



The Scottish Parliament
Pàrlamaid na h-Alba

Official Report

MEETING OF THE PARLIAMENT

Wednesday 26 June 2013

Session 4

© Parliamentary copyright. Scottish Parliamentary Corporate Body

Information on the Scottish Parliament's copyright policy can be found on the website - www.scottish.parliament.uk or by contacting Public Information on 0131 348 5000

Wednesday 26 June 2013

CONTENTS

	Col.
BUSINESS MOTION	21543
<i>Motion moved—[Joe FitzPatrick]—and agreed to.</i>	
PORTFOLIO QUESTION TIME	21544
EDUCATION AND LIFELONG LEARNING	21544
School Closures (Consultation of Children and Young People).....	21544
Travel-to-school Times	21545
Educational Psychology Services.....	21546
College Mergers (Glasgow)	21547
Colleges (Reclassification as Public Bodies)	21548
Universities (Senior Appointments)	21549
Education (Diversity)	21550
Employability Fund (Promotion)	21551
College Mergers (Glasgow)	21552
Probationary Teachers (Employment Figures).....	21553
Childcare and Early Years Education.....	21554
Draft Scottish Code of Good Higher Education Governance	21555
Langside, Anniesland and Cardonald Colleges Merger	21556
Adam Smith College and Carnegie College (Regionalisation).....	21557
Sustainable Economic Development (Further and Higher Education Support)	21558
Curriculum for Excellence (Renewables Industry)	21559
Classroom Assistants	21560
POST-16 EDUCATION (SCOTLAND) BILL: STAGE 3	21561
POST-16 EDUCATION (SCOTLAND) BILL	21691
<i>Motion moved—[Michael Russell].</i>	
The Cabinet Secretary for Education and Lifelong Learning (Michael Russell).....	21691
Neil Findlay (Lothian) (Lab)	21694
Liz Smith (Mid Scotland and Fife) (Con)	21697
Marco Biagi (Edinburgh Central) (SNP)	21699
Neil Bibby (West Scotland) (Lab)	21700
Stewart Maxwell (West Scotland) (SNP)	21702
Liam McArthur (Orkney Islands) (LD).....	21704
Liz Smith	21706
Hugh Henry (Renfrewshire South) (Lab)	21708
Michael Russell.....	21709
BUSINESS MOTIONS	21714
<i>Motions moved—[Joe FitzPatrick]—and agreed to.</i>	
PARLIAMENTARY BUREAU MOTIONS	21716
<i>Motions moved—[Joe FitzPatrick].</i>	
Paul Martin (Glasgow Provan) (Lab)	21716
The Minister for Parliamentary Business (Joe FitzPatrick).....	21718
DECISION TIME	21720
ASH SCOTLAND'S 40TH ANNIVERSARY	21725
<i>Motion debated—[Duncan McNeil].</i>	
Duncan McNeil (Greenock and Inverclyde) (Lab)	21725
Stewart Stevenson (Banffshire and Buchan Coast) (SNP)	21727
Jackson Carlaw (West Scotland) (Con)	21729
Jackie Baillie (Dumbarton) (Lab)	21730
The Minister for Public Health (Michael Matheson).....	21731
CORRECTIONS	21734

Scottish Parliament

Wednesday 26 June 2013

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

Business Motion

The Deputy Presiding Officer (John Scott): Good afternoon, everyone. The first item of business this afternoon is consideration of business motion S4M-07154, in the name of Joe FitzPatrick, on behalf the Parliamentary Bureau, setting out a timetable for stage 3 of the Post-16 Education (Scotland) Bill.

Motion moved,

That the Parliament agrees that, during stage 3 of the Post-16 Education (Scotland) Bill, debate on groups of amendments shall, subject to Rule 9.8.4A, be brought to a conclusion by the time limit indicated, that time limit being calculated from when the stage begins and excluding any periods when other business is under consideration or when a meeting of the Parliament is suspended (other than a suspension following the first division in the stage being called) or otherwise not in progress:

Groups 1 to 3: 45 minutes,

Groups 4 to 6: 1 hour 35 minutes,

Groups 7 to 9: 2 hours,

Groups 10 to 12 2 hours 20 minutes.—[Joe FitzPatrick.]

Motion agreed to.

Portfolio Question Time

Education and Lifelong Learning

14:00

The Deputy Presiding Officer (John Scott): We move to portfolio questions. In order to get in as many members as possible, I would prefer short and succinct questions and answers, please.

School Closures (Consultation of Children and Young People)

1. Fiona McLeod (Strathkelvin and Bearsden) (SNP): To ask the Scottish Government whether there is a mechanism for insisting that local authorities follow Scotland's Commissioner for Children and Young People's guidance on consulting children and young people on school closures and other significant changes. (S4O-02292)

The Minister for Learning, Science and Scotland's Languages (Dr Alasdair Allan): It is important that children and young people who will be affected by a school closure proposal, or other significant change, understand what is being proposed and have the opportunity to express their views. That is why the legislation in this area already requires that children and young people be consulted. The statutory guidance for those consultations explains how local authorities should go about consulting children and young people. It also makes reference to best practice, as set out by Scotland's Commissioner for Children and Young People. Local authorities are not compelled to follow the commissioner's best-practice guidance, but I certainly encourage them to do so.

Fiona McLeod: I thank the minister for that answer. Can I draw his attention to an aspect of yet another saga of East Dunbartonshire Council's informal consultation on school closures? The council is sending local authority officers into classes of children as young as primary 1, which directly contradicts the advice on page 18 of the commissioner's guidance, which states that

"a genuinely independent person is essential for the process to be respected by participants, parents/carers and other relevant adults."

I add that I have recently found out that officers are handing out forms to pupils with a pre-ticked box against the statement, "I agree with this".

Dr Allan: I am certainly aware that East Dunbartonshire Council has been looking at options for making changes to the school estate, and how it does that is a matter for the council. Obviously, I expect it to do so sensitively.

Fiona McLeod will appreciate that I cannot comment on the specific concerns to which she referred or on specific schools, because ministers might be involved at a later stage in the statutory process. For that reason, it is not appropriate for me to comment on individual schools.

Travel-to-school Times

2. Tavish Scott (Shetland Islands) (LD): To ask the Scottish Government whether it has considered issuing maximum travel times for journeys to school in rural and island areas. (S4O-02293)

The Minister for Learning, Science and Scotland's Languages (Dr Alasdair Allan): The Scottish Government has not considered issuing maximum travel times for journeys to school in rural and island areas, because that is a matter for local authorities.

Tavish Scott: I am grateful to the minister for that reply. Does he accept—I am sure that he does, as he too is a rural member—that circumstances in which a pupil walks half a mile on unlit roads with no pavements, to a bus stop, followed by an hour and a half on a bus on single-track roads, leading to an overall commute of three hours to school, could be considered to be detrimental to the pupil's education and wellbeing, which he will recognise as terms that are defined in the Schools (Consultation) (Scotland) Act 2010, on rural school closures? Are such circumstances a matter for his Government and his policy, or for local authorities?

Dr Allan: As I have said, that is a matter for local authorities. As an island member—to which fact Mr Scott alluded—I can obviously understand some of the issues that he wants to raise. However, at the risk of repeating myself, I reiterate that I do not want to put him or me in a position in which the process in respect of individual schools would be prejudiced by my commenting further. However, regarding correspondence from Tavish Scott to me on some of the matters involved, I understand that the reply is in the post.

Gordon MacDonald (Edinburgh Pentlands) (SNP): How will the recommendations of the commission on the delivery of rural education be taken forward in order to ensure that educational benefit remains a key consideration of the school closure decision-making process?

The Deputy Presiding Officer: I am not entirely sure that the question is relevant, but I dare say that the minister has been briefed on it.

Dr Allan: Educational benefit was obviously a key issue in the rural education commission's report. The Government accepted the overwhelming majority of the commission's recommendations—indeed, it accepted all the

recommendations except recommendation 20, which deals with this subject. The reason why we did not accept recommendation 20 was that we want to ensure that a local authority that proposes closure of a rural school can show that the closure would be of educational benefit to the children concerned.

The Deputy Presiding Officer: Question 3 has not been lodged by Alex Johnstone. This is the third time that he has not provided an explanation. We would be grateful if one could be provided.

Educational Psychology Services

4. Margaret Mitchell (Central Scotland) (Con): To ask the Scottish Government what provision is made in local authority schools for access to educational psychology services. (S4O-02295)

The Minister for Learning, Science and Scotland's Languages (Dr Alasdair Allan): Education authorities have a statutory duty to provide a psychology service, as specified in section 4 of the Education (Scotland Act) 1980. Provision beyond the statutory requirement is a matter for local authorities and will be determined by local and national priorities.

Margaret Mitchell: I thank the minister for that response, notwithstanding some of its content.

The minister will be aware of the concern that has been raised by the Association of Scottish Principal Educational Psychologists regarding the shortfall in the number of educational psychologists, following the Scottish Government's withdrawal of funding for the educational psychology master of science course. Given that educational psychologists play a pivotal role in identifying children and young people who have dyslexia, how will the Scottish Government ensure that children and young people with dyslexia have timely access to the full team of experts that they require, including educational psychologists?

How will the Government ensure that there are educational psychologists available to work with speech and language therapists to help the 60 per cent of young offenders—and up to 80 per cent of children and young people who access mental health services—who have speech, language and communications needs?

Dr Allan: Regarding the importance of identifying children with dyslexia, Margaret Mitchell will be aware that the Government has provided material in the form of the dyslexia toolkit.

On dyslexia in prisons, the Government has certainly been paying close attention—indeed, I have visited Perth prison on that very issue.

On provision of educational psychologists, notwithstanding what Margaret Mitchell has said, I understand that the educational psychology

courses at the University of Dundee and the University of Strathclyde are near capacity. The Government is aware of the issue of supply and is sensitive to it.

College Mergers (Glasgow)

5. Drew Smith (Glasgow) (Lab): To ask the Scottish Government what progress has been made on college mergers in Glasgow. (S4O-02296)

The Cabinet Secretary for Education and Lifelong Learning (Michael Russell): I have approved a proposal from Langside, Cardonald and Anniesland colleges to merge. The colleges aim for a vesting date of 1 November 2013. *[Michael Russell has corrected this contribution. See end of report.]* The necessary order has been laid before Parliament.

I will also be considering the merger of John Wheatley, Stow and North Glasgow colleges, in due course.

Drew Smith: Can the cabinet secretary say how many extra places will be available for prospective college students in Glasgow as a result of the mergers?

Michael Russell: That will be a matter for discussion by the colleges with the regional board, which is taking the regional overview. That is a major innovation, because it will allow the colleges to look at regional need and to operate as colleges of scale. The matter will also be for discussion with the Scottish Further and Higher Education Funding Council, which is, of course, sensitive to the issue of how places should be provided.

The important thing is that we have met the targets that we set ourselves for places, and that those places are high-quality places that ensure that young people—and older people—are well prepared for the world of work. That will be greatly welcomed by many people across the city of Glasgow. It is about time the Labour Party got in step with that.

Joan McAlpine (South Scotland) (SNP): I welcome the comments from Paul Little, the principal of the City of Glasgow College, who said that the college merger has created a “world-class institution”. Does the cabinet secretary believe that the merger has created a college that is better able to deliver courses in line with skills demand? *[Interruption.]*

Michael Russell: I believe that that is true, and it would perhaps be surprising if I did not. From his seat, Mr Findlay just shouted out, “Well read!” at a fellow member, which neither shows respect for that member, nor is it the type of debate that we need in the chamber. Why am I surprised that Mr Findlay did that?

The reality is that we need to have colleges of scale that deliver for the people of Scotland. We have started off on that process of reform and we have listened to the concerns of the sector and worked with it. I hope that, this afternoon, we will pass a bill that will put in place regionalisation, which is a significant change, and which will assist the colleges in delivering what they are best at delivering. That is a big step forward.

Colleges (Reclassification as Public Bodies)

6. Liam McArthur (Orkney Islands) (LD): To ask the Scottish Government what steps it is taking to avoid colleges being reclassified as public bodies. (S4O-02297)

The Cabinet Secretary for Education and Lifelong Learning (Michael Russell): The reclassification of incorporated Scottish colleges as public bodies is a result of a decision by the Office for National Statistics based on existing levels of ministerial controls.

In Scotland, our relationship with colleges is founded on strong partnerships, with associated governance arrangements. Through the Post-16 Education (Scotland) Bill, we are strengthening the existing arrangements to improve democratic accountability.

Since the ONS's decision in 2010, we have negotiated with HM Treasury on the need to implement the decision in Scotland. It remains our belief that HM Treasury has the power to mitigate the impact of the ONS's decision on Scotland, and yet it has refused to do so.

Liam McArthur: I have listened closely to what the cabinet secretary had to say, but I am still unsure why, when he has known about the potential threat since 2010, he has not taken steps before now to address or at least mitigate the serious impact on our colleges.

The cabinet secretary has insisted that his approach to college reform will not be “sacrificed to ONS classifications.” He blames the Treasury for not simply making an exception for him, and he even blames Opposition members for not raising the issue with him before now. Is the truth not that the potential threat to our colleges, their reserves and their ability to raise revenue has largely been brought about by his own dither and delay and his unwillingness to engage properly with the issue in the past three years?

Michael Russell: The education minister really cannot win: if I actually have a policy, I am accused of being dictatorial; if I try to work with colleagues of Mr McArthur's in the Westminster Government, I am accused of dithering and dillying—I think that that was the word he used.

The reality is that the reclassification is unwelcome and unnecessary. If Mr McArthur exerted himself to speak to his colleague the Chief Secretary to the Treasury, we would not have to deal with the issue. The blame lies entirely with the coalition Government. Its action is anti-college and will not help colleges, but the good news is that we are working closely and positively with the colleges to put in place arrangements that will take them forward and work round the difficulties that are being placed in front of them.

The difficulties are coming from the United Kingdom coalition Government, the Treasury and the Liberal Democrats. We will make that clear everywhere in Scotland.

George Adam (Paisley) (SNP): Will the cabinet secretary outline the action that has been taken to introduce national pay bargaining in colleges?

Michael Russell: Later this afternoon, we will have the opportunity to vote on the framework for national pay bargaining, which is very welcome indeed. Of course, comprehensive negotiations are taking place. We are delivering on our commitment to ensure that we stop the balkanisation of Scotland's colleges and of terms and conditions in Scotland, which was introduced by Michael Forsyth and continued under Labour Administrations. We are the ones who are changing it.

Neil Findlay (Lothian) (Lab): Why was there no mention of national pay bargaining in the Post-16 Education (Scotland) Bill when it was first published?

Michael Russell: Ah, Mr Findlay thinks that he has me but, of course, we have been trying to listen to and work with the sector.

I made a commitment on national pay bargaining before Mr Findlay was even a member of the Parliament. I have gone on with that commitment and I have gone through with negotiation. We set up the framework but, to have belt and braces, I decided that we would also put a commitment in the bill and honour that commitment. *[Interruption.]*

Mr Findlay finds that funny—astonishingly, he finds the prospect of national pay and conditions in the college sector to be entertaining and amusing. That really tells us all that we need to know. Mr Findlay has no serious intent on further education. His intent is only to laugh at it. My intent as the minister is to deliver, which is precisely what we will do this afternoon.

Universities (Senior Appointments)

7. John Finnie (Highlands and Islands) (Ind): To ask the Scottish Government what discussions

it has with universities when they are replacing senior posts, such as principals. (S4O-02298)

The Cabinet Secretary for Education and Lifelong Learning (Michael Russell): The recruitment of senior staff is entirely a matter for individual universities as autonomous and independent bodies, and not for the Scottish ministers.

John Finnie: In the foreword to the “Public Sector Pay Policy for Staff Pay Remits 2011-12”, the Cabinet Secretary for Finance and Sustainable Growth, John Swinney, stated:

“To help maintain staffing levels across the public sector, it is essential that we restrict pay growth and maintain pay at levels that are affordable and sustainable.”

He went on to say that a pay freeze for all staff would apply in 2011-12.

The Scottish Parliament information centre produced a paper for me on the pay of principals. From 2010-11 to 2011-12, the salary of the principal of the University of the Highlands and Islands increased by 31 per cent to £227,000: an obscene increase to an obscene sum. *[John Finnie has corrected this contribution. See end of report.]*

Given that that particular post is due to be replaced, what steps will the cabinet secretary take to bring some restraint to senior academic salaries? If he does not have the powers to do so, what steps is he taking to acquire them?

Michael Russell: As I am sure John Finnie is aware, I have made it clear whenever I have been asked questions or spoken on that issue that right across the public sector—and not just in universities—people need to lead by example.

Indeed, I remember a question on the matter, to which I was pleased to respond, from George Foulkes when he was a member in this chamber. I agree with those who say that the example needs to be clear and obvious and that it needs to demonstrate restraint, particularly at this stage.

I encourage everybody in the public sector to show restraint and to lead by example, as ministers and members in this chamber are doing by not taking pay increases. It is essential that that happens, and the members of the university sector who ask me for advice on the matter—as some principals have—receive a very clear piece of advice: “Do not accept any increase, and make sure you lead by example.”

Education (Diversity)

8. Murdo Fraser (Mid Scotland and Fife) (Con): To ask the Scottish Government how it will promote a more diverse school education system. (S4O-02299)

The Cabinet Secretary for Education and Lifelong Learning (Michael Russell): There are considerable freedoms already available to schools in Scotland to govern in a way that best suits local needs and parental wishes. Curriculum for excellence emphasises the autonomy of teachers and other education professionals in providing effective—and often innovative—learning and teaching, and Education Scotland encourages innovation through the new framework for inspection.

Murdo Fraser: In the past few weeks, we have had an expression of interest from a group of parents in Edinburgh who wish to create a new state school in the capital, and similar contributions and ambitions from various church groups. What encouragement will the cabinet secretary give those groups?

Michael Russell: We have a clear structure that exists in Scotland through local authority delivery, but it is not monolithic. There are opportunities for others to establish schools if they wish to do so.

The important thing is that all schools in Scotland should meet a very clear standard of education, and we will insist on that national standard when any new schools arise. I would encourage parents, if they wish to found or create a school, to enter into creative dialogue with their local authority, to ensure that they have the opportunity to deliver and to consider which part of the sector their school would best fit into.

I do not believe that we should balkanise the education system. We should judge it in one very clear way: whatever structures exist must prove to be of benefit to the educational attainment of children. As long as that can be proved, I am very relaxed about the innovation that takes place. Indeed, I would encourage innovation, as long as it is driven by that principle and is seen to be part of the national state system.

Employability Fund (Promotion)

9. Margaret McCulloch (Central Scotland) (Lab): To ask the Scottish Government how it is promoting the employability fund to colleges and training providers. (S4O-02300)

The Minister for Youth Employment (Angela Constance): Skills Development Scotland employability fund contracts for 2013-14 were awarded to colleges and training providers in March 2013. In advance of that, SDS held a bidders' conference in Perth on 11 January this year and managed an online question-and-answer facility to support training providers as they prepared their employability fund bids.

SDS provides on-going support to employability fund training providers through a dedicated contracts manager, and it held a further

information session for training providers in Stirling on 11 June.

The Scottish Further and Higher Education Funding Council has negotiated delivery of the college element of the employability fund as part of college outcome agreements. The funding council will continue to support colleges through regular engagement with outcome managers.

Margaret McCulloch: The feedback that I have received from the sector suggests that there is some confusion about the role of the local employability partnerships and the new co-commissioning model. What is being done to satisfy the sector that colleges and training providers that are not members of the LEP are not being placed at a disadvantage when bidding for employability fund contracts because of the LEP's dual role? Specifically, can the Scottish Government provide assurances that any labour market intelligence that is gathered by the LEP, which should be subject to the Freedom of Information (Scotland) Act 2002, will be published openly?

Angela Constance: This is the first year of the new employability fund, and I understand, from my engagement with organisations such as the Scottish Training Federation, colleges, local authorities and other providers, that its creation is very welcome and that it is bringing together organisations and funding pots.

Notwithstanding that, as it is the first year, there will be some very important learning that we can reflect on. That is important. We will have to reflect on the experiences of all providers, particularly as we strive to improve outcomes for young people.

The member is correct that there is a co-commissioning panel, which is led by SDS, but the decision on commissioning is made unilaterally by SDS and decisions have to reflect local need. I assure the member that, through my on-going engagement with stakeholders, we will learn and enhance the decision-making processes.

I will look at the issues that the member has raised about local labour market information and why it is not subject to freedom of information legislation. I have to say that that is news to me, but I will get back to the member on that.

College Mergers (Glasgow)

10. Patricia Ferguson (Glasgow Maryhill and Springburn) (Lab): To ask the Scottish Government what progress there has been in respect of further education college mergers in Glasgow. (S4O-02301)

The Cabinet Secretary for Education and Lifelong Learning (Michael Russell): As I stated a few moments ago in my answer to Drew Smith, I

have approved a proposal from Langside, Cardonald and Anniesland colleges to merge. The colleges aim for a vesting date of 1 November 2013. *[Michael Russell has corrected this contribution. See end of report.]* The necessary order has been laid in Parliament.

I will also consider the merger of Stow, John Wheatley and North Glasgow colleges in due course.

Patricia Ferguson: I am grateful to the cabinet secretary for his response and for his forbearance in repeating it. What are the costs to date of facilitating the merger of Stow, John Wheatley, and North Glasgow colleges, and what savings does the cabinet secretary expect will accrue from the merger when it is complete?

Michael Russell: I will be very happy to provide those details in writing to the member. Obviously, some of the figures still require to come out of the development of the business case, but the member will be pleased to know that, overall, college reform will deliver efficiencies of £50 million-plus per year from 2014-15.

Of course, reform is not all about money; it is about providing a better service to students, more full-time courses, better opportunities for students, and colleges of scale. That is precisely what will happen with the mergers, and that is why they are being so warmly welcomed.

John Mason (Glasgow Shettleston) (SNP): Does the cabinet secretary agree that the new name for any college should be as inclusive as possible and should not suggest that one college has taken over the other two?

Michael Russell: That is an interesting point. There have been no recent college mergers in which the name of one college has become the name of the whole.

I encourage colleges to think creatively and constructively about their names. I would like to see the commemoration of significant educational figures within college names. College names that are purely utilitarian or functional are perhaps not as good as those that commemorate the great figures. For example, I know that, in Glasgow, a proposal has been made to consider the name of Mary Barbour. That strikes me as a positive proposal. It has come from the trade unions and it has been supported by some Labour MSPs. It is not for me to say what the name should be, but that proposal seems very positive and, were it to come about, it would be warmly welcomed.

Probationary Teachers (Employment Figures)

11. Mike MacKenzie (Highlands and Islands) (SNP): To ask the Scottish Government whether it will provide an update on the number of

probationary teachers finding employment. (S4O-02302)

The Cabinet Secretary for Education and Lifelong Learning (Michael Russell): Employment prospects for teachers generally, including probationer teachers, have been improving since autumn 2010. The latest indication is that more than 90 per cent of 2011-12 probationers were in teaching posts in March 2013.

Mike MacKenzie: What percentage of primary 1 to primary 3 pupils are in classes of 18 or fewer, or are in two-teacher classes with a pupil to teacher ratio of 18 or fewer, and does that represent an improvement in the percentage as it was in 2006, immediately before this Scottish National Party Government took office?

Michael Russell: The percentage in classes of 18 or fewer is 18.8 per cent, which is up 6.1 percentage points since 2006. That is a growing trend. More significantly, in primary 1, where legislative sanctions now apply, the proportion of classes that are below the set class size is vast; a tiny number of pupils are in classes above that size, which is largely to do with special circumstances, such as allowing siblings to enter the same class.

Childcare and Early Years Education

12. Jayne Baxter (Mid Scotland and Fife) (Lab): To ask the Scottish Government how it is responding to the conclusions on childcare and early years education in the Equal Opportunities Committee's report, "Women and Work". (S4O-02303)

The Minister for Children and Young People (Aileen Campbell): We welcome the report of the Equal Opportunities Committee. I am pleased to see that its recommendations are consistent with those identified at the women's employment summit last year, which was held in partnership with the Scottish Trades Union Congress.

Our long-term ambition is to improve and increase early learning and childcare to match the best in Europe, ensuring that it offers the greatest benefit to our most vulnerable children. As a first step, we will legislate, through the Children and Young People (Scotland) Bill, to increase free and more flexible early learning and childcare provision from 475 to 600 hours. That will remove some of the barriers that parents and carers can face in taking up education, training and employment, as well as save families the equivalent of around £700 per child per year.

Jayne Baxter: I recently had the opportunity to meet parents and childcare workers in Methil as part of Save the Children's childcare conversations work. The message that I got from

that discussion was clear—for too many women, lack of flexible, affordable, out-of-school-hours childcare is a persistent major barrier to continuing learning and training. Will the minister outline what the Scottish Government is doing to meet the need for affordable or free out-of-school-hours and school holiday childcare as part of prioritising childcare as a key aspect of community infrastructure in our most disadvantaged communities?

Aileen Campbell: I recently met Jayne Baxter at the Gingerbread celebrations in Fife, in the region that she represents. I appreciate the input to the on-going debate on childcare from the parents that she has spoken to in Methil.

We absolutely recognise that flexibility is a key thing that we need to get right, which is why flexibility will be enshrined in the Children and Young People (Scotland) Bill. We recognise that, to meet the needs of parents who want to access education and training, we need to provide the hours flexibly.

The member raises the issue of out-of-school care and the childcare needs of parents of children who are older than the early years sector. We are pleased that the Scottish Out of School Care Network is on the early years task force in a subgroup that is looking at out-of-school care. We have just announced £1.7 million for our third sector strategic partners, which include SOSCN, the Care and Learning Alliance, the National Day Nurseries Association and the Scottish Childminding Association, in order to influence the way in which we provide more opportunities for families with children who are older but who nonetheless need childcare facilities to be available to them.

Draft Scottish Code of Good Higher Education Governance

13. Sandra White (Glasgow Kelvin) (SNP): To ask the Scottish Government what its position is on the reported comments of Professor Ferdinand von Prondzynski and other panel members of the review of higher education governance in Scotland on the draft Scottish code of good higher education governance. (S4O-02304)

The Cabinet Secretary for Education and Lifelong Learning (Michael Russell): I was pleased to welcome the proposals in the von Prondzynski review and agree that it is important that they are implemented appropriately. The work to develop the draft code is important in taking the process forward and building on existing good practice. The provision in the Post-16 Education (Scotland) Bill for the Scottish Further and Higher Education Funding Council to determine the principles of good governance will also help. The willingness of Lord Smith, as chair of the group

that drew up the code, to listen to views for improvement and to consult is welcome.

However, it is obvious that a new code cannot implement all of the review recommendations. That is why it has always been our intention to implement the recommendations in three distinct ways: by engaging key sector stakeholders as implementation partners; by engaging the sector itself in implementing recommendations by agreement; and by employing legislation where necessary.

Sandra White: I thank the cabinet secretary for that comprehensive reply. He will be aware that NUS Scotland expressed a number of concerns about the code, in particular about the fact that staff and students will not be fully included in the decision-making process on the appointment and remuneration of principals. What steps will the Scottish Government take to address those concerns?

