

STANDARDS COMMITTEE

Wednesday 20 November 2002
(*Morning*)

Session 1

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STANDARDS COMMITTEE

16th Meeting 2002, Session 1

CONVENER

*Mr Mike Rumbles (West Aberdeenshire and Kincardine) (LD)

DEPUTY CONVENER

*Tricia Marwick (Mid Scotland and Fife) (SNP)

COMMITTEE MEMBERS

Susan Deacon (Edinburgh East and Musselburgh) (Lab)

*Lord James Douglas-Hamilton (Lothians) (Con)

*Mr Kenneth Macintosh (Eastwood) (Lab)

*Paul Martin (Glasgow Springburn) (Lab)

*Kay Ullrich (West of Scotland) (SNP)

COMMITTEE SUBSTITUTES

Karen Gillon (Clydesdale) (Lab)

Alex Johnstone (North-East Scotland) (Con)

Michael Russell (South of Scotland) (SNP)

*attended

CLERK TO THE COMMITTEE

Sam Jones

SENIOR ASSISTANT CLERK

Sarah Robertson

LOCATION

Committee Room 3

Scottish Parliament

Standards Committee

Wednesday 20 November 2002

(Morning)

[THE CONVENER *opened the meeting at 10:02*]

Items in Private

The Convener (Mr Mike Rumbles): Good morning. I welcome everyone to the 16th meeting this year of the Standards Committee. We have received apologies from Susan Deacon.

Our first task this morning is to consider how to take items 4 and 5 on the agenda. I propose that we take both of them in private session, as they relate to draft committee reports. Are members happy to do that?

Members *indicated agreement.*

Cross-party Groups

The Convener: Agenda item 2 is the committee's review of the cross-party group system in the Scottish Parliament. Earlier this year, we agreed that it would be timely to carry out a review of the system. The review allows us to focus on aspects of the system that can be improved. Any changes that we recommend and that are agreed by the Parliament could be implemented in time for the next parliamentary session, although more chamber time might be required towards the end of this session for that. I advise members before we start our consideration of the matter that the committee has limited time left to meet its schedule. We must bear that in mind when deciding on a course of action.

The committee received 31 responses to its consultation document. Members should have before them a list of the respondents, a summary of the main themes from the responses and the current guidance note to groups, which complements the rules in section 8 of the code of conduct.

The responses have raised many issues and members may also have other concerns, so there is quite a lot for us to discuss. I propose to open the floor to members to comment on the responses and the issues that they raise. Once we have done that, we can see whether there are any suggestions that we can take forward immediately and identify other areas that perhaps require more detailed attention. We may also wish to consider whether we want to take oral evidence.

Tricia Marwick (Mid Scotland and Fife) (SNP): I have read the summary of the responses to the consultation carefully. I thank the clerks for bringing all the issues to our attention. It strikes me that we need to consider what cross-party groups are for, why we have them and what their relationship should be with the Parliament. Until we answer the central question—why we have cross-party groups and what their purpose is—it will be difficult to discuss the rules for them.

When we considered the matter before, it became clear that some cross-party groups wanted to hold conferences. That is well outwith what I would expect a cross-party group to do. I understand a cross-party group to be a way in which organisations and individuals can bring issues such as autism, for example, to the attention of MSPs who are interested in the subject. In our earlier considerations, some groups seemed to have the idea that it was their role to take the issues out to the public—instead of the public coming to MSPs, the group was about MSPs going out to the public. To my mind, that is not the role of a cross-party group.

We do not seem to have reached any conclusion. We have not discussed the purpose of cross-party groups. Until we answer that central question, it will be difficult to deal with the detail of how they should be regulated and what facilities they should use.

Mr Kenneth Macintosh (Eastwood) (Lab): I echo that point. The groups were set up to meet the needs of MSPs and to a large extent they do so, at least for those of us who are members of them. By design—or by default—they also exist to meet the needs of the wider community. It is less clear whether they do that or whether the framework in which they operate enables them to do that.

