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Thursday 22 December 2022

CONTENTS

	Col.
PRESIDING OFFICER'S RULINGS	1
GENERAL QUESTION TIME	2
Road Network	2
Games Industry (Support)	4
Food and Energy Security (Solar Arrays)	5
Autism Spectrum (Employment Gap)	6
Energy Bills Support Scheme (Payment Delays)	7
Colleges (Governance)	8
Ferries (Working Life)	9
FIRST MINISTER'S QUESTION TIME	11
Gender Recognition Reform (Scotland) Bill	11
NHS Staff (Pay and Conditions)	16
Biological Diversity	19
Energy Strategy (Solar Power)	21
Deposit Return Scheme	22
Temporary Accommodation (Use of Hotels)	23
Cost of Living Crisis (Scottish Government Powers)	25
Professor Eljamel (Full Independent Inquiry)	26
YAG Laser Capsulotomy Treatment (Waiting Times)	26
Rail Dispute	27
Gender Recognition Reform (Scotland) Bill	28
POINT OF ORDER	29
GENDER RECOGNITION REFORM (SCOTLAND) BILL	31
<i>Motion moved—[Shona Robison]—and agreed to.</i>	
The Cabinet Secretary for Social Justice, Housing and Local Government (Shona Robison)	31
Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con)	36
Pam Duncan-Glancy (Glasgow) (Lab)	40
Alex Cole-Hamilton (Edinburgh Western) (LD)	42
Joe FitzPatrick (Dundee City West) (SNP)	44
Brian Whittle (South Scotland) (Con)	47
Karen Adam (Banffshire and Buchan Coast) (SNP)	48
Paul O'Kane (West Scotland) (Lab)	50
Pam Gosal (West Scotland) (Con)	53
Maggie Chapman (North East Scotland) (Green)	54
Michelle Thomson (Falkirk East) (SNP)	57
Daniel Johnson (Edinburgh Southern) (Lab)	58
Tess White (North East Scotland) (Con)	61
Emma Roddick (Highlands and Islands) (SNP)	62
Jamie Greene (West Scotland) (Con)	65
Jackie Baillie (Dumbarton) (Lab)	66
Russell Findlay (West Scotland) (Con)	68
Shona Robison	71
BUSINESS MOTION	77
<i>Motion moved—[George Adam].</i>	
<i>Amendment moved—[Alexander Burnett].</i>	
<i>Amendment moved—[Neil Bibby].</i>	
Alexander Burnett (Aberdeenshire West) (Con)	77
Neil Bibby (West Scotland) (Lab)	77
The Minister for Parliamentary Business (George Adam)	78
PORTFOLIO QUESTION TIME	86
RURAL AFFAIRS AND ISLANDS	86
Highly Protected Marine Areas (Impact on Fishing)	86
Food and Drink Sector (Impact of Brexit)	88
Seed Potato Sector (Impact of European Union Withdrawal Agreement)	89

Avian Influenza	91
European Union Replacement Funding	93
POINT OF ORDER	95
HEALTH AND SOCIAL CARE	95
General Practice (Grampian Local Medical Committee)	96
General Practitioners (Estimated Shortage)	99
Air Pollution (Impact on Mental Health)	102
“Ask Them About Suicide”	103
Forth Valley Royal Hospital	105
Social Care Workers (Support)	106
North-east Hub Health and Care Centre	107
SOCIAL JUSTICE, HOUSING AND LOCAL GOVERNMENT	108
“The Cost of a Child in Scotland in 2022—update”	109
Domestic Abuse Services (Guidance)	109
Short-term Let Accommodation (Licensing)	112
Community Housing Associations	114
Local Government (Jobs and Services)	115
Children and Young People in Poverty (Support)	116
Families Experiencing Poverty (Support for Life-sustaining Equipment)	117
CLIMATE CHANGE COMMITTEE REPORTS	120
<i>Statement—[Michael Matheson].</i>	
The Cabinet Secretary for Net Zero, Energy and Transport (Michael Matheson)	120
DECISION TIME	133
MATERNITY SERVICES IN MORAY	134
<i>Motion debated—[Douglas Ross].</i>	
Douglas Ross (Highlands and Islands) (Con)	134
Karen Adam (Banffshire and Buchan Coast) (SNP)	138
Edward Mountain (Highlands and Islands) (Con)	140
Rhoda Grant (Highlands and Islands) (Lab)	142
Finlay Carson (Galloway and West Dumfries) (Con)	143
Carol Mochan (South Scotland) (Lab)	145
The Cabinet Secretary for Health and Social Care (Humza Yousaf)	146

Scottish Parliament

Thursday 22 December 2022

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

Presiding Officer's Rulings

The Presiding Officer (Alison Johnstone): Good morning. The first item of business is general questions, but before I move to question 1, I will, as I indicated, respond to Douglas Ross's point in relation to points that he made about the public gallery being cleared for a time during proceedings on Tuesday evening.

I have looked into the matter and understand that the chamber was suspended when the points were made. As a consequence, the chamber system was not live while Douglas Ross was making his points. Consequently, there is no recording of his comments and we are unable to replicate them in the *Official Report*. However, his subsequent points of order are, of course, a matter of record, as will be my response. Members will be aware that the public gallery was reopened following the resumption of business.

I will also, as I indicated, respond to Alexander Burnett's point in relation to the distribution of vote results. I have looked into the matter and can advise members that vote results during stage 3 were circulated in accordance with long-standing practice, including being made available to the media during proceedings. However, I have listened to the point that Mr Burnett made and will review the practice for future stage 3 proceedings. We will discuss that with business managers.

General Question Time

11:41

The Presiding Officer (Alison Johnstone): We now move to general questions.

Road Network

1. Rhoda Grant (Highlands and Islands) (Lab): To ask the Scottish Government whether it will provide an update on what it is doing to improve and maintain the road network in Scotland. (S6O-01732)

The Minister for Transport (Jenny Gilruth): The Scottish Government continues to invest in the motorway and trunk road network. Our future investment priorities are set out in the recently published second strategic transport projects review and focus on improving safety, climate change adaptation and resilience on the road network.

Scotland's 32 local authorities are responsible for the operation and maintenance of their respective local road networks.

Rhoda Grant: As the minister said, local authorities are responsible for their road networks, but it was recently reported that Highland Council might slash its road maintenance budget by more than half, from £20 million to £9 million, next year. If that goes ahead, the amount will be completely inadequate, especially given that Highland Council manages the largest road network in Scotland. Those roads are considered to be some of the worst in Scotland, so will the Scottish Government intervene and ensure that roads that are a lifeline in remote areas are adequately maintained in the Highland Council area?

Jenny Gilruth: As Rhoda Grant will be aware, I cannot, as a Scottish minister, intervene in relation to local roads. Local authorities have a duty under the Roads (Scotland) Act 1984 to maintain local roads in their area. Their duties, which are specified in the Road Traffic Regulation Act 1984, include a duty

"to secure the expeditious, convenient and safe movement of ... traffic".

Neither the Scottish ministers nor the Scottish Government can become directly involved in the day-to-day duties in that respect.

As I alluded to in my initial response to Ms Grant, the vast majority of funding that flows to local authorities from the Scottish Government is provided via the block grant. We do not stipulate how local authorities should use their allocations, so it is the responsibility of each local authority, including Highland Council, to manage its own budget and allocate the financial resources that

are available to it on the basis of local needs and priorities—having first, of course, fully fulfilled its statutory obligations and the jointly agreed and set out national and local priorities.

Jackie Dunbar (Aberdeen Donside) (SNP): It was recently announced that the Scottish Government intends to invest approximately £5 million in additional road safety measures for the A9 between now and 2025. What does the Government anticipate that it will achieve through that welcome investment?

Jenny Gilruth: There have been a number of fatalities on the A9 recently. Every one of those deaths—any death on Scotland’s roads—is one too many. Having spoken with Police Scotland and officials on a number of occasions about safety performance on the road in recent months, I know that there is a wide range of underlying reasons for the accidents that have occurred and that a combination of engineering and enforcement will be needed to influence driver behaviour.

In light of the recent poor safety performance on the A9, I commissioned Transport Scotland to develop a series of short-term measures that could be used to improve safety on the A9 in advance of its dualling. Those measures, whose funding totals £5 million, were announced last week.

The recently announced road safety investment is made up of a series of targeted improvements that include lining, signing and actions at key junctions on the A9. That will also improve driver information for single carriageways and involve road safety awareness campaigns, which will initially be on fatigue and awareness about driving on the left. I am also undertaking work with car hire companies, particularly in relation to foreign drivers, who might not be familiar with the road.

Such measures are expected to help to address the causes of the tragic accidents that have occurred on the A9 this year.

The Presiding Officer: Thank you. I will require more succinct responses, minister.

Graham Simpson (Central Scotland) (Con): Will the minister accept that it is underfunding of Scotland’s councils that is leading to the deteriorating road network?

Jenny Gilruth: I do not accept Mr Simpson’s assertion. We have had questions today about local roads, which are the responsibility of local authorities. I invite Mr Simpson to critique his own party’s record in recent months in relation to financial responsibility. His party’s recklessness has caused serious concern for this Government about our ability—[*Interruption.*]

The Presiding Officer: Let us hear the minister.

Jenny Gilruth: —to provide a reliable and informed service to our local authority partners, who are of course responsible for local roads.

Games Industry (Support)

2. **Michelle Thomson (Falkirk East) (SNP):** To ask the Scottish Government what consideration it has given to supporting the gaming industry in Scotland during the cost of living crisis. (S6O-01733)

The Cabinet Secretary for the Constitution, External Affairs and Culture (Angus Robertson): The current climate is extremely difficult for all businesses, but the Scottish Government is actively working to support the gaming sector. We want to build on the recent success of Scottish games week by working with the sector to leverage the best support from the opportunities and assets that are available, such as our national tech scaler network, which is a £42 million investment that will widen access to entrepreneurial opportunities and support founders, including those in the gaming industry.

Michelle Thomson: The cabinet secretary will be aware that, since 2014 and until 2021, which the most recent survey data covers, global surveys have suggested that the number of women who are employed each year in gaming industries is low. The peak, which was in 2021, is only 30 per cent. Given the importance of the sector and of women to our economy, will the cabinet secretary consider reviewing and monitoring regularly the gender divide in the gaming sector in Scotland?

Angus Robertson: Michelle Thomson raises an extremely important aspect of the gaming sector’s success and is reflecting on its room to grow—I think that we are all in favour of a growing part of that sector coming from the female workforce. It is fair to say that the Scottish Government and everyone with an interest in building up and boosting Scotland’s games sector is keenly aware of the existing gender imbalance; I note that that imbalance exists across the digital economy more widely and is, sadly, not unique to gaming.

A recent paper entitled “Scotland’s Games Ecosystem—The State of Play: challenges and opportunities”, which was written by academics from the University of Glasgow and the University of Stirling in collaboration with the Scottish Games Network and InGAME, makes similar points in calling for the collection and publication of metrics that will evidence progress towards an open and inclusive games sector in Scotland. I commit to Michelle Thomson that I will pay close attention to that.

Food and Energy Security (Solar Arrays)

3. Graeme Dey (Angus South) (SNP): To ask the Scottish Government how it will seek to achieve a balance between food and energy security, in relation to permitting the use of productive agricultural land for the deployment of large-scale solar arrays. (S6O-01734)

The Minister for Public Finance, Planning and Community Wealth (Tom Arthur): Our land and the natural capital that it supports are one of our most valuable assets and are critical to our ambitions for Scotland to be a global leader in sustainable and regenerative agriculture. A series of global shocks in recent years—the most recent is the illegal invasion of Ukraine—is having an undeniable impact on global food security and all aspects of our domestic food and drink supply chain. Our recent vision for Scottish agriculture sets out our intention for the proposed agriculture bill to be adaptive in supporting farmers, crofters and land managers in the near, medium and long-term future to reflect the situation, while recognising the wider need for bold actions to tackle the climate emergency.

Given that Scotland has some of the most extensive renewable generation capabilities in Europe, the revised draft national planning framework 4—if it is approved by Parliament—will limit most types of development on prime agricultural land. However, it will allow for renewable energy developments, such as solar, on prime agricultural land, provided that the layout and design of proposals minimise the amount of such land that is required.

Graeme Dey: My Angus South constituency is the subject of multiple planning applications for solar arrays, specifically in the area of the Sidlaws. I recognise that the minister perhaps cannot comment on applications in particular localities, but can he offer me some reassurance that the issue of cumulative impact is something that can and will be taken account of in such circumstances?

Tom Arthur: As I know that Graeme Dey will fully appreciate, it is the decision maker for each proposal who will be required to consider the planning merits of each case, taking full account of all the information that is submitted by the parties involved, including members of the local community.

Current Scottish planning policy sets out that, although considerations will vary relative to the scale of the proposal and area characteristics, they are likely to include consideration of cumulative impact. In due course, our national planning framework 4 will replace SPP and become part of the statutory development plan,

meaning that its policies will inform decision making around day-to-day planning.

Our revised NPF4 sets out that potential impacts on communities, nature and other receptors remain important considerations in the decision-making process—

The Presiding Officer: Briefly, minister.

Tom Arthur: The revised draft NPF4 energy policy 11 includes the need for consideration of cumulative impact, which I hope provides some reassurance for the member.

Autism Spectrum (Employment Gap)

4. Colin Smyth (South Scotland) (Lab): To ask the Scottish Government what action it is taking to close the autism spectrum employment gap. (S6O-01735)

The Minister for Just Transition, Employment and Fair Work (Richard Lochhead): There are no official statistics available on autism spectrum employment gaps, but Scottish Government policies and approaches—supported by our key stakeholders, including disabled people's organisations—are person centred and focus on what a person can do and wants to do, and what they may need support with, irrespective of what their impairment may be.

The Scottish Government's focus is on reducing the overall disability employment gap, in line with our commitment to at least halve the gap to 18.7 percentage points by 2038, compared with the figure for 2016.

Our latest figures show that, in the past five years, the disability employment gap has reduced by 6.2 percentage points to 31.2 percentage points, which means that we are showing progress.

Colin Smyth: At a time when businesses are facing real labour shortages, one of the most important actions that we can take to close that employment gap is to raise understanding of autism among the non-autistic population—in particular, among many businesses.

I am sure that the minister is aware of The Usual Place project in Dumfries and its outstanding autism awareness project, which is funded through the Government's increasing understanding of autism programme. Will the minister give an assurance that increasing understanding of autism programme is not being axed by the Government and that such projects will continue to get support, so that local businesses can benefit from the talents of the amazing young people who are supported by those projects?

Richard Lochhead: I agree with the sentiments that the member expresses. Of course, projects such as the one that he cites are excellent projects that are making a huge contribution in relation to this issue.

The Government is taking a number of measures with employers across the country to support breaking down barriers, with funding through our workplace equality fund and other sources. We want to continue to support as many projects as we can within the financial constraints that we face, because many of the projects—such as the one mentioned—are doing a valuable job.

Energy Bills Support Scheme (Payment Delays)

5. Colin Beattie (Midlothian North and Musselburgh) (SNP): To ask the Scottish Government what engagement it has with the United Kingdom Government regarding reports of delays of payment of energy bills support scheme vouchers. (S6O-01736)

The Cabinet Secretary for Net Zero, Energy and Transport (Michael Matheson): The Scottish Government is fully aware of the challenges that consumers with prepayment meters are having in accessing the energy bills support scheme vouchers. That is why we are continuing to call on the UK Government to ensure that the correct measures are in place to guarantee that everyone in Scotland is receiving the support that they are entitled to.

I would urge anybody who is struggling to access their support scheme vouchers to contact Advice Direct Scotland, which will be able to help in the first instance.

Colin Beattie: I am receiving correspondence from constituents who are Scottish Power customers and also correspondence from park home residents about the delays in receiving energy bill relief. What support is available to my constituents who are affected by those delays?

Michael Matheson: Mr Beattie might be aware that, on Monday, the UK Government announced that the £400 energy bills support scheme alternative funding will be distributed early next year to all consumers without a direct relationship with energy suppliers, including those who are park home residents. I hope that that will help with the unprecedented level of delay that has been experienced by constituents such as Mr Beattie's.

Mr Beattie will also be aware that, just last week in the budget, we announced a continuation of our updated £20 million fuel insecurity fund to ensure that there is support for those in the greatest need right through 2023-24.

Beatrice Wishart (Shetland Islands) (LD): Given the delay in issuing the vouchers, what can the cabinet secretary say about local reports that customers who are eligible for off-grid, oil and alternative fuel support will have to sign up to an online portal for the fuel payment on top of the unacceptable delay? Considering the large number of off-grid customers in Scotland, including in Shetland, will the cabinet secretary indicate whether he has had any discussions with the UK Government, including to offer assistance in distributing the funds?

Michael Matheson: We have made continued representations to the UK Government on those matters due to the bureaucracy that some households are experiencing with the existing scheme. UK ministers have given us assurance that they are pressing energy providers to speed up the payment of the vouchers and to ensure that they are issued as quickly as possible. However, the existing system is still not working in the way in which it should for many consumers, including those in the member's constituency who have off-grid systems.

I assure the member that we will continue to press the UK Government to make sure that the system operates in a much fairer and much more consistent way across the country.

Colleges (Governance)

6. Graham Simpson (Central Scotland) (Con): To ask the Scottish Government how it ensures good governance in Scotland's colleges. (S6O-01737)

The Minister for Higher Education and Further Education, Youth Employment and Training (Jamie Hepburn): The Scottish Government works with the Scottish Funding Council, Colleges Scotland and college boards to ensure good governance. We also engage with regional strategic boards, trade unions, student associations and the College Development Network, through the good governance steering group, to ensure the implementation of governance improvements.

Graham Simpson: The minister will be aware of the situation at South Lanarkshire College, where the highly respected principal, who had been looking into serious allegations of theft and malfeasance, has been suspended on full pay for 13 months. That is not due process in anyone's book. The college board has still not taken a decision, and the costs are just going to rise.

Does the minister agree with the comments of the college principals group in a letter to the education secretary, which said that

“This raises fundamental issues about good governance and the process relating to how college principals are treated in such circumstances”?

Jamie Hepburn: I recognise that Mr Simpson has been pursuing this issue, as is right given that it is a constituency matter for him. The Government is aware in broad terms of some of the detail of the situation at South Lanarkshire College. I should be very clear that, given that the Lanarkshire regional board is also the board of my local college, I have recused myself from direct involvement in the matter. Therefore, I am, quite rightly, not as close to the specific details because that could constitute a conflict of constituency and ministerial interests. However, I can say that our paramount interest at all times is in safeguarding the quality of learning at every college, including South Lanarkshire College.

The Scottish Funding Council is the body with the responsibility for investigating governance issues. It will monitor the situation and provide updates to the Scottish Government. I know that Mr Simpson has a meeting with the cabinet secretary next month to discuss these matters, and he will have the opportunity to speak to her then.

Ferries (Working Life)

7. Jamie Halcro Johnston (Highlands and Islands) (Con): To ask the Scottish Government how many vessels operated by CalMac, NorthLink or Scotland’s local authorities will be operating past their working-life expectancy by the end of the current parliamentary session. (S6O-01738)

The Minister for Transport (Jenny Gilruth): All vessels in the Clyde and Hebrides and northern isles fleets undergo regular maintenance and meet all regulatory requirements.

I am sure that Mr Halcro Johnston welcomes the procurement this year of two new Islay vessels and the more recent procurement of two further such vessels. In addition to the MV Glen Sannox and vessel 802, that means that six new major vessels will be delivered between 2023 and 2026, with plans to begin replacing small ferries from 2025.

We will issue our draft long-term plan for vessels and ports for consultation next year. Council ferry replacement is, of course, a matter for those local authorities.

Jamie Halcro Johnston: I would actually welcome the delivery of vessels rather than their procurement.

It has been estimated by the local council that the cost to replace the ageing interisland ferries fleet and upgrade infrastructure is around £443 million for Orkney alone. Although it is welcome

that the Government is finally discussing that with Orkney Islands Council, I hope that those discussions will lead to more than just talk.

However, there are also vital ferry services operated by Shetland, Highland and Argyll and Bute councils in my region alone. Given the importance of those lifeline routes to the communities that they serve, and the painful lessons that are being learned on the west coast of the devastating impact that ageing and increasingly unreliable ferries have on local people and local businesses, can the minister tell me what discussions the Scottish Government is having with those councils on what investment is needed in their fleets and infrastructure and how that investment will be supported by the Scottish Government?

Jenny Gilruth: I recognise the challenge for local authorities that have responsibility for their ferries. The Scottish Government, it is worth saying, has provided more than £136 million over the past five years alone to support the running of those services, and the funding distribution of support for the specific interisland ferries grant for 2023-24 will be confirmed in due course.

I am very aware of the growing need for local authorities to replace their ageing ferry fleets and infrastructure, and, although responsibility for funding that replacement infrastructure remains wholly with councils at the current time, I am committed to continuing engagement with Transport Scotland and local authorities. I understand, of course, as the member alluded to, that Mr Swinney has been engaging with Orkney Islands Council on that, and I will continue my engagement as transport minister with those local authorities in relation to our role. However, I put on record that local authority ferry services are, at the current time, the responsibility of local authorities. We will see what more we may be able to do within the current financial constraints in front of the Government.

First Minister's Question Time

12:01

Gender Recognition Reform (Scotland) Bill

1. Douglas Ross (Highlands and Islands)

(Con): This week, the Government rejected amendments to the Gender Recognition Reform (Scotland) Bill that would have stopped people who are awaiting trial for a sexual offence from changing gender. An amendment in the name of Michelle Thomson, which was supported by Russell Findlay, would have prevented the situation in which a survivor of rape would have to refer to their rapist as “she”.

The amendment was not directed at trans people. It would not limit trans rights. It was intended solely to stop male criminals inflicting more trauma on their victims. Michelle Thomson said in the chamber on Tuesday that leaving that possibility risks handing power to abusers, and she said that the Government is choosing to put the rights of alleged criminals over the rights of victims.

The Government stopped agreement to that amendment by a single vote. The First Minister's own vote means that a man who is standing trial for rape can claim that they are a woman and can force a victim to call them “she”. Why did the First Minister vote for that?

The First Minister (Nicola Sturgeon): When amendments have been rejected over the course of the past two days, it has been because a majority in Parliament, having listened carefully and respectfully to the arguments, decided for a variety of reasons that those amendments were not appropriate. Parliament has gone through that process over the past two days, as is right and proper.

Over the course of the past two days, we have heard set out in the chamber many of the different ways in which predatory men can abuse women. My argument is not, never has been and never will be that those are not very real ways in which predatory men abuse women. My argument is that none of those ways is created by the bill, and nor would it be the case that any of those ways would be addressed by denying rights to trans people.

The fact of the matter is that a man who wants to abuse a woman, even a man who wants to masquerade as a woman in order to do so, does not need a gender recognition certificate to do that, and nor does having a gender recognition certificate make that man more able or give them more right to do that than is currently the case. We must focus on the men who abuse women—the predatory and abusive men who do that. This

Government always will do that, in a range of different ways.

Amendments were rejected over the past two days often because alternative amendments were agreed to that would strengthen safeguards in the bill. They were amendments that were, in the view of the Government, compliant with the European convention on human rights and with competence issues, which some of the amendments that were rejected were not. For example, in relation to sex offenders, amendments in the names of Shona Robison and Gillian Martin were agreed by Parliament.

The Presiding Officer (Alison Johnstone): Briefly please, First Minister.

The First Minister: Those are serious issues, that have been seriously considered by Parliament, as is right and proper.

Douglas Ross: We supported those amendments, but they were weaker than the amendment in the name of Michelle Thomson. Roddy Dunlop, who is the dean of the Faculty of Advocates in Scotland, said of Gillian Martin's amendment that it

“will not *prevent* harm: it will reduce the risk of harm.”

With regard to the ECHR, Roddy Dunlop said of the vote on Michelle Thomson's amendment that he

“can conceive of no sensible basis upon which this amendment might be rejected.”

That comment is from the head of the Faculty of Advocates in Scotland.

The First Minister's point seems to be that it will not happen—that there is no chance that a violent, predatory male will ever try to exploit loopholes in order to attack or further traumatise women.

What if that does happen? Why would any of us leave open the possibility that that could happen? One event like that would be one too many. Stopping an accused sex offender from changing gender is common sense. What is it that the First Minister and half this Parliament think is right about leaving open the chance that that could happen?

The First Minister: First, that is not my position. I did not say, and have never said, that predatory men will not seek to abuse women. My argument is that it is not the bill that creates the opportunities for them to do so. Those opportunities unfortunately exist already and it is those opportunities that we have to tackle. Not passing the bill would not remove the opportunity for predatory men to seek to do that.

The reasons for rejection of those amendments and alternative amendments that were lodged

have been set out to Parliament over the course of the debate in the past two days. A majority in Parliament took the decisions on them. That is how our parliamentary democracy operates.

Let me set out again exactly what the position is as a result of the amendments that were accepted. I first remind the chamber that we already have in place robust provisions for management of sex offenders. We also had already, before stage 3, given a commitment to expand the reporting requirement for sex offenders to include notification about an application for gender recognition. The amendments in the names of Shona Robison and Gillian Martin that were agreed to at stage 3 by a majority in Parliament strengthen that provision. They mean that no further action can be taken on a gender recognition certificate application when the police have applied for a sexual offences prevention order, a sexual harm prevention order or a sexual risk order that would prevent a GRC application.

This will be my final point, Presiding Officer. Those safeguards in the bill do not exist in the current gender recognition legislation. An important point is often lost in the debate. When one listens to the debate, it sometimes sounds as though the bill is either inventing trans people or creating for the first time a process by which somebody can legally change their gender. It is not—that process exists. The safeguards that I have just set out do not exist in the current law, but will exist in the new legislation.

Douglas Ross: The First Minister speaks about majority votes, but we know that on Michelle Thomson's amendment, it came down to just one vote. At First Minister's question time, I am asking the First Minister about her one vote. The amendment simply asked to pause the period in which people can apply to have their gender changed if they are on trial for such serious offences. What was the problem with just pausing that opportunity for people who are on trial for such serious offences?

It seems to me that the First Minister has not taken the people of Scotland with her on the issues; polling shows that a majority of Scots are firmly against key parts of the bill. A majority oppose reducing from two years to six months the time that applicants must have lived in their acquired gender. A majority oppose removing the requirement for a doctor's diagnosis of gender dysphoria. That includes a majority of Conservative voters but, crucially, it also includes a majority of Liberal Democrat voters, Labour voters and Scottish National Party voters.

Lowering the age threshold for a gender recognition certificate was the most opposed aspect of the bill—two thirds of those polled were against it. That included 63 per cent of SNP

voters, 67 per cent of Labour voters and 75 per cent of Liberal Democrat voters. Despite that, all three parties are backing the bill today. Why do the First Minister and her allies in the chamber believe that they know better than the public.

The First Minister: We could all point to various polls on the issue. I could point to polls showing very strong support for what the bill will do, including very strong support among women across this country.

However, fundamentally—this is perhaps a point of agreement with Douglas Ross—all of us are elected to this Parliament and we all have a serious responsibility to make decisions and to be accountable for those decisions. We will have the stage 3 vote on the bill later this afternoon; at stage 1, the bill was supported by members of every party in the chamber, including members of Douglas Ross's party. All of us will be accountable for the decisions that we take on the bill, as we are accountable for all the decisions that we take here. That is democracy. I stand by the decisions that I take, and I will be accountable and will set out the reasons for my decisions to people across Scotland on this and every other issue.

Removing the need for medical diagnosis for a trans person who wants to legally change their gender is one of the purposes of the bill, because the need for that is one of the most intrusive, traumatic and dehumanising parts of the current system. As a woman, I know very well what it is like to live, at times, with the fear of potential violence from men. I am a feminist: I will argue for women's rights and I will do everything that I can to protect women's rights for as long as I live, but I also think that it is an important part of my responsibility to make life a little bit easier for stigmatised minorities in our country, to make their lives a bit better and to remove some of the trauma that they live with every day. It is important to do that for the tiny minority of trans people in our society, and I will never apologise for trying to spread equality—not reduce it—in our country.

Finally, Presiding Officer—

The Presiding Officer: Briefly, First Minister.

The First Minister: I come back to the first point in Douglas Ross's latest question. The reasons for our not accepting Michelle Thomson's and Russell Findlay's amendments yesterday were set out at length by Shona Robison. Having carefully considered the amendments, we found that they would not have been compatible with the European convention on human rights, which all our legislation has to be. Accepting them would potentially have compromised the bill, so we sought an alternative way of achieving the same objectives. I have already set that out.

Douglas Ross: Let us be very clear: we supported Gillian Martin's amendment, but it is weaker than Michelle Thomson's amendment. We had an opportunity in Parliament; the First Minister's vote could have made a difference that would have strengthened that element of the bill.

Let us also be clear that the public are not against improvements to support trans people; they are against the bill. The problem is not reform; the problem is the First Minister's reforms. Although there might be a majority in the chamber who will support the bill later today, a majority of the public oppose the bill, including most SNP, Labour and Liberal Democrat voters. The bill reduces women's rights and, potentially, risks women's safety—but it does not need to be that way. I ask the First Minister and all the Labour, Liberal Democrat and SNP members who will support the bill: should they not take the time to get it right, instead of charging ahead with a bill that the people of Scotland do not support?

The First Minister: The bill has been six years in the making. There have been two full consultations. Today will be the culmination of a full and robust legislative process. In the past two days alone, we have had about 20 hours of debate on amendments. It is possibly the most scrutinised piece of legislation in the history of the Parliament.

I will say this entirely respectfully. The issue here is not the lack of scrutiny; it is that the majority in this Parliament—made up of members from all parties, including Douglas Ross's party—have respectfully disagreed with the arguments that the Tories have put forward, many of which have been completely unrelated to the purpose and effect of the bill. That is the reality.

Douglas Ross says that he is not opposed to reform but is opposed only to the bill. I have listened very carefully, not just in the past two days but throughout the debate, and I do not think that I have heard from Douglas Ross at any time any explanation or any sense of what form of bill he would have been prepared to support. I suspect that Douglas Ross would have voted against the bill, regardless of what amendments to it had been proposed. That is his right.

I will be corrected if I am wrong about this, but I think that I have heard Douglas Ross say that, in the past, had he been in the Parliament when we considered equal marriage, he would have voted against it, but that he has since changed his mind. All of us have to consider such matters carefully. I have thought very deeply about all these issues for a long time, and I will be accountable for the decisions that I make on the bill in this Parliament. I will always stand up for women's rights, but I am proud of the fact that, this afternoon, Parliament will, I hope, vote for a piece of legislation that will make the lives of trans people in this country that

little bit better and easier, and I think that that is something to be proud of.

NHS Staff (Pay and Conditions)

2. Anas Sarwar (Glasgow) (Lab): Presiding Officer, on this last day of business, I start by wishing you and members across the chamber a very merry Christmas. In particular, we wish the Parliament staff and all of our staff all the best for the new year. *[Applause.]*

Over Christmas, thousands of national health service staff will be working when most of us will be spending time with our family and friends. They all deserve our thanks for the work that they do to keep the NHS going over the winter and, indeed, all year round.

However, our health service heroes do not deserve only our thanks; they deserve better pay and conditions, too. Will the First Minister commit to getting back round the table with the Royal College of Nursing, the Royal College of Midwives and the GMB to listen to their concerns, act on them and avoid strikes next year?

The First Minister (Nicola Sturgeon): I will come directly to that issue in a second, because it is one that I take very seriously and on which the Government will continue to work very hard, but, first, I, too, take the opportunity to wish you, Presiding Officer, members across the chamber and all our staff a very happy Christmas. Particularly as we break for Christmas this year, I thank the staff of the Parliament for the way in which they have gone above and beyond to support us in our responsibilities over the course of this week. We are deeply grateful to each and every one of them. *[Applause.]*

I also take the opportunity to thank every single man and woman who works across our health and care services. We do that every year, but it is more important and more appropriate this year than it has ever been before.

In direct answer to Anas Sarwar's question, the Cabinet Secretary for Health and Social Care will meet trade unions tomorrow. I think that he was originally supposed to do that this afternoon, but parliamentary business has intervened. As has been the case up until now, we will do everything that we can to avoid industrial action in our national health service. Unlike England, Wales and Northern Ireland, we have, so far, avoided industrial action in our health service.

We will do that because we want to—obviously—avoid the disruption that that would bring to patients across the country, but also because we value the people who work in our national health service. I want to make sure that they get the best possible pay rise that we can give them. We have maximised what we can do

within this financial year. Whereas in England, where there is a Conservative Government, and Wales, where there is a Labour Government, the health service agenda for change staff have been offered an average of 4.5 per cent, in Scotland the offer is 7.5 per cent, on average. That is a sign of how deeply we value our healthcare workers. We will continue to have meaningful discussions to do everything possible to reward them appropriately and to avoid any disruption in our health service.

Anas Sarwar: I welcome the fact that the health secretary will meet the unions tomorrow, and I sincerely hope that an agreement can be found to get us through the current crisis.

The trade unions are not striking only about pay; they are warning about patient safety and conditions in our hospitals. More than a year ago, the health secretary announced a catch-up plan for our NHS, but things are getting worse for patients. In August 2021, when the catch-up plan was announced, 76 per cent of people who went to accident and emergency were seen within four hours; that figure has now fallen to 62 per cent. From July to September 2021, 83 per cent of people were seen within the 62-day waiting standard for cancer treatment; that has now fallen to 74.7 per cent. When the catch-up plan was launched, 64 per cent of patients were being seen within the legally binding 12-week treatment time guarantee; that number has now fallen to 56 per cent.

Patients and staff are crying out for the Government to get a grip. The catch-up plan has failed. Why is the Government persisting with its failing plan, and when will it bring forward a new one?

