



The Scottish Parliament
Pàrlamaid na h-Alba

Official Report

MEETING OF THE PARLIAMENT

Tuesday 14 May 2013

Session 4

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Scottish Parliament

Tuesday 14 May 2013

[The Deputy Presiding Officer *opened the meeting at 14:00*]

Time for Reflection

The Deputy Presiding Officer (John Scott):

Good afternoon. The first item of business this afternoon is time for reflection. Our time for reflection leader is Rabbi David Rose, rabbi for east Scotland, executive member of Interfaith Scotland and member of the conference of Scotland's religious leaders.

Rabbi David Rose: Presiding Officer, thank you for inviting me to address Parliament.

This evening, Jewish people in Scotland and around the world will begin to celebrate the festival of Shavuot. The festival has several different aspects. In the Torah—the Bible—it appears as primarily an agricultural festival, marking the beginning of the harvest season in the land of Israel and the bringing of the first fruits to the Temple.

In later Jewish tradition, Shavuot is regarded as the anniversary of the giving of the Torah on Mount Sinai. On this festival, we read the book of Ruth, telling the story of the Moabite convert who, through her selfless kindness, merited becoming the ancestress of King David and eventually the Messiah.

Those different themes of the festival have much to teach us today. We live in a material world and, in many ways, a material society, yet the connection of the agricultural festival of Shavuot with the giving of the Torah teaches us the importance of the values that we hold dear.

The strength of a society or nation is measured not only by its economic success but by the values on which it is based. We need a strong economy, but also strong communities informed by strong values. Those values have to be part of our education system, inform our political debate and form the basis for our civic communities.

One of the most important values for any society is that related to the story of Ruth. Our sages teach us that Ruth was written and included in the Bible only in order to teach us the supreme importance of loving kindness. It is on the willingness to help others and, in some cases, sacrifice for them that the world is built. Kindness, consideration and mutual assistance are the glue that holds a society together and makes it strong. Without those values, even the most powerful state will eventually disintegrate and the strongest

economy fail. Those are indeed the values that Scotland has rightly been famous for and that should be regarded as our greatest national asset.

So, as you go about your work to make a better Scotland, may God inspire you so that your actions are informed by kindness, and base everything you do on the values that are the foundation of our nation.

Thank you and happy Shavuot.

Topical Question Time

14:03

North Sea Oil and Gas Production

1. Rhoda Grant (Highlands and Islands) (Lab): To ask the Scottish Government whether it considers that North Sea oil and gas production will continue for the rest of the century. (S4T-00352)

The Minister for Energy, Enterprise and Tourism (Fergus Ewing): It is estimated that 24,000 million barrels of oil are still to be recovered, with a potential wholesale value of up to £1.5 trillion—that is £1.5 million million. However, some industry estimates suggest that the figure could be substantially higher. Despite numerous predictions from London that the oil was running out in the 1980s, the 1990s and the noughties, today we still have an industry that continues to thrive and expand. Indeed, the industry itself predicts that capital investment will rise to more than £13,000 million this year—with £100 billion of investment in companies' plans.

The Government believes that if we create the right conditions for innovation and increased investment, we can increase the recovery rate of our oil and gas reserves, increasing the return and extending the life of the sector to most of this century.

Our oil and gas strategy lays the ground for a thriving oil and gas sector. We are committed to creating a supportive business environment, which encourages innovation and the development of new technology. We are committed to working with the industry to boost asset integrity and extend the lifespan of critical infrastructure.

With the right policies, we can realise the full potential of the resource; with access to all the policy levers that independence will bring, we can do even more to enhance the conditions in which the industry is operating. We will be able to create the fiscal incentives that will enable not only the industry to realise its potential but all Scotland's people to benefit.

Rhoda Grant: Professor Alex Kemp tells us that by 2050 we will be producing less than 9 per cent of current levels. I noticed that the minister downgraded his own assertion when he said "most of this century". The Cabinet Secretary for Finance, Employment and Sustainable Growth privately told Cabinet colleagues that there is considerable uncertainty over the future of North Sea oil. What evidence does the minister have to back his assertion?

Fergus Ewing: Let us stick to the facts. Let us stick to the fact of BP's announcement on the Clair Ridge field. The Clair field was discovered in 1977—three years after oil was first brought ashore from the Argyll field. Who then would have predicted that BP would expect and indeed announce that fossil fuels would still be being produced from the Clair Ridge field in 2055? Not many people, and certainly not people in the Labour Party, whose negativity has for years been the only consistent element of their approach to the oil and gas industry.

It is clear that Scotland is at the leading edge of technological advance in areas such as seismic 3D and 4D imaging of reservoirs, which can clearly identify where fossil fuels are. Ten years ago, that was not possible. That is why companies such as Apache, which acquired the BP Forties field in 2003, when it was predicted that 144 million barrels of proven reserves of oil were left, has announced that it has already had 190 million barrels—way more than the 2003 estimate—with another 130 million barrels of proven reserves of oil remaining.

The history of oil and gas extraction is that there is more than we think there is. That will prove to be the case in Scotland's waters, provided that we pursue the right policies.

Rhoda Grant: Simply saying something does not mean that it is going to happen. The minister is gazing into his crystal ball and citing the only evidence: the Clair Ridge field, which will produce until 2055—some years short of the century of production that he has asserted.

Surely ministers owe the Scottish people the same honesty as they give Cabinet colleagues. Surely they need to provide an honest appraisal, to allow the people to make decisions that are based on facts rather than fiction.

Fergus Ewing: Let us take the honest appraisal of Oil & Gas UK. If the member reads the report that Oil & Gas UK has produced, she will see that Malcolm Webb prefaced it by pointing out that over the next three years 130 wells will be drilled, that this year there will be more investment than ever before—£13 billion—and that investment in the industry has been at a higher level than ever before. If the member wants evidence, she should go to Oil & Gas UK, the body that represents the industry, with which we have close relations.

The member said that I gave only one example. On 21 December last year, Statoil announced a £4.3 billion investment in the North Sea, which will create 700 jobs. That is something about which the Scottish National Party is extremely positive. The Mariner field, which is one of Statoil's fields—the other is Bressay—is expected to produce for 30 years from the date of commencement.

If the member has a good read of journals such as *The Press and Journal*, which provides excellent coverage of the day-to-day developments in oil and gas, she will see that a large number of developments have been announced in the past 18 months and that she is alone if she thinks that there will be no more discoveries than those that have already been made.

Liam McArthur (Orkney Islands) (LD): In the reported comments from the minister in Houston, it is suggested that he said:

“it’s a bit liberal to say the oil is going to run out, because it ain’t.”

By the words “a bit liberal”, I assume that he meant “correct”. [*Interruption.*]

The Deputy Presiding Officer (John Scott): Mr Swinney!

Liam McArthur: Given that the minister’s personal view that oil reserves will last another nine decades is entirely at odds with the view that the cabinet secretary expressed in his leaked document, does he want to take the opportunity to alert Mr Swinney to any other personal views that he holds that may be factored into future documents?

Fergus Ewing: Well, no, I must admit that I was not thinking of the member when I used the word “liberal”.

The fact is that we should all be rejoicing in the success of the oil and gas industry, not talking it down. Let us consider the people who talked it down in the past. Remember Tony Benn? He was a minister once. He said that North Sea oil would run out within the next two decades. Jack Straw said in 1983 that North Sea revenues would be running out before the end of the decade. Labour, the Liberals and the Tories predicted that oil and gas would run out in Scotland in the 1980s, and then they said that it would run out in the 1990s. Then they said that it would run out in the noughties. They might be right in one respect. Perhaps the oil and gas will run out in the 80s or the 90s, but they were certainly wrong about one thing: the century.

Mike MacKenzie (Highlands and Islands) (SNP): Does the minister agree that, with the Office of Gas and Electricity Markets warning that the lights could go out unless the United Kingdom Government resolves the uncertainty of our energy policy and with many of our European neighbours being net energy importers, Scotland’s oil and gas will become increasingly valuable as we move further into the century?

Fergus Ewing: I think that the member is referring to the warning that was issued by the head of Ofgem, Alistair Buchanan, last October,

and repeated in February. That prediction was that the spare capacity margin in the UK’s electricity supply will fall to around 4 per cent, or next to nothing. Therefore, the product of the energy policy pursued in the UK over decades of a lack of investment in the grid and a lack of consideration to ensuring a diverse and sufficient range of capacity is that there is now a real risk that the lights will go out south of the border. North of the border, we have a 25 per cent margin, which is much more as it should be.

From time to time, people in the Scottish National Party have felt that the Government in England was in the dark, but we do not want the people of England to spend time in the dark. To avoid that, they will need the increasing electricity supply that will be transmitted south of the border, and to enable that to happen, Ofgem has approved the investment of £7,000 million to upgrade our grid, which will allow our export capacity to be quadrupled.

Mr MacKenzie is entirely right to raise that question. Conservative and Liberal members who seem to think the lights going out in England amusing do not seem to be showing the fellow feeling that SNP members are evincing to our good friends and neighbours south of the border.

Gavin Brown (Lothian) (Con): In all seriousness, what is the official Scottish Government central projection for how long oil production will last?

Fergus Ewing: We believe that oil and gas production should last for most of the rest of this century. The question is very serious, and I will say why it is not possible to make a prediction with absolute certainty. At the PILOT meeting that I attended with Michael Fallon recently, one of the industry presentations was from an industry leader who pointed out that the southern North Sea may close for oil and gas production circa 2035 because of the ageing infrastructure.

Unless the right policies are pursued to address the challenges that we face in the southern North Sea, the potential consequences will be fiscally catastrophic. The right policies include collaboration between companies; consideration of whether further exploration must be incentivised; and consideration of further fiscal incentives. Those are the policies that industry has identified for several years; are they going to be implemented? The consequences of failure have been estimated by one industry source to be the loss in tax revenue of £85,000 million. That is what is at stake.

I am delighted to have the opportunity to highlight the massive contribution that companies in Aberdeen—small and medium-sized enterprises as well as big companies—are making in

innovation, in technology and in leading the industry throughout the world. I saw that in Houston last week, when I led a delegation of around 50 Scottish companies. Scotland has a top-class reputation in the world and our SMEs are at the top of the field, leading innovation across a range of industries. Surely we should be uniting to celebrate that success and congratulate them on it, not decrying or seeking to belittle it.

Patrick Harvie (Glasgow) (Green): If humanity exploits, extracts and burns all the fossil fuels that we have already identified, there will be no realistic chance of preserving the climate conditions in which our civilisation has been able to thrive. During this century, there will be a moral imperative to leave a substantial proportion of known fossil fuel reserves in the ground, unused. Why should Scotland be exempt from that moral imperative?

Fergus Ewing: One of the exciting opportunities of the innovation in technology that is taking place in Scotland among individuals and companies is in the field of carbon capture and storage. This morning, I co-chaired the carbon capture and storage and thermal generation industry leadership group. One of the potential benefits of carbon capture and storage is that it can be used to reduce the emissions from fossil fuel—coal or gas—generation and to store them and use them to enhance oil recovery. I would have thought that the Greens would welcome that, but apparently they do not.

Our strategy is based on maximising recovery. Surely it makes sense from a green point of view that, when we take out any deposit of oil and gas—whether in the North Sea or anywhere else—we should take out more than we leave behind. How does it make sense to leave more than 50 per cent of oil or gas behind before going on to exploit the next field?

I commend our policy to Patrick Harvie. I suspect that he may not see entirely eye to eye with me on the details of it, but I hope that he will come to support carbon capture and storage. It is reported that the contribution that it could make through enhanced recovery, by unlocking 3 billion barrels of hard-to-reach oil from the North Sea, could be worth £190,000 million. I can tell Mr Harvie, who is laughing, that the technique is being actively pursued by many leading companies as we speak.

Dennis Robertson (Aberdeenshire West) (SNP): I am sure that, in an earlier answer, the minister meant to say “Aberdeen and Aberdeenshire”.

Does the minister agree that, with the current investment by industry and the announcement last week of energy skills Scotland, there is faith in the

Scottish Government and the industry, and that there is a long and prosperous future in oil and gas as well as in our workforce in Scotland?

Fergus Ewing: I was pleased to be in Aberdeen last Friday. I did not quite get to Aberdeenshire, but I will put that right very soon.

On Friday, the First Minister announced that an additional £6.5 million will be made available to allow our excellent universities and colleges to equip their students with the certification and degrees that they require to take up the opportunities in the energy sector as a whole. We estimate that, by 2020, Scotland will need an extra 95,000 people for the energy sector as a whole. In addition to the funding for the University of Aberdeen, Robert Gordon University, Aberdeen College and Banff and Buchan College, along with other universities and colleges that provide oil and gas courses in Scotland, there will be 1,000 conversion training places for those who want to enter the oil and gas industry or other industries in the energy sector from other fields.

I would have thought that that is another piece of good news. To answer Mr Robertson's question, it was very much welcomed at Robert Gordon University, where the announcement was made. I pay tribute to all the staff and other people who work extremely hard—as the First Minister and I saw on Friday—in equipping young people to acquire the skills that they need to take part in those exciting industries.

The Deputy Presiding Officer: Briefly—Alex Johnstone.

Alex Johnstone (North East Scotland) (Con): I share the minister's ambition that we will see every last drop of oil and gas being recovered from the North Sea, but surely he must accept that if that oil and gas is to last the whole of the century, we will need a tax regime that is fit for purpose and which suitably incentivises the investment that is necessary. That tax regime might not produce the return that his ambitious forecasts predict.

If the minister were in a position to plan the tax regime for the rest of the century, would he be able to raise enough money to keep the promises that are being made by the lady on his right, Nicola Sturgeon?

Fergus Ewing: I am not sure whether that is a serious question, because Scotland more than pays its way already, as has been demonstrated by documents that have been published.

The Conservative Party should not be lecturing us on tax. The tax hike that was imposed in 2011 sent shock waves around the world. When I visited companies in Houston and Canada, confidence in the UK was shaken. Following representations by

the First Minister, Oil & Gas UK and others, field allowances were introduced in 2012. That has undone some of the damage.

What we know that the Conservatives and the Labour Party—which had two hikes of its own during the disastrous Gordon Brown years—do not is that what the industry requires is extremely simple: fiscal stability and fiscal predictability over the lifetime of the fields. [*Interruption.*]

The Conservatives are laughing, but do they honestly think that the unheralded introduction—a few days before the budget, by the Chief Secretary to the Treasury—of a 12 per cent increase in the rate of tax is any way to run a country? The industry does not think so. The Conservatives might laugh, but the industry believes that those changes were extremely damaging. That is its view, and if the Conservatives go up to Aberdeen or Aberdeenshire, they will find that out for themselves.

Scottish Independence Referendum (Franchise) Bill: Stage 1

The Deputy Presiding Officer (John Scott):

The next item of business is a debate on motion S4M-06545, in the name of Nicola Sturgeon, on the Scottish Independence Referendum (Franchise) Bill.

14:23

The Deputy First Minister and Cabinet Secretary for Infrastructure, Investment and Cities (Nicola Sturgeon): I am pleased to open the debate on the general principles of the Scottish Independence Referendum (Franchise) Bill, which represents the first important legislative step towards the referendum. I take the opportunity to thank all who have contributed to the bill's development. In particular, I thank the Referendum (Scotland) Bill Committee for its detailed scrutiny of the bill and its comprehensive stage 1 report, which I have no doubt will be dealt with in depth during the debate. I welcome the support that the committee has expressed for the bill's general principles.

I will provide some context and say a word about consultation. Everyone in the chamber knows that the Government was elected in 2011 with a mandate to hold a referendum on our constitutional future, the date for which has been confirmed as 18 September 2014. The proposals that we are debating are the result of extensive consultation with the Scottish people—about which I will say more later—followed by negotiations between the Scottish Government and the United Kingdom Government.

As members are aware, those discussions culminated in the Edinburgh agreement, which paved the way for the referendum on Scottish independence. The Edinburgh agreement puts it beyond any doubt that the Scottish Parliament should legislate for the referendum, and it specifies that the legislation should set out the details of the referendum, which include the arrangements for the franchise.

The bill provides for a franchise that is based on the existing franchise for the Scottish Parliament and local government elections, with one change: the extension of the franchise to 16 and 17-year-olds, which I remind the Parliament that the Scottish National Party supports for all elections. We are pleased to have the opportunity to make that extension for the referendum. We have long believed that the voting age should be lowered.

Alison McInnes (North East Scotland) (LD):

In a discussion about the very foundations of our

country, it seems reasonable to take a measured and mature look at exactly who should be allowed to participate. Is the cabinet secretary open to exploring the possibility of some prisoners participating? If not, will she explain how she thinks that excluding people from the most high-profile and significant choice that any of us is likely to make will help with the reintegration of prisoners and civic responsibility?

Nicola Sturgeon: I appreciate that that is an important issue for the member and I suspect that it will be one of the issues that dominate the debate. I will come on to it later in my speech so, if the member does not mind, I will not go into it in detail at the moment, except to say that the legislative process for this bill—or any bill—is exactly the place to have a mature, detailed and considered look at any such proposal.

As I said, we have long believed that the voting age should be lowered to 16. As everybody is aware, young people take on a number of important rights and responsibilities at 16. It is only right that they be fully engaged in the democratic process. The proposals in the bill, which we will debate in more detail this afternoon, present a practical and workable solution to ensure that not just some but all eligible 16 and 17-year-olds will be able to cast their vote along with the rest of the electorate next September.

The arrangements for registering young voters will closely mirror the existing household canvass. We have designed a young voter registration form, which will be sent out to every household alongside the canvass in autumn this year. The form has been independently tested and I am pleased to say that the results show that it works well and is clear and intelligible. We are obviously committed to ensuring that no barriers exist to prevent eligible voters from participating in the referendum, so the design and workability of the form are important.

We have worked closely with electoral registration officers in developing the bill, and their advice made it clear to us that the provisions for registering young voters had to be in place well in advance of the 2013 canvass. That is the reason for the bill's expedited timetable and the reason why the franchise is being dealt with separately from the main Scottish Independence Referendum Bill, which we will have the opportunity to debate in due course.

We have consulted extensively on the issues that the Scottish Independence Referendum (Franchise) Bill concerns. The consultation document "Your Scotland, Your Referendum" was published in January last year and specifically sought views on extending the franchise to 16 and 17-year-olds. More than half the people who responded to the question supported the

extension of the franchise. Organisations such as the National Union of Students Scotland, the Scottish Youth Parliament and Young Scot have been vocal in their support for extending the franchise and we have had the opportunity to hear from those groups during the consultation and during the Referendum (Scotland) Bill Committee's evidence sessions.