There are a number of common themes in the document. One relates to the number of MSPs who attend cross-party group meetings. Another relates to the fact that people outside the Parliament have difficulty in grasping the status of cross-party groups relative to parliamentary committees. Cross-party groups were set up in a certain way, but I believe that it would be counterproductive to try to turn back the clock, because the groups have evolved differently. For members of the community, the groups are highly valued, highly regarded and highly prized as vehicles to allow access to the Parliament. We should frame the regulations for cross-party groups in a way that reflects that and perhaps provides better protection for all concerned.

Paul Martin (Glasgow Springburn) (Lab): Ken Macintosh said that a common theme is that cross-party groups are prized by members of the community. I have to say that I do not see the people of Springburn queueing up to be members of cross-party groups. The common theme may be that cross-party groups enable organisations that have a particular interest in their work to access the Parliament; indeed, a great deal of the work that they do is commendable.

An issue that we should consider is the involvement of members of the community—for example, community councils, tenants associations and housing associations. Those are the kinds of people we are not reaching out to in forming cross-party groups. We seem only to be involving charities and other organisations that have a specific interest in a specific area. That is the make-up of the cross-party groups. We talk about involving community members, but we are not reaching out as far as Ken Macintosh is suggesting that we should.

Kay Ullrich (West of Scotland) (SNP): I, too, have looked through the paper. We were all bright eyed and bushy tailed at the start, when there was a great rush to join cross-party groups. However, next time round, in 2003, some members will pull back from rushing in blindly and joining a

committee just because they believe in a cause. It is suggested that the cross-party groups might cease at the time of the election and then start again as new groups. I wonder how other committee members feel about the fact that the cross-party groups will be disbanded and then restarted. That might not be a bad idea, given our past experience of the groups.

The Convener: The rules under section 8 of the “Code of Conduct for Members of the Scottish Parliament” ensure that, following the dissolution of Parliament, the cross-party groups must apply for recognition within

“90 calendar days after the first meeting of the new Parliament after a general Scottish Parliamentary election”.

Kay Ullrich: So they will cease to exist.

The Convener: Yes. Rule 14 under section 8.3 states:

“Cross-Party Groups will cease to be recognised 90 calendar days after the first meeting of the new Parliament after a general Scottish Parliamentary election, whether ordinary or extraordinary, unless a fresh registration is made within that period.”

That is the rule at the moment.

Kay Ullrich: Okay. Thank you.

The Convener: Are we saying that, when we draw up our report, we need to focus on the terms of reference for cross-party groups? Members are suggesting that there should be an initial statement of what cross-party groups are for, as Parliament sees it. It should be borne in mind that all members will have to register in the new session. Right from the beginning of the next session, the purposes of cross-party groups should be clear, thus allowing us to avoid the confusion that members have identified.

Tricia Marwick: I do not disagree with anything that Paul Martin said, but I would change the emphasis and focus. The cross-party groups should be essentially parliamentary and must be led by MSPs. That is why they are cross-party groups. I do not think that the cross-party groups exist to serve the wider public; they exist to bring the public to the MSPs, whether through community and tenants groups or through national organisations. It is not the role of the cross-party groups to reach out to the wider public; it is for the wider public to reach into the MSPs through the cross-party groups.

That brings me back to my initial comments. It is not the role of the cross-party groups to go out and organise conferences and seminars. The cross-party groups' work should not be about trying to engage with the public; it should be about enabling the public to engage with the MSPs. That is why the groups are essentially parliamentary. That issue is at the heart of the dilemma that we face

and, until we resolve it, it will be difficult for us to go through the paper and deal with the regulations on the cross-party groups.

10:15

Mr Macintosh: I agree that we have to resolve the issue. However, I take a different view. No matter what the intentions were when the cross-party groups were set up and the regulations were drafted, the groups have been useful to many people—not just MSPs—as a vehicle for access and a way of getting issues discussed. I would be loth to close the door, which is what making cross-party groups purely parliamentary institutions would do. The groups have evolved in an extra-parliamentary way. That relationship is to be valued.

