



Dear Readers,

Welcome to my latest update from Holyrood. In the last week, I have spoken in the final Budget debate, raising concerns about the impact on local Council budgets from the package put forward by the SNP, and backed by the Greens and the LibDems. I also spoke in the debate on the Hate Crime Bill, a deeply concerning piece of legislation which will have a negative impact on free speech. It was no surprising that so many women MSPs spoke against it, given that it actually – and incredibly – gives more protections to men who dress as women than to women themselves.

In addition to all that, my work on the Committee investigating the Scottish Government's handling of complaints against Alex Salmond continues, as we try to draw together the remaining threads.

I hope that you enjoy this newsletter.

SNP deceit on Salmond legal advice backfires



After the First Minister Nicola Sturgeon's appearance in front of the Scottish Parliament Committee investigating the handling of harassment complaints against her predecessor, Alex Salmond, the SNP spin machine went into overdrive. She had answered every question put to her, it was claimed, and the matter was now settled. It was even announced that as many as 10,000 new members had joined the SNP following her appearance – a claim which is as unsubstantiated as it is incredible.

The reality, as was evident to anyone actually watching the session, was somewhat different. There were more than 50 occasions when the First Minister said that she had “forgotten” or “could not recall” details of meetings, discussions, or documents, despite her having many months to prepare her defence and set her ducks in a row.

There were two key areas of evidence where the First Minister's responses were particularly unconvincing. The first was in relation to the meetings held with Alex Salmond's former Chief of Staff, Geoff Aberdein, whose version of events directly contradicted that given by the First Minister. Crucially, the Aberdein evidence is corroborated by written statements from Duncan Hamilton and Kevin Pringle, two significant figures in the SNP. Despite being challenged on the matter, Nicola Sturgeon was unable to produce any names to corroborate her own version of events.

It was the same in relation to the claim that the name of a complainant had been given to Geoff Aberdein by someone in the Scottish Government – an appalling breach of trust. The First Minister's attempts to explain this away were unconvincing in the face of the corroborating evidence produced for Mr Aberdein's story. Even in relation to these two points, Nicola Sturgeon's evidence provides no resolution on the matter.

There is a third area where the evidence presented by the First Minister fell short on the credibility scale, and that was in connection with the defence of the judicial review by Alex Salmond, and the question of whether the Scottish Government followed the legal advice it had been given by external counsel.

For months the inquiry Committee has been demanding release of the external legal advice, and for months this call was resisted by the SNP Government. Even two votes in the Scottish Parliament on the matter at the end of last year were disregarded by the Deputy First Minister, John Swinney. It is only when a threat of a no confidence vote was brought forward by the Scottish Conservatives that finally Swinney relented and agreed to publish the legal advice, some of which was produced to the Committee just the evening before Nicola Sturgeon's appearance.

What the documents produced reveal was that the case in serious trouble from the 31st October 2018, when the Scottish Government's counsel – Roddy Dunlop QC and Christine O'Neill – were advising concession as a real option. By 6th December, they were advising

that conceding would be the “least worst option”. And by December the 19th, they were ready to throw in the towel, as a result of the catastrophic fashion in which the Scottish Government had instructed them to defend the case.

Whilst I was able to put questions to Nicola Sturgeon on the legal advice which had been disclosed to us by last Tuesday evening, it was clear even then that this was not the whole picture. On Friday afternoon, a new tranche of papers was produced by the Scottish Government, some two days after the First Minister had given her evidence. It became immediately apparent why the Committee had not been allowed to see these before she presented herself for questioning.

A joint note by counsel dated 17th December is particularly damning, saying that their advice had been “discounted”; effectively ignored by the Scottish Government. They warned all concerned, including the First Minister, to be absolutely certain that they wished them to “plough on regardless notwithstanding the concerns outlined”. The Government was advised of the large bill of expenses that would inevitably arise from proceeding with the case, and counsel cautioned that they had considered “very seriously whether we were bound to withdraw from acting”.

All this is significant, because the Scottish Government, contrary to the advice given, continued to defend the case beyond the 17th December. It did not concede until 8th January, running up an additional cost of between £100,00 and £200,000 to the taxpayer in the process.

