



The Scottish Parliament  
Pàrlamaid na h-Alba

## Official Report

# MEETING OF THE PARLIAMENT

Wednesday 22 April 2015

Session 4

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# Scottish Parliament

Wednesday 22 April 2015

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

## Portfolio Question Time

### Justice and the Law Officers

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

Good afternoon, everyone. The first item of business this afternoon is portfolio questions. In order to get in as many people as possible, I would be grateful for short and succinct questions and answers.

#### Licensing (Smartphone Booking Systems for Transport)

**1. Stuart McMillan (West Scotland) (SNP):** To ask the Scottish Government what its position is on the community safety aspects of the licensing of smartphone booking systems for transport services. (S4O-04214)

**The Cabinet Secretary for Justice (Michael Matheson):** Although there are potential benefits to the use of smartphone applications, it is essential that the enforcement of legislation remains fit for purpose to ensure that people are kept safe. Recent developments, including those covered by evidence taken by the Local Government and Regeneration Committee in relation to the Air Weapons and Licensing (Scotland) Bill, have further highlighted the need for review.

The Scottish Government expects every operator to work within the confines of the existing licensing regime, and it expects all drivers and vehicles to be licensed. Anyone acting as an unlicensed driver or operating outwith the relevant booking office licence will be committing an offence and could be liable for prosecution by the Crown.

**Stuart McMillan:** I understand that companies such as the American-based Uber are currently applying for licences for such operations in Edinburgh and Glasgow, which potentially means a financial loss to the taxi and private-hire car trade and, in turn, to local authorities via licence fees for drivers and cars, should those services be introduced in Scotland. There are also the safety aspects of having drivers and cars that will not be regulated or scrutinised in the same manner as traditional taxi services. Can the cabinet secretary advise what the Scottish Government can do to ensure both the safety of passengers and the protection of jobs in the taxi trade?

**Michael Matheson:** The member raises an important point. We in the Government expect every operator to work within the confines of the existing regime. Along with the relevant stakeholders, we are reviewing the current legislation to ensure that it remains fit for purpose.

We are aware of the concerns around the growth of mobile phone apps such as those run by Uber. We recently held an informal meeting with representatives of the trade, Police Scotland and local authorities as well as relevant academics to discuss the issue and to explore what options could be taken.

Although the taxi and private-hire car provisions in the Air Weapons and Licensing (Scotland) Bill do not specifically address the technological developments to which the member refers, the Civic Government (Scotland) Act 1982 provides considerable scope for secondary legislation to address such issues. We have the ability to provide local authorities with clarification on issues such as best practice in this area.

I can assure the member that we are aware of some of the concerns around the use of such apps and organisations such as Uber. We will continue to engage with stakeholders to ascertain the best approach to address the matter under the 1982 act.

#### Parental Custody Disputes (Fathers' Rights)

**2. John Mason (Glasgow Shettleston) (SNP):** To ask the Scottish Government whether it considers that more could be done to improve the legal rights of fathers in relation to parental custody disputes. (S4O-04215)

**The Minister for Community Safety and Legal Affairs (Paul Wheelhouse):** We would not propose any change to the law in the area of residence or contact provisions at this time.

The key principle in Scots law is that the welfare of the child is paramount, and the Government is carrying out work in a number of relevant areas. For example, we have chaired a working group on child welfare reporters and we are working to refresh the parenting agreement for Scotland, which can help separating parents to agree on future arrangements for their children.

**John Mason:** I thank the minister for his reply, but does he accept that, when one parent has care and does not comply with a contact order, it is often too expensive for the non-resident parent to return to court?

**Paul Wheelhouse:** I will explain what we try to do. Mr Mason will appreciate that, unlike the Administration south of the border, we maintain that legal aid is open to use for family cases. We try to ensure that people have access to the law to

protect their interests. There are groups that can help individuals who need advice about what their options are for seeking contact with their children. I would be happy to meet Mr Mason, if he would find it helpful, to explain what more we can do to help.

### Employment Issues (Justice Sector)

**3. Mary Fee (West Scotland) (Lab):** To ask the Scottish Government what recent discussions it has had with trade unions regarding employment-related issues in the justice sector. (S4O-04216)

**The Cabinet Secretary for Justice (Michael Matheson):** The Scottish Government is committed to ensuring positive engagement with trade unions across the range of sectors, including the justice sector. The Minister for Community Safety and Legal Affairs and I regularly meet trade unions that represent police staff and the fire brigade.

In addition, I have also met unions that represent prison officers and prison governors to discuss matters of concern to them and to their members. As members will be aware, employment issues for staff are a matter for the relevant organisation in discussion with their respective unions. The Scottish Government does not engage directly in those negotiations.

**Mary Fee:** I recently met the Community trade union, which raised specific concerns about issues that are faced by private sector employees who deliver justice and custodial services. I am sure that the cabinet secretary will agree that such staff have a key role in acting on behalf of the Scottish public. They have a difficult job and, while the environment is similar to that in the public sector, the mechanisms that are available to private sector staff can often be different.

Community has raised concerns about the effect that staffing numbers might be having on the personal safety and security of their members. Will the minister agree to meet Community representatives to hear at first hand about the excellent job that its members do and the issues that they face every day?

**Michael Matheson:** I am aware of the excellent job that such members of staff do within our private prison estate and the custody transfer services that are provided by private contractors. I am always open to engaging with trade union representatives. I also expect employer organisations to engage purposefully and meaningfully with trade union representation.

If Community has specific concerns about matters relating to the operation of contracts that are managed through the Scottish Prison Service, I expect it to engage directly with the SPS to raise those concerns. I am always open to engaging

with trade union representatives and, if they wish to make representations to me, I am more than happy to consider them.

**Roderick Campbell (North East Fife) (SNP):** Has there been any recent dialogue between the Scottish Government and representatives of rank-and-file police officers? If so, what has been discussed?

**Michael Matheson:** I regularly meet the staff associations that represent police officers to discuss a range of different matters that affect its members. I met representatives from the Scottish Police Federation on 17 February and representatives from the Association of Scottish Police Superintendents on 12 March.

Police officers' terms and conditions were discussed and the police negotiating board has taken forward some issues. The member will also be aware—and I am very proud of it—that, unlike the Westminster Government, we have retained independent national collective bargaining for police officers in Scotland.

I also met representatives from the Prison Officers Association on 18 December. That was an introductory meeting to discuss a range of issues that affect prison officers within the SPS estate.

**John Pentland (Motherwell and Wishaw) (Lab):** Does the minister share my disgust at the disgraceful way in which Scottish Government contractors G4S have treated their guards, with some even being handed redundancy notices while they are handcuffed to prisoners? Will the cabinet secretary review that contract?

**Michael Matheson:** The member will be aware that the contract was set up when the previous Government privatised that particular aspect of the service and we have inherited the situation. I understand that the SPS, which is engaged with G4S on the issue, is in dialogue about how G4S has handled some of the issues. The member will recognise that some of the difficulties with the contract are the responsibility of his own party colleagues.

### New Psychoactive Substances

**4. Graeme Dey (Angus South) (SNP):** To ask the Scottish Government what progress is being made in tackling new psychoactive substances. (S4O-04217)

**The Minister for Community Safety and Legal Affairs (Paul Wheelhouse):** First, I thank Graeme Dey for his continued interest in this issue and for the work that he has done at the local level to tackle the problem with these substances.

In my statement to the chamber on 26 February, I set out the range of activities that the

Government is leading and funding. I am pleased to confirm that progress is being made on all fronts, including the commissioning of research, the development of an agreed definition of NPS, and the development of details of a centre for excellence in forensics and guidance for trading standards and local authorities.

Officials are in close contact with the Home Office in respect of the work that is required to bring those substances under legal control, and we look to engage on the issue with our counterparts as soon as possible following the Westminster election. I have also written to invite the leaders of each group in the Scottish Parliament to nominate a colleague from each party to participate in a ministerial cross-party group to build on the encouraging political consensus in Scotland on tackling these dangerous substances.

**Graeme Dey:** I am sure that, like me, the minister will welcome the recent action that has been taken by the United Kingdom Government to introduce a 12-month ban on five different compounds—at least one of which, I understand, features in up to 60 per cent of the NPS trafficked in Scotland—while the Advisory Council on the Misuse of Drugs decides whether permanent control measures should be put in place.

How will the Scottish Government, working with partners such as Police Scotland, raise awareness of the penalties that are now faced by anyone who is caught making, supplying or importing those drugs, and how will it enforce the ban?

**Paul Wheelhouse:** I welcome the temporary banning order on the substances. Graeme Dey is right to say that the substances are now controlled under the terms of the Misuse of Drugs Act 1971. If any intelligence is received that they are being sold, the police will deal with the sellers as they would deal with those selling any other controlled drug.

Police Scotland has hand delivered letters to premises that are potentially selling the substances. The letter makes owners aware of the banning order and that a conviction for selling the substances could lead to up to 14 years in prison and an unlimited fine.

**Margaret Mitchell (Central Scotland) (Con):** Is the minister aware that there are an estimated 14 head shops selling NPS in Edinburgh? The scale of the problem in other parts of the country is less clear. Can he confirm the number of head shops across the country? If not, can he say what action is being taken to collect that data and to measure the sale of the substances, in an effort to properly assess the full extent of the problem and to establish a statutory strategy for dealing with the increasingly worrying problem?

**Paul Wheelhouse:** I agree with Margaret Mitchell that we face a big challenge in understanding the full extent of NPS use in Scotland. Clearly, investigating what the statistics show is one of the key tasks that we will, I hope, take forward in the ministerial cross-party group.

Margaret Mitchell is quite right to highlight the number of head shops. Indications are varied with regard to the numbers. I have heard estimates that there are more than 40 in Scotland, although that might not capture all the NPS-selling activity, as some new psychoactive substances are sold through shops that are not necessarily identified as head shops.

We will try to get a clearer picture on the scale of the problem at a national level, and I give an assurance to Margaret Mitchell that I will keep her informed of progress in that area.

**Nigel Don (Angus North and Mearns) (SNP):** The minister will be aware that I have received a petition from several thousand concerned people in Forfar who do not want another head shop in their town. Will the minister agree to meet me so that I can talk through these issues with him and we can see what we can do?

**Paul Wheelhouse:** Certainly. We are supportive of the excellent efforts to deal with NPS in the member's local area and have previously commended authorities in Angus for their work. I would be happy to arrange a meeting with Nigel Don to discuss the position and the concerns of the community.

#### **Reconviction Rates (Drug Treatment and Testing Orders)**

**5. Annabel Goldie (West Scotland) (Con):** To ask the Scottish Government what action it will take to reduce reconviction rates among offenders given drug treatment and testing orders. (S4O-04218)

**The Minister for Community Safety and Legal Affairs (Paul Wheelhouse):** Drug treatment and testing orders are a high-tariff disposal that is aimed at individuals with entrenched drug misuse problems who offend as a result of their addiction and would otherwise face a custodial sentence.

The Scottish Government recognises that DTTOs have the highest reconviction rate of all court disposals. Over the past decade, there has been consistent progress in reducing the figures. Since 2002-03, the overall reconviction rate has fallen by nearly 18 per cent, from 75 to 62 per 100.

The Scottish Government will continue to work with delivery partners to ensure that DTTOs are targeted on the most suitable offenders who will

best benefit from the intensive demands of that regime.

**Annabel Goldie:** The minister will be aware that recently published figures confirm that almost two thirds of such offenders reoffend within a year. That is an upwards trend, and the situation serves neither justice nor the offender. Does the minister agree that that is profoundly unsatisfactory, and is he prepared to instruct a review of how such offenders can be given more effective disposals on conviction?

**Paul Wheelhouse:** The figure of two thirds that Annabel Goldie quoted is in line with the figure that I outlined in my first answer. However, as I indicated, there has been a reduction since 2002-03.

Turning to the more substantial point that Annabel Goldie raised, we keep these matters under review. An evaluation of the period from 2002 to 2004 found that DTTOs have a positive and dramatic impact on drug use and offending, which is sustained for at least six months after the end of an order. We are also looking at the importance of the DTTO2 variant, which mainly impacts on women and children and seems to have had some success in terms of dealing with reoffending behaviour.

I am happy to deal with the matter in correspondence with Annabel Goldie if there is any specific detail that she is looking for to help inform her work.

**The Deputy Presiding Officer:** Question 6, in the name of Gavin Brown, has been withdrawn for understandable reasons.

### Drug Abuse (Offenders)

**7. Adam Ingram (Carrick, Cumnock and Doon Valley) (SNP):** To ask the Scottish Government how it assists offenders in tackling drug abuse problems. (S4O-04220)

**The Minister for Community Safety and Legal Affairs (Paul Wheelhouse):** All offenders receive a healthcare assessment at their reception point in prison. The assessment includes questions on substance misuse. Those who are identified as having a drugs issue and test positive for drugs are offered a continuation of any community-based opiate replacement therapy or are prescribed treatment. Prisoners are offered the opportunity to engage with addiction services while in prison, where they can access harm-reduction information, brief interventions for drugs misuse and assessment by an addictions caseworker, which includes onward referral on release.

The national prisoner healthcare network's substance misuse workstream is currently

finalising a report with recommendations to ensure a consistent approach to the management of substance misuse in the prisoner population, based on the recovery-oriented care model. The report is due to be published in September this year.

**Adam Ingram:** I was going to ask a supplementary question about drug treatment and testing orders but Annabel Goldie pre-empted me. Perhaps it is a question of great minds thinking alike—or perhaps not.

DTTOs appear to be having some impact on reducing reconviction rates. How will the minister build on that? Can he bring other measures into play to help to reduce reconviction?

**Paul Wheelhouse:** Absolutely. Adam Ingram raises an important point. A process evaluation that was published in July 2010 suggested that the DTTO2 is particularly effective in targeting women offenders, as I said in my response to Annabel Goldie.

A further internal evaluation of the pilot scheme in late 2014 found that the service continues to achieve its aims of reaching lower-tariff offenders and effectively targeting women and young people, who are more likely to complete a DTTO2 than a full DTTO. That disposal continues to enjoy overwhelming support from sentencers and is associated with reductions in recidivism.

There are clearly other measures outside the conventional DTTO, which is perhaps more onerous for some people to comply with. We will continue to keep under review the range of measures that we have to help to reduce reoffending. The Cabinet Secretary for Justice is particularly keen to tackle the issue.

### Antisocial Behaviour (Glasgow Provan)

**8. Paul Martin (Glasgow Provan) (Lab):** To ask the Scottish Government what steps are being taken to tackle antisocial behaviour in Glasgow Provan. (S4O-04221)

**The Minister for Community Safety and Legal Affairs (Paul Wheelhouse):** The Scottish Government is committed to tackling antisocial behaviour to improve the lives of all our communities.

I am pleased to inform Paul Martin that the multi-agency tasking and co-ordinating process that has been developed by partners including Police Scotland, Community Safety Glasgow, the Scottish Fire and Rescue Service and the British Transport Police has led to combined year-on-year reductions in antisocial behaviour across the Provan area as a whole.

Partnership working is central to tackling antisocial behaviour robustly and meaningfully.



The collaborative work between Police Scotland, housing associations and Community Safety Glasgow has targeted the issues surrounding gang fighting between rival groups in the traditional schemes, as those behaviours have been a blight on the area for decades.

The importance of that work cannot be underestimated and we must continue to drive it forward. That is why I am pleased to confirm that the multi-agency tasking and co-ordinating process is being reviewed to bring on board more partner agencies and ensure that the good work that has been achieved can be sustained and built upon in the longer term.

**Paul Martin:** A great deal of positive work has been done to tackle gang fighting in Glasgow. Despite some of the publicity in respect of Easterhouse, positive things are going on in that part of my constituency. However, it is still considered to be the case that antisocial behaviour has been underreported, which is related to the fact that a cost is still associated with calling the 101 service.

Does the minister agree that there should be no cost to anyone, no matter which mobile operator they deal with, when they make a call to the 101 service? Will the Government fund it to ensure that it is free?

**Paul Wheelhouse:** I welcome Mr Martin's positive comments and appreciate the constructive tone of his question.

On 101 calls, it is worth pointing out that there is a fixed cost of 15p, irrespective of the length of the call, the time of day that the call is made or whether it is made from a landline phone or a mobile. Police Scotland's website states that the reason for charging a levy on calls is that a cost has always been associated with non-emergency calls.

Having said that, I appreciate Mr Martin's point. We try to make sure that local communities have as much access as possible so that they can report incidents. Clearly, if a crime is in progress or if there are fears for someone's safety, I would encourage people to phone 999. We will certainly take on board Mr Martin's point in our negotiations.

#### **Custodial Estate for Women (Consultation)**

**9. Bruce Crawford (Stirling) (SNP):** To ask the Scottish Government what progress it is making regarding its consultation on the future of the custodial estate for women. (S4O-04222)

**The Cabinet Secretary for Justice (Michael Matheson):** Throughout March, a series of public consultation workshops were held in the eight community justice authority areas across

Scotland. In addition, separate events were held with Scottish Prison Service staff and with women who are currently in custody. The views of the families of women in custody have also been taken into account.

My officials are now looking at best practice in other jurisdictions, and we will host an international symposium for academics and expert practitioners at the end of May. That work will ensure that we learn from innovation across the world as we develop our new approach to custody for women. However, although we are committed to providing high-quality custodial facilities for women, custody must be seen as a last resort as part of the sentencing options. Our wider aspiration is to reduce the use of custody as a disposal, with as many women as possible being supported in the community.

**Bruce Crawford:** With regard to the future of Cornton Vale prison, does the cabinet secretary agree with me that we need a facility to emerge that is a highly regarded centre of excellence as part of the custodial estate for women—one that utilises the expertise of the highly trained staff who currently work at the prison?

**Michael Matheson:** The member raises a good point. The use of the Cornton Vale site is being considered as part of the overall plans to reshape our female custodial facilities across Scotland. Any facility that is based at Cornton Vale would have to be a new, fit-for-purpose facility, not one that makes continued use of the existing facility. However, developing a new custodial environment is only part of our overall policy to improve the outcomes for women offenders, and we will be working to ensure that custody is used as infrequently as possible and is seen as a sentence of last resort.

### **Rural Affairs, Food and the Environment**

**The Deputy Presiding Officer:** Question 1 has not been lodged and a less than satisfactory explanation has been given in the name of Drew Smith.

#### **Waste Spreading Review (Update)**

**2. Margaret Mitchell (Central Scotland) (Con):** To ask the Scottish Government whether it will provide an update on the review of waste spreading, including sewage sludge. (S4O-04225)

**The Cabinet Secretary for Rural Affairs, Food and Environment (Richard Lochhead):** The review of waste spreading is under way. The Scottish Government—in partnership with the Scottish Environment Protection Agency and Scottish Water—has held a number of meetings with stakeholders to better understand the key

issues regarding the spreading of sewage sludge on land.

