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Pàrlamaid na h-Alba

Official Report

MEETING OF THE PARLIAMENT

Thursday 17 December 2015

Session 4

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Scottish Parliament

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

General Question Time

The Presiding Officer (Tricia Marwick): Good morning. We come first to general question time.

Scotland Bill (Planning for Additional Powers)

1. Graeme Dey (Angus South) (SNP): To ask the Scottish Government what planning it is carrying out regarding the additional powers proposed in the Scotland Bill. (S4O-05194)

The Deputy First Minister and Cabinet Secretary for Finance, Constitution and Economy (John Swinney): The Scottish Government is committed to using the new powers to create a fairer and more prosperous country for everyone who lives here. We set out early policy priorities in the programme for government for 2015-16, which was published in September this year, and we are committed to an open and consultative process in developing policies for the new powers under the Scotland Bill. The Government will not recommend that the Parliament should approve the bill until a fair fiscal framework has been agreed.

Graeme Dey: As the cabinet secretary is aware, it is proposed that control over the winter fuel allowance will come to this Parliament. He will also be aware that, down at Westminster, my MP colleague Mike Weir has sought over many years to secure early payment of that allowance to recipients who live off grid in rural areas, so that they can, for example, purchase fuel oil when it is cheaper to do so. Will the Scottish Government consider taking such a step to ease the financial pressures on people such as those whom the cabinet secretary and I represent and to alleviate rural fuel poverty?

John Swinney: I am aware of Mr Weir's efforts. That is a point of detail about the operation of the winter fuel allowance that the Government will be happy to consider. Through the fairer Scotland process, which is being presided over by the Cabinet Secretary for Social Justice, Communities and Pensioners' Rights, Alex Neil, we are having an on-going discussion about how effective the winter fuel payment can be at particular stages in the year in supporting individuals. As part of the wider consultation on implementation of the new powers under the Smith commission, we will consider carefully the suggestion that Graeme Dey has made.

The Presiding Officer: Question 2, in the name of Michael McMahon, has not been lodged. The member has provided an explanation.

Individual Patient Treatment Requests (Replacement)

3. Anne McTaggart (Glasgow) (Lab): To ask the Scottish Government when it will introduce the new peer-approved clinical system to replace the individual patient treatment request system. (S4O-05196)

The Cabinet Secretary for Health, Wellbeing and Sport (Shona Robison): A pilot of the peer-approved clinical system has been introduced and the initial outcomes from that pilot will inform further roll-out. As the member will be aware, the revised individual patient treatment request system has provided substantially increased access, ahead of a body of decisions from the Scottish Medicines Consortium under its new process.

Anne McTaggart: I am led to believe that the peer-approved system was promised for May 2015. Given that the individual patient treatment request system was extended and given the new guidance on dropping exceptionality, what monitoring has the Scottish Government done to ensure that the postcode lottery has been eliminated?

Shona Robison: We keep a close eye on such matters. As we review the new SMC process, which I said previously we would do at the end of a year and we are doing now, we will have an opportunity to look at all those matters.

It is important to note that the reformed individual patient treatment request system has resulted in great improvements in patient access across Scotland, ahead of the body of decisions from the SMC. For example, in 2012-13, before any policy changes were made, around 50 patients in Scotland accessed orphan, ultra-orphan and end-of-life drugs through that route. In 2014-15, the equivalent number was around 500. That is why further changes are being carefully tested before roll-out.

It is in everyone's interests if patient access is facilitated through good-quality submissions, with a fair offering on price, from the pharmaceutical industry to the SMC. As I said, the review of the new approach is providing a good opportunity to look at the impact of the changes.

The Presiding Officer: Question 4, in the name of Ken Macintosh, has not been lodged. The member has provided an explanation.

Further Education Colleges (Allocation of Resources in Glasgow)

5. John Mason (Glasgow Shettleston) (SNP):

To ask the Scottish Government whether it considers that the three Glasgow colleges each receive a fair share of the region's resources. (S4O-05198)

The Cabinet Secretary for Education and Lifelong Learning (Angela Constance): It is for the Scottish Further and Higher Education Funding Council to assess regional needs and to determine the appropriate funding allocations for Glasgow and its three colleges, consistent with the region's jointly agreed curriculum plan.

John Mason: Concern has been expressed in some areas that, because City of Glasgow College has new buildings and needs to fill them and draw in students, that could be detrimental to Glasgow Clyde College and Glasgow Kelvin College. I appreciate the cabinet secretary's assurance that Clyde and Kelvin colleges will receive the resources that they need.

Angela Constance: The Glasgow curriculum plan, which all three Glasgow colleges signed up to, indicates an overall 2.5 per cent increase in provision in community locations, so I expect the funding allocations for Glasgow Clyde College and Glasgow Kelvin College to reflect that and to be sufficient to support it. It is also worth mentioning that Glasgow Kelvin College is building on its successful youth access programme, which involves working with a wide range of community partners in college and community settings to provide a range of courses to 12 to 19-year-olds.

Forth Road Bridge Closure (Impact on North-east Communities)

6. Lewis Macdonald (North East Scotland)

(Lab): To ask the Scottish Government what the impact of the closure of the Forth road bridge is on communities in the north-east. (S4O-05199)

The Minister for Transport and Islands (Derek Mackay): The impact of the closure of this significant piece of national infrastructure has been felt across Scotland. The Scottish Government recognises that and I give my assurance that we are using every resource available to minimise the duration of the closure and to get the bridge reopened at the earliest opportunity. In the meantime, we are working with our partners to minimise the impact of the closure, and I would again like to thank the travelling public, commuters and local communities for their continued patience while work to reopen the Forth road bridge continues.

Lewis Macdonald: The minister will be aware that hauliers are facing extra costs of as much as £95 per vehicle per trip for runs between

Aberdeen and Edinburgh and between north-east Scotland and north-east England. Given that those added costs are greater than the return that they would expect to make on those runs, can the minister tell us when the Scottish Government expects to make decisions on compensation for hauliers who are facing such unforeseen losses? They have adapted very well to the bad news from the Forth road bridge; can they expect some good news for Christmas?

Derek Mackay: Surely everyone would agree that the first priority has to be to get the bridge reopened as quickly as possible. The best possible mitigation for the current disruption is reopening the bridge, so all efforts are on that at the moment. The Deputy First Minister has held talks with businesses to hear their issues and concerns. During the period of closure, there has been a priority route for goods vehicles to support industry and business, and there has been on-going liaison with the Road Haulage Association. In fact, I had the chair—or was it the chief executive?—of the Road Haulage Association in the control room at the bridge to talk about issues of importance to hauliers. We will continue to engage, to monitor the situation and to mitigate the impact, but we will remain focused on getting the Forth road bridge open as quickly as possible.

Alex Rowley (Cowdenbeath) (Lab): I agree that the first priority must be to get the bridge open, and I welcomed the confirmation that 4 January is the date that we are working to. Nevertheless, there are businesses in Fife and elsewhere that are experiencing difficulties and bearing a financial burden as a result of the closure, so it is important that the minister indicates that we will be working with businesses to see how they can be assisted over this period.

Derek Mackay: I thank Alex Rowley for his comment, and also for his praise of me in relation to the travel plan that has been delivered by Transport Scotland and our key partners. The amendments to our travel plan were welcomed by business organisations, showing that the Government is listening and responding to the pressures on business during the closure. However, the one major action that everyone is calling for us to deliver is the reopening of the Forth road bridge, and that is exactly what I am focused on and what the Government and our agencies are focused on.

John Scott (Ayr) (Con): I must always declare an interest when asking a question such as this. What impact has the closure of the Forth road bridge had on farmers, on livestock haulage and on the delivery of animal feedstocks in the run-up to Christmas, particularly bearing in mind the impact that flooding has had in some areas and

how the livestock industry has been affected in the north-east and in the south?

Derek Mackay: John Scott raises a reasonable point. A number of sectors have been affected by the closure, which is why we have been engaging with businesses. Other interventions that I did not mention earlier, including the relaxation of drivers' hours, have also helped. Every possible action has been taken to support business, and animal welfare has been considered as part of the wide range of actions. We understand the impact of the closure and we will look at that. It remains our priority to get the bridge reopened as quickly as possible. As there is such interest in the matter, I can report to members that the works on the Forth road bridge are very much on track.

Cara Hilton (Dunfermline) (Lab): The minister will be aware that the closure of the A985 is having a huge detrimental impact on small businesses in my constituency, such as the Walled Garden. As a result, staff have had to be laid off. Normally, the business would expect to serve 130 meals a day during the busy Christmas period. Last week, on Wednesday, it had just seven customers; on Thursday, it had 11; and on Friday, it had 18. That has had a knock-on effect on suppliers too. I am pleased that restrictions are being lifted from next Wednesday, but I ask the minister once again whether he will act to remove the A985 restrictions outside peak periods now, and whether small businesses such as the Walled Garden will be compensated for their severe losses.

Derek Mackay: The issue of compensation is a wider point. Lewis Macdonald started by asking what extra prioritisation we would give to the haulage industry. I outlined what that is, and then Cara Hilton complains about the prioritisation for industry on the A985.

The Government has taken the right interventions to support business and communities, and to mitigate the impact during the necessary closure of the Forth road bridge. I appreciate the impact that the closure has had on local communities. We have been engaging with Fife Council and local communities during this period of disruption, and we will continue to do so. We remain focused on the objective of getting the bridge reopened as quickly as possible, because that will give the greatest relief to those communities that have been affected by the closure.

Bruce Crawford (Stirling) (SNP): I for one welcome the way in which the minister has risen to this significant challenge. There are obviously real challenges still going on, but the on-going closure provides an opportunity to do other work on the bridge. What other work is going on while the bridge is closed?

Derek Mackay: I appreciate the praise from Bruce Crawford, although it is perhaps not as surprising as the praise that was heaped on me by Alex Rowley for my handling of the travel action plan.

I confirm to members that we and the operating company have taken advantage of the opportunity that the closure provides to undertake further works and to accelerate work that had been scheduled for a later date. A range of work is being undertaken to take advantage of the opportunity that the closure provides, which members will surely welcome as a correct and proactive intervention.

Delayed Discharge (Edinburgh)

7. Jim Eadie (Edinburgh Southern) (SNP): To ask the Scottish Government what steps it is taking to deal with delayed discharge in Edinburgh. (S4O-05200)

The Cabinet Secretary for Health, Wellbeing and Sport (Shona Robison): The Scottish Government is working closely with NHS Lothian and the City of Edinburgh Council to reduce the length of time for which people are waiting to be discharged from hospital. The partnership is finalising an action plan that will lead to a reduction in delays over the short to medium term. The latest census shows an 11 per cent reduction in delays over three days on the previous month.

Jim Eadie: The cabinet secretary will be aware that delayed discharge has caused real distress to older people and their families in my constituency and across Edinburgh. Later today I will meet the chief executives of NHS Lothian and the City of Edinburgh Council to discuss what more can be done to address the issue. What more can the Scottish Government do to develop the range of services that will reduce hospital admissions and ensure timely discharge back to the community in order to fulfil the cabinet secretary's clear commitment to eradicating delayed discharge?

Shona Robison: The Edinburgh partnership will receive £8.19 million over three years from the £100 million of delayed discharge funding that was announced. That funding goes towards developing a range of community-based services that are aimed at avoiding unnecessary hospital admission and ensuring timely discharge.

The member will also be aware that yesterday the Deputy First Minister announced our intention to invest a further £250 million per year through health and social care partnerships, which will make a difference.

It is clear that some partnerships, including Edinburgh, have further to travel. We—my officials, in particular—are working very closely with the Edinburgh partnership to ensure that

more rapid progress is made. I can keep the member informed about that.

Malcolm Chisholm (Edinburgh Northern and Leith) (Lab): Edinburgh has by far the highest number of delayed discharges in Scotland and asked some time ago for social care funding to deal with its specific circumstances.

Is it not the case that the social care money that was announced yesterday, to which the cabinet secretary referred, will pale into insignificance—indeed, disappear—beside the 7 per cent cut to local government funding, which is five and a half times the percentage cut to the budget overall? Is it not the case that neither social care nor education will be protected in this unprecedented slaughter of local government?

Shona Robison: I am a little disappointed by Malcolm Chisholm, who is normally far more accurate. There is not a 7 per cent reduction in local government funding.

I assure the member that the £250 million that we have announced for social care will deliver additional benefit to recipients of social care. It is important that that large injection of resource gets to the places that it needs to get to and delivers the change and reform that the Deputy First Minister outlined yesterday.

That is real action from this Government, which is focused on doing what we know needs to be done. I would have thought that Malcolm Chisholm, of all people, would have recognised and welcomed that.

Flood Defences (At-risk Areas)

8. Alex Johnstone (North East Scotland) (Con): To ask the Scottish Government what plans it has to invest in flood defences for areas deemed to be at risk. (S4O-05201)

The Minister for Environment, Climate Change and Land Reform (Aileen McLeod): The Scottish Government is committed to investing in flood protection. Since 2008 we have provided funding of £42 million per year, via the general capital grant, to enable local authorities to invest in flood protection schemes. As the member will be aware from what was announced yesterday in the Scottish budget statement, on a like-for-like basis with the 2015-16 capital settlement there has been a small cash increase in the 2016-17 capital settlement to local authorities, and that will be reflected in the amount of funding that is made available to local authorities to invest in flood protection work over the next few years.

Alex Johnstone: I thank the Government for its confirmation yesterday that the £4 million Barnett element of spending on flooding will be allocated to Scottish local authorities.

It says in the budget document that the Government will

“begin to implement Scotland’s first round of flood risk management plans that focus work at local level to reduce the level of flood risk”.

However, in the budget line, the level 3 figure of £9.1 million is unchanged from last year. Does that reflect an adequate degree of urgency?

Aileen McLeod: The member mentioned yesterday’s announcement; we are providing £3.94 million to the local authorities whose areas were most affected by the severe flooding that storm Desmond caused, to help them to support flood-hit local households and businesses.

Of that £3.94 million, Scottish Borders Council will receive £1.94 million, because it suffered the most severe impact of the storm; Perth and Kinross Council will receive £1.2 million, in recognition of the impact of storm Desmond and the significant damage that was suffered in Alyth earlier this year; Dumfries and Galloway Council will receive £700,000; Stirling Council will receive £60,000; and South Lanarkshire Council will receive £40,000.

Local authorities will be able to provide each flood-affected household or business with a grant of £1,500 to reimburse their opportunity costs, given that the full benefit of services for which they pay through council tax and business rates is not received while people are absent from their homes or businesses have their trading disrupted.

Claudia Beamish (South Scotland) (Lab): I welcome yesterday’s budget announcement about flooding. To help my constituents in South Scotland who are affected, in Hawick, Newcastleton, Dumfries and elsewhere, will the minister kindly explain the timing of the allocation of money to local authorities, how it will be distributed and how it will relate to moneys that are already there, to ensure that there is proper co-ordination of flood defences, including natural defences, in future?

The Presiding Officer: Please respond as briefly as you can do, minister.

Aileen McLeod: South Lanarkshire Council will be receiving £40,000. I am happy to write to the member with more details about that.

The Presiding Officer: Thank you, minister.

First Minister's Question Time

12:00

Engagements

1. Kezia Dugdale (Lothian) (Lab): Before we begin, Presiding Officer, I wish you, your staff and everyone in the chamber a very merry Christmas and a happy new year.

To ask the First Minister what engagements she has planned for the rest of the day. (S4F-03130)

The First Minister: I also wish you, the Parliament and the people of Scotland a very merry Christmas. I bring with me an early Christmas present for the Opposition: I am losing my voice.

Later today, I have plans to take forward the Government's programme for Scotland.

Kezia Dugdale: For many people, the Christmas holidays are a chance to look back and reflect. One year ago today, the First Minister visited Castleview primary school, not far from here. She pledged that, under her Government, "no child" would be "left behind". However, after nearly nine years in power, she will find that the gap between the richest and the rest remains as stubborn as ever.

In his budget yesterday, John Swinney announced massive cuts to the local councils that pay for our schools and are key to the education of our children. The Convention of Scottish Local Authorities estimates that 15,000 jobs will be lost as a result of yesterday's budget. Can the First Minister tell us how many of those job losses will come from our schools?

The First Minister: Yesterday's budget settlement was a tough one for local government—I make no bones about that. However, I want to put it in context. The net revenue reduction for local authorities next year will be £320 million. That amounts to a reduction of 2 per cent in the total expenditure of local authorities. It is a challenging settlement. However, that does not take account of the additional allocation that the Deputy First Minister announced yesterday of £250 million for social care. Previously, of course, it has been the sole responsibility of local authorities to fund social care. That is no longer the case. The national health service will now share that responsibility and, next year, will invest an additional £250 million in it.

Of course, the figures for the core budget of local authorities also do not take account of the additional £33 million that was announced by the Deputy First Minister yesterday specifically to

tackle attainment and the attainment gap in our schools.

Yesterday, we set out the choices that we are making in the budget. The total Scottish budget will, over the next few years, decline as a result of cuts from Westminster, but we have set out our priorities, which I will be proud to take to the Scottish people.

If Kezia Dugdale wants to prioritise different things, she has an obligation to say exactly what those alternative priorities would be and—perhaps more important—to say where the money for those priorities would come from.

Kezia Dugdale: Our councils are central to the education of our children, but John Swinney's budget pulled the rug out from under them. The reality is that Nicola Sturgeon cannot guarantee that the budget will not result in job losses for our specialist teachers, classroom assistants, janitors and office staff.

This week, the Organisation for Economic Co-operation and Development published a sobering report on the state of education in Scotland. The rest of the world is catching up with us, and is overtaking us in maths. Furthermore, yet again, the poorest children continue to be left behind. The report warned against a scattergun approach to education, so let us see how that £33 million is being spent.

