



The Scottish Parliament  
Pàrlamaid na h-Alba

## Official Report

# MEETING OF THE PARLIAMENT

Thursday 7 January 2016

Session 4

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# Scottish Parliament

Thursday 7 January 2016

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

## General Question Time

### Balfour Hospital (Orkney)

**1. Liam McArthur (Orkney Islands) (LD):** To ask the Scottish Government what assessment it has carried out of the number of beds needed in the proposed new Balfour hospital in Orkney. (S4O-05224)

**The Cabinet Secretary for Health, Wellbeing and Sport (Shona Robison):** It is the role of national health service boards—in this case, NHS Orkney—to develop and implement clinical strategies for the provision of healthcare to their populations and to assess the requirements for the facilities that support those strategies. That includes the bed numbers that are required for the replacement Balfour hospital.

**Liam McArthur:** The cabinet secretary will be aware of concerns that I have raised directly and which have been raised by my constituent Dr Ian Cunningham regarding bed capacity at the new hospital in Orkney. The outline business case quoted a potential requirement of 56 beds against the planned provision of 47 in-patient and two assessment beds, but calculations that Dr Cunningham carried out on the basis of the figures available from ISD Scotland and obtained under freedom of information suggest that, at the very least, the new hospital may be as many as 12 beds short.

Will the cabinet secretary therefore agree to look again at the assumptions that NHS Orkney is making to justify the planned bed numbers? Although reducing the average length of stays, providing more care at home, greater use of technology and an increased emphasis on preventative care are all very welcome, does she accept that being overambitious or, indeed, unrealistic in the assumptions that are made, or determining bed numbers principally on the basis of cost is not in the interests of either patients or staff in my constituency?

**Shona Robison:** It is important that we get the bed numbers and the configuration of the services in general right. I understand, for example, that the plans for the new hospital are being looked at to include 49 beds, but the proposed layout will allow more effective use of those beds, as the current layout limits the usage due to the inability to separate men and women in the existing hospital,

for example. In essence, the new hospital's layout will allow for better management of bed capacity.

That will be complemented by an increase in day case chairs from 13 to 42, and NHS Orkney plans to make significant changes to clinical practice prior to the opening of the new hospital that will reduce average stays and admissions and increase the proportion of elective surgery that is performed as day cases in line with the direction of travel in the rest of Scotland.

It is clear that the full business case for the project will be brought forward later in the year. There will be a requirement to demonstrate that the new hospital will be appropriate to meet the needs of the population before it receives approval from the Scottish Government. I will continue to liaise with NHS Orkney, as the local member would expect me to do, and we will have oversight to ensure that the new hospital, which I am sure everyone will welcome, meets the needs of the local population.

### Human Papillomavirus Vaccination (Boys)

**2. Jenny Marra (North East Scotland) (Lab):** To ask the Scottish Government what plans it has to give boys the HPV vaccination. (S4O-05225)

**The Minister for Public Health (Maureen Watt):** The Scottish Government is advised on all immunisation matters by the Joint Committee on Vaccination and Immunisation. At its meeting on 7 October 2015, the JCVI highlighted the importance of the on-going modelling work that is being undertaken by Public Health England and the University of Warwick to aid its considerations of extending human papillomavirus vaccinations to adolescent boys. As that is a complex piece of work, the JCVI may not be in a position to provide its final advice until 2017. The Scottish Government will, of course, carefully consider any future JCVI recommendation about HPV vaccinations for adolescent boys.

**Jenny Marra:** I understand that the Joint Committee on Vaccination and Immunisation is doing that work at the moment, and I am glad that the Scottish Government will take cognisance of that in 2017.

I am sure that the minister is aware that gay men under the age of 45 in Wales are currently offered the vaccination, but there is evidence that it should also be offered at a much earlier age.

Throat cancer diagnoses are due to overtake those of cervical cancer by 2020, according to the Throat Cancer Foundation, so I am glad that the minister has the issue on her radar and that she will be listening to the JCVI's advice.

**The Presiding Officer (Tricia Marwick):** I am not sure that there was a question there.

**Maureen Watt:** I am not sure either. I was waiting for one.

I remind Jenny Marra that HPV vaccination of girls was introduced to protect against cervical cancer. The uptake rates are very high, and of course we get herd immunity.

There is a case to give the vaccine to MSM—men who have sex with men—under 45 who attend genitourinary medicine and HIV clinics. The Scottish Government is considering the JCVI's recommendation and we are working with Health Protection Scotland and NHS Scotland to identify potential routes for the delivery of any programme to vaccinate MSM in a cost-effective way.

### Infrastructure Projects (Highlands and Islands)

**3. John Finnie (Highlands and Islands) (Ind):** To ask the Scottish Government what discussions it has had with local authorities in the Highlands and Islands and Transport Scotland regarding proposed infrastructure projects. (S4O-05226)

**The Cabinet Secretary for Infrastructure, Investment and Cities (Keith Brown):** Transport Scotland officials routinely meet Highlands and Islands local authorities. Those meetings are arranged as required, in addition to a twice yearly meeting with Highland Council to discuss major road schemes and strategic transport planning matters. The most recent of those meetings was held on 9 December.

**John Finnie:** From Shetland to Argyll and from Lewis to Moray, harbours, piers, slipways, roads and bridges need to be repaired and replaced, so many people were surprised that a Transport Scotland priority is the A9-A96 so-called link road, for which Transport Scotland believes it has made a case. The proposed expenditure of around £65 million would mean a 1 mile stretch of road going through an area that has been identified in a local plan as a park. It has been dubbed locally as "the mad mile"—

**The Presiding Officer:** Can we get a question?

**John Finnie:** Yes. Will the cabinet secretary review that personally and meet me to discuss better use of that money?

**Keith Brown:** John Finnie will be unsurprised that I do not share his view, and I do not think that local people share it either. The A9-A96 link is a key part of the infrastructure proposals for Inverness. Its design has been influenced by current and future demand for housing, employment and aspirations for what is Scotland's rapidly growing Highland capital. The proposed scheme is part of Highland Council's infrastructure aspirations to support the continued expansion of Inverness over 10 years. Without the new link road, there would be a significant impact on the

future effectiveness of the trunk road and local roads in the immediate vicinity, so we will continue to invest in the project, to ensure that it is completed for the benefit of the future aspirations and current needs of people in and around Inverness.

### Forth Road Bridge

**4. Gavin Brown (Lothian) (Con):** Taking into account Tuesday's topical question, to ask the Scottish Government whether it will provide an update on the condition of the Forth road bridge. (S4O-05227)

**The Minister for Transport and Islands (Derek Mackay):** The Forth road bridge opened to vehicles except heavy goods vehicles from 23 December, after the completion of temporary repairs. New state-of-the-art monitoring equipment has been installed on the bridge, in the form of electronic strain gauges and tilt meters. They are continually monitored, and since traffic has been reintroduced to the structure they remain within acceptable parameters.

A permanent repair to allow HGVs across the Forth road bridge will commence in the coming days and, subject to favourable weather conditions and no further defects being identified, the bridge will reopen to HGVs in mid-February.

**Gavin Brown:** In 2012, the Forth road bridge capital budget got chopped in half. In next year's budget, the capital maintenance budget suddenly has an 80 per cent increase. Bearing that in mind, was it a mistake to chop that budget in half for four years?

**Derek Mackay:** As ministers have said repeatedly, the fault that occurred was not predicted. The works that are being undertaken are fulfilling our obligations around the bridge. They will continue and will allow all traffic over the bridge, as the Scottish Government has stated.

### Rural Roads (Safety Upgrade Criteria)

**5. Alex Fergusson (Galloway and West Dumfries) (Con):** To ask the Scottish Government what criteria need to be met before Transport Scotland undertakes safety upgrades where rural roads intersect with trunk and other major roads. (S4O-05228)

**The Minister for Transport and Islands (Derek Mackay):** Criteria are in place to assess the safety performance of the trunk road network annually. Transport Scotland screens all locations on the trunk road network where three or more personal injury accidents have occurred in the preceding three years or where a section of road has had an accident rate that is 1.25 times above the national average for that road type over the same three years. Further investigations are then

carried out and, where appropriate, mitigation measures are prioritised and installed.

**Alex Fergusson:** Cree Valley community council in my constituency is increasingly concerned about the safety of the road junction where the A712 meets the A75 trunk road just outside Newton Stewart. As the minister will be aware, the A75 carries a huge percentage of heavy goods vehicles, and the A712 carries a large number of timber lorries. Local opinion is that the junction constitutes a major accident waiting to happen, but all approaches to Transport Scotland are met with a response that says in effect that no fatal accident history means no action. Does the minister agree that it is time that Transport Scotland gave more weight to local opinion in such circumstances, especially when it is endorsed by elected representatives from all parties and at all levels?

**Derek Mackay:** Mr Fergusson asked me about the criteria, which I gave, but we always look at specific local circumstances to see whether any other interventions can be made. It is right to target resources to where they can make the biggest difference, and road safety is a serious issue. I am happy to look at individual circumstances in order to understand them more fully. If the member writes to me, I will look at the circumstances that he spoke about.

### Unpaid Carers (Glasgow)

**6. Bob Doris (Glasgow) (SNP):** To ask the Scottish Government how it supports unpaid carers in Glasgow. (S4O-05229)

**The Minister for Sport, Health Improvement and Mental Health (Jamie Hepburn):** The Government recognises and values the vital contribution that unpaid carers and young carers make to the lives of those they care for in communities across Scotland, including in Glasgow. That is why we introduced the Carers (Scotland) Bill, which has now passed stage 2 of the parliamentary process. The bill is an important part of our programme of health and social care reform, which will extend the rights of all adult carers and young carers across Scotland and ensure that carers are supported in their caring roles. Other Scottish Government initiatives such as the voluntary sector short breaks fund, the young carers festival and the carer positive employer scheme all benefit carers across Scotland.

Scottish Government carer information strategy funding to NHS Greater Glasgow and Clyde is more than £1.09 million in 2015-16. That investment is contributing to a wide range of support to carers in Glasgow, including training for carers, young carers projects, and information and

advice services to carers in acute hospital settings.

**Bob Doris:** Glasgow City Council is tendering out service provision at six carers centres across the city. The centres offer vital support, such as information and advice, income maximisation services and access to respite care. Given the council's poor track record on matters such as adult day care centres for people with learning disabilities and personalisation, will the minister enter into constructive dialogue with the council to ensure that the city is well prepared for the enhanced carer support that councils will be required to deliver following the passage of the Scottish Government's Carers (Scotland) Bill?

**Jamie Hepburn:** I am aware that Glasgow City Council has undertaken the process to which Mr Doris refers. He will appreciate that the council took that decision and the Scottish Government is not directly involved in it. I am of course aware of the good work that carers centres do. I visited south-east Glasgow carers centre last March on the day when we launched the Carers (Scotland) Bill and I saw at first hand the good work that it is doing locally.

One change that we made to the bill at stage 2 that is directly relevant to carers centres makes it explicitly clear that, where advice services exist, the local authority does not need to recreate them. In advance of the bill coming into force, I assure Mr Doris that the Scottish Government will maintain a constructive dialogue with local authorities, including Glasgow City Council.

### Hub South-east Scotland Programme

**7. Gordon MacDonald (Edinburgh Pentlands) (SNP):** To ask the Scottish Government what the value is of projects under construction or development in the Edinburgh area under the hub south-east Scotland programme. (S4O-05230)

**The Cabinet Secretary for Infrastructure, Investment and Cities (Keith Brown):** Currently, 15 projects with a total value of £192.6 million are under construction or development in the Edinburgh area under the hub south-east Scotland programme.

**Gordon MacDonald:** The recent announcement of £330 million of capital projects across Scotland includes £25 million for the Lothian national health service bundle. Will the cabinet secretary confirm that Firrhill partnership centre is part of that bundle? Will he outline the timescale for constructing that long-awaited new medical facility?

**Keith Brown:** Among the projects that I mentioned previously are Cramond primary school and Fox Covert primary school, both of which I attended. It is nice to see them being extended.

I acknowledge the member's support for the project that he mentioned and I recognise the work that he has done on that. I confirm that Firrhill partnership centre is part of NHS Lothian's partnership bundle and that construction is expected to start in 2016. Until financial close is reached, I cannot confirm when the facility will be completed, but the construction period is estimated to be around 18 months.

### Information and Communication Technology Budget

**8. Mary Scanlon (Highlands and Islands) (Con):** To ask the Scottish Government how much it has overspent on its estimated information and communications technology budget in the last five years. (S4O-05231)

**The Deputy First Minister and Cabinet Secretary for Finance, Constitution and Economy (John Swinney):** The ICT budget for the core Scottish Government has not been overspent in the past five years.

**Mary Scanlon:** Well, the budget has been well overspent in the past three months. In 2012, the Auditor General recommended the creation of the post of chief information officer to develop, support and improve cost-effective ICT services. Why did it take so long to develop that post, and why are so many hundreds of thousands of pounds of taxpayers' money still being wasted on ICT contracts, including £450,000 a month for NHS 24? [*Interruption.*]

**John Swinney:** It is good to see that the better together alliance is alive and kicking on the Labour benches. [*Interruption.*]

**The Presiding Officer:** Order.

**John Swinney:** Mary Scanlon will understand that many of the ICT reforms that we have to undertake are complex projects. For example, with regard to the common agricultural policy system, the European Union applied substantial changes to the policy after the Scottish Government put forward the original business case in 2012.

A reasonable-minded assessment of the fact that there are major policy and structural changes in such systems will lead to the conclusion that we must adapt our ICT systems to cope with the challenge, principally—as Mary Scanlon will understand—because of the importance of guaranteeing compliance with EU schemes in the expenditure of public money, which is of great significance to the Scottish Government and the European Union. I understand and appreciate Mary Scanlon's interest in such issues, but I assure her that they are subject to clear and sustained investigation and management by the Scottish Government at ministerial and official

level to ensure that we use public money effectively to deliver for the citizens of Scotland.

### North Lanarkshire Council (Meetings)

**9. John Wilson (Central Scotland) (Ind):** To ask the Scottish Government when it last met the council leader and chief executive of North Lanarkshire Council. (S4O-05232)

**The Cabinet Secretary for Social Justice, Communities and Pensioners' Rights (Alex Neil):** Ministers and officials regularly meet the leaders and chief executives of all Scottish local authorities, including North Lanarkshire Council, to discuss a wide range of issues as part of our commitment to working in partnership with local government to improve outcomes for the people of Scotland.

**John Wilson:** The cabinet secretary will be aware of Tata Steel's redundancy decisions at its Dalzell and Clydebridge plants and of the indications from Her Majesty's Revenue and Customs that it will reduce staff at its Cumbernauld tax office, along with the comments in the press by North Lanarkshire Council about potential redundancies over the next year as a result of local government budget settlements. Will he commit to establishing a round-table meeting with elected members who represent the area, along with the local authority and other agencies, to identify how we can mitigate the economic impact of the levels of redundancies that are expected in the North Lanarkshire area?

**Alex Neil:** We are heavily involved in addressing the issue of Tata's potential closure. My colleague Fergus Ewing has been leading the way, through the working party, to ensure that we do everything that we possibly can to find a buyer. He recently announced a subsidy of £195,000 to ensure that the plants remain open until we find a buyer.

On the wider issues, we will always be happy to work with all the stakeholders in North Lanarkshire and every part of Scotland where there are threats to jobs and the possibility of redundancies, to ensure that everything is done to protect such jobs and, if that is not possible, to find alternative employment for those who are affected by redundancy.

**The Presiding Officer:** Question 10, in the name of Nanette Milne, has not been lodged. The member has provided an explanation.

## First Minister's Question Time

11:59

### Engagements

**1. Kezia Dugdale (Lothian) (Lab):** To ask the First Minister what engagements she has planned for the rest of the day. (S4F-03150)

**The First Minister (Nicola Sturgeon):** Given that today, yet again, parts of the country face severe weather and a renewed risk of flooding, it is appropriate to thank all those in our emergency services—not exclusively but particularly the police and fire services—as well as the utility companies, transport operators, local authorities and individuals and businesses in local communities who are all working hard to respond. I and other ministers will be updated on the weather impacts throughout the day and we will work to ensure that all appropriate actions are taken.

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

**Kezia Dugdale:** I send my best wishes to those who are affected by the floods and thank all the emergency services for their tireless work to protect people and keep them safe.

In her new year message, the First Minister said that 2016 would be the year of ambition. I could not agree more. That is why I kicked off this election year by setting out a plan to help young people to realise their ambitions and aspirations. For many young Scots, owning their home is a key ambition, but for thousands of people of my generation, it is just a pipe dream. Thousands are stuck in a cycle from which there is little escape: they rent to save a deposit for a first home, but rents are so high that they simply cannot put enough money aside, which means that they end up paying high rents for years with no realistic prospect of buying.

Can the First Minister tell us what proportion of young people in Scotland today live in the private rented sector?

**The First Minister:** A significant proportion of young people—indeed, of people across all age groups—rely on the private rented sector for their housing needs. That is why one of the focuses of this Government, through a variety of measures and legislation, has been on ensuring that we have a high-quality and affordable private rented sector. I know very well from experience in my constituency that the quality of the private rented sector is just as important as its affordability. Kezia Dugdale will be aware of the Government's plans

to introduce new measures relating to rent controls in rent-pressured areas, which is vital if we are to ensure affordability. I hope that we can work together on those issues across the chamber.

Young people's aspiration of home ownership is something that I, like every member across the chamber, understand and want to support. That is why, from the moment that we were elected, the Government has focused on trying to help people into home ownership. Since we were elected, we have helped 20,000 people into home ownership through our shared equity schemes and the help-to-buy scheme, and three quarters of the people whom we have helped are under the age of 35. Secondly and, arguably, more important, the Government is focusing on increasing housing supply. I am proud that we have exceeded our target of building 30,000 new affordable homes in the current Parliament, and we are now looking to our ambition of building 50,000 new affordable homes across the next session of Parliament.

**Kezia Dugdale:** I welcome the sincerity of much of that response, but it was not an answer to the question that I asked. In among all of that, the First Minister failed to face up to the reality of life for many people of my generation. In 1999, just 13 per cent of people aged between 16 and 34 lived in private rented accommodation; today, the figure is 41 per cent. That is a threefold increase, meaning that thousands of young people in Scotland are paying high rents to private landlords rather than owning their homes. This is generation rent.

What the First Minister's generation almost took for granted is now too often out of reach for people of my generation. When Nicola Sturgeon was first elected to the Parliament, almost half of those aged 16 to 34 owned their home. Can the First Minister tell us what the figure is today, under the Scottish National Party Government?

**The First Minister:** I tried to respond to Kezia Dugdale's first question by being serious about the scale of the challenge that is faced. More people across all age groups are now living in the private rented sector, and some people—I am not for a second suggesting that it is everybody or even a majority—make a positive choice to rent rather than buy a house. That is why we should also focus on ensuring that people have quality options.

The housing crisis is part of the overall financial and economic crisis that we have all lived through over recent years—*[Interruption.]*

**The Presiding Officer (Tricia Marwick):** Order. There is too much chuntering.

**The First Minister:** That has posed real challenges for home ownership but, in recent times, there have been increases in the number of

first-time buyers. I think that there has been a 4 per cent increase over the past quarter and a higher, more significant increase over the past year. That, again, is going in the right direction.

The Government has made a deliberate choice to focus on what it considers to be the things that really matter in housing. First, we are making sure that the right number of houses is being provided. That is why the 30,000 homes target for this session of Parliament has been so important and why the 50,000 homes target for the next session is so important. I have to say that I have not heard Labour make any commitment to housing supply in the next session of Parliament. Secondly, we are focusing on ensuring that whatever tenure of housing people have, they have access to high-quality houses. My Government will remain focused on that.

I notice that Iain Gray is sitting next to Kezia Dugdale. It was, of course, he who said in an admirable moment of honesty for the Labour Party that the problem for the last Labour Administration was that it passed world-leading housing legislation but just forgot to build the houses to make it possible to implement it.