Michael Russell: From the very beginning, I have been keen to see that the students, staff and others are involved in the process. On a number of occasions, I have drawn the need for that to the attention of the chairs of court.

I fully support the principle of having more transparency. I expect the recommendation on that to be further reflected in the final version of the code. Last night I—and, I believe, the convener of the Education and Culture Committee—received a letter from Lord Smith that indicates areas in which he is likely to make progress. That will be positive. However, we need to see the final code before deciding what further action, if any, is required.

The university sector advisory forum, which has a broad membership from across the sector, including student, staff and trade union representatives, will also have an important role to play. Indeed, that arises out of the von Prondzynski review. On 12 June, I chaired the advisory forum's first meeting, at which it was agreed that the key part of its initial focus will be the implementation of the von Prondzynski recommendations and the new governance code. We will also have an opportunity to consider whether further legislation is required, and I have committed to bringing a bill to the Parliament in coming years.

Langside, Anniesland and Cardonald Colleges Merger

14. James Kelly (Rutherglen) (Lab): To ask the Scottish Government what savings will be made as a result of the merger of Langside, Anniesland and Cardonald colleges. (S4O-02305)

The Cabinet Secretary for Education and Lifelong Learning (Michael Russell): As Mr

Kelly knows, I wrote to him last week to confirm that the colleges estimate that their merger will save some £21 million in the five years to 2016-17.

James Kelly: I thank the cabinet secretary for that response and for his response to the letter that I wrote almost two months ago. Will he commit to publishing a detailed breakdown of that £21 million? Further, will he confirm whether it includes proceeds of the asset sale of Woodburn house, which is a sub-campus of Langside College in Rutherglen, which is in the process of being sold off?

Michael Russell: All public finances are transparent and I am quite sure that, as the merger progresses, the college will publish its accounts and they will be made fully available. Of course, the member will be able to identify from them what proceeds, if any, have come from asset sales.

Adam Smith College and Carnegie College (Regionalisation)

15. David Torrance (Kirkcaldy) (SNP): To ask the Scottish Government what progress has been made regarding the regionalisation of Adam Smith College and Carnegie College. (S4O-02306)

The Cabinet Secretary for Education and Lifelong Learning (Michael Russell): I have approved a proposal from Adam Smith College and Carnegie College to merge. The colleges aim for a vesting date of 1 November 2013. *[Michael Russell has corrected this contribution. See end of report.]* The necessary order has been laid in Parliament.

David Torrance: Does the cabinet secretary agree that, following an investigation into Adam Smith College, the recent report by Her Majesty's inspectors, which was produced on behalf of the Scottish Further and Higher Education Funding Council, was excellent, considering the amount of uncertainty that staff and students have been subjected to over the past 16 months? Does he also agree that that is testament to the commitment and dedication of the college's staff?

Michael Russell: I am happy to put on record my admiration for the fortitude, perseverance and talent of the staff and the student body of Adam Smith College. I met them some weeks ago when I visited the college and I know that they are keen to ensure that, before it ceases to exist, the present board acknowledges clearly the mistakes that have been made; that the board members—many of whom were not responsible for the difficulties—recognise their corporate responsibility to apologise to the staff; and that, whatever happens in the future, such difficulties never arise again.

This has been an incredibly difficult time for Adam Smith College. I am quite sure that the college will come through it well and that the new college will do well. Adam Smith College is in a strong position ahead of its merger with Carnegie College. There needs to be continued improvement, but nobody should forget that it is the staff and students who have carried the college through.

Sustainable Economic Development (Further and Higher Education Support)

16. Rob Gibson (Caithness, Sutherland and Ross) (SNP): To ask the Scottish Government what further and higher education is doing to support sustainable economic development through engineering and other fields of study. (S4O-02307)

The Cabinet Secretary for Education and Lifelong Learning (Michael Russell): The Government's further and higher education sector funding and support for engineering and related areas includes: colleges continually reviewing their curriculum and provision to ensure that they meet local economic needs; the establishment of the energy skills partnership across Scotland's colleges to deliver energy and engineering-related activity collaboratively across regional and sub-sectoral hubs; the Scottish Further and Higher Education Funding Council's allocation of an additional 1,200 undergraduate places from 2012-13 to 2014-15 and 850 postgraduate places over the next five years in science, technology, engineering and mathematics; the establishment of innovation centres as sustainable communities to support innovation for future growth and enhanced industry relevance; and the development of an engineering skills investment plan, which Skills Development Scotland is due to complete during the summer.

Rob Gibson: Given the experience of North Highland College with the global energy training school and the similar experiences of other bodies, could we codify or systematise the approach of creating partnerships between colleges and sustainable economic developers as something that is a great success for Scotland's economic recovery?

Michael Russell: The member is right to pay tribute to North Highland College. I have visited it and seen for myself the remarkable facilities that now exist and the work that is being done there.

Of course, regional outcome agreements provide the means to demonstrate the move forward in better aligning college provision with the needs of learners and employers. We want learners to develop the skills and knowledge that they need to get a job or a better job or to develop a career. Those arrangements also require

colleges to be mindful of their regional and local labour markets and to prioritise provision to meet those needs.

Curriculum for Excellence (Renewables Industry)

17. Chic Brodie (South Scotland) (SNP): To ask the Scottish Government how the curriculum for excellence will ultimately generate the skills necessary for the growing renewables industry. (S4O-02308)

The Minister for Youth Employment (Angela Constance): Learning and skills development relating to energy, including renewables, are embedded in the curriculum for excellence and feature in a number of qualifications. Within the curricular areas of sciences, technologies and social studies, learners investigate the use and development of renewable energy. Links can be made to the cross-curricular theme of sustainable development education.

Education Scotland has developed a range of resources to support teaching on energy and build young people's awareness of careers in the sector, including learning journeys on renewables within STEM central and a leaflet for schools called "Working in the energy sector: A guide for teachers and those who provide careers advice".

Chic Brodie: Not including the supply chain, Scotland's renewable energy industries already support about 12,000 jobs. The Economy, Energy and Tourism Committee recently heard that a further 60,000 engineers and project managers will be required over the next 10 years to support Scotland's energy industries.

Ensuring that our schoolchildren have the necessary skills to meet that challenge will make a huge contribution to achieving Scotland's ambitious energy targets. Does the minister agree that we must do all that we can to give our schoolchildren at the earliest stage the awareness and skills that they may need to engage in that huge employment opportunity?

Angela Constance: I agree that it is absolutely imperative that young people—in particular, young women—are aware of the opportunities in the energy sector and that our schoolchildren have the opportunity to develop the skills and qualifications that they need to unlock job opportunities in that area. I am aware of the committee's inquiry and its interest in getting more women to pursue science, technology, engineering and mathematics and careers in those subjects.

As Chic Brodie will be aware, at the heart of curriculum for excellence are skills for learning, life and work. Uptake and attainment in science and maths, particularly at higher and advanced higher level, continue to be strong.

On a broader theme, energy skills Scotland and the commission for developing Scotland's young workforce both have a positive contribution to make to facilitating partnerships that create better connectivity between the worlds of education and work, so that our young people are better informed and have better pathways to the opportunities that exist now and those that will exist tomorrow.

Classroom Assistants

18. Bruce Crawford (Stirling) (SNP): To ask the Scottish Government how important classroom assistants are in enabling young people to achieve their full educational potential. (S4O-02309)

The Minister for Learning, Science and Scotland's Languages (Dr Alasdair Allan): Support staff have a valuable contribution to make in supporting children and young people to achieve positive learning outcomes, and they have a key role in helping young people, especially some of our most vulnerable children, to remain included, engaged and involved throughout their school careers.

Bruce Crawford: Given the importance and value of classroom assistants, which the minister outlined well, does he understand my disappointment that the Tory-Labour Stirling Council is considering reducing the number of classroom assistants? Does he understand the disappointment and dismay that pupils and parents in the Stirling area feel about that so-called better together administration as a result of those planned reductions?

Dr Allan: The Scottish Government does not employ teachers or classroom assistants directly and, therefore, it cannot guarantee levels of employment in Stirling or any other local authority area. However, other Scottish local authorities have been able to avoid making cuts to such important jobs, so there is no obvious good reason why Stirling Council could not drop the potentially harmful plans and provide the same level of service as is provided elsewhere.

Hugh Henry (Renfrewshire South) (Lab): Perhaps the minister could outline the not obvious good reason for Renfrewshire Council, under the Scottish National Party, doing away with classroom assistants.

Dr Allan: My understanding from the previous survey of teachers is that the number of classroom assistants in Scotland has fallen by seven in the past year, so I am not sure that the picture that the member paints of a decline in classroom assistants across Scotland bears much examination.

Post-16 Education (Scotland) Bill: Stage 3

14:40

The Deputy Presiding Officer (John Scott): The next item of business is stage 3 proceedings on the Post-16 Education (Scotland) Bill. In dealing with the amendments, members should have the bill as amended at stage 2, the marshalled list and the groupings. The division bell will sound and proceedings will be suspended for five minutes for the first division of the afternoon. The period of voting for the first division will be 30 seconds. Thereafter, I will allow a voting period of one minute for the first division after a debate. Members who wish to speak in the debate on any group of amendments should press their request-to-speak button as soon as possible after I call the group.

Section 2—Higher education institutions: good governance

The Deputy Presiding Officer: Group 1 is on “Governance: consultation”. Amendment 5, in the name of Neil Findlay, is grouped with amendments 100, 16 and 76.

Neil Findlay (Lothian) (Lab): Through amendments 5, 16 and 76, we want to ensure that, when the principles that govern our universities are discussed, debated and/or even changed, the main and most important stakeholders in our universities are included in those deliberations. That would include the student associations that represent those who attend universities, the trade unions that represent the staff in higher education, the business community and other relevant groups.

The recent development of the code of governance was heavily criticised by staff and students for being an exclusive exercise that was conducted by a narrow, self-appointed group and excluded staff, unions and the National Union of Students. The amendments would ensure that that would not happen in future, and I hope that the Government will accept them.

We support Joan McAlpine’s amendment 100, which is on staff and students being on remuneration committees. That is a good move that will, I hope, open up the remuneration process to more scrutiny, debate and transparency.

I move amendment 5.

Joan McAlpine (South Scotland) (SNP): Amendment 100 is a probing amendment. It is supported by the NUS, which, like me, is looking for reassurances from the cabinet secretary. The NUS recognises the concern about the pay gap

between senior management and workers in the universities sector. In Scotland, the gap is a ratio of 1:16. The situation is out of step with Scotland’s egalitarian education tradition.

The pay differential in universities is higher than that in the public sector as a whole. It is wider than the gap between a four-star general and a private in the army, and it is wider than the gap between the national health service chief executive and a hospital porter. The average pay for a university principal is £240,000, which is far in excess of what the United Kingdom Prime Minister earns. It is all the more worrying when we consider that a recent NUS survey seemed to indicate that some universities in Scotland are not paying their lowest-paid members of staff the living wage.

Amendment 100 does not seek to dictate the salaries of university principals. It seeks to ensure that staff and students are represented on the universities’ remuneration committees. From the start of the process, the cabinet secretary made it clear that the chair’s job was not to rewrite the original von Prondzynski report but, rather, to find a way in which to take his recommendations and apply them across the sector through a code. The consultation period on the draft code closed last week, and it is disappointing that the final code will not be published until after the stage 3 proceedings.

I do not think that I am alone in thinking that the chairs of university courts who first gave evidence to the Education and Culture Committee were not particularly conciliatory. Indeed, their position on consultation with other stakeholders did not inspire confidence. I was more encouraged by the constructive attitude of Sir Robert Smith, who, at a later evidence session, agreed to speak to the staff representatives about the code.

As things stand, the proposed code makes no reference to staff and students in its discussion of remuneration, other than to note that remuneration panels should be careful not to agree severance packages that staff and students might find excessive. The code should go further than that.

14:45

I would like the cabinet secretary to state his position on the presence of staff and students on remuneration panels and what message he would intend us to send to universities on the subject of executive pay.

Like everyone else in this chamber, I am very proud of the performance of our universities and their ranking in international league tables. At the same time, they must remember that they are in receipt of large amounts of public money, which brings with it certain responsibilities. Universities in Scotland are not businesses; they are learning

communities, and staff and students are key members of those communities, who should be treated as such by management.

The Deputy Presiding Officer: I should have drawn to members' attention at the outset that we are tight for time and it would be helpful if we could have succinct speeches.

Liz Smith (Mid Scotland and Fife) (Con): There is clearly a need to ensure an effective balance between the accountability of public money and the autonomy that is enjoyed by colleges and universities to be responsible for the running of their institutions. In our view, one of the reasons that the bill has been fraught with so many difficulties has been the sharp division of opinion on that issue between the Scottish Government and the college and university sectors, which have seen the balance shift too much in favour of the Government and too much away from them.

The college and university sectors have rightly questioned which structures of governance and academic accountability can best deliver the very high standards of further and higher education across Scotland and how they can maintain their competitive edge when measured against the rest of the world. That competitive edge is directly linked to the abilities of colleges and universities to be innovative, diverse and flexible, and therefore they expect Government to respond to policies that will enhance those characteristics. They do not expect the Government to be interventionist, which is very much against international trends in further and higher education.

The sectors do not understand—neither do the Scottish Conservatives—why there needs to be extensive legislation to change governance structures, when they can find no evidence that existing governance structures undermine or in some way hold back education outcomes for our students. They are puzzled when the main architect of the reform of governance tells them that the existing structures are largely working very well indeed, yet they are told that there must be wholesale changes. That does not make sense. In particular, they worry deeply about the excessively prescriptive parts of the bill, which would see many governing bodies restrained in political straitjackets, without the ability to respond well to the educational needs of what is a very diverse and competitive set-up.

The sectors' fears about the extent of that intervention have led the Scottish Conservatives to oppose a great deal in this section of the bill, and we will do so again by opposing amendments 5, 100, 16 and 76.

Liam McArthur (Orkney Islands) (LD): As the Presiding Officer said, we are tight for time; that is

regrettable, but it is not out of keeping with the way in which the bill has progressed since it was introduced to Parliament. With that in mind, I will keep my remarks brief.

I remain sceptical of the need for statutory underpinning of a code of good governance for our universities. I am still of the view that that encroaches into the responsible autonomy of those institutions, which international evidence shows is a defining feature of the best-performing universities worldwide.

I welcome that Mr Russell has backed down, in so far as ministers will not now decree what constitutes good governance. That will fall to the Scottish Further and Higher Education Funding Council. However, I am not sure that the additional layer of consultation that Neil Findlay seeks is necessary.

Joan McAlpine's amendment 100 reflects public concern about pay levels and pay increases for some of our senior academic positions, but I believe that it runs counter to corporate governance rules that remuneration committees should be composed of directors external to the organisation. Remuneration procedures need to be transparent and robust and staff and students need a genuine and effective say in remuneration decisions, but that can be achieved through their enhanced roles in the governing body.

The Cabinet Secretary for Education and Lifelong Learning (Michael Russell): I will not rehearse all the arguments that have been heard already. Suffice it to say, we have endeavoured to develop and improve the bill by listening to the sector and the Opposition parties as we have moved through the process. We have a series of amendments that continue that process, which I am pleased is taking place.

When Neil Findlay lodged at stage 2 a very similar amendment to his amendment 5 today, I agreed—as I continue to agree—that consultation should be at the heart of the development of any governance standards that are adopted across universities. Progress has been made on that and other changes to the bill have achieved that. The Scottish funding council's existing duties allow for a sufficient level of consultation, which has also been improved by the bill. The Education and Culture Committee accepted that at stage 2 and the amendments are not substantively different from those that were previously lodged in a way that makes me reconsider the position.

Joan McAlpine's amendment 100 raises an important point. I fully support the principle of having more transparency in the area and I expect to see Professor von Prondzynski's recommendations in that regard properly reflected in the final code of governance. Indeed, as I said

during education questions, Lord Smith has now indicated to me and to the convener of the Education and Culture Committee that he has made substantial progress in that regard.

Amendment 100 expresses an aim that I share but, unfortunately, it will not achieve that aim. Our universities are many and varied, as Liz Smith has pointed out before now, and their governance instruments—some of which date back hundreds of years—introduce a level of complexity that the amendment does not accommodate. Nevertheless, it is right that, when we see the final code of governance, we should consider whether further legislation is required in the proposed higher education governance bill that I have committed to bring to Parliament in the coming years. As we know, there are some things in the von Prondzynski recommendations that cannot be implemented except by an underpinning statute of the type that von Prondzynski asked for.

I support my colleague Joan McAlpine's aim, but her amendment, alas, will not achieve that aim. I therefore ask her not to move amendment 100—the matter is very much taken to heart.

The Deputy Presiding Officer: I call Neil Findlay to wind up and to press or withdraw amendment 5.

Neil Findlay: I press amendment 5.

The Deputy Presiding Officer: The question is, that amendment 5 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division. As this is the first division in stage 3, I suspend the meeting for five minutes.

14:51

Meeting suspended.

14:56

On resuming—

The Deputy Presiding Officer (Elaine Smith): We move to the division on amendment 5.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Dugdale, Kezia (Lothian) (Lab)
 Eadie, Helen (Cowdenbeath) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)

Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Renfrewshire South) (Lab)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Malik, Hanzala (Glasgow) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Smith, Drew (Glasgow) (Lab)
 Stewart, David (Highlands and Islands) (Lab)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Allard, Christian (North East Scotland) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Gavin (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Carlaw, Jackson (West Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Davidson, Ruth (Glasgow) (Con)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Goldie, Annabel (West Scotland) (Con)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hume, Jim (South Scotland) (LD)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)

Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Salmond, Alex (Aberdeenshire East) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Urquhart, Jean (Highlands and Islands) (Ind)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wilson, John (Central Scotland) (SNP)

The Deputy Presiding Officer: The result of the division is: For 36, Against 80, Abstentions 0.

Amendment 5 disagreed to.

The Deputy Presiding Officer: Amendment 100, in the name of Joan McAlpine, was debated with amendment 5. I ask Joan McAlpine to move or not move amendment 5.

Joan McAlpine: Not moved.

Amendment 100 moved—[Neil Findlay].

The Deputy Presiding Officer: The question is, that amendment 100 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Dugdale, Kezia (Lothian) (Lab)
 Eadie, Helen (Cowdenbeath) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Findlay, Neil (Lothian) (Lab)

Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Renfrewshire South) (Lab)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Malik, Hanzala (Glasgow) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McMahan, Michael (Uddingston and Bellshill) (Lab)
 McMahan, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Smith, Drew (Glasgow) (Lab)
 Stewart, David (Highlands and Islands) (Lab)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Allard, Christian (North East Scotland) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Gavin (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Carlaw, Jackson (West Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Davidson, Ruth (Glasgow) (Con)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Goldie, Annabel (West Scotland) (Con)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hume, Jim (South Scotland) (LD)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)

Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Salmond, Alex (Aberdeenshire East) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Urquhart, Jean (Highlands and Islands) (Ind)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wilson, John (Central Scotland) (SNP)

The Deputy Presiding Officer: The result of the division is: For 36, Against 80, Abstentions 0.

Amendment 100 disagreed to.

After section 2

The Deputy Presiding Officer: Group 2 is on equalities. Amendment 3, in the name of Jenny Marra, is grouped with amendments 4 and 80.

Jenny Marra: This week, the Equality and Human Rights Commission announced that it is taking legal action against nine Scottish public bodies for their failure to meet their equalities duties. It is able to take that legal action under the Equality Act 2010, which Labour drove through Westminster in 2010, and under the Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012, which the SNP passed in order to comply with the 2010 act.

My amendments would make it a condition of payment to colleges and universities that their governing bodies comprise at least 40 per cent women and 40 per cent men. Only seven of our 34 colleges have 40 per cent women on their governing bodies, and only one of our universities meets that target.

This is the eighth set of gender-quota amendments that I have moved in Parliament—I moved four sets of such amendments during consideration of the Police and Fire Reform (Scotland) Bill and two during consideration of the Scottish Civil Justice Council and Criminal Legal Assistance Bill, and I have now moved such amendments twice during consideration of the Post-16 Education (Scotland) Bill. Each time, my amendments have been opposed by the Scottish National Party. First, it said that it did not agree with quotas. Now, it says that it agrees with them, but does not have the power to implement them. The rhetoric may have changed, but the reality has not: the SNP is still not prepared to be bold for the women of Scotland.

The SNP says that it has legal advice to back up its position, but we will never see it and the SNP will not tell us what it is. We have been here before. *[Interruption.]*

The Deputy Presiding Officer: Order.

15:00

Jenny Marra: The reality is that we simply will not get a fair judgment until the policy is tested. If the Government were truly committed to the policy, as the cabinet secretary has told me he is, the Government would have lodged its own amendments, which would have gone before the Lord Advocate for him to test. The Scotland Act 1998 is tested constantly. Private legal advice is not an excuse not to test the powers of the Scottish Parliament, which are so important to the SNP.

Labour will support Clare Adamson's amendment 80. There is little to disagree with, because it simply restates duties that Labour legislated for in the Equality Act 2010. However, there is no doubt that we need to be more radical. The Parliament has seen some of its best legislation passed when it has united to test the powers of the Scotland Act 1998. Legal advice initially said that the smoking ban was ultra vires, but the Government of the day took the risk and passed it into law. The lesson from the smoking ban is that the Scotland Act 1998 is fluid. Today, we can take advantage of that fluidity to make a real difference to how our universities and colleges are run.

We are not doing enough to tackle the lack of female representation—80 per cent of people on our public boards are men and only 27 per cent of university court members are women. This week, public bodies in Scotland may find themselves in court over their failure to address that. The time to act is now. Our Scottish Parliament was not designed simply to reiterate Westminster

legislation. *[Interruption.]* That is exactly what the cabinet secretary is doing. *[Interruption.]*

The Deputy Presiding Officer: Order, please.

Jenny Marra: Our Parliament was designed to use and test the powers that we have in order to make bold changes to the lives of people in Scotland. I think that the Government has missed an opportunity to test its boldness.

I move amendment 3.

Clare Adamson (Central Scotland) (SNP): I lodged amendment 80 to address a critical issue that the committee considered during its evidence gathering. A recurring theme was the lack of diversity, particularly in relation to gender, on university governing bodies. Although that is clearly an issue in universities, my further research has shown that the situation in colleges is not much better. In both sectors, only about 30 per cent of board members are women. That situation is absolutely unacceptable, so I am pleased that the cabinet secretary has given his explicit support to addressing that inequality.

Although I support the intention behind Jenny Marra's amendments, I accept the cabinet secretary's view that they are not within the Parliament's legislative competence. I look forward to making "bold" decisions for the women of Scotland.

Jenny Marra: Will Clare Adamson take an intervention?

Clare Adamson: No, thank you.

Hugh Henry (Renfrewshire South) (Lab): Take a bold decision.

The Deputy Presiding Officer: Order.

Clare Adamson: The bold decision would be to vote next year for the powers that would bring such amendments within the Parliament's legislative competence.

I accepted the cabinet secretary's generous offer to work with those who had wanted to lodge amendments on the subject and with the Minister for Commonwealth Games and Sport to draft amendment 80, which signals our desire to see meaningful progress being made, and which will enable that to happen in a way that is within the Parliament's current competence.

Liam McArthur: As I said at stage 2, I firmly believe that one area in which the performance of our university governing bodies needs to improve significantly is the diversity of their make-up. That view is shared by Lord Smith, who was unequivocal in setting out for the committee his expectations on what needs to happen over the next few years. Both he and Simon Pepper talked of the need for

"a major shift in the culture of our governing bodies in Scotland",—*[Official Report, Education and Culture Committee, 7 May 2013; c 2342.]*

but both felt that the compulsory nature of the new governance code would help to bring that about and argued that time is needed to allow that change to take place.

Although I have sympathy with amendment 3 in the name of Jenny Marra, and believe that her efforts now and at stage 2 have helped to reinforce Parliament's expectations to the university sector, I feel that it is not appropriate at this time to introduce the strict quota that she proposes. There might be a better case to make for taking that approach in the college sector, as is proposed in amendment 4, in recognition of the absence of the same type of governance code as exists for higher education, but even then careful consideration must be given to timeframes.

Amendment 80 in the name of Clare Adamson is, for now, a helpful addition in underscoring the need for greater diversity and equality of opportunity in appointments to university governing bodies. As Simon Pepper suggested to the committee,

"The proof of the pudding is in the eating".—*[Official Report, Education and Culture Committee, 7 May 2013; c 2342.]*

I suspect that if the pudding turns out to be not as was expected, demands will very quickly grow for very different ingredients to be added.

Michael Russell: No one is defending the woeful record of university and college boards. The boards themselves have accepted that the gender balance on them is atrocious—indeed, in some cases, it is more than atrocious. We need to get that situation changed quickly, and that view is supported not only by me and the education team but by the equalities minister and the Government itself.

The question is how we get there. Unfortunately, Jenny Marra's suggestion shows a regrettable lack of knowledge of what would actually happen were we to pass amendment 3. *[Interruption.]* Presiding Officer, can I have the opportunity to make this point?

The Deputy Presiding Officer: Order.

Michael Russell: Essentially, amendment 3 is a wrecking amendment. The bill would go not to the Lord Advocate but into constitutional limbo. It would require the attention of the Advocate General—whoever that is—and the process would take a considerable time. As a result, all the things that we are trying to achieve through the bill such as widening access, improving governance and mutualisation would go. Perhaps that is the idea;

perhaps Labour wants to put the bill into constitutional limbo.

I have spoken to Jenny Marra on the matter, have told her the facts and have indicated my support—indeed the equalities minister has now sought the support of the leader of the Labour Party on this—for getting responsibility for this issue transferred to the Scottish Parliament. In that way, Ms Marra's fine nationalist rhetoric—she made a good job of it—could be matched by actions. Instead of her standing up and making a speech about what needs to change, she could vote for that change—and the most effective vote for change would be to vote yes next year. *[Applause.]*

The Deputy Presiding Officer: Order.

Michael Russell: Even if Jenny Marra is not going to do that, she and her party might support the necessary moves at Westminster to transfer responsibility for equalities legislation to this Parliament. However, I will not hold my breath for that change of heart.

Clare Adamson's amendment goes as far as we can within the powers of the Parliament. I want to go much further than that and to test the powers of this Parliament; indeed, I want to test those powers to destruction, which is what we will do when we have independence. Let us recognise—*[Interruption.]*

The Deputy Presiding Officer: Order.

Michael Russell: Let us recognise that we cannot do that in this bill here and now unless we wreck the bill here and now. If that is Labour's intention, I hope that Parliament rejects it.

I would have been happy to make common cause with Jenny Marra and to ensure that we had a united approach on the matter. I regret that she was not willing to do so.

The Deputy Presiding Officer: Do you wish to press or withdraw amendment 3, Ms Marra?

Jenny Marra: I will press amendment 3.