A few weeks ago, I visited two schools in one building; Cochrane Castle primary school and St David's primary school in Johnstone share a joint campus. The pupils use the same gym hall, the same dining hall and the same playground. Many of them come from the same streets. However, only one of those schools gets money from the Scottish Government's attainment fund. One school gets funding to close the gap, but the other is left behind. Does the First Minister agree that that is just not fair?

The First Minister: If she has not already done so, I encourage Kezia Dugdale to read the OECD report in its entirety. If she does so, she will find that it has many positive things to say about Scottish education. For example, it says that we are above the international average when it comes to science and reading; it says that Scottish education is on an "upward trend of attainment"—I think that that is a direct quotation; it says that our schools are inclusive and it says that young people are positively engaged with education.

The OECD report also presents challenges to the Scottish Government and to everybody who cares about education. It praises curriculum for excellence and says that it is "at a watershed". It endorses the approach that the Government is taking in introducing a national improvement framework with standardised assessment at its

heart. Far from how Kezia Dugdale has characterised the OECD report, it is positive and sets out a clear path for further improvement and reform.

I have made very clear my priority when it comes to tackling the attainment gap. The budget that the Deputy First Minister set out yesterday sets aside funds to ensure that we are progressing the work to close the attainment gap. The £33 million that will be invested next year is part of a bigger programme of £100 million that is being invested over and above local authority school budgets to prioritise improvement in attainment. That is the commitment that this Government has made.

I say again to Kezia Dugdale that if she wants to come forward with proposals for the draft budget, suggesting that we spend additional money in any particular area of our responsibilities, she has an absolute entitlement to do so. However, when she does so, she also has an absolute responsibility to tell Parliament and the people of Scotland where in the budget the additional money would come from. I issue her with that invitation.

Kezia Dugdale: Scotland used to be able to boast that it had the best schools in the world. Today, the First Minister tells us to be glad that they are “above ... average”. Is that really the extent of our ambition? Under this Government, more than 6,000 children left primary school last year unable to read properly. That is 6,000 children who have spent every year of their primary education under this Government. The new powers that are heading our way give us the power and the chance to do something different; we do not just have to manage Tory austerity as yesterday’s SNP budget does. The First Minister wants a plan, so here is a plan: under Scottish Labour, headteachers would get £1,000 for every pupil from a deprived background. [*Interruption.*]

The Presiding Officer (Tricia Marwick): Order. Let us hear the member.

Kezia Dugdale: We would hand real power to headteachers to decide how to improve the life chances of the children in their schools. It is a plan that would send funds to where they are needed most, and it would end the farce—like that in Johnstone—of two schools on a shared campus not both being entitled to the same support. Will the First Minister make a commitment today to back our plan to use the new tax powers to invest in our young people?

The First Minister: I will point out to Kezia Dugdale what the OECD report said. [*Interruption.*] I know that Labour members do not like to hear this kind of thing. The report said that, based on the action that the Government is taking through progressing with curriculum for excellence, the

new national improvement framework and the introduction of our evaluation and assessment, Scottish education has the potential to become a world leader. That is what the OECD report says. I know that Labour members do not like that because it talks up the potential of Scotland, but it is a fact.

I invited Kezia Dugdale to put forward alternatives, but I also invited her to say where the money would come from. Unless she is going to tell me in her next question where, in the draft budget, the money to fund the proposal that she has just outlined to Parliament will come from, she does not deserve to be treated as though she has any credibility whatsoever.

Yesterday, the Deputy First Minister put forward a fully funded plan to tackle the attainment gap in Scottish education. That is the reality. Kezia Dugdale says that we should use the new tax powers. I ask her to give us a straight answer to this question. Is she saying that, next year, through the draft budget, the Scottish Government should put up the basic rate of income tax? That is a simple question. Let us hear a yes or no answer.

Kezia Dugdale: This really gets to the nub of the matter, because—[*Interruption.*] Yeah. Wait for it. [*Interruption.*]

The Presiding Officer: Order.

Kezia Dugdale: The First Minister tells us that she is a progressive, but every single time she is offered a progressive tax, she votes it down. She has done it four times in this chamber. I will tell her what is not credible. It is governing with a budget one year at a time, with no plan for the future, which is what this Government is doing.

It is clear from yesterday’s budget that this Government’s commitment to ending austerity does not extend much beyond the odd press release. The OECD last reviewed Scotland’s education system in 2007. Since then, the SNP Government has cut the number of teachers by 4,300, the number of qualified teachers in our nurseries has fallen and the gap between the richest and the rest remains as wide as ever. What is the SNP’s response to all that? It is to cut, cut and cut again. Why does this SNP Government appear to be content to let the next generation pay the price of austerity?

The First Minister: Kezia Dugdale said something correct in that last question—we are getting to the nub of the matter. On progressive taxes, as soon as John Swinney had the power, he introduced the progressive land and buildings transaction tax. Yesterday, he outlined plans to raise £130 million in additional revenue from business rates.

Here is the nub of the matter, though. Next year, the only way we could raise extra revenue from income tax would be to raise income tax at the basic rate and for the lowest-paid people in our society. Everybody who watches First Minister's question time will have seen Kezia Dugdale, when faced with it, duck the question completely. That is the nub of the matter. [*Interruption.*]

The Presiding Officer: Order.

The First Minister: Labour wants to tell us what it disagrees with, but when it comes to putting forward funded alternatives, Kezia Dugdale and Labour simply run for cover.

We have made our choices in the budget. Those choices are to protect the national health service, to protect social care, to protect educational attainment, to protect colleges, to protect university research and free tuition, to protect the police, to protect free personal care, to protect household budgets and to protect against Tory cuts through the welfare fund and by mitigating the bedroom tax. If the Opposition wants to make different choices, let it tell us what those choices are and—for once—let it tell us where it is going to get the money.

Secretary of State for Scotland (Meetings)

2. Ruth Davidson (Glasgow) (Con): May I add my Christmas wishes to those that have already been expressed by others? I know that the First Minister had the pleasure of meeting the Secretary of State for Scotland this morning, but I am obligated to ask.

To ask the First Minister when she will next meet the Secretary of State for Scotland. (S4F-03126)

The First Minister (Nicola Sturgeon): The Deputy First Minister had the pleasure of meeting the Secretary of State for Scotland. I have no plans in the near future.

I had the pleasure—I will put it that way—of meeting the Prime Minister on Monday. All I will say is that when I went into Downing Street I did not have this stinking cold. I had it when I came out.

Ruth Davidson: Another thing that is Westminster's fault, First Minister. I will tell Dave to put the mistletoe away next time you visit.

At the unveiling of the Scottish budget yesterday, I was pleased to see that the SNP Government was going to pass on to hospitals an extra £440 million received through extra NHS spending in the block grant. However, that rather contradicts the Government's central claims. Before the referendum last year, the then Cabinet Secretary for Health and Wellbeing, Alex Neil, said that only a yes vote in the referendum could fully

protect Scotland's NHS. The day after the First Minister has allocated an extra £440 million to health, does she still really believe that leaving the United Kingdom is the only way to protect Scotland's NHS?

The First Minister: I return to my favourite word of 2014: yes.

This is a bit rich coming from the Conservatives. Let us remember that, because our overall budget is still determined by the Tories at Westminster, it will be reduced by £1.2 billion in real terms between now and the end of this decade. Overall, by the end of the decade, our budget will have been cut by almost £4 billion in real terms since the Tories took office. That is the cost to this Government, Parliament and country of Conservative Government at Westminster. That is the reality.

Within that, we will ensure that we protect the priorities that we hold dear. That is why I am so proud that, yesterday, John Swinney announced extra funding of more than £500 million for our national health service, which takes the health budget in Scotland to almost £13 billion for the first time and proves, yet again, that the national health service is safe in the hands of this Government.

Ruth Davidson: That was a nice try but it was not exactly backed up by the facts because the truth is that the First Minister's failure to increase spending on the NHS at the same rate as the UK Government has done has cost Scotland's health service almost £700 million over the past five years. However, as I said, it is Christmas and I am delighted that the Scottish Government has belatedly recognised that shortfall, is beginning to address it and has handed an extra £440 million to the NHS in Scotland. However, that happened under devolution, not independence.

The First Minister and her colleagues said that they could not protect the health service without independence but they have just increased its funding by £440 million under devolution. They said that they could not increase childcare without independence but the amount of childcare has gone up under devolution. They said that Scotland could not get a fairer deal on fishing without independence but, this week, we have just had a massive boost for our fishing communities. That is all good news and has all happened without independence.

As it is the season of goodwill, I wonder whether the First Minister could, just once, find it within herself to accept that she and her colleagues got it wrong or is it still the case that, when it comes to the Scottish National Party, it is always Westminster bad?

The First Minister: I am sorry, but I am losing my voice.

Ruth Davidson's argument may be very, very contorted, as it certainly is, but in the spirit of Christmas, I will take a positive from it and thank her for setting out quite eloquently how well the Government is doing to protect the health service, protect and improve childcare and—I think that this was the third one—do so well by our fishing industry. I say thank you so much at this festive period to Ruth Davidson and the Tories for that vote of confidence in the Scottish Government. The next thing that they know, they will see themselves quoted on the SNP election leaflets.

Cabinet (Meetings)

3. Willie Rennie (Mid Scotland and Fife) (LD): I, too, wish everybody a good festive season. I hope that they have a fantastic break.

To ask the First Minister—*[Interruption.]*

The Presiding Officer: Order.

Willie Rennie: To ask the First Minister what issues will be discussed at the next meeting of the Cabinet. (S4F-03127)

I did not think that Christmas would get heckled. Only the Scottish National Party could do that.

The First Minister (Nicola Sturgeon): I wish a happy Christmas even to the Liberal Democrats.

Matters of importance to the people of Scotland will be discussed at the next meeting of the Cabinet.

Willie Rennie: I listened to what the First Minister said to Kez Dugdale earlier, but I do not think that she has grasped the contradiction. A few months ago, she said that, even though she had been in power for eight years, she was just getting started on education. It was, she said, the "driving and defining priority" of her Government. How on earth does cutting the budgets of Scotland's education authorities count as a good start?

The First Minister: I set out to Kezia Dugdale that the settlement for local authorities is challenging. That is why John Swinney said yesterday that, before stage 3, we would discuss in a spirit of partnership with local government how we work together to implement our priorities. However, I also put that in context: the net revenue reduction amounts to 2 per cent of local councils' overall expenditure and does not take account of the additional money that we are investing in educational attainment over and above councils' core school budgets. Willie Rennie does not take account of what the Deputy First Minister said yesterday about maintaining teacher numbers either.

I remain absolutely determined to prioritise education. That is demonstrated in the budget but, more than that, it is demonstrated in the action this

Government is taking through the national improvement framework and the new system of assessment.

Willie Rennie should reflect seriously on the Organisation for Economic Co-operation and Development report, because things that he has criticised and told us that he is hard and fast against are things that the OECD said earlier this week are putting Scotland on track to become a world leader. It is about time that Willie Rennie changed his position.

Willie Rennie: That fails the most basic test. The biggest thing that councils do is education, and they have been hammered by the Government in the budget. The First Minister clings on to the attainment fund while she butchers the school budgets of councils.

It is not as if the First Minister had no choices. She decided to match George Osborne on income tax, match him on second homes, match him on business rate poundage and undercut the Tories on the council tax. She had a range of choices. But the result is that she is proposing lower tax and lower spend than even George Osborne thinks is needed.

How can the First Minister say that education is her top priority if she is putting all that before the children of the country?

The First Minister: I am not taking any lectures from Willie Rennie on George Osborne. Willie Rennie and his party propped up George Osborne in the Treasury for five long years.

Willie Rennie perhaps needs to go back to school himself. He has criticised us for what we are doing on second homes and the land and buildings transaction tax. Does he not know that that raises additional money to invest in public services? That is the whole point of doing it.

We have made our choices, as I said earlier—protecting the health service, protecting social care and protecting educational attainment. If Willie Rennie wants to propose that next year in the budget we put up the basic rate of income tax, hitting the poorest hardest, or if he wants to propose that we should put up the council tax, hitting the poorest hardest, he is quite free to go to the electorate and put that forward as a proposal in his manifesto.

I would say that we would see the Liberal Democrats plummet as a result, but they probably do not have much lower to fall.

Prime Minister (Meeting)

4. Christina McKelvie (Hamilton, Larkhall and Stonehouse) (SNP): To ask the First Minister whether she will provide an update on her meeting with the Prime Minister this week. (S4F-03143)

The First Minister (Nicola Sturgeon): I held a constructive meeting with the Prime Minister on Monday. In particular, I made it clear to him that I want to see a deal on the fiscal framework and more powers for the Parliament ahead of our election. We will not, however, accept a deal that is unfair to Scotland. I welcomed the Prime Minister's agreement that we will both work towards a February deadline for reaching an agreement on the fiscal framework.

We discussed security issues, where the Scottish Government will benefit from increased cooperation with the UK Government. We also discussed the Trade Union Bill, and I can assure the Parliament that I made very clear to the Prime Minister the cross-party and civic opposition across Scotland to that draconian and unnecessary legislation.

Christina McKelvie: Can I ask the First Minister to set out the Scottish Government's plans for further opposition to the Trade Union Bill? Would the First Minister agree that this highlights the clear problems of leaving employment policy in the hands of ideologically motivated Tory Governments?

The First Minister: Absolutely, and I hope that the irony has not been lost on some of those who are now demanding that the Parliament stop—and I wish that this Parliament could stop—the Trade Union Bill. Those who are now demanding that are the very same people who argued in the referendum that we should keep those powers in the hands of Westminster. The irony surely is not lost.

The Scottish Government submitted a general policy memorandum to the Devolution (Further Powers) Committee on Friday, which will enable the committee to hold an inquiry into the impact of the bill and the Parliament to have a vote on it. At the same time, we will continue to make clear our opposition to the bill across the UK and in Scotland. Let me be absolutely clear: in my view, the bill is unnecessary and unwarranted. Despite my discussions with the Prime Minister on Monday, I am still unaware of any logical reasoning behind the bill other than an ideological attack on the trade union movement.

The SNP will oppose the bill across the whole of the UK. I agree with Christina McKelvie that the fact that trade union law is not the responsibility of the Scottish Parliament has left us facing draconian laws that Scotland, if we did have the power, simply would not introduce.

Elaine Smith (Coatbridge and Chryston) (Lab): The First Minister has just confirmed that she is against the Trade Union Bill, which is fundamentally a Tory attack on trade unions and workers' rights. Could she then explain why she

allowed the union-bashing indemnification clause that compensates big business, out of the public purse, to remain in the Serco Caledonian sleeper contract?

The First Minister: I am more than happy to write to the member on that specific issue. There may not be many such issues, but I hope that this is one where Labour and the SNP could join together.

We are absolutely clear about the importance of trade unions, not just in reducing the risk of industrial action but in making our workplaces safer, more productive, healthier and happier places to be. I support the trade union movement and I know that the member fully supports the trade union movement; we should join together in trying, even now, to stop this attack on that movement.

NHS 24 (Information and Communication Technology Future Programme)

5. Dr Richard Simpson (Mid Scotland and Fife) (Lab): To ask the First Minister whether it remains the Scottish Government's position that the NHS 24 ICT future programme is an "exemplar of good practice". (S4F-03135)

The First Minister (Nicola Sturgeon): The Scottish Government has not expressed that view or used those words about the NHS 24 future programme. As I stated during First Minister's question time on 19 November, it is very disappointing—if I can put it that mildly—that a decision to pause the introduction of the NHS 24 future programme had to be taken. However, that decision was taken in the interests of patient safety and therefore it was clearly the right thing to do.

A full review is under way into the issues that led to the decision to pause the roll-out of the new system and we will receive the initial report on that at the end of this month, with a full report in January. We will consider those carefully to ensure that all appropriate lessons are learned.

Dr Simpson: I thank the first minister for her reply. However, the gateway review, which I presume was from the Government, did say that the programme was an "exemplar of good practice". Does the First Minister agree that the Government's management of ICT in the national health service is unfit for purpose?

The Scottish National Party has had two highly critical reports from the Auditor General. It cancelled the e-care programme at a cost of £56 million; it failed to deliver on its promise that the NHS portals would be linked up between NHS boards, so a doctor in Tayside still cannot see patient information from Fife; and now there is the NHS 24 ICT fiasco, with three separate reports—

the gateway review, the Ernst & Young report and the PWC report.

The ICT future programme is £40 million over budget, it is over time and it has finally been suspended. Why is it now being delayed for a further eight months at a cost of £0.45 million every month? That is another £3.5 million of taxpayers' money. It could not be being delayed until June because there is an election, could it?

The First Minister: No, it certainly could not be. It is being delayed for patient safety reasons and I hope that all members across the chamber would accept that.

First, on the point about the "exemplar of good practice" quotation, Richard Simpson may be interested in knowing that although that was quoted in the gateway review that came from the then NHS 24 chief executive, it was the opinion of the independent review team. The Scottish Government centre of expertise in ICT provided advice in establishing the review but was not involved in the conduct of that review. I hope that that explanation helps Richard Simpson.

On the wider issue, it is an important issue and it is absolutely right that the Parliament, both today and in the future, gets the proper opportunity to scrutinise all the issues. However, the decisions that have been taken about the new system have been taken for patient safety reasons and, because of that, they are the right decisions.

We are now focused on making sure that any issues are resolved, that any lessons are learned and that the system can come into full operation as quickly as possible. That is why we are waiting on the initial report, which I think that we will get on 30 December or thereabouts, followed by a full report during the course of next month. At that point, it will be absolutely appropriate for all members to have the chance to look carefully at those reports, scrutinise them and then ask whatever questions they deem appropriate, either of me or of the health secretary.