In particular, my officials have met representatives of communities in the member's region to hear their concerns. We want to make sure that, when sewage sludge is stored or spread on land, it is done safely and does not cause nuisance or inconvenience to the public. As part of the review, we are looking closely at the legislation, processes and guidance underpinning the practice, and further meetings with key interests will take place in the coming weeks.

**Margaret Mitchell:** As the cabinet secretary has met constituents in my area, he will be aware of the problems that are associated with the spreading of sewage sludge in the Falkirk area—in particular in Shieldhill, Slamannan, Avonbridge and California—which has created intolerable living conditions for residents and has affected their health, including the health of those suffering from respiratory ailments.

The spreading of sewage sludge has also resulted in the cancellation of a primary school sports day, because of the stench making children physically sick in the playground. Given that this unacceptable situation has persisted for several years, what is the cabinet secretary doing to address those problems now?

**Richard Lochhead:** Margaret Mitchell conveys some of the concerns that communities have expressed about the issue. Of course, I listened closely to those communities, which is why I gave instructions to begin the review. I assure her and other members in the chamber that the review will take into account and treat seriously the issues raised. I hope to have a report back from the review group around summer this year.

**Claudia Beamish (South Scotland) (Lab):** I welcome the review. Along with concerned constituents, I will meet Scottish Government officials next week.

The inconsistencies in the treatment of sewage waste—as explained to me by SEPA—are unacceptable. Some waste is only dried, while other waste is treated as well. That depends on the availability of facilities.

In announcing the review, the cabinet secretary stated:

“I am confident this review will”

enable the Government to

“strike the right balance between the benefits of using sewage sludge and the controls that protect both the public and wider environmental interests.”

Will he clarify whether the review will consider the appropriateness of spreading human sewage on land at all? Will he make available for members of

the public and members of this Parliament the review's terms of reference?

**Richard Lochhead:** I remind members that we are talking about an activity that has been carried out safely for many years in Scotland. However, there are issues, which members have rightly raised. The review's purpose is to look at those issues and at any other issues that anyone wants to bring to our attention.

A remit is in place, and I am happy to write to the members who have raised the subject today and any members who may raise it afterwards. I reiterate that the review will take quite a while, but we will give members the opportunity to feed into it directly. It would be helpful to hear of any comments and experiences on behalf of constituents.

**Angus MacDonald (Falkirk East) (SNP):** The review of the spreading of sewage sludge is welcome. However, I urge the cabinet secretary and the Scottish Government to consider increasing the capacity for the incineration of sewage pellets, as is the norm in other northern European countries. That would go some way towards helping residents who suffer regularly from the stench from sewage sludge that is applied to farmland in Scotland and in particular in the Upper Braes area of my constituency.

**Richard Lochhead:** As Angus MacDonald will be aware, regulations and a waste hierarchy are already in place. Incineration of sludge can be part of energy recovery as long as it takes place at appropriately equipped licensed facilities, but there is a hierarchy and incineration has a certain place in the pecking order, so other options are preferred for dealing with sludge. Nonetheless, I reassure Angus MacDonald that incineration is certainly one option that is available at present.

### **Local Authority Flooding Data Sets (Light Detection and Ranging Technology)**

**3. Lewis Macdonald (North East Scotland) (Lab):** To ask the Scottish Government what progress is being made in rolling out access to local authority flooding datasets that have been developed through the use of LIDAR technology. (S4O-04226)

**The Minister for Environment, Climate Change and Land Reform (Aileen McLeod):** Light detection and ranging technology provides topographical information, which is a viable tool in flood modelling across large areas. Two phases of data collection have been undertaken since 2010 to target areas that have been identified as vulnerable to flooding. That has been a multi-agency project, and the Scottish Environment Protection Agency has, as part of its contribution, been in direct contact with local authorities to

inform them of the technology's availability and of relevant licensing requirements.

**Lewis Macdonald:** Does the minister agree that the high level of detail that LIDAR datasets provide is the best defence against flooding, as long as councils have the right tools to enable them to use the data in full? If so, will the Government do all that it can to ensure that councils have the right tools? Will the minister support collaborative procurement of the best available software to deliver on agreed planning policy objectives in that field?

**Aileen McLeod:** We are seeking to develop an appropriate mechanism to allow wider sharing of the data among agencies. That is being picked up as part of the open data initiative, and in the meantime we are providing wider access to public bodies case by case. To receive the data, each public sector organisation must sign a licence agreeing to the terms and conditions of its use.

As for making the data available more widely, the procurement exercise for the projects recognised the potential wider value of the data across the public sector, and it allows wider use that is for the public good. Public authorities involved in flood risk management already have access to the information and can use it more widely under the terms of the licence. We are looking at developing practical ways in which the data can be made more widely available.

#### **Water Quality (New Building Developments)**

**4. Alex Rowley (Cowdenbeath) (Lab):** To ask the Scottish Government who is responsible for ensuring the water quality in relation to new building developments. (S4O-04227)

**The Minister for Environment, Climate Change and Land Reform (Aileen McLeod):** Scottish Water is responsible for ensuring that drinking water that is supplied to the boundary properties is wholesome, as defined by the Public Water Supplies (Scotland) Regulations 2014. That duty is regulated by the drinking water quality regulator for Scotland. The developer is responsible for ensuring that infrastructure on a new development is of a satisfactory standard to ensure that water quality is maintained and to enable adoption by Scottish Water.

**Alex Rowley:** I have highlighted to the minister the issue in the New Farm Vale estate in my constituency. The problem that residents in the estate face appears to cut across a number of Government departments, as Scottish Water sits in the remit of the Cabinet Secretary for Infrastructure, Investment and Cities and planning sits in the remit of the Cabinet Secretary for Social Justice, Communities and Pensioners' Rights.

**The Deputy Presiding Officer:** Ask a question, Mr Rowley.

**Alex Rowley:** My constituents have been let down by the failure of the system to ensure that developers put proper water and sewerage infrastructure in place. Will the minister meet me to discuss that and the fact that the issue runs across three Government departments, and to consider how best we can take the matter forward?

**Aileen McLeod:** I agree that the situation at New Farm Vale is completely unacceptable. The Government is working with Scottish Water to understand the full scale of the problem. It is important that solutions are found, as malfunctioning sewerage systems have, as the member will agree, significant public health implications. Ideally, the infrastructure should be vested in Scottish Water. However, we need to understand the remedial costs for each case and how those can be funded.

I understand that Mr Rowley is due to meet Scottish Water to discuss what options are available in the case of New Farm Vale. I have asked the Government and Scottish Water to work together to understand whether any further measures can be implemented to minimise the likelihood of such problems occurring in the future. I am more than happy to meet Alex Rowley to discuss the issue further.

#### **Scottish Food (Promotion by Local Authorities and National Health Service Boards)**

**5. Mike MacKenzie (Highlands and Islands) (SNP):** To ask the Scottish Government what it is doing in this year of food and drink to encourage local authorities and national health service boards to promote Scottish food. (S4O-04228)

**The Cabinet Secretary for Rural Affairs, Food and Environment (Richard Lochhead):** The Scottish Government is working with the Local Authority Caterers Association and Education Scotland to deliver year of food and drink activities across schools in Scotland. That includes the development of theme days and a food calendar for school meals. In addition, a schools local provenance handbook is being developed to identify and promote local school meal suppliers.

We are also in discussion with the NHS on what further steps it can take to raise the profile of Scottish food, building on the good progress that it is already making to source local healthy produce. For example, the NHS is working closely with the Soil Association to seek the food for life catering mark, which signals a commitment to local food and provenance.

**Mike MacKenzie:** Does the cabinet secretary believe that there is even greater scope for local

authorities and NHS boards to lead by example and, whenever possible, procure local food for their use and ensure that there are no irrational barriers to the purchase of local produce in their procurement processes? Is he aware of any local authorities or health boards that are following good practice and could be used as an example for others to follow?

**Richard Lochhead:** Many local authorities, in places such as Ayrshire and Tayside, have been setting good standards of practice, and many others are upping their game. I believe that there is still lots of scope for improved sourcing of local produce in the public sector, particularly among local authorities and the NHS, but I also believe that good progress has been made and that the issue is much higher up the agenda than ever before. In the coming months and years, we will continue to make good progress. As part of becoming a good food nation, we have to ensure that people in hospitals, care homes, prisons and, of course, schools and elsewhere can access Scotland's fantastic larder.

**Malcolm Chisholm (Edinburgh Northern and Leith) (Lab):** I am sure that we all agree that it would be in the interests of the health of many people in Scotland if a much higher percentage of fresh local food was used in schools and hospitals. Will the Government undertake, in partnership with Food Standards Scotland, to actively and vigorously promote appropriate public sector procurement practices to further that objective?

**Richard Lochhead:** As I said in my earlier answer, a number of public agencies are already involved in taking forward the agenda with their members, such as the Local Authority Caterers Association and Education Scotland. The new food standards body has a slightly extended remit compared with that of the old body and, I hope that it will take more of an interest in such issues. I will ensure that the body is aware of the member's interest. All of Scotland's public sector and all the agencies have to rally round the cause.

**Christian Allard (North East Scotland) (SNP):** Will the cabinet secretary ensure that there will be funding from Aberdeenshire Council and the Scottish seafood partnership so that there will be a seafood cooking facility at this year's taste of Grampian festival, as there has been in previous years?

**Richard Lochhead:** I think that I have attended virtually every taste of Grampian since I was appointed minister, and I know that the events are fantastic showcases for local produce in the north-east of Scotland. I recall last year attending the seafood tent, which was a sell-out; some of the local companies had to send for fresh stock by noon because their stock was so popular. The seafood tent is certainly an asset to taste of

Grampian. Taste of Grampian has received a grant from EventScotland to help celebrate the year of food and drink. I hope that the showcasing of seafood is part of the plans. I am sure that it will be, but I will double-check that that is what the grant is being used for.

### **Tourism (Opportunities for Farms and Other Rural Businesses)**

**6. Colin Keir (Edinburgh Western) (SNP):** To ask the Scottish Government how the rural affairs directorate is helping farms and other rural businesses take advantage of the opportunities arising from the tourism industry. (S4O-04229)

**The Cabinet Secretary for Rural Affairs, Food and Environment (Richard Lochhead):** The Scottish Government and its agencies continue to work with our rural businesses to recognise and build on the potential growth opportunities that tourism affords. More than £28 billion was distributed through our last rural development programme to a range of tourism-related businesses, to support the rural economy, and our new programme will build on that success and continue to make funding support available for tourism-related actions across rural Scotland, involving many of our local businesses.

**Colin Keir:** Does the cabinet secretary agree that local authorities should do their best to help rural businesses and farms, by being less obstructive and cutting a bit of red tape, unlike the City of Edinburgh Council, which has refused a simple request from the owner of Craigie's farm outside Queensferry, in my constituency, to erect roadside signs in order to attract the ever-growing number of tourists and locals who wish to use its new services?

**Richard Lochhead:** Craigie's farm shop and restaurant, just outside Edinburgh, is a fantastic location. I have been there at least two or three times over the past few years and John Sinclair, the chap who runs it, does a lot to support local food. The local authority, like the rest of the public sector, should support his efforts. On the question of boosting that location's tourism potential, such locations play a crucial role in local food tourism and I agree that sometimes we are too heavy handed regarding the brown tourism signs. Perhaps the local authority should do what it can to support John Sinclair's efforts to make an even bigger contribution to local tourism.

**The Deputy Presiding Officer:** Question 7, in the name of Neil Findlay, has been withdrawn and a satisfactory explanation has been provided. Question 8, in the name of Rhoda Grant, was not lodged and a less than satisfactory explanation has been provided.

### Potato Industry (Support)

**9. Richard Lyle (Central Scotland) (SNP):** To ask the Scottish Government how it is supporting the potato industry. (S4O-04232)

**The Cabinet Secretary for Rural Affairs, Food and Environment (Richard Lochhead):** The Scottish Government provides scientific and technical advice to the industry and conducts diagnostic surveillance and scientific research on a number of plant health-related issues. We provide funding of around £4 million per year to potato-related scientific research in Scotland and we facilitate worldwide trade in seed potatoes by hosting inward missions with the British Potato Council, to improve contact with foreign officials with the aim of influencing import conditions in visitors' countries. That demonstrates to potential export markets the quality benefits of Scotland's high-held status and worldwide reputation as a producer of quality seeds.

**Richard Lyle:** The potato industry is worth a total of £4.7 billion to the United Kingdom economy, with seed exports alone contributing £209 million to the Scottish economy and retail sales valued at £117 million. Average yields have increased by 18 per cent in the past 20 years. What further action can the Scottish Government take to ensure that the humble potato is promoted across Scottish Government policy documents, to highlight this inexpensive source of nutrition?

**Richard Lochhead:** There is a lot of work under way. Richard Lyle quite rightly highlights our tattie sector's important role in Scottish agriculture and our food sector. It is a particularly valuable sector to Scotland, which is worth about £170 million a year. Scotland is a world leader in producing seed potatoes, as I am sure that many members are aware.

A lot of thought is going into promoting more than ever before the health benefits of potatoes, for which there is cross-party support. Recently events have been held in the chamber, which the Scottish Government supports. NFU Scotland has encouraged the British Potato Council to use a much higher proportion of statutory levies to fund promotional work to highlight the health benefits of potatoes. Perhaps that is one way by which we can address the decline in consumption that has been experienced in recent years. Our tatties in Scotland are of fantastic quality and are very tasty, and they are good for you as well.

### Single Application Form for Rural Payments and Services (Extension to Deadline)

**10. Liz Smith (Mid Scotland and Fife) (Con):** To ask the Scottish Government whether it will seek an extension to the deadline for the

registration of single application forms for rural payments and services. (S4O-04233)

**The Cabinet Secretary for Rural Affairs, Food and Environment (Richard Lochhead):** The member will be pleased to know that I announced on Wednesday 15 April that Scotland will extend the application period for farmers and crofters to submit their single application form by a month, giving a new deadline of 15 June.

**Liz Smith:** I am sure that it is a huge relief to the whole rural sector that the deadline has now been extended. It has been made clear in the farming press that farmers remain angry that their concerns, which were expressed as early as December last year, were not addressed when the problem first arose. What assurances can the cabinet secretary give that lessons have been learned from this regrettable situation, which has cost £130 million of taxpayers' money? Can he provide a categorical assurance that it will not have an adverse impact on the timing of farm payments next December or delay the Scotland rural development programme application process?

**Richard Lochhead:** The investment to which the member refers is an investment in the new common agricultural policy, which must be delivered over the next five years, and is not simply a response to the difficulties that we have encountered over the past few weeks, although I readily accept that those difficulties have caused enormous frustration for some farmers and agents in Scotland.

The chamber will recognise that the new CAP is complex. This is a transition year in which the first few weeks were always going to be challenging, and we have to learn lessons from those challenges—I very much accept that. However, we are making progress and many farmers are determined to submit their applications online. I remind the chamber that, since day 1, farmers and agents have been able to submit their applications on paper as well, and many have done so.

We are working flat out to fix some of the information technology issues. Even the agents to whom I have been speaking and the farmers who are frustrated at some of the flaws in the computer system are determined that online application is the way forward. It brings advantages, as errors in the application forms can be fixed straight away instead of leading to enormous delays, which sometimes occur with paper submissions.

Payments were normally due in December under the old policy, and we hope to continue that under the new policy. We are doing our best to stay on schedule and, as the months go by, I will keep the chamber and the industry up to date on the payment schedule.

## European Union Engagement

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

The next item of business is a debate on motion S4M-12869, in the name of Christina McKelvie, on European Union engagement and scrutiny of the committees of the Scottish Parliament on European Union policies for 2015-16. I call Christina McKelvie to speak to and move the motion on behalf of the European and External Relations Committee.

14:42

**Christina McKelvie (Hamilton, Larkhall and Stonehouse) (SNP):** As the convener of the European and External Relations Committee, I am pleased to open the debate on our annual report of the EU engagement and scrutiny of the committees of the Scottish Parliament. The debate shows that Scottish parliamentarians take EU matters very seriously. I was pleased to see that the range, variety and depth of other committees' reports to our committee this year reflect that fact.

My committee leads on the Parliament's EU strategy for committees. We act as a mainstreaming hub, actively encouraging our fellow committees to strengthen their work with a wider European context and to engage early with EU issues that are of importance to Scotland. This year, we have again been successful in that aim, and I will outline briefly how we have achieved that. Before I do so, I sincerely thank the other eight participating committees for their on-going engagement and their reports to my committee. I also pay tribute to the clerks of the European and External Relations Committee for the work that they do, which has been very intense over the past year.

Since our previous debate, we have had elections for the European Parliament, in May 2014. In late 2014, we saw the formation of the new college of commissioners in the European Commission led by President Juncker, who presented a new-look, streamlined Commission work programme for 2015. Looking ahead, the United Kingdom elections campaign has featured EU issues more than ever before, not least in the context of the possibility of an in/out referendum. Given that backdrop, I am glad that we have this opportunity to share how we and other parliamentary committees have engaged with EU issues over the past year and what our future EU scrutiny priorities are.

This will be our last such debate for the current parliamentary session, so we asked other committees about their engagement on EU policies in 2014 and their plans for 2015 until the end of this session in early 2016. We did not

realise that the end was coming so quickly, did we? We asked committees to identify their priorities in three main areas: the Europe 2020 agenda, the Scottish Government's "Action Plan on European Engagement" and the European Commission's work programme.

I will focus on the "Commission Work Programme 2015. A New Start"—or the CWP 2015 as it is known in the Europhile community—including my committee's consideration of its new approach. The CWP 2015 approach is to focus on a limited number of 23 new initiatives for 2015, which is a lower number than was the case under the previous college of commissioners. Additionally, the new Commission proposes to withdraw 80 pending pieces of legislation.

In order to scrutinise and better understand the implications of the new approach, the European and External Relations Committee took evidence directly from the Commission. We were told that it wanted to focus on priorities and results, and to invest in proposals that would have the biggest impact on jobs and growth.

We also took the opportunity to ask how the new Commission was connecting with European citizens and making its work accessible and comprehensible. We heard that work was being undertaken to make the Commission website more accessible—I am sure that Willie Coffey will be delighted with that—as well as other initiatives to make its work much more transparent.

The Commission acknowledged that it

"needs to take measures to restore trust."—[*Official Report, European and External Relations Committee, 22 January 2015; c 15.*]

Our committee entirely agrees with that sentiment. In our report, we have asked the Commission to keep us updated on how it progresses in that area. I hope that a future European and External Relations Committee will report on that very progress.