I am a member of several cross-party groups. The groups vary considerably, from unstructured gatherings to focused, well-organised and productive groups. The cross-party group in the Scottish Parliament on cancer organised an extremely successful conference last year that met all the objectives that cross-party groups should try to achieve. The group's membership is genuinely cross-party—that issue sometimes emerges in discussion—and it is a forum for discussion, but most of all it involves not only parliamentarians, but a spectrum of professionals, patients and others who are interested in the subject. For that reason, the group's conference was informative. It allowed people to come together to discuss issues in a way that we never can when we discuss them in the Parliament.

Conferences have a place. I found that conference particularly productive, so I would be loth to establish structures that hindered the successful operation of such conferences. However, I acknowledge the central difficulty that cross-party groups carry a sort of imprimatur of the Parliament and share the Parliament's respectability and status. They reflect on the Parliament, so it is important that we provide every cross-party group member with the necessary framework and guidance about what to expect from, what they might get out of and what they should not try to achieve through cross-party groups.

The Convener: Kenneth Macintosh raises the question that is raised in paragraph 27 of the blue private paper—the paper on points for discussion—which says:

“A respondent stated that their Group would welcome guidelines on the activities which cross-party groups can undertake.”

The clerks pose the question:

“Should the Standards Committee have a role in defining and limiting the types of activities that Cross-Party Groups can undertake or become involved in?”

The next question is:

“Should there be rules specifying what are considered appropriate activities – only when money is involved or are there any other aspects which should be considered?”

We are examining such questions.

Lord James Douglas-Hamilton (Lothians) (Con): We face a dilemma about whether we should introduce comprehensive guidance or new rules before or after the 2003 elections, because the situation after the elections might be different—some cross-party groups might not continue. However, we are entitled now to give guidance or write rules on finances. For example, paragraph 21 of the paper says:

“What should happen to the finances of a Group on dissolution of the Parliament?”

I assume that funds would return to donors roughly in the proportions in which they were given.

When I was in the House of Commons, each member of an all-party group contributed the annual fee, which covered postage. At the end of the year, almost nothing of any consequence was left. However, perhaps with the Scottish Parliament, outside organisations tend to be more involved. Whether outside organisations use their own funding or contribute to a cross-party group's fund, some guidance needs to be issued on finances. Apart from that, we could probably leave most of the issues until after the May 2003 elections, because the situation might be different then.

The Convener: I ask Kenneth Macintosh to comment, because he was shaking his head while Lord James spoke.

Mr Macintosh: I appreciate what Lord James says, but I do not believe that any group has finances, although I could be wrong. The cross-party groups operate much as such groups operate at Westminster. I was rather concerned about the use of the word “money” in the briefing paper. I do not think that any of the cross-party groups have money as such. There might be a subscription and there are services for which a nominal charge is made—that figure appears on the accounts. I am not aware, however, that any of the cross-party groups have any significant resources. Lord James asked what happens to the finances of cross-party groups on the dissolution of the Parliament, but I would be amazed if any of the groups had any finances that they would have to—

The Convener: The clerk is advising me that we do not know about that. No requirement is stipulated, except for

“a financial statement, including details of all donations or assistance of a value of £250.”

I refer members to the guidance and good practice note. All the bullet points in that note are, as far as I am aware, contained in the code of conduct, with the exception of the last group. Halfway down the second page, the note says:

"At its meeting on 3 May 2000, the Standards Committee agreed that, in the spirit of openness and transparency, Cross Party Groups should hold an AGM and submit an Annual Return. This Annual Return should include the following details:

- a note of all membership changes in the last year.
- a financial statement, including details of all donations or assistance of a value of £250.
- the number of meetings held.
- any additional information the group wishes to provide."

There is some difficulty with that guidance. We made that decision on 3 May 2000, but it is not contained in the code of conduct. As a result, many of the groups may not be functioning as that paragraph sets out. There is some difficulty with determining what the financial arrangements of each group are; we are not aware of them. I would like our decision of May 2000 to be incorporated into the code of conduct. Its omission was perhaps an oversight.