Nicola Sturgeon: First, just to complete my answer on pay, I reiterate that the Government will continue to make every effort to avoid industrial action—we are, so far, the only part of the United Kingdom that has avoided it. What I am about to say is not a criticism of the Government in Wales, which is working within the same constraints as we are—constraints that the UK Government has imposed on us—so I know how difficult it is. We have seen industrial action in Wales, where Labour is in government, because the negotiations that led to a higher pay offer have not taken place there as they have elsewhere in the UK. I say that because people should take that as a very clear signal that we will do everything within our power and resources—which have been expanded this year—to avoid industrial action. Part of the offer to NHS workers includes offers around non-pay elements, and we will continue to explore how far we can go with those.

Since the catch-up plan was published, we have had further waves of Covid and the pressures on our NHS have increased, and we have seen

waiting times deteriorate as a result in many respects. That said, we are seeing progress, in that the number of people who are waiting longest is reducing—if we look at in-patient day case treatments, we can see that the longest waits have been reduced by almost a quarter. We are seeing progress in waiting times for child and adolescent mental health services, too—we covered that point in some detail last week.

These are the toughest of times for our health service. As we go into this festive period, not just Covid but flu, other respiratory illnesses and cold weather all pose significant challenges—

The Presiding Officer: Briefly, First Minister.

Nicola Sturgeon: Our job is to continue to support the health service, and that is exactly what we will do.

Anas Sarwar: The fact that the First Minister cannot escape from is that performance is getting worse, not better, since the catch-up plan, and failures have consequences. Patients are being asked to accept the unacceptable, staff are being asked to do the impossible and lives are being lost. Things are worse on nearly every measure than when the health secretary launched the catch-up plan.

Let us look at the Government's report card against its own performance standards. On accident and emergency waiting times, it has failed. On delayed discharge, it has failed. On CAMHS waiting times, it has failed. On the 12-week first out-patient appointment, it has failed. On the eight-week referral to treatment, it has failed. On cancer treatment times, it has failed. On detect cancer early, it has failed. On general practitioner waits, it has failed. On the treatment time guarantee, it has failed. When will the First Minister wake up and realise that, when it comes to the national health service, she and the health secretary have failed?

Nicola Sturgeon: Soundbites and faux anger will not address the challenges in the health service. Patients and the public have a right to be angry and frustrated right now, but they also have a right to expect a Government that is addressing those issues. I have not stood here and suggested that there are not significant—and, over recent months, increasing—challenges for the NHS and, therefore, for the performance measures that we have in the national health service. We are seeing that situation across England, Wales and Northern Ireland and in health services across the world with the continuing impact of the pandemic, and other pressures on our NHS are mounting.

That is why we are increasing investment beyond any consequential funding for the NHS next year—£1 billion extra—and asking those people who earn the most in this country to pay a

bit more in tax so that we can give more resources to it. We are continuing to support record recruitment and numbers of staff in the NHS, and we are starting to see progress on the longest waits.

What is happening here is that demand is going up. In relation to many of those performance indicators, the NHS is treating more patients—more patients are coming forward for treatment. Nobody knows better than the health secretary, the Government and I the challenges that we face, which is why we remain focused on supporting our NHS through them in the various ways that I have set out.

Biological Diversity

3. Ariane Burgess (Highlands and Islands) (Green): To ask the First Minister what actions the Scottish Government will take forward as a result of COP15, the 15th conference of the parties to the UN Convention on Biological Diversity. (S6F-01670)

The First Minister (Nicola Sturgeon): I welcome the outcome reached at COP15, which, of course, must now be followed up by all parties and at all levels with immediate and urgent plans for implementation. Our draft biodiversity strategy, which was published last week, sets out how the Scottish Government will do that. It establishes our long-term ambition and vision for a nature-positive future and sets out some of the immediate actions that we will take to halt nature loss by 2030.

I am proud that the Edinburgh process, which was led by the Scottish Government on behalf of the Convention on Biological Diversity, culminated at COP15 with more than 300 subnational, local and regional governments joining our call for action. The resulting plan of action on subnational governments was adopted as part of the framework that was agreed this week in Montreal.

Ariane Burgess: It is great to see Scotland playing an influential role on the world stage and supporting global progress to tackle the nature emergency. The Montreal agreement could be a turning point in our fight to protect and restore our natural environment, to stop declines and extinctions and to protect the life-support systems that we all depend on.

Any agreement is only worth the actions that it results in. Scotland can help to make the new global diversity framework a success by moving quickly to implement it. That means making big changes in how our land and seas are managed and looked after for current and future generations.

The Presiding Officer: Please ask a question, Ms Burgess.

Ariane Burgess: One of the key actions in the new framework is to protect 30 per cent of our land and seas by 2030. However, recent reports have shown that many seas around Scotland that are already protected are in a poor condition. Can the First Minister confirm that, as part of delivering 30 by 30 in Scotland, the level of protection will be improved and nature recovery in those important places will be supported?

The First Minister: That was a really important question, not only for here and now but for the future of our nature and, indeed, of the planet. It was really good to see the headline target to protect at least 30 per cent of the world's land and sea by 2030 in the new global framework. We are committed to implementing that in Scotland. I reiterate that we are committed to the expansion and improvement of areas managed for nature and that our 30 by 30 programme will promote ecological restoration and safeguarding at a scale never before seen in Scotland.

Although almost 80 per cent of protected areas are in a favourable or recovering condition and the long-term trend is one of improvement, I agree that we can and must do more. We are committed to working at landscape scale and to taking a collaborative approach to tackling the negative pressures on protected areas. We are currently working with NatureScot to take forward a co-design process with stakeholders to develop a framework by which our 30 by 30 commitment will be delivered.

Liam Kerr (North East Scotland) (Con): Peatland restoration is crucial to biodiversity. The Climate Change Committee recommends restoring 45,000 hectares of peatland per year by 2022. The Government's target was a mere 20,000 hectares. However, in 2020-21, the Government restored 8,000 hectares, and it is reported that 80 per cent of Scotland's peatlands are degraded. The First Minister said earlier that the biodiversity strategy sets out actions that the Government will take. What action is the Government taking, right now, to restore those peatlands, and in which year will she meet the restoration target?

The First Minister: The Government is investing record amounts, and we are committed to record investment in peatland restoration. I am happy to write to the member with more detail about the timescales and our expectations. We are recognised as setting the pace on some of this, and peatland restoration is one of the key levers or tools that we have at our disposal.

The final thing that I will say is something for all of us, particularly those who are in Government, to reflect on very seriously. Across all those areas, no Government anywhere is yet doing as much as we need to do. It is really important that we

continue to challenge ourselves all the time and that we continue to be challenged. I welcome this line of questioning and want to see the maximum possible challenge to the Government to ensure that we are not only setting targets but making the investments and taking the actions to meet them, because there are few more important areas of work for any Government anywhere on the planet right now.

Energy Strategy (Solar Power)

4. Fergus Ewing (Inverness and Nairn) (SNP): Presiding Officer, I apologise for not being in my space from the outset of First Minister's question time.

To ask the First Minister whether the Scottish Government will set a clear ambition in its planned energy strategy for delivery of 4 to 6GW of solar power by 2030. (S6F-01660)

The First Minister (Nicola Sturgeon): Energy that is generated from solar can, without a shadow of a doubt, make a very significant contribution to both the decarbonisation of our energy supply and the just transition that we need to make to a net zero emissions society by 2045.

I can tell the Parliament that our draft energy strategy and just transition plan will be published very early in January, when we return from the recess, and it will contain a clear vision for the future development of solar energy. That will include the action that the Scottish Government is taking to remove barriers to solar deployment. Through the consultation, we will seek views and evidence on whether, or at what level, a deployment ambition should be set.

It is vital that we ensure that any deployment ambition is appropriate and stretching but also achievable. I encourage all stakeholders to engage with the draft vision and the consultation process.

Fergus Ewing: The First Minister's answer will be received very warmly by members across all parties in the Parliament who support the development of Scotland's solar potential. I am very grateful for it. May I pursue one aspect, however? In the planning system and the national planning framework, precedence is given to those forms of renewable energy where there is a clear, identified ambition and target. If there is no target, it means little development, and the opportunity may slip through our fingers like mercury.

In order to achieve the enormous potential that solar energy can contribute to our transition to a clean system of electricity generation, will the First Minister bear that point in mind so that precedence is given to solar power by having a very clear, practical, deliverable and achievable target?

The First Minister: I know that Fergus Ewing will have listened very carefully to what I said. Without going further before we publish the consultation, I clearly indicated, in talking about consulting on whether, or at what level, we set a deployment ambition, that I recognise that there is an importance attached to targets, both for the reason that he set out and for other reasons, not least to do with activating the supply chain and benefiting the economy. That is why we already have targets for offshore and onshore wind and hydrogen, for example. I hope that Fergus Ewing will take that comment positively.

The final thing that I will say, which he has already alluded to, concerns the reason for consulting. It is important—I go back to the previous question here—not just that we set a target but that we make sure that it is both stretching and achievable. The consultation is an important part of the process, which is why I encourage all those with an interest to take part in it.

Deposit Return Scheme

5. Maurice Golden (North East Scotland) (Con): To ask the First Minister what the Scottish Government's response is to reported warnings that the implementation of the deposit return scheme will be "ruinous for consumers and businesses". (S6F-01661)

The First Minister (Nicola Sturgeon): I do not agree with that. The deposit return scheme will be a major part of our efforts to reduce litter, cut emissions and build a more circular economy. Good progress is being made by industry ahead of the scheme's introduction in August 2023. Indeed, that is reflected in the most recent gateway review, which notes that good progress has been made and that successful delivery of the scheme is now achievable.

I am very aware of business concerns on some outstanding issues. We take those seriously, which is why we have committed to a pragmatic approach to implementation and are taking action to help to make the scheme more efficient and reduce costs. Last week, for example, fees for drinks producers were substantially reduced by the scheme administrator, and we have committed to lay regulations so that only the largest grocery retailers will be obliged initially to provide a take-back service for online and distance sales.

Maurice Golden: I thank the First Minister for that answer. The deposit return scheme has been scaled back. We all want it to succeed but, understandably, businesses are worried about the potential for it to go wrong. That worry is fuelled by the confusion, secrecy and lack of information that surrounds the scheme. None of us wants that, so we must make sure that the scheme is more

transparent in order to increase confidence in it. The Scottish Government has the power to make the scheme administrator subject to freedom of information requests. Will the First Minister do that?

The First Minister: I will give consideration to any request or suggestion that is made in the chamber, so I will take that away, give consideration to it and discuss it with colleagues. I believe, though, that there is transparency around the work that has been done on the scheme. We had a review carried out in October, which concluded that the programme has gained increased momentum and is in an improved position, and that the go-live date in August is feasible. That is testament to the efforts that are being made by industry and by Circularity Scotland in working together to ensure that the scheme is implemented.

Last week, the minister wrote to the committee, setting out the further steps that we are taking, after listening to the concerns of industry, to make the scheme more efficient and to reduce costs. Day 1 payments are being reduced; last week, Circularity Scotland published new producer fees, which are lower than was previously indicated; and other changes have been made to take account of the concerns of industry. That is positive, and we will continue that collaborative approach in the months leading up to implementation.

Mercedes Villalba (North East Scotland) (Lab): Has the Scottish Government asked those who are conducting the gateway reviews into the deposit return scheme to interview representatives of organisations that are running successful deposit return systems, especially those that have most recently set up systems that are much cheaper for producers and have come online more quickly?

The First Minister: I am certainly happy to check the detail of that question. I am not sure exactly which individuals or organisations the member is alluding to—whether they are here in Scotland or in other countries that already have schemes in place. I would expect any gateway review to take broadly based evidence, but I will come back to the member in due course with fuller detail about what particular organisations have been spoken to and what detail has been extracted from that.

Temporary Accommodation (Use of Hotels)

6. **Paul Sweeney (Glasgow) (Lab):** To ask the First Minister what progress the Scottish Government has made in ending the use of hotels as temporary accommodation for children and families. (S6F-01658)

The First Minister (Nicola Sturgeon): Local authorities have used hotels to discharge their duties as part of the emergency response to Covid. The data on that is held by local authorities rather than by the Scottish Government. However, our statistics on homelessness in Scotland show that, although there was an increase in the number of children in temporary accommodation in 2021-22, the social sector was the most common type of temporary accommodation that was used. In comparison with 2021, 20 local authorities have reduced the number of households that are living in temporary accommodation, and 10 of those have reduced the number of children in temporary accommodation.

The housing secretary has asked an expert group for an action plan to reduce the numbers of people in temporary accommodation and the length of time that is spent there, with a strong focus on households with children.

Paul Sweeney: In response to a recent written question, the First Minister's cabinet secretary acknowledged that hotels are unsuitable accommodation for people who seek asylum, and condemned the Home Office's use of bed and breakfasts. However, I understand that lone children who may be seeking asylum and who are in the care of Scottish local authorities, not the Home Office, are also being placed in unregulated hotel accommodation—among adult members of the wider homeless population and without cooking or laundry facilities.

The Scottish Government's condemnation of Home Office use of hotel accommodation means nothing if devolved care services are acting in the same manner. Will the First Minister advise what steps that working group is taking to urgently relocate those lone children to supported accommodation, and will she make a commitment that no further children who are alone will be placed at risk in such unregulated hotels?

The First Minister: I agree absolutely with the sentiment of that question. If Paul Sweeney has any more information to pass to us about the instances that he was talking about, I would be very keen to look at that. None of us wants any children to be in temporary hotel or bed and breakfast accommodation if we can possibly avoid that—and certainly not lone children in the circumstances that have been narrated. We will look further into that specific point.

More generally, none of us wants hotel accommodation to be used as temporary accommodation unless that is absolutely necessary. I have situations in my constituency where that is an issue, both for homeless people and for communities, but there have been demands on local authorities, particularly during

Covid. It should be stressed, though, that most temporary accommodation is in the social sector and, as I said, many local authorities are now seeing a reduction in that.

However, there is much work to do here, which is why we are investing in more affordable housing, investing more in homelessness services and prioritising the housing first model. Those are really important issues, and I know that the housing secretary would be happy to engage further about some of the particulars behind the question.

The Presiding Officer: We will now take general and constituency supplementary questions.

Cost of Living Crisis (Scottish Government Powers)

Paul McLennan (East Lothian) (SNP): According to a new survey from Which?, nearly 2 million United Kingdom households are behind on bill payments as Christmas approaches. As the Tory cost of living crisis runs out of control, can I ask the First Minister what support the Scottish Government is providing to people to help them to stay afloat this winter? What more could the Scottish Government be doing if it had full powers over tax, welfare and energy pricing?

The First Minister (Nicola Sturgeon): As we go into this festive season, many people are finding life more difficult than at any time that most of us can remember. We have to be very aware of that. The cost of living crisis is hurting many individuals, families and businesses right across the country.

The Scottish Government is doing, and will continue to do, everything that we can to help people to deal with that. As has been set out many times in the chamber, we are investing around £3 billion this year on initiatives and measures that will help people with the cost of living. We have taken new initiatives, such as the Scottish child payment, for example. I have personally convened summits with the energy companies and advice agencies to ensure that we are doing as much as possible.

It is true to say that many of the root causes of what we are dealing with right now lie outwith the powers of this Government. If we had full control over the tax and benefits system and the regulation of the energy sector, it is undoubtedly the case that we would be able to do much more, in a more coherent and joined-up way, to help people not just to deal with the consequences of the crisis but to deal much better with the root causes, too.

Professor Eljamel (Full Independent Inquiry)

Liz Smith (Mid Scotland and Fife) (Con): May I ask again whether the First Minister will finally grant a full independent inquiry for the former patients of Professor Eljamel? There are now 50 former patients who have come forward, each with their own very harrowing stories. The First Minister will be aware that several other MSPs, including Michael Marra and Willie Rennie, now believe that a full independent inquiry is the only way to get to the truth and deliver justice for those former patients.

The First Minister (Nicola Sturgeon): We will continue to give consideration to that call. I absolutely understand the views of those who have been affected and the ordeal that they have suffered. The Cabinet Secretary for Health and Social Care has met the health board leadership. The review that has already been commissioned by the Scottish Government included detailed reviews of care. We understand the desire of patients that any process will lead them to the assurance that they have all of the answers that they can possibly get. Although we are not, at this stage, convinced that a public inquiry would lead any more to that, we will continue to give consideration to these issues.

YAG Laser Capsulotomy Treatment (Waiting Times)

Foysoil Choudhury (Lothian) (Lab): I would like to raise with the First Minister the case of a constituent who has contacted me after being told that the waiting list for a YAG laser capsulotomy treatment can be as long as 70 weeks. That constituent is going blind, struggling to care for disabled children and having difficulty sleeping because he needs the procedure.

I have already raised the matter with the Cabinet Secretary for Health and Social Care, who blamed the pandemic for the waiting times. Contrary to the cabinet secretary's response, though, NHS Lothian has told me that the waiting times are not in fact down to Covid but instead down to lack of lasers available to perform the treatment.

I therefore ask the First Minister what the Scottish Government is doing to ensure that the NHS has the equipment that it needs to tackle the waiting list. Is it acceptable for people with failing eyesight to be told that they are on a 16-month waiting list for a treatment that typically takes only a few minutes?

The First Minister (Nicola Sturgeon): I will make two points—one particular and the other more general. On the particular point, I appreciate that the member says that he has already written to the cabinet secretary. I will look at the detail of

that case myself, particularly if the health board is saying that there is an issue with lack of equipment. If we can take action there, we will certainly give consideration to doing so.

The more general point is one that I made earlier, in response to Anas Sarwar. In these times of significant pressure, we are focusing on reducing the waiting times of those who have been waiting the longest for treatment. That is where we are seeing progress. I appreciate that it is of no comfort to someone who is still waiting, but we have already seen a 24 per cent reduction in the longest waits for in-patient treatment. We will continue to focus on the longest waits, because we know the distress that they can cause.

I will look at the circumstances of the particular case that has been raised and if I can offer more information I will write to the member.

Rail Dispute

Bill Kidd (Glasgow Anniesland) (SNP): Travellers throughout the United Kingdom will experience disruption over the festive period as a result of what Scottish Trades Union Congress general secretary Roz Foyer has described as

“the combative approach to negotiations taken by the UK Government”.

What representations has the First Minister made to the UK Government to get round the table and engage constructively with trade unions to secure a railway that benefits users, staff and the wider public?

The First Minister (Nicola Sturgeon): I appreciate Bill Kidd’s raising that issue. It is important to underline that this is not a Scottish dispute. The Scottish Government has maintained constructive discussions with trade unions and we have settled pay negotiations here by embracing the concept of fair work. Despite that, passengers in Scotland are still facing severe disruption as a result of the on-going UK-wide rail dispute between Network Rail, the UK Government and trade unions.

Network Rail employees in Scotland face entering the new year with still no pay rise, and the travelling public face further disruption. Although this is not a matter in which the Scottish Government has any direct locus—unfortunately—yesterday, I joined the STUC in calling for the Secretary of State for Transport to intervene immediately, to avoid further disruption for users, staff and taxpayers and to deliver a fair pay deal for those who work on our railways. I hope that the entire Parliament will get behind that.

Gender Recognition Reform (Scotland) Bill

Sue Webber (Lothian) (Con): For the past two days in a row, members have been sitting in the chamber until after midnight. On Tuesday, as the debate on the Gender Recognition Reform (Scotland) Bill at stage 3 was under way, one woman was thrown out of the public gallery and another law-abiding woman was threatened with arrest. Legislation has been rushed, criticism ignored and women silenced. Does the First Minister agree that the events of this week have reflected badly on the bill’s passage through the Parliament?

The First Minister (Nicola Sturgeon): Some of the elements of our proceedings this week have reflected badly on the Conservative Party. I recognise that people have different and sincerely held views on the bill. Notwithstanding that, what we saw from the Conservative Party were deliberate attempts to filibuster, delay and frustrate the decision-making process. Neither yesterday nor the day before were we timetabled to go beyond midnight, or anything like it. The reasons why proceedings took so long were the filibustering and other actions of the Conservative Party.

Beyond that, Presiding Officer, as you well know, I am not responsible for policing the public gallery. I support those who do that difficult and important job, but that is not a matter for me. I believe that, no matter what our different views on that legislation or any matter might be, all of us should always treat the Parliament with respect and allow it to do its work properly. Perhaps the Conservative Party might want to reflect on that over the recess.

Point of Order

12:48

Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con): On a point of order, Presiding Officer. I seek your guidance in relation to rule 9.12 of standing orders, which sets out provisions on financial resolutions for bills at all stages. Before any amendments to the Gender Recognition Reform (Scotland) Bill were lodged, the Scottish Government's own cost estimate for the legislation was £0.5 million. As members will know, that is the threshold for triggering the need for a financial resolution. Given the nature of several amendments that were agreed to at stage 3, I am concerned that those costs will have increased, thereby requiring a financial resolution for the bill.

For example, an amendment from Gillian Martin imposes additional requirements on Police Scotland when applying for sexual offence prevention orders. However, none of the costs incurred by Police Scotland are mentioned in the financial memorandum, even though the amendment will clearly add such a cost. Moreover, amendments that add new fraud offences will require our judicial authorities, as a result of the bill's passage, to receive more resources in order to deal with those additional offences. Again, the financial memorandum does not mention any costs associated with new offences created under the bill, and that issue needs to be factored in.

Under a new section added at stage 2, sheriffs will be allowed to make an order to revoke a gender recognition certificate application upon request to the registrar general. That provision will impose an additional case load on sheriffs, but that is not mentioned in the financial memorandum.

Furthermore, the Scottish Government is required, as a result of amendments passed during the proceedings of the bill, to produce further guidance, and the registrar general must publish information on the website. Neither of those is mentioned in the financial memorandum, and they will add further costs to the Scottish Administration.

I therefore seek your guidance, Presiding Officer. I believe that if we commence the following debate we will be in breach of rules 9.12.3 and 9.12.3A of standing orders, which state:

"no proceedings may be taken on the Bill at any Stage after Stage 1 unless the Parliament has by resolution agreed to the ... expenditure".

We would not deign to pre-empt your ruling on this matter, but do you agree that proceedings should

at least be suspended in order to examine the cost implications of the amendments and to provide a ruling on any new requirement for a financial resolution?

The Presiding Officer (Alison Johnstone): I thank Ms Hamilton for her point of order. A financial resolution is indeed required if the likely expenditure arising from the bill would be above £500,000 in any one financial year. I determined at the bill's introduction that the likely expenditure arising from it would not exceed that figure.

A series of amendments lodged at stages 2 and 3 potentially had cost effects for future financial years, but I can confirm that none of those amendments, either on their own or cumulatively, were considered to take the costs above the threshold in any one financial year.

Gender Recognition Reform (Scotland) Bill

The Presiding Officer (Alison Johnstone):

The next item of business is a debate on motion S6M-07312, in the name of Shona Robison, on the Gender Recognition Reform (Scotland) Bill.

12:52

The Cabinet Secretary for Social Justice, Housing and Local Government (Shona Robison): This stage 3 debate is the culmination of a six-year process of consultation and policy development that started with a commitment in the 2016 fairer Scotland action plan to reform the Gender Recognition Act 2004 and to remove barriers to trans people obtaining legal recognition and accessing their human rights. The process included two of the largest consultations ever undertaken by the Scottish Government, with more than 30,000 responses in total.

When I took over responsibility for this policy, I committed to listening to all views and seeking consensus where possible. I have met a wide range of organisations and individuals, both supportive and with concerns about the proposals. I know that the Equalities, Human Rights and Civil Justice Committee has done the same, and I thank it for its careful scrutiny of the bill, its considered stage 1 report and its work at stage 2 and since.

I also want to express my deep gratitude to the parliamentary staff for their hard work throughout this process. [*Applause.*] I would also like to thank members of all parties, with whom I have had productive discussions throughout the bill's passage, leading to agreement on constructive amendments. At stage 2, 47 amendments were agreed to, 43 were not agreed to and 60 were not moved. I took the same approach ahead of stage 3, undertaking a series of meetings with members, and again agreed further amendments to strengthen the bill.

I have commented at every stage on the importance of the tone of this discussion, and I remain grateful to members who have maintained a respectful tone, even where differing views are genuinely held.

Finally, I express my sincere gratitude to Scottish Government staff, including my private office staff, but in particular I thank the small but dedicated team who have worked tirelessly on the bill. [*Applause.*]

I also say a particularly big thanks to Parliament staff for their long shift over the past two nights, and I am grateful to them all. They deserve a very happy Christmas and a much-needed break.

Presiding Officer, never has so much been said about so few. The Gender Recognition Reform (Scotland) Bill reforms the process that has been in place for 18 years for trans men and women to obtain a gender recognition certificate—a GRC. Like the Marriage and Civil Partnerships (Scotland) Act 2014, it is an important step towards creating a more equal Scotland where LGBT people are valued, included and empowered.

The bill provides a new and improved route to legal recognition in Scotland, but the existing process will continue to be available across the whole of the United Kingdom. The bill does not remove the ability of someone who lives in Scotland to apply under the existing GRC process; it will still apply in law in the rest of the UK once the bill's provisions come into force, as the requirements in the 2004 act are not restrictive based on where someone lives.

If the United Kingdom Government chooses not to recognise GRCs issued in Scotland, it will be particularly important that the existing system remains open to people in Scotland—for example, someone with an English birth certificate who lives in Scotland must have a route to be able to update that birth certificate in line with their acquired gender. I add, though, that I hope that the UK Government does not choose to take that step.

Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con): If we are repealing parts of the Gender Recognition Act 2004 in the schedule, does that not have the effect of removing the access that the cabinet secretary talks about?

Shona Robison: No; both routes will be open to people once the legislation is enacted.

Following her visit to the UK, the Council of Europe's Commissioner for Human Rights commented in her report, which was published two weeks ago, that she had observed the

"emergence of an increasingly harsh political and public discourse against trans people in the UK",

and she expressed concerns about

"narratives that represent trans people as a threat to others".

I hope that that will change, but it is regrettable that some of the discussion and some of the media coverage relating to the bill has focused so little on the reforms and their positive impact for trans people in Scotland.

We know from extensive consultation and the evidence heard at stage 1 that the current system can have an adverse impact due the requirement for a medical diagnosis and the intrusive and lengthy process. Those barriers prevent many trans people from applying for a GRC. We know that, of an estimated half a million trans people in

the UK, only around 6,000 have ever been able to obtain a GRC in the past 18 years that the current system has been in place.

The bill will make the process more respectful of the privacy and dignity of trans men and women. It makes no change to the effect of the GRC, which will remain as it has been for the past 18 years. Legal gender recognition mostly affects aspects of our private lives and would enable a trans person to obtain an updated birth certificate. That will benefit trans people at important moments throughout their lives—for example, allowing them to have consistent documentation when they start a new job, enabling them to marry in the gender in which they live and, importantly, enabling them have their death recorded in the gender in which they lived.

Although the bill will make it easier for trans people to access their existing rights and go about their lives with confidence that they are recognised under the law, it will continue to be a substantial and significant legal process, which is reflected in the requirement to make a statutory declaration. It is a criminal offence to knowingly make a false statutory declaration or to knowingly make a false application.

Those safeguards have been strengthened during the parliamentary passage of the bill in the creation of a statutory aggravator, where the circumstances of the offence are connected to fraudulently obtaining a GRC, and a proportionate and risk-based approach to applications from those charged or convicted of certain offences that is based on assessment and management of risk in individual cases.

I know that some continue to have concerns about the potential impact on women and girls, and I have listened carefully to those who have expressed concerns. I understand the root of those concerns—I know from my own experience and from many years of working to improve women's rights that women and girls still face inequality and an increased risk of harm in Scotland today, and that, throughout the world, women are fighting to keep their hard-won reproductive rights from being eroded, often by powerful men.

That is why this Government does so much to tackle violence against women and girls from abusive, predatory and controlling men.

Rachael Hamilton: Will the cabinet secretary give way?

Shona Robison: Not just now.

That is why we prioritise the work of the equally safe strategy, the delivery of which has resulted in changes in legislation through the Domestic Abuse (Scotland) Act 2018, criminalising coercive control,

increased funding to front-line services and a drive towards prevention.

Rachael Hamilton: If, as the cabinet secretary says, the Government has the rights and protections of women and girls at the heart of what it does, why have so many of her Scottish National Party back-bench colleagues broken the whip?

Shona Robison: Members of all parties have differing views. I could ask the member why some of her own party do not agree with her position on the bill. People have listened to the arguments and they have come to their own conclusions on these matters.

Rachael Hamilton: *rose—*

Shona Robison: No, thank you.

I have also stated clearly that the bill does not change public policy around the provision of single-sex spaces and services. We support the provision of single-sex services. We are clear—I have always been clear—that all organisations must take account of the Equality Act 2010 to ensure that everyone's rights are protected.

Liam Kerr (North East Scotland) (Con): Will the cabinet secretary take an intervention?

Shona Robison: Not just now.

The bill does not in any way modify the Equality Act 2010, and I supported the amendment, which was agreed to, that puts that beyond doubt in the bill.

I have done my best to allay anxieties, but I know that some people's opposition to the reforms will not change based on what I say. I hope that the words of the United Nations independent expert, who has spent years researching the issues, will give further assurance. He said:

"there is no credible evidence supporting the submission that requirements currently in place in Scotland for legal gender recognition are effective or efficacious safeguards to prevent sexual and gender-based violence, or that these requirements are even remotely connected to it".

Trans rights are not in competition with women's rights. As has so often been the case before, we can improve things for everyone when those discriminated against act as allies, not opponents.

Mercedes Villalba (North East Scotland) (Lab): Will the minister take an intervention?

Daniel Johnson (Edinburgh Southern) (Lab): Will the minister take an intervention?

Shona Robison: I will take a brief intervention from Daniel Johnson.

Daniel Johnson: As it stands under the Equality Act 2010, a trans person can be excluded from a single-sex space on the basis that they are transgender, and therefore essentially on the basis

of their physical difference. Will she reiterate explicitly for the record that that will continue to be the case after the passage of the bill, as that is an important point for those who have concerns?

Shona Robison: I am grateful to the member for the opportunity to put on the record once again that, as I have said so many times, the exceptions in the Equality Act 2010 remain and trans women can be excluded from those spaces if it is proportionate and in line with the guidance and with the provisions that are contained in the 2010 act. I cannot be any clearer than that. I hope that that gives the member the reassurance that he is looking for.

To conclude, I want to repeat that the bill represents an important moment for trans people in Scotland. It addresses the deficiencies of the current system for legal recognition, which are not in line with international best practice and which place disproportionate barriers in the way of trans people accessing their human rights.

Mercedes Villalba: Will the minister give way?

Shona Robison: Yes.

The Presiding Officer: Very briefly.

Mercedes Villalba: I am very grateful to the minister for introducing this bill to reform legal gender recognition for trans men and women. However, we must also recognise that there are trans people who identify as non-binary—as neither men nor women. I seek a commitment from the minister that further work into non-binary recognition will be carried out by the Scottish Government in this parliamentary session.

The Presiding Officer: In conclusion, please.

Shona Robison: As we said in the committee at stage 2, that further work is under way.

The bill is a further step towards making Scotland a more inclusive and fair society where LGBT people feel safe, respected and included.

I want to share some personal testimony from someone who gave evidence to the committee, if that is okay, Presiding Officer. They said:

“I have known who I am since I was a child ... I tried several times to apply”

for a GRC

“but each time didn’t have what was needed. I couldn’t afford it the first time. The second time I didn’t have the proof. Then my partner had a stroke. We wanted to marry. We were together for 20 years but couldn’t do it because I didn’t have a GRC. He died in 2013 and I lost everything because we weren’t married. I had no legal right to everything that we had built up together, including his pension”.

They went on to say that, if the process in this bill had been in place then, it would have

“allowed me just to be ordinary, which is all we ever wanted”.

Let me end by saying that every party in the chamber except one made a clear commitment at the last Scottish election to the reforms that are set out in the bill. At the election before that, all parties did. Members from all parties in the chamber voted to support the general principles of the bill at stage 1. At this final stage, I urge all members to vote in favour of these important reforms and for the bill.

I move,

That the Parliament agrees that the Gender Recognition Reform (Scotland) Bill be passed.

13:06

Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con): I echo the words of the cabinet secretary and put on the record my thanks to all parliamentary staff, including the very hard-working bill team.

It is with regret that I believe that the bill has shown the Parliament at its worst. The debate on the bill has been sorely missing compromise by the Government for women across Scotland. The Government has not sought to achieve consensus, nor has it made a serious attempt to bring people together. Women have real fears about the consequences of the bill, but they have been ignored. The First Minister has dismissed justified and legitimate concerns as “not valid”.

I want to begin by taking the opposite approach and focusing initially on where we can mostly agree. I can endorse much of what the Government and MSPs across the chamber say when it comes to improving the process for trans people. I believe in the principle that nobody in society should suffer because of who they are, and that everyone should be free to go about their lives as they please, within the scope of the law.

The administrative process of changing gender should be simple for trans people. It should not be overly intrusive, burdensome or in any way demeaning. I am sure that the majority of the Scottish public would agree on those points, but they do not agree with the reforms in the bill. The public are not on side with these changes. A clear majority is against the legislation, as has been shown in recent polls. Nicola Sturgeon has not brought the people of Scotland with her.

In the rush to make the process a little easier for trans people, the Government is making it easier for criminal men to attack women. That is the problem here.

Gillian Martin (Aberdeenshire East) (SNP): Does Rachael Hamilton agree that the amendments that I lodged at stage 3 mean that

men on the sexual offences register will be risk assessed so that they cannot apply for a GRC? The amendments have the effect that Russell Findlay wanted to achieve at stage 2.

Rachael Hamilton: I do not agree that Gillian Martin's amendments go far enough; they should have been more robust. The Parliament should have voted for Michelle Thomson's amendments, which were supported by my colleague Russell Findlay, to ensure that we do not allow sex offenders to get into single-sex spaces for women.