In addition to the public channels of consultation, we have had focused and constructive discussions with electoral registration officers, the Electoral Commission and other electoral professionals. I put on record my thanks to them, because their advice has proved invaluable in the bill's development, and we will continue to work closely with them to ensure the successful implementation of the bill's provisions.

Another point that I want to make in relation to 16 and 17-year-olds in this contextual part of my speech is that it is essential to treat sensitively the information that will be collected to allow them to vote. We have been acutely aware of the need to recognise and address any child protection issues during the bill's development and we have been helped hugely in that by the comments of experts. I am confident that the bill takes full account of those issues, although I will be interested to hear members' views on that point as we go through the bill process.

I turn to the bill's provisions in more detail. As I have said, the bill sets out who is eligible to vote in the referendum and provides the detailed arrangements for the registration of young people. The bill provides that eligibility to vote will be based on the franchise for the Scottish Parliament and local government elections; gives electoral registration officers a duty to collect the information necessary to register eligible young voters who will be 16 by the date of the referendum; provides for that information to be collated into a register of young voters; gives EROs a duty to maintain the register of young voters by rolling registration, which is similar to the provisions for the main register; prohibits the register of young voters from being published; and sets strict controls on accessing the information that that register contains. The general approach that we have taken to the bill is to replicate, as far as possible, existing electoral practice, while recognising the need to treat data on young people responsibly and appropriately.

As I said at the outset, I welcome the committee's full and comprehensive stage 1 report, which all members will have had the chance to consider. The committee considered evidence from a wide range of sources—from child protection experts to youth organisations and electoral registration professionals—and I am

grateful for its thorough examination of the bill and, of course, its support for the general principles.

I will comment on one or two of the issues that the committee's report raised. As I said in response to Alison McInnes's intervention, I am sure that we will go into the issues in depth this afternoon.

On prisoner voting, the Scottish Government's position—I note that this position is supported by a majority of the committee—is that convicted prisoners should not be entitled to vote in the referendum. As was discussed during the committee's consideration, the referendum franchise is based on the franchise for local government and Scottish Parliament elections, which does not extend to convicted prisoners. In my view, that is because, if somebody commits a crime that lands them in prison, they break their contract with society and therefore lose some of the rights that the rest of us take for granted. As the law stands, that includes the right to vote in elections.

I appreciate that there will be people in the chamber today and as the bill progresses who want to make a different case, and the Government will certainly listen carefully to the points that are made. The onus is on those who argue for a change to the status quo to make that case, and I look forward to the debate that will follow.

Margo MacDonald (Lothian) (Ind): I say with all due respect that the minister has set out an absolutist, fundamentalist position. I cannot see how the Government can move from it, so I wonder why we are bothering to debate it.

Nicola Sturgeon: I am laughing to myself about having a fundamentalist discussion with Margo MacDonald.

Margo MacDonald: It takes one to know one.

Nicola Sturgeon: This is in a slightly different context, perhaps, from previous discussions.

I am being frank and honest about the Government's position. We are not persuaded of the arguments to change the status quo, but I hope that I have demonstrated in relation to bills that I have previously been in charge of and in discussions in the chamber that we listen carefully to the arguments that are made.

Patrick Harvie (Glasgow) (Green): I am glad that the cabinet secretary is willing to listen to the debate. At a purely practical level, even if the Government is right that a successful legal challenge to the relevant provision is unlikely, it seems likely that there will be a legal challenge. What assessment has the Government made of the impact that time spent in court fighting that legal challenge would have on the bill's

implementation or the timetable for the referendum?

Nicola Sturgeon: We take account of various things when we assess the timescale. I am confident that the bill as it stands is capable of seeing off any legal challenge, particularly on the issue that we are discussing. The European convention on human rights creates rights in relation to elections for state legislatures, not referendums—evidence to the committee backed up that position.

Notwithstanding the point that Patrick Harvie made, I am confident that the bill can proceed on the timescale that is needed to ensure that all the arrangements for the referendum are in place. However, as I said, we will continue to listen to the arguments that are made. I am sure that we will come back to that issue in the debate, so I want to make some progress.

Another issue that the committee raised concerns service voters. In my evidence to the committee I made it clear that no special arrangements are necessary to allow service personnel to vote in the referendum. The arrangements that allow service personnel to vote in elections to this Parliament will be in place for the referendum. The committee acknowledged that point and I fully agree that effective joint working between the Electoral Commission, EROs and the Ministry of Defence will be important to ensure that the practical arrangements are in place.

On the committee's comments about the position of the children of service personnel registered as service voters, the bill's proposals reflect the current arrangements for children of service voters. I note the committee's recommendation on the matter and reassure Parliament that the Government will investigate the possible options for allowing young people who live outside Scotland with a parent who is a service voter to register to vote in the referendum. We are talking about a small group of people, but we will nevertheless consider their position and report to the committee before stage 2.

I fully support the committee's conclusions on awareness raising. The key to success is a co-ordinated guidance-based approach that maintains political impartiality, and our proposals confer responsibility for public awareness on the Electoral Commission, which impartially fulfils such a role for other elections in Scotland.

The committee raised a valuable point on providing information for EROs, specifically about the format of applications under rolling registration. Government officials will meet EROs in the near future to develop guidance on that and other matters in the bill. We have so far worked closely

with EROs in developing the bill and we will continue to do so to ensure its effective implementation.

The bill is an essential part of the framework in which the referendum will be held and provides the mechanism by which all who are eligible will be able to cast their vote in the referendum on Scotland's independence. I look forward to this afternoon's debate and will listen carefully to all the points that are made.

In the meantime, I move,

That the Parliament agrees to the general principles of the Scottish Independence Referendum (Franchise) Bill.

14:36

Bruce Crawford (Stirling) (SNP): As convener of the Referendum (Scotland) Bill Committee, I am pleased to have the opportunity to contribute to the stage 1 debate on the Scottish Independence Referendum (Franchise) Bill. On behalf of committee members, I give my most sincere thanks to the clerking team, the staff from the Scottish Parliament information centre and our committee advisers for their helpful support and advice during our proceedings. We thank the cabinet secretary and her officials, who were very helpful in our deliberations, and I should also mention all the witnesses who provided us with oral and written evidence. Although they are too many to mention individually, I thank on the committee's behalf everyone who gave up their time to provide evidence. Their input made our job much easier.

I thank in particular the members of the Scottish Youth Parliament Emily Shaw and Andrew Deans for their evidence. I say without hesitation that the committee was impressed with the considered, clear and concise way in which they put across their points. Those two young people are a credit to their families, their schools and the Scottish Youth Parliament.

I thank my committee colleagues for their constructive and diligent approach to the scrutiny of the bill. Like me, many of my colleagues have been aware from the outset of our particular responsibilities to scrutinise robustly and rigorously the Government's legislation. I know that the committee is acutely aware that it is vital that the referendum legislation secures not only the Parliament's confidence but, just as important, the confidence of the people of Scotland.

To turn to the committee's report and the detail of the work that we undertook, I should say that we examined a significant range of issues. As it would be impossible to cover them all in the time available, I intend to cover the most significant aspects from my perspective as convener. In

doing so, I will inevitably have to go over ground that the Deputy First Minister covered.

A variety of witnesses gave evidence on the bill's policy intention to lower the voting age for the referendum to include 16 and 17-year-olds. Robin Parker of the National Union of Students Scotland said that his organisation had

"for a long time supported the principle of votes at 16. It is extremely positive that the Scottish Government and the Westminster Government have agreed that we can extend the franchise for the referendum."

Similarly, the Scottish Youth Parliament said that it had

"campaigning for votes at 16 for more than a decade",

and Emily Shaw said that it was

"fantastic to see the principle being taken forward in the bill"

and that

"Sixteen and 17-year-olds can be just as informed as over-18s are, and it is important that they have a voice".

Andrew Deans commented that votes for 16-year-olds had received a high degree of support among youth organisations and young people, which included a consultation that received 40,000 responses. He said:

"We work with 16 and 17-year-olds all the time, and we see that they are very much ready to vote."—[*Official Report, Referendum (Scotland) Bill Committee*, 14 March 2013; c 226, 228.]

Similarly, we heard from Tam Baillie, Scotland's Commissioner for Children and Young People, and from Young Scot and the Electoral Reform Society, all of whom told the committee that they support the lowering of the voting age for the referendum. In fairness, we also received evidence from those who oppose the move—particularly Charles Clegg, a 17-year-old high school pupil who put across his views very clearly.

The Deputy First Minister explained the thinking behind the Government's position when she said at the committee:

"Young people obviously take on a range of important rights and responsibilities at 16, and we believe that they should have the opportunity to have their say on the future of the country of which they are part."

After taking on board all the evidence that it received, the committee decided to endorse—albeit by a majority decision, with all members apart from Annabel Goldie supporting endorsement—the extension of the franchise for the referendum to 16 and 17-year-olds.

Section 3 of the bill prohibits convicted prisoners who are being held in penal institutions at the time of the referendum from voting. As the Deputy First Minister said, that provision is identical to that which was made by section 3 of the Representation of the People Act 1983.

The committee considered the compatibility of section 3 of the bill with ECHR. The Deputy First Minister described the legal position as clear and said that the Scottish Government had

“taken account of all the legal considerations and arguments in coming to the position in the bill.”

The committee noted the views of our committee adviser, Professor Stephen Tierney, and the Law Society of Scotland, and their conclusion that a challenge to section 3 on ECHR grounds would be unlikely to succeed.

The principle of preventing convicted prisoners from voting in the referendum was challenged in a number of written submissions and particularly in a joint submission from the Howard League for Penal Reform and others. Other written evidence, such as that from Quakers Scotland and the Church of Scotland’s church and society council, also opposed the ban on prisoners voting. However, the Deputy First Minister rejected those arguments. She recognised that the position might have to change for United Kingdom elections, but that is a matter for the UK Government. She said:

“Right now, convicted prisoners who are serving prison sentences do not get to vote, and I do not consider that there is a good argument for changing the position for the referendum.”—[*Official Report, Referendum (Scotland) Bill Committee*, 28 March 2013; c 303, 317, 313.]

Patrick Harvie: Bruce Crawford is right about the evidence on the legal question that suggested that a challenge is unlikely to be successful and that ECHR rules apply to elections but not referendums. Is it not also the case that we heard no clear argument about why, in principle, the franchise for referendums ought to differ from the franchise for elections and that the ECHR principle should be applied on a moral argument, not a legalistic one?

Bruce Crawford: It is clear that the majority of the committee supported the Scottish Government in saying that all convicted prisoners should be ineligible to vote in the referendum. The basic principle behind that is that someone forfeits the right to vote once they have been incarcerated in a penal institution as a result of committing a crime. That is a pretty simple principle to get hold of and, apart from Patrick Harvie and Tavish Scott, who dissented from that conclusion, the rest of the committee supported the Government’s position.

Margo MacDonald: Will the minister give way?

Bruce Crawford: I am no longer a minister; I am convener of the committee. I am happy to give way.

Margo MacDonald: I was being sooky, Presiding Officer.

Why was it felt that such a provision would be defeated in court?

Bruce Crawford: We leaned on evidence from the committee adviser, Professor Tierney, and from the Law Society of Scotland when we concluded that a challenge would be highly unlikely to be successful in any court action.

As the Deputy First Minister said, there is no need for special arrangements for service personnel. She explained in detail, as laid out at column 311 of the *Official Report* of the committee’s 28 March meeting, the options that are available to service personnel to register. On that basis, the committee was content with the proposed franchise as noted in the bill in respect of service personnel, but we went on to say that

“What matters now is that there is effective joint working between the Electoral Commission, EROs and the Ministry of Defence in order to provide information to these personnel about the registration options available to them.”

The committee urged the Government, in discussion with the UK Government, to explore all possible options for enabling young people to vote if they are of voting age and are resident outside Scotland only because their family have moved to be with a parent who is serving in the armed forces, and to report back to the committee before stage 2 begins.

I will quickly refer to the recommendations on awareness raising in our report. We took a fair bit of evidence on that issue from a number of appropriate organisations, but in particular I thank the officials from the Isle of Man, Guernsey and Jersey who took the trouble to provide us with an overview of their experiences.

The committee agreed with the witnesses that the key point about awareness raising is the need for a co-ordinated approach—based on clear guidance—that maintains political impartiality. The committee also believed that the Electoral Commission has a central role to play in the process, working collaboratively with many other organisations.

The committee was not persuaded that bodies other than the Electoral Commission need a duty in law to encourage participation. However, we said that we would expect the commission to develop, in good time, a detailed delivery plan to promote effective joint working, to clarify what it expects from others and to ensure appropriate consistency across Scotland.

On raising awareness among young voters in schools, the committee said that it was confident that those involved at local level, including EROs and teachers, already understand what is required. We considered that they are experienced in engaging young people in issues of citizenship in an appropriate and non-partisan way that complements rather than competes with the rest of their education.

Following all the evidence that we received, I am pleased to say that the committee recommends to the Parliament that the general principles of the Scottish Independence Referendum (Franchise) Bill be agreed to. I like the sound of that and I hope that, at decision time, Parliament will agree with the committee to give 16 and 17-year-olds the right to vote to decide the constitutional future of their country.

14:47

Patricia Ferguson (Glasgow Maryhill and Springburn) (Lab): In spite of the Referendum (Scotland) Bill Committee having had to work to quite a tight timescale for its consideration of this important bill, I believe that the committee has taken extensive evidence on the matters that are covered by the bill and has given serious consideration to the issues that were raised. Of course, that has been possible only because of the assiduous way in which the clerks and their colleagues from SPICe have gone about their work and because of the co-operation of witnesses and our advisers.

The purpose of the Referendum (Scotland) Bill Committee is to consider the Scottish Independence Referendum (Franchise) Bill—which is before us today—and the referendum bill itself, both of which were made possible by the section 30 order that was approved by Parliament on 5 December 2012.

As its title suggests, the Scottish Independence Referendum (Franchise) Bill mainly deals with the issue of who can and—just as important—who cannot vote in the referendum and how the decisions that are made in that regard can be implemented with a degree of certainty. In the case of the decision to give 16 and 17-year-olds the opportunity to vote in the referendum, there were also issues about how we treat data relating to young people to ensure that it is both securely held and sensitively used.

In summary, the franchise will be the same as that for local government and Scottish Parliament elections, with the addition of 16 and 17-year-olds. Scottish Labour agrees that 16 and 17-year-olds should have the vote and I was struck by the point that was made by Robin Parker of NUS Scotland, who said:

“Young people will have to deal with the consequences of the referendum, whichever way it goes, for the longest time,”

and therefore, Mr Parker suggested, young people

“have the biggest stake in the decision.”—[*Official Report, Referendum (Scotland) Bill Committee*, 14 March 2013; c 226.]

That point is well made.

Bruce Crawford, our convener, mentioned the evidence that was given by Andrew Deans and Emily Shaw—members of the Scottish Youth Parliament. It is fair to say that if anyone had any doubt about the wisdom of allowing 16 and 17-year-olds to vote, it was put to bed when we heard the mature and considered evidence that they gave.

The committee noted that the bill specifically prohibits convicted prisoners held in penal establishments at the time of the referendum from voting. Scottish Labour concurs with that position.

This Parliament is, of course, bound by the need to comply with the ECHR, but we were reassured by the advice from the committee adviser and from the Law Society of Scotland that the relevant provisions of the ECHR—those that deal with the issue of prisoner voting—refer to elections involving a choice of legislature and that previous cases reinforced the fact that referenda were not covered by that protocol.

Patrick Harvie: Can Patricia Ferguson advance a reason in principle not why the ECHR ruling on the right of prisoners to vote in elections is good or bad, but why a referendum ought to be held to a lower human rights standard than that which applies to elections?

Patricia Ferguson: Patrick Harvie makes a point that is worthy of further discussion, which I hope we will have in the context of how we deal with prisoners and what the role of sentencing is. However, I must say that I cannot agree with the amendment that I understand some members will lodge at a later stage, because I think that the threshold in that will probably be too high. If we are talking not about the kind of prisoner who has committed a low-level offence but about someone who has committed a fairly serious offence, I would object in principle to such prisoners having the vote in any situation.

Alison McInnes: Will the member take an intervention?

Patricia Ferguson: I am sorry; I cannot take any more interventions on that issue, as I want to move on.

For the avoidance of doubt, given that we know that those provisions are likely to be the subject of legal challenge, albeit that Professor Tierney indicated to us that he thought that the balance of probability lay with any such appeal being unsuccessful, we believe that we should be able to see the legal advice that the Scottish Government has taken on the issue. We hope that the Deputy First Minister will make that advice available to Parliament as soon as possible.

In that context, it is important to note that remand prisoners and some civil prisoners,

together with people who have been imprisoned for fine defaulting, will retain the right to vote. Like the committee, we seek the Scottish Government's assurance that those categories of people will have every opportunity to exercise an informed choice in the referendum.

Whether service personnel will be able to vote in the referendum is an important issue that has been the subject of some media speculation. I note that service personnel will have the same opportunity to vote in the referendum as they have in other elections. They will be able to vote either as an ordinary voter, if they are able to register at an address in Scotland, or as a service voter or as an overseas voter. In evidence, the Electoral Commission pointed out that that range of options

"is not available to all service personnel all of the time."—
[*Official Report, Referendum (Scotland) Bill Committee*, 21 March 2013; c 277.]

As service personnel's ability to register depends on their particular circumstances, electoral returning officers will need to make a determination based on the information with which they are provided. We note that the Electoral Commission is co-operating with the MOD to provide information about registration for service personnel, so I hope that it will be possible to ensure the widest possible franchise among service personnel.

Ken Macdonald, of the Information Commissioner's Office, drew attention to a small but important group of people who are likely to be disenfranchised—that is, the children of service personnel. The Government argues that the situation in the referendum will be no different from what happens in other elections, but, arguably, it is a direct consequence of the fact that the bill will extend the franchise to young people aged 16 and 17 who, because of their age, could reasonably be expected to be still living with their service personnel parents. I accept that the numbers involved are likely to be relatively small, but I most earnestly hope that the Scottish Government will work with the UK Government to find a solution to the problem. I welcome the cabinet secretary's comments on that today, but it is important that, if we say that all 16 and 17-year-olds will have the vote, we mean that all 16 and 17-year-olds will have the vote.

We now know that the UK Government has indicated that it will postpone moves towards individual voter registration in Scotland until after the referendum. That is welcome, but we hope that wide variations in the start date for the annual canvass can also be avoided. Returning officers should be able to begin their canvass as soon as possible after 1 October to allow as much time as possible for registration.