**Kezia Dugdale:** We moved from consensus to mudslinging in one question there. Once again—*[Interruption.]*

**The Presiding Officer:** Order.

**Kezia Dugdale:** Once again, there was no answer to the question—*[Interruption.]*

**The Presiding Officer:** Order.

**Kezia Dugdale:** There was no answer to the question that I asked, so I will give the First Minister the answer. In 1999, 48 per cent of Scots under 35 owned their own home. That figure stands at just 28 per cent today. Is it really the scale of the Government's ambition for just over a quarter of young Scots to have the security that comes from owning their own home? *[Interruption.]*

**The Presiding Officer:** Order.

**Kezia Dugdale:** Today, it takes a young couple who are both on an average wage 10 years to save enough for a typical deposit to buy their first home. Therefore, Labour would help young people to get their first deposit by adding to their savings. We would encourage people to put money away if they could and, in return, would help them to get on the property ladder.

We know that the First Minister cannot bring herself to back that plan, but we also know that her proposals do not address the scale of the challenge, so what will she do to help people in Scotland to buy their first home?

**The First Minister:** I have outlined a number of things and will come back to the Government's plans. However, Kezia Dugdale is right to mention the fact that there has been a challenge with getting people into home ownership. There has been a recession and a financial crisis that have contributed to a housing crisis. That is why the numbers that she cites are as they are. However, she chooses to ignore the fact that, in the past quarter, we have seen an increase in the number of first-time buyers and that, over the past year, there has been an increase of 16 per cent in first-time buyers.

That—helping more people into home ownership—is what I want to focus on. That is why we have our open market shared equity scheme, which, incidentally, gives first-time buyers much more help when it comes to buying a house than the proposal that Labour has made would do. It helps people by giving them up to, I think, 40 per cent of the cost of buying a house. We will continue to focus on schemes such as that to help people with the aspiration to own their own home, but we will also address housing supply. I notice that so far Kezia Dugdale has chosen to dodge around supply in our discussion, so I hope that she will address it in her final question to me. It is at the root of many of the issues that we are talking about.

I quoted Iain Gray earlier; let me give Kezia Dugdale another view from someone who is, perhaps, more current and topical in the Labour Party than even Iain Gray—the shadow chancellor, John McDonnell. I do not know whether she is one of the people in Labour who supports him, but we will leave that to one side for today. He said:

“We”—

as in Labour—

“inherited a housing crisis from the Tories which we then exacerbated by not building”

houses.

That is the issue, and that is why, in this session of Parliament, we have already exceeded our target of 30,000 new affordable homes and why we are determined that, if we are re-elected in May, we will build 50,000 new affordable homes. Labour has made no commitment on supply whatsoever. Perhaps that is because, as we know, in the election, Labour is not aspiring to be the Government but fighting to hold on to second place.

**Kezia Dugdale:** The First Minister cannot escape the reality that home ownership among the young is at its lowest level since the Scottish Parliament was delivered in 1999. Young people in Scotland are getting a raw deal from the SNP Government: they are bearing the brunt of an

austerity agenda that the First Minister is content to manage rather than to change. Young Scots are less likely to own their own home and more likely to be stuck in private rented accommodation, their hard-earned cash boosting the profits of private landlords rather than investing in their own future. We want to spend the money helping young people to buy their first home, but Nicola Sturgeon would rather spend the money on giving airlines a tax cut. [*Interruption.*]

**The Presiding Officer:** Order.

**Kezia Dugdale:** Is it not the case that the First Minister is on the side of the big airlines, while Scottish Labour is on the side of young families who are just trying to get on in life?

**The First Minister:** Of course, Presiding Officer, that is not the first or even the second use, but is the third use of air passenger duty money by the Labour Party. Let me remind Kezia Dugdale, yet again, of her own words from 30 October 2015, when she said that Labour would “scrap the APD measure” and spend that money “for education”. So, first it was education, then it became tax credits and now it is housing. That is not the behaviour of a credible Opposition, let alone a credible alternative Government.

Let us get back to the important issue for people across the country, which is housing. I talked about our support over the years for shared equity and the help-to-buy scheme. Let me remind Kezia Dugdale of something else that we have done to help people, particularly first-time buyers: we have removed stamp duty, now land and buildings transaction tax, on all property transactions under £145,000, which helps people to buy starter homes. We will continue to help first-time buyers, but we will do so in a sensible way, rather than in a way that does not give them any help until they have saved for three years and just pushes up house prices.

We will also continue to ensure that we see rising quality and greater affordability in private rented housing. To go back to the point that Kezia Dugdale—after four questions—has still not addressed, we will focus on building more houses. It is by building more houses that the cost of houses comes down, allowing more people to get them. That is what we will do. We have been successful over this session and we will be even more so in the next one.

### **Prime Minister (Meetings)**

**2. Ruth Davidson (Glasgow) (Con):** To ask the First Minister when she will next meet the Prime Minister. (S4F-03146)

**The First Minister (Nicola Sturgeon):** I have no current plans.

**Ruth Davidson:** I associate myself with the First Minister’s comments on emergency and local authority workers. The flooding that we have seen across Britain in the last few weeks has been devastating for thousands of families, and we know that it is continuing to affect people across Scotland. We need to know how those people are going to be supported.

On 29 December, the UK Government announced an extra £50 million in immediate support for homes and businesses that are affected by flooding. Of that money, £5 million was handed to the Scottish Government and it is entirely up to the Scottish Government how it is spent. However, as my colleague, Alex Fergusson, said in the chamber on Tuesday, he is still receiving phone calls from people in Newton Stewart who are wondering why people in Cumbria are already receiving support when they are not. I know that other members will be receiving similar calls.

Ministers have had this new money for nearly a fortnight. Why are they dragging their feet?

**The First Minister:** Ruth Davidson is right to raise an important issue. However, she is unfair in her characterisation. She will recall—as will members across the chamber—that when the Deputy First Minister announced the budget just before we broke for the Christmas recess, he allocated £4 million to the local authority areas that had been most affected by the flooding that had been caused by storm Desmond in early December in order to help local authorities to support flood-hit households and businesses. That money is to provide flat-rate grants of £1,500 to individuals, businesses or community groups that have been directly affected by flooding.

Last week, when I was visiting the communities in Newton Stewart and John Swinney was visiting Ballater, he said that we will shortly make another announcement about an additional allocation to deal specifically with the impact of storm Frank and its aftermath. John Swinney is taking care to discuss with local authorities what the appropriate amount for that allocation will be. That is the action that we are taking, which I think is right and proper, and is focused on helping people who have been so hard hit.

Of course, in addition to that, we have activated the Bellwin scheme, which gives local authorities the ability to apply for help to deal with the immediate impact of flooding, and we continue to invest—as people expect us to do—to ensure that local authorities can put in place appropriate flood protection and flood defence schemes.

We will continue to remain focused. I hope that, as we do so, we have the support of members across the chamber.

**Ruth Davidson:** I thank the First Minister for that answer, but the £4 million that she talked about is a previous allocation that has nothing to do with the subsequent £5 million that I asked about. People who are currently affected want to know how the Government is going to spend that £5 million and how that will help them. I await further details on that.

The First Minister says that she is getting on with addressing the issues and that she is matching support from across the UK, but just this week we have heard local authorities say that they are “bemused” by claims that future flood defences are being fully funded. Farmers and crofters who are bearing the brunt of the floods are still waiting for the support payments that they were promised months ago because of what the National Farmers Union Scotland calls the Scottish National Party Government’s “lumbered approach”, and we know that people are beginning to ask why firms and families here cannot get the support that firms and families elsewhere in the UK are getting.

I will give one other example. Before Christmas, the UK Government set up an emergency recovery fund in flood-affected regions that was designed to help to restore soils, to rebuild tracks and to repair flood channels. Scottish farmers are now asking the Scottish Government to mirror that scheme north of the border. Will the First Minister do so?

**The First Minister:** We will take, as we have done, all appropriate action to help people who are affected by flooding. Ruth Davidson says that we have not yet announced the additional allocation, and she is right—we have been very open about that. The reason for that is simple and understandable: we are still dealing with an on-going situation. I very much hope that it is not the case that we will see communities being affected by flooding again today, but it is entirely possible that we will.

Therefore, we need to ensure that we take time to assess the full impact so that we know what the appropriate allocation of funding will be. We might need to allocate more than £5 million to address the impacts that people are facing. Just as we did in response to storm Desmond, we will take the appropriate action in response to storm Frank, the flooding that hit in the days after it, and the flooding that we may well see in parts of the country today.

On Ruth Davidson’s comment about flood protection and flood defences, we have funded all eligible schemes that have met the criteria for flood defence systems. As a result of the 14 flood-risk management strategies that are in place across Scotland, there are schemes planned over the remainder of this decade that are worth more

than £200 million. Through the commitment that we have given to local government to guarantee the provision of 26 per cent of our capital budget right through to 2020, we have provided the financial certainty that those schemes can be funded.

That is the action that we are taking. It is responsible and right, and it will be proportionate to the scale of the impacts that people are dealing with. I and the ministers in my Government have one or more responsibilities in this area remain absolutely focused on doing everything we can and everything that we need to do to help individuals, businesses and communities who have been so hard hit in recent weeks.

### Pay Inequality and In-work Poverty

**3. Patrick Harvie (Glasgow) (Green):** To ask the First Minister what impact the introduction of an upper band of the minimum wage for workers over 25 will have on pay inequality and in-work poverty in Scotland. (S4F-03144)

**The First Minister (Nicola Sturgeon):** A higher wage level for over-25s will clearly be of benefit to some low-paid workers, but we have concerns about the United Kingdom Government’s approach to pay, because it is not—as this week’s Resolution Foundation report makes clear—a real living wage. The rise does not support young people under 25, who are one of the groups most affected by the recession, and the introduction of the new rate will not compensate workers for the annual £12 billion of reductions to welfare, given that it will be introduced alongside a withdrawal of support through universal credit and proposed tax credit cuts for families with more than two children.

We want to encourage employers to develop fair work policies that can promote equality and tackle poverty. The real living wage is calculated according to the basic cost of living, and that is what the Scottish Government will continue to focus its efforts on.

**Patrick Harvie:** I agree with much of that assessment. Combined with welfare changes, the measure will not abolish in-work poverty and, by leaving younger workers further behind, it risks deepening their exploitation by the most unscrupulous employers. The First Minister knows that the Greens welcome the fair work agenda, and we think that it can be bolder. So far, it has emphasised support for those employers who are willing rather than a more robust approach to the employers who are less willing.

Is it not now time for the First Minister to consider ensuring that taxpayer-funded business support services will be available only to those employers who treat the upper band of the minimum wage for over-25s as the minimum for

workers of all ages, in order to ensure that we do not just have an all-carrot-and-no-stick approach, which may work for some employers but not for the worst?

**The First Minister:** Patrick Harvie had an exchange with John Swinney during the debate on that very issue the other day. I absolutely appreciate where Patrick Harvie is coming from on the matter. I want our fair work agenda to be real and meaningful, and it is that. We are, I think, the only Government in the UK that has a Cabinet-level minister who is dedicated to promoting fair work.

What we have tried to do, through both the living wage accreditation scheme and the fair work convention, is to say to businesses that they should be employing fair work practices not as some kind of favour to Government or as something that they feel they have to do but as something that is beneficial to them and the prosperity of their businesses and to their employees. That is the ethos that we are trying to encourage, and it is bearing success.

We are now the part of the UK outside the south-east of England with the highest percentage of people who are paid the real living wage. We have seen the number of accredited living wage employers rise considerably, and we are also seeing a growing number of companies signing up to the business pledge. We will continue to focus on all that work, but of course we will continue to consider, and to discuss with others who have an interest in the matter, how we can accelerate progress. I look forward, in the remainder of the current session of Parliament and in the next session, to discussing these issues and to hearing the ideas and suggestions of Patrick Harvie and his colleagues.

**Jackie Baillie (Dumbarton) (Lab):** The First Minister will be aware that support for industries such as retail, hospitality and the care sector to pay the real living wage will reap significant benefits for those employees, many of whom are under 25. What action is the Scottish Government taking to target those sectors specifically to pay the real living wage?

**The First Minister:** Jackie Baillie is right about that. There are a small number of sectors that employ large numbers of people in which we need to make most progress if we are going to lift the overall number of those who are paid a living wage. Relatively recently, we had a living wage summit—which Roseanna Cunningham and I both attended—that was very much focused on the retail and care sectors. As I said in the debate on Tuesday, we will bring forward in the next few months more proposals of our own on how we can extend payment of the living wage further.

There is no doubt in my mind that, if we get more and more people on to the living wage, we will help to raise the quality of work, which is why it is so much in the interests of businesses and employers, and go a great way towards helping to deal with the inequality and poverty challenges that we face. I hope that this is an area that, notwithstanding whatever disagreements we might have, we can find areas on which to agree.

**Murdo Fraser (Mid Scotland and Fife) (Con):** This week's research by the Resolution Foundation states that 500,000 low-paid workers in Scotland will benefit from the new national living wage by 2020. The Resolution Foundation has said:

"The welcome new national living wage will have a huge impact on low pay".

Instead of being so carping about the policy, should the First Minister not be more welcoming?

**The First Minister:** I repeat to Murdo Fraser the first line of my first answer to Patrick Harvie:

"A higher wage level for over-25s will clearly be of benefit to some low-paid workers".

Nobody quibbles with that, but it does not go far enough. A lot of people outside this Government have put a lot of work in over many years to calculate what the real living wage should be, and it is calculated very deliberately according to the basic cost of living. That is why I think that the real living wage is the figure that we should be aspiring to getting people paid. That is what I will continue to focus on. Anything that takes us in that direction is of course to be welcomed, but I will not limit myself to the paucity of ambition that characterises the Tory party on this issue: I will continue to aim much higher than that.

#### **European Union Membership (Referendum)**

**4. Kevin Stewart (Aberdeen Central) (SNP):** To ask the First Minister what discussions the Scottish Government has had with the United Kingdom Government regarding the proposed referendum on European Union membership. (S4F-03149)

**The First Minister (Nicola Sturgeon):** The Scottish Government has proactively engaged with the UK Government at ministerial and official levels to influence the form of the referendum and the UK Government's agenda for EU renegotiation in order to protect Scotland's interests. The Prime Minister and I spoke about the issue at our meeting in December. The Scottish Government believes that EU membership is in the best interests of Scotland and we are concerned that the people of Scotland could be taken out of the European Union against our will. We have also sought and will continue to seek engagement in the UK's renegotiation process, but to date the UK

Government has not provided us with sufficient detail or opportunity to meaningfully influence those proposals. However, we will continue to attempt to do so.

**Kevin Stewart:** How can we trust the Prime Minister on Europe when he cannot even get members of his own Cabinet to agree with him? What can the First Minister and her Government do to ensure that Scotland is not hauled out of the EU against its will?

**The First Minister:** I am not surprised that the Prime Minister has been forced to allow a free vote among his Cabinet colleagues on the referendum. The Tories have always been split from top to bottom on Europe and so far the referendum, far from healing those splits, only seems to be making them worse.

I am not even sure whether the Scottish Tories have a position on the EU referendum. I think that it is a complete free-for-all among the Scottish Tories—I have no idea how many positions will be represented by members on those benches. However, that is for the Tories to worry about. I am concerned about the prospect of Scotland being taken out of the EU. I take nothing for granted in any vote, but if Scotland voted to stay in the EU and the vote across the UK led to us being taken out, that would be a democratic outrage. That is a cause of real concern.

I will be campaigning to seek to persuade people not just in Scotland but, I hope, across the UK to choose to stay in the EU because, notwithstanding its imperfections, I think that our interests are best served by being in the EU.

### Flood Defences (Review)

**5. Sarah Boyack (Lothian) (Lab):** To ask the First Minister whether the Scottish Government will conduct a review of flood defences in conjunction with local authorities in light of this winter's flooding incidents. (S4F-03153)

**The First Minister (Nicola Sturgeon):** As I have already commented on today, the scale of the flooding that we have seen in recent days has been exceptional and the impact has been devastating for many, many people across the country. The response from our emergency services, volunteers, members of the public, councils and others, who have been working together to keep communities safe and minimise damage and disruption, has been heroic. However, we all know that there is a long road to recovery ahead for some of the people who have been most affected.

A review of flood defences was conducted in 2007. Since 2008, the Scottish Government has made available funding of £42 million a year to enable local authorities to invest in flood protection

schemes. As I have just said to Ruth Davidson, we have in place 14 flood risk management strategies and a number of schemes that will be funded over the years to come.

However, it is absolutely right that when we have experienced flooding such as that which we have seen in recent weeks, we consider carefully any lessons that can be learned from what has been an exceptional situation and consider what further mitigating actions we can take for the future. This Government will certainly do that.

**Sarah Boyack:** If the First Minister is now committing to a review in the light of recent flood incidents, I whole-heartedly welcome that. The response that we have seen in our communities over the past few days has been inspiring, but communities, businesses and local authorities are clearly concerned about the huge costs that they have already incurred in dealing with this public emergency.

To follow up on the First Minister's answers to Ruth Davidson, I note that the Deputy First Minister has encouraged councils to reduce business rates and council tax bills for those affected. Beyond the potential money from the Bellwin scheme and the £4 million that has already been promised, can the First Minister clarify that the Scottish Government will fully fund all those local tax reductions?

The cost of flooding is estimated by the Scottish Environment Protection Agency to be a quarter of a billion pounds every year. Can we review and have a fresh look at the resilience of our infrastructure, homes, businesses and farming communities? Given the financial pressures on local authorities, not all communities that are at risk of flooding will receive flood defences over the next five years.

**The First Minister:** As I have said, of course we must ensure that we learn any lessons that need to be learned—it would be completely wrong to take any other approach. However, significant work has been done to get us to the position of having in place 14 flood risk management strategies. I do not want us to involve ourselves in another long-running review when there is planned, detailed work that we need to get on with. For example, at Newton Stewart, which I visited last week, a scheme is planned as part of the Solway flood risk management strategy, and we need to get on with that. Let us focus on that rather than looking again at the issue and having a wide-ranging review.

On the financial support, as I have said during this question session, we will take a decision soon about a further financial allocation to help councils with rates relief, for example, as well as direct financial support to individuals and businesses

that have been impacted. As I have said repeatedly, we will take whatever steps we need to take to ensure that we are doing all that is reasonable for us to do to help those who have been so badly hit in recent days.

### Free School Meals

**6. George Adam (Paisley) (SNP):** To ask the First Minister how many children receive free school meals. (S4F-03152)

**The First Minister (Nicola Sturgeon):** Almost exactly a year ago, I went back to my old primary school in Dreghorn to launch the introduction of free school meals for all children in primaries 1 to 3. A year on, the policy is proving to be hugely successful. The latest statistics show that more than 129,000 pupils in P1 to P3 benefit from a free school meal, and more than 192,000 children and young people across primary, secondary and special schools in Scotland took one.

**The Presiding Officer:** First Minister. Sorry—George Adam.

**George Adam:** Thank you for the promotion, Presiding Officer.

I am pleased that the policy is proving to be such a success nationally but disappointed that the take-up in Renfrewshire is lower than the national average. What funding is provided to local authorities to enable more children to benefit from free school meals? What more can local authorities, such as Labour-controlled Renfrewshire Council, do to promote further take-up?

**The Presiding Officer:** I am sure that your time will come, Mr Adam.

**The First Minister:** Presiding Officer, I suspect that you may just have sparked celebrations in Paisley at the news that its boy in Parliament has been promoted to the office of First Minister today.

The Government has fully funded the roll-out of free school meals for P1 to P3 children, with £95.3 million of revenue and capital allocation for local authorities across 2014-15 and 2015-16. We have allocated a further £53 million for 2016-17, so that local authorities can continue to provide free school meals for all children in P1 to P3.

