods and life chances will be scarred by a decade of political decisions to stop protecting their living standards."

That goes to show that it was just pure rhetoric when Theresa May said, on becoming Prime Minister, that she wanted to tackle the "burning injustices" of people having different life chances if they were poor. It is time to protect our children and reverse those destructive cuts.

Ruth Maguire: The Child Poverty Action Group has said that the report shows that the Tories are guilty of a

"colossal failure of public policy"

and of breaking their promise to reward those who work, and that their policy decisions make the Scottish Government's pledge to end child poverty in Scotland much harder. Does the cabinet secretary agree?

Angela Constance: of course I agree. Where the Scottish Government is demonstrating a clear ambition to eradicate child poverty by setting ambitious targets, the UK Government's decisions are pushing 1 million more children across the UK into poverty. CPAG states that, of those, 900,000 will be in severe poverty by the end of the decade.

We all know that 70 per cent of children in poverty live in households in which someone is in employment. With the Tories' policies working against us, the challenge to reduce and ultimately

end child poverty is significant. As Governments, we should be seeking to reduce child poverty and create better outcomes for the lives of future generations. The Tories are doing the opposite of that by presiding over the biggest rise in child poverty since modern records began in 1961.

Ruth Maguire: The CPAG report reveals that cuts to universal credit will push up child poverty across the UK by 1 million. Will the cabinet secretary reiterate calls for the UK Government to halt the roll-out of universal credit and fix the major mistakes in that benefit that are seriously hurting the people of Scotland?

Angela Constance: Along with others, the Scottish Government has repeatedly called for the UK Government to halt the roll-out of universal credit until it fixes the fundamental flaws, starting with the in-built minimum six-week wait for first payment.

As the CPAG report shows, however, the problem is far more than that; it is cuts in the tax credit system, cuts to and freezes in work allowances, the benefit freeze, the benefit cap, and the two-child limit, which has brought about the appalling rape clause. Under the cover of simplifying a complicated benefit system, the Tories have systematically and ruthlessly made cuts and introduced new policies that will hit working families particularly hard.

CPAG is not the only one highlighting the damage that has been caused by universal credit. A report that came out today from the Trussell Trust shows that, in areas where universal credit has been in place for six months or more, there has been a 30 per cent average increase in the number of people coming to food banks compared with the figure for the year before.

I repeat that the UK Government must take its head out of the sand and take urgent action to reverse those policies to prevent even more families and children being pushed into poverty.

Adam Tomkins (Glasgow) (Con): Tomorrow, Parliament will debate and, I hope, pass the Scottish Government's Child Poverty (Scotland) Bill. Without anticipating too much of what might be said tomorrow afternoon, I thank the cabinet secretary for her constructive approach to stage 3 of that bill.

Does the cabinet secretary agree that the bill now is much stronger than it was when she introduced it and that it has been strengthened because of Opposition amendments at stage 2, which were voted against by, among others, Ruth Maguire in the Social Security Committee?

Angela Constance: Without pre-empting Parliament decisions, I hope that we will indeed come to a historic decision when we unite across

the chamber to push forward with the Child Poverty (Scotland) Bill. The bill was not in the Government's manifesto, so it shows that this Government is always prepared to go above and beyond the commitments that we make in public during elections in our manifestos and in our programmes for government. We want to do the right thing, so I have welcomed the engagement from across Parliament with the Child Poverty (Scotland) Bill, which will strengthen Scotland's hand in addressing child poverty.

Despite what CPAG's report shows, Mr Tomkins fails to recognise that we must all unite against UK Government policies and unite in support of the Scottish Government's legislation, because the loss in family income as a result of cuts to tax credits and to welfare support is staggering. The report says that

"The poorest 10 per cent are at risk of losing 10 per cent of their income",

which is £450 a year, and that

"Working families stand to lose £930 a year on average from cuts in the tax credit system and £420 a year from cuts to Universal Credit".

I hope that, as well as uniting around our legislation in this Parliament, we will also unite in opposition to the damning cuts to welfare that the UK Government has imposed.

Pauline McNeill (Glasgow) (Lab): The report outlines that freezes and cuts to universal credit work allowances will leave lone parents as much as £710 a year worse off. Does the cabinet secretary agree that universal credit is hurting the poorest and lone parents in particular? Does she agree that it is right that there should be cross-party working to halt the roll-out of universal credit until the system is fixed? Will she outline what assistance the Government might be able to offer to lone parents, who are the hardest hit?

Angela Constance: The Government is taking forward a range of initiatives, investments and endeavours. I know that the member is a big fan of financial health checks to make sure that people receive the benefits to which they are entitled, but that begs the question of what people's overall entitlement should be.

The member is right to point out to the increasing plight of lone-parent families. Across this Government, we will always endeavour to increase our efforts to help those most in need. I am sure that the member is well aware of the range of measures that are outlined in the First Minister's programme for government. At a fundamental level, we will have the Child Poverty (Scotland) Bill, our social economic duty, our fairer Scotland action plan, 50,000 affordable homes over the lifetime of the Parliament, our massive investment in the early years and childcare and

the £750 million attainment fund. We are doing all that now. As we move forward from our child poverty legislation, the question will always be what more we can do and what will be next, not least for lone-parent families.

Apology (Same-sex Sexual Activity)

The Presiding Officer (Ken Macintosh): Our next item of business is a statement by Nicola Sturgeon, on an apology to people who were convicted for same-sex sexual activity that is now legal. After the First Minister's statement, I will ask the other parties to contribute, so there should be no interventions or interruptions.

14:12

The First Minister (Nicola Sturgeon): I am grateful for the opportunity to address Parliament. Today marks an important milestone in achieving true equality for Scotland's lesbian, gay, bisexual, transgender and intersex community.

This morning, the Historical Sexual Offences (Pardons and Disregards) (Scotland) Bill was published. Scotland has travelled so far in recent years in relation to LGBTI equality that it still shocks us to recall that as recently as 1980—well within my lifetime—consensual sexual activity between men was still classed as a criminal activity in this country. Furthermore, the age of consent was lowered to 16 only in 2001, two years after this Parliament came into being. Before then, hundreds of people in Scotland were liable to be convicted as criminals simply for loving another adult.

The words that are inscribed on the Parliament's mace set out the values that we seek to uphold and promote: integrity, wisdom, justice and compassion. Yet, even within the lifetime of this Parliament, this nation's laws have created suffering and perpetrated injustice. The bill that we have published today addresses that injustice: it provides an automatic pardon to men who have been convicted of same-sex sexual activity that would now be legal. In addition, the bill will establish a new procedure whereby people can apply to the police for their offence to be disregarded from criminal records, which means that it will not, in the future, appear on a disclosure certificate.

The legislation therefore has both symbolic value and practical value. The pardon sends an unequivocal message to anybody who was convicted of an offence for an activity that is now legal: the law should not have treated you as criminals and you should not now be considered as such. Instead, this Parliament recognises that a wrong was done to you.

The disregard will have an important practical consequence: it will allow people to ensure that their past criminal records will no longer have an impact on their day-to-day lives. That will change

people's lives. At present, as the Equality Network and others have highlighted to us, some people who were convicted merely of showing love and affection to their partners still have to explain their criminal record every time they move job or apply for an internal promotion. That is quite simply unacceptable, and we are determined that it will end.

The bill that we have introduced will right an historic wrong. However, I want to go further today, and to do something that legislation on its own cannot do. A pardon is, of course, the correct legal remedy to apply for the convictions that we are talking about, but the term "pardon" might still, to some people, imply that Parliament sees those people as having done something wrong. That is, after all, a common context in which a pardon might be granted.

However, as all of us know, that is not the case here. For people who were convicted of same-sex sexual activity that is now legal, the wrong has been committed by the state, not by the individuals—the wrong has been done to them. Those individuals therefore deserve an unqualified apology, as well as a pardon. That apology, of course, can come only from the Government and from Parliament. It cannot come from the justice system; after all, the courts, prosecutors and police were enforcing the law of the land, at the time.

The simple fact is that, over many decades, parliamentarians in Scotland supported, or at the very least accepted, laws that we now recognise were completely unjust. Those laws criminalised the act of loving another adult; they deterred people from being honest about their identities to family, friends, neighbours and colleagues; and, by sending a message from Parliament that homosexuality was wrong, they encouraged rather than deterred homophobia and hate.

Therefore, today, as First Minister, I categorically, unequivocally and whole-heartedly apologise for those laws and for the hurt and the harm that they have caused to so many people. Nothing that Parliament does can erase those injustices, but I hope that this apology, alongside our new legislation, will provide some comfort to the people who have endured them. I hope that it provides evidence of this Parliament's determination to address the harm that was done, as far as we can do so.

The final point that I want to make is that although the bill marks an important milestone in Scotland's progress towards LGBTI equality, our journey is not yet complete. Given how recently the laws that I have just outlined were in force, it is remarkable and inspiring that Scotland is now considered to be one of the most progressive countries in Europe when it comes to LGBTI

equality. Indeed, one of the proudest moments of my 18 years as a member of the Scottish Parliament—I know that it was one of the proudest moments of many MSPs across the chamber—was in February 2014, when people from all parties came together to support equal marriage.

However, as all of us know, until we live in a country—in fact, until we live in a world—in which no young person suffers hate or fear or discrimination or prejudice simply because of their sexual orientation or their gender identity, we still have work to do. That is why we have promised to improve our gender recognition legislation. We know that we need to ensure that it reflects the experiences and needs of transgender and intersex people.

It is also why I attach such importance to the Scottish Government's work with the time for inclusive education—TIE—campaign, to ensure that our young people do not have to fear bullying in school. It is why we are reviewing hate crime legislation, to ensure that our laws provide the right protections against bigotry and hatred, and it is why I hope that today's apology, in addition to its specific significance for gay men, sends out a wider signal to the LGBTI community: the Scottish Government and the Scottish Parliament are utterly committed to delivering true equality for LGBTI people in Scotland, and wherever there are societal, cultural, legislative or regulatory barriers to achieving that, we will seek to remove them. We will never again accept laws or behaviours that discriminate against you and hurt you.

Although today is a day for looking back and, rightly, for apologising for past wrongs, it is also a day that points, I hope, to a better future. It is a day when Parliament promotes and can be proud to live up to our shared values: integrity, wisdom, compassion and—above all, today—justice. *[Applause.]*

Ruth Davidson (Edinburgh Central) (Con):

When this Parliament passed equal marriage legislation, I commented on how fast Scotland had changed and was changing and that the change was for the better. I am not yet 40, and the idea that, in my lifetime, we have gone from consenting adults being persecuted and criminalised for forming a loving relationship to those same couples having marriage extended to them is remarkable progress. However, the jigsaw of equal rights is not yet complete, and today we see a significant piece added. In Scotland, acts that are consensual, adult and innocent were once considered illegal and immoral. Now that attitudes and the law have advanced, it is right that we offer a pardon and help to remove criminal records that persist.

It has been called Turing's law. Alan Turing's case deserves its high profile, but the scope and

the scale extend far beyond a single man, no matter what his achievements were. Most estimates place in the thousands the number of men in Scotland, both living and dead, who will now be pardoned. To give a sense of the wider scale, Stonewall estimates that the number of men who have been convicted throughout the United Kingdom to be anything up to 100,000, while the UK Government estimates that around 49,000 men have had their names cleared by the pardon in England and Wales, which was passed earlier this year.

We are talking not about a few unlucky individuals but about entire generations who faced the criminalisation of love. My hope for those men and their families is that they now feel a weight lifted and that, as well as criminal records being formally wiped clean, any lingering sense of legal stigma and any last shadow of unfair disgrace is firmly banished. My hope for the young men of today is that they never know what it is like to fear their love being found out.

It is striking that the progression of law across those generations is still relatively recent and based on incremental change. The Sexual Offences Act 1967 only partially decriminalised homosexuality. Legal changes of the 1980s and 1990s inched us forward. In recent years, we have seen the equalisation of the age of consent and the passage of equal marriage legislation. Today's change is one such foothold in that advance.

As the bill progresses, our focus will be on the practical implementation and on the legal detail. There are two essential components of the change: the pardon and the disregard process by which individual men have their criminal records erased. I believe that both aspects are necessary and right. We are clear that the record should be set straight through an overall pardon, but it is obvious that retrospective changes to criminal records need some sort of process and have to be managed. That is the function of the disregard process.

The Scottish Government's approach is, in our view, proportionate. Although we will look at the supporting consultations and proposed changes in detail as they are published, at this stage we believe the approach to be correct in its fundamentals. It is also reasonable to list exemptions and to note that the pardon does not apply when the act is still a crime. That is only sensible, and it will ensure that a well-intentioned bill does not have troubling, unintended legal consequences. We will scrutinise the bill in that constructive spirit to ensure that it fulfils its aims in the best way possible.

It is right that we find ourselves at this place today. It is right that men who committed no offence beyond falling in love, whose consensual

commitment can now be recognised publicly and can even be formalised through partnerships and marriage, will have their records wiped clean. It is also right that we apologise for the harm that has been caused. I add my unequivocal and whole-hearted apology to that of the First Minister.

Scotland is a better place to be gay now than it has been at any time in my lifetime, and this action will make it better still. We welcome today's statement, and we back the principles of the bill that it precedes.

Kezia Dugdale (Lothian) (Lab): In this place, apologies are often offered through gritted teeth and follow a period of acrimony in which one party has actively pursued and proven a mistake or a flaw, a diversion or a hidden truth, or even a scandal. This apology is very different. It is offered with warmth and in the spirit of love and inclusion. It takes a deep breath and a big heart to say sorry for mistakes of the past, and it takes an even bigger heart to do so when those errors are not one's own. I offer the congratulations and gratitude of Labour members to the Government for stepping up and saying sorry today.

We are, of course, saying sorry to the men who have been arrested, charged and convicted of loving another man. As we have heard, homosexuality was decriminalised in Scotland only in 1980 and the law on sexual activity was equalised only in 2001. The apology matters because it affects men who are alive today, whose lives were destroyed by legislation that promoted fear and hate. In saying that the love of two men was unnatural—something other, something criminal and something wrong—those laws fed intolerance and homophobia.

The apology also matters to those who loved and still miss the men who are no longer with us today—men who died with criminal records, many of whom took their own lives because they could no longer bear the shame and isolation that they faced. Today, in our Scotland, however proud we are of it, gay men are still more likely to consider suicide. Stonewall Scotland's 2017 "School Report" tells us that one in four young LGBT Scots has considered ending their own life, which is a truly shocking figure.

In my adult lifetime, the cause of the LGBT community has moved on from fighting against homophobia and demanding human rights to fighting for inclusion and equal rights. We should be proud of that journey but not complacent. We should be proud of how far we have come from section 2A. We have had the introduction of civil partnerships, equal marriage and adoption rights, the lifting of the ban on serving in the military and the introduction of hate crime legislation, but we cannot risk complacency. It is critical that we uphold and apply anti-discrimination laws and

ensure that the asylum system protects those who are fleeing violence and sometimes death, as well as those who are seeking refuge because of their sexuality. We should also whole-heartedly back the TIE campaign and its calls for a truly inclusive education system.

Today is a landmark day in Scotland's LGBT history. In apologising, the First Minister accepts that, for Scotland to fulfil its vision of an inclusive future, it must be at peace with its past. The Government's proposed bill will bring that peace by pardoning all those men who were convicted of same-sex sexual activity that is now legal. I understand from the First Minister's statement that such a pardon will lead to the crucial formality of disregards—in other words, the wiping clean of the slate and the clearing of the criminal records of those who have been convicted, so that no such scars of history appear on documents such as disclosure checks.

Today, we apologise to Scotland's gay and bisexual men for criminalising their love of sex and their love for one another, but it is worth reminding ourselves why the apology does not apply to women. The reality is that it has never been a crime for two women to be together, although the history books teach us that lawmakers did try to make it so. In 1921, the House of Commons passed an amendment to make sex between two women illegal, but it was rejected by the House of Lords, because it did not want ordinary women to know that such a thing existed. Very often, women had to pass as men to live their lives, and, if they were caught, they were sometimes convicted of fraud. Most were not criminalised for their love of one another, but they were still punished. They were invisible and demeaned, ostracised from their communities and families, punished and painted out of history.

Yet, through the years, women and men—gay and straight, intersex, trans and non-binary, of all ethnicities and races, of all faiths and none—have marched together to demand tolerance and respect with pride and passion. That march has led us here today. Today's apology is the product of their work—their sweat and tears—and I thank them deeply and personally for it. Crucially, today's apology allows our Scotland to progress another step towards an equal and inclusive future for all.

Patrick Harvie (Glasgow) (Green): I am grateful for the opportunity to respond to the statement, and I very much thank the First Minister for having made the apology that we have heard.

I came out at a time when the age of consent for gay and bisexual men was still 21 and when, even for young adults in consenting and normal teenage relationships, just holding hands would, in theory, have risked the possibility of arrest.

I went to university at the time of the odious James Anderton—"God's Cop"—in Manchester. He built a reputation for using his office to pursue his particular variety of religious extremism. He called for sex between men to be made criminal once again and pursued an agenda of aggressive and violent disruption of the gay scene in Manchester.

To spin forward, just 10 years later I was working as an LGBT youth worker in Glasgow. One of the last things that I had to do before I had the privilege of joining the Scottish Parliament was a timeline exercise. The timeline went from the earliest example of a cave art image from 8,000 BC right through to modern history. The young people with whom we worked were asked to pick a card, look at the particular moment in history, and place it on the timeline to say when it happened. When young people drew the card on the decriminalisation of male homosexuality, one of the most common responses was astonishment and bafflement that it had ever been criminal. It was such a brief period of progress; at that point young people were growing up without the thought in their head that they would once have been criminalised.

I very much welcome the progress that has been made and the support that has been shown across the political spectrum, but it is worth remembering that not everyone will welcome it. There are people who reject the principle that Governments ought to apologise for things that were done by previous Governments or previous generations. I am reminded of the most recent item on the timeline: an apology from the German Government for those who were sent to concentration camps during the second world war. It is an important principle that an apology that is issued by a Government is not merely on behalf of that Government but on behalf of government more generally and our society. Parliament also has a responsibility to make an apology because, as Kez Dugdale reminded us, the prejudice, persecution and discrimination were not only legal, but societal. It was about our whole society. Therefore, I offer my apology, and I hope that we all offer our apologies, on behalf of the Parliament, just as the First Minister did on behalf of Government.

