Introduction

1. NFU Scotland (NFUS) welcomes the opportunity to respond to the Committee’s inquiry on the Lobbying Transparency Bill. As was outlined in its initial response to the Scottish Government’s consultation exercise on the topic in the summer, NFUS is supportive of any initiative to encourage transparency those working in Scottish public affairs and elected representatives. As a lobbying organisation, NFUS is always enthusiastic to promote the communication we share with elected representatives to our members as a record of our work on behalf of their interests, and we consider this to be good practice.

2. Whilst NFUS supports the laudable aims of the Bill, there does remain some confusion on how the Bill will operate in reality, particularly for organisations with complex structures such as NFUS. This response asserts some of the considerations and concerns that NFUS outlined in its initial response to the consultation, and key areas requiring clarification.

NFU Scotland structure

3. NFUS is Scotland’s premier farming lobby organisation, and represents over 8,500 members across nine regions in Scotland. NFUS represents the interests of Scottish farmers, Scottish farming (including crofting) and all of the associated interests and concerns. NFUS also has a growing professional membership base.

4. The mission statement of NFUS is to “promote and protect the interests of our members by influencing government, the supply chain and consumers in order to secure a sustainable future for Scottish agriculture.”

5. Clearly, NFUS by its very nature exists solely to lobby governments, elected representatives, public bodies and wider stakeholders. As outlined, whilst NFUS has no issue with legislation to improve transparency between elected representatives and public affairs professionals, it is vital that the legislation is enacted in a way which does not invite accidental transgressions from organisations such as NFUS which operate over a wide network of representatives.

6. NFUS currently employs 30 permanent paid staff, the majority of whom will have contact with elected parliamentarians and Scottish Government to varying degrees. NFUS staff are answerable to the 27 members of the Board of Directors, all of whom are paid an honorarium. In addition, NFUS has a contract of service with a network of over 70 NFU Mutual Group Secretaries
for member recruitment and retention, who are self-employed but receive commission payments from NFUS for their services. Since January 2014, the Union has also employed a full-time Parliamentary Officer, who is responsible for co-ordinating the majority of public affairs activity with elected parliamentarians. However, as far as possible grassroots and face-to-face contact with parliamentarians from members and staff alike is encouraged. It may, therefore, prove difficult to stay abreast of all face-to-face communications, particularly if the entirety of NFUS’s network is to fall in to the legislation.

Areas requiring clarification

7. As suggested, NFUS has concerns that the definition of those ‘paid to lobby’ in Schedule 3(b) of the Bill is not sufficient to clarify who the intended targets of the Bill will be. NFUS considers it important that the Committee presses Scottish Government to engage with organisations to discuss how this might apply to more complex organisational structures.

8. Further detail on where the legislation will begin and end would also be of great value. As the Committee members will be aware, much ‘lobbying’ activity is conducted in regular pre-planned meetings with public representatives, but on occasion, spontaneous discussion will take place in other contexts (e.g. agricultural shows, events and dinners, etc). Again, NFUS seeks reassurance that the legislation will be drafted in a way that won’t invite accidental transgressions for this type of interaction.

9. NFUS also notes that often, lobbying activity undertaken with elected representatives will be in regard to sensitive or confidential matters on behalf of individual members. The Bill must recognise that the integrity of member interest organisations such as NFUS cannot be undermined by the requirement to publish details of such meetings. Further information on the levels of detail required from lobbying organisations when recording lobbying activity in the register would be very welcome.

Clare Slipper
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