Commission on Local Tax Reform

6. Murdo Fraser (Mid Scotland and Fife) (Con): To ask the First Minister what the Scottish Government's response is to the final report of the commission on local tax reform. (S4F-03136)

The First Minister (Nicola Sturgeon): We welcome the commission's report, which is very much in line with the Government's ambitions on taxation. As the Deputy First Minister said yesterday, we will introduce a detailed plan for reform in the new year that will embody the principles of the commission report. I urge others to do likewise before the election so that the people of Scotland can look at the different options.

All political parties were approached and invited to participate in the work of the commission and I thank those who did participate for doing so. It is disappointing that only now is the Conservative Party showing an interest in the findings when it was the one and only political party in the chamber that refused to participate in the work of the commission in the first place.

Murdo Fraser: I thank the First Minister for her response but, having read the report, I think that we have been vindicated because the report took a great many words to tell us that it did not like the council tax and it thought that the council tax should be replaced but it had absolutely no idea what it would replace the council tax with.

In the spirit of Christmas, can the First Minister guarantee a happy Christmas to aspirational, hard-working families across the country by guaranteeing them that whatever replacement tax she proposes will not hit them hard in their pockets?

The First Minister: I can guarantee the people of Scotland that their council tax will be frozen for the ninth consecutive year. When he responded to the budget yesterday, Murdo Fraser appeared to be disappointed that the Deputy First Minister had decided not to put up income tax or council tax. We are a Government that has protected household incomes and made sure that the obscene increases in council tax under previous Administrations came to an end. Over and above that, we will bring forward our proposals for longer-term reform of the council tax.

I am in no doubt that the Government will put those proposals before the Scottish people in advance of the election. My challenge to every other party in the chamber is to do likewise. The people of Scotland will then be able to choose.

The Deputy Presiding Officer (John Scott): I will allow a short pause for members who are not participating in the members' business debate and members of the public who are not remaining for it to leave quickly and quietly. I will also allow a few moments for the members of the public who wish to attend the next debate to gain access to the public gallery so that they can hear Mr Wilson's opening speech. *[Interruption.]* It appears that no members of the public are waiting to come in, although we were advised that many people would be wishing to attend the debate. We will move swiftly on.

Air Strikes (Syria)

The Deputy Presiding Officer (John Scott):

The next item of business is a members' business debate on motion S4M-15046, in the name of John Wilson, on Syrian air strikes. The debate will be concluded without any question being put.

Motion debated,

That the Parliament considers that bombing densely populated areas in Syria, such as the city of Raqqa, will be ineffective in combatting the threat posed by Daesh and will inevitably lead to substantial numbers of civilian casualties; believes that an increase in Western military action in the Middle East will increase the likelihood of radicalisation both at home and abroad; considers that the UK can best offer support to the region through the use of diplomatic services and humanitarian aid, particularly in support of people fleeing the conflict; recognises that bombing will not bring about a peaceful resolution to the horrific situation in Syria; notes the strong feelings expressed across Scotland including in the Central Scotland region on this subject; praises the Don't Bomb Syria protests held in Glasgow, Edinburgh and elsewhere across the country in the week beginning 30 November 2015; welcomes that the vast majority of Scottish MPs voted against the UK Government's motion, and condemns the decision taken by the UK Parliament to launch air strikes in Syria.

12:34

John Wilson (Central Scotland) (Ind): First, I draw members' attention to my entry in the register of members' interests. I thank the members who signed the motion to allow us to have the debate, which clearly demonstrates the Parliament's desire to debate issues that are of serious consequence to Scotland and the world.

United Nations resolution 2249 has been cited as the basis for launching air strikes in Syria. Although it is true that the resolution calls on member states to use "all necessary measures" in the fight against Daesh, it says that such methods should be used

"in compliance with international law, in particular"

the UN charter as well as

"international human rights, refugee and humanitarian law".

It is difficult to see how bombing densely populated areas that are packed with civilians achieves that. In fact, the United Kingdom Secretary of State for Defence has stated that civilian casualties are "inevitable". This week, Common Space reported:

"In terms of the identity of those killed in bombing raids, the MoD conceded that this was 'not information we hold readily'".

That means that the Ministry of Defence has absolutely no idea whom our bombs are hitting.

The UN resolution states:

"the situation will continue to deteriorate further in the absence of a political solution to the Syria conflict".

That part of the resolution should have been embraced fully and further efforts to progress the Vienna peace talks should have been made. Although those talks lacked a crucial dimension—after all, no Syrians were involved—they were clearly a positive first step in bringing together regional and global powers in an attempt to find a diplomatic solution to some of the issues facing Syria. I hope that we will continue to see further progress through that process and that it will involve groups in Syria. It is impossible to see a final solution to the situation without their involvement.

The UN resolution calls on member states

"to prevent and suppress the financing of terrorism".

It is simply implausible that an international coalition that includes the UK and the United States of America and which has the UN's backing has exhausted all available avenues. Maintaining good relations with Saudi Arabia—a state that operates in a strikingly similar manner to Daesh in its approach to criminal justice—appears to be more valuable than cracking down on its financing of terrorist organisations. We should also mention Saudi Arabia's continued air strikes in Yemen, which were highlighted at last week's Amnesty International event in the Parliament.

The idea that further bombing in the middle east can bring about a peaceful resolution to the situation in Syria and elsewhere is utter nonsense. If bombing really worked as has been suggested, Iraq and Syria would be among the most peaceful countries in the world. They have been bombed repeatedly—cities have been destroyed and countless civilians have died—but still we are told that the threat from terrorism is bigger today than it has ever been.

Syria has been on the receiving end of air strikes from a long list of countries—we are talking about more than 15 months of bombing, with an estimated 30,000 bombs being dropped. It is delusional to think that dropping more bombs on Syria will lead to a peaceful resolution to the current situation.

Elaine Smith (Coatbridge and Chryston) (Lab): Will Mr Wilson confirm that those of us who disagree with bombing are not saying that we should do nothing?

John Wilson: I thank Elaine Smith for that intervention, and I will address that issue later.

The haste with which British planes began bombing Syria—mere hours after the House of Commons vote was carried—demonstrates a desire to be seen to be among the big boys and to play to delusions of grandeur instead of offering a

credible solution to the problems in Syria or elsewhere.

The crisis in Syria has resulted in a large number of people having no choice but to leave their homes. Countless millions have been displaced in the country, and millions have fled to neighbouring countries such as Lebanon, Jordan and Turkey.

Sandra White (Glasgow Kelvin) (SNP): I thank the member for taking my intervention and I apologise for not being able to stay because I am hosting an event for Syrian refugees. Will he join me in welcoming the many Syrian refugees who are now in Scotland?

John Wilson: That is something that I will cover later, too.

At home, local authorities across Scotland, including those in Central Scotland, have been preparing to welcome Syrian refugees. Among the first of those refugees was a group of 12 families who are settling into their new lives in the Monklands area of North Lanarkshire.

It is unfortunate that, in response to the situation, a small minority in our society have displayed intolerant views towards those refugees and towards existing Muslim communities in Scotland. I am sure that everyone in the Parliament, regardless of their views on air strikes, will join me in condemning the rise in Islamophobic attacks and in the use of bigoted, sectarian and racist language. I am certain that the vast majority of people in Scotland will extend a warm welcome to the people who are arriving from such hellish conditions.

Humanitarian aid is our greatest weapon in the fight against Daesh and in our efforts to stop further radicalisation. Rather than bombs, we must put humanitarianism at the forefront of our efforts to support the Syrian people. Bombs will create more refugees and more civilian casualties and will ultimately result in more recruits becoming radicalised at home and in the territories that Daesh controls.

I must highlight the incredible demonstrations that have been taking place across Scotland. In Glasgow and Edinburgh, outside the Parliament and across Scotland and the UK, people have been saying “Don’t bomb Syria.” From conversations that I have had, from emails that I have received and from the demonstrations that we have seen, it is clear to me that people across the country do not support the action. I was pleased that the overwhelming majority of Scottish members of the UK Parliament voted against the UK Government’s motion. I am also pleased that Green, independent, Scottish National Party and Labour members across the chamber supported my motion and allowed this debate to take place.

The decision to embark on military action should always be a last resort, but that is not what has happened here. We have failed to learn the glaring lessons from previous military action in the region. For the past two years, the UK Government has been determined to take us into action in Syria. First it wanted to bomb Assad; now it targets Daesh. In the rush to war, there is no proper strategy to end the game. I fear that the action will only strengthen the grip of terrorists on the region and increase the suffering of ordinary Syrians, and I utterly condemn it.

I look forward to the minister’s response and will listen carefully to what action the Scottish Government will take to militate against the ongoing crisis in Syria. During the Iraq war, those who campaigned against the war adopted the slogan “Not in our name”. I put it on the record that the bombings in Syria by the UK Government are not in my name and, I hope, not in yours.

12:43

Christina McKelvie (Hamilton, Larkhall and Stonehouse) (SNP): I thank John Wilson for bringing this timely debate to our chamber. As we all break for Christmas and think about having time with our families and children, maybe we should reflect on some of the children who face hardship in the world.

UNICEF says that Syria is now one of the most dangerous places in the world to be a child. It is now in the midst of winter. Inside and outside Syria, 7.5 million children need humanitarian aid, 2.6 million are no longer in school and 2 million are living in refugee camps around Syria. Some children who are under five know nothing other than a war zone, nothing other than fleeing across land and sea from war zones and nothing other than life in a refugee camp. For some, long journeys across land and sea take their childhood, and for many children, such journeys take their lives.

I am concerned about the language that is being used. We are conflating the security of our nations with the Syrian refugee crisis. That is a dangerous and disturbing move.

The bombs that are used in the air strikes that John Wilson spoke about are called Brimstones. To me, brimstone is sulphur—a chemical element that can be put in fires. One dictionary defines it as “hell’s fire”. Each Brimstone bomb costs £100,000. Calling them smart bombs does not make them sexy or palatable at all.

The young people of whom I have spoken either flee hell’s fire or die in hell’s fire. We see that happen every day after the bombers go out to do their job. What do we hear from the supporters of war? They talk about collateral damage. When

they say the words “collateral damage”, I say, “Men, women, children; Homs, Kobanî, Yazidis.” Such dehumanisation of people will be the catalyst for generations of radicalised young people who have no other outlet to address that fear and intimidation.

The case for diplomatic intervention has not been progressed. The UK Government has not advanced that at all, but it should do so—in all areas. Bombing will never bring a resolution to the problem. Whether we are talking about dodgy dossiers or the Prime Minister’s claims about 70,000 ground troops, such claims turn to dust under any scrutiny whatsoever. As many have said, air strikes do not help the situation and certainly do not hinder Daesh.

Magnus Wennman, who is a photographer, has spent time with children who were fleeing war zones. I will read an extract from his exhibition:

“Shehd used to be playful, she especially loved to draw. But her mother soon noticed a common theme in her sketches: weapons.

‘She saw them all the time’ ... Shehd and her family now live on the Hungarian border. They pick food from the nearby trees. The family said if they’d known how difficult their journey would have been—they would have risked their lives to stay in Syria, despite Islamic State.”

Not in my name, not in our Parliament’s name and certainly not in my country’s name.

12:47

Malcolm Chisholm (Edinburgh Northern and Leith) (Lab): I congratulate John Wilson on lodging the motion and I support the thrust of it. However, each potential war situation is unique and must be looked at on its own merits. My view is that war is always a last resort. I have opposed UK military intervention in nearly every instance when it has happened in my adult life. Clearly, there are exceptions, unless someone is an absolute pacifist. The second world war is the classic exception that everyone but extreme pacifists would accept as having been necessary.

We should accept that every situation is different. Equally, we must accept that Daesh’s behaviour is comparable to that of the Nazis—their is cruel, murderous and, in many cases, exterminating behaviour. People throughout the world are understandably appalled by that. We should remember that the overwhelming majority of Muslims are appalled, too. In fact, Muslims form the largest number of Daesh’s victims. Those are important messages to get out.

I understand people’s emotional reaction to Daesh and wanting to bomb its supporters. There is also the issue of self-defence, which is a traditional ethical justification for war. That applies in this situation, because of Daesh’s threat to this

country, whereas it did not apply to, for example, the Iraq war.

We need to look specifically at the Syrian situation, which is different from that in Iraq. For me, it was a much more difficult decision than that involving Iraq, so I respect the members of my party who took a different view. However, I have opposed and continue to oppose the bombing in Syria. There are several reasons for that.

The first reason is the one to which John Wilson referred—that innocent people will be killed. I was struck by a tweet that Christina McKelvie posted the other day that said that life expectancy in Syria was 75.9 years in 2010 and is 55.7 years in 2015. Too many people are being killed in Syria. However, we have to realise that many of those people are being killed by Daesh rather than by the bombs of Britain and many other countries.

Another factor is that the British contribution to bombing is not changing the situation much. Crucially, the British and other bombs will not in themselves change the situation on the ground. That is why a lot of the debate over the past month or so has been about precisely that. The reality is that there is no credible ground force to take back land that is held by Daesh, so bombing is strategically not effective. This morning, I tweeted an article whose title is:

“Don’t rely on Syria’s ‘moderate’ fighting force. It doesn’t exist”.

We have to look at the strategic realities.

Another consideration is the consequences for us. We are already a target, but it is clear that the air strikes will make us more of a target. That cannot be the overriding argument against bombing, but we have to take it into account.

We have to look at the alternatives, because there is no option of doing nothing. Daesh has to be taken on and defeated for the sake of the people who live in the middle east most of all, but also for our own sakes and for our self-defence. It is clear that there is a range of measures, such as cutting off funding, oil revenues or arms supplies and getting involved as far as possible in the negotiation process. Ultimately, there has to be a negotiated settlement.

Part of the problem is the complexity of the situation in Syria. Many of the forces that are fighting Daesh are also fighting each other. The situation is incredibly complex, but bombing Syria cannot be the answer.

Finally, we have to say something about the refugees. We have to do everything that we can to support and welcome them, and we must counter the views of those who connect that issue with the issue of terrorism. Let us welcome the refugees

and do everything positive that we can to resolve the situation in Syria.

12:52

Jamie McGrigor (Highlands and Islands) (Con): I congratulate John Wilson on securing time in Parliament for this important debate. I entirely agree with his remarks about Islamophobia and the need to put a stop to it.

I take part in this debate with a very heavy heart, as it is yet another sign of the current instability of our world, which is filled with conflict and atrocities. Every wasted life is a tragedy—there is no doubt about that. In all conflicts that we take part in, we should continue to do all that we can to minimise civilian casualties. I have the highest confidence that our servicemen and women are doing all that they can to ensure that outcome.

The recent vote in the House of Commons on the UK's stepping up its involvement in Syria was important for a number of reasons. First, we have sent a clear and unequivocal message of support to our brothers and sisters in France that shows that Britain is a partner that can be relied on, regardless of circumstance. We must do all that we can to ensure that the nightmare of Paris is not repeated in Paris or anywhere else.

Secondly, Islamic State, or Daesh, has proven yet again that its striking capabilities are good. It is not a petty gang of thugs in a faraway land; it is an organisation that is well versed in spreading terror and death wherever it goes. If we fail to stop it, we will not only fail to keep the people of Britain safe; we will fail the people of the region who must suffer the heavy hand of Daesh. Homosexuals are thrown off rooftops, invaluable cultural treasures are destroyed, and people are burned alive and beheaded for their beliefs. Daesh does not want to negotiate, and finding a diplomatic solution with it is very probably not possible. That is very regrettable.

It is not common to hear a Conservative quoting directly a Labour shadow foreign secretary out of agreement, but I shall do my best to do justice to Hilary Benn's excellent speech in support of our intervention. His analysis of our enemy was very poignant. He said:

"We are faced by fascists—not just their calculated brutality, but their belief that they are superior to every single one of us in this Chamber tonight and all the people we represent. They hold us in contempt. They hold our values in contempt. They hold our belief in tolerance and decency in contempt."—[*Official Report, House of Commons*, 2 December 2015; Vol 603, c 486.]

He is right; Daesh despises all that we stand for. However, that in itself does not warrant air strikes.

They seek—not today or tomorrow, but as soon as they can—to destroy all that we hold dear.

The UK has already been fighting Daesh in Iraq, and we have, alongside our many allies, managed to weaken its foothold in Iraq. Before last week's vote, however, Daesh fighters could just cross the fictional border between Iraq and Syria to seek cover. That safe haven no longer exists for them.

Britain was asked by the world community to act. We have heeded the call for aid. Britain again stands shoulder to shoulder with its allies, fellow champions of freedom, against a common enemy. We now have to ensure that our air strikes are conducted in a manner that is as efficient as possible, using strategies developed to minimise civilian casualties.

Getting adequate intelligence from the ground, allowing for precision, pin-pointed strikes, is absolutely essential. With a comprehensive strategy, and with the strong backing of the UN, both of which we currently have, we stand a good chance of defeating those evil forces that seek to destroy us, embodied by Daesh.

12:56

John Finnie (Highlands and Islands) (Ind): I, too, congratulate John Wilson on bringing this pertinent motion and giving us all an opportunity to discuss it.

The motion talks about "bombing densely populated areas". We know that after the second world war, the first location where that happened was in Chechnya, when Russia carpet-bombed Grozny. I think that history will show that they did so with the compliance of the west. It was part of a deal that links in with another phrase from the motion, about

"Western military action in the Middle East".

We know that there is ample precedent for that, and I will talk about a couple of cases.