The laws and the persecution were not merely the act of a wicked Government. Although most of us would regard those actions as morally indefensible today, at the time they represented the consensus view of society at large. The attitudes were political, legal, religious and social.

There will be people who do not welcome today's step, because they have not made the journey with the rest of society toward the abandonment of prejudice. There is much work

still to do. The current climate of debate around misogyny and sexual harassment demonstrates to us how long our society is capable of allowing and permitting despicable behaviour to persist, even decades and generations after progress has begun to be made. Today's statement should be a reminder of that, too. It should be a reminder that we have made great progress but that inequality, prejudice and bigotry still persist in our workplaces, in our schools, in our media and in our politics. We still give those attitudes too much room. We still make excuses such as, "It's a matter of conscience" for those who oppose equality under the law and equality of respect for lesbian, gay, bi, trans and intersex people. We still make too many excuses for those who, even now, cannot accept that same-sex relationships are equal and that the laws against them, not the people against whom those laws were used, were morally wrong.

Let us all recommit to continuing the progress that has been made and ensuring that the next generation has nothing to apologise for on our behalf.

Willie Rennie (North East Fife) (LD): I thank the First Minister for making her statement and her apology on behalf of the Scottish Government. It is an important thing to do.

For many gay people, the idea of a pardon carries with it connotations of forgiveness for a wrongdoing. Today's apology from the First Minister makes it clear that it was the law, the enforcement of that law and the attitude of those in authority in our country's past who were wrong.

Today, we are all adding to that apology by reflecting on the wasted potential and lost achievements of those men whose lives were limited or tragically cut short because of this injustice.

People were imprisoned and fined. Their lives and families were in many cases ruined. Men became outsiders from their families and their communities. Our country is poorer for the limits that we placed on those men's freedom. It is right that the Parliament stands together to apologise for that.

It is easy today to imagine that this is all ancient history. Certainly, when we see Alan Turing, we see photographs in black and white. However, it is estimated that most of the prosecutions were in the 1980s, easily within living memory, with many of those who were arrested and prosecuted and many of those who made the arrests and led the prosecutions still being with us today.

In the summer, the BBC showed its dramatised documentary "Against the Law", which commemorated 50 years since the partial decriminalisation of homosexuality. One of the

testimonies was from Professor Roger Lockyer, who lived with his partner—later his husband—for more than 50 years. He described with great humour but also with great poignancy the struggle, the secrecy and the injustice of the law of this country over those 50 years and the decades before them. He overcame all that to have an academic career of importance and achievement: one that increased our understanding of history. However, he also lived through and made a part of history, so it was sad to learn last week that he had died—at 89 years of age, but having lived to see his equality recognised and set into law.

Today, this Parliament shows respect to all those individuals who were wronged by our laws. In closing, I note that individual human rights, particularly for gay people, are not universal. In recent weeks, we have heard of serious oppression and mistreatment of gay people in Azerbaijan, Chechnya, Indonesia and Egypt. Our country needs to stand for equality and for respect for the individual. We will not be able to stop speaking up for that after today; we must continue that battle for people around the globe.

14:39

Meeting suspended.

14:41

On resuming—

Forestry and Land Management (Scotland) Bill: Stage 1

The Presiding Officer (Ken Macintosh): The next item of business is a debate on motion S5M-08677, in the name of Fergus Ewing, on stage 1 of the Forestry and Land Management (Scotland) Bill.

The Cabinet Secretary for Rural Economy and Connectivity (Fergus Ewing): I am delighted to open the stage 1 debate on the Forestry and Land Management (Scotland) Bill. The framework that the bill will create is key to the Government's wider ambition for forestry to play its role in creating a sustainable, productive and thriving rural economy. The sector as a whole is already worth nearly £1,000 million a year and supports 25,000 full-time-equivalent jobs. The bill's measures will also support delivery of planting targets as part of our climate change ambitions and will help us to achieve wider social and environmental outcomes.

Forestry is already broadly devolved. Ministers set Scottish forestry strategy and policy and provide funding via the Scottish budget. The bill will complete the devolution of forestry. It will transfer the functions of the forestry commissioners—in so far as they relate to Scotland—to Scottish ministers and will establish a modern legislative framework for the regulation, support and development of forestry in Scotland.

The current legislation, the Forestry Act 1967, has served the sector well, but it was drafted for post-war circumstances and in turn is based on 1919 legislation. It is time for forestry legislation in Scotland to catch up with modern forestry practice. As well as seeking to deliver improved accountability, transparency and policy alignment, the bill places duties on ministers to promote sustainable forest management—accepted good practice on managing forestry—and to set out a long-term strategic vision for the sector via a new Scottish forestry strategy.

The bill also enables more effective use of Scotland's publicly owned land. Ministers will be responsible for managing the national forest estate to contribute to multiple outcomes. Ministers will be able to reach voluntary agreements with others to manage land on their behalf.

I welcome the Rural Economy and Connectivity Committee's report, which recommends that the Parliament supports the general principles of the bill, and I want to thank members of the Rural Economy and Connectivity Committee, and other parliamentary committees, for their careful and

thorough scrutiny at stage 1. That was, of course, made possible by thoughtful contributions from the many stakeholders who have engaged with the bill process, some of whom I met immediately before coming down to the chamber, which may have made me somewhat late, Presiding Officer, for which I humbly apologise.

All of that has been evident in the broad consensus that has been achieved to date, and I hope that that continues through the bill process. That said, the committee made a number of helpful recommendations and observations in its report. I issued a response to that report on 3 November and I look forward to hearing and listening carefully to all the contributions in this debate ahead of stage 2.

The requirement for ministers to prepare and publish a forestry strategy has been widely welcomed. The committee made recommendations about how that strategy should align with wider duties and policies, consultation arrangements and review periods. I will consider all those recommendations carefully.

I acknowledge the views that the committee expressed on the compulsory purchase of land. I give my assurance that I am listening and will consider the issues fully.

On completing the devolution of forestry, I acknowledge that there remains concern about the new organisational structures for the sector. I assure members that we are taking a considered approach and will continue to engage with staff and stakeholders as the work progresses to establish the new forestry agency—forestry and land Scotland—and the dedicated forestry division. As recommended in the committee's report, I will provide a comprehensive statement setting out how we will manage and administer forestry in the future.

Of course, some aspects of forestry by their nature require co-ordination and co-operation across boundaries and borders. They include the commissioning and delivery of forestry research and science; the protection of trees from pests and diseases; and agreement on codes and standards for the sustainable management of our forests. I am pleased to announce that I have agreed with my United Kingdom and Welsh counterparts new arrangements for sharing responsibility for those matters. One Government will co-ordinate delivery of each function on behalf of all three and, in future, the Scottish Government will take the lead on the UK forestry standard, the woodland carbon code and forestry economics.

Fulton MacGregor (Coatbridge and Chryston) (SNP): I welcome the cabinet secretary's announcement and the role that the Scottish Government will play in leading on those

key issues. Will the cabinet secretary advise members on the arrangements that are being made for the future of the forest research agency, which plays a key role throughout the UK in forestry science and expertise?

Fergus Ewing: Yes. That is a good question. I am aware that research on forestry is carried out in various parts of the United Kingdom, and that is a good thing. The forest research agency will remain intact as an agency of the forestry commissioners, which will ensure that expertise in forestry science, statistics and inventory is maintained. To enable that to happen, new governance, commissioning and funding arrangements will be agreed between the UK Government and the devolved Administrations. I am grateful to my counterparts in the UK, who have agreed in principle that those arrangements should be established. They are sensible and to be welcomed.

The bill and its measures will help to underpin our shared national endeavour to expand Scotland's woodland area to secure future timber supply. Growing more timber helps to contribute to our wider economic ambitions by growing jobs and securing and creating business opportunities in the sawmill and timber processing sectors. The timber development programme is also helping to support the development of innovative wood products and promote greater use of Scottish wood in everything from offices to housing.

To help to increase the pace and scale of planting, we have increased grant funding for woodland creation by £4 million and provided more attractive grant rates for native woodlands in Highland. Mindful of the impact of timber extraction on communities and the wider environment, we have committed £7.85 million under the strategic timber transport fund to improve timber transport infrastructure.

Our fundamental commitment to maintaining the national forest estate sits at the heart of our approach. We are committed to restoring 500 hectares of ancient woodland and establishing 650 hectares of new woodland. That will include work with partners to identify areas of vacant and derelict land for restoration.

We want to sustain the productive capacity of the estate, which is 3 million cubic meters of timber each year, but the estate delivers far more than timber. It plays a key role in tourism and leisure all across the country. Each year the estate welcomes 9 million visits. Our tourism partnership, Forest Holidays, goes from strength to strength. An £11.3 million cabin investment at Glentress is about to be submitted for planning consent. Local communities are also key to our ambitions. Currently more than 40 local partnerships are involved, offering tourism activity at Laggan,

community allotments at Lesmahagow and Fort William, and ecotourism on Mull and Skye.

Over the past 10 years, 13,000 acres of the national forest estate have been transferred to community ownership. That includes land at Abriachan, Arkaig and Tighnabruaich. Through the community asset transfer scheme, we are aiming to transfer a further 700 acres this year; the first successful transfer was announced just last week on Skye.

In closing, I have set out the purpose behind the bill and highlighted its key objectives. I have also sought to place the bill and its measures in the wider context of policy and the approach to forestry and woodland. I believe that we can move forward with the bill's general principles, and I am keen that we continue to maintain our consensual approach to modernising the legislative framework for forestry. I will therefore continue to work across the chamber to that end, to ensure that the bill becomes law, enabling Scotland's forests and woodland to make their full and vibrant contribution to our economy, our environment and the people of Scotland.

I move,

That the Parliament agrees to the general principles of the Forestry and Land Management (Scotland) Bill.

The Deputy Presiding Officer (Christine Grahame): Thank you, cabinet secretary. I call Edward Mountain to speak on behalf of the Rural Economy and Connectivity Committee. Convener, you have a generous seven minutes or thereabouts.

14:52

Edward Mountain (Highlands and Islands) (Con): Thank you, Presiding Officer. As you say, I am speaking this afternoon as convener of the Rural Economy and Connectivity Committee. Sadly, as time is a bit limited, I cannot cover all of our report. However, I note the cabinet secretary's detailed response, which was received last Friday, two working days before the debate.

The clear message that came through the evidence sessions was that the professional way that the staff of the Forestry Commission and Forest Enterprise undertook their work is recognised. The committee feels that it is very important that their skills are maintained and not lost. I note that the cabinet secretary, in his response, agrees.

We have heard that the Scottish Government proposes to split the functions of the Forestry Commission between a Government division and a new land management agency. Although that proposal is outwith the scope of the bill, we heard wide-ranging concerns about it from stakeholders.

The Scottish Government should provide further reassurance to those stakeholders and the committee.

The Government needs to articulate how it will manage its forestry responsibilities; it also needs to provide much more detail on the creation of the proposed land management agency and how the new agency will work with the forestry division. The Scottish Government should also set out how forestry-related skills and expertise will be retained and developed under the new structure.

The committee felt that a clear, positive message should be sent to the industry and forestry staff about the importance of the industry as a whole. We believed that a simple way of doing that would be to designate the head of the proposed new forestry division as chief forester. I note that the Government will consider that idea further, and we welcome that.

We acknowledge the importance of the forestry strategy and recognise that timber production is vital to the rural economy. Forestry is a long-term industry that requires a secure future. It needs a strategy that enables producers, millers and merchants to invest in the expansion of their industries. The committee therefore felt that the bill must contain a statement of an overarching and high-level objective for the strategy that includes how forestry issues such as land use, planning, community empowerment, climate change and biodiversity will interact, as they clearly need to. It must also include a commitment to review the strategy every five years and to refresh it every 10 years. Therefore, amendments to the bill will be needed, and we welcome the Government's acknowledgement of that in its response to the committee.

The committee has listened to stakeholders and believes that we need some clarity about definitions. In our report, we asked for terms such as "sustainable forest management" and "sustainable development" to be defined in the bill. We therefore welcome the Government's commitment to include definitions of those terms in the strategy document.

I turn to forestry health and research. As the cabinet secretary said, tree-related diseases do not respect national boundaries, and nor should forestry research. The committee recommended that the Government should lodge an amendment to the bill to strengthen its provisions relating to tree health and other forestry research from a power to a duty. We also recommended that a framework agreement for a united UK approach to forestry research and tree health should be agreed and in place before the relevant sections of the bill come into force. I am therefore delighted that the cabinet secretary has announced today that that will be taken into account.

I turn to an area that caused the committee some difficulties. When it came to the acquisition and compulsory purchase of land for forestry reasons, we heard that such a power was in the 1967 act but that it had never actually been used. After considerable deliberation, the committee accepted the need for the retention of compulsory purchase powers to unlock the potential in forestry land. However, the majority of the committee felt that the Government had not provided sufficient justification for its proposed extension of compulsory purchase powers to cover sustainable development. We therefore recommended that the bill be amended and called on the Government to remove that provision. We note that the Government has said that it will consider that further and we urge it to do so. The cabinet secretary has said today that he is listening to appeals on that subject.

On land disposal and forest rationalisation, we recommend that, due to the long-term strategic nature of forestry, a commitment to reinvest capital from land sales in capital assets should be set out in the forestry strategy to ensure security and continuity over time. Although the Government acknowledged our views, it has not offered any undertaking in its response.

The committee questioned the definition of community body that is used in the bill and asked whether there needs to be a specific section on community bodies, given that section 17 allows Scottish ministers to sell, lease or gift land to anyone. The committee called on the Scottish Government to explore that issue further to determine whether the provisions on community bodies are required.

The committee agreed that a more appropriate definition of felling was required. We noted the Scottish Government's reassurance that the felling directions contained in the bill will not be used to force private forestry owners to fell against their wishes. The committee was also of the view that the registration system for forestry operations should be proportionate and cost and resource effective.

On finance, the committee seeks reassurance from the Government that there will be no reduction in the financial transparency of the new forestry organisation.

On costs, we recognised the strength of the Forestry Commission brand and recommended that if a rebranding exercise must occur, costs be kept to a minimum. That might be achieved by a rolling approach, for example only changing branding when vehicles or equipment are replaced.

The committee acknowledged that the current Forestry Commission information technology

system is not fit for purpose and will require an upgrade. Naturally, there were some concerns about Government-procured IT systems, and we look forward to seeing further detail from the Scottish Government on the exact costings.

Our report raises many issues, and the committee looks forward to seeing positive action on all our recommendations. Subject to responses to the points that we have raised in the report, the committee recommends that the Parliament agrees to the general principles of the bill.

14:59

Peter Chapman (North East Scotland) (Con):

I am glad to speak in the debate, because forestry is a vital part of our rural economy. Scotland's forestry sector currently contributes some £954 million per year to the economy, and supports 26,000 jobs. I believe, however, that we can do better. Planting more trees will secure the long-term supply of productive timber, create new jobs in rural areas, help Scotland to meet vital climate change targets and reduce timber imports.

Given that the UK is the second-largest importer of timber in the world, I cannot stress enough that we must do better. That is why I welcome the newly increased planting target, which will increase to 15,000 hectares by 2025. I believe that the target is achievable, but we have seen failings on the Scottish Government's part before; it has missed its 10,000 hectare target every year since 2001. The 2025 aim will not be met unless the process of applying to plant trees is made easier and less expensive, and unless the forestry bill is fit for purpose. It is important that the timber that we grow is largely the productive timber that our sawmills and the economy need. Too much of what has been planted recently has been amenity woodland.

John Mason (Glasgow Shettleston) (SNP):

Does Peter Chapman accept that perhaps there has been too hard a line drawn between farming land and forestry land? In the future, it needs to be easier to change land from one to the other.

Peter Chapman: I agree that there is a debate to be had. In the past, one was either a farmer or a forester, and the two did not go together. We need to try to break down those barriers. I accept much of what has been said on that.

Given that I have spoken about agriculture, I need to declare an interest. I did not think that I was going to stray into that area, but here we are: I have already done it. I thought that we were on trees.

The Deputy Presiding Officer: A belt-and-braces approach is never a bad idea in the chamber, Mr Chapman.

Peter Chapman: Where was I? I have lost my place.

It makes sense that we work together within the UK to ensure the health of our trees and to co-operate to stamp out disease; for example, on the spread of larch disease, which I have spoken about previously. The Rural Economy and Connectivity Committee recommends that the Scottish Government develop an amendment to the bill to strengthen from a power to a duty the cross-border provisions relating to tree health and research.

There must be no reduction in Parliament's ability to scrutinise the Scottish Government's performance in meeting targets following the reorganisation. Regular reviewing of progress is important, so we expect the Scottish Government to report back to Parliament on the progress that has been made towards meeting the expansion timetable.

The committee also recommends that the forestry strategy be reviewed every five years and refreshed every 10 years. The committee accepts that the current powers of compulsory purchase in the Forestry Act 1967 should remain in place for use in only the most exceptional of cases. However, the case has not been made for an expansion of those powers. A majority of the committee believe that it would be wrong for ministers to seek new powers to purchase land compulsorily for "sustainable development". That poorly defined term would hand huge powers to ministers, which we do not believe is justifiable. At the Rural Economy and Connectivity Committee's evidence session on 7 June, the Scottish Government's forestry and land management bill team failed to provide clarity on what constitutes "sustainable development" in the event of a compulsory purchase order being issued. We have seen vague definitions being used for crucial aspects of legislation before: they create ambiguity and unintentionally raise concerns among stakeholders. We need in the forestry strategy clear definitions of what "sustainable forest management" and "sustainable development" mean, so I welcome the Government's willingness to consider providing more clarity.

The committee welcomes the Scottish Government's commitment to lodge an amendment at stage 2 to provide a more appropriate definition of "felling". The committee notes the Scottish Government's reassurance that the felling directions in the bill would not be used to force private forestry owners to fell against their wishes. The system for registering notices to comply must also always be simple and cost effective.