The public do not agree with the reforms in the bill; they are not on side with these changes. In the rush to make the process a little easier for trans people, the Government is making it easier for criminal men to attack women. That is the problem that I am trying to get Gillian Martin to identify. Clearly, the Parliament is split on that issue.

The bill will make it vastly easier to obtain a gender recognition certificate, but it will do that not only for trans people but for violent males, too. It will let criminals exploit the system, which will put women at risk in all kinds of places, but it will endanger women especially at shelters for victims of domestic and sexual abuse.

Fulton MacGregor (Coatbridge and Chryston) (SNP): Will the member take an intervention?

Rachael Hamilton: Not at the moment, because I would like to make a little bit of progress, thank you.

The UN special rapporteur on violence against women and girls, Reem Alsalem, raised many serious concerns about the bill. She was right to say that the bill is a threat to women in all their diversity. As she made clear, dangerous men are a threat not only to biological women but to trans women, too.

Today, the Scottish Conservatives are talking not just about protecting women's safety but about protecting everyone's safety; society as a whole is at risk from the bill. Although most of us in Scotland are good, decent and reasonable people, rapists and sex offenders are not. It is ignorant in the extreme to believe that they will not take advantage of the loopholes that are ripe for exploitation.

As J K Rowling wrote recently:

"Nobody but the very naive can fail to be aware that predatory men are capable of going to great lengths to gain access to victims."

These legitimate worries cannot be dismissed as scaremongering. That is an insult to every survivor of sexual assault and domestic abuse. Women do not have a phobia of trans people; we have a phobia of violent men. Nobody needs to

scaremonger about the appalling levels of violence that women face; there is no need for exaggeration. Violence against women is the unfortunate harsh reality of our society. I ask every MSP here today: how can we allow a bill that risks the safety of women in Scotland to pass? *[Interruption.]*

The Presiding Officer: We will hear Ms Hamilton.

Rachael Hamilton: The Parliament has to think about the message that that will send to young women such as my daughters. Warm words about women's rights are often recited in the chamber, but I am no longer sure that they are meant.

My colleague Russell Findlay's amendment that would have prevented those on the sex offenders register from obtaining a GRC was shamefully voted down by a very small majority.

Sue Webber (Lothian) (Con): Will the member take an intervention?

Rachael Hamilton: Not just now, thank you.

We have been shown countless times by those giving evidence that predatory sex offenders will exploit Nicola Sturgeon's gender self-ID experiment. Russell Findlay's amendment would have had no impact on trans people; it would simply have protected the lives of women across Scotland from violent sexual offenders. How could MSPs vote against that? It is indefensible.

Throughout this process, while Scottish Conservative MSPs have worked constructively with MSPs of all parties to try to improve the bill, the coalition Government has not engaged in good faith.

Fulton MacGregor: I thank the member for taking an intervention, which is on the point that she has just made. Rachael Hamilton is on the Equalities, Human Rights and Civil Justice Committee with me, and I wonder why the Conservatives have not tried to put out the overwhelming evidence that we heard during the committee meetings that some of the concerns that she has raised have not come to fruition elsewhere. Why have the Conservatives not tried to show the public that the evidence that we heard was overwhelming?

Rachael Hamilton: I very much respect my colleague Fulton MacGregor. We sit on the committee together and work very collegiately together, but he does not seem to recognise that media reports suggest that people are getting access to single-sex spaces, particularly in prisons. We did hear that.

As I said, throughout this process, we have worked constructively.

Emma Roddick (Highlands and Islands) (SNP): Will the member take an intervention?

Rachael Hamilton: No, thank you.

The bill has been railroaded through the Parliament, and debate has been shut down. In my opinion, the process has been a complete sham. The evidence that was taken by the committee was limited, and the range of experts called on was narrow and selective. It is unbelievable that, in this democracy, we heard evidence from the UN expert on violence against women and girls only on Monday night—hours before the bill was debated in the Parliament. The timetable for debate and scrutiny has been far too short.

Shona Robison: Will the member give way?

The Presiding Officer: Please make your intervention very brief.

Shona Robison: I wonder whether the member is aware that key human rights and women's organisations have written to Reem Alsalem to express support for the bill and to highlight that they were not consulted before her letter was published. Those organisations include Amnesty International Scotland, Engender, JustRight Scotland, the Scottish Women's Rights Centre, Scottish Women's Aid and Rape Crisis Scotland. Does the member think that it would have been better for those organisations also to have been consulted by the UN rapporteur?

The Presiding Officer: Please bring your remarks to a conclusion, Ms Hamilton.

Rachael Hamilton: Reem Alsalem is the UN special rapporteur for violence against women and girls. Did the cabinet secretary read the letter from all the women's organisations that expressed great concern about the Scottish Government's bill?

We rapidly debated difficult amendments that deserved proper consideration, and there has been no good explanation of why the legislation must pass in 2022—three days before Christmas—when we could spend 2023 fixing its flaws. The result is a sub-par shoddy piece of legislation that is not fit to pass into law.

The Presiding Officer is asking me to conclude my remarks. The bill will be a legacy issue for the First Minister—but not in the way that she hopes, because J K Rowling won't wheesht, Johann Lamont won't wheesht and Ash Regan won't wheesht. Women won't wheesht. *[Interruption.]*

The Presiding Officer: Let us hear Ms Hamilton.

Rachael Hamilton: The Government has not listened, but our voices will be heard.

13:16

Pam Duncan-Glancy (Glasgow) (Lab): I will open my remarks by paying tribute to all the people with whom we have engaged throughout the process. I thank them and our committee clerks and Parliament staff, who have supported us, as well as the cleaners, catering and security staff, who have put in quite the shift to facilitate us being here so late this week to debate this legislation.

I became an MSP because I wanted to change people's lives. Today is one of those rare moments as an MSP where we all have a real opportunity to improve lives and directly tackle inequality. Being recognised for who you are, without suspicion, is hard. Being expected to rely on medical interference where it is not needed or wanted, to somehow prove who you are and who you know you are, is demeaning and hurtful, and requiring someone else, who does not even know you, to confirm your identity, is belittling.

The pressure to conform to a society that does not quite understand your experience is hard. It is exhausting. It means that you second-guess your instincts and worry that people think that you should not be how you are or get what you get. You feel the need to justify who you are in a way that people who do not share your characteristics do not have to. As a disabled person, I am only too familiar with that world and that experience. I guess that is why I have always felt a connection with trans people's desire to be recognised for who they are, for the current process for doing that to be reformed, and for society to accept them and support them to be their best selves without barriers, additional costs or medicalisation.

The thing about stigma and discrimination is that their characteristics are almost always the same. Whether your characteristics are those of a disabled person, an older person, a woman, a person of colour, a lesbian, a gay person or a trans person, you are held back, you are questioned, you lose out, you earn less and people treat you differently. You internalise that and agonise over every microaggression; ultimately, that eats away at your sense of self, purpose and potential. That is why I believe strongly that the reform that we will vote for today has been a long time in coming and why changing the current onerous, lengthy and invasive process of legal gender recognition has always been so important to me.

The current system is outdated and out of touch with the progressive Scotland that we aim to be. It forces trans people to endure trauma and intrusion just to have their gender recognised in law. Throughout the scrutiny of the bill, I have said many times that the drawn-out process and the Scottish Government's delays in bringing it

forward—as well as its failure to provide the strong leadership that is necessary to quash misconceptions and allay fears—has led to a vacuum, which has allowed fear and ignorance to prosper. It has led to a debate that has framed the rights of trans people as a threat to the rights of women and created a toxic environment that has let down both causes and brought hurt and upset to those people who spend their lives fighting for both of them.

We are having this discussion because there is a clear injustice and we have the power to fix it. That is what devolution is for. In all the evidence that I have heard—and I have heard a lot of it—it has been clear to me that too many trans people feel that, under the current process, it is not possible for them to be recognised in law as the gender that they identify with. The current system is so bad that, too often, trans people are forced to leave themselves open to discrimination in all aspects of their life; they face constant fear of being outed and are treated differently because their identity documents are not consistent with their lived experience. That is why I have been so keen to make sure that the legislation is the best that it can be.

I cannot understate the importance of getting that right. The legislation has to do what it says on the tin and tear down some of the most disproportionate barriers that are denying trans people the dignity of being recognised for who they are. That is why members of the Labour Party have spent so much time scrutinising the bill and why we have done that thoroughly.

Liam Kerr: I echo the member's point that the bill needs to be as good as it can be. However, yesterday, Jackie Baillie, Pauline McNeill, Carol Mochan and Daniel Johnson articulated some very clear concerns about the shortcomings with the drafting of the legislation, which were not addressed during the amending stage. Can the member help me understand why she will vote for a bill that her colleagues believe to be so flawed in its drafting?

Pam Duncan-Glancy: I was expecting such an intervention and will address it in a moment.

We recognise that there are some concerns about single-sex spaces, age, and the potential abuse of the process, and we have spent hours looking at the evidence in detail, debating the arguments and coming up with solutions. We have met with representatives of trans people, women, young people, human rights experts, gender identity experts, data experts, members of Parliament in other countries who have legislated on the matter, academics, faith leaders, people with lived experience of transition and detransition, sporting bodies, legal experts, campaign groups and individuals across the spectrum of the issues

that are covered by the bill. We have listened to concerns and sought the best possible evidence available to us about all of those concerns.

In areas where we thought that the bill needed to be improved, such as the collection of robust data, clarity of statutory declarations, clarification about the primacy of the Equality Act 2010 and the protection of single-sex spaces, the importance of supporting guidance and inclusion of asylum seekers, protection against vexatious allegations, and reviews of the impact of the new system, we lodged amendments and worked with members across the chamber to secure improvements to the bill. We did that so that when we move to vote on the bill in its final form today, we are able to vote to deliver the change that trans people need and deserve, ensuring their dignity and recognition in law, while also ensuring that the process is one that the public can have confidence in.

Trans people have been waiting far too long for those changes. They deserve nothing less than good legislation that allows them to be recognised for who they are. That is why Scottish Labour was determined to ensure that the bill did just that and ensure that it meets its objectives and delivers the change that is needed.

Trans rights are human rights—they are inalienable, indivisible and interdependent. Human rights are our rights not because we are women, trans, gay, disabled or black, but because we are human, and our society and our Parliament have a legal obligation to uphold those rights. For trans people, being recognised in law for who they are is fundamental to that. In committee and throughout my campaigning on equality and human rights, I have heard—and I am in no doubt—that the process of transitioning is dehumanising, intrusive, offensive, expensive and lengthy, and that it must change. I and Scottish Labour will therefore vote for the bill today. We have always been at the forefront of equality and human rights, and we will always defend and protect them.

13:22

Alex Cole-Hamilton (Edinburgh Western)

(LD): I rise for the Scottish Liberal Democrats. When the vote takes place, I and my party will vote as one for the Gender Recognition Reform (Scotland) Bill to pass into law. It is a commitment that we made in our election manifestos for the past two Holyrood elections, it honours the party policy that was made by our members at our conference, and it is the right thing to do. We support reform because we believe that the prolonged, intrusive and medicalised approach that is currently in place causes trauma to trans people, who simply want to have their gender recognised on the documents that they are required to hold. Ultimately, the decision about a

person's identity should lie with that person, and not a panel of strangers whom they have never met.

We are not pioneers in those reforms. More than 350 million people now live in countries where gender recognition is obtained through a process of self-ID. Those countries are following international best practice that has been laid out by the Council of Europe and the United Nations.

Opponents to reform expressed real concern about access to single-sex spaces and women's safety, which I will address directly. Violence against women is a matter of huge importance to me and my party, which is why I established a commission on men's violence at our conference in October. However, I am clear that no provisions in the bill on changes to gender recognition create a new or additional threat to women. Put simply, making it easier to obtain a gender recognition certificate does not change who can, or is likely to, access single-sex spaces.

No single-sex or protected space currently requires the presentation of a gender recognition certificate or a birth certificate for entry. Indeed, neither is seen as a valid form of identification. Instead, trained staff will undertake a dynamic risk assessment as to whether it is appropriate to grant admission to that person. That goes for prisons as well. Nothing in the provisions that we pass today will change that.

Many countries have gone before us and there is no evidential base for the abuse of the gender recognition systems in those countries by predatory men. Nor have those countries sought to repeal their legislation. Indeed, in Ireland, where the reform has been in place for the past seven years, ministers have the power to revoke a certificate if information comes to light that would have barred the holder from obtaining one in the first place. No certificate has ever been revoked.

In addition, the reforms are not about the age at which young people can surgically transition or the administration of puberty blockers. That is certainly an important and live debate but it is not this debate. If we credit 16-year-olds with the mental capacity to make many life-changing decisions in our society, including marriage and armed service, we should trust them and credit them with the mental capacity to understand who they are and seek to have that identity recognised in the documents that the Parliament and Government require them to possess.

This law has been a long time coming. The original work behind the scrutiny of the legislation began some time before the pandemic. It was a commitment made by most of the parties in the chamber seven years ago. The bill has taken longer to transit Parliament than any legislation

that I can remember. To those who say that we have rushed the bill and that it is being rammed through, I say that we have not and they are wrong—it is far from it. In many ways, I am frustrated by the delay because it has not only stalled reform but has allowed a good deal of heat and hate to enter our considerations. I am heart saddened by that. It has divided families, communities and political parties.

My party is no exception. I am aware that there are members of the Scottish Liberal Democrats who are not persuaded by the need for the reforms and will struggle with the position of our parliamentary party. I say to them that I am a Lib Dem in large part because we are a plurality. The discussion will continue—of that there is no doubt—and although our party policy on gender recognition and support for the trans and non-binary community is clear and established by our membership, that does not mean that I will turn away or shut down those who still have questions and concerns.

I wish that I could offer comfort and reassurance to people who fear the reforms that we will pass today. I believe that, in time, that comfort and reassurance will come. I am confident that, through the monitoring that we have built into the bill, over time, we will build an evidential base that will help to dispel that fear in its entirety.

Today, we bring the reforms blinking into the light. We right a wrong that has existed in our statute books for nearly 20 years and we offer a new route to trans people who wish to have their gender recognised in the documents that underpin the legal architecture of their lives. That route is finally free from trauma and is steeped in dignity.

13:28

Joe FitzPatrick (Dundee City West) (SNP): It is a huge honour to speak in the debate. I will support this important bill, which seeks to remove unnecessary and disproportionate barriers to legal recognition and help to transform the lives of many trans people.

At the Equalities, Human Rights and Civil Justice Committee, we heard that people who had applied for a GRC found the existing process to be upsetting and invasive. As the cabinet secretary said, we also know that many people choose not to seek a GRC at all due to the concerns about the onerous nature of the process.

One witness told us that they were put off by the process, concerned about the costs and evidence requirements and worried about having to out themselves to a panel of doctors and lawyers who had never met them. Vic Valentine of the Scottish Trans Alliance described the requirements to provide a diagnosis of gender dysphoria as

“pathologising and stigmatising”. We also heard that the existing process takes years—it is backward and is a bureaucratic nightmare that is unnecessarily traumatising for trans people.

Kaukab Stewart (Glasgow Kelvin) (SNP): I have been inundated with correspondence from people who have asked me to support the bill. That is unsurprising, given that Glasgow Kelvin is such a rich, intersectional and diverse constituency. Does Joe FitzPatrick agree that those of us who do not understand the experience of gender incongruence should listen to those who do, and that streamlining the process for obtaining a GRC will help to create a kinder system that treats people with dignity and gives them the autonomy that they deserve, which will allow them to enjoy their life as their whole, authentic self?

Joe FitzPatrick: In this whole debate, if Scotland comes out of today a little bit kinder, that will be a really good step forward. Kaukab Stewart’s points about the existing process are absolutely true.

Some of the evidence was really difficult for committee members to listen to—we were hearing about the trauma that people had to put up with. One witness put it to us that

“the panel’s purpose is unnecessary”

and that the process is bureaucratic. They quite rightly said:

“I can validate my own identity.”

I know who I am, and they know who they are. That is one reason why we need to be kinder and accept people.

We heard about the damaging effects of not being able to obtain a GRC under the current process. The cabinet secretary quoted one of the most powerful testimonies that we heard in our stage 1 deliberations; I will not be surprised if it appears in more than a couple of contributions today. I remind members that the witness involved could not marry their partner before their partner died, which meant their pension rights being lost and their home being put at risk. They told us:

“It is like being given a life sentence without committing a crime. We feel constantly under attack. Things are really difficult for trans people.”

They concluded by saying that

“the reforms are badly needed.”

We asked the witness what we could do—if the proposals that are in the bill had been in place, what might have made a difference? They told us:

“It would have allowed me just to be ordinary, which is all we ever wanted.”

Monica Lennon (Central Scotland) (Lab): Joe FitzPatrick makes really important points. If he will

indulge me for a few seconds, I want to pick out one email. A constituent who is a trans woman wrote to me:

“I hope the day my death certificate is eventually issued comes in the far future but when it does, I want it to be accurate of how I live my life and of who I am”.

She said that she wants trans people to get married with pride, to be able to rest in peace and to finally stop being the target of a manufactured culture war. I read that out because we do not have any trans people sitting in members’ seats in the chamber—perhaps some are in the public gallery.

Does Joe FitzPatrick agree with my constituent’s remarks? I hope that, one day, trans people will sit in the chamber to vote on rights and legislation that will affect them directly.

The Deputy Presiding Officer (Annabelle Ewing): I say to members that we do not actually have a lot of time in hand. Interventions should therefore be brief and will be absorbed in a member’s allocated time.

Joe FitzPatrick: Monica Lennon makes important points, which the cabinet secretary will reflect on. When we hear about the important times in people’s lives and the idea of not being able to marry as yourself or—oh my God—the pain of thinking about being buried as someone else, oh my goodness, how could we not want to fix that, so that people can live their lives and be themselves at the happiest times such as marriage and at the saddest times?

It is not just this Parliament that is legislating on the subject. We have heard from the Scottish Human Rights Commission, from Volker Türk, who is the UN high commissioner for human rights, and from the Council of Europe’s commissioner for human rights, Dunja Mijatović, that this is the correct way to go forward.

I see that my speaking time is coming to a close. I have set out in their own words the considerable challenges that trans people face under the current GRC process and the ways in which that process is failing to provide trans people with the dignity and privacy that they are entitled to in accordance with their human rights—rights that others take for granted.

Victor Madrigal-Borloz, the UN independent expert on sexual orientation and gender identity, put it well when he set out our responsibility to uphold human rights for all. He said:

“Mention has been made of trans rights, but there is no such thing as trans rights or gay rights or lesbian rights; there are human rights of people who are gay, human rights of people who are lesbian and human rights of people who are trans.”—[*Official Report, Equalities, Human Rights and Civil Justice Committee*, 21 June 2022; c 44.]

This bill will remove unnecessary and disproportionate barriers to legal gender recognition and will help to transform the lives of many trans people. That is why I will be supporting the bill today.

The Deputy Presiding Officer: Thank you, Mr FitzPatrick.

I call Brian Whittle, who is joining us remotely. Time has been allocated in accordance with the request from the Scottish Conservatives, so Mr Whittle has up to four minutes.

13:35

Brian Whittle (South Scotland) (Con): I want to make clear that my opposition to the bill is not opposition to trans rights. Amendments were never about restricting any trans rights; they were about preventing predatory males from exploiting badly drafted law—a point that was disgracefully conflated by some members in the debate.

As members of this Parliament, we have a responsibility to make good law, we have a responsibility to anticipate the consequences of the changes to society that we impart and we have a responsibility to protect the rights of all those we serve. Members cannot claim to be making Scotland more equal while pushing forward with legislation that risks putting the rights of one group above those of another.

Laws do not exist in a vacuum, independent of one another, but that is the fantasy on which many of the Scottish Government's justifications for its approach are based. Passing a law that makes it substantially faster and less difficult to change gender is certain to have wider implications across society and we should at least try to understand those implications before we pass the law. However, time and again, we have been told by the SNP and the Greens—and others—that that is not the case. More worryingly, not only are those concerns dismissed, but those expressing them have found themselves ostracised, castigated and condemned for having them.

From the very start of this process, the First Minister has told us that she would listen to those with concerns. Sadly, I think that her actions and words suggest that she leads a Government with selective hearing. However, why should we expect anything else from the SNP under Nicola Sturgeon, a First Minister who will happily say that she detests me and everything that I stand for because of the party of which I am a member, without having so much as a five-minute conversation with me about my views? All views are welcome in Scotland until Nicola Sturgeon decides that they are not.

The Parliament is supposed to be a place of debate; debate means sometimes having your views challenged and answering difficult questions because, by thinking about those questions, we gain greater understanding and can work to build consensus.

Throughout this process, I have listened: I have listened to the stories of trans people failed by the system who have experienced enormous personal struggles just to be who they are; I have listened to the campaign groups desperate for reform and those with concerns; I have listened to the women's groups who fear the erosion of their hard-won rights and recognition; I have listened to female athletes who are worried that they might no longer have a level playing field on which to compete; I have listened to coaches in Scotland and around the world working with trans athletes and intersex women; and I have listened to mental health professionals, medics, lawyers, and so many others, who all have their own ideas, views and suggestions.

In all those conversations, not once did I encounter hatred or fear of trans people; nor did I encounter anyone with a desire to deny them the human rights that we all share. What I did hear was genuine concern about the wider implications and possible unintended consequences of the proposal. That is what I sought to highlight and address—sadly with little success.

My efforts to amend the legislation and my opposition to the bill in its current form are born not of malice but of frustration. We cannot create equality by inadvertently creating inequality elsewhere in our society. Inequalities cause harm, and the bill, as drafted, will harm women, girls and trans people alike. Members across the chamber have raised many logical and real-life examples, backed by experts in their fields, of the consequences of the bill, and we must pay attention.

I will leave my fellow members with a quote from Albert Einstein, who said: "Blind belief in authority is the enemy of truth." Having blind faith in anyone is dangerous; passing legislation on the basis of "Trust me, I am the First Minister" cannot and should not be how this Parliament addresses the challenges that we face.

Today, I will not blindly follow the First Minister or her Government when they say that this legislation will not cause harm to trans people, women and girls; I cannot support the bill as it is written.

13:39

Karen Adam (Banffshire and Buchan Coast) (SNP): It is an absolute honour and a privilege to be standing in the chamber on the cusp of making

history. I am feeling overcome with pride at the opportunity that has been afforded to me, and I hope that I can do justice to a very small but incredibly important piece of legislation for a very small but incredibly important group of people.

As we discuss the legislation, the most regrettable thing is that we have no out trans people in the chamber having their say on it; instead, they are having to put their faith in people without their own unique lived experience to represent them as they watch from the public gallery and at home.

I hope that what I have done in this Parliament and on the Equalities, Human Rights and Civil Justice Committee has given reassurance to trans people that there are many out there who do care, and that we are the majority. As a woman, I know that I would feel injustice at my rights being debated without representation, which is why I have ensured that trans people's voices have been heard throughout this debate from the start.

Recently, I hosted an open meeting—a trans living library—in the Scottish Parliament, which I invited very special guests to attend to openly engage with members from across the chamber, so that they could help to shape legislation for themselves and truly have their voices heard within these walls. It was also an opportunity for MSPs to drop in and informally chat with trans people about their lives and to gain an understanding of what we, as parliamentarians, could do to improve their lives. The meeting was a prime opportunity to learn about trans people directly from trans people.

Russ was one of those special guests. He is my dear friend. Members might be aware that Russ is a trans man whom I met outside Parliament when we held the stage 1 debate. I had written my speech only the night before, in which I used Russ's life experience as an example. It was an accidental meeting; perhaps, as some suggested, the stars did align. I have kept in contact with him, and I ask my colleagues to please watch his video on YouTube in which he talks openly about his experience of conversion practices. He talks about how he endured electroconvulsive therapy.

Russ transitioned at the age of 60, after knowing that he was a trans man for decades. He is now 68 and still does not have a GRC because, he states:

"I don't want to have to go through a process like that again, so when it comes to gender recognition and getting a GRC, I'm not going to do that to myself under the current system. I am not again going to take the risk of having to present my case to some people, in this case, people I have never met, who don't know what it's like, what my life has been like. I am not going to give them that power to decide who I am. We are not asking for very much—we are just asking to be normal human beings. That's it, really."

Trans people have long existed; they are not a product of society, mental health problems or neurodiverse conditions. They are because they are, just as we are. They are a valid part of the LGBT community who strive to remove stigma and be accepted without harm in society, and to be afforded opportunities that we are afforded without prejudice. That is what this bill is for; that is what this bill can help to achieve. The bill can simply make the process of obtaining a birth certificate that corresponds with who they are easy to access without the interference of anyone else, just as we have that right. To provide a right to enter employment without being exposed and to go on to further education with the comfort that they are recognised for who they are, and to have a fundamental right to whole autonomy—that is what we are doing here today.

I welcome the bill, and I hope that, when our children and our children's children look back through the history books, they can see that, in Scotland in 2022, we decided to join many other countries in best practice to support our most marginalised; we advocated for the rights of our LGBT community; and we made Scotland that little bit better to live in and that little bit more equal.

We either get on board with progression or we get out of the way. I was elected to make people's lives better, which is exactly what I am doing here today. I welcome the bill, and I will whole-heartedly vote for it.

13:44

Paul O'Kane (West Scotland) (Lab): I am pleased to have the opportunity to contribute to this important debate as we reach the concluding stage of the Gender Recognition Reform (Scotland) Bill. Before I start my substantive contribution, I join colleagues in putting on the record my thanks to you, Deputy Presiding Officer, and to the other Deputy Presiding Officer, the Presiding Officer and all the staff of the Parliament, who have worked tirelessly throughout the drafting, scrutinising and amendment of the legislation. Without their commitment and endeavour through long hours, we members of the Parliament would not have been able to debate and vote on this piece of legislation today. Their contribution is greatly appreciated by me, and we have already heard from colleagues across the chamber in that regard.

I begin by commenting on the tone and tenor of our stage 3 debate thus far, as we have sought to scrutinise and consider the final stage of the legislation. In my stage 1 contribution, I made comment on the wider debate in Scotland over many years, which has all too often been too toxic and too angry, with a lack of space to find respectful disagreement. For the most part, our

debate in this place has been conducted in a vein of respect and, often, respectful disagreement, both in the chamber and in private, and I am grateful to many colleagues for that.

However, I was dismayed at points in our debate last night to hear contributions from members which I found to fall short of the basic standards of respect that we would all expect, particularly the respect that should be afforded to some of the most marginalised people in our society. Indeed, I fully appreciate that watching some of those contributions will have been hard for many trans people, who have seen their lives discussed and pored over in a way that has often seemed technical and detached from the very human reality of this debate. As a gay man, I have also found some of that—and, indeed, the rhetoric over the wider debate—reminiscent of things that I have had to listen to all my life and find deeply offensive.

I also found some of the discussions last night around faith difficult, particularly as a person of faith. We need to recognise that no one person has a monopoly on faith or belief due to one particular strand of opinion. As I said at stage 1, this is about respecting the humanity and dignity of everyone. As I said in the summation of my amendments on Tuesday night, there have been contributions from colleagues where we may fundamentally disagree, but they have been sincerely held views, respectfully offered, and I want to meet those colleagues with that respect. I hope that we will all reflect on all of that as we move forward.

Since the beginning of the debate, I have supported reforming the process to obtain a gender recognition certificate by demedicalising and simplifying it in line with the commitments made in the manifesto that I stood on for election to this Parliament. I have, however, with my colleagues on the Labour benches, sought to scrutinise the proposed legislation and to change it to make improvements that can command the confidence of trans people and the wider public.

Liam Kerr: Will the member take an intervention?

Paul O’Kane: Just let me make some progress.

The bill has been changed by colleagues on this side of the chamber placing the Equality Act 2010 on the face of the bill and adding to the Government’s statutory obligations to carry out robust data collection and reviews of the bill’s implementation, so that its impact can be assessed and understood. As we have heard, amendments from Gillian Martin, supported by Jamie Greene, have allowed a pause to an individual’s GRC application if they are subject to

a sexual harm prevention order or a sexual offences order.

Liam Kerr: On that exact point, earlier, I asked Pam Duncan-Glancy why she supports something that her colleagues said yesterday is fundamentally flawed. She responded by saying, as I think the member is saying, that amendments were proposed by Labour to make the bill better. However, all the significant amendments, including Jackie Baillie’s amendments 127 and 130, fell yesterday, so why is the member voting for something that his colleagues believe to be so flawed?

Paul O’Kane: I thank Liam Kerr for his intervention. I will let Jackie Baillie and others speak for themselves. I have outlined the changes that I have seen made to the bill, which I do not think are insignificant, as he described them. I am disappointed by that characterisation. Colleagues will speak for themselves and it is up to them to explain their views.

Returning to the point about Gillian Martin and Jamie Greene’s amendment, I reiterate, for the avoidance of doubt, that Scottish Labour is of the view that there is absolutely no link at all between sexual predators and the trans community. It is important to put that, once again, on the record.

The bill has also been changed to extend the time period for applications from 16 and 17-year-olds and to introduce requirements for young applicants to seek support. I understand and respect that there are people who do not believe that those changes go far enough, and people who fundamentally disagree and believe that legislation should not proceed at all. That is why it is crucial that monitoring and reporting amendments that were secured by Jackie Baillie and others, along with commitments by the cabinet secretary to issue guidance, are extremely important.

However, I believe that, in essence, the bill is about improving the lives of trans people by reforming an outdated system of obtaining a new GRC—a system that is degrading and not fit for purpose. I believe that the bill will deliver on the principal objective of delivering a simplified demedicalised process for trans people to legally change their gender.

As a gay man, I know what it feels like to be different, to not understand why and to be frightened that you will never be understood or accepted. I know what it feels like to be told that you are going through a phase or that there is something fundamentally wrong with you. I know what it feels like to be mocked and bullied because of who you are.

I grew up in the Roman Catholic faith—a faith in which I remain—in a village in the west of

Scotland. My teenage years were not easy, as I had to continually come out as gay. I know that colleagues have heard me speak about that before in the chamber. Being shaped by that experience leads me to know most acutely that our identity is precious. It is fundamental to who we are. There is nothing that hurts more than someone consistently querying who you are or demonising you for who you are. I know that the bill will have a positive impact on the lives of trans people the length and breadth of Scotland.

I am conscious of the time—

The Deputy Presiding Officer: Yes, Mr O’Kane.

Paul O’Kane: —so I will conclude on this point. Trans people are not sick. They are not ill and they are not confused. They are people who deserve to have their identity recorded in law, enabling them to live their life fully. I support that end today.

13:51

Pam Gosal (West Scotland) (Con): I have been sitting on the Equalities, Human Rights and Civil Justice Committee since it began taking evidence on the bill. I have heard, seen and felt at first hand the impact that the bill is already having on women. As I have said many times, good legislation is about balance. No legislation should curb the rights of one group to the enjoyment of others, but the bill does exactly that.

Although improvement to the process of gender recognition would be beneficial for trans people, it cannot be at the expense of women and girls, vulnerable individuals and children who require the protection of the law. Those rights are now in peril and they are on the cusp of being eroded in Scotland.

A lot has been said about the lack of scrutiny that the bill has received during its passage through Parliament. However, it says it all that, as members of the Equalities, Human Rights and Civil Justice Committee, we were still taking evidence on the bill the day before stage 3 consideration was due to begin. That was followed by the decision to try to push through more than 150 amendments in just two sitting days. That is no way to legislate. The process has not only brought shame on this Parliament; it is an affront to democracy.

It is no secret that I disagree with the key principles of the bill, such as the lowering of the age, the removal of the requirement for a diagnosis of gender dysphoria and the removal of the gender recognition panel. However, I oppose it with the best intentions. Time and time again, the Scottish Government asks those in opposition to the bill, “Where’s the evidence?” Is women raising

concerns not evidence enough? Is a United Nations special rapporteur with a mandate on preventing violence against women and girls raising concerns not evidence enough? As far as the Scottish Government is concerned, that clearly is not enough evidence.

It is clear from the Scottish Government’s dismissal of women’s groups and the way that the bill has been railroaded through Parliament that none of the concerns that have been raised about the safety of women and children were ever going to be taken into consideration. While the Government pleaded that there was no evidence of self-ID being abused or self-ID having a wider impact, it rejected many amendments that sought to collect, monitor and review accurate data to evaluate whether that happens.

As parliamentarians, we have received thousands of emails, cards and cries for help from women, girls, parents and religious groups, but they have undoubtedly fallen on the deaf ears of our ideologically driven SNP-Green Government. The Government could not even bring itself to support an amendment that would prevent sex offenders from obtaining a GRC.

I stand here today with a heavy heart. I am disappointed in the parliamentary process and in the Parliament itself, which made a mockery of democracy on Tuesday evening.

I urge all members to reflect on the countless constructive amendments that were lodged in good faith, only to be voted down regardless. I urge members to vote against a bill that betrays the rights of one group for the convenience of another. I ask members to consider whether they want to be remembered as people who threw caution to the wind when it came to safe spaces for women and girls, who opened up single-sex spaces to abuse by predatory males and who gave sex offenders the right to change their gender based on self-declaration over the safety of women and girls.

The Deputy Presiding Officer: Please conclude, Ms Gosal.

Pam Gosal: If members do not want to be remembered like that, I suggest that they vote against the Gender Recognition Reform (Scotland) Bill at stage 3. I will definitely be voting against this flawed and shoddy legislation.

13:56

Maggie Chapman (North East Scotland) (Green): I thank all the people who have made today possible: everyone who engaged in the consultations and scrutiny processes, my committee colleagues and everyone in the Parliament—MSPs and staff—who has

contributed to this important bill. Most of all, I thank trans people, who have put up with delay, abuse, loss and grief. Today is for them.

I stand here this afternoon with a multitude of mixed feelings: relief, anticipation, frustration and sorrow. I feel sorrow that the six years of work on the bill—it has been arduous work, which was undergone most of all by trans people themselves—has taken place in an increasingly toxic environment and a miasma of intensifying myths about the bill, about gender recognition, about wider aspects of trans people's lives and about the motivations of those of us who stand in solidarity and love as their unshakeable allies.