One is Iraq. We went there on a false premise and if we could set aside the obscene levels of death there—although I suggest that we do not—the question is, did we achieve our aims? Indeed, what were our aims?

Libya is another example—people will remember the "deal in the desert". Again, if we could set aside the obscene levels of death, which I suggest that we do not, the question is whether we achieved our aims. What were those aims?

What we have done is delivered anarchy to both those countries. No one doubts for one minute—and I am no different—that there is an obligation on the United Kingdom to protect its citizens. That should be done by assessing the risks and putting in place mechanisms to deal with them.

None of the assessed risks that the UK faces, which are the same as those faced by every western liberal democracy and concern things such as continuity of energy supply, food, cyber-attack and terrorism, are going to be addressed by bombing, anywhere.

Language is very important. As with everything, we need to ask whose interests are being served by any particular action. I suggest that it is not always those of the nation state—very frequently it is those of the arms industry. How depressing that a senior UK politician talks about Britain having “got its mojo back”. Whatever a mojo is, if killing and mindlessly inflicting violence on another country is what gets it back then I say again, not in our name.

We know that munitions made 30 miles from here have contributed to death in the Middle East—the killing in the Yemen. The role that Saudi Arabia plays in that shows that it is a vile and obscene regime. Everything that is said about Daesh could be repeated in respect of it.

To go back to the language that is used, we are told that the west is very keen to see democracy. However, we know that when it comes to Palestine or Egypt, that is not necessarily the case. Who determines who are the goodies and who the baddies? I have the highest regard for our Kurdish sisters and brothers, who are from the largest dispossessed nation in the world, but a nation that the west was not interested in when Saddam Hussein gassed them. Now they are back inside, but there are all sorts of conflicts relating to NATO’s involvement and the role of Turkey, which is seizing its opportunity to attack our Kurdish brothers and sisters.

I wonder whether it is a good or a bad thing for a country to have oil. Would it help South Sudan, or Myanmar and the minority population that is being abused there, if they did or did not have oil? We need to be alert to all of the dangers that are associated with this conflict. As ever, I prefer tanks to Tornados. I am concerned that we fuel the conflict by our investment in the arms trade, and I include in that investment by the Scottish parliamentary pension scheme.

I have to say that I just get the impression that the United Kingdom likes war. I do not like war; I like the role that the Scottish Government will play in conflict resolution. I do not like the demonisation of people who oppose violence. I will oppose violence from every quarter. I want adherence to international law, I want respect for human rights, and I want one world and one humanity.

I do not want a piece of the action. The action that I want a piece of is showing compassion to our Syrian refugees. Fortunately, we will be

showing compassion to everyone who is coming to the isle of Bute.

13:00

Willie Coffey (Kilmarnock and Irvine Valley) (SNP): I thank John Wilson for bringing the issue of the decision by the UK Government to launch air strikes in Syria to the attention of the Scottish Parliament in this debate.

Syria was a country of 23 million people before the conflict began. I say “was” because Syria seems to be a country no more. It lies in ruins, its infrastructure in tatters and its schools, hospitals, towns and villages in rubble, with 4 million UN-registered refugees abroad and another million unregistered, 7 million displaced internally and more than 250,000 of its citizens dead. Basically, half of Syria’s population is displaced in one form or another. We are witnessing the death of a nation in front of our eyes, and its people are fleeing, having lost all hope for peace.

They flee their own Government, the rebels fighting that Government, Daesh/Islamic State, which is fighting everybody, or the combined air strikes that target all of them. The Russians target the rebels and Daesh. The west targets Daesh and the regime, and helps the rebels. The west asks the Russians to stop targeting the rebels, since it lets IS and the regime off the hook. Assad says that the Russian intervention is more effective—but he would, wouldn’t he? What an absolute disaster has been created. No wonder that once-proud country is literally bleeding to death.

All of that was known to us before the UK decided to pitch in with its contribution of more air strikes. Surely any reasonable person must be asking whether the UK military involvement, which started only minutes after the vote for action, is helping or is making things worse. The House of Commons did not authorise a plan for peace; it authorised a plan for war. Have we learned nothing from the past inglorious adventure in Iraq, where the country was told a pack of lies to make it easier for a Prime Minister to side with the American military campaign there? There was no plan for peace then and there is none now.

What disturbs me is the glib claim by the UK Secretary of State for Defence that there are no reports of civilian casualties. How reassuring. No wonder there are no reports; there are no reporters. Mercifully, though, what we have is a citizen journalist social media presence through Twitter feeds and on Facebook from a group called RBSS, which stands for Raqqa is being slaughtered silently. It is a social media platform of underground citizens who try to report what is happening in Raqqa. They report on IS

crucifixions, beheadings and sexual abuse, and some of the group's members have even been murdered by IS. They describe Raqqa as it was—a wonderful city with universities, cafes and bars, rich in energy resources and with a solid agricultural base, which became a focal point for the rebellion against Assad. It is now a stronghold for Daesh, attracting more and more fighters from abroad to live in the so-called caliphate. Now, it is described as a prison, where women are not permitted to leave and where citizens are basically human shields against air strikes.

Many local people have joined IS through fear, and youngsters have been forced into training camps to be indoctrinated. Of the air strikes, RBSS says that the bombing strategy is plainly stupid—the west bombing the outskirts, the Russians allegedly hitting a hospital and a university, while people are trapped inside the city. People are afraid that their city is simply being bombed into oblivion, just like Kobani. Even military commentators say that IS cannot be defeated there unless it happens on the ground. RBSS feels that the only way that Syria can be rebuilt is through civic society growing and spreading. Countering and destroying IS propaganda on social media is crucial in achieving that, and RBSS needs help to continue with that.

Are we closer to or further away from a solution by sending in Royal Air Force planes to rain more bombs down on Raqqa? I fear that we may be further away, and those brave citizens of Raqqa seem to think so too. While the west and Russia have different aims in Syria and IS holds the city of Raqqa and its citizens to ransom, there does not seem to be any prospect for peace. A bombing campaign on its own cannot succeed. Surely it has to be within our wit to devise an intelligent and co-ordinated campaign to nullify IS and its propaganda and to embrace the civic rebellion that has sprung up in the hope that somebody somewhere will listen and will act to protect and cherish the citizens of Raqqa and work for the restoration of the nation of Syria.

Once again, I congratulate John Wilson on bringing us the debate.

13:05

Neil Findlay (Lothian) (Lab): I, too, congratulate John Wilson on bringing the debate to the chamber. There have been some really good contributions from members. I had feared, watching some of the debate around the issue, that we might follow some of what has been said elsewhere, and I am pleased that that has not happened.

People who present the issue—whichever side they are on—as a debate between the good guys

who do not want to bomb and the bad guys who do are doing their case no credit whatsoever. That kind of argument, without any nuance or recognition of the complexity of the situation, considerably weakens—and certainly does not bolster—the argument against bombing.

I am absolutely clear in my opposition to the bombing of Syria, not as a pacifist or an appeaser but because of my view of what is a very complex situation. Willie Coffey explained the complexity of the situation at the beginning of his speech very well, and my view is pretty straightforward.

In a situation in which a long, protracted, devastating civil war has tragically reduced a proud, sophisticated, cultured and developed country to one big pile of rubble, and in which Daesh—or ISIL or ISIS, or whatever title they operate under—is engaged in nihilistic barbarism and brutality, we must consider whether we assist and make the situation better or make it worse by sending in our planes to join the thunderstorm of bombs raining down on that land. Will air strikes deradicalise and de-escalate an already appalling situation, or will they escalate it further and further radicalise those who have nothing left to lose?

Will creating more Syrian orphans and widows hasten the end of the civil war? Will the demolition of more homes, factories and infrastructure, and what remains of civil society, help to prevent French citizens from killing French citizens in the concert halls of Paris? Will the inevitable collateral damage—in other words, the deaths of more innocent people—prevent otherwise respectable US citizens living in suburban America from stockpiling weapons and then going to a Christmas party and wiping out dozens of people? I just cannot see how that will be the case.

In reality, has the war on terror that was unleashed following the horrendous events on 9/11 brought an end to terrorism or stoked the flames of terrorism further? The war on terror, far from making the world a safer place, has made it a much more dangerous place. Iraq, Afghanistan, Libya and now Syria: I have to ask, what have we learned? Not very much, it would appear.

The desire to do something does not mean that we should do just anything. The reality is that, in an age of spectacularly advanced technology and modern communications, we cannot bomb our way to victory over terrorists such as Daesh, who operate in a cell structure. Where are they based, where do they live and who are they? Well, who knows?

As we have seen from past events, such as the Glasgow airport bombing, terrorists are in fact doctors, teachers, accountants and information technology consultants: people doing normal, everyday jobs. That type of threat will never be

ended through military hardware. It must be dealt with by cutting off funding, propaganda and communications; through education; and by ending the civil war in Syria and the conflicts across the middle east that stoke resentment and feelings of helplessness.

I will try to finish on a more upbeat point. Today, two lorries will come to Livingston to pick up donations that my local Labour Party has collected for Syria. Hundreds of boxes will be sent to help the refugees in Germany, and I am very proud that we did that. The response from the public in West Lothian was huge.

I do not pretend to have any answers, but one thing I know is that bombing is not the solution.

13:09

Jean Urquhart (Highlands and Islands) (Ind): I congratulate John Wilson on bringing this timely debate to the Parliament. I am only sorry that there are not more members who regard the subject as one of the most important that we can debate.

I agree with almost everything that I have heard from other members, who made powerful speeches. I cannot add to what they said, but I want to talk about the seriousness of war and the lack of coverage in our media. We know what the bombs are capable of, because we can find out for ourselves, but the media are not showing, and never do show, the harshness of war. The reality was described well by members to the few people who were here to hear them, and what was said will be in the *Official Report*.

Scotland is a nation, although defence and military matters are still reserved to Westminster, and there is no doubt whatever that Scotland's representatives, who owe their positions to the democratic process of the people of this country, voted against bombing in Syria. That should have been a headline that was repeated and repeated.

The bombing is not in my name, and, as Christina McKelvie said, not in our country's name. We knew what would happen. It is no surprise that bombing will not fix anything; it did not fix anything in the past and it will not do so now.

What is needed is humanitarian aid, perhaps starting in this country. To spend £100,000 on a bomb is an obscenity when thousands of people in this country have no food and there is a genuine desire to help Syrian refugees.

Why are we allowing this to happen? I ask the minister, our Government and all members of the Parliament how we can get that message into a press that is supporting the arms race and is not reflecting the views of the 78 per cent of people in the country who oppose the bombing in Syria,

according to a recent poll. How do we ensure that our nationhood and our people's desire not to bomb Syria are expressed? How does Westminster react when a country has expressed clear objection and wants to take no part in the war?

I welcome John Wilson's motion, but the debate is not over and we should be making our voices heard much more strongly. If we can bomb Syria, we will bomb again the next time. We will not learn and we will be constantly carried along by a Westminster military machine that does not reflect the will of the Scottish people.

13:13

The Minister for Europe and International Development (Humza Yousaf): I thank John Wilson for securing the debate and I thank all the members who contributed to what has been a thoughtful debate.

The crisis in Syria is one of the worst humanitarian disasters of recent times. The scale of the suffering is unimaginable. In the debate we have heard some of the figures for the number of people who have lost their lives or been displaced. It is important to remember that the situation in Syria is not a new one. The conflict and the regime's bombardment of its own people have been going on for four and a half years in a brutal civil war.

It is inevitable that the recent attacks in Paris, Beirut, Istanbul and elsewhere in the world make us ask what we can do to respond and how we can keep ourselves safe. On that point, I would say two things. First, I agree with Neil Findlay's assessment that we cannot do something for the sake of it—I think that the phrase that he used was that doing something does not mean doing anything; I certainly agree with that.

The second point concerns Jamie McGrigor's speech, which I thought was a thoughtful contribution, although I disagreed with many parts of it. He said that there was an obligation on the UK to respond to the calls of our allies, meaning, in this case, France. The Scottish Government's relationship with France and our allies is strong, as we would want it to be, and we would always look to strengthen it further. However, the efforts to strengthen those relationships should not be based on simply acceding to demands or requests without any critical analysis. We should always be prepared to listen to the requests of our allies, but those relationships should be based on mutual respect. For example, the relationship between France and the UK is as strong as it has ever been, despite the fact that France did not accede to the calls of the UK and the USA to get involved in Iraq, for example. It is possible to have different

foreign policies and make different decisions. It is not fair to characterise that as not standing up for our allies—I know that that is not what Jamie McGrigor was doing, but others have done that.

The Scottish Government is not opposed to military intervention simply as a matter of principle. As Elaine Smith said, those who opposed air strikes do not simply believe that nothing should be done. However, as other members have said, action can be undertaken only when there is a clear objective in mind and as part of a wider, coherent strategy to achieve peace.

The solution that was proposed by the UK Government to broaden air strikes to include targets in Syria does not address the root causes of either the war in Syria or the terrorism that has affected many other countries. Indeed, as many members have said, it risks making those situations worse. The Scottish Government and I feel that, despite the fact that he was asked time and again to explain what the strategy is, the Prime Minister failed to make a convincing case that air strikes in Syria will help to end the violence or undermine extremism.

For example, MPs asked time and again how UK efforts will help to defeat Daesh when the efforts of 11 other countries, including three permanent members of the United Nations Security Council, have failed. Indeed, the fact that the Prime Minister asked Parliament for permission to bomb the Assad regime in 2013 only to return two years later for permission to bomb Daesh speaks volumes about the lack of coherent, long-term planning.

Furthermore, as others have done, we have pushed the UK Government to provide more detail on the 70,000 so-called moderate forces that would take over control of areas that were vacated by Daesh. Respected MPs from across the political spectrum and security experts have cast doubt on that figure and on answers that were given by the Prime Minister on the issue.

I want to touch on the refugee issue. Christina McKelvie spoke powerfully about how some children will not know anything other than life in a refugee camp. Everyone understands that there cannot be a military solution to the conflict in Syria. We know that it requires a diplomatic effort to find an end to the conflict. In the meantime, we must provide any assistance that we can to refugees. I have been overwhelmed by the support that has been shown across Scotland, from the efforts of local authorities to the desire of individuals to help refugees in any way they can. I am proud of the Scottish Government for leading the calls—not just this year but for many years—for refugees from Syria to be welcomed here. It is unacceptable that there are now close to 5 million Syrian refugees living in camps.

We must help the most vulnerable. The Scottish Government has provided £500,000 to help the situation in Syria and we have taken nearly 40 per cent of the refugees who arrived before Christmas. We should continue to push the UK Government to do more. That figure of 20,000 over the parliamentary term is not enough. A good start would be to opt into the European scheme and take more refugees.

Jean Urquhart, John Finnie, John Wilson and others asked what action the Scottish Government can take and where its focus should be. We must be willing to help in any way we can to build peace and help the situation in Syria when there is a diplomatic solution—there will be a diplomatic solution, even if we do not know exactly when it will happen, as peace talks are still going on. We must ensure that the conditions are right for when that negotiated settlement comes about.

The First Minister recently announced that the Scottish Government will work with the UN special envoy to Syria, Staffan de Mistura, to provide training for women in the skills that they need to contribute to the peace negotiations. I was at the meeting with the UN special envoy, who made the important point that, in his 30-plus years of conflict resolution experience, women have been the key to finding peace. He believes that sincerely and gave thoughtful reasons why that is the case. It is not a tick-box exercise; training women could fundamentally help to bring peace when a diplomatic solution is found.

It does no one any good to characterise each other as the good guys or the bad guys depending on how people chose to vote in the House of Commons debate or, indeed, on the position that they take in this chamber. I am sure that the decision to extend air strikes was a difficult one even for the Prime Minister, and many of us had sleepless nights over it. However, that decision has been made and, as Jean Urquhart said, we must continue to make the case that there is no military solution and redouble the diplomatic efforts. In the meantime, as the violence unfortunately continues, we can contribute to the efforts to achieve peace and continue to give the most vulnerable a home here in Scotland. I join other members across the chamber in saying that refugees are most certainly welcome here.

The Deputy Presiding Officer: Thank you all for taking part in that important debate.

13:21

Meeting suspended.

14:30

*On resuming—***Business Motion****The Deputy Presiding Officer (Elaine Smith):**

Good afternoon. The first item of business is consideration of business motion S4M-15184, in the name of Joe FitzPatrick, on behalf of the Parliamentary Bureau, setting out a timetable for stage 3 consideration of the Smoking Prohibition (Children in Motor Vehicles) (Scotland) Bill.

Motion moved,

That the Parliament agrees that, during stage 3 of the Smoking Prohibition (Children in Motor Vehicles) (Scotland) Bill, debate on groups of amendments shall, subject to Rule 9.8.4A, be brought to a conclusion by the time limit indicated, that time limit being calculated from when the stage begins and excluding any periods when other business is under consideration or when a meeting of the Parliament is suspended (other than a suspension following the first division in the stage being called) or otherwise not in progress:

Group 1: 30 minutes.—[*Joe FitzPatrick.*]

*Motion agreed to.***Smoking Prohibition (Children in Motor Vehicles) (Scotland) Bill:
Stage 3**

14:31

The Deputy Presiding Officer (Elaine Smith):

The next item of business is stage 3 proceedings on the Smoking Prohibition (Children in Motor Vehicles) (Scotland) Bill. In dealing with the amendments, members should have the bill as amended at stage 2, which is SP Bill 58A; the marshalled list, which is SP Bill 58AML; and the groupings, which is SP Bill 58AG. The division bell will sound and proceedings will be suspended for five minutes for the first division, and the period of voting for the first division will be 30 seconds. Members who wish to speak in the debate on the amendments should press their request-to-speak buttons as soon as possible.