Given last year's changes in the Commission and the streamlined nature of its work programme for 2015, there were fewer opportunities this year for committees to engage with the work programme. I am sure that that will change in the five years of the new Commission as more initiatives and policies are rolled out, which we can then scrutinise.

We gathered useful evidence from various perspectives so that we could report to Parliament on what team Scotland collectively thinks are the priorities for Scotland in the CWP 2015. I thank all those who gave us their views and insights, namely all six of Scotland's MEPs, the Scottish Government and, finally—not forgetting—Stewart Maxwell and Patricia Ferguson. In particular, I thank Stewart Maxwell, with his Scottish

Parliament member of the Committee of the Regions hat on, for his report to our committee, which was insightful and helpful.

In summary, we heard that the CWP initiatives important for Scotland included the digital single market, the energy union, the internal market, the capital markets union and the transatlantic trade and investment partnership, widely known as TTIP. I will pick out just one of those areas—the digital single market initiative—to give members a flavour of the work that our committee has done on the CWP. I will return to TTIP later to explain the more detailed work that the committee has been doing.

The committee has followed the digital single market initiative avidly for some time. I pay tribute in particular to Willie Coffey, who has never allowed an opportunity to be lost to raise the issue at a committee meeting. I commend him for his insightful work on that area, too. We were keen to seek assurance from the Commission that the digital single market initiative would improve issues in Scotland, such as bringing uniform broadband coverage to remote areas such as the Highlands and Islands. I am sure that Jamie McGrigor would be delighted to hear that, too—the issue is a hobby-horse of his that he likes to keep pressing.

We highlighted our concerns that the final EU budget agreed by the Council and the European Parliament reduced the connecting Europe facility budget, which could impact on the digital agenda.

The Commission told us that its new investment plan was intended to provide funding for projects such as rural broadband, and that the new plan would not mean less money for digital infrastructure. As members can imagine, we were quite interested in that. However, we noted in our report that we are not entirely satisfied with the level of information that is available from the Commission on the aims of the digital single market. Given the importance of the issue to Scotland, I would like to reassure the Parliament that our committee will continue to monitor any key developments and to assess how the digital single market might benefit Scotland.

I turn to other areas of importance for the Parliament's committees. Some committees have declared their intention to consider aspects of the Europe 2020 strategy, which is the EU's 10-year strategy for boosting sustainable economic growth and creating new jobs. As in previous years, committees can input directly into the strategy via the Scottish Government's national reform programme, which sets out the distinct approach that is being taken in Scotland.

Similarly, the relevant committees will be considering the priorities identified in "Scotland's

Action Plan for EU Engagement", in which the Scottish Government describes its focus in four main areas: being a committed EU partner; promoting EU reform; participating actively; and strengthening partnerships.

In summary, we can see how the work of the committees on the EU scrutinises both the bigger picture of the CWP and the specific Scottish perspective on EU initiatives.

I will not dwell on the specific topics that each committee has prioritised, which will undoubtedly be covered by colleagues from those committees, and I know that Hanzala Malik, our deputy convener, will reflect on colleagues' contributions. Instead, I would like to highlight briefly some of my committee's main areas of work in 2014 and thus far in 2015.

Our recent inquiry on the transatlantic trade and investment partnership—TTIP—was of great interest. The inquiry was held against a backdrop of the many discussion events on TTIP more generally that various organisations throughout Scotland, including the trade unions and the active group from the University of St Andrews, organised. I was very pleased to host one such event recently here in the Parliament that was organised by the Hansard Society on behalf of the European Parliament. It was sold out very quickly, and it involved a roomful of active and well-informed participants. There is so much heated public engagement on TTIP that we thought it only right to request a chamber debate on the issue, which I believe will take place very soon.

As I am sure that colleagues will be well aware, TTIP is a trade agreement that is being negotiated by the EU and the USA. In fact, the ninth round of negotiations is taking place right now in New York—it began on 20 April and will go on until 24 April. The key issues that our committee heard evidence on included the transparency of the negotiations, which is an extremely important aspect; the economic benefits of any agreement; the potential inclusion of the investor-state dispute settlement mechanism; and the impact of TTIP on public services.

Moving on to a different topic, in 2014 we began a major four-part inquiry entitled "Connecting Scotland: how Scotland can engage most effectively in a globalising world". We have already taken evidence from representatives of the Catalan, Basque and Flemish Governments to give us a wider perspective. The next phase of the inquiry will involve us considering how non-governmental and third sector organisations in Scotland engage in the EU and internationally. We will talk to a wide range of organisations from the third sector, local government, civil society and universities and colleges to find out what they do.

I hope that the Parliament finds our report to be of interest, and I look forward to hearing colleagues' thoughts and views on all EU subject areas.

I move,

That the Parliament notes the European and External Relations Committee's 1st Report, 2015 (Session 4): *EU engagement and scrutiny of the Committees of the Scottish Parliament on European Union policies 2015-16* (SP Paper 690).

14:53

**The Minister for Europe and International Development (Humza Yousaf):** I thank the convener of the European and External Relations Committee, Christina McKelvie, for setting out the conclusions of the committee's report.

Before I go into the detail of that report, it would be remiss of me, in the context of a debate about the EU, not to begin by expressing the Scottish Government's heartfelt and sincere condolences in relation to the dreadful drownings that have taken place in the Mediterranean over the past few weeks. The Scottish Government's resolve to play a constructive role in helping those who are being smuggled in that way has got stronger. It is an issue that the Scottish Government and the Cabinet Secretary for Culture, Europe and External Affairs, Fiona Hyslop, have been involved in speaking out on for a long time, not just in recent months. We hope that, as a multilateral institution, the EU can come together. We must not turn a blind eye to people who are among the most vulnerable in the world. We must ensure that we do all that we can to help and support them. Above all, it is a humanitarian issue.

I very much welcome the committee's report, particularly its observation that many of the Parliament's committees have mainstreamed consideration of EU issues into their existing work programmes. In last month's Government debate on the importance of EU engagement, I made it clear that such engagement is important not just as a means of influencing the rules and regulations that are made in the EU but because the EU itself is a

"a marketplace for exchanging ideas and for showcasing areas in which Scotland can display leadership."—[*Official Report*, 17 March 2015; c 11.]

Indeed, there are areas in which Scotland can learn from others.

I formally acknowledge the important work that the committee has undertaken of late and, like the convener, I thank those behind the scenes, such as the committee clerks, who get the committee to run extremely smoothly and efficiently. Of course, its work includes last year's inquiry into the Scottish Government's proposals for an

independent Scotland. We can all agree that, whatever side of the fence people were on, it was important for the debate to be had and for the proposals to receive our committees' full and considered scrutiny. The Government will continue to co-operate closely with the committee's connecting Scotland inquiry.

I also welcome the committee's more recent report on TTIP, which the committee convener reflected on and the findings of which align with the Government's own views. Transparency will be critical with regard to the TTIP negotiations. As the committee itself heard, there are different views on TTIP's possible economic benefits, and we are clear that if there any benefits they should not come at the expense of the national health service or other public services or, indeed, the right of Governments to regulate. That is why the Scottish Government has pressed firmly and strongly for an explicit exemption for the NHS, and it is not convinced that the investor state dispute settlement mechanism is necessary.

I am encouraged by the fact that other committees' work programmes contain items that have EU issues at their core, including important work on the roll-out of the new common agricultural policy and common fisheries policy packages. In that respect, I think that the simplification agenda will be key.

The Commission's EU 2020 strategy, which has already been mentioned and which seeks to promote smart, sustainable and inclusive growth, chimes very closely with the Scottish Government's own programme for government and our refreshed economic strategy, with their key themes of tackling unemployment and reducing income inequality. For the past four years, Scotland has produced its own national reform programme report as well as contributing to the UK Government's report. Those reports provide a sense of Scotland's performance against some of the key targets in the EU 2020 strategy with regard to employment, reducing poverty and cutting the number of early school leavers. Our 2015 report, which we will publish after the UK general election, has been informed by the successful stakeholder event that we held in Edinburgh in March.

Last month, I visited the WEST brewery in my Glasgow region. I am sure that many colleagues will be familiar with that fantastic company, which not only is a great success story in itself but represents why we are so proud of our engagement as members of the EU. The brewery is owned by a German national, Petra Wetzel, who came to study in Scotland and then went on to start her brewing business. Her staff now include half a dozen EU nationals, and the company's craft beer is brewed according to a 1519 German



purity law. I believe that all those components underscore the importance of freedom of movement and freedom of travel.

While I was at the WEST brewery, I launched the Scottish Government's action plan for EU engagement, which refreshes the original action plan that was launched in 2009. As the convener helpfully pointed out, the action plan has four key areas, and I will go into each in a bit more detail.

First of all, we want to remain a committed partner and to make the case for our place in Europe. I believe that there is a consensus in this chamber for the UK and, of course, Scotland to remain members of the EU for the business, social, cultural and educational and academic benefits that membership brings.

Secondly, we will continue to promote effective and meaningful EU reform within the existing treaty framework. Key to that is ensuring that the EU institutions pursue an agenda that genuinely adds value and which addresses some of the EU-wide problems that member states acting on their own cannot address. That is why we welcome the Commission's focus on tackling things such as stubbornly high youth unemployment, promoting energy security through the energy union package and tackling climate change.

The third area of the action plan centres on active participation in the EU in order to secure investment, innovation and inclusive growth. I can go into that more in my closing speech.

Fourthly, we are committed to strengthening our European partnerships—and we will do that. We will continue to work to deepen our bilateral relationships with countries including Germany, France, the Nordic and Baltic countries, Ireland and Poland.

The action plan is currently on a digital platform, which allows it to evolve and be updated. It captures life-real case studies, and I hope that members have had a chance to look at it.

I was pleased to read that the European and External Relations Committee

“asked committees to identify their priorities for 2015-16 from the Europe 2020 Strategy ... the European Commission's work programme”

and

“the Scottish Government's Action Plan on European Engagement”.

Members will be in no doubt, of course, about our position on an EU in/out referendum. We will passionately advocate the benefits of being part of Europe. We do not agree with the necessity of having an EU in/out referendum, but if it happens, we hope that the UK Government, whichever form

it may take on 7 May—or 8 May—will look at our proposals for a double majority.

The Scottish Government is very much committed to anchoring its own economic strategy firmly to the EU's growth agenda in delivering sustainable and smart but fair economic growth.

15:01

**Claire Baker (Mid Scotland and Fife) (Lab):** I welcome this committee debate on the Parliament's engagement with the European Union. Our committees do not often grab the headlines in the Scottish Parliament, but they are where much of the serious work of the Parliament takes place. The European and External Relations Committee has an important role in co-ordinating and scrutinising the European aspects of other committees' work, and the report that we are considering provides an excellent overview of the areas that those committees are focusing on.

From previous parliamentary work, I know about the importance of Europe to the Rural Affairs, Climate Change and Environment Committee in particular. Decisions that have been made in Europe have a significant impact on our rural economy, our fishing sector and the Scottish Government's attempts to meet our climate change targets. I note the detailed report from that committee.

The European and External Relations Committee's report discusses the European Commission's work programme, the 10 priority areas and the Europe 2020 strategy, as well as outlining the committee's own work programme for the year ahead.

The Parliament has always been supportive of our engagement with Europe, and in its various forms over the years the committee has always had MSPs who have championed the importance of Europe to Scotland. With our focus on domestic affairs, including our recent focus on our constitution and our referendum, we can often be at risk of losing sight of the bigger picture. In the Parliament, we might focus on the detail of European directives or legislation, but we do not always do a good job of relating that to the public in their everyday lives. Historically, turnout at European elections is low, and the public often struggle to see the relevance of European policy. However, many of our policies that work to improve our air quality and water quality and promote biodiversity originate in Europe, and much of our positive workplace legislation and the regulations around maternity and paternity pay and hours at work start in Europe, although there is still much to do in achieving consistency across member states. Human rights and equalities laws are strengthened and enforced by Europe.

One look at the Commission's priorities shows how important they can be. Developing a resilient energy union with a forward-looking climate change programme, a connected digital single market, and a new boost for jobs, growth and investment are just three of the Commission's priorities. Those are high-level objectives, of course, and there will still be a lot of debate about how they can be achieved. The report demonstrates that our committees are engaged with those debates. Those priorities are aimed at collective action and strengthening the European Union in sensible ways that can bring benefits to member states.

I welcome the committee's questions to the Commission on engagement with European citizens and making its work sufficiently accessible and comprehensive. There is a lot of work to do in that regard, and although measures on, for example, a more accessible website, social media and a transparency register are all welcome, much greater cultural change is needed if the Commission wants, in its own words, to "restore trust". There needs to be tougher budgetary discipline, especially around potential waste in and inefficiency of EU agencies, and we must be prepared to look at where spending at the EU level can help to save money at a national level. We must also look at continuing to open up the EU decision-making process, implementing institutional reforms to help build levels of trust among European citizens and ensure greater parliamentary scrutiny and accountability.

This is a short debate, although there is much content in the report. I note that the committee observed that the level of European engagement by the Parliament's committees for 2015-16 has declined compared with that for 2014. I support the committee's encouragement of the Parliament's committees and their EU reporters to actively engage. However, I am sure that we will return to many of the subjects in greater detail as the committees progress through their work programmes, which focus on a number of the Commission's 10 priorities. Indeed, we anticipate the opportunity to discuss next week the committee's inquiry into TTIP in more detail.

We are living in an increasingly global world with strong, competitive emerging markets and economies. Europe as a trading bloc needs to build new partnerships if it is to be competitive and create opportunities for its citizens. However, Europe has never been just about trade; it is about partnership, solidarity, fairness and peace. The heightening of the migrant crisis in the Mediterranean in recent weeks, to which the minister referred, presents new and complex challenges for Europe, but we must be guided by the principles that created the European Union when we are looking for solutions.

Europe needs to respond to the modern world and address issues of sustainability, economic fairness and stability, human rights and our role in the world. Those are the big challenges and it is important that this Parliament engages with that future.

**The Deputy Presiding Officer:** Many thanks. I now call Liz Smith, who has a generous five minutes.

15:06

**Liz Smith (Mid Scotland and Fife) (Con):** Thank you very much, Presiding Officer. I begin by sending the apologies of my colleague Jamie McGrigor, who is unfortunately ill, to you, to the committee convener and to other colleagues.

Jamie McGrigor asked me to begin by thanking the clerks for compiling the report, which—as Claire Baker has just said—has a lot of content. In fact, it is a very interesting report. Quite rightly, the committees of this Parliament do a great deal to ensure that there is full commitment to EU priorities. I think that we in this Parliament would all agree that our committees are, in one form or another, impacted on quite heavily by European affairs and legislation, some of which can be extremely complex—perhaps some of the most complex legislation anywhere. I am therefore sure that it is a difficult job at times for the clerks and conveners to help us to decide how we should proceed for effective scrutiny. It is extremely important for us to consider how the EU works, and what works well and what does not work quite so well for Scotland.

The Scottish Parliament's committees' EU strategy, which is now in its fifth year, also plays an important part in scrutinising the Scottish Government's EU engagement. I pay tribute to the European and External Relations Committee for drawing together all the strands in the way that Christina McKelvie outlined, and for acting as a hub for the Scottish Parliament as it goes through its business. Some interesting issues are thrown up by discussion of the EU. I will perhaps say more about that in my summing up.

Quite clearly the report has led to a wide range of topics being discussed, and it shows how much they underpin all the work of the Scottish Parliament. I was interested to note in particular the very significant evidence that was taken at the time on Scotland's possible membership of the EU if there had been a yes vote in the referendum. I do not want to rehash any of the politics of that, but I am aware of just how many politicians and members of academia came to Parliament to give evidence. Like many other aspects of the referendum that were invigorating for our democratic process, that in itself was good

because it makes this Parliament a better place in terms of how we go through our democratic work, irrespective of our political views.

The Education and Culture Committee began its inquiry in January into the educational attainment gap, which I think all parties in this chamber agree is one of the greatest challenges that Scottish education faces. Obviously, that relates to the Europe 2020 targets and the Scottish Government's action plan on European engagement. The committee's findings on how to reduce the number of early school leavers and raise the number who enter higher education will be of particular interest. Similarly, the committee's intention to look at the experience of other European countries on how to promote sign language will, in the context of new legislation, also provide very useful evidence.

The Infrastructure and Capital Investment Committee looked at the proposed digital single market initiative, which is of huge significance to Scotland and to the Infrastructure and Capital Investment Committee as we continue to ensure improvements to access and connectivity here to the digital services that are enjoyed by many other EU states at better levels than parts of Scotland. As a member who represents Mid Scotland and Fife, I am well aware of the frustration that is felt by constituents in rural communities, so I look forward to the work that will be undertaken on that.

There have been inquiries into freight transport in Scotland, with a specific focus on transport links to mainland Europe. That is an important area of work, from which we hope to learn a lot more about European models of freight infrastructure. I know that my colleague, Alex Johnstone, has been taking a particular interest in some of that.

The Justice Committee has continued to monitor the negotiations on the proposed European public prosecutor's office, in order to focus on protecting financial interests. That is also an important area. As two members have already said, the EU faces some challenges when it comes to accountability and transparency.

Of course, at a time when human trafficking is uppermost in our minds, it seems to be particularly appropriate that the Justice Committee's 2015 work programme also includes the Commission's European agenda on migration and related issues.

To sum up, we should all pay great tribute to Christina McKelvie and her committee, which has made all the committees of this Parliament sit up and take notice not only of legislative implications, but of how the European and External Relations Committee goes about its business. Nothing that improves Parliament's scrutiny of EU legislation and makes it more democratic can be anything but a good thing.

**The Deputy Presiding Officer:** We now move to the open debate, in which I will allow generous four-minute speeches.

15:11

**Willie Coffey (Kilmarnock and Irvine Valley) (SNP):** I hope that our EER Committee's report provides the Parliament with a useful snapshot and summary of what is happening in the European Union. As our convener said, we must thank the other committees of the Parliament for examining the policies of the EU in detail in terms of their particular committee focus, and on how those policies might impact on Scotland.

The report indicates that the EU's 2020 strategy for growth is pivotal to most of the work that is being undertaken, and is itself almost halfway through its programme. Our Scottish MEPs, Ian Hudghton and Alyn Smith, also reminded us of the value of European funding to Scotland—nearly €1 billion from the European regional development fund and European social fund over the current period—in helping Scotland to develop our innovative low-carbon economy as well as promoting international business, tackling poverty and getting people back into work. It is important to keep highlighting the benefits of our membership of the EU—if only to counterbalance the negativity that is coming from some people.