The Deputy Presiding Officer: The question is, that amendment 3 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
Baker, Claire (Mid Scotland and Fife) (Lab)
Baker, Richard (North East Scotland) (Lab)
Beamish, Claudia (South Scotland) (Lab)
Bibby, Neil (West Scotland) (Lab)
Boyack, Sarah (Lothian) (Lab)
Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
Dugdale, Kezia (Lothian) (Lab)
Eadie, Helen (Cowdenbeath) (Lab)

Fee, Mary (West Scotland) (Lab)
Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
Findlay, Neil (Lothian) (Lab)
Grant, Rhoda (Highlands and Islands) (Lab)
Gray, Iain (East Lothian) (Lab)
Griffin, Mark (Central Scotland) (Lab)
Harvie, Patrick (Glasgow) (Green)
Henry, Hugh (Renfrewshire South) (Lab)
Johnstone, Alison (Lothian) (Green)
Kelly, James (Rutherglen) (Lab)
Lamont, Johann (Glasgow Pollok) (Lab)
Macdonald, Lewis (North East Scotland) (Lab)
Macintosh, Ken (Eastwood) (Lab)
Malik, Hanzala (Glasgow) (Lab)
Marra, Jenny (North East Scotland) (Lab)
Martin, Paul (Glasgow Provan) (Lab)
McCulloch, Margaret (Central Scotland) (Lab)
McDougall, Margaret (West Scotland) (Lab)
McMahon, Michael (Uddingston and Bellshill) (Lab)
McMahon, Siobhan (Central Scotland) (Lab)
McNeil, Duncan (Greenock and Inverclyde) (Lab)
McTaggart, Anne (Glasgow) (Lab)
Murray, Elaine (Dumfriesshire) (Lab)
Pearson, Graeme (South Scotland) (Lab)
Pentland, John (Motherwell and Wishaw) (Lab)
Smith, Drew (Glasgow) (Lab)
Stewart, David (Highlands and Islands) (Lab)

Against

Adam, George (Paisley) (SNP)
Adamson, Clare (Central Scotland) (SNP)
Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
Allard, Christian (North East Scotland) (SNP)
Beattie, Colin (Midlothian North and Musselburgh) (SNP)
Biagi, Marco (Edinburgh Central) (SNP)
Brodie, Chic (South Scotland) (SNP)
Brown, Gavin (Lothian) (Con)
Brown, Keith (Clackmannanshire and Dunblane) (SNP)
Burgess, Margaret (Cunninghame South) (SNP)
Campbell, Aileen (Clydesdale) (SNP)
Campbell, Roderick (North East Fife) (SNP)
Carlaw, Jackson (West Scotland) (Con)
Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
Constance, Angela (Almond Valley) (SNP)
Crawford, Bruce (Stirling) (SNP)
Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
Davidson, Ruth (Glasgow) (Con)
Dey, Graeme (Angus South) (SNP)
Doris, Bob (Glasgow) (SNP)
Dornan, James (Glasgow Cathcart) (SNP)
Eadie, Jim (Edinburgh Southern) (SNP)
Ewing, Annabelle (Mid Scotland and Fife) (SNP)
Ewing, Fergus (Inverness and Nairn) (SNP)
Fabiani, Linda (East Kilbride) (SNP)
Fergusson, Alex (Galloway and West Dumfries) (Con)
Finnie, John (Highlands and Islands) (Ind)
FitzPatrick, Joe (Dundee City West) (SNP)
Gibson, Kenneth (Cunninghame North) (SNP)
Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
Goldie, Annabel (West Scotland) (Con)
Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
Hume, Jim (South Scotland) (LD)
Hyslop, Fiona (Linlithgow) (SNP)
Johnstone, Alex (North East Scotland) (Con)
Keir, Colin (Edinburgh Western) (SNP)
Kidd, Bill (Glasgow Anniesland) (SNP)
Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
Lyle, Richard (Central Scotland) (SNP)
MacAskill, Kenny (Edinburgh Eastern) (SNP)

MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Salmond, Alex (Aberdeenshire East) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Urquhart, Jean (Highlands and Islands) (Ind)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wilson, John (Central Scotland) (SNP)

The Deputy Presiding Officer: The result of the division is: For 36, Against 81, Abstentions 0.

Amendment 3 disagreed to.

Section 3—Widening access to higher education

The Deputy Presiding Officer: Group 3 is on widening access. Amendment 7, in the name of the cabinet secretary, is grouped with amendments 8, 10, 11, 15, 21, 24, 49, 52, 77, 78 and 97.

Michael Russell: Section 3 is at the very heart of the bill. During stage 2, we had a detailed discussion about widening access provisions. Liam McArthur in particular lodged a number of amendments, which I opposed at the time because I felt that they went too far in diluting the effectiveness of the provision. However, I think that the entire committee agreed that there was merit in some aspects of his proposals, so I have worked with Universities Scotland and the NUS Scotland to agree some small but important changes to the provision that will make clearer the

nature of the agreements between institutions and the Scottish funding council.

It is important that ministers will retain the power to drive the agenda but—this was the key point—universities, with the agreement of the funding council, will be able to go beyond that to extend agreements to other groups, as they see fit. That strikes the right balance between respecting responsible autonomy—which we do, of course—and ensuring that there is progress in an area in which the track record has left a lot to be desired.

On the other amendments in the group, the principles that underlaid Marco Biagi's stage 2 amendments were eminently sensible. His updated versions in the group will widen the scope and therefore the benefit of his previously lodged amendments, and I am happy to support them.

I move amendment 7.

Marco Biagi (Edinburgh Central) (SNP): I beg the indulgence of members, as I have six amendments in the group, which are in three sub-groups, each of which I will outline in turn.

Amendments 21, 24, 49 and 52 will create a duty on the regional colleges and regional strategic bodies to have regard to the desirability of participation in further education and higher education by underrepresented socioeconomic groups. Scotland's colleges do excellent work on that already. Some 22 per cent of college students come from the 20 per cent most deprived areas of the country, and articulation with universities is a well-trodden path that allows people from non-traditional backgrounds to access full university degrees. The amendments will put into the new founding statute what the sector does so well already.

Amendment 77 will create a similar duty on the Scottish funding council, which is already required to have regard to a wide range of areas, including skills needs, the economy, social and cultural issues, sustainable development, the UK and international context, and the educational support needs of students. Widening access to higher education will now take its well-deserved place alongside those other priorities. Moreover, amendment 77 will ensure that the Scottish funding council will not simply have to pay heed to the desirability of widening access, but will promote the sharing of good practice among institutions. That is an important role for the Scottish funding council into which I hope it will grow over the coming years.

Finally, amendment 78 will create a duty on the Scottish funding council to review and report every three years on progress on widening access. We have seen a lot of reviews of higher education in these islands. In past years, our student communities have anxiously watched when

another review—by Dearing, Cubie or Browne—has come along with questions that have always been asked in such a way that the answer would always be more fees, more charges and more barriers. The reviews in question will focus on how we can open doors, rather than shut them. Although they will be a lot less grandiose, I hope that they will be just as closely watched, well respected and deeply challenging, because we cannot allow to continue the status quo of recent decades in terms of socioeconomic participation.

At stage 2, the cabinet secretary accepted the principles of my amendments in those areas, but pointed out technical problems, which have been addressed by our working together, so I hope that members will join the chorus of stakeholders, which includes Colleges Scotland, Universities Scotland and NUS Scotland, in supporting the amendments.

We have in the chamber the shared objective that access to learning should be open to all. Embedding a clear and much-needed focus on widening access in our post-16 funding bodies will help to achieve that vision.

15:15

The Deputy Presiding Officer: Many thanks. A number of members wish to contribute to the debate on group 3, but it is unlikely that I can call you all. I ask those whom I call to be brief.

Neil Findlay: Throughout the passage of the bill, Scottish Labour has been consistent in its view that our universities need to open up access so that many more people have the opportunity to access higher education. It is not acceptable that some of our higher education institutions have made such little progress in that area and continue to draw students from a very narrow section of society. Higher education should be accessible to students from all classes, backgrounds and cultures.

Throughout the debate, Scottish Labour has sought to amend the bill, working with disability charities, NUS Scotland and others, so that the system can be opened up and can enhance the prospect that disabled students and others, including those from the SIMD—Scottish index of multiple deprivation—20 most deprived areas, will gain access to higher education. It was a great disappointment that the cabinet secretary rejected the very progressive proposals on that. We lodged such amendments again for stage 3, but they were not selected.

Let me state clearly, so that there can be no misrepresentation of our position—as has frequently been done in the past by the cabinet secretary—that we support widening access and, indeed, we want to go further than the

Government proposes. However, that has been rejected by the cabinet secretary.

The Deputy Presiding Officer: I must hurry you along.

Neil Findlay: We acknowledge that there has been progress during the progress of the bill and that the Government has acknowledged some of our arguments, but instead of accepting our proposals, the Government has lodged amendments in Marco Biagi's name. Our genuine proposals were supported by a broad coalition of charities and campaign groups but, sadly, they were rejected by the cabinet secretary. The bill is a lesser bill for that.

Liz Smith: I record Scottish Conservatives' support for the principle of widening access, which we believe is valuable not just for intrinsic educational reasons but for social and economic ones. I think that our parliamentary record over a long period substantiates that claim.

We do, however, differ markedly from the Scottish Government on where the policy focus should be, and we remain very concerned about some of the unintended consequences of forcing universities to adopt prescriptive targets that are enshrined in legislation, rather than to be bound by what are successful outcome agreements. Indeed, we do not believe that we have ever been provided with an answer as to what additional benefits will accrue to universities from having prescriptive legislation rather than outcome agreements. Our belief is that the policy focus should be on schools far more than on tertiary education.

We are conscious of the unanimous support for the widening access principle, but we have had great difficulty with the sections of the bill that are overly prescriptive. We are also very conscious of the universities' lobbying of the cabinet secretary to ensure that ministers will not be able to intervene in admissions policy. On that basis, we will support amendments 7, 8, 10, 11 and 15.

Stewart Maxwell (West Scotland) (SNP): I very much welcome the amendments in group 3 in the names of the cabinet secretary and Marco Biagi. As the cabinet secretary said, the amendments are at the very heart of the bill and are a crucial part of the process that underpins much of what we have been trying to do in getting the bill through. Neil Findlay's amendments at stage 2 were, of course, comprehensively defeated, so it is not surprising that they have not come back at stage 3.

I very much welcome amendments 7, 8, 10, 11, 15 and 97, which I believe have been negotiated and agreed with outside stakeholders including Universities Scotland and NUS Scotland. I think that that is a very welcome development in the

process. Obviously, the amendments will change the nature of the widening access provision and I think that they much better reflect the process between the SFC and the universities, which is very welcome for dealing with widening access agreements.

Amendment 7 will broaden the scope of agreements so that they can include additional groups that are agreed by the SFC and the institution. Again, that is very welcome. Amendment 10 is important because it will ensure that the institution has the obligation to consult; in other words, as the amendment states, the

“higher education institution must consult”.

Again, that is a very welcome change.

The Deputy Presiding Officer: I must hurry you along.

Stewart Maxwell: I very much welcome Marco Biagi’s amendments, which include the previously suggested changes. I point, Presiding Officer, to amendment 78, which will create a duty for the SFC to review and provide a report. Again, I think that that is an extremely welcome development.

The Deputy Presiding Officer: Thank you very much. Very briefly, Liam McArthur.

Liam McArthur: As others have said, whatever progress has been made over recent years in terms of widening access, it has been far too slow and has started from a very low base. The minister is therefore right to attach priority to addressing the issue, although I think that he has failed to make the case for why legislation is essential. Widening access agreements are now being developed and the funding levers that he has always had at his disposal, as both carrot and stick, will determine whether ambitions are met.

Nevertheless, as the minister is determined to press on with his approach, it is important that we establish certain safeguards. The need to broaden the definition of what constitutes an under-represented group was a key feature of evidence at stage 1 and of amendments, including mine, at stage 2. In that context, I welcome the amendments in group 3, which reflect the consensus that has emerged on the issue.

The review requirements that are set out in Marco Biagi’s amendment 78 are also worthwhile provisions.

I note that the cabinet secretary’s amendments 7, 8, 10 and 15 acknowledge, however belatedly, that widening access agreements flow from higher education institutions, albeit in consultation with other stakeholders. Indeed, despite his protestations at stage 2, he now seems to believe that such agreements are “a creature of the universities”.

The Deputy Presiding Officer: I can allow an extremely brief contribution from George Adam.

George Adam (Paisley) (SNP): For me, widening access is the most important part of the bill. I say that for personal reasons because my constituency includes Ferguslie Park, which is an area of multiple deprivation. We need to provide opportunities for all our young people in Scotland, including those from areas such as Ferguslie Park.

Until now, progress on widening access has been extremely slow; an increase of 1 percentage point in the past nine years is just not good enough. Some Opposition parties say that they support widening access, but they vote against it when they get the opportunity to do so. I find that quite a strange thing for anyone to do because, as the cabinet secretary quite rightly said, widening access is at the very heart of the bill.

Neil Findlay: Will George Adam give way?

George Adam: I do not have time.

On 19 February, the NUS Scotland president Robin Parker told the Education and Culture Committee:

“The legislation must happen. ... A year ago, it would have taken 40 years if things had carried on at the current rate.”—[*Official Report, Education and Culture Committee*, 19 February 2013; c 1985-8.]

For me, that rate of progress is just not good enough for the young people of Scotland.

The Deputy Presiding Officer: I am afraid that I must ask you to conclude.

George Adam: In my area, the University of the West of Scotland has managed to attract more than 20 per cent of its students from lower-income areas. UWS provides a perfect example of how we can move forward to ensure that all young people in Scotland have the opportunity.

The Deputy Presiding Officer: I call the cabinet secretary to wind up the debate.

Michael Russell: However we got here, we have got here. I hope that we can now legislate on widening access, which is needed to drive forward progress that has been too slow.

I will not spoil the moment by disputing all the various arguments that we have heard. I have listened—I certainly listened to Liam McArthur, as I said in my opening remarks—but I have listened particularly to Universities Scotland and NUS Scotland. I pay tribute to Robin Parker, who is just finishing his period of two years as president of NUS Scotland. He has been a tower of strength in taking the issue forward, which he has driven almost personally, and he certainly deserves much of the credit for it.

Amendment 7 agreed to.

Amendments 8, 10, 11 and 15 moved—[Michael Russell]—and agreed to.

After section 3

Amendment 16 moved—[Neil Findlay].

The Deputy Presiding Officer: The question is, that amendment 16 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Dugdale, Kezia (Lothian) (Lab)
 Eadie, Helen (Cowdenbeath) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Ind)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Renfrewshire South) (Lab)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Malik, Hanzala (Glasgow) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Smith, Drew (Glasgow) (Lab)
 Stewart, David (Highlands and Islands) (Lab)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Allard, Christian (North East Scotland) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Gavin (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Carlaw, Jackson (West Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)

Davidson, Ruth (Glasgow) (Con)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Goldie, Annabel (West Scotland) (Con)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hume, Jim (South Scotland) (LD)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Salmond, Alex (Aberdeenshire East) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Urquhart, Jean (Highlands and Islands) (Ind)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wilson, John (Central Scotland) (SNP)

The Deputy Presiding Officer: The result of the division is: For 36, Against 80, Abstentions 0.

Amendment 16 disagreed to.

Section 5—Regional colleges

The Deputy Presiding Officer: That brings us to group 4, which is on regional colleges and regional strategic boards: functions etc. Amendment 101, in the name of Neil Bibby, is grouped with amendments 102, 103, 17 to 20, 22, 23, 45 to 48, 50, 51, 106 to 109, 53 and 119.

Neil Bibby (West Scotland) (Lab): There are 21 amendments in group 4, which is on the functions of regional colleges and regional strategic bodies. Amendments 101, 106 and 109 in my name would ensure that colleges engage fully with community planning partners in their areas. I lodged similar amendments at stage 2 and I lodged amendments on the same issue for today because I believe that colleges should consult community planning partners when decisions are taken.

Colleges are a vital part of the community and should work with community planning partners when possible. It is vital that, as well as meeting a community's general needs, colleges should meet an area's economic needs. We have seen some concessions on that through the cabinet secretary's amendments 17 and 45, so I hope that we will also see concessions on consultation with community planning partners.

Similarly, amendments 102 and 107 would ensure that colleges engage and work with community health partnerships. Unfortunately, far too many of the communities in which colleges are situated have high levels of health inequalities. It is important that colleges consult community health partnerships and, when possible, work with them to resolve issues when health and education services overlap. Amendments 102 and 107 are simple, reasonable and necessary.

My amendments 103 and 108 would require regional colleges and regional strategic bodies to consult transport providers that serve the areas in which colleges are situated. Those amendments are important, particularly given the regionalisation agenda. We are hearing more and more concerns about the prospect of courses not being available at local colleges because they have been moved to other campuses in a region.

The Education and Culture Committee has heard about construction courses being moved from Dalkeith in Midlothian to the other side of Edinburgh. To put it simply, if such changes continue, as we fear that they will, transport providers must be consulted. I have said many times that, in my West Scotland region, I regularly hear concerns about the possibility of a lack of transport for people who want to travel between Clydebank and Greenock. Such a situation would be very problematic. If that is the case in West Scotland and Edinburgh, I am pretty sure that the

situation will be repeated in almost every part of Scotland.

I would of course prefer courses to be retained at their present locations but, if they are to be moved to different parts of a region, there must be engagement with transport providers to ensure adequate transport provision between college campuses for staff and students. That is necessary in relation to the regionalisation agenda. Even if that agenda was not happening through the bill, it would make sense to consult and work with transport providers that serve local colleges. I believe that the whole Parliament must support amendments 103 and 108.

I am happy to support amendments 17 and 45 in the name of Mike Russell and related amendments. I was surprised that references to local economic and social wellbeing were not originally included in the bill. As the cabinet secretary and members of the Education and Culture Committee will know, I lodged amendments at stage 2 that called for regional boards and regional strategic bodies to have a duty to promote social cohesion and inclusion and local economic regeneration and to have regard to regeneration plans that affect a college's locality.

I therefore welcome the lodging of amendments to that effect at stage 3. At a time of high unemployment, it is vital that our colleges continue to play a key role in helping people back to work. Prior to stage 2, there was a complete lack of a specific regional focus. We know that different regions face different challenges and have different needs and priorities. The amendments will address what were, in my opinion, glaring omissions, so I am happy to support them.

I move amendment 101.

Michael Russell: Amendments 17 and 45 fulfil commitments that I gave to Neil Bibby in committee at stage 2 to place new duties on regional colleges and regional strategic bodies in relation to economic and social regeneration and social inclusion and cohesion. I am grateful to him for the positive role that he played in raising the issue. The duties are part of a wider duty on regional colleges and regional strategic bodies to improve economic and social wellbeing in their localities.

Amendments 18 to 20, 22, 23, 46 to 48, 50 and 51 integrate more generally into the bill local matters, by which I mean skills needs and economic, social and cultural issues. Local matters are for the regional bodies to determine. National issues will be for the Scottish funding council, in consultation with ministers, as is the case now. Given the way in which the bill is constructed, a lot of amendments—nine in total—

are required to deliver on one good idea, but I am satisfied that the result will be a better bill.

Amendment 53 will align the consultation provisions in new section 23K of the Further and Higher Education (Scotland) Act 2005 with similar provisions elsewhere in the bill. Amendment 119 will enable ministers to obtain from a regional strategic body, a regional college or an assigned college such information as they may reasonably require in connection with the exercise of their functions under the 2005 act.

At stage 2, Neil Bibby lodged identical amendments to today's amendments 101 to 103 and 106 to 109, and I outlined then the good reasons why I cannot support them. It is true that colleges play an important role in CPPs, but the Government will consult this summer on a draft community empowerment and renewal bill, which will be the appropriate vehicle for considering the issue if any changes are to take place.

15:30

There is nothing preventing colleges and regional strategic bodies from consulting community health partnerships, transport providers and community planning partnerships. During my meeting at Adam Smith College two weeks ago, we discussed the role that the college could play in assisting with transportation, as many colleges have always done. I see no convincing reason to place a statutory obligation on them to do so.

Liam McArthur: As I said in the stage 1 debate, I feel that the cabinet secretary is pursuing an interventionist and controlling agenda in relation to our colleges, which is unwise and, in many cases, counterproductive. Nevertheless, I accept that a number of more positive steps are being taken in the group of amendments. Amendments that reinforce the need for regional colleges to focus on their locality's needs and in particular on skills and on regeneration needs are helpful, albeit that they rather confirm what is the bread and butter of most of our colleges already.

I was happy to support Neil Bibby's amendments at stage 2, as they helped to make the point that the Government needed to expand its horizons on those with whom engagement is needed in any given locality, notably on the transport aspects of college mergers. However, those amendments have now been overtaken by other changes that have been made to the bill.

The Deputy Presiding Officer: I ask Neil Bibby to wind up and indicate whether he intends to press or withdraw amendment 101.

Neil Bibby: I have nothing more to add, and I will press the amendment.

The Deputy Presiding Officer: The question is, that amendment 101 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Dugdale, Kezia (Lothian) (Lab)
 Eadie, Helen (Cowdenbeath) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Ind)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Renfrewshire South) (Lab)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Malik, Hanzala (Glasgow) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Smith, Drew (Glasgow) (Lab)
 Stewart, David (Highlands and Islands) (Lab)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Allard, Christian (North East Scotland) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Gavin (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Carlaw, Jackson (West Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Davidson, Ruth (Glasgow) (Con)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Eadie, Jim (Edinburgh Southern) (SNP)

Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Goldie, Annabel (West Scotland) (Con)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hume, Jim (South Scotland) (LD)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Salmond, Alex (Aberdeenshire East) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Urquhart, Jean (Highlands and Islands) (Ind)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wilson, John (Central Scotland) (SNP)

The Deputy Presiding Officer: The result of the division is: For 37, Against 80, Abstentions 0.

Amendment 101 disagreed to.

Amendment 102 moved—[Neil Bibby].

The Deputy Presiding Officer: The question is, that amendment 102 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Dugdale, Kezia (Lothian) (Lab)
 Eadie, Helen (Cowdenbeath) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Ind)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Renfrewshire South) (Lab)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Malik, Hanzala (Glasgow) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McMahan, Michael (Uddingston and Bellshill) (Lab)
 McMahan, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Smith, Drew (Glasgow) (Lab)
 Stewart, David (Highlands and Islands) (Lab)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Allard, Christian (North East Scotland) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Gavin (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Carlaw, Jackson (West Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Davidson, Ruth (Glasgow) (Con)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 FitzPatrick, Joe (Dundee City West) (SNP)

Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Goldie, Annabel (West Scotland) (Con)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hume, Jim (South Scotland) (LD)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Salmond, Alex (Aberdeenshire East) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wilson, John (Central Scotland) (SNP)

The Deputy Presiding Officer: The result of the division is: For 37, Against 78, Abstentions 0.

Amendment 102 disagreed to.

Amendment 103 moved—[Neil Bibby].

The Deputy Presiding Officer: The question is, that amendment 103 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Dugdale, Kezia (Lothian) (Lab)
 Eadie, Helen (Cowdenbeath) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Ind)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Renfrewshire South) (Lab)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Malik, Hanzala (Glasgow) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Smith, Drew (Glasgow) (Lab)
 Stewart, David (Highlands and Islands) (Lab)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Allard, Christian (North East Scotland) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Gavin (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Carlaw, Jackson (West Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Davidson, Ruth (Glasgow) (Con)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Goldie, Annabel (West Scotland) (Con)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)

Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hume, Jim (South Scotland) (LD)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Salmond, Alex (Aberdeenshire East) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wilson, John (Central Scotland) (SNP)

The Deputy Presiding Officer: The result of the division is: For 37, Against 79, Abstentions 0.

Amendment 103 disagreed to.

Amendments 17 to 20 moved—[Michael Russell]—and agreed to.

Amendment 21 moved—[Marco Biagi]—and agreed to.

Amendments 22 and 23 moved—[Michael Russell]—and agreed to.

Amendment 24 moved—[Marco Biagi]—and agreed to.

Section 6—Colleges: boards of management

The Deputy Presiding Officer: Group 5 is on board membership. Amendment 25, in the name

of Neil Findlay, is grouped with amendments 26 to 36, 60 to 64, 65 to 70, 85 to 88, 115, 89 to 91 and 99.

Neil Findlay: Amendments 25 and 26 would ensure that staff representation on college boards is drawn from the relevant trade unions that represent staff at our colleges. Trade unions are recognised as representative of college staff, and it is right that they are represented on the boards of the colleges to which they contribute so much. Governance will be better for their presence.

Amendments 27 and 63 would ensure that recommendations of appointments to boards are made by the board and submitted to the chair and ministers for final approval. That will give the board the power to make its own appointment, which is the right thing to do.

Amendment 28 would increase representation to two members from one, which would ensure that colleges that are not regional colleges will have two staff representatives on boards and that the set-up is similar to that of regional colleges.

We accept Mike Russell's amendments 29 and 31 because they are similar to my amendment 28 in that they would ensure that colleges will have two staff representatives—one teaching and one non-teaching—which is the same as the regional colleges. Amendments 30, 60 and 61 will ensure that representation of teaching and non-teaching staff will come from those recognised trade unions.

Amendments 32 and 33 seek to ensure that assigned college boards will be able to appoint their own board members in the same way as regional colleges, recognising the role of the regional strategic body and that its approval will be needed to appoint other members.

I move amendment 25.

Michael Russell: Amendments 65, 66, 68 to 70 and 89 to 91 will ensure that a person who is removed by ministers for reasons of mismanagement from one relevant board that is an incorporated college board or regional board will be removed from all such boards.

The effect of Government amendment 99 will be that, if a person cannot be a member of an incorporated college board or regional board, they will also be barred from being a member of or serving on the Scottish funding council.

Government amendments 29, 31, 86, 87 and 88 provide for two elected staff members on assigned college boards—one elected by teaching staff and one by non-teaching staff—and make related provisions relating to their tenure.

Amendments 67 and 85 relate to terms and conditions of appointment. Amendment 67

prevents a regional board from setting the terms and conditions of the appointment to the board of an assigned college chair. Amendment 85 makes provision for who sets the terms and conditions of incorporated college board members.

Amendments 34, 35 and 64 ensure that relevant staff unions are consulted on the election rules relating to staff members on incorporated college boards and regional boards.

Amendment 62 increases the minimum number of “ordinary” members of a regional board. It would ensure that a regional board with three assigned colleges would have a maximum board size of 18.

Mr Findlay’s amendments 25, 26, 28, 30, 60 and 61 are identical to those that he lodged on the same topic—that of trade union nominees on boards—at stage 2. As I committed to doing, I have reflected and consulted on the matter. While I recognise the value of trade union experience and background on boards—the bill achieves major gains for trade unions—I have concluded that I do not want to exclude anybody. I want to leave it to boards to determine how, in addition to the two elected staff members, they access and utilise such expertise, subject to any guidance that is issued on appointments. I will consult on the appointments guidance, as the bill would require me to do.

Amendments 32 and 33 proposed by Mr Findlay take us back to assigned college boards being responsible for their own appointments, albeit with the regional strategic body’s approval. If that is how regional strategic bodies want to work with their colleges, that is fine, but it should be a matter for regional strategic bodies to determine. That is the hierarchy that the bill seeks to establish. I will make that clear in the appointments guidance.