After section 3

The Deputy Presiding Officer: Group 1 is on the offence of smoking in a motor vehicle with children: review and expiry. Amendment 1, in the name of Jackson Carlaw, is grouped with amendment 2.

Jackson Carlaw (West Scotland) (Con):

Nothing that I am proposing is in any way designed to frustrate, delay or impede the progress of Jim Hume's bill, which we will debate and, I hope, approve this afternoon.

We are a unicameral Parliament and many in it have expressed concern about the competence of our post-legislative scrutiny. We are a Parliament that increasingly looks to promote social change and alter the public attitude through legislative action. I believe that, in the next parliamentary session, some legislative proposals on obesity could come before us.

Just as we did on the issue of alcohol minimum unit pricing, Scottish Conservatives as a matter of principle believe that in a unicameral Parliament in which members have expressed concern about the competence of our post-legislative scrutiny there is an argument to require Parliament to, after an interval, commission a report to establish the practical consequence of the legislation that we pass. Did it do what we hoped of it? Did it achieve the ends that we set for it? Was it even more successful than we allowed for when it was passed? Can our post-legislative scrutiny demonstrate the success of that legislation, so that we can issue testament to the wider world, which may be looking to us for an example of the social progressive health legislation that we pass?

If the legislation had been successful, it would face no obstacle in this chamber to being reaffirmed. However, that would happen on the basis that we had taken the time and the trouble to be certain about the action that we had taken. Sometimes we support measures whose effectiveness we cannot prove at the point that we pass them. We may strongly believe in those measures and put our hope into them, but nonetheless we approve and pass them in the expectation, but not certainty, of success. My amendments propose that within a period of time—within five and six years—the Government of the day would commission a report to establish the legislation's success or otherwise and reaffirm in Parliament its place in statute. It is as simple as that.

I understand that there may not be considerable support for my amendments this afternoon, but I hope that at the very least the principle will register in the minds of members of this Parliament.

I do not favour Lord George Foulkes's alternative of a second parliamentary chamber to undertake the scrutiny of legislation; there is no public appetite for that. We have to recognise that many members have expressed concern about the Parliament's ability to look at the legislation that it has passed a period of time after passing it to establish whether it has been effective. As we did in relation to the Alcohol (Minimum Pricing) (Scotland) Act 2012, and as we will do with future social legislation and attempts to effect the better health of Scotland through the legislative process, we lodge the amendments this afternoon in the knowledge that we propose an amendment such as this so that Parliament has the confidence to review what it has done and reaffirm whether it has been successful.

I move amendment 1.

Malcolm Chisholm (Edinburgh Northern and Leith) (Lab): No one would object to the principle of post-legislative scrutiny; we certainly need to have more of that than we have had in the past. However, to propose a specific sunset clause—that is what the measure would be in practice—for the bill seems rather odd. We cannot have a general rule that every piece of legislation has such a clause.

We have to be careful about which pieces of legislation attract such a provision. Jackson Carlaw mentioned the Alcohol (Minimum Pricing) (Scotland) Act 2012. As is well known, I supported that, but it was fairly new territory and people were not certain about its consequences, so there was some argument in favour of a sunset clause for that bill.

However, I struggle to understand the rationale behind having a sunset clause in this piece of

legislation. All these points will come up during the open debate, but the bill extends an existing piece of legislation, the science of smoking in enclosed spaces is not in doubt, and similar legislation has been tried successfully in other countries. There is a series of facts that make it highly improbable, if not impossible, that we will change our mind about the legislation.

As I wind up, I ask Jackson Carlaw to envisage a situation in which we would change our mind on the legislation. Even if it was established that not a large number of people have been found guilty of an offence, that does not mean that the legislation has not worked. It might act as a deterrent, and I hope that it will. The reality is that we know the science, so I cannot imagine circumstances in which we would change our minds.

I do not disagree with the general tenor of what Jackson Carlaw said about looking again at legislation that we have passed, but I certainly oppose the particular amendments on this particular bill.

Jenny Marra (North East Scotland) (Lab): I have a lot of sympathy with the principle of Jackson Carlaw's amendment 1 and I have argued in the chamber and committees for increased post-legislative scrutiny. We do not do enough of it across the board.

However, I agree with my colleague Malcolm Chisholm's comments. It would be a dangerous precedent to put into legislation a requirement for post-legislative scrutiny rather than making the strong assumption that Parliament will undertake such scrutiny itself. I also agree with Malcolm Chisholm on the sunset clause. Any member of the public who looks closely at today's debate might interpret a sunset clause as meaning that we intend to revisit the legislation or that we are not entirely serious about its implementation, which might then affect compliance.

As I will say in this afternoon's debate, it is clear that there has been widespread compliance with the legislation to ban smoking in public places and I expect exactly the same for this bill.

Mike MacKenzie (Highlands and Islands) (SNP): Jackson Carlaw has not had the benefit that I had of sitting through the Health and Sport Committee's scrutiny of the bill. He has therefore expressed a general antipathy towards the notion of the Government or Jim Hume attempting to improve the health of children or trying to prevent detriment to their health.

It would be impossible to examine the benefits in any scientifically meaningful way even after the legislation had been enacted and in force for several years. It would be impossible to evaluate and to quantify the improvement to children's health as a result of the legislation. However, I do

not think that anyone in the chamber would seriously argue that preventing adults from smoking in the enclosed space of a car in the company of small children is not a good thing. Therefore, Jackson Carlaw seems to be arguing against the idea that this Parliament should deign to intervene in people's lives at any level in order to improve and to protect the health of our children. That strikes me as a very curious position to take. I hope that members will not support amendment 1 when we vote on it.

The Minister for Public Health (Maureen Watt): I welcome the opportunity to set out the Scottish Government's position on amendments 1 and 2 in the name of Jackson Carlaw.

I admit that I, too, was surprised by Jackson Carlaw lodging the amendments and the reasons that he expressed for doing so. At stage 1 he made reference to constructing an artificial debate. There is nothing artificial about this debate. The harms of second-hand smoke are well established by evidence and there is widespread public and stakeholder support for the measure, so it is not clear to me what is artificial about the debate.

Mr Carlaw described the legislation as ambitious but speculative public health measures. A number of countries have adopted similar legislation to protect children. In that respect, there is nothing speculative about it. Furthermore, this is not the first time that we have implemented smoke-free legislation in Scotland that is aimed at reducing the harms of second-hand smoke. I see no reason for the bill's provisions to cease to have effect in six years. It is important that protection continues to be afforded to children in the long term.

On amendment 2, I can understand the desire to review whether the bill's objectives have been achieved. However, the bill is only one measure that is being introduced to achieve those aims. A number of other tobacco policies will impact in this area, including the take it right outside campaign, the further legislative measures aimed at denormalising smoking, such as plain packaging, and the measures included in the Health (Tobacco, Nicotine and Care) (Scotland) Bill.

As others have said, of course there is a need for post-legislative scrutiny and for committees to be able to do that. However, this bill is not a good example on which to pin that issue. The idea that somehow, after six years, irrespective of whether the bill is a success or a failure, we should go back and allow smoking in cars is quite abhorrent to me.

It is worth noting that smoking prevalence numbers in Scotland dropped from 23 to 20 per cent between 2013 and 2014. It makes sense that, as prevalence falls, the number of young people

who are exposed to smoking and to second-hand smoke will also decrease.

Jenny Marra: We have debated that figure on the drop in smoking prevalence rates from 23 to 20 per cent before. Does the minister have any evidence on where the drop has come from? Is it due to the use of e-cigarettes?

Maureen Watt: As I think we know, some of it can be put down to the use of e-cigarettes. We know that e-cigarettes are one way of stopping smoking. That, along with the other cessation measures that are available in the national health service, has contributed to the drop in smoking.

I emphasise that success cannot be determined by enforcement alone. The bill's aims and their success should be considered as part of wider tobacco control measures; I think that that was Mike MacKenzie's point. A number of data sources are in place to measure progress towards those aims. I would be happy to keep the Scottish Parliament updated on progress.

For those reasons, I do not support the amendments.

14:45

Jim Hume (South Scotland) (LD): I, too, thank Jackson Carlaw for lodging amendments 1 and 2, if only because they allow me to explain why I do not think that the measures are required in the bill. I appreciate that the member is using the bill to make a point about post-legislative scrutiny. That will no doubt become more of an issue, especially with the extra pressure on the Parliament's timetable with the new powers that are on their way.

The effectiveness of legislation should not simply be about how enforceable it is or the number of prosecutions or fines that are handed out; it can be effective by acting as a deterrent and tackling social norms. There is clear evidence of the positive impact of similar legislation in other countries. In South Australia, around 88 per cent of cars are smoke free. In Canada, there was an almost immediate 33 per cent reduction in smoking in vehicles. In other places, there are suggestions that people have thought about the impact of their smoking anywhere in the presence of children. That is particularly welcome, as it would simply not be reasonable to apply the legislation to what people do in their own homes.

There is already a degree of public awareness of the bill. I expect that that awareness will increase when it is supported by a high-profile campaign, which the Scottish Government has already committed to. That will work towards tackling social norms and make people think twice. As I have said previously, often it is not the fear of

being caught that changes people's behaviours; it is their concerns that their actions are not socially acceptable.

The ban on smoking in public places legislation, which Jenny Marra mentioned, did not contain a sunset clause, and the vast majority of us would acknowledge that that has been a great success.

The Smoking Prohibition (Children in Motor Vehicles) (Scotland) Bill is widely supported. Almost all the respondents to the Health and Sport Committee's call for evidence supported it. More widely, public opinion already appears to be on its side. Some 85 per cent of Scottish adults and 72 per cent of smokers support it. That does not give any impression of any public scepticism.

The bill is straightforward and I want it to stay that way. I do not believe that it requires a sunset clause. Therefore, I shall not support Mr Carlaw's amendments.

Jackson Carlaw: As I have indicated, the Scottish Conservatives support the bill, and we will support it at decision time.

Amendment 2 would require the Parliament to undertake a report on the effectiveness of the legislation. In response to Malcolm Chisholm, I point out that that would allow us to see whether the number of prosecutions of individuals had risen or decreased; whether the report recommended that more people should be empowered to enforce the legislation; and whether e-cigarettes had proved to be a problematic contradiction in the legislation and whether they, too, should be included in the provision.

I can think of alcohol legislation on the restriction of sales and particular offers that we have passed in the Parliament, but I do not think that we have ever subsequently discussed what the effectiveness of that legislation has proved to be on public health. That is not an argument against passing the legislation in the first place; rather, it is an argument that, in a unicameral Parliament that has a lot of legislation that goes through the committee system and which largely conducts its business on the progression of Government legislation, there should be a requirement, particularly where the Parliament has taken public health actions to change the public mind, to occasionally look at what it did to see how effective that was.

In this instance, I agree about what would happen. I do not think that there would have been any question of the Parliament not reaffirming the Smoking, Health and Social Care (Scotland) Act 2005 if it had to do so, but it would have done so on the back of a report to Parliament that would have detailed considerably how beneficial that legislation had been. In this instance, the report

would have demonstrated exactly how beneficial the legislation had been.

We seem to lack the courage to take that approach. We simply pass the legislation, move on and hope for the best. That is not the best way to carry public opinion. With some of the public health legislation that the Government may think is worth attempting in the next session, if we do not have the confidence to have that level of scrutiny, that will prove to be divisive rather than unifying when it does not mean to be.

I press my amendments. One is a sunset clause, of course, and the other simply calls for a proper report on the legislation.

The Deputy Presiding Officer: The question is, that amendment 1 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division. As this is the first division, I suspend the meeting for five minutes.

14:49

Meeting suspended.

14:54

On resuming—

The Deputy Presiding Officer: We move to the division on amendment 1.

For

Brown, Gavin (Lothian) (Con)
 Carlaw, Jackson (West Scotland) (Con)
 Davidson, Ruth (Glasgow) (Con)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 Goldie, Annabel (West Scotland) (Con)
 Johnstone, Alex (North East Scotland) (Con)
 McGrigor, Jamie (Highlands and Islands) (Con)
 Milne, Nanette (North East Scotland) (Con)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Allard, Christian (North East Scotland) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baxter, Jayne (Mid Scotland and Fife) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Bibby, Neil (West Scotland) (Lab)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)

Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Nigel (Angus North and Mearns) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dugdale, Kezia (Lothian) (Lab)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Ind)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Gray, Iain (East Lothian) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hilton, Cara (Dunfermline) (Lab)
 Hume, Jim (South Scotland) (LD)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnstone, Alison (Lothian) (Green)
 Keir, Colin (Edinburgh Western) (SNP)
 Kelly, James (Rutherglen) (Lab)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Macintosh, Ken (Eastwood) (Lab)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Malik, Hanzala (Glasgow) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McDougall, Margaret (West Scotland) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMahan, Michael (Uddingston and Bellshill) (Lab)
 McMillan, Stuart (West Scotland) (SNP)
 McTaggart, Anne (Glasgow) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Robison, Shona (Dundee City East) (SNP)
 Rowley, Alex (Cowdenbeath) (Lab)
 Russell, Michael (Argyll and Bute) (SNP)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Drew (Glasgow) (Lab)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, David (Highlands and Islands) (Lab)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)

Urquhart, Jean (Highlands and Islands) (Ind)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wilson, John (Central Scotland) (Ind)
 Yousaf, Humza (Glasgow) (SNP)

The Deputy Presiding Officer: The result of the division is: For 11, Against 94, Abstentions 0.

Amendment 1 disagreed to.

Amendment 2 moved—[Jackson Carlaw].

The Deputy Presiding Officer: The question is, that amendment 2 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Brown, Gavin (Lothian) (Con)
 Buchanan, Cameron (Lothian) (Con)
 Carlaw, Jackson (West Scotland) (Con)
 Davidson, Ruth (Glasgow) (Con)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Goldie, Annabel (West Scotland) (Con)
 Johnstone, Alex (North East Scotland) (Con)
 McGrigor, Jamie (Highlands and Islands) (Con)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Allard, Christian (North East Scotland) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baxter, Jayne (Mid Scotland and Fife) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Bibby, Neil (West Scotland) (Lab)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Nigel (Angus North and Mearns) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dugdale, Kezia (Lothian) (Lab)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Findlay, Neil (Lothian) (Lab)

Finnie, John (Highlands and Islands) (Ind)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and
 Lauderdale) (SNP)
 Gray, Iain (East Lothian) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hilton, Cara (Dunfermline) (Lab)
 Hume, Jim (South Scotland) (LD)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Johnstone, Alison (Lothian) (Green)
 Keir, Colin (Edinburgh Western) (SNP)
 Kelly, James (Rutherglen) (Lab)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Macintosh, Ken (Eastwood) (Lab)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Maliik, Hanzala (Glasgow) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McDougall, Margaret (West Scotland) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse)
 (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 McMillan, Stuart (West Scotland) (SNP)
 McTaggart, Anne (Glasgow) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Robison, Shona (Dundee City East) (SNP)
 Rowley, Alex (Cowdenbeath) (Lab)
 Russell, Michael (Argyll and Bute) (SNP)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Drew (Glasgow) (Lab)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, David (Highlands and Islands) (Lab)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Urquhart, Jean (Highlands and Islands) (Ind)
 Watt, Maureen (Aberdeen South and North Kincardine)
 (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wilson, John (Central Scotland) (Ind)
 Yousaf, Humza (Glasgow) (SNP)

The Deputy Presiding Officer: That ends consideration of amendments. Members who are leaving the chamber should do so quietly.

The Deputy Presiding Officer: The result of the division is: For 14, Against 95, Abstentions 0.

Amendment 2 disagreed to.

Smoking Prohibition (Children in Motor Vehicles) (Scotland) Bill

The Deputy Presiding Officer (Elaine Smith):

The next item is a debate on motion S4M-15146, in the name of Jim Hume, on the Smoking Prohibition (Children in Motor Vehicles) (Scotland) Bill. I invite members who wish to speak in the debate to press their request-to-speak buttons now, and I ask all other members to take their conversations outside the chamber.

14:57

Jim Hume (South Scotland) (LD): It gives me great pleasure to open this afternoon's debate on the Smoking Prohibition (Children in Motor Vehicles) (Scotland) Bill. The bill was introduced one year ago this week, on 15 December 2014. Stage 1 was completed on 8 October with a positive debate in the chamber, and the general principles were unanimously agreed to. The bill was considered at stage 2 by the Health and Sport Committee on 17 November and now, a month on, we debate the final stage of the amended bill, which I hope and believe will be passed at decision time today.

Before outlining the changes to the bill that were agreed at stage 2, I want to thank those who have been involved at various points in the process, not least the Health and Sport Committee for its detailed scrutiny of the bill. A quick look at that committee's work programme shows how busy it is, so I am grateful to all its members. I also note my thanks to the non-Government bills unit, and particularly to Stephen Fricker, Jo Hardy, Clare O'Neill and the rest of the team, and I thank my own parliamentary team past and present—Craig Moran, Fiona Milne and Eleana Kazakeou—whose hard work has made the bill possible.

Of course, there have been many organisations and individuals who have made their mark too, such as the British Heart Foundation, the British Lung Foundation, Marie Curie, Cancer Research UK and the British Medical Association. Research by Dr Neneh Rowa-Dewar and, in particular, Dr Sean Semple has been used for much of the bill. I record my thanks to them all for their valuable input and support going back about three years in total.

I thank the Delegated Powers and Law Reform Committee again for its continued scrutiny of the subordinate legislation powers. I also reiterate my thanks to the minister and her officials, as their positive and constructive approach has been helpful throughout the past year and in recent months.