The policy memorandum for the franchise bill anticipates that registration will mirror the existing processes rather than introduce a new procedure. For that reason, the bill aims to ensure that young people will register through an extra form that will be provided to households alongside the usual return form that we are familiar with. I note that there is also provision for rolling registration up until 11 days before the referendum.

In evidence to the committee, Andrew Deans, one of the MSYPs to whom I referred earlier, was anxious that parents might not understand that they can add their teenage children to the list and suggested that there should be more emphasis on the rolling register. Another important point that the MSYPs made about the registration form was that it would be better to indicate who is eligible to vote by reference to actual dates rather than to the qualifying age. That is a valid point, so I hope that the cabinet secretary will give it serious consideration.

As I mentioned, the committee was rightly concerned about ensuring that the data that is collected on young people is handled and managed sensitively. I was pleased that the witnesses who commented on that felt that the bill had benefited greatly from suggestions that were made during the consultation process, and that, in its current format, it will protect young people in a robust way, with access to the register of young voters being strictly limited. That is a crucial point, as teenagers as young as 14 might be included in the register. The measures in the bill in that regard are welcome and will protect and safeguard data appropriately.

Regardless of where members stand on the issue of separation, we can all agree that it will be important that people are aware of the ways in which they can register and vote in the referendum. The committee noted that there is a crossover between the franchise bill and the Scottish Independence Referendum Bill in that regard, and we noted a number of issues in relation to awareness raising that we will want to consider further during our scrutiny of that bill.

Like the committee, Scottish Labour believes that it is vital that all those who are eligible to vote understand how to go about registering and that they should be able to access impartial and accurate advice. That will be particularly important as we try to encourage as many young voters as possible to participate.

Dennis Robertson (Aberdeenshire West) (SNP): Will the member take an intervention on that point?

Patricia Ferguson: I am in my last minute, Mr Robertson—sorry about that.

The committee was right to conclude, in paragraph 136 of its report, that awareness raising needs to be co-ordinated, clear and impartial. The committee took very seriously the evidence that was presented by the National Deaf Children's Society that it is vital to ensure that those who face barriers in their everyday lives can be informed participants. Scottish Labour hopes that information will be available in a variety of languages and formats.

Another issue on which the cabinet secretary could usefully provide clarification relates to the delegated powers that the bill bestows on ministers in section 11. Those powers are wide ranging, given that they include the power to modify any enactment, including the bill itself. Although the provisions of the bill are narrow, that is an unusual power for Government to seek, so I would be grateful if the cabinet secretary could comment further on the possible uses of the power when she closes the debate.

In summary, we seek assurances from the cabinet secretary on the legal advice that she has received in connection with prisoner voting and that the Scottish Government will take seriously the matter of having wording on the registration form that makes it clear which young people can vote. We hope that the Scottish Government will work with the UK Government to ensure that the children of service personnel are on the list.

Scottish Labour will support the general principles of the bill at stage 1.

14:58

Annabel Goldie (West Scotland) (Con): The referendum next year will be the most important decision that Scotland has taken in 300 years. I am glad that the Westminster and Scottish Governments were able to agree that there should be a referendum with one question before the end of next year, because the issue must be resolved.

It is of course important to confirm the franchise arrangements for the referendum. As I understand it, such franchise directions would normally be contained in the bill constituting the referendum, as was the case with the alternative vote referendum last year. However, the SNP's desire to extend the franchise to 16 and 17-year-olds, with the additional administrative requirements to compile a new electoral roll to deal with that, as well as the timescale involved, meant that a separate paving bill was necessary.

I serve on the committee that scrutinised the bill. I, too, pay tribute to the clerks, SPICe and the committee advisers, Iain Grant and Professor Stephen Tierney, all of whose input I found supportive and helpful. I thank our convener, Bruce Crawford, for his fairness and inclusiveness

and his exemplary patience during the more testing moments of the scrutiny process. I am satisfied that the scrutiny process has been thorough and that the stage 1 report is a fair reflection of the committee's deliberations.

I turn to more specific aspects of the bill. Section 3 prohibits convicted prisoners who are held in a penal institution from voting. I agree with the Scottish Government's view on that issue and, given the recent rulings by the European Court of Human Rights, which question such a blanket prohibition, it was correct to deal with the matter in the bill. However, I also agree with the principle underpinning prohibition. In my opinion, convicted prisoners serving custodial sentences have, by committing the crimes, sacrificed their entitlement to vote. The best way to preserve that entitlement is to stay out of prison.

Alison McInnes: Annabel Goldie might be interested to know that, in 2011-12, 40 per cent of those who were sentenced for severe assault or attempted murder were dealt with in the community and, therefore, never lost their vote. Does she agree that, therefore, a blanket ban on prisoner voting is not a coherent position?

Annabel Goldie: The distinction is the custodial element. I have made clear my view. If someone has sacrificed their right to be at liberty in society, other consequences follow and, to me, one of those is loss of franchise. I recognise that Alison McInnes may disagree with that assessment, but that is the view that I hold.

Margo MacDonald: Will Annabel Goldie give way?

Annabel Goldie: I would rather make progress, if Ms MacDonald will excuse me.

Interestingly, as some members have said, Professor Stephen Tierney and the Law Society of Scotland both raised the issue of possible legal challenge by a disenfranchised prisoner. Professor Tierney considered referenda to be exempt from the relevant provisions of the ECHR but did not dismiss the possibility of a challenge, although he considered such a challenge unlikely to be successful. The Law Society took a similar view.

To be fair, the committee examined the Deputy First Minister closely on that point but she was clear about the legal advice that the Scottish Government had received. In everything, there is a risk of legal challenge and I am satisfied on the basis of the evidence and opinions submitted to the committee that the prospect of a successful challenge is minimal.

The main thrust of the bill is, of course, to extend the franchise to 16 and 17-year-olds. The previous limited application of that extension to pilot health board elections provided no useful

basis for discussion other than recognising abysmal turnout levels. Therefore, my party is not supportive of the principle of using the referendum as an experiment for extending votes to 16 and 17-year-olds.

That is not to say that we do not consider that there is a debate to be had. There is and it would be welcome, but my party feels that the step in the bill is precipitate and premature. We would have welcomed broader discussion and consultation involving the Electoral Commission. For that reason, my dissent to the proposal was noted in the committee report and my party will vote against the bill at decision time.

Margo MacDonald: Will Annabel Goldie give way?

Annabel Goldie: I need to make progress. I have enough to get through. I apologise to Ms MacDonald.

On a purely personal note, people may think that the views that I hold now are disquieting, but they should have seen my views at the age of 16. They were scary. Experience of life—not least the workplace—was to temper them.

Although I disagree with the extension of franchise, the committee's examination of the process was useful. Two important elements emerged. First, the introduction of individual voter registration by Westminster is welcome but the timing of that legislation could have placed an impossible administrative burden on electoral officers preparing for the referendum. Therefore, I was relieved to learn of the reassurance that the Cabinet Office at Westminster had given the Deputy First Minister that individual voter registration would not start until after the referendum. I look forward to confirmation from the Scottish Government that the necessary Westminster statutory instrument has been enacted to ensure that that is the case.

Secondly, understandable interest was expressed in ensuring that young people voting for the first time in the referendum should have access to information. I agree with that, but the distinction between the provision of information and propaganda is a fine one. It is right that the Scottish Government has no control over local authorities in that respect, but there is a huge obligation on local authorities to strike a proper balance in the reasonable provision of information to young people to increase awareness, stopping short of anything that reeks of a coercive attempt to influence. It is equally important that young persons preparing for exams must not be diverted from essential study.

The delegated powers in section 11 of the bill are wide—wider than might normally be expected. They are subject to affirmative procedure, but I

hope that such breadth and scope of delegated powers in legislation in the Scottish Parliament will be the exception not the rule.

The Deputy Presiding Officer (Elaine Smith): We turn to the open debate. Speeches should be of six minutes. We are quite tight for time. I ask members who wish to speak in the debate to ensure that their request-to-speak buttons are pressed. That is particularly important after members have taken interventions. You must repress your button.

15:04

Annabelle Ewing (Mid Scotland and Fife) (SNP): As a member of the Referendum (Scotland) Bill Committee, I am pleased to have been called to speak in this stage 1 debate on the Scottish Independence Referendum (Franchise) Bill. I, too, thank all those who gave evidence, SPICe and our committee advisers, and I thank the clerks for their efficient handling thus far of the franchise bill.

As we have heard this afternoon, the franchise bill makes provision for the franchise that is to be applicable for the independence referendum to be held on 18 September 2014. Broadly speaking, the franchise will be the same as that for the 1997 devolution referendum—that is, it will be based on the local government register in Scotland. The approach of both the 1997 devolution referendum and the upcoming 2014 independence referendum reflects what is widely regarded as best international practice on referenda, whereby residency is considered to be the most appropriate criterion for setting the right to vote. It is interesting to note that the committee unanimously agreed with that approach. In that regard, I refer the Parliament to paragraph 29 of the committee's report.

The committee's deliberations on the franchise bill were broadly of a consensual nature, which is a credit to all members of the committee, but particularly to those who represent the unionist parties, who, it is probably fair to say, did not have the holding of an independence referendum as an overriding objective in the first place.

As far as the franchise is concerned, there is one key difference from the approach that was taken in the 1997 referendum, and that concerns the extension of the vote to 16 and 17-year-olds. I am delighted that some 120,000 of our citizens aged 16 and 17 will be able to register to vote in the independence referendum. I speak as a long-term supporter of a reduction in the voting age to 16. That has been a long-term objective of the Scottish National Party. Indeed, I recall that my mother, Winnie Ewing, in her maiden speech in the House of Commons following her sensational

victory in the Hamilton by-election in 1967, called for a reduction in the voting age from the then minimum age of 21 years to 18 years, with a marker being laid for future reductions.

John Mason (Glasgow Shettleston) (SNP): I very much agree with what the member says about 16 and 17-year-olds. However, I have been in some schools where young people have said that they do not have a lot of confidence that they understand all the issues. How would the member respond to such young people?

Annabelle Ewing: I believe that, as we progress further towards the referendum date of 18 September next year, young people will feel quite confident that they have the information that they need through a variety of means. In committee, I suggested that we could have an indy app, which went down quite well with the young witnesses there. There will be many means—

Neil Findlay (Lothian) (Lab): Will the member take an intervention?

Annabelle Ewing: I am afraid that I would like to make a wee bit of progress. I have just taken an intervention.

There will be many means by which information will be made available.

The evidence that the committee received was very much in favour of lowering the voting age, with supportive statements being received from NUS Scotland, representatives of the Scottish Youth Parliament, Young Scot, Scotland's Commissioner for Children and Young People, Children in Scotland and the Electoral Reform Society. For the sake of completeness, I note that the evidence that we received on the lowering of the voting age was not unanimously in favour, as one individual made a submission against the proposition. As far as committee members are concerned, there was agreement except—as we have heard this afternoon—from the Conservative Party.

On the issue of lowering the voting age in general, again, the Scottish National Party is in favour of that for all forms of election. It is not clear from what Annabel Goldie said today what the Conservative Party position is, and it is certainly not clear what the Labour position is. Labour members talk about being in support, but they also talk about simply actively looking at the matter in terms of their 2015 Westminster manifesto. Perhaps they will clarify their position this afternoon. What is clear is that a yes vote in 2014 will secure for this Parliament powers over the voting age for all elections that are held in Scotland, and that is how it should be.

In the time that I have remaining, I will touch on another key aspect of the franchise, and that is the

issue of service personnel. Again, the approach to be adopted in the independence referendum is the same as that which was adopted in the 1997 devolution referendum. The right of service personnel to vote follows the arrangements that are already in place.

I quote the Advocate General for Scotland, Lord Wallace of Tankerness, who said during the section 30 order debate in the House of Lords:

"Members of the Armed Forces will be able to vote in the referendum if they are on the register in Scotland either as a result of an address in Scotland or a qualifying address showing a connection to Scotland, such as service accommodation in Scotland; an address in Scotland where they would be living if they were not in the services; or an address in Scotland where they have lived in the past. The same rules apply to spouses and civil partners of members of the Armed Forces."—[*Official Report, House of Lords*, 16 January 2013; Vol 742, c 754.]

That is very welcome, and it is as it should be. The committee was happy to endorse that position. One issue that has arisen concerns the position of 16 and 17-year-old children who are still living with service personnel who are resident furth of Scotland. On the basis that the current system is a Westminster system, which is based on the service personnel themselves and their spouses or partners, and that it does not even cover 18-year-olds who are still living with those personnel, it is welcome to hear that the Scottish Government will do everything that it can to persuade the Westminster Government to do the necessary to allow the 16 and 17-year-old children of such service personnel to vote in the independence referendum.

15:11

Helen Eadie (Cowdenbeath) (Lab): I am pleased to thank the convener and all those who are connected with the work of the Referendum (Scotland) Bill Committee for the very detailed response that they have given the Parliament in their report.

This stage 1 debate on a referendum bill is an opportunity to move the debate beyond the technical issues of the franchise to a wider discussion of how we can encourage people to get involved in the debate, how we can ensure that they are registered and how we can ensure that the widest cross-section of Scottish society turns out to vote.

I welcome the extension of the franchise to 16 and 17-year-olds. I believe, however, that that should apply to all elections, not just to the referendum. The Labour Party believes that special consideration should be given to the protection of the personal data of that age group, and we welcome the safeguards in the bill.

It is worthy of note that, when the Health and Sport Committee debated the bill that introduced direct elections for health boards and helped to promote the resulting Health Boards (Membership and Elections) (Scotland) Act 2009, the franchise was extended to 16 and 17-year-olds. This is therefore not a first for the Parliament—we have been here before.

I am pleased that the Government is considering how the franchise may be extended so that 16 and 17-year-olds who are based abroad because their parents are posted abroad with the UK's armed forces can vote in the referendum. If the Government were to agree to amendments along those lines, that would be very welcome. That is just an example of the detailed work that the Referendum (Scotland) Bill Committee has been able to expose for us.

It is important that the referendum result is certain and is accepted internationally, so that Scotland can move forward—hopefully, from my perspective, as part of the UK—with the independence question settled. With that in mind, although we understand that Scottish people living in the rest of the UK and abroad might feel that they should be able to vote in the referendum, we do not intend to challenge the Scottish Government's approach to expats, and we accept that expats may not vote in the referendum unless they are ordinarily able to vote in Scottish parliamentary elections.

Margo MacDonald: When Gordon Brown introduced his ideas for the referendum at yesterday's press conference, he said that Scots in Scotland should feel as responsible for the wellbeing of people south of the border as they do for people here. Should that not extend to the franchise? Should expats not have a say? I wondered about that when Helen Eadie said that they should have no franchise.

Helen Eadie: The point is that, if people are able to vote in a parliamentary election here, that is a sufficient criterion. That is what the committee report says, and that is the Government's position, I believe. I entirely support that position. That is a separate issue from the wider moral aspects to which Margo MacDonald refers.

I turn to my thoughts about prisoners. I read with interest the email that we received from the Scottish Human Rights Commission. As the party that brought the European convention on human rights into UK law, we take very seriously the issue of whether prisoners should be able to vote in the referendum.

The Scottish Government says that its intended approach—to exclude prisoners from voting in the referendum—is not contrary to the UK's human rights legislation. Given the importance of the

issue, and the Scottish Parliament's commitment to complying with the ECHR in all the legislation that it passes, I call upon the Scottish Government to inform us what legal advice it has had on the issue and to publish that advice. That is important. We need to probe the issue—it needs to be part of the movement from stage 1 to stage 2.

Annabelle Ewing: Will the member take an intervention on that point?

Helen Eadie: No; not at the moment.

This is an opportunity to develop a distinctive alternative to the existing UK blanket ban on convicted prisoners voting in elections. That course could bring us closer to the practice in other European democracies such as Denmark, Finland, Ireland, France, Germany, Sweden and Switzerland. The commission recommended that the Scottish Parliament should have a debate on whether all prisoners should be banned from voting in the referendum, as expressed in the bill.

The commission proposed that that section of the bill be revised adequately to reflect the values that are placed in Scotland on human rights, social justice and the effective rehabilitation of offenders. The countries in which all convicted prisoners serving prison sentences are disenfranchised are the UK, Armenia, Bulgaria—much as I love Bulgaria, it is wrong in that regard—Estonia, Georgia, Hungary and Russia.

The commission's key point is based on reasonable and objective justifications, such as the type of crime that was committed or the length of the sentence. It does not propose that every prisoner be given the right to vote. We know that there are many women in Cornton Vale and other prisons who are there for not paying bills. Is it reasonable to disenfranchise a woman who is in prison for not having paid her TV licence or parking fines? I do not think so. However, I would ban serious, violent criminals from having the right to vote. We must distinguish what we are talking about here, and the matter is worthy of a lengthier debate.

15:17

Rob Gibson (Caithness, Sutherland and Ross) (SNP): As a member of the Referendum (Scotland) Bill Committee, I am delighted to speak in support of the bill. The franchise for the referendum should be more or less the same as for the Scottish Parliament and local elections. The extension of the franchise to 16 and 17-year-olds is most welcome, but there should be no extension of the franchise to convicted prisoners who are being held in penal institutions. Services personnel have the right to vote in Scottish Parliament elections and local elections; that should continue.

I am pleased that the committee looked in great detail at how 16 and 17-year-olds would be involved. At paragraph 108 in our report, we say:

“As part of its wider scrutiny of the issues raised by the Bill, the Committee has taken considerable evidence on how voters, particularly young voters enfranchised for the first time, can be given the information they need about registering for and voting in the referendum.”

Neil Findlay: I was recently part of a deputation to observe elections in Venezuela. The people over there asked me a very basic question, which I could not answer; I wonder whether the committee has considered it. How do we ensure that the person who turns up to vote, whether it is in a referendum or on polling day, is who they say they are?

Rob Gibson: The prospect that we will run the referendum on the same basis as UK and Scottish elections have been run over centuries suggests that when we have local polling places, many people are known to the officers in charge and that we will not have the situation that occurred in parts in Northern Ireland, where “Vote early, vote often” was tolerated far too frequently.

Rather than talk about impersonation, it would be far better to talk about awareness raising, which is a positive matter. As the committee’s convener said, members of the Scottish Youth Parliament asked key questions about the variability and quality of the materials that will be available for school pupils, because 16 and 17-year-olds will need to be assured that they are getting excellent information. The committee established, through its interrogations, that the Electoral Commission will have a major part to play in providing that information.