Amendments 27 and 63 that have been lodged by Mr Findlay prescribe a level of detail that I think is inappropriate for legislation.

Liz Smith: Two of the great advantages of our college system, particularly since 1992, are its diversity and flexibility, which give it the ability to respond to local needs. Since those features are clearly those that bring success to the college sector, it makes sense to ensure that the management of our colleges reflects that diversity and flexibility.

That is why the Scottish Conservatives have been reluctant to see overly prescriptive changes to management structures and especially to board membership. For example, we would not wish to put in place any structures that, while allowing trade unions to be eligible for board membership, would exclude other staff who are not members of trade unions.

Likewise, we believe that there has to be maximum consultation on board appointments and an appointments process that has full transparency and the appropriate lines of accountability. For example, we prefer to see other member appointments to assigned college boards to be approved by the regional strategic body. Board membership is crucial to the good workings of our colleges, but we strongly believe that it must reflect the diversity of the college sector, bringing to it a variety of experience and skills rather than being too prescriptive.

On amendment 36, we are of the strong opinion that colleges work best when there is clear collaboration between the different institutions and when there is similar collaboration between the different institutions, the Scottish funding council and the Scottish Government. That collaboration can be effective only if there is mutual trust between the different partners—I use the word “partner” advisedly—and when the professional relationships are built on consultation. Too often in this bill, the Scottish Government has sought to impose its will on colleges in a way that undermines that mutual trust.

Amendment 36 therefore requires the Scottish ministers to consult the existing board fully, prior to making any transfer or new appointment of board members—which will obviously be part of the transitional arrangements for new boards. In that way, there will be a process based on agreement rather than on the whim of the Government.

Neil Bibby: Amendments 112 and 115, which are supported by Colleges Scotland, would prevent a board member from being barred permanently from holding office. A board member could be removed for a number of reasons and, while it may be justified the majority of the time, we have to be realistic and accept that, on occasion, it may not be justified. Is it therefore right to bar someone permanently?

The Government’s amendments would prevent a board member who has been removed from a board from sitting on any college board ever. That compares to a fixed five-year ban for someone who has committed a criminal offence, proposed by the cabinet secretary. Many people would see it as disproportionate to bar a board member permanently.

Central to the amendments is the fact that they would give former board members the opportunity to apply to hold office after a period of four years, which is effectively a one-term ban. Clearly, if they were not deemed fit to hold office again, they would not. Any application process would take into account previous conduct and any previous offences.

Amendments 112 and 115 give us the chance to make the ban for a removed board member more proportionate and prevent board members from being permanently banned from holding office. I urge members to support the amendments.

15:45

The Deputy Presiding Officer: A few members wish to speak, so I would appreciate brief contributions.

Patrick Harvie (Glasgow) (Green): I slightly expected Mr Findlay to make more of a case for his amendments 25 and 26 in his opening speech. I ask him to clarify, in his closing speech, whether he considered lodging an amendment that would guarantee unions the ability to participate in the boards but would not exclude non-union staff members from being considered for that role. Surely that would be a more inclusive approach. Could he explain his reasons for not approaching the issue in that way?

Colin Beattie (Midlothian North and Musselburgh) (SNP): I am concerned that Mr Findlay's amendments 25, 26, 28, 30, 60 and 61 remove the stated intention regarding staff representation on the board of assigned colleges.

Mr Findlay proposes to increase the number of members of the board who are elected by trade unions to two while alternative representation from teaching staff and non-teaching staff seems to be eliminated. In some colleges, now or in the future, there might be more than two trade union or staff associations represented, while in others there might only be one. In such cases, how will the proposed trade union representatives be determined?

It also seems to be entirely possible that, under the existing proposals, staff representatives could well be trade union or staff association members. Nothing seems to exclude that possibility. I struggle, therefore, to see the need for Mr Findlay's amendments.

Liam McArthur: I think that Neil Findlay's amendments 25, 26, 30, 60 and 61 are unduly prescriptive in terms of staff representation. However, I welcome his amendments 27, 28, 32, 33 and 63, which make helpful changes to the way in which board appointments are made for regional and assigned colleges as well as increasing staff representation.

Liz Smith's amendment 56, which stipulates consultation with an existing board in relation to the transfer or new appointment of board members, is entirely sensible.

Neil Bibby's amendments 112 and 115 also offer a pragmatic solution to dealing with instances in which mismanagement has occurred, allowing

for a suitable but not disproportionate period of exclusion and full transparency in any future application processes. By contrast, the minister's amendments 89 and 90—and even 70—seem rather open ended.

I can support most of the rest of the minister's amendments in this group. I note, however, that amendment 85 could be improved by allowing other member appointments to assigned colleges to be approved rather than set by the regional strategic board.

The Deputy Presiding Officer: I ask Neil Findlay to wind up and indicate whether he intends to press or withdraw his motion.

Neil Findlay: I have no further comments to make. I will press my amendment.

The Deputy Presiding Officer: The question is, that amendment 25 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Dugdale, Kezia (Lothian) (Lab)
 Eadie, Helen (Cowdenbeath) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Ind)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Henry, Hugh (Renfrewshire South) (Lab)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Malik, Hanzala (Glasgow) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Smith, Drew (Glasgow) (Lab)
 Stewart, David (Highlands and Islands) (Lab)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Allard, Christian (North East Scotland) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Gavin (Lothian) (Con)

Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Davidson, Ruth (Glasgow) (Con)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Goldie, Annabel (West Scotland) (Con)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hume, Jim (South Scotland) (LD)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Johnstone, Alison (Lothian) (Green)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Urquhart, Jean (Highlands and Islands) (Ind)
 Watt, Maureen (Aberdeen South and North Kincardine)

(SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wilson, John (Central Scotland) (SNP)

The Deputy Presiding Officer: The result of the division is: For 32, Against 80, Abstentions 0.

Amendment 25 disagreed to.

Amendment 26 moved—[Neil Findlay].

The Deputy Presiding Officer: The question is, that amendment 26 be agreed to. Are we all agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Dugdale, Kezia (Lothian) (Lab)
 Eadie, Helen (Cowdenbeath) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Ind)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Henry, Hugh (Renfrewshire South) (Lab)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Malik, Hanzala (Glasgow) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Smith, Drew (Glasgow) (Lab)
 Stewart, David (Highlands and Islands) (Lab)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Allard, Christian (North East Scotland) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Gavin (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)

Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Davidson, Ruth (Glasgow) (Con)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Goldie, Annabel (West Scotland) (Con)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hume, Jim (South Scotland) (LD)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Johnstone, Alison (Lothian) (Green)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Salmond, Alex (Aberdeenshire East) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Urquhart, Jean (Highlands and Islands) (Ind)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wilson, John (Central Scotland) (SNP)

The Deputy Presiding Officer: The result of the division is: For 35, Against 81, Abstentions 0.

Amendment 26 disagreed to.

Amendment 27 moved—[Neil Findlay].

The Deputy Presiding Officer: The question is, that amendment 27 be agreed to. Are we all agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Brown, Gavin (Lothian) (Con)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Davidson, Ruth (Glasgow) (Con)
 Eadie, Helen (Cowdenbeath) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Fergusson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 Findlay, Neil (Lothian) (Lab)
 Goldie, Annabel (West Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hume, Jim (South Scotland) (LD)
 Johnstone, Alex (North East Scotland) (Con)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Malik, Hanzala (Glasgow) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Drew (Glasgow) (Lab)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, David (Highlands and Islands) (Lab)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Allard, Christian (North East Scotland) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dugdale, Kezia (Lothian) (Lab)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Finnie, John (Highlands and Islands) (Ind)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Salmond, Alex (Aberdeenshire East) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Urquhart, Jean (Highlands and Islands) (Ind)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wilson, John (Central Scotland) (SNP)

The Deputy Presiding Officer: The result of the division is: For 52, Against 64, Abstentions 0.

Amendment 27 disagreed to.

Amendment 28 moved—[Neil Findlay].

The Deputy Presiding Officer: The question is, that amendment 28 be agreed to. Are we all agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Brown, Gavin (Lothian) (Con)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Davidson, Ruth (Glasgow) (Con)
 Dugdale, Kezia (Lothian) (Lab)
 Eadie, Helen (Cowdenbeath) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Ind)
 Goldie, Annabel (West Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hume, Jim (South Scotland) (LD)
 Johnstone, Alex (North East Scotland) (Con)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Malik, Hanzala (Glasgow) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Drew (Glasgow) (Lab)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, David (Highlands and Islands) (Lab)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)

Allard, Christian (North East Scotland) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Salmond, Alex (Aberdeenshire East) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Urquhart, Jean (Highlands and Islands) (Ind)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wilson, John (Central Scotland) (SNP)

The Deputy Presiding Officer: The result of the division is: For 53, Against 62, Abstentions 0.

Amendment 28 disagreed to.

Amendment 29 moved—[Michael Russell]—and agreed to.

Amendment 30 moved—[Neil Findlay].

The Deputy Presiding Officer: The question is, that amendment 30 be agreed to. Are we all agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Dugdale, Kezia (Lothian) (Lab)
 Eadie, Helen (Cowdenbeath) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Ind)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Henry, Hugh (Renfrewshire South) (Lab)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Malik, Hanzala (Glasgow) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Smith, Drew (Glasgow) (Lab)
 Stewart, David (Highlands and Islands) (Lab)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Allard, Christian (North East Scotland) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Gavin (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Davidson, Ruth (Glasgow) (Con)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)

Fergusson, Alex (Galloway and West Dumfries) (Con)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Goldie, Annabel (West Scotland) (Con)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hume, Jim (South Scotland) (LD)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Johnstone, Alison (Lothian) (Green)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Salmond, Alex (Aberdeenshire East) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Urquhart, Jean (Highlands and Islands) (Ind)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wilson, John (Central Scotland) (SNP)

The Deputy Presiding Officer: The result of the division is: For 35, Against 81, Abstentions 0.

Amendment 30 disagreed to.

Amendment 31 moved—[Michael Russell]—and agreed to.

Amendment 32 moved—[Neil Findlay].

The Deputy Presiding Officer: The question is, that amendment 32 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Brown, Gavin (Lothian) (Con)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Davidson, Ruth (Glasgow) (Con)
 Dugdale, Kezia (Lothian) (Lab)
 Eadie, Helen (Cowdenbeath) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 Findlay, Neil (Lothian) (Lab)
 Goldie, Annabel (West Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hume, Jim (South Scotland) (LD)
 Johnstone, Alex (North East Scotland) (Con)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Malik, Hanzala (Glasgow) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 McMahan, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Drew (Glasgow) (Lab)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, David (Highlands and Islands) (Lab)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Allard, Christian (North East Scotland) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)

Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Finnie, John (Highlands and Islands) (Ind)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Salmond, Alex (Aberdeenshire East) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Urquhart, Jean (Highlands and Islands) (Ind)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wilson, John (Central Scotland) (SNP)

The Deputy Presiding Officer: The result of the division is: For 53, Against 63, Abstentions 0.

Amendment 32 disagreed to.

Amendment 33 moved—[Neil Findlay].

The Deputy Presiding Officer: The question is, that amendment 33 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Brown, Gavin (Lothian) (Con)
 Carlaw, Jackson (West Scotland) (Con)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Davidson, Ruth (Glasgow) (Con)
 Dugdale, Kezia (Lothian) (Lab)
 Eadie, Helen (Cowdenbeath) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Fergusson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 Findlay, Neil (Lothian) (Lab)
 Goldie, Annabel (West Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hume, Jim (South Scotland) (LD)
 Johnstone, Alex (North East Scotland) (Con)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Malik, Hanzala (Glasgow) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Drew (Glasgow) (Lab)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, David (Highlands and Islands) (Lab)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Allard, Christian (North East Scotland) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)

Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Finnie, John (Highlands and Islands) (Ind)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Salmond, Alex (Aberdeenshire East) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Urquhart, Jean (Highlands and Islands) (Ind)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wilson, John (Central Scotland) (SNP)

The Deputy Presiding Officer: The result of the division is: For 54, Against 63, Abstentions 0.

Amendment 33 disagreed to.

Amendment 34 moved—[Michael Russell]—and agreed to.

Amendment 35 moved—[Michael Russell].

The Deputy Presiding Officer: The question is, that amendment 35 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)

Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Allard, Christian (North East Scotland) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Gavin (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Carlaw, Jackson (West Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Davidson, Ruth (Glasgow) (Con)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Goldie, Annabel (West Scotland) (Con)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hume, Jim (South Scotland) (LD)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Johnstone, Alison (Lothian) (Green)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Salmond, Alex (Aberdeenshire East) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Liz (Mid Scotland and Fife) (Con)

Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wilson, John (Central Scotland) (SNP)

Against

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Dugdale, Kezia (Lothian) (Lab)
 Eadie, Helen (Cowdenbeath) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Henry, Hugh (Renfrewshire South) (Lab)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Malik, Hanzala (Glasgow) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Smith, Drew (Glasgow) (Lab)
 Stewart, David (Highlands and Islands) (Lab)
 Urquhart, Jean (Highlands and Islands) (Ind)

The Deputy Presiding Officer: The result of the division is: For 81, Against 35, Abstentions 0.

Amendment 35 agreed to.

Amendment 36 moved—[Liz Smith].

The Deputy Presiding Officer: The question is, that amendment 36 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Brown, Gavin (Lothian) (Con)
 Carlaw, Jackson (West Scotland) (Con)

Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Davidson, Ruth (Glasgow) (Con)
 Dugdale, Kezia (Lothian) (Lab)
 Eadie, Helen (Cowdenbeath) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 Findlay, Neil (Lothian) (Lab)
 Goldie, Annabel (West Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hume, Jim (South Scotland) (LD)
 Johnstone, Alex (North East Scotland) (Con)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Malik, Hanzala (Glasgow) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Drew (Glasgow) (Lab)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, David (Highlands and Islands) (Lab)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Allard, Christian (North East Scotland) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Finnie, John (Highlands and Islands) (Ind)

FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Salmond, Alex (Aberdeenshire East) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Urquhart, Jean (Highlands and Islands) (Ind)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wilson, John (Central Scotland) (SNP)

The Deputy Presiding Officer: The result of the division is: For 54, Against 62, Abstentions 0.

Amendment 36 disagreed to.

Section 7—Colleges: mismanagement

The Deputy Presiding Officer: Group 6 is on mismanagement. Amendment 37, in the name of Liz Smith, is grouped with amendments 38, 39, 105 and 73 to 75.

16:00

Liz Smith: Obviously, college mismanagement occurs in relatively few situations, but when it occurs it is essential that definitions are clear and due process ensues. That is why at stage 2 the Scottish Conservatives lodged amendments to introduce a code of governance that is similar to the enhanced one that will operate in the university sector. We believe that exactly the same principles are relevant and that if the code operates well, it should reduce further the incidence of mismanagement.

However, we are concerned about the lack of clarity over what constitutes mismanagement and we have lodged some amendments to try to tighten up the definition. There must be consistency with the code of governance and its principles when all alleged instances of mismanagement are evaluated—something that is not entirely clear in the bill as it stands. In that respect, we feel strongly that any attempt to remove board members should be set against that code of good governance. Amendment 37 would ensure that serious or repeated breaches of the code would provide grounds for removal, but would not confuse that with other instances of possible mismanagement.

We are concerned about the line in section 7 that talks about board members

“failing ... to discharge ... their duties”.

That is too open-ended, and it is open to different interpretations. Amendment 38 seeks to remove that line.

We also believe that any orders made by Scottish ministers to remove board members should be subject to consultation with the Scottish funding council, since that reflects a more open process of discussing whether a college has not been able to fulfil the conditions set by the council. Amendment 39 is specifically designed to ensure that such consultation takes place and that there is the safeguard of allowing for careful and independent scrutiny of any situations involving alleged serious or repeated breaches of the code.

Currently, the bill will allow ministers to argue that repeated or serious breaches of any condition of grant are grounds for removal. That could include, for example, outcome agreement targets not being met. If a college breaches its targets in that way, financial penalties will result. Given that the code of governance is being introduced as a condition of grant, it will fall within that provision as well. Amendment 73 would ensure that the only condition of grant for which serious or repeated breaches could result in removal from the board would be those that relate to the code of governance.

Amendment 74 would remove the line that refers to regional boards

“failing to discharge”

their

“duties properly”,

which we consider too vague and open to interpretation, if not abuse.

Amendment 75 would secure the important safeguard of requiring ministers to consult the Scottish funding council before appointing another board member.

I move amendment 37.

Neil Bibby: When ministers aim to give themselves more powers to fire members of public body boards, we need to consider what safety mechanisms are needed. As the Colleges Scotland briefing states, Mike Russell has sought to extend his powers to remove board members to include potential removal for breaches of any condition of grant—for example, not meeting targets set in outcome agreements—and for failure to discharge duties.

It is therefore more than reasonable that further action is taken to limit those powers appropriately. I support Liz Smith's amendments 37 and 73, which would limit possible causes of removal to breaches of the code of governance, and amendments 38 and 74, which would remove broad ministerial powers to remove board members for failure to discharge duties.

My amendment 105 calls for the establishment of an independent panel to review decisions to remove college board members. There is particular unease about this area of the bill. It was put to me, even last week, that there could have been a role for the Standards Commission for Scotland in cases of dissatisfaction about conduct, as I understand that it already has a statutory role in the oversight of college governance.

Some safety mechanism should be in place. If a member of staff is removed, they have the right to appeal, so it is reasonable that a board member should have the same right if they are removed by the cabinet secretary. I would expect the cabinet secretary to think that that was reasonable and I would be disappointed if he did not. The fact is that the cabinet secretary's judgment could be called into question in certain circumstances—we all know that it has been called into question in the past.

When taking evidence, we heard concerns about the level of ministerial control, so although I hope that the cabinet secretary's judgment would be sound in such situations, I also hope that members will support amendment 105, to allow an independent appeal panel to review decisions to remove board members. That would reassure people who might find themselves in that position.

The cabinet secretary said at stage 2 that such an amendment was not necessary or desirable, but I think that a former board member in that position would find the provision both necessary and desirable. The option of judicial review would be a costly and time-consuming exercise.

We also welcome amendments 39 and 75, which would introduce a requirement for the Scottish funding council to be consulted on any proposed removal. It is important that such assessments are made more objectively.

Liam McArthur: I begin by addressing amendments 39 and 75, to which I have lent my support. As I have said in earlier proceedings, I remain concerned about the extent and range of powers over our colleges that the cabinet secretary feels need to be vested in his hands. His wholly regrettable spat with the former chair of Stow College at the end of last year provided a disturbing insight into the frustration that he obviously feels at his lack of hiring and firing powers. Along with amendments 37 and 38, which would link any decision to remove a college board member to the code of governance rather than the more open-ended and potentially subjective discharge-of-their-duties requirement, amendments 39 and 75 would require any ministerial order to that effect to be subject to consultation with the funding council. If nothing else, that would give some reassurance that any action was not being taken for merely personal or even political reasons.

I also offer my support to Neil Bibby's amendment 105, which revisits an issue that was touched on at the end of yet another long and rather tetchy committee session at stage 2. I got the impression that the cabinet secretary was, at that stage, not unsympathetic to the idea of an appeal mechanism in instances when board members have been removed. I may have misread that, however, as there is no alternative amendment from the Government as far as I can see. Even if Mr Russell were to accept the case that Liz Smith and I are making for wider consultation on such orders, there would still be a strong argument for a right of appeal to be available to those who are subject to ministerial dismissal. I look forward to hearing what the cabinet secretary has to say.

Michael Russell: I am minded to support amendment 39, despite the fact that Mr McArthur has tried to talk me out of it. The reality is that I was sympathetic at stage 2. I am happy to support the amendment, which is a Colleges Scotland amendment.

The Griggs review recommended

"the removal of the Chair and/or Board if they do not fulfil the required outcomes."

Amendments 37, 73, 38 and 74 would unduly restrict the powers to remove board members, taking us back to the largely process-focused provisions that we have now. Adherence to any code of governance would be a condition of grant, so the bill already provides a mechanism for removing board members if they fail to deliver on the code. However, that is not the only type of condition of grant. Outcome agreements, for example, would be terms and conditions of SFC grant to regional colleges and regional or strategic bodies. Serious or repeated breaches of an

outcome agreement would, therefore, be grounds for the removal of board members.

In its written evidence to the Education and Culture Committee, West Lothian College summed up the issue well. It stated:

“The Board notes the introduction of Ministerial powers to remove chairs and other members for reasons of failure in addition to mismanagement. The Board reiterates its view that it has no difficulty with being audited against a set of agreed outcomes.”

I fail to see why failure to discharge duties—failure to discharge legal obligations—is not also an appropriate ground for removal.

I have some sympathy for the idea behind amendment 105, but the amendment has no detail at all. It is not clear how recourse to an independent review panel would sit alongside the existing mechanism of parliamentary scrutiny—nothing is clear in the amendment.

Amendments 39 and 75, in the name of Liz Smith, which are supported by Liam McArthur, provide a much better way to achieve an independent look: consultation with the SFC before an order can be made. The amendments are supported by Colleges Scotland. I therefore urge members to support amendments 39 and 75 and to reject the rest.

The Deputy Presiding Officer (John Scott): I call Liz Smith to wind up and to press or withdraw amendment 37.

Liz Smith: I am grateful for the support that has been given to some of the amendments, particularly amendment 39, which I consider to be very important.

There is a concern about the definition of mismanagement, and the cabinet secretary will be conscious of the concerns that have been raised throughout the evidence-taking process about what “discharging duties” means. On that basis, I press amendment 37.

The Deputy Presiding Officer: The question is, that amendment 37 be agreed to. Are we agreed?

Members: No.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Brown, Gavin (Lothian) (Con)
 Carlaw, Jackson (West Scotland) (Con)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Davidson, Ruth (Glasgow) (Con)
 Dugdale, Kezia (Lothian) (Lab)
 Eadie, Helen (Cowdenbeath) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)

Fergusson, Alex (Galloway and West Dumfries) (Con)
 Findlay, Neil (Lothian) (Lab)
 Goldie, Annabel (West Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hume, Jim (South Scotland) (LD)
 Johnstone, Alex (North East Scotland) (Con)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Malik, Hanzala (Glasgow) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Drew (Glasgow) (Lab)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, David (Highlands and Islands) (Lab)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Allard, Christian (North East Scotland) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Finnie, John (Highlands and Islands) (Ind)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)

Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Salmond, Alex (Aberdeenshire East) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Urquhart, Jean (Highlands and Islands) (Ind)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wilson, John (Central Scotland) (SNP)

The Deputy Presiding Officer: The result of the division is: For 53, Against 63, Abstentions 0.

Amendment 37 disagreed to.

Amendment 38 moved.—[Liz Smith.]

The Deputy Presiding Officer: The question is, that amendment 38 be agreed to. Are we agreed?

Members: No.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Brown, Gavin (Lothian) (Con)
 Carlaw, Jackson (West Scotland) (Con)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Davidson, Ruth (Glasgow) (Con)
 Dugdale, Kezia (Lothian) (Lab)
 Eadie, Helen (Cowdenbeath) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 Findlay, Neil (Lothian) (Lab)
 Goldie, Annabel (West Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hume, Jim (South Scotland) (LD)

Johnstone, Alex (North East Scotland) (Con)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Malik, Hanzala (Glasgow) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Drew (Glasgow) (Lab)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, David (Highlands and Islands) (Lab)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Allard, Christian (North East Scotland) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Finnie, John (Highlands and Islands) (Ind)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)

Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Salmond, Alex (Aberdeenshire East) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Urquhart, Jean (Highlands and Islands) (Ind)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wilson, John (Central Scotland) (SNP)

The Deputy Presiding Officer: The result of the division is: For 53, Against 63, Abstentions 0.

Amendment 38 disagreed to.

Amendment 39 moved—[Liz Smith]—and agreed to.

Amendment 105 moved.—[Neil Bibby].

The Deputy Presiding Officer: The question is, that amendment 105 be agreed to. Are we agreed?

Members: No.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Dugdale, Kezia (Lothian) (Lab)
 Eadie, Helen (Cowdenbeath) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hume, Jim (South Scotland) (LD)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Malik, Hanzala (Glasgow) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)

McDougall, Margaret (West Scotland) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Drew (Glasgow) (Lab)
 Stewart, David (Highlands and Islands) (Lab)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Allard, Christian (North East Scotland) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Gavin (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Carlaw, Jackson (West Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Davidson, Ruth (Glasgow) (Con)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 Finnie, John (Highlands and Islands) (Ind)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Goldie, Annabel (West Scotland) (Con)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)

Mitchell, Margaret (Central Scotland) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Salmond, Alex (Aberdeenshire East) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Urquhart, Jean (Highlands and Islands) (Ind)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wilson, John (Central Scotland) (SNP)

The Deputy Presiding Officer: The result of the division is: For 41, Against 73, Abstentions 0.

Amendment 105 disagreed to.

Section 8—Regional strategic bodies

The Deputy Presiding Officer: Group 7 is on the designation of regional boards and assigned colleges. Amendment 40, in the name of Michael Russell, is grouped with amendments 41 to 43.

Michael Russell: Amendment 40 would remove the entry establishing a regional board for Aberdeen and Aberdeenshire colleges because the colleges in the region are proposing to merge. That is an indication of the progress that has been made since the bill was introduced.

Amendment 41 would require the funding council to propose or agree to the removal of a college from the list of bodies eligible for council funding, the purpose of which is to ensure that the council is satisfied that proper arrangements are in place for a multi-college region before stepping away from the funding process for assigned colleges.

Amendment 42 is consequential to amendments made at stage 2. It gives the funding council the role of proposing or approving colleges new to public funding, when assigned to a regional strategic body. Amendment 42 adds regional strategic bodies, where they exist, to the list of those to be consulted before an order is made under new section 7C to assign colleges.

Amendment 43 corrects a cross-reference to the relevant order-making power.

I move amendment 40.

Amendment 40 agreed to.

Amendments 41 to 43 moved—[Michael Russell]—and agreed to.

After section 9

16:15

The Deputy Presiding Officer: Group 8 is on other regional strategic bodies: terms and conditions of funding. Amendment 44, in the name of Liam McArthur, is grouped with amendments 95 and 96.

Liam McArthur: With amendment 44, I return to another issue that I raised at stage 2 and on which I think that there is common ground between me and the cabinet secretary and, indeed, among members from across the Highlands and Islands region.

It has generally been accepted that the prior existence of the University of the Highlands and Islands and the unique way in which it is structured and delivers further and higher education through a range of campuses across the largest and most rural of Scotland's regions set it apart from the other institutions. It is not surprising, therefore, that special attention has been required to deal with the way in which the bill impacts on and interacts with UHI and its various colleges, all of which are already highly networked, but each of which is critically important for the local economy and the community in which it is based.