The current focus is on Mr Juncker's 10-point strategy and action plan, which was published last December and was mentioned by Christina McKelvie. Jobs, growth and investment are key priorities, as they should be. There are one or two other priorities that stand out for me—in particular, the planned work to develop the digital single market across Europe and plans to engage more directly with European citizens. A digital single market across Europe must surely be one of the greatest opportunities for growth, for harmonisation of technology and for competitive pricing to drive down costs for consumers. According to Mr Juncker, we can create €340 billion-worth of additional growth and create hundreds of thousands of new jobs and a vibrant knowledge economy. He went on to say:

"The borderless nature of digital technologies means it no longer makes sense for each EU country to have its own rules for telecommunications services, copyright, data protection, or the management of radio spectrum."

I certainly agree with that, so the focus on some of those issues will help.

However, let us not kid ourselves: companies create technology borders to make money, and they make plenty from us as we move from one political jurisdiction to another. If I make the trip from Scotland to Donegal in Ireland, the mobile phone charges are huge, although it is only 170

miles from here. If I go to Inverness, which is about 200 miles from me, the charges are the same as they are at home. That has nothing to do with technology—it is about exploiting jurisdiction changes to make money from consumers.

That is why I was disappointed to learn that the Commission is planning to delay for perhaps another two years its previously stated commitment to end roaming charges for people who move around Europe. Roaming charges were supposed to be phased out by the end of this year. If we are serious about the noble aims and objectives to create a digital single market using superfast broadband right across Europe, those issues must surely be resolved.

A true digital single market should mean that we get the choice of using any digital service providers in Europe for mobile and broadband—not just the restricted and diminishing choice that we have in the UK. It should also mean that consumers are free to choose what TV broadcast media they buy, for example. Why should consumers across Europe be restricted to their national broadcaster and, in some cases, forced to pay for that, when there are plenty of other service providers across Europe whose output they might wish to watch? I cite the RTÉ service from Ireland as a particular example. We asked EU Commissioner Jackie Minor about that, and she accepted that the Commission needs to take measures to restore trust, and said that plans are under way to help with that and with how we engage with European citizens. The EU's public-facing websites are hardly designed and written for the ordinary citizen to connect with, and Mrs Minor recognised that.

That is a crucial area of work for the EU and the Commission. Telling the public in Europe the positive story about Europe and about how the nations of Europe benefit from and help one another is a great story to tell, but it needs to be told often and in much more accessible language than has been the case so far. If it is not, the negative elements that are fuelled by the anti-European press are only too happy to pick up on those issues and to use them to attack the founding principles of the EU—the promotion of co-operation, jobs, economic growth and peace.

I very much hope to see further progress on both the issues that I have highlighted today. Perhaps we might also get the chance to update Parliament before its session ends next May.

15:16

**Malcolm Chisholm (Edinburgh Northern and Leith) (Lab):** I welcome the opportunity to discuss the important relationship between Scotland and Europe, and our shared goals over the coming

years. Our committees play a vital role in scrutiny of how effective that relationship is, thereby ensuring that we as a Parliament fulfil our commitments.

Scotland's policy relationship with Europe is important for achieving stable growth through interconnectivity and contributing to the objectives of the Europe 2020 strategy. José Manuel Barroso states in the opening chapter of the strategy document:

"Economic realities are moving faster than political realities, as we have seen with the global impact of the financial crisis. We need to accept that the increased economic interdependence demands also a more determined and coherent response at the political level."

As members will be aware, there are so many areas of development that we can go into, which demonstrates just how much the European objectives for 2020 interact with our own policy process.

However, I will endeavour today to remain focused on one area. We as a Parliament have faced many challenges over recent months, as uncertainty over renewable investment and our clean energy sector has impacted on the success of key firms, including Pelamis in my constituency. I therefore wish to focus on research and development in the EU 2020 strategy and on what we are doing here to fulfil our potential in that key sector.

As the Scottish Government's "Europe 2020: Scottish National Reform Programme 2014" report highlights, our capacity for innovation in new renewable technologies, in pharmaceuticals, in healthcare and in biotechnology requires that the finest minds from across the European Union and the global academic community see our shores as being a destination of choice.

One of the lessons that have been learned from the Pelamis closure is that innovation and collaborative working across Europe are necessary if we are to produce products that are commercially appealing. A strong research and development base on which to build is essential. In that regard, I am glad to read in the Scottish Government's NRP that growth in that area will focus on the EU's flagship innovation union initiative.

Research and development is important for making the most of our emerging industries, and that is particularly relevant in the renewable energy sector. Ensuring that the focus is on making our new technologies commercially viable is vital for ensuring that investment by the private sector is secure in future years.

The transition to a low-carbon economy is a key component in the success of the Government's economic strategy, with investment meeting the

twin aims of boosting our economy and achieving carbon-reduction targets.

In evidence to the European and External Relations Committee, which was cited in its report, the Scottish Government stated:

“The Scottish Government wants to see strong incentivisation, research and innovation to lower costs and ensure that energy efficiency, renewables (particularly offshore wave, tidal and wind), energy storage, and Carbon Capture and Storage (CCS) can play their part in the EU energy mix, improving energy security and creating jobs and growth.”

That statement rings true, particularly when we bear in mind our recent debate addressing the need to incentivise innovation in wave power technologies. However, reform of the current laws that dictate state aid rules might also be necessary if we are to ensure that another loss like that of Pelamis is to be avoided in the future.

Members will be aware that, in committee evidence, the European and External Relations Committee asked about the possibility of the Commission changing its approach to state aid rules so that Scottish investment in renewable energy would allow the state to invest in wave and tidal power projects. Ms Minor stated:

“One of the five dimensions of the communication on the energy union ... will certainly be research and development. It will look at ways in which we can encourage more investment in research into clean and sustainable technologies. It is premature to speculate about whether it will look at the existing state aid rules but, from having accompanied the commissioner during discussions in London earlier in the week, I know that he is very enthusiastic about carbon capture and storage.”—[*Official Report, European and External Relations Committee, 22 January 2015; c 18.*]

We have the workforce and the skills to make Scotland a leader in the EU if we pay heed to the lessons of Pelamis and look to incentivise growth in new technologies in a more collaborative way, while also looking at how current state aid rules might be reformed to ensure that, where state support is urgently required, it may be given.

15:21

**Roderick Campbell (North East Fife) (SNP):**

As the Justice Committee's EU rapporteur, I am pleased to speak in the debate. I am also a member of the European and External Relations Committee and I acknowledge the considerable work that that committee's clerks and convener have done in putting the committee's report together.

Before I look ahead to future work, I will touch on an aspect of the Justice Committee's EU scrutiny that started in 2012 and concluded at the end of last year: the UK Government's opt-out decision, which came into effect on 1 December

2014. In the run-up to that date, serious concerns were raised about how that decision would impact on Scottish interests, whether the European arrest warrant would be affected and what the implications might be if there was a gap between the block opt-out coming into effect and the opting back into individual measures.

During that time, we received updates on the various Westminster committees' inquiries on the issue and we requested written submissions from the Lord Advocate, Police Scotland, the Faculty of Advocates and the Law Society of Scotland. We held regular evidence sessions with the Scottish Government, although we did not quite persuade a member of the United Kingdom Government to meet us. I thank all those bodies for keeping the committee updated on such a significant issue and I am pleased that there seems to have been a smooth transition from the opt-out to individual opt-ins on 1 December.

It is important for Scotland to remain a member of the European Union, and I am pleased that others in these islands support the First Minister's call for a double majority if there is a referendum on EU membership. That call has also received support from the First Minister of Wales, at least as a concept worth looking at.

Our engagement with Europe should be about co-operation and the exchange of best practice. For example, Scotland has become part of the vanguard initiative for new growth by smart specialisation, which aims to influence the direction of innovation and entrepreneurship in Europe's member states and regions.

The Justice Committee's priorities for this year focus on five areas: the Scottish Government's updated action plan on European engagement; the European Union's e-justice strategy, the Scottish Government's justice digital strategy and how they interact; criminal procedure dossiers and the European public prosecutor's office proposal; the European agenda on migration; and the EU's justice and home affairs agenda for 2015 to 2020. I will look at those in turn.

The Justice Committee will look carefully at the Scottish Government's updated action plan on European engagement and will seek to identify any key justice issues for scrutiny. We will also keep a close eye on the justice and home affairs agenda as and when new proposals are published, to ensure that Scottish interests are protected.

On e-justice, in recent months, the committee has heard much about the Scottish Government's justice digital strategy and we are keen to see how that fits in with the EU's e-justice programme. The Scottish Government has confirmed that there are common objectives between the two, and it is

identifying which of the e-justice actions might help it to progress the four main justice digital strategy projects, which are the digital platform, justice portal, justice communications and legal projects. We expect a further update from the Scottish Government on that work in the months ahead.

The committee has an on-going interest in the European public prosecutor's office regulation proposal, having reported subsidiarity concerns about it in 2013. Although the UK Government does not wish to opt into the proposal at this stage, there might still be implications for working arrangements between Scottish prosecutors and the EPPO, so we are keen to keep an eye on how the proposal develops. We understand, however, that negotiations on the proposal might take some time, so that is likely to be a long-standing piece of work.

Finally, on the European agenda on migration, the committee is considering the Human Trafficking and Exploitation (Scotland) Bill at stage 1. We are keen to hear more about the European agenda on migration, which was listed in the Commission's work programme, to see whether there is any interaction. Of course, in the light of the recent unfortunate events to which the minister referred, it seems that that aspect of the European agenda will merit much greater attention at a European level in the months ahead. I believe that this Parliament would be wise to keep a close eye on the European agenda on migration.

15:26

**Anne McTaggart (Glasgow) (Lab):** I am particularly pleased to contribute to the debate, as a fairly new member of the European and External Relations Committee, and I congratulate all my colleagues past and present on the committee on releasing the report, which outlines how we and other committees have engaged on European issues over the past year and sets out the priorities for EU engagement in the coming year.

"Scotland's Action Plan for EU Engagement", which the Scottish Government published a few weeks ago, sets out that Scotland firmly believes that its best interests lie in remaining part of the European Union and maintaining its strong relationship with Europe. Scotland's place in the EU has led the way to prosperity, sustainability and security throughout the country for more than four decades, and that will only increase as our relationship grows stronger.

The mutually beneficial relationship that Scotland and the European Union share is essential for both parties. Within that relationship, Scotland aims to influence key EU policies to meet our country's best interests.

Through careful examination of the Europe 2020 strategy, the Scottish Government has decided which elements should be prioritised. Those are the points at which European engagement will be focused.

Although many committees throughout the Parliament have made a priority of considering EU engagement, including the scrutiny of EU policies, it has to be noted that, sadly, the levels of engagement in the topic have declined since last year. It is therefore essential to be reminded that maintaining Scotland's strong relationship with the EU is essential. However, we must continue to hold the European Union accountable and evaluate its policies as they fit in with our needs.

The European and External Relations Committee aims to lead the Scottish Government in its engagement with the European Union and will continue to scrutinise the Scottish Government and its engagement with the EU. To carry out the scrutiny functions, early engagement is key, as is prioritising the monitoring of European legislation that is being drafted or implemented. I am sure that the committee will happily act as the hub for that scrutiny and engagement in the Scottish Parliament to guarantee that Scotland's best interests are being met in Europe.

I am sure that my colleagues will agree that there is no doubt that Scotland is an essential part of the European Union and that the European Union is an essential part of Scotland. To maintain the best possible relationship, it is necessary that the Scottish Government continues its efforts to best engage with and monitor the policies that the EU sets forth. That will ensure that Scotland continues to thrive as much as possible as part of the European Union.

**The Deputy Presiding Officer:** I call Liz Smith, who has a generous four minutes.

15:29

**Liz Smith:** Christina McKelvie gave an interesting introduction when she talked about the increasing depth of committee reports when it comes to EU matters. She also talked about the EU's increasing influence on Scottish affairs and hinted at some streamlined changes that are necessary to bring about greater accountability. That is a valid point.

Christina McKelvie referred to the impending referendum on Europe. Politics aside—I stress that this is not the time to make party-political comments—the impending referendum provides an opportunity to re-examine how Europe, and Scotland as part of that, does things. That is important for two reasons.

There is no question but that those of us who wish the UK to be firmly established as part of the EU, primarily because of the huge economic benefits that that brings, want some reform. I suspect that all parties in the chamber want reform of some sort, particularly the tougher budget discipline that is required.

It is unquestionable that people want greater transparency. There is also no question about the need for greater accountability. I think that Christina McKelvie introduced the issue of trust. Trust needs to be rebuilt. It is important in politics to have trust, and one of the issues that the EU faces is that it has lost trust throughout the continent for a variety of reasons. That needs to be addressed.

I chair the cross-party group on colleges and universities. Some interesting things are happening in that field that make clear the need for greater accountability and transparency as our young people and our mature students look much further afield.

One of the most interesting developments to happen recently is that the Universities and Colleges Admissions Service system is being opened up beyond the current UK system. That is good news because it means that our young people are looking abroad to study and, obviously, we want to attract more people to come to this country, including people from the EU.

I am conscious of the Government's attempts to improve that process. It has been let down a bit by the Westminster Government on that. We debated that a little while ago and I fully support the Scottish Government's moves to address that.

Lots of interesting things are going on in how we look at the EU, but there is unquestionably a need for trust in the institutions to be restored. The world is changing fast. I think that it was Humza Yousaf who said—rightly—that the EU is a big marketplace. It matters a great deal to us as a trading nation and as part of the UK trading nation. We have to ensure that the processes by which we engage in it are fit for purpose, and there are question marks over that.

The committee's report has been important for pointing us in the direction of some of the challenges that we face. As I said when I closed my opening remarks, anything that can make the democratic scrutiny in this Parliament better must be a good thing. There are many question marks over the Parliament's committee system, and the Presiding Officer wants to lead some discussion on that. That is right and proper because, if anything about democracy is most important, it is the scrutiny that allows for transparency and for trust in the process to be rebuilt.

15:34

**Claire Baker:** This is a brief debate to recognise the role that our committees play in engaging with Europe, to examine the priorities that they have identified as having particular importance for Scotland and to consider the EU priorities. The European and External Relations Committee plays an important role in encouraging early engagement; mainstreaming the scrutiny of EU legislation into the subject committees, which can identify its relevance to their areas of expertise; and mainstreaming and co-ordinating the implementation of legislation.

We often bemoan the poor turnout at European elections—only 33.5 per cent of the electorate took part in the 2014 election—but the turnout throughout Europe is not much better. Although the overall figure across Europe was higher than our third of the electorate, 2014 still saw the lowest recorded turnout figure for a European election.

Some members have referred to a possible EU referendum. We are weeks away from a UK election, and Europe and our membership of the EU are perhaps not as prominent as commentators predicted they would be a few months ago. It feels as though the agenda has moved on to much more domestic matters and there are more exciting predictions for commentators to speculate about than those on Europe.

Despite the talk of Eurosceptics, I feel that most of the electorate are fairly apathetic towards European politics, and it is marked that the EU referendum seems to have fallen off the agenda. There are many reasons for that public apathy, but I suggest that there continues to be a lack of understanding of what Europe delivers for us in the modern world. That is partly the responsibility of European leaders, who continue to be institutionally focused, as well as member state leaders, who often prefer to present the positive measures from Europe as their own but take the opportunity to criticise Europe when there are challenges. That is combined with a lack of confidence from citizens that Europe is working for the ordinary person.

We are seeing huge economic challenges across Europe. Our fellow Europeans in many countries are continuing to experience levels of poverty and economic downturn not seen for many years. Many countries have a crisis in youth unemployment, which leads to significant social problems and often depopulation, as those who can begin to look for opportunities elsewhere. Those are significant challenges with no quick solutions. In response to that, Europe—the Parliament, the Commission and the Council of Ministers—for too many people does not look as though it is responding adequately and yet, if we

could see delivery on the 10 priorities that everyone has spoken about, we would see a modern, responsive union that is able to address the pressures of our modern times.

Expansion of the European Union has changed the funding opportunities and the funding landscape for Scotland. Although we remain part of CAP funding and our farmers receive support, that is an example of how the focus for agriculture is starting to change, with a much greater focus on land management and the environment. The Commission is starting to change how it spends its resources.

The funds that Scotland receives for regeneration have changed dramatically over the years, but there are still opportunities, including the European social fund, which some members talked about. The minister knows that I have previously raised concerns from the university sector about the proposed changes to the horizon 2020 programme.

However, we need to be alert to opportunities, and the committee's report—and some of the members—talked about possible opportunities in regeneration; in e-health, which the Health and Sport Committee looked at; and in potential funding for cultural heritage, which the Education and Culture Committee looked at. The committees have an important role to play in overseeing that.

Liz Smith highlighted the freight transport report, which demonstrated how Europe has an impact on many areas of our economy. Christina McKelvie and Willie Coffey talked about the digital single market and highlighted competitive pricing and the need for more consistency across Europe. It is a borderless economy and it makes no sense to have multiple rules. That is a good example of how Europe and the Commission could make changes that benefit the average European citizen. As Willie Coffey said, those issues should be resolved much more quickly than on the proposed timescale.

Malcolm Chisholm talked effectively about the challenges facing the renewables sector and the need for a greater concentration on research and co-operation in Scotland. He highlighted the innovation proposals and the need for more collaborative research. We still have some way to go before some renewables are commercially viable and there needs to be a greater focus on that. As Malcolm Chisholm said, the report mentioned that, when the committee asked about state aid rules, there was not a lot of clarity from the Commission. There were certainly warm words and positive noises, but there was not a lot of clarity about where we might see changes.

I was struck when reading the report that there are many opportunities for co-operative working

and sharing good practice. Christina McKelvie mentioned the TTIP report that will come from the committee. TTIP can give us trade opportunities in an expanding world, but there is largely a consensus across the chamber that the NHS needs to be excluded from any proposals that are put forward.

Rod Campbell spoke about the Justice Committee's work. As we consider the introduction of the Human Trafficking and Exploitation (Scotland) Bill, it is sensible that the committee intends to take evidence from Europol and EU experts on human trafficking. I support the minister's comments about the need to address people smuggling as a humanitarian issue.

The Equal Opportunities Committee is seeking to learn from EU counterparts in progressing its work on female genital mutilation. When we are facing such a situation, which is evident throughout Europe, it is important that we work together to find solutions.

Anne McTaggart referred to the debate on Europe that we had earlier this year. Although that did not result in a motion that we all agreed to, there was quite a lot of consensus on the importance of Scotland and the UK engaging with Europe and of our continued membership of the EU. I thank the European and External Relations Committee and I look forward to opportunities for the Parliament to explore some of the issues in the coming year.

15:40

**Humza Yousaf:** The debate has been brief, but we have covered a number of issues and topics that are not only important in members' constituencies but of great national importance.