I want to talk about what witnesses said about the issue. Bruce Robertson, from the Association of Directors of Education in Scotland, said that information about the referendum would be provided at times when pupils are expected to focus on matters other than their qualifications, although there would be spin-offs into other areas. He described that as

“the happy balance that we need to strike”,

given that teachers must follow the curriculum. He also pointed out that

“Not every school offers modern studies”,

and went on to say:

“That is where work in collaboration across the 32 education authorities and with School Leaders Scotland, which is the association of secondary headteachers, will enable people clearly to understand what is happening.”—*[Official Report, Referendum (Scotland) Bill Committee, 21 March 2013; c 292, 291.]*

Bob Doris (Glasgow) (SNP): Rob Gibson mentioned modern studies education for young

people at school—I am a former modern studies teacher. Does he acknowledge that, in the context of the introduction of curriculum for excellence, it is the responsibility of the whole school community and not just under-pressure modern studies teachers to raise awareness of the referendum?

Rob Gibson: I am a former modern studies teacher myself and cannot but agree. Many schools do not offer modern studies, which is a point that members of the Scottish Youth Parliament made. We need to find ways of ensuring that everybody gets a fair chance, whether they live in Helensburgh or Helmsdale, as Bruce Robertson said.

Margo MacDonald: Will the member take an intervention?

Patricia Ferguson: Will the member take an intervention?

Rob Gibson: I am sorry. I do not have time. I am already far behind.

Mary Pitcaithly, the convener of the Electoral Management Board for Scotland and the chief executive of Falkirk Council, reassured members, saying:

“If there is guidance that has been consulted on, we will expect schools to use the material that is made available, so that there is awareness of what is being said. We will support our director of education colleagues in taking that forward.”—*[Official Report, Referendum (Scotland) Bill Committee, 21 March 2013; c 291.]*

I am delighted that we can look forward to the Electoral Commission providing information about awareness and the issues in a non-partisan fashion. I am also delighted that we can, as the convener said, expect a detailed delivery plan—given that it has been suggested that in other elections the Electoral Commission found such things difficult. It is important that children in our schools are provided early with balanced materials. We will have to keep the issue under scrutiny.

I support the general principles of the bill and I am happy that the Government is very much moving in the correct direction.

15:23

Graeme Pearson (South Scotland) (Lab): Following the recent media coverage that exposed just how nasty, offensive and vitriolic elements of the debate on independence have become—especially online—I am pleased that today’s debate has reflected mutual respect and consideration and minimal conflict.

As many other members do, I favour the extension of the franchise to 16 and 17-year-olds, in all elections. I regret that the proposed extension will apply solely to the referendum and

that the registration process for under-18s has therefore been rushed. I hope that the concerns that members have expressed in that context will be properly addressed in the time that remains.

I harbour concerns that under-18s will not be in a position to vote in an informed manner. As part of my work in South Scotland, I often visit schools and speak with teachers. The general consensus among teachers, in particular among the teachers in modern studies departments—I am frightened to say this, given that there are so many modern studies teachers in the chamber—seems to be that many pupils are as yet not adequately informed or prepared for the responsibilities that come with voting.

Patricia Ferguson: I would be slightly worried were members to speak only about young people in schools, because not all young people are in education. Some are in apprenticeships and some are out in the world of work, and it is important that they, too, have access to good and impartial information.

Graeme Pearson: I am grateful to Patricia Ferguson for making that point. It saves me from making a similar one later on.

There is no doubt that there will be substantial pressure on young people to adhere to others' views. One would hope that allowing those who are beyond 16 but under 18 to vote will allow them to play their part fully as we go towards the independence referendum.

The cabinet secretary indicated in her speech that she believes that she could survive a legal challenge relating to extending the franchise to people who are serving custodial sentences. I would have hoped and expected that she would want to do the right and just thing, and not solely what she can get away with in respect of the ECHR.

During my police service, I dealt with countless prisoners, who were in custody for a huge variety of crimes, and my experiences have led me to the view that those who are in prison should not be subjected to a blanket ban on participation in the electoral system. It was mentioned earlier that Scotland is part of a very small group of European countries—the group includes Armenia, Bulgaria, Estonia, Georgia, Hungary, Liechtenstein and Russia—that impose such restrictions. It seems strange to me that the line that we use to determine the franchise is a custodial sentence, no matter whether the person is spending weeks in prison for shoplifting or something similar, or a life sentence for murder.

I therefore believe that prisoners who are serving short sentences for less serious offences—we can debate and determine the exact nature and length of those sentences—should be

allowed to participate in all elections in Scotland. I also believe that, once they are granted a vote, individual prisoners should be made responsible for registering to vote and for arranging for their vote to be submitted, and that it should not be left to the prison authorities to do that on their behalf.

My final point relates to my concerns about the Government's position following the result of next year's referendum. I hope and believe that the majority will vote against separation from the rest of the UK, but if Scotland votes to separate, although I will be extremely disappointed—I do not believe that that would be a positive step—I would accept the will of the Scottish people and endeavour to make Scotland the best place possible, whatever our relationship with the rest of the UK. I wonder whether SNP members and members of the Government will make the same pledge and state their intentions if Scotland were to vote to remain part of the United Kingdom. I find it particularly concerning that, in the past, some nationalist members have stated their desire to hold another referendum if the result of the first is not to their liking. It has been said:

"If we don't get enough votes, then I believe we would go for another referendum, especially if it's close. It would be unfair to the people of Scotland if it's close to tell them that it's finished."

It is not Brigadoon that we are dealing with. There must come a point at which we recognise the consensus that is reached by the voters in Scotland and we accept their will. I hope that all members will offer assurances that they will accept the result of next year's referendum and will subsequently prioritise the best interests of the people of Scotland.

15:29

Richard Lyle (Central Scotland) (SNP): I am pleased to take part in the debate.

Today is historic. For those who do not know, I joined the SNP when I was 16, in 1966. It is hard to imagine that that was nearly 47 years ago.

Margo MacDonald: I am older than him.

Richard Lyle: Yes, Margo MacDonald is older than me.

18 September 2014 is Scotland's date with destiny. It is right and just that, in the 21st century, a country that is rich in natural resources, agriculture, history, tradition, passion and talent be governed by the people who live in that country. The solutions to the problems that affect the day-to-day lives of Scotland's people are best decided by the people of Scotland. Scotland's people are best placed to make decisions on welfare, defence and other reserved matters. Scotland has been successful with devolved powers: with

independence, there will be nothing that we cannot do.

It is also right that the bill will set in stone the ability of our young people to have a say in the referendum next year. Absolutely no one has a bigger say in the future of Scotland than its young people because, by their very nature, young people do not stay young for long. At 16, young people can marry, have children and pay taxes: they should be given the right to vote on the future of the country in which they live because, before we know it, our young people will be leading the country. They will be the new politicians devising policy and enshrining the values that we, in Scotland, hold most dear.

The argument for votes at 16 and 17 has been going on for a long time. Organisations that play significant roles in representation of young people, such as NUS Scotland and the Scottish Youth Parliament, have fought for many years for the right to vote at 16 and 17. I am proud that the Scottish Government has made that resounding commitment and fulfilled the long-term SNP policy of extending the franchise to 16 and 17-year-olds for the most important decision that this country will make. We are not Brigadoon, we are Scotland. I am confident that, when Scotland is an independent country, an SNP Government—or whatever Government governs this country with the powers of independence—will extend the franchise to 16 and 17-year-olds in every election and referendum.

With the right to vote also comes a responsibility on our Government to protect the young people who vote. That is why I am delighted to welcome the measures that the Scottish Government has taken to ensure that stringent protections are in place for our young voters.

We have a duty and a responsibility to ensure that both sides of the argument—the yes and no campaigns—express clearly their arguments, facts and plans for taking Scotland forward. I joined the SNP at 16, for independence for this country. I do not care whether it is a Labour Party governing it, a Tory party governing it or a Liberal party governing it, but I want an SNP Government governing it because I want an independent country—*[Interruption.]* I want a country that will look after its people, and which will not go backwards, as we are doing with the UK. We must have a greater emphasis on young people, particularly because for many young people the referendum will be their first chance to exercise their democratic right to vote. It is a decision for a generation.

The question in everyone's mind right now will be, "What benefit will independence bring to me and my life?" That is a fair and balanced question. The answer is that, with independence, we can

shape a nation that lives up to our ambitions of fairness and prosperity. What does that mean in reality? Among other Scottish priorities, I am sure that it means scrapping the bedroom tax. An SNP Government in an independent Scotland would scrap that unfair and unjust tax on the least well-off people in society—a commitment that our Deputy First Minister has made on several occasions.

In closing, I note that convicted prisoners who are detained in penal institutions will not be eligible to vote in the referendum, although prisoners who are on remand and have not been convicted will be able to vote. I totally agree with that proposal. As has already been said, if someone lives by the rules of society they are entitled to take full advantage of the right to vote in that society. Would anyone who believes otherwise—maybe they will say so later on—suggest that prisoners should decide their own sentences? I do not think so.

Patrick Harvie: Will the member take an intervention?

Richard Lyle: I am sorry, but I am just finishing.

On 18 September 2014, I, along with many others, will vote yes to a more equal, fairer and more successful Scotland. I look forward to independence, and I look forward to next year.

15:34

Linda Fabiani (East Kilbride) (SNP): It was interesting to hear what Richard Lyle said about prisoners. I have been wondering what the Lib Dem position is on the matter. The coalition Government at Westminster said recently that offenders who are sentenced to custodial sentences of less than four years would have the right to vote in UK Westminster parliamentary and European Parliament elections, unless the judge considered that to be inappropriate. It explicitly stated that the ability to vote in referendums was not included, so it is interesting that the Lib Dems in Scotland are trying to put the Government under pressure on the issue.

Patrick Harvie: It is not just the Lib Dems.

Linda Fabiani: It is also, of course, Patrick and Margo.

The Deputy Presiding Officer: Full names, please.

Linda Fabiani: What I would say about that is that Patrick Harvie and Margo MacDonald do not have representatives at Westminster in a Government that is taking a completely different position—their points are valid.

Patrick Harvie: Will the member take an intervention?

Linda Fabiani: No, thank you.

That is not the only issue on which the Lib Dems have—I think that they made up the term—flip-flopped. At a recent committee meeting, I was a wee bit concerned that the Lib Dems seemed to be pulling back from expressing confidence in the Electoral Commission. I put it on record that the leader of the Lib Dems in Scotland, Willie Rennie, backed the Electoral Commission, “whatever their advice”, and that Michael Moore, who is the Secretary of State for Scotland, is on record as saying that the commission is

“a highly respected independent body which provides essential oversight and advice on the neutrality of the referendum process.”

Aside from that, I would like to talk about the extension of the franchise to 16 and 17-year-olds, which I hope we will endorse at decision time. As we have heard, it has for many years been SNP policy that the franchise be lowered to 16 for all elections, and I know that many other members are of that view.

The fact that there have been great campaigns on the issue outwith the Parliament, such as those of NUS Scotland—on behalf of which Robin Parker gave such fine evidence to the committee—and the Scottish Youth Parliament, should be recorded. Others have commended Emily Shaw and Andrew Deans, who gave us evidence. I would like to commend the Youth Parliament and all its members for its campaign, which was ably led by its chairperson in the East Kilbride zone, Grant Costello, who publicly espoused the case with such conviction and passion. It should be noted that the participation of the Scottish Youth Parliament and NUS Scotland in discussions was extremely helpful to the Government in formulating the proposals in the first place.

Of course, if one is to vote at the age of 16, one must register at a much younger age, which the committee realised could be as young as 14. Therefore, committee members were extremely concerned that young voters be protected; it is absolutely crucial. We took careful evidence on that subject, so I am pleased that appropriate witnesses such as Scotland’s Commissioner for Children and Young People, the Association of Directors of Education in Scotland and the Scottish child protection committee chairs forum are generally content with the proposals in the bill. Again, it was extremely useful to be informed that they had spoken to the Government before the bill’s introduction and that a lot of their advice to civil servants had been taken on board. The cabinet secretary told the committee that she is still very open to taking on board advice from experts in the field.

Margo MacDonald: Given all the care that is being taken of that group of electors—that is what we have decided that they are—if they are equally able to take the sort of informed decision that we more adult electors will take, why should they be protected?

Linda Fabiani: Perhaps I did not make my point clear; it relates to the point of registration. For people to be able to vote at the age of 16, they must register at a younger age than that. For example, if we are talking about someone as young as 14 or 15, we would not want their details, including their address, to be obvious on the electoral register. That is the kind of thing that was taken on board. There will be a separate register of young voters, which will be limited because of such issues. Discussion is on-going about dates of birth as opposed to age. At a point further down the line when they become voters—when they are 16 and not a child of 14 or 15, who warrants such protection—the registers would be merged.

I am content that all those who are experts in the field think that we have that right in the bill and that we can move forward in the knowledge that we are widening the franchise to allow 16 and 17-year-olds to vote. That is very important because—as we have heard from others—this is about the future of our nation. I hope that we move forward to independence. I also hope that in the independent nation of Scotland, 16 and 17-year-olds will be eligible to vote in all future elections.

15:41

Tavish Scott (Shetland Islands) (LD): Some of what the former political editor of *The Herald* used to say to me came back to me as I watched the news last night. Bill Clark used to say when he phoned up, “Tavish, I’d like you to comment on the war of words between Labour and the SNP. Don’t worry, I’m not going to use it, because I won’t fit your comment in, but we should have a chat about it anyway.”

When I watched the news last night and saw Gordon Brown attacking the Tories in determining that the union was better for Scottish voters and in the next clip saw Nicola Sturgeon attacking Labour in pitching for the left-of-centre vote, I thought, “Gosh, no wonder the public are wearying of what is going on at the moment.” Nicola Sturgeon went for the left-of-centre vote yesterday, but today we understand that the SNP’s campaign has a pro-business, cut-corporation-tax, right-wing agenda. We heard Fergus Ewing talk about oil tax earlier on. So, the SNP is left wing on Monday and right wing on Tuesday. I say to Linda Fabiani that no party can shake a stick at the SNP when it comes to being all things to all people.

Here is the problem for the SNP: the voters are not stupid. Yes, the bill is about participation, but if we want to encourage interest and ensure that the voter takes the issue seriously, it does not help that the Government is a tax spender one day and a tax cutter the next.

I do care about the battle of ideas and vision but, to be frank, if I were to spend three weeks at home just now helping with the lambing I would miss nothing on independence. A vast percentage of the population of this country have made up their minds—and no wonder, given what has been going on. Instead of the reforms that Scotland needs, instead of testing the utterly debilitating orthodoxy of Scottish political thinking and instead of developing new solutions for old problems, this Parliament will shout at itself right through until September 2014. Because the Government of the day will use its majority to railroad through its position on every issue and every law, it seems that Parliament, in the eyes of an increasing majority of the population, is irrelevant.

Bob Doris: Will Tavish Scott give way?

Tavish Scott: Today could provide a chink of light. It could be a genuine opportunity. I thank Helen Eadie and Graeme Pearson for their thoughtful contributions, which were more than we had from the SNP.

Bob Doris: Will the member give way?

The Deputy Presiding Officer: Mr Doris, the member is not giving way.

Tavish Scott: Helen Eadie and Graeme Pearson made thoughtful contributions on the kind of Scotland that we might create if we really—*[Interruption.]* You know you are getting to them when they shout at you. You really know you are getting to them when they all start badgering away on the left wing. I suppose that Bob Doris is one of the left wingers speaking up over on the SNP benches.

We could take a different position from the UK Government, which would be progressive, right and part of a much talked-up tradition of Scotland's social fabric. That was the argument that Graeme Pearson, Helen Eadie, Patrick Harvie and Alison McInnes made. Alternatively, we might not. If nationalist ministers do not support progressive change on prisoners' rights, that is of course their right, but they should set out their principled case as to why Scotland should retain a complete ban on convicted prisoners voting.

Stewart Stevenson (Banffshire and Buchan Coast) (SNP): Will the member give way?

Tavish Scott: Ministers should say why Scotland being the same as Armenia, Bulgaria and Russia is better than being the same as Norway, Sweden and Finland. If Mr Stevenson

wants to answer that question I am happy to give way.

Stewart Stevenson: Tavish Scott will be aware that the argument on prisoners' rights is founded in protocol 1, article 3, of the ECHR, which also refers to

"free elections ... which will ensure ... free expression ... in the choice of the legislature."

Given that 52.4 per cent of Westminster's legislators are unelected, does Tavish Scott also support the abolition of the House of Lords?

Tavish Scott: Yes—I support the abolition of the House of Lords.

We hear many speeches from SNP ministers that say how Scotland's social and humanitarian fabric would be all the stronger if independence happened. There is a pretty big gaping hole in that argument today. SNP ministers cannot, on one hand, make all those speeches that say that it will all be wonderful and then on this difficult but undoubtedly progressive issue ignore that argument.

Neil Findlay: Before Tavish Scott finishes his speech, will he apologise for associating some of the SNP members with those of us who classify ourselves as left wing?

Tavish Scott: It is far from me to get into what is left or right, but the one thing I know about Neil Findlay is that he is left wing. These days, I do not know what members on the SNP benches are.

MSPs have today extolled the virtues of giving 16 and 17-year-olds a vote in the referendum—rightly so. That is a genuinely correct decision. However, that case would be stronger if, after deciding to include some of our fellow citizens, they explained why excluding others is acceptable.

The Cabinet Secretary for Justice said recently:

"offenders should be sent to prison as punishment, but ... our prisons should also be about the rehabilitation and reintegration of offenders back into society as contributing citizens."—*[Official Report, Justice Committee, 26 February 2013; c 2380.]*

Mr MacAskill is absolutely right about that and I commend his approach. I wish he would win the arguments in his cabinet for a change in position in prisoner votes. To allow prisoners who are on short term sentences to vote would—as the Howard League for Penal Reform has observed—send a powerful message that they remain part of wider Scotland with a stake in our nation's future. To do the opposite would be to send precisely the opposite message.

Is this an issue of morality, the law or just politics for this nationalist Government? I sense that it is a political judgment. The principled and progressive argument—the argument that will not,

of course, find universal favour—is discounted. I suspect that that is because the Government has weighed up the political balance and wants to be safe. That is its right, and with its majority no progressive change in this area will take place to the bill. That means that not only I, but many other Scots will observe that when the nation's politicians faced a genuinely tough call about building a better Scotland, they bottled it in favour of the politically safe status quo. That is a shame.

15:47

Stuart McMillan (West Scotland) (SNP): I welcome the opportunity to speak in this debate and at the outset I associate myself with the comments made by Bruce Crawford, the committee convener, and the Deputy First Minister regarding the assistance received by the committee thus far.