As I said at stage 2, and as was well argued by the chairs of Perth College and Moray College in their evidence to the committee, the Highlands and Islands will be the only region that will be managed by a non-FE body, with the UHI court having been designated the regional strategic body for delivering FE. Although an FE board will operate as a sub-committee, concerns remain that the potential exists for future difficulties with funding and governance arrangements. To date, the assurances that the minister and the UHI court have given have been insufficient to fully address those anxieties, and further safeguards are being sought by a number of the colleges concerned. That is what my amendment 44 seeks to do—it is about protecting the structures and, importantly, the flow of funds. At the same time, it attempts to take on board the wording problems that arose at stage 2.

That said, I am grateful to Mr Russell for his willingness to engage constructively with me and other members on the issue. I certainly accept that his amendments 95 and 96 are a genuine attempt to draw a line under the matter. I will listen closely to what he has to say before I decide whether to press amendment 44. In the meantime, I thank him for the approach that he has taken—on this aspect of the bill, at least.

I move amendment 44.

Michael Russell: Highland members, of whom I am one—I declare that interest—are aware of the correspondence on the matter, which has been

going on for some time, and a number of Highland members have met colleges in their area that are part of UHI to discuss it.

Amendment 95 seeks to give ministers a power to impose terms and conditions to require regional strategic bodies to comply with specified matters before they receive funding from the funding council. It specifically addresses the issue that is raised in the UHI circumstances and will provide parity with the power that is already in the bill in relation to the provision of funding to institutions.

Amendment 96 is a technical amendment that links to amendment 95. It will have the effect of restricting the power so that it can be used only to set terms and conditions that relate to regional strategic bodies as a group, as opposed to terms and conditions that relate to any particular one.

I support the objectives of Liam McArthur's amendment 44, but after a great deal of consultation, I consider that amendment 93 and the linked amendments—we will discuss amendment 93 when we come to the final group—are a more effective and lasting mechanism to achieve those objectives. Although amendment 44 is well intentioned and I can understand where it comes from, it would not give the funding council any additional powers that it does not already have.

Amendment 93 will regularise the situation and is supported by Colleges Scotland. Whatever we do—I hope that amendment 93 is the right way to proceed—will provide support and succour to the Highland colleges and will give them a degree of reassurance on the matter, which is what they want. As far as I am aware, what we propose has the support of every Highland member in the chamber. I ask Mr McArthur to withdraw amendment 44, as the amendments that I have lodged will take care of the matter, which is something that we all support.

Liz Smith: I add our support, in principle, for the amendments in this group.

UHI is a unique institution, and we have been very conscious of the concerns that the individual colleges have raised. I am grateful to the cabinet secretary and the other members who have worked hard to try to resolve the issue. Given that UHI is such a unique institution, it is perhaps not surprising that that has been difficult, but I think that we are making progress. Therefore, we are happy to support the Government's amendments.

Liam McArthur: Given the cabinet secretary's remarks, I think that we will maintain a watching brief on this issue but we have probably done as much as we can through amendment 93, which I hope will be agreed to later. On that basis, I intend to withdraw amendment 44.

Amendment 44, by agreement, withdrawn.

Section 10—Regional strategic bodies: functions

Amendments 45 to 48 moved—[Michael Russell]—and agreed to.

Amendment 49 moved—[Marco Biagi]—and agreed to.

Amendments 50 and 51 moved—[Michael Russell]—and agreed to.

Amendment 52 moved—[Marco Biagi]—and agreed to.

Amendment 106 moved—[Neil Bibby].

The Deputy Presiding Officer: The question is, that amendment 106 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Dugdale, Kezia (Lothian) (Lab)
 Eadie, Helen (Cowdenbeath) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Ind)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Renfrewshire South) (Lab)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Malik, Hanzala (Glasgow) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Smith, Drew (Glasgow) (Lab)
 Stewart, David (Highlands and Islands) (Lab)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Allard, Christian (North East Scotland) (SNP)

Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Gavin (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Carlaw, Jackson (West Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Davidson, Ruth (Glasgow) (Con)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Goldie, Annabel (West Scotland) (Con)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hume, Jim (South Scotland) (LD)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)

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

The Deputy Presiding Officer: The result of the division is: For 37, Against 78, Abstentions 0.

Amendment 106 disagreed to.

Amendment 107 moved—[Neil Bibby].

The Deputy Presiding Officer: The question is, that amendment 107 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Dugdale, Kezia (Lothian) (Lab)
 Eadie, Helen (Cowdenbeath) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Ind)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Malik, Hanzala (Glasgow) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Smith, Drew (Glasgow) (Lab)
 Stewart, David (Highlands and Islands) (Lab)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Allard, Christian (North East Scotland) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Gavin (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)

Campbell, Roderick (North East Fife) (SNP)
 Carlaw, Jackson (West Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Davidson, Ruth (Glasgow) (Con)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Goldie, Annabel (West Scotland) (Con)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hume, Jim (South Scotland) (LD)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Urquhart, Jean (Highlands and Islands) (Ind)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wilson, John (Central Scotland) (SNP)

The Deputy Presiding Officer: The result of the division is: For 36, Against 77, Abstentions 0.

Amendment 107 disagreed to.

Amendment 108 moved—[Neil Bibby].

The Deputy Presiding Officer: The question is, that amendment 108 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Dugdale, Kezia (Lothian) (Lab)
 Eadie, Helen (Cowdenbeath) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Ind)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Renfrewshire South) (Lab)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Malik, Hanzala (Glasgow) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Smith, Drew (Glasgow) (Lab)
 Stewart, David (Highlands and Islands) (Lab)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Allard, Christian (North East Scotland) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Gavin (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Carlaw, Jackson (West Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)

Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Davidson, Ruth (Glasgow) (Con)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Goldie, Annabel (West Scotland) (Con)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hume, Jim (South Scotland) (LD)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Urquhart, Jean (Highlands and Islands) (Ind)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wilson, John (Central Scotland) (SNP)

The Deputy Presiding Officer: The result of the division is: For 37, Against 77, Abstentions 0.

Amendment 108 disagreed to.

Amendment 109 moved—[Neil Bibby].

The Deputy Presiding Officer: The question is, that amendment 109 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Dugdale, Kezia (Lothian) (Lab)
 Eadie, Helen (Cowdenbeath) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Ind)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Renfrewshire South) (Lab)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Malik, Hanzala (Glasgow) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Smith, Drew (Glasgow) (Lab)
 Stewart, David (Highlands and Islands) (Lab)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Allard, Christian (North East Scotland) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Gavin (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Carlaw, Jackson (West Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Davidson, Ruth (Glasgow) (Con)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Eadie, Jim (Edinburgh Southern) (SNP)

Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Goldie, Annabel (West Scotland) (Con)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hume, Jim (South Scotland) (LD)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Urquhart, Jean (Highlands and Islands) (Ind)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wilson, John (Central Scotland) (SNP)

The Deputy Presiding Officer: The result of the division is: For 37, Against 76, Abstentions 0.

Amendment 109 disagreed to.

Amendment 53 moved—[Michael Russell].

The Deputy Presiding Officer: The question is, that amendment 53 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Allard, Christian (North East Scotland) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dugdale, Kezia (Lothian) (Lab)
 Eadie, Helen (Cowdenbeath) (Lab)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Ind)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hume, Jim (South Scotland) (LD)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnstone, Alison (Lothian) (Green)
 Keir, Colin (Edinburgh Western) (SNP)
 Kelly, James (Rutherglen) (Lab)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 Malik, Hanzala (Glasgow) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDonald, Mark (Aberdeen Donside) (SNP)

McDougall, Margaret (West Scotland) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McMillan, Stuart (West Scotland) (SNP)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Drew (Glasgow) (Lab)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, David (Highlands and Islands) (Lab)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Urquhart, Jean (Highlands and Islands) (Ind)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wilson, John (Central Scotland) (SNP)

Against

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

The Deputy Presiding Officer: The result of the division is: For 101, Against 12, Abstentions 0.

Amendment 53 agreed to.

The Deputy Presiding Officer: Group 9 is on regional strategic boards: staff transfers etc. Amendment 54, in the name of the cabinet secretary, is grouped with amendments 110, 55 to 59 and 120. I point out that, if amendment 110 is agreed to, I will not call amendments 55 to 59 because of pre-emption.

Michael Russell: As I explained at stage 2, the basic policy intention behind the staff transfer provisions in the bill is twofold. The provisions assist in the sharing of services and ensure that, in multicollege regions, the regional strategic body has the power to give effect to its duty to plan for delivering coherent provision in the region. The judgment to be made in multicollege regions is in

balancing the autonomy of the institutions with the ability of a regional body to pursue its regional plans.

I agree with what Mr Findlay seeks to achieve in amendments 55, 56 and 59, and amendment 110, in my name, achieves those things. There is no need to make specific provision for transfers outwith a region. The bodies involved have other powers to effect such transfers, so I am happy to remove the provisions from the bill that deal with such transfers. The Transfer of Undertakings (Protection of Employment) Regulations 2006 will apply to all transfers of staff made under new section 23L of the 2005 act as well as to transfers of staff from a regional strategic body to one of its assigned colleges. I know that unions wanted TUPE in the bill, and I have delivered on that.

16:30

Amendment 54 makes it clear that directions under new section 23K cannot be used to direct colleges to transfer staff. I know that some, including the Educational Institute of Scotland, support the balance that we have struck in the bill on the question of consent, but I know that the sector still has concerns, which are reflected in amendments 57 and 58, in the name of Liz Smith. I want to consult more widely on the issue and take the view of organisations that we cannot yet consult, which are the new regional boards. I therefore propose order-making powers that will enable changes to be made in the future; ministers will be under a statutory obligation to consult widely before using such powers and the order will be subject to the affirmative procedure so that there will be full parliamentary scrutiny, as provided for in amendment 120. I think that the amendments that I propose will meet the objections that are dealt with in the amendments from Mr Findlay and Liz Smith. I hope that that will be recognised in the decisions on whether to move the amendments.

I moved amendment 54.

Neil Findlay: Amendments 55 and 56 relate to the ability of colleges to transfer staff between regions. We believe that, in many cases, the distances involved mean that transfers could be problematic, as the commuting distances for those affected will fall outside what is reasonable. I understand that there is established employment law on the issue so, although the Government of course has the right to insert a section on it into the bill, the provision will be difficult to apply in practice. We therefore think that a straight deletion is best.

At stage 2, the cabinet secretary said that it might be beneficial for neighbouring regions to be able to transfer to one another—for example,

when sharing services. Amendment 110 from the Government attempts to clarify that and how, in such a scenario, consultation would be required with colleges, trade union representatives, students and so on, with a view to getting an agreement to the proposed transfer. Although that is a little progress, we still believe that our amendment is more appropriate. Amendment 59 recognises that TUPE applies to the transfer of staff and would write that into the bill.

Liz Smith: I thank the cabinet secretary for the comment regarding the affirmative procedure, because I think that that kind of accountability is essential. As the cabinet secretary said in his remarks, there is concern within the sector that some aspects of the transfer issue are not entirely straightforward or transparent. I am willing to listen on the basis that the minister suggested, so I will not move amendments 57 and 58.

The Deputy Presiding Officer: I call on the cabinet secretary to wind up.

Michael Russell: I have nothing to add.

Amendment 54 agreed to.

Amendment 110 moved—[Michael Russell]—and agreed to.

Section 11—Regional boards: constitution

Amendment 60 moved—[Neil Findlay].

The Deputy Presiding Officer: The question is, that amendment 60 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Dugdale, Kezia (Lothian) (Lab)
 Eadie, Helen (Cowdenbeath) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Ind)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Henry, Hugh (Renfrewshire South) (Lab)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Malik, Hanzala (Glasgow) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)

McMahon, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Smith, Drew (Glasgow) (Lab)
 Stewart, David (Highlands and Islands) (Lab)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Allard, Christian (North East Scotland) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Gavin (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Carlaw, Jackson (West Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Davidson, Ruth (Glasgow) (Con)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Goldie, Annabel (West Scotland) (Con)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hume, Jim (South Scotland) (LD)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Johnstone, Alison (Lothian) (Green)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McInnes, Alison (North East Scotland) (LD)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)

Mitchell, Margaret (Central Scotland) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Urquhart, Jean (Highlands and Islands) (Ind)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wilson, John (Central Scotland) (SNP)

The Deputy Presiding Officer: The result of the division is: For 35, Against 78, Abstentions 0.

Amendment 60 disagreed to.

Amendment 61 moved—[Neil Findlay].

The Deputy Presiding Officer: The question is, that amendment 61 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Dugdale, Kezia (Lothian) (Lab)
 Eadie, Helen (Cowdenbeath) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Ind)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Henry, Hugh (Renfrewshire South) (Lab)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Malik, Hanzala (Glasgow) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McMahan, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Smith, Drew (Glasgow) (Lab)
 Stewart, David (Highlands and Islands) (Lab)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Allard, Christian (North East Scotland) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Gavin (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Carlaw, Jackson (West Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Davidson, Ruth (Glasgow) (Con)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Goldie, Annabel (West Scotland) (Con)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hume, Jim (South Scotland) (LD)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Johnstone, Alison (Lothian) (Green)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, Tavish (Shetland Islands) (LD)

Smith, Liz (Mid Scotland and Fife) (Con)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Urquhart, Jean (Highlands and Islands) (Ind)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wilson, John (Central Scotland) (SNP)

The Deputy Presiding Officer: The result of the division is: For 35, Against 79, Abstentions 0.

Amendment 61 disagreed to.

Amendment 62 moved—[Michael Russell]—and agreed to.

Amendment 63 moved—[Neil Findlay].

The Deputy Presiding Officer: The question is, that amendment 63 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Brown, Gavin (Lothian) (Con)
 Carlaw, Jackson (West Scotland) (Con)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Davidson, Ruth (Glasgow) (Con)
 Dugdale, Kezia (Lothian) (Lab)
 Eadie, Helen (Cowdenbeath) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 Findlay, Neil (Lothian) (Lab)
 Goldie, Annabel (West Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hume, Jim (South Scotland) (LD)
 Johnstone, Alex (North East Scotland) (Con)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Malik, Hanzala (Glasgow) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)

McTaggart, Anne (Glasgow) (Lab)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Drew (Glasgow) (Lab)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, David (Highlands and Islands) (Lab)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Allard, Christian (North East Scotland) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Finnie, John (Highlands and Islands) (Ind)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)

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

The Deputy Presiding Officer: The result of the division is: For 53, Against 61, Abstentions 0.

Amendment 63 disagreed to.

Amendment 64 moved—[Michael Russell]—and agreed to.

Amendment 112 moved—[Neil Bibby].

The Deputy Presiding Officer: The question is, that amendment 112 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Brown, Gavin (Lothian) (Con)
 Carlaw, Jackson (West Scotland) (Con)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Davidson, Ruth (Glasgow) (Con)
 Dugdale, Kezia (Lothian) (Lab)
 Eadie, Helen (Cowdenbeath) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 Findlay, Neil (Lothian) (Lab)
 Goldie, Annabel (West Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hume, Jim (South Scotland) (LD)
 Johnstone, Alex (North East Scotland) (Con)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Malik, Hanzala (Glasgow) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Murray, Elaine (Dumfriesshire) (Lab)

Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Drew (Glasgow) (Lab)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, David (Highlands and Islands) (Lab)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Allard, Christian (North East Scotland) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Finnie, John (Highlands and Islands) (Ind)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)

White, Sandra (Glasgow Kelvin) (SNP)
Wilson, John (Central Scotland) (SNP)

The Deputy Presiding Officer: The result of the division is: For 53, Against, 59, Abstentions 0.

Amendment 112 disagreed to.

Amendments 65 to 70 moved—[Michael Russell].

The Deputy Presiding Officer: Does any member object to a single question being put on amendments 65 to 70?

Members: Yes.

The Deputy Presiding Officer: The question is, that amendment 65 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Adam, George (Paisley) (SNP)
Adamson, Clare (Central Scotland) (SNP)
Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
Allard, Christian (North East Scotland) (SNP)
Beattie, Colin (Midlothian North and Musselburgh) (SNP)
Biagi, Marco (Edinburgh Central) (SNP)
Brodie, Chic (South Scotland) (SNP)
Brown, Keith (Clackmannanshire and Dunblane) (SNP)
Burgess, Margaret (Cunninghame South) (SNP)
Campbell, Aileen (Clydesdale) (SNP)
Campbell, Roderick (North East Fife) (SNP)
Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
Constance, Angela (Almond Valley) (SNP)
Crawford, Bruce (Stirling) (SNP)
Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
Dey, Graeme (Angus South) (SNP)
Doris, Bob (Glasgow) (SNP)
Dornan, James (Glasgow Cathcart) (SNP)
Ewing, Annabelle (Mid Scotland and Fife) (SNP)
Ewing, Fergus (Inverness and Nairn) (SNP)
Fabiani, Linda (East Kilbride) (SNP)
Finnie, John (Highlands and Islands) (Ind)
FitzPatrick, Joe (Dundee City West) (SNP)
Gibson, Kenneth (Cunninghame North) (SNP)
Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
Hyslop, Fiona (Linlithgow) (SNP)
Keir, Colin (Edinburgh Western) (SNP)
Kidd, Bill (Glasgow Anniesland) (SNP)
Lyle, Richard (Central Scotland) (SNP)
MacAskill, Kenny (Edinburgh Eastern) (SNP)
MacDonald, Angus (Falkirk East) (SNP)
MacDonald, Gordon (Edinburgh Pentlands) (SNP)
Mackay, Derek (Renfrewshire North and West) (SNP)
MacKenzie, Mike (Highlands and Islands) (SNP)
Mason, John (Glasgow Shettleston) (SNP)
Matheson, Michael (Falkirk West) (SNP)
Maxwell, Stewart (West Scotland) (SNP)
McAlpine, Joan (South Scotland) (SNP)
McDonald, Mark (Aberdeen Donside) (SNP)
McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
McLeod, Aileen (South Scotland) (SNP)
McLeod, Fiona (Strathkelvin and Bearsden) (SNP)

McMillan, Stuart (West Scotland) (SNP)
Neil, Alex (Airdrie and Shotts) (SNP)
Paterson, Gil (Clydebank and Milngavie) (SNP)
Robertson, Dennis (Aberdeenshire West) (SNP)
Robison, Shona (Dundee City East) (SNP)
Russell, Michael (Argyll and Bute) (SNP)
Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
Stewart, Kevin (Aberdeen Central) (SNP)
Sturgeon, Nicola (Glasgow Southside) (SNP)
Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
Torrance, David (Kirkcaldy) (SNP)
Urquhart, Jean (Highlands and Islands) (Ind)
Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
Wheelhouse, Paul (South Scotland) (SNP)
White, Sandra (Glasgow Kelvin) (SNP)
Wilson, John (Central Scotland) (SNP)

Against

Baillie, Jackie (Dumbarton) (Lab)
Baker, Claire (Mid Scotland and Fife) (Lab)
Baker, Richard (North East Scotland) (Lab)
Beamish, Claudia (South Scotland) (Lab)
Bibby, Neil (West Scotland) (Lab)
Boyack, Sarah (Lothian) (Lab)
Brown, Gavin (Lothian) (Con)
Carlaw, Jackson (West Scotland) (Con)
Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
Davidson, Ruth (Glasgow) (Con)
Dugdale, Kezia (Lothian) (Lab)
Eadie, Helen (Cowdenbeath) (Lab)
Eadie, Jim (Edinburgh Southern) (SNP)
Fee, Mary (West Scotland) (Lab)
Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
Fergusson, Alex (Galloway and West Dumfries) (Con)
Findlay, Neil (Lothian) (Lab)
Goldie, Annabel (West Scotland) (Con)
Grant, Rhoda (Highlands and Islands) (Lab)
Gray, Iain (East Lothian) (Lab)
Griffin, Mark (Central Scotland) (Lab)
Harvie, Patrick (Glasgow) (Green)
Henry, Hugh (Renfrewshire South) (Lab)
Hume, Jim (South Scotland) (LD)
Johnstone, Alex (North East Scotland) (Con)
Johnstone, Alison (Lothian) (Green)
Kelly, James (Rutherglen) (Lab)
Lamont, Johann (Glasgow Pollok) (Lab)
Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
Macdonald, Lewis (North East Scotland) (Lab)
Macintosh, Ken (Eastwood) (Lab)
Malik, Hanzala (Glasgow) (Lab)
Marra, Jenny (North East Scotland) (Lab)
McArthur, Liam (Orkney Islands) (LD)
McCulloch, Margaret (Central Scotland) (Lab)
McDougall, Margaret (West Scotland) (Lab)
McGrigor, Jamie (Highlands and Islands) (Con)
McInnes, Alison (North East Scotland) (LD)
McMahon, Michael (Uddingston and Bellshill) (Lab)
McMahon, Siobhan (Central Scotland) (Lab)
McNeil, Duncan (Greenock and Inverclyde) (Lab)
McTaggart, Anne (Glasgow) (Lab)
Milne, Nanette (North East Scotland) (Con)
Mitchell, Margaret (Central Scotland) (Con)
Murray, Elaine (Dumfriesshire) (Lab)
Pearson, Graeme (South Scotland) (Lab)
Pentland, John (Motherwell and Wishaw) (Lab)
Rennie, Willie (Mid Scotland and Fife) (LD)
Scanlon, Mary (Highlands and Islands) (Con)
Scott, Tavish (Shetland Islands) (LD)
Smith, Drew (Glasgow) (Lab)
Smith, Liz (Mid Scotland and Fife) (Con)
Stewart, David (Highlands and Islands) (Lab)

The Deputy Presiding Officer: The result of the division is: For 60, Against 53, Abstentions 0.

Amendment 65 agreed to.

The Deputy Presiding Officer: The question is, that amendment 66 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Allard, Christian (North East Scotland) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Finnie, John (Highlands and Islands) (Ind)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)

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

Against

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Brown, Gavin (Lothian) (Con)
 Carlaw, Jackson (West Scotland) (Con)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Davidson, Ruth (Glasgow) (Con)
 Dugdale, Kezia (Lothian) (Lab)
 Eadie, Helen (Cowdenbeath) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 Findlay, Neil (Lothian) (Lab)
 Goldie, Annabel (West Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hume, Jim (South Scotland) (LD)
 Johnstone, Alex (North East Scotland) (Con)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Malik, Hanzala (Glasgow) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Drew (Glasgow) (Lab)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, David (Highlands and Islands) (Lab)

The Deputy Presiding Officer: The result of the division is: For 61, Against 53, Abstentions 0.

Amendment 66 agreed to.

Amendments 67 and 68 agreed to.

The Deputy Presiding Officer: The question is, that amendment 69 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Allard, Christian (North East Scotland) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dugdale, Kezia (Lothian) (Lab)
 Eadie, Helen (Cowdenbeath) (Lab)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Ind)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Keir, Colin (Edinburgh Western) (SNP)
 Kelly, James (Rutherglen) (Lab)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Malik, Hanzala (Glasgow) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McDougall, Margaret (West Scotland) (Lab)

McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McMillan, Stuart (West Scotland) (SNP)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Smith, Drew (Glasgow) (Lab)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, David (Highlands and Islands) (Lab)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Urquhart, Jean (Highlands and Islands) (Ind)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wilson, John (Central Scotland) (SNP)

Against

Brown, Gavin (Lothian) (Con)
 Carlaw, Jackson (West Scotland) (Con)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Davidson, Ruth (Glasgow) (Con)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 Goldie, Annabel (West Scotland) (Con)
 Harvie, Patrick (Glasgow) (Green)
 Hume, Jim (South Scotland) (LD)
 Johnstone, Alex (North East Scotland) (Con)
 Johnstone, Alison (Lothian) (Green)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 McArthur, Liam (Orkney Islands) (LD)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Liz (Mid Scotland and Fife) (Con)

The Deputy Presiding Officer: The result of the division is: For 92, Against 22, Abstentions 0.

Amendment 69 agreed to.

The Deputy Presiding Officer: The question is, that amendment 70 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Allard, Christian (North East Scotland) (SNP)

Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Finnie, John (Highlands and Islands) (Ind)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Urquhart, Jean (Highlands and Islands) (Ind)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wilson, John (Central Scotland) (SNP)

Against

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Brown, Gavin (Lothian) (Con)
 Carlaw, Jackson (West Scotland) (Con)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)

Davidson, Ruth (Glasgow) (Con)
 Dugdale, Kezia (Lothian) (Lab)
 Eadie, Helen (Cowdenbeath) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 Findlay, Neil (Lothian) (Lab)
 Goldie, Annabel (West Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hume, Jim (South Scotland) (LD)
 Johnstone, Alex (North East Scotland) (Con)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Malik, Hanzala (Glasgow) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McGregor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Drew (Glasgow) (Lab)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, David (Highlands and Islands) (Lab)

The Deputy Presiding Officer: The result of the division is: For 61, Against 53, Abstentions 0.

Amendment 70 agreed to.

The Deputy Presiding Officer: Group 10 is on collective bargaining. Amendment 1, in the name of Neil Findlay, is grouped with amendments 79 and 2.

Neil Findlay: We have heard for some time from the cabinet secretary that he is committed to collective bargaining in the college sector and that he desperately wants it to be reintroduced but, unfortunately, there is no mention of it in the bill. With that in mind, we moved amendments on the issue at stage 2 and we again seek to introduce them into the bill today. Amendments 1 and 2 aim to put references to collective bargaining in the bill and ensure that the Scottish Government lives up to and fulfils previous commitments.

Let us make it absolutely clear that Scottish Labour has successfully forced the issue on to the agenda. We have successfully brought the issue

into the bill but, rather than accepting our sensible amendments, the cabinet secretary acts in the same manner in which he has acted throughout the passage of the bill, by taking our proposals, creating his own amendment and introducing it at this very late stage in an attempt to claim the credit. It is the same cynical approach that he has taken to so many sections of the bill.

We will, of course, support amendment 79, and I hope that the cabinet secretary will, in his usual gracious manner, recognise the work—*[Interruption.]* I hope that he will recognise the work that we have put in on this important issue and support amendments 1 and 2.

I move amendment 1.

16:45

Michael Russell: I am absolutely committed to a system of national bargaining for terms and conditions in colleges. I raised the issue well before Mr Findlay was in the chamber, and I have done the—*[Interruption.]* Members should wait a moment, Presiding Officer. I hope that they will find it interesting to hear from me about the discussions that I have had with Mr Findlay on the matter. I now feel quite at liberty to divulge that information, given that we have just heard what I must say was a misrepresentation of the situation.

I have backed such a system for some considerable time. I have worked with the regional leads and the trade unions, and we now have a framework in place.

Amendments 1 and 2 are exactly the same amendments that were lodged at stage 2. Before stage 2, I asked to meet the Opposition spokespeople from all the parties. Mr Findlay came to that meeting, and it was not lengthy, but I asked him twice, “Are there any amendments that you would like to lodge? Is there anything that I can do to try to bridge the gaps that exist?” The matter that we are now discussing was never mentioned by Mr Findlay—not once.

Members: Oh!

Michael Russell: There we are. He may just have been forgetful at that stage.

When the amendments were lodged at stage 2, I explained to Mr Findlay very positively that I supported what we were both trying to do, and that I would be happy to work with him to lodge amendments that would actually work, as opposed to amendments 1 and 2, which would not work. In fact, if someone wanted national pay bargaining, those are the amendments that they would not lodge, but that is okay: everybody makes mistakes.