I hope that the reorganisation will be achieved without the taxpayer funding unnecessary and

expensive rebranding. I fully support the committee's recommendation that rebranding be rolled out only as vehicles and equipment need to be replaced

It is also vital that estimates of the cost of the new IT system be provided to Parliament at the earliest opportunity. The Government has already presided over the common agricultural policy information technology fiasco, the effects of which are still impacting on rural communities. What safeguards will be in place to ensure that there is not another such debacle?

We welcome the bill, but some work is still required for it to become fully fit for purpose. We all want more afforestation and more skilled jobs to be created in our remote and rural communities, so we must work together to ensure that that becomes a reality and that we finally see the renaissance of Scotland's woods and forests for the benefit of generations to come.

15:05

Rhoda Grant (Highlands and Islands) (Lab):

The bill is required to take account of devolution of the Forestry Commission. However, the status of the new organisation was not a foregone conclusion. The Scottish Government decided not to continue with the Forestry Commission Scotland, but instead to take its functions in-house. Although the bill does not deal with that, there are significant concerns surrounding the decision and whether it is the best way forward, so I am glad that the cabinet secretary said in his opening remarks that he is giving that further consideration.

There are concerns regarding the loss of expertise and the potential that the new organisation will be staffed by career civil servants rather than by foresters. If the cabinet secretary continues with his proposals, it would be useful if he would consider how foresters could be placed in positions of influence in the new body. A number of suggestions that might provide some comfort were made to the committee—including, for instance, the creation of a post of chief forester, along the lines of the chief medical officer. The role would be that of an adviser to Government, but with the freedom to fight the corner of forestry within Government.

There are also calls for the setting up of an advisory group representing the industry and forestry communities in order to ensure that the new organisation stays close to the forestry sector and to the communities in which it operates. That could be a national committee with regional fora that could take advice from people in those communities. The new organisation must also have an eye to the social and economic impacts of

forestry. It needs to be responsive to communities and to the needs of the environment, as well as to ensure that forestry flourishes. Those suggestions would all work towards keeping the organisation as close as possible to the people whom it serves in the industry and in communities.

The part of the bill that is most contentious among committee members is on the power of compulsory purchase for sustainable development. The evidence is clear that it is extremely difficult to exercise compulsory purchase and that the whole process requires review. However, it is also acknowledged that possession of the power would be an incentive for landowners to act in the interests of sustainable development; because of that, the power should remain in the bill.

At the moment, there are forests that are landlocked and it is impossible to harvest the trees. Some of those forests have been taken over by local communities that are able to utilise the timber locally, but that does not meet the national need for timber. If we are to substantially increase forestry, we must find ways in which land that is suitable for planting can be made more accessible. That land tends to be in remote areas where roads are few or, where there are roads, they are unable to take the strain of the heavy traffic that would be used to harvest the trees. It might be that landowners should work together to set a network of forest tracks through adjacent forestry or other land, which would enable harvesting. If a landowner was obstructive in that, the compulsory purchase power might bring them to the negotiating table.

There are other concerns about definitions. The definition of “sustainable development” is well used and recognised in other legislation, but there are concerns regarding the definition of “sustainable forest management”, which is new in the bill. The Scottish Government has made it clear that the definition might change over time, so it should not be included in the bill because that would be restrictive.

Options that have been suggested that could provide clarity include there being a working definition in the forestry strategy. My main concern about that is that it could impact on the definition of “sustainable development”, which would be detrimental. It would be preferable if the Scottish Government could, in the strategy, highlight the direction of travel towards attaining sustainable forest management. That would deal with any possible confusion.

There are specific provisions in the bill to delegate powers to communities. The Rural Economy and Connectivity Committee received evidence that those powers may not be necessary. Given that the Scottish Government

has also included the power to delegate functions to “any person” or organisation, it is not clear why the additional section on communities is required. Does the Scottish Government envisage circumstances in which communities would require additional powers and, if so, what are they?

There was also confusion about what the bill says about different types of land. It uses the terms “forestry land” and “other land”, but it is not clear why land that is held under the bill is defined in that way. Is all land that is held under the bill to be used for the purpose of sustainable management of forestry and, if not, for what purpose is it to be held? There is obviously unplanted land that is owned to promote forestry—that is, land that is used for fire breaks, for aesthetic purposes, for environmental purposes and so on. Is that defined as “forest land” because it is held for the specific reason of supporting forestry, or will it be termed “other land”? We need clarity on those categories of land, so that there will be no confusion.

There was a unanimous call for the strategy to be widely consulted on and for there to be greater parliamentary scrutiny of it. Given that a great deal of detail will be in the strategy rather than in the bill, we need to get it right. Is it possible that a committee of Parliament could be charged with taking evidence to scrutinise the strategy and reporting back to the Scottish Government?

We welcome the bill and the cabinet secretary’s agreement to consider again the organisational concerns that have been raised. I hope that he will also take on board the positive suggestions that we have made to improve the bill. We support the general principles of the bill.

The Deputy Presiding Officer: We move to open debate. I ask for speeches of six minutes, but there is time for interventions to be taken, which I encourage.

15:11

Stewart Stevenson (Banffshire and Buchan Coast) (SNP): The cabinet secretary took us back to the origins of the Forestry Commission in the 1919 bill, but I want to take us 400 years further back because, of course, the product of forestry is a strategic material. When James IV built the Great Michael, with its 10-foot-thick Scottish oak hull, that required that all the trees of Fife be cleared. Also, then, as now, we had to import wood from France and the Baltic states, and to use wood from forests across Scotland. Wood has been a strategic material for a long time. Indeed, when Henry VIII saw what James IV had done, he decided that he would build a boat that was even bigger than the Great Michael, and which, at 1,000 tons, was the biggest boat in the world. Flodden

cut short the ambitions for use of the Great Michael, of course.

In 1919, we were responding to the strategic imperative to have wood for the trenches of the first world war, but it was clear that there was insufficient wood. Wood was recognised as an important strategic part of military operations.

However, as Peter Chapman reminded us, forestry is also of economic value. It might constitute but 1 per cent of our gross domestic product, but where that 1 per cent lies, it is very important to the communities that plant and sustain our forests, and to the sawmills that depend on predictable long-term access to wood. As it was in the 1500s, so it is in the 2000s.

Indeed, forestry is a very personal thing for many people. One of my late councillor colleagues—my good friend, Councillor Mitchell Burnett—who knew he was dying from a carcinoma, held on long enough to ensure that he got permission from Aberdeenshire Council for his grave to be on the edge of the forest that he was bequeathing to his daughter.

Forestry is the kind of long-term business whose interests we have to protect. The issue of sustainable forest management has come up several times already in the debate: it is important that what we do with land is sustainable. The debate around the meaning of “sustainable” is such that it will mean slightly different things in slightly different contexts. That is why it is proper that the meaning is not defined in the bill but is expressed clearly and unambiguously elsewhere so that we can discuss and challenge it.

The committee divided on the matter of compulsory purchase. Indeed, it is worth reminding members that the committees of this Parliament are rather freer from the strictures of the whip system than other parts of our operation perhaps are. When committees are working well, they seek to look objectively at the evidence that is before them so that individual committee members can come to their conclusions. The committee’s Scottish National Party group, because it is not a group, divided such that two were on one side of the argument and two were on the other side.

Edward Mountain: Will the member take an intervention?

Stewart Stevenson: I will, in a minute.

Fulton MacGregor and I joined Rhoda Grant and John Finnie in suggesting that extension of the compulsory purchase orders, which might never be used, would take people to decisions a bit faster. Mr Mountain might have come to a different view.

Edward Mountain: No—this is not a political point, but just a point. I think that there might be a

member of the committee within the SNP group that Mr Stevenson has ignored. I think that there are five people in his group, not four. However, as Mr Stevenson was at the meeting concerned, I am sure that he will be able to comment on that, on reflection.

The Deputy Presiding Officer: It is unlike Stewart Stevenson to make a factual error.

Stewart Stevenson: No, Presiding Officer—I am constantly told by colleagues and even by friends that I am a larger-than-life character, so I count as one and a half and thus, when I add Fulton MacGregor to me, that is two and a half out of five. I jest. Edward Mountain, our ever-diligent convener, is of course correct. As a mere mathematician, I am arithmetically challenged by his intervention, which I accept because it is entirely correct.

I welcome the attention to the definition of “felling” in the bill, because it is important that we get that right. It is worth reminding ourselves that nature fells woods, as well. Where my wife and I have stayed for the past 14 years, we are surrounded on three sides by about 40 hectares of forest that appears to have been all but abandoned, and nature is busily felling what appears to me to be a mature forest. It is important that some aspects of that are addressed as we progress the bill.

I was delighted to hear the cabinet secretary referring to Abriachan, of which I have fond memories. I visited there when I was about three or four years old, as we went up in an old American ex-army jeep to Claude McLennan’s croft at the top of Abriachan, which at that time was a very primitive place indeed. The community there having the opportunity to take some control of its own destiny will be a way in which Abriachan will have fundamentally changed since I visited it in—I think—the late 1940s.

The important thing in the bill that I welcome, but which others have mixed views on, is what is essentially the separation between policy and operation. That will lead us to a clearer way in which to take matters forward.

It was my delight previously to be the minister who was responsible for the Forestry Commission Scotland and, in particular, to see the highly automated sawmill at Nairn, in the cabinet secretary’s constituency, which illustrates how the forestry industry is a high-tech industry of economic and environmental importance to Scotland. I support what is proposed in the bill.

15:19

John Scott (Ayr) (Con): I declare an interest as a farmer and an owner of land on which there is some woodland.

I welcome the stage 1 debate on the Forestry and Land Management (Scotland) Bill, which will transfer the powers and duties of the Forestry Commission in Scotland to Scottish ministers. Under devolution under the Scotland Act 1998, the bill has been on the cards for some time. It will wind up the Forestry Commission as a UK cross-border authority and, as well as transferring powers and duties to Scottish ministers, will transfer responsibilities and liabilities for staff and property.

The bill will repeal the 1967 act in Scotland and underpin new cross-border arrangements, as well as creating new organisational structures for forestry land management in Scotland. There is a lot to do and it is important to get the bill right, given what a strategic resource our timber has become and is in Scotland, supporting around 26,000 jobs and close on £1 billion of gross value added annually.

The Scottish Conservatives welcome much of the bill but, in the time available, I will focus on what needs to be improved and where we believe change is necessary. First, we are concerned about the lack of clarity around key definitions, particularly the definitions of forestry land, sustainable forest management, sustainable development, community body and felling. I note and welcome the fact that Fergus Ewing has stated in his letter that he will make amendments at stage 2 to clarify at least some of those definitions.

We have concerns about the expansion of compulsory purchase powers for sustainable development. The Government has not made the case for expansion of those powers, and as the powers in the 1967 act have lain unused for 50 years, it is less than obvious to me why they have to be enhanced beyond the provision in the 1967 act.

John Mason: Will the member take an intervention?

John Scott: No, thank you.

We are also concerned about community bodies and community empowerment, what constitutes a community body and why there are so many definitions in different legislation of what constitutes a community body.

Unlike the 1967 act, the bill is not well structured or easily understood. Too much definition of key terms and policy intent is left to subsequent ministerial intervention. This style of creating vague and ambivalent legislation has, I regret to

say, become one of the defining features of the Scottish National Party Government in recent years. I cite as evidence the Community Empowerment (Scotland) Act 2015, the Land Reform (Scotland) Act 2016 and the Burial and Cremation (Scotland) Act 2016, to name but three. It is simply not good enough for poorly thought-out, poorly drafted and defined and poorly constructed legislation to be laid before Parliament regularly. It runs the risk of bringing Parliament into disrepute.

Furthermore, we are concerned about the development of yet another new information technology system, especially given the as yet unanswered governance questions about the failed CAP payment delivery system as well as the NHS 24 IT system and the failed i6 system for Police Scotland.

We also have concerns about the reinvestment of funds generated from selling off the forestry estate. It is important that such income be reinvested into the purchasing of land for further afforestation.

Although we support the modest expansion of planting targets, it is vital that provision is also made for the future harvesting of crop on new land through the roads infrastructure, which is already under enormous pressure in Ayrshire, south-west Scotland and, indeed, elsewhere.

Industry stakeholders and I would also like more information on how cross-border arrangements will be managed once the bill passes into law. We would welcome that information at the earliest possible opportunity, although the cabinet secretary did make an announcement in that regard today, which I was certainly pleased to hear.

Another concern, and one that was highlighted by the Delegated Powers and Law Reform Committee, is that the legislation has been introduced in the absence of a full consultation on the development of a Scottish Government policy on exemption from the offence of illegal felling. Indeed, the DPLR Committee has recommended that the Scottish Government should lodge amendments to the bill at stage 2 that will make provision for exemption from the offence of unauthorised felling. I welcome the fact that a consultation is now under way, but it should have been done before.

Further, the DPLR Committee has concerns about the need for clarity in the forestry strategy on how the relevant provisions of the Forestry and Land Management (Scotland) Bill, taken in conjunction with the Community Empowerment (Scotland) Act 2015, will apply to forestry and sustainable development.

I congratulate Forestry Commission Scotland on its enormous success in the post-war delivery of the timber resource that we have in the United Kingdom and note the long-term approach that it has taken. I hope that the Scottish Government will put in place similar structures that will develop a similar long-term developmental view and build on the asset that we currently enjoy.

The Forestry Commission Scotland brand is one of the most successful and trusted brands in the United Kingdom. I hope that we in Scotland will be able to continue that good work as we go our own way, following the passing of the bill.

15:25

John Mason (Glasgow Shettleston) (SNP): I think that it would be true to say that all the committee members and the vast majority of the people of Scotland consider forestry to be a very good thing and that it should be encouraged.

We may not have met our planting targets in recent years but, as the report says, the details of targets and how we get there need to be in the strategy rather than in the bill.

The committee visited a number of forests and forestry-related sites, such as the new forestry pier on Mull. It was extremely good to see investment in such an asset.

We have heard evidence on a wider range of issues than those in the bill. That was very useful in emphasising, for example, the need to take a long-term view of forestry, the need for tree planting to be more mixed than in the past and the processing industry's need for stability and long-term planning. We have also heard that, in the past, there might have been too hard and fast a line between what land was for forestry and what land was for farming and that there could perhaps be more room for interaction and overlap, making it easier for land users to change the use and even to have mixed use in some places, which would benefit the tree-planting targets, as well as animals, by giving them shelter in bad weather for example.

The aim of the bill is to complete the devolution of forestry, which we heard has been broadly welcomed. With so much land in Scotland—actually, or potentially—consisting of forests, it certainly makes sense that we should be responsible for the sector here in Scotland.

We spent a fair bit of time on definitions, such as what “sustainable forest management” means and whether it should be in the bill. In paragraph 60 of our report, we recommend that the definition should be

“included in the ... Strategy. The same applies to the term ‘sustainable development’ which is used in relation to ‘other land’.”

I like a bill or an act to have as much of the main content in it as possible. However, I also agree that we do not want to have too much detail in primary legislation, where that detail can be become outdated and would take a fair bit of time to change. Therefore, having the definitions in the forestry strategy seems to be a pretty reasonable position on which we can agree.

It quickly became clear to the committee that the definition of “felling” as “intentionally killing a tree” needed improvement; I am glad to see that the Government agrees.

On compulsory purchase, it is perhaps not surprising that there were a variety of views on the REC Committee. Some of our more right-wing landowning members perhaps saw no place for compulsory purchase and considered that the rich and the powerful should be allowed to do whatever they wanted. At the other end of the spectrum, some might like to see more public intervention on how our land is used. However, the majority of the committee considered that there was a place for compulsory purchase broadly in line with the previous arrangements.

John Scott, who did not take my intervention, made the point that compulsory purchase legislation has not been used in the past. That is certainly the case on the surface, but in reality we do not know how effective the legislation has been, because it has always been there in the background when negotiations have been taking place

John Scott: The member says that that is

“the case on the surface”.

However, that is not the case; it is a matter of fact that the legislation has not been used.

John Mason: It has not been used in the sense of someone going to court to go through the process of compulsory purchase. However, if I am sitting down with someone to negotiate land issues, my having, in the background, the power of compulsory purchase could have an impact on our negotiations. That came up clearly at committee. No one can prove that the existence of the power has an effect, but I think that we all accepted that it probably does.

I want to touch on a few issues to do with the financial memorandum. First, Scottish Environment LINK pointed out that Forestry Commission Scotland and Forest Enterprise Scotland currently have separate budgets, so the two figures that we see in the Scottish budget each year might be reduced to one figure in future. However, I think that the Government has now

reassured us that it intends to provide more information, rather than less, after the reorganisation. It will be for our committee and the Parliament as a whole to hold the Government to account on its commitment.

Secondly, there will be IT costs, and everyone gets nervous when IT is mentioned. However, all national Governments, local government and the private sector have traditionally had problems with forecasting IT costs exactly. That is a challenge, but it is not just a challenge for this place. The committee was informed that even without the bill there will be IT costs, because the existing Forestry Commission computer system is not considered to be fit for purpose. In its response to the committee, the Government said that

“more information will be provided prior to stage 3”.

That is welcome.

Thirdly, the committee discussed the whole question of rebranding of signs, uniforms, vehicles and so on. This is perhaps unusual for a UK institution: the Forestry Commission has a pretty positive image among the public, so it is understandable that witnesses, including trade unions, said that they did not want to lose that. Witnesses also did not want a lot of money to be spent on repainting vehicles if the money could be used to plant trees. However, if we are to have a new organisation, with a new name, some money will have to be spent. It was reassuring to hear that reserves will be in place, so that current spending budgets can be protected. The compromise position, which members mentioned, and which I think that the committee accepted, is that changes can be made over time rather than in one big bang. Perhaps the Forestry Commission signs and vehicles can be repainted gradually over time, in an approach similar to the one that ScotRail took when it rebranded its trains.

We have had a number of briefings, and I thank the organisations that provided them, in particular the Scottish Wildlife Trust, RSPB Scotland and the Confederation of Forest Industries UK, or Confor. SWT and the RSPB made the point that the bill should make specific provision for biodiversity and native woodland creation. Many members agree with the principle; the questions for me are, first, whether we would be duplicating what is stated elsewhere, and secondly, whether such provision would be better placed in the strategy than in the bill.