That is one of the many ways in which we are putting the tackling of inequality at the heart of our agenda. We are giving children a healthy, nutritious meal at school while saving parents around £380 a year per child. Clearly, we want more children to benefit in every local authority, and we will continue to work with education authorities, schools and teachers to ensure the continued promotion of school meal take-up, so that all children can benefit. All members across the chamber have a role to play in making sure

that all children who are entitled take up the option of a free school meal.

## Charlie Hebdo

### The Deputy Presiding Officer (Elaine Smith):

The next item of business is a members' business debate on motion S4M-15065, in the name of Christian Allard, on *Charlie Hebdo*. The debate will be concluded without any question being put, and I would be grateful if members who wished to speak could press their request-to-speak buttons now.

#### *Motion debated,*

That the Parliament reflects on the events that took place in Paris on 7 January 2015 at the *Charlie Hebdo* offices; remembers the journalists, the police officer and others who fell victim to the attack; recognises the tragedy as an attack on the right of free speech; remembers the coming together of French communities in France, across the world and Scotland in Aberdeen, Glasgow and Edinburgh, and considers that the people in Scotland joined them and that all MSPs stood shoulder to shoulder in solidarity with the people of France in their time of need at First Minister's Questions.

12:34

### Christian Allard (North East Scotland) (SNP):

First of all, I thank all the MSPs who signed my motion, all those who have stayed behind this afternoon to listen to the debate and, of course, all those who stood shoulder to shoulder in solidarity with the people of France in their time of need at First Minister's question time a year ago.

It is time for Parliament to reflect on the events that took place on 7 January 2015 at the *Charlie Hebdo* offices in Paris. We remember today the journalists—and I call them journalists, because cartoonists are journalists as much as they are artists—the police officers and others who fell victim to what was an attack on the right of free speech. The following day, more people died in a Jewish supermarket in Paris.

I understand that many terrorist attacks across the world do not get the same attention in our media or in Parliament and that, despite the fact that some of them claim many more victims, they often go unreported. However, the attack on freedom of expression that day brought together French communities not only in France as never before but across the world and, indeed, across Scotland. It happened in Aberdeen, where I remember the French community coming together with a lot of Scottish friends, in Glasgow in the rain—I have seen the pictures—and in the capital, Edinburgh.

France has a great love not only of the work of cartoonists but of politics—in fact, they go very well together—and that explains the overwhelming reaction of the people in France on the day of the attack. Over there, cartoonists are celebrities, invited on to chat shows and news programmes,

listened to, read and appreciated by all. This day—today—must be about them and about cartoonists being free to work in France and across the world.

A victim of the attack was Cabu, who was, of course, one of France's most popular artists, journalists and cartoonists. He served in the French military during the Algerian war—France's own Vietnam war—but that did not stop him drawing. He drew cartoons for the army magazine *Bled* and other publications such as *Pilote*. When I was young, I was a great fan of *Pilote*, where no less than the father of Astérix, René Goscinny, first employed Cabu. I know how much Astérix is loved in Scotland; in *The National*, for example, you can find him speaking the mother tongue, and it is great to see him crossing borders.

In 1960, Cabu co-founded *Hara-Kiri* magazine. What a name! The magazine did, indeed, commit hara-kiri by getting banned, only to be replaced the following day by *Charlie Hebdo*. A year before the attack, we had lost another one of the magazine's founders, the cartoonist Cavanna, who was a great hero of mine. Like *Charlie Hebdo*, *Hara-Kiri* respected nothing; as Cavanna explained, "We respect nothing, because nothing is respectable." Let us be clear: these magazines are outrageous, provoking and crude, sometimes obscene. It is very clear that they do not appeal to everyone's taste, and they are certainly not for everyone.

Another victim on that day was 80-year-old Wolinski, who, like Cavanna, was from an immigrant family. He was born in Tunisia to Jewish parents, and drawing cartoons was his life; the drawings were very political but also very erotic, and were perfect for a publication such as *Charlie Hebdo*. Nevertheless, in 2005, he was recognised nationally and awarded France's highest decoration, the Légion d'honneur. Another victim, Bernard Verlhac—or Tignous, as he was known—had his work published in many other popular magazines that I very often used to buy when I was young, such as *Fluide Glacial*. It should come as no surprise to anyone that Tignous was a member of Cartooning for Peace.

Many more died that day at the *Charlie Hebdo* offices: Philippe Honoré, another cartoonist; two columnists, Bernard Maris and Elsa Cayat; a copy editor, Mustapha Ourrad; and two more people who happened to be in those offices at the time, Michel Renaud and Frédéric Boisseau. The editor, Stéphane Charbonnier, or Charb as he was known, also died that day despite being under police protection. That is how his bodyguard, police officer Franck Brinsolaro lost his life. Another victim was Ahmed Merabet, the policeman who opened fire on the terrorists. His brother said later that Ahmed was Muslim and

very proud of being a police officer and defending the values of the French Republic.

At this point, I would like to strongly state that the attack, like many other terrorist attacks in the past, had nothing to do with religion. It was about power. It was about men wanting power. It always is.

A year on, we are still asking how best we can respond to terror. *Charlie Hebdo* has given us the best response that we can get to this attack on free speech. It has kept on doing what it was doing before—being outrageous, mocking and provoking us all, and showing no respect to anyone because none of us is respectable.

In the aftermath, the clear message came from people—not from politicians or the media—that an attack on our journalists, on our cartoonists, is more than an attack on free speech. It is an attack on us all. That is why we must not change any of our laws to restrict free speech or our freedom of expression. We do not need to like or even buy *Charlie Hebdo*, but we need to ensure that it has the right to be published.

Cartoonists are also taking a bigger place in politics here, from Steve Bell to Greg Moodie. We might not always agree with them, but we need to ensure that their drawings are seen. Let us make today, 7 January, a day to celebrate cartoonists across the world. After this debate, the cross-party group on France will meet in committee room 4 to have a discussion on the subject led by Scottish cartoonist Terry Anderson, who is in the gallery, from Cartoonists Rights Network International.

Let us ensure that we keep intact our freedom of expression. I finish with the words of another journalist, Antoine Leiris, who wrote an open letter to the terrorists who killed his wife in the atrocity at the Bataclan concert hall in Paris last November. He wrote:

“no, I will not give you the satisfaction of hating you.”

Today, let us celebrate cartoonists across the world.

**The Deputy Presiding Officer:** Merci beaucoup. Thank you.

12:42

**Elaine Murray (Dumfriesshire) (Lab):** I congratulate Christian Allard on securing this debate. I hope that I managed to sign his motion. I tried to check, but there is some peculiarity of the portal that means that we can see only the past seven days of motions that have been submitted. I am not sure what has gone wrong with that.

It does not seem like a year since members of this Parliament and indeed people across Europe and beyond were declaring “Je suis Charlie” to

express our solidarity with the 17 people who were murdered, including journalists working at the *Charlie Hebdo* offices and in the attack on a Jewish supermarket. None of us would have expected then that, just 11 months later, Paris and its people would again be the victims of appalling acts of terrorism, or that on this occasion 130 people would be left dead.

As Christian Allard said, the taking of life through acts of terrorism is appalling whatever part of the world it occurs in, but there is something about it occurring in a city that one knows that really brings home the horror of the atrocity. I know Paris quite well. When I was a child, my parents had a good friend in Nogent-sur-Marne and I first visited the city at the age of eight. It seems almost unbelievable that the city should have been subjected to terrorist atrocity twice in 2015.

Monsieur Allard submitted his motion in order to champion the cause of free speech. That is a topical discussion, because there is a lot of debate about whether Donald Trump should be banned from the United Kingdom because of his hateful comments about banning Muslims from the United States. I am sure that, if not all, certainly the vast majority of members of this Parliament hope that Mr Trump gets nowhere near the White House.

The right to free speech, of course, is not absolute. There is a balance point beyond which someone’s right to express their opinion will compromise the safety or human rights of others. Where that balance point falls is not always easy to judge.

*Charlie Hebdo* is a satirical magazine, so I want to use my short contribution to highlight the importance of satire, particularly in political life.

Christian Allard talked about the role of cartoonists. These days, the word “cartoon” tends to be associated with children’s entertainment, but cartoons have a much longer and more serious history than Mickey Mouse and Tom and Jerry. For centuries, cartoons in Europe have been a medium for political comment and satire. My history textbook at school was illustrated by cartoons depicting Bonaparte and Wellington, Charles James Fox and William Pitt the Younger, and Gladstone and Disraeli. These days, some of those cartoons would be considered racially offensive; that would certainly apply to their depictions of Disraeli. Others were highly offensive towards the Scots and the Irish, or towards people from Africa. However, those cartoons give a real insight into the way in which issues were perceived at the time. Although our attitudes towards what is acceptable or offensive change over time and are affected by our increasing multicultural aspiration, satire—whether using the medium of cartoons, television or radio and so

on—remains important, entertaining and illustrative of views and perceptions.

During the 1980s and 1990s, I was a great fan of the TV programme “Spitting Image”. As many people know, it was a satirical puppet show that poked fun at politicians, celebrities and the royal family, which at the time was quite novel. Some people were offended by the programme, particularly by its depiction of the royal family, but many of us found it highly entertaining. It was also a pertinent commentary on the social and political issues of the time. I sometimes wonder what its content might have been if the show had not been cancelled in 1996 and Messrs Fluck, Law and Lambie-Nairn had decided to interpret the activities of this legislature.

Celebrities and senior politicians receive a lot of publicity and can therefore overestimate their importance in the great scheme of things. Satire, through cartoons or other media, is—to slightly misquote Robert Burns—a gift that allows them to see how others see them. It enables us all to laugh—at ourselves, our leaders and the people we admire—and brings them and all of us down to earth. Long live satire.

12:47

**Chic Brodie (South Scotland) (SNP):** Je m'appelle Charles, mais aujourd'hui et tous les jours, je suis Charlie.

I thank Christian Allard for bringing the debate to the chamber on this anniversary. Last night, I watched a very strong documentary about *Charlie Hebdo* and subsequent terror adventures in France. It was extremely overwhelming.

*Charlie Hebdo* magazine was first published in 1970 and ceased publication in 1981. It was resurrected in 1992 and has been published weekly since. Like many good satirical cartoon publications, the magazine offers a refreshing and different angle on issues of the day, embracing humour, provoking thought and employing satire, all wrapped in a parcel of creativity.

On its website, *Charlie Hebdo* says that it defends

“Secularism pure and simple ... a society free of racism but not segmented into ethnic groups ... universalism without crying peace doves ... and cultural diversity without snobs.”

Like fellow cartoonists and writers across the world, *Charlie Hebdo* magazine, through its cartoons and writing, holds up a mirror to society. It did so until that dark day one year ago, Wednesday 7 January 2015, when men in black tried to smash that mirror. Satire’s job, and the job of cartoonists and reporters, is to do that—to mirror problems and contradictions in society, not solve them. Those three men in black had

problems, some caused peradventure by others in their countries and perceived as an attack on a developing but closed secular society.

The state of political satire in an open society reflects the tolerance—or semi-tolerance—that defines it. Less open societies shun criticism, overt as it sometimes is. As we see in cartoons daily, that is especially the case with pictorial criticism. So it was with *Charlie Hebdo* on that particular dark day, but not for the first time. It has suffered two attacks, the first of which was in 2011, and then of course there was the one in 2015, when 12 people died. Today and every day, we shall remember them.

Harold Rosenberg, an American philosopher, said that satire and irony are regarded as the most effective source to develop a society and to understand a society. Once we have resolved the pain and the conflicts that exist in societies and that spawn terrorism—as we will—perhaps even then satire in the form of cartoons will be an even bigger vehicle to debunk the leading figures in politics, religion and other pseudo realms of power. It was no coincidence that, recently, respect for that openness was, for example, depicted by the flying of flags in Glasgow and cities across Scotland and the world. That was described at the time as a challenge to a brutal attack on democracy and freedom of expression.

It is a truism—it always has been—that the pen is mightier than the sword, in word, drawings and pictures. That is the neutralisation of terrorism against the *Charlie Hebdo*s of the world. The minds and hearts of those who wish to change others’ minds via the barrel of a gun will find ultimately that that barrel has a pen stuck in it. The greatest honour that we can pay to those who have lost their lives to intolerance is to eschew the division of communities along narrow cultural or religious lines and support the right of satire and its vanguard of cartoonists and to pursue the creation of societies that allow and encourage debate and diversity. May their pens never run dry.

12:51

**Jamie McGrigor (Highlands and Islands) (Con):** I congratulate Christian Allard on securing time in Parliament for this important debate.

One year ago, on the seventh day of a new year, Paris, the city of light, was darkened by a fearful atrocity. The first physical target of the attack was the satirical newspaper *Charlie Hebdo*. The brutal murder of 11 journalists and one policeman, as he lay unarmed and wounded on the pavement, shocked the world. It was followed by another atrocity at a Hypercacher in another part of the Île-de-France, where four more

innocent people fell victim to the lone gunman Coulibaly, who claimed to be working in tandem with the *Charlie Hebdo* assailants, Chérif and Saïd Kouachi.

The physical attack on *Charlie Hebdo* symbolised an attack on the core freedoms that we used to take for granted: freedom of speech and the right to express beliefs without fear or terror. Those fundamental freedoms are the basis of our western European culture. They are a guard against tyranny and we have seen only too clearly what can happen when tyrants such as Hitler and Stalin throttle that process: mass murder, holocaust, untold terror and mayhem.

The attackers, who were members of al-Qa'ida, ultimately failed in their aims because of the huge groundswell of outrage, first among the people of France and then elsewhere. The “Je suis Charlie” campaign identified that groundswell with the innocents who had died and, I hope, proved that the pen is still mightier than the sword. However, those shocking events must impress on us how fragile are those special freedoms and the importance of protecting the decent values that are central to our democracy and our way of life, as well as the need to value and protect those who espouse them.

Tyrants and terrorists alike in many of the most despicable regimes fear journalists, cartoonists, musicians and film-makers for exposing them for what they are. Satire is a most effective tool in eroding pedestals. Laughter is poison to a tyrant.

Let us remember the anger that Hitler felt when he was lampooned in Charlie Chaplin’s “The Great Dictator”. The Marx brothers’ film about Freedonia was in the same vein, as was, more recently, “The Interview”, which depicts events in North Korea.

I grew up in the United Kingdom and have been aware of the value of satire in lampooning politicians and other leaders through programmes such as “That Was the Week That Was” and “Spitting Image” and long-established magazines such *Punch* and *Private Eye*. Even before that, in the 19th century, George Cruikshank frequently drew George IV in a very unflattering light.

Many—especially politicians—may not like satirists, but they are brave people who are on the front line when it comes to challenging tyranny, and they run the risk of revenge attacks, especially by fanatics. We must appreciate their courage, mourn their loss and support their replacement as bastions of our free world order.

The *Charlie Hebdo* atrocity especially highlights the dangers that are faced by journalists across the world. It takes great bravery to stand up and be counted and to tell the truth, and that has never been more important than now, in an era that is seeing a decline in freedoms and an increase in

terrorism. Unfortunately, it is likely that there will be further atrocities and massacres.

Christian Allard rightly remembers that the people of Scotland and all MSPs stood shoulder to shoulder following the massacre. All of us must continue to behave in that way, with courage in the face of a dark threat to freedom, decency and a way of life to which countless people all over the world aspire.

12:56

**The Cabinet Secretary for Culture, Europe and External Affairs (Fiona Hyslop):** I thank Christian Allard for securing the debate and for an excellent speech, and I thank all members who have contributed to a very thoughtful reflection on the horrific attacks on the *Charlie Hebdo* offices in Paris.

A year ago, a total of 17 people were killed in three days of attacks, which also targeted a Jewish supermarket and police. Since the attacks in January last year, there have been a number of other incidents, in February, April, June and August. Finally, 129 people were murdered in November.

The offices of *Charlie Hebdo* had already been firebombed in 2011, and other magazine offices in Europe had been threatened, but the attack in Paris in January last year shocked the world. Within hours of the shootings, the “Je suis Charlie” hashtag went viral and rallied millions behind the plight of free speech and opposition to brutal killings. The horrific crimes prompted an unprecedented showing of solidarity, with demonstrations and vigils being held around the world.

On 11 January, about 2 million people, including more than 40 world leaders, met in Paris for a rally of national unity, and about 3.7 million people joined demonstrations across France.

In Scotland, the First Minister spoke to the French consul general after the attacks and wrote to President Hollande to convey Scotland’s condolences to and solidarity with the French people. She made a statement during First Minister’s question time, and flags flew at half-mast on Scottish Government premises and at Parliament. Rallies were held in Aberdeen, Edinburgh and Glasgow. I signed the book of condolence at the French consulate in Edinburgh and attended and spoke at an event outside the French consulate that was organised by the French community.

With today’s debate, we signal that we continue to stand shoulder to shoulder with the people of France, united in our condemnation of the atrocities. We are deeply saddened by the tragic

loss of life, but at the same time we are absolutely steadfast in our defence of the fundamental freedoms that we all cherish so much.

The attacks were intended to spread terror and to drive a wedge into communities and societies, but the response has achieved the opposite of what the terrorists intended. In the aftermath of the attacks, the Scottish Government has made it clear that we stand together with Muslim communities in expressing our condemnation. Following the *Charlie Hebdo* attacks, the Scottish Arab Federation issued a statement in which it publicly declared its condemnation of the terrorist act. It highlighted that the vast majority of Muslims were horrified and sickened by the attacks, and that Islam as a religion advocates tolerance and freedom of belief. Furthermore, it points to the fact that Muslims and other ethnic minority groups are very concerned about the rise of resentment against immigrants in many European countries.

The final section of the Scottish Arab Federation's statement says:

"In order to eradicate terrorism, the fight against it must not be confined to security and military measures, but should include political, socio-economic, ideological and cultural factors. Mutual understanding is essential to build confidence and avoid unreasonable behaviour. Constructive communication helps to overcome prejudice and slanted media reporting; and establishing dialogue through robust channels will go a long way towards defusing tension and maintaining a peaceful and calm existence for all."

Today's debate has echoed many of those sentiments, and

"a peaceful and calm existence for all"

is a cornerstone of our diverse and multicultural society.

Terrorists want to undermine the values that we share and they aim to damage community relations. As Christian Allard pointed out, it is clear that terrorism is about propagation of fear and provocation of hate. An important challenge for us is to work towards creating cohesive and resilient communities within which terrorist messages will not resonate.

With this debate we reaffirm Parliament's commitment to a modern and inclusive Scotland that protects, respects and realises internationally recognised human rights principles. The assault on the *Charlie Hebdo* offices was an act of terrorism and an attack on freedom of speech. Benjamin Franklin said:

"Whoever would overthrow the liberty of a nation must begin by subduing the freeness of speech."

The principle of freedom of expression is a centrepiece of the European convention on human rights and the International Covenant on Civil and Political Rights. It was a fundamental feature of

the Universal Declaration of Human Rights, which was adopted in 1948 in response to the conflict and catastrophe that the dictatorships of the 1930s brought about.

The power of caricature and satire has long been recognised—it was understood in ancient Greece and Rome—and is still feared by tyrants and dictators. Amnesty International's current write for rights campaign highlights the case of political cartoonist Zulkiflee Anwar Ulhaque—also known as Zunar—who is facing a long prison sentence in Malaysia for "seditious" cartoons. Such cartoons exist to highlight injustice and to make the case for change through challenge and ridicule. They can sometimes be hurtful as well as thought-provoking, but in a modern democracy such as Scotland there is more than ample room for legitimate commentary through the medium of cartoons and caricature. Those who seek to influence the views and opinions of others in our society need to accept that their own views are also open to challenge. Compliant and reverential media are not compatible with modern democracy; democracies thrive because of challenge through freedom of expression.