Malcolm Chisholm rightly raised the important issue of renewables, and wave and tidal technology in particular, segueing into a discussion of research and development and innovation. Claire Baker also touched on the theme, mentioning horizon 2020 at the end of her speech. She has consistently expressed her concern that any further budget reduction for horizon 2020 might impact on our research and development and our academic institutions. I hope that I have given strong assurances in that regard, and I reiterate that we share such concerns.

Willie Coffey spoke eloquently about digital connectivity and having a true single market. He was right to use the word "exploitative" in speaking about some of the multinational corporations, and right to advocate that we take a sensible approach to a variety of digital issues. I know that digital issues are a matter of great concern to Willie Coffey, and over the years he has been consistent in raising those issues in the chamber.



Roderick Campbell spoke about justice issues, which I will reflect on further in a moment. Liz Smith, speaking on behalf of Jamie McGrigor, spoke about a variety of issues such as transport, education and migration as well as energy union, which is an issue that Jamie McGrigor has raised on many occasions during chamber debates on the EU.

I am grateful to have the opportunity to contribute to the debate on the Government's behalf. It is important in terms of EU engagement priorities that the Government has a locus with regard to the European Commission's 2020 programme, which will be taken forward through the Commission's work programme in 2015.

In effect, the programme is a 23-point plan to take forward the growth agenda in the EU. I wrote to the European and External Relations Committee in January to set out the key areas of interest for the Scottish Government. The work programme is more focused than it has been in previous years, which is perhaps a sign that the Commission is serious about reconnecting with its citizens. As Claire Baker and other members have suggested, and as I think the Commission would be the first to say, the EU has fundamentally failed to connect with and make itself relevant to the citizens of its member states. The work programme perhaps demonstrates the Commission's understanding that doing less, but doing it more effectively and strategically, is a better approach to take.

Although the programme is more focused, there are a number of strategic issues that will be of considerable interest to a number of our committees. As has been mentioned, climate change will loom large ahead of the major conference in Paris towards the end of the year in which countries of the world will seek to hammer out a global climate deal. The Scottish Government will of course play its role in that conference, which will—as Claire Baker said—potentially help us to reach our own targets here in Scotland.

I know that the energy union package is incredibly important to Jamie McGrigor, who cannot be here today. The package is a critical initiative, and I welcome the Economy, Energy and Tourism Committee's intention to consider the strategic framework for energy union in the context of its work on oil and gas, wave and tidal power and energy efficiency.

There are many other elements of the Commission's work programme that will have major relevance to committees as we move forward. My consideration is clearly limited by time, but I want to make a point about migration, which other members have mentioned. It is a key issue in the Commission's work programme, and I

welcome the Justice Committee's intention—as Roderick Campbell highlighted—to examine how the Commission intends to deal with issues of people trafficking and smuggling as part of its migration strategy. It is a major issue that needs to be addressed. The Scottish Government has of course been deeply disturbed by the deaths in the Mediterranean of so many migrants who have sought to enter the EU from Africa.

Many other elements of the Commission's work programme will have major relevance for committees.

It is good that in this Parliament we have had a positive discussion about the benefits of the EU. In other Parliaments across these islands, there might not be such a constructive debate or a real consensus about the benefits. We know about the benefits, such as the single market of 500 million people with access to 20 million businesses. In 2012, the EU was the world's largest economy in terms of gross domestic product, with a higher figure than those for the United States and China. I have touched on the benefits from migration for our education institutions as well as the social and cultural benefits. I welcome the commitment from across the Parliament to engage constructively and positively on EU issues.

The Government is committed to a number of key points. It is committed to continuing to engage with the Parliament as early as possible on forthcoming EU legislation, and we hope to publish updated transposition guidance soon. We will continue to make the case that Scotland is best served as a member of the EU. Of course, we think that the UK is stronger for being in the EU and that the EU is stronger for having the UK as a member. Because of that, our clear position is that we do not support an in/out referendum and we believe that, if one happens, a double lock should be in place.

We will continue to make the case for EU reform. No member state ever tells me that it believes that the EU is perfect. Every single one of us wants reform, but we believe that that can be done within the existing treaty framework. We are keen that Scotland should get its share of the investment package, and we are working closely with the UK Government in that regard. We want to support innovation and promote inclusive growth through active participation in the EU. We also want to use the heightened interest in Scotland since 2014 as a platform to deepen a number of bilateral relationships across the EU.

The Scottish Government firmly believes that the EU is the best international framework to deliver social and economic gains for the people of Scotland and to tackle some of the difficult global challenges that face Scotland and its partners worldwide. We do not consider that there is a

viable alternative to our EU membership that is capable of delivering the same economic and social prosperity to our people or of enabling us to fulfil the Scottish Government's ambition for international engagement.

As I say that, if I listen closely, I can almost hear Margo MacDonald's voice telling me otherwise. It is important that we recognise that there are a number of voices in Scotland who are not quite convinced of the case for our continued EU membership. Therefore, I do not doubt that the Government and politicians across the Parliament have a job to do to be firmer about the benefits of the EU. Members might find the Scottish Government's booklet on the benefits of Scotland's membership of the EU a very handy guide in doing that job.

Subsequent to the Smith commission report, the Scottish Government will continue to work and engage constructively with the UK Government to press for strengthened safeguards to ensure that Scotland's voice is heard in the development of UK policy on EU issues that touch on devolved matters. That is of particular importance and interest to members across the Parliament.

Once again, I thank the European and External Relations Committee for its report, as well as all those who were involved in putting it together.

**The Deputy Presiding Officer (Elaine Smith):** I call Hanzala Malik to wind up the debate on behalf of the European and External Relations Committee.

15:48

**Hanzala Malik (Glasgow) (Lab):** I am pleased to be able to close the debate today for the European and External Relations Committee.

I thank all members for their contributions, including Humza Yousaf and Claire Baker. I also thank the committee clerks and other committee clerks who assisted, as well as all the people who gave evidence to the committee. It is greatly appreciated.

We have heard about what other committees' European priorities were in 2014 and what they plan to do for the rest of this parliamentary session. As our convener, Christina McKelvie, said, last year was one of great change in the European Union. I will talk about some of the themes that came out of the European and External Relations Committee's report.

I agree with Malcolm Chisholm and Anne McTaggart that EU funds are very important to Scotland. For example, Scottish MEPs told our committee about the €985 million for Scotland from the European regional development fund and the European social fund in the period up to 2020.

We heard that those funds will go into a range of projects to help Scotland build a low-carbon economy, as well as promote international business opportunities, tackle poverty and get people back into work.

I want to mention the importance of the reformed common agricultural policy and the common fisheries policy, which are closely scrutinised by the Rural Affairs, Climate Change and Environment Committee. That committee's work on this area includes hearing from European Commission officials on the topic.

The Local Government and Regeneration Committee has been considering EU funds in some detail in relation to its continuing interest in the development of Scotland's regional economies. In 2015, it will look at the operation of the European structural funds programmes in Scotland.

The European and External Relations Committee noted in our report that the Scottish Government has identified youth employment as a key objective for the structural funds in Scotland. The committee is taking a special interest in the roll-out of the EU youth employment initiative.

The Education and Culture Committee has been scrutinising the Scottish Government's actions on youth employment in 2014. It considered the European Commission's youth guarantee scheme as part of its inquiry into Scotland's educational and cultural future, and it will follow up that work in 2015.

The digital agenda is important. The Infrastructure and Capital Investment Committee told us about its continuing interest in that and it will take evidence on it directly from the European Commission. It took evidence on how Scotland is performing on the digital agenda and on what more can be done to encourage digital participation.

Willie Coffey and Roderick Campbell talked about the digital agenda and the justice challenges that Scotland faces. Our Justice Committee told us that it intends to monitor the EU's work on e-justice, with the background of the Scottish Government's digital strategy in Scotland. The Justice Committee intends to pursue a variety of other important issues, such as the Commission's European agenda on migration and the Human Trafficking and Exploitation (Scotland) Bill. That is an area in which the European and External Relations Committee has a special interest.

The Rural Affairs, Climate Change and Environment Committee continues to track developments relating to the EU 2020 climate target and the establishment of an EU 2030 framework for climate and energy policies. I know that it will follow very closely the negotiations

leading up to the UN Framework Convention on Climate Change meeting in Paris in November.

The Equal Opportunities Committee hopes to mainstream EU issues into several work areas, such as its inquiry into the experience of social isolation faced by people in Scotland, and also in an upcoming race and ethnicity related inquiry, which is very important, because many in the minority community in Scotland feel let down.

I hope that others have found our report interesting. I look forward to another year of effective scrutiny and mainstreaming of EU issues of importance across all subject committees. Please wish us well for success in that.

I take this opportunity to wish Jamie McGrigor, who is unwell, a speedy recovery. He is missed here daily and is particularly interested in the common agricultural policy as well as the common fisheries policy. I do not want him to feel that his absence or his interest in those areas has not been noted.

I stress that the digital network is crucial for the growth of the Scottish economy. It is important that our MEPs take the fight to the European Union to ensure that we get all the support that we can in rolling out that programme.

Presiding Officer, how much time do I have?

**The Deputy Presiding Officer:** I can give you another minute or so.

**Hanzala Malik:** That is very kind. Thank you.

In conclusion, I thank the committee's convener, Christina McKelvie, who worked tirelessly to ensure that we delivered an effective programme last year. I look forward to our doing so this year, as well. I also thank all the people who gave their valuable time in coming to the Scottish Parliament to give evidence. It was important that we shared their experiences, as that helped us to put our report together.

## Members' Interests Bill

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

The next item of business is a debate on motion S4M-12951, in the name of Stewart Stevenson, on the proposal for a members' interests bill. I call Stewart Stevenson to speak to and move the motion on behalf of the Standards, Procedures and Public Appointments Committee.

15:57

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

The role of the Standards, Procedures and Public Appointments Committee is to keep the Parliament's procedures and processes under constant review. The Scotland Act 2012 gave the Parliament some extra flexibility to manage our members' interests regime, and the committee has used that opportunity to take a fresh look at how we operate our standards.

The committee now presents the Parliament with a proposal for a committee bill, under rule 9.15 of the standing orders, which has two aims: to make the register of interests more transparent and to make the standards regime even more robust. I will first address the proposals for increased transparency.

Under the Interests of Members of the Scottish Parliament Act 2006, members have to register certain financial interests that are then published in the Parliament's register of members' interests. The register is principally concerned with interests that might prejudice or appear to prejudice a member's ability to participate in the parliamentary proceedings in a disinterested way. The public deserve to know about a member's financial interests, so that they can judge whether the member might be influenced by them.

Separately, members also have to register donations or loans for political activities with the Electoral Commission. The commission has its own rules and thresholds for what needs to be registered, which are different from the Parliament's rules, and it publishes its own register. That is known as dual reporting. It means that the public have to look in two places for information about a member's interests and that members have to register financial interests in two separate places under two separate sets of rules. The draft bill that we are bringing forward aims to end dual reporting. Members would have to register financial interests in only one place and, more important, the public would have to look in only one place to find information about a member's financial interests.

Under our proposals, the Parliament's existing registration requirements will continue to apply. We have been careful to leave the existing regime

as undisturbed as possible. However, there will be an additional layer of reporting requirements imported from the Political Parties, Elections and Referendum Act 2000—PPERA, as it is known—which is the legislation that governs the Electoral Commission's regime.

PPERA is quite a complicated set of rules. In summary, members must register donations or loans of more than £1,500 that have been received for political activities. That might be a single donation or it might be several donations of more than £500 from the same person in the same calendar year.

As its name suggests, PPERA is concerned with members of political parties but, of course, we also have independent members here. We are proposing specific changes to deal with the position of independent members. In her closing remarks, Margaret McDougall, the deputy convener, will speak about that in more detail and about other matters that I will not have time to deal with.

The bill's proposals have been discussed in depth with the Electoral Commission. It must be satisfied that the Parliament's register will give it all the information that it needs before it can agree to the ending of dual reporting. The commission has told us that our proposals, along with the changes that we will propose to the code of conduct, should meet its requirements. As PPERA is reserved legislation, the United Kingdom Parliament must pass a commencement order to exempt members from the PPERA reporting requirements.

I will put on record my appreciation of the commission's help in getting the bill to this stage. Between last year's referendum and this year's general election, although the commission is clearly busy, it has always been helpful to us in navigating our way through its complex regime.

We are proposing an important reform, which will keep our Parliament in step with the UK Parliament. Dual reporting has ended for Westminster MPs, and we understand that the other devolved institutions are also considering changes.

The draft bill builds PPERA's requirements into the Parliament's interests act. I am the first to admit that the bill that we are to introduce will look complex. However, the changes can be boiled down to a number of key questions that members must ask themselves. Has anyone given them a gift or donation of money, goods or services? Has anyone funded an overseas visit for them? Have they been paid for any work that they have done outside Parliament? Do they own shares or property, apart from their own home? In all those cases, there could be a registrable interest.

As convener of the Standards, Procedures and Public Appointments Committee, and not simply in an effort to reduce the committee's workload, my advice is simple: members should always ask the standards clerks for advice if they think that there is any possibility that they have acquired a new interest or that the nature of an interest that they already hold has changed, for example if the value of shares has risen above the threshold without the individual member having taken any action. The clerks can navigate the complexities of the existing legislation and the new provisions. The bottom line is that members must approach them within 30 days of acquiring a new interest; they must also look at the value of their shares annually.

The committee will propose changes to the members' code of conduct, which relate to the changes that I am explaining. At the start of each new session, particularly the next one, the standards clerks and Electoral Commission officials will arrange briefing sessions for members on the new rules.

Our proposals will mean a more streamlined system for members. They will have to seek advice in only one place—from our standards clerks here in Parliament; they will have to register interests in only one place—here in the Parliament; and the public will be able to find all a member's interests in only one place—the parliamentary register.

By increasing transparency, the proposals chime with other developments on the horizon, not least the proposal for a lobbying register, which we expect the Government to introduce soon.

One more benefit of ending dual reporting is that complaints about failing to register will all be dealt with by the Commissioner for Ethical Standards in Public Life in Scotland. At the moment, a complaint could be investigated by the commission, by the Electoral Commission or even by both at the same time. That can be confusing for the public to navigate; it could also result in a member having to deal with two separate investigations into what is essentially the same complaint. The committee's proposals would streamline the process so that all complaints are dealt with by the commission.

To sum up our proposals for the ending of dual reporting, information about a member's financial interests will be available to the public in one place, members will have a one-stop shop for advice on registering interests and we will streamline the process for dealing with complaints.

In addition, in the light of the Council of Europe's group of states against corruption—GRECO—report, we propose to lower the threshold for registering gifts from 1 per cent of a member's

salary at the start of the session to 0.5 per cent. Responding to the GRECO report in that way will bring us into line with legislators elsewhere.

I said that the second aim of our proposed bill is to make the Parliament's standards regime more robust. We already have a very robust regime. In the whole parliamentary session, we have had to deal with only one, relatively minor breach of the interests act by a member. It is a criminal offence when a member fails to register or declare an interest, or undertakes paid advocacy, which is not the case in the House of Commons. We should be proud of our existing regime, but we are not resting on our laurels. The committee believes that we can go further.

First, the bill will extend the sanctions that are available to the Parliament for dealing with breaches of the interests act. The power to withdraw rights and privileges is already available, but when it comes to breaches of the interests act, the Scotland Act 2012 requires us to set out specific sanctions in legislation. The bill will make sure that the widest range of sanctions are available for breaches of the interests act. Those sanctions will include excluding a member from the premises of the Parliament, withdrawing a member's right to use the facilities and services that are provided by the Scottish Parliamentary Corporate Body, and withdrawing salary and allowances when a member is excluded.

To that end, the committee has included in its draft bill a new sanction—a motion of censure, which would allow the Parliament to draw attention to a breach in a debate in the chamber and would give the member the opportunity to comment and apologise, as appropriate. Members will appreciate that that is not a trivial sanction. For some breaches, it might be more appropriate than withdrawing pay or access.

The committee's proposal will increase the transparency of information about our financial interests and will make the standards regime that we have even more robust. I commend the committee's proposal to the Parliament.

I move,

That the Parliament agrees to the proposal for a Committee Bill, under Rule 9.15, contained in the Standards, Procedures and Public Appointments Committee's 2nd Report, 2015 (Session 4), *Members' Interests Bill* (SP Paper 681).

16:07

**The Minister for Parliamentary Business (Joe FitzPatrick):** I want to start by quickly reflecting on the background to the committee's work on updating the members' interests statute. The committee should be commended for moving quickly to utilise the powers that arose from the

implementation of the Scotland Act 2012, which gave the Parliament the ability to review the terms of the members' interests framework in full.

We now anticipate that the Parliament will soon be responsible for all matters that are relevant to its internal operations, which is something that we have argued for since the first session of the Parliament and which this Government has advocated since coming to office. It is good that there is a general consensus that that is an area for which the Parliament should have responsibility. That default position—which is the normal position for Parliaments around the world—is only right, so I welcome the opportunity that the debate gives us to consider the substance of the proposals that are contained in the committee's report.

The subject matter of the debate is clearly a matter for the Parliament, but I wish to take the opportunity to put the Government's views on the record, which I hope will be helpful to the committee and to the Parliament as a whole.

I consider that the reform package that is proposed by the committee represents a significant and progressive step forward. It is good to re-emphasise what the convener said—the reform package is about making the regime more transparent and more robust. We already have transparent and robust procedures in place, but it is always appropriate for us to look at how they can be improved. It is correct that that is being done.

I am pleased to confirm that the Government is supportive of the committee's proposals and that it considers it appropriate for a bill to be brought forward to implement them. It will, I believe, be the first committee bill for some time.

Members of the committee will recall that, during the consultation process, the Government identified two issues that it believed required careful consideration. The first was that of whether failure to register or declare an interest should no longer be a criminal offence, and the second was whether a rectification process should be introduced to deal separately with minor instances of non-compliance and thus avoid investigation of such cases by the Commissioner for Ethical Standards in Public Life in Scotland.

In its response to the consultation, the Government put forward a number of arguments about the merits of implementing such policies. In particular, we were concerned that either move could be perceived as diluting the accountability of MSPs, and we therefore welcome the fact that, after careful consideration of the consultation responses, the committee has decided not to proceed with these measures.

As for the proposals that the committee seeks to implement, I particularly welcome the end of dual reporting of members' financial interests to both the Parliament and the Electoral Commission. The benefits of this reform are twofold. First, it will streamline the registration process for MSPs, ending a confusing and potentially disruptive arrangement; and, secondly, it will provide the public with a single point of reference as well as a single complaints system for any perceived instances of non-compliance. Both benefits are very important. That said, it would be wrong to underestimate the challenges that the committee has faced in seeking to combine the two different registration schemes and the fact that it has done so without undermining the robustness of either scheme or adding unnecessary complexity is a significant achievement that I hope the whole Parliament will recognise.