Despite the horrors that have been revealed in the advice thus far published, there are still major gaps in the record. No minute has yet been produced of the consultation that took place on the 13th of November between external counsel and the First Minister. There were in fact 12 days between September 2018 and January 2019 on which consultations with counsel were held, for which not a single scrap of paper has yet been published. And yet, as every lawyer knows, it is inconceivable that notes would not have been taken at these vital meetings.

The Scottish Government’s whole approach to the Salmond inquiry has been characterised by obstruction; only producing vital documentation at the last minute, and when left with no alternative. We now know why Swinney was so reluctant to see the legal advice published, so damaging it is to the Scottish Government’s case. It suggests that the First Minister was prepared to waste public funds in continuing the defence of a court action against Alex Salmond even when it was beyond doubt that she would lose. And it exposes the deceit on the part of the SNP Government in trying to conceal these vital papers from Committee members.

Already we see from opinion polls that trust in the SNP, and in the First Minister, is being eroded by the manner in which the Scottish Government have conducted this whole affair. If the SNP pay the price at the ballot box, they will only have themselves to blame.

The Hate Crime Bill



The unintended, yet foreseeable consequence of the Hate Crime Bill could be deeply damaging to Scottish society.

It is no surprise that we have seen heavily divided opinion around part 2 of this Bill, with a broad coalition of voices being raised against what the SNP Government are proposing. So, we see faith groups, secularists, human rights campaigners, writers, comedians and academics, all expressing serious concern around the impact on free speech from what is being proposed.

There is a real concern that the legislation proposed here will be weaponised by those who want to close down debate, who want to silence those who have a different view. And that is deeply dangerous to our society. For it is only by debating ideas, by robustly challenging each other, that society is able to advance, and reform is achieved.

There is no need for legislation to defend popular opinions. It is opinions which are unpopular that need to be protected, and substantial concerns remain as to the impact that this Bill will have on those expressing views that are not held to be part of the mainstream.

I have been contacted by many constituents, including Rev Jim Crooks of Tayside Christian Fellowship in Perth, who are bitterly opposed to this Bill.

I voted against the Bill, as I feel that the unintended consequence of it may well be deeply damaging to free speech in Scotland, and that is not something I could ever support.

The Scottish Conservatives have now confirmed a manifesto commitment to repeal the Hate Crime Bill.

UK budget means a big boost for Perth and Kinross

Measures announced in the UK Government's Budget will benefit individuals and businesses across Mid Scotland and Fife. It is very positive news and once again this demonstrates the broad shoulders of the UK Government stepping up to the plate to help businesses and workers across the nation.

It has also shown the benefits of the Scottish Conservatives working closely and constructively with Rishi Sunak to deliver these measures.

Many of the measures announced will be a major boost for families and businesses in Mid Scotland and Fife, including the extension of the Furlough scheme, and self-employed workers being able to access further grants, with the scheme also widened to include hundreds of thousands more individuals. It is also very welcome that Scottish Conservative calls have been heard to extend the uplift in universal credit.

It was also great to hear the Chancellor unveil a mortgage guarantee scheme to help Britons get on the housing ladder with small deposits. Under this scheme, the Government will offer lenders a guarantee, incentivising them to boost the number of riskier 95% mortgages.

I was also delighted to see the Chancellor announce a new 'super deduction' – basically a tax relief to spur business investment along with him freezing all alcohol duties, including those on Scotch whisky and a continuation of the freeze on fuel duty.

These are all measures that will help businesses and residents in Mid Scotland and Fife and across the UK – again showing the incredible financial help provided by the UK Government during this pandemic.

Perth and Kinross Council Budget

I would like to praise Perth and Kinross Council for their extremely helpful £1.3 million investment in business support, along with money provided to boost education in the region.

The supportive measures announced include, investment in the High Street, an Open for Business fund, a Perth and Kinross marketing campaign and a freeze on car parking charges.

This business support shows the commitment of the council to help local businesses recover from the financial impact of Covid. The local authority have taken cognisance of just how serious the situation is facing many local businesses and have to be commended for doing so.

However, the fact that SNP Councillors voted against this funding was frankly shocking and shameful.