Mr Macintosh: I have no problem with that or with Lord James's comments. We are perhaps jumping the gun in talking about the groups' finances. Any discussion that we have should be based on our knowledge of their finances and I do not think that we have that knowledge now. We seem to be making an assumption that cross-party groups have money. I do not know how many committee members are members of cross-party groups, but I wonder whether they know whether money ever change hands in a cross-party group.

Lord James Douglas-Hamilton: We had an application in our group some months ago. Queries were raised, because an offer of a considerable sum was suggested by an organisation. Sam Jones, the clerk to the committee, will probably remember the exact details of that application.

Mr Macintosh: Was money offered? Was it not services that were offered?

Lord James Douglas-Hamilton: It was money.

Tricia Marwick: That marked the starting point of our investigation into the arrangements for cross-party groups—what they were for and what they should be doing. We were made aware that some cross-party groups had received sizeable donations. Indeed, groups that were seeking approval had been given money by a particular organisation. We were told that that was for conferences. We do not know whether that money was ever handed over, but it was certainly money in kind if not an actual payment. There is an issue around the finances of cross-party groups and

how much they should be allowed to receive from organisations.

Lord James Douglas-Hamilton: The principle is that anything to do with money must be dealt with correctly. If a cross-party group is wound up, we need to know how its funds are to be dealt with. There should be proper guidance on that. May we ask for a paper from the clerks for our next meeting, when we can discuss how to deal with the issue?

The Convener: That is a sensible course of action.

I would like to stick with the principle of cross-party groups' annual returns. Members should be aware that our decision on that issue is contained in guidance, but not in the code of conduct. I have just been told that only 80 per cent of the returns from cross-party groups are received and conform to the guidance. That means that not all the cross-party groups are functioning as they should be. Despite the fact that the clerks chase them on a regular basis, 20 per cent of groups are not submitting an annual return that complies with the guidance. I would like to formalise the advice and put it in the code of conduct, so that we can make it clear to the groups that what they have to do is a matter not just of following advice from the Standards Committee, but of adhering to the rules. Are members content with that?

Kay Ullrich: I totally agree with that. It is quite shocking that 20 per cent of cross-party groups have not complied with the guidance. The advice should be put into the code of conduct.

Lord James Douglas-Hamilton: I agree.

Tricia Marwick: I agree. Our difficulty is that, although the Standards Committee can approve cross-party groups, I am not sure what sanctions we could impose if the groups did not comply either with the code of conduct or with any rules that we set down. The difficulty at the moment is that, if a cross-party group were repeatedly to ignore the clerk to the Standards Committee, we might not be able to do anything about that.

The Convener: Paragraph 18 of the blue paper follows on from Tricia Marwick's point:

"There is currently no formal warning system in place to alert Members to a departure of their Group from the Rules. To date it has not been necessary to formally warn a Group of a breach of the Rules, but the Committee may wish to consider if there should be a formal warning system, as suggested by some respondents."

At the moment, we have a system under which, to give one example, the clerks are required to chase cross-party groups for their annual returns. We are not receiving annual returns, but there is no formal mechanism to deal with that.

Tricia Marwick: I want to make a point about finances, which is a related issue on which we

probably need a separate paper. Given that the Parliament will be dissolved on 31 March, it seems to me that every cross-party group should be required to provide us with a statement on the current state of their finances by, say, 28 February. I do not know what should happen to the money thereafter, but I would advise that the cross-party groups should, at the very least, place any funds in a suspense account until such time as they reconstitute themselves after the elections. If they are not reconstituted, the money would need to be disposed of.

By 28 February, we should have a financial statement from every cross-party group showing how much money they have. That would allow decisions to be taken in the next parliamentary session. We do not want groups and their bank accounts simply to go out of existence without the issue ever having been dealt with.

The Convener: Are members content with that?

Members *indicated agreement.*

The Convener: Are there any other points that we need to discuss now, so that the clerks, who have been listening intently, can produce a paper for our next meeting?

Mr Macintosh: We need to discuss how we should proceed on a number of points. Tricia Marwick and I would agree that we need to start with a clear definition and role for the cross-party groups. The points about finance are well made. Any group in any situation, and certainly any group associated with the Parliament, needs proper accounting procedures. There are also a number of points about how the groups are resourced for organising conferences, for example, although I am sure that members will have differing views on that. I am also concerned about attendance at the groups.