The Deputy Presiding Officer: Please conclude.

John Mason: I will be interested to hear the Government’s thinking on that. SWT suggests hypothecation of funds, which I would be—

The Deputy Presiding Officer: That is not concluding; concluding means saying, “Thank you very much,” and sitting down.

15:33

Claudia Beamish (South Scotland) (Lab): As we have heard from many members, our forests and woodlands are precious natural resources. The Forestry and Land Management (Scotland) Bill is important for the future of Scotland, for a wide range of reasons.

Scrutiny of some of those reasons is the responsibility of the Environment, Climate Change and Land Reform Committee, of which I am a member. I was delighted to be asked by that committee to be its reporter for the bill. I thank the Rural Economy and Connectivity Committee and its convener for the welcome that I received at the relevant meetings, and I thank my committee’s clerks and the Scottish Parliament information centre for their support throughout the process, which led to my committee’s letter to the REC Committee, for its consideration.

I will highlight the main points of the letter and, if I have time, make one or two points of my own. I emphasise the importance that my committee attaches to the bill’s overarching policy objectives, specifically in relation to forest functions. From our perspective, effective forest management offers the opportunity for multiple environmental and land management benefits. We said in our letter:

“The Committee is unclear as to what degree wider policy objectives, including those relating to biodiversity, deer management and climate change, are reflected in the Bill and in particular, are to be taken account of in the preparation of the Forestry Strategy.”

I note that the Scottish Government response states that better alignment will be considered at stage 2.

My committee also

“considers there is merit in including the need to have regard to biodiversity in deer management requirements on the face of the Bill.”

I note that the Scottish Government response states:

“there are a large number of policies, statutory duties and frameworks which are relevant to the economic, environmental and social outcomes of forestry, hence we will consider these matters carefully in order to avoid limiting the scope of the linkages catered for by any amendment.”

At this stage, our committee is still considering an amendment, but we are happy to be involved in dialogue on that.

I draw focus to the term “sustainable development”, the definition of which regularly emerges as an on-going challenge for legislators.

In the previous session of this Parliament, the RACCE Committee, of which I was a member, grappled with that term in relation to the Land Reform (Scotland) Act 2016 and reached a similar conclusion to that of our committee. In our letter, we state:

“We consider that the definition of sustainable development is widely understood and it is unnecessary to include this in the Bill.”

In this context, our letter does stress our view that

“the duties to promote sustainable forest management and sustainable development in Sections 9 and 13 should also be on every public body and office-holder and not just Scottish Ministers.”

I note the Scottish Government response that

“the duty is placed on the Scottish Ministers in the context of their new functions for forestry regulation, development and support. These functions rightly sit with one body.”

I will take that back to our committee and discuss it with members in detail.

My committee was

“unclear as to what the issue or problem the Part 3 provisions in relation to sustainable development are intended to address ... the circumstances in which the provisions are intended to be used; how they will result in the establishment of a ‘land agency’; and how this relates to the Scottish Land Commission.”

The Scottish Government response states:

“The purpose of the wider land management powers (those linked to furthering sustainable development), is to create more flexibility in the use of the Scottish Ministers’ land (the National Forest Estate) and enable a wider land management role for the new agency ... to help manage other land, including publicly-owned land, in the national interest”.

That will aid our committee discussions prior to stage 2.

We regard the acquisition, compulsory purchase and disposal of land clause as a backstop arrangement and recognise its importance as such. However, the bill

“gives Scottish Ministers compulsory purchase powers in order to further the achievement of sustainable development for the first time. When questioned, the Scottish Government did not provide a rationale for the extension of those powers”.

Edward Mountain: On a point of order, Presiding Officer. I am sorry; I am a bit unclear about whether the member is talking about her views or is representing the views of her committee. The views that she is representing as coming from that committee have not been transmitted to the committee of which I am the convener. I would be grateful if that could be clarified.

The Deputy Presiding Officer: I will let Ms Beamish clarify that for herself.

Claudia Beamish: With respect, the points that I am making are quotes from our letter to the REC Committee. I will be happy to discuss the matter afterwards with the convener. I have already expressed my recognition of the welcome that I received there.

On the broad land management purpose of the bill, my committee asked for clarification before stage 2 of section 13, as we were

“concerned that the consultation that informed the Bill did not seek views on this”.

It appears that Scottish Government officials were unable to set out why the powers in section 13 on management of land for further development were needed or in what circumstances those would be used. From the Scottish Government response, I understand that they relate to flexibility.

In our letter, we make reference to other land and argue that we can see

“no justification for a difference in approach”

in the bill between national forest land and other land. Again, we ask the Scottish Government to reflect on that before stage 2.

The definition of a community body in section 19 is, in my committee’s view, already clearly defined in previous legislation. In this bill, it

“differs from the definition in previous legislation dealing with similar issues.”

That could cause confusion on a complex issue. We address that in more detail in our letter and ask the Scottish Government to reflect on it prior to stage 2.

In relation to the delegation of functions to community bodies, my committee is unclear how the bill adds to the community empowerment agenda or to what is already provided for in the Community Empowerment (Scotland) Act 2015.

The final issue from my committee’s perspective is that of tree health, which is part of our remit and which I know is treated with the utmost seriousness across the Parliament. We emphasise the necessity of cross-border co-operation on that, and I was pleased by the cabinet secretary’s explanation of the division of labour in that area.

I hope that the issues that the ECCLR Committee raised in its letter to the REC Committee are found to be of value, and we would be pleased to have dialogue on them with the Scottish Government and the convener of the REC Committee—I do not think that I have time to address what he said in his intervention now.

The Deputy Presiding Officer: No, you do not. Thank you very much, Ms Beamish.

15:40

Richard Lyle (Uddingston and Bellshill)

(SNP): I express my pleasure at being able to contribute to today's stage 1 debate on the Forestry and Land Management (Scotland) Bill as the fifth SNP member of the Parliament's Rural Economy and Connectivity Committee. Although I represent Uddingston and Bellshill, which is an area in the central belt of Scotland that, beyond our exceptional Strathclyde country park, does not necessarily come to mind when the forestry sector is discussed, the sector is one that I have been a champion of throughout my time in this place, including my time on the Rural Affairs, Climate Change and Environment Committee. It forms an important part of Scotland's economy and contributes to our vibrancy as a nation. Given the sector's importance in Scotland, it is only right that it should be fully accountable to our Scottish Parliament and to the Scottish ministers, and that is what the bill provides for.

The bill will improve the accountability and transparency of legislation, modernise the current legislative framework and enable more effective use to be made of Scotland's publicly owned land, on which many members across the chamber can agree. I am glad that the Rural Economy and Connectivity Committee supports the general principles of the bill. In particular, I note that the committee heard that the majority of stakeholders very much welcome the opportunity for forestry matters to be fully devolved to Scotland and recognise the need to update our forestry legislation, which, as I have mentioned, is one of the key pillars of the bill.

The devolution of forestry was a manifesto commitment of the SNP in our 2011, 2015 and 2016 manifestos, and we remained committed to bringing it about in our 2016-17 programme for government. That leads me to another of the bill's key pillars—the improvement of accountability, transparency and policy alignment. That is an important area, because there is some confusion about the extent to which forestry is currently devolved. At present, the Scottish ministers determine the strategy and policy for forestry in Scotland but, since devolution, the management of forestry, including the management of the national forest estate, has remained with the Forestry Commission—a UK non-ministerial department and a cross-border public authority.

Rightly, the bill will bring about the transfer of the powers and duties of the forestry commissioners in Scotland—including in relation to plant health—to the Scottish ministers. That will mean that the responsibility for all plant health in Scotland will reside in one place. Ultimately, it will fall to the Scottish ministers to promote

sustainable forest management and to publish a forestry strategy.

Crucially, the bill not only creates a legal duty to promote sustainable forest management but establishes a modernised legislative framework that fully supports, regulates and promotes the development and growth of forestry in Scotland. I believe that the bill will bring about a new future for the industry.

The final pillar of the bill that I wish to reflect on is the fact that it will enable effective use to be made of Scotland's publicly owned land by making the Scottish ministers responsible for managing the national forest estate to deliver economic, social and environmental outcomes. That includes the ability to enter into arrangements to manage other people's land, including that of public bodies. That fulfils a further manifesto commitment to establish a land management agency and will enable ministers to delegate land management functions to community bodies.

In my remaining time—I will try to stay within my seven minutes, as I do not want to get cut off—

The Deputy Presiding Officer: It is six minutes, Mr Lyle.

Richard Lyle: Okay. I will keep going.

I wish to reflect on the additional steps beyond the bill that are required to complete the devolution journey and to give further recognition of the importance of the sector in Scotland beyond that which I have stated.

It is important to state that the bill is not the end point in completing the journey of the devolution of forestry, as there will be two further pieces of work once the bill has completed its passage. Indeed, the bill is the first of three principal activities that are required to complete the devolution of forestry.

The first piece of work is the passage of secondary orders under the Scotland Act 1998 in the UK Parliament to wind up the forestry commissioners as a cross-border public authority and to make other consequential provisions in the light of the bill. That will help to establish new collaborative cross-border arrangements with the UK Government and the Welsh Government, which have been managed hitherto by the Forestry Commission, and to make arrangements for transferring some of the forestry commissioners' property and liabilities to the Scottish ministers. Financial, business and regulatory impacts will be considered as part of the development of those orders, in line with standard requirements.

The second piece of work is the establishment of new organisational arrangements by transferring to the Scottish Government the activities that are presently delivered by the

forestry commissioners in Scotland through Forestry Commission Scotland and Forest Enterprise Scotland.

I am sure that members agree that Scotland's forests and woodlands are among our greatest and most valuable rural assets. The forestry sector is worth £1 billion per annum and supports 26,000 jobs. On every occasion on which I speak in the chamber on the forestry sector, I like to reiterate that, although the sector is incredibly important to our economy, it plays a hugely important role in tackling climate change, in protecting and growing biodiversity and in natural flood management. It also contributes to the improvement of general health and wellbeing across Scotland.

I am delighted that the bill will help to continue the journey towards the devolution of the forestry sector. That will enable us to work together collectively to deliver for that important sector and for Scotland.

15:47

John Finnie (Highlands and Islands) (Green):

I, too, welcome the bill and support its principles. Like other members, I thank the organisations for their briefings.

Much has been made of the number of jobs that forestry supports. I have the figure of 25,000 jobs, but I have also heard that the industry supports 26,000 jobs—if that is 1,000 extra jobs since my briefing, that is great—and that it is worth £1 billion.

It is significant that Confor has said that

“the bill must provide the right assistance”.

The right assistance, of course, is not mutually exclusive work in the industrial and environmental aspects. The Scottish Wildlife Trust has said:

“Scotland's woodlands are currently not realising their full potential for helping Scotland adapt to climate change. More connected riparian woodlands for example, could prevent flooding; reduce erosion; improve water quality; and allow wildlife to move through the landscape.”

That is of growing importance. As quite a number of members have said, woodlands are an important carbon sink to help to mitigate climate change.

The issue that we always encounter with bills is what is and is not stated in them. Our stage 1 report talks about

“planting targets and a commitment to appropriate levels of reforestation in the Forestry Strategy.”

Confor seeks an amendment to include planting targets and future wood supply.

We have heard that the forestry industry is a long-term one, and the strategy's review period

has been the subject of much discussion. It is important that the review period includes consultation with all the forestry stakeholders. It has been said that the sector depends on a long-term vision, and something jumped out at me in the cabinet secretary's response to that. He said:

“For example, there is a known unintended consequence of the current seven year cycle for the CAP in that it leads to a suppression of woodland creation”.

We certainly do not want that, and we do not want the uncertainty that Brexit will bring. Long-term assurances are important to the industry, and I am pleased that the Scottish Government will reflect on the strategy. It is important that the strategy is a living document.

There is also a call for a strengthened commitment to reforestation, which can be seen as going hand in glove with that. The Scottish Wildlife Trust certainly sees the strategy as an opportunity to increase the quality of Scotland's native woodlands.

Forestry is everywhere. We have heard from members with urban constituencies that there is an impact in those places. I commend the work that is being done in the hearts of our cities and across the country by organisations such as the Woodland Trust and community groups.

It is also good that the Scottish Government acknowledges the interest that stakeholders have in the organisational arrangements and that it is going to provide a statement.

There is clearly a lot of affection for the Forestry Commission. I am a former employee of it, and my father and my father-in-law were employed by it. It is important that the concerns are recognised—indeed, we heard that reiterated in the cabinet secretary's speech. In the social and environmental sector of forestry, small businesspeople and enterprises are grateful for the technical support, advice and financial stimulus that they receive from the Forestry Commission. In a communication to me, they expressed concern that it will be “submerged into Victoria Quay”.

Fergus Ewing: I am happy to give the reassurance that that should not happen. Moreover, we recently extended grant finance to small cabinetmakers and joiners who are using Scottish woods, and they are delighted.

John Finnie: I am grateful for that assurance from the cabinet secretary. The communication that I mentioned went on to say that the Forestry Commission is a rural success story, and that is certainly how I see it.

The concerns that exist around that could, in part, be offset by something that the committee proposes—the establishment of a chief forester

post. That would be entirely consistent with having a chief planner, a chief medical officer and a chief scientist, and it would send a clear signal about the commitment to the forestry profession. I note that the Scottish Government has said that it will consider the proposal. I hope that it will be given real, detailed thought.

On the definition of sustainable forest management, I have looked at what the Scottish Woodland Trust and Confor say about the definition that they would go with, and their views seem identical. The definition goes on about the

“stewardship and use of forests and forest lands in a way, and at a rate, that maintains, and where appropriate enhances, their biodiversity, productivity, regeneration capacity and vitality and their potential to fulfil, now and in the future, relevant ecological, economic and social functions at local, national and global levels, and does not cause damage to other ecosystems.”

That brings me to what we heard from the cabinet secretary about the cross-border and tree health issues. I found that very reassuring, and I understand that there is a letter to the committee about that.

I will move quickly on to the strategic timber transport fund, which has been alluded to. It is actually cheaper and more environmentally friendly to transport timber to Norbord from Argyll via boats, so I would commend that approach.

On the management of land by Scottish ministers, I do not share the concerns that many members have expressed. As my colleague John Mason highlighted, it is right to have a range of options available to people in land negotiations, and compulsory purchase powers is one of those options. From my previous employment as a councillor, I am aware of a ransom strip. People will understand that the public good cannot be held back in that way.

Similarly, I look forward to the definition of “sustainable development” in the bill, although I have no issues with that. As I said, I was happily one of the minority.

What is set out in the bill is important. I would like to see native woodland creation targets in legislation, as they tie up with sustainable deer management, which is also important. I do not think that many members have commented on the fact that funds that are raised from disposals from the national forest estate should be reinvested. I hope that we will get a long-term commitment from the Scottish Government to do that.

The Deputy Presiding Officer: I call Gail Ross, who may or may not be followed by Mike Rumbles, who has left the chamber.

15:53

Gail Ross (Caithness, Sutherland and Ross) (SNP): Despite John Mason’s apparent surprise, I do not think that it came as a surprise to the Rural Economy and Connectivity Committee that the Forestry Commission Scotland is held in extremely high regard by its stakeholders, people in the sector, its staff and the public as a whole. Its branding is instantly recognisable and there has rightly been a high level of interest in the current proposals and what they will mean for the industry and the environment.

Anyone who has read the committee’s report or watched any of its meetings will know about the high level of scrutiny that we have, rightly, given the bill. It is a hugely important piece of work that will help the Scottish Government not only to achieve its planting targets but to diversify the forest estate and contribute to conservation, biodiversity and meeting our climate change targets.

As John Mason mentioned, the committee visited Mull, where we heard about forestry on the island. We were a little bit nervous about midges that day, but Stewart Stevenson told us that they fly only when the wind speed is less than 5mph and we were lucky that there was a breeze that day. I also went out with the Forestry Commission for a day in Sutherland, and we heard hours of evidence on the bill here in the Scottish Parliament.

I thank all those who took the time to come to the Parliament or to submit written evidence. It is great to see that so many individuals and organisations are passionate about forestry and woodland in Scotland. I also thank the committee clerks, SPICe, my fellow committee members and the members of the Environment, Climate Change and Land Reform Committee—particularly Claudia Beamish.

Our main objectives for the report were to understand the current functions of the Forestry Commission and Forest Enterprise Scotland, to find out how the proposals would work under the Scottish ministers, as is proposed, and to put forward our recommendations to the Scottish Government. As the cabinet secretary laid out in his opening remarks, the bill has three main aims: to improve accountability and the transparency of the legislation, to modernise the current legislative framework and to enable more effective use of Scotland’s publicly owned land.

I will explain where we are and what is proposed. Forestry Commission Scotland currently provides policy, advice, regulation and grants, and Forest Enterprise Scotland is an executive agency of the Forestry Commission that manages the national forest estate. The new structure proposes

that the Forestry Commission's functions be carried out by a dedicated forestry division of the Scottish Government, which will be responsible for grants, regulation, support and development, and that Forest Enterprise Scotland will become forestry and land Scotland, which will still manage the national forest estate.

I am pleased that the Scottish Government has agreed with several of the recommendations in the stage 1 report and that several more are under consideration. Agreement has been reached on the inclusion of an acceptable definition of "sustainable forest management" and a working definition of "sustainable development" in the Scottish forestry strategy. There is also agreement on the integration of the goals of the forestry strategy with the UK forestry standard and on the provision of guidance on felling to private forestry owners as well as on the need to look at the definition of felling. In addition, agreement has been reached on the proposal that registration for notices to comply should be proportionate and cost and resource effective, and that the rebranding costs should be kept as low as possible. As has been stated, the committee recommended that vehicles should be rebranded only when that is necessary.

The committee heard from many people about the opportunities that the bill presents, but we also heard a number of concerns that must be addressed. The Scottish Government must allay any concerns that have been raised by stakeholders about the new set-up giving control to Scottish ministers, and we have heard from the cabinet secretary that that will happen.