Salmond affair makes case for institutional reform



Giving evidence on Friday to the Parliamentary committee investigating the Scottish Government's handling of harassment complaints against him, the former First Minister Alex Salmond was damning of the state of leadership across public institutions in Scotland. He was clear in his view that the Scottish civil service had not itself failed, but its leadership had failed, as had that of the Crown Office. He stated: "The importance of this inquiry is for each and every one of us to help put that right".

My own experience of the inquiry would lead me to endorse those sentiments, at least in part. What the Committee has uncovered so far is a series of atrocious failures within the Scottish Government, the civil service and the Crown Office. But where I would disagree with Salmond is that this is not simply a question of leadership; there is something badly broken in the system. Our institutions do indeed need better leadership, but they also require fundamental reform.

Last week we had the extraordinary spectacle of the Scottish Parliament agreeing to publish

Salmond's written evidence, and then withdrawing and republish it in amended form, following a threat of prosecution from the Crown Office. It was a supine act by our national Parliament, which should be there to act fearlessly to challenge the Executive and hold it to account.

I made the point to Alex Salmond in his evidence session on Friday - and he agreed - that it would be inconceivable for the Crown Prosecution Service in England to act in this way towards a committee of the House of Commons, and equally no Speaker in the Westminster Parliament would be so craven as to give in to such threats. And yet, at Holyrood, that is precisely what happened. Little wonder that the most eminent Scots lawyer of our times, Lord Hope, described the episode as disturbing.

This highlights one issue which is clearly in need of reform, the extension of parliamentary privilege in Holyrood, so Members of the Scottish Parliament have at least the same protections that would apply in Westminster. If we are serious about having a Parliament which can properly perform its role of scrutinising a too-powerful Scottish Government, then MSPs should not be unduly restricted in how they can operate for fear of prosecution.

According to the seasoned political observer Professor James Mitchell, the aspiration that Holyrood would deliver "new politics" in contrast to the Westminster caricature of adversarial binary politics, with backbenchers operating as lobby fodder for the Government, has not been realised. In his words: "The Scottish Government has hoarded power, not shared it with Parliament and the people". He is right in his analysis, and it is not just leadership that has to change if we are to see improvements.

It is clearly hyperbole to talk about Scotland as a "failed state". Equally, it would be entirely the wrong conclusion to draw that the weaknesses that have now become apparent make the argument for rolling back on devolution and reducing the power of the Scottish Parliament. Indeed, opinion polling would suggest that there may be as many people in Scotland who believe the earth is flat as there are those who want to turn the clock back pre-1997.

Far from removing power from Holyrood, what we need to do is strengthen the Scottish Parliament, and consider how we better empower the legislature to hold the executive to account. From a practical point of view there are a number of reforms that should be progressed.

Firstly, the dual role of the Lord Advocate, as head of the independent prosecution service, and also as political advisor to the Scottish Government, is now overdue for review. This issue was addressed in England some two decades ago, and the events that the Salmond Inquiry Committee is probing into demonstrate clearly how conflicts of interest might arise in the current set-up. This is an issue that the Scottish Parliament must urgently consider in its

next session.

In the Parliament itself, the committee system has not lived up to expectations in terms of its scrutiny of legislation or of Ministers, not least because the power of patronage in appointment of committee convenors makes it less likely that those of independent mind will be given those positions. Professor Mitchell is right to state that “Scottish Parliamentary committees have been poor in comparison with those in the Commons”. Perhaps we do need to consider whether a second chamber for Holyrood is necessary if committees cannot be improved, and the case for having convenors elected by MSPs, rather than simply appointed by party whips, should now be advanced.

There is much more in the way of institutional reform that will be necessary, including the extension of parliamentary privilege. And all this will require robust, reforming leadership, both within a new Scottish Government post the election, but even more crucially within the Parliament itself.

Whatever the outcome of the election – a majority government, another minority administration, or a coalition – we must ensure that our Parliament is better placed to scrutinise both government decisions, and legislation. The failures that we have seen exposed throughout the Salmond Inquiry process make the case for reform urgent, and we cannot afford to see these repeated.

The words of Edwin Morgan, written for the opening of the new Scottish Parliament building in 2004, are often quoted but never seem more appropriate:

“a nest of fearties is what they do not want.

A symposium of procrastinators is what they do not want.

A phalanx of forelock-tuggers is what they do not want”.