I said—*[Interruption.]* Yes, everybody makes mistakes—and members are about to hear about another one from Mr Findlay.

I said to Mr Findlay, “Come back and have a conversation with me about how we put this in the bill.” We had our second meeting. The first meeting was nine minutes long; the second was seven minutes long. At the second meeting, Mr Findlay again wanted only to see the amendments that we were lodging. We shared those amendments, and amendment 79, which is before us now, achieves the aim and objective in question. However, Mr Findlay had already lodged the same two amendments. Was he going to withdraw them? No, he was not. What we have ended up with here is what we have always seen from Mr Findlay: he is the master of grandstanding on this.

Members: Oh!

Michael Russell: Yes.

Now, I am quite—*[Interruption.]* Gosh! It sounds as if a sea lion has got in here.

I am quite happy to share the credit for bringing forward the issue with any member in the chamber who wants to share it, because I hope that all members will accept that we should not back a balkanisation of pay and conditions in the college sector. It would have been of great credit to the Parliament if, instead of what we have heard from Mr Findlay, we had all said, “Yes, this is a good thing to do—let’s do it.” What we have heard from Mr Findlay has defined exactly his approach to the bill, which is regrettable. However, I am pleased that, despite those rather wasted 16 minutes of my life talking to him about it, we now have an amendment that we can agree on.

The Deputy Presiding Officer: I call on Clare Adamson to speak briefly, as we are now quite tight for time.

Clare Adamson: I speak in support of amendment 79, which, as the cabinet secretary has said, concerns a very important matter for the further education system. We must understand that the reason why we have lost collective bargaining in the system is the Tory-designed incorporation of the colleges. I fully support the cabinet secretary in his aim of addressing that problem.

Liam McArthur: Amendment 79, which will establish collective bargaining frameworks for college staff, has not come entirely out of left field, but that only raises the question why Mr Russell has sought to wait until stage 3 before showing his hand. I am sure that the committee as a whole would have welcomed the opportunity to take evidence on these provisions at stage 1, if nothing else to get a clearer understanding of the

implications for the different colleges throughout the country and their staff.

I appreciate that the intention is to set up a national advisory committee that will make recommendations, but I assume that the Scottish Government has done some modelling. On that basis, it would be helpful—even at this late stage—to get some idea of what this will mean for the college sector as a whole and across the regions.

Neil Findlay: I intend to press my amendments. If this was such a high principle of the cabinet secretary, he would have put it into the bill. He put nothing into the bill. He relied on us to bring the idea forward, such are his high principles. We introduced it at stage 2, and he knows that.

The cabinet secretary will know all about misleading Parliament, as we all know; we heard that last year.

Finally, the reason why the meetings were so short is that I felt very uncomfortable at the large portrait of the cabinet secretary staring at me in the room.

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

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Dugdale, Kezia (Lothian) (Lab)
 Eadie, Helen (Cowdenbeath) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Ind)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Henry, Hugh (Renfrewshire South) (Lab)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Malik, Hanzala (Glasgow) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)

Smith, Drew (Glasgow) (Lab)
 Stewart, David (Highlands and Islands) (Lab)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Allard, Christian (North East Scotland) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Gavin (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Carlaw, Jackson (West Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Davidson, Ruth (Glasgow) (Con)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Goldie, Annabel (West Scotland) (Con)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hume, Jim (South Scotland) (LD)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Johnstone, Alison (Lothian) (Green)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)

Russell, Michael (Argyll and Bute) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wilson, John (Central Scotland) (SNP)

The Deputy Presiding Officer: The result of the division is: For 35, Against 78, Abstentions 0.

Amendment 1 disagreed to.

The Deputy Presiding Officer: Moving swiftly on, we come to group 11, which is on colleges and regional boards: procedure and powers. Amendment 71, in the name of Liz Smith, is grouped with amendments 72 and 81 to 83.

Liz Smith: There has been a great deal of discussion of late, especially in the college sector, about the possible ramifications of the decision by the UK Office for National Statistics to reclassify institutions as public bodies. Under the status quo, colleges are private bodies and can therefore keep their private income, which is approximately £200 million, as reserves or as investment potential. The reclassification means that such private funding would be treated as public money, which could have major implications for how colleges work, including the independence test for their charitable status and how they work with other institutions such as businesses—John Henderson of Colleges Scotland raised that point earlier in the week.

Reclassification would further extend the Government's ability to control colleges, particularly in terms of their borrowing powers. That would be detrimental to the creative and innovative practices of colleges and their ability to be fully competitive. Those are the essential features of the college sector, which allow it to rank alongside rather than be the so-called inferior relative of universities.

Likewise, there is further concern that reclassification might impact on some of the mergers that are in progress, since some of them will rely on the release of reserves that have been built up over several years and might also depend on colleges' ability to generate additional commercial income. In turn, that has clear implications for the competitive advantage of Scotland's colleges.

South of the border, the Government has relaxed controls on governance and borrowing, but we in Scotland seem to be moving in the opposite direction. Amendment 71 would give

colleges the power to borrow money to help them to exercise their functions by allowing the regional board to grant such security and indemnity as it sees fit. Amendment 72 would remove the provisions that forbid the actions that I have just outlined. Amendments 81 to 83 would give all other college boards the same powers by amending the 1992 act.

I move amendment 71.

Liam McArthur: We turn to an issue of where power and responsibility should sit between colleges on the one hand and ministers on the other. In many senses, that goes to the heart of the difficulties that I have with the bill, notwithstanding the progress that has been made in a number of areas since stage 2. This is not just a principled objection to the meddling approach that the minister is pursuing; it is borne of legitimate concerns about the consequences for our colleges.

As the ONS has consistently made clear since 2010, the risk is that our colleges are reclassified as public bodies, given the level of ministerial control and intervention. The implications of that for college reserves, income and borrowing powers are serious. Moreover, it is difficult to see what, if any, incentive there would be for our colleges to continue tendering for contracts.

However, it appears that, since being warned of that threat back in 2010, Mr Russell has done little to avert the danger; he has been content to introduce a bill that almost certainly makes the situation more clear cut in terms of ONS definitions. In the absence of any obvious action by the cabinet secretary, Liz Smith's amendments in the group at least attempt to pick up on the threat.

Removing the need for ministerial approval for the disposal of land and property would allow a degree more discretion for colleges and their boards while providing a little more of the arm's-length relationship that the ONS insists is required to avoid reclassification. On that basis, I encourage the Government to support the amendments, though I do so more in hope than in expectation.

Michael Russell: As I said at education questions earlier, there is a way in which Mr McArthur and Liz Smith could help to influence the matter immediately. They should speak to their colleagues in Westminster and call off the dogs from the UK Treasury, which is involved in an unwelcome set of actions of reclassification.

There is huge inconsistency in the UK Government's approach. The UK Government is backing actions south of the border that include the imposition of a sort of commissar for further education who would intervene in what are called

failing colleges. [*Interruption.*] Labour no doubt supports that because it supports almost everything that the Tories and Liberals do. A moment's rationality would make Labour think that, if that is direct intervention in the college sector south of the border, it is a type of intervention that should demand reclassification of colleges in England similar to the reclassification that we and, I have to say, Wales are suffering.

We will not allow education policy to be driven in that way from outside Scotland, either by accounting practice or by hostility from the UK Government, so we are taking a number of actions to assist colleges. I would like to ensure that the bill did the same, but it is impossible to do that, because the classification issue is reserved to Westminster. Liz Smith's amendments would not nullify the ONS's classification of colleges or mitigate the effects. I would like to think that it was possible to do that, but it is not possible. Unfortunately, Liz Smith is wrong or misled on the matter.

Amendments 71, 72 and 81 to 83 would mean that regional boards and incorporated college boards could borrow money without legal constraint—just think about that. They could also grant securities and give guarantees or indemnities as they saw fit. No matter what members think of them, regional boards and incorporated college boards are public bodies. Given the percentage of public funding that colleges receive, controls are not only appropriate but essential. College assets have been built up largely as a result of public investment. Colleges are public assets. It would be wholly inappropriate to have colleges' finances managed in the proposed way. As the amendments would not nullify the ONS classification, they are ineffective and irresponsible.

Other aspects of the nature of the relationship between colleges and the Government in Scotland mean that reclassification would continue to apply. The relationship between the Government and colleges is founded on strong partnerships. It has associated governance arrangements, which we are strengthening in the bill in order to improve democratic accountability. We should remember that that was a key element of the thinking behind the bill. Democratic accountability was vastly diminished by what took place in 1992 and 1993.

We cannot work our way around ONS reclassification in the proposed way. In my view, ONS reclassification is politically driven and we need to recognise that and do as much practically on the ground as we can. That is what we will try to do. The amendments would not do that and would lead us down some very dangerous paths.

Liz Smith: It is extraordinary that the cabinet secretary says that we are being irresponsible,

when the situation in Scotland is one of reversing the autonomy of colleges. The colleges are very clear about the danger of the situation. In fact, a substantial amount of money comes from private funding. There are extraordinary dangers in completely reclassifying colleges as public bodies. That is why I will press my amendments.

17:00

The Deputy Presiding Officer: The question is, that amendment 71 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Brown, Gavin (Lothian) (Con)
 Carlaw, Jackson (West Scotland) (Con)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Davidson, Ruth (Glasgow) (Con)
 Dugdale, Kezia (Lothian) (Lab)
 Eadie, Helen (Cowdenbeath) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 Findlay, Neil (Lothian) (Lab)
 Goldie, Annabel (West Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hume, Jim (South Scotland) (LD)
 Johnstone, Alex (North East Scotland) (Con)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Malik, Hanzala (Glasgow) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Drew (Glasgow) (Lab)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, David (Highlands and Islands) (Lab)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Allard, Christian (North East Scotland) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Finnie, John (Highlands and Islands) (Ind)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Urquhart, Jean (Highlands and Islands) (Ind)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wilson, John (Central Scotland) (SNP)

Abstentions

Harvie, Patrick (Glasgow) (Green)
 Johnstone, Alison (Lothian) (Green)

The Deputy Presiding Officer: The result of the division is: For 51, Against 61, Abstentions 2.

Amendment 71 disagreed to.

Amendment 72 moved—[Liz Smith].

The Deputy Presiding Officer: The question is, that amendment 72 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Brown, Gavin (Lothian) (Con)
 Carlaw, Jackson (West Scotland) (Con)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Davidson, Ruth (Glasgow) (Con)
 Dugdale, Kezia (Lothian) (Lab)
 Eadie, Helen (Cowdenbeath) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 Findlay, Neil (Lothian) (Lab)
 Goldie, Annabel (West Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hume, Jim (South Scotland) (LD)
 Johnstone, Alex (North East Scotland) (Con)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Malik, Hanzala (Glasgow) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Drew (Glasgow) (Lab)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, David (Highlands and Islands) (Lab)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Allard, Christian (North East Scotland) (SNP)

Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Finnie, John (Highlands and Islands) (Ind)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Urquhart, Jean (Highlands and Islands) (Ind)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wilson, John (Central Scotland) (SNP)

Abstentions

Harvie, Patrick (Glasgow) (Green)
 Johnstone, Alison (Lothian) (Green)

The Deputy Presiding Officer: The result of the division is: For 51, Against 61, Abstentions 2.

Amendment 72 disagreed to.

Section 12—Regional boards: mismanagement

Amendment 73 moved—[Liz Smith].

The Deputy Presiding Officer: The question is, that amendment 73 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Brown, Gavin (Lothian) (Con)
 Carlaw, Jackson (West Scotland) (Con)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Davidson, Ruth (Glasgow) (Con)
 Dugdale, Kezia (Lothian) (Lab)
 Eadie, Helen (Cowdenbeath) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Goldie, Annabel (West Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hume, Jim (South Scotland) (LD)
 Johnstone, Alex (North East Scotland) (Con)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Malik, Hanzala (Glasgow) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pearson, Graeme (South Scotland) (Lab)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Drew (Glasgow) (Lab)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, David (Highlands and Islands) (Lab)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Allard, Christian (North East Scotland) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)

Biagi, Marco (Edinburgh Central) (SNP)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 Finnie, John (Highlands and Islands) (Ind)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Urquhart, Jean (Highlands and Islands) (Ind)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wilson, John (Central Scotland) (SNP)

The Deputy Presiding Officer: The result of the division is: For 51, Against 60, Abstentions 0.

Amendment 73 disagreed to.

Amendment 74 moved—[Liz Smith].

The Deputy Presiding Officer: The question is, that amendment 74 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Brown, Gavin (Lothian) (Con)
 Carlaw, Jackson (West Scotland) (Con)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Davidson, Ruth (Glasgow) (Con)
 Dugdale, Kezia (Lothian) (Lab)
 Eadie, Helen (Cowdenbeath) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 Findlay, Neil (Lothian) (Lab)
 Goldie, Annabel (West Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hume, Jim (South Scotland) (LD)
 Johnstone, Alex (North East Scotland) (Con)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Malik, Hanzala (Glasgow) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Drew (Glasgow) (Lab)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, David (Highlands and Islands) (Lab)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Allard, Christian (North East Scotland) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)

Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Finnie, John (Highlands and Islands) (Ind)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Urquhart, Jean (Highlands and Islands) (Ind)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wilson, John (Central Scotland) (SNP)

The Deputy Presiding Officer: The result of the division is: For 53, Against 61, Abstentions 0.

Amendment 74 disagreed to.

Amendment 75 moved—[Liz Smith]—and agreed to.

Section 13A—Further education institutions: good governance

Amendment 76 moved—[Neil Findlay].

The Deputy Presiding Officer: The question is, that amendment 76 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Dugdale, Kezia (Lothian) (Lab)
 Eadie, Helen (Cowdenbeath) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Renfrewshire South) (Lab)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Malik, Hanzala (Glasgow) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Smith, Drew (Glasgow) (Lab)
 Stewart, David (Highlands and Islands) (Lab)

Against

Adam, George (Paisley) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Allard, Christian (North East Scotland) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Gavin (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Carlaw, Jackson (West Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Davidson, Ruth (Glasgow) (Con)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Goldie, Annabel (West Scotland) (Con)
 Grahame, Christine (Midlothian South, Tweeddale and

Lauderdale) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hume, Jim (South Scotland) (LD)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wilson, John (Central Scotland) (SNP)

The Deputy Presiding Officer: The result of the division is: For 35, Against 75, Abstentions 0.

Amendment 76 disagreed to.

After section 13A

Amendment 4 moved—[Jenny Marra].

The Deputy Presiding Officer: The question is, that amendment 4 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)

Boyack, Sarah (Lothian) (Lab)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Dugdale, Kezia (Lothian) (Lab)
 Eadie, Helen (Cowdenbeath) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hume, Jim (South Scotland) (LD)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Malik, Hanzala (Glasgow) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Drew (Glasgow) (Lab)
 Stewart, David (Highlands and Islands) (Lab)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Allard, Christian (North East Scotland) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Gavin (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Carlaw, Jackson (West Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Davidson, Ruth (Glasgow) (Con)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 Finnie, John (Highlands and Islands) (Ind)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Goldie, Annabel (West Scotland) (Con)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)

Hyslop, Fiona (Linlithgow) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Urquhart, Jean (Highlands and Islands) (Ind)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wilson, John (Central Scotland) (SNP)

The Deputy Presiding Officer: The result of the division is: For 40, Against 73, Abstentions 0.

Amendment 4 disagreed to.

Amendments 77 and 78 moved—[Marco Biagi]—and agreed to.

After section 14

Amendment 79 moved—[Michael Russell].

The Deputy Presiding Officer: The question is, that amendment 79 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Allard, Christian (North East Scotland) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)

Biagi, Marco (Edinburgh Central) (SNP)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dugdale, Kezia (Lothian) (Lab)
 Eadie, Helen (Cowdenbeath) (Lab)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Ind)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hume, Jim (South Scotland) (LD)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnstone, Alison (Lothian) (Green)
 Keir, Colin (Edinburgh Western) (SNP)
 Kelly, James (Rutherglen) (Lab)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Malik, Hanzala (Glasgow) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McDougall, Margaret (West Scotland) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMahan, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McMillan, Stuart (West Scotland) (SNP)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)

McTaggart, Anne (Glasgow) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Drew (Glasgow) (Lab)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, David (Highlands and Islands) (Lab)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Urquhart, Jean (Highlands and Islands) (Ind)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wilson, John (Central Scotland) (SNP)

Against

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

The Deputy Presiding Officer: The result of the division is: For 101, Against 12, Abstentions 0.

Amendment 79 agreed to.

Amendment 80 moved—[Clare Adamson]—and agreed to.

Schedule—Modification of enactments

Amendment 81 moved—[Liz Smith].

The Deputy Presiding Officer: The question is, that amendment 81 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Brown, Gavin (Lothian) (Con)
 Carlaw, Jackson (West Scotland) (Con)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Davidson, Ruth (Glasgow) (Con)
 Dugdale, Kezia (Lothian) (Lab)
 Eadie, Helen (Cowdenbeath) (Lab)
 Fee, Mary (West Scotland) (Lab)

Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 Findlay, Neil (Lothian) (Lab)
 Goldie, Annabel (West Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hume, Jim (South Scotland) (LD)
 Johnstone, Alex (North East Scotland) (Con)
 Kelly, James (Rutherglen) (Lab)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Malik, Hanzala (Glasgow) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Drew (Glasgow) (Lab)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, David (Highlands and Islands) (Lab)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Allard, Christian (North East Scotland) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Finnie, John (Highlands and Islands) (Ind)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lyle, Richard (Central Scotland) (SNP)

MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Urquhart, Jean (Highlands and Islands) (Ind)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wilson, John (Central Scotland) (SNP)

Abstentions

Harvie, Patrick (Glasgow) (Green)
 Johnstone, Alison (Lothian) (Green)

The Deputy Presiding Officer: The result of the division is: For 50, Against 60, Abstentions 2.

Amendment 81 disagreed to.

Amendments 82 and 83 not moved.

The Deputy Presiding Officer: We move to group 12. As we have exceeded the agreed time limit, under rule 9.8.4A, I consider it necessary to allow the debate on group 12 to continue beyond the limit to allow those with a right to speak on the amendments in the group to do so. The cabinet secretary may, of course, accept interventions if he is prepared to do so.

Group 12 comprises minor and consequential amendments. Amendment 84, in the name of the cabinet secretary, is grouped with amendments 92, 93, 116 to 118, 94 and 98.

Michael Russell: I would like to emulate Liz Smith and make people feel better, so I will be brief.

Amendment 84 changes the procedure in relation to an existing order-making power in section 12 of the Further and Higher Education (Scotland) Act 1992 that allows the powers of college boards of management to be modified. The change from the negative procedure to the affirmative procedure provides consistency with the changes that were made at stage 2 in response to concerns that were raised by the

Subordinate Legislation Committee. It provides additional parliamentary scrutiny.

Amendment 92 ensures that the Education Act 1994 continues to apply to incorporated colleges.

The principal effect of amendment 93 is to add two new criteria to the fundable body list. First, it ensures that colleges and universities seek to ensure that there is a students association. That is a big step forward for colleges and I am glad that it is happening. Given the way in which the bill has been framed, the requirement will also apply to assigned colleges and learning providers that are directly funded by the funding council. Under the reform process, benefit for all learners should be at the heart of everything that we do. Autonomous, sustainable and appropriately funded student associations will help us to achieve that.

The second criteria in relation to fundable bodies addresses the constitutional arrangements for the type of regional strategic body that is also a university or college that is eligible for funding. Many individuals and groups have expressed serious concerns about safeguarding the nature of the UHI's delivery of FE arrangements in its region. I pay tribute to Dr Michael Foxley and his working group, which made a series of important recommendations in that regard.

As I confirmed to Mr MacArthur, amendment 93 adds to the fundable body criteria for certain learning providers that are eligible to receive funding from the funding council. In practical terms, it means that the funding council will need to be satisfied that the UHI is delivering the arrangements in the manner agreed to by the UHI working group and articulated in its report. The UHI is an important issue for most people and I hope that that will be welcomed by the Parliament.

Amendment 94 amends section 9(4) of the Further and Higher Education (Scotland) Act 2005. It is technical in nature and I will not go into it any further.

Amendment 98 requires the funding council to inform regional colleges and regional strategic bodies of the socioeconomic groups, skills needs and economic, social and cultural issues that it has identified in Scotland that are relevant to them in discharging their duties.

Amendments 116 to 118 clarify ministers' powers in new section 7D of the 2005 act as they extend to incorporated colleges.

I move amendment 84.

Amendment 84 agreed to.

Amendments 85 to 88 moved—[Michael Russell].

The Deputy Presiding Officer: The question is, that amendments 85 to 88 be agreed to. Are we agreed?

Alex Fergusson (Galloway and West Dumfries) (Con): On a point of order, Presiding Officer. Should the Parliament not be asked whether it agrees that a single question be put on the amendments?

The Deputy Presiding Officer: Yes, you are absolutely right. Does any member object to a single question being put on amendments 85 to 88?

Members: Yes.

The Deputy Presiding Officer: We will therefore take the amendments individually.

The question is, that amendment 85 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Allard, Christian (North East Scotland) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Finnie, John (Highlands and Islands) (Ind)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnstone, Alison (Lothian) (Green)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)

Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Urquhart, Jean (Highlands and Islands) (Ind)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wilson, John (Central Scotland) (SNP)

Against

Brown, Gavin (Lothian) (Con)
 Carlaw, Jackson (West Scotland) (Con)
 Davidson, Ruth (Glasgow) (Con)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 Goldie, Annabel (West Scotland) (Con)
 Hume, Jim (South Scotland) (LD)
 Johnstone, Alex (North East Scotland) (Con)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 McArthur, Liam (Orkney Islands) (LD)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Murray, Elaine (Dumfriesshire) (Lab)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)

Abstentions

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Dugdale, Kezia (Lothian) (Lab)
 Eadie, Helen (Cowdenbeath) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Henry, Hugh (Renfrewshire South) (Lab)
 Kelly, James (Rutherglen) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Malik, Hanzala (Glasgow) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)

McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Smith, Drew (Glasgow) (Lab)
 Stewart, David (Highlands and Islands) (Lab)

The Deputy Presiding Officer: The result of the division is: For 63, Against 17, Abstentions 32.

Amendment 85 agreed to.

Amendments 86 to 88 agreed to.

Amendment 115 moved—[Neil Bibby].

The Deputy Presiding Officer: The question is, that amendment 115 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Brown, Gavin (Lothian) (Con)
 Carlaw, Jackson (West Scotland) (Con)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Davidson, Ruth (Glasgow) (Con)
 Dugdale, Kezia (Lothian) (Lab)
 Eadie, Helen (Cowdenbeath) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Ind)
 Goldie, Annabel (West Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hume, Jim (South Scotland) (LD)
 Johnstone, Alex (North East Scotland) (Con)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Rutherglen) (Lab)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Malik, Hanzala (Glasgow) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)

Rennie, Willie (Mid Scotland and Fife) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Smith, Drew (Glasgow) (Lab)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, David (Highlands and Islands) (Lab)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Allard, Christian (North East Scotland) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Urquhart, Jean (Highlands and Islands) (Ind)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wilson, John (Central Scotland) (SNP)

The Deputy Presiding Officer: The result of the division is: For 52, Against 60, Abstentions 0.

Amendment 115 disagreed to.

Amendments 89 to 91 moved—[Michael Russell].

The Deputy Presiding Officer: The question is, that amendment 89 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Allard, Christian (North East Scotland) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Finnie, John (Highlands and Islands) (Ind)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnstone, Alison (Lothian) (Green)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)

Russell, Michael (Argyll and Bute) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Urquhart, Jean (Highlands and Islands) (Ind)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wilson, John (Central Scotland) (SNP)

Against

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Brown, Gavin (Lothian) (Con)
 Carlaw, Jackson (West Scotland) (Con)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Davidson, Ruth (Glasgow) (Con)
 Dugdale, Kezia (Lothian) (Lab)
 Eadie, Helen (Cowdenbeath) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 Findlay, Neil (Lothian) (Lab)
 Goldie, Annabel (West Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hume, Jim (South Scotland) (LD)
 Johnstone, Alex (North East Scotland) (Con)
 Kelly, James (Rutherglen) (Lab)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Malik, Hanzala (Glasgow) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pearson, Graeme (South Scotland) (Lab)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Smith, Drew (Glasgow) (Lab)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, David (Highlands and Islands) (Lab)

The Deputy Presiding Officer: The result of the division is: For 63, Against 48, Abstentions 0.

Amendment 89 agreed to.

The Deputy Presiding Officer: The question is, that amendment 90 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Allard, Christian (North East Scotland) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnstone, Alison (Lothian) (Green)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Urquhart, Jean (Highlands and Islands) (Ind)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wilson, John (Central Scotland) (SNP)

Against

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Brown, Gavin (Lothian) (Con)
 Carlaw, Jackson (West Scotland) (Con)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Davidson, Ruth (Glasgow) (Con)
 Dugdale, Kezia (Lothian) (Lab)
 Eadie, Helen (Cowdenbeath) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 Findlay, Neil (Lothian) (Lab)
 Goldie, Annabel (West Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hume, Jim (South Scotland) (LD)
 Johnstone, Alex (North East Scotland) (Con)
 Kelly, James (Rutherglen) (Lab)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Malik, Hanzala (Glasgow) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McGregor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Smith, Drew (Glasgow) (Lab)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, David (Highlands and Islands) (Lab)

The Deputy Presiding Officer: The result of the division is: For 62, Against 49, Abstentions 0.

Amendment 90 agreed to.

The Deputy Presiding Officer: The question is, that amendment 91 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Allard, Christian (North East Scotland) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Brodie, Chic (South Scotland) (SNP)

Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Finnie, John (Highlands and Islands) (Ind)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnstone, Alison (Lothian) (Green)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Urquhart, Jean (Highlands and Islands) (Ind)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wilson, John (Central Scotland) (SNP)

Against

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Brown, Gavin (Lothian) (Con)
 Carlaw, Jackson (West Scotland) (Con)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Davidson, Ruth (Glasgow) (Con)

Dugdale, Kezia (Lothian) (Lab)
 Eadie, Helen (Cowdenbeath) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 Findlay, Neil (Lothian) (Lab)
 Goldie, Annabel (West Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hume, Jim (South Scotland) (LD)
 Johnstone, Alex (North East Scotland) (Con)
 Kelly, James (Rutherglen) (Lab)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Malik, Hanzala (Glasgow) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Smith, Drew (Glasgow) (Lab)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, David (Highlands and Islands) (Lab)

The Deputy Presiding Officer: The result of the division is: For 63, Against 48, Abstentions 0.

Amendment 91 agreed to.

Amendment 2 moved—[Neil Findlay].