Elaine Murray talked about the historical context of political satire and cartoons and Chic Brodie spoke eloquently about the modern context and the relationship between democracy, satire and the power of the pen. Jamie McGrigor reminded us of the importance of the freedoms that we value, and that we cannot and should not take them for granted.

Of course, in a respectful democratic society in which human rights are valued, there are limits to the right to express views that challenge and provoke. Giving of gratuitous offence is not a right, and satirical attacks that are motivated by hatred and prejudice step over the line of what is acceptable. Indeed, international treaties, including the ECHR, recognise that the exercise of freedom of expression brings with it duties and responsibilities—not the least of which is the obligation to respect the rights of other people, including their right to hold views with which we may fundamentally disagree.

I want to refer to the motto that appears on the coat of arms of the city of Paris, which shows a ship at sea. The motto—I will have to reflect on my higher Latin—is "Fluctuat nec mergitur", which translates as:

"she is shaken by the waves but does not sink".

That centuries-old motto has had a surge in popularity and is used in social media as a symbol of Paris's resistance in the face of terrorism. Although we were all shaken by the terrible events in Paris, we continue to stand united with France in the fight against terrorism.

13:04

*Meeting suspended.*

14:30

*On resuming—*

## **Scottish Elections (Dates) Bill: Stage 1**

**The Deputy Presiding Officer (John Scott):** Good afternoon, everyone. The first item of business this afternoon is a debate on motion S4M-15221, in the name of Joe FitzPatrick, on the Scottish Elections (Dates) Bill.

14:30

**The Minister for Parliamentary Business (Joe FitzPatrick):** I am pleased to open this afternoon's debate on the general principles of the Scottish Elections (Dates) Bill. The bill is very short and straightforward, and I want to take this opportunity to set out to the chamber why it is necessary.

As things stand, there will be general elections to both the Scottish and United Kingdom Parliaments on 7 May 2020. Such a clash is undesirable for a number of reasons. For example, we know from our experience in Scotland in 2007 that holding different elections with different voting systems on the same date can lead to unusually high levels of spoiled and rejected ballot papers. The issue was rightly of great concern in 2007, and it was why Parliament concluded unanimously, in agreement with the Gould report, that different Scotland-wide elections should not be held on the same date. In fact, last May, the Presiding Officer wrote to the Secretary of State for Scotland, setting out the position that she had agreed with all the main party leaders that it was imperative that an alternative date be set for the Scottish parliamentary elections, as happened in 2011 when our election was moved from 2015 to 2016.

Of course, the Presiding Officer had to write to the Scottish Secretary, because the power to amend the date for a Scottish Parliament election currently sits with Westminster; in 2011, it was Westminster, not this Parliament, that legislated to move our election from 2015 to 2016. However, members will no doubt be aware of the Smith commission's recommendation that

"The Scottish Parliament will have all powers in relation to elections to the Scottish Parliament and local government elections in Scotland".

When enacted, the Scotland Bill will give effect to that recommendation. The timing for when that will happen is still very much the subject of current debate, but we can be pretty sure that it will not happen in time for the Parliament to assume responsibility for elections in Scotland before May of this year.

The Scottish and UK Governments both agreed on the importance of voters knowing the length of the parliamentary session that they were voting on before they went to the polls in May. As a result, the Deputy First Minister and the Secretary of State for Scotland agreed a section 30 order under the Scotland Act 1998 to transfer to the Scottish Parliament the power that enables us to bring forward this bill, and that order was approved by both the Scottish and UK Parliaments. I hope that everyone in the chamber will agree that it is absolutely right for this Parliament to legislate to change the date, which is the purpose of the bill.

As for the bill itself, it is, as I said at the start of my remarks, very short and straightforward. It proposes moving the Scottish Parliament election, which is currently scheduled for 7 May 2020, to 6 May 2021 to avoid coinciding with the Westminster election, which is also scheduled for 7 May 2020. That would mean a five-year term for the next parliamentary session, which would mirror the one-year extension to the current parliamentary session that was set by the Fixed-term Parliaments Act 2011.

Members will be aware that the Northern Ireland Assembly and the National Assembly for Wales have already moved their elections to 2021 to avoid the clash of date in 2020. Indeed, legislation has been passed to permanently change the frequency of elections to both Assemblies and ensure that they happen at five-year intervals. I will return to that issue in relation to Scotland later.

However, moving the Scottish Parliament election to May 2021 will mean a clash with local government elections, which are scheduled for the same date. All the arguments that I have already set out against a Holyrood and Westminster clash of dates apply equally to a Scottish Parliament and local government clash; in fact, it was such a clash between elections in 2007 that brought about the Gould report, which, as I said, the Parliament unanimously agreed to. As a result, the bill proposes moving the local government elections scheduled for 6 May 2021 to 5 May 2022, which would mean a five-year term for councillors elected in May 2017 and would also replicate the one-year extension to the current local government term.

**John Wilson (Central Scotland) (Ind):** I take on board what is proposed in the bill, but would it not be simpler for the Government to introduce proposals to revert to elections every five years for both local government and the Scottish Parliament, rather than introducing piecemeal bills to the Parliament for discussion every four or five years?

**Joe FitzPatrick:** That is an interesting point and I will come to it later in my speech.

I turn to the discussions that we had at stage 1 and the stage 1 report from the Standards, Procedures and Public Appointments Committee. I place on the record my thanks to the convener and the committee members for their scrutiny of the bill and I welcome the report's recommendation that the Parliament agree to its general principles. The committee took a proportionate approach to its scrutiny of what is a very short bill.

I also welcome the fact that the committee recognised the broad consensus in favour of the bill and expressed its support for the approach that the bill takes in proposing what I believe is a pragmatic solution to the issue of a clash of dates. That broad consensus comes from the range of organisations that have a direct interest in the proposed date changes. We consulted the Convention of Scottish Local Authorities, the Electoral Commission, the Electoral Management Board for Scotland, the Electoral Reform Society, the Scottish Council for Voluntary Organisations and the Society of Local Authority Chief Executives and Senior Managers. All were supportive of the proposed changes and none raised any issues about the bill's contents.

I was asked during my evidence to the committee why we had opted to move the Scottish Parliament election to 2021 in order to avoid the 2020 clash of dates and not, instead, opted to bring it forward to 2019. The latter would have meant a three-year term for the next session of Parliament. As I said to the committee, a three-year term would be particularly short in parliamentary terms and we would really have to question whether the Scottish public would wish to return to the polls so quickly. Furthermore, the proposed five-year term mirrors the length of the current parliamentary session. I therefore welcome the committee's support in its report for a five-year term rather than a three-year one.

The committee also posed the question that John Wilson asked me, about why we are not taking the opportunity in the bill to permanently resolve future clashes of election dates. Richard Simpson suggested in his written submission to the committee that it would be sensible to do so, and I acknowledge John Wilson's comments. However, the section 30 order that enabled us to introduce the bill at all is specific in giving us the power to change only the 2020 election. As I said, permanent powers over elections in Scotland are in the Scotland Bill, and it will be for members in the next session of Parliament to consider a permanent solution, once the power to do so has been fully devolved.

I was pleased to note that the committee expressed its view that it considers it appropriate that a decision on any permanent changes to the

timings of Scottish Parliament elections should be taken in the next session of Parliament.

In his submission to the committee, Richard Simpson went further on the matter, suggesting that voting for the Scottish Parliament, local government and European elections should all take place on the same date. Again, however, I point out that the section 30 order that transferred the powers that allowed us to introduce the bill specifically prohibited us from setting an election on the same day as UK Parliament, European Parliament or any nationwide local government elections. That is in line with the Smith commission's recommendations and it is how the Scotland Bill deals with the issue. I also reiterate the points that I made earlier about the consensus in support of the Gould report's recommendation to avoid having different elections on the same date.

I hope that colleagues agree with the assessment that this short bill presents a straightforward and pragmatic solution to a clash of election dates.

I move,

That the Parliament agrees to the general principles of the Scottish Elections (Dates) Bill.

**The Deputy Presiding Officer:** I call Stewart Stevenson to speak on behalf of the Standards, Procedures and Public Appointments Committee. You have six minutes or thereby, Mr Stevenson.

14:39

**Stewart Stevenson (Banffshire and Buchan Coast) (SNP):** I am pleased to speak on behalf of the Standards, Procedures and Public Appointments Committee. I hope that the Minister for Parliamentary Business did not create a hostage to fortune when he said that this is a "short and straightforward" bill. He should be absolutely aware that my committee and Parliament as a whole will subject the bill to exactly the high standards of scrutiny that he would expect. There being a mere 200 words in the bill, it would be rather difficult for any defects to hide in the detail. We will do the job that we are always required to do. In fact, if one thinks about it, those 200 words are approximately one quarter of the number of words that I would expect to speak in the six minutes that the Presiding Officer has allowed me, which focuses us precisely on how concise the bill is. Its main purpose is to move the elections to the Scottish Parliament to a date that does not clash with other elections.

The committee had a pretty tight schedule to consider the bill. However, given the high degree of consensus in favour of the bill, our being designated as the lead committee on 25 November and completing our report just 19 days

later, on 14 December, was a proportionate response. Like the bill itself, our report is quite brief—24 paragraphs and just over 1,000 words. I am told by my clerks that Salvador Dali once told a press conference:

"I shall be so brief that I have already finished."

Although I am not quite in that category, I will not say too much about the bill.

The committee considered carefully whether to take oral evidence on the bill but, given that the Government had consulted widely—including COSLA and the Electoral Commission, where it established that there was unanimity in favour of the bill—we concluded that there was no need to reconsult. We restricted our oral evidence taking to a light grilling for the minister, which we thought was a proportionate approach. As the minister said, we explored why a five-year term rather than a three-year term was appropriate. I think that we were broadly satisfied with the answers that we heard. Three years would be short and, for any Government of whatever political complexion, that is a relatively limited period in which to develop major policy initiatives and get moving on them. Of course, the other Administrations in these islands have already aligned themselves on a five-year cycle. There is a pretty universal consensus that the timetable is sensible.

The committee was content with the policy memorandum and costs. Moving the election back one year does not, in and of itself, create any new costs, and it postpones the costs that are associated with an election by a year. In financial terms, there is little to say.

We wrote to all MSPs to give them the opportunity to input. The minister has referred to Dr Richard Simpson's interesting contribution. As politicians, we can get very tied up in the process of politics. It is not as if reform and change of parliamentary process is something new. The great reform act of 1832 perhaps started the reforming motion. As people sometimes forget, that was the act that deprived women of the vote, while purporting to be a great reform of parliamentary procedures. It was quite a long time before women got the vote back. In 1872, which was in the life of all my grandparents, it was the first time that there were secret ballots. In many ways, every few years we will continue to see a reform. This is part of a wide process that is probably not complete with this bill because, I imagine, we are likely to come back to making permanent changes when we have the power to do so. However, that is a matter for another day and not one on which we should dwell today.

The Scottish Elections (Dates) Bill is indeed a short bill. It has very specific objectives. I expect a flood of amendments at stage 2—perhaps not—or

even at stage 3. Given the broad consensus that has emerged thus far, I suspect that the bill will make its way through the parliamentary system and that it will do so with proper scrutiny but appropriate rapidity. It is certainly desirable to avoid a clash between the 2020 Scottish Parliament elections currently scheduled and the next UK Parliament elections scheduled for the same year.

We support the approach in the bill that the next Scottish Parliament session should last five years rather than three. We also felt it to be appropriate that a decision on permanent changes should be taken in the next session, once powers on that are given to the Parliament. That will allow time for a fuller discussion about the length of future Scottish parliamentary sessions. In the meantime, the Standards, Procedures and Public Appointments Committee is happy to recommend that Parliament should agree to the general principles of this short but important bill.

14:45

**Mary Fee (West Scotland) (Lab):** In opening for Scottish Labour, I say at the outset that we support the principles of the Scottish Elections (Dates) Bill, which outlines the dates for the Scottish elections in 2021 and the local government elections in 2022. As a member of the Standards, Procedures and Public Appointments Committee, I was involved in producing the stage 1 report. I thank the clerks for their help and support with the work that the committee does.

Although the bill is short and contains only two small provisions, the committee sought evidence and received one piece of written evidence from Dr Richard Simpson. We also took oral evidence from the Minister for Parliamentary Business and consulted the relevant sectors.

The decision to have a five-year parliamentary term reflects the timings for other parliamentary and devolved Administration elections in the United Kingdom. With the return of a Tory Government, those are unlikely to change, given the establishment of the Fixed-term Parliaments Act 2011. To avoid clashing with the scheduled UK general election in 2020, the Scottish Government has opted for a five-year term and rejected the idea of a three-year term. The options of a three-year and a five-year term both have their merits but, as I said, Scottish Labour fully supports the Scottish Government's proposal for the next Scottish Parliament election to be held in 2021.

That would impact on the local government elections that are due to take place, so we welcome the move to postpone those elections for one year. Following the confusion that unfolded in

2007, when the Scottish and local government elections were held on the same day, we are keen to avoid any repeat. However, we need to bear in mind that situations can change. At a future time, we might consider revisiting the possibility of holding council and Scottish Parliament elections on the same day—who knows? Should that situation arise, we must work as a unified chamber.

**John Wilson:** Does the member accept that, in the previous session of Parliament, the Gould report recommended complete separation of local government and Scottish Parliament elections? In the initial stages, a two-year gap was programmed between the elections, so that there was a clear division.

**Mary Fee:** I absolutely acknowledge what the member says. I am merely raising the point that, in future, a situation might arise in which we decide to revisit that—who knows? I am merely saying that we should perhaps be open to that.

As we have heard, Dr Richard Simpson called for the Scottish elections to be held on the same day as the European elections. Although there is merit in that suggestion, the committee heard that it is not possible as a result of a clause in the Scotland Bill following the Smith commission recommendations. To a degree, holding more than one election on the same day provides the opportunity to increase turnout in an election that usually receives lower participation. I can understand Dr Richard Simpson's thinking, as only 33.5 per cent of the Scottish electorate took part in the European elections in 2014, despite the increased attention on those elections as a result of the referendum campaign. The referendum then attracted a record 85 per cent turnout. In last year's general election, the turnout was 71 per cent and, at the election in a few months, we can expect a turnout of anything from 65 per cent upwards.

As I said, the options of a three-year and five-year term both have merits. The most obvious advantage of a five-year term is that of avoiding a clash with the UK general election in 2020. A five-year term also provides stability for Government and for long-term strategic planning, and allows for parties to fully develop policy ideas. One academic to whom I spoke warned that the present system of elections almost every year means that parties are constantly either preparing for or running election campaigns, which leaves them with little time to spend on policy development, the real work of government or, indeed, the work of opposition.

The disadvantages of a five-year term include issues around accountability and there being fewer opportunities for the electorate to engage in holding the Government to account. If the same

party was in government for two consecutive terms, that would result in 10 years instead of eight in government, as is the norm around the world.

With the bill containing two small provisions and no issues surrounding the timing of the next Scottish election following the election in May, I repeat that Scottish Labour fully supports the principles behind the bill and will support it throughout its parliamentary process.

14:50

**Annabel Goldie (West Scotland) (Con):** I, too, offer my thanks to the Standards, Procedures and Public Appointments Committee for its work in bringing forward the stage 1 report.

Mr Stevenson offered a quotation on brevity, and I will use the adage from "Hamlet":

"Therefore, since brevity is the soul of wit,  
And tediousness the limbs and outward flourishes,  
I will be brief".

The bill contains a short and sensible pair of proposals, and it will receive the support of the Conservatives at decision time. Before I approach its substance, it is worth reflecting that the powers that we are exercising are yet another example of further devolution in practice. The powers have been devolved initially by order in council and will be made permanent by the Scotland Bill, which is currently before the UK Parliament.

The devolution of electoral administration for the Scottish Parliament is yet another example of my party's commitment to the Smith commission process, as reflected in the Smith agreement, and further fulfilment of the pledge to create a United Kingdom in which more decisions are made closer to the individuals and communities that they affect.

We have developed cross-party agreement in the Parliament on elections to the Parliament not falling on the same day as general elections to the House of Commons or, potentially, other significant elections. Following the Gould report in 2007, that has worked its way into almost something of a constitutional convention. I think that it is a sound one.

I know that there have been one or two dissenting voices. I believe that Mr Stevenson expressed reservations in committee, and Dr Richard Simpson's submission has already been referred to. However, the Smith commission expressly rejected that option. I was a member of that commission, and I support the findings of its reports, which were approved by representatives of all parties in the Parliament.

The agreement confirms that, although control over Scottish Parliament elections should be almost entirely devolved, UK legislation should

prohibit the holding of a Scottish Parliament election on the same day as a UK general election, local government elections or elections to the European Parliament. That is incorporated into clause 5 of the Scotland Bill. However, I sympathise with the wish to see a more established convention that regulates the length of parliamentary sessions for the Scottish Parliament. Mary Fee made some interesting and thoughtful observations.

The Fixed-term Parliaments Act 2011 is now a reasonably well-established part of the British constitution in relation to Westminster and, as such, there will have to be a real debate on the timescale for Scottish Parliament elections. As the minister indicated, the powers over elections beyond 2021 are unlikely to be devolved before this session ends. As he has made clear, that makes the future position a question for the next session, when I and many others will no longer be members of the Scottish Parliament. I am offering purely personal reflections; my party will, of course, have to confirm its position during the next session.

The minister has said that he agrees with the parliamentary session being set at five years, which mirrors the length of this session, and the 2021 election date has been agreed by our colleagues in the devolved Assemblies in Wales and Northern Ireland. There is no doubt that there is some advantage in consistency there. However, having a five-year session has been more of a default position that has been adopted out of necessity than a positive conclusion that was reached because five years is necessarily the best length of session for a devolved Parliament.

It is worth remembering that the four-year model has a long history. It dates back to the recommendations of the 1973 Royal Commission on the Constitution, or Kilbrandon, report, and it is a thread that runs through the pre-history of the Scottish Parliament, from the Scotland Act 1978 through the conclusions of the Scottish Constitutional Convention to the Westminster debates in the late 1990s, which led to the Scottish Parliament being created.

Although I reserve judgment on the merit of doing so, to my understanding it would still be possible to maintain a four-year electoral cycle by moving Holyrood elections to a different time of year. Again, I do not seek to state that there would not be too great a political clash in those sessions when devolved and UK elections fell less than a year apart; I merely observe that the option is there. I also observe that elections falling in May is a relatively recent innovation. There are plenty of examples in recent decades of elections falling in October, November or even December. I simply want to demonstrate that there is scope for

debate. That is where I disagree with John Wilson—I think that the debate is important and needs to take place.

An enduring settlement on parliamentary terms is essential to fulfil the very reasonable decision that the Scottish Parliament should have consistent, fixed terms. It will not fall to me to play a role in the process; it will be the responsibility of members of the next Parliament, but I urge members to keep an open mind about it. In the meantime, I support the bill.

14:55

**Stuart McMillan (West Scotland) (SNP):** I welcome the chance to take part in this short debate and I express my thanks to committee members for such a succinct report. Members often highlight the fact that we ought to produce shorter reports. We do not always achieve that, but in this instance we have. Given that the bill has just four sections, I am sure that questions would have been asked of the convener and committee members if the report had been longer.

The report highlights, in clear terms, the bill's limited scope and the reason for the proposed change. It also highlights the lack of a campaign against the bill, which is helpful in this case.

The convener's questions, during the oral evidence taking, seeking clarity about a three-year term were worth while. I agree with the report's suggestion, however, that a five-year term is a more consistent approach to the next parliamentary session. As we know, this session has been a five-year term and continuing that approach for a further session is common sense to me.

Elections clashing with each other dilutes one of them, so I disagree with Dr Richard Simpson's suggestion to hold Scottish Parliament, local authority and European Parliament elections on the same day. Similarly, Dr Simpson's suggestion to hold the election on a weekend day is fraught with difficulties. Evidence that the former Referendum (Scotland) Bill Committee received on the matter indicated that holding an election on a weekend day would have implications, in particular for those from religious backgrounds.