Sadly, what we are now seeing is that Scottish democracy, barely two decades old in its current format, is not living up to those high expectations. There is still time to save it, to set us back on the right path, if the right leadership and political will is there. On that, Alex Salmond and I may agree.

The A90 needs a safety audit

I’m calling for a safety audit of the A90 Perth to Dundee road following two recent separate accidents, which led to four teenagers being taken to hospital.

I believe it is time the Scottish Government carried out a safety audit of the road, otherwise I

fear more accidents could occur.

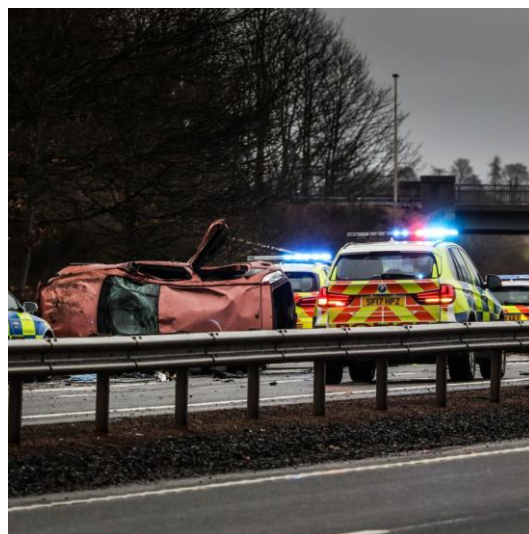
There have been concerns about road safety on the A90 Perth to Dundee road for some time and the situation has been exacerbated recently with two major accidents in February - with one resulting in four young people being taken to hospital.

I have written to the Cabinet Secretary for Transport regarding this issue as I feel a safety audit of the road needs to take place. Part of the problem is that the A90 Perth to Dundee road is an 'A' class road that takes traffic from the M90 motorway, but many motorists don't realise this and then they encounter things like tractors and bus stops.

This can obviously cause real problems for many vehicles who could well be travelling at speeds associated with motorways.

It may well be that the road needs improved signage to warn motorists that they are not on the motorway anymore and that some agricultural vehicles frequently use the A90 road.

If action is not taken then I fear there could be more likelihood of accidents taking place on the road.





The campaign against dirty camping



I am calling on the Scottish Government to launch a media campaign on the Outdoor Access Code in a bid to clampdown on irresponsible dirty camping in Highland Perthshire.

I hopes that a recent local incident isn't the start of another surge in dirty camping which saw several such incidents take place last summer across Highland Perthshire, with a trail of rubbish left in its wake.

I fully back the call to ask the Scottish Government to launch a media campaign to publicise the Outdoor Access Code and try to enforce the message about taking time to think about the impact of leaving litter and human waste has on local communities in Highland Perthshire.

I believe this has been a large part of the problem - many people who indulge in dirty camping may not realise that they are doing something wrong, and they might not understand

that there is an impact from their human waste on watercourses which might be needed to serve animal troughs, or even human dwellings.

Dirty camping is entirely separate from wild camping – dirty camping is where groups of individuals, often in large groups, camp beside the roadside, on a loch shore, or at beauty spots, and they often cut down trees, light fires, play loud music and disturb local residents, usually leaving a mess of litter, of human waste, and often even some of the camping equipment they brought with them behind.

It is totally irresponsible and anti-social, and we definitely don't want a repeat of last summer when we saw a raft of dirty camping take place across Highland Perthshire, so we need the Scottish Government to roll-out a media campaign to highlight what can and can't be done in the countryside.

Beating the SNP

As you will be aware, we are about to campaign in the Scottish Parliament Elections and our main goal is the prevent the SNP achieving a majority of MSPs at the Scottish Parliament. To do this we will need all the help we can.

Below is a short note from Caroline Shiers about our connect calling campaigning and how you could help beat the SNP.

Over the course of Lockdown our volunteers have kept very busy calling voters using Votesource which is an online resource. We have learned so much about the issues that really matter to voters as people have had the time and been willing to chat with us about the local issues which affect them and their families. It has been a really positive experience for all those who have made calls. Would you like to join us? Calls can be made from your home at a time that suits you. We have found late afternoon is a really good time for speaking with people. If you would then please contact Caroline Shiers on 01828 640181 or email pkconservatives@gmail.com

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