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

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Dugdale, Kezia (Lothian) (Lab)
 Eadie, Helen (Cowdenbeath) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Ind)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Henry, Hugh (Renfrewshire South) (Lab)
 Kelly, James (Rutherglen) (Lab)

Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Malik, Hanzala (Glasgow) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pearson, Graeme (South Scotland) (Lab)
 Stewart, David (Highlands and Islands) (Lab)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Allard, Christian (North East Scotland) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Gavin (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Carlaw, Jackson (West Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Davidson, Ruth (Glasgow) (Con)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Goldie, Annabel (West Scotland) (Con)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hume, Jim (South Scotland) (LD)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Johnstone, Alison (Lothian) (Green)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)

McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Smith, Drew (Glasgow) (Lab)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Urquhart, Jean (Highlands and Islands) (Ind)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wilson, John (Central Scotland) (SNP)

The Deputy Presiding Officer: The result of the division is: For 32, Against 79, Abstentions 0.

Amendment 2 disagreed to.

Amendments 92, 93, 116 to 118, 94 to 98, 119, 120 and 99 moved—[Michael Russell].

The Deputy Presiding Officer: Does any member object to a single question being put on the amendments?

Members: Yes.

The Deputy Presiding Officer: We will go through the amendments individually.

Amendments 92, 93, 116 to 118, 94 to 98, 119 and 120 agreed to.

The Deputy Presiding Officer: The question is, that amendment 99 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Allard, Christian (North East Scotland) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)

Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Finnie, John (Highlands and Islands) (Ind)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnstone, Alison (Lothian) (Green)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wilson, John (Central Scotland) (SNP)

Against

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Brown, Gavin (Lothian) (Con)
 Carlaw, Jackson (West Scotland) (Con)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Davidson, Ruth (Glasgow) (Con)
 Dugdale, Kezia (Lothian) (Lab)
 Eadie, Helen (Cowdenbeath) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Fergusson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 Findlay, Neil (Lothian) (Lab)
 Goldie, Annabel (West Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hume, Jim (South Scotland) (LD)

Johnstone, Alex (North East Scotland) (Con)
 Kelly, James (Rutherglen) (Lab)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 Malik, Hanzala (Glasgow) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Smith, Drew (Glasgow) (Lab)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, David (Highlands and Islands) (Lab)

The Deputy Presiding Officer: The result of the division is: For 60, Against 49, Abstentions 0.

Amendment 99 agreed to.

The Deputy Presiding Officer: That ends consideration of amendments. Thank you all.

Post-16 Education (Scotland) Bill: Stage 3

The Deputy Presiding Officer (John Scott):

The next item of business is a debate on motion S4M-07108, in the name of Michael Russell, on the Post-16 Education (Scotland) Bill.

17:25

The Cabinet Secretary for Education and Lifelong Learning (Michael Russell): Today is a good day for learners in Scotland: we have given final consideration to a bill that shows what can be achieved when the Government, the Parliament and stakeholders work together for the benefit of Scotland.

I said during the stage 1 debate that my hope was that the final iteration of the bill would be a product of partnership. I am delighted to say that that is exactly what it has turned out to be.

I thank the members of the Education and Culture Committee for their thorough consideration of the bill. In particular, I thank Stewart Maxwell for his professional and fair-minded approach in chairing its proceedings. I thank the Subordinate Legislation Committee and the Finance Committee for their valuable contributions to scrutiny of the bill, and I thank my officials and the officials of the many organisations that have worked closely with us to improve the bill at each stage.

The depth and quality of positive engagement and constructive debate between the Government and stakeholders has been excellent. That has resulted in a stronger bill that is supported by staff and students, and by colleges and universities.

It is a bill that has scope and ambition; it was never going to be possible for everyone to agree on everything. Stakeholders have argued passionately and persuasively—but usually pragmatically—for the amendments that they believed would improve the bill. Despite some distractions, this has been what I would call a mature and enlightened approach to developing legislation, and I commend all those who have contributed to it.

There have been important changes to the bill, which have improved what I believe was already a good bill. The amendments are indicative of this Government's determination to listen, its commitment to working in partnership and its focus on producing high-quality legislation. We listened when the university sector told us that the term "management" in the governance provisions represented an unintentional threat—it came from another piece of legislation—to institutional autonomy. We listened when the college sector told us that assigned colleges needed larger

boards, and we listened when staff and students told us that they should be consulted on development of the widening access agreements.

We have accepted amendments from across the chamber. We have listened because we are a Government that forms its policies—whenever we can—on the basis of consensus and agreement on what will provide the best outcome, which on this occasion is the best outcome for learners in Scotland. We listened because we understand where the knowledge and expertise on Scottish education lies. It lies in the sector, in the staff and the students who have made our post-16 education system a good system that can be better.

The fruits of our partnership are clear in the amended bill, which will be voted on shortly. It tackles head on the problem of underrepresentation of people from our deprived communities who, for too many generations, have lacked the opportunities but not the talent or the ambition to succeed.

The Victorian Liberal politician and rector of the University of Aberdeen, Mounstuart Grant Duff, once said:

"There is no investment of national energy that so quickly brings fame to a nation, as energy invested in acquiring knowledge."

However, for decades—perhaps even for centuries—widening access to higher education has been something that we aspire to; something that we would like to achieve some day. That day is dawning because the bill establishes widening access as one of the core matters to which the Scottish Further and Higher Education Funding Council must have regard in exercising its functions. It enshrines widening access agreements in primary legislation and it enables ministers to drive widening access forward by identifying—in consultation—the priority groups on which the efforts of institutions must focus.

The bill also makes substantial improvements to the governance of both the college and university sectors, delivering appropriate levels of assurance for the substantial investment that the state makes of about £1.6 billion every year.

In the college sector, the bill will ensure that statutory regional chairs are appointed through the public appointments process, which ends the reign of self-appointed and, sometimes, self-perpetuating boards, thereby dramatically improving governance and accountability. It also makes provision for the governing bodies of colleges and universities to have explicit regard to equalities duties in appointing new governors, which makes clear the Government's desire that the concern about lack of diversity on governing bodies be addressed. We could do more with the

full powers of a normal Parliament—and that will come.

The bill will pave the way for the re-introduction of national pay bargaining in the college sector, which is an important step towards ending what I have called the balkanisation of pay and conditions that was set in train by Michael Forsyth in the early 1990s. It protects the rest of the United Kingdom's students from ever having to pay more for a Scottish education than they can access in fee support from their own Administrations. They would have been better served had that monetisation of higher education never started south of the border.

The bill contains innovative provisions that will allow Skills Development Scotland to share and receive information in more structured ways, which will be critical to helping young people who are at risk of dropping out of education, and it establishes the legal structures that are necessary for the proper operation of a regional college system, with all the acknowledged benefits that that will deliver. It does not tinker around the edges or skirt round the issues. It will deliver real reform for the benefit of learners and of Scotland as an essential part of a wider reform programme.

It is important to reflect on the remarkable progress that has been made since the publication of "Putting Learners at the Centre" in September 2011—just 21 months ago. That paper set out our ambitious plans to reform the college sector, to maximise its potential and to ensure that it delivers the best possible outcomes for learners and makes the best possible contribution to the Scottish economy. At the heart of the paper lay the belief that colleges of scale, distinction and influence—educational powerhouses that could transform learning opportunities for learners in their regions—are the best way to remove unnecessary competition and wasteful duplication, and thereby to allow a stronger focus on delivering better outcomes.

In those 21 months, college leaders have seized on the opportunities that the reform programme presents by setting in train an unprecedented programme of no less than 10 college mergers. Once those structural changes are complete, we will reap the full benefits of reform. We look forward to more strategic planning of provision, with a sharper focus on the needs of employers, which will simultaneously improve the life chances of learners and generate the skills that are necessary to drive forward our economy.

Regionalisation will maximise the impact of colleges and will ensure that provision always leads somewhere positive, whether that be to higher learning or to employment. It will help to create closer links between schools, colleges and universities, and will result in better-quality

provision through the emergence of innovative centres of excellence in specific curriculum areas. Underpinning all that are the outcome agreements, which for the first time are making crystal clear the relationship between public funding and what institutions are expected to deliver.

The reform process also applies to the university sector. Our universities are already among the best in the world, so there is no need for a revolution, but improvement is always possible. The bill will widen access and increase accountability. The outcome agreements will provide absolute clarity on the arrangement that exists between the state and the universities, which can only help both sides.

We have no intention of moving away from our commitment to free education, and we have removed tuition fees for about 125,000 students. We have backed those students to succeed with by far the best student support package that is available anywhere in the United Kingdom. In this academic year, we have invested a further £10 million to create an additional 2,089 funded places. Those places are targeted at recruitment and retention of students from Scotland's most deprived communities. They will increase articulation from college to university and boost skills for growth. Additional places are being provided in key sectors that are likely to have the greatest impact.

Our post-16 reforms will ensure that Scotland is truly a nation where there is opportunity for all. I urge members across the chamber to put aside the differences that have divided us during the bill's consideration and to consider the bill on its merits and on the basis of the benefits that it will deliver for people all over Scotland.

There are no political or practical reasons for opposing the bill. It will extend access to our poorest communities. To oppose the bill would be to oppose more accountable and representative governance, and to oppose a return to national pay bargaining in the college sector. Worst of all, to oppose the bill would be to oppose the efforts of the students, staff and institutions that have worked so hard to help create the bill in its present form. I urge Parliament to come together and to unify in backing the judgment of those who know Scottish education best, who are now backing the bill.

I move,

That the Parliament agrees that the Post-16 Education (Scotland) Bill be passed.

17:33

Neil Findlay (Lothian) (Lab): As a member of the Education and Culture Committee, I have been

involved in scrutinising the Post-16 Education (Scotland) Bill from the outset. I have observed its passage at close hand, as it has gone through each stage of the legislative process, and I have to say that it has not been a pretty sight.

I will be frank. As a relatively new member of this place, the bill is the first significant piece of proposed legislation that I have observed at all stages of its passage through Parliament. I expected policy making and the legislative process to be much, much better. I was led to believe that the committee system was one of the Parliament's great strengths. Turning ideas and policies into legislation and creating the laws of this land is the role of the committees and this chamber. As such, it is right that legislation must be properly scrutinised rather than rushed, and the rationale for introducing it must be made clear from the outset. On both those counts, the bill has failed miserably.

The reality is that this has been a shambolic botch job from the beginning. During the committee's evidence session with the bill team, it became clear that the team that was dealing with the detail of the bill was just as unsure of the bill's purpose and that detail as we were. I am not criticising those public servants, who were doing their jobs to the best of their ability, but am simply sympathising with their plight.

Then we had discussions with the stakeholders—the universities, the colleges, the trade unions, the students, the National Union of Students Scotland, the local authorities and the charities—almost all of whom had very serious concerns about the bill and its content. Such was the extent of our genuine concerns, which were shared with the other two Opposition parties on the committee, that we called for the bill to be withdrawn. At the time, I called the bill “a dog's breakfast”; on reflection, I want to withdraw that charge because I now realise that that was an unfair slight on the pet food industry. In any case, the bill should have been withdrawn and brought back in a more coherent and comprehensible state. That would have been the right and responsible thing to do. Our motivation was the production of good legislation and the avoidance of bad, but—true to fashion—the cabinet secretary blustered on regardless.

There has been some improvement during the bill's progress through the parliamentary system, although I have to say that that would not have been difficult. Had the cabinet secretary filled 42 pages with randomly selected words from the dictionary, we could have amended them into a more coherent piece of legislation with fewer amendments than we have witnessed to date. Let us be honest—it could not have been any worse. David Belsey of the Educational Institute of

Scotland exemplified the confusion very eloquently when he said about the new colleges structure:

“If it's the Government's wish to create a nationally incoherent FE structure with a myriad of different types of colleges, governing bodies and funding mechanisms with separate regulations for each, then this Bill is the way to go about it.”

That comment was about a structure that the cabinet secretary described as “simple”. It was so simple that the sections of the bill relating to colleges required more than 110 amendments to get the bill into the state that it is in today.

Of course, most of those amendments came from the cabinet secretary himself. With every dozen amendments that he lodged, the case for withdrawal became stronger and stronger. This is a bill that had the cabinet secretary almost pleading with the committee to come forward with amendments to bail him out—and come forward we did. We lodged amendments on college regionalisation, on equal opportunities, on trade union representation, on collective bargaining, on widening access further than the government proposes, and on many other areas. What happened? All 76 amendments that were lodged by the cabinet secretary and most of the Scottish National Party amendments were agreed to, but how many of the 48 stage 2 amendments that were lodged by Labour were accepted? Surprise, surprise! Not one was accepted, and neither were the vast majority of amendments from the other Opposition parties. So much for the great unifier—so much for cabinet secretary's commitment to working together to improve the bill. All the amendments that we lodged reflected the concerns of third-party groups and stakeholders, but all were voted down and rejected and the same thing has just happened during today's stage 3.

This is a bad bill. Much of what is in it could have been achieved without legislation. It centralises power in the cabinet secretary's hands—

Chic Brodie (South Scotland) (SNP): I have listened to all Neil Findlay's comments and complaints, but I think that the trade unions should understand his position on this matter. Is he actually going to vote against a bill that paves the way for national pay bargaining? If so, what has become of the Labour Party?

Neil Findlay: If we end up not voting for the bill, that does not mean that we are against everything in it. Mr Brodie's argument is nonsensical. We have argued our case constructively throughout the process, and the cabinet secretary has rejected it time and again. I will take no lectures from Chic Brodie or anyone else on this matter.

As I have said, it is a bad bill. Much of what is in it could have been achieved without legislation. It centralises power, compromises autonomy and accountability, confuses college governance, has limited ambition with regard to widening access and fails to challenge gender bias in our higher education governance.

The bill was hurried and badly thought out. It sought to cover the tracks of a disastrous colleges policy that was based on cuts to courses, jobs and places and was not aimed at improving opportunities for our young people. It is a fundamentally flawed bill with the stamp of the cabinet secretary all over it.

17:40

Liz Smith (Mid Scotland and Fife) (Con): I do not doubt for a minute that this is an important time in further and higher education—particularly given the significant challenges that our colleges and universities face—or that the Scottish Government has a duty to consider whether Government has a legislative role to play in assisting them with meeting those challenges.

That said, the scope of the bill should have been clear. The Scottish Government's intentions, the reasons behind the bill and—more important—the evidence for why it was necessary should have been clear. Parliamentarians should have been left in no doubt at all about what the bill was designed to do, and there ought to have been a very clear signal from colleges and universities that they were receptive to the proposed changes.

There ought also to have been a very clear message that the Scottish Government, the colleges and universities and the Scottish Further and Higher Education Funding Council were largely in agreement that the bill was capable of delivering the policies that will best deliver excellence in our institutions, maintain and increase their international reputation, and respond to the economic and social needs of local economies.

From day 1, none of that has been clear. Despite the Scottish Government's protestations that new legislation is essential, many people in the sector did not share that view; indeed, colleges and universities struggled to see the powerful evidence that would prove that case. What was it that they were not doing properly in respect of their current structures, that could not be achieved by outcome agreements or, fundamentally, that was holding back education?

I repeat what I said at stage 1. The Scottish Conservatives had some sympathy with the principles of the bill, especially the desire to widen access, but as time passed and after lengthy and tortuous committee examinations of a large

amount of evidence, we increasingly came to the view that the bill was both unnecessary and open to all kinds of unintended consequences that could be detrimental to both sectors.

Apart from the presentational problems that created the need for unnecessarily complex deliberations at stage 2, major policy issues are involved. I want to look at those issues in the context of the increasingly competitive international situation for our universities and the need for an increasingly diverse and competitive college sector that is best able to serve the needs of local economies.

The good governance that exists is not in doubt; I do not believe that it ever was. If there had been compelling evidence that there were serious examples of bad governance and that they were harming education and holding back our institutions, a case might have been made for legislation. The policy memorandum did not explain any problems, and Professor von Prondzynski was at pains to say that he thought that the existing structures were "largely excellent". That rather begged the question why the Scottish Government was so intent on such an unnecessary overhaul.

I fully respect the views of NUS Scotland and the University and College Union, and I looked carefully at the claims that they made, many of which were in the context of social justice, but I could find little in their arguments that suggested that the operations of our colleges and universities were, in fact, damaging education.

The focus on widening access should not be in our colleges and universities, although they are important; the fundamental focus should be in our schools, because if we were doing things a little bit better in them, we would not need to have any kind of positive discrimination in favour of any groups of students.

On autonomy in the sector, we should look around the world—it does not really matter where. The Organisation for Economic Co-operation and Development, the World Bank and the Shanghai university tables make it plain that success is greatest in the nations in which Governments are less rather than more involved. In Finland in 2010, the state was removed from universities because it was stifling autonomy and holding back research and development, innovation and knowledge exchange.

To sum up—I will return to this issue at the end of the debate—I cannot see compelling evidence that makes the bill necessary. I ask the Government to come back yet again to explain why we should have to go through radical reform when that compelling evidence is not visible.

The Deputy Presiding Officer: Thank you very much. Before we move to the open debate, because of the number of members who wish to take part in the debate, I invite the Minister for Parliamentary Business, on behalf of the Parliamentary Bureau, to move, under rule 11.2.4, a motion to move decision time tonight to 6.25 pm.

Motion moved,

That, under Rule 11.2, Decision Time begin at 6.25 pm.—[*Joe FitzPatrick.*]

Motion agreed to.

The Deputy Presiding Officer: We turn to the open debate, with speeches of four minutes, please. I call Marco Biagi, to be followed by Neil Bibby.

17:45

Marco Biagi (Edinburgh Central) (SNP): Thank you, Presiding Officer. I am very grateful for the chance to speak in the debate, which until a few seconds ago I did not think I would have.

The bill is not the first step in widening access, nor is it the last. At 6.25 we will not be able to say “job done” and move on. The price of widening access is eternal vigilance against the social and economic inequalities that will, for as long as they exist, try to pull young people and their life paths in different directions.

The amendments that I proposed earlier built on amendments that I proposed at stage 2, and I worked on them collaboratively with the cabinet secretary. However, they also built on actions that I took further back when, as a student representative, I argued long and hard to bring down barriers to access. Indeed, they built on the steps that I took as a 17-year-old from a state school and a family with no background in higher education, when I packed my bags and went off to study at Scotland’s oldest university.

Since I have been in politics, there has been no pulling up the ladder; instead, I have always tried to give a leg-up. Abolishing tuition fees and increasing support for living costs to record levels opens the door, but as MSPs we must ensure that more is done to help students across the threshold. The lead measure in the bill for widening access is the system of targets. I believe that the targets must change behaviour in institutions so that they make their approaches and reaching out stronger, higher and deeper, because the status quo is just not an option. When the higher education sector receives more than £1.5 billion a year of ever-scarcer public money, all institutions have to recognise that widening access is something that they do and that it is not someone else’s problem.

The stark statistics of the past decade speak for themselves—usually through the Scottish index of multiple deprivation. I have been as much of a critic of the SIMD as anyone else; I do not think that it represents parts of my constituency adequately, and I believe that it is far too blunt a tool. However, I criticise the SIMD as someone who wishes to see another yardstick for measuring socioeconomic disadvantage rather than something completely different being measured.

I believe that the bill now strikes the right balance of flexibility and prescription. Universities come in all shapes and sizes, so the approach for each will need to be tailored accordingly. We need only look at the example of two institutions that are headquartered in my constituency: the Open University in Scotland and the University of Edinburgh, whose different approaches make for a striking contrast.

My successful amendment at stage 2 enshrined the participation of staff and students in the widening access agreements that will be set out with each of the institutions and which will guide the approaches. My hope was that by doing that we would ensure that the approaches would be better designed and would ultimately have a greater chance of success. It is absolutely crucial that the targets are successful.

In the same vein, I also proposed an amendment to ensure the review of widening access overall. I say to those who are sceptical about the targets that they should wait to see that review’s findings on how they have been working. Indeed, I ask of anybody who is critical of the bill’s provisions on widening access: if not this bill, what bill, and if not through targets, how? We must deliver change.

Students come in all shapes and sizes, too. We know from study after study and pilot after pilot that when students who have been separated by background, privilege and advantage all their lives sit down next to one another in the same laboratories and lecture halls, those who had been excluded rise to the challenge. That is not social engineering; that is the evidence of countless studies. I think that when the glorious diversity of our nation is reflected in the labs and lecture halls, then and only then will our job be done.

The Deputy Presiding Officer: Many thanks. I now call Neil Bibby, who has four minutes, to be followed by Stewart Maxwell.

17:49

Neil Bibby (West Scotland) (Lab): At stage 1, along with other Opposition parties, Labour called for the bill to be delayed and redrafted because we felt that it was a bad bill that was incoherent, confused and clumsy. Unfortunately, our calls at

stage 1 were not heeded and the SNP Government used its majority to carry on regardless. As a result, nearly 200 amendments were lodged at stage 2 and more than 100 amendments were lodged to be debated at stage 3 today. For the cabinet secretary's benefit, I confirm that that means that the number of amendments has gone down, rather than up, between stage 2 and stage 3, but that is testament to our view that the bill was badly drafted. That view is backed up by the fact that the cabinet secretary has lodged more than 100 amendments of his own. Today, the bill may be less bad as a result of the Labour amendments lodged by the Labour Party and some Labour amendments lodged by Mike Russell, but many of our other suggestions were rejected during the process, and the bill is not fit to be supported.

A significant number of outstanding issues still need to be addressed. Some of those, but not all, might be dealt with through the higher and further education governance codes, which will need further scrutiny by the Parliament before their implementation by the Scottish funding council. Those issues include local representation on college boards and whether principals may participate in board meetings where board appointments and the principal's pay are being discussed. However, the governance codes alone will not suffice because some provisions in the bill do not go far enough, some raise unanswered questions and some could have unintended consequences.

As Neil Findlay said, much that is in the bill could have been achieved without legislation. The bill centralises power in the hands of the cabinet secretary without sufficient checks—the cabinet secretary rejected a number of amendments today that would have provided those checks. The bill compromises autonomy and accountability, confuses college governance, has limited ambition and, I think, pays lip service to widening access. The bill also fails to challenge gender bias in our higher education governance arrangements by simply restating United Kingdom legislation. Worst of all, the bill will do nothing to create a single college place.

In the time remaining, I want to focus on the issue of widening access, which is an aim that I am sure we all fully support. As I have said previously, questions need to be raised about university admissions policies, but questions need to be raised about Scottish Government policy, too. The Scottish Government has not stated by how much the bill will improve access and it has not set a target or a timescale. In today's newspapers, Michael Russell is quoted as saying that a further 16,000 young people from deprived backgrounds "could" obtain a degree. The question is not how many could do so but how

many will do so. The cabinet secretary cannot tell us because all of that is still to be negotiated with the institutions.

Michael Russell: The estimate is 16,000. Can the member explain how many would benefit if the bill did not go through? Given that you will not support the bill, how many would you achieve?

Neil Bibby: This is your bill, cabinet secretary—

The Deputy Presiding Officer: Speak through the chair, please.

Neil Bibby: I am asking how many young people from deprived backgrounds will get into university as a result of the bill, but there is no answer from the cabinet secretary.

When challenged on that point by the committee, the cabinet secretary said that he did not expect an overall target to be set. If the Government was serious about widening access, it would be serious about answering such questions. Officials even downplayed the possibility of financial penalties if universities did not meet targets, although the cabinet secretary has now talked up that possibility. All the bill's aims are to be achieved without any additional budget—and without any displacement, either. If that sounds too good to be true, that is because it probably is.

As a last line of defence, Mike Russell may now desperately say that other parties are voting against widening access, but he and the SNP know all about voting against widening access. SNP members voted against widening access when they slashed college budgets in 2011 and in 2012. SNP back benchers even applauded and cheered the vote to cut college budgets, and, therefore, widening access, in February this year—that is not to mention that they voted to cut the bursaries of the poorest students in Scotland.

The Deputy Presiding Officer: You must conclude.

Neil Bibby: This has not been a good year for Mike Russell. He misled Parliament about college budgets, he had a well-publicised and embarrassing spat with a college chair over a spy-pen and now, to cap off the year, he can take his SNP poodles with him on the bill but he cannot take with him this Parliament, which he apparently wants to disrupt.

17:54

Stewart Maxwell (West Scotland) (SNP): The committee has had an interesting journey taking the bill through. We were involved in a very intense process with a lot of difficult and, I think, interesting evidence on what is a very complex bill that deals with a number of areas, but—I will come

on to this point in a moment—that is what Parliament and its committees are supposed to do. I am not surprised, but I am disappointed, by Labour's reaction to having to engage in that difficult process.

To speak briefly as the convener of the Education and Culture Committee, I thank all the committee members for their work and effort and for their dedication to going through the bill and treating it with the seriousness that it obviously deserved. I thank all the witnesses who gave us oral evidence as well as those who submitted written evidence—they certainly deserve our thanks. I particularly thank the clerking team and the Scottish Parliament information centre for their efforts in supporting us through the process.

Throughout all the stages of the bill, some members, particularly Labour Party members, have argued that the bill is a dog's breakfast, a shambles and badly drafted. Their argument is based on the fact that there have been so many amendments. There have been a lot of amendments, with 196 at stage 2 and 115 at stage 3. However, if that is the definition of a badly drafted bill, the Land Reform (Scotland) Bill was an utter disaster, because for it there were 492 amendments at stage 2 and 215 at stage 3. What an utter catastrophe that legislation must be, Mr Bibby and Mr Findlay. You must be absolutely ashamed of it.

Neil Findlay: Will the member take an intervention?

Stewart Maxwell: No, because I have only four minutes.

There were 255 amendments at stage 2 for the Planning etc (Scotland) Bill; 387 for the Adoption and Children (Scotland) Bill; 271 for the Protection of Vulnerable Groups (Scotland) Bill; and more than 340 for the Antisocial Behaviour etc (Scotland) Bill. I will not go over all the rest of it. Clearly, it is your view that all those bills, which I think have become good legislation—the Parliament did a good job in analysing those bills and did its job properly—were a dog's breakfast, a shambles and badly drafted. Those were all Labour-Lib Dem bills. I would be interested to hear how you defend your view of those bills, given the criticisms of the bill that we are considering today.

The Deputy Presiding Officer: Could you speak through the chair, please, Mr Maxwell?

Stewart Maxwell: Apologies, Presiding Officer.

Frankly, it is shameful for Labour members to come to the Parliament and do somersaults by saying that they support widening access for the poorest students but will vote against the bill that will create the very process that will achieve that. It will create spaces and a future for some in our

poorest communities. It is shameful that Labour members pretend that they are in favour of widening access but will vote against the processes that will achieve that. We have already scrapped tuition fees in this country. That is one part of the jigsaw, but the other parts include the student support that Marco Biagi mentioned and the parts of the bill that will widen access and allow many people to become students. I am therefore happy to support the proposals.

I am also pleased that we are introducing a tuition fee cap. Although that was not supported by some people in the university sector, I am delighted that we have put it in place. I am also delighted by the additional places that the cabinet secretary has announced in the past few months.

There has been a lot of debate, discussion and disagreement about the governance issue—Liz Smith in particular raised the matter. However, just because the current system does not have fundamental flaws, that does not mean that it cannot be improved. That is what we are doing through the bill. We are improving the system and moving to a better level of governance, which is to be welcomed.

I am delighted that, finally, we are bringing together the sector under collective pay bargaining, which is the right thing to do. That has been lacking for far too long but, again, the Labour Party will vote against it at decision time tonight.