We have heard a great deal on voting for 16 and 17-year-olds, which I will return to after I raise the issue of equality, which is discussed in paragraphs 139 to 141 of the committee's report.

Before I do that, I will make a comment about Tavish Scott, who spoke about the lack of positive commentary thus far in the referendum campaign. I suggest that he ask his colleagues in the better together campaign to put forward a positive narrative as to why Scotland should remain part of the UK, compared to what we want to see, which is Scotland becoming a normal independent country.

Regarding paragraphs 139 to 141, the evidence that we received from the National Deaf Children's Society was very welcome. It related to an issue that I raised in committee regarding the colour of the paper to be used for young people registering for the first time. I raised that issue because I chair the Parliament's cross-party group on visual impairment and am a member of the cross-party group on dyslexia. A number of my constituents and a number of my friends are dyslexic, and on more than one occasion they have raised with me the point that when they access information, the colour of the paper is very important to them.

I also raised the issue in committee because I genuinely believe that registering to vote is important for every single election. This referendum is a chance to fully engage with younger members of society. From representing constituents, I know that there are challenges in that regard, but if we want to make sure that young people who can register for the first time actually do so and feel that they are taking part in the process, we in Parliament must make sure that we do everything that we can to have a dialogue with them and make it easy for them to register.

I also genuinely believe that if both sides of the debate want to fully engage with the people of Scotland we must ensure that not only the information that is issued but official documentation is available to all Scotland's people. In that respect, I am keen to find out more about the testing process that the cabinet secretary mentioned earlier and which the committee touches on in its report. I wholeheartedly welcome the Deputy First Minister's assurances about language, which was addressed in paragraph 140 of the committee's report, but given the importance of the testing process to the referendum I would like to find out how that is going.

As for the franchise itself, I, like other SNP members, believe that it is right to lower the voting age to 16 for the referendum; indeed, I would like that to happen in every election and the lowering of the age limit in the referendum is certainly another important step in taking that forward. In the many debates that I have had with 16 and 17-year-olds not only during school visits to the Parliament but outside the Parliament, I have found their general awareness of current affairs something to be proud of. In fact, I gently suggest that many over-18s could learn a thing or two from them. The Scottish Youth Parliament's consultation has been mentioned. It received more than 40,000 responses, which I think indicates that 16 and 17-year-olds want to take part in the political process and determine their own future—and, as far as this referendum is concerned, Scotland's future.

I remember the first time I voted and although the outcome was—unfortunately—not the one that I wanted I can only imagine how huge a thing it will be for 16 and 17-year-olds to vote for the first time in next year's referendum. Not only will it be their first vote but they will help to decide their future and the future of the country. I certainly associate myself with my committee colleagues' praise of Emily Shaw MSYP and Andrew Deans MSYP, whose oral evidence was a lesson for everyone who is called to give evidence to the Parliament. I suggest that people go on to the Parliament website and examine what they said and how they said it.

Finally, on individual voter registration, I have to say that I have no qualms about its introduction by Westminster being delayed and think that it is the right thing to do. However, I also think it right to give EROs the flexibility to start the process on or around 1 October in all parts of Scotland. If the Scottish Government stipulated that registration must happen on a particular day, it would be accused of centralising power and, as I have said, it is right to give EROs that flexibility.

I look forward to the bill continuing its progress through Parliament. The people of Scotland have a choice: hope and aspiration, or austerity with the union.

15:53

John Pentland (Motherwell and Wishaw) (Lab): What people can do at what age has always been something of a guddle. The inconsistency in allowing a person to join the army and fight for their country while not allowing them to vote has been commented on many times. The voting age used to be 21—or 30 for women when they first got the vote—and I am sure that some of us in the chamber might have been among the first 18-year-olds to vote in the 1970 general election.

Now we are talking about further reducing the age to 16. At 16, a person can get married, work full time, drink in a restaurant—the ability to buy their own drink comes later—or buy a lottery ticket, and by 17 they are also allowed to drive a car. As it stands, however, they cannot vote.

As I said, it is a bit of a guddle, but considering what people can do when they are 16, it seems churlish to continue to exclude 16 and 17-year-olds from voting. Although we are considering voting in the referendum today, Labour has proposed that voting at the age of 16 should apply to all elections, not just the referendum. Let us face it—I am sure that all members agree—if someone is eligible to vote on the status of their country for the foreseeable future in a referendum on leaving the United Kingdom, surely they are fit to vote in elections that put people in power for only four or five years. Of course, I recognise the damage that can be done in four or five years, but if it does not include the irretrievable break-up of a successful partnership with neighbouring countries, the damage can largely be undone after the following election.

Lowering the voting age is not as straightforward as some might imagine. For starters, there is the issue of how to compile the list of eligible voters without compromising the personal data of those who are not yet old enough to vote. However, with a can-do attitude, such difficulties are not insurmountable.

There are other complications. We want people from Scotland who are serving abroad in the UK's armed forces and families who are with them, including 16 and 17-year-olds, to be able to vote. By working together and not separately, the EROs and the MOD will ensure that any difficulties that that presents will be overcome.

With regard to prisoners, as my colleagues have said, we are not in favour of changing their normal exclusion from voting, but we should be able to

see what legal advice the Scottish Government has received—or is this where the can't-do attitude kicks in? I say to the cabinet secretary that if that legal advice is available, why does she not just publish it and remove all doubt?

Annabelle Ewing: Just in case the view of the Law Society of Scotland is of any assistance to the member, I point to its communication of 9 May 2013 on the issue of prisoner voting. The Law Society states that:

“Section 3 appears, on the basis of the case law to be compliant with the Convention. That, of course does not mean to say that the Section may not attract a challenge but such a challenge, on the basis of the current law is unlikely to be successful.”

John Pentland: As I said, all I am asking is that if the information is there, why not provide it and remove all doubt?

We must look beyond the issues of who can vote and who will vote. There is no doubt that the legitimacy of the referendum results in relation to the proportion of the population who voted will be subject to scrutiny. We should bear in mind the fact that voter apathy has seen turnout for Scottish Parliament elections drop from more than 58 per cent in 1999 to about 50 per cent in subsequent elections. Turnout in Scotland for Westminster elections is also falling, from 72.6 per cent in 1987 to 63.8 per cent in 2010, having been lower still in 2001 and 2005, when we had the lowest turnouts for the UK as a whole since the introduction of the universal franchise.

The Electoral Commission estimates that registration levels are running at a little more than 90 per cent and that, although the percentage of unregistered voters might be as low as 6 per cent in some areas, in areas of high levels of deprivation it can be more than 30 per cent. In particular social groups in those areas, more than half of those who are eligible remain unregistered.

We want a clear-cut decision that settles the question of Scotland's constitutional future and puts paid to the distraction that every issue is subservient to it and overshadowed by it. That will not be achieved if there is a close result and a low turnout. In the first instance, therefore, we must pay particular attention to encouraging high levels of voter registration; having done that, we must then encourage a high turnout in the referendum.

The Deputy Presiding Officer (John Scott): You should draw to a close.

John Pentland: I welcome the intervention of the Scottish Council for Voluntary Organisations in the issue and its suggestions for targeting hard-to-reach potential voters, who are notably more numerous in areas of social deprivation, among young people and in black and ethnic minority

groups, as has been highlighted by the Electoral Commission research.

In conclusion—

The Deputy Presiding Officer: Briefly.

John Pentland: We must try to inspire people to vote, not put them off the idea. For many, this will be their first opportunity to vote. It will be a once-in-a-lifetime vote for everybody. Let us ensure that the running of the referendum does justice to that.

16:00

George Adam (Paisley) (SNP): I agree with John Pentland that we have to inspire young people to vote. We have to ensure that we debate in such a way that people want to put their crosses down, whatever part of the democratic process they are in.

I thank the committee for its work. The idea of votes for 16 and 17-year-olds has been part of my political life since I was 16. Unlike Richard Lyle, that was not in 1966—it was quite a while after that. I will not say when it was because I would embarrass the Deputy First Minister: there is just a year's difference in our ages, so that would not be polite. She has obviously done a lot better over the years—she did not have the hard paper round that I had.

I remember how I felt during those two years between 16 and 18—I can just about remember that far back. At that age, someone is an adult but is not thought responsible enough to vote. I was involved in the political process but I never had the opportunity to make a decision on the future of my own community or on anything in the country. I was politically active but, at the same time, politically powerless.

Some of the debates that we had then were probably very similar to the debates that we are having now. During that period, it was not Trident on the Clyde, but Polaris on the Clyde—I am showing my age now—and people were talking about the replacement for Polaris. A similar debate is still going on. Instead of the bedroom tax, we had the poll tax. That shows that Westminster does not change—there is no difference. We are still having these debates, and lots of young people are involved and want to discuss and vote on the issues because they want to see what can happen in the future.

We have difficulty engaging the public in political processes partly because by the time that some people get to a certain age, they become very cynical about politics as they have not seen any progress. For me, independence offers all of us in the chamber the opportunity to show what we can do and to talk about Scotland. We ask for an

opportunity to tackle child poverty—another issue that we discussed way back then—and to ensure that we do not get dragged into illegal wars.

Young people have opinions on all those issues and it is important that 16 and 17-year-olds get the franchise and the opportunity to be involved in the ambitious new Scotland that we all want. All this has been brought about by the Scottish Government negotiating with the Westminster Government. Incidentally, I look forward to the Scottish Government continuing to negotiate over the next couple of years and to the Deputy First Minister continuing her good work on that—that is what we have to do to ensure that we get the Scotland that we are all looking for.

I turn to some of the groups that have told the committee what they want. As has been said, Robin Parker of NUS Scotland is extremely positive about the fact that the Scottish Government and the Westminster Government have agreed that we should extend the franchise for the referendum. The Scottish Youth Parliament has campaigned for votes for 16-year-olds for more than a decade. Those people desperately want to ensure that everyone can be involved in the debate.

I am pleased that the cabinet secretary said that the electoral roll will be dealt with in such a way as to ensure that 16 and 17-year-olds are treated with respect. My colleague Linda Fabiani asked about the electoral roll, and it is important to ensure that access to the register of young voters will be strictly limited, as has been said. We have to ensure that people who will be 15 years old when they register are protected.

The Educational Institute of Scotland has strongly supported extending the franchise for all future elections to 16 and 17-year-olds, and I agree with it. As I said, we have to ensure that we enthuse young people when they first start to get involved in the political process so that they remain involved and continue to take an active part in public life in Scotland.

As members know, the long-standing policy position of Unite, which is my union, is to allow young people to vote at 16.

Jackson Carlaw (West Scotland) (Con): Is the member perhaps confusing enthusiasm with extending the vote? Participation in elections by people aged between 18 and 24, who already have the vote, is decidedly low, so how does he propose to enthuse those people? Rather than just extend the franchise, we need to encourage people to use their vote.

George Adam: The same could be said about almost every other demographic. The whole idea is that we are showing the public how they can make a difference. People end up disengaging

because they do not believe that their vote will make a difference, so they become very cynical about politicians. This is about having a vision and a passion for the future of the country. That is what will make a difference for many people.

On whether prisoners should be able to vote, I agree with the Scottish Government's view that individuals who have committed a crime have broken their pact with society, so I do not agree that they should have the opportunity to vote in the referendum. I gently remind Labour members what Labour's shadow justice secretary, Mr Khan MP, said:

"Labour has consistently believed that those deprived of their freedom after being given a custodial sentence shouldn't be entitled to vote. While we recognise the importance of the European Convention on Human Rights and the European Court of Human Rights, we feel the original decision back in 2004 was wrong, and that's why the Labour government didn't implement it".

Labour members may say that they want the franchise to be extended to prisoners, but that is not what is being said down at Westminster.

In closing, I believe that getting younger people involved with politics at an early stage will ensure that we enthuse them. Their engagement with the political process is the important thing—

The Deputy Presiding Officer: You should draw to a close, please.

George Adam: —and I look forward to that happening in future.

16:07

Michael McMahon (Uddingston and Bellshill) (Lab): I am grateful for the opportunity to make a short contribution to the debate on an issue that I do not think has come up yet.

Like many members of the public and commentators who are interested in the forthcoming referendum, I look forward to the time when the process of the plebiscite makes way for the debate on the substance of the issue. However, in the meantime, the technical aspects of the referendum vote must be addressed. Therefore, I welcome the bill, although, like organisations such as SCVO, I look forward to moving towards that wider discussion on how we encourage all those Scots who will have the opportunity to vote next year to get involved in the debate.

On the technicalities of the referendum, I remain concerned about one aspect of the financial memorandum that came to the attention of the Finance Committee, of which I am a member. Unfortunately, the bill is another in an increasing list of bills whose financial memorandum has not withstood the rigours of the committee's scrutiny.

When the committee considered the recent underoccupancy legislation, we found that the Scottish Government was less than robust when defending the financial assumptions that it had presented to Parliament. For that legislation, the projected costs were tens of millions of pounds out, but the best defence that the officials could come up with was a hope that they were right, rather than a detailed rebuttal of the concerns that had been raised about their financial assessment. Although the degree of disparity in relation to the Scottish Independence Referendum (Franchise) Bill is much less—it can be counted in a few thousand pounds—the fact is that there remains a difference and therefore a technical problem with the financial memorandum. The principle remains the same, in that a lack of financial robustness emerged during our scrutiny that is worth highlighting.

In the case of the Scottish Independence Referendum (Franchise) Bill, we were told that the figures in the financial memorandum were calculated on the basis of advice from printing companies that printing and postage costs accounted for roughly 25 per cent and 75 per cent respectively of the cost of printing and distributing the forms. I welcome the fact that the Government's officials agreed to look again at their assumptions about the cost of sending out reminders. Unsurprisingly, when they did so, using information provided by contractors who currently provide such a service to registration officers in Scotland, they concluded that the cost of issuing and receiving the reminders for the young voter registration form, which will be sent to 40,000 households, will be much more than the £6,000 that is outlined in paragraph 14 of the financial memorandum.

It might well be that, in the event, significantly fewer than the 40,000 reminders that are projected in the assumption are needed. However, the issue needs to be taken into account. It is not acceptable practice to make an assumption in the financial memorandum and then later to dismiss it. The estimate that was set out in the financial memorandum was too low and must be corrected.

I appreciate that officials have already written to the software providers to ask for revised quotes given the changes that might be necessary as a result of the possible changes to the electoral software. As a result, the financial memorandum might have to be amended. I welcome the commitment that the officials gave the Finance Committee that they will do the same in relation to printing companies and forms. However, the officials advised that they will be able to submit any revisions to the financial estimates in the financial memorandum only just ahead of stage 3. I would therefore be grateful if the cabinet secretary could update us on progress and commit

to providing the information that has been promised as soon as possible, rather than leaving it to the last minute.

I doubt that the problem would, or even should, prevent the passage of the bill but, given the pattern of contentious financial assumptions being brought before the Parliament, I would welcome more accurate projections for members' consideration so that reassurances could be sought sooner rather than later.

16:11

Jamie Hepburn (Cumbernauld and Kilsyth) (SNP): I welcome the debate, which is an important milestone along the way to the referendum next year. I thank the Referendum (Scotland) Bill Committee for its helpful stage 1 report.

I will pick up on a few of the issues that have been raised in the debate. In particular, I will focus on the extension of the franchise to 16 and 17-year-olds. A referendum on Scotland's future should let those who are the future of Scotland have their say, and it would be fair to define Scotland's 16 and 17-year-olds as the future of our country. Personally, I have supported the extension of the franchise to 16 and 17-year-olds for some time. They can, as has been remarked on, enter the world of employment, get married, have children and join the armed forces, so I believe that we should grant them the right to vote.

It has been argued that 16 and 17-year-olds are not endowed with the full swathe of rights that those who are older have. John Pentland referred to the situation as a "bit of a guddle". The question is posited: why should such people be endowed with the right to vote? However, it is important to note that we enfranchise people not on the basis of their having uniform rights, but because they have certain responsibilities. We allow for that possibility with 16 and 17-year-olds, so we should give them the vote.

The arguments that have been made against the measure seem somewhat spurious. The old idea that 16 and 17-year-olds are not mature enough to get the vote sounds very much like the arguments that were made when the age of enfranchisement was lowered to 18 from 21, although I should point out that that was before my time. It would seem ludicrous now not to enfranchise 18-year-olds. As an aside, I point out that we do not actually enfranchise people on the basis of their maturity—that is probably a good thing for many of us.

Another argument is that turnout might be low among those who are 16 and 17, given the evidence of turnout among 18 to 24-year-olds. Mr Carlaw reasonably made that argument. Clearly, it

is important to enthuse voters of all ages—doing so is incumbent on all of us who are involved in the political process—but we should be clear that we enfranchise people not on the basis of the likelihood of their voting, but on the basis that, because they are endowed with certain responsibilities, they should be endowed with certain rights, including the right to vote.

Many of those issues are probably moot points anyway because although there is not quite uniform agreement in the committee, there seems to be overwhelming support for giving 16 and 17-year-olds the vote. I welcome that broad support, because it was not always clear that that would be the case. It is a welcome step forward. We have seen widespread support from civic Scotland to extend the vote to 16 and 17-year-olds. For example, a majority of the respondents to the Scottish Government's consultation document "Your Scotland, Your Referendum" said that they broadly agreed that 16 and 17-year-olds should have a vote. Many organisations have set out their support for that proposition as well.

Concern has been expressed about armed forces personnel not being able to participate in the referendum. It is clear that they will be able to do so because the franchise will be based on that for the Scottish Parliament and local government, which means that service or Crown personnel who are serving in the UK or overseas in the armed forces or with her Majesty's Government and who are registered to vote in Scotland will be entitled to vote.

Patricia Ferguson has highlighted a reasonable concern about the sons and daughters of some who make a service declaration and still live with those service personnel not being able to vote. However, I note that the committee has taken that on board and is urging the Scottish Government to discuss the matter with the UK Government and

"explore all possible options for enabling young people to vote if they are of voting age".

I look forward to seeing where those discussions go.

An issue that has not featured so much in this debate but which featured heavily in our earlier discussions about the referendum is the extension of the franchise to people outwith Scotland. Dr Elaine Murray secured a members' business debate on the matter.

It is, ultimately, sensible that those who live in Scotland are the ones who determine the country's future. That has also been the basis for previous referenda. When Henry McLeish was the minister responsible for the devolution referendum, he said:

"The key criterion for deciding who should vote, in terms of our proposals, must be residency ... I accept that people

in parts of the United Kingdom other than Scotland and Wales will have a genuine interest”.