Tricia Marwick: I know that we have had a consultation, but the absolutely fundamental issue concerns the purpose of the groups and their relationship with the Parliament. Frankly, that is not for the cross-party groups but for MSPs to come to a view on, given the parliamentary nature of the groups. No matter how the cross-party groups might evolve, we are all agreed that their parliamentary nature is central to their role: the MSPs must be in control.

I do not think that there is necessarily a need to contact the cross-party groups. However, it might be useful if the clerks sent a letter to all members, asking them to make suggestions about what a cross-party group should be. Many MSPs are involved in one, two or more cross-party groups, and it might be helpful to get feedback from them on that issue. We should not confuse things by asking a whole load of questions that have already been asked. However, we need to resolve the

central dilemma before we can discuss the regulations. My difficulty is that I do not feel that I am prepared to move forward when even the six of us sitting around this table have differing views on the matter.

10:30

The Convener: At least 20 of the 31 responses to the consultation have come from cross-party groups, which of course are convened by MSPs, or from individual MSPs. As a result, MSPs have had a chance to correspond directly. I am not closing the discussion down yet, because there are more issues to address. However, we must decide where we go from here. For example, do we want to take any more written evidence on the consultation? Tricia Marwick has suggested that we write directly to MSPs. Do we want to invite anyone who has submitted written evidence to talk to us about that evidence? Have we received sufficient information from the consultation to allow us to produce a paper that will cover all the issues that we are discussing? I need some guidance from members on how we should proceed.

Mr Macintosh: I am not against Tricia Marwick's suggestion at all, because we have to take MSPs with us. However, from the views that have been canvassed already, it is clear that there is a disparity of opinion within cross-party groups. I think that we need to be more focused on the issue, which is why we must carry out some more work before the issue goes back to MSPs.

I would welcome a further paper on options that might be open to us on a format for future cross-party groups. In other words, should we tighten the current restrictions on groups, which are probably not being observed? Should we simply accept the fact that many of the groups behave in a manner that was not initially envisaged and try to capture the good points of their approaches, particularly in relation to accessibility issues? In response to concerns raised by Paul Martin and others, perhaps we should also reflect on whether the groups' Edinburgh-centric nature will allow us to go very far down the accessibility route and whether the cross-party groups are not open to local community groups but focus instead on those who can physically access the Parliament here in Edinburgh.

Paul Martin: I welcome the suggestion of a further issues paper. However, we need to evaluate the cross-party group experience. The main question for me is: what is the purpose of cross-party groups? After we have clarified that, we will need to find out whether the groups have been effective in fulfilling that purpose or whether what they do could be achieved through the committees, the chamber and representation to MSPs. I do not have a particular view on that

question. The evaluation process is important to me. After all, cross-party groups have been going for three years now. We should examine the experience of several of them and find out whether they have been effective and have made a difference to the lives of the people in Scotland.

The Convener: I acknowledge that point. However, if you feel that there is a need to evaluate the effectiveness of cross-party groups, the next obvious question is how we go about carrying out such an evaluation.

Paul Martin: An independent academic report could focus on a selection of cross-party groups. It could specify which groups are operating and what they have done in the past three years. Matters could be considered from there. We are all on different wavelengths in respect of the principle behind cross-party groups. Perhaps an academic report could consider that principle, too. The groups could be evaluated and their effectiveness could be assessed. Such work would be helpful for next year's new parliamentary session. MSPs could consider how to reconfigure the groups and the way forward.

Lord James Douglas-Hamilton: We need all the annual returns. Once we have received them, we will be able to see how effectively the cross-party groups are operating and the extent to which they are operating to their members' satisfaction.

Paul Martin and others have called for an issues paper. A short précis in the paper on the responses to the consultation, showing the weight of opinion on each specific proposal, would help. We need to make it absolutely clear how finances should be dealt with if that matter is to be incorporated into the code of conduct. If the procedure is followed, changes will probably be ready for implementation after the election.