Many of the myths are not only mistaken but entirely irrelevant to the bill that is before us today. A gender recognition certificate is not a route to medical transition, nor vice versa. They are entirely separate processes. Indeed, demedicalisation is a key principle of the bill. There is no place for those conspiracy theories of big pharma and child mutilation. They are not only bitterly ironic in the context of trans healthcare, with its underinvestment and multiyear waiting lists; they are false in outline and detail, deliberately disseminated to mislead and muddy the waters.

I stand in frustration at the gaps in the bill, which our best endeavours have not yet been able to fill. Sex is not, as some would like to imagine, binary and immutable. That is why, as soon as possible, I am determined, and the Scottish Greens are determined, to achieve comprehensive gender recognition for non-binary people in Scotland—they are not forgotten.

There is a second gap: those under 16, for whom formal gender recognition would be appropriate and beneficial. I will continue to work for that, for trans children everywhere.

I am saddened that the amendments that I lodged at stage 2 were not supported, including those on the removal of waiting times and of the new criminal offence of making a false declaration; those clarifying and limiting the power of third parties to seek revocation of a GRC; and those providing penalties where applications are malicious or vexatious. I am disappointed because they represent international best practice and, most important, the needs and experience of trans people themselves, whose voices have not been sufficiently heard above the clamour of noisy opposition.

I am deeply unhappy that, despite resisting the most horrendous amendments this week, the bill now includes provisions that I can describe only as dog whistles. Such messages in legislation can never make for good law, for they create and

legitimise the context of hate and fear in which, heartbreakingly, trans people are obliged to live.

There is nothing new here. Every time a group of marginalised people come close to achieving their rights and emerge from the fog of condescension and ridicule through which they have previously been seen, the same story is told—the story about the need to protect women and children, especially girls, from some new and insidious threat. That has never been true, and we look back with collective shame at the way in which our society has been duped by it. In exactly the same way, we will look back at the current moral panic with deep regret.

The myths that are being spread about the bill follow those old patterns with depressing precision, yet we are far from the first country to carry out such reform, which applies to populations of many hundreds of millions, and nowhere that has gone before us has experienced any of the scenarios that are hinted at by the bill's opponents. That is no surprise, because those scenarios simply do not make any sense. Women and girls are, indeed, vulnerable to predatory attack, as trans women know better than most, but no potential attacker needs a GRC to play their power games.

Our society is based on self-identification. From the time that we are born until the time that we die, we, or someone on our behalf, tells the world who we are, where we live, what we earn, and what name, what faith and what national identity we recognise as our own. There are penalties for untruths, just as there are in the bill, but the fundamental understanding is that each of us knows better than anyone else who we are.

Finally, those long years have shown that there is no bright line between people who claim to support trans rights but in practice oppose every step towards them, and those who view all trans people as fraudulent or, at best, deluded. In the spectrum of trans myths, the most extreme provide a kind of invisible ballast for the mainstream, but they are still myths, still toxic and still untrue. As the great feminist Judith Butler has written of this movement, they

“assemble and launch incendiary claims”

to defeat us

“by any rhetorical means necessary.”

In closing, I, too, want to bring the words of a trans person to this chamber. We have spent many hours talking about trans people. Let us hear them:

“It's a scary world for trans people at the moment. My family were initially supportive, but we moved my mum to live nearer to us recently and realised that she is now a TERF. It's a sign of things going on in the rest of the world. She talks about how trans people are predatory, and are

going to go into toilets and commit sexual assaults. I remember the repeal of section 28 and this is what it feels like. Like we are demonised by society and are portrayed as threats. And people with loud voices on social media and in mainstream media are saying that we want this to sexually assault people. There is so much very loud hate and demonisation. We are people.”

So, Presiding Officer, we will not be defeated—not today, and not in the months and years to come. We now have a choice: to stand in the miasma of scaremongering myth or to step into the sunlight with our trans siblings. I choose to step into that sunlight and vote for the bill.

14:03

Michelle Thomson (Falkirk East) (SNP): For once, I feel confident in saying that everyone who has participated in this debate—from the most ardent bill supporter, through the doubtful, to those who are fervently opposed to it—can all expect the same fate, which, regrettably, is to be met by at least some level of abuse afterwards from some quarter or another.

In many respects, that is testament to the collective failure of all of us, from the Government to the lowliest of back benchers, to ensure that the issue is managed with the mutual respect and seriousness that it deserves. There are far too many people, even among elected representatives, who have felt unable to participate in discussions because of the toxic nature of the debate.

In his poem for the reopening of the Scottish Parliament, Edwin Morgan wrote:

“What do the people want of the place? They want it to be filled with thinking persons”.

I wonder how he would view the quality of discourse around this issue.

The other day, in speaking to my amendment, I revealed some personal effects that the debate has had on me, but, today, I want to set that to one side and to reflect more broadly. I will not debate detail; that time has passed. However, if there is one lesson that I hope that we can all learn from the debate, it is that Edwin Morgan’s remark is truer than ever, and we all need the humility to admit that we have some distance yet to travel.

I fear that the bill has been a missed opportunity. Elements of it would have brought us all together in making life easier and society more welcoming for trans people and in being more respectful of the rights of women. Instead, the bill has created battlegrounds where none needed to exist.

I have long had a professional interest in matters of change and in what basic lessons we can learn from both experience and research. We

know that significant change fails in about 70 per cent of cases. Such a failure occurs when people are not collectively taken on a journey. Failures to respect a wide variety of views, to listen and to engage truly empathetically are symptomatic of the types of behaviours that contribute to that situation, and I have seen some of those failings in the debate.

Many issues have been raised over recent days. In my case, I have raised concerns among some women in relation to mental health and trauma issues, which I fear have not been treated seriously enough, let alone understood. Others have raised concerns relating to the interface with the Equality Act 2010, safe spaces for women and the consequences of giving legitimacy to the self-ID approach. It does not matter now whether I agree with some of those observations. For me, what the debate has highlighted is that we have had a less-than-perfect approach to the entire legislative process. When that occurs, it undermines trust in the perception that all of us legislate fairly and effectively.

In all of this, there is, of course, raw politics. Too often, small minorities, both inside and outside the Parliament, have been afforded significantly too much influence at the expense of the ordinary citizens of Scotland. There is a fear among some people that we are on a dangerous path for democracy if we fall into what Professor Elizabeth David-Barrett has called “state capture”, which happens when small groups of the strongly driven capture political debate and discourse at the expense of the people whom we are here to serve. We all need to be aware of the motivations of those people who seek to influence us.

My belief is that approaching the politics of the debate as requiring the dark arts of the whips was wrong. If all political parties in the Parliament had, from the outset, agreed that this was precisely the type of issue redolent of ethics and fundamental rights that should have been dealt with as a matter of conscience rather than being whipped, we would have had a much more open and healthy debate and, flowing from that, a better legislative process and bill. As it stands, the late recognition of different views and the legislative journey that has resulted in a final bill that, regrettably, will bring some unintended consequences—and, arguably, court action—mean that, as a matter of conscience, I cannot vote in favour of it at this time.

14:08

Daniel Johnson (Edinburgh Southern) (Lab): Let me say clearly and unequivocally that I believe that trans people are real, that their identity is fundamental and essential to their being and that people’s fundamental identities deserve to be

recognised freely, without caveat or condition. That is important.

I would like to reflect on my colleague Paul O'Kane's comments. Sometimes, when we discuss things in Parliament, we have to challenge legislation and probe its effects. When we do that in connection with legislation that deals with the fundamental and essential issues of people's understanding of themselves, that can be incredibly difficult to listen to. I understand that. I have had that conversation with constituents and wanted to reflect that. I am going to raise some concerns and will do so with that in mind.

Let me also be clear that this is an important bill that makes an important change. It was in the Labour manifesto, and I will support it when we vote on it. We must, ultimately, respect people's identity. We must also recognise in the bill that there is a limit to what medicine can provide for us. Psychiatrists cannot provide a magic window into people's brains, heads or understanding. Believe me, I have some experience of interaction with psychiatrists: all they do is ask you about your experience and your understanding. If that is what is important and determines your identity—which is what I believe—we should believe people and trust them. Let us, by all means, have a robust process that ensures that declarations are sincere and authentic, but let us believe people. That is how progress is made.

I fundamentally believe that progressive politics, at its heart, is about recognising and protecting individuals' perspectives and experiences. It is about understanding that certain groups might be marginalised and that they should be supported and protected. That is what the bill does, and that is why I will support it when we vote.

We must also be clear on some things. Gender is absolutely fundamental to society. It is the one physical characteristic to be legally recorded; almost nothing else about our physical being is recorded in that way. There is an important reason why we do that. Although we might believe that gender identity is about one's experience, understanding and sense of self, we must also note that there are some fundamentals to biology. Maleness predicts certain patterns of behaviour, which is why we must proceed with a degree of caution. That is where some of the concerns that I would like to address come from. Concerns about safe spaces and about the safety of women and girls are fundamental to my decision making and hugely important.

We must recognise that the bill changes both the number of people who might seek a GRC and the criteria that we are employing. Self-ID is a change that we are entrenching in law. That is not a bad thing; it is a good thing. The complexity arising from it is not a bad thing but a good thing,

because people are complicated, but it will require far more nuanced decision making. My concern is that the protections in the Equality Act 2010, although they operate in narrow circumstances, are hugely important when they do so. I believe that we have put protections in place, and I am pleased that we got the Equality Act 2010 into the wording of the bill, but I would have liked us to have gone further. I thank the cabinet secretary for stating at stage 2 and again in the chamber today that there are protections and that trans women can be excluded from safe spaces.

Roz McCall (Mid Scotland and Fife) (Con): Will the member accept an intervention?

Daniel Johnson: In a moment.

That is an important clarification. We must be mindful about the sensitivity, but it is important that that exclusion will continue to operate.

I am happy to take an intervention.

The Deputy Presiding Officer: The member should note that he has little time left.

Roz McCall: I will try to be brief. My understanding of Lady Haldane's ruling is that a male-bodied man with a GRC is a woman, not a trans woman. On that basis, how do we deal with the safe-space issue? Does the member agree with my understanding?

Daniel Johnson: I entirely understand. There is a fundamental misunderstanding about the practical effect of the Equality Act 2010 and the legal structure that exists. The practical effect is that a male-bodied person can be excluded; we exclude them on the basis that they are transgender. I admit that that is a convoluted explanation, but that is how things operate. It is my understanding that the Haldane judgment does not change that.

There is a challenge here, and I wish that the Government had gone further, because the legal mechanism runs counter to practical understanding. We need that clarification, both for trans people and for people born into the gender that they are comfortable with. We should have clarity about how and when we can employ those protections. That is why I sought guidance, which I do not think would have made the bill incompetent. I think that it would have made the bill better, and it would have meant that I could support the bill in an unqualified way. Unfortunately, I am supporting it in a qualified way, because I think that there is much more work for the Government to do to provide that confidence and understanding. Ultimately, rights are nothing if people do not understand what their rights are or do not have the confidence to uphold them. That is true for both trans people and the people who might be seeking protection.

Given the time, I will close. I will support the bill when we vote on it later this afternoon. I say to those who have constantly sought to challenge Labour members that they will understand that I have spoken for myself. Maybe they can let my colleagues speak for themselves, too.

14:15

Tess White (North East Scotland) (Con): Thank you for allowing an additional speaker today, Presiding Officer.

I spent many years helping organisations to improve inclusion in the workplace. It is part of my DNA. I have made sure in my job that everyone, whether they are female, male, gay, transitioning or with a disability, is physically and psychologically safe at work. As a human resources director and now as a legislator, the safety of others is my priority.

However, in recent months, I have been inundated with emails from people who are not just sceptical about the plans but deeply, deeply worried. They know that the bill is not just simplifying the process to get a piece of paper. They know that it makes it easier for people to legally change their sex and that it opens the door to single-sex spaces to an undefined group of people.

Women and girls are not victims, but they are victimised. This is not about a competition of rights. It is about creating the right conditions for the co-existence of those rights. This bill simply does not do that.

We have been told by the SNP that there is no need to press pause on the bill and examine the implications of a major intervention by the UN special rapporteur on violence against women and girls or last week's court ruling on the definition of a woman. Scrutiny and debate matter to the SNP only when that suits it. That is shameful. The sad truth is that the passage of the bill has shattered my confidence in our democratic institutions.

Women's organisations were an afterthought prior to the introduction of the bill. Every party save the Scottish Conservatives is whipping the vote. At stage 1 and this week, a handful of SNP MSPs broke ranks, and they should be applauded for doing so. That was a much-needed departure from the authoritarian ideologues who preside over the SNP-Green Government. I say to those MSPs on the Labour and SNP benches who fear the reproaches from their party whips or the effect on their careers more than the repercussions of the bill for women and girls that there is still time to choose courage over cowardice. Collectivism should not trump their conscience.

My amendments yesterday would at least have placed a duty on ministers to report on the bill's impact on women and girls, who risk being collateral damage in the SNP-Green Government's single-minded pursuit of self-ID.

However, something else is happening—an insidious creep that started with women being branded as bigots and transphobes for raising concerns over their rights and safety. A few weeks ago, women wearing suffragette scarves were told to remove them or leave the meeting of a parliamentary committee that was scrutinising the bill in Scotland's own seat of democracy. Last week, women were prevented from assembling in an academic institution to discuss the issues arising in the documentary "Adult Human Female", their right to freedom of speech being not just curtailed, but cut off completely.

Maggie Chapman: Will the member take an intervention?

The Deputy Presiding Officer: The member is concluding.

Tess White: On Tuesday night, law-abiding women were threatened with arrest as they observed the proceedings from the Scottish Parliament's public gallery. It will not end there.

As the parliamentary passage of the bill reaches its conclusion, I still believe that the intent behind it was good, but it remains the case for me that the unintended consequences for women, girls and young people will be far greater. From the age of application to access to single-sex spaces and safeguards against sex offenders exploiting the system, there are still massive question marks over the safety of the operation of the bill. For those reasons, I will be unable to support it when we vote on it.

14:19

Emma Roddick (Highlands and Islands) (SNP): I do not understand being trans, because I am cisgender. Neither do I understand being straight, gay or a man, because I am not those. We do not have to understand how a person comes to realise that they are trans to respect that they know their own mind, their own body and their own truth—and to accept that they are also ordinary, normal people.

I have struggled with the debate, not just because it has been going on for about a quarter of my life—and, recently, has been a source of sleep deprivation—but because we are constantly told that it has been respectful.

Many people have been respectful; many have asked legitimate questions that they genuinely do not know the answer to; and many have contributed to a better understanding of trans

lives. However, others have not been respectful. Folk have crossed the line between respectful questions and blatant transphobia—calling trans women “men” or trans men “women”, and denying that anyone can be non-binary. Given that experts have told us that the political discourse in the UK right now is contributing to an increase in trans hate crime, now is not the time for folk to pat themselves on the back for managing to say horrible things in a polite tone.

Max, a non-binary person who I recently met through an LGBT youth organisation, really summed it up for me when they said that, throughout this debate, opinions have been stated as fact and facts dismissed as opinions.

The bill does not affect the Equality Act 2010. A GRC does not grant access to any toilet in the world. If anyone is unsure about that, they should try to remember the last time that they were asked to produce a birth certificate before they entered one.

I, a survivor, have had the words “rape apologist” screamed at me this week. As a survivor, I understand fear; I understand being scared of men; and I can imagine that, if I were not involved in politics, did not have trans friends and heard people in authority say that sex offenders were being given all-access passes to my hospital bed, my toilet and my bedroom, I, too, would be frightened. However, we have to leave that in the past, because it is not a fair representation of what the bill does.

I know how much work the Equalities, Human Rights and Civil Justice Committee has put into the bill, and I was glad to be able to take part in two of its 13 or so evidence sessions. An incredible amount of detail went into producing the bill, which will bring in what is, in the grand scheme of things, a fairly insignificant administrative improvement. The bill affects so few people—the trans population—most of whom would tell us that the change affects an even smaller percentage, because not everyone wants a GRC, and many who want one do not want it to say “male” or “female”.

What has affected more people is the harmful debate that has surrounded this. That has harmed not just trans people but a lot of cisgender women, because people have been told by their MSPs and by celebrities that the bill affects things that it does not affect, and that they should be scared of it.

In addition, young people have taken a fair bit of criticism. This week, in the chamber, I have heard at least three colleagues talk about how people under 25 have “unformed brains”. Young people have been accused of not knowing their own minds and not being able to decide what is right for them. However, young trans people are

strong—they have had to be. They may have mental health issues, they may struggle with identity, and they might cry when they hear MSPs debate their future, but they have the strength, the courage and the absolute fierceness to say, in this climate, “I am trans. This is who I am”—and they have probably known it for a very long time.

Martin Whitfield (South Scotland) (Lab): Does Emma Roddick agree that, given a scaffolding of support around them rather than criticism, young people in Scotland can develop, grow and mature? Does she agree that, in this place, and indeed in Scotland, we should seek to build that scaffolding, so that our young people can make choices that they are supported in—and, on the odd occasion when their choice is wrong, be supported in that as well?

Emma Roddick: Absolutely. Having such support and options available to young people will allow space for that to happen.

Max’s reflection on the debate was so good that I knew that I would have to talk about it, but I also know that, often, Highlands and Islands voices are not heard. I therefore asked fellow members of Highland Pride for any thoughts that they wanted to share with me.

I thank Rachel and her daughter for speaking to me and sharing their fantastic speech at Moray pride. Rachel said of her daughter that, when she was wee and was asked what she wanted to be when she grew up, she would immediately say, “I want to be a girl.” Rachel supported her child. She knew that she was going to be judged as a parent but she wanted her kid to be happy—and she was. Rachel shared that her daughter’s teacher at the time said that he expected the change of name and the change of clothes, but not the change of personality: she immediately became happier and more confident. Sadly, the discrimination, hatred and bullying that she then faced knocked that confidence back down, but I hope that we can do better by trans people in the future. When someone changes their gender and becomes more confident as a result, we should rally around them for as long as it takes for that hatred to become a thing of the past. We should support them, protect them and celebrate them, as Rachel does her daughter.

This debate really should have been a small one, on one afternoon, that not many folk cared about and that was not all that controversial. It still feels surreal that it has been the way it has. When the bill is finally passed and the world does not burn, that should mean a positive change in the discourse around so many related issues: ending conversion therapy; improving trans access to healthcare, particularly for rural and island communities; and recognition of non-binary identities. Today is a small change but a big step,

so let us do what every party promised to do in 2016 and get the bill done.

14:26

Jamie Greene (West Scotland) (Con): Presiding Officer,

“As a Conservative, I believe in the fundamental human freedoms of liberty, freedom of expression and of gender equality for all people—a human right which lifts us all up.”

Those are the words of Sue, who is a gender recognition certificate holder and an approved candidate for the Conservative Party at the next general election. Sue is in the public gallery behind me, and I welcome her here to this place. *[Applause.]*

Last Friday, my party issued a press release calling on MSPs to stand up and be counted over the Gender Recognition Reform (Scotland) Bill. Well, this is me standing up and this is me being counted. Do not get me wrong, colleagues—the LGBT community is often anything but a community. As a right-of-centre gay politician, I often get more abuse from paradoxically named allies than I do from those who disapprove of my so-called lifestyle, as one constituent put it to me this week, but I do not look at them in the mirror in the morning—neither the haters nor the disapprovers—I look at myself.

If I were to vote against this bill to reform gender recognition, I must look people like Sue in the eye and explain why. That is only fair. Other members must do the same, just as I must explain my position to those who oppose the bill—a responsibility that I have never shied away from. I have considered every point of view, every argument and every amendment, one by one by one, because making good law is our collective responsibility, whatever our views on the morality of its content.

That is a responsibility that I take deeply seriously today—more than anything that I have ever done in this place. I have played my part in all of this with integrity, grit and respect, and by doing what I think is best. I believe that others have done the same, even if I disagree with their end position. I am grateful to my party for allowing me a free vote on the bill, but a free vote does not always mean a free voice, and I thank the chair for allowing me to speak today.

This is politics, after all, and let me tell you about mine. The very heart and soul of the Conservative movement—this is why I joined it and why Sue joined it, too—is that it is the party that says that Government should not tell people how to live their lives. It is the party that introduced gay marriage at Westminster against vociferous opposition, often from its own members. It is the party that unapologetically flies the rainbow flag

above Downing Street, the Foreign Office and every British embassy the world over. It is the party that once committed to gender recognition reform and ending conversion therapy. It is the party whose one-time Prime Minister said that being transgender is not an illness. It is the party that leads popular opinion, not follows it. That is my party and that is why I will support the bill.

The world changes, and during the course of that change, we, too, can change—as lawmakers, as colleagues, as friends and as people. I know that, tomorrow, when I wake, I have to look myself in the mirror. I know that, one day, perhaps in the long-distant future, I will reflect on the events of this week and know that I chose the side of history that I believed to be right—the side of history that made another human being’s life better. I simply ask all members that, before they vote on the bill today, they quietly pause and ask themselves whether they will be able to do the same.

The Deputy Presiding Officer: I call Jackie Baillie to wind up on behalf of Scottish Labour. *[Interruption.]*

14:30

Jackie Baillie (Dumbarton) (Lab): Presiding Officer, I have made the rookie error of not inserting my card into the console before starting to speak. I apologise.

I echo the words of many members across the chamber in thanking the Government’s and the Parliament’s legislation teams and all parliamentary staff who have had to work long hours to facilitate the passage of the bill. Of course, I extend my thanks to all the Presiding Officers, who have had to put in a fair shift.

The bill has been a long time coming: we have had six years of consultation and hours of parliamentary debate. Along with a few other members, I have been in the Scottish Parliament for a long time, which means that I have a relatively long institutional memory. As other members have done, I have sat through debates on hundreds of pieces of legislation and negotiated hundreds of amendments, so let me reflect briefly on the process before turning to the substance of the bill.

I regret to say that I think that the Government could have done more to address the concerns that have been expressed, particularly by women. It could have allayed fears, provided reassurance and clarity, and ensured that the integrity of the bill was protected. The bill is, rightly, about improving the rights of trans people, but there has been a vacuum in political leadership that has allowed the debate to be dominated by division and distrust instead of openness and discussion.

I also have to say, as gently as I can, that the filibustering tactics of the Tories have been entirely counterproductive. I would much rather have used the hours that were wasted on dealing with points of order on actually debating the substance of the bill. Of course there is a place for making points of order, but not when it removes debating time.

I turn to the substance of the bill. I understand that obtaining a gender recognition certificate can be a lengthy overmedicalised and traumatic process that is undignified and disrespectful. Paul O'Kane, Jamie Greene and Pam Duncan-Glancy made powerful contributions that captured that well. That is why Scottish Labour supports reform of the Gender Recognition Act 2004 by the Gender Recognition Reform (Scotland) Bill that is before us, as was set out in the Scottish Labour manifesto.

Scottish Labour takes seriously our role as legislators and our responsibility to ensure that all discussions surrounding the bill were well informed and conducted in a considerate manner. That is why, throughout the bill's progress, we have reached out and listened to the views of all those with an interest in or concern about the legislation. When we supported the bill at stage 1, we were clear that significant improvements would be needed if it was to have the public's confidence. Through our efforts, and those of other colleagues across the chamber, the legislation is in a much stronger place than it was when it was first introduced.

At stage 2, we placed the primacy of the Equality Act 2010 on the face of the bill, and we sought to strengthen it at stage 3. That makes it clear that nothing in the bill prevents the provisions of the 2010 act from being applied.

Rachael Hamilton: I disagree. The process is about ensuring that legislation is robust. There was no filibustering.

My point is about the removal of section 15A. Does Jackie Baillie not believe that, since Lady Haldane's judgment, the amendment lodged by Pam Duncan-Glancy is ineffective?

Jackie Baillie: We rehearsed all those issues in great detail during the amendment stage. Both today and yesterday, the cabinet secretary made it abundantly clear that those provisions still apply. I listened carefully to her, and her words are on the record. That matters, because it is important that the Equality Act 2010 continues to apply in Scotland.

At stage 2, we placed the primacy of the 2010 act on the face of the bill; it was important to us to do so, because nothing in the bill stops the act's provisions being applied. Our support also helped to add safeguards into the bill to prevent the new

application process from being abused by bad faith actors.

Labour introduced the 2010 act, which rightly protects women and trans people from discrimination. We understand that some people have concerns about the bill's impact and potential unintended consequences for women's rights, particularly the protection of single-sex services, and that is why we fought to establish that those protections, as enshrined in the 2010 act, were in the bill. Scottish Labour lodged various amendments to emphasise the protections and provisions in the 2010 act and to ensure that it was stated explicitly that they would not in any way be altered by reforms of the GRC. I am grateful to the cabinet secretary for confirming, both yesterday and in her comments to the chamber today, that the act's provisions apply in full.

We also lodged amendments on the need to ensure that young people had the capacity to understand the implications of applying for a GRC; to guard against any forms of coercion of young people; and to ensure that they were provided with additional support and safeguards. Importantly, we also, with the Government's support, put a robust monitoring and review process into the bill to ensure that we can consider the legislation's impact and operation. Again, that was about providing reassurance.

Scottish Labour has a long and proud history of supporting, campaigning and legislating for the rights of all. We campaigned against and repealed section 28, and we introduced the Human Rights Act 1998 and the Equality Act 2010. Labour is the party of equality; we have always fought against prejudice and have sought to build a society in which everyone is treated with dignity and respect.

Trans people's rights are human rights and they must be treated with the same dignity and respect as everybody else. Scottish Labour will be voting to support the bill at stage 3.

14:37

Russell Findlay (West Scotland) (Con): I begin by sincerely thanking the parliamentary staff for working long antisocial hours at short notice in this Christmas week, not least those who do not get extra pay but who get off time off in lieu.

I respect the fact that others in the chamber might not agree with me, as I do not agree with them. In the past 48 hours, our views have been made abundantly clear, and many of today's contributions have been thoughtful, passionate and sincerely given. I want the precious few minutes that I have today to say what needs to be said and to give voice to people whom I believe have not been heard. I will therefore not be able to

take interventions—and I say that in the knowledge that the cabinet secretary will have the last word and can address anything that I say.

This SNP Government wants today to be a moment of history for trans rights. It might well achieve that historic recognition, but I believe that it will be for all the wrong reasons. Today is not a victory for those who view themselves as progressive—it is the opposite. The Gender Recognition Reform (Scotland) Bill is regressive and poses a threat to women and girls—and I make no apology for saying so. Saying that is not transphobic; as Tess White has said, this is not a competition of rights. When this bill is passed, I will not go home and tell my daughter that I am proud of what happened here today; I will tell her that the Parliament let her down and let down other women across Scotland.

The SNP is defying the views of the vast majority of Scots, and the bill has been railroaded with selective regard to evidence and little regard to women's concerns. It does not fully consider the consequences for vulnerable young people or single-sex spaces, and the SNP has said that, because it does not mention sport or prisons, the bill will have no bearing on either. I believe that that is fanciful. Public bodies such as the Scottish Prison Service and the taxpayer-funded sports quangos will inevitably be influenced by such major legislation. The cabinet secretary dismissed concerns about women's sports so passionately raised by Brian Whittle, who really does know his subject. It is naive to pretend that it will somehow be inconsequential if a man presents a new GRC, whether in sport or in custody.

There are also the ramifications for other parts of the United Kingdom.

Emma Roddick: Will the member give way?

Russell Findlay: I am sorry, but I do not have the time to do so.

What weight will a new Scottish GRC have in England, Wales and Northern Ireland? Will the bill, as the former First Minister Jack McConnell suggests, turn Scotland into a magnet for sexual predators? What challenges will Scottish—
[*Interruption.*]

The Presiding Officer (Alison Johnstone): Let us hear the member, please.

Russell Findlay: I hear “Shameful!” from front-bench members but those are the words of a former First Minister of the Parliament.

What challenges will Scottish GRCs cause for UK-wide bodies such as His Majesty's Passport Office?

Alex Cole-Hamilton: Will Russell Findlay give way?

Russell Findlay: I am sorry, but I do not have the time.

What about the interconnection between public bodies with distinct national and regional identities, such as the police, the prisons and the national health service? Our scrutiny of the bill has barely even touched those profound questions. It is absolutely mind boggling and, to be frank, a conflict bonanza for lawyers.

One of the most obscene aspects of the SNP's bill is that it opens the door to predatory men to pretend to be trans. Let me state it again clearly so that the SNP and others do not deliberately misinterpret it: the problem is dangerous men, not trans people. [*Interruption.*]

Keith Brown is saying “I know what you mean.” That is exactly the conflation that I am talking about. It is disrespectful and it is disgraceful. I say to the Cabinet Secretary for Justice that the problem is dangerous men, not trans people. [*Interruption.*]

The Presiding Officer: Let us ensure that we hear members.

Russell Findlay: I tried to address some of that issue but my amendments to ban sex offenders from changing gender were shot down using vague legal excuses. Someone who is on the sex offenders register should not be able to acquire a GRC. The Government acknowledged any risk only as a direct result of Scottish Conservative efforts but, instead, it chooses to impose a complicated process that will be open to interpretation, judgment and, inevitably, mistakes—a system that will place even more work on our courts and hard-pressed police officers.

Police Scotland appears to have become a dumping ground for SNP back-of-the-fag-packet legislation on fireworks, short-term lets and, now, gender recognition reform. There are already almost 5,000 registered sex offenders in Scotland. Mistakes are being made and people are being hurt. The system is already at breaking point.

I was scunnered when the Government voted against Michelle Thomson's amendment 39, which I supported.

Clare Adamson (Motherwell and Wishaw) (SNP): Will Russell Findlay give way?

Russell Findlay: I have already explained that I am unable to do so because of the time.

Michelle Thomson's amendment would have stopped anyone who was charged with rape or other sex crimes from applying for a GRC until their trial ended. It would have prevented the nightmare scenario of forcing by law a female rape victim to call her male-bodied attacker a woman.

Roddy Dunlop KC, the dean of the Faculty of Advocates, said:

“I can conceive of no sensible basis upon which this amendment might be rejected”,

but our joint amendment failed by a single vote.

As Michelle Thomson potently put it, the bill puts the rights of a man charged with rape above those of his victim. Is that really acceptable? The Parliament seems to think that sex offenders are trustworthy. To some members, I say, “Wake up.” As a journalist, I spent decades reporting on some of society’s most dangerous and deviant men. Those men abuse, corrupt, manipulate and exploit any process or system to gain an advantage.

Today, everyone is a loser. Sex offenders have a novel way to prey on women. Women and girls are less safe. Our overworked police and backlogged courts will have to treat predatory men as women. Worst of all, loving parents of children who are confused about their feelings and identity risk losing their agency to state ideology.

The way in which that has been done will confirm some of the public’s worst assumptions of politicians being detached from reality and out of touch with what happens in the real world. The debate has come to mirror Scottish politics: polarised, bitter and with ideology trumping logic and intolerance silencing good sense. For Scotland’s sake, I hope that this rotten Government will pay a price for its hubris and arrogance.

14:44

Shona Robison: I thank the members who have contributed to the debate. There have been powerful contributions and in the main—with some exceptions—the tone has been appropriate and respectful. I will reflect on some points that have been made.

I was very moved by the contributions from Joe FitzPatrick and Monica Lennon. Joe FitzPatrick talked about the key times in someone’s life when this will matter and about the challenging journey for so many trans people.

Karen Adam described the experience of Russ, who wanted to just be a normal human being and is now finally living his life as who he wants to be, at the age of 68. Who would deny Russ the opportunity to have his birth certificate in line with how he has lived his life for decades?

Paul O’Kane made a powerful contribution that drew from his experience and testimony about how it feels to be marginalised and about how he, as a person of faith and belief, feels when that is misrepresented. That was a powerful contribution indeed.

I might not agree with Michelle Thomson, but it was important that she got to speak today on the SNP speakers list, to reflect her opinion. I thank the Presiding Officer for affording Jamie Greene the same opportunity to give a very powerful contribution to the Parliament. [*Applause.*] What he had to say was important—that we as politicians, leaders and legislators need to lead, not follow, popular opinion. That can be tough sometimes—it can be very tough—but it is the right thing to do. I commend people across the chamber for doing that.

I will make a few remarks about the importance of the reforms to trans people in Scotland. Before the Gender Recognition Act 2004 was passed, the UK was found by the European Court of Human Rights to be in breach of convention rights in relation to trans people’s right to respect for their private and family life, because the UK did not provide a route to legal gender recognition. The current process was born from that; it was an important moment in the rights of trans people at that time.

However, in the 18 years since the act was passed, as many members have said, there have been international developments in best practice, including the reclassification of gender dysphoria by the World Health Organization and the introduction by many countries of similar reforms. A clear international human rights consensus has emerged that legal gender recognition should be provided on the basis of self-declaration. The Council of Europe’s commissioner for human rights set out the consensus in her recent report, in which she said that trans people have the right to legal recognition of their gender identity and that “legal gender recognition procedures”

should be

“quick, transparent, and accessible, and in line with internationally recognised human rights best practices, including self-determination.”

She said that such procedures have been implemented successfully in other countries, while preserving everyone’s human rights.

Here, Scotland is not leading the way—we are following many countries around the world that have already adopted similar processes for gender recognition, including Ireland, Norway, Malta, Denmark, Belgium, New Zealand and Switzerland. Just yesterday, Spain passed the first stage of legislation for self-declaration for people who are aged 16 or over.

In total, more than 350 million people around the world are living in countries or states that offer gender recognition on such a basis. The experience in those places has been of a beneficial impact on the lives of trans people, with no evidence of a negative impact for others. We

have said this throughout the passage—
[*Interruption.*]

The Presiding Officer: We will suspend briefly.

14:49

Meeting suspended.

14:53

On resuming—

The Presiding Officer: Please continue, cabinet secretary.