This bill will provide clarity for the forthcoming session and will aid the electoral cycle now that Westminster has finally moved into the 21st century and introduced fixed-term Parliaments. Holding elections at the whim of whoever is in charge at the time has never made any sense to me. Ultimately parliamentarians are elected to serve the population, not to pick and choose election dates to suit party leaders.

The committee convener has laid out in clear terms the limitations placed on this Parliament with regard to organising Scottish Parliament elections. The fact that this Parliament has obtained the power to determine the length of the upcoming session is welcome. With powers to determine future Scottish Parliament elections in the current Scotland Bill, this process need not be repeated. However, the Scotland Bill does need to secure the support of this chamber and, as we know, discussions about the financial framework continue in an attempt to find a suitable outcome.

A few moments ago, I touched on the clash of elections and I will progress that point a little further. In 1999, 2003 and 2007, Scotland elected parliamentarians and councillors on the same day. Prior to 1999, doing that was considered to be a more cost-effective and efficient way of electing representatives. However, it soon became apparent that issues surrounding local authorities were not being fully aired during campaigning. The separation of elections was a positive step and has allowed local authority issues to be fully discussed, as we saw during the 2012 council elections. Postponing the next local authority elections by one year will guarantee that local authority matters can quite rightly take centre stage in 2022.

The bill appears to have universal support across the chamber, and that is to be welcomed. It is a common-sense approach to the upcoming election and subsequent council election. I look forward to the day, however, when this Parliament does not need to take a sticking-plaster approach via the section 30 process to introduce a short-term fix. Until such a time, I welcome the approach that has been taken thus far.

15:00

**Anne McTaggart (Glasgow) (Lab):** I am delighted to contribute to the debate, as I believe that this is an important issue for everyone in the chamber.

The Scottish Elections (Dates) Bill will change the date of the Scottish Parliament election from 7 May 2020 to 6 May 2021, so that it does not clash with the UK general election. That means that there will be a five-year term for the Scottish Parliament again, as has been the case between 2011 and 2016. That also means that the bill must allow for a change to the date of the Scottish local government elections that are due to be held on 6 May 2021, to 5 May 2022, so that they do not clash with the new date for the Scottish Parliament election. The local government elections will then revert to being held every four years after 2022.

This is not the first time since the Scottish Parliament was created that we have needed to

change the dates of elections to avoid clashes with other elections. However, with new powers coming to the Scottish Parliament next year, Holyrood will be able to set a date that avoids holding the poll on the same day as the UK Parliament, European Parliament or local government elections.

The Scottish Parliament will also have the power to set permanent term lengths. That move is consistent with the Smith commission's recommendation that power over Scottish elections should be devolved to the Scottish Parliament.

Since May 2014, we have had in Scotland a referendum, the European Parliament election and a general election, and we are going into Scottish Parliament elections in May and local elections next year. We get a year off—big sigh—in 2018 and then we have the European Parliament elections again in 2019, the general election in 2020 and so on. Although holding two elections on the same day might eliminate any potential confusion for the electorate, the practice of holding other electoral competitions such as the local elections and referendums at the same time as the European elections should be considered in the next term of the Scottish Parliament.

Many countries in Europe, such as England, Ireland and Sweden, hold joint elections because of different factors, including low voter participation and frequent elections. I share the view of Dr Richard Simpson MSP, who in his written submission to the committee supports that practice and states that the measure would allow for and encourage more democracy and would reduce overall costs.

Although this is a short bill with clear objectives, it is vital for the people of Scotland, as it will eliminate any potential confusion if elections did clash. However, Scottish election dates should be reassessed for greater efficiency when the new powers come to Holyrood.

15:03

**Annabel Goldie:** It is clear that the bill will gain broad support today. It is also important that it has COSLA's approval, as the minister suggested to the committee that it has. That buy-in is important because local authorities will have to deal with electoral administration and their election dates will have to be changed. Our deliberations have to take full account of their view, not to mention the further ramifications for electoral registration officers, returning officers and the general electoral administrative process.

In my opening speech, I touched on some of our long-term options and I am pleased that other members have clearly given thought to such an

important question. The Government has indicated that it intends to put those choices for future parliamentary elections out to public consultation and I welcome that commitment. I hope that the consultation is truly wide ranging and that the evidence that is received is useful in informing the next Parliament's approach.

We should avoid thinking of any particular choice as the default position. As I highlighted in my earlier speech, each has its advantages and disadvantages. Those points have already been made by others. For example, we had the choice of having a three-year session of Parliament following the coming election. That would probably be too short. As a stopgap, the bill will receive the chamber's approval, but we must be clear that that does not tie any member or party to supporting a five-year model in perpetuity.

To many, this topic may seem dry. However, it is important that we consider the fundamentals of how the Parliament operates. This is a choice of constitutional importance. The Chartists famously fought for elections every year—one aspiration that I am sure that we are all somewhat pleased never became a reality. The Triennial Act 1694 limited the length of sessions of Parliament in England to three years, and the Septennial Act 1716 set a limit of seven years. The modern five-year limit was set in 1911, although it was breached by emergency legislation during the wars.

This Parliament will soon be faced with a choice of equal importance about the period between elections and how long sessions should last. The bill is the forerunner of that debate, but we should make sure that it does not usurp it. We must also lay the groundwork for giving that choice the serious consideration that it merits.

15:06

**James Kelly (Rutherglen) (Lab):** I am pleased to have the opportunity to close, on behalf of the Scottish Labour Party, this afternoon's stage 1 debate on the Scottish Elections (Dates) Bill. As my colleague Mary Fee said, Scottish Labour will support the bill at decision time, as will all the parties in the Parliament. That broad support is important, because we are changing the previously defined date of the Scottish parliamentary election after the coming one. It is important that all political parties agree to that new date. If there was not consensus, that could cause difficulties and friction in getting the bill through.

The bill has been driven by practicalities. It repeats the decision that was taken ahead of the 2011 Scottish Parliament election and has been driven by the introduction of the Fixed-term

Parliaments Act 2011, which introduced five-year terms at a UK level.

It is correct that the Scottish Government has put forward the proposal, which is the logical thing to do. We cannot run UK Parliament and Scottish Parliament elections on the same day. Apart from the fact that those elections deal with different issues, as some are devolved and some are reserved, the different campaigns have a completely different dynamic to them.

The possibility of having a three-year session has been discussed. On balance, I have concluded that that is too short and I believe that the practicalities are such that we are right to move to a five-year session.

**Stewart Stevenson:** I am making this intervention in a personal capacity and not as the convener of the Standards, Procedures and Public Appointments Committee. The member might recall that, in 1979, we had a referendum at the beginning of March, a general election at the beginning of May and European elections at the beginning of June. Although I recognise the merit of the proposal from my colleague on my right, Annabel Goldie, that we could have two elections in one year as long as they were far enough apart, the events of 1979 are not an encouraging precedent for anything other than having elections at least a year apart.

**James Kelly:** I take that point. The discussion is actually quite interesting. There were two general elections in 1974, so we have been here before.

Annabel Goldie made an interesting contribution. The crux of the issue is that we will have to decide whether we want to have four-year or five-year terms. I have been used to four-year terms in local government and in the Scottish Parliament. The advantage of having four-year terms is that, in a sense, that is more democratic, because the political administrations are up for election more frequently. There is merit in that, and there is merit in Annabel Goldie's suggestion.

**John Wilson:** Is Mr Kelly implying that the European Parliament elections and Westminster elections are less democratic because they involve five-year terms?

**James Kelly:** No—I am certainly not saying that. I am saying that there is a case for four-year terms, just as there is a case for five-year terms. Five-year terms provide more stability, which is better for planning—particularly budgetary, financial and policy planning. I recognise that there are advantages to having five-year terms. I would not say that I am stuck to any particular solution at this time. However, Annabel Goldie made some pertinent points.

In the next parliamentary session, it will be essential to come up with a solution for the electoral cycles of both the Scottish Parliament and local councils. It is right that the Government is taking widespread evidence on the matter, which I will study closely to see which cycle is the best. In recent times, because of the change at the UK level, we have been driven towards five-year terms. What we have done has been practical, but a five-year session is not necessarily the right thing. We need proper consideration of the issues and to look at the electoral cycles for all administrations.

15:12

**Joe FitzPatrick:** I thank all members who took part in the debate for their contributions. The bill is incredibly short and there is clear consensus about what we should do now, although there is a debate to be had about what we will do going forward. It is important that there is unanimity across the chamber about what the bill will do in changing the date of the Scottish Parliament election and the date of the local government election.

There has been discussion today—as there was at the committee—of the need for a permanent solution to the clash of Holyrood and Westminster elections. I think that all members touched on that, and John Wilson raised it in his intervention. If we assume that the bill will be passed and that the clash of elections will be avoided in 2020, the frequency of both parliamentary elections will mean that another clash will occur in 2025 and again every 20 years. We need to look for a permanent solution; otherwise, as Stuart McMillan said, we will have to take a sticking-plaster approach every time there is a clash.

When the powers come to this Parliament, it will be appropriate for us to look at all the issues, and I listened carefully to all the remarks that were made today. I am on record as saying at the committee that there is a strong argument for a five-year cycle. However, arguments for other cycles have been made today. I listened to Annabel Goldie's suggestion of a different solution whereby, every 20 or so years, we would have two elections in the same year but at different times of the year, so that there was no direct clash. That suggestion is interesting.

It is important that the matter is decided by the next Parliament and that the issues are carefully considered. As Annabel Goldie said, the Government must consult carefully on the issues and take the widest possible view of the implications. Although elections are very pertinent to us as politicians, they are also important to the electorate and other organisations. If there were Holyrood and Westminster elections in the same

year, that would be a significant drain on the resources of organisations that want to influence policy making and take part in that process.

It is important that, when the Parliament comes to discuss a permanent solution to the polling date clashes, there is the widest possible consultation. That is correct and it is great that we kicked that off today by saying not just that the choice is between four-year and five-year terms but that there is potential to shift the date of elections. However, there is a fair degree of history, as every Scottish Parliament election has been in May, so holding the election at another time would be a significant change.

Let us get back to the consensus and to the bill, which is about finding a solution for the 2020 clash and dealing with a subsequent clash for local government elections in 2021. The bill offers that solution. I welcome the tenor of the debate, which suggests that members across the chamber agree that the Government has got it right. I do not expect the Government to lodge any amendments at stage 2, but I take on board the convener's point that there is a parliamentary process to go through. We expect the committee to give the bill the same consideration as all other bills get.

The bill is relatively short, but it is significant. I thank members for their contributions and invite them to support me in agreeing to the general principles of the bill.

## Lobbying (Scotland) Bill: Stage 1

### The Deputy Presiding Officer (John Scott):

The next item of business is a debate on motion S4M-15220, in the name of Joe FitzPatrick.

15:16

**The Minister for Parliamentary Business (Joe FitzPatrick):** The Lobbying (Scotland) Bill is an unusual bill: it has been introduced by the Government, but is parliamentary in nature. For that reason, I have been keen from the outset to work closely with Parliament to ensure that its views are reflected in the proposed legislation.

We all agree that lobbying is a legitimate activity, and we recognise the valuable contribution that it makes to informing policy making in Scotland. However, it is right that we seek to improve transparency in lobbying activity in order to retain the public's trust, particularly in the light of continuing constitutional change. The results of a recent poll that was commissioned by the Scottish alliance for lobbying transparency indicated that three quarters of public respondents were in favour of the creation of a register. Therefore, our shared objective is to ensure that Parliament puts in place a robust, workable and, above all, proportionate lobbying registration scheme. We must do so while listening to the views of a range of stakeholders. The Government's Lobbying (Scotland) Bill is founded firmly on that basis of its being a shared endeavour.

When the Government announced its intention to legislate on lobbying, its rationale for doing so was made clear. The question whether Parliament should establish a lobbying register was and remains significant, and requires careful consideration. Therefore, the Government was persuaded that it should put its full weight and resources behind the proposal, but recognised from the outset the need to reflect Parliament's wishes. I remain firmly of the view that the end product must be something that members across the chamber will be able to stand behind. The debate allows that process to continue.

Against that backdrop, we welcomed the late Helen Eadie's suggestion that the Standards, Procedures and Public Appointments Committee contribute to determining what measures would be appropriate in the Scottish context by holding a committee inquiry. I am grateful to Parliament and the committee for its close involvement in progression of the bill, the detail of which I will outline later.

For the Government's part, throughout the development of the bill, ministers have been guided by three underpinning principles. First,

there cannot be any erosion of Parliament's principles of openness, ease of access and accountability. Civic engagement is something that Parliament does well and which people truly welcome. Many people have commented on the Scottish Parliament's openness and hold that accessibility in high regard. The valuable relationships that Parliament has fashioned with all Scottish stakeholders have not only contributed to its many successes but have been integral to its swift development into a significant and trusted feature within Scottish society.

The second guiding principle is that the register of lobbyists must complement rather than duplicate current transparency measures. Many frameworks have been established within Parliament and the Government to deliver probity around lobbying. A lobbying register must be developed to fit within that landscape, as opposed to being viewed as a single catch-all solution.

The third principle is that the new arrangements need to be proportionate, to be simple in their operation and to command broad support both within and outwith Parliament; proportionality and simplicity are key considerations. We need to minimise the burden on those who will need to register and they will need to be clear about what is expected of them in order that they comply with the new scheme. On Parliament being the operator of the registration scheme, the parliamentary authorities also need arrangements that are as clear as possible for the public and which avoid capturing activity that would reasonably be viewed as trivial or as immaterial to the purpose.

Those three underpinning principles have been generally welcomed by stakeholders and are at the heart of the bill that I have presented to Parliament. They will continue to guide my thinking as the bill proceeds through its parliamentary stages, and to guide my thinking in respect of representations for change that are put to me.

Our policy objective is to ensure that we maintain the public's trust in Parliament as an institution by bringing added transparency. Our aim is to shed light on lobbying activity that is designed to influence the actions of ministers and members for a particular purpose: the bill is not intended to interfere with the day-to-day relationships that each of us has with our constituents. Patricia Ferguson made a very important point during evidence at the Standards, Procedures and Public Appointments Committee on 19 November when she highlighted the importance of being clear that the register should be designed to capture lobbying, but not simple engagement. I agree fully with that: we must ensure that we do not unwittingly erode legitimate engagement between the public and their elected

representatives. I will therefore continue to consider the bill carefully in relation to the discussions that elected members have with their constituents, and I will in due course consider any necessary changes to protect the relationship between members and their constituents.

I mentioned the key role that the Standards, Procedures and Public Appointments Committee has played in helping to develop the policy in the bill. As I said, the Government welcomed the committee's announcement in September 2013 that it would hold an inquiry into lobbying. That inquiry took evidence from a wide range of stakeholders including campaign groups, representatives of the consultant lobbying industry, the voluntary and business sectors and academics. The inquiry concluded in February of 2015 with the publication of the committee's report.

That report reaffirmed what has become the universal conclusion, which is that lobbying is a "legitimate and valuable activity". The committee invited the Government to adopt recommendations that were set out in the report as the basis for proposed legislation to establish a lobbying register. The report confirmed the committee's view that a register based on its recommendations "would constitute a substantial new body of information which would make a notable contribution to increasing transparency".

The committee also invited the Government to work closely with the Scottish Parliamentary Corporate Body on any proposals that would impact on parliamentary resources.

The committee's 2015 report was pivotal in helping to shape the bill that is now before Parliament. Indeed, of the 17 recommendations in the February 2015 report, 12 fall within the scope of the bill and all of those have been reflected in whole or in part.

The Government consulted on its proposals for legislation, as informed by the committee's conclusions, and the feedback that was received has influenced the draft legislation.

I turn to the Standards, Procedures and Public Appointments Committee's stage 1 report. We welcome the committee's support for the bill's general principles. Given that the proposals in the bill will impact on every single member, it is very important that we take the views of the chamber as a whole prior to finalising and publishing the Government's formal response. That is consistent with the inclusive approach that has typified the development of the bill.

However, I wish to offer colleagues some initial thoughts on the content of the stage 1 report. The committee's agreement to the bill's core principle of focusing on lobbying involving payment is

welcome. That principle underpins the nature of the lobbying activity that we understand to be relevant for capture, and it helps to distinguish such activity from engagement between a constituent and his or her elected representative.

Members will note that unpaid lobbying does not require to be registered, although the bill allows for voluntary registration of unpaid lobbying activity, but I note that the committee's thinking has moved on in relation to two key areas of the model that it endorsed in February 2015. First, the committee has asked the Government to review whether the scope of the bill should be widened to include communications of any kind. The Government is willing to keep an open mind on that issue and to listen to whatever evidence is made available to support such a position, but it will not surprise members to hear that the Government is extremely cautious about the merits of that approach.

**Neil Findlay (Lothian) (Lab):** I would like to exemplify the point. If the minister has a problem with a product that he has bought or a bill that he gets and he has to contact a company that is based in, say, India or America, does he book a flight and turn up at the company's door because he has to speak to the person face to face in order to resolve the problem, or does he pick up the phone and deal with it there and then?

**Joe FitzPatrick:** As I said, the Government is keeping an open mind on the issue. Our starting point in attempting to provide a proportionate response has been to consider what is the most significant form of lobbying. We have written the bill on the basis that the most significant lobbying is face-to-face lobbying. However, I am not saying that other forms of interaction are not also lobbying.

**Neil Findlay:** Again, I ask a question: is most of our time taken up meeting people face to face or is most of our time taken up dealing with communications of another type?

**Joe FitzPatrick:** We would all have to go and look at our diaries to work out how much time we spend meeting people. I am clear in my view that face-to-face lobbying is the most significant form of lobbying, but I am not for a second saying that other forms of communication are not significant, as well. That is why we continue to have an open mind on the matter.

Some respondents to the consultation made calls for written communications to trigger registration. They highlighted the point that Neil Findlay makes, which is that some such communications could, as a matter of fact, constitute lobbying. As I said, the Government acknowledges that point, but in response we must

highlight that we are trying to introduce a proportionate approach to lobbying registration.

Our starting point is to question whether it is proportionate to extend registration to written correspondence that is directed to MSPs and ministers. Members across the chamber would, I hope, appreciate what a volume of such correspondence there is—for example, the number of representations that I received from stakeholders in advance of today's debate. I am sure that other members also received a large volume of written evidence. I am sure, too, that members appreciate that that information—which will have come from across the spectrum—has helped them to prepare for today's deliberations.

**Mary Fee (West Scotland) (Lab):** I thank the minister for taking another intervention. I will be very brief. Will the minister clarify in what form were the bulk of the communications that he received about the bill?

**The Deputy Presiding Officer:** I will give you extra time, minister.

**Joe FitzPatrick:** Okay. In terms of volume, I—like every other member—have probably received the greater volume in the form of emails, which is significant. However, in terms of time, I have spent more time this week engaging on the issue with—

**Neil Findlay:** Because your staff read the emails.

**Joe FitzPatrick:** I think that I, myself, have read every single email that has come in about the bill.

I will continue: I have had meetings with stakeholders on all sides of the debate, which is very significant. I appreciate the meetings that I had with SALT and other organisations this week.

**John Wilson (Central Scotland) (Ind):** Would the minister make a distinction between lobbying and organised lobbying? The majority of emails that I have had this week on the bill, and those on other issues with which I have been bombarded in the past couple of days, are from individuals who have taken up an issue based on their own concerns. There is a distinction between organised lobbying by paid lobbyists and communications from individuals who feel so strongly about an issue that they want to write to their elected members.

**Joe FitzPatrick:** I am conscious that I should make some progress, but that is absolutely the case, and the bill as drafted makes that distinction, which is very important.

The response to the Government's consultation demonstrated strong support for the registration of oral face-to-face communication, which is seen in the eyes of some people as striking an appropriate balance in the context of there being no evidence

of wrongdoing. In the eyes of others, there is no case for a register at all.