The Scottish Government should also give consideration to the post of chief forester and should give cast-iron guarantees that there will be no loss of expertise or specialisms, citing examples of how those will be retained and developed further. Consideration must be given to a regular review of the forestry strategy at least every five years, with a full refresh every 10 years, and Parliament must have the opportunity to scrutinise the strategy before it is agreed. Consultation with stakeholders must be thorough and wide.

We would like to see an overarching, high-level statement of ambition that makes it clear that modern forestry strategy and practices will reflect an integrated approach to land use, community interests, planning, biodiversity and the environment. We all agreed that cross-border working on tree health, disease and forestry science is essential and must continue and be strengthened, and I welcome the cabinet secretary's announcement on that today.

For the existing staff and for the people who may wish to make a career in forestry in the future,

as well as for the health and expansion of our forest estate and for the wellbeing of our citizens in both rural and urban areas, given the current climate, it has never been more important that we get forestry right. The committee supports the general principles of the bill, and we ask that the Parliament do likewise.

15:59

Mike Rumbles (North East Scotland) (LD):

The Liberal Democrats support the bill. It is right that we update the legislation on forestry to ensure that we have a thriving and profitable industry. I am encouraged by the improved targets for tree planting that the cabinet secretary outlined and I wish him well in achieving them. Let us hope that we achieve them over the next few years.

In its report to the Parliament on the bill, the Rural Economy and Connectivity Committee makes a number of recommendations to improve the bill, which we fully support. I am, of course, a member of the committee, which took a great deal of evidence from stakeholders in its stage 1 inquiry.

One of the most important areas of concern in the bill has been the separation of the Forestry Commission's functions. The committee has called on the Scottish Government to provide further reassurance about the practical implications of its proposals. I am pleased that the minister acknowledges that in the Government's response to the committee's stage 1 report.

The other contentious issue in the bill is extending the powers of the Scottish ministers for the compulsory purchase of land. Real concern was expressed to the committee about why, given that the compulsory purchase powers in the 1967 act have never been used—I repeat, never been used—ministers wish not only to transfer them to the new legislation but to extend them. I do not like the idea of Parliament giving up its powers to ministers at the best of times, but to extend further the powers of compulsory purchase that were given to ministers back in 1967 and have—I will say it for the third time—never been used seems to me to be bizarre in the extreme.

John Finnie: I take it that, when the member talks about the powers being used, he means people going to court. Does he accept that they have an application short of going to court, which is about dispute resolution?

Mike Rumbles: Whichever way we look at it, the powers have never been used—I say it for the fourth time in case people do not understand that.

I have to say to John Mason that I, for one, am not rich. I do not consider myself powerful and I am certainly not a landowner. I do not support

those unnecessary measures, so I do not know whom he was targeting. Perhaps he was targeting someone else—that is not for me to say—but he is not quite right.

The evidence to the committee on the matter was clear, and I was pleased when the committee did its job in a vote—a vote that, I am also pleased to say, did not simply divide along party lines. That is really important. The committee recommended that the Government should change its mind on the matter and that the compulsory purchase powers in the 1967 act should be transferred to the bill—I was not particularly keen on that but I agreed the report—but not extended.

I hope that the Government listens to the committee. I notice that, in his written response, the minister notes the recommendation. I hope that he does more than that and lodges amendments at stage 2 to reflect it. That is the parliamentary committee doing its job. We are here to take evidence, listen to it and, without partisanship, try to get the best results on the matter. We are all in favour of the bill and we want to make it work.

I hope that the Government recognises that, because the bill can be further improved in other ways. I would like to see an amendment at stage 2 to make it clear that the strategic objectives of any land acquisition and disposal should be set out in the Scottish forestry strategy. Otherwise, there is no guarantee or requirement for there to be any strategic plan for acquisition or disposal and the whims of ministers would rule.

I return to the fact that I have always believed that it is wrong to give too much power away to ministers. I made that point to Ross Finnie when, as rural affairs minister, he introduced legislation in the first two parliamentary sessions and I voted against him. I make the point again. It is not a party-political point. Parliamentarians should be wary of handing over unrestricted powers to ministers of any political hue. I am not attacking the current minister; I am talking about ministers of any political party.

In conclusion, Presiding Officer, this is a good bill and the Liberal Democrats are happy to support it. However, as I have pointed out, there is room for improvement and we would indeed like to see it improved. Thank you.

The Deputy Presiding Officer (Linda Fabiani): I have a little bit of time in hand, if anybody wants to take advantage of that with interventions—although not just random ones for the sake of it.

I call Fulton MacGregor, to be followed by Finlay Carson.

16:05

Fulton MacGregor (Coatbridge and Chryston) (SNP): Thank you, Presiding Officer. As a member of the Rural Economy and Connectivity Committee, I support the general principles of the bill.

It has been an interesting learning curve for me, with my background primarily in social work and social science. I learned a lot through the bill, and I am grateful for the opportunity to have done that.

A strong forestry sector is important to a vibrant Scotland and it is important that forestry in Scotland is fully accountable to the Parliament. The bill makes forestry fully accountable to the Scottish ministers and the Scottish Parliament, and, as I said, it is an important economic sector in Scotland, worth £1 billion annually.

The committee heard from a range of stakeholders, as others have mentioned, who welcome the opportunity to fully devolve forestry matters to Scotland and recognise that there is a real need to update forestry legislation.

Completing the devolution of forestry has been a long-standing commitment of this Government, and I am pleased that we are now taking steps to complete the process. By doing so, we will ensure that the economic, social and environmental benefits that are already delivered by forestry in Scotland are protected and nurtured. It is safe to say that this Government is committed to ensuring that forestry can deliver more in the future, and we hope to provide stability and a long-term plan for the industry.

Sustainable forestry is at the heart of the bill, and by putting safeguards in place that ensure that our forestry land is being used in a way that promotes sustainable forest management, we are suitably protecting the industry. That is important for ensuring that our forests provide biodiversity, productivity and regenerative capacity, and it ultimately ensures that no damage is done to other ecosystems. That approach is in line with Forest Europe's definition of forest strategy.

I also want to comment on the idea of enhancing a sustainable domestic timber sector. We must do so while recognising the important contribution that forestry makes to rural communities across Scotland. I believe that the creation of the new forestry bill allows us to redefine forestry and ensure that our industry is ready for the future. I believe that we will now be able to ensure that any long-term economic impacts, as well as the environmental sustainability of a vital industry in Scotland, are safeguarded.

Presiding Officer, native woodlands are beneficial to us all. They provide a habitat for a

wide range of species, and they provide environmental benefits, as others have said. They can even act as a social space for us all to enjoy. Woodland habitats can give people the opportunity to interact with wildlife in a natural setting, both in an informal way and in the promotion of more formal activities such as environmental education.

As I have said in the chamber before, I like Munro climbing—in fair weather, I must add. There is nothing better than being up there when there is also forest and the smell of pine. I know that anybody else who walks through the forest will agree with that. Just at the weekend I took the family to Cuningar loop, which is not in my constituency—if my geography is right, it is in Clare Haughey's; if not, I apologise to the member.

John Mason: You are right.

Fulton MacGregor: Am I? Thank you, John. It is a fantastic facility.

Back in my constituency, I recently met with Charles Dundas from the Woodland Trust and had a walk around Drumpellier country park. I had not been aware prior to that that there is ancient woodland there but I am quite proud of that fact now. One per cent of Scotland is covered in ancient woodland, and now I have found out that some of it is in my constituency, which is really good. During that walk we also spoke about deer management, an issue that has been raised by the Scottish Wildlife Trust as well as others.

It is probably worth saying that that was not the only time that I have had contact with the trust on constituency matters. Recently I was involved in a community dispute in which a local company cut down a number of trees that had been in place for more than 20 years without notice to or consultation with residents, who considered the trees to be part of their home. Although it would not be appropriate to get into more detail here in the chamber, the case highlights the need for some of the aspects of community involvement that the committee took evidence on.

Woodlands are natural deer habitats, and the creation of a new woodland would ensure that deer have a suitable habitat and allow them to colonise appropriate areas. Like John Finnie, I would be inclined to consider the Woodland Trust's suggestion that all owners and managers of private forest and woodland have a responsibility to ensure that arrangements are in place to manage deer.

I welcome the fact that the Scottish Government acknowledges the concerns expressed by stakeholders. As set out by the cabinet secretary,

"the Scottish Government acknowledge the importance of retaining the local office networks and sustaining opportunities for interchange between agency and division."

That is in response to concerns about a potential loss of expertise and skills. The Scottish Government goes on to say:

"The issue of skills retention is a focus of the 'New Agency' and 'New Division' projects under the recently established Forestry Devolution Programme."

It continues:

"These projects will be identifying ways to continue to recognise and value engagement with the professional bodies and identify jobs requiring specific professional qualifications, such as in forestry."

I will touch briefly on compulsory purchase orders. I will get involved in a maths dispute here, but I believe that I was 33 per cent of the SNP team that was in a minority on the committee, with Stewart Stevenson accounting for the other 66 per cent. My view on that—

David Stewart (Highlands and Islands) (Lab): Is it SNP policy that Stewart Stevenson counted as one and a half members, as he testified earlier?

Fulton MacGregor: I could not possibly comment on that, although he certainly managed to dig himself out of a hole earlier with his one and a half members point.

On a serious note, I return to compulsory purchase orders. I mentioned my previous experience in social work because CPO reminds me of a child protection order, which is what we used to mean when we said CPO. John Finnie made an important point about legal status. Child protection orders are rarely used and accessed and it is probably not too extreme to imagine a day when we would not need CPOs.

The Deputy Presiding Officer: There is no time left, Mr MacGregor.

Fulton MacGregor: I will develop the point anyway, which is that we would not want CPOs not to be there. When child protection or other processes go through, they work on the basis that such orders are in place and could possibly be used. I am coming to the end—

The Deputy Presiding Officer: No—I think that you are at the end.

Fulton MacGregor: I will leave it at that.

The Deputy Presiding Officer: Thank you, Mr MacGregor.

16:12

Finlay Carson (Galloway and West Dumfries) (Con): I welcome the cabinet secretary's announcements, but we on these benches are not alone in holding serious concerns about the bill. Scottish Land & Estates stated that it has

"a major concern with the government's current proposals"

and that the bill is

“poorly structured in contrast to the Forestry Act 1967”.

Bidwells has highlighted its

“disquiet over the proposals to strengthen and broaden Scottish Ministers powers of Compulsory Purchase”.

The Institute of Chartered Foresters

“considers that significant amendments are required”.

NFU Scotland highlights the bill’s potential for

“undermining relations between farming and forestry.”

Furthermore, the Community Woodlands Association seeks greater clarity about a number of definitions in the bill. I am glad that I find myself in the company of many reputable and knowledgeable stakeholders in highlighting my concerns about the bill in its current form.

There are two areas of significant concern: the lack of clarity on key definitions, and the expansion of compulsory purchase powers. The “Oxford English Dictionary” defines clarity as

“the quality of being clear and intelligible”.

The bill fails to provide a clear and intelligible definition of “forestry land”, “sustainable forest management”, “sustainable development” and “community body”. Once again, legislation that lacks clarity has been introduced to the Parliament. We witnessed that during stage 1 of the Wild Animals in Travelling Circuses (Scotland) Bill, in which vague definitions were applied to “wild animals” and “travelling circus”.

During an evidence session in the Rural Economy and Connectivity Committee’s meeting on 7 June, the Scottish Government’s forestry and land management bill team could not provide reassurance about how compulsory purchase could further the achievement of sustainable development.

Key definitions within the bill have worryingly been left to the discretion of ministerial interpretation. In order to provide the transparency and confidence that the forestry sector requires, ministers must ensure that these definitions are given further clarity if the bill is to move forward to the next stage. I am glad that the cabinet secretary, in his letter to the committee convener, Edward Mountain, has indicated that he will review certain measures in the bill regarding vague and unclear definitions.

I believe that an expansion of the existing compulsory purchase powers is not required. The current powers found in the Forestry Act 1967 have not scarcely been used—they have never been used by the Scottish ministers. A further enhancement of those powers would only reaffirm the mantra of this SNP Government and see further unnecessary centralisation of power.

The use of compulsory purchase powers has also been raised recently in the discussion paper published by the Scottish Law Commission, which noted the

“peculiarly disturbing circumstances of losing ... property under a statutory process”

and went further to state that

“It is of the highest importance that, as it affects ordinary people, the legislation should be as clear as possible.”

Stakeholders are also concerned about the use of compulsory purchase. NFU Scotland is

“sceptical that two of the fundamental principles of valuations for compulsory purchase ... are being consistently and rigorously applied”.

Those principles are that

“the seller and purchaser are both ‘willing’ and that the seller is ‘no better or worse off’”.

We have seen this happen already, through what some people see as the mishandling of the compulsory purchase orders along the Aberdeen western peripheral route.

I therefore believe that the compulsory purchase powers under this bill are at best unnecessary and at worst a power grab by the Government.

I welcome some aspects of the bill, namely a routine review of the forestry strategy and the strengthening of provisions related to tree health, which I believe will be beneficial to my constituency of Galloway and West Dumfries where, as everybody knows, we are campaigning to establish Scotland’s next national park, which would take in the whole of Galloway forest park. However, in order for the bill to provide for the action it seeks, fundamental changes must be made to its current form.

16:17

Colin Smyth (South Scotland) (Lab): I am pleased to have the opportunity to debate legislation that will have a major impact on an important sector within my South Scotland region.

As we have already heard, forestry plays an invaluable role in many aspects of Scottish life, contributing to climate change mitigation, biodiversity, flood management, health and wellbeing and of course tourism. It is estimated that the sector supports around 25,000 full-time-equivalent jobs across Scotland, and £954 million of gross value added. It is particularly important to rural economies.

My own home region of Dumfries and Galloway has one of the highest concentrations of forestry in the country, with woods and forests covering some 31 per cent of the land. The 211,000 hectares range from the great spruce forests of Galloway and Eskdalemuir, through the traditional estate

forests such as those of Buccleuch Estates, to the small native and farm woodlands that are so important to the beautiful landscape of Dumfries and Galloway. Not surprisingly, the region is a major timber-producing area, harvesting some 30 per cent of Scotland's home-grown timber each year, and is home to Scotland's largest biomass power station.

The timber industry is responsible for more than 3,000 jobs in Dumfries and Galloway, many of which are in remote rural areas. It is therefore an economic and environmental imperative that the bill adequately supports the forestry sector and the associated industries.

I am happy to support the general principles of the bill and I welcome its broad aims. In addition to the need to fully devolve forestry powers, I support the need to promote accountability, transparency and policy alignment in this area. Likewise, any endeavours to modernise the sector and improve the effectiveness of how we use Scotland's publicly owned land are very welcome.

However, there is more to be done to ensure that the bill fully supports those aims, and I commend the work done by both the Rural Economy and Connectivity Committee and the Environment, Climate Change and Land Reform Committee in scrutinising the bill.

It is important to acknowledge that many aspects of forestry interrelate closely with other policy areas and I hope that the Government will accept the Rural Economy and Connectivity Committee's call for the development of an

"overarching, high-level statement of ambition, on the face of the bill, that makes clear that modern forestry strategy and practices will reflect an integrated approach to land use, community interests and the environment".

I appreciate the need for the full devolution of forestry matters, but it is important that the existing engagement between stakeholders from communities and local authorities is not compromised in the process. Bringing the management of the forestry estate into the Scottish Government's remit risks the potential for overcentralisation, which has been a habit of Government in recent years, and we must be careful to guard against that. Local forest districts and their outreach functions play a crucial role, and it is vital that the new structure reflects that. In Dumfries and Galloway, the estate is governed by two forest districts—Galloway district and Dumfries and Borders district—that, between them, cover 171,000 hectares.

In addition to the production role, the current arrangements have played a crucial part in developing the wider health and recreational benefits of forests in the area, from the development of the seven stanes cycling project to

the Scottish dark sky observatory in Galloway forest park, which, I hope, will become the Galloway national park in time. It is vital that we maintain the role that is carried out by forest districts in any new structures.

The bill will also bring into force the proposed restructuring of the Forestry Commission but, as they stand, the plans have failed to win support. In its report, the Rural Economy and Connectivity Committee noted

"wide-ranging concerns expressed by stakeholders at the separation of the functions of the Forestry Commission".

In particular, I highlight concerns that the scope, focus and resources of the forestry division might be diluted over time, and that the separation of the division and the commission might result in a loss of professional forestry expertise. The bill and the discussions around it provide an opportunity to examine the issues and to work to address concerns on the matter.

I welcome the Scottish Government's announcement that it will produce a statement setting out how it will manage and administer its forestry responsibilities and the relationship between the forestry division and the agency. It is essential that the statement provides assurances on those issues and clarifies what will be done to ensure that the separation of the commission's functions will not weaken the total capacity of the two organisations. I am glad that the Scottish Government is considering the committee's recommendation that significant changes to the arrangements that are set out in the statement must be notified to the Parliament and be subject to further consideration.

The introduction of a statutory requirement for a Scottish Government forestry strategy that is based on sustainable forest management is a welcome change, and I am glad that the Scottish Government has agreed to the Rural Economy and Connectivity Committee's recommendation that a working definition of the term "sustainable forest management" is given to provide clarity on what exactly is expected. I also welcome calls to include a statutory process to ensure that regular revision and review of the forestry strategy is undertaken. I appreciate that there is a balance to be struck between providing flexibility and certainty, but the committee's recommendation for the strategy to be reviewed every five years and refreshed every 10 years is a reasonable one.

Another key concern that was raised in submissions to the committee was on the topic of devolution and its impact on research capabilities and scientific expertise. The south of Scotland regional forestry forum highlighted that issue, stating:

“It is essential that Britain’s current forest research capability is not lost, and that discussions on a cross-border approach to Forest Research reach a successful conclusion.”

Likewise, the National Trust for Scotland asked for clarification on how cross-border co-operation will develop, and the committee’s report noted the widespread view that

“the research functions of the current UK wide Forestry Commission are crucial to the continuing health of Scotland’s forests.”

That is a crucial point to take into consideration during the devolution process.