The proposals also reflect the Parliament's founding principles by seeking to deliver parity for MSPs. First of all, they seek to end dual reporting for independent members, despite existing statutory mechanisms being based on members of political parties, and—on the other side of the coin—require independent members to be made subject to the requirement on members of political parties to register controlled transactions such as a credit facility extended to an MSP for political activities.

**Stewart Stevenson:** Colleagues might find it useful to know that I have discussed the proposals with each of our present independent members. I note that none of them is going to speak in the debate—and I should make it clear that I do not seek to speak for them—but at no time did they indicate that the proposals were other than satisfactory.

**Joe FitzPatrick:** I am sure that they would hold that view, because the committee has managed to ensure that the founding principle of treating all MSPs equally is fully reflected in the new guidance. It is very much indicative of the committee's approach that the convener had those discussions with independent members, and the committee must also have worked very closely with the Electoral Commission in pulling together and developing these plans. That, too, should be welcomed, because we must ensure that, as well as sounding good here in the chamber, these proposals are robust and work in the real world. The committee has, without doubt, managed to achieve that in its deliberations.

The Government also welcomes the committee's other reform proposals, namely reducing the financial threshold for registering gifts to what we and, obviously, the committee feel is a more appropriate level; giving the Parliament full flexibility over the imposition of sanctions in

respect of any breach of the framework, together with the ability to agree a motion of censure; and extending the period of retention of old register entries from five to 10 years. These are all sensible proposals that the Government agrees with.

The Government recognises the amount of work that the committee has invested in the proposals in its report. That work is essential in ensuring that the members' interests framework remains fit for purpose now and in future—and, indeed, that framework will become increasingly important as the Parliament's competence evolves. The Government will also maintain its opposition to any moves to remove criminal offences from the 2006 act and indeed to any provision that suggests that minor indiscretions are acceptable under the framework. I am pleased that such proposals do not exist, and I hope that no one tries to introduce them at the amendment stage.

In conclusion, I reiterate that the Government welcomes the committee's report, recognises the effort that has been involved and looks forward to the introduction of a bill that implements its recommendations.

16:14

**Patricia Ferguson (Glasgow Maryhill and Springburn) (Lab):** As a new member of the Standards, Procedures and Public Appointments Committee who was appointed to it after it had heard evidence on the proposed bill, I thank the members of the committee and the clerks for their support as I got up to speed with the issues.

I suspect that I will not be able to cover all the salient points of the report and its recommendations in the time that has been allotted to me, but I confirm at the outset that Scottish Labour supports the committee's recommendations and would, in one area at least, like to go further.

Colleagues might be forgiven for thinking that issues such as the proposed members' interests bill are not among the most important matters that Parliament might discuss, but the legislation, rules and standing orders on such subjects help to ensure that Parliament lives up to its founding principle of transparency. Therefore, we must be very careful when we consider change, and we must be confident that any change that we propose will make the system better.

It seems to me that the committee's proposals are sensible and—perhaps as important—workable. I commend them for that. The proposed measures will help to streamline and clarify exactly what interests members have. They will also make it possible for advice to members to come from

one source—the parliamentary clerks—rather than from two, as at present.

As we heard from the convener of the committee, the report suggests some changes to our current procedures. One of the most significant of the proposed changes is that we end dual reporting of financial interests. As we have heard, MSPs are currently required to report financial interests to the Electoral Commission as a condition of the Political Parties, Elections and Referendums Act 2000, or PPERA, and they may also be required to report to Parliament. As a result, the recorded information can appear on the Electoral Commission's website, the Parliament's website or, in certain situations, on both. The committee's proposals would end that dual reporting and suggest that all such information appear on the Parliament's website.

Similarly, the current rules mean that advice to members can come from two different bodies, depending on the issue, and that anyone who seeks to check what a member's interests are needs to check both sources. As a consequence, ending dual reporting will also end dual checking, which must be a good thing.

Currently, breaches of PPERA are investigated by the Electoral Commission, but sometimes breaches overlap the two currently separate regimes and, as such, are investigated by both the Electoral Commission and the Commissioner for Ethical Standards in Public Life in Scotland. The committee has sensibly suggested that they should, in the future, be investigated by the commissioner alone, which is both a simpler way of working and much more transparent.

There is one complication in the sensible changes. Without also making changes to the Electoral Administration Act 2006, dual reporting would not be ended for independent members. It seemed to me—the committee took the same view—that all members of the Scottish Parliament must be treated in the same way. Therefore, as we have heard, the committee will seek to make the necessary alterations in due course.

With regard to the thresholds that apply to the register of interests, as we have heard, the committee proposes that the threshold for registering a gift be reduced from the current figure of £570 to £280, or 0.5 per cent of a member's salary. That will bring it into line with a recommendation by the Council of Europe group of states against corruption—or GRECO, as it is known. It is worth noting that GRECO specifically mentioned in its report that it believes that the limits in the Scottish Parliament and those that are used by the House of Commons and the House of Lords are too high. We are not alone in proposing to reduce our threshold in line with the GRECO

recommendations—both houses at Westminster also propose to do so.

The committee also proposes amending the threshold for registering remuneration. It is suggested that that should go to the same percentage as that for gifts. We support that, but think that there might need to be more discussion about the threshold for shareholdings, which currently seems to be a fairly significant figure.

As Parliament knows, members are required to register remuneration and related undertakings, gifts, overseas visits, interests from shares and heritable property. However, I think that the time has come when we have to ask ourselves whether that is sufficient. We know that there is no financial threshold for registering a remunerated role and that if the criteria are met and the remuneration is of any value then the role must be registered, and we also know that the code of conduct prohibits forms of paid employment that involve lobbying. However, is that enough? Should we not now be stating clearly that paid directorships or consultancies be banned? Would not that be a significant move to ensure that all our constituents understand just how seriously we take our positions and their concerns?

As the committee's members know, my party leader, Jim Murphy, wrote to the Presiding Officer asking that the Standards, Procedures and Public Appointments Committee be asked to look at how we could implement a ban on members seeking employment as paid directors or consultants while sitting as MSPs. I sincerely believe that in taking forward this issue and the work that the committee is doing on lobbying, we should look for an opportunity to consider Mr Murphy's proposal.

**Stewart Stevenson:** Will Patricia Ferguson take an intervention?

**Patricia Ferguson:** I am certainly happy to.

**The Deputy Presiding Officer:** Very briefly, Mr Stevenson. I am afraid that the member is coming to a close.

**Stewart Stevenson:** That is fine.

**The Deputy Presiding Officer:** No. Please carry on, but I had to remind the member that she is to come to a close.

**Stewart Stevenson:** Speaking personally and not as the committee convener, I take a different view from Patricia Ferguson on that issue, not because I do not think that more can be done but because I think that we should focus on what people do and not on what they are. We have only to look at the lobbying legislation at Westminster, which has legislated on people's roles rather than on what they do, to see the muddle that can be got into. There is room for further debate, but perhaps not along the lines on which the member speaks.

**Patricia Ferguson:** I am not sure that in the time that is allotted to me I can fully respond to Mr Stevenson's concerns. I was going to go on to say that I was really pleased following our discussion at committee that everyone on the committee agreed that we should do exactly what was suggested. I am not of a mind to say that we have to be prescriptive at this point, but I think that Mr Murphy makes a very valid point and that whatever we do must be open and transparent to the people whom we serve. At the end of the day, that must be the overriding concern of every single one of us. How we express that must be done in a way that is straightforward and clear to the people whom we seek to represent. I do not think that they understand the niceties that we sometimes debate in this chamber, but I think that it would be worth our while to have that debate in the SPPA Committee and the chamber, and I very much look forward to having it very soon.

16:25

**Cameron Buchanan (Lothian) (Con):** There is so much to learn when a new member comes into the Parliament. I have to say that I found the rules and regulations of the SPPA Committee quite daunting, even with the undoubted expertise of our convener and his prehistorical memory of past procedures.

The dual reporting that we have to undergo, whereby we must register interests with Parliament and the Electoral Commission, seems to me to be as unnecessary as everybody has said it is. Our proposal is that members will register their interests in only one place—here, in the Scottish Parliament. That would prove to be a great help to members, especially new members like myself, because we can then approach the SPPAC clerks for advice no matter the level of interest concerned.

The consultation with the Electoral Commission has been extremely complex and there has been a lot of work for the committee to bring rules into our Parliament's regime and make them more accessible. It would be helpful if the Electoral Commission, together with the SPPAC clerks, could brief new members at the start of the next parliamentary session so that we can all understand the new rules from the outset, because they are very complicated.

The second point that I want to make is that when the Commissioner for Ethical Standards in Public Life in Scotland receives a complaint about an MSP's having failed to register an interest and is made aware that a criminal offence—however small—has been committed, it must be reported to the procurator fiscal. Investigations then get held up until the procurator fiscal has ended his or her investigation either by a prosecution or by deciding

not to prosecute. As far as I understand it, there have been no prosecutions, so I feel that Parliament can introduce an element of flexibility in relation to this criminal offence, particularly when the matter is small. No criminal proceedings have been initiated since the Parliament's inception in 1999; I presume that that is because it has not been in the public interest to do so.

The Interests of Members of the Scottish Parliament Act 2006 required that provision be made in section 39 of the Scotland Act 1998 to proscribe certain conduct, including failure to register or declare certain interests and paid advocacy, but it makes contravention of those provisions a criminal offence. However, the Scotland Act 2012 amended section 39 to give the Scottish Parliament more flexibility in relation to the imposition of sanctions and the criminal offence attached to the failure to register or declare an interest, with options ranging from removing the criminal offence to providing for a reasonable excuse for more minor breaches.

I therefore feel that Parliament could introduce an element of flexibility in relation to the criminal offence. That should in no way be interpreted as being lenient or as weakening the punitive aspects of members' interests rules. Another way would be not to make a criminal offence mandatory but to leave it to the discretion of the Commissioner for Ethical Standards in Public Life in Scotland as he sees fit.

There are other ways of strengthening Parliament's powers to deal with breaches, including motions of censure or withdrawal of members' rights and privileges—again, without it necessarily becoming a criminal offence. It would also mean that breaches or complaints could be dealt with more speedily and, if necessary, be resolved in shorter timescales. There could still be a need for prosecution for serious breaches of the rules. Such breaches would then be reported to the procurator fiscal, but it is all about deciding and not defining what constitutes a serious breach of parliamentary rules. The committee has taken the views of others into account and has agreed not to change the criminal offence at this time, but it is something that I believe should be considered again in the future, for the reasons I have outlined today.

**The Deputy Presiding Officer:** Two members wish to contribute in the open debate. I call Gil Paterson.

16:26

**Gil Paterson (Clydebank and Milngavie) (SNP):** Before I start, Presiding Officer, I wonder whether you will indulge me, since this is my first opportunity to speak. I want to record a personal



message of sympathy for the family of my friend Tom McCabe. He was a good friend and a good colleague.

I want to say something similar to what Cameron Buchanan said. At present, when a complaint comes in in respect of a member's interests, the Commissioner for Ethical Standards in Public Life in Scotland conducts an in-depth investigation, and if a breach is found there is an automatic referral to the procurator fiscal. I have raised that issue in committee since the first session of Parliament, but this is the first time that I have brought it to the chamber. I am conscious that no matter how trivial the matter is, there is no discretion at the hand of the commissioner. As has been pointed out, since Parliament started in 1999, there has been almost no comment on matters that have been referred to the fiscal. In a political sense, that is a problem for members, because some people think that when someone is referred to the fiscal there is no smoke without fire. That is something that we should look at.

Just a few weeks ago, such a minor breach was brought to and dealt with by the Standards, Procedures and Public Appointments Committee. That minor breach was investigated thoroughly by the commissioner, and because it was agreed to be a breach it was passed to the fiscal's office, although no action was taken. Yet again, the fiscal's time was wasted, in my view.

We have a commissioner who completely investigates all such matters—it is not the case that he sees them as trivial; if he finds on investigation that a breach has been committed he has to move it on—so I think that it would be much better to allow the commissioner, who is already doing that good work, to have discretion to deal with minor breaches as he does now, but to report directly to the Standards, Procedures and Public Appointments Committee for sanctions. I am confident that the commissioner has the expertise and experience in that regard. The committee is fully supportive of the strongest possible system of standards, and my colleagues have adequately described that. In no way is the committee reducing accountability and transparency for the public. I support everything that has been said and the committee's report.

I certainly do not want to weaken in any way the robust standards regime that we have. It speaks for itself. I do believe, however, that it is worth considering the matter and that we should ask the best people to look into it. For me, the best people are the commissioner and the Procurator Fiscal Service, who can give their considered opinions. There might be good reasons why the way in which we do things at present is the only way—I do not know. There may be a legal or administrative imperative whereby we would

damage the system if we changed it in any way. If that is the case, I would not support the change, but I would certainly be grateful for the benefit of the knowledge of the commissioner and the Procurator Fiscal Service, and would ask them to consider the matter on behalf of Parliament.

16:31

**John Pentland (Motherwell and Wishaw)**

**(Lab):** I note that the lowering of the threshold for registered gifts is being undertaken to comply with the recommendation of the group of states against corruption, GRECO, which is a monitoring body including all members of the Council of Europe as well as the United States and Belarus. Not only did GRECO state that it thought that the threshold for MSPs—along with those for members of the House of Commons and the House of Lords—was “rather high”, but it noted:

“This state of affairs is particularly worrying because ... there are no restrictions on the acceptance of gifts without regard to whether they are required to be registered.”

As an institution, the Parliament has always striven to operate with the highest standards of propriety, so it is right and proper that we should take on board that recommendation and that the threshold should be reduced to 0.5 per cent.

The GRECO report seems to have missed the advice that MSPs are already given about accepting gifts. I think that we have fairly explicit arrangements, especially when it comes to the advice on commercial lobbyists, which could be summarised as, “If you're in any doubt, don't.”

When it comes to the proposal to streamline the reporting requirements, it is clearly a commonsense approach to rationalise from two systems to one. Why have two reports for MSPs to make, two places for the public to search, two places for people to complain and overlaps because of dual reporting when we could make life easier for all concerned with one report, one search and one place to go for those who believe that the requirements have not been met?

Although most breaches of the reporting requirements since 1999 have been relatively minor and have generally been oversights, as the Parliament has been able to deal with them through the sanctions that it possesses, it is important that the option of prosecution is retained to deal with any serious offence. To do otherwise would be to undermine the importance that we as a Parliament attach to openness and transparency in the actions of elected members. That is particularly important for anyone who undertakes paid advocacy work.

On the question of the retention of records, 10 years seems not unreasonable to me, and I can think of no good reason why records for the

previous two sessions of the Parliament should not be publicly available.

Although the committee has taken on board most of the GRECO recommendations, the exception—the issue on which we might consider going further—concerns the matter of shareholdings. GRECO considered that

“a Member may be more influenced by the effect of a matter on his/her stocks than by the receipt of a payment for a speech”.

I note that the committee decided that the level was right “on balance”. The decision seems to be based on the levels for the Lords and the Commons being higher, and on those for the Northern Ireland Assembly being only a few grand lower.

I am not sure whether there are any other arguments against the level being lower. I know that few, if any, of my constituents would regard having £28,000 in company shares as an insignificant financial interest. Although that is below our threshold, there could be several such holdings without any needing to be registered. Perhaps that could be addressed when the committee’s deputy convener sums up.

16:35

**Cameron Buchanan:** It is not worth saying much more than that, in the words of Nicholas Parsons, there should be no repetition, no duplication and no hesitation. I do not think that there is anything else to say. We all agree and we should not say any more.

**The Deputy Presiding Officer:** That gives me a little bit of time in hand for the rest of the closing speeches, if members wish to use it.

16:36

**Neil Bibby (West Scotland) (Lab):** I, too, thank the members of the Standards, Procedures and Public Appointments Committee for their work in producing the draft bill and the work that they are committed to doing to make the register of interests more transparent and the standards regime more robust.

I also thank Gil Paterson for his comments about Tom McCabe. He was instrumental in ensuring that the rules of Parliament served us well for many years.

As my colleagues Patricia Ferguson and John Pentland have said, the Labour Party fully supports the aims of having more transparency and the highest possible standards. People deserve and need to have faith and trust in those who are elected to serve them. We therefore need a system of members’ interests that is fully

transparent and which expects the highest standards of its members.

Labour is fully committed to transparency and openness. That is why, for example, my colleague Neil Findlay proposed that there should be a lobbying bill. As well as members’ interests, there needs to be proper scrutiny of lobbying that applies to members and Government ministers. Following Mr Findlay’s proposals, the Government said that it would legislate in that area and I hope that we will see some movement on the issue in the near future.

I welcome the fact that, in producing the draft bill, the committee has engaged in lengthy discussions with the independent Electoral Commission. I hope and anticipate that that will continue. Simplifying the reporting process appears to be sensible. Not having dual reporting will hopefully allow increased transparency as members will have registered their interests in one place. Such measures should be helpful to members and, crucially, to those people who scrutinise us. I also support lowering the threshold for registering gifts. I understand that the GRECO group recommended that and I note that there are proposals in the House of Commons to lower the existing threshold.

**Stewart Stevenson:** The member will have noted that a few references have been made to paid advocacy. Would it be useful for us all to think about what “paid” means? It is not just about cash; it is about reward or the future prospect of reward. In other words, it is about a benefit that is to be derived.

I hope that the member will agree that, as we take the bill forward, we might examine carefully what we mean when we talk about pay so that our colleagues do not get confused and inadvertently transgress the rules, and so that we can be sure that the public are aware of where we are coming from when we talk about paid advocacy. I am sure that there is a huge measure of agreement between us on that point.

**Neil Bibby:** Yes, and I anticipate that the committee will consider those issues. As my colleague Patricia Ferguson said, the public sometimes do not appreciate the niceties and the nuances.

As Patricia Ferguson also said, in supporting the recommendations we must consider whether we can do even more. Further consideration of the issue of shareholdings is certainly one thing that must be done.

Members are aware that, in February, Jim Murphy spoke out about the issue of second jobs for MSPs and MPs. Mr Murphy wrote to the Presiding Officer to ask that the committee consider introducing a ban on members seeking

employment as paid directors or consultants while sitting as MSPs. I do not believe that the public will accept inaction on this issue and, therefore, we need to consider how best and how quickly that can be achieved. Our first and last role is to represent the people who elect us, not outside consultants or companies. We cannot afford to give any other impression.

**Stewart Stevenson:** If we accept the principle that there should not be outside jobs, why should there be a ban only on MSPs or MPs being directors or consultants? Why not a ban on everything? It seems rather odd to choose two particular professions out of the wide range of professions that might be available to us.