However, he continued,

“eligibility to vote must depend on more than just interest.”—[*Official Report, House of Commons*, 3 June 1997; Vol 295, c 273.]

That was a sensible position in 1997 and it is a sensible position now.

I welcome the debate. I look forward to the bill proceeding to stage 2. Above all, I look forward to the main Referendum (Scotland) Bill being passed by the Parliament so that we can move forward to the referendum and Scotland can move forward to independence.

16:17

Patrick Harvie (Glasgow) (Green): I echo the convener’s thanks to my fellow committee members, our clerks, our advisers and those who gave evidence.

Like other members, I am excited to be passing a bill that reduces the age of voting to 16. It is an extremely positive move. Like others, I have visited schools and hosted school groups in the Parliament and I tend to find pretty much the same range of enthusiasm, awareness and interest in politics as I do in other public meetings or out on the doorstep with other age groups. It seems completely wrong to deny young people the right to exercise the vote if they are interested in doing so.

Like other members, I want the voting age to be reduced for all elections. Helen Eadie was the first to mention that, but others have as well. What we do with this bill could be a huge step towards that or a step away from it, and that will be determined by turnout. If there is a pitiful turnout of 16 and 17-year-olds, we may well harm the wider, longer-term argument—whether in Scotland or the UK—about a reduced voting age in elections. It is down to all of us to try to achieve a really high turnout by ensuring that the education, the engagement and the promotion of participation are of a really high standard. If we get a really high turnout of 16 and 17-year-olds, we will have hugely strengthened the case for wider changes to the electoral franchise in the future in Scotland or the UK. I look forward to doing that.

Most of my remarks will address the issue of convicted prisoners voting. I acknowledge that the Deputy First Minister has said on several occasions in the chamber and in committee that it is for those who seek to advance the change to present arguments in favour of it and I intend to try to do so. However, I entirely reject the implication that the Government is not advancing a change in the position and does not need to demonstrate arguments for doing so. Generally speaking, the

electoral franchise is used as the starting point for the franchise in referendums, and the Government is trying to advance a change away from that. Section 3 of the bill implies that, even if UK legislation on the electoral franchise is brought into line with ECHR, that will not be the case for this referendum. For this referendum, a blanket ban will continue to apply even if the electoral franchise is changed. The Government needs to advance a reason for that just as much as those of us who argue for the principle of ending the blanket ban on prisoners voting need to advance our arguments.

Our arguments are practical as well as legal and principled. On the practical arguments, the blanket ban throws up so many anomalies. Two people might be given exactly the same sentence on the same day, but because one of them is judged to be more of a threat to the public, they might serve parole and that could be knocked off the end of their sentence. They could then be released earlier and be able to vote, precisely because they were considered to be a more serious threat to society than the other person, who was at liberty up to the point of their conviction. The anomalies that arise have to be resolved by ending the blanket ban.

That does not mean that we cannot have other approaches, such as leaving it to individual courts to decide, when they make sentences, whether someone has committed a crime that justifies the deprivation of the franchise, or having a time limit of six-month sentences, which I have suggested, or the longer time limit that the Liberal Democrats have suggested. There are a range of alternatives to the blanket ban that would avoid some of the practical consequences.

There are also legal arguments, as we have heard. Article 3 of protocol 1 to the ECHR seems to specify elections. The wording refers to

“elections ... by secret ballot, under conditions which will ensure the free expression of the opinion of the people in the choice of the legislature”

and that has been taken to mean elections and not referendums. However, it leaves what the case should be for referendums entirely up to national Governments, and in this case a devolved Government. The Deputy First Minister takes the position of saying, “We support the ECHR and want to incorporate it into a written constitution for Scotland”—I agree with her on that—and she therefore accepts that a blanket ban on prisoners voting in elections is wrong, as that is not acceptable under the ECHR. Why, then, is there a desire to have a different approach to human rights compliance in respect of referendums than in respect of elections? The Government should advance an argument for that.

There are also caveats, which the information from Professor Tierney has made clear. For example, the referendum on the European Economic Community was deemed to be of a “purely consultative character”, and that is part of the reason why the ECHR ruling did not apply to it. There are legal arguments that indicate that the outcome of a challenge is unpredictable and not guaranteed.

Finally, there are moral arguments. Although I disagree with the Church of Scotland about many issues, such as the nature of existence, it argues clearly that the criminal justice system should have at its heart

“the aim of restoring broken relationships between the offender and the community”.

It states:

“Punishment does not seek to deny human dignity to anyone, but to restore it.”

That is the moral case, and the Government must also respond to that.

16:24

Clare Adamson (Central Scotland) (SNP): I share with the Parliament the fact that my family is a bit stressed at the moment. If I say that that is due to the fact that my son is sitting his standard grades, members will understand that he is one of the teenagers who will benefit from the extension of the franchise and who will be able to vote in 2014. I asked him and, more important, he gave me his permission to share with members what the opportunity to vote means to him. He said:

“I’m pleased, really pleased, that people trust us enough to let us take part.”

Trust is key to this decision. It is about trusting our young people to take part in the decisions that will affect them.

My son is very much in my thoughts at the moment, for obvious reasons, and I have been thinking about a visit that we had to the Houses of Parliament a few years ago, when he was a bit younger. We went into St Stephen’s hall and saw the damage that had been done to the Falkland statue by one of the suffragettes, who chained herself to it when fighting for votes for women. It was very emotional for me, and more so because I was able to share the experience with my son and explain to him what the suffragette movement was about. He recently took me aback when he asked whether I would have been a suffragist or a suffragette. That gave me pause to think, but I will keep my counsel on that.

We should not lose sight of the importance of the right to vote that we are extending to young people, and of how hard fought for it was, at incredible cost to many people over the centuries.

It is held dear by so many and, unfortunately, is denied to so many others. It was recently exercised by the citizens of Pakistan. I am very proud to be serving as an elected member of this Parliament as we extend the voting franchise to our young people.

In his speech, Tavish Scott admitted to being a confused Liberal Democrat—although that did not seem much of a surprise to me. He said that he does not know where we are. I will not lose sleep over that, as the Scottish people know where the SNP is, and that is why they delivered the overwhelming majority that we have in the Parliament—it is why they gave us their support. I suspect, however, that Mr Scott is losing sleep over his party’s performance in the local elections last week, after the Liberal Democrats shackled themselves to the most right-wing, socially divisive party in recent history. When Mr Cameron comes forward with his referendum on Europe, which has been driven by the UK Independence Party, the same rules will apply to that referendum as to the one that we are discussing now.

Mark Harper has said:

“The right to vote will be restricted to UK Westminster Parliamentary and European Parliament elections only, and not in other elections or referendums.”—[*Official Report, House of Commons*, 20 December 2010; Vol 520, c 151WS.]

I hosted an event in the Parliament last year for the awards network, which brings together many voluntary youth organisations, uniformed organisations and charities in celebrating the non-academic achievements of young people. It included Duke of Edinburgh award participants, the John Muir Trust, scouts and guiding associations, sports associations and charity fundraisers. It included hundreds of the children from North Lanarkshire who participate in the St Andrew’s hospice climb of Ben Nevis every year.

Our young people are conscientious contributors and responsible citizens. They are tackling some of the most serious issues that affect our society. That includes the stand up to sectarianism project and the Machan Trust in Larkhall in my region. Those who are participating in the Mark Scott leadership awards are tackling and challenging the blight of sectarianism in our communities. I trust those young people to take a full part in the referendum.

Our 14-year-olds who will have the vote have spent their entire school lives studying under curriculum for excellence, which is underpinned by the four capacities of being successful learners, confident individuals, responsible citizens and effective contributors. I can think of no better reinforcement for our young responsible citizens than extending the voting franchise to them. It is my ambition that all our young people will be

informed and fully engaged in the referendum process.

I hope that they will vote. As some members have said already this afternoon, a good turnout in the referendum is to the benefit of all of us. I have some sympathy—I stress a personal sympathy—with the Australian system of compulsory voting, but I recognise that no system is perfect and that we are all responsible for ensuring the turnout at the referendum.

I will finish by mentioning Abraham Lincoln's views on the subject. He said:

"Elections belong to the people. It's their decision. If they decide to turn their back on the fire and burn their behinds, then they will just have to sit on their blisters."

I hope that, on 19 September 2014, however our people decide to vote, we will wake up to few blisters and a confident and socially just Scotland, looking forward to our future.

The Deputy Presiding Officer: I call Margo MacDonald, who has up to two and a half minutes, please.

16:29

Margo MacDonald (Lothian) (Ind): Woo! Thank you very much, Presiding Officer.

I am with Abraham Lincoln. He accepted that people are individuals and that some folk would get too close to the fire while others would have the sense not to. This afternoon, we have made a wee bit of a meal of the difficulty of holding a referendum. I am old enough to remember the 1979 referendum. I am old enough to have taken part in it. Do you know something? We did not get into much of a fankle over information. Right at the very start, the Government of the day—Mr Callaghan, not of my persuasion—produced an information leaflet that tried to inform people evenhandedly of the different questions that they would have to answer. I regret that this Government has not done the same thing. If it is looking for somebody to write it, I will do it.

I am quite serious about that. I feel that we have been a bit serious this afternoon in how we are approaching the referendum. A lot of people are quite joyous at the chance of getting a referendum on Scottish independence—that is what we should try to get young people enthused about. They are no different from old people—some of them will, and some of them will not.

I have 10 grandchildren—10 of them, believe it or not—and, come the referendum, I cannot guarantee 10 votes, because they will all do their own thing. Like anyone else, in any other age group, they will have different levels of interest. We should not get too hung up on making exceptions.

Talking of exceptions, I think that we are going down a very dangerous road when we start to make exceptions of prisoners—the ones who might vote and the ones who might not. Then, we start deciding what is a slightly worse crime than, say, drink driving. Is it worse for someone to beat up their wife? That is the sort of judgment that a judge or a sheriff will make; we should not make judgments like that. If we take the Government's point of view, people are either prisoners or they are not, and if they are, they should not vote. On the other hand, if we take the point of view of some on this side of the chamber, and judge prisoners by a different set of criteria, prisoners are people about to rejoin society. We have not, by any manner of means, worked that out to my satisfaction.

I thank the Presiding Officer for the chance to say that.

The Deputy Presiding Officer: It is a pleasure.

16:32

Jackson Carlaw (West Scotland) (Con): Not so long ago, we were visited in the Scottish Parliament by the premier of Quebec, Pauline Marois. She was very interesting and had quite a lot to say on the subject of referendums. It turned out that she also shared with the Deputy First Minister and me a considerable and detailed interest in the doings of the fictional Prime Minister of Denmark. Her busy schedule had not allowed her the opportunity to engineer a personal meeting, but I am sure that she would have welcomed that.

We should be mindful of a point that she made, which was that while the turnout in Quebec's general elections was similar to our own, the turnout in its two referendums was in excess of 90 per cent. I hope that the one thing that we can all agree on is that we need to ensure the widest possible registration of everyone in Scotland to participate in the referendum when it takes place.

The referendum may have a lasting impact on the participation thereafter of people in Scotland in elections to this Parliament and—I trust—to Westminster. It is therefore important that we ensure that such wide registration takes place.

There have been two areas of controversy. I am inclined to accept Jamie Hepburn's point that one of those is unlikely to be widely shared—it is a concern that remains for the Scottish Conservatives—and that is the issue of whether 16 and 17-year-olds should vote. It may not be the case that all are better together, but this afternoon they are all bundled together in the view that the franchise should be extended to 16 and 17-year-olds.

I remain fairly open and sympathetic to the arguments in that regard, but I am not as yet fully persuaded. I think, fundamentally—this is a point that Stuart McMillan made, although I do not think that he intended it to support my argument—that the decision should be taken in respect of all elections that take place in Scotland and the United Kingdom, and that the referendum should not be a guinea pig on which to test the proposition.

Jamie Hepburn: The member said that he potentially wanted the franchise to be extended to 16 and 17-year-olds on a basis that goes wider than the referendum. Does he accept the limitations of this Parliament in that regard?

Jackson Carlaw: Yes. The decision should be taken in respect of all elections throughout the United Kingdom, so I am not minded to support the approach uniquely in respect of the referendum.

Members who talked about extending the franchise to prisoners listed countries that do not do so, but very few members listed countries that have extended the franchise to 16 and 17-year-olds. Among the limited number of countries that allow 16 and 17-year-olds to vote are Iran, Nicaragua, North Korea, Cuba and Sudan. Members might make the argument on one aspect by listing countries; it is perfectly possible to do that to make the argument on another aspect.

The point that I want to make on behalf of the Conservative Party, which will vote against the principles of the bill this afternoon, is that we certainly do not think that young people are not mature enough to make the decision. Young people are every bit mature enough to do so.

Jamie Hepburn: Will the member give way?

Jackson Carlaw: Five minutes in the company of many 16-year-olds persuades me that their voices are far more mature than many of those that I hear coming from behind the Deputy First Minister most weekday afternoons. I will take an intervention from Mr Hepburn.

Jamie Hepburn: I thought that the member might give way on that point and I thank him.

The member listed countries in which 16-year-olds can vote, but he omitted to mention the Isle of Man, Jersey, Guernsey, Austria and Brazil, as well as Germany, in relation to Länder elections. I wanted to put that on the record.

Jackson Carlaw: That was very kind of Mr Hepburn. I do not think that his list excuses the rest of the company in that regard.

When Mr Mason intervened, I began to think that he was referring to an occasion on which I was with him, when we were at a school and we

were asked whether the school would have sufficient information at its disposal. If he was referring to the occasion on which we were both present, he did not say that he was at his old school. I thought that it was quite something that his old school was querying the point.

I do not think that the issue at hand is whether or not young people are mature enough to consider the issues, nor do I fear the verdict of young people. I think that an unintended—for SNP members—and beneficial consequence of the extension of the franchise to people aged 16 and 17, which it appears will go ahead, is that the verdict of young people will be every bit as decisive as that of the rest of the electorate in rejecting the proposition that is before them. A further unforeseen consequence of such a result for SNP members is that it will render invalid arguments for a campaign for a second referendum. A generation will have decided that that is not a course that it wishes to take, well into the future.

For Conservatives, the issue is the principle that the decision to extend the franchise should be taken not uniquely in respect of the referendum but, in the round and after further consideration, in respect of all elections.

Members, principally Mr Harvie, made the point that the franchise should be extended to prisoners. I accept the Government's verdict on that. Bruce Crawford set out the evidence that the committee heard on the point. I thought that Mr Harvie touched on the principal issue, which is that the ECHR applies to the election of individuals to a legislature, by law, as part of a democratic process, whereas the referendum is a creature of the legislature, which decides to consult the people. Ultimately the decision in the referendum is not binding; the final decision must be taken by the legislature that commissioned the referendum. For that reason, I do not favour the extension of the vote to prisoners.

As I said, I do not favour the extension of the vote to young people aged 16 and 17, but that is certainly not because we have any lack of confidence or belief in young people's ability to decide issues that are of great consequence for their country.

16:39

James Kelly (Rutherglen) (Lab): I draw members' attention to my entry in the register of members' interests. My brother is Tony Kelly, who is a solicitor and sole proprietor of Taylor & Kelly, which is a legal company.

I thank the clerks for their work in support of the committee, SPICe and the advisers, and I pay

tribute to the committee's convener, Bruce Crawford.

Aside from the Conservatives, there was broad support in the committee for extending the franchise to 16 and 17-year-olds. As Bruce Crawford said, the witnesses from whom we took evidence included Andrew Deans MSYP, who had taken part in a consultation in which there were 40,000 responses. There was a fair degree of support from young people for extending the franchise in the referendum to 16 and 17-year-olds. As John Pentland argued, there is a strong case for extending the franchise in all elections. I think that we all hope that that participation in the political process will strengthen it and result in more young people participating, although that should not be the be-all and end-all.

It is clear that the main issue of difference in the debate has been votes for prisoners. The debate has been interesting, and we have heard different views from different members. Stage 1 debates are opportunities for people to put forward different views.

Alison McInnes: There has rightly been much praise of our 16 and 17-year-olds and for our young people being involved in the process. At the start of March this year, the Scottish Youth Parliament voted by a majority in favour of extending the right to vote to prisoners. Was it wrong about that and right about everything else?

James Kelly: Perhaps if the member had allowed me to expand on my views in that area, I would have dealt with her point.

There are two aspects to the debate on votes for prisoners: whether the franchise should be extended to them, and the legal issues around the question. I am not persuaded that the franchise should be extended to them. I look at examples in my constituency, where constituents have been victims of domestic abuse, stalking and antisocial behaviour. Even under the restricted terms proposed by the Liberal Democrats, I am not convinced that people who have committed such crimes and have to serve custodial sentences should have the right to vote in the referendum.

Patrick Harvie: Mr Kelly is doing what it is always tempting to do in such debates in listing some very serious offences, as though the implication is that everyone who is a convicted prisoner is a very bad person whom we should judge harshly. Is it his view that someone who is in prison for days or weeks for a trivial offence should be treated in exactly the same way in relation to the franchise as some of the very serious offenders whom he is talking about?

James Kelly: As Mr Harvie is aware, the SNP Government, supported by others, has ended custodial sentences of three months or less. No

one goes to prison for days or weeks, so that is not a valid example.

The debate about rehabilitation is important. We need to ensure that prisoners get proper education and support so that they can return to society. Perhaps if they reflect in prison on the crimes that they have committed that resulted in their being sent to prison, it might change their attitude and they would enjoy voting when they were free in society.

Margo MacDonald: We are into heavy territory. Is it true or not true that someone could be serving a custodial sentence while someone who might previously have been in jail could be outside with a leg tag? Both will have offended against society. Why should we judge the one who is in jail according to our administrative arrangements more harshly than the person who might have previously been in jail after being sentenced?

James Kelly: The argument that Margo MacDonald advanced earlier about different sentences and different approaches merely confirms the view that extending the franchise could cause practical difficulties. Just now, the principle is that, if someone commits a crime and is put in prison, they lose the right to vote. I think that that principle should remain, although I recognise that there are legal issues that need to be addressed in terms of the wider debate. I seem to have spent a lot of my time discussing that subject—I am only just getting to the legal issues for the Scottish Government.

We received evidence from the Law Society and Professor Tierney, which broadly came down in favour of the Scottish Government's position. However, the Law Society's submission concluded that the legislation only "appears" to be compliant, and Professor Tierney's submission said that the outcome of a legal challenge "may be unpredictable".