Kay Ullrich: I agree with what has been said. We have to start with a definition. It is important to learn from the experience of the past four years and give something to the new group of MSPs. Cross-party groups should be defined and evaluated.

From the start, my problem with cross-party groups has been the nagging fear that MSPs could use them as platforms for themselves rather than for the purposes for which they were set up. I am not saying that that has happened, but it is important to find out how they are operating in case it has happened.

Mr Macintosh: I agree. The cross-party nature of the groups is fundamental. I have a similar point to Kay Ullrich's. I like cross-party groups because they provide a framework. We can all find out information for ourselves through various means, but cross-party groups are a particularly good vehicle for doing so. The best groups provide an

opportunity to find out information in a genuinely cross-party way, which certainly matters to me. The groups also provide valuable discussion forums. They help to establish consensus in certain areas in our highly charged and partisan environment.

The evaluation should not just cover MSPs. It would be interesting to ask a few non-MSP members of cross-party groups what they think and what they get out of their groups. Non-MSP members would have a different perspective from ours.

My concern about resourcing comes from a slightly different perspective from that of other members. I think that the cross-party groups are under-resourced to the point that there is sometimes a danger of their becoming shambolic. They do not have enough back-up. It is difficult for people outside the Parliament to understand that some cross-party groups have no support whatever other than from people in the room. There is sometimes a tension. There are particularly well-resourced groups, but there are groups that have no resources other than the enthusiasm and contributions of their members, which makes producing minutes and annual reports difficult, especially—as we have heard in a number of submissions to the committee—because of the time constraints that are imposed on MSPs.

That issue must be reflected in the resources paper. If the cross-party groups are to be given a different kind of status, what support will accompany that? It has been suggested that advice would be needed from the Standards Committee clerks. Although we must be wary about taking on that responsibility, many groups would welcome such help.

Tricia Marwick: There are a number of strands to this discussion and I feel that we have not gone terribly far forward, although several good suggestions have been made. We need a paper on finances and we need to be clear about what will happen on 31 March. MSPs need to be clear about the dissolution of the groups and their financial status at that point. We must resolve the central point about why the groups exist and what their purpose is; we should send a paper to MSPs focusing on that point. I do not want to open up the discussion to the cross-party groups, as I want answers only from the MSPs. Given the parliamentary nature of the cross-party groups, I do not want responses from people or organisations who might have an agenda of their own. If the MSPs are to be in control of the cross-party groups, they must decide the definition of them.

Paul Martin's suggestion that we commission a piece of research on the way in which the groups

have operated until now is a good one. I am not sure how we would go about commissioning external research—that is something for the conveners liaison group to consider. However, given that the committee has not asked for a piece of research before, it should be possible for us to have one worked up. That research would be extremely valuable for the next intake of MSPs. It would help them to decide whether they wanted to get involved in cross-party groups and how many groups they should sign up to, if indeed they should sign up to any, recognising the criticism in the committee's papers about minimal attendance—or non-attendance—of MSPs at cross-party group meetings.

The Convener: If all members have had their say, I shall sum up and try to suggest where we should go from here. This has been a useful discussion and we should make some decisions at our next meeting, not now. I suggest that the clerks produce several papers for us to discuss at our next meeting, concerning the purpose and functions of cross-party groups; financial arrangements and what the finances should and should not be used for; the process at dissolution and the start of the new parliamentary session; and the extent to which cross-party groups should comply with the rules and what processes should be involved.

Most important—this suggestion came from Paul Martin and has been backed by all the other committee members—I shall ask the conveners liaison group, on behalf of the Standards Committee, to commission a piece of academic research on all the factors that have been mentioned in relation to the effectiveness of cross-party groups in the Parliament so far. That will allow a judgment to be made on the groups' effectiveness and we will have a proper piece of research to discuss. I will ask for that suggestion to be put in a paper to be discussed at our next meeting, when we will decide exactly how we want to proceed. Is that agreed?

Members indicated agreement.