I welcome the Scottish Government’s commitment to provide regular updates on the progress of its discussions with the rest of the UK on the issue, and I am glad that it has recognised the importance of ensuring that an appropriate framework for cross-border research is in place before the bill comes into force. However, there is still a lack of clarity on the purpose of the compulsory purchase powers that are conferred by the bill, and on the provision that relates to sustainable development. The current widespread lack of confidence in that aspect of the bill must be addressed if the Scottish Government is to take forward that particular provision, no matter the support that exists.

The full devolution of forestry powers is a valuable opportunity to improve our approach to the sector, which is of great importance to thousands of my constituents. There is significant scope for progress and, for that reason, I am happy to support the general principles of the bill. However, as it stands, it requires work to be done before it is fit for purpose and I am glad that the Scottish Government has already agreed to a number of the committee’s recommendations. I urge the Scottish Government to give further consideration to the other points that have been raised in the chamber and by stakeholders around Scotland.

The Deputy Presiding Officer: I remind all parties in the chamber that no front bench should ever be left empty during a debate. I ask all parties to take note of that for future reference.

16:24

Angus MacDonald (Falkirk East) (SNP): Following on from the successful transfer of the Crown estate to Crown Estate Scotland, with Scottish ministers now responsible for all Crown estate assets in Scotland and all revenue profit going to the Scottish Government, this bill now makes forestry fully accountable to Scottish ministers and the Scottish Parliament. It has always struck me that not having forestry matters fully devolved to Scotland was messy, to say the

least, so I am glad to see the situation being tidied up, albeit with continuing cross-border working on tree health and other matters. There is no doubt that a strong forestry sector, worth £1 billion annually, as we have heard, is important to a vibrant Scotland, and it is also vital that forestry in Scotland is fully accountable to this Parliament.

I hope to cover three main strands in my speech today: woodland deer management; sustainable forest management; and biodiversity.

We know from the work that was done on deer management by the Rural Affairs, Climate Change and Environment Committee and the work that has been done by the Environment, Climate Change and Land Reform Committee since its formation last year that there are too many deer in Scotland. According to the Scottish Wildlife Trust—I thank it for the briefing that it provided in advance of today’s debate—there are an estimated 85,000 to 100,000 roe, sika and fallow deer in privately owned Scottish forests, and 40,000 to 45,000 on the national forest estate; and between 45,000 and 60,000 red deer in private forests, and 40,000 and 45,000 on the national forest estate.

We also know that 30 per cent of all deer culling in Scotland has been carried out by the Forestry Commission or Forest Enterprise Scotland in the national forest estate, which, unbelievably, costs the taxpayer more than £3 million a year—that does not include the cost of deer fences, which is another story. That is clearly disproportionate, given that the national forest estate covers only 6 per cent of the land area. The creation of new woodland, which the bill will enable, will also create new deer habitats. It should therefore go without saying that it is surely the responsibility of all owners and managers of private forests and woodland to manage the deer that live on their patch—as Fulton MacGregor and John Finnie said, that includes culling.

Edward Mountain: Part of the application process for new woodland grant schemes concerns deer management, which has to be considered. Surely what the member asks for is already happening and the issue is simply one of implementation. Does he agree?

Angus MacDonald: Implementation is key, absolutely.

As I have suggested, such action would clearly help the timber crop, improve woodland biodiversity, significantly reduce the impact of deer grazing on nearby agricultural crops and, of course, reduce the risk of road traffic collisions with deer, which some of us have experienced.

Given the unexpected knowledge that I have gained on the issue of deer management through serving on the Rural Affairs, Climate Change and

Environment Committee in the previous session of Parliament for four years and through my membership of the current Environment, Climate Change and Land Reform Committee, I have a lot of sympathy for, and fully understand, the Scottish Wildlife Trust's call for there to be a legal requirement for forest owners to take adequate and appropriate steps to manage and control deer. I suggest that there is a strong argument for the SWT's assertion that the bill should be amended to incorporate a duty of sustainable deer management for all forest owners. Having a plan in place to manage deer would clearly reduce the damaging impacts that deer can have and would create economic opportunities through the letting of deer stalking and the resultant venison sales. That would tie in well with the recommendations in the 2016 report on deer management by the Environment, Climate Change and Land Reform Committee.

Turning to biodiversity and sustainable forest management, I am pleased to note that, although the bill does not define sustainable forest management, the policy memorandum uses the widely accepted definition from the 1993 pan-European ministerial conference on the protection of forests in Europe. However, I understand that the Government has accepted the committee's recommendation that, for as long as sustainable forest management is the goal, the accepted definition should be included in the forestry strategy, which is welcomed. The definition fits well with the requirement for Scottish ministers to set out their objectives, priorities and policies with respect to the promotion of sustainable forest management.

On the issue of compulsory purchase order powers being extended to include sustainable development, I am pleased that the cabinet secretary indicated in his opening remarks that he is in listening mode. However, my family was subjected to CPOs in the past and I can testify to the fact that, whether we like CPOs or not, the threat of them helps to concentrate minds—I have experience of that.

Biodiversity must remain on the radar of the Scottish Government and the Scottish Parliament. I note in the RSPB's briefing the request that biodiversity be given more distinct recognition in the bill, in addition to other environmental considerations such as flood water management and carbon sequestration. The RSPB also suggests that the bill be amended to include a duty to develop a statutory method of assessing sustainable forest management, which seems to me to be a reasonable request. I look forward to possible consideration of that at stage 2 and stage 3.

The creation of this bill redefines forestry in Scotland for the 21st century, ensuring the long-term economic and environmental sustainability of a vital industry. I welcome the devolution of forestry to Scottish ministers and the fact that forestry will be fully accountable to this Parliament. In my view, that is long overdue, but it is another step in the right direction.

16:31

Tom Mason (North East Scotland) (Con): Scotland's land and forests are vitally important resources for many in our country. For example, I have observed Assich forest near Nairn, where the developer has done one cycle, if not a second. There are those who find it not sustainable, but I understand from foresters that it is the only sustainable forest in Scotland. It is incumbent on us to be responsible in how we legislate for our land and forests, focusing on putting in place best practice to benefit Scotland as a whole.

The forestry sector alone is worth almost £1 billion per year to the economy, supporting more than 26,000 jobs and, of course, the families who rely on them. However, it is also important to consider environmental concerns. Continued afforestation is of undoubted relevance when trying to limit levels of CO₂ in the atmosphere. Unfortunately, the bill bears a number of similarities with many that have come before the Parliament—not least the Wild Animals in Travelling Circuses (Scotland) Bill—in that, although well intentioned for the most part, it is poorly written and vague to the extent that its fundamental aims lack substantive clarity.

I have read the cabinet secretary's letter to Edward Mountain. Given that the cabinet secretary had the Rural Economy and Connectivity Committee's recommendations for almost a month, it is regrettable that his response snuck out on the Friday afternoon before this debate—I missed it because I was occupied over the weekend.

The cabinet secretary has said that he might consider some amendments to the bill, but I believe that the Government should have been much clearer, much sooner. An example of that can be seen in the definition of "sustainable forest management", which should be simple. However, the Scottish Government did not even think to define the term in its key forestry bill, which meant that concessions were forced from the cabinet secretary before the bill even made it to stage 1. It is important that we have strict definitions when ministers wish to grant themselves sweeping new powers to adjudicate on the matters concerned, otherwise we risk a situation in which the Government can hide poor performance and implementation behind vague terms of reference,

which would simply not be good enough. I urge ministers to consider amendments in that area.

With that in mind, I have real concerns over the expansion of compulsory purchase powers that the bill would give ministers, which has been mentioned often in the debate. For example, it was not long ago that the SNP was cheering on such orders to facilitate Donald Trump's Balmedie vanity project. That did not exactly go well. In addition, the Scottish Government is totally inexperienced in making compulsory purchases for the purpose of sustainable development. There are currently no examples of Scottish ministers using the powers of compulsory purchase in the context of forestry. Of course, they will probably need to figure out what it all means first.

Stewart Stevenson: For clarity, the Scottish Government and local authorities are very experienced in making compulsory purchase orders in general and I cannot imagine that the purpose being for sustainable development will make the process different in any material way.

Tom Mason: All situations have their own competence. If ministers do not have experience in the forestry context, they will not be competent to make those orders. I recommend that ministers think again about whether those provisions are really necessary.

I am worried about the requirement for a totally new IT system. Rural Scotland is still paying for the Scottish Government's incompetence in that area, although I suspect that the cabinet secretary hoped that we had all forgotten about that.

I share the concerns that my Conservative colleagues have raised on the defining of a community body, and the proposals in section 17 on the sale, lease or gift of land to anyone whom ministers see fit. The cabinet secretary has agreed to explore the need for potential amendments, and it would be a serious error of judgment were that to fall by the wayside. We would prefer to see any funds that were raised from the sale of forestry land being reinvested in continuous afforestation rather than grants, and I hope the Scottish Government will take that on board.

The bill will have profound effects on our rural economy, but its drafting is simply not up to the required level. The bill also fails to strike the correct balance in many areas. It goes too far with compulsory purchase powers and IT systems, but not far enough when it comes to reinvesting in afforestation for the future.

There is much still to do with the bill, and I hope that ministers will take on board my legitimate concerns and not remain blinkered in their approach to rural Scotland. Although I support the bill in general terms, we ask that our proposed amendments be allowed to go through.

16:37

David Stewart (Highlands and Islands) (Lab): In 1918, in the dying days of the first world war, the country was ravaged by conflict, our young people had been sacrificed on the battlefield, and our economy was in freefall. That was the context in which the Forestry Commission was born, with the aim of replanting, rebuilding and renewing a crucial asset that appeared impossible to replace. The idea seemed to be oxymoronic. How could we replace native Caledonian pine forests that were hundreds of years old? However, in the 1920s and 1930s, those foresters of old did what it said on the tin: they replanted our forests with fast-growing and mainly, though not exclusively, non-native species.

As we all know, the picture today is very different. Our living forests play a number of roles in climate change mitigation, industry and construction, job creation, biomass, housing, leisure and biodiversity. That is why today's debate is so important.

The bill includes devolving forestry to Scottish ministers, and it is my hope that that will offer the opportunity to better integrate forestry with other rural land uses in Scotland. We must recognise the important economic benefits from forestry. Rural areas are often the most vulnerable, and as a Highlands and Islands MSP, that is very close to my heart.

However, forestry offers us so much more. It provides leisure spaces, carbon sequestration, flood mitigation, erosion reduction, water quality improvement, timber production and a biodiverse habitat for many of our native species. Many of our native woodlands provide a home for at-risk species in Scotland, whose population has been in decline, so it is not just the area of forestry that we need to improve, but the quality. Increased tree planting for the sake of it is not enough. It must be done in the right area, and with the right tree species, or it could do more harm than good. In its excellent briefing, the RSPB makes the point that biodiversity and environmental benefits are not always fully interlinked, and that they must be kept separate in order to support both. That is true for rural and urban areas. The word "forestry" brings to mind acres and acres of trees, but it also covers tree planting in urban areas, which is very important for increasing green spaces, which can help with the mental and physical health of local communities.

The powers are moving to Scottish ministers, but it is vital that the skills and the knowledge of Forestry Commission Scotland staff are maintained. The very nature of forestry involves long-term planning—many of our man-made ancient forests exist only because of the forward

thinking of our forebears. As the Greek proverb goes:

“A society grows great when old men”—

and women—

“plant trees whose shade they know they shall never sit in.”

This has been an excellent debate, started by the cabinet secretary, who stressed the importance of sustainable management in forests, with new commissioning and funding across the UK to expand timber supply. I, too, welcome the strategic timber fund. I am sure that the cabinet secretary will say a bit more about that in his winding-up speech. If I picked him up correctly, I understand that the plan is to transfer a further 700 acres to community ownership this year.

Edward Mountain made an excellent speech as the convener of the Rural Economy and Connectivity Committee. He talked, quite rightly, about keeping—and increasing—the skills of foresters; he also talked about having a long-term strategy with objectives that are reviewed. I also agree with his points about the need for more clarity on the definitions.

A common theme among members was the need to get the IT systems right. How many times in this Parliament have we touched on a new IT system that has failed? Let us get it right in this instance.

Peter Chapman made a number of points with which I agree. For example, an amendment to the bill about the cross-border work on tree health is vital, and a review of progress on planting expansion timescales must be reported to Parliament at an appropriate stage.

Rhoda Grant set the context of the devolution of the Forestry Commission. A common theme in the debate has been the creation of the important role of the chief forester, who will effectively fight the corner of foresters within the Scottish Government. As Rhoda Grant said, it is crucial to look at the socioeconomic role of forestry and the needs of local communities.

As always, Stewart Stevenson was entertaining. He talked about his time fighting the first world war—or maybe I misunderstood that. He certainly talked about the important role that timber played in the first world war. He made the interesting point that he counts as one and a half members within the SNP group—nobody in the Parliament has ever doubted his important role.

John Scott—quite rightly—raised the need for clarity on the definitions, particularly the definition of community bodies.

Overall, this has been a first-class debate. We know the big picture—the forestry industry needs stability to allow it to invest and to grow to ensure

that it thrives for future generations. It also needs knowledge. I restate my earlier point: although civil servants are specialists in what they do, it is important that the knowledge held by foresters within the commission is not lost. On behalf of the five trade unions that represent Forestry Commission Scotland, I would appreciate it if the cabinet secretary could assure me that the skills of the staff will be maintained and that the unions representing them will be fully engaged during the negotiations about all aspects of the staff transfer.

Labour's position is clear: we support the general principles of the bill. I urge all members to support it.

16:43

Jamie Greene (West Scotland) (Con): I welcome the opportunity to close the debate for my party. As a member of the Rural Economy and Connectivity Committee, and as an MSP who represents a region that contains valuable public forestry, especially on the Isle of Arran, I have a vested interest in getting a successful outcome for the bill. From listening to today's speeches, it is clear that there is still work to be done as the bill progresses through Parliament.

The committee recommendations include a number of pertinent points, including the need for the Scottish Government to provide clarity on how it will administer its forestry functions. Conservative members support the proposal to create the position of chief forester.

The committee also recommended that the bill should have an overarching aim, objective or mission statement. What should the bill seek to achieve? What long-term outcome should result from the reorganisation?

The committee recommended that the costs of rebranding be minimised where possible. It also suggested that the financial reporting and auditing functions that are available to Parliament in respect of the current bodies be carried forward to the new structure. Transparency must prevail, scrutiny must be forthcoming and accountability must not be diluted as a result of the integration.

My colleague Peter Chapman noted the importance of working with other parts of the UK to ensure the health of our trees. He also said that the wealth of expertise in the Forestry Commission should not be lost as the bill is implemented. David Stewart reiterated that point. I welcome the cabinet secretary's comment that cross-border co-operation will continue in a formal setting. Conservative members welcome the constructive approach that all Governments are taking to the issue.

Peter Chapman also made a pertinent point about our ability to meet planting targets, which have been missed every year since 2001. If we are to meet the targets, we must have an honest and frank debate about the planning process and the costs of planting.

In his speech, my colleague Finlay Carson highlighted two areas of concern about which many other members spoke: the lack of clarity in key definitions, and the expansion of compulsory purchase powers. I hope that the Government will take into account the constructive comments of the committee and individual members about the definitions, and I welcome the cabinet secretary's commitment to listen to the concerns about additional compulsory purchase powers. Rhoda Grant made an interesting point about scenarios in which compulsory purchase powers might be required, but our understanding is that the Government already has sufficient compulsory purchase powers, which we are happy to have rolled forward from the Forestry Act 1967. The ambiguities in, and concerns about, the provisions on purchase for sustainable development must be taken into account. By a majority, the committee agreed that no case has been made for additional powers, as Mike Rumbles said.

My colleague John Scott warned against Parliament producing poorly drafted legislation. I value his experience in scrutinising bills, and I agree with the sentiment of his speech. He thanked the Forestry Commission Scotland for its hard work to date: I am sure that all members would do the same.

To our huge surprise, Stewart Stevenson delivered a fascinating insight into the history of forestry in Scotland. We were also reminded of his previous ministerial importance in the matter—indeed, in any matter. We learned today that he is worth 1.5 normal MSPs. We are forever grateful for his enlightening—and inflated—presence in Parliament. [*Laughter.*] Mr Stevenson also made an interesting point about the structure of Holyrood committees. My experience of the committees in the Scottish Parliament has been overwhelmingly positive.

John Finnie made an interesting point about the needs of small businesses in the forestry sector, especially those that derive social benefit from Scotland's forests. He was seeking confirmation that grants to such bodies will be protected, so it was good to hear the cabinet secretary provide that confirmation.

My committee colleague Gail Ross talked about the huge amount of scrutiny that has been done of the bill at stage 1. I thank the many stakeholders who provided fascinating evidence, which is testament to the scrutiny that the Scottish Parliament is giving to a bill that will lead to the

disappearance of a well-respected body from Scotland's rural landscape.

It is unfortunate that the debate has not been entirely consensual. Another Rural Economy and Connectivity Committee colleague, John Mason, painted a quite unwarranted picture of the committee's make-up. His comments were uncharacteristic of him. To my knowledge, no member of the committee has a declared interest in forestry, and every member of the committee has approached the bill with nothing but good will and good intent. To suggest otherwise is quite churlish, so I hope that John Mason will reflect on his comments.

Colin Smyth made a valuable point about the creation of a new national park in the south of Scotland. The debate about that will no doubt continue outside the debate about the bill.

Angus MacDonald touched on the importance of deer management—a matter about which we have talked in great detail in Parliament. He made the point that as we create new woodland—it is right to do so—we might increase the deer population. That, too, is perhaps a debate for another day.

I ask the cabinet secretary to reflect on the following points. Let us address the definitions issue and produce a bill that is watertight and lacks ambiguity. Let us heed the majority recommendation to exclude compulsory purchase powers from the bill, and let us take on board the committee's suggestion about the position of chief forester.

Let us also remember that the Forestry Commission's success in Scotland to date has had much to do with its neutrality and its expertise, which we would hate to be lost as the changes are implemented. The Forestry Commission Scotland brand is a strong one, so I implore the cabinet secretary to ascertain whether the UK body will allow the brand to continue under licence in Scotland.