Shona Robison: Thank you, Presiding Officer. I will say that, as a woman, I know what a woman is and I know the challenges that are faced by women in our society.

The experience, in the many countries that have introduced such changes, is that there has been a beneficial impact on the lives of trans people, with no evidence of a negative impact for others. We have said this throughout the passage of the bill, and I again refer to the work of Victor Madrigal-Borloz, who has researched what has happened in those countries and found that the outcomes, in terms of social inclusion and the decrease in violence against trans people, are remarkable.

I think that we can all hope that trans people in Scotland will also be able to benefit from those positive outcomes as the bill removes barriers to the enjoyment of their human rights.

I make a plea to MSPs to agree something that we can all move forward with. Whether or not members vote for the bill, I hope that we can unite and agree to tackle and challenge transphobia, wherever and whenever it occurs. It can occur anywhere, even in this parliamentary building. I am sad to say that I am aware of a trans woman who was in this estate who was referred to as “it” by an MSP to another colleague. That has nothing to do with protecting women and girls, but has everything to do with transphobia. Therefore, let us agree that the othering of a minority in our society is totally wrong. If we hear such prejudice here in this Parliament or anywhere else, we should call it out for what it is, because we are better than that.

I will end with a quote from Martin Luther King Jr, who said:

“We are caught in an inescapable network of mutuality, tied in a single garment of destiny. Whatever affects one directly, affects all indirectly.”

I thank members again for their contributions to this debate, and I commend the motion and the bill to the Parliament. I urge members to support the bill.

The Presiding Officer: That concludes the debate on the Gender Recognition Reform (Scotland) Bill.

The question is, that motion S6M-07312, in the name of Shona Robison, on the Gender Recognition Reform (Scotland) Bill, be agreed to. There will be a brief pause to allow members to access the digital voting system.

14:56

Meeting suspended.

14:59

On resuming—

The Presiding Officer: The question is, that motion S6M-07312, in the name of Shona Robison, on Gender Recognition Reform (Scotland) Bill, be agreed to. Members should cast their votes now.

The vote is closed.

The Minister for Social Security and Local Government (Ben Macpherson): On a point of order, Presiding Officer. My option to vote did not come up. I would have voted yes.

The Presiding Officer: We will ensure that that is recorded.

For

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Carlaw, Jackson (Eastwood) (Con)
 Chapman, Maggie (North East Scotland) (Green)
 Choudhury, Foyso (Lothian) (Lab)
 Clark, Katy (West Scotland) (Lab)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Constance, Angela (Almond Valley) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Duncan-Glancy, Pam (Glasgow) (Lab)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Greene, Jamie (West Scotland) (Con)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)

Gulhane, Sandesh (Glasgow) (Con)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lochhead, Richard (Moray) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Gillian (Central Scotland) (Green)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLennan, Paul (East Lothian) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 Minto, Jenni (Argyll and Bute) (SNP)
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
 O'Kane, Paul (West Scotland) (Lab)
 Rennie, Willie (North East Fife) (LD)
 Robertson, Angus (Edinburgh Central) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 Slater, Lorna (Lothian) (Green)
 Smyth, Colin (South Scotland) (Lab)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Sweeney, Paul (Glasgow) (Lab)
 Swinney, John (Perthshire North) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Villalba, Mercedes (North East Scotland) (Lab)
 Whitfield, Martin (South Scotland) (Lab)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Wishart, Beatrice (Shetland Islands) (LD)
 Yousaf, Humza (Glasgow Pollok) (SNP)

Against

Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Cameron, Donald (Highlands and Islands) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Dowey, Sharon (South Scotland) (Con)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 Findlay, Russell (West Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallacher, Meghan (Central Scotland) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)

Golden, Maurice (North East Scotland) (Con)
 Gosal, Pam (West Scotland) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Hoy, Craig (South Scotland) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central Scotland) (Con)
 Lumsden, Douglas (North East Scotland) (Con)
 Maguire, Ruth (Cunninghame South) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 McCall, Roz (Mid Scotland and Fife) (Con)
 Mochan, Carol (South Scotland) (Lab)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Regan, Ash (Edinburgh Eastern) (SNP)
 Ross, Douglas (Highlands and Islands) (Con)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Thomson, Michelle (Falkirk East) (SNP)
 Webber, Sue (Lothian) (Con)
 Wells, Annie (Glasgow) (Con)
 White, Tess (North East Scotland) (Con)
 Whittle, Brian (South Scotland) (Con)

The Presiding Officer: The result of the division is: For 86, Against 39, Abstentions 0.

Motion agreed to,

That the Parliament agrees that the Gender Recognition Reform (Scotland) Bill be passed.

[*Applause.*]

The Presiding Officer: Thank you, all. We will continue with business. [*Interruption.*] We will suspend business.

15:02

Meeting suspended.

15:05

On resuming—

Business Motion

The Presiding Officer (Alison Johnstone):

The next item of business is consideration of business motion S6M-07375, in the name of George Adam, on behalf of the Parliamentary Bureau, on a change to future business.

Motion moved,

That the Parliament agrees to the following revision to the programme of business for Tuesday 10 January 2023—

delete

followed by Scottish Government Business

and insert

followed by Scottish Government Debate: People's Right to Choose - Respecting Scotland's Democratic Mandate.—[*George Adam*]

The Presiding Officer: I call Alexander Burnett to speak to and move amendment S6M-07375.2.

15:05

Alexander Burnett (Aberdeenshire West) (Con): Obviously, we do not support the Scottish National Party's plans to make independence the very first thing that the Parliament debates in 2023. With all the issues that Scotland is facing right now, and all the problems that the SNP could try to improve that lie within the Scottish Parliament's competence, it instead decides to waste time on a reserved matter.

My amendment puts Scotland's issues into the agenda for 2023, and I encourage all self-respecting members of Parliament to support it.

I move amendment S6M-07375.2, to leave out "Scottish Government Debate: People's Right to Choose— Respecting Scotland's Democratic Mandate" and insert:

"Ministerial Statement: Curriculum for Excellence Achievement Statistics

followed by Ministerial Statement: Strategic Transport Projects Review 2

followed by Ministerial Statement: Biodiversity Strategy."

The Presiding Officer: I call Neil Bibby to speak to and move amendment S6M-07375.1.

15:06

Neil Bibby (West Scotland) (Lab): The minister and I have had many conversations, over the past few weeks, about the timetabling of parliamentary business, which I have enjoyed very much. However, I have to say that the suggestion that, on the first day back in 2023, we should

prioritise a debate on the SNP's general election strategy on a de facto referendum is not going to be supported by me or by Labour.

I have consistently argued in the Parliamentary Bureau that we need to be responsive to the needs of our constituents and tackle the big issues that they are facing. Instead of discussing the Government's business as suggested, we should be discussing the crisis that is affecting our national health service when we return in January. NHS workers could be on strike, and, frankly, that is what should be at the top of our agenda. It is an extremely serious situation.

If the strikes do come to pass, I believe that our constituents would be astonished at the idea that we would debate anything else. Not only that, but Anas Sarwar highlighted earlier today very serious and significant concerns that need urgent attention, such as accident and emergency waiting times, mental healthcare waiting times for our children, cancer treatment and many more. We want to put forward our proposals for improving the situation right here and right now, and also Labour's long-term solutions to help to fix the NHS crisis, such as Labour's plan to end non-domiciled tax status and to invest £3.2 billion in the NHS to drive the biggest expansion of medical training in the NHS's history.

The first debate of 2023 should demonstrate what our priorities are for the year ahead. We believe that that priority and that debate should be on the NHS.

I move amendment S6M-07375.1, to leave out "People's Right to Choose—Respecting Scotland's Democratic Mandate" and insert:

"A New NHS Recovery Plan".

The Presiding Officer: I call George Adam to respond on behalf of the Parliamentary Bureau.

15:08

The Minister for Parliamentary Business (George Adam): I find it somewhat ironic that there are those who are seeking to deny our democratic debate that highlights how the current constitutional settlement is denying democracy in Scotland.

Frankly, the case for the people of Scotland being given the choice and the chance of a better future is becoming stronger every day. Inflation is running at 10 per cent, household incomes are predicted to fall to 2014 levels, the economy is in recession, people are facing the horrific choice between heating and eating this winter, millions are facing eye-watering increases in their housing costs in 2023, and Brexit, of course, is compounding all of that by creating labour shortages, trade barriers, higher business costs

and lost tax income. All of that shows that it is time for the people of Scotland to get the chance to choose a future in which they are wealthier, healthier and happier.

I will never apologise for encouraging Parliament to debate the right of the people of Scotland to choose their own future.

The Presiding Officer: The question is, that amendment S6M-07375.2, in the name of Alexander Burnett, which seeks to amend business motion S6M-07375, in the name of George Adam, on behalf of the Parliamentary Bureau, on a change to future business, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

The vote is closed.

Marie McNair (Clydebank and Milngavie) (SNP): On a point of order, Presiding Officer. My app did not refresh. I would have voted no.

The Presiding Officer: Thank you. We will ensure that that is recorded.

For

Balfour, Jeremy (Lothian) (Con)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Doney, Sharon (South Scotland) (Con)
 Findlay, Russell (West Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Golden, Maurice (North East Scotland) (Con)
 Gosal, Pam (West Scotland) (Con)
 Greene, Jamie (West Scotland) (Con)
 Gulhane, Sandesh (Glasgow) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Hoy, Craig (South Scotland) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central Scotland) (Con)
 Lumsden, Douglas (North East Scotland) (Con)
 McCall, Roz (Mid Scotland and Fife) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Ross, Douglas (Highlands and Islands) (Con)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Webber, Sue (Lothian) (Con)
 Wells, Annie (Glasgow) (Con)
 White, Tess (North East Scotland) (Con)
 Whittle, Brian (South Scotland) (Con)

Against

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)

Brown, Siobhian (Ayr) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Chapman, Maggie (North East Scotland) (Green)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Greer, Ross (West Scotland) (Green)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Gillian (Central Scotland) (Green)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (SNP)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLennan, Paul (East Lothian) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 Minto, Jenni (Argyll and Bute) (SNP)
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
 Robertson, Angus (Edinburgh Central) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Slater, Lorna (Lothian) (Green)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Yousaf, Humza (Glasgow Pollok) (SNP)

Abstentions

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Choudhury, Foysol (Lothian) (Lab)

Clark, Katy (West Scotland) (Lab)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Duncan-Glancy, Pam (Glasgow) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McNeill, Pauline (Glasgow) (Lab)
 Mochan, Carol (South Scotland) (Lab)
 O'Kane, Paul (West Scotland) (Lab)
 Rennie, Willie (North East Fife) (LD)
 Sarwar, Anas (Glasgow) (Lab)
 Smyth, Colin (South Scotland) (Lab)
 Sweeney, Paul (Glasgow) (Lab)
 Villalba, Mercedes (North East Scotland) (Lab)
 Whitfield, Martin (South Scotland) (Lab)
 Wishart, Beatrice (Shetland Islands) (LD)

The Presiding Officer: The result of the division is: For 30, Against 68, Abstentions 24.

Motion disagreed to.

The Presiding Officer: The next question is, that amendment S6M-07375.1, in the name of Neil Bibby, which seeks to amend business motion S6M-07375, in the name of George Adam, on behalf of the Parliamentary Bureau, on a change to future business, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Choudhury, Foyso (Lothian) (Lab)
 Clark, Katy (West Scotland) (Lab)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Dowey, Sharon (South Scotland) (Con)
 Duncan-Glancy, Pam (Glasgow) (Lab)
 Findlay, Russell (West Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Golden, Maurice (North East Scotland) (Con)
 Gosal, Pam (West Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Greene, Jamie (West Scotland) (Con)
 Griffin, Mark (Central Scotland) (Lab)
 Gulhane, Sandesh (Glasgow) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Hoy, Craig (South Scotland) (Con)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central Scotland) (Con)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lumsden, Douglas (North East Scotland) (Con)
 McArthur, Liam (Orkney Islands) (LD)
 McCall, Roz (Mid Scotland and Fife) (Con)

McNeill, Pauline (Glasgow) (Lab)
 Mochan, Carol (South Scotland) (Lab)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 O'Kane, Paul (West Scotland) (Lab)
 Rennie, Willie (North East Fife) (LD)
 Ross, Douglas (Highlands and Islands) (Con)
 Sarwar, Anas (Glasgow) (Lab)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Sweeney, Paul (Glasgow) (Lab)
 Villalba, Mercedes (North East Scotland) (Lab)
 Webber, Sue (Lothian) (Con)
 Wells, Annie (Glasgow) (Con)
 White, Tess (North East Scotland) (Con)
 Whitfield, Martin (South Scotland) (Lab)
 Whittle, Brian (South Scotland) (Con)
 Wishart, Beatrice (Shetland Islands) (LD)

Against

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Chapman, Maggie (North East Scotland) (Green)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Greer, Ross (West Scotland) (Green)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Gillian (Central Scotland) (Green)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (SNP)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLennan, Paul (East Lothian) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)

McNair, Marie (Clydebank and Milngavie) (SNP)
 Minto, Jenni (Argyll and Bute) (SNP)
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
 Robertson, Angus (Edinburgh Central) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Slater, Lorna (Lothian) (Green)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Presiding Officer: The result of the division is: For 54, Against 68, Abstentions 0.

Amendment disagreed to.

The Presiding Officer: The next question is, that motion S6M-07375, in the name of George Adam, on behalf of the Parliamentary Bureau, on a change to future business, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

The vote is closed.

Meghan Gallacher (Central Scotland) (Con): On a point of order, Presiding Officer. My app froze. I would have voted no.

The Presiding Officer: Thank you. We will ensure that that is recorded.

For

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Chapman, Maggie (North East Scotland) (Green)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dorman, James (Glasgow Cathcart) (SNP)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)

Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Greer, Ross (West Scotland) (Green)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Gillian (Central Scotland) (Green)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (SNP)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLennan, Paul (East Lothian) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 Minto, Jenni (Argyll and Bute) (SNP)
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
 Robertson, Angus (Edinburgh Central) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Slater, Lorna (Lothian) (Green)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Yousaf, Humza (Glasgow Pollok) (SNP)

Against

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Choudhury, Foysol (Lothian) (Lab)
 Clark, Katy (West Scotland) (Lab)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Dowey, Sharon (South Scotland) (Con)
 Duncan-Glancy, Pam (Glasgow) (Lab)
 Findlay, Russell (West Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallacher, Meghan (Central Scotland) (Con)
 Golden, Maurice (North East Scotland) (Con)
 Gosal, Pam (West Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Greene, Jamie (West Scotland) (Con)

Griffin, Mark (Central Scotland) (Lab)
 Gulhane, Sandesh (Glasgow) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Hoy, Craig (South Scotland) (Con)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central Scotland) (Con)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lumsden, Douglas (North East Scotland) (Con)
 McArthur, Liam (Orkney Islands) (LD)
 McCall, Roz (Mid Scotland and Fife) (Con)
 McNeill, Pauline (Glasgow) (Lab)
 Mochan, Carol (South Scotland) (Lab)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 O’Kane, Paul (West Scotland) (Lab)
 Rennie, Willie (North East Fife) (LD)
 Ross, Douglas (Highlands and Islands) (Con)
 Sarwar, Anas (Glasgow) (Lab)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Sweeney, Paul (Glasgow) (Lab)
 Villalba, Mercedes (North East Scotland) (Lab)
 Webber, Sue (Lothian) (Con)
 Wells, Annie (Glasgow) (Con)
 White, Tess (North East Scotland) (Con)
 Whitfield, Martin (South Scotland) (Lab)
 Whittle, Brian (South Scotland) (Con)
 Wishart, Beatrice (Shetland Islands) (LD)

The Presiding Officer: The result of the division is: For 68, Against 55, Abstentions 0.

Motion agreed to,

That the Parliament agrees to the following revision to the programme of business for Tuesday 10 January 2023—
 delete

followed by Scottish Government Business

and insert

followed by Scottish Government Debate: People’s Right to Choose - Respecting Scotland’s Democratic Mandate.

Portfolio Question Time

Rural Affairs and Islands

15:17

The Deputy Presiding Officer (Liam McArthur): The next item of business is portfolio question time, and the first portfolio is rural affairs and islands. [*Interruption.*] I ask members who are leaving the chamber to do so quickly and quietly.

Any member who wishes to ask a supplementary question should press their request-to-speak button—or, if they are joining us online, type RTS in the chat function—during the relevant question.

Highly Protected Marine Areas (Impact on Fishing)

1. Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con): To ask the Scottish Government what assessment it has made of the potential impact that proposed highly protected marine areas will have on the fishing industry. (S6O-01708)

The Minister for Environment and Land Reform (Màiri McAllan): On 12 December, I was delighted to announce our consultation on our proposed approach to designating at least 10 per cent of Scotland’s seas as highly protected marine areas. As well as publishing the consultation document, which sets out the background, process and rationale for the consultation, I published a policy framework that sets out the Government’s proposed definition of HPMA, site selection guidelines, a partial islands community impact assessment, a partial business and regulatory impact assessment and an initial sustainability appraisal, which comprises two parts: an initial strategic environmental report, which assesses the environmental impact of the policy; and an initial socioeconomic impact assessment, which identifies and assesses potential economic and social effects of the policy and proposes a methodology for carrying out site-specific SEIAs.

Rachael Hamilton: The minister will be aware that Scottish fishermen believe that they are running out of space. The Scottish Government’s HPMA proposals would take even more away from them. Last month, the Cabinet Secretary for Rural Affairs and Islands, Mairi Gougeon, joined me at a Scottish Fishermen’s Federation reception in the Parliament, at which she heard at first hand about fishermen’s concerns.

On the basis of those concerns, will the minister—and, possibly, the cabinet secretary—commit to postponing the proposed

implementation of HPAs until such time as she can tell fishermen, in all honesty, that those proposals are not a threat to their livelihoods?

Màiri McAllan: I will not do that. The development of HPAs marks the opportunity to make a step change in the protection of our precious marine environment. However, we are at the very beginning of a process, to which we committed in the suite of documents that we published on 12 December. Consultation and meaningful engagement have been a significant part of getting us here, and that will continue to be the case. On that note, I direct the member specifically to the stakeholder engagement document, which we published on 12 December.

The Deputy Presiding Officer: There are a number of requests for supplementary questions. I hope to get all of them in, but they and the responses will need to be brief.

Kenneth Gibson (Cunninghame North) (SNP): No-take zones, from Lamlash bay in my constituency to the Palau islands, have shown that both fishers and the environment can benefit from conservation. Does the minister agree that it is crucial that we ensure the sustainability of Scotland's commercial fisheries and that highly protected marine areas will go a long way towards achieving that goal? How will she engage with the fishing sector to ensure that it is not treated with the contempt that has been shown by the Tories, who made fishers Brexit promises that they have not kept?

Màiri McAllan: HPAs will deliver both protection and recovery of marine ecosystems, such as blue carbon and critical fish habitats. That will help to enhance our natural capital, which is the bedrock of sustainable marine industries. In collaboration with all sea users, the Scottish Government wants to ensure that the rich biological diversity of our seas is protected, enhanced and, where appropriate, restored, so that our marine ecosystems continue to provide economic, social and environmental benefits for the people of Scotland.

Colin Smyth (South Scotland) (Lab): The Government has uniquely united fishers and environmental groups, which agree that a clear spatial plan for Scotland's seas is lacking. What is the minister doing to ensure that HPAs are part of a coherent management plan for inshore fisheries as a whole that specifically incentivises, among other things, low-impact fishing?

Màiri McAllan: Our pursuit of the HPA policy is our opportunity to make a step change in marine protection. I remind the chamber that 10 per cent of our seas will become highly protected areas, with all extractive activity banned in inshore and offshore space. That will complement our suite of

marine protected areas, which currently cover 37 per cent of our seas. By 2024, we will complete the management measures for those MPAs, and we will work on the priority marine features that are most at risk from bottom trawling.

Our work on HPAs, together with the completion of the management measures relating to MPAs and the work on priority marine features, provides the holistic approach that Colin Smyth has asked for.

Willie Rennie (North East Fife) (LD): Given the restriction on inshore fisheries that the Government recently announced, why will scientific evidence be used only to reduce fishing activity, not to increase it? Why do we not follow the science wherever it takes us?

Màiri McAllan: I do not agree with the characterisation that the member has set out. We will absolutely follow the science and consider the socioeconomic impacts of our actions. As I have said to Rachael Hamilton, we are at the very beginning of what will undoubtedly be a complex process, but one that will nonetheless—if we successfully pursue it—make a step change in the protection of our marine environment, which is, of course, important for our sustainable fishing industry.

Ariane Burgess (Highlands and Islands) (Green): I am sure that the minister will be aware of research from England that shows that marine protected areas that exclude the most destructive activities can boost fish population by almost 400 per cent and the numbers of commercially important fish outside those MPAs, too.

Does the minister agree that HPAs will be essential in recovering fish stocks and supporting the development of a sustainable fishing industry that thrives within environmental limits?

Màiri McAllan: I agree. As I have said, the HPAs will, when in place, deliver protection and recovery of marine ecosystems and enhance our natural capital. All of that is the bedrock on which our sustainable marine industries can exist successfully. As part of the development of that policy, I am committed to meaningful, on-going engagement with the suite of stakeholders who have an interest in Scotland's marine space.

Food and Drink Sector (Impact of Brexit)

2. Fulton MacGregor (Coatbridge and Chryston) (SNP): To ask the Scottish Government what its most recent assessment is of the impact of Brexit on Scotland's food and drink sector. (S6O-01709)

The Cabinet Secretary for Rural Affairs and Islands (Mairi Gougeon): The food and drink sector has borne the brunt of the hard Brexit that

the United Kingdom Government pursued, particularly through the loss of free trade and free movement. Many of Scotland's food producers are still suffering from lower exports to the EU, including a 48.8 per cent fall in exports of fruit and vegetables and a 15 per cent fall in exports of dairy and eggs in the first nine months of 2022 compared with the same period in 2019. That is not to mention the products that we now cannot export to the EU at all, such as chilled meats and—an industry that is important to Scotland—seed potatoes.

Fulton MacGregor: Research from the London School of Economics suggests that household food bills have gone up by £210, mainly due to the extra cost of goods checks and requirements caused by Brexit being passed on to customers. Scotland did not vote for Brexit, as we all know, but people in Scotland continue to pay the price for it. That deliberate act of Tory policy is magnifying the cost of living crisis and the misery that it causes. Does the cabinet secretary share my view that, now that Labour is decidedly pro-Brexit, only the Scottish Government can be trusted to stand up for the interests of our world-class food and drink sector?

Mairi Gougeon: We have clear evidence that Brexit is causing food bills to rocket and that we are absolutely all affected by that. We know that many factors influence food inflation, but, thanks to Brexit, the UK faces one of the worst cost of living crises and is suffering more than countries elsewhere. The latest forecasts from the Organisation for Economic Co-operation and Development and the International Monetary Fund show that the UK is set to have one of the highest inflation rates in the G7 in 2022 and 2023. That is all because a Brexit that we did not vote for was forced upon us. We have also been dragged into trade deals that work against the interests of producers here in Scotland. The Scottish Government has stood up, and will continue to stand up, for our producers and for Scotland's wider food and drink sector.

The Deputy Presiding Officer: There is a little bit of time. If members wish to ask questions, I encourage them to press their request-to-speak buttons.

Question 3 has been withdrawn.

Seed Potato Sector (Impact of European Union Withdrawal Agreement)

4. Gillian Martin (Aberdeenshire East) (SNP): To ask the Scottish Government how it is addressing any impact of the EU withdrawal agreement on the seed potato sector. (S6O-01711)

The Minister for Environment and Land Reform (Màiri McAllan): Brexit, which the United Kingdom Government pursued during the pandemic, meant that Scotland's seed potato export market was lost at the stroke of a pen. That was due to the UK Government's failure to secure an equivalence agreement for seed potatoes. To put that in context, Scotland previously exported about 20,000 tonnes of seed potatoes to the European Union and 2,000 tonnes to Northern Ireland annually. The loss of that export trade has resulted in the loss of £11 million annually.

It is vital that options to resolve that situation continue to be explored, and we have been pursuing those since the disastrous Brexit agreement was reached. After a spate of UK ministerial changes over the summer, I wrote most recently to Mark Spencer. I am awaiting a response. I also raised the issue today with Lord Benyon. *[Interruption.]*

The Deputy Presiding Officer: Mr Carson, I have already said that members who wish to ask a question should press their request-to-speak buttons and I will do my best to call them.

Gillian Martin: The minister has largely answered my question. I cannot believe that I have just heard a Tory shout out that this is the fault of our "EU pals" when it is the fault of bad negotiators from the UK Government who made the Brexit deal.

The seed potato sector, like much of Scotland's rural economy, was either betrayed or totally ignored by the Brexit crusade of the Tories, who want to paint themselves as the champions of rural Scotland, despite the obvious harms that they have imposed through their act of deliberate policy.

The minister mentioned a letter. What recent discussions has the Scottish Government had with the UK Government regarding its obligation to fix a problem of its own making? That problem continues to create severe challenges in my constituency, which grows some of the best-quality seed potatoes in the whole of Europe and previously exported seamlessly to the EU.

Màiri McAllan: I know that the matter is of particular concern to Gillian Martin, because of her constituency. I said that I had most recently written to Mark Spencer. I await a response to that letter and will chase that up very shortly. I also took the opportunity to raise the issue with Lord Benyon today, when writing to him about a separate, but related, matter.

The cabinet secretary and I have, for months—and for longer than that in her case—been raising such matters with the UK Government during interministerial meetings, sadly to no avail. This is a result of Brexit, which Scotland did not vote for.

The hardest of all possible Brexits is being imposed on us by a UK Government that refuses to commit to dynamic alignment. It is Scottish industry that suffers. The UK Government has been willing to sell out Scottish industry in pursuit of its ideological Brexit.

Avian Influenza

5. Carol Mochan (South Scotland) (Lab): To ask the Scottish Government what action it is taking to prepare for any potential surge in avian flu cases over the winter. (S6O-01712)

The Cabinet Secretary for Rural Affairs and Islands (Mairi Gougeon): The Scottish Government and its operational partners have in place a robust and regularly tested control strategy and contingency plans, as well as a proven track record in dealing effectively and rapidly with the control of outbreaks to prevent the spread of infection to other premises.

We responded quickly to the increasing risk of avian influenza from migratory wild birds by introducing an avian influenza prevention zone in October, which made it a legal requirement for all bird keepers to follow strict biosecurity measures to help to protect their flocks, such as cleaning and disinfecting footwear and maintaining high standards of cleanliness.

Carol Mochan: We have seen particularly large avian flu outbreaks in the north-east of Scotland, as well as the infection of many coastal birds in my South Scotland region, followed by a recent outbreak at Coalhall in East Ayrshire. That led, quite rightly, to strict biosecurity measures being introduced in November, which are undoubtedly very necessary.

However, has the Government considered the financial implications for farmers of the new housing measures for birds? What is being done to help them with the financial burden, given that we know that the winter will make flu infections more likely?

Mairi Gougeon: That is a significant concern, given the period that we are in. We are currently dealing with the worst outbreak of avian influenza that we have ever seen. The member mentioned biosecurity, and it is really important to emphasise the message about just how important the high and strict levels of biosecurity are. We know that, if those are implemented, we can see a forty-fourfold reduction in the risk of avian influenza, which can be compared with a twofold reduction in risk from the housing of birds.

I note that there are other issues. I recently met the president of NFU Scotland and its poultry chair to talk about some of those. In particular, we discussed what we can do to promote the messages around biosecurity, as well as the

challenges to do with finance and insurance that the industry is facing. We are working closely with NFU Scotland to look for solutions.

Emma Harper (South Scotland) (SNP): Last month, the Rural Affairs, Islands and Natural Environment Committee heard from the chief veterinary officer, who said:

“Flu viruses generally like cold and damp conditions, so they survive much better in the winter”.

On biosecurity, which the cabinet secretary mentioned, the CVO pointed to a study that indicated that

“biosecurity improved things by a factor of 44, while housing improved things by a factor of 2.”—[*Official Report, Rural Affairs, Islands and Natural Environment Committee*, 30 November 2022; c 26, 33.]

That underlines the crucial role of biosecurity.

What can MSPs from all parties do to get out the message that biosecurity is really important and that we must focus on the crucial role that it can play?

Mairi Gougeon: I thank the member for giving me an opportunity to reiterate what I said, as I cannot emphasise enough just how important high biosecurity standards are when it comes to tackling this disease among poultry. The measures include cleansing and disinfecting equipment, clothing and vehicles; preventing contact with wild birds and vermin by storing feed and bedding under cover; and ensuring that buildings are maintained to prevent ingress from flood water.

As MSPs, we all have a role in trying to promote that message. As I mentioned in my previous response, I met the NFUS recently, and part of what we discussed in relation to biosecurity was how we can try to promote that message as much as possible. As a Government, we try to do that through all the channels that we have available, but I encourage MSPs to get on board as well and help to share the message so that everybody is aware of the measures that they can take to, hopefully, prevent avian flu from spreading.

Alexander Burnett (Aberdeenshire West) (Con): There have been differences between the way that Scotland has handled outbreaks of avian flu and what has been done in the rest of the United Kingdom, particularly on housing orders. Will the minister confirm how the Scottish Government has been working with the rest of the UK on the issue? Will she clarify what science or guidance the Scottish chief veterinary officer is following to justify the differences in managing outbreaks and preventing future ones?

Mairi Gougeon: When we look at the outbreaks, it is important to remember that we are not comparing like with like. Of course, we take

any evidence, and I rely on the expert advice and expertise of our chief veterinary officer and our animal health team when it comes to that. As I have said to the member when he has asked questions on the subject previously, we continue to monitor the situation and keep it under review, but I emphasise again the important biosecurity measures.

On engagement across the UK on animal health and combating such disease, we have strong working relationships—we need to—when it comes to tackling issues.

It is important that, when making decisions on housing for example, we consider the wider impact that that would have on smaller keepers, as well as the wider implications for animal welfare. That is not a simple decision, and that is where I depend on the advice and expertise of our CVO. We continue to monitor the situation.

The Deputy Presiding Officer: Beatrice Wishart joins us remotely.

Beatrice Wishart (Shetland Islands) (LD): Seabird populations have been decimated by avian flu. Has the Scottish Government made the public fully aware of the actions that they can take to mitigate the spread of avian flu—for example, if they are out walking over the festive period and come across sick or dead birds?

Mairi Gougeon: Yes, we try to do that as much as possible.

Previous questions have asked about communications and about what MSPs can do in that regard. I would welcome any help that members from all parties can provide in sharing some of the messages as to how the public should handle such situations, and in getting those messages out to commercial keepers about the importance of biosecurity, as well as how to handle outbreaks or suspected cases. I am more than happy to circulate that information to all members, so that they have it to hand.

The Deputy Presiding Officer: Question 6 has been withdrawn.

European Union Replacement Funding

7. Emma Roddick (Highlands and Islands) (SNP): To ask the Scottish Government when it last engaged with the United Kingdom Government on the subject of EU replacement funding with respect to the rural affairs portfolio. (S6O-01714)

The Cabinet Secretary for Rural Affairs and Islands (Mairi Gougeon): We no longer have long-term certainty of funding, as a result of Brexit. The unilateral choices that have been imposed by the UK Government provide insufficient replacement for the EU budget.

The UK Government promised full replacement of and collective engagement on future funding. Previous secretaries of state have reaffirmed that commitment, but the UK Government has failed to deliver on that so far. At past meetings of the interministerial group for environment, food and rural affairs, Scottish ministers have raised the issue of EU replacement funding in relation to the rural affairs portfolio, and we continue to make representation to the UK Government that it should fulfil its commitments.

Emma Roddick: Scotland has been short-changed across the board by the Tories and their Brexit obsession. As part of the EU, we could have accessed a multiyear allocation for marine funding of £62 million, while the UK Government has allocated only £14 million a year to Scotland. Reduced funding means reduced opportunity to realise benefits for coastal communities and businesses. Does the cabinet secretary share my view that the obvious conclusion is that the EU placed greater value on coastal communities and businesses in places such as my region, the Highlands and Islands, than is placed on them by our supposed partners in the union?

Mairi Gougeon: I fully share Emma Roddick's view that coastal communities and businesses have been short-changed through the Brexit process. The UK Government has not demonstrated the same commitment to those communities as we would have seen were we still part of the EU, as has been highlighted by the figures that she mentioned.

Brexit has not only introduced hugely damaging impacts on small coastal communities through barriers to trade. We have also seen the loss of that multiyear funding. That removes the opportunity to deliver long-term planning and certainty, which impacts on trade and serves to stifle innovation.

In addition, the UK Government's approach to the Brexit problems, which it has created, is to establish the UK seafood fund and award itself £100 million of funding. The fund simply causes duplication and confusion by undermining the devolution settlement, thereby making a bad situation 10 times worse.

The Deputy Presiding Officer: Question 8 has not been lodged. That concludes portfolio questions on rural affairs and islands.

Point of Order

15:38

Finlay Carson (Galloway and West Dumfries)

(Con): On a point of order, Presiding Officer. I appreciate that we have up to 20 days in which to submit corrections through the *Official Report* corrections mechanism. However, today, I seek to correct an entry of mine on 31 May 2017, and to correct entries on behalf of former Conservative member Jamie McGrigor on 30 September 2009 and 23 September 2010. On those dates, we inadvertently repeated statistics that related to Scotland's wind potential, which we had heard from Scottish Government ministers.

We are now acutely aware that those statistics are incorrect. Parliamentarians and members of the public were misled by Scottish National Party ministers and members into thinking that the figures were true, and I am appalled that I have inadvertently used incorrect figures on the record. We did not receive the briefing from officials that the figures were never sourced, unlike SNP ministers, who were told that multiple times. Therefore, we seek to correct the record. Personally, I will think twice before ever again trusting anything that this SNP Government says.