Lobbying

The Convener: The next item of business concerns a report from the deputy convener, Tricia Marwick, on the conference on lobbying that she attended in Budapest. Tricia, is there anything that you would like to highlight in the paper that you have presented to the committee?

10:45

Tricia Marwick: I thought that we were going to the conference to talk to the central European nations about the Scottish Parliament's experience of lobbying and that we would hear what they are doing with regard to the regulation of lobbying. To a certain extent, that is what happened. I did not expect us to get terribly much out of the conference but, as you will see from the paper, the representatives from Canada, in particular, gave us some interesting information, which I wish we had been aware of during our lobbying inquiry. I was most impressed by the fact that there is electronic registration of lobbyists in Canada and that distinctions are made between different types of lobbyists. I was also interested in the kind of information that lobbyists are required to supply.

Our understanding of regimes outwith the United Kingdom was much enhanced. I would like us to investigate further the lobbying regulations in Canada. Of course, given that it is unlikely that any legislation will be passed on the issue prior to the 2003 election, it will be up to the members of the Standards Committee that is formed after the 2003 election whether to accept our report or move on from it.

I found the conference extremely valuable, and I think that Sam Jones did, too.

The Convener: Is the registration scheme in Canada mandatory?

Tricia Marwick: It is. It is also electronic. Much of the evidence that we were given during our lobbying inquiry suggested that, if one attempted to register every lobbying group, from in-house teams to the voluntary sector to the commercial lobbying organisations, the process would be unwieldy, would be impossible to manage and would cost an absolute fortune. Throughout our discussions, that argument occupied my thoughts a lot. However, at the conference, it became clear that, in Canada, there is mandatory registration and that much more detailed information than we were thinking of is being asked for. The interesting point is that the registration system is electronic and the lobbying companies are obliged to register themselves. If they do not register electronically and a manual registration is required, a charge is levied. That process cuts down the cost considerably.

The Convener: Do the Canadians draw a distinction between commercial lobbyists and in-house lobbyists, as we have done?

Tricia Marwick: Yes. There are three categories of lobbyists: consultant lobbyists, such as public relations companies and Government relations consultants; corporate in-house lobbyists; and lobbyists who work in house for non-profit organisations.

The Convener: You list the information that the lobbyists are required to register. Are all the categories of lobbyists asked to provide the same information? If not, why are the categories differentiated?

Sam Jones (Clerk): There are different requirements for each category. The most stringent requirements, such as the amount of time that the group has in which to make a submission, apply to the consultant lobbyist category and possibly to the corporate in-house lobbyist category. The requirements for lobbyists who work for non-profit organisations are slightly lighter in relation to how often they have to make a submission, for example.

Mr Macintosh: Has any work been done to monitor the effectiveness of the Canadian scheme?

Tricia Marwick: The scheme has been reviewed by the Standing Committee on Industry, Science and Technology in the Canadian House of Commons. That committee found that the scheme was working well, had a high level of transparency and was not difficult or costly to administer. Changes to the system have been recommended. While we were at the conference, a bill on lobbying was going through the Parliament, although I am not terribly sure what the conclusion of that was.

The important fact is that the electronic system of registration ensures that the process is not as difficult or costly to administer as some of the evidence that we received during our inquiry led us to believe. Had the committee known some of that information at the time, we might have taken a different view. That is why I think that, if I am still in Parliament after the 2003 election, I will recommend that the members of the Standards Committee that is formed after the election examine the Canadian experience before they come to final conclusions.

The Convener: If you are still around after the election, you could still be on the Standards Committee, of course.

Mr Macintosh: I would not mind having more information on the impact of the Canadian scheme. For example, what difference has it made to public perceptions or to the behaviour of

lobbyists, whether commercial or non-commercial?

The Convener: The word "evaluation" is looming. Perhaps the clerk could further examine that matter. Thank you for producing the paper, Tricia. I am sure that the conference was worth while.

Item 4 deals with our draft report on the Scottish Parliament and Business Exchange. As we agreed at the beginning of the meeting, we will move into private session to discuss it.

10:51

Meeting continued in private until 12:32.

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