Although it would be possible in principle to extend registration to all forms of communication, the question that we must answer is whether that would be a proportionate response and whether we could be sure that it would not deter people from engaging with Parliament. Any negative effect of that sort would be precisely what we are seeking to avoid. The Government believes that there is a risk that extension would have such an effect, which would be to the detriment of organisations engaging both with Parliament and elected representatives. That will have to be considered carefully, and I would be interested to hear members' views on it. As I said, our ears are not closed to the arguments. [*Interruption.*]

I will try to make some progress. The committee's stage 1 report referred to special advisers and civil servants, and it records my response to the proposal for extension. My point was that MSPs and ministers are decision makers and legislators, whereas advisers are just that. Again, it would be perfectly possible to extend the bill in that way, but we need to consider the evidence and any potential implications of such an extension. Again, our minds are not closed on that point, but equally we need to test any extension against the principle of proportionality. I invite colleagues' views on whether senior civil servants and senior advisers to ministers and MSPs should be covered by the bill.

The committee's report also included recommendations on certain practical aspects of the registration framework, such as collective pay bargaining and the appropriateness of the current exception for meetings that are initiated by elected members. I will deal with those issues in due course in the Government's response.

I thank you for your indulgence, Presiding Officer; there were important points that we had to make. The bill seeks to balance the interests of a wide range of stakeholders and to avoid unwelcome imbalances that could work against Parliament's interests. There is in the bill considerable flexibility available for Parliament in the light of experience to alter the operational aspects of the registration scheme. I hope members will agree that the bill represents a firm foundation for the establishment of an initial scheme to underpin a register of lobbying activity. I look forward to hearing the views that will be expressed during the debate.

I move,

That the Parliament agrees to the general principles of the Lobbying (Scotland) Bill.

15:33

**Stewart Stevenson (Banffshire and Buchan Coast) (SNP):** The term "lobbying" can, for some people at least, conjure up images of dubious characters loitering in the corridors of power, attempting to gain unfair advantage over the ordinary citizen. Indeed, the origins of the term lie in the Willard hotel in Washington, where Ulysses S Grant, President of the United States, used to retire for his brandy and cigars in the evening and would be accosted in the hotel lobby by people who were seeking to influence public policy. Lobbying was originally face to face—there were no telephones in the 1820s.

The committee has, however, had a long-term view that modern lobbying is a positive and necessary part of any democracy that equips decision makers with valuable information and, more important, allows individuals, firms and organisations to engage with and influence policy makers, as they have every right to do.

The bill aims to bring a perfectly legitimate activity out into the open. If everyone can see who has contributed to the decision-making process, those decisions should have greater legitimacy and be more representative, and it ought to be easier to hold decision makers to account—outcomes that I think are broadly supported across the Parliament.

Equally, we are aware of the danger of creating barriers or the appearance of barriers for smaller organisations and for individuals whom we wish to see engage with Parliament. Vitally, MSPs and our constituents must still be able to interact with one another on matters of local interest.

The committee's work in this area goes back some time, as the minister outlined. Following Neil Findlay MSP's proposal for a member's bill on lobbying transparency in 2012, the committee held an inquiry to look into the question whether there needed to be more information available to the public about who lobbies the Scottish Parliament and the Scottish Government. We produced a report in February 2015, which set out a series of proposals. Those proposals have, to a large extent, informed the Government's approach to its bill.

Nevertheless, in light of the evidence that we heard during our stage 1 inquiry, we think that there are further issues to consider. The bill, as currently drafted, will only require lobbyists to register if they have face-to-face meetings with MSPs and ministers.

**Chic Brodie (South Scotland) (SNP):** Warren Buffet once said that the contribution of people, particularly those in public service, requires integrity, intellect and energy, and without the first one, the other two are useless.

I think that the member would agree that we should seek to retain all those characteristics and my evidence today is that they are endemic in this Parliament. I am therefore concerned—even sure—that the consequence of the bill may be, in the long run, the very opposite of what is intended, in that those characteristics may well be damaged. Does the member accept that, should the bill go ahead, the committee must ensure that there will be no exceptions for different types of lobbyist?

**Stewart Stevenson:** The committee's view is that we need to seek to differentiate between lobbyists who lobby as part of their paid activity and those individuals and organisations that are working in a voluntary context in which people receive no financial or similar reward. We think that that distinction is a good one.

The member referred to integrity, intellect and energy. I cannot speak for the committee because we did not discuss the issue in quite those terms but I suspect that the committee would view having a register of lobbyists and shining a light into what goes on in regard to lobbying as providing an excellent opportunity for us all to demonstrate those three attributes of integrity, intellect and energy.

The committee understands that the definition of registrable lobbying in the bill is designed to capture the most meaningful interactions and that a line was drawn in an effort to produce a light-touch regime. Nevertheless, in thinking about it since our original report, we feel that that approach may be too narrow and could create the impression of there being options open to organisations that wish to avoid scrutiny. We have therefore recommended that consideration be given to widening the definition of registrable lobbying to include all forms of communication.

We have not looked directly at the potential effects of that widening of the definition and hence ask the Government to do that. In practice, my personal experience—I stress that it is my personal experience—does not suggest that such an extension of the definition would significantly increase the number of registrants.

My personal reflection is that we must test to see whether such an extension would inhibit communication between MSPs and constituents. That is one of the essential tests. We must not overburden organisations, in particular small organisations that are pursuing legitimate campaigns, by creating an administrative headache for them—or for Parliament, although the former are the more important consideration.

During the bill's progress we will not, of course, decide what the proposed register's contents will be—Parliament will come to that matter after the bill's passage. However, at this stage, it is worth

saying that the committee is not suggesting that the details of every phone call and email should appear in the register; we suggest that it should contain merely the fact that there have been such communications and what their purpose has been. To include all the details would generate a great deal of repetitive information and possibly render the register less useful and accessible to citizens by burying the relevant information.

**Neil Findlay:** Having read the committee's stage 1 report, I understand that it rejected thresholds for registration. That was an error. Having thresholds would have meant that incidental and small-scale lobbying would not be captured. Will the member elaborate on why the committee rejected thresholds?

**Stewart Stevenson:** There was an element of judgment; there is no absolute certainty in this. However, the test of including only people who receive reward for their lobbying is a simple and objective one, while the test of having a threshold, which the committee discussed at some length, is a more difficult one in terms of coming up with a watertight definition. As the bill progresses to stages 2 and 3, I am sure that we can return to that issue and debate it further. I think that I am correct in reporting the committee's considerations in those terms and in saying that that is why we came to our conclusion. As I said, it was a judgment call.

The bottom line is that we have asked the Government to find a way, as the bill progresses, to demonstrate that any alteration of the definition of lobbying will leave acceptably modest administrative burdens for those lobbying while delivering a useful and accessible register.

I take it that I have a little flexibility in time, Presiding Officer?

**The Deputy Presiding Officer:** You have nine minutes, Mr Stevenson, but there is a little flexibility.

**Stewart Stevenson:** Thank you—that is helpful.

We looked at the distinction that the bill makes between paid and unpaid lobbying. We basically endorsed the Government's approach in that regard. It is right that any citizen can lend their voice to a cause or support an organisation in an unpaid capacity without having to register.

We also agreed that the distinction that has been made elsewhere between professional lobbyists—whatever they are—and in-house lobbyists is not one that we would want to see echoed here.

Under the bill as currently drafted, a person would not be required to register following a meeting with a minister or an MSP provided that the minister or MSP had initiated the meeting. We

understand and accept the rationale behind the exception, which was designed to ensure that there were no restraints on MSPs and ministers entering into discourse with stakeholders, experts and representative groups that may have particular skills or knowledge that allow them to make a valuable contribution to policy or otherwise challenge proposals.

We share the view that MSPs and ministers should be able to have such interactions with specialists without those specialists then having to register. However, in practice, we have concerns. If matters are discussed during a chance meeting, a dinner or an event, who initiated the meeting and how can that be demonstrated? That could be difficult, and we therefore ask the Government to look at its approach and see whether there are ways of offering greater clarity and certainty.

When it comes to the subjects of lobbying, we were persuaded by those who gave evidence that restricting the bill to MSPs and ministers was too narrow. Although we accept the argument that ministers are responsible for decisions, other office-holders are clearly involved in their inception. Importantly, the lobbying organisations that we spoke to considered such interactions to be of equal value to meetings with ministers. Accordingly, we have asked the Government to consider introducing amendments to broaden the definition to include communications with other public officials, such as civil servants, special advisers and senior staff.

We heard arguments that expenditure on lobbying should be disclosed. I return to the point that that is a matter that Parliament can consider further when we look at the orders that we will make after the bill's passage.

The Parliament was founded on the principles of openness, accessibility and participation. If we get it right, the bill will promote those values and allow everyone to participate on an equal footing.

We look forward to continuing to work with the Government on any changes that it introduces. I am happy to say that the committee endorses the view that the Parliament should adopt the bill's general principles.

15:44

**Neil Findlay (Lothian) (Lab):** I am pleased to open the debate on behalf of the Labour Party. I am also pleased that the Government has got round to introducing the bill, because this debate has been a long time coming. I submitted my draft proposal for a lobbying transparency (Scotland) bill in July 2012, and the issue is only now coming before the Parliament. Nevertheless, we have got here; that is a good thing, and we will support the bill's principles at decision time.

Like others, I believe that lobbying is a good thing. It informs debate and assists the democratic process. For example, the briefings that we have all received for this debate and which we receive for others are often invaluable in providing information, expertise and knowledge and giving different perspectives from a range of opinions. They enhance our democracy, and that, as I have said, is a good thing.

However, the workings of the Parliament and the ways in which legislation is made, contracts are awarded and so on, including any lobbying that might have occurred in the process, should all be open to scrutiny and be transparent. As we know, the general standing of politics and those who work in and around it, following the expenses scandals, cash for questions, taxis for hire—

**Chic Brodie:** Not here.

**Neil Findlay:** Calm your jets, Mr Brodie.

After all those things and the current financial controversies of some MPs, that general standing is not high. Thankfully, the Parliament has been largely free of such scandals—and long may that continue. Indeed, the reason I wanted to introduce a bill was to ensure that we put in place systems to prevent such things from happening, thus protecting our democracy, this Parliament and those engage with it. It would take only one or two scandals to really damage the Parliament's standing, and that would be a major setback for all of us and for this institution. In that respect, a good, robust and workable lobbying bill fits with the preventative agenda that the Government promotes and which I think all of us support.

However, it is hard to deny the view of many that, compared with ordinary people—the average man or woman in the street—powerful interests enjoy disproportionate access to Government, politicians and decision makers as well as disproportionate influence over policy and the legislative process. We could pick out a whole range of issues, but the fact is that organisations that are engaged in promoting renewable energy, fracking, cuts to air passenger duty, airport expansion and a whole range of other matters regularly spend very significant amounts of time, money and effort on getting what they want. There is nothing wrong at all with that—they are perfectly entitled to do so—but the public should have a right to know who they are speaking to, the reason for those communications and what, if any, was the outcome. That is not revolutionary stuff—it fits in with the Parliament's founding principles.

The bill is therefore timely and absolutely appropriate. New powers are coming to this place and we know that, with new powers, lobbying follows. There was almost no Scottish lobbying industry of note before the Parliament existed but,

as powers have come, lobbying activity has increased and now it goes on in this place every minute of every day. Again, I stress that that is not a bad thing, but it is right that we legislate now in an atmosphere of relative calm and not in the wake of a scandal, when party-political advantage would clearly and inevitably influence our discussions and decisions.

That said, if we are to legislate, it must be done properly. As it stands, the bill is, in my opinion, in need of radical amendment to make it fit for purpose, and I am pleased that colleagues from all parties on the Standards, Procedures and Public Appointments Committee recognise some of the major flaws in the Government's proposals and the need for improvement.

One of those major flaws is the proposal to include only face-to-face meetings between the lobbyist and the lobbied. On first reading that proposal, I immediately wondered whether the Government thinks that we still live in the 19th century or a world where telecommunications and computers do not exist. I see that the minister has a fancy biro pen, so I assume that he does not write with a quill on parchment. I am sure that he does not send smoke signals or speak to people via two bean cans tied together with string.

The Government says that it wants to deliver an economy that is futureproofed and has world-class connectivity. With that come new-fangled gimmicks with strange names such as the telephone, the computer, email, conference calls, videoconferencing and—for heaven's sake—Skype and FaceTime. I can hear the minister muttering, "It doesn't matter. They will never catch on."

**Joe FitzPatrick:** It is not the case that the Government does not recognise those other forms of lobbying. Indeed, the bill allows for the Parliament to put in place guidance for them. What we are saying is that, in relation to regulated lobbying, a line needs to be drawn between what is a criminal offence and other lobbying, for which there is guidance. Nobody is suggesting that those other forms of lobbying do not exist or that we do not have email or telephones. It is just about where we draw the line in relation to regulation.

**Neil Findlay:** I thank the minister for confirming that he is not a Luddite and that he is a modern man in the modern age. I am sure that he will want to ensure that the bill is a modern bill for the modern age, and that the Government will come back at stage 2 with a new definition of regulated lobbying.

Professor Raj Chari said during a committee evidence session:

"I had never seen such wording before. It pains me to say that even the UK recognises that lobbying takes place

by way of written communication."—[*Official Report, Standards, Procedures and Public Appointments Committee*, 12 November 2015; c 21.]

I am sure that the minister does not want to be compared unfavourably with the dog's breakfast that is the UK lobbying act—the Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014. We want a better proposal than what is in the bill. We must recognise its absurdity and fix it as soon as possible.

We also need to address the weaknesses in the provisions on who should be included in the register as having been lobbied. We all know how lobbyists target special advisers and civil servants, and they must be included in the proposals. Not to include them would leave a glaring loophole that could easily be exploited. The minister mentioned the SALT briefing that we have received, and in its polling, 91 per cent of the public believed that SPADs and civil servants must be included in the register. I hope that the minister will take that into account. There is no mention, either, of financial disclosure. If we want people to have faith in the system, it is surely vital that they know the scale of lobbying. Are people spending a fiver or five grand? That would tell us the scale of the lobbying that goes on, and 92 per cent of people support the inclusion of that information.

We also need thresholds to ensure that normal MSP contact is unaffected, that one-off or infrequent lobbying is not included and that only significant lobbying by those who invest significant amounts of money and time to influence policies or win contracts are included in any register. Failure to make that clear has led to the fear that all the activities of anyone who approaches parliamentarians will have to be registered. That was never the intention. I hope that it is not the Government's intention—I am sure that it is not.

My original proposals also suggested that the working careers of lobbyists should be included in the register, because too often we see the revolving door in operation whereby ex-politicians, special advisers and civil servants move into new roles and, within a short period, open up their contact books to gain access to decision makers, using all the knowledge and relationships that they built up in their previous employment to influence policy or win contracts for their new clients or bosses. Again, that can lead to negative perceptions among the public, yet there is no mention of a revolving-door provision in the Government's proposals. We need only look at what has happened with recent Governments of all persuasions at Westminster to see all that in action—for example, with the new recruits at Aberdeen Asset Management, Weber Shandwick and Charlotte Street Partners. As I said, that has

happened at Westminster under Governments of all persuasions.

The bill has many flaws and some of it is a bit of a mess. At a seminar that I and the convener of the Standards, Procedures and Public Appointments Committee attended recently to discuss the bill, an independent expert on lobbying said that, at best, he would give it two out of 10, but that he would give the US system six out of 10. That does not bode well for the bill's claims of transparency. If the bill is to work and to enhance our democracy, it will need serious amendment, and we intend to lodge many of the necessary amendments at stage 2.

15:55

**Cameron Buchanan (Lothian) (Con):** I, too, am glad that we have the chance to debate the Lobbying (Scotland) Bill and all of the possible routes to take. If we are to achieve the cross-party consensus that the Scottish Government seeks on the issue, we must examine each of the main points that were considered during the Standards, Procedures and Public Appointments Committee's inquiry and raised in our report.

It is essential that we maintain a firm focus on the three principles that must underline the bill if it is to be fair, effective and worth while. The first principle, of course, is transparency; indeed, it would be right to say that the whole point of a lobbying register would be to increase transparency. It is vital that the lobbying process and the breadth of the bill itself are clear. In addition, we must ensure that any lobbying register upholds the principle of accessibility. That is essential so that those who wish to participate in the public decision-making process are not deterred from so doing. That is a fundamental point.

Further, any registration requirements must be proportionate if they are to be fair and worth while. That point has already been covered. The question of proportionality touches on a number of issues that the committee has raised, including the types of communication and which officials should be counted. I do not think that we should specify the types of communication, because all sorts of modern methods are being introduced.

Whatever form the final version of the bill takes, all the implications and requirements must be clearly understood by all. That means that any provisions must be examined in depth and publicly so that any indirect consequences are considered at length. A transparent approach to decisions on the bill is also required, so that the public can understand the direction that it is taking and be prepared for any new system. To help to achieve that, we must ensure that the key provisions of the

bill are decided in the Parliament and are not left to secondary legislation. I realise that we are only at stage 1, but my point is that ease of understanding the bill must not be an afterthought or we will end up with a stifling bill and a lawyers' paradise.

An example of an area that we need to clarify is the exemption when meetings are not initiated by a lobbyist. Part of the issue of public understanding concerns just how much preparation or adjustment would be needed, which touches on the two other principles that I want to mention—accessibility and proportionality. I think that we can all agree that the involvement of expert organisations, members of the public and affected parties in the policy process is a welcome and indeed necessary feature of our political system. Obviously, in order to make informed decisions, officials must be informed in the first place. We must therefore keep a focus on ensuring that accessibility for the public is made neither more difficult nor discouraged in the first place. That has been highlighted many times in committee and in evidence to the committee.

I say “the public” on purpose, because the issue of lobbying is not one of backroom deals between special interests and brokers of power, as it is sometimes portrayed—lobbying sometimes has a rather dirty name. Rather, lobbying is the much more fundamental matter of the chance for everyone to participate in policy making and the exchange of ideas. All manner of organisations and members of the public should feel welcome to discuss matters of interest with their representatives.

As for proportionality, I am quite clear that any potential system of lobbying regulation has to be light touch. That ties in with the importance of accessibility. It is worth raising a couple of more specific points in that regard. First, the committee has pointed out that it is worth looking into the inclusion of all forms of communication in the bill, as well as contact with senior civil servants and special advisers. I see where those demands are coming from, but we should not lose sight of the need to strike a balance between increasing transparency where needed and ensuring that individuals and organisations are not deterred from participating in the political process due to undue regulation and overcomplication.

The committee has concerns about the inclusion in the register of contact with MSPs—we will probably deal with that at stage 2—because we need to ensure that MSPs' ability to undertake their duties as public representatives is not restricted. Politics conducted on behalf of the public should, after all, be open to easy access for the public. Suggestions about using a targeted approach, based on the intensity of lobbying

activity rather than its source, are a welcome idea that is worth exploring.

Secondly, proportionality should be measured relative to the benefit to be gained or the problem to be solved. That suggests the need to understand how undue influence may arise and, therefore, where requirements should be targeted. Thankfully, we have not been troubled by lobbying scandals in our political system, although that does not mean that we might not be. It also begs the question how much needs to be done.

I am saying not that we should not do anything, but that our measure of what is proportionate should be underpinned by an understanding that the bill will deal with a potential rather than a pressing problem. I believe that, if those principles are upheld, a fair, effective and worthwhile system for the regulation of lobbying can be found. To do that, we must continue to scrutinise each proposition in depth and ensure that we act on the principles rather than pay lip service to them. I will touch on that in more detail later. I look forward to discussing all aspects of the bill with colleagues across the chamber.

**The Deputy Presiding Officer (Elaine Smith):**

We turn to the open debate, with speeches of six minutes or so. At this stage, there is a bit of time in hand for interventions.