With billions of pounds of gross value at stake, and given the environmental and social benefits that Scotland's forests bring, it is vital that the concerns that have been expressed today be taken on board as we progress to stage 2.

16:50

Fergus Ewing: I have thoroughly enjoyed the debate, which has included excellent contributions by members from across the chamber, and has been largely consensual, as Jamie Greene just said.

Reference has been made to Stewart Stevenson's contribution. Roald Dahl wrote the series "Tales of the Unexpected": I often think that Mr Stevenson's speeches are the parliamentary

equivalent of those excellent fictional works. Today's episode—which was somewhat extended, I thought—concerned the Great Michael. I had thought that he might be taking the Michael, but it was just about the making of the Michael. There was a point in there, as always—the huge importance of forestry to Scotland throughout a number of centuries, and not just of late.

Before I go on to answer as many key points as possible, I want to say that I cannot answer them all, but I am committed to, and would like to take part in, bilateral meetings with representatives of each of the other parties, if they wish, in order to see whether we can make progress prior to stage 2. I find that to be a good way to work with colleagues, so my door is open to them to take up that offer quickly, if they wish to do so. I hope that stage 2 can be a collaborative exercise and that we will work together to improve the bill. I accept that there is scope for improvement, although the bill is substantially sound.

I will start with organisational structures, which Rhoda Grant and many other members raised. The new structures will preserve the current distinction between the Forestry Commission Scotland and Forest Enterprise Scotland. As Gail Ross pointed out, FCS will become a dedicated forestry division that will be responsible for grants, regulation, and support and development. Forest Enterprise Scotland, which is already an agency, will become forestry and land Scotland, which will be an executive agency of Scottish ministers, and will be responsible primarily for management of Scotland's national forest estate.

David Stewart and Rhoda Grant mentioned the importance of the staff, as did members in the Conservative ranks. They are absolutely right. One of my pleasures over the summer was to visit all the conservancies in Scotland with senior representatives of the Forestry Commission, including Scotland's forestry commissioner Jo O'Hara, who is here listening to the debate. That allowed me to see at first hand just how dedicated the staff are, and how they regard it as not just a job but a calling. I hope that I was able to provide assurance on and clarification of what we all want from the bill, which is greater accountability and transparency and greater focus on forestry than has been possible while accountability has been so diffuse.

In response to Mr Stewart and Ms Grant, in particular, I am happy to confirm that the staff's expertise will not be lost. The staff transfer to the Scottish Government will maintain the strong public sector role in forestry policy and delivery. We will minimise disruption to staff and we will help to ensure business continuity. I have had numerous lengthy meetings with trade union representatives, which have been extremely

productive. The "Cabinet Office Statement of Practice: Staff transfers in the Public Sector", which is known as COSOP, applies when staff are transferred between civil service departments. I mention it because it is important to stress how much we value the Forestry Commission and Forest Enterprise staff and the work that they do.

We need to increase the pace and scale of tree planting in order to meet our ambitious annual planting targets, towards which we are making good progress. In response to Mr Chapman—I am sorry, it might have been Mr Mountain—I say about the speed and protracted process to obtain permissions that we have addressed that by asking the former chief planner for Scotland, Jim Mackinnon, to look at the whole process because he is an expert in that area. He came up with 21 recommendations, which we have accepted and which will nearly all have been implemented by the end of this year. There has been substantial buy-in to the process that he set out. That progress has been welcomed. Stuart Goodall said:

"I am heartened to see pragmatic, workable proposals to ensure we finally achieve the tree planting rates necessary to deliver the sector's full potential".

In the past year, Scotland has been responsible for 70 per cent of new tree planting in the UK, so although it is fair to point out—as members have done—that we have not yet reached our target, I am confident that we will do so fairly soon. I know that because of the level of activity in nurseries, which have massively increased their stock with a view to achieving greater sales. Forestry is a long-term business in which people plan well ahead, and I know from my visits to Christie-Elite Nurseries Ltd and Alba Trees plc nurseries that they are planning for that future. We value their contribution thereanent.

Forest Enterprise Scotland is a very successful commercial organisation; in 2016, its income amounted to £85 million. As well as selling timber, it sells venison and receives a substantial income from renewable energy developments. The substantial income that it derives from the portfolio that it has built up enables it to supplement its commercial activities. *[Interruption.]*

The Deputy Presiding Officer: Excuse me, cabinet secretary. Could we have a bit of quiet in the Conservatives' part of the chamber, please? I ask everyone who is coming in to be aware that the debate is still going on.

Fergus Ewing: Thank you for resuming order, Presiding Officer—not that I had done anything to provoke disorder, but there we are.

We will certainly consider the compulsory purchase powers at stage 2. I am considering carefully the comments that we have received from stakeholders and what members have said

today. The point has been made by various members, including Angus MacDonald, that it is not necessary to use the power to prove that it is necessary—in other words, it is wrong to infer that, because the power has not been used since 1967, which is 50 years ago, it is not necessary. It is a backstop, so I caution that having a power of last resort can be valuable in bringing negotiations to a conclusion, even if the power is never used.

Mike Rumbles: Will the minister take an intervention?

Fergus Ewing: I am very sorry, but I do not think that I have time to do so. I would be happy to meet Mr Rumbles to have a lengthy discussion with him on the matter, if he so wishes.

Mike Rumbles: I look forward to that.

Peter Chapman: Good luck with that.

Fergus Ewing: I take on any task, no matter how challenging.

Edward Mountain: Will the cabinet secretary take an intervention from me?

Fergus Ewing: I think that I should be fair and act on the basis of equal opportunities: in other words, I will not take any interventions. I am very sorry—it is not personal. However, I would be happy to meet Mr Mountain. I am taking on many challenging tasks, Presiding Officer.

The IT system was mentioned. I stress that it needs to be replaced anyway. We have confirmed that the cost of doing that will not exceed the upper estimate in the financial memorandum. I will, of course, update members as soon as further information is available. In addition, rebranding costs will be kept to a minimum. That is the approach that I am taking, and I am delighted to hear that it is one that members support.

Definitions have occupied quite a lot of time in the debate. I do not doubt that they are important, but I point out to members that the phrase “sustainable development” is generally well understood and widely used in legislation. In fact, it was no less a figure than the then Lord President, Lord Gill, who said in his judgment in the case of *Pairc Crofters v the Scottish Ministers*:

“In my view, the expression sustainable development is in common parlance in matters relating to the use and development of land. It is an expression that would be readily understood by the legislators, the Ministers and the Land Court.”

Therefore, the difficulties are perhaps not as acute as some members have suggested, but I am happy to undertake to give the matter further consideration.

Many references have been made to timber transport on rural roads—David Stewart referred to it—and by sea. As John Finnie mentioned,

timber is taken by sea from a large number of places around the country, and that is a good thing. Rail freight, where there are opportunities for it, is an equally important matter to which we are paying close attention.

In conclusion, I say that David Stewart’s speech was excellent. In it, he set out the historic context of what we are doing. The Forestry Commission is 98 years old. Lord Lovat, who was from the Highlands, was its first chair. He was an extremely distinguished man in many ways, and is regarded as the father of the Forestry Commission. I know that because over the summer I read the history of the Forestry Commission in Scotland. That has just reminded me that I had better give that book back to Jo O’Hara. She should remind me to give her her book back, because I have finished it.

Forestry and Land Management (Scotland) Bill: Financial Resolution

17:00

The Presiding Officer (Ken Macintosh): The next item of business is consideration of motion S5M-07872, in the name of Derek Mackay, on the financial resolution on the Forestry and Land Management (Scotland) Bill.

Motion moved,

That the Parliament, for the purposes of any Act of the Scottish Parliament resulting from the Forestry and Land Management (Scotland) Bill, agrees to—

(a) any expenditure of a kind referred to in Rule 9.12.3(b) of the Parliament's Standing Orders arising in consequence of the Act, and

(b) any charge or payment in relation to which Rule 9.12.4 of the Standing Orders applies arising in consequence of the Act.—[*Derek Mackay*]

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

Business Motion

17:00

The Presiding Officer (Ken Macintosh): The next item of business is consideration of business motion S5M-08719, in the name of Joe FitzPatrick, on behalf of the Parliamentary Bureau, setting out a revised business programme for tomorrow and Thursday.

Motion moved,

That the Parliament agrees—

(a) to the following revisions to the programme of business for Wednesday 8 November 2017—

after

followed by Portfolio Questions
Rural Economy and Connectivity;
Environment, Climate Change and Land
Reform

insert

followed by Appointment of a Junior Scottish
Minister

delete

5.00 pm Decision Time

and insert

5.30 pm Decision Time

(b) to the following revision to the programme of business for Thursday 9 November 2017—

delete

2.30 pm Parliamentary Bureau Motions

2.30 pm Scottish Parliamentary Corporate Body
Questions

and insert

2.15 pm Parliamentary Bureau Motions

2.15 pm Scottish Parliamentary Corporate Body
Questions

(c) that, for the purposes of Scottish Parliamentary Corporate Body Questions on Thursday 9 November, the words "of up to 15 minutes" in Rule 13.9.3 are suspended.—[*Joe FitzPatrick*]

Motion agreed to.

Parliamentary Bureau Motion

17:01

The Presiding Officer (Ken Macintosh): The next item of business is consideration of Parliamentary Bureau motion S5M-08738, in the name of Joe FitzPatrick, on behalf of the Parliamentary Bureau, on committee membership.

Motion moved,

That the Parliament agrees that the following changes to committee membership apply from close of business on Tuesday 7 November 2017—

Emma Harper be appointed to replace Maree Todd as a member of the Finance and Constitution Committee;

Kate Forbes be appointed to replace Emma Harper as a member of the Standards, Procedures and Public Appointments Committee.[*Joe FitzPatrick*]

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

Decision Time

17:01

The Presiding Officer (Ken Macintosh): We come to decision time. The first question is, that motion S5M-08677, in the name of Fergus Ewing, on stage 1 of the Forestry and Land Management (Scotland) Bill, be agreed to.

Motion agreed to,

That the Parliament agrees to the general principles of the Forestry and Land Management (Scotland) Bill.

The Presiding Officer: The next question is, that motion S5M-07872, in the name of Derek Mackay, on the financial resolution on the Forestry and Land Management (Scotland) Bill, be agreed to.

Motion agreed to,

That the Parliament, for the purposes of any Act of the Scottish Parliament resulting from the Forestry and Land Management (Scotland) Bill, agrees to—

(a) any expenditure of a kind referred to in Rule 9.12.3(b) of the Parliament's Standing Orders arising in consequence of the Act, and

(b) any charge or payment in relation to which Rule 9.12.4 of the Standing Orders applies arising in consequence of the Act.

The Presiding Officer: The final question is, that motion S5M-08738, in the name of Joe FitzPatrick, on behalf of the Parliamentary Bureau, on committee membership, be agreed to.

Motion agreed to,

That the Parliament agrees that the following changes to committee membership apply from close of business on Tuesday 7 November 2017—

Emma Harper be appointed to replace Maree Todd as a member of the Finance and Constitution Committee;

Kate Forbes be appointed to replace Emma Harper as a member of the Standards, Procedures and Public Appointments Committee.

Respect for Shopworkers Week

The Deputy Presiding Officer (Christine Grahame): The next item of business is a members' business debate on motion S5M-07924, in the name of Daniel Johnson, on respect for shopworkers week, 13 to 19 November. The debate will be concluded without any question being put.

Motion debated,

That the Parliament notes that Respect for Shopworkers Week, which is organised by USDAW's Freedom From Fear campaign, runs from 13 to 19 November 2017; further notes that the week highlights the violence and abuse faced by shopworkers; recognises that the Retail Crime Survey, published in February 2017, concluded that "retail staff continue to suffer unacceptable levels of violence and abuse", rising by 40% since 2015-16; is concerned that alcohol sales and the legal requirement of the Challenge 25 scheme can often act as a trigger-point for the outbreak of violence or abuse against workers, and considers that the abuse experienced by simply doing their job is of continued distress to shopworkers; celebrates the week's vital role in raising awareness of the violence and abuse faced by shopworkers, and notes calls on both the Scottish and UK governments to act so that all public-facing workers can benefit from further protection from violence, abuse, and threats when at work.

17:03

Daniel Johnson (Edinburgh Southern) (Lab): I refer members to my entry in the register of members' interests. I am a director of and shareholder in a company with retail interests in Edinburgh city centre, and I am a member of the Union of Shop, Distributive and Allied Workers, which is the shopworkers union. That is not so much a declaration of interests as a statement of commitment—or even a call to arms. I think that retail is a hugely important industry, and I make no apologies for being an advocate for it.

Retail is the largest private sector employer in Scotland and is worth around 10 per cent of the economy. I would go so far as to say that it is the very interface of the economy: it is where people take their hard-earned pounds and exchange them, and that money flows around the economy again. However, the retail industry is all too often dismissed as an industry of low pay and low skill. That does not do it justice at all. For me, retail is about work, and that work is about people. It is not just about selling stuff; it is about people providing goods and services, and providing a point of contact.

More important, retail work is often people's first job. I am sure that I am not the only member who was introduced to the world of work by working in retail. Increasingly, it is also becoming a job that people take in retirement, so it is people's first job and their last job. Above all else, the retail industry provides opportunity. It is one of the last remaining

industries where people can genuinely start on the shop floor and work their way to the top.

For all those positives, however, there are also some serious issues that concern the world of retail. I know from personal experience that confronting people is stressful. When I was a shopkeeper, one of the most difficult things was having to eject from my shop people whom we suspected of shoplifting. There was that moment when my heart was pounding and I was unsure of what I was going to say and what the person would do—what they would say to me and what they might do to me when I asked them to leave. Nothing ever happened, but I always felt that it was important that I took that on in order to protect my staff.

For too many people who work in retail, that is exactly the sort of situation that results in abuse and violence. The shopworkers union USDAW estimates that, across the UK, about half of our shopworkers regularly receive verbal abuse, about 6,000 retail workers are abused each week and 200 are assaulted each day. Those numbers are backed up by the employers organisations. The Scottish Grocers Federation estimates that about a third of its convenience store staff regularly suffer violence, and the British Retail Consortium estimates that retail crime has increased by 40 per cent in the past year.

There are real human impacts. Those situations lead to stress for the workers involved, which leads to depression, mental health issues and some people being unable to work. It is fundamental to the nature of retail work that shopworkers are exposed to the public. They have no option but to keep putting themselves in the same position, where they are exposed to risk. Other people might encounter an incident as they walk down the street or through the park, but they can avoid situations and certain places. If such incidents happen in people's place of work, they have no option but to keep going back to the place where they have experienced those issues and incidents.

That is why USDAW's respect week and freedom from fear campaign are so important. They allow us to show the consensus between trade unions and industry, but fundamentally they are about the real human cost of violence and abuse in the retail environment. Ultimately, violence and abuse at work are unacceptable. It does not matter where or in what context people work. Whether they work in an office or in a shop, violence and abuse should never be just part of the job.

What needs to happen? First, we need a change in culture. It is part of a pattern where, all too often, people see denial of sale or denial of service as something that they can respond to with

abuse. They think that someone who is wearing a work uniform or a name badge is no longer a human being but is someone whom they can direct their anger and rage at. We have to call an end to that behaviour.

We must call on retailers to play their part. There must be zero tolerance of such incidents and behaviour in the working environment. Retailers must have adequate security and invest in protection, and they must afford staff the training that they need in order to deal with such situations. I note that most retailers take those duties seriously.

We must also call on the police and procurators fiscal to make sure that such crimes are treated as a priority and that they result in prosecution. One of the other startling statistics that USDAW has provided is that 32 per cent of shopworkers who suffer from abuse and violence are simply not reporting it. The incidents have become normalised and just part of what they have to deal with.

That brings me to us in the Parliament. We must challenge whether the law is working to protect retail workers from these unacceptable incidents. That is why I am pleased that, in the coming weeks, I will bring forward a consultation on a proposal for a bill on the matter. It is clear to me that there is a growing problem, that such incidents are escalating and that the law and the way it is enforced are simply not working for too many people who work in retail. I will seek to consult on how we can provide adequate legal protection, make sure that retail workers do not have to suffer from violence and make it very clear that such incidents are unacceptable and, in fact, unlawful.

We also need to consider why incidents occur, looking at the trigger points and the things that cause such situations to arise, which are partly around shopworkers' legal obligations. Challenge 25 is an obligation on individual workers, not their employers. It is the individual workers who are required to uphold the law on proof of identification and proof of age, and it is the individual workers who will be prosecuted if they fail to do so. We are asking people to uphold the law—workers are legally obliged to do so—but in a way that often causes conflict and leads to situations that cause abuse and violence. My bill will seek to provide a clear line, so that it would be unlawful to impede someone who is upholding the challenge 25 principle, thereby breaking that chain of events and providing a clear and early threshold at which a crime has been committed.

I ask all members taking part in today's debate to take seriously the issues of violence against retail workers and abuse of retail workers. I call on them to look at my consultation and I ask for their

support and input. Above all else, I ask members to support both USDAW's freedom from fear campaign and respect for shopworkers week, which is coming up next week.

17:10

Stewart Stevenson (Banffshire and Buchan Coast) (SNP): I thank Daniel Johnson for the opportunity to discuss this subject tonight. He has referred to the bill that he proposes to introduce, and a members' debate is often a useful way of introducing the subject of a prospective member's bill to Parliament and to ramp up discussion about it. I shall look with interest at the proposals that he seeks to introduce. I certainly support the principles that he has described, although I do not yet know whether I will ultimately be able to support the detailed implementation of his bill.

That is noises off; what is important and central to the debate is those who are on the front line of retail, who meet the public in all their diverse forms, from the old man—the regular—who goes to the convenience shop on the corner and builds a personal relationship with the shop staff at one end of the spectrum to those who cause serious incidents at the other.

This morning, as I travelled to Edinburgh by train, I read in the *Metro* a timely but unfortunate article about a shopworker who was attacked on Sunday in East Ayrshire and who is now, the paper reports, critically ill in hospital. That illustrates precisely the problems that Daniel Johnson asks us to engage with today, and which USDAW is making a more general point about on behalf of all retail workers. In the most stark way, that story illustrates the nature of the problem. It is too common and it has to be dealt with. We will assess whether legal protections of the nature of those that are to be proposed will help.