My consultation on the bill generated wide support, and the responses produced some clear themes that have helped to develop and refine the policy, particularly in respect of the age of those who are to be protected and the level of the fixed penalty. I am grateful to the many people and organisations who provided input to the bill. There were approximately 160 responses, the vast majority of which were supportive.

I remind members of the aim of this piece of legislation. It is to protect our children and young people from the harmful effects of exposure to second-hand smoke within the close confines of a motor vehicle, where the concentrations of harmful particles are significant, at around 11 times denser than the smoke in bars, on which we have already legislated. A statistic that was referred to regularly throughout stage 1 concerns the 60,000 children who are put in that position each week in Scotland. To put that figure in context, it is the equivalent of the combined population of Dumfries, Hawick and Galashiels, or more people than can fit into Hampden park.

To ensure the protection of children, it will be an offence for an adult to smoke in a private motor vehicle when a child is present. An adult is defined as a person aged 18 or over, and a child as being under 18. Public vehicles and work vehicles are already covered by the existing legislation. The committee had suggested that it should be an offence for the driver of a vehicle to fail to prevent smoking by another adult, and Malcolm Chisholm lodged an amendment in that respect at stage 2, but I am pleased that the committee accepted my arguments against such a provision at that stage. The focus must be on the health of the child and the person who is causing the harm: the smoker.

I turn to the key amendments to the bill that were agreed at stage 2. The schedule to the bill now provides for joint enforcement of the fixed-penalty regime by Police Scotland and local authorities. I worked closely with the Scottish Government to ensure that the regime is as similar as possible to that which applies to the ban on smoking in public places. The benefits, in my view, are threefold. It strengthens the bill without making it unnecessarily complicated or burdensome. In turn, enforcement will be simpler for police and local authorities, as they are already familiar with the regime. The result will be to afford better protection to our children and young people. Aspects that remain from the schedule as introduced include the fixed penalty, which is to be set at £100, although there is provision for the Scottish ministers to amend that by regulations. The period for payment is 29 days, without provision for an early payment discount. Local authorities will have discretion to extend the period for payment if they so wish. I believe that that is proportionate and provides flexibility for changing

circumstances. It is likely that there will be some minor one-off additional costs to local authorities, and those have been addressed in the revised financial memorandum.

Section 5 allows for commencement of the provisions to be set by the Scottish ministers. That will allow the measures to coincide with a national campaign to raise awareness of the new offence. I am encouraged by the minister's clear commitment to the legislation and I welcome the high profile that will be given to such an important new law. Members will be aware of the Scottish Government's take it right outside campaign, which the minister mentioned in speaking to the amendments just now. The campaign has had good effect, and I will explore options to strengthen it in my closing speech.

The minister lodged amendments to change the term "human habitation" to "living accommodation"; to remove the reference to

"not less than one night";

and to remove the defence that a person smoking

"reasonably believed all other occupants of the vehicle to be adults".

The minister may expand on those in her contribution, but I was happy to support the amendments as they provide clarity and are consistent with the policy intention.

During the stage 1 debate, a number of members, including Jenny Marra, Cara Hilton and Richard Lyle, quoted Cancer Research UK, which highlighted that, in Scotland, a private vehicle remains one of the few places where children can legally be exposed to tobacco smoke. If the bill is passed, it will address the situation and help to ensure that all our children and young people have the healthiest start in life.

The provisions in the bill are understandable and enforceable, and I think that they will be effective in encouraging a culture shift and challenging social norms, with a positive impact on future generations.

Jenny Marra (North East Scotland) (Lab): I will congratulate the member on his bill in my speech, but I wanted to ask him whether, in the course of considering the evidence on extending the smoking ban to cars, he considered the issue of smoking in shared and common areas in tenement buildings. Many such areas are privately owned but publicly used. Did he see evidence on the issue, and does he think it worthy of debate?

Jim Hume: That issue was not consulted on at all. We concentrated absolutely on smoking in motor vehicles, and that is what we consulted on. It might be interesting to explore the issue that the member raised, in the next parliamentary session.

As the minister and others said at stage 1, almost 10 years after the ban on smoking in public places it is difficult to imagine people smoking in workplaces and restaurants. Christian Allard said in the stage 1 debate that he thought that, in years to come, people would be shocked to know that it had ever been possible to smoke in a vehicle when children were present.

I thank the many people who were involved for their collaborative approach and I look forward to hearing members' speeches. This is a popular bill, which was supported by nearly all the respondents to the Health and Sport Committee's call for evidence. As many members said, 85 per cent of Scottish adults, including 72 per cent of smokers, support the bill.

The bill shows how the Scottish Parliament has led the way for the whole United Kingdom in the debate on protecting children from second-hand smoke in cars. Today we have the chance to make a law that will save the national health service millions of pounds and, more important, enable many people to lead healthier lives. Thanks to everyone who supports the bill, we look forward to a healthier future—lives without asthma, lung infections, sudden infant death syndrome and the ravages of lung cancer.

Every week in Scotland alone, 60,000 children—about the number of people in a single Scottish Parliament constituency—are exposed to second-hand smoke in cars and to about 50 toxins and carcinogens. That is 60,000 children who have no option but to be driven in a smoke-filled car to visit relatives, to get to school or—this is ironic—to attend a sports event. By supporting the bill, we can help those 60,000 children to have a healthier start in life.

Our job as members of the Scottish Parliament is to make a difference. Today we can make a real difference, and I hope that the bill will receive support from members of all parties at decision time today.

I move,

That the Parliament agrees that the Smoking Prohibition (Children in Motor Vehicles) (Scotland) Bill be passed.

15:08

The Minister for Public Health (Maureen Watt): I congratulate Jim Hume on introducing the bill and thank him for working closely with the Scottish Government over the past few months, as we worked together to improve the bill's provisions. As he said, the bill has enjoyed cross-party support throughout its parliamentary progress.

Central to the debate on the bill is the fact that smoking remains the primary preventable cause of

ill health and death in Scotland, killing one in two long-term users. That costs the NHS up to as much as £500 million each year. The harmful effects of second-hand smoke are well evidenced and understood. That is why continuing to protect people, especially children, from second-hand smoke is key. The existing smoke-free legislation has undoubtedly made a difference, but children can still be exposed to second-hand smoke in cars and homes. Where children are medically at risk due to conditions such as asthma, the harmful effects can be especially severe.

We know that there has consistently been strong public and stakeholder support for legislation on this matter. At the end of last year, we consulted on similar measures. Some 79 per cent of those who responded thought that smoking in cars with children should be an offence. A survey earlier this year suggested that 85 per cent of adults in Scotland, including the majority of smokers, supported a ban on smoking in cars when children or young people under the age of 18 are present. Mr Hume's consultation on the bill demonstrated a similarly high level of support, with 84 per cent of respondents supporting the principles of the bill. That level of support has been reflected in the cross-party support for the bill.

I was pleased that the Health and Sport Committee supported my amendments at stage 2. Among other changes, they removed some problematic aspects of the bill, such as the defence and one of the tests for exempting vehicles that are also people's homes. The removal of those provisions will make enforcement easier.

I was also happy to support the amendment that was lodged by Mr Hume at stage 2, which will deliver a joint enforcement role between Police Scotland and local authority environmental health officers. Environmental health officers have played a vital role in the implementation of current smoke-free legislation. Protecting public health is fundamental to the role of environmental health officers in Scotland, and they bring with them a wealth of experience.

However, although enforcement of the offence will be important, the aims of the bill cannot be achieved by enforcement alone. This is about promoting a change in cultures and attitudes. We know that the harms that are caused by exposure to second-hand smoke are widely understood, which is why the majority of adults choose not to smoke in their homes and cars when children are present.

We developed a national campaign, take it right outside, which aims to raise awareness of the risks that are posed by second-hand smoke to children. I launched that campaign last year to a

positive reception. It is my belief that the introduction of this offence will provide a deterrent and continue to promote that key message.

We know that there has been a significant change in behaviours and attitudes since the introduction of smoke-free legislation in 2006. Enforcement of that legislation was measured, and we anticipate the same approach being taken to the proposals in the bill.

When these important provisions are commenced, they will contribute to the commitment to reduce the amount of children who are exposed to second-hand smoke to 6 per cent by 2020. In 2014, that figure was 11 per cent. Amendments have been lodged today seeking a statutory review of the measures. However, this is only one measure that will contribute to reducing children's exposure to second-hand smoke, and to reducing children's exposure to smoking behaviour.

Jenny Marra: On the same point that I raised with Jim Hume, will the Government consider legislating on smoking in shared stairwells in tenement buildings? I am sure that the minister has had many representations from her constituents, as I have, about children being exposed to smoke in the closes of the buildings in which they live.

Maureen Watt: I have had representations and correspondence about that from members and others. The introduction of such measures is not without its challenges, but we are looking at it. The message of the take it right outside campaign is that people should not just go into the close but should take their cigarette right outside the building, and we can certainly see that that is having an effect.

The Government will continue to progress a number of other measures to contribute to the bill's aims, so the bill cannot be considered in isolation. As I said earlier, I am happy to report to Parliament on the Government's progress towards the ambitious targets at any time.

I would like all children to be protected from the harms of second-hand smoke in vehicles as quickly as possible. As I have said previously, raising awareness of the offence will be an important part of ensuring compliance with the law. We have therefore committed to deliver an awareness-raising campaign to make the public aware of the change in the law. We will do that as quickly as we can.

Scotland can be proud that it has proved itself to be a world leader on tobacco control. The bill will play an important part in ensuring that every child in Scotland has the best start in life, and I am pleased that it received strong cross-party support throughout the Parliament's consideration of it. I

thank Jim Hume for his work on it. The Government is very supportive of the bill.

15:14

Jenny Marra (North East Scotland) (Lab): The last bill of 2015 is very well scheduled, as we woke this morning to a new report about cancer and its risk factors. In debates in the chamber, we generally say that 40 per cent of cancers are preventable, but this morning's report from the Stony Brook cancer centre in New York says that cancer is overwhelmingly a result of environmental factors, and that only 10 per cent to 30 per cent of cancers are down to the way the body naturally functions. There have been a variety of responses to this morning's report, but the evidence is gathering pace every year that environmental factors lead to cancer. This morning, as I woke up to the radio, I wondered whether Jim Hume had primed the New York researchers to release their findings just ahead of the debate. There is little doubt that more needs to be done to improve or to prevent environmental factors that can lead to cancer.

ASH Scotland says that a fifth of 13 to 15-year-olds are exposed to smoke in cars. Jim Hume himself cites the compelling figure of 60,000 children being exposed to smoke in the small and enclosed spaces of motor cars. I think back to jobs that I had in bars when I was a student, 20 years ago, when I was exposed for hours on end to a thick fug of smoke. I had the stench of smoke on my hair and clothes when I finished my shift. We simply would not tolerate such conditions now; they are not culturally acceptable, any more.

It was the ban on smoking in public places that created the tipping point at which that behaviour changed. The legislation was bold and brave, but was initially branded as being crazy. However, when it was implemented, people changed their behaviour and complied with it more or less overnight because they knew, deep down, that it was the right thing to do and that it made sense for their own health and for the health of the people around them.

That is exactly what I expect to happen with the bill that we are discussing today. People will look back and think it crazy that we allowed smoke to permeate such a small enclosed space as a motor car, exposing passengers to the danger. I am well aware of the libertarian arguments about personal volition in private spaces, and I have a lot of sympathy with those arguments. However, when there is such a broad consensus in favour of a publicly funded health service that is provided for through taxation, it is incumbent on us, as custodians of that health service, to make sure that it is sustainable in the long term: the cost of smoking of millions of pounds to our health service

is simply not sustainable. That is why we need to legislate to improve environmental factors as well as people's health, and the bill will do exactly that.

I will explain why Labour voted against the Conservative amendments this afternoon. Amendment 1 was, in essence, a sunset clause asking the Government to review the legislation after five years. As I have already outlined, I think that the bill is an addendum to the ban on smoking in public places, that it will create a culture change and that it will generally garner compliance, so I do not think that a sunset clause is necessary.

On amendment 2, as I explained earlier, I think that Parliament should be undertaking post-legislative scrutiny as a matter of course. Nevertheless, I was sympathetic to Jackson Carlaw's argument that we need to make public health policy on the basis of evidence. I hope that the Government has heard that message loud and clear.

I believe that the public will comply with the bill because they know and understand the arguments on the issue. Smokers themselves know the dangers of their smoke. However, as we know, there are barriers—poverty and environmental barriers—to their quitting. I predict that in 30 years we will have a smoke-free Scotland and that we will look back and wonder how tobacco companies exploited our health and placed on the NHS the massive burden that they place on it now.

In that vein, it is worrying that we have not had debates on the big issues in public health in this country outside the legislative programme. This morning's news should give the Scottish Government real food for thought. Given the worrying Scottish cancer statistics that came out this week and this morning's evidence that far more incidences of cancer than we had thought are probably preventable, anyone who is serious about the long-term sustainability of the health service should be taking the preventative agenda very seriously indeed.

Why not make next year the year of prevention? We expect a new tobacco strategy in 2017, but I think that the Scottish Government should bring a debate to Parliament much earlier than that. On diet, I cannot think of any initiative from the Scottish Government in the past few years to improve our relationship with fat and sugar. The minister is shaking her head—she might explain later whether there has been such an initiative. Further, the Scottish Government has been content to leave its efforts on alcohol to minimum pricing, which is currently tied up in the courts.

I thank and congratulate Jim Hume on taking some very powerful vested interests to task by getting the bill passed today. I know the work that goes into bringing a member's bill to fruition and

Jim has guided the whole process with his own hands. It is a worthy legacy for a health spokesperson, so we will be delighted to support the bill at decision time tonight.

15:20

Jackson Carlaw (West Scotland) (Con): I begin where Jenny Marra finished, by congratulating Jim Hume on the progress of his member's bill through to what I think will be unanimous support at decision time tonight. I welcome that.

Beyond that, much of the debate has been had and everything has been said. I will therefore make only two points. The first is that we have to hope that the legislation is exemplary and that it has the influence on public opinion that we all wish it to have, because I do not think that any of us would like to see great resource having to be deployed in its enforcement. There could also be issues around the practicality of enforcement. What we want is for public attitudes to change.

Secondly, I would very much have liked the legislation to have been in place when I was a child. I think that I said in the stage 1 debate that I have horrendous memories of my father puffing away on a cigar—the cigar that was, for those of you who remember, branded “Happiness is ...”. My father was in the motor retail industry, so he had a new car every six months—it was subsequently sold as a second-hand vehicle. By the end of the six months, the white felt lining of the vehicle was invariably a ghastly treacly yellow. Some of the journeys that my sister and I endured were five and a half hours long—a ghastly experience. I have no idea what it did to us. I was almost resolved then that smoking is a filthy and noxious habit that I would be very happy to see curtailed in any way whatsoever. I find it quite unconscionable that any child today should be subjected to that.

I have also mentioned going home from school in the days when there were still bench seats on the buses and having to use a knife and fork in the smoke in order to identify a vacant seat. That was the culture of the time, but it has gone. The residual aspect of it is smoking in vehicles, which must damage everyone's health, irrespective of whether they are a child. Although the legislative aim today relates to children, the bill will make a difference to everyone and will be worth while.

I would like to think that social attitudes have changed to the extent that the legislation would not be necessary. Interestingly, I was coming into Parliament in a taxi last week and the taxi driver said to me that he had heard about the issue on the radio and thought that he would conduct a wee experiment. He spent the morning driving around

Edinburgh in his taxi, counting the number of vehicles containing children in which adults were smoking. In a four-hour shift in the inner city of Edinburgh there were 16 examples. Whatever the common-sense understanding of how smoking in cars must affect children, the reality is that it continues. We need to send a strong legislative message—a message that I hope will prove exemplary and will change the attitude of the public. As I say, I congratulate Jim Hume on the bill that will be passed later this afternoon.

15:24

Stewart Maxwell (West Scotland) (SNP): As others have done, I congratulate Jim Hume on getting his Smoking Prohibition (Children in Motor Vehicles) (Scotland) Bill to stage 3.

I lodged my proposal to introduce a bill to ban smoking in enclosed public spaces in the middle of 2003. Looking back over the past 12 years, it is rather astonishing to see the distance that we have travelled in the fight against the scourge of tobacco and its impacts on our society. I think that it was Jenny Marra who said that when it was first proposed that we introduce legislation it was considered a ridiculous and crazy idea; many people ridiculed the prospect of a ban on smoking in enclosed public places in Scotland and several said to me that they would not see it in their lifetimes. However, only a couple of years later, the ban was in place and was respected.

I have no doubt that the Smoking Prohibition (Children in Motor Vehicles) (Scotland) Bill puts another brick into the road that we are building towards a smoke-free Scotland. It is an important public health bill that will undoubtedly improve the health of children in Scotland. It is a clear and focused bill that is aimed at tackling one problem: the exposure of children to tobacco smoke in cars.

The Scottish schools adolescent lifestyle and substance abuse survey for 2013 reported that 22 per cent of Scottish children aged 13 to 15 were sometimes or often exposed to tobacco smoke in the car. That is nearly a quarter of our adolescents who are exposed to pollution levels that are often higher than those in Beijing or Delhi. Members should not forget that, last weekend, the smog in Beijing was so bad that children and old people were told to stay at home and not venture outside. However, some people seem to think that it is all right to expose their and other people's children to that level of pollution.

Smoking among 13 to 15-year-olds has now reached the lowest levels since we started doing modern surveys of smoking among that demographic group. Young people are choosing to turn away from the dangers of tobacco, and it is only right that we should support them by passing

legislation that protects them from other people's unhealthy choices when they are too young to be able to make the choice for themselves.