In the committee, I listened carefully to the Deputy First Minister, and I listened carefully again today. The Deputy First Minister's position is simply to assert that what the Government has proposed is compliant and to draw attention to the submissions from the Law Society and Professor Tierney. I do not think that that is good enough.

The Law Society's submission was only a single page. We need to be confident that the legislation can survive a legal challenge. Therefore, it is incumbent on the Deputy First Minister to publish the details, to show us the assessments and not to hide behind the legal submissions of others. She should let us see what the Government's thinking is.

John Mason: Will the member give way?

James Kelly: I am sorry. I have run over on the issue of prisoners' votes. I want to touch briefly on some of the other issues.

Helen Eadie correctly pointed out the importance of electoral registration. It is important that we get the autumn canvass started as early and as consistently as possible.

Linda Fabiani talked about the protection of young people's data. We heard a lot on that in the committee, and we were right to be wary of publishing data relating to 14 and 15-year-olds. It was correct to seek the reservations that we got.

It is incumbent on us all to play a part in raising awareness. It is a massive issue and a really big decision for Scotland. I agree, to an extent, with what Margo MacDonald said. Up to now, we have got bogged down in the process. This is a big debate involving a clash of ideas. Moving forward in the process, it is important that all of us, on both sides of the debate, come up with ideas and policies that will motivate voters on both sides to come to the polls, ensuring that we get a massive turnout. I hope that the result will be a rejection of separation.

16:49

Nicola Sturgeon: For the most part, it has been a good debate with some good speeches. There is some food for thought for the Government as we move to the next stage of the legislative process. I thank everybody who has taken part in the debate, and I repeat my earlier thanks to the committee for the detailed work that it has done at stage 1.

I will respond to some of the specific issues that have been raised. It will not surprise anybody to hear that I will shortly come to prisoner voting, which will probably take up most of the time that is available to me.

I will respond to a couple of the more technical points that were raised at the outset, just in case I do not get the chance to do so later on. Patricia Ferguson and, I think, Annabel Goldie raised the issue of the delegated power in section 11. The Government has made it clear, and I am happy to do so again, that we have no specific intention of using that power. We have taken the power to provide flexibility so that we can make necessary adjustments to the provisions that the bill makes. It is important that we have that flexibility, because any adjustments would need to be made swiftly, given that registration officers will need to begin work on implementation as soon as the bill is enacted.

The other point that it is worth bearing in mind is that the bill is closely connected to the main referendum bill—the Scottish Independence Referendum Bill. We have explained why the two

bills are being progressed separately, and the main bill will still be subject to amendment once the bill that we are debating has been passed. Therefore, we need the flexibility that the power in section 11 gives to bring the two bills into sync, should that turn out to be necessary in the light of any amendments that are made to the main bill. That is the thinking behind the power. As I said, we have no current plans to use the power, and it is clear that, if it were used, the processes that would have to be gone through would give the Parliament due opportunity for scrutiny.

The other more technical point was made by Michael McMahon—I am not sure whether he is still in the chamber. He raised a point about revision of the financial memorandum. In response to the Finance Committee, my officials undertook to submit revisions to the estimates ahead of stage 3, not “just ahead” of it, as the member suggested. Revised estimates will require to take account not just of the issue that Michael McMahon mentioned but of any changes that might be made to the bill at stage 2, which is currently scheduled for 6 June. Therefore, we cannot give an update prior to then, but we will submit any necessary revisions as soon as possible after that, to allow the Finance Committee to consider the information ahead of stage 3. I hope that my assurances on those technical issues are helpful.

On prisoner voting, I listened carefully to members' contributions. Perhaps not surprisingly, given that I am a former lawyer, the issue interests me greatly. I do not think that it is a black-or-white debate, nor one that is entirely about right or wrong. I have thought carefully about the matter and have given it careful consideration in reaching the view that I have reached, as I am sure that members on the other side of the debate have done in reaching their views.

Some good contributions have been made by, for example, Graeme Pearson—in the part of his speech in which he dealt with the subject, if not in some of the rest of it—Helen Eadie, who made interesting points, Alison McInnes in her intervention in my opening speech, Patrick Harvie and Margo MacDonald.

I hope that Tavish Scott will take this observation in the friendly way in which it is intended: I thought that the tone of his speech undermined its coherence and effectiveness. Perhaps he is frustrated at languishing on the margins of the Opposition—who knows? He is fully entitled to argue that whether prisoners get the right to vote is the key test of a progressive society, but he is not entitled to assert that those of us who take the opposite view have not given any reasons for doing so or thought about the issue as carefully as he has. I hope that he will

listen carefully to the rest of what I have to say on the subject.

I want to divide my remaining remarks on prisoner voting into three key chunks: principle, law and consistency, which is the issue that Patrick Harvie raised. I might also have a word to say about the Labour position.

On principle, I believe, as all members do, in active engagement and participation in democracy—that is why I want 16 and 17-year-olds to vote—but I also have a strong belief in the balance between rights and responsibilities. That is partly why I take the view that I do on prisoner voting. I believe that, when an individual commits a crime and is sentenced to a custodial sentence, because the judge considers that the severity of the crime or the circumstances of the case merit such a sentence, the individual loses several rights that the rest of us take for granted, including the right to vote for the period for which they are incarcerated.

Patrick Harvie: Will the cabinet secretary give way?

Nicola Sturgeon: If the member will let me progress, I will take an intervention from him later if I have time.

I do not know whether this is the point that Patrick Harvie was going to make, but I believe that to be the case for elections as well as for this referendum. Personally, I do not believe that prisoners should have the right to vote in elections, but I will come back to the consistency point in a second.

Patrick Harvie: Will the minister give way?

Nicola Sturgeon: No. I am going to make some progress if the member does not mind.

On the legal position, ECHR refers to voting in elections to national legislatures; it does not refer to voting in referendums. That is why my view, and the view of experts, is that a legal challenge would not succeed.

On Patrick Harvie's points about consistency, the first and perhaps most obvious point to make is that the bill is consistent with how things stand just now: prisoners do not have the right to vote in elections. That might change in future, although it is not a change that is within the power of this Parliament. We are legislating now and I think that it is important that we give certainty about the referendum franchise now. If the Government is not convinced at this stage on the basis of principle, I do not think that it would be a reasonable position to change the law in anticipation of an inconsistency that might arise at some time in the future.

Patrick Harvie: Will the minister give way?

Nicola Sturgeon: I will take a quick intervention.

Patrick Harvie: I am grateful to the Deputy First Minister, although I am disappointed that she seems to reject the view that the ECHR should be complied with in relation to elections. I presume that the SNP is now going to dump the idea of incorporating human rights into a constitution for Scotland.

Does the Deputy First Minister accept Jackson Carlaw's argument that it is the non-binding nature of referendums that makes them different from elections?

Nicola Sturgeon: Not necessarily, but I do not have time to go into that point. Of course I accept the ECHR and I accept that we have to take account of what it mandates, but if I do not personally believe that prisoners should vote in elections I do not believe that we are under an obligation to go further than ECHR mandates, which is what extending the franchise in this referendum would be doing.

I have tried as honestly and as frankly as I can to lay out my reasoning. I have listened to the points that were made, and I will continue to listen. Members will have the opportunity to lodge amendments at stage 2, and the Parliament will decide.

I turn briefly to Labour's position. There are clearly differences of opinion on the Labour benches on this issue. I do not criticise that for a second—it is entirely legitimate. I simply say to Labour, "Do not hide behind the fig leaf of Government legal advice." This Government does not publish its legal advice for the same reason that the previous Labour Administration in the Scottish Parliament did not publish its legal advice and for the same reason that past and current UK Governments have not published and do not publish their legal advice. We are not going to break that convention on this issue.

James Kelly: Will the minister take an intervention?

Nicola Sturgeon: Not just now. What some of the Labour members said today was reminiscent of what they said in the debate on minimum pricing for alcohol. When they were on that hook, they kept referring to the fact that the Government had not published its legal advice. It was an excuse for being unable to decide or for being on the wrong side of the argument. They should not use that excuse on this issue. It is interesting that Labour has gone a bit quiet on the issue of minimum pricing since the recent court decision.

James Kelly: Can the Deputy First Minister point us to one piece of evidence, in addition to the submissions from the Law Society of Scotland

and Professor Tierney, that she can use to back up her argument that the position is legally compliant?

Nicola Sturgeon: The position on this bill is the same as it is on any other bill. We take a judgment about whether we think the bill is ECHR compliant and the Parliament has to make its judgment. I simply say to Labour, "Make up your minds on this. You are entitled to do that, but do not use the fig leaf of legal advice to get over any difficult issues you might face."

A number of issues have been raised, such as on service personnel and their children, awareness raising and interaction with individual electoral registration. Those are all points that the Government will take into account as we move forward to the next stage of the bill. In the meantime, I thank all members who have contributed.

Business Motion

The Deputy Presiding Officer (John Scott):

The next item of business is consideration of business motion S4M-06561, in the name of Joe FitzPatrick, on behalf of the Parliamentary Bureau, setting out a revised business programme for tomorrow, Wednesday 15 May.

16:59

The Minister for Parliamentary Business (Joe FitzPatrick):

This amendment to business was agreed at the Parliamentary Bureau this morning. It allows for the taking of the oath or making of an affirmation by Christian Allard, who will join this Parliament as a member for North East Scotland.

I move,

That the Parliament agrees to the following revision to the programme of business for Wednesday 15 May 2013—

delete

2.00 pm Parliamentary Bureau Motions

2.00 pm Portfolio Questions
Culture and External Affairs;
Infrastructure, Investment and Cities

followed by Stage 3 Proceedings: Aquaculture and Fisheries (Scotland) Bill

followed by Business Motions

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business – S4M-05891 Aileen McLeod: History is Made at the Mull of Galloway

and insert

2.00 pm Parliamentary Bureau Motions

2.00 pm Member's Oath/Affirmation – Christian Allard

followed by Portfolio Questions
Culture and External Affairs
Infrastructure, Investment and Cities

followed by Stage 3 Proceedings: Aquaculture and Fisheries (Scotland) Bill

followed by Business Motions

followed by Parliamentary Bureau Motions

5.15 pm Decision Time

followed by Members' Business – S4M-05891 Aileen McLeod: History is Made at the Mull of Galloway

Motion agreed to.

Decision Time

17:00

The Deputy Presiding Officer (John Scott):

There is one question to be put as a result of today's business. The question is, that motion S4M-06545, in the name of Nicola Sturgeon, on the general principles of the Scottish Independence Referendum (Franchise) Bill, be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Adam, George (Paisley) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baxter, Jayne (Mid Scotland and Fife) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Nigel (Angus North and Mearns) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dugdale, Kezia (Lothian) (Lab)
 Eadie, Helen (Cowdenbeath) (Lab)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Ind)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hume, Jim (South Scotland) (LD)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnstone, Alison (Lothian) (Green)
 Keir, Colin (Edinburgh Western) (SNP)
 Kelly, James (Rutherglen) (Lab)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)

MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacDonald, Margo (Lothian) (Ind)
 Macintosh, Ken (Eastwood) (Lab)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMahan, Michael (Uddingston and Bellshill) (Lab)
 McMahan, Siobhan (Central Scotland) (Lab)
 McMillan, Stuart (West Scotland) (SNP)
 McTaggart, Anne (Glasgow) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Salmond, Alex (Aberdeenshire East) (SNP)
 Scott, Tavish (Shetland Islands) (LD)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Drew (Glasgow) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Urquhart, Jean (Highlands and Islands) (Ind)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wilson, John (Central Scotland) (SNP)
 Yousaf, Humza (Glasgow) (SNP)

Against

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

The Deputy Presiding Officer: The result of the division is: For 97, Against 12, Abstentions 0.

Motion agreed,

That the Parliament agrees to the general principles of the Scottish Independence Referendum (Franchise) Bill.

Digital Exclusion

The Deputy Presiding Officer (Elaine Smith):

The final item of business is a members' business debate on motion S4M-05676, in the name of Christina McKelvie, on "Voices from the frontline ... Digital by default". The debate will be concluded without any questions being put.

Motion debated,

That the Parliament notes the recent report from Citizens Advice Scotland (CAS), *Voices From the Frontline, Digital by Default*, which was published in response to the UK Government's digital strategy; notes CAS's concerns that moves toward services being applied online only could exclude those in society who are vulnerable and marginalised from receiving the benefits that they rely on to survive; understands that the digital strategy admits to not covering local government services or the NHS and does not consider ways to increase the digital capability of citizens; believes that a citizen's advice bureau in West Scotland has reported that a client, a 60-year-old ex-labourer with dyslexia with limited computer literacy or access to a computer, was penalised for failing to apply for jobs online, and notes calls for more work to be carried out to ensure that any moves toward online applications are implemented in an open manner that is fully mindful of the needs of those who do not have internet access or are less able to use it to apply for benefits or jobs.

17:03

Christina McKelvie (Hamilton, Larkhall and Stonehouse) (SNP): Before I go into the detail of the debate, I pay special tribute to Citizens Advice Scotland and thank it very much for the valuable work that it does in informing us in our role, and the work that it does day in and day out in our communities. I make special mention of Hamilton Citizens Advice Bureau, which has been absolutely fantastic in supporting me in what I do and in supporting my constituents. I also thank the members who signed the motion and allowed it to be debated as members' business.

"This is not just politics. This is people's lives."

That is what Tracey, a neighbour of Stephanie Bottrill in Solihull, the grandmother who threw herself in front of a lorry on the M6 on Saturday, said about her tragic death. She added that Stephanie would not be the last to die as a result of the bedroom tax. As some newspapers reported, Mrs Bottrill killed herself because she said that she could not afford to live. Her two adult children had left home to set up their own family lives, and she was assessed and told that she must pay £20 a week for her underoccupied home. She had lived in the £320-a-month house for 18 years, but there was no way that she could find the extra £80 a month out of her limited income. Stephanie suffered from a debilitating condition called myasthenia gravis and was far too weak to work.

That painful reality is a testament to Westminster's uncaring Government and to the conviction that is held by David Cameron and George Osborne that if we pull the carpet from under vulnerable people's feet they will bounce up and join the workforce. It is simply discrimination; it victimises those who do not have the advantages that Messrs Cameron and Osborne have enjoyed. I have to tell Mr Cameron that life in Scotland—or, indeed, in most parts of England and Wales away from the cushy constituencies of the south-east—is not like that.

Citizens Advice Scotland's recent report "Voices from the frontline ... Digital by default" and its follow-up "Offline and left behind: Digital exclusion amongst Scotland's CAB clients", which was published today, highlight a wide range of real-life suffering that is a direct result of the so-called welfare reform policy. Those real people have, like Mrs Bottrill, been pushed and shoved to the edge because they do not meet the Government's neatly streamlined criteria. They are already at a disadvantage because of their health outlook, prosperity, career prospects and vulnerability to, for example, drug and alcohol abuse, so the outcome of this Westminster policy is to push them to the limit.

Perhaps the hope is that, like the internet, the approach will change lives. Many of us sit on the train tapping into our BlackBerrys and smart phones, checking up on the breaking news, firing off emails or reading information about an event that evening. When we return to our offices, we can access a huge wealth of information and stay up to date with 24-hour news.

Citizens Advice Scotland has found that its clients' personal experiences reveal a technological disadvantage in addition to all the other disadvantages that benefits claimants already endure. Only 53 per cent of Citizens Advice Scotland clients use the internet, just 24 per cent said that they would be able to apply for a benefit on their own with no problem, and a total of 76 per cent said that they would struggle to apply for a benefit online, including 39 per cent who said that they could not apply online at all. Moreover, 72 per cent said that they would struggle to apply for a job online. Perhaps that is not surprising, given that just 55 per cent of Citizens Advice Scotland clients have a computer at home.

The internet is by no means a universal service that is available to everyone. The report details evidence that shows how people are already being denied benefits to which they are entitled or are having benefits taken away from them because they cannot access or use the internet. It says:

"The UK Government must ensure that citizens are fully supported to access the benefits to which they are entitled in a way which suits their needs, resources and

capabilities. In addition, benefit claimants who do not have access to the internet or who are less able to use it to apply for benefits or jobs”

online

“must not be penalised for this. Rather, we believe that Jobcentres have a key role to play in supporting people to gain skills and find work and that Government more broadly has a duty to support the roll out of internet access.”

In November 2012, the UK Government launched its Government digital strategy, which sets out how the Government will transform the way it delivers services to citizens, including moving services online—a change in ethos to what is known as “digital by default”. The strategy came along at the same time as the unprecedented changes to the welfare system which, coupled with at least £18 billion of cuts to the welfare budget, will cause significant upheaval for those who are in receipt of benefits.

Citizens Advice Scotland says that it is concerned that a digital-by-default approach to welfare benefits could exclude some of the most vulnerable and marginalised members of society from accessing the very services on which they rely. A more cynical person might suggest that that is yet another useful Westminster mechanism to cut down on the volume and backlog of applications. However, it is a perfect example of the bizarre way in which the Westminster Government looks at its electorate. I am reminded of Nelson looking down his telescope with his blind eye and saying, “I see nothing.”

The digital issue is a microcosm that reveals Westminster’s attitude. Only with independence can we give people back their dignity, help and encourage them to access the benefits to which they have a right, and support those who really need that intervention.

The wider implications of the so-called benefits reforms are well known to the Parliament, but Citizens Advice Scotland’s report on the matter shows that about £2.5 billion will be taken out of the Scottish economy in the Westminster Government’s lifetime. Invariably, it is the most vulnerable people who will suffer most heavily; for example, disabled people in Scotland stand to lose more than £1 billion, which equates to a 29 per cent cut.

Successive British Governments have pushed vulnerable people to the edge in Scotland. With independence, we can do something much better. As we are already doing within our limited powers, we can work to build more within communities instead of slapping on a depersonalised solution for all from above. If we are to make a more equal society a reality in Scotland, we need to do it independently. London solutions might or might not work in London; they do not work in Scotland and they certainly do not work in Solihull.

17:10

Malcolm Chisholm (Edinburgh Northern and Leith) (Lab): I congratulate Christina McKelvie on securing the debate and, of course, Citizens Advice Scotland on its “Voices from the frontline” reports. CAS has produced several such reports, but the one that is highlighted in the motion is “Voices from the frontline ... Digital by default” so I will concentrate on that, plus the one that has, by chance, come out today, which is called “Offline and left behind: Digital exclusion amongst Scotland’s CAB clients”. Both reports deal with the same theme.