Respect for shopworkers week is an easy and proper thing to support. Without retail, we would be impoverished in many ways. It is important as one of our biggest industries, but it is also a personal industry that delivers to us. Too often, the police are called to incidents that happen in shops, particularly in relatively small shops. In larger shops, it is perhaps easier for those who are of ill intent to be observed, and they know it, so it is the little corner shop that is open at 10 o'clock at night or at 6 o'clock in the morning that is most commonly on the front line.

USDAW forms an important backstop to support people who have been subjected to unacceptable behaviour, and shopworkers deserve our support for what they do. It is not part of the job spec of someone who stands behind a counter that they should take whatever comes in their direction. They should have respect from all those who visit

shops, and good citizens should look out for shopworkers and should be part of a society that protects them from those who do not show the right attitude. I certainly hope that the person who was attacked in East Ayrshire recovers and is able to resume her work, if she wishes to do so.

There are many parts of society where people face the public in all its multifarious forms. Shopworkers are important. On another occasion, we might think about others who have to engage with the public in sometimes difficult circumstances.

I am happy to support the motion.

17:15

Alexander Stewart (Mid Scotland and Fife) (Con): I am grateful for the opportunity to deliver a speech in the debate. I pay tribute to Daniel Johnson and congratulate him on bringing this members' business debate to the chamber.

Retail is the lifeblood of our economy and gives opportunities and service to individuals and organisations across our economy. As we have heard, next week the Union of Shop, Distributive and Allied Workers will launch its annual respect for shopworkers week. This year, the theme will be "Keep your cool". We should all consider doing that, whatever job we are in.

On-going research continues to reveal that another shopworker is verbally abused, threatened with violence or physically attacked every minute of the working day. That cannot continue. We must do all that we can to stamp out that vile behaviour. The retail crime survey, which was published in February, showed that staff continue to be abused and indicated an increase of around 40 per cent in such abuse since 2015-16.

We can easily point to alcohol sales as the catalyst for many of those incidents. There is an element of that, but it is not everything. Identifying individuals who wish to purchase alcohol can sometimes cause difficulty, and shopworkers and managers have to deal with challenge 25. However, in my lengthy retail experience, such abusive behaviour is not an attribute merely of grocery or the off-trade; any individual who faces the public and customers can be abused.

We must also think of the dramatic consumer programmes that sometimes give us the wrong impression by showing customers at airports, at motor traders or in high streets shouting and abusing individuals on camera. In the main, such programmes exist to educate but, at times, they give the wrong impression that shopworkers are easy prey and individuals can take such opportunities. That is totally and utterly unacceptable.

Many employers exploit individuals who work in shops. That must be considered. Some business owners often have their staff working lengthy hours without the cover and breaks that they require, and some individuals feel unable to stand up and challenge their working situation because they may be dismissed or replaced. That, too, is not acceptable.

After finishing university, I had the opportunity to work my way through the ranks in retail. Having been a shopworker, I became a management trainee, moved on to being a store manager and then had my own shop. I have also been in different elements of the sector.

It is vital that we examine all that we do to ensure that staff are given good opportunities to develop their skills. However, it is also important that we understand that some shop proprietors think that the best way to train their staff is to let individuals work on the shop floor and witness what happens. They allow that to take place because they see it as some sort of experience, although I find that difficult to assimilate, because it is wrong.

I successfully ran my own retail business and I know that getting the best from staff and customers alike is only possible by employing the highest levels of courtesy, respect and transparency at all times. My motto was always that we should treat people as we would wish to be treated ourselves. That is important.

Some people do not find it easy to stand up to being abused or compromised, but it is important that they do stand up when they feel that that has happened. USDAW's annual campaign gives us the opportunity to highlight not only the successes that there have been but the worries and concerns that individuals face. We must stand up and protect workers. The laws that we pass must do that, and they should inform people that we must treat shopworkers with the respect that they deserve.

Support, respect and tolerance must be our watchwords. We should do all that we can to protect and assist workers and ensure that any worker, regardless of the sector in which they work, is treated with dignity and respect.

17:20

Jackie Baillie (Dumbarton) (Lab): I declare an interest in that I am a proud member of USDAW, the shopworkers' union.

I thank my colleague Daniel Johnson for bringing the debate to the chamber, and I pay tribute to USDAW for its continued campaigning for shopworkers' rights—although I am

disappointed that there is still a need for this type of debate in Scotland today.

The motion recognises USDAW's freedom from fear campaign and, specifically, respect for shopworkers week, which begins on Monday. I am sure that all members across the chamber will agree that the campaign is important, because it affects all the shopworkers whom we meet in our high streets and our supermarkets—people who provide a service to our constituents as well. With the retail crime survey showing that shopworkers face increasing levels of violence, all members should get behind and support the campaign.

The freedom from fear campaign seeks to prevent violence, threats and abuse against workers. Abuse should not be part of a shopworker's job; they should not have to face the possibility of being threatened when they go to work. Nevertheless, for too many shopworkers abuse is part of their everyday working life. They face regular threats and abusive behaviour from customers, and it is simply not good enough. Abuse should not be any part of their job. Let us remember that as we approach black Friday and the busy Christmas shopping period.

Kezia Dugdale (Lothian) (Lab): I recognise the work that Daniel Johnson is doing on the issue. Does Jackie Baillie recognise that some shopworkers face additional fear and alarm because of the late nights that they have to work, often without public transport to get them home and often taking buses and other forms of transport on which they may be faced with people who are drunk or out of order? That is a focus of the freedom from fear campaign as well.

Jackie Baillie: I absolutely recognise that. Abuse takes place not just in the shop but in the wider community. We need to challenge that culture, and Kezia Dugdale is absolutely right to raise the issue.

As a result of USDAW's campaign, many employers have reviewed security measures in and around their shops and have carried out staff training. That is a welcome step forward, but the campaign requires more than can be done by trade unions alone, which is exactly Kezia Dugdale's point. The campaign must be about issues such as neighbourhood policing, underage sales and additional legal protection for workers, and tackling those issues requires political intervention.

I am pleased to say that the previous United Kingdom Labour Government and the Scottish Government did a great deal to tackle such behaviour both here and across the UK, but we need to do more. We have extra police officers, but not all of them are on our streets. We have seen a reduction in crime overall, but, according to

the retail crime survey, the abuse of shopworkers has increased by a staggering 40 per cent.

I am proud that successive Labour politicians—Hugh Henry and Daniel Johnson—have tried to make the workplace safer. When Hugh Henry introduced the Protection of Workers (Scotland) Bill, he received support from major supermarket chains such as the Co-operative, Morrisons and Asda. They called on the Parliament to take action to protect their employees. However, as that bill did not progress, the current law is still not strong enough.

The retail crime survey shows that one of the major trigger points for abuse or violence against staff is alcohol sales. In fact, 41 per cent of shop staff experience abuse at least once a week when asking for proof of age. That is simply not acceptable. Shopworkers should not be threatened or abused for simply adhering to the law. Challenge 25 imposes a duty on retail workers to ask for proof of age from anyone who looks under 25 when they are purchasing items that require the buyer to be over 18. Presiding Officer, it is a long time since we have had our proof of age required, but I look forward to that happening in the future. [*Laughter.*]

Daniel Johnson's bill would make it illegal to obstruct or hinder a retail worker when they are carrying out their legal duties. Those are legal duties that we, as politicians, have placed on workers; it is up to us to protect them from threatening behaviour when they are implementing the law. I urge all members to get involved in USDAW's freedom from fear campaign in their local shops and in the supermarkets in their local communities. Above all, I urge them to support Daniel Johnson's bill to give shopworkers the protection at work that they deserve.

The Deputy Presiding Officer: Thank you, Ms Baillie. I am glad that you alluded to yourself as well in that age-specific comment.

17:24

Jamie Halcro Johnston (Highlands and Islands) (Con): I congratulate Daniel Johnson on securing the debate. It is a timely discussion of an important issue given the fact that, as other members have mentioned, black Friday and Christmas are fast approaching.

It is regrettable that, too often, shopworkers join other front-line staff in not being afforded the respect that everyone deserves while seeking to make a living, provide a service and contribute to society. We have seen that in the past few days in the bonfire night issues that have been faced by our emergency services. Most shopworkers work long hours, often not for the highest wages. For many young people, it is their first taste of the job

market, yet, on occasion, they have to deal with difficult and abusive customers or even threats of violence.

In the Highlands and Islands, there are a large number of small, independent businesses. Shopworkers in many of those businesses act not only as a customer service representative but as a security guard, doorkeeper and complaints handler in addition to organising many of the backroom activities of the business.

While acknowledging the most overt problems that shopworkers confront, we should also consider the deeper issues. Workplace stress and the physical side of the job come to mind, but, in some cases, inadequate training and skills development continues to constrain staff. We also place additional expectations on shopworkers. For example, we expect them to watch for shoplifters and to take responsibility for checking dates of birth for age-related purchases—I make no further comment on that issue, Presiding Officer. However, those additional responsibilities often do not come with additional benefits. Instead, they can create disadvantages, and shopworkers can find themselves in situations that are a catalyst for confrontation or in roles that they are thrust into without sufficient training.

We may frequently use the term “difficult customer”—many of us may, at one time or another, have fitted that description. However, how often have we stopped to think about the person whom we are being difficult with? That person may have their own problems—with health, relationships or money—but they are expected to stand and accept everything, not just from that one difficult customer but from many customers day in, day out. Why should shopworkers and other service economy workers put up with sarcasm, rudeness and inappropriate comments? Some people will never be happy, but they would not dream of being so rude to workers in other sectors. Often, that lack of respect can be aimed at the workers and owners of small enterprises such as businesses that are open all hours, providing a vital community service.

I dare say that a particularly obnoxious customer will be told by a business owner not to come back. However, in the vast majority of businesses, workers do not have that luxury and must bite their tongue and suffer in silence, often believing the maxim that the customer is always right. Employers are slowly changing, though, and I see more and more signs indicating that any abuse of staff will not be tolerated. Nevertheless, we need more than signs. There remain far too many cases of staff feeling that it is a waste of time to complain about the way that a customer has treated them because the employer may

believe that it was the staff member’s attitude that caused the customer’s reaction.

We all know the value of well-trained, motivated staff, but many employers need to do more to support their staff, not only because it is the right thing to do but because it is the economically sensible thing to do. Staff who feel that they are valued and have the support of their employer in dealing with their workplace needs, such as freedom from abuse, will repay that support.

17:28

Neil Findlay (Lothian) (Lab): I thank Daniel Johnson for bringing this important debate to the chamber, and I thank the trade union USDAW for its dogged campaigning on the issue. I also thank other trade unions, such as Unite, Unison, GMB and the rail unions, for all the work that they have done to highlight the issue of violence, abuse, intimidation and threats against shop staff, delivery staff, transport workers, banking and finance workers and all other workers who, day in, day out, serve us in shops, on public counters, on buses, trains and planes and in other places where business transactions take place.

My sister works as a stewardess with British Airways, and I regularly hear stories about the way that the airline’s customers treat the staff. What the staff sometimes have to go through is horrifying.

Retail is a big employer in my region and is often a gateway into the world of work, particularly for young people. All too often, young people are on very low or zero-hours contracts. They can be subject to exploitative workplace practices and—seeing as this is living wage week—are often on very low pay. Increasingly, many of them are put in dangerous situations, whether in fast-food outlets late at night, in bookies shops or through working as delivery drivers, bar workers or in corner shops. Those places leave people really vulnerable.

Small local shops are particularly vulnerable. Two years ago, my local shopkeeper, Mr Akbar Ali, who is a friend of mine, became a YouTube sensation after using a plastic chair to fight off a knife-wielding man who tried to steal his till. Although Mr Ali, totally against his character, came to national prominence in the media, he could easily have ended up dead as a victim of knife crime.

No worker, whether they be a police officer, firefighter, prison officer, fast-food worker, delivery driver or someone who works in a call centre or a local corner shop, should be expected to face violence, abuse, intimidation or attack at work. No worker, irrespective of their job, should expect

that, which is why we must continue campaigning as we are doing today.

I thank Daniel Johnson and USDAW for again bringing the freedom from fear campaign to the Parliament, and I urge all the trade unions to continue their campaign on these important issues. We will have satisfaction only when we do not have to bring the debate to the Parliament every single year, because that is when we will know that we have made progress on the issue.

17:31

The Minister for Employability and Training (Jamie Hepburn): I join other members in thanking Daniel Johnson for bringing the debate to Parliament. I have not seen the article that Stewart Stevenson mentioned was in today's *Metro* newspaper, but I am sure that we all join him in wishing the person who was highlighted in the article the very best.

I agree with the sentiments that everyone has expressed in the debate that it is important that we mark respect for shopworkers week. We all have constituents who work in the sector. Respect for shopworkers week takes place next week and, as Neil Findlay correctly pointed out, this week is living wage week. It is important that we reflect on that in the debate, even perhaps only in passing, because a fundamental part of respecting our shopworkers is ensuring that they are adequately remunerated for work, and that they get a fair day's pay for a fair day's work. In that regard, I was delighted a short while ago to visit an employer that Daniel Johnson is well aware of—Paper Tiger, which is one of the 1,000 accredited living-wage employers across the country.

Neil Findlay: In the run-up to living wage week, I wrote to all the major employers in Livingston shopping centre, encouraging them to pay the living wage. Just yesterday, I was pleased to find that Asda and Marks & Spencer have been the first to write back to me confirming that they pay the living wage. I think that we would all welcome that, but I was surprised and disappointed to find that both companies said that they are not seeking accreditation. Has the minister had discussions with those companies, and can he shed light on why companies that pay the living wage do not want to be accredited for it?

Jamie Hepburn: I cannot comment specifically on why those companies might want not to be accredited, but I can say that they would not be eligible to be accredited under the terms of the Scottish living wage accreditation initiative, which the Living Wage Foundation has set up, because organisations have to be Scotland-specific employers, such as Paper Tiger, in order to be accredited. I do not want to stray too far from the

bounds of my knowledge of the UK-wide initiative, but I think that those companies would have to seek accreditation directly with the Living Wage Foundation in London. [*Interruption.*] I am unclear about why Mr Findlay is concerned by my answers, because I absolutely agree with him that it is incumbent on all of us in Parliament to encourage people to seek living wage accreditation, whether it is done through the Scottish living wage initiative or the UK initiative.

Neil Findlay: I am not raising any points of contention with what the minister said. I am saying that it appears that they are not seeking accreditation from anyone. Could the Scottish Government have discussions with big employers such as those to encourage them to get accredited?

Jamie Hepburn: I will always be willing, in my ministerial capacity or in my capacity as an accredited living wage employer in my role as a member of the Scottish Parliament, to engage in dialogue or discussion with an employer of any size, whether they are eligible for accreditation through the Scotland-specific scheme or the UK-wide scheme.

I fear that I have probably strayed a little far from the terms of the debate.

The Deputy Presiding Officer: That was an important intervention, but in fairness to Mr Johnson, I would like you to address the issues that he raised in the motion.

Jamie Hepburn: I would like to do so as well, but I was trying to place the debate in the context that an important part of respect for shopworkers is ensuring that they are properly paid.

We have—rightly—heard that violence against shopworkers is never acceptable, so we should send out the strongest possible signal from Parliament that, as a society, we will not tolerate such behaviour, which is why it is important that we have this debate.

Our police, courts and prosecutors already have a range of extensive powers to protect workers and to deter individuals from perpetrating criminal behaviour against people who work in the retail sector. We all have that protection under the common law of assault, which provides legal protection to everyone in our society as they go about their daily lives, including in the workplace.

We know from the official figures, including for the retail sector, that the long-term trend in recorded crime has been on a downward trajectory. However, I recognise that the UK-wide survey that Daniel Johnson outlined and the Scottish Grocers Federation survey—I think that Jackie Baillie referred to the retail crime survey, but meant the Scottish Grocers Federation survey,

which is Scotland specific—had similar findings, which are very concerning. I wonder whether there is a bit of a disconnect, because we can see the problem that Daniel Johnson identified, which is that a number of people who have had such crimes perpetrated against them are reluctant to report them. Again, it is very important that we send out a message that anyone who has a crime perpetrated against them, including in the workplace, should report that to the police for investigation and, we hope, for prosecution.

Daniel Johnson: The minister made a fair point that there is something to investigate in the disconnect between reported recorded crime and the experience that is reported in the surveys, but as he will know, the Scottish Government stopped recording retail crime figures separately from other crimes in 2008. Will he consider reinstating separate recording of those statistics?

Jamie Hepburn: That was a useful intervention, because we are doing that. Questions on retail crime have been included in the Scottish crime and justice survey since 2016-17 in order to provide updated statistics on the subject. The results for 2016-17 will be published early next year. I agree that it is important that we ask for that type of information, which we are now doing. I hope that that reassures Mr Johnson.

On the specific issue of the challenge 25 scheme, I did not detect from members any sense that challenge 25 is the wrong thing to do. We all agree that it is an effective mechanism by which we can tackle underage drinking and that it is right that we have that in law. In particular, that is because we know that a significant proportion of violence is drink-fuelled, although not all of it is, as Mr Stewart was quite right to place on the record.

The first thing that I point out is that we already have in place the legal framework. No one should be impeded by any individual in any way as they go about their legal responsibilities, including in relation to the initiative that we are discussing. The mechanisms are in place. That said, I am interested to see—I say “see” not “learn”, because I think that he had already flagged it up—that Mr Johnson intends to introduce a member’s bill. We will consider it in detail. The request that the Government should do more is well made: we are always willing to do more. However, we will have to assess the efficacy of the proposition. I have made the point that the legal framework is already in place, but if more can be done in terms of the law, we will consider that.

In the context of the debate, respect for shopkeepers is of the utmost importance. No individual in Scottish society should have to face abuse or violence in any context, least of all in the workplace. We will always be willing to do what we can to respond to such incidents. We—not only

the Government, but Parliament—should send the clearest and strongest possible message that Scotland will not tolerate such behaviour.

Meeting closed at 17:40.

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