Although we are happy to correct the record, I note that numerous other offending SNP members are not as forthcoming. In fact, they still come to the chamber repeating the false claim that the figures were at one time true and are now just outdated.

Given that outstanding blight on the Parliament's *Official Report*, Presiding Officer, do you feel that the current correction mechanism is working? What parliamentary process is available to members who wish to contribute to reforming that mechanism to ensure that MSPs and ministers are held to a higher standard than they are at the moment?

The Deputy Presiding Officer (Liam McArthur): Thank you, Mr Carson. As you know, that is not a point of order. If there are things that you think require addressing in the standing orders, I would suggest that you write to the Standards, Procedures and Public Appointments Committee about that. It is not something on which I can offer any ruling.

Health and Social Care

The Deputy Presiding Officer: We move on to portfolio questions on health and social care. Again, any member wishing to ask a supplementary question should, during the relevant question, press their request-to-speak

button or, if they are joining us online, place RTS in the chat function.

General Practice (Grampian Local Medical Committee)

1. **Douglas Lumsden (North East Scotland)**
(Con): To ask the Scottish Government what its response is to the letter it received from the Grampian local medical committee stating that "General Practice continues to be scapegoated as a profession in order to mask the failings of the Scottish Government". (S6O-01716)

The Cabinet Secretary for Health and Social Care (Humza Yousaf): I have been explicitly clear that any suggestion that general practitioners have not been seeing people face to face because they did not want to is false. It is a dangerous assertion. We know that GP practices are working at capacity. Without expecting more work from our GPs, we need to examine how access arrangements for patients can be improved—many members across the chamber have written to me about that. To that end, I have set up a general practice access group. The group is establishing high-level core principles to support and enhance patients' experience of accessing the right care at the right place and at the right time.

We are committed to investing £170 million a year to help to grow the multidisciplinary teams in GP practices and to further increasing the number of GPs in Scotland. We remain committed to delivering our target of 800 new GPs by 2027.

Douglas Lumsden: It is good to hear that the numbers should be going up, because the latest figures show that, excluding trainees, the number of GPs fell in the past year. The ones who remain are more likely to work part time.

Last week, the chairwoman of the Royal College of General Practitioners in Scotland said that, within the current crisis of workforce shortages, intolerable workload and worryingly low morale in mental health, GPs are firefighting, and many worry that they are no longer working in safe conditions and cannot continue.

It is clear that the cabinet secretary has lost the dressing room. Will he now apologise to our GPs for the mess that he has created, and give our GPs the best Christmas present that they could hope for and resign?

Humza Yousaf: That is brave from a Conservative member, given that the number of GPs in Scotland, if we exclude trainees—as he has asked me to do—is 83 per 100,000, which is higher than the 63 per 100,000 in Conservative-run England. He may, therefore, want to have a word with his colleagues. I would love to be able to invest even more in primary care. What is holding us back this financial year has been his

Government's economic mismanagement of the public finances, which has meant that my budget is worth £650 million less.

When it comes to scapegoating our healthcare workers, the member is astonishingly brave to come up with that a day after his colleague Stephen Barclay shamefully said that healthcare workers were making

“a conscious choice to inflict harm on patients”.

Douglas Lumsden and his Tory colleagues should hang their heads in shame.

The Deputy Presiding Officer: There are a number of supplementary questions. Again, I will try to get through as many as possible, but they will need to be brief—as, indeed, will the responses, cabinet secretary.

Gillian Martin (Aberdeenshire East) (SNP): I would like to hear the cabinet secretary's view of the content of a report published by the think tank Nuffield Trust, which warns that Britain's departure from the European Union has made things worse for recruitment strategies in health and social care, while NHS Scotland claims that, since Brexit, it has been restricted in recruiting foreign staff to fill vacancies. *[Interruption.]* What progress has been made to recruit more GPs to Scotland?

Humza Yousaf: I heard Douglas Lumsden and the Tories moaning and groaning again during Gillian Martin's important question. There is no doubt at all that the folly of Brexit has caused significant damage not only in the NHS but, importantly, in social care. If members do not believe me, they should feel free to listen to the contributions and the expertise of those in the national health service and the social care sector. Gillian Martin has given us a flavour of their views.

I have launched a recruitment drive to attract GPs to move to Scotland and, in particular, to our rural, remote and island communities, where we know that there are areas of challenge. We have also funded the excellent Scottish graduate entry medicine—ScotGEM—programme, with an emphasis on recruiting GPs. Since 2018, we have established 55 places, increasing to 70 this year, as well as an additional 85 places on GP track courses.

Between the Conservatives' folly of Brexit and the Labour leader Sir Keir Starmer insulting the overseas workers in our NHS, it is clear that the Scottish National Party is the only party in government that will not only welcome overseas workers to our NHS but value them.

The Deputy Presiding Officer: Answers will have to be shorter from now on.

Jackie Baillie (Dumbarton) (Lab): General practice is not alone in being undervalued by the

Government. Yesterday, we learned that members of Royal College of Nursing Scotland have overwhelmingly rejected the latest pay offer. Of course, nurses also work in GP surgeries. They have faced years of real-terms pay cuts that have pushed their colleagues out of the profession and put patient safety at risk. Will the cabinet secretary wake up to the fact that his workforce plan has failed and that he has lost the confidence of NHS workers across Scotland? Will he give a commitment now that he will not impose the pay deal and will reopen negotiations tomorrow?

Humza Yousaf: Scottish Labour's lack of self-awareness is astonishing. For the second week in a row, the Conservative-run NHS in England is seeing strikes in the country in which it is in government, whereas here in Scotland there are no strikes. Yet Ms Baillie suggests to the Scottish Government that it has somehow lost the dressing room.

Jackie Baillie: That is so complacent.

Humza Yousaf: Ms Baillie speaks from a sedentary position, but she might want to listen to what the British Medical Association said about her colleague, Wes Streeting, who attacked NHS workers. It said:

“It was not so long ago that Mr Streeting and the Labour Party were clapping healthcare workers for their contributions during the pandemic. So to hear them now accusing staff of a something for nothing culture and potentially supporting a further real-terms pay cut will leave many staff extremely concerned.”

Labour MP Diane Abbott responded by saying:

“Inch by inch Wes [Streeting] is trying to push for a privatised/insurance based NHS all in the name of 'reform'.”

It is a shame that Scottish Labour Party members could not join their colleague Diane Abbott in calling out Wes Streeting's insulting remarks about healthcare workers.

The Deputy Presiding Officer: Ms Baillie and Mr Lumsden, I have invited you to ask questions. You have done so, but you have then sought to interrupt the cabinet secretary as he is trying to respond to them. Can we have a bit of respect, please?

Sandesh Gulhane (Glasgow) (Con): Dear, oh dear. The cabinet secretary is in victim mode again—yet he has been telling nurses not to be patronising. The Brexit referendum was a national one, which the SNP does not seem to fully understand.

There are 23 fewer qualified GPs than last year and a 9 per cent drop in GP practices, while whole-time equivalent consultants are down by 14.3 per cent and we have double the number of vacancies for consultants than you claim. What

new plans do you have to help to recruit GPs? Your flimsy recovery plan simply does not cut it.

The Deputy Presiding Officer: I remind Dr Gulhane to speak through the chair.

Humza Yousaf: Imagine a Conservative member coming here to lecture us on how we should be treating NHS healthcare staff when his colleague in England said that healthcare workers are consciously inflicting harm on patients. You cannot even stand up for yourself, let alone stand up for our healthcare workers. *[Interruption.]* Through the chair, I say to Sandesh Gulhane, "Have some self-respect yourself."

We are taking five actions to help with GP recruitment. The first is that an active GP recruitment campaign is under way. Secondly, we have managed to have a record year for our GP specialist training fill rate. Thirdly, as part of the 2021-22 programme for government, we committed to increasing medical school places by 100 per annum, and we are doing that. Fourthly, we have the ScotGEM programme that I mentioned.

The fifth—this is not in our gift, but perhaps Sandesh Gulhane can help, with the minimal influence that he has with the United Kingdom Government—there have been calls on the UK Government to ensure changes to pensions, which are disincentivising GPs. Perhaps he can use his minimal influence with the UK Government to get some change in that respect.

The Deputy Presiding Officer: I apologise to members whom I have not been able to bring in for supplementaries, but we have to move on to question 2.

General Practitioners (Estimated Shortage)

2. Martin Whitfield (South Scotland) (Lab): To ask the Scottish Government what its position is on British Medical Association Scotland's reported estimate that Scotland is approximately 1,000 short of the required number of whole-time-equivalent general practitioners. (S6O-01717)

The Cabinet Secretary for Health and Social Care (Humza Yousaf): We would be keen to see the BMA's evidence base for that estimate. As I have said, we are making good progress against our commitment to increasing the number of GPs by 800 by the end of 2027. The number of GPs has increased by almost 300 since 2017, when the target was first announced, and we now have a record 5,209 GPs working in Scotland. The increase in GP headcount will help deliver an increase in GP whole-time-equivalent capacity, too.

The number of GPs required to meet capacity depends on a number of factors, including the size

and shape of the team around them. Although GP headcount is how we measure our commitment, both sets of data are important and, as I have said, we will continue to work with the BMA on this.

Martin Whitfield: In recent weeks, I have met several GPs across East Lothian, and they have expressed concern about the increasing pressures that they are facing in their practices and the impact of the Government's cuts on their ability to meet capacity. First, will the cabinet secretary take what these clinicians are saying seriously? Secondly, they talk about practices that are patient-oriented and which have continuity of care. Such an approach has numerous benefits, not least in shortening the time that GPs need to read about the patient who is seeing them. Does the cabinet secretary support such a model, and how is he supporting it with regard to the interaction between GP practices and health boards?

Humza Yousaf: I thank Martin Whitfield for his helpful follow-up question. I am, of course, aware of the pressures that his GP colleagues in East Lothian have raised with him; indeed, barely a week or month goes past when I am not interacting regularly with GPs. I might well pay a visit to the GP practices in East Lothian.

However, it is exactly because of those issues that the member has raised, not just on patient access but on time with patients, that I have set up the GP access group. GPs are, of course, part of that group, and I want a patient representative to be on it, too. Nobody doubts how hard GPs work, and I have said as much to GPs and will say it again in the chamber: GPs are working unbelievably hard. However, I think that the hybrid model of face-to-face and telephone or video consultations should continue and should be embedded.

That said, I get representations on this from across the chamber; in fact, I got representations from Monica Lennon at committee yesterday, when she made the point that some people are still struggling to see their GPs face to face. That is true right across the country, and anything that we can do to improve that situation while working with GPs will be good not only for people's confidence in general practice but for the public in general.

The Deputy Presiding Officer: Again, there is a lot of interest. I want to get all the supplementaries in, so again I must ask for brief questions and responses.

Kenneth Gibson (Cunninghame North) (SNP): What impact have George Osborne's pension changes had on GP numbers over the past decade, given how many have felt compelled to retire as a direct result of them?

The Deputy Presiding Officer: As briefly as possible, please, cabinet secretary.

Humza Yousaf: I do not have the exact numbers in front of me, but I say to Kenny Gibson that this is one of the key issues that GPs up and down the country raise with me. Regardless of where they are, GPs ask for pension changes.

In fairness to the UK Government, some changes have been made but, as Kenny Gibson has rightly said, they have been too little, too late for many GPs. There are further changes that the UK Government could make—and which it is, I understand, consulting on—and I urge it to do the right thing. After all, although GP recruitment is important, there is no point in filling up a leaky bucket. Retention is really important, too, and pension changes should be able to help in that respect.

Willie Rennie (North East Fife) (LD): The problem is that the Government has been in denial for many years about the number of GPs. Many in the chamber were warning that the Scottish Government needed to up recruitment, but it failed to act at the time. As a result, the crisis in primary care is solely down to the Scottish Government being asleep at the wheel. What new measures is the cabinet secretary going to take? Far too many patients in my constituency cannot even get through on the phone, let alone get an appointment.

Humza Yousaf: I do not agree with the member's characterisation of the situation; indeed, the figures do not bear it out, either. Excluding trainees, Scotland has 83 GPs per 100,000, which is vastly higher than other parts of the UK—not by a small margin, but by quite a significant one—and it is a demonstration of our recruitment record.

I have given a list of things that we are already doing. On the challenges with access, there is no doubt that numbers of GPs will play a part in that, but there are things that can be done to improve access to GPs right now. That is why I set up the GP access group. GPs and patient representatives will be part of that and, as it meets and gives me recommendations, I will ensure that Willie Rennie and the rest of the Parliament are kept updated.

Emma Harper (South Scotland) (SNP): Earlier this month, the BMA's GP committee noted that Labour was guilty of demonising GPs who are trying their best to deliver care. What steps is the Scottish Government taking to engage constructively with our health trade unions to ensure that being a GP remains an attractive career choice with a manageable workload?

Humza Yousaf: I take our relationship with health trade unions seriously. It is why, for the second week in a row, we are the only part of the

country where there are not strikes. I do not take that for granted. It is because of meaningful discussions and negotiations with the trade unions and, as I hope is recognised, the Government.

I will continue that engagement. I will ensure that my door is always open to meaningful dialogue. Neither I nor the Government will stand up to demonise our health workers in the way that, I am sad to say, we have seen from the Conservative Party and from Wes Streeting in the Labour Party, too.

Air Pollution (Impact on Mental Health)

3. Kenneth Gibson (Cunninghame North) (SNP): To ask the Scottish Government what the impact of air pollution is on mental health. (S6O-01718)

The Minister for Mental Wellbeing and Social Care (Kevin Stewart): The relationship between air quality and health is complex and it is uncertain what impact air pollution has on the mental health of individuals. There is an emerging body of research that indicates an association between air pollution and an increased risk of mental illness. There is also some evidence to suggest that air pollution is associated with altered brain function and structure, the implications of which are not yet clear.

It is important to point out that air pollution targets are being met across the vast majority of Scotland, although pollution hotspots are still present in some cities and town centres. Work with local authorities and other partners is under way to address those hotspots as quickly as possible, such as the introduction of low-emission zones in our four largest cities.

The Scottish Government takes air pollution very seriously and is in regular contact with the Scottish Environment Protection Agency—the independent regulator—concerning its regulatory role in relation to industrial sites in Scotland.

Kenneth Gibson: Researchers at Washington DC's American University studied the impact of fine atmospheric particulate matter concentrations and suicide levels over seven years. Conclusive results showed a direct link between depression, suicide and atmospheric pollution, even when an area is polluted for a single day. That is probably because an inflammatory response to particulates in the brain disrupts the pathways that regulate mood. Given those findings, what further steps will the Scottish ministers take to tackle air pollution?

Kevin Stewart: I will take a look at that research from the American University in Washington DC.

The strategy "Cleaner Air for Scotland 2: Towards a Better Place for Everyone", which was

published in July 2021, sets out how the Scottish Government will, with partners, continue to deliver air-quality improvements over the next five years. It contains more than 80 actions across health, place making, transport, public engagement and industrial emissions.

Levels of the main air pollutants have declined significantly in Scotland over the past three decades. That has been achieved through tighter regulation, improved fuel quality, cleaner vehicles and an increased focus on sustainable transport. All of that has happened but, nonetheless, our vision and aspiration is for Scotland to have the cleanest air in Europe.

Paul O’Kane (West Scotland) (Lab): Given the growing body of evidence, does the minister agree that the situation is a public health emergency and that we need to take a public health approach, as has been advocated in greater Manchester by Labour mayor Andy Burnham under the Marmot review? Will the minister take a look at that along with Maree Todd?

Kevin Stewart: As I said in my initial answer, there is an emerging body of research. We will continue to monitor that and act accordingly.

The Deputy Presiding Officer: Question 4 was not lodged.

“Ask Them About Suicide”

5. **Evelyn Tweed (Stirling) (SNP):** To ask the Scottish Government what help it is providing to suicide support services, including SAMH and its recently launched campaign, Ask Them About Suicide, ahead of the festive season. (S6O-01720)

The Minister for Mental Wellbeing and Social Care (Kevin Stewart): In September, the Scottish Government and the Convention of Scottish Local Authorities published a new suicide prevention strategy, called “Creating Hope Together”. The strategy aims to reduce the number of suicide deaths while tackling the inequalities that contribute to suicide. It is supported by the programme for government commitment to double annual funding for suicide prevention to £2.8 million by 2025-26.

The new 10-year strategy and first action plan will build on the strong partnership model that underpinned the delivery of the previous action plan, called “Every Life Matters”. The partnership model involves third sector mental health partners leading delivery of key elements of Scottish Government-funded activity. Over the past four years, that has included Government funding for the Scottish Association for Mental Health to develop the social movement United to Prevent Suicide and to deliver a range of national suicide prevention campaigns, including FC United to

Prevent Suicide and the better tomorrow campaign.

We greatly value the role and contribution of all third sector partners across Scotland that are working nationally and locally to prevent suicide, and we look forward to extending our partnership approach as we deliver the new strategy.

Evelyn Tweed: SAMH’s campaign encourages everyone to simply ask the question, “Are you thinking about suicide?” if they are concerned about a loved one. Does the minister encourage anyone who is concerned about a loved one to ask the difficult yet simple question, “Are you thinking about suicide?” to allow them to seek further support?

Kevin Stewart: I agree with Evelyn Tweed that we should all be alert to suicide in our communities and ask anyone who is struggling with their mental health the question, “Are you thinking about suicide?” By asking that crucial question, we show care and compassion, which can help people to talk more openly about their feelings. It also creates a space in which to discuss reaching out for further support and advice.

The Deputy Presiding Officer: I call Carol Mochan for a brief supplementary.

Carol Mochan (South Scotland) (Lab): In the absence of Jim Fairlie’s debate on male suicide this week, it is important to recognise that 75 per cent of the people who died by suicide in 2020-21 were male and that a high proportion of those males were young and from a more deprived area. Every death by suicide is a tragedy—it means a life lost and a family grieving a loved one. It is abundantly clear that we need a strategy that not only promises but delivers.

How will the Scottish Government work with organisations that have close links to large groups of young men, such as football clubs—there is Kilmarnock Football Club, in my area, and Ayr United in South Ayrshire, which is in my region—to ensure that we continue to make progress together towards fully removing the stigma of talking about mental health and suicide, particularly among the young male group?

The Deputy Presiding Officer: I recognise the issue’s importance, but we will have to have shorter supplementary questions, in particular, as well as shorter responses.

Kevin Stewart: I will be very quick. I hope that we will have the opportunity to debate Mr Fairlie’s important motion. As I have said before in the chamber, football clubs have a big role to play here. In recent times, I have been to St Mirren for a suicide prevention day, which was very worthwhile for the community. There is also the

changing room—extra time programme, which we run in association with clubs and SAMH.

Forth Valley Royal Hospital

6. Richard Leonard (Central Scotland) (Lab): I remind members of my entry in the register of members' interests.

To ask the Scottish Government whether it will provide an update on the actions taken in Forth Valley royal hospital following its escalation to stage 4 of the NHS Scotland national performance framework for governance, leadership and culture. (S6O-01721)

The Cabinet Secretary for Health and Social Care (Humza Yousaf): This week, I met Christine McLaughlin, who chairs the assurance board, alongside the external support team. The assurance board is providing direct monitoring and support to Forth Valley, but the onus is on the national health service board to commit to and deliver improvement.

It is important that we allow NHS Forth Valley the opportunity to deliver immediate and tangible improvements in the coming weeks. In my statement to Parliament last month, I committed to writing to members before the end of the calendar year. I have signed off that response, so, if it has not come to members yet, it certainly will come later today.

Richard Leonard: I thank the cabinet secretary for his answer. The escalation to stage 4 is long overdue, but this escalation is focused at a very senior level. That may be where the change needs to begin, but what about support for workers on the front line? The failures have had a massive impact on them, leading not simply to low morale but to burnout, anxiety and depression. Cabinet secretary, on your watch, those health workers are on their knees, with many leaving the service altogether.

I have been told that, just last weekend, one nurse at the Forth Valley Royal hospital was left on her own with responsibility for 37 patients—37—which is over four times more than the recommended safe limit. When is action finally going to be taken by this Government to give assurance not just to the leadership but to the patients and to give assurance and support to the poor bloody infantry who are working on the front line this Christmas?

Humza Yousaf: To be clear, the assurance process and the improvement plan associated with the escalation framework are not just for the management or, indeed, for the board. We expect to see those improvements, and we will monitor the situation. We will, of course, ensure that those improvements percolate from the top right the way through to those who are on the front line.

I will not go into detail about some of the challenges that health systems right across the United Kingdom are facing, as we do not have the time, but we can try to take care of the wellbeing of our staff, and one way of doing that is by making sure that they are paid well. That is why I will continue to engage meaningfully with our trade unions, and that is why we have put that record pay deal on the table.

I have committed to meeting the whistleblowing champion at Forth Valley. I think that there is a strong role for whistleblowing to play right across our national health service. I have not been able to meet the whistleblowing champion yet, but I intend to do that early in the new year.

The Deputy Presiding Officer: We are at 25 minutes and we have two other questions in the *Business Bulletin*. I want to get supplementary questions in. These portfolio questions are important, but the questions will need to be short and the answers need to be shorter.

Stephen Kerr (Central Scotland) (Con): The cabinet secretary must be familiar with the very critical report that lays bare a culture of bullying and intimidation in Forth Valley NHS. That is admitted by the senior management, and the hospital is now in special measures. There must be a question of competence and confidence, so why has no one resigned or been sacked? Why does the cabinet secretary continue to have such confidence in those who have managed to make such a fine mess of things?

Humza Yousaf: The escalation framework is there for a reason. It is important that we are able to escalate Forth Valley in the circumstances, but I think that it would be reasonable to say to the board—and I think that any reasonable person would understand this—that we expect an improvement plan, that we will hold the board to account for that improvement plan and that, if we do not see that improvement, there will be another level of escalation.

I would implore Stephen Kerr to look at the improvement plan. We will have everything published on our website so that it is transparent, open and there for people to see. Let us then make sure that we are collectively holding NHS Forth Valley to account. Ultimately, that is my responsibility, of course, and I give the member a guarantee that I will be doing that.

Social Care Workers (Support)

7. Foysoil Choudhury (Lothian) (Lab): To ask the Scottish Government what specific measures are being taken to support social care workers during the cost of living crisis. (S6O-01722)

The Minister for Mental Wellbeing and Social Care (Kevin Stewart): There are more than 1,200

social care providers across Scotland, with local authorities being responsible for providing or commissioning services.

Local authorities and health and social care partnerships will want to ensure that they provide appropriate support to social care workers. In addition, the Scottish Government is committed to improving fair work practices across the social care sector: over the past year, we have increased pay from £9.50 per hour to £10.50 per hour, and we will further increase the rate to the real living wage next year. We continue to work with stakeholders to secure improved terms and conditions, including improved sick pay and maternity and paternity pay.

Foysoyl Choudhury: I thank the minister for that answer, but does he agree with me that, this winter, the situation facing social care workers—who have, for too long, been underpaid and undervalued in our society—is another example of why they cannot afford to wait for a national care service before they see real improvement in their working conditions?

Kevin Stewart: That is why we are not waiting for the national care service to be up and running to improve pay and conditions. As I pointed out, we will raise pay again to the level of the real living wage, which is not the case in either England or Wales, where social care workers are on the minimum wage.

Beyond that, this week, along with the Convention of Scottish Local Authorities, we published our statement of intent to help to improve conditions. One of the conditions that I want to see being improved very quickly indeed is maternity pay, because I believe that it is extremely unfair, in this day and age, that there are women out there who are not entitled to maternity pay. That is one of many things that we will be doing before we get to the national care service.

North-east Hub Health and Care Centre

8. John Mason (Glasgow Shettleston) (SNP): To ask the Scottish Government whether it will provide an update on the new North East Hub Health and Care Centre in Parkhead, Glasgow. (S6O-01723)

The Cabinet Secretary for Health and Social Care (Humza Yousaf): Construction started on 28 March 2022. The construction programme is on schedule and the hub is planned to be completed in two phases—July 2024 for the main building and August 2025 for the car park. Following handover of the first phase, there will be an eight-week equipping and transition period before patients move to the new hub.

John Mason: It is encouraging to see the building, which is just around the corner from my office, going up fairly rapidly. Once the hub is operational, will that mean that fewer patients have to travel to Stobhill from the east end of Glasgow? Travelling to Stobhill by public transport is not easy.

The Deputy Presiding Officer: As briefly as possible, cabinet secretary.

Humza Yousaf: I share John Mason's excitement about the project. If anybody has not seen the concept behind the Parkhead hub, I encourage them to do so.

The short answer to the question is that, yes, it should result in a reduction in the number of patients who travel to Stobhill. The hub will have a space for outpatient clinics and the delivery of enhanced treatment and care that are tailored to the community. That should result in fewer trips to Stobhill.

The Deputy Presiding Officer: That concludes portfolio questions on health and social care.

Martin Whitfield (South Scotland) (Lab): On a point of order, Presiding Officer. I seek your guidance on the courtesy that members should show when they ask a question on a portfolio. Should they stay in the chamber and not leave until questions on that portfolio have ended?

The Deputy Presiding Officer (Annabelle Ewing): The member is entirely correct, as befits the convener of the relevant committee. Members should extend that courtesy to all other members and to ministers. I am not sure whom the member is referring to, but that is the correct position. Thank you for that helpful clarification.

Social Justice, Housing and Local Government

The Deputy Presiding Officer (Annabelle Ewing): The next portfolio is social justice, housing and local government. If a member wishes to request a supplementary question, they should press their request-to-speak button during the relevant question or enter RTS in the chat function online.

Question 1 is from Stephanie Callaghan.

Stephanie Callaghan (Uddingston and Bellshill) (SNP): Sorry, Presiding Officer, I do not have anything here. There has been a bit of confusion with my papers. I apologise.

The Deputy Presiding Officer: Ms Callaghan, you have question 1, but it might be that you wish to withdraw your question. Perhaps you could confirm.

Stephanie Callaghan: I am sorry. There has been a bit of confusion, as I did not have my question with me, but I have it now.

“The Cost of a Child in Scotland in 2022—update”

1. **Stephanie Callaghan (Uddingston and Bellshill) (SNP):** To ask the Scottish Government what its response is to the Child Poverty Action Group report, “The Cost of a Child in Scotland in 2022—update”. (S6O-01724)

The Minister for Equalities and Older People (Christina McKelvie): I welcome the report’s recognition that our policies are making a major contribution to families. We have allocated almost £3 billion this financial year to help to mitigate the cost crisis. More than £1 billion of that support is available only in Scotland, including the Scottish child payment, which has been expanded to eligible six to 15-year olds and increased to £25 per child per week. Our budget confirms our commitment to tackling child poverty.

The report rightly notes the harmful impact of United Kingdom Government decisions, and we will continue to urge the UK Government to tackle the cost crisis on the scale that is required.

Stephanie Callaghan: What continuing discussions are we having with the UK Government about getting the support to children across the UK and encouraging it to follow Scotland’s lead?

Christina McKelvie: I recognise Stephanie Callaghan’s point. A recent Scottish Government analysis highlighted that, if key Westminster welfare reforms were reversed, it could put £780 million into the pockets of Scottish households and lift 70,000 people, including 30,000 children, out of poverty in 2023-24.

The Scottish Government stands by its call to the UK Government to increase universal credit by £25 per week and extend it to the means-tested legacy benefits, to end the benefit cap, the two-child limit and, while they are at it, the rape clause, to provide additional support with fuel bills, and to match our ambitions in tackling child poverty by introducing an equivalent to our game-changing Scottish child payment.

Domestic Abuse Services (Guidance)

2. **Clare Adamson (Motherwell and Wishaw) (SNP):** To ask the Scottish Government what guidance is in place for local authorities commissioning domestic abuse services. (S6O-01725)

The Minister for Equalities and Older People (Christina McKelvie): The commissioning of domestic abuse services is a matter for local

authorities. However, the Scottish Government strongly encourages local authorities to utilise the joint Convention of Scottish Local Authorities and Scottish Women’s Aid guidance on good practice in commissioning specialist domestic abuse services. Through delivering equally safe, we fund the Improvement Service and Safelives to work with local violence against women partnerships to build and grow the capacity and capability of local services across Scotland.

Clare Adamson: I and other colleagues consistently raised concerns when North Lanarkshire Council tendered its domestic abuse services contract, contrary, in my opinion, to the COSLA-approved guidance. Despite the council’s stated commitment to continue partnership working, Women’s Aid groups continue to provide more specialist support than the new council service, but without local authority financial support.

My office has been made aware of a number of vulnerable women who have fallen through the cracks of the council service and are now being supported by Women’s Aid. I sought to raise those concerns face to face with the leader of North Lanarkshire Council, but he has declined to meet me on the issue. Will the minister meet me and representatives from Motherwell and District Women’s Aid so that we can ensure that survivors of domestic abuse are afforded agency and choice in the provision of specialist support and refuge, with no woman and child left behind in that process?

Christina McKelvie: We want to ensure that the funding that is provided works most effectively to improve outcomes for those using violence against women and girls services across Scotland. That is why we commissioned an independent strategic review of funding to tackle violence against women and girls, which will report in mid-2023.

Any services that are commissioned should be done through a trauma-informed process, and we are aware of the funding situation in North Lanarkshire regarding services to tackle violence against women and girls. The Scottish Government cannot interfere with local authority autonomy and procurement procedures, but we continue to encourage local authorities to follow the procedures and guidance that are in place in the joint COSLA and Scottish Women’s Aid guidance that I mentioned earlier.

I would be more than happy to meet the member and anyone else who is concerned about those services.

Pam Gosal (West Scotland) (Con): West Dunbartonshire in my region recorded the second-highest number of domestic abuse incidents per

10,000 of population in Scotland in 2021-22. That number sits at around 161 incidents per 10,000 of population, despite West Dunbartonshire Council increasing its spend on domestic abuse services by more than 10 per cent in the past five years. How is the Scottish Government supporting local authorities such as West Dunbartonshire that suffer the highest rate of domestic abuse to increase their capacity to support victims of domestic abuse and tackle this appalling crime?

Christina McKelvie: I recognise the points that Pam Gosal has made. Our delivering equally safe fund is providing £19 million per year to support 121 projects from 112 organisations that focus on early intervention and prevention, as well as support services. Of that, £14 million is being provided to the Women's Aid network in Scotland over two years, supporting secondary prevention of domestic abuse across Scotland through supporting services and informing policy.

Over the period 2021 to 2023, the delivering equally safe fund is providing £2 million to support the roll-out of the safe and together model, which it is providing training on across 11 local authority areas—I am not sure whether West Dunbartonshire is one of them, but I will find out—and a further £1 million to be spent towards the Cedar project, which is a group model that works for children who have experienced domestic abuse. Some £209,000 of funding is going to Safelives to develop our multi-agency risk assessment conference for high-risk victim-survivors. I commend that work to Pam Gosal for her interest, and I can give her more information if she seeks it.

Additionally, we fund the domestic abuse and forced marriage helpline, and through our victim-centred approach fund, we support Edinburgh Women's Aid, Fife Women's Aid, Western Isles Women's Aid, Angus Women's Aid and Dumbarton District Women's Aid, with a total of £1.3 million over three years. I am happy to speak to and meet with Pam Gosal to discuss that further.

The Deputy Presiding Officer: There is a supplementary from Beatrice Wishart, who is joining us online.

Beatrice Wishart (Shetland Islands) (LD): How will the Scottish Government ensure, in any guidance or discussions that it has with local authorities that are commissioning domestic abuse services, that local situations within authorities are taken into account, so that services, particularly in island and rural areas, have local knowledge and understanding of those island and rural communities?

Christina McKelvie: Beatrice Wishart will be aware of the independent review that Leslie Evans

is working through. She is looking at all aspects across Scotland, including our rural and island communities. Her reports and recommendations will be published in summer 2023. That will allow us to see what the funding landscape is across the whole of Scotland.

In addition, I am working very closely with the new chair of the Convention of Scottish Local Authorities community wellbeing board, Councillor Maureen Chalmers. We had a development day a few weeks ago with all of the services across Scotland to develop our new approach to the equally safe strategy. That approach is not about chucking out equally safe and starting with something new; it is about looking at what works and where the gaps are. Some of our focus is on provision of that across rural services, as well as looking at primary prevention.

I would be happy to meet Beatrice Wishart and talk to her this summer about some of the recommendations that come from the Leslie Evans review.

Short-term Let Accommodation (Licensing)

3. Murdo Fraser (Mid Scotland and Fife) (Con): To ask the Scottish Government when it plans to review the legislation on licensing of short-term let accommodation, in light of the reported unintended consequences for existing providers that have emerged. (S6O-01726)

The Minister for Zero Carbon Buildings, Active Travel and Tenants' Rights (Patrick Harvie): The licensing scheme seeks to ensure that short-term lets are safe and well managed. We do not believe that there will be adverse consequences. We are working with local authorities to resolve any implementation concerns that have been raised since the scheme went live in October.

On 7 December, we announced plans to extend the transition period that existing hosts have to apply for a licence by six months, in recognition of the economic circumstances of the cost crisis. The Cabinet Secretary for Social Justice, Housing and Local Government is therefore considering the timing of the review and will update Parliament in due course.

Murdo Fraser: I thank the minister for his response, but I can give him an example of an unintended adverse consequence right now. My constituents at the Homelands Trust, in Fife, which is a small charity based in Lundin Links, run a facility providing respite breaks for people with disabilities and life-limiting conditions and their unpaid carers in four purpose-built, physically adapted properties.

Because of the rising demand for their services, my constituents are building five new accessible

lodges, with 34 bed spaces for people with disabilities, which are due to be completed early next year. However, they cannot apply for a licence to operate the properties until they are completed, and then Fife Council has up to nine months to issue the licence. That means that potentially they might not be able to take any guests into that accommodation for another year. They have incurred the costs, but they cannot generate any income from the new properties for, potentially, nine months after they are completed.

I assume that that is an unintended consequence of the legislation. How will the Scottish Government address what is a very real problem for a small charity that is trying to help people with very serious issues?