**Neil Bibby:** Those are two roles that could have an impact on the public's perception with regard to conflicts of interest. The committee should certainly start to consider the issue. Those are two examples of roles on which the committee should look to introduce a ban.

Any measures that are aimed at improving transparency should be applied fully to Government ministers as well as to other members. The United Kingdom Government publishes online its ministers' register of interests, but I do not believe that the Scottish Government does the same. Last June, I asked the Scottish Parliament information centre to check that out and it replied that it had

"contacted the office of the Permanent Secretary who confirmed that the Scottish Government does maintain a register but it is not published."

Why is it not published? All members of this Parliament have their register of interests published and UK Government ministers have their register of interests published, so I find it inexplicable that Scottish Government ministers, in their capacity as ministers, do not. Not only have they failed to publish a register, but they have even rejected a freedom of information request that was made in 2010 by the *Sunday Herald*. I find that odd, and I would like to ask the minister for his view on that.

I thank the committee members for the work that they have done so far on these important issues. Labour will support efforts to improve transparency and to have higher standards in relation to members' interests, but we will also look at whether what is proposed goes far enough and consider in which areas we could do more. I look forward to the committee considering those issues and will support it in its deliberations.

16:43

**Joe FitzPatrick:** This has been a good and consensual debate that has reflected the approach that the committee has taken to moving forward on

the issue. There has been general support for what the committee proposes for the members' interests framework. I repeat that the Government sees the proposals as sensible and clear and believes that a relevant approach has been adopted that will benefit not only members of the Parliament but members of the public, as it will enable them to understand the process better.

John Pentland made good points about gifts and the benefit of doing away with dual reporting in that regard. What he said was important.

I should have started by concurring with Gil Paterson's comments and associating myself with his expression of condolences to Tom McCabe's family. Mr McCabe was the first minister with responsibility for parliamentary business—the post was called Minister for Parliament then—and he did us a great service in laying the groundwork for that role. I knew him as a member of the Finance Committee, and I think that he is one of the members of the Parliament who have commanded respect across the political spectrum. He was a really honest guy and a person who folk could trust and go to for advice, irrespective of what party they were in. He will be sadly missed by everyone in the chamber and by those who are no longer here.

Cameron Buchanan made a useful suggestion about new members. Although it is important that we have good, robust procedures in place, it is also important that we all understand them. As one of our newest members of the Parliament, he will most acutely remember what it was like to come into this fantastic chamber and these fantastic buildings and work out for himself how he was going to get on. At the start of a session, there is a more orchestrated induction process for MSPs, but we should always listen to suggestions about how such things can be improved. Perhaps involving the Electoral Commission in that in the future would be a good thing.

Mr Bibby made points about ministers. To be clear, ministers are required to register interests in the same way as any other member is. He also asked about our situation with lobbying. Although those are two different aspects, particularly when we are talking about paid advocacy, there is clearly a crossover, and the Government is grateful to the committee for the work that it put into considering how we might introduce a lobbying register.

I put it on the record that the Government is committed to introducing a lobbying transparency bill before the end of the parliamentary session. That commitment has been reiterated several times—most recently in our programme for government and the debate in the chamber.

Our bill will continue the process of consultation and trying to pull everyone on side. There will therefore be a consultation and dialogue with all interested parties. We are speaking to political parties to ensure that, when we move to consult, we have the broadest consensus possible in the chamber and across the political parties. However, members should rest absolutely assured that we will introduce the bill in this parliamentary session.

**Neil Bibby:** I am aware that ministers need to complete a register of ministers' interests. Why is that not published online and publicly available? Does the minister believe that it should be?

**Joe FitzPatrick:** Ministers have to fill out the parliamentary register of members' interests in the same way as every other member does. They are not exempt from any of the parliamentary rules, so that provision exists for everyone. The Parliament does not distinguish between members who are ministers and members who are not ministers. The register of interests exists and is public.

**Neil Bibby:** I contacted SPICe about the issue. It said that the Scottish Government maintains its own register of interests for ministers, which is not published. Will the minister shed light on that?

**Joe FitzPatrick:** Although there are perhaps other registers, all ministers are obliged to comply with the same rules as every other member of the Parliament is. Ministers go further, in that they publish details of meetings and events as well. It is not a ministerial register of interests, because ministers register their interests as members in the same way as everyone else does.

**Patricia Ferguson:** It would be helpful if the minister clarified whether there is a ministerial register—that is the point. If there is, why is it not published? A member could have, for example, a shareholding in a private health company that was not registrable because it was below the threshold. That might be regarded as not being an interest but, if that member happened to be a health minister, it would absolutely be an interest that people outside the Parliament and we as members would want to know about.

**The Deputy Presiding Officer:** I have to hurry you along.

**Patricia Ferguson:** There can be a bit of a disparity and it would be helpful to have clarification.

**Joe FitzPatrick:** The test is the public test of what a person in the street would consider to be a registrable interest. If a health secretary had shares in a health company, I think that any reasonable person would see that as a registrable interest, so it should be registrable. However, I will check whether there is a gap someplace. If there is, clearly we should look at that.

Patricia Ferguson made interesting points about shareholdings and what the threshold should be. The committee report shows why the committee thinks that the current levels are correct. There is a reasonable argument to be made for perhaps looking again at the threshold. That would clearly be a matter for the committee.

I cannot believe that the Presiding Officer is indicating that I am short of time, but—

**The Deputy Presiding Officer:** I am sorry, but I am trying to protect the time for the committee closing speech.

**Joe FitzPatrick:** Okay—sorry. I need to pick up on two points. There was some suggestion that we should have a rectification procedure; the Government would argue against any such safety-net mechanism. We are concerned about the notion of minor complaints and feel that such a message should be avoided. It could create confusion.

As I said in my opening speech, we would be very much against the idea of moving away from criminal offences, because of probity. The signal that that would send to members of the public would be entirely wrong. Although the Parliament has not been involved in any of the mire that we have seen elsewhere, moving away from having the criminal offences would send out the wrong message, so we would be very much against it. Thank you for your forbearance, Presiding Officer.

**The Deputy Presiding Officer:** Margaret McDougall will wind up the debate on behalf of the Standards, Procedures and Public Appointments Committee.

16:52

**Margaret McDougall (West Scotland) (Lab):** I have enjoyed listening to the speeches in this short but important debate. I thank members for their contributions and the clerks for their support in preparing the bill. The convener and other committee members have explained much of what is in the bill. As the committee's deputy convener, I will cover three proposals: expanding the paid advocacy offence; ending dual reporting for independent members; and retaining members' register entries.

As we have heard, the Parliament's standards regime is robust. Members take seriously the responsibility to register financial interests. However, we should never be complacent. There is always room for reform and improvement. That is what the committee hopes the bill will achieve.

Paid advocacy means in effect an MSP taking up a cause or matter in return for reward. I highlight that, since 1999, no member has ever been found to have breached the prohibition on

paid advocacy. However, in the spirit of ensuring that the Parliament's regime is as robust as it can be, the committee proposes to extend the offence of paid advocacy.

At the moment, a member has to receive the payment or benefit before it is considered an offence. The committee's proposals will extend the provision so that it will be an offence for a member to agree to accept payment in return for advocating a cause, whether or not they go on to receive the payment or benefit. Those changes are along the lines of changes made in the Bribery Act 2010 and represent a further strengthening of the Parliament's standards regime.

As for the treatment of independent members in ending dual reporting, the convener spoke about the committee's proposals for ending dual reporting. Section 59 of the Electoral Administration Act 2006—the section that will exempt members from PPERA reporting once it is commenced—was intended to remove the requirement for elected members to report donations to the Electoral Commission.

However, the section covers only elected members who are members of political parties. If that section was commenced as it stands, dual reporting would end for MSPs who are members of political parties, but independent members would still be required to report donations to both the Electoral Commission and the Parliament.

The committee's initial view was that it would not be possible to end dual reporting for independent members, as they were expressly excepted from the relevant legal mechanism for ending dual reporting. However, we were concerned about that, since we consider it highly desirable that all members should be treated equally. We therefore revisited the issue and concluded that legislative changes should be made to allow the ending of dual reporting for independent members.

The draft bill that is included with our report does not yet include that amendment. However, we have been discussing possible changes with the Electoral Commission and the UK Cabinet Office. Our aim is to include the necessary amendments in the bill as it is introduced to end dual reporting for all members.

The third committee proposal that I will highlight is on publishing and retaining the register of interests. The Interests of Members of the Scottish Parliament Act 2006 states:

"the Clerk shall keep a copy of the old entries for a period of 5 years from the date of making the last amendment."

That means that members' entries are disposed of when the five-year period has passed.

A number of MSPs found during the initial registration process at the start of session 4 that they did not consider that the prejudice test applied to some of the interests that they had registered in the previous session. On that basis, there was no requirement for them to include those interests in the register for the new session. However, since their old entries from the previous session were no longer available to view, they felt that they should include those interests to ensure that they remained in the public domain.

Snapshots of the register from the previous session are now available online to try to address that point. However, the committee felt that it would be helpful to amend the 2006 act to make it clear that registers may be kept for a longer period—[*Interruption.*]

**The Deputy Presiding Officer:** Order, please. Members are a bit loud.

**Margaret McDougall:** The registers provide a history of information about things such as members' external employment or significant gifts to members, which is of genuine public interest. Researchers may want access to registers from earlier sessions in the future, and it would provide a more complete picture of the Parliament and its members if they were made available as a historic record.

The committee proposes a 10-year retention period for old entries. That means, for example, that people could still refer to the old register for a member who was not re-elected in one session but was then returned in the following session. The intention is that old entries would be held only for the 10-year period and would then be transferred to National Records of Scotland for historic preservation—[*Interruption.*]

**The Deputy Presiding Officer:** Order, please. I ask members to respect the fact that the committee member is concluding the debate.

**Margaret McDougall:** Gil Paterson and Cameron Buchanan talked about the committee's original proposal to remove the criminal offence for failure to register or to declare an interest.

**Gil Paterson:** I say to correct the record that I made no such claim. That is not what I said. I said that the commissioner should look at minor offences. I also said that I would not support anything that would disturb the system in any way and would not work.

**Margaret McDougall:** I will have to check the record to see what Gil Paterson actually said.

The committee felt that such breaches could be dealt with using parliamentary sanctions, which are robust. However, following consultation, the committee took on board the point that such a change could be seen as making our system more

lenient, and we decided not to change the criminal offence provisions at this time. However, as those members highlighted, there may be a case at some point in the future for considering whether more discretion is needed.

**The Deputy Presiding Officer:** You must draw to a close.

**Margaret McDougall:** I remind members how important it is that we have a robust and wide range of measures in place to deal with breaches of the rules. The Scottish Parliament has seen very few breaches, and we want to keep it that way.

The proposals to extend the offence of paid advocacy, to add new sanctions for breaches and to ensure that rights and privileges can be withdrawn when appropriate will make our regime stronger. The message is clear: the Parliament has the power to punish members for serious breaches of the rules and it will use those powers if it needs to do so. This is a comprehensive set of measures that will improve what is already a robust standards regime. The committee asks members to support the motion and agree that the bill can be introduced.

## Business Motions

17:00

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

The next item of business is consideration of business motion S4M-12995, in the name of Joe FitzPatrick, on behalf of the Parliamentary Bureau, setting out a business programme.

*Motion moved,*

That the Parliament agrees the following programme of business—

Tuesday 28 April 2015

2.00 pm Time for Reflection

*followed by* Parliamentary Bureau Motions

*followed by* Topical Questions (if selected)

*followed by* Scottish Government Debate: Scotland's Future Employability Services

*followed by* Business Motions

*followed by* Parliamentary Bureau Motions

5.00 pm Decision Time

*followed by* Members' Business

Wednesday 29 April 2015

2.00 pm Parliamentary Bureau Motions

2.00 pm Portfolio Questions  
Health, Wellbeing and Sport

*followed by* European and External Relations Committee Debate: 2nd Report, 2015, The Implications of the Transatlantic Trade and Investment Partnership for Scotland.

*followed by* Business Motions

*followed by* Parliamentary Bureau Motions

5.00 pm Decision Time

*followed by* Members' Business

Thursday 30 April 2015

11.40 am Parliamentary Bureau Motions

11.40 am General Questions

12.00 pm First Minister's Questions

*followed by* Members' Business

2.30 pm Parliamentary Bureau Motions

*followed by* Scottish Government Debate: Making the Most of the Contribution of Veterans to Scotland

*followed by* Business Motions

*followed by* Parliamentary Bureau Motions

5.00 pm Decision Time

Tuesday 5 May 2015

2.00 pm Time for Reflection

*followed by* Parliamentary Bureau Motions

*followed by* Topical Questions (if selected)  
*followed by* Scottish Government Business  
*followed by* Business Motions  
*followed by* Parliamentary Bureau Motions  
 5.00 pm Decision Time  
*followed by* Members' Business  
 Wednesday 6 May 2015  
 2.00 pm Parliamentary Bureau Motions  
 2.00 pm Members' Business  
 2.45 pm General Questions  
 3.05 pm First Minister's Questions  
 3.35 pm Portfolio Question Time  
 Infrastructure, Investment and Cities;  
 Culture, Europe and External Affairs  
*followed by* Parliamentary Bureau Motions  
 4.15 pm Decision Time  
*followed by* Members' Business—[*Joe FitzPatrick.*]

*Motion agreed to.*

**The Deputy Presiding Officer:** The next item of business is consideration of business motions S4M-12989 to S4M-12992, in the name of Joe FitzPatrick, on behalf of the Parliamentary Bureau, setting out stage 1 timetables for various bills.

*Motions moved,*

That the Parliament agrees that consideration of the Education (Scotland) Bill at stage 1 be completed by 9 October 2015.

That the Parliament agrees that consideration of the Harbours (Scotland) Bill at stage 1 be completed by 19 June 2015.

That the Parliament agrees that consideration of the Human Trafficking and Exploitation (Scotland) Bill at stage 1 be extended to 15 May 2015.

That the Parliament agrees that consideration of the Scottish Elections (Reduction of Voting Age) Bill at stage 1 be completed by 29 May 2015.—[*Joe FitzPatrick.*]

*Motions agreed to.*

## Parliamentary Bureau Motions

17:02

**The Deputy Presiding Officer (Elaine Smith):** The next item of business is consideration of two Parliamentary Bureau motions. I ask Joe FitzPatrick to move motions S4M-12987 and S4M-12988, on the designation of lead committees.

*Motions moved,*

That the Parliament agrees that the Health and Sport Committee be designated as the lead committee in consideration of the Alcohol (Licensing, Public Health and Criminal Justice) (Scotland) Bill at stage 1.

That the Parliament agrees that the Devolution (Further Powers) Committee be designated as the lead committee in consideration of the Scottish Elections (Reduction of Voting Age) Bill at stage 1.—[*Joe FitzPatrick.*]

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

## Decision Time

17:02

**The Deputy Presiding Officer (Elaine Smith):** There are four questions to be put as a result of today's business.

The first question is, that motion S4M-12869, in the name of Christina McKelvie, on European Union engagement and scrutiny of the committees of the Scottish Parliament on European Union policies 2015-16, be agreed to.

*Motion agreed to,*

That the Parliament notes the European and External Relations Committee's 1st Report, 2015 (Session 4): *EU engagement and scrutiny of the Committees of the Scottish Parliament on European Union policies 2015-16* (SP Paper 690).

**The Deputy Presiding Officer:** The second question is, that motion S4M-12951, in the name of Stewart Stevenson, on the proposal for a members' interests bill, be agreed to.

*Motion agreed to,*

That the Parliament agrees to the proposal for a Committee Bill, under Rule 9.15, contained in the Standards, Procedures and Public Appointments Committee's 2nd Report, 2015 (Session 4), *Members' Interests Bill* (SP Paper 681).

**The Deputy Presiding Officer:** The next question is, that motion S4M-12987, in the name of Joe FitzPatrick, on the designation of a lead committee for the Alcohol (Licensing, Public Health and Criminal Justice) (Scotland) Bill, be agreed to.

*Motion agreed to,*

That the Parliament agrees that the Health and Sport Committee be designated as the lead committee in consideration of the Alcohol (Licensing, Public Health and Criminal Justice) (Scotland) Bill at stage 1.

**The Deputy Presiding Officer:** The next question is, that motion S4M-12988, in the name of Joe FitzPatrick, on the designation of a lead committee for the Scottish Elections (Reduction of Voting Age) Bill, be agreed to.

*Motion agreed to,*

That the Parliament agrees that the Devolution (Further Powers) Committee be designated as the lead committee in consideration of the Scottish Elections (Reduction of Voting Age) Bill at stage 1.

## National Stalking Awareness Day

**The Deputy Presiding Officer (John Scott):** The final item of business today is a members' business debate on motion S4M-12902, in the name of Rhoda Grant, on United Kingdom national stalking awareness day. The debate will be concluded without any question being put.

*Motion debated,*

That the Parliament recognises National Stalking Awareness Day, which falls on 18 April 2015; notes that the focus for this year's activities keeps the spotlight on raising awareness of the dangers of stalking among young people; understands that the 2010 NUS report, *Hidden Marks*, highlighted that 60% of college students experienced stalking; further understands that research shows that stalking among young people is being overlooked in favour of bullying; welcomes this focus for the 2015 National Stalking Awareness Day and believes that it will both help raise awareness of stalking and have it recognised as much as a young person's problem as it is an adult's, and believes that bullying in its severest form is stalking.

17:04

**Rhoda Grant (Highlands and Islands) (Lab):** I have pleasure in bringing forward this debate to highlight national stalking awareness day, which took place on Saturday 18 April 2015. The first United Kingdom national stalking awareness day took place in 2012, when organisations in Scotland, England and Wales united to mark the day and highlight their work to put a stop to stalking. The event has grown, with the public sector as well as charities now participating in it annually. This year, the day is being marked by a series of events this week to raise awareness of stalking.

I cannot talk about stalking or indeed mark the day without paying tribute to the work of Ann Moulds, who has campaigned on stalking. Back in 2010, Ann persuaded me to lodge amendments to the Criminal Justice and Licensing (Scotland) Bill to make stalking a crime in Scotland. However, she has not stopped there. She continues to campaign and raise awareness of stalking. Ann was a victim herself. She could have allowed that to daunt her, but instead she has fought for legislation and recognition of the trauma that stalking can cause, ensuring that help and support are available to people who suffer stalking. She set up Action Scotland Against Stalking and chairs the Scottish national stalking group. I pay tribute to her for bringing forward this issue and ensuring that it is very much at the forefront of the public consciousness.