Children are more in need of protection than other groups in society for two reasons: one is that they are dependent upon adults and have little or no autonomy, and the other is that children are much more vulnerable to second-hand smoke than adults because of their smaller lung capacity and faster breathing rate. We tend to think only of asthma and other respiratory diseases when we consider second-hand smoke, but the Royal College of Physicians produced a report in 2010 entitled "Passive Smoking and Children: A report of the Tobacco Advisory Group of the Royal College of Physicians" in which it estimated that one sudden infant death in five could be attributed to passive smoking. That is a terrifying and shocking statement. For that reason alone, even if for no other, we should pass the bill.

I am pleased to note that the bill has been amended so that responsibility for enforcement will be shared between Police Scotland and local authorities. That was a smart move.

John Mason (Glasgow Shettleston) (SNP): Stewart Maxwell mentioned enforcement. Is he as convinced as Mr Hume is that it will work? I see many drivers still using their mobile phones in their cars. The legislation on that is not enforced widely, although some people are caught. Does he really think that the bill will be enforced?

Stewart Maxwell: Strangely enough, that intervention has echoes of the arguments that were made in 2003, 2004 and 2005 in advance of the smoking ban coming in. There is a difference. Many people do not recognise the dangers of the distraction that using a mobile phone in a car causes. I do not think that there is anybody in our society who does not recognise the dangers of second-hand smoke.

Jim Hume: It is a misconception that there is no enforcement of the legislation on using mobile phones in cars or wearing seat belts. According to the last figures that I saw, about 13,000 people in Scotland in one year were fined for using their mobile phones in cars.

Stewart Maxwell: I thank Mr Hume for that statistic. I think—he probably does, too—that the general public will accept the bill similarly to how they accepted the original ban on smoking in enclosed public spaces. The level of support for it is clear from survey evidence, and people understand the dangers not only to themselves but, in particular, to children.

I am aware that the Scottish Government, Police Scotland and the Royal Environmental Health Institute of Scotland all supported the multimodel approach to enforcement in the belief that the bill

would have more impact if that amendment were included. I am glad that that advice was listened to and the change was made.

We know that more than a fifth of our adolescents are exposed to second-hand smoke in cars and that similar legislation is already in place in Australia and Canada and is working well. France introduced a ban in the summer, and England and Wales enforced one at the beginning of October.

It is also clear that the bill is likely to be popular with the Scottish public. The Health and Sport Committee found that 93 per cent of the respondents to their call for written evidence supported the bill's general principles, and a YouGov survey that was commissioned by ASH Scotland found that 85 per cent of adults and 72 per cent of adult smokers supported the introduction of a ban on smoking in vehicles carrying children.

The Deputy Presiding Officer: Mr Maxwell, could you conclude, please.

Stewart Maxwell: The public is in favour of the bill, health professionals are in favour of the bill, and the time is ripe for us to protect our children and move Scotland towards a smoke-free future.

Once again, I congratulate Jim Hume, and I will vote for the bill at decision time with a great deal of pleasure.

The Deputy Presiding Officer: I call Malcolm Chisholm. Speeches should be of four minutes, please.

15:30

Malcolm Chisholm (Edinburgh Northern and Leith) (Lab): I congratulate Jim Hume on introducing the bill, which I am sure that everyone will vote for at decision time.

We went over some of the arguments when we debated the amendments. As I said then, the science in the area is not in doubt. Legislation already works well in countries such as Australia and Canada, and has been introduced recently in England. Most important of all, the bill is an extension of existing provision and, through the course of the debates that took place 10 and more years ago, everyone now accepts the arguments about the consequences of second-hand smoke for those inhaling it but not actually smoking. It would be appropriate once again, in this year in which he tragically died, to pay tribute to Tom McCabe's work on that legislation. Although I was the Minister for Health and Community Care when the consultation was launched, I know better than anyone that it was he who drove the legislation forward and did the work.

We are told that, as bad as second-hand smoke is everywhere, it is particularly bad in small enclosed spaces such as cars. There is a fairly staggering statistic that levels increase in spaces such as cars to more than 11 times those in a smoky pub. There is therefore a particular need for legislation that relates to enclosed public spaces.

On top of that is the particular problem that children are vulnerable, and the briefing that we had from Cancer Research UK was very useful in that regard. It talks about a cotinine indicator used to measure second-hand smoke exposure. The indicator showed that levels were 70 per cent higher in children than in adults.

Cancer Research UK also referred to statistics showing 165,000 cases of disease among children across the UK caused by second-hand smoke. Richard Simpson may go further into the details, but, as Stewart Maxwell said, a lot of them, although not all of them, are respiratory diseases.

I was on the Health and Sport Committee for stage 2, although not for stage 1. I will briefly talk about the amendments. The amendment on joint enforcement has already been referred to and, to pick up the point about the earlier legislation, the bill now mirrors the provisions of the Smoking, Health and Social Care (Scotland) Act 2005.

I moved an amendment, as Jim Hume said, but I was persuaded by his arguments that it was better to keep the bill simple and the arguments focused on children's health and the offending smoker, and to keep drivers out of it.

There is an important opportunity now to educate people about the harm caused by second-hand smoke. Clearly, there will have to be a campaign in relation to the specific offence, but, as part of that, the wider messages about the dangers of second-hand smoke can be emphasised. That will be useful in all sorts of ways.

As Jenny Marra emphasised, action on smoking has to be right at the top of the public health agenda, and I hope that the Government is still looking at a range of measures. We have come a long way on smoking, but this does not necessarily have to be the end of the road. We are not going fast enough towards the target of only 5 per cent of people smoking by the mid-2030s—and some people might want to amend that to nobody smoking by that time.

Jenny Marra mentioned smoking in tenements—in what we in Edinburgh would call the stair rather than the close. That has been brought up with me, as it has been with many others, and it is an area that the Government could look at.

Clearly, we talked about other measures as part of the Health (Tobacco, Nicotine etc. and Care) (Scotland) Bill, but I will not go into those controversies today in case I get into another argument with Stewart Maxwell.

Finally, there is the health inequalities dimension of smoking. Four times as many people in the most disadvantaged areas smoke compared with people in the most affluent areas. Action on smoking is also action against health inequalities, as well as supporting public health more generally.

15:34

Nanette Milne (North East Scotland) (Con):

As we round off our work on the bill, I add my thanks to the witnesses who gave both written and oral evidence to the Health and Sport Committee as we scrutinised the bill. I particularly thank the committee clerks and the Scottish Parliament information centre team for their help in bringing together that evidence for our committee report. As we near the end of the parliamentary session, the Health and Sport Committee is—as Jim Hume indicated—dealing with a particularly heavy legislative agenda, and we simply could not get through it without the hard work of the people I have mentioned.

I congratulate Jim Hume on the work that he has put into formulating the bill and on securing the Government support without which it would not have come to fruition.

There is no doubt that, in the decade since the legislation to ban smoking in public places was enacted, we have seen a transformational change in attitudes to smoking and an increasing public realisation of the harmful effects not only of the active smoking of tobacco but of the passive inhalation of tobacco products. That, I am sure, accounts for the widespread support that the bill has received from the public, with 85 per cent of Scottish adults agreeing with it, including 72 per cent of smokers themselves.

There is also no doubt that levels of passive smoking in cars can be very high—as we heard from Jackson Carlaw in relation to his childhood experiences—because of the restricted area in which smoke can circulate. It has been shown that air conditioning or opening the windows does not remove the associated risks to the people who are shut into that confined space.

As children are particularly vulnerable because of their developing respiratory systems and rapid breathing, it is right to protect them from smoke inhalation when they are in vehicles with adults who may be smoking tobacco products. Our concern has not been with the principle of protecting people under 18 from the harmful effects of second-hand smoke; rather, our concern

has been with the possible problems that we foresee in enforcing the legislation, as John Mason suggested. That is why we sought to have the impact of the bill assessed by Parliament a few years after it is enacted—the Law Society of Scotland shares that view—to ensure that young people are in fact being protected by it.

In a Parliament without a revising chamber, and with the pressure of work on its health committee being such that post-legislative scrutiny of the laws that we pass is well-nigh impossible, it will become increasingly important to include provisions in public health legislation that will enforce the examination of that legislation's impact on modifying public opinion. However, it is clear that Parliament is not yet prepared to accept that reasoning. In the case of the bill, that will certainly not preclude us from supporting efforts to protect young and vulnerable people from secondary smoke inhalation. I hope that the bill will have the success that it deserves.

Once again, I congratulate Jim Hume on his successful efforts to bring Scotland into line with other parts of the United Kingdom and those countries that have similar legislation in place, such as Canada and Australia.

There is a general acceptance that the legislation that we are passing today will not be a panacea but that it has the potential—if reinforced by appropriate and on-going education, together with the other anti-smoking initiatives that the minister mentioned—to be of significant benefit to the health of Scotland's children by changing people's attitudes towards smoking in cars while children are present. We will therefore join the rest of the chamber in voting for the bill at decision time.

15:38

Dr Richard Simpson (Mid Scotland and Fife) (Lab): I join other members in congratulating Jim Hume on introducing the bill and seeing it through all its processes. I hope to do something similar in the spring, although I am not getting support from the Government in the way that he has done, and of course Government support is critical.

Smoking and, indeed, alcohol, are two of the three big problems in our society, and we are on a journey to a smoke-free society. I was delighted to be associated with Kenny Gibson's early efforts in that regard in 1999. At that time, the evidence of the dangers of second-hand smoke was much less clear, although, as Jackson Carlaw graphically described in his usual excellent narrative style, the effects were part of common experience, as 70 per cent of people smoked. It took another six years after 1999 for attitudes to change and for the evidence to emerge—with,

eventually, the legislation banning smoking in public places being passed.

The bill has widespread public support, as Stewart Maxwell spelled out, even among smokers. Even the Freedom Organisation for the Right to Enjoy Smoking Tobacco—FOREST—which is a tobacco industry-sponsored organisation, has said that smoking in cars while children are present should not happen, although it still opposes the bill.

Many other jurisdictions have acted, with good results, and there is likely to be reasonable compliance with the bill—I hope—as there was with the legislation banning smoking in public places. When the attitudes are right, people will follow the legislation fairly readily.

We know that there are about 60,000 individuals who smoke in cars while children are present, so there are a significant number of people who need to change their behaviour. As Malcolm Chisholm reminded us, there is a strong health inequalities element in smoking, and that is also true of smoking in cars.

The details of the background research are probably well known and were rehearsed in the stage 1 discussions and in the evidence that was presented. Canadian research showed that the exposure to smoke from a single cigarette in a stationary car with the windows closed is 11 times higher than in the average bar, as Malcolm Chisholm said. In a moving car, that exposure is still seven times as high as in a bar; opening the window and having the air conditioning on does not make a sufficient difference. The particle levels are still more than 100 times greater than the United States Environmental Protection Agency's 24-hour standard, and 15 times the hazardous rating. There is no doubt that that is significant.

The consequences for children are undoubtedly bad. As many speakers have said, it is worse for children because of their immature lungs and faster respiratory rates. The levels of cotinine have been found to be much higher in children who experience second-hand smoke in the same situation as adults. Asthma, for example, can easily be exacerbated. The number of asthma admissions dropped significantly after the ban on smoking in public places, and I hope that we will see something similar, if not as great, as a result of this ban.

Only last week, I came across an interesting piece of research from Japan that found that second-hand smoke is strongly associated with dental caries in children. That was not something that I had previously thought of. There is a lot of research on smoke exposure. A review of 18 studies found that it doubles the risk of meningitis and causes problems with DNA; it has been

shown to be associated with increased risk of stillbirth, birth defects and cot death; it increases teenage hearing loss and glue ear; and it is associated with worse mental health in relation to hyperactivity and conduct disorders.

Members have referred to the Scottish schools adolescent lifestyle and substance use survey report. I think that it was Stewart Maxwell who said that the numbers are the lowest ever. However, there is a gender reversal that is really worrying and which is also reflected in the adult situation, with rising levels of lung cancer in women.

As I have only four minutes, I will move to the end of my speech. It is an excellent bill, but we need to think now about the next steps. We are using a salami tactic to gradually choke off the tobacco industry—the faster that we do that, the better. Jenny Marra made the welcome suggestion that we need to look at common spaces, such as stairwells and closes, as a method of extending the ban in public places. There is all sorts of legislation abroad that we should consider.

The Deputy Presiding Officer (John Scott): You said that you were just about to finish, Dr Simpson.

Dr Simpson: I am. I support the bill and the call for a debate—in Government time—on major public health issues.

15:42

Maureen Watt: I thank all members for their constructive and almost entirely consensual speeches on what is a very important piece of legislation for the health of Scotland's children. That is Parliament at its best.

I also take the opportunity again to thank Jim Hume and the non-Government bills unit for their work, the members of the Health and Sport Committee for their helpful consideration of the bill, and the committee clerks who assisted that work over the past year. I also thank my busy Scottish Government officials in the tobacco control team for all their work on the Smoking Prohibition (Children in Motor Vehicles) (Scotland) Bill and on the Health (Tobacco, Nicotine etc and Care) (Scotland) Bill, which they are dealing with at the same time. I wish them a good festive season.

I thank those who gave their time to provide evidence to the Health and Sport Committee, almost all of whom advocated that the bill is both proportionate and necessary. There has been much consensus and it is great to hear such support for the bill.

As I highlighted in my opening speech, the Scottish Government has made our commitment to protect children from exposure to second-hand

smoke clear for some time. I know that many others are committed to the same goal. During the passage of the bill, Cancer Research UK lent its support, saying:

“Making it illegal to smoke in cars with children will help protect them from the hundreds of lethal chemicals—around 70 of which cause cancer—found in cigarette smoke”.

The bill is an important milestone. It will play its part alongside the vast range of measures that will continue to be progressed by the Scottish Government to reduce tobacco-related harm.

It has been 10 years since the introduction of smoke-free legislation. That important step has seen attitudes shift significantly. The bill is another measure that will build on and continue to drive culture change.

James Cant, who was head of the British Lung Foundation when he gave evidence to the committee, said:

“I envisage that, in a couple of years' time—or even sooner—people will look at the issue in the same way that we look at putting a child in their car seat. You have to put the seat belt on because that is what you do to keep the child or young person safe on that journey.”—[*Official Report, Health and Sport Committee*, 9 June 2015; c 44.]

That is exactly what I hope will be achieved.

Putting in place robust tobacco control measures is not about stigmatising those who wish to smoke. Ultimately, we would all agree that it is necessary that we do all that we can to encourage children and young people to choose not to smoke and protect them from the harm that is caused by second-hand smoke. The bill is another important step in creating a tobacco-free generation in Scotland by 2034. It continues to promote the shift in social attitudes so that choosing not to smoke becomes the norm.

I have had helpful dialogue with Jim Hume throughout the Parliament's consideration of the bill and we have worked together to improve the bill's provisions.

I have always made clear that the Scottish Government supports the underpinning principles. It is my belief that the bill's provisions are strong and the approach taken to implementing the offence is the right one. We will be happy to support the bill at decision time.

15:46

Jim Hume: It gives me great pleasure that the bill crosses party lines. We have a mutual goal of protecting children's health in Scotland, which does the Parliament proud.

As I have said repeatedly, the bill's goal is to protect children and young people under the age of 18 from the harmful effects of second-hand

smoke. I am happy that the hard work that has been put in by everyone involved has resulted in a good, strong, cohesive and effective bill, which I hope and believe will be passed at decision time.

During its passage through Parliament, the bill was strengthened at stage 2 and given unanimous support. We are now faced with the decision of whether to take the last step of passing the bill, which will see at least 60,000 children a week in Scotland benefiting from better health. Detailed scrutiny of the bill and input from the 160 responses to my consultation, from the many organisations and individuals mentioned and from parliamentary committees have, at this final stage, brought to fruition a bill that will do what it was intended to do: protect the vulnerable from the toxic fumes of second-hand smoke in a very enclosed space.

I again thank all members on the committees involved for their constructive work, and I thank the ministerial team, fellow members and the numerous charities, organisations and academics who were involved. I also thank my own office—team Hume—past and present. It is good to see someone from the past—Craig Moran—in the public gallery.

There is one other person whom I would like to thank: a woman who was selfless throughout her life, gave rather than took, inspired me and drove me on to make a difference in my community. She was a non-smoker who died 5 years and one week ago from lung cancer, which doubtless was brought on by inhaling second-hand smoke: my mother, Joyce Hume. I dedicate this bill to her.

The consultation gathered wide and positive support. Its responses shaped the bill and it is a credit to the Parliament that we have the system that we do. Despite differing views on aspects of the legislation, we have a bill that is the next logical step in protecting the health of children. I believe that it will do that.

By developing policies on smoking, we are closing loopholes in legislation that are hazardous to children. As members pointed out, cutting down people's exposure to smoking from an early age results in significant benefits. Research shows that children who are exposed to second-hand smoke are more likely to become smokers themselves. The Minister for Public Health emphasised that point in the Government's take it right outside campaign, which she mentioned.

Campaigns have not been enough to protect the 60,000 children who every week are exposed to second-hand smoke in cars. In its report, the Health and Sport Committee says:

"education campaigns alone have not succeeded in protecting children from exposure to second-hand smoke in vehicles, and as such these further measures are needed."

Change in behaviour is vital. Reducing children's exposure to second-hand smoke in vehicles can not only have immediate benefits in protecting children's respiratory systems but reduce the likelihood that they will develop conditions in future. We have the chance to shape a number of preventative measures that will free up NHS resources in the future, give children a better chance to get a healthier start in life and save millions of pounds and lives for generations to come. The bill is as much about the short-term benefits as it is about ensuring long-term benefits and the prevention of serious diseases such as lung cancer.