Patrick Harvie: If the member wants to write to me or the cabinet secretary about any specific local instance, I am sure that we can look into the details of that situation and get back to him.

However, it is clear that the licensing scheme is intended to address the very real consequences of an unregulated market, which have involved issues ranging from antisocial behaviour to a lack of safety, for either the community or people who use short-term lets. Responsible operators have absolutely nothing to worry about, because they are already managing to achieve high standards. We should all want to raise the sector up to those standards as we continue to work with local authorities around their wider powers on planning.

Again, if the member is unhappy, I would urge him to write to me or the cabinet secretary about the specific local situation.

Willie Rennie (North East Fife) (LD): Also in Fife, the council is suggesting that it will not be possible to utilise the control area powers until 2024, after the licensing provisions are fully in place. Does the minister believe that it is necessary to wait that long, and did he envisage that control areas could not be delivered until after the licence scheme was in place?

Patrick Harvie: As the measures were being developed, there was significant debate across the Parliament and a growing understanding that those are separate provisions. The licensing scheme is principally about safety and standards, whereas control areas, which are local authority planning powers, have more to do with provision and ensuring that properties are not lost as homes due to being siphoned off by people running, in effect, hotel businesses. It is understandable that the schemes operate separately and are used for different purposes. I am sure that all local authorities seek to strike the right balance in how they use the powers in future.

The Deputy Presiding Officer: Question 4 has not been lodged.

Community Housing Associations

5. Paul Sweeney (Glasgow) (Lab): To ask the Scottish Government what discussions it has had with the Scottish Housing Regulator regarding the future of community housing associations. (S6O-01728)

The Minister for Zero Carbon Buildings, Active Travel and Tenants' Rights (Patrick Harvie): We have regular engagement with the independent Scottish Housing Regulator on how it contributes to supporting the delivery of our national outcomes.

We very much value the diversity of the housing association sector in Scotland. One of the key strengths of community housing associations is their unique position in delivering local, democratically accountable housing and services. We want a Scotland in which everyone can play a full part in society, with empowered communities that are able to shape their individual and collective futures. Community housing associations have been doing that for decades in many parts of Scotland and will continue to do so.

Paul Sweeney: The minister might not be aware, but Reidvale Housing Association in Dennistoun in Glasgow, one of the oldest community housing associations in Scotland, is currently under threat of being railroaded into a merger against the wishes of residents and the wider local community, with members of more than 40 years' standing being hounded off the management committee and co-opted members being brought in to gerrymander decisions that are critical to Reidvale's future. To date, there has been utter intransigence on the part of the Scottish Housing Regulator, and the residents have lost all confidence in the process and the willingness of the regulator to help them. Will the minister look at the case of Reidvale with a view to pausing any tender process for a transfer of undertakings? Will he commit to working with me on a cross-party basis, with residents and with fellow Glasgow parliamentarians, to ensure that that vital community housing association remains rooted in its local community?

Patrick Harvie: I thank Paul Sweeney for his very sincere concern about the issue, and I am sure that I or the Cabinet Secretary for Social Justice, Housing and Local Government will be happy to engage with him on it.

The Scottish Housing Regulator is of course an independent regulator of social landlords, and its statutory objective is to protect the interests of service users and tenants. It uses its powers to monitor, assess, report and intervene, where appropriate.

I am aware of the situation in relation to Reidvale. The management committee has

commissioned options on its future and has agreed to a recommendation to seek expressions of interest from organisations that wish to become a transfer partner. However, it is important to recognise that the proposed transfer will not proceed unless it is supported by tenants in an independent ballot. Therefore, the community has the final say.

Again, I look forward to further opportunities to engage with Mr Sweeney on the issue.

Local Government (Jobs and Services)

6. Alexander Burnett (Aberdeenshire West) (Con): To ask the Scottish Government what its response is to reported warnings from the Convention of Scottish Local Authorities that local government job losses are “inevitable” and that services will have to be reduced. (S6O-01729)

The Minister for Social Security and Local Government (Ben Macpherson): Nobody underestimates the challenges that public services face, but the Scottish Government has increased local government funding by more than £1 billion this year, and the 2023-24 local government settlement will provide a further increase of more than £570 million compared with the budget in 2022-23, which includes an extra £39.4 million to support day-to-day services in Aberdeenshire.

We are building flexibility and autonomy into how budgets can be spent, but a more fundamental shift is required, as the Deputy First Minister has said. He has invited council leaders to work with the Scottish Government and other partners to design our services around the needs and interests of the people and communities of Scotland. That is how we will deliver sustainable public services in partnership.

Alexander Burnett: I thank the minister for that answer, but he may want to review it, because the Fraser of Allander Institute said that the funding that was allocated to local government in last week’s budget was equal to a 4.9 per cent real-terms decrease, based on spending last year, while the Institute for Fiscal Studies has accused the Scottish Government of overstating the spending increases by comparing spending next year with last year’s budget without taking into account in-year rises. In Aberdeenshire, that will mean that non-statutory functions of the council, from providing school crossing patrollers to maintaining our bridges, will be at risk. Does the minister agree with those statements?

Ben Macpherson: As the member will be aware, the Scottish Government’s budget has been impacted very detrimentally, to the tune of £1.7 billion, by the inflationary pressures that were caused by the previous Chancellor of the Exchequer’s mini-budget in the autumn. In such

challenging circumstances, in which we face the most challenging budget settlement since devolution, we will provide in the budget for 2023-24 a local government settlement of £13.2 billion, which, as I have stated, is an increase of more than £570 million since the passing of the Budget (Scotland) Act 2022.

As well as that additional spending for local government, there is also spending on our work together on shared priorities. It is important that we keep those shared priorities in mind.

Children and Young People in Poverty (Support)

7. Monica Lennon (Central Scotland) (Lab): To ask the Scottish Government what action it is taking to ensure that children and young people in families experiencing poverty are supported throughout the Christmas holiday period. (S6O-01730)

The Minister for Social Security and Local Government (Ben Macpherson): The Scottish Government is taking a number of actions, including the payment to around 145,000 children of this month’s bridging payment, which will be doubled to £260. That means that eligible families will receive up to £650 this year in bridging payments. In addition, we are providing £21.75 million to local authorities in 2022-23 to support families who are eligible for free school meals during school holidays.

Tackling child poverty is a national mission, and we are using the powers and resources available to us to support families. That includes delivery of our transformative Scottish child payment to all eligible children under 16. That payment was increased to £25 per week from 14 November.

Monica Lennon: I welcome the minister’s response. I know that he will agree that no child or young person should experience holiday hunger at Christmas or lack access to nutritious food as a result of poverty, at any time of year.

Can the minister reassure me that the Scottish Government is satisfied that local authorities and third sector organisations have access to all the resources that they might need to ensure that no child or young person will experience holiday hunger over the festive period? I would like to suggest a new year resolution. Will the Government redouble its efforts to expand universal free school meals to pupils in primaries 6 and 7 and those in secondary schools in 2023?

Ben Macpherson: I thank Monica Lennon for that important question. Of course, the Government, along with its partners and local authorities, is applying itself to the task of supporting families, young people and households who need support across the Christmas period.

That support will extend into the next financial year. As part of the budget, £22 million will be invested in providing meals to children who need them most during the school holidays. We will also invest an additional £16 million of resource and £80 million of capital to fund the expansion of free school meals to all primary 6 and 7 pupils who are in receipt of the Scottish child payment as the next step in fulfilling the commitment to universal provision in primary schools. That is on top of the £442 million that has been allocated for the Scottish child payment.

I pay tribute to Monica Lennon, who has been one of the most active MSPs in promoting the devolved Scottish benefits. Many of her constituents and, indeed, many of all our constituents will benefit from that extra provision for the Scottish child payment.

Natalie Don (Renfrewshire North and West) (SNP): I welcome Scottish Government interventions such as the Scottish child payment that are completely unique to Scotland. However, given the fiscal constraints of devolution and the damaging impact of Tory welfare policies, is it not the case that it is simply not possible to go as far as we would like to go to eradicate child poverty here in Scotland while the key levers are held at Westminster?

Ben Macpherson: Unfortunately, as Christina McKelvie said earlier, the impact of UK Government policies is hampering our efforts to tackle child poverty. In addition to the damage that has been caused by UK Government welfare policies over several years, the chancellor plans to bring a further 600,000 people who are already working into a sanctions regime. We know that a sanctions regime for universal credit does not work.

While the UK Government's policies are, unfortunately, pushing people into hardship, the Scottish Government is taking all the actions that it can to tackle child poverty. Our budget prioritises the Scottish child payment—I have already mentioned that it has increased to £25 per week—and has invested £428 million to upgrade all devolved benefits.

Families Experiencing Poverty (Support for Life-sustaining Equipment)

8. **Miles Briggs (Lothian) (Con):** To ask the Scottish Government what discussions the social justice secretary has had with ministerial colleagues regarding the support available to families experiencing poverty, including as a result of rising energy costs when a seriously ill child relies on life-sustaining equipment at home. (S6O-01731)

The Minister for Social Security and Local Government (Ben Macpherson): Every week, ministers discuss how we are assisting, and can assist, the people of Scotland during the cost of living crisis. As I said in response to Mr Briggs at the Social Justice and Social Security Committee last week, no seriously ill person should have to worry about their finances at such a difficult time, which is why some patients using haemodialysis or oxygen equipment at home are already accessing financial support. We will continue to work with health boards to ensure that, as far as possible, those people who require support are able to access it.

Our child winter heating assistance benefit is only available in Scotland and automatically paid to families of around 25,000 children and young people. It has recently been paid out to help people with energy bills. As I have said, recipients have begun to receive the payment of £214.10 in recent weeks.

Miles Briggs: I have raised these issues with the minister on a number of occasions. We know the additional cost that families are facing, especially those families who are caring for people with long-term, terminal conditions. I welcome some of the work that the minister outlined, but it is clear that we need to see more done and to collectively go further.

The minister has already agreed to meet me in the new year. Would he agree to consider where the Government could develop additional support around care at home or hospital at home services to help meet those costs? It is clear that for the 5,000 families with children with a life-limiting condition, we need to see an additional support package around energy costs. Will the minister look to take that work forward in the new year on a cross-party basis?

Ben Macpherson: As Mr Briggs is aware—I said so to him last week—I recognise his work on raising awareness of the issues experienced by households that are caring for somebody who is either terminally ill or disabled. On several occasions, he and stakeholders have proposed a number of different initiatives in relation to both the current benefit system and new benefits, such as Scottish carer's assistance, as we continue to develop them.

There is merit in our assessing those proposals, but we also need to consider the financial circumstances. I look forward to engaging with Mr Briggs on what is both doable and affordable in the years ahead.

Paul McLennan (East Lothian) (SNP): Given that energy pricing and the majority of welfare powers are reserved to the UK Government, what more does the cabinet secretary think that the UK

Government should be doing to provide support to vulnerable families?

Ben Macpherson: We have called several times on the UK Government to target additional support to those people who are already struggling. That support should include a £25 uplift in universal credit, which should be extended to means-tested legacy benefits, and, of course, an end to the benefit cap and the two-child limit.

We will continue to press the UK Government to undertake those changes and use all the levers at its disposal to tackle that emergency at the scale that is required. That includes access to borrowing, provision of benefits and support to households, VAT on fuel, taxation on windfall profits, and regulation of the energy market. We hope that the UK Government will do more in the new year.

The Deputy Presiding Officer: That concludes portfolio questions on social justice, housing, and the local government. There will be a very short pause to allow front-bench teams to change positions before the statement.

Climate Change Committee Reports

The Deputy Presiding Officer (Annabelle Ewing): The next item of business is a statement by Michael Matheson on the Climate Change Committee's review of Scottish emissions targets and its progress report for 2022. The cabinet secretary will take questions at the end of his statement, so there should be no interventions or interruptions.

16:40

The Cabinet Secretary for Net Zero, Energy and Transport (Michael Matheson): I thank the Climate Change Committee for the two documents published on 7 December: its latest annual Scottish progress report and its first five-yearly review of Scotland's emissions targets, as set out by Parliament in the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019.

The reports recognise many areas of progress and welcome Scotland's extraordinary ambition regarding climate change. However, we cannot ignore the fact that elements of the committee's advice make for difficult reading. It is evident that we are entering a very challenging part of our journey to net zero and that deep cuts to our emissions will be required over the course of this decade. We are committed to rising to that challenge and ending Scotland's contribution to climate change by 2045.

Members are aware of the scale and urgency of the climate emergency. That was why the Scottish Parliament rightly passed extremely ambitious targets for Scotland to reduce emissions by 75 per cent by 2030—going beyond the target level proposed by the Climate Change Committee—and to reach net zero by 2045. Today, we are more than halfway to net zero. That is a record that we should take pride in, especially as we are ahead of the United Kingdom as a whole in delivering long-term emissions reductions.

However, we must be prepared for the possibility that the 2021 emissions statistics, due to be published next June, will show a rebound caused by the lifting of Covid restrictions in 2021. Significant sources of peatland emissions will also be brought within the scope of the report for the first time when next year's report uses the most up-to-date set of inventory methods. As recognised by the Climate Change Committee, that will create significant challenges in meeting already ambitious statutory targets during the 2020s.

The emissions cuts required to meet future targets will involve genuinely transformative

decisions for Scotland. Significant long-term investment, demand management and behavioural change will all be required. Similar decisions are being faced across the world. It is our responsibility to help Scotland make that transition and to continue demonstrating our well-respected global reputation for action on climate change.

The transition to net zero is not only an environmental imperative but an economic opportunity. We have seen great successes in our renewables sector. ScotWind, for example, represents the world's largest commercial round for floating offshore wind. Yesterday, we published our final onshore wind policy statement, setting out our ambition to deploy 20GW of onshore wind by 2030. Those successes must be replicated in other sectors as we harness the opportunities that the transition will bring to Scotland. In January, we will publish our energy strategy just transition plan and our renewables sector export plan.

We agree with the Climate Change Committee that co-operation with the UK Government is key to realising both Scotland's ambitions and the full potential of Scotland's contribution to the UK-wide decarbonisation plans. Given the significant powers reserved to Westminster, including on energy infrastructure, taxation and borrowing, Scottish ministers will continue discussing with UK Government ministers how we can ensure that our plans progress at the speed that we all require.

Turning back to the report, I note that the CCC has highlighted areas where we are making significant progress but we clearly need to go further, including buildings, peatland restoration and transport.

I am pleased that the CCC recognises Scotland's ambition to decarbonise buildings much faster than the UK as a whole, as well as our substantial funding commitments and progress on enabling measures. Heating our homes and workplaces causes 20 per cent of Scotland's emissions. We will not achieve our net zero target without ending our use of gas boilers. We are therefore stepping up our investment to accelerate deployment of heat and energy efficiency measures and support those who are least able to pay. We will allocate at least £1.8 billion over the current session of Parliament.

That funding is supporting a range of alternatives to fossil fuel heating, such as heat pumps, and measures to install better insulation. That is making homes easier and more affordable to heat, especially for those who need that help the most. The funding will also support investment in heat networks and ensuring that all our public sector buildings can move to zero emission heat.

Next year, we will consult on a heat in buildings bill that will require all homes and buildings across Scotland to use net zero emission heating systems by 2045. Next year will also see the launch of our public engagement strategy to make people aware of what we are proposing to do, why it matters so much and what it will mean in practice.

On transport, our second strategic transport projects review, which was published just two weeks ago, confirms that the era of catering for unconstrained growth in private car use is well and truly over. The review follows the sustainable investment hierarchy, which aims to reduce the need to travel unsustainably and prioritises making best use of and enhancing existing infrastructure before we invest in new capacity.

Furthermore, in our draft route map, we have set out how we will reduce car kilometres by 20 per cent by 2030—a truly world-leading commitment that demonstrates our level of ambition in meeting Scotland's statutory targets. The Scottish Government has commissioned research to explore demand management options to discourage car use. Using the research findings, we will work with local and regional partners to develop a demand management framework by 2025.

We have committed to fully decarbonise passenger rail services in Scotland by 2035. We have pledged at least £320 million a year by 2024-25 for active travel infrastructure, access to bikes and behaviour change. We have awarded £25 million of bus priority funding to 11 partnerships covering 28 local authorities. We have also awarded £28 million of funding over the next four years to support innovation to decarbonise heavy vehicles, including through the use of battery and hydrogen technologies.

We have committed some £250 million to restoring 250,000 hectares of degraded peatlands by 2030, including £26 million for the next financial year. Through supporting good green jobs in the rural economy, that investment will also play a part in Scotland's just transition to net zero by 2045. We have delivered around 57,000 hectares of restored peatland to date. That is good progress, but we know that we must go much further. We are working hard with delivery partners to tackle the barriers to upscaling peatland restoration. Our delivery forecast for this year estimates that we will achieve a 65 per cent increase in peatland restoration rates compared with last year.

I turn to the Climate Change Committee's advice on targets. The committee has suggested that the annual targets throughout the 2020s should be changed for technical reasons to align with the revised greenhouse gas inventory. I

advise Parliament that we will consider that advice in the round and respond to it as soon as possible.

In conclusion, Presiding Officer, we are making good and steady progress in what will be a very difficult journey, and we welcome the advice from the Climate Change Committee to help us along. As part of our continuous review of policy, we will work closely with the Climate Change Committee to ensure that we benefit fully from its expertise, while progressing delivery and considering possible new actions. The Climate Change Committee's advice will also support the development of the next climate change plan, which we have committed to publishing in draft no later than November 2023.

The Scottish ministers will now take the appropriate time to consider the recommendations in the CCC's advice, and we will respond in the spring of next year.

The Deputy Presiding Officer: The cabinet secretary will now take questions on the issues that were raised in his statement. I intend to allow around 20 minutes for that, after which we will move to the next item of business. It will be helpful if members who wish to ask a question would press their request-to-speak buttons now.

Liam Kerr (North East Scotland) (Con): I thank the cabinet secretary for advance sight of his statement.

I struggle to understand how, in the context of such a damning report—highlighting the missing of seven of 11 emissions targets, an increase in car use, minimal progress in reducing agricultural emissions and abject failures on peatland restoration and tree planting—he nonetheless delivers a statement of such breathtaking complacency that he suggests that

“That is a record that we should take pride in”

and that

“we are making good ... progress on what will be a very difficult journey”.

The cabinet secretary talks of “extremely ambitious targets”, but the committee said that

“It is currently very difficult to monitor progress against the necessary measures ... due to a lack of adequate and up-to-date data.”

When I asked about exactly that, last week, the cabinet secretary opened his response with

“I will set out the process that is already in place.”—[*Official Report*, 7 December 2022; c 24.]

The Climate Change Committee is clear that what is in place has failed. Since the committee's report, what has been done to ensure proper data collection to collate the baseline data and measure progress on our journey to net zero?

On decarbonising buildings, the cabinet secretary has said that

“We are ... stepping up our investment”

and, in the next breath, has said that he is allocating

“at least £1.8 billion over the current session of Parliament.”

That figure was first announced about 18 months ago, and is way below the more than £33 billion that is required.

Lord Deben has said that the CCC wants to see the programme of how the Scottish National Party Government is going to deliver decarbonisation of heat. When will the SNP Government produce a detailed plan on decarbonising buildings, including how it intends to address that funding gap?

Michael Matheson: I do not know whether Liam Kerr was listening to the response that I gave to the recent urgent question, or to the part of my statement in which I accepted the criticisms and the challenges that are set out in the report. I am sure that he will also recognise that the report acknowledges the progress that has been made.

From listening to Liam Kerr, one could be forgiven for thinking that no progress has been made. The reality is that we are already more than halfway to achieving net zero. However, we need to do much more and we need to drive forward delivery much more effectively. That is the reality. There are stats and data out there right now, to which the member was making reference and of which he is calling for more. That is where we are in the journey.

Liam Kerr has talked about criticism of the Government. He will be aware of the significant report that the CCC issued about the United Kingdom Government, which offered very similar criticism of the lack of progress that it has been making. That is why Governments across the UK need to take more concerted action to address these matters.

For example, there have been challenges in scaling up the level of peatland restoration that we need to achieve. The target is to restore some 250,000 hectares of peatland between now and 2030. We have already restored some 57,000 hectares. That is progress, but we need to go further. Part of the challenge in doing that has, because of limitations, been in scaling up the industry to undertake that work.

As I have mentioned, we are already starting to see progress. That is happening with the uplift that we have seen in peatland restoration this year.

On heat in buildings, which is a critical area, we have already set out our intention to introduce primary legislation to put in statute the requirement

to speed up deployment of decarbonisation of homes and drive forward that agenda.

As I also stated in response to the urgent question, our climate change plan update, which we published this year, sets out in much greater detail the link between policy choices and impact, and the data that underpins that link. That will provide the CCC with the transparency that it is looking for and will demonstrate the progress that we are making in key policy areas—not only in delivering our climate targets but in the economic opportunities that go with that, and the costs that are associated with it.

Colin Smyth (South Scotland) (Lab): I thank the cabinet secretary for advance sight of his statement.

Listening to him, we could be forgiven for thinking that the Climate Change Committee's review is not utterly scathing about the Government's failure. However, it is utterly scathing—the cabinet secretary is clearly in denial. Seven out of 11 of our increasingly at-risk legal targets are missed—targets that the CCC says

“are in danger of becoming meaningless”.

It also says that

“progress in cutting emissions ... has largely stalled”.

On the three big emitters—transport, heat in buildings and land use—this report card is a clear fail, fail, fail.

A year ago, the chairman of the CCC, Lord Deben, called for more clarity and transparency on Scottish climate policy and delivery. Why did that plea, in the words of Lord Deben, go “unanswered”?

The cabinet secretary has said that there will be another draft plan along soon—in November next year—but we had a so-called plan in 2018 and another plan in 2020, and the Climate Change Committee says that there is still no “clear delivery plan”, no “coherent explanation” and no clue how Scotland will get to net zero. Does the cabinet secretary think that the CCC is right? What specifically will he do differently in next year's plan to ensure that it is third time lucky, or will we be back here next year, debating how much further Scotland is falling behind in meeting its climate targets?

Michael Matheson: We are already starting to make progress in a number of key areas. For example, on transport, we have already set out our plan to reduce car kilometres by 20 per cent. Given that the member is such an enthusiastic supporter of the targets that the CCC has set, I hope that he will support policies that will deliver those outcomes.

We often find that, when it comes to such policy matters, Opposition members like to set targets but come up very short when it comes to detailing the policy actions that should be implemented to deliver them or, when such actions are introduced, they think that they are a bit controversial and back off from them. It is a bit like what happened with support for parking charges, when Colin Smyth did not want to give powers to councils—*[Interruption.]*

The Deputy Presiding Officer: Cabinet secretary, please resume your seat for a second. Mr Smyth, I appreciate that you asked a number of questions. It would be helpful if we could all—including the member who asked the questions—hear how the cabinet secretary responds.

Michael Matheson: I am sure that Mr Smyth would like to hear my answers, and my challenge to him to step up and show some leadership on the policies that he thinks should be pursued. That has been missing for some time.

The member asks, from a sedentary position, what we are doing about buses. We are now at the point in Scotland where 2.3 million people—almost half the population—can travel on buses for free because of actions that we have taken. No other part of the UK provides that, including Labour-led Wales.

I have invited Colin Smyth to join the group that will be responsible for helping to shape the future climate change plan. The group, which will include members from across the chamber, will influence the policy options going forward, ensure that the data is there and set out clearly what the pathway will be in the next climate change plan. We are inviting members to join that group because, although it is fine for Parliament to set targets—that is the right thing to do—we have a collective responsibility, as the chair of the Climate Change Committee has pointed out, to set out the policy options that will deliver the targets. I hope that members who are invited on to that group will join me in helping to shape the policy programme in the next climate change plan.

Fiona Hyslop (Linlithgow) (SNP): On Tuesday, Lord Deben, the chair of the UK Climate Change Committee, told the Parliament's Net Zero, Energy and Transport Committee that there is not

“a sufficiently good partnership in Scotland between Government and local government”

and that a better planning and co-ordination relationship is needed to deliver our net zero targets. They were, I remind members, set by all the parties in Parliament.

Lord Deben also referenced Wales as an example for us to consider. Will the cabinet

secretary do so? Will he also commit to giving serious consideration to the soon-to-be published inquiry report of the Net Zero, Energy and Transport Committee into the role of local government and its partners in delivering the net zero targets?

Michael Matheson: On Fiona Hyslop's final question, I will be more than happy to consider that committee's report, which I would do as a matter of course. I have no doubt that it will be useful in shaping the actions and measures that we need to implement in order to grow and develop our partnership with local authorities.

We are currently undertaking work with the Convention of Scottish Local Authorities and the Improvement Service to identify more measures that we can take to support them in developing their climate change plans and implementing them at local level. There is no doubt that our local authority partners have a key role to play in helping to meet our climate change targets. I am keen to ensure that we build on that progress and that where there is good practice—whether it be in Wales, Scotland, Northern Ireland or anywhere else—that we can learn from, we utilise it in shaping our approach.

I acknowledge the member's suggestion about considering the committee's report. Where there is good practice we will look to use it to address issues. I assure her that we are already taking action to improve the partnership between national Government and our colleagues in local government in order to deliver on climate change plans at local level.

Edward Mountain (Highlands and Islands) (Con): I declare that I am part of a family farming partnership and that I own and manage land.

From the latest comments of the UK Climate Change Committee, it is clear that the lack of a coherent Scottish agriculture policy—something that falls totally within the remit of the Scottish Government—is of serious concern. The Government is clearly failing on its current peatland restoration targets, and, for more than 10 years, it has also failed on its tree-planting targets. If the Government is to meet its net zero targets, it will need to up its game. When will the cabinet secretary be able to meet the tree-planting targets?

Michael Matheson: Through the vision for agriculture, work is being done to outline a range of measures that will be introduced to support farming and food production in Scotland. It will ensure that those processes will be much more sustainable and that there will be a focus on regenerative agriculture. That work is currently being overseen by my colleague Mairi Gougeon.

I have already mentioned peatland restoration. We are already seeing the benefits of our work, with a ramping-up of capacity in the sector, which is now feeding through into this year's figures.

On woodlands regeneration and new planting, the member will be aware that 75 per cent of all the UK's new woodland planting takes place in Scotland, which demonstrates the scale of what we are doing and the dearth of ambition and lack of progress across the rest of the UK. We want to ramp up that percentage. To that end, we will continue to invest in and support skills development in those areas to allow our progress to continue in future.

Jackie Dunbar (Aberdeen Donside) (SNP): At this week's NZET Committee, Emily Nurse of the UK Climate Change Committee highlighted that the UK Government's decision to put the Scottish Cluster on the reserve list has had a knock-on effect on hitting net zero targets in Scotland. Does the cabinet secretary agree that the Scottish Cluster, the Acorn carbon capture and storage project and the hydrogen project are important not only for the north-east but for the whole of Scotland and our ambitious net zero energy strategy? What on-going discussions is the Scottish Government having with the UK Government about supporting those critical projects?

Michael Matheson: The member raises an important point. Emily Nurse was correct to highlight the critical importance—or what I would describe as the mission-critical nature—of the Acorn project and the Scottish Cluster in supporting us in achieving our net zero targets. That is why, in the CCC's view, negative-emission technologies of that nature are a necessity if we are to achieve those targets. The reality is that the UK Government's failure to give the project track 1 status is a betrayal of the people of the north-east and of those who have been committed to taking forward key policy areas to achieve climate change within our energy-intensive industries.

That is why we need to stop the dithering and delay. The failure of leadership by the UK Government on this matter is creating uncertainty for the industry and, indeed, for jobs in the north-east and other parts of Scotland. We are continuing to press the Government on the issue. In recent weeks, I have been in correspondence with Grant Shapps, asking him for urgency, but we have as yet received no response that suggests that the position has changed.

I say again that the failure to take the project forward is a blatant betrayal of the north-east in particular. It is the most deliverable and the most ambitious in the whole of the UK, and it is critical not only to Scotland meeting its net zero targets, but to the rest of the UK. Any further delay is going

to cost jobs and will undermine investment and our progress towards meeting our climate change targets.

Mercedes Villalba (North East Scotland) (Lab): The Scottish Government is looking to scale up the rate of peatland restoration by increasing private sector investment through the peatland code. Dr Calum MacLeod, policy director at Community Land Scotland, has warned that such investment could prevent Scottish communities from securing

“significant and lasting community benefits from restoration work”.

What legal protections will be put in place through the upcoming land reform bill to ensure that it is the people of Scotland, not private investors, who benefit from peatland restoration work?

Michael Matheson: I am not aware of the individual case that the member is referring to, but if she wants to pass on information to me, I will be more than content to look into the matter. I will also ask my colleague Màiri McAllan to set out in more detail the exact measures that are being taken in the land reform bill, which will come before Parliament and will detail our response to supporting peatland restoration and land ownership in that regard. I hope that that is helpful to the member.

Jenni Minto (Argyll and Bute) (SNP): The west of Scotland is home to one of the most important remaining temperate rainforest sites in Europe. The site is a key net carbon sink, and my Argyll and Bute constituency is home to more than 50 per cent of it. What support is the Scottish Government providing to ensure that Scotland’s rainforest, for which I am pleased to say I am nature champion, is restored and expanded as a natural solution to the climate emergency?

Michael Matheson: I think that everyone now recognises the importance of dealing with the twin crises of climate change and biodiversity loss, and the outcome of the 15th United Nations biodiversity conference of the parties—COP15—helps by putting more of a focus on the need to address biodiversity loss much more effectively. Indeed, that is why, as a Government, we are very much committed to protecting our rainforests in Scotland.

A project to restore Scotland’s rainforests that has already received more than £1.3 million aims to control invasive rhododendrons, restore ancient woodland that had previously been planted with non-native trees and manage the impact of wild deer on those new fragile forest ecosystems. It is part of our nature restoration fund, which this month has recommended funding for three projects to restore the Atlantic rainforest in western Scotland. The rainforest will play an

important part in our supporting the development of the nature-based solutions to biodiversity loss that Jenni Minto has highlighted.

Liam McArthur (Orkney Islands) (LD): This really is a bleak assessment of where Scotland is at in achieving its climate targets. Liberal Democrat research suggests that, at the current rate of progress, it will take 300 years just to insulate fuel-poor homes.

The cabinet secretary has talked about “stepping up” investment in retrofitting to improve on the £1.8 billion of allocated public funding, but the Government also estimates that it will require £33 billion to achieve the target. Given that the UKCCC’s chair has said that he sees no clear plan for drawing in the remaining private funds that are needed, where does the cabinet secretary expect to get that funding?

Michael Matheson: The member might be aware of the work that my colleague Patrick Harvie has done to draw in private sector investment in support of the work that will be necessary to decarbonise domestic premises. However, we will also require a different approach to the delivery of heating, which is why heat networks will be important in supporting the decarbonisation of a greater number of properties, rather than the work happening on an individual basis.

That combination of public and private sector investment, as well as change in the way that we provide heating, will play an important part in achieving targets. As I stated in response to, I think, Liam Kerr, we will also introduce legislation that will make statutory provision for driving forward the changes that will be necessary to install net zero heating systems in the years ahead.

Stuart McMillan (Greenock and Inverclyde) (SNP): Will the cabinet secretary consider pilot projects using our rivers and waterways to help move some freight, with carbon-neutral solutions at either end to help to reduce the impact on the environment?

Michael Matheson: We need to consider alternative methods of transportation. There is a modal shift grant that operators can access for transporting freight by rail and coastal waters to support alternative uses. If I recall correctly, we provide grant to support the transportation of wood used to make various products from the Argyll peninsula into Troon harbour in order to remove that freight from the main road network.

Funds exist to support such a transition to coastal waters or rail and get freight off our roads.

Mark Ruskell (Mid Scotland and Fife) (Green): I welcome the tone of the cabinet

secretary's statement and his desire not only for a much more credible plan but to try to get a consensus in the Parliament on the really hard choices that we will have to make if we are to get any closer to meeting the targets.

The Mossmorran complex in Fife remains the third-largest climate polluter in Scotland. It is unthinkable that we could meet climate targets without slashing the plant's emissions, but that must be achieved in a way that leaves no workers behind. Does the cabinet secretary agree that we now need a site-specific just transition plan for Mossmorran?

Michael Matheson: I am aware of the concerns that Mark Ruskell has previously raised on Mossmorran. The approach that we have taken with the Grangemouth future industry board could also be used at Mossmorran. That approach is helping to shape how some of our major industrial clusters can be reshaped in a way that meets our climate change ambitions and helps to deliver a just transition. Some of the work that we are doing, through the board, on just transition plans that are being developed for the sites and sectors in Grangemouth could equally be applied to Mossmorran. I am more than happy to engage with Mark Ruskell in considering how we can support that moving forward.

Maurice Golden (North East Scotland) (Con): Scotland was ranked worst of all the countries surveyed in the recent circularity gap report. Our economy is just 1.3 per cent circular, which is well below the global average of 8.6 per cent.

The cabinet secretary was keen to talk up various plans and projects but the reality is that the SNP has made no progress in creating the sustainable economy that we need to reach net zero. To add to the problem, the circular economy bill consultation was flawed and unambitious. Does the cabinet secretary accept the need for urgent action to deliver a circular economy?

Michael Matheson: I do, which is why we are taking action such as introducing the deposit return scheme and will introduce an ambitious circular economy bill that will help to drive forward that change in the years ahead.

John Mason (Glasgow Shettleston) (SNP): It is important that Scotland takes an international approach on climate change. We have a responsibility for developing countries. Will the cabinet secretary say something about loss and damage, particularly in relation to the 27th UN climate change conference of the parties—COP27?

Michael Matheson: There has been painfully slow progress on addressing loss and damage, which is an issue that was covered in the recent debate on COP27 in the Parliament. At COP27,

there was more progress than was the case in previous years. We took clear leadership action at COP26, which has been a catalyst for further investment from other countries. Further progress is now being made.