16:00

**George Adam (Paisley) (SNP):** I was a member of the Standards, Procedures and Public Appointments Committee during the original inquiry into lobbying and while most of the work on the issue was done. I left the committee recently but, for some reason, I keep getting drawn back—or is that dragged back?—into the debate. I will discuss my personal views, as I have had time to sit back from my work on the committee and look at some of the information.

I believe that all democracies should be transparent and open. I support the bill but, at the same time, I have a number of issues with it. As colleagues have mentioned, there are a number of practicalities to do with our day-to-day constituency and parliamentary life, which I feel the proposals could make more difficult.

I take members back to 1997, when many of us were together trying to ensure that this institution came into being. I remember trying to download the Scotland bill white paper from the web with my 14.4k modem. After 24 hours of waiting and a worried visit from my mother-in-law, who wanted to know why my phone had been engaged for 24 hours, I went down to the local bookshop and bought a hard copy.

Between that time and now, and throughout the lifetime of the Parliament, Scotland and the world have changed dramatically. We now have superfast broadband, but that bookstore in Paisley is no longer there. How could a third or fourth generation family business compete with the web when people can purchase a hard copy or an electronic copy at home and instantly get it or have it delivered to their door? Although advancement for the consumer is good, something has been lost. With progress, something important has been lost in life.

That is the point that I want to make about the bill. We need to be careful that we do not lose the many strengths of the Scottish Parliament because of a feeling that something has to be done about lobbying. Many look to Westminster and see that its legislation has not helped in any way and was a knee-jerk reaction to some of the strange workings of that Parliament. Should we not take note of that reaction? During the committee's evidence taking, lobbying legislation was slated for being useless. We were told that Westminster and Washington are among the worst for transparency but both have already legislated on lobbying.

I get a hard time from colleagues regarding my great pride in being Paisley's member of the Scottish Parliament, and I take that in good humour. However, the serious point for me is about how I deliver for my constituents and how I interact with their employers, the public sector and the third sector on their behalf.

**Neil Findlay:** Will Mr Adam take an intervention?

**George Adam:** Can I just get this point across, Mr Findlay?

The bill as it stands will make it difficult for local employers and small businesses to contact me. Some small and medium-sized enterprises might not even bother, because they will wonder whether it is worth the hassle to register to be able to have a meaningful dialogue with their elected member. It has been stated that the register should be targeted at organisations that have significant contact with their MSPs. One small engineering business recently came to me to discuss an expansion that would create jobs in the area. It wanted to know how it could take the next big step and to ask me to help it or point it in the right direction. That business might have looked for a different way of dealing with that and might not have approached an elected member if it had thought that there was an administrative barrier to doing so.

Would the bill mean that every single major employer in Renfrewshire would have to register and record every single meeting that it had with an

elected member as we discuss the future of my constituents and their jobs? As the bill stands, it would put an added burden on the third sector to register, and one of the best things about the Scottish Parliament could be lost. This institution is Scotland's Parliament and we all take great pride in the openness and accessibility of our members, ministers and Government, and that is worth preserving. I am aware that many of the original intake of members in 1999 looked at the workings of the Parliament and considered how to deal with lobbying. They knew that doing so could harm their vision for the Parliament.

**Neil Findlay:** Mr Adam is making a good argument for us to have thresholds that would mean that all those people who he talks about—or the vast majority of them—would not need to register at all.

**George Adam:** I am making the argument that I can represent the people of Paisley and ensure that I can still have the interaction and the flexibility to do that.

Do not get me wrong. Openness and transparency in politics and our delivering for our constituencies are the most important things. However, an issue constantly came up in the inquiry, and that has happened in this debate, as well. How do we define lobbyists? The Scottish Parliament information centre paper that we received was quite interesting, as it confuses the issue even more. It says:

"Lobbying activity can be conducted through a number of direct or indirect communication methods including personal letters, telephone and emails; forms of social media, such as twitter and facebook; providing briefing material to Members and organising meetings and rallies.

Lobbyists come from various sectors, including:

- individual members of the public
- groups of constituents
- local businesses
- organised pressure groups or campaigners
- commercial organisations."

That is just about everyone. We need to find out who we are calling a lobbyist at this stage.

How do we take that to the next stage? The funny thing was that there was the accusation that the definition in the UK Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014 was too narrow, that not enough people were included, and that many of the lobbying firms were still getting the opportunity to work without getting caught up in the net.

As the bill is our direction of travel, I want two things from it. I want to be able to represent my constituents and to work with other organisations to try to make my constituency a better place to

live in. I do not want an administrative straitjacket. Most important, I do not want to lose sight of the founding principles of the Parliament. If we lose them, we will not get them back, just as we will not get back the family-run bookstore.

16:06

**Cara Hilton (Dunfermline) (Lab):** I am pleased to have the chance to speak in this debate. I commend my Scottish Labour colleague Neil Findlay for proposing a bill back in 2012 and for his patience over the past few years as the bill has been considered by the Standards, Procedures and Public Appointments Committee and finally taken on board by the Scottish Government.

I was a member of the Standards, Procedures and Public Appointments Committee during the original inquiry and have taken a keen interest in the bill. It is good that we are finally seeing some progress in this important area.

The Electoral Reform Society has said that the debate

"could either place Scotland as a world leader in transparent politics or create legislation which leaves Parliament vulnerable to lobbying scandals".

In that context, I have serious concerns that the bill as it stands is just too weak. Stewart Stevenson highlighted some of the concerns that the current Standards, Procedures and Public Appointments Committee has expressed. I hope that, when we next discuss the bill in the chamber, it will have been strengthened considerably. I am pleased that the minister said that he has an open mind on that.

At Holyrood, we quite rightly pride ourselves on being different from Westminster. We are more open, more accountable and more accessible to all. Although Holyrood has been pretty much free of any lobbying scandals to date, that is not a reason not to act.

The bill is not about preventing lobbying. As Neil Findlay has said, lobbying is a good thing. It is an important part of our democratic process; indeed, it often improves public policy outcomes. It informs our debates, provides valuable information and expertise, and improves public engagement with the Parliament. However, it must be open, transparent and conducted to the highest possible standards, not conducted behind closed doors and in secret.

I suspect that this will be the first and last time that I will quote David Cameron, but he hit the nail on the head when he described lobbying as

"the next big scandal waiting to happen ... an issue that exposes the far-too-cosy relationship between politics, government, business and money."

With new powers on the way to Holyrood and the ability to raise and spend more finance, we will inevitably see more frequent and more intense lobbying.

At a time when the decisions that are being made by both the Scottish Parliament and Government are coming under increasing public scrutiny and our communities are paying the price of austerity in cuts to public services, job losses and pay freezes as the result of decisions that politicians are taking at all levels, we should be leading the way in ensuring that the decisions that we take here and the workings of our Parliament and our Government are as open and transparent as possible. We should use this opportunity to pass world-leading legislation not as a response to scandal, as has been the case elsewhere, but because we want to show the citizens of Scotland that the Scottish Parliament will always put people first, not commercial and other vested interests.

It is therefore disappointing that, rather than grasping that opportunity, the bill falls short of the change that we need to see. In its final report on the bill, the Standards, Procedures and Public Appointments Committee concluded that its narrow scope

“could leave a great deal of important information unrecorded and create a loophole for those wishing to conceal their activity.”

I am sure that I am not alone in having received many emails from constituents over the past week that have urged action to close that loophole and strengthen the bill. As Neil Findlay has said, we will seek to amend the bill at stage 2 to make it more robust and fit for purpose.

A recent poll by YouGov on behalf of the Scottish alliance for lobbying transparency found that 88 per cent of voters thought that a lack of transparency over lobbying was either a big or a significant risk to Scottish democracy. Calls for the current proposals to be strengthened could not be clearer, with 86 per cent wanting emails to be covered, 91 per cent wanting senior civil servants to be covered and 92 per cent wanting to know how much lobbyists are spending on their campaigns. That poll provides concrete evidence of the public desire to ensure that we have a robust and transparent lobbying register in Scotland, not the halfway house that is being proposed today. I hope that the Government will take into account the strength of public feeling on this issue, listen to the demand for transparency about how money and lobbying influence politics in Scotland, and agree to the changes that Scottish Labour, the committee and the majority of the public want to see.

Today's debate is about strengthening our democracy. To coin a phrase from the Scottish National Party, it is about making our democracy

stronger for Scotland. We have the honour to serve our constituents in the Parliament and in return we have a duty to ensure that the Parliament, the Government and their decisions are as open and transparent as possible. It is in all our interests to ensure that we get the bill right. Let us ensure that when it comes back to the chamber, the bill that we debate is stronger and more effective. The bill should be strengthened to include all lobbying, not just face-to-face contact; strengthened to include not just MSPs and ministers, but civil servants and special advisers; strengthened to require financial disclosure of lobbying, but with thresholds so that normal MSP contact is unaffected; and strengthened to recognise the revolving door in politics and give the public the right to know the work history of lobbyists.

We are rightly proud of our Parliament, but we cannot pretend that it is immune to corporate power or influence. The Scottish public have the right to know the full extent of lobbying on the issues that affect everybody. Scotland must lead the way on political transparency. I commend once again Neil Findlay for his tremendous work, to help ensure that Scotland's democracy is truly fit for the 21st century.

16:11

**Fiona McLeod (Strathkelvin and Bearsden) (SNP):** When I come to look at the Lobbying (Scotland) Bill, my starting point is not just this Parliament's founding principles but the reputation that we have garnered over the 17 years of its existence since 1999. The founding principles were about us being open and transparent. We wanted this to be Scotland's Parliament, not the MSPs' Parliament, and we wanted to work in partnership with the people of Scotland and civic Scotland. When I look around the chamber at the members taking part in the debate, I think that I, Elaine Murray and Gil Paterson will feel that most strongly, as we were here in the heady days of 1999, when we were so enthusiastic about what we were setting out to do.

Seventeen years on, this Parliament has a well-credited reputation as an open and transparent Parliament that works in partnership. That reputation is reflected in the Standards, Procedures and Public Appointments Committee's two reports. In 2014, when I was a member of the committee, we took extensive evidence on lobbying after Neil Findlay proposed a member's bill. More recently, when I was not a committee member—I have just come back to it—evidence was taken for stage 1 of this bill. Neither of those reports found any evidence of malpractice, which is an important point, and I am glad that everybody who has spoken in the debate made that point.

However, we are not complacent. I do not want anybody to think that if people suggest that the bill does or does not go far enough, that is because of complacency. The issue is how we ensure that this Parliament maintains its high reputation. There is no complacency and the reports found no malpractice.

The process of moving from a member's bill to a Government bill was very much influenced by the evidence in the standards committee's first report. The minister talked about the clear principles that frame the bill: the bill should be proportionate and complementary and should not interfere with the engagement of which this Parliament is so proud.

When I looked at the bill I asked whether it matched those principles. In relation to the principles of proportionality and engagement, some of the evidence that we received has made me concerned that we should not go too far. As an example, I will quote from the evidence of the Epilepsy Consortium Scotland:

"any regulation of lobbyists in Scotland should be specifically formed to reflect the culture of political participation in Scotland, and the particular working practices of the Scottish Parliament. We believe it must not create a barrier to parliamentary engagement for organisations representing the most vulnerable and disadvantaged members of society."

I then looked at the evidence from the Scottish Council for Voluntary Organisations, and I will quote again:

"Transparency of lobbying in Scotland is a relevant and laudable goal, but protecting participation is absolutely vital and must take precedence, especially as it has been conceded on numerous occasions that there is no problem with undue influence of lobbying in Scotland. Sabotaging the high levels of participation in Scotland to achieve hypothetical increases in transparency would be a tragedy for democracy and must be avoided."

**Neil Findlay:** The member raises an interesting point about the SCVO. During the consultation on my bill, the SCVO was the most vocal opponent for some bizarre reason—I have no idea why. When I scratched a little bit deeper, I found that many members of the SCVO were in favour of the bill and that the consultation response was from only 11 members of the SCVO, which represents thousands of organisations. Only 11 of them opposed the bill.

**Fiona McLeod:** I well remember that day of evidence taking in the committee and I remember the member being rebuked by the convener at the time for his manner.

Since the SCVO submitted that evidence, in the past couple of weeks a lot of other organisations, including the SCVO, have been back in touch and all maintained their position. I go back to what I said when I started; it is not that we should not have the bill, but I am concerned that we should

protect the Parliament's founding principles of openness and transparency and the reputation for partnership working that we have built up, and make sure that we do not bring in a bill that prevents that reputation from continuing as it is.

When it was taking evidence during stage 1, the committee looked in greater detail at extending the provisions to all communications. That has already been discussed by a number of members today. Members will notice that the committee report was not unanimous on that, and I should just stand up and say that I was the one who did not agree that the provisions of the bill should be extended beyond face-to-face oral communications. That is again because of my concerns about it becoming a barrier to that great partnership that we have with civic society, our constituents and groups of ordinary citizens that come together and get passionate about something.

In the past few days, evidence has been submitted to us from the Federation of Small Businesses, Cancer Research UK and the Association for Scottish Public Affairs, which is a professional association for lobbyists. That is the panoply of everybody who is involved and they are saying that they have concerns about the bill's provisions being extended to cover all communications.

In paragraph 107 of the committee's first report, from when I was there to hear all the evidence, the committee says:

"The proposed register does not seek to capture all contact from organisations that are required to register. The Committee wants to increase transparency, but considers that a system that requires 'a sensible amount of useful information' from organisations can be established."

I keep coming back to that phrase

"a sensible amount of useful information".

That is what we are looking at.

When we started to discuss extending the bill beyond oral face-to-face communications, we thought about it and made jokes about being in the 21st century with telephones and emails. I then started to think about Twitter and Facebook. If we extend the bill to cover all communications, will we have to register tweets, posts and direct messages? I want us to think it all through.

**The Deputy Presiding Officer:** Could you draw to a close, please?

**Fiona McLeod:** Certainly.

On the complementary strand of the principles, I draw members' attention to the fact that we have a code of conduct and the Interests of Members of the Scottish Parliament Act 2006, and the Standards, Procedures and Public Appointments Committee works hard to produce rules and

guidance on, for example, cross-party groups, to ensure that we maintain that openness and transparency.

To go back to the beginning, I point to the founding principles of this Parliament and our 17 years of positive engagement. At stage 1, we will agree the principles of the bill but, at stage 2, we must ensure that any amendments are about improvements and adjustments in response to the evidence and that they maintain the openness of this Parliament.

16:20

**Elaine Murray (Dumfriesshire) (Lab):** Unlike others who have taken part in the debate, I am not on the committee that considered the arguments on the bill, but I read the SPICe briefing and the committee's stage 1 report with interest.

As others have said, lobbying is an acceptable activity; indeed, it is a necessary activity that contributes to parliamentary discussion and knowledge. It is carried out legitimately by a wide range of organisations and individuals. Unfortunately, the term "lobbying" now carries negative connotations because of disreputable activity by some organisations and some parliamentarians—although not, I hasten to add, by members of this Parliament. It is transparency over lobbying activity that is required, not the prevention of lobbying. Third sector organisations, trade unions, private businesses and public organisations must remain able to participate in discussion about matters that the Parliament is considering.

Credit should be given to my colleague Neil Findlay for initiating the Lobbying (Scotland) Bill by lodging proposals for his member's bill in July 2012. His proposals would have required individuals and organisations that lobby MSPs, Scottish ministers and public officials to record and publish information on their activities. It has taken some time for his proposals to be progressed, but I am pleased that they are being progressed now.

The Scottish Government undertook to take over Neil Findlay's member's bill, which was welcome. However, there are significant questions about whether the Lobbying (Scotland) Bill, as it stands at stage 1, is sufficiently robust to ensure public confidence about who is influencing our decisions.

For example, the provisions on registering lobbying activity do not extend to senior civil servants and officials or to special advisers, although those individuals have significant influence over policy making and might draft legislation or advise ministers on how to present proposed action. It could well be more effective for a lobbyist to influence senior civil servants and

advisers than to contact ministers or MSPs. That is a glaring omission from the bill and I was pleased that the committee recommended that the definition should be broadened to include public officials.

The bill is also deficient in that it covers only face-to-face oral communications, as others have mentioned. We all know that that is not the only way in which we are lobbied. We receive emails every day from organisations that wish to influence our views, legislation and other matters. I often receive letters that are sent by professional lobbyists on behalf of, for example, companies that wish to build wind farms in my constituency, and it has not been unknown for professional lobbyists to phone me on their clients' behalf. Those alternative forms of communication can be just as effective as face-to-face meetings—indeed, written communication might be a preferable way to present the arguments for a proposal. It therefore seems peculiar that those forms of lobbying are not included in the scope of the bill.

Another key part of Neil Findlay's proposed member's bill was transparency over the amount of money that is spent on lobbying. As the financial aspects of lobbying are of particular public interest, that information should be publicly available. I appreciate that there are sensitivities in case such information reveals details of paid lobbyists' salaries. Neil Findlay suggested to the committee that those sensitivities might be addressed, at least in part, by using a system of banding. However, MSPs' salaries and any additional income that we receive have—correctly—to be declared, and the salaries and salary bands of public officials are published. I therefore find it difficult to be overly sympathetic to the view that the funding of lobbying activity should not be treated similarly.

There are other potential loopholes in the proposals. Large, well-funded non-governmental organisations could get round the requirement for registration by using volunteers rather than paid staff to undertake lobbying, while paid staff would prepare and organise the materials and events to support the volunteers' activities. Pro bono lobbying by professional lobbyists would also not be required to be registered.

I support Neil Findlay's suggestion that the public ought to know whether former politicians, advisers and civil servants are using the contacts that they established when they were in office to subsequently make money for themselves or their employers by lobbying. While in office, or while advising people in office, those people are paid from the public purse—taxpayers' money is spent on their salaries. If they use the contacts that they made while being paid from the public purse to then make money for themselves or others or to

influence their successor politicians or advisers, surely the public should know that that is happening and how much of that is happening. That is also a matter of public confidence.

Thresholds should be examined at stage 2, because small businesses that contact their local MSP, for example, should not necessarily fall within the scope of the bill. I can give a current example of that. During the recent floods in Dumfries, a lot of small businesses along White Sands and Friars Vennel were adversely affected and a number of people from small businesses spoke to me about flood defences, insurance, whether there might be assistance to help them to get back on their feet and so on. They should not have to register the fact that they bumped into me in the street and had a one-off conversation about something that was pertinent to their business. I would not want such businesses to be involved in the registration process for such activity.

There is still a lot of work to do to improve the bill, and I hope and believe that ministers are listening carefully to the committee's suggestions as well as to the suggestions that have been made today. I am sure that the committee and the Parliament will have interesting and full discussions at stages 2 and 3.

16:26

**Gil Paterson (Clydebank and Milngavie) (SNP):** I well remember that in 1999, in the first parliamentary session, the expectation and drive were for the Parliament to be an open and accessible institution that was different from what was being experienced at Westminster. Ordinary people were invited and encouraged to engage with the Scottish Parliament, whether as individuals or as part of an organisation. For me, one of the best aspects of that action for engagement—which was universally driven by members of all parties, the parties themselves, the Scottish Executive and even the parliamentary authorities—was how the third sector positively reacted to the invitation. I see no less encouragement from the present Parliament complement, including the Scottish Government, for the public and the third sector to positively engage with us.

For my part, early in the first parliamentary session—in fact, it was in its first year—I secured a members' business debate on men's violence against women and children, which attracted substantial numbers of women, other individuals and people from the third sector who were engaged in one way or another with the issue. Directly after the debate, we all met for a chat and it was quickly agreed that we would set up a cross-party group on men's violence against women and children. The cross-party group met

six or so weeks later, and I am pleased to say that it is still going strong and is thriving.

I would say that, between then and now, any person who has been engaged in that area of concern has been a lobbyist in some form. Under the definition that the SPPA Committee has suggested, all organisations such as Scottish Women's Aid, Rape Crisis Scotland and Open Secret will be required to register simply because they have people who are paid.