This year, national stalking awareness day focuses on young people. A schools anti-stalking poster was designed by Ayrshire College creative arts student Leonie Smith. It raises awareness of stalking and will be sent to every school, college



and university throughout the UK. The aim is to encourage young people to seek help if they are being stalked.

Research has shown that stalkers are often mistaken for bullies by parents, teachers and police. Although bullying is extremely serious, it is different from stalking. Stalkers tend to obsess about their victims and carry out a pattern of behaviour. Individually the actions often appear innocent, but together they can be terrifying.

The aim of this year's events is to raise awareness among young people so that they know what stalking is and how to recognise it. It is important that young people know how to protect themselves and how to seek the protection of the law. In an age when social media is used regularly, we sometimes give more information on those platforms than we would have given on any other mode of communication. In 2014, Action Scotland Against Stalking launched the award-winning schools DVD "Friend Request" to help young people recognise the dangers of stalking online. Ann Moulds tells me that every time the film has been shown, a young person has plucked up the courage to disclose that they have experienced similar behaviours to those in the film.

The aim of the exercise is to raise awareness and highlight how stalking has links to other abusive behaviours, such as bullying, paedophilia, sexual exploitation and revenge porn. Until recently, we had never heard about revenge porn, but now it is rife. Intimate pictures taken in a consensual relationship are shared on the internet without the permission of the participants. Ellie Hutchinson has pioneered much of Scottish Women's Aid's work to end revenge porn. She has worked hard to illustrate that revenge porn is in itself a form of stalking that has to be tackled. I welcome moves by various agencies to address revenge porn as a real and serious issue. We need legislation that deals with it and other forms of cyberabuse.

It is important that young people recognise the signs of predatory behaviour online as well as in day-to-day life, so that they can take steps to raise the alarm and protect themselves. Many cyberbullies are guilty of stalking and the law is there to protect people of all ages from this insidious crime.

Stalking continues to be a problem in Scotland, but we now have legislation to protect victims. Despite that, we have recently seen cases where legislation has been powerless. If a perpetrator is unfit to stand trial, it appears that the law is powerless to protect a victim. That cannot be the case. The law must be there for the protection of victims and there must be ways of ensuring that someone who is unfit to stand trial gets the help and support that they require, while ensuring that

they are unable to perpetrate abuse on their victim. I am glad the Scottish Government is consulting on that, but I am unsure whether the proposal of access to criminal non-harassment orders will serve the purpose, given that criminal charges must also go through the courts. I hope that responses to the consultation will indicate a better way forward that looks after the vulnerable but protects victims.

We have come a long way in recognising the problem of stalking, but there is a long way to go to protect victims. I hope that the debate helps to raise awareness in some way that leads to better support for victims of stalking.

17:10

**Kenny MacAskill (Edinburgh Eastern) (SNP):**

In the usual manner, I thank Rhoda Grant for securing this important debate and I pay tribute to her not simply for her speech—I echo the comments that she made—but for the work that she has carried out on the issue, particularly in 2010 and before that, and on matters relating to the protection of women, children and the vulnerable.

I echo Rhoda Grant's comments about and praise for Ann Moulds, who deserves praise from the entire chamber for her pivotal role in achieving the legislation that we now have on stalking. It is fair to say that, had it not been for Ann Moulds, it is unlikely that we would have that legislation. Having been a victim of stalking herself, she pursued the matter tirelessly despite the trauma that she had undergone. Many other people would have wanted simply to get on with their lives, but she recognised the need to ensure that no one else went through what she had gone through and that those who had done were given access to justice.

It has to be said that Ann Moulds pursued the legislation sometimes in the face of institutional inertia. As the justice secretary at the time, I must take my share of accountability for that. She certainly shook the foundations of the police, the prosecutors and the Government, where there was initially a mantra that the current legislative procedures applied, that no additional legislation was necessary and that breach of the peace and other forms of legal action were available. She managed to drive a wedge through all that and was pivotal in persuading me of the necessity for specific action. As a consequence, she changed the views of the police, prosecution and officialdom.

Stalking is a dreadful offence that is committed in a myriad of ways and is carried out by various people against a broad spectrum of society. That is why it is appropriate that it should not be viewed

simply as an offence that is committed by men against women. Raising awareness of it among children is appropriate, as are the points that Rhoda Grant made about revenge porn. There is a presumption, perhaps based on Hollywood movies or television shows, that stalking involves an unknown person—who is never seen—breathing heavily over the phone or some masked individual following a woman home in the twilight. However, the likelihood is that the victim will know the person who is stalking them.

Equally, the stalker will not necessarily present a knife at the victim's throat or carry out any acts of violence. As a consequence of that, stalking is sometimes not viewed as particularly troublesome. The perception of those in authority might be that the victim should just ignore it and get over it or that it is only a few phone calls or an awful lot of emails, letters or whatever. Sometimes, it does not register on the scale for those who should be looking after the interests of the victims. It is certainly not a serious assault, but its effects on the individual are manifest and severe. That is why it should be tackled, whatever manifestation it comes in. The new electronic media have opened up a whole variety of ways in which stalking can be committed, and revenge porn is another aspect of it. It is not simply about someone turning up at a person's workplace and following them home or whatever else. It is, therefore, appropriate that we take action.

It would be remiss of me not to say that the action that has to be taken must be built on. I fully understand that the legislative timescale and process are such that action cannot be taken at present on corroboration, but the victims of stalking—like other victims of sexual offences such as the elderly and children who suffer abuse in silence and isolation—will not get access to justice unless we tackle the routine requirement for corroboration. Most aspects of stalking take place not in public but in private. We have done a lot as a Parliament, and Rhoda Grant—along with Ann Moulds—deserves great credit for securing a specific piece of legislation to tackle stalking. However, even given the raising of awareness and the driving home of the message that stalking will not be condoned in any shape or form by courts or prosecutors, we must ensure that there is access to justice for the victims and that justice will be delivered.

I once again thank Rhoda Grant for raising the issue, but it is the irrepressible Ann Moulds and her tireless campaigning who deserves our greatest thanks for the action that she has taken.

17:15

**Margaret McCulloch (Central Scotland)**  
**(Lab):** I, too, congratulate Rhoda Grant on

securing the debate on national stalking awareness day, which took place last week. She has brought an important issue to the Parliament; I commend her for doing so.

Stalking is an intrusion; it is even an invasion. It is sometimes difficult to define, but we all accept that no one should have to live in fear or distress because of the behaviour of others.

Stalking is unwelcome and unsettling. In many cases, it is recurring. Sometimes it is overtly menacing. Although anyone can be a victim of stalking, it is twice as likely to affect women as men. Women's Aid describe stalking as

“one of the most frequently experienced types of abuse”.

There must be a robust response and a deeper awareness and understanding of the problem.

I will touch on cyberstalking and how technology is changing physical stalking, too. A variety of behaviour is considered to be stalking: loitering, sending unwanted calls or messages, or being overfriendly with a victim. I worry that victims may feel that, in isolation, some of that behaviour seems more strange and unusual than disturbing or threatening. I worry that they feel they have to wait until a more discernible pattern of behaviour emerges over time until they seek advice or go to the police.

If the actions of a stalker make anyone feel fear or concern, I hope that they would report the matter as soon as they can. I also hope that the police would respond sensitively and effectively.

Just as the actions of a stalker can be hard to define, sometimes their behaviour towards their victims is more obvious, pernicious and aggressive: threatening or obscene calls and messages; following and surveillance; interfering with someone's mail or belongings; invading someone's personal space; invading their home; and physical aggression. No one should have to live in fear because of such behaviour or the behaviour that leads to it, not least our young people.

The focus of this year's national stalking awareness day on the risks to young people allows us to think about personal safety in a world that is more connected through social media and online interaction.

There has been a concerted and commendable effort to make young people aware of cyberbullying and how behaviour on those platforms has an impact in the real world, but we must develop a better and broader understanding of cyberstalking, too.

Just as the internet is another means for us to communicate and share our lives with each other, I am sad to say that it is also another medium for

stalkers to exploit. It is another way for them to send unsolicited or abusive messages, to blackmail or to seek proximity to someone by using technology and gathering the information people place online.

The national stalking helpline advises its callers to change their passwords regularly and keep their antivirus software up to date. It warns about the dangers of stalkers using malware or keylogging software to break through our cybersecurity and target their victims further.

There are reports of stalkers ordering items online to be delivered to the homes of their victims and using the geo-location features on apps to find out where their victim is or where they have been. For the generation who most use such apps and for whom technology is such a big part of their lives, we have to communicate the significance of cybersafety. It has never been so important.

Women's Aid tells the story of Chandra in its digital stalking awareness materials. It is a story that the chamber needs to hear. Chandra left her violent husband and fled to a secret location, but her husband found her and started stalking her at her new address. He knew all her movements, what she was doing and where she had been. Her husband had installed spyware on her mobile phone, and from that he had been able to pinpoint her location, watch her through her camera and even listen to her through the handset.

Society as a whole needs an education in how pernicious stalking is in today's world, so I applaud the efforts of all those who have participated in national stalking awareness day.

17:19

**Margaret Mitchell (Central Scotland) (Con):** I thank Rhoda Grant for bringing this important debate to the chamber.

The fact that one in six women and one in 12 men are stalked at some point during their lives is alarming. The debate presents a welcome opportunity to raise awareness of a dangerous and deeply damaging form of harassment.

The extent of the problem that is faced by female students in universities and colleges across the United Kingdom was highlighted by the National Union of Students in its 2010 report, "Hidden Marks". It found that a quarter of stalking victims reported that the obsessive behaviour that they had been subjected to had affected their mental health, their studies and their relationships. More worryingly still, it found that only one in five victims reported such incidents to their institution or the police. The main reason that was given for not reporting them was that the victim did not believe that they were serious enough to report.

To mark national stalking awareness day, the Suzy Lamplugh Trust has released a two-minute animated film that looks at what stalking is and offers support to those who are experiencing it. The video firmly rejects any misguided notion that stalking is trivial, flattering or romantic. Instead, it portrays it for what it is—namely, a very serious crime, which can take the form of sending disturbing and often distressing emails, making non-stop phone calls and engaging in social media abuse. Crucially, the film makes it clear that more than 80 per cent of victims are stalked by someone they know, with the majority of perpetrators being ex-partners.

Stalking is clearly a form of abuse that can have devastating consequences in undermining the victim's sense of security and their ability to live life without fear. In the worst cases, some victims are driven to remove their names from the electoral register for fear of being traced by the stalker. In such cases, fundamental freedoms such as the right to vote and the right to live without fear, which the rest of us take for granted, are denied to those affected.

It is therefore incomprehensible that the Scottish Government has chosen to exclude stalking statistics from its crime statistics. To spell that out, the Government's claim that crime is at a 40-year low does not take into account thousands of incidents—including incidents of stalking—that are categorised as offences rather than crimes. Only crimes are included in the headline 40-year low claim.

Furthermore, in the Government's statistical bulletin that was published in November last year, stalking is merely categorised as one of a number of miscellaneous offences, which include breach of the peace and offensive behaviour at football matches. If that was not bad enough, it was revealed last week that there have been reports of some police officers trying to dissuade victims of such offences from pursuing complaints by warning them that they would have to go court and testify.

Stalking is a serious crime that blights victims' lives and which often has long-term consequences. It should be recognised as such, so national stalking awareness day, in seeking to raise awareness of what constitutes stalking and its devastating effects, is both timely and welcome.

17:23

**Elaine Smith (Coatbridge and Chryston) (Lab):** As others have done, I commend my colleague and friend Rhoda Grant for bringing the important issue of stalking to the chamber. I also commend her for the tireless work that she does on violence against women and children more

generally. I join her in recognising national stalking awareness day and the fact that, this year, emphasis is being put on raising awareness of stalking among young people.

Although stalking is not exclusively a women's issue, I understand that it affects women disproportionately, with one in six women being stalked at some point in her life. Young women especially are affected. As Rhoda Grant points out in her motion, stalking can manifest itself in a number of ways and needs to be taken seriously.

Stalking is not romantic, trivial or funny—it is worrying, serious and illegal. Contrary to common belief, most stalkers are former partners or friends of victims or are, as Kenny MacAskill and Margaret McCulloch pointed out, somehow known to them. The British crime survey shows that threatening phone calls and letters are the most common types of stalking behaviour, but as Margaret McCulloch illustrated, victims can also be followed and spied on. Indeed, some have had their homes broken into or have been the victims of violent behaviour.

There is no doubt that advances in technology have led to a huge increase in cyberstalking, which Rhoda Grant and other members mentioned. It is a particular issue for young people and students, given the high level of social media use among younger age groups. Although it is not a physical method of stalking, it can be just as intimidating; after all, we as elected members know the level of abuse and vitriol that can be directed at people online. Moreover, according to the domestic violence charity Women's Aid, 41 per cent of women reported that a partner or ex-partner had tracked them down through their online activities, and 36 per cent of those women claimed that they had felt threatened by such behaviour. At this point, I should say that it is important that Women's Aid gets support for its vital work, which is why I was pleased to note today that Scottish Labour's women's manifesto has committed to investing more than £2 million in Women's Aid centres across Scotland.

We must acknowledge that any kind of bullying is unacceptable and can lead to tragedy. Indeed, young victims of bullying can take to self-harm, with suicide as the tragic outcome. Given that stalking can be a particularly extreme form of bullying that commonly involves violent and even murderous behaviour, it is important that victims of stalking, especially young people, are supported and are educated about what stalking is and, as both Margaret Mitchell and the "Hidden Marks" report have highlighted, how it can be reported. We must also ensure that there are strong links between the police, the national health service, student unions and specialist voluntary services to make the process easier for victims.

In closing, I echo the sentiment that is expressed in the motion that

"bullying in its severest form is stalking".

I once again congratulate Rhoda Grant on bringing this important issue to the chamber.

17:27

**The Minister for Local Government and Community Empowerment (Marco Biagi):** First of all, I join the chorus of members who have acknowledged Rhoda Grant's securing of this members' business debate to highlight the scourge of stalking and give this important issue the chamber time that it deserves. I absolutely support the sentiment that is expressed in the motion, which recognises the severity of stalking and its effect on adults and young people alike, and I also agree with the remarks that Ms Grant made in her speech that it is important to keep in mind the distinction between bullying, which is unacceptable behaviour, and stalking, which is a criminal offence.

The NUS's "Hidden Marks" report, which was published in 2010, provides a real sense of the damaging effects of stalking on young women. It states that 12 per cent of women students who participated in the NUS's national online survey between August 2009 and March 2010 reported that they had been subjected to stalking. In those cases, almost 90 per cent of perpetrators were men and most were known to their victims. That is broadly in line with other findings. For example, in 2012-13, the Scottish crime and justice survey found that 8 per cent of 16 to 24-year-olds and 10 per cent of 25 to 34-year-olds had experienced at least one form of stalking or harassing behaviour in the previous 12 months.

As we have heard, stalkers exhibit a wide range of behaviours. They follow victims; they send unwanted messages and gifts; they damage property; and, as Margaret McCulloch pointed out, they even invade homes. As has been made clear, the opening up of the online sphere of human interaction has in many ways created new opportunities for those behaviours to manifest themselves.

As Kenny MacAskill suggested, the sense that in some official eyes such acts might individually appear to be trivial has led to the issue not being taken as seriously as it should be. However, when those acts are viewed through the eyes of a victim of stalking, they take on a new and chilling form, and their severity is indisputable.

Contrary to the popular perception of stalkers as strangers who obsessively watch and follow their victims, in reality most stalkers are known to their victims, as Margaret Mitchell pointed out. Indeed,

stalking can be perpetrated by the victim's partner or ex-partner as part of a broader pattern of abusive and controlling behaviour. The links to wider issues of violence against women are clear.

For people who experience stalking, it can have a massive impact on their lives and cause considerable fear and distress. A quarter of the women students who reported stalking in the NUS survey said that it had affected their mental health, studies and relationships. In the most serious cases, stalking can be a precursor to serious assault, rape or even murder.

We have supported strengthening of the criminal law to deal with stalking. We supported bill amendments that Rhoda Grant lodged that led to the introduction of the statutory stalking offence in 2010. The maximum penalty when a person is tried on indictment is five years in prison.

We are currently consulting on a number of measures to strengthen the criminal law further in a number of areas in relation to violence against women. For example, we are consulting on whether a new offence is required better to reflect the true nature of domestic abuse as experienced by victims, including patterns of coercive and controlling behaviour, and a new specific offence that is related to the non-consensual sharing of intimate images—commonly referred to as “revenge porn”.

That is in addition to of funding commitments that were announced on 28 March. Over the next three years, we will invest an additional £20 million to tackle and better support victims of violence against women. That is on top of record funding for initiatives to tackle violence against women, with £11.8 million having been allocated for 2015-16.

Stalking is different from bullying. We take bullying very seriously: bullying of any kind is unacceptable and must be tackled quickly wherever it arises, whether in the home, in the workplace or in school. We want every child and young person in Scotland to grow up free from bullying, and we want them to develop respectful, responsible and confident relationships with other children, young people and adults. However, it is important that there is a clear distinction between bullying and stalking. Stalking is criminal and involves people—usually men—using it to establish power and control over their victims. Sexual assault and exploitation are not types of bullying; they are abuse. Although those behaviours may start out as bullying, we must ensure that our children and young people and society as a whole understand that sexually aggressive behaviour and bullying are completely unacceptable and that, without confusing the two, the consequences of taking part in either can be serious.

We do not believe that criminal behaviour including stalking, domestic abuse, rape or sexual assault is inevitable. Preventing that offending behaviour requires us to take action to challenge the negative attitudes and societal power struggles that often underpin it.

We are supporting work in schools by the mentors in violence prevention Scotland programme, which is an approach to gender violence that aims to equip our young people with an understanding of what constitutes healthy relationships and which creates an environment in which negative behaviours can be challenged. That should be part of everybody's contribution and role. We are also supporting a partnership that is led by respectme and a range of partners from Rape Crisis Scotland and Zero Tolerance to the child exploitation and online protection centre, which aims to raise awareness of gender-based issues including bullying, harassment and violence.

We can see from the figures that, since the offence of stalking was introduced in October 2010, the number of offences that have been recorded by the police in Scotland has increased year on year. In 2013-14, 875 offences were recorded, which is a 45 per cent increase on the 605 offences that were recorded in the previous year. We believe that that is due to more victims of stalking having confidence in the police and our criminal justice system. A range of members have highlighted that that is vital to ensure that those crimes are reported and can be tackled. The figures will go up before they go down, but they must go down, and they will go down.

We should all recognise the devastating effect of stalking on victims, and we should continue in the chamber and beyond to work to eradicate it and all other forms of violence against women.

**The Deputy Presiding Officer:** I thank you all for taking part in this important debate.

*Meeting closed at 17:34.*



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