It was a famous inventor, Thomas Edison, who recognised that about a hundred years ago. He stated:

"The doctor of the future will give no medication, but will interest his patients in the care of the human frame, diet and in the cause and prevention of disease."

The bill is in the interest of patients, cares for the human frame and goes a long way towards disease prevention. The future that Edison talked about is now. To truly protect children and their health, we must start preventing diseases and removing their catalysts.

I have had close and constructive contact with the Scottish Government and I hope that continues into the future as the bill is enacted and its provisions are put in place. It is appropriate that legislation that is designed to protect children must not be burdensome, confusing or hard to explain to anyone. That is why I am glad that, at this final stage, the bill stands as a clear and simple message to all. It also provides clarity for the police officers and environmental officers who will enforce the bill's provisions.

To that end, I am encouraged that Scottish ministers will undertake a campaign on commencement of the bill's provisions under section 5. I welcome the fact that a high-profile information and awareness campaign will accompany this important new law. We want people to realise and understand the detriments to children's health from second-hand smoke and to recognise that opening the window makes little difference and can, in fact, worsen the intensity of smoke in the rear seats.

The campaign could add to the bill's benefits, because it could provide positive spillovers and more opportunities for a wider part of the population who might not have children at the moment but might alter their behaviour when they give their friends a lift to work.

The provisions in the bill can be clearly understood and enforced. They will be effective in encouraging a cultural shift towards healthier habits and a better understanding of the dangers

of second-hand smoke, even when it cannot be seen. The bill will also have a positive impact on improving the health of future generations to come.

That is why voting for the bill is in the interests of parents, children and their future children, in that it will remove one more harmful factor from our lifestyles. The bill has had the backing of the British Medical Association, the Children and Young People's Commissioner Scotland, Cancer Research UK, the British Heart Foundation, the British Lung Foundation and many more; a long list of supporters and health professionals, who are the people who know.

It sets the Parliament in good standing to be one of the pioneering Parliaments in Europe to adopt such legislation. The British Heart Foundation recognises the bill as

"the first ... to introduce the debate about regulating smoking in vehicles in any UK Parliament".

The BHF goes on to say that the bill has sparked "great media debate" and that its progress

"has led to a ban in England and Wales".

We can be proud that the Scottish Parliament has again led the way in protecting the vulnerable. It will give children in Scotland a better start in life, knowing that this aspect of their health is legally protected in such an enclosed space.

I conclude by again thanking those who were involved for their co-operative approach. We have a bill that can help to ensure that 60,000 children every week in Scotland get the healthy start to life that they deserve. I look forward to support from across the chamber today at decision time.

Interests of Members of the Scottish Parliament (Amendment) Bill

The Deputy Presiding Officer (John Scott):

The next item of business is a debate on S4M-15201, in the name of Stewart Stevenson, on the Interests of Members of the Scottish Parliament (Amendment) Bill. I invite members who wish to speak in the debate to press their request-to-speak buttons now or as soon as possible. I call Stewart Stevenson to speak to and move the motion on behalf of the Standards, Procedures and Public Appointments Committee.

15:54

Stewart Stevenson (Banffshire and Buchan Coast) (SNP):

There is always a benefit in reviewing, with a critical eye, the regimes that govern our work and that of individual members here in Parliament.

The bill's proposals seek to improve the public accessibility of information reported by MSPs, allowing for effective public scrutiny. The bill will also ensure that a wide range of parliamentary sanctions are available and will broaden the definition of the serious criminal offence of paid advocacy.

Due to partial overlaps in the reporting requirements on MSPs under the Parliament's register of interests and the Political Parties, Elections and Referendums Act 2000—otherwise known as PPERA—certain financial interests must be reported to both the Electoral Commission and to the Parliament. That is known as dual reporting. The PPERA requirements are defined in terms of donations to political activities, which include parliamentary activities, whereas the Parliament is interested solely in financial interests that could be perceived to influence MSPs in carrying out their parliamentary duties.

The two regimes have different criteria for registration, which can make the system complex. There are also two separate complaints processes depending on whether an MSP is reported to the Electoral Commission or to the Commissioner for Ethical Standards in Public Life in Scotland for failure to register a financial interest.

Removing dual reporting will provide for simpler reporting requirements for financial interests overall for MSPs and greater transparency and accountability to the public than is the case at present. That will make details of MSPs' financial interests more transparent, as they will be more easily accessible in a single place, on our Parliament's website; the means of pursuing a

complaint in relation to a financial interest will also be streamlined for the public.

The bill makes the necessary adjustments to the categories of registrable interest to enable the Electoral Commission to draw all the information that it needs from the Parliament's register.

When dual reporting ends, the Commissioner for Ethical Standards in Public Life in Scotland will take on sole responsibility for investigating breaches of those PPERA requirements that are currently investigated by the Electoral Commission. The bill will incorporate that into our revised register of categories. It will broaden the commissioner's remit and simplify the process for the public, providing one place to direct complaints.

The group of states against corruption—GRECO—published a report in 2013 that recommended that consideration be given to lowering the thresholds for registering gifts. At present, members must register gifts over the value of 1 per cent of a member's salary at the start of the parliamentary session. That makes the current figure £570. The qualification is that it excludes gifts that do not meet the prejudice test, for example, gifts between members of the MSP's family.

Other jurisdictions have lower levels of registration. The House of Commons proposes to lower the threshold to £300, the House of Lords will go to £140, and the threshold in the Northern Ireland Assembly is £240. With those developments in mind, and the desire to increase transparency of members' interests in this place, the committee decided to include a measure in the bill to lower the threshold for registering gifts to 0.5% of a member's salary, rounded down to the nearest £10, at the beginning of the current parliamentary session. That would presently be £280.

I turn to the paid advocacy provisions. Paid advocacy is where an individual uses their position as an MSP to advocate a particular matter in return for payment, including a benefit in kind, or to urge any other MSP to do so. It is a criminal offence and a breach of the Interests of Members of the Scottish Parliament Act 2006 for an MSP to undertake paid advocacy.

As I have stated in previous debates—we first debated the subject in April—no MSP has ever been found to be in breach of the paid advocacy provisions. Given the gravity with which paid advocacy should be treated, the committee is very clear that there is a case for increasing the scope of the criminal offence. To that end, the bill amends the existing paid advocacy offence to ensure greater consistency with the Bribery Act 2010. The paid advocacy offence currently

requires actual receipt of an inducement by an MSP or an MSP's partner where that results in some benefit to the MSP. The Bribery Act 2010 goes further than that: it does not require an individual actually to receive inducements in order to commit an offence; they must only agree to receive such inducements.

The committee considers that if an MSP is found to have agreed to undertake advocacy for financial gain or to have encouraged a fellow MSP to do so, they should be considered to be guilty of an offence regardless of whether inducements have actually been received. During the stage 1 debate, Tavish Scott asked me whether that would cover a scenario in which a member requested an inducement for advocating a cause. I took the opportunity to amend the bill at stage 2 to put beyond doubt that that scenario, too, should be covered by the paid advocacy offence.

I move,

That the Parliament agrees that the Interests of Members of the Scottish Parliament (Amendment) Bill be passed.

16:01

The Minister for Parliamentary Business (Joe FitzPatrick): I do not propose to take too much time to comment on the details of the Interests of Members of the Scottish Parliament (Amendment) Bill.

It will probably come as no surprise to hear that the Government continues to give the bill its full support. I congratulate the members of the Standards, Procedures and Public Appointments Committee and, indeed, its clerks. The committee has made excellent and rapid use of the relevant powers that have been made available to the Parliament under the Scotland Act 2012.

The preparatory work to underpin the policy reforms in the bill was carefully considered and has led to a robust framework. That was added to by the amendments that the convener of the committee mentioned. Obviously, it is worth noting that the bill is a committee bill. We do not have such bills too often, so it is useful to highlight that fact. Committee bills are a useful tool in our parliamentary processes, and it was appropriate that a committee bill was introduced.

During the stage 1 debate, members across the chamber stood together behind the proposals, and I have no reason to consider that that position will change today. It is not often that a bill receives such unified support, and that deserves special mention.

At stage 1, I summarised my broad assessment of what the bill delivers. There are three main things from the Government's perspective.

First, the bill seeks to establish measures to enhance members' accountability to the public and to reflect the latest views on what constitutes appropriate probity standards. Secondly, in looking to standardise arrangements for reporting interests, it streamlines the activity that is required of members and offers the public a single point of reference. It ends the dual reporting that the convener talked about. Thirdly, it offers the Parliament flexibility in the event that circumstances ever arise that necessitate enforcement activity.

The bill aimed high in seeking to produce a comprehensive review of existing practices. Any one of those three major areas would have been significant in the first place, so we really cannot overestimate the amount of work that went into producing the bill and pulling together the three different strands.

I consider that every member of the Parliament will benefit as a result of the changes, be that in demonstrating their accountability to their electorate or from the streamlined reporting processes.

The proposal to end dual reporting is a significant step forward. I commend the committee for its commitment to that move and the benefits that it should deliver for members of the Scottish Parliament and members of the public.

The measures in the bill are not just symbolic reforms; they can be characterised as practical improvements that can be realised from the start of the next parliamentary session.

The Government welcomes the commitment that the Standards, Procedures and Public Appointments Committee has shown, and I look forward to the bill being passed at decision time.

16:04

Mary Fee (West Scotland) (Lab): This is a short but nevertheless important debate on the interests of members of the Scottish Parliament. Across the chamber we all agree that we need robust, accountable and transparent mechanisms for reporting members' interests.

The Parliament rightly prides itself on its openness and accountability, and the bill gives the opportunity to revisit the existing legislation on members' interests. The bill will help to increase the transparency and accessibility of information about members' financial interests and it will ensure that the Parliament has a robust set of sanctions to deal with any breaches of its rules.

A useful measure included in the bill is the motion of censure, which will serve as a useful middle ground if a member is found to be in breach of the rules but that breach is not serious

enough to justify the removal of parliamentary privilege. A motion of censure would allow debate and would give the member in question the opportunity to explain the breach and to apologise.

Another useful change is the length of time for which information on members' interests will be kept. The committee considered it more appropriate to keep register entries for 10 years instead of five. There are a number of practical reasons for that. It will assist members by ensuring that information about their previously held interests is available at the start of a session. Similarly, if a member is not returned to Parliament but returns at a subsequent election, it will be easier for them to check the interests that were previously recorded.

The change will also increase transparency in relation to members' interests, as the information will be easily accessible to the public for longer. Those changes, combined with the changes to the register, will provide an additional layer of transparency to the public in seeking to access information on members' interests.

As Stewart Stevenson said in his opening comments, the ending of dual reporting is an important step. At the moment, information is on the Parliament's website and the Electoral Commission's website, depending on the nature of the interest. Streamlining the process will assist people in accessing the information and it will help members to comply more easily with the regime.

I am pleased that no member has ever been found to be in breach of the rules on paid advocacy, but we must keep those rules under review, so it is right to strengthen them through the bill. Most members of the public would expect there to be a breach if a member agreed to undertake paid advocacy, even when cash does not change hands. The bill will ensure that such behaviour will be caught.

The amendments that were lodged by Stewart Stevenson at stage 2, which extend section 9 of the bill so that it covers a member or their partner requesting an inducement for the member to carry out paid advocacy, were a further and very useful clarification, and a welcome addition to the bill.

I take this opportunity to thank Stewart Stevenson, the Standards, Procedures and Public Appointments Committee and the clerks for the work that they have done to progress this important piece of legislation.

I am pleased to speak today for Scottish Labour and to support the motion, which seeks the Parliament's agreement to the principles of the bill. The provisions will increase transparency and strengthen the standards regime in the Scottish Parliament. Openness, transparency and accountability must be at the forefront of the way

in which the Parliament operates. I am happy to support the motion in Stewart Stevenson's name and to support the Interests of Members of the Scottish Parliament (Amendment) Bill.

16:08

Mary Scanlon (Highlands and Islands) (Con): I associate myself with the comments made by Mary Fee. I also thank Stewart Stevenson and the Standards, Procedures and Public Appointments Committee for bringing forward the Interests of Members of the Scottish Parliament (Amendment) Bill. Can I say, Presiding Officer, that it is very nice to have the last debate of the year on a consensual note?

Anything that brings greater transparency to this issue has to be welcomed. In the interests of clarity, transparency and consistency, I take the opportunity to raise the same question that I raised at stage 2, which relates to benefits in kind. Given that we have the opportunity for the full chamber to hear, it would be appropriate to get some clarity on the issue.

Stewart Stevenson said at stage 2:

"It is not currently an offence to receive an inducement, as long as the member does not do anything in response to receipt of the inducement".

That is fine. He also said:

"It is the conditionality—the link between the benefit that is delivered and the action that the member has taken—that is important."—[*Official Report, Interests of Members of the Scottish Parliament (Amendment) Bill Committee*, 10 November 2015; c 2, 4.]

Each and every one of us across the chamber will have been invited out to dinner quite regularly by hosts who tend to take full advantage of their time with us to let us know exactly what their concerns are. The example that I would like to use today relates to the University of the Highlands and Islands college lecturers. If I were still a lecturer, I might be telling Mr Matheson to keep quiet as I speak—it was never easy as a teacher when someone chattered in the background, cabinet secretary or no cabinet secretary.

The Presiding Officer (Tricia Marwick): We all need to learn from you, Mrs Scanlon.

Mary Scanlon: If I am invited out to dinner and my UHI hosts highlight the fact that lecturers in the Highlands are paid £7,000 below lecturers elsewhere in Scotland, and the following week I come into Parliament and raise the issue of unfair pay for lecturers in the Highlands, have I received a benefit in kind—that is to say, dinner—and then become a paid advocate, or have I just received information? I seek clarity on that issue, and I think that we would all welcome such clarity.

The Presiding Officer: I call Stewart Stevenson to wind up the debate.

16:11

Stewart Stevenson: Let me start with the point that Mary Scanlon has made, which is a fair and proper one, by addressing the example that she gives of any of us being out to dinner with someone who wishes to put a point to us. That is not caught by the Interests of Members of the Scottish Parliament (Amendment) Bill unless the dinner is provided on condition that we take an action. It is that conditionality that is important.

Parliament will be likely to be returning to the broader issue that Mary Scanlon has captured when we discuss the Lobbying (Scotland) Bill, because that may well be a matter of lobbying that is caught, and the people who are lobbying would be likely to have to register under the Lobbying (Scotland) Bill. That is for another day but, in response to Mary Scanlon's point, I say that it is the conditionality that is important. We can still go out to dinner. I am going out tonight, although I think that I am paying, so that certainly will not be caught.

Mark McDonald (Aberdeen Donside) (SNP): Are we all invited?

Stewart Stevenson: Invitations are now closed.

Mary Fee dealt more than adequately with the subject of the sanctions that are being introduced and with the broad sanction regime. In particular, she addressed the issue of a motion of censure, so I do not propose to say anything more that is material about that.

I do, however, want to talk about the removal of dual reporting. Although we will be passing a bill today, it cannot proceed as a new part of our law and our procedures until the Electoral Commission is satisfied that the information in the register of interests will be sufficient to meet its needs. The clerks to the committee have been working with the Electoral Commission to ensure that the provisions in the bill are satisfactory, and I, like other members, thank officials in the Parliament and at the Electoral Commission for their assistance in that matter.

The current framework for ending dual reporting in the Electoral Administration Act 2006 does not extend to independent MSPs, and I want to say a word or two about that. As that act stands, dual reporting can be ended only for members of registered political parties, and not for independent members. Our bill contains an amendment to that act that will allow dual reporting to be ended for all MSPs, and I am pleased to have been able to work with each of the independent members in this Parliament to ensure that the provisions in that

regard are understood and agreed. Indeed, I saw Margo MacDonald towards the end of her life; I had a three-minute discussion on this subject and an hour of updates on what was going on in Parliament. I will not reveal what I told her about what everyone was up to, as that would be a breach of confidence beyond what would be proper.

In closing, I am pleased that the committee has been able to bring forward this committee bill, which I believe will streamline processes for dealing with financial interests, increase transparency and ensure that we have robust sanctions. I encourage all colleagues to support this change in the next few minutes.

The Presiding Officer: Thank you very much, Mr Stevenson. I do not expect an answer just now, but perhaps when the Lobbying (Scotland) Bill is debated you can tell me whether, if Santa brings me presents, I will be a paid advocate for him.

That concludes the debate on the Interests of Members of the Scottish Parliament (Amendment) Bill.

Motion without Notice

16:15

The Presiding Officer (Tricia Marwick): I invite the Minister for Parliamentary Business to move a motion without notice to bring forward decision time to now.

Motion moved,

That, under Rule 11.2.4, Decision Time be brought forward to 4.15 pm.—[Joe FitzPatrick.]

Motion agreed to.

Decision Time

16:15

The Presiding Officer (Tricia Marwick): There are two questions to be put as a result of today's business. The first question is, that motion S4M-15146, in the name of Jim Hume, on the Smoking Prohibition (Children in Motor Vehicles) (Scotland) Bill, be agreed to.

Motion agreed to,

That the Parliament agrees that the Smoking Prohibition (Children in Motor Vehicles) (Scotland) Bill be passed.

The Presiding Officer: The next question is, that motion S4M-15201, in the name of Stewart Stevenson, on the Interests of Members of the Scottish Parliament (Amendment) Bill, be agreed to.

Motion agreed to,

That the Parliament agrees that the Interests of Members of the Scottish Parliament (Amendment) Bill be passed.

The Presiding Officer: I wish every member a happy, restful and peaceful Christmas and new year. I look forward to seeing you all when we return after the recess.

Meeting closed at 16:16.

This is the final edition of the *Official Report* for this meeting. It is part of the Scottish Parliament *Official Report* archive and has been sent for legal deposit.

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