I agree with most of what Christina McKelvie said about welfare reform, apart from the constitutional context in which she placed what she said. Today’s debate is particularly about the digital issue. In the report that was published today, “Offline and left behind”, we are reminded that a total of 76 per cent of CAB clients said that they would struggle to apply for a benefit online, and that almost three quarters of CAB clients said that they would struggle to apply for a job online. Those are the basic facts that underlie today’s debate.

Some of that is about training and skills, but there is also a fundamental issue around access. Today’s report also tells us that only 54 per cent of CAB clients have an internet connection at home. That should not really surprise us, because those of us who were working on that issue quite recently will remember that the Office of Communications “Communications Market Report” highlighted that only 50 per cent of the whole adult population of Glasgow has fixed broadband. There are clearly issues of training and access: although the aim of getting more people online is a good one, the UK Government’s target of moving 80 per cent of benefit applications online in a short time is worrying and—to be frank—misguided and wrong.

It is not just the accessibility to benefit claims that is at stake; it is the way in which unemployed people apply for new positions. We are, in effect, seeing penalisation of people who have not been given the ability to navigate a relatively complex online system, and it is being done in a way that undermines their efforts and reinforces the notion that they have been left out of society altogether. Where is the justice or fairness in that?

The extent of the penalisation of employment prospects through the shift towards digital is underlined in the “Digital by default” report that is highlighted in the motion. CAS cites a body of evidence that

“showed instances of people being penalised at the Jobcentre for not applying for jobs online. This was even found to have happened when people had applied for jobs in writing or by phone due to their inability to use a computer.”

Organisations that provide information and advice for concerned claimants will undoubtedly have a great deal more to deal with during the coming period of transition to the new online system. It is therefore essential that bodies such as Citizens Advice Scotland be supported and properly equipped to cope with the change. The Department for Work and Pensions has stated that it will provide face-to-face contact with claimants completing a form in exceptional circumstances, but it still needs to be made absolutely clear to the public what those circumstances will be, and they must be defined realistically and sensitively. As Christina McKelvie did, I pay tribute to the work of all the citizens advice bureaux in Edinburgh and Leith. I know that several people who work in them have been involved in the reports and I pay particular tribute to them.

Libraries are often cited as a place where people can go, but there are issues about availability of libraries, with 200 public libraries closing across the UK last year—although I am not sure how many of those were in Scotland.

We must ensure that changes are implemented with respect to individual circumstances and we must argue for a framework of provision that is digital by design rather than digital by default, and we must work to tackle issues of accessibility rather than simply ignoring the immense challenges that are faced by those who lack computer skills, who do not have access to a computer, or both.

In conclusion, we should consider the case of the 60-year-old client who was sanctioned for two weeks on the basis that he had left no digital trace of his job search, but who had been applying in person and over the phone. When he asked how he would eat for two weeks, the adviser told him that that was not the jobcentre's problem. That cannot become standard practice when budgets and human resources are increasingly stretched. We have a duty to make sure that all those who are experiencing difficulty are treated with consideration and respect.

17:14

Richard Lyle (Central Scotland) (SNP): I thank Christina McKelvie for lodging the motion on an issue that is so important at present, and I welcome the opportunity to debate it in the chamber.

Having read through the report, "Voices from the frontline ... Digital by default" by Citizens Advice Scotland, I share the views that are expressed and the concerns that have been raised by Inclusion Scotland and Citizens Advice Scotland that those people who are already facing barriers will find it even more difficult to get online.

Looking deeper into the issue, I examined research from the Carnegie UK Trust, which had a fantastic case study on digital exclusion in Glasgow and why Glasgow has such a low broadband uptake. The figure from that particular case study that struck me was that more than 90 per cent of people in some specific groups are offline. Groups including older people, social housing tenants and people who are unemployed are the least likely to be online.

That finding, coupled with the fact that those groups also include people who are already facing difficulties in day-to-day life through disability, proves how out of touch the Westminster Government truly is, not only with the people of Scotland but with people throughout the rest of the UK.

The extent to which the Westminster Government is out of touch is highlighted by its action over the bedroom tax. It wants 90,000 people to move house in a year, but in my 36 years of service as a local authority councillor in North Lanarkshire Council I managed to help only 5,000 people to move. How can the Westminster Government suggest that 90,000 people can move in a year?

The facts are more damning. Studies have shown that disabled people are significantly less likely to live in households with access to the internet than non-disabled people. In 2010, 58 per cent of disabled people in the UK lived in households with internet access compared with 84 per cent of non-disabled people. That is according to the 2010 British social attitudes survey and runs in line with the review by the Scottish Government entitled "Digital Participation in Scotland: A Review of the Evidence".

The reasons that were outlined in the review for the low internet access figures for those with a disability are twofold: first, because of impairment as a result of the disability; and secondly, because of a lower income. An example of such impairment is of people with visual impairments who face practical difficulties in using the internet. They have particular problems in reading what is displayed and in finding their way around many websites as a result of the websites not being fully accessible, to name but two of the issues.

There is a natural correlation that those who have a higher income are more likely to have internet access at home. Currently, only 52 per cent of people in the 15 per cent most deprived communities have internet access in their homes, with disabled people being one of the groups most likely to be living on a lower income. In turn, therefore, disabled people are most likely to be living on a low income and thus have a need to claim benefits, but they are least likely to have internet access. That is why the Westminster

Government plans for digital by default are poorly thought out and show a lack of concern for the most vulnerable in our society.

I urge the Westminster Government to look again at its policy on the bedroom tax. It is causing significant worry and despair and, as Christina McKelvie has already said, it has caused a regrettable suicide of a young woman. It is a policy that is even worse than the poll tax, and the only conclusion that I can draw is that we as a country here in Scotland can rid ourselves of such unfair and undemocratic policies only through the powers of an independent Scotland. I again thank Christina McKelvie for lodging the motion to defend the people that Westminster has forgotten.

17:18

Alex Johnstone (North East Scotland) (Con):

I start with the same words that Christina McKelvie used in the opening of her speech: this is not about politics; this is about people's lives. When we deal with the issues that surround welfare reform, we all have to accept that we have a responsibility to ensure that assistance is given wherever it can be and that people understand the availability of assistance. It is therefore important that I pay tribute to Citizens Advice Scotland for the work that it does and continues to do to support vulnerable people through these difficult times as we change the welfare system substantially.

The fundamental purpose of the welfare reform is to ensure that resources go to those who need them most and that the resources available are targeted to where they can be most effective and provide the best support for those in need. However, there is an in-built inertia in any system, and we must not be trapped into allowing resistance to change to become the centre of policy.

On the issue of digital by default, the UK Government's decision to go for the target that 80 per cent of applications should be made online has stirred up a degree of controversy, but a couple of things must be said. First, the information that has been made available by Citizens Advice Scotland is based on CAS's client group, which even a cursory examination of the figures will show is not statistically similar to the broader society as a whole. Consequently, the Citizens Advice Scotland figures do not necessarily include those who are able to make applications by digital means—they are excluded from the figures.

Indeed, in evidence to the Welfare Reform Committee only this morning, Department for Work and Pensions officials suggested that, across the country as a whole, 50 per cent of

applications are now made online. In some areas in Scotland, such as Orkney, the 80 per cent online target has already been achieved, so there is an indication that the target is achievable.

Furthermore, the DWP officials made it clear that the target is 80 per cent—not 100 per cent—and there is a deep understanding of the fact that some individuals will find it difficult to apply online. As a consequence, money has been made available to support the activities of Citizens Advice Scotland so that it can contribute towards assisting such people. In addition, jobcentre staff should be in a position to assist individuals in making online applications. I am aware that there is no shortage of individual stories about situations in which that has not happened and difficulties have been experienced, but it is our duty as politicians to highlight those stories to ensure that the necessary support is provided in future and that individuals are not exposed to similar difficulties.

As many members know, I am fully supportive of the need for welfare reform and I will continue to support the UK Government to achieve that objective. However, that does not mean to say that it is not the duty of everyone in this chamber to ensure that we protect individuals from difficulties that have been identified and highlight the problems so that they can be solved as part of the implementation process. We all have that duty, and we should all work together to ensure that we do not just complain but actually make this thing work for the benefit of Scotland's people.

17:23

Dennis Robertson (Aberdeenshire West) (SNP): Like others, I thank Christina McKelvie for bringing this important debate to the chamber this evening.

From listening to Alex Johnstone, it appears that he is looking for excuses to excuse the inexcusable. However, the more remote and rural areas of Scotland do not always provide the connectivity to enable people to apply online. Perhaps that is why the Westminster Government set the target at 80 per cent, but I must ask: did the DWP carry out a mapping exercise to establish which areas of Scotland do not have the necessary connectivity to enable people to make their applications online?

When I asked some searching questions at a DWP briefing just the other week, the answer to many of the questions was that the officials would need to come back with an answer later. Despite what Mr Johnstone said, I think that the Citizens Advice Scotland figures are an accurate representation of the customers that go through its doors—and the number of those customers is ever

increasing due to the welfare reforms that we are now experiencing. My questions were fairly basic. For example, are people able to make an online application? If the answer to that is no, who will be there to support them?

Mr Johnstone said that the DWP will ensure that people have the face-to-face assistance that they require. How many staff will the DWP employ who have the appropriate skills to enable that assessment and completion of the forms? What provision will the DWP make for the mileage and time that are involved in visiting people in remote and rural areas? How long will it be before people can apply for the benefits to which they are entitled? Will they have to wait two weeks, four weeks or six months before the face-to-face contact happens? For how long will people have to be penalised because they have no access to the online facility?

There is an assumption that people could perhaps mobilise themselves and get into towns where they could use libraries or other places with internet facilities. However, many people with disabilities do not have the mobility or freedom to do that. Often, transport is not available to enable people in some of our remote and rural areas to get into town, complete an application and get back—it just does not happen. The DWP needs to take a hard look at the issue, map out the exercise and ask itself searching questions about why some people will be unable to complete the online application.

We have heard that, in places such as Glasgow, nearly half of people do not have internet access. Not all of them are in Citizens Advice Scotland's customer group. It is just a fact that some people do not have internet access and that, even if they did, they might not have the ability to complete the application.

I support the advance of technology and I use technology every day. I think that I am a fairly competent user of the technology that is available to me. However, I have difficulty completing many online forms and I quite often have to ask for assistance. Some forms that are deemed to be accessible are not useable with the software that I use. The software that many people would have to install on their computers is extremely costly. People who are on a low income do not have the finances to install that software.

We need to congratulate Citizens Advice Scotland on all the work that it does to try to alleviate some of the hardships for many people in trying to come to terms with the welfare reform that the Westminster Government has imposed on us. It is incumbent on all members of the Scottish Parliament to ensure that we do what we can to try to alleviate some of the hardships for the people who come to us. I say to Mr Johnstone: live in this

world or in the world of many of our constituents, not in the world that Westminster paints.

17:28

Drew Smith (Glasgow) (Lab): I am grateful to be called to speak in the debate, and I thank Christina McKelvie for enabling us to have it. I also thank Citizens Advice Scotland for the "Voices from the Frontline" reports that it has produced over the past year and a half or so. They have been extremely useful and, no doubt, they will continue to be so.

I live in the G20 postcode area in Glasgow, which is probably one of the postcode areas in the city with the widest disparities, as it extends north from Great Western Road up to Maryhill Road and then further north. In thinking about online services, I am always conscious of the number of constituents who contact me to complain about the lack of such services. For example, I commonly receive complaints that various services that Glasgow City Council offers are not available online. Some people, particularly at the southern end of that postcode area, will be extremely outraged by that.

There is hidden discrimination, and it has many elements. Christina McKelvie is absolutely right that we have a discriminatory situation around digital inclusion. People might be discriminated against because, for age reasons, they have no experience of using some of the technology. For others, their disability might mean that using technology does not come easily. The issue might be a lack of infrastructure in their area—whether because of rurality or something else—or their economic means and inability to afford the regular direct debit to a broadband provider that most of us have, which we either forget about or pay little attention to. However, such discrimination is real for people who live in the G20 postcode, for example, who will be completely cut out of the move by public services to online delivery.

Malcolm Chisholm and Dennis Robertson are right to say that we all support that move if it saves money and is easier for people. There are a range of reasons why we do not want to produce more and more paper for benefit applications. The problem is when the process becomes digital by default rather than digital by design. If the DWP is going to make such a change, it is really not helpful for it to suggest a target of having 80 per cent of benefit applications made online when it is completely impractical for that to happen. There is almost an irony in the Government driving forward information technology advances when we know how poor the Government itself is at IT.

There is a punishment for misclaiming. If someone makes an error in the process, which

might be because they are not used to using digital provision or because it is not available for them, the system will punish them. To be frank, that is ridiculous.

There is an issue with how we support people. Of course we want libraries to assist people to make applications online, but we cannot put librarians in the position of being amateur welfare rights officers, aware that any errors might lead to money being claimed back from the person who is trying to apply for the benefit.

I agree with most members on the Government benches on the matter—obviously, I disagree on the constitutional point and I will not get into that. When such situations happen, we have a responsibility always to think about what we can do about them. We can do much more on training, skills and supporting people to be digital. We should be conscious of some of the money that has been lost from that and of the fact that many computer skills are now described simply as hobby skills.

St Charles' primary school in the G20 postcode is round the corner from where I live. I do not know whether it has been able to achieve this yet, but I discussed with the headteacher there some of the issues and how they affect the kids. She said that if some of the parents could come in at half past 3—or whenever they pick up their kids—they could use the school's computers. She would be really keen to try that. That was an example of someone not just saying, "Something bad is happening. It's not my responsibility to do anything about it," but thinking about the practical steps that she could take to intervene. It is not practical to suggest that schools should open themselves up to all people who are in need of a computer to make a benefit application, but that is a small example of the practical steps that we could all think about taking.

The Scottish Government needs to think about that too, and I look forward to the minister indicating what steps she is taking.

17:33

The Minister for Housing and Welfare (Margaret Burgess): I refer to my entry in the register of members' interests and my long past association with Citizens Advice Scotland.

I thank Christina McKelvie for bringing this important issue to the chamber as a members' business debate.

I commend Citizens Advice Scotland for another excellent "Voices from the frontline" report. CAS is doing a superb job highlighting some of the issues that people face as a result of the UK Government's welfare reforms. The report that it

published this morning—"Offline and left behind: Digital exclusion amongst Scotland's CAB clients"—is more powerful evidence of the same.

From what has been said so far, there are very few members with whom I would disagree. Digital delivery of benefits clearly concerns many members—and not only those who are present, as it has been raised on a number of occasions in the chamber. What concerns me most is the way that the DWP is choosing to deliver benefits through the digital channel.

Digital provision in itself is not the problem. I hope that digital is the future. In the future, and increasingly now, many of us expect and demand efficient and responsive public services that are delivered online. However, some of the stories in the "Voices from the frontline" report are quite shocking, and I hope that they are not an indication of how universal credit will be delivered.

As I have said before in the chamber both as a back-bench member and as a minister, when the DWP changed the delivery of benefits from paper to telephone applications, it was a shambles. People were sent from pillar to post. They were not allowed to make their applications using phones in the job centre but were sent to other agencies and, in some instances, to public phone boxes. I am disappointed to see that something similar is happening with digital applications. People have been rejected by the job centre and sent to the citizens advice bureau or another service to make their application. Therefore, I am not as confident as Alex Johnstone. I saw what happened in the past, and I have argued strongly for the situation to be changed. The emerging evidence is saying something different, and I will certainly be keeping an eye on it.

The research that the Scottish Government published last year shows a similar situation to that shown in the Citizens Advice Scotland research. We found that the people who are more unlikely to go online are those who, as we have heard, have a low income, live in deprived areas, have a disability or a long-term health condition and have numeracy or literacy difficulties. In other words, they are the same people who need the welfare state to be there for them—and CAS identified the same groups of people.

I also take issue with Alex Johnstone's view that the CAS report simply looks at its customers. Its customers are the people who need and use the welfare system. They are the ones who have been pushed into making applications, including job applications, online. We need to acknowledge that. Of course they will make up a bigger percentage, because they are the very people who need the services. That must be taken into account.

I say to the DWP that those people deserve a benefits system that meets their needs, rather than one that only meets the needs of the 80 per cent—an arbitrary target—who make claims online. I know that the figure, which is highlighted in the CAS report, has caused some concern.

In simple terms, we can think of three groups of people who claim benefits. There is a group of people whose circumstances are difficult and complex. I expect and sincerely hope that the people in that group would be in the 20 per cent who cannot use digital, but who will get support in other ways. We all recognise that there is another group who will want or be able to manage their claim online. They will be in the 80 per cent, and there needs to be a good service for them.

There is also a group in that 80 per cent who might not yet have the skills or the access to the technology, but whom the DWP still expects to get online. That could put people at risk of making a claim that is late or, if they are not confident on a computer, of making mistakes, which could result in delays in receiving payment or, potentially, benefit sanctions.

It was clear from the stories that Christina McKelvie told—other members have highlighted this—that we are talking about real people. If they do not get their income at the time they need it or it is late, they have no other source of or access to money. They are stuck in a position that they should not be in. Forcing people to do something in a way that they have no access to or do not have the skills to use is simply unfair and discriminatory. “Voices from the frontline” tells us about the 18-year-old claimant whose health suffers because although they can use a computer, they cannot access one. People in that group will be most affected by digital by default: people who perhaps can do it, just not quite yet. They need to be given the skills and the support.

It is because of that challenge—this might be a response to Drew Smith’s comments—that a number of local authority pilot projects funded by the Scottish Government are looking at digital issues. There are specific barriers in rural areas, as Dennis Robertson highlighted. We have given funding to a project in Aberdeenshire to look at rural issues.

There are also issues in urban areas. We have heard about the low take-up of broadband in Glasgow, Clyde and Lanarkshire, which is much lower than the Scottish or UK average. A project in South Lanarkshire is testing one approach through one-stop-shop council advice centres. We also recently announced funding of £170,000 for a new two-year project in Glasgow to help people get online.

I also confirm that the making advice work fund can support projects to help people claim online. Stream 1 of the fund is designed specifically for the transition to the new benefit system and to help people access welfare benefits. I encourage all interested advice organisations to make a bid for that funding.

A further stream of funding has been ring fenced for social landlords, to help them deal with digital by default. That is some recognition from the DWP, although it is not enough.

I do not question the necessity of the digital delivery of public services, including benefits, but it is simply not good enough to introduce digital by default without providing the support and resources to ensure that those services are accessible to everyone.

The Scottish Government will continue to raise our concerns with the DWP about the implementation of digital by default and about the intent of the welfare reforms that are behind it.

Meeting closed at 17:40.

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e-format first available
ISBN 978-1-78351-043-6

Revised e-format available
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