As far as I am aware, none of those third sector organisations has a paid lobbyist, but I cannot in all honesty say that they do not lobby. What is the difference between lobbying and campaigning? If it were not for the persistent and dedicated campaigning—or is it lobbying?—by those organisations over decades, which has been carried out predominantly by women, we would still be in the dark ages on matters that significantly affect women and children. I asked Government officials whether someone who was a paid worker at, say, Rape Crisis Scotland would be regarded as a lobbyist and their answer was yes.

As a proposed recommendation from the committee was to ask the Scottish Government to consider making all communications of any kind constitute a requirement to register, I also asked whether an individual—say, from Rape Crisis—who was considered to be a lobbyist because they were paid would be required to register if they sent me a Christmas card. The answer was yes. *[Laughter.]* Members may laugh, but that is the advice that I was given, so we need to be really careful about how we describe things and how it will affect organisations.

**Neil Findlay:** I have seen shoals of red herrings being released in the debate, but that is the biggest. It is a blue whale of a red herring that sending a Christmas card will be lobbying—come on. I certainly hope that the incidental lobbying that Gil Paterson mentioned in the scenario that he painted will not be included in the bill when it is passed but, even if it were, that would mean someone taking two minutes to fill in a piece of paper. That is the burden that we are talking about. However, Gil Paterson makes a strong case for putting thresholds into the bill, which I agree with him on.

**Gil Paterson:** I note that Mr Findlay was laughing, but I tell him that the colleague who is sitting next to him, Mary Fee, did not laugh when I raised the question at the committee and was given that answer. I am not against addressing lobbyists and taking on the big guys; I am looking after the small women and small institutions. We need to be really careful about how we use the definition, and I will explain that further.

Many women's organisations put enormous amounts of time—relatively speaking—into finding funds simply to keep going and are not in a position to have any slack, so adding a further burden on them would be detrimental. More important, why would we want to place them in the category of lobbyists in the first place? Surely we want to make it easy for us to engage with such organisations.

**Neil Findlay:** In the consultation, Scottish Women's Aid supported my proposal for a lobbying bill.

**Gil Paterson:** I am not speaking for Scottish Women's Aid or anybody else. These are my own words. I am talking about the impact that the bill will have on such organisations.

I have sponsored two members' business debates for the Scottish Cot Death Trust, which is a tiny organisation that does some of the most difficult work that one could imagine. Does it lobby? Of course it does, but what does it lobby for? That is not about money or resources. The trust lobbies for awareness to inform the public, to assist families through some of the most harrowing times of their lives and to educate the public on preventative action. Why would we want to cause that organisation not to engage with the Parliament?

I ask the Government and the whole Parliament to consider the definitions extremely carefully. The bill must be for lobbyists—that is, people who are paid to lobby—and not for people in the third sector, who could be working for an organisation that has as little as one paid member of staff and which happens to seek our assistance to help others. The bill should not cover all communications of any kind—I happen to like getting Christmas cards.

Whatever we do on lobbying should take account of the slowest ship in the convoy. The part of the convoy that needs our protection most is the voluntary sector—for example, the women's groups that I described. They and we need engagement.

I agree with the principles of the bill.

16:34

**Cameron Buchanan:** Many interesting points have been raised in this afternoon's debate and I hope that that open, respectful discussion continues so that we can settle the issues surrounding the Lobbying (Scotland) Bill. Most of us disagree on the detail rather than on the substance of the bill.

There are a few more points that I wish to raise that we will be looking at as we continue to scrutinise the bill. Those include some of the finer

details about ensuring that the burden of regulation is kept proportionate and that the requirements are realistic in practice. Some arguments have been made about forcing lobbyists to disclose financial expenditure on lobbying. Those arguments are worth airing but I think that they would fail the proportionality test.

On the other hand, there is scope to embed a more proportionate approach in the system by continually reviewing the proposed frequency of submissions to the register so that paperwork is kept to a strict minimum. It is also worth highlighting that there are many international comparators when it comes to lobbying registers and we would do well to study their lessons. We Conservatives will certainly do so as we scrutinise the bill, including examining the possibility of working with the UK register so that the overall burden on organisations is minimised.

Members will be aware of some of the arguments that have been made about forcing lobbyists to disclose their expenditure on lobbying activity. However, such a move would not be productive and would cause some problems without a proportionate benefit. Assigning all expenditure to certain activity could be very difficult for some organisations and efforts to comply may result in unintentionally misleading figures that are simply counterproductive—not to mention the implications for commercial sensitivity and confidentiality.

Those risks and the associated high costs of compliance point to negatives that outweigh the suggested gains of enforced financial disclosure. Since there have been, thankfully, no cash-for-lobbying scandals so far in our politics, such a move would be pandering to perceptions rather than responding to reality. Indeed, were such complex requirements to exist, small businesses might simply disengage from the political process rather than risk falling foul of guidance.

Another detail that will be debated as scrutiny of the bill continues is the requirement for information returns to the lobbying register, or more specifically their frequency. As the bill stands, such returns would be required every six months, which strikes an appropriate balance between information and proportionality. I certainly would not want to see organisations and individuals forced to make returns frequently.

That said, there could be scope to have a flexible system of information returns that varied according to factors such as lobbying intensity, size and form. I do not wish to advocate such a multitiered system today but merely suggest that it is worth looking at as our consideration of the bill continues. Such a system might be impractical, but there is no harm in discussing the ideas.

On a different note, for a bill with many points of contention and a wide range of options, it is important that we study international comparators such as Ireland's register of lobbying and the European Union's transparency register. In Ireland, for example, there was a trial run of the new register before it came into legal effect, in order to help organisations to adapt to the requirement. That approach might be worth considering here to reduce regulatory pressure.

In the EU, there is a series of incentives for lobbyists who register, such as increased access to premises and automatic mail notification of new consultations. Again, that is an idea worth exploring and we would do well to learn as much as we can from those examples so that if we choose to go our own way, we do so from an informed position.

Finally, I would like to leave colleagues with a thought on what the ultimate aim of any lobbying regulation is. It is not to create the most watertight lobbying register in the world—that is just a method. The ultimate and real aim is to ensure that our politics and Government are transparent, open, accountable and free from undue influence or corruption. There are many routes to take when it comes to lobbying regulation, but the ultimate responsibility lies with the politicians and officials. Compliance with codes of conduct, adherence to the standards expected in public office and outright refusal to indulge attempts at illegitimate influence are the strongest defence of a free political system. We would do well to remember that.

16:38

**Mary Fee (West Scotland) (Lab):** In closing the debate for Scottish Labour, I take the opportunity to summarise the two arguments made by my colleagues and to state clearly our position on the Lobbying (Scotland) Bill.

Scottish Labour supports the general principles of the bill in trying to promote greater transparency, accountability and openness among our parliamentarians. We agree that lobbying is a "legitimate and valuable activity", we support the proposal to establish a lobbying register and we also support the proposal to include only paid lobbyists on the register.

However, as Neil Findlay highlighted in his opening remarks, the bill falls far short of his original proposal. Indeed, the bill as currently drafted is in danger of making the situation worse, not better. We need to ensure that the bill is fit for purpose and that it does what it is intended to do. As it is currently drafted, it will not.

Cara Hilton spoke about the weakness of the bill and mentioned the potential risk of vulnerability for

those involved. Elaine Murray highlighted the fact that lobbying is a necessary and legitimate activity but needs to be robustly regulated. Other colleagues across the chamber spoke of the principle of openness and transparency and the need for robust legislation that is proportionate. In his thoughtful and thorough speeches, Cameron Buchanan adequately and fully reflected the evidence that we heard in committee.

The fact that the bill covers only face-to-face lobbying means that it does not cover a great deal of lobbying, as the majority of lobbying is conducted through emails and telephone calls. Therefore, as things stand, the right amount of information would not be collected. It is correct that the bill should cover face-to-face lobbying, but for it to have any impact on improving the transparency of Parliament, it should cover all forms of communication with MSPs, including emails and telephone calls.

The second key way in which my colleagues have highlighted that the bill could be improved is by broadening the definition of lobbying. At present, the bill does not include communications with public officials such as civil servants and special advisers, as Neil Findlay highlighted. We in Scottish Labour believe that the definition of lobbying should be broadened to include civil servants and special advisers. Special advisers hold a highly influential position in the decision making of Government ministers. To make the Scottish Parliament as transparent, accountable and open as possible, the remit of the bill should extend to those individuals who have influence over our Government. Broadening the remit of the bill to include civil servants and special advisers would be rational and fair and would strengthen our democracy.

In looking to broaden the scope of the lobbying activity that is covered by the bill, the Government may wish to pay close attention to the definition that is used by the Sunlight Foundation. It defines lobbying as:

"Oral and written communication, including electronic communication, with an elected official, their staff, or high and mid-ranking government employee who exercises public power or public authority, for the purposes of influencing the formulation, modification, adoption, or administration of legislation, rules, spending decisions, or any other government programme, policy, or position."

The evidence that the Standards, Procedures and Public Appointments Committee collected from witnesses was conclusive. There was a clear consensus that the bill simply does not go far enough. The Law Society of Scotland stated that the policy aim of transparency might be only "partially met" if other forms of communication were not included in the definition of lobbying in the bill.

I urge the Government to look into amending the bill to ensure that it covers all forms of communication between lobbyists and MSPs, not just face-to-face communication, as well as communications between civil servants or special advisers and MSPs. It is only by implementing those changes to the bill that we can start to rebuild public confidence in elected politicians, which we all know is probably at an all-time low, and make the Scottish Parliament an institution that is renowned the world over for its transparency, accountability and openness.

I confirm Labour's in-principle support for the Lobbying (Scotland) Bill.

**Neil Findlay:** On a point of order, Presiding Officer.

In response to Gil Paterson, I said that Scottish Women's Aid supported my bill proposal. I want to correct the record. The comments were actually from Zero Tolerance Scotland, which made many positive comments about the bill but also, incidentally, raised many of the concerns that members have highlighted today.

**The Deputy Presiding Officer:** Thank you, Mr Findlay. That is not a point of order, but your clarification is now on the record.

I call Joe FitzPatrick to wind up the debate. We have quite a bit of time in hand, minister—until 5 o'clock, if you wish to take that time. Otherwise, the Parliament will have to suspend briefly.

16:45

**Joe FitzPatrick:** I welcome the contributions to the debate from members of all parties. As I said at the start, the Government recognises that the bill is very parliamentary in nature, which is why we have engaged as we have.

I understand Neil Findlay's initial frustration because we were taking longer than he might have liked to bring the bill to Parliament, but it was absolutely appropriate that before we formulated our framework we listened to the deliberations of the Standards, Procedures and Public Appointments Committee, following its inquiry. The inquiry was instigated by the late Helen Eadie MSP who, as one of the founding members of the Scottish Parliament, felt it to be very important that Parliament had a large say in the introduction of any such bill.

That is why—as I said in my opening remarks—the committee's report influenced the Government's thinking very much in progressing the bill; some of the decisions that members have questioned were influenced by the evidence to and recommendations from the committee. However, as I also said at the start of the debate, this is not the end of the parliamentary process.

We are just at the end of stage 1 and have still to go through stages 2 and 3. We will continue to listen to members; it has been helpful during the debate to hear various views from members in all parts of the chamber.

I will address some points that were made—I hope I can remember who raised them. The convener of the Standards, Procedures and Public Appointments Committee raised the issue of the exemption for meetings that are initiated by MSPs or ministers, which I did not manage to get into in any great depth in my opening speech. As members and in Government, we all regularly invite people to provide us with factual or background information on policy. I hope we all agree that it is important that that continue. There is a question about whether it would be fair that people whom we, as members of Parliament or as ministers, invite to come in and give us information should have to register. There is a danger that people whom we might ask to do that would be deterred from engaging with us. That said, I note the concerns that the committee expressed in its stage 1 report—in particular, its questions on how we can ensure that there is as much clarity in that area as possible. We will look at that carefully in advance of providing a response to the stage 1 report.

Neil Findlay spoke about the importance of knowing about the previous employment and careers of lobbyists; I believe that he was thinking of former special advisers and ministers. The Advisory Committee on Business Appointments considers applications under business appointment rules regarding new jobs for former ministers, senior civil servants and other Crown servants. Again, we will consider whether clarity can be improved in that regard.

I emphasise that although there might appear to be many different voices around the chamber, we are all clear that we want to come out of the process with a bill that improves transparency in Scotland. That is very much where we are going, and I hope that the process will help us to get to that point.

Elaine Murray raised a point regarding voluntary lobbying, which was an area that we considered. Our challenge was how we could cover that without catching grass-roots lobbying by communities and advocates, which we do not want to catch. That was why we had the "paid" or "unpaid" definition as our starting point. However, recognising that there is a potential gap there, the bill has provision to allow people who are not required to register to provide additional information voluntarily.

There was an interesting piece of evidence at stage 1 in respect of the Canadian experience: the register in Canada is now held in such regard that

people want to ensure that their lobbying activity is on it. If we can get to a point at which our register is not seen as being onerous in any way, but instead is seen as something that people want to be on, we will be in a better place and we will have something very useful. We need to get to that point.

I will mention some of the contact with people that I have had this week. There are people out there who are concerned that the register and the regime could be a barrier.

**Neil Findlay:** On the point about people's fears, and given Gil Paterson's comment, is the minister quaking in his boots at the prospect of having to shred his Christmas card list, his letter to Santa or his note to the Easter bunny?

**Joe FitzPatrick:** Obviously, I am not at all concerned. As the committee recommended, the bill does not place any onus on members. Ministers currently record their meetings and engagements; members could be required similarly to record their meetings and engagements, which would put the onus on members. The SPPA Committee considered that option; the convener piloted such a regime and showed that it is possible. That said, the committee as a whole concluded that it is not the best way forward. We have tried to respond to the committee's deliberations.

**Chic Brodie:** Of course, we all maintain a calendar of events and some of us make it public. In the minister's opinion, why did the committee not consider making that facility available for ministers and MSPs?

**Joe FitzPatrick:** As I said, that mechanism is already in place for ministers. Information on the meetings that I have had this week about the bill will be published, as well as information on meetings that I have had previously.

**Stewart Stevenson:** The minister quite correctly referred to my publishing what, in my opinion, were interactions with me that counted as lobbying. However, the committee took the view that placing the onus of deciding what is lobbying on the people who are being lobbied rather than on the people who initiate the lobbying could transfer responsibility to the wrong people. Although my experience shows that technically it is perfectly possible for members to follow that option, there are severe risks that we would miss things or over-report things because we are not the ones doing the lobbying.

**Joe FitzPatrick:** The convener is better able than I am to articulate the reasoning behind the committee's deliberations. As I said, our starting point was to look at the committee's conclusions and to take them forward.

Elaine Murray and Neil Findlay both referred to the suggestion—again, there have been some communications on the matter—that financial details should be provided. Of course, the bill provides Parliament with the powers to require that information. As Parliament looks at the detailed operation of the bill, it can make that choice. I will come back to that when I talk about the powers that the bill will give Parliament.

A number of members referred to other forms of lobbying and to the question whether advisers and civil servants should be included. A large amount of discussion has taken place on those two areas, and I think that we have all been in receipt of a number of representations from both sides. On one side, we have people who are clear that such information is required; on the other side, we have groups and organisations that would consider that to be a barrier to their engagement with Parliament. It is important that, if we are going to make any changes to that area, we consider the matter carefully and do not bring in a regime that could be a barrier to engagement.

Fiona McLeod mentioned how engagement is one of Parliament's founding principles and how, right from the start, civic Scotland's ability to engage with Parliament has been so important. George Adam and Elaine Murray extended that theme when they spoke of the need to ensure that when the bill is passed at stage 3 we protect MSPs' constituency work, and ensure that we have not inadvertently put in place measures that create a barrier. That chimes very much with—she is not in the chamber—Patricia Ferguson's point in committee that we must require registration of lobbying but not registration of engagement, which we see as part of our day-to-day work. A lobbying regime must not inhibit legitimate engagement. I will continue to look carefully at the bill in that regard, and we will make any necessary changes to protect those relationships.

I am pleased that, across the chamber, members have acknowledged the positive and important part that lobbying plays in democracy and in policy development. I know that the people who engage with Parliament will be pleased to hear that we respect their role in that. The convener was absolutely right when he said that the bill's aim is to put that legitimate activity into the public domain in a helpful way.

I mentioned in my opening remarks that I had received a number of representations from stakeholders, as I know other members have. I have also met various stakeholders throughout the bill's development.

**The Presiding Officer (Tricia Marwick):** One moment, minister. There is an awful lot of noise from members who are coming into the chamber. It would be a courtesy to the minister and to

members who have been taking part in the debate if they would sit quietly and listen.

**Joe FitzPatrick:** Our approach typifies this Parliament's reputation for engagement and is a clear indication that I am listening to different views in order to achieve broad support not only within but outwith Parliament. I will continue to be guided by that underpinning principle.

It is important to touch on some stakeholders' points. First, and most important, most people agree that the establishment of a lobbying register is a positive step towards increasing transparency. We should hold on to that; it is important.

I acknowledge the alliance for lobbying transparency's recent poll, which Cara Hilton mentioned. It not only highlighted the public's support for a lobbying register, but contributed to the transparency group's campaign. The vibrancy of such debate and that campaign are important to Parliament and to Scottish democracy.

I acknowledge the lobbying industry's important points about ensuring that there is a level playing field. The Government has sought to introduce a bill that is simple to understand and simple in its operation. The voluntary sector has rightly highlighted the need to avoid unnecessary burdens being placed on small organisations—a point that Gil Paterson reflected when he discussed women's organisations in his constituency.

The business community has made it clear that engagement with elected members is an important part of the process of policy development. I agree that engagement is important, whether it be with business or our constituents.

When I opened the debate, I said that the Lobbying (Scotland) Bill is unusual in that although it has been introduced by the Government it is very parliamentary in nature. I have therefore been keen from the outset to work closely with Parliament, and this debate has certainly contributed to that aim. I hope that that collaborative working will continue as the bill continues its parliamentary passage.

## Lobbying (Scotland) Bill: Financial Resolution

17:00

**The Presiding Officer (Tricia Marwick):** The next item of business is consideration of motion S4M-15213, in the name of John Swinney, on the financial resolution for the Lobbying (Scotland) Bill.

*Motion moved,*

That the Parliament, for the purposes of any Act of the Scottish Parliament resulting from the Lobbying (Scotland) Bill, agrees to any expenditure of a kind referred to in Rule 9.12.3(b) of the Parliament's Standing Orders arising in consequence of the Act.—[*Joe FitzPatrick.*]

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

## Decision Time

17:00

**The Presiding Officer (Tricia Marwick):** There are three questions to be put as a result of today's business.

The first question is, that motion S4M-15221, in the name of Joe FitzPatrick, on the Scottish Elections (Dates) Bill, be agreed to.

*Motion agreed to,*

That the Parliament agrees to the general principles of the Scottish Elections (Dates) Bill.

**The Presiding Officer:** The next question is that motion S4M-15220, in the name of Joe FitzPatrick, on the Lobbying (Scotland) Bill, be agreed to.

*Motion agreed to,*

That the Parliament agrees to the general principles of the Lobbying (Scotland) Bill.

**The Presiding Officer:** The final question is that motion S4M-15213, in the name of John Swinney, on the financial resolution for the Lobbying (Scotland) Bill, be agreed to.

*Motion agreed to,*

That the Parliament, for the purposes of any Act of the Scottish Parliament resulting from the Lobbying (Scotland) Bill, agrees to any expenditure of a kind referred to in Rule 9.12.3(b) of the Parliament's Standing Orders arising in consequence of the Act.

**The Presiding Officer:** I am reliably informed that today is another first for the Scottish Parliament; I understand that this is the first time one minister has been responsible for two separate pieces of legislation in the same sitting.

On that note, I conclude decision time.

*Meeting closed at 17:01.*

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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