There were some positive outcomes on loss and damage from COP27 but we need much more. The reality is that the people who bear the greatest brunt and experience the most negative impact of the climate change that is already locked in are those who have contributed the least to creating it. That is why we have a collective responsibility to support them in meeting the challenges that they face.

The Presiding Officer: That concludes the ministerial statement.

Decision Time

17:15

The Presiding Officer (Alison Johnstone):
There are no questions to be put as a result of today's business. I take this opportunity to wish all members and all staff in the Parliament a happy and peaceful Christmas.

Maternity Services in Moray

The Presiding Officer (Alison Johnstone):
The final item of business today is a members' business debate on motion S6M-07192, in the name of Douglas Ross, on maternity services at Dr Gray's hospital. The debate will be concluded without any question being put. I invite members who wish to speak in the debate to press their request-to-speak buttons now.

Motion debated,

That the Parliament notes with concern reports that Moray women and families are now in the fifth winter of living with what it considers downgraded maternity services; believes that this is unacceptable and notes the view that the full focus of the Scottish Government and NHS Grampian should be on delivering on model six, which is a return to a consultant-led maternity unit in Elgin; acknowledges the reported significant objections from campaigners and clinicians to model four, which is a community maternity unit linked mainly to Raigmore; understands that clinicians have stated that plans for model four are "predicated on a transparently and wildly inaccurate underestimate of the number of Moray patients who would deliver at Raigmore Hospital", and that they are "fundamentally flawed"; believes that NHS Grampian will detail its plan for model six at a meeting of its board on 15 December 2022, and notes the view that the Parliament should have an early opportunity to debate this plan and hear the Scottish Government's response to it.

17:16

Douglas Ross (Highlands and Islands) (Con):
Thank you, Presiding Officer. Best wishes for the festive period to you and all the staff of the Parliament.

I will give a brief bit of background to the situation with Moray maternity services, because the issue has been debated many times in the Parliament. Members will be aware that, in 2018, a temporary downgrade for one year was announced and it continues now, as we come to the end of 2022. I asked for tonight's debate and lodged the motion because, just last week, NHS Grampian finally produced its plan to deliver model 6, which is a return to a consultant-led maternity service. As this is the final debate of the year, it is important that members from across the political spectrum and the cabinet secretary can articulate their initial thoughts on model 6, raise questions about it and seek reassurance.

As a local representative, I appreciate the work of keep MUM and the maternity voices partnership, who have done and continue to do incredible work in raising the cases of Moray mums and families.

I also appreciate the fact that this is a cross-party issue. Richard Lochhead is a minister and so cannot fully contribute today, but he is here again. Rhoda Grant has been a great champion of the

issue, as have my Highlands and Islands colleagues Jamie Halcro Johnston, Edward Mountain and Donald Cameron. I welcome that cross-party consensus.

I do not want to dwell on this point, but I note that, when I raised the issue as the member of Parliament for Moray in the House of Commons last week, and as I was articulating the concerns of Moray women and families, I was told, “Diddums” by Brendan O’Hara, the MP for Argyll and Bute. I hope and am sure that the cabinet secretary will want to disassociate himself from the words of his colleague.

Model 6 was proposed by NHS Grampian at its board meeting last week. From the outset, I welcome the fact that we now have a plan to deliver it. We all want a return to consultant-led maternity services at Dr Gray’s. My worry is about the timing. The report states that it could take up to a total of nine years from 2018 to reintroduce the service. I am also worried about the wording. Page 7 of the report states that

“consultant-led births could take place as early as the end of 2026 or early 2027”.

I worry that the word “could” is doing a lot of heavy lifting in that report. Let us remember that we were told that it would take one year from 2018. We are now in 2022, coming into 2023, and we are being told that it could happen at the end of 2026 or into 2027. We need the pace to be far quicker than that.

Richard Lochhead (Moray) (SNP): I agree with Douglas Ross that the cross-party spirit around this issue is important. I share his concern that it has taken far too long to get to where we are today, but we cannot change the past. We have to shape the future. Does the member agree that what we need now is a laser-like focus on recruitment from NHS Grampian and NHS Education for Scotland—with, I hope, support from the Scottish Government?

From the plan, I understand that perhaps not far short of 30 staff, including many specialists and medical staff, will be required to get full restoration of the service. Therefore, the sooner we can recruit, the sooner we can bring the date forward. That is absolutely the key to progress.

The Deputy Presiding Officer: Douglas Ross, I can give you that time back.

Douglas Ross: I am grateful, Deputy Presiding Officer.

I agree wholeheartedly with what Richard Lochhead said. That laser focus must come from the health board, it must come from NHS Grampian, and it must—and, I hope, will—come from the Scottish Government and all the authorities involved. However, I have fears

because, as Richard Lochhead knows as well as I do, we have had campaigns to recruit people to Moray before—in education—and they have been successful for a period and then the campaigns have dwindled away. When people come to Moray, they never want to leave, but the issue is getting them there in the first place.

A concern that I have with the model 6 report is that there is nothing new in it. We are speaking about the need to attract significant numbers of staff, and I am not hearing much new from the health board about how it will achieve that, but I hope that that will change going forward.

The other area that I want to speak about is caesarean sections. The health secretary said—last year, I think—that he wanted to see a rapid reintroduction of elective caesarean sections, yet the report tells us that, under the model 6 plans, it will be more than two years until those elective C-sections will be introduced. Why, when the health secretary was very hopefully and enthusiastically saying that we could see a rapid reintroduction of elective caesarean sections over a year ago, are we now being told that it will be several more years before that happens?

The other area that I want to focus on is model 6, which is the ultimate destination. We want to get there very quickly, but it is underpinned by model 4 in NHS Grampian. Model 4 is seeing more Moray mums giving birth in Inverness, but I think that that is a red herring. As my motion says, I want to totally separate model 4 from model 6. Model 4 is “fundamentally flawed”, fraught with

“factual errors and baseless assumptions”,

and it “should be rejected”. The health secretary will note that those are not my words but the words of clinicians at Raigmore hospital, which is where model 4 suggests that more Moray mums should go to give birth.

Therefore, why are we still, on the basis of that proposal from NHS Grampian, suggesting that model 6, which will come years down the line, must be underpinned by model 4? Senior clinicians are advising that model 4 should be abandoned, yet it still hangs over model 6. More shockingly, when, just a week ago, the NHS board discussed that proposal and all the factors of model 4 that underpin its plan for model 6, the clinicians’ concerns were mentioned not once. At the health board meeting, there was not a single reference to the concerns that are being raised by clinicians. That is shocking. It is unacceptable on the part of the board, and I do not know why it is not addressing those issues.

On Tuesday, I spoke to one of the clinicians at Raigmore hospital. He told me that, behind the scenes, no one is proposing anything that would

make model 4 deliverable in the short or medium term. Local campaigners are telling us the exact same thing. Keep MUM has said there is “no evidence” to explain

“how model 4 leads to model 6.”

The Cabinet Secretary for Health and Social Care (Humza Yousaf): I will come to the issue of model 4 and model 6 in my contribution, but does the member agree that, even if there was no model 4, for the sustainability of services there should be cross-boundary working for maternity services for the north of Scotland?

Douglas Ross: Of course I agree with that. My constituents who live in Brodie are far closer to Raigmore hospital than my constituents who live in Cullen, who are closer to Aberdeen royal infirmary. However, at the moment, that is not working. As, I think, Edward Mountain and Jamie Halcro Johnston will discuss, there are capacity issues at Raigmore hospital. Clinicians are raising those problems, yet they are not being addressed by NHS Grampian.

I have taken up a bit of time and I do not want to skirt close to any issues with you, Deputy Presiding Officer, so I will focus on my last couple of remarks.

My motion is clear that I want us to focus on model 6. The clinicians are telling us to focus on model 6, and so are the campaigners. I have some requests for the cabinet secretary, if that is possible. First, we know that there is little faith in the milestones of model 4 and model 6 being delivered if there is no independent oversight, so what is he looking to do to ensure that campaigners can have comfort that we will achieve the milestones and that they will be recognised independently? NHS Grampian has continually let down Moray, and trust in the health board is at rock bottom.

Nothing that I have heard so far will improve that, to the extent that Keep MUM was not even involved in the development of model 6 and the paper that went to the board. It was asked to comment afterwards, but why was Keep MUM not involved in the paper?

Will the cabinet secretary put in a project management team to ensure that the milestones are met, and will he ensure that the project manager is from outwith NHS Grampian? On staffing and the point that Richard Lochhead raised, what conversations has the cabinet secretary had with NHS Education for Scotland to make sure that the 2018 issue of junior doctor shortages is not repeated in the future and that the additional recruitment that is required by the report is provided?

Why will it take until March next year to develop a strategy to market Moray? I said to Richard Lochhead that, for years, there have been cross-party efforts to recruit more people to Moray. What is coming up that is new, and why will it not start immediately? There is a request for additional funding from NHS Grampian. Will the cabinet secretary confirm that that request will be met, to allow NHS Grampian to go ahead with its planning as quickly as possible?

Will the cabinet secretary look at the urgent re-establishment and expansion of the University of the Highlands and Islands midwifery course? That issue came up among clinicians. The course would make a big difference to NHS Highland and also what we are trying to do at Dr Gray's.

I have always said that the staff and team at Dr Gray's do outstanding work. I have been blessed to have one child there, and I would like to see more and more Moray mums and Moray families be able to have their children there. Model 6 is the right approach, but we should have all the focus, attention and resources on delivering model 6 as quickly as possible, so that hundreds and hundreds of Moray families can see their children being born locally in the excellent facilities and under the excellent care of the staff at Dr Gray's.

The Deputy Presiding Officer: Thank you, Mr Ross. In the spirit of the week and the season, I am happy to gift a little extra time.

17:26

Karen Adam (Banffshire and Buchan Coast) (SNP): When Douglas Ross said that he was hoping to see “more and more”, I thought that he was going to say more of his children born there, which would have been a little insight into the future.

I am really pleased to be able to speak on this motion for two reasons. First, as an elected representative for Banffshire and Buchan Coast, I believe that the mums-to-be across my constituency clearly deserve safe and accessible maternity services. That applies to those in the western end of my constituency, which includes part of Moray. That is why I have publicly welcomed the Scottish Government's commitment to restoring consultant-led maternity services at Dr Gray's in Elgin. What is more, I have met local campaign groups and the health board to get a better understanding of what it will take to achieve that goal.

Secondly, as a mum with six children, I am speaking from direct experience when it comes to the importance of maternity services. I know the sense of security that they provide, and although they do not take away all the anxieties about giving birth—as any mother will appreciate—the

knowledge that there is medical expertise on hand is always a comfort. More than that, such expertise is essential in times of emergency.

I have experience of having to travel long distances from a rural location into the city of Aberdeen. People who are watching might know that, if someone's waters break and there is meconium in there, it is quite a dangerous situation and they need medical assistance instantly. I have had that experience, so I am coming from a place of empathy in that regard.

If we all want decent maternity services at Dr Gray's for the benefit of mums-to-be in Moray, how do we reach that goal? We do so by being realistic about the availability of staff, having properly considered planning and taking on board the views of local people. We also need to do it with timescales that make sense—we should not rush in because of political expediency.

If we go back to 2018, when the provision of maternity services changed, one of the big reasons that were given was workforce availability. That was before I become an MSP, but it certainly rings true given my experience since I was elected last year.

Time after time, across Banffshire and Buchan Coast, in health, social care and other sectors, such as education, as Douglas Ross mentioned, I hear stories about problems with recruitment. In general terms, the vacancies can be there but it is hard to attract qualified professionals to come and work in north Aberdeenshire and Moray. It is a problem across much of rural Scotland.

That is subject to on-going work by private companies and public bodies. I do not underestimate what they try to do within their sectors, not least within Grampian and Highland health boards with regard to maternity services. I am glad that that work is happening and I am certainly willing to collaborate with anyone who is looking to solve the problem. I am glad to hear that Mr Ross brought it up in Westminster and I ask him please to push on the subject of freedom of movement for qualified professionals; perhaps near neighbours in Europe, for example would be appreciated.

Moving on to the detail of the planning around maternity services in Elgin, I have sought assurances around the model 4 plans, which could deliver a networked community and maternity unit as part of the journey to model 6. I know that the Scottish Government has asked for further work to be done before it goes ahead and approves anything, and I have asked the Scottish Government to make the lived experience of women and families in Moray central to decision making on the issue.

I commend NHS Grampian on its development of the model 6 plans, under which it will deliver full consultant-led maternity services once again, it hopes by the end of 2026. I would, however, echo my colleague Richard Lochhead, who represents Moray, and say that NHS Grampian should approach that with a can-do attitude and a commitment to delivery—excuse the pun. From the top, the Cabinet Secretary for Health and Social Care has given his cast-iron commitment to those services and we all need to be a part of meeting that commitment, whether we are elected representatives from either side of the chamber or healthcare professionals.

Full maternity services will come back to Elgin and that will benefit women and families in the local area including the part in my constituency. However, they must return in a way that is person centred, sustainable and professionally planned. Only two days ago, I received an email from the campaign group Keep MUM, which has been absolutely incredible. It said:

“There must be a dynamic project management team in place with strict external oversight to make sure that milestones are met.”

I see nothing to disagree with there.

17:32

Edward Mountain (Highlands and Islands)

(Con): I say at the outset that Douglas Ross's words are wise words that come from the heart, not only that of his constituents but his own, because he has been through this situation and seen at first hand what effect it has. I feel some pity for the cabinet secretary, because it is not his problem. He has been left holding the baby, because it was his predecessor's problem and her predecessor's problem—that is where it all started. I know that the cabinet secretary has a lot to deal with. I also make the point that we are all after model 6 for Moray and that it has to be done as quickly as possible.

I am going to come at the issue from the other way round, from the Highland perspective, and talk about why I believe that model 4 is such a threat to the Highland service. First, we have to remember that Raigmore hospital recently had to take on all the duties of gynaecology and midwifery from Caithness, which put on a huge strain on it. About an extra 250 mothers a year come down from Caithness to Raigmore now. I think that there were only eight births in Caithness last year—not many; most of them are coming down to Raigmore, which is having to cope with that without a single extra bed.

I know that the cabinet secretary has been and looked at the facilities at Raigmore, but they are 25 or 30 years old and pretty rudimentary, if I

could be so bold as to say that. In fact, if your baby is put into the special care unit there, you cannot even be taken down there on bed, if you have just delivered, because the corridors are too narrow. Also, nurses cannot work in the special care baby unit except to deliver the care, because there is no station for making notes and no ability for them to work around that.

Model 4 is being discussed, and I have looked at the plans. The £5 million that was promised by the cabinet secretary for model 4 to deliver the extra facilities will not deliver one extra bed—not one extra bed!—but Raigmore is being told that it may have to take on an extra 500 patients from Moray until model 6 is sorted out. That is a real issue, because while those 500 patients are coming to Raigmore and the facilities are being upgraded, whole services at Raigmore will have to relocate through the rest of the hospital, and there are not the facilities for that. I should not have to remind the cabinet secretary that 3,200 people are waiting for orthopaedic operations alone at Raigmore. Relocating the maternity unit to another ward in Raigmore means that operations will have to suffer, and that is just not good enough.

It also means that you will fracture the delivery of the service, because you will not be able to concentrate all the midwifery and other services that are provided in the unit in one ward. Raigmore does not have the facilities—for example, it has no way of extracting the anaesthetic gases that are used during delivery, which means not only that delivering mothers will not feel the full benefit of the gases but that the staff who are working around them will have to deal with it, and that is very dangerous for them in extended periods of treatment.

I see that the clock is ticking down, but I want to say this: cabinet secretary, you went up there. You met the clinicians, and they told you that model 4 is not safe. If somebody tells you that, you have to be really careful, because what I perceive is going to happen, cabinet secretary, is that if you push on with model 4—

The Deputy Presiding Officer: Through the chair, please, Mr Mountain.

Edward Mountain: I am just finishing up, Presiding Officer.

If you push on with model 4, mums who are coming down from Caithness will not be able to get in, because the beds will all be full, and their ambulances will just be diverted to the next hospital. If you have spent two hours strapped on a gurney to get to Raigmore, the thought of spending another two and a half hours to get to Perth or to Aberdeen is just not acceptable.

As a representative of the Highlands, I am talking specifically about Highland mums, and

Caithness mums in particular. You have been told that what you are proposing on model 4 is not safe and it is not acceptable. Although I would always encourage cross-border working, to do so when you are being told that it is not safe is not something that I could ever countenance or support you in doing.

17:37

Rhoda Grant (Highlands and Islands) (Lab): I congratulate Douglas Ross on securing the debate, and I congratulate Keep MUM and the other campaigners who ensure that the issue is not forgotten. Like Edward Mountain, I want to highlight the similar plight in Caithness for the community there. I hope that they will not be ignored when fighting for similar services.

No one looking at the photos and film footage in the past week could be anything other than horrified at the prospect of driving in those conditions, yet that is the reality for pregnant women in Moray and Caithness. Imagine having to drive those roads with someone who is in labour, trying desperately to get to a suitably equipped hospital. Where there are enough births to warrant suitably trained staff, there should be support for complex labour and births.

Those of my generation remember the tragic case when a midwife, paramedic and baby died when being transferred from Skye to Inverness on icy roads. It can still happen, and we cannot let it happen again, especially when we have the ability to provide services much closer to people.

Members of the Moray community do not have faith that NHS Grampian will implement model 6, which would reinstate maternity services at Dr Gray's hospital in Elgin. They do not believe that NHS Highland has the resources or the staff to implement the interim model 4, under which women can elect to go to Raigmore hospital in Inverness rather than Aberdeen. As Douglas Ross pointed out, those concerns regarding model 4 are shared by clinical staff in Raigmore. I take their intervention very seriously.

Keep MUM has asked for independent oversight of the project to reinstate services at Dr Gray's, by somebody outside the NHS Grampian board. Keep MUM would prefer someone from the community who understands the issue, and I believe that that would be helpful in rebuilding trust. Oversight from someone with the authority of the Scottish Government who can act on behalf of the cabinet secretary might also be required. Such oversight would give comfort to the community, campaigners and politicians such as ourselves that the reinstatement of services was being pursued with sufficient urgency. I ask the cabinet secretary whether he will consider that request

and address it today, or undertake to come back at a later date with his thoughts on how it could happen.

Members of the community believe that the basic information on which the models are based is not robust. They believe that many more births will be moved to Aberdeen and Inverness than is suggested.

One of the reasons for originally withdrawing maternity services from Dr Gray's was staffing, and we have heard about the lack of junior doctors. That is an issue in all rural hospitals and communities and, because of it, we miss out on fully trained staff. We all know that, where people train, they put down roots and stay. If junior doctors are not placed in rural health locations, we lose them forever. That concern applies with regard to all health professionals in rural areas, and it will continue until we ensure that rural areas have an adequate supply of trainees and junior staff.

I have raised the issue with NHS Education for Scotland. I ask that, in summing up, the cabinet secretary says what steps the Scottish Government is taking to ensure that it is addressed.

The NHS Grampian board report is full of caveats, and I share concerns that it might never reinstate full maternity services without a concerted effort. I am also concerned to learn that NHS Grampian does not normally invite elected representatives from Moray to its regular MSP briefings, nor does it brief regional MSPs on progress on these issues, which is absolutely unacceptable. That the board does not believe that it is required to brief elected representatives, especially at a time such as this, gives a sad indication of the importance that it places on the Moray community. I hope that that will change, because it does not give me confidence in NHS Grampian.

17:42

Finlay Carson (Galloway and West Dumfries)
(Con): I pass on my good wishes for the festive season, and I recognise the Presiding Officer's generosity at this festive time in regard to my contribution.

I whole-heartedly sympathise with my colleague Douglas Ross when it comes to the problems that he faces around the serious lack of maternity services at Dr Gray's hospital in Elgin. Although my speech is not specifically about Dr Gray's, I believe that—with your indulgence, Presiding Officer—it will highlight that that is the case not just in Moray but in other rural areas where trust in health boards is at rock bottom.

I am sure that it will be of little comfort to Douglas Ross to know that he is not alone in witnessing a serious erosion of health services. In Galloway and West Dumfries, we are experiencing a similar crisis that needs to be rectified as a matter of urgency. There has been much talk in the debate about option 4 and option 6 but, in Galloway, we have no option. Mothers-to-be in Wigtownshire are facing the daunting prospect of a 70-mile trip to Dumfries and Galloway royal infirmary—a journey that can often take two hours—in order to give birth. I speak from experience. My wife had to stay in DGRI for a period prior to giving birth because a condition that she had meant that there was too much risk in her possibly taking an hour or more to get to hospital when labour started.

There is a midwife-led community maternity unit in Stranraer that, incredibly, was once the eighth busiest in Scotland but, bizarrely, it is currently closed. What makes the situation all the more galling is the fact that there are four midwives who live in the immediate area but who have to travel to Dumfries instead of being employed locally in the unit.

An independently reviewed formula is used to identify funding for health boards, but we have to ask whether it is fit for purpose when it comes to areas such as Moray and Galloway. It is clearly unacceptable that there are glaring health inequalities, with pregnant women in my constituency having to make that two-hour journey by car or ambulance. There have been numerous instances of women giving birth in lay-bys along the A75, including as recently as last month.

In November, the Minister for Public Health, Women's Health and Sport, Maree Todd, visited the unit in Stranraer to see for herself the facilities that were on offer but, sadly, the unit remains closed. The minister was involved in discussions about a woman who had tragically suffered a miscarriage but still had to make the long journey from Stranraer to Dumfries. That lady bravely told of her heart-rending experience, which was exacerbated by the fact that she could not go to her local maternity unit in Stranraer. In this day and age, it should not be allowed that women have to face such untold stress and anxiety while about to give birth. Giving birth should be a joyful and memorable experience, but that has been denied to so many women in Wigtownshire.

It is positive that the cabinet secretary has reiterated that not just maternity services but all health services should be provided as close to home as possible, but I sincerely hope that the Government sticks to that commitment and puts sufficient pressure on NHS Dumfries and Galloway to deliver on the provision of maternity services in Stranraer.

Of course, it is not just maternity services that have been affected. Other health services that were previously delivered in the likes of our cottage hospitals have been largely paused since the outbreak of the pandemic. NHS Dumfries and Galloway has refused to instigate a full return of the health services that were previously provided in Castle Douglas, Kirkcudbright, Newton Stewart and Moffat, which is not in my constituency. The strength of local feeling on the importance of delivering a range of health services, such as palliative care and step-down care, in our cottage hospitals has been enormous, so it is abundantly clear that people need to be cared for as close to home as possible, rather than having to undertake unreasonably long journeys.

It is important that the Scottish Government and health boards listen to the people who matter—the public—everywhere, in rural and urban areas. They deserve to have, and demand, maternity and other health services on their doorstep, where they live.

The Deputy Presiding Officer: Thank you, Mr Carson. You might have tested to destruction the definition of relevance, but at least you did not dress it up as a point of order. Thank goodness for small mercies.

I call Carol Mochan, who will be the final speaker in the open debate.

17:46

Carol Mochan (South Scotland) (Lab): Members will be pleased that some of the points that I had intended to make have already been made, so I will be quite brief. I thank Douglas Ross for bringing the debate to the chamber. One of the first speeches that I made in Parliament, in June 2021, was on a motion lodged by Douglas Ross that called for action to deliver locally based maternity services for women in Moray. I think that we can all agree that it is a concern that we are here again, some 18 months later, debating the same topic.

I was going to discuss the issues that exist in my South Scotland region, which Finlay Carson talked about. The fact that women are having to travel from Stranraer right across to Dumfries is wholly unacceptable. Anyone who has been on that road would accept that point. I hope that the cabinet secretary has something to say about it.

As members will know, I have raised the issue of a women's health champion many times in the chamber. Unfortunately, that issue is yet another example of the Scottish Government falling short on women's health. It is clear that a women's health champion is needed to spearhead many women's health-related campaigns and issues. The situation with regard to maternity services is a

clear indication that we need to get such a champion in place. I have been asking since June when an appointment can be made, and I ask the cabinet secretary to ensure that it is one of the first appointments made in 2023.

We need to have someone who can push on issues such as maternity services, scrutinise what is being done, go back to the Government and report to us so that we have the information that we need. That would benefit the women in Moray, whom we are discussing in this debate, and those in my region, and I am sure that there are examples of other areas in which women would benefit from the appointment of a women's health champion. Therefore, it is really important that we get that done.

I pay tribute to the campaigners who have consistently stood up for the services that they want. It is our responsibility to keep bringing the issue back to the chamber and to push the Government harder and harder on it. I will not stop asking for a women's health champion to be put in place, because I fully believe that having such a champion will help us to address some of the issues.

The Deputy Presiding Officer: I invite Humza Yousaf to respond to the debate.

17:49

The Cabinet Secretary for Health and Social Care (Humza Yousaf): Thank you, Presiding Officer. I begin, as you and many others have done, by wishing everybody all the very best for the festive season—a very merry Christmas indeed—and all the best for 2023. I have a secret list of who I think will be getting a lump of coal for Christmas, but it would be uncharitable of me to even suggest who might be on such a list.

As is customary, I begin by thanking Douglas Ross for securing this important members' business debate. I am pleased that, notwithstanding the exceptionally long couple of nights that we had as we engaged with the Gender Recognition Reform (Scotland) Bill, we were still able to make time in the *Business Bulletin* for this debate, which is important not just to members in the chamber but to many people across Moray and, as Finlay Carson has demonstrated, across Scotland.

I am pleased to acknowledge, too, that an exceptional cross-party campaign exists on this matter. I have met a number of elected members—Douglas Ross, Richard Lochhead, Rhoda Grant and many others across the political spectrum—in relation to that excellent campaign.

I restate the Government's cast-iron commitment—as Karen Adam asked me to do—to

returning consultant-led maternity services to Dr Gray's hospital. I will not go through the background, because people are aware of it now that they have heard it from other members; instead, I will try to address some of the points that have been raised.

Many colleagues have made the point—Edward Mountain made it most forcefully in his contribution—that it is so important that we listen to clinicians, whether in Raigmore or at Dr Gray's. That clinical expertise is exceptionally important. I do not want anybody to leave the chamber thinking that I do not listen to and put a lot of stock in the opinion and expertise of clinicians. The concerns that clinicians had raised were playing heavily on my mind when I last talked about Dr Gray's in the chamber, which is why I was not in a position to approve the model 4 plans then.

Douglas Ross and other members have posed a question to me a question about model 4, and they have raised concerns along with keep MUM, the maternity voices partnership and others. I think that model 4 has probably become a distraction. We are trying to describe an improvement journey, with all the elements that are required for an integrated model. When I asked Douglas Ross whether he believed in cross-boundary working, his answer was, "Absolutely", which is right. If we are going to have a sustainable model, with all the recruitment challenges that we have in not just the north-east of Scotland but many areas of remote, rural and island Scotland, cross-boundary working will be exceptionally important.

However, it is fair to say that there are clinical, community and elected representative concerns around model 4, and that model 6, which is the plan that we have in front of us, will not go fast enough for many people. Many months ago, people were saying in the chamber that model 6 might take seven or 10 years, which is what they had heard from others, but I should say that it is far more ambitious than that.

Having taken all those things into account, I have decided that we will not continue with model 4 as previously outlined. However, as I have already said, I expect NHS Highland and NHS Grampian to continue to work together to ensure sustainable maternity services for women in the north of Scotland.

Douglas Ross: That is a very welcome announcement, which I asked for in the motion and campaigners have been asking for.

The cabinet secretary has said that he will not continue with model 4 in its current form, but we cannot just have a change of name. I am just trying to tease this out. The concerns will remain if the model is called something different or just slightly tweaked. What does the cabinet secretary

mean when he says that he will not continue with model 4 in its current form?

On his point about my agreeing with the cross-border opportunities, we know that, with model 6, some mums in some circumstances will still need to go to Aberdeen—we all accept that. However, they should be the exception rather than the rule. I want to see as many as possible of the thousand births that happen in Moray each year on average happen in Dr Gray's.

Humza Yousaf: I suspect that I will not be able to do the matter the justice that it deserves in the time that we have. I am happy, as always, to pick it up with Douglas Ross and other members, and maybe to do a briefing for cross-party members in order to address some of the issues.

What I mean is that our laser-like focus should be on model 6—the end destination, which is the full return and restoration of consultant-led maternity services to Dr Gray's. We will not proceed with model 4, as per Ralph Roberts's report. However, it is really vital, where there are recruitment challenges, that there is cross-boundary work to ensure that services at Dr Gray's are sustainable.

Douglas Ross knows that NHS Grampian's model 6 plan, as endorsed by NHS Highland, makes the point that we are going to make significant investment in Raigmore, for all the reasons that have been articulated by Edward Mountain. Raigmore is in need of not only refurbishment but an investment in the workforce.

If there is a time, as per the current plan, when Raigmore has in place the clinical capacity and infrastructure to take more women from Elgin or Moray more widely, while Dr Gray's is still being fully restored—because there is a time gap between 2025 and the end of 2026-27—we should ask whether Douglas Ross's constituents should have the choice of going to Raigmore, which is a shorter journey than going to Aberdeen. That conversation is absolutely worth having.

Members should make no mistake about it: given the ambitious timescale for the return of maternity services to Dr Gray's, my feeling—which I have shared with the health board—is that the focus must be on model 6.

The Minister for Just Transition, Employment and Fair Work (Richard Lochhead): I welcome the cabinet secretary's announcement, which is something that I called for when I conveyed the views of keep MUM at a meeting a few weeks ago.

With regard to the integrated model, there is no one in Moray who would dispute or argue against the idea of staff being recruited on a cross-border basis. Everyone is focused on the outcome of

having a fully restored service at Dr Gray's. The integrated model is perfectly acceptable as a means of staff recruitment, and having consultants working between Raigmore and Dr Gray's would be welcome if that plugs the gap and restores service.

There is some anxiety in Moray about affordability, because of the timescale and the need to recruit consultants. The NHS Grampian plan for full restoration of the service suggests that just under £22 million of investment is required in the next five years, with £7 million per year thereafter. Can the cabinet secretary make any comment about the local anxiety that affordability issues will slow down the timescale if those figures turn out to be a reality?

Humza Yousaf: I can give assurances about that. Before I do so, I say that Richard Lochhead has perfectly articulated the integrated model that we are talking about.

Let me be clear: we will not proceed with model 4; the focus is now on model 6. Instead of even calling it model 4 or model 6, let us say that we are talking about the restoration of consultant-led maternity services at Dr Gray's. That is where we are going. Richard Lochhead has articulated exceptionally well how important the integrated model will be if it helps with the sustainability of the service, which I absolutely think it will.

The short answer to Richard Lochhead's question is yes. The Government and I have committed to the full restoration of consultant-led maternity services at Dr Gray's. That means, of course, that we must step up to ensure that that is fully funded, and we will do that. There will always be an element of discussion with the health board.

I give an absolute assurance that none of that means that we will not continue our investment in Raigmore. Edward Mountain and Fergus Ewing raised the issue of investment in Raigmore, as many other members have done.

I suspect that I am vastly out of time. Is there any additional time?

The Deputy Presiding Officer: I am being generous, cabinet secretary.

Humza Yousaf: Good. I will try not to keep people back.

The Deputy Presiding Officer: You may continue for the time being.

Humza Yousaf: How much time do I have?

The Deputy Presiding Officer: I can give you another couple of minutes.

Humza Yousaf: That would be great, Presiding Officer. It is much appreciated.

I want to touch on a number of issues that have been raised directly with me. It may be better for me to write to some members, because of the time constraints.

The question about external assurance was raised by a number of members. There may be some perceived distrust of the health board. I have two things to say on that. First, an external assurance panel is in place. Members have met Linda de Caestecker, who is heading that panel. She is not the only person who is part of that panel; as the name suggests, a number of people are involved in it.

Secondly, I am not minded to put an external project manager into Grampian. NHS Grampian has to have ownership of this. I sincerely believe from the discussions that I have had with it that it has an absolute commitment. I think that its plan, which has a far shorter timescale than some members had expected—they had raised 10 years and seven years with me previously—shows that it is committed to this.

On the issue around C-sections, I am always clear that it is good to take clinical advice, so why did we come up with a different timescale previously? It is because that was the timescale that was in the Ralph Roberts report, which was presented to me. That report was rightly interrogated by clinicians and they have come up with the timescale of early 2025 for elective C-sections to be reinstated to Dr Gray's.

A number of colleagues raised NES, in relation to both NHS Grampian and NHS Highland. Touching on what Finlay Carson said, I note the broader issue that it is really important to get more trainees to train in rural Scotland, and NES is fully involved in that very mission. In fact, it has been left in no doubt about my expectation of its involvement in relation to Dr Gray's. Given that I have only a little time left, I will write to members about that.

Karen Adam made an excellent point about freedom of movement and immigration. Having raised the issue with the UK Government, I can say that, certainly from a health perspective, my fellow health secretary understands the need for the Home Office and those who are responsible for immigration to work to help us to plug some of the gaps in the workforce. That would not be a panacea, but it could certainly help.

I will conclude by addressing Carol Mochan's point about a women's health champion. I or Maree Todd will update Parliament on that early in the new year. Carol Mochan is absolutely right and she has every right to push the Government really hard on that appointment. We made a commitment in that respect, but it is so important that we get the right person, because I hope that

they will stay in post for many years to come and push the Government in relation to the women's health plan. I am absolutely committed to that.

Thank you for your generosity, Presiding Officer. I end by saying that the Government is absolutely committed to fully restoring and returning consultant-led maternity services to Dr Gray's. We will not proceed with model 4. We will proceed to that destination, and I look forward to keeping members updated. I finish where I started, by wishing you all the very best for the festive season.

The Deputy Presiding Officer: Thank you, cabinet secretary. I congratulate everybody on persevering and making it through to the end of what has been a long week and a busy term. I add my good wishes for the Christmas season and the new year.

Meeting closed at 18:02.

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