17:58

Liam McArthur (Orkney Islands) (LD): Like the Education and Culture Committee convener, I thank all those who gave evidence to the committee, as well as the clerks, SPICe and committee colleagues for their generally good natured forbearance through what was a difficult process, as the convener conceded.

As will have been evident from my comments earlier this afternoon, I remain unconvinced about the necessity of the bill. By working constructively through stages 2 and 3, we have made improvements in various areas and limited potential damage in others. However, once the Scottish Government had railroaded through the bill at stage 1—let us not forget that it secured the support of no party in the Parliament save the Scottish National Party—the die was cast. Even an avalanche of amendments—we have debated about 115 of them at stage 3—has been insufficient.

Despite what we have heard from the cabinet secretary and some of his colleagues, that does not mean that a vote against the bill constitutes disagreement on the broad policy objectives—it does not. I firmly believe that widening access to our universities is essential to ensuring that

everyone has an opportunity to fulfil their potential. Likewise, improving the governance and accountability of our colleges and universities is an issue on which consensus reigns.

The ambition to deliver high-quality further and higher education to students of all ages in all parts of the country—and indeed beyond—is shared by members on all sides of the chamber. Although—as Stewart Maxwell said—we can point to excellence in our colleges and universities now, that does not mean that improvements are not necessary or not possible.

We appear to agree on the policy objectives, but we do not agree on the means by which to achieve them. As I said at stage 1, we as a Parliament should seek to legislate only when necessary, or when alternatives to legislation do not exist or would not deliver the outcomes that we seek to achieve.

All too often, we seem happier passing laws than checking subsequently to find out whether those laws are doing what they were intended to do. That is perhaps not surprising, as it is always comforting to point to a new piece of statute when we are asked what we, as politicians, have done to address a particular problem.

The SNP managed—by using its majority, against the wishes of every other party in the chamber—to push the bill through at stage 1, thereby ensuring that there would be legislation. However, the case for a legislative approach remains unconvincing, and the legislation seems to be more a comfort blanket for ministers than anything else.

College regionalisation, for example, is already well under way, accelerating a process that has been on-going for years. Indeed, the Education and Culture Committee approved the closure and transfer of another half-dozen colleges at its meeting yesterday.

I accept that improvements have been made to the bill since stage 1, but the case for using the legislation itself to deliver the changes has not been made. Similarly, the case for legislation on widening access seems—notwithstanding Marco Biagi's thoughtful comments—to be more symbolic than anything else.

Progress in that area has been far too slow, and NUS Scotland has argued that

“it is important to create a defined link between the public funding universities receive, and the public benefit they provide.”

That may be the case, but it is not a justification for legislation. The minimum income guarantee will help, and fair access agreements are now in place. Such agreements can, along with the funding levers that ministers have at their disposal,

help to ensure that access becomes core to the mission of our universities.

I welcome the recognition that a broader definition is needed for underrepresented groups, including those with learning difficulties, but I believe that fair access agreements that are linked to funding carrots and sticks could achieve the same ends.

I entirely accept that improvements are needed to governance. In areas such as staff and student representation and the need for greater diversity, transparency and accountability, the way in which our universities and colleges are run is ripe for reform. Again, however, I question whether that requires to be underpinned by legislation. Having robust codes of good governance—adherence to which would be mandatory for securing public funding—seems as effective an approach and would run less of a risk of compromising the responsible autonomy that is the hallmark of the world's most successful universities.

Our colleges and universities are critical to our success as a nation—economically, socially and culturally. It is right that we focus on helping to ensure that they are well run, accountable and diverse in their make-up in every sense, and that they provide opportunities for all to fulfil their potential. Those are shared ambitions. I regret that the vote that took place at stage 1 set us on a path that prioritised ministers' desire to pass a bill over a serious rethink about how best to achieve those shared ambitions. That is indeed regrettable.

18:02

Liz Smith: Throughout the bill process, from the very early days, I have listened carefully to the Scottish Government, to my colleagues in the Opposition parties and to the witnesses from the colleges and universities. I hope that I have been assiduous in considering each aspect of the bill.

At the start of the stage 1 process, the Scottish Government asked us to judge the bill and examine its context on the basis of three specific criteria: whether it would provide better support for jobs and economic growth; whether it would improve the life chances of students; and whether it would fundamentally change the provision of skills so as to link learning to demand.

The Scottish Conservatives took the Scottish Government at its word, and throughout the process we have listened carefully to a wide range of stakeholders—across the university and college sectors and in the wider economy—to find out how they view the bill with regard to those principles.

I commend the convener of the Education and Culture Committee on being very good and fair in convening meetings during what has been a

tortuous bill process. As he has said, there has been no particular objection to many of the general policy objectives, but there has been a great deal of concern about the detail.

I share the concern of the Labour and Liberal parties about whether legislation is in fact required, particularly on various aspects of widening access and governance. It is very clear that we all want to see the same ambitions, but I have never been persuaded—and neither has the Conservative Party at large—that the evidence points to legislation being essential.

We heard the cabinet secretary argue time and again that there has been far too much duplication of courses in our colleges and that the 1992 legislation, which the Conservatives brought in, has prevented the college sector from moving forward. However, that legislation allowed colleges to increase their flexibility and respond better to the needs of their local area. I find it difficult to see why the cabinet secretary thinks that the 1992 legislation has been so detrimental. Indeed, it is often thrown up by many of the colleges as something that has given them extra autonomy and flexibility.

I repeat that the Scottish Conservatives are firmly in favour of widening access, but we have a grave difference of opinion with the Scottish Government about where that focus should be. We believe that the focus should be on schools. I noticed two weeks ago that Ferdinand von Prondzynski said that we should be starting in nursery schools when it comes to widening access, and I entirely agree with that. We would not be in this situation if we were able to ensure that everyone in schools had a much fairer choice in terms of success. Raising aspirations is crucial, particularly in schools in which there has not been a tradition of going to college or university, and that is where the policy focus should be. It is, in many respects, far too late by the time we come to tertiary education.

The fact that the Opposition parties oppose various elements of the bill is one thing, but the fact that the further and higher education sectors have raised significant concerns about its drafting and the way in which it has progressed is quite another. The points that have been put to us by the colleges and universities have formed our opinion.

This has been a difficult process. I hope that we cannot be accused of taking it lightly. I hope that we have been serious about looking at the aims of the bill but, as far as I can see, there is no compelling evidence for why the bill is necessary. On that basis, the Scottish Conservatives will not support it at decision time.

18:07

Hugh Henry (Renfrewshire South) (Lab):

There can be no doubt that the wellbeing of universities and colleges is significant to Parliament and everyone in Scotland. The better our colleges and universities operate and deliver, the better it is for Scotland. It is unfortunate therefore that, in a bill of such significance, we have reached this situation. It is a wasted opportunity for the Parliament to come together and deliver something that would make a lasting and significant difference to our colleges and universities.

The cabinet secretary said that it was the Government's intention to listen, but I do not see any evidence of that, unless he meant that he was going to listen to himself and to his own party. There was certainly no evidence of listening to anything that any of the Opposition parties proposed in the Education and Culture Committee. It is unusual for such a significant bill to get to stage 3 in Parliament and not have the support of other parties. I hope that the cabinet secretary will reflect on that and ask why.

The cabinet secretary said that there was no political reason to oppose the bill, and he is absolutely right. Scottish Labour is not opposing the bill for political reasons but because it was badly conceived, badly constructed and badly designed, and it has been badly delivered in the process. This has been a wasted opportunity.

There is a range of areas in which we think that the opportunity has been wasted. Jenny Marra made the points about gender equality eloquently. I cannot for the life of me fathom why the Government could not reach out and grasp the opportunity given by Scottish Labour—by Jenny Marra—to do something about what we all recognise is completely and utterly unacceptable.

It is disappointing that the Scottish Government refused to take the opportunity to go further in its attempts to widen access. I do not just mean by doing more about the number of young people from disadvantaged communities who go to university. I concur with Liz Smith about the widening access debate starting in the early years and coming through school, so that our young people, irrespective of their background, are ready, able and confident to go to university because of their abilities and not their financial circumstances. That investment needs to be made, and yet the evidence, in council area after council area throughout Scotland, is that councils, irrespective of their political leadership, are struggling to deliver essential education and services in the early years.

If, as he said, the cabinet secretary thinks that Scotland has the best student support package,

why does the Government persist in financially penalising poorer students by cutting grants in order to generate funds to give wealthier students access to cheap loans? We should not penalise the poor to help the better-off. That is a perverse notion. It is something that the cabinet secretary could have addressed in order to widen access, and he refused to do so.

There is a trend in the bill that is deeply worrying and indeed a bit scary. I remember the debates before the Parliament was created in which some people in Scotland feared that power, control and services would begin to be centralised in the Scottish Parliament and the Scottish Government. They were told that that would not happen. Yet, since 2007, we have seen a clear trend towards the centralisation of power under the control of ministers. The bill does that in spades: we are seeing more centralisation, more ministerial influence and more ministerial control. That is the wrong way to take things forward.

The cabinet secretary described the bill as real reform. Does he believe that the chaos that has been caused in our further education sector is positive reform? No one outside Parliament sees what is happening as positive. Staff and students are worried and we are seeing people at each other's throats at a local level, where they see services and courses beginning to drift away. Others are scared to speak out because they fear for their positions, particularly with the mergers. All the while, more and more power is coming into the hands of the minister. That is the wrong way to go. It is creeping centralisation and it is undermining a long tradition of decentralisation in Scotland. We are going in the wrong direction.

The Deputy Presiding Officer (Elaine Smith): I call Michael Russell to wind up the debate. Cabinet secretary, you have a maximum of eight minutes.

18:13

Michael Russell: Two weeks ago, I had a visit in my constituency office from the former MSP for Argyll and Bute, Jim Mather. Those in the chamber who know him will know that he would recommend a number of books to me. He recommended a management book that was, he said, particularly relevant because it addressed the issues that one finds in public life when new ideas are promulgated. The book outlines four types of opposition. The first type of opposition is to say, "We don't need it—yet." The second type of opposition is to say, "We don't need it—period." The third type of opposition is to ask endless questions of detail to stop it from happening. If all that fails, the fourth type of opposition is character assassination. We have seen all of that. I want to cut through all that today—

Liz Smith: Will the cabinet secretary take an intervention?

Michael Russell: No. I am sorry, but I would like to make some progress. I have only eight minutes.

It is essential that we recognise what the bill achieves and address the consequences for those parties that will not support the things that are being established today. The bill will deliver stronger widening-access provisions, establishing widening access at the heart of what the Scottish funding council and the institutions do.

Secondly, the bill will create structures for a reformed college sector that will deliver better outcomes for learners and businesses. That is accepted across the sector. If people vote against the bill, they will be voting against better outcomes for learners and businesses.

The bill will pave the way for national pay bargaining in the college sector. Anyone who votes against the bill will be voting against that.

Neil Findlay: Will the minister take an intervention?

Michael Russell: No, thank you. I would like to make some progress.

The bill will address the lack of equality on the governing bodies of our post-16 institutions. It will do that to the limit of the Scottish Parliament's powers. Anyone who votes against the bill will be voting against progress on gender issues.

The bill will improve governance across both sectors. There is no doubt about that. It takes on board the recommendations of two independent reviews—I stress that the reviews were independent.

The bill puts in place mechanisms to prevent young people from dropping out of education. It also does things for student associations.

There is the shopping list. If the bill does not pass, those things will not come to pass. That is important.

Neil Findlay: Will the minister take an intervention?

Michael Russell: No, I will not.

Neil Findlay: Oh, come on.

Michael Russell: I would like to make some progress, Presiding Officer.

The Deputy Presiding Officer: Order.

Michael Russell: I do not recognise any ideological objections from Labour at all; I simply recognise oppositionalism. However, I recognise the Tories' ideological objections to what we are

trying to achieve in this bill, so I want to address one or two of the points that Liz Smith raised.

I was surprised when Liz Smith defined the way in which reform should come about. She said that we would have to ensure that a sector that is being reformed is in agreement. I will use two words to question that point: Michael Gove. It is simply not true that, when reform is under way, everyone will agree with it. However, I am glad about the wider level of support that we have across the sector, and I will quote three people's views on the bill.

Professor Sir Timothy O'Shea, the principal of the University of Edinburgh, said:

"We are very supportive of the whole bill in terms of intentions with regards to widening participation, greater efficiency of the sector and greater accountability".

John Henderson, the chief executive of Colleges Scotland, said:

"Colleges support the principle of reform and there is much in this Bill to be welcomed."

Robin Parker, of the National Union of Students Scotland, said:

"The legislation must happen."—[*Official Report, Education and Culture Committee*, 19 February 2013; c 1985.]

The impression that has been given—intentionally or unintentionally—that nobody supports the bill, and that it has simply been dreamed up and put on the statute book, is incorrect. The bill is supported across the sector. It is also the result of a lengthy and detailed process.

Again, someone who was observing this debate having just arrived from Mars might think that no work at all had been done to get the sector onside and involve it in the process.

Stewart Maxwell was right to say that the bill is controversial and complex. It requires some hard work from members to understand how the sector will change and improve and to participate in the improvement of the bill. We have seen that from most sides of the chamber. However, what we did was publish a set of intentions around putting learners at the centre. Then, there were two independent reviews of governance—not one, but two—which were wide ranging and had representation from across the sector. The reviews were unanimous in their recommendations, with one exception. Following that, we consulted widely. Then we published a bill. Then, at stage 1, considerable evidence was taken. After that, there was a process of amendment—there was not a particularly detailed set of amendments in terms of numbers, but the process took place. We listened at stage 1 and stage 2 and, when we came to stage 3, there were further improvements to the bill.

Again, someone who had just arrived from Mars might believe that the Government lodged thousands of amendments to burden the poor members of the committee. However, fewer than half of the stage 2 amendments—76 out of 191—were lodged by the Government. None of those represented a major policy shift, but they were developed to improve the bill for the benefit of learners.

Similarly, out of 120 stage 3 amendments, 58 came from the Government and, again, they were amendments that resulted from our having listened to the sector. Indeed, 17 of those amendments were the result of Labour members making points in the committee with which I agreed. I would have been happy to accept improved amendments from Labour had they come forward, but none did. On national pay bargaining, the same amendments that could not have effect and the same amendments that would not have achieved the effect were simply slapped down again without discussion. That is not the hard work that we need to improve a bill.

Fortunately, the sector has behaved differently. It has worked closely with the Government and some members of the committee—Mr McArthur, for example, worked on the University of the Highlands and Islands amendments along with the Highlands and Islands MSPs to do something that was important—and we ended up with a much-improved bill.

That is the purpose of legislation. The much-vaunted system that we have in the Parliament improves legislation as we go along. If some members do not understand that and are not prepared to put the effort in, that is tough, because the job of legislating is to put the effort in. Now we have a piece of legislation that works for Scotland. [*Interruption.*]

The Deputy Presiding Officer: Order. The cabinet secretary is closing.

Michael Russell: The bill will improve the situation for learners in Scotland. Therefore, I go back to the point with which I opened. If anybody in the chamber votes against the bill, here is what they are voting against. They are voting against widening access—it is not possible to support widening access and vote against it. They are voting against a reformed college sector delivering better outcomes for learners and businesses. They are voting against national pay bargaining in the college sector. They are voting against measures to improve gender balance on the boards of the governing bodies of colleges and universities. [*Laughter.*]

The Deputy Presiding Officer: Order.

Michael Russell: Ah, I wondered how long it would be before Mr Findlay started to laugh at the

things that need to happen in Scotland. He would vote against governance across both sectors and mechanisms to help the young people of Scotland.

That is what members vote against if they vote against the bill. I quote Robin Parker again: "The legislation must happen." That is what students are saying. I hope that the Parliament is listening.

Business Motions

18:22

The Deputy Presiding Officer (Elaine Smith):

The next item of business is consideration of business motion S4M-07139, 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 3 September 2013

2.00 pm	Time for Reflection
<i>followed by</i>	Parliamentary Bureau Motions
<i>followed by</i>	Topical Questions (if selected)
<i>followed by</i>	Scottish Government Business
<i>followed by</i>	Business Motions
<i>followed by</i>	Parliamentary Bureau Motions
5.00 pm	Decision Time
<i>followed by</i>	Members' Business

Wednesday 4 September 2013

2.00 pm	Parliamentary Bureau Motions
2.00 pm	Portfolio Questions Finance, Employment and Sustainable Growth
<i>followed by</i>	Scottish Government Business
<i>followed by</i>	Business Motions
<i>followed by</i>	Parliamentary Bureau Motions
5.00 pm	Decision Time
<i>followed by</i>	Members' Business

Thursday 5 September 2013

11.40 am	Parliamentary Bureau Motions
11.40 am	General Questions
12.00 pm	First Minister's Questions
12.30 pm	Members' Business
2.30 pm	Parliamentary Bureau Motions
2.30 pm	Scottish Government Business
<i>followed by</i>	Business Motions
<i>followed by</i>	Parliamentary Bureau Motions
5.00 pm	Decision Time

Tuesday 10 September 2013

2.00 pm	Time for Reflection
<i>followed by</i>	Parliamentary Bureau Motions
<i>followed by</i>	Topical Questions (if selected)
<i>followed by</i>	Scottish Government Business
<i>followed by</i>	Business Motions

followed by Parliamentary Bureau Motions
 5.00 pm Decision Time
followed by Members' Business
 Wednesday 11 September 2013
 2.00 pm Parliamentary Bureau Motions
 2.00 pm Portfolio Questions
 Rural Affairs and the Environment;
 Justice and the Law Officers
followed by Scottish Government Business
followed by Business Motions
followed by Parliamentary Bureau Motions
 5.00 pm Decision Time
followed by Members' Business

Thursday 12 September 2013

11.40 am Parliamentary Bureau Motions
 11.40 am General Questions
 12.00 pm First Minister's Questions
 12.30 pm Members' Business
 2.30 pm Parliamentary Bureau Motions
 2.30 pm Scottish Government Business
followed by Business Motions
followed by Parliamentary Bureau Motions
 5.00 pm Decision Time—[Joe FitzPatrick.]

Motion agreed to.

The Deputy Presiding Officer: The next item of business is consideration of business motion S4M-07140, in the name of Joe FitzPatrick, on behalf of the Parliamentary Bureau, setting out a stage 1 timetable for the Bankruptcy and Debt Advice (Scotland) Bill.

Motion moved,

That the Parliament agrees that consideration of the Bankruptcy and Debt Advice (Scotland) Bill at stage 1 be completed by 20 December 2013.—[Joe FitzPatrick.]

Motion agreed to.

The Deputy Presiding Officer: The next item of business is consideration of business motion S4M-07141, in the name of Joe FitzPatrick, on behalf of the Parliamentary Bureau, setting out a stage 1 timetable for the Public Bodies (Joint Working) (Scotland) Bill.

Motion moved,

That the Parliament agrees that consideration of the Public Bodies (Joint Working) (Scotland) Bill at stage 1 be completed by 6 December 2013.—[Joe FitzPatrick.]

Motion agreed to.

Parliamentary Bureau Motions

The Deputy Presiding Officer (Elaine Smith):

The next item of business is consideration of three Parliamentary Bureau motions. I ask Joe FitzPatrick to move motions S4M-07144, on the designation of a lead committee; motion S4M-07145, on the approval of a Scottish statutory instrument; and motion S4M-07156, on parliamentary recess dates.

Motions moved,

That the Parliament agrees that the Victims and Witnesses (Scotland) Bill be referred at stage 2 to the Justice Committee in terms of sections 1 to 25 and 28 to 31 and to the Health and Sport Committee in terms of sections 26 and 27.

That the Parliament agrees that the Public Services Reform (Functions of the Common Services Agency for the Scottish Health Service) (Scotland) Order 2013 [draft] be approved.

That the Parliament agrees the following parliamentary recess dates under Rule 2.3.1: 8 to 16 February 2014 (inclusive), 5 to 20 April 2014 (inclusive), 28 June to 3 August 2014 (inclusive), 23 August to 21 September 2014 (inclusive), 11 to 26 October 2014 (inclusive) and 20 December 2014 to 4 January 2015 (inclusive).—[Joe FitzPatrick.]

The Deputy Presiding Officer: I ask any member who wishes to speak against motion S4M-07156 to press their request-to-speak button now.

18:24

Paul Martin (Glasgow Provan) (Lab): I rise to oppose the motion in the name of Joe FitzPatrick, on behalf of the Parliamentary Bureau, that proposes that the recess dates should be amended to allow for the Parliament to be closed down from 23 August until 21 September 2014 inclusive.

The Government advises that it is concerned that, during the 28-day period in the run-up to the referendum, it could be accused of abusing its position. [Interruption.]

The Deputy Presiding Officer: Order.

Paul Martin: I have never known the Government to be so sensitive. Is this the Government that has used its position in power to expend large sums of public money on legal cases to prevent information from being disclosed? Is this the Government that has abused its majority in committees to prevent proper scrutiny? [Interruption.]

The Deputy Presiding Officer: Order.

Paul Martin: There are many examples that could be amplified clearly in the chamber.

We have been clear from the outset that the Parliament should remain open for business as usual. As a possible compromise, we considered the possibility of the final week of the referendum campaign being an area for negotiation, but the Government discounted that from the outset of the discussions.

The excuse from the Government is that the way in which the Scottish Independence Referendum Bill has been drafted would make it difficult for the Parliament to operate during that period. That point has been made on a number of occasions via the Government's business manager. I can understand the concerns that the Government has raised, and I consider myself a fair-minded individual. *[Interruption.]*

The Deputy Presiding Officer: Order.

Paul Martin: In the spirit of being constructive, I have sought to find a solution to the challenges that the Government faces. Indeed, I have received written advice from the parliamentary clerks, who advise that it is perfectly possible for amendments to the bill to be lodged that would allow the Parliament to continue meeting up until and beyond the referendum date.

Patrick Harvie (Glasgow) (Green): Will the member give way?

Paul Martin: I will give way in a moment.

Even at this late stage, I call on the Government to suspend the decision to allow it to lodge amendments to the referendum bill.

I give way to Patrick Harvie.

The Deputy Presiding Officer: Very briefly, please.

Patrick Harvie: One concern is to ensure that the Parliament can meet. Another is to ensure that ministers are able to participate in meetings of Parliament when the subject is relevant to the referendum—

The Deputy Presiding Officer: I must hurry you.

Patrick Harvie: —and another is to ensure that Opposition members can hold ministers to account during purdah for statements that they made before it.

The Deputy Presiding Officer: I am afraid that I must hurry you.

Patrick Harvie: Why did the member's colleagues not propose changes to the bill on those matters during the evidence sessions on the bill?

The Deputy Presiding Officer: I am afraid that Paul Martin's time is up.

Paul Martin: We have made a number of constructive and reasonable proposals to the Government. We call on it to suspend the decision today and ensure that it lodges amendments to the referendum bill.

The Deputy Presiding Officer: I call on Joe FitzPatrick to respond. Minister, you have up to three minutes.

18:28

The Minister for Parliamentary Business (Joe FitzPatrick): The historic Edinburgh agreement that was signed on 15 October 2012 paved the way for the referendum that will be held on 18 September next year. Central to that agreement was the commitment to ensure that the Parliament will deliver a referendum that meets the highest standards of fairness, transparency and propriety. That is reflected in schedule 4 to the referendum bill, which proposes restrictions on what the Government, public bodies and the Parliament can do during the 28 days prior to the referendum. *[Interruption.]*

The Deputy Presiding Officer: Order.

Joe FitzPatrick: That 28-day period is exactly the same as was used for the most recent Scottish Parliament elections.

To comply with the spirit of both the Edinburgh agreement and schedule 4 to the referendum bill, it is clear that the Parliament cannot operate as normal during the 28-day period. What could be debated and scrutinised would be heavily restricted. Therefore, the bureau is proposing alterations to the normal nine-week summer recess period. *[Interruption.]*

The Deputy Presiding Officer: Order, please.

Joe FitzPatrick: In coming to a decision, there are three principles that we should adhere to. First, I believe that there should be no extension to the normal period of recess, whereas the proposal that has been put forward by the Conservative Party and supported by the Labour Party and the Liberals would add one week to the recess. *[Interruption.]*

The Deputy Presiding Officer: Order.

Joe FitzPatrick: Secondly, we should be mindful of school holidays in Scotland. Thirdly, we should protect the 28-day period. *[Interruption.]*

The Deputy Presiding Officer: Order, please.

Joe FitzPatrick: Contrary to the wild suggestions of some, that will ensure that we maintain the time for the Parliament to conduct business without restrictions. While others wish to waste parliamentary time, we wish to protect it.

The cat is well and truly out of the bag and now we know the real reason for the feigned outrage of the unholy Labour-Tory-Liberal alliance. Far from being concerned about parliamentary procedures, those parties have been found out for simply seeking to grant themselves an extra week's holiday. They should all be ashamed of themselves.

These proposals achieve all of the three principles and simply move three weeks of the usual nine-week recess from August to September. It is a sensible and pragmatic approach for this period, which is of huge significance to our nation's history.

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

Decision Time

18:31

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-07108, in the name of Michael Russell, on the Post-16 Education (Scotland) Bill, be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Allard, Christian (North East Scotland) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Finnie, John (Highlands and Islands) (Ind)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnstone, Alison (Lothian) (Green)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)

Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Salmond, Alex (Aberdeenshire East) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Urquhart, Jean (Highlands and Islands) (Ind)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wilson, John (Central Scotland) (SNP)

Against

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Brown, Gavin (Lothian) (Con)
 Carlaw, Jackson (West Scotland) (Con)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Davidson, Ruth (Glasgow) (Con)
 Dugdale, Kezia (Lothian) (Lab)
 Eadie, Helen (Cowdenbeath) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Fergusson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 Findlay, Neil (Lothian) (Lab)
 Goldie, Annabel (West Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hume, Jim (South Scotland) (LD)
 Johnstone, Alex (North East Scotland) (Con)
 Kelly, James (Rutherglen) (Lab)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Malik, Hanzala (Glasgow) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Drew (Glasgow) (Lab)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, David (Highlands and Islands) (Lab)

The Deputy Presiding Officer: The result of the division is: For 65, Against 51, Abstentions 0.

Motion agreed to,

That the Parliament agrees that the Post-16 Education (Scotland) Bill be passed.

The Deputy Presiding Officer: The next question is, that motion S4M-07144, in the name of Joe FitzPatrick, on designation of a lead committee, be agreed to.

Motion agreed to,

That the Parliament agrees that the Victims and Witnesses (Scotland) Bill be referred at stage 2 to the Justice Committee in terms of sections 1 to 25 and 28 to 31 and to the Health and Sport Committee in terms of sections 26 and 27.

The Deputy Presiding Officer: The next question is, that motion S4M-07145, in the name of Joe FitzPatrick, on approval of a Scottish statutory instrument, be agreed to.

Motion agreed to,

That the Parliament agrees that the Public Services Reform (Functions of the Common Services Agency for the Scottish Health Service) (Scotland) Order 2013 [draft] be approved.

The Deputy Presiding Officer: The next question is, that motion S4M-07156, in the name of Joe FitzPatrick, on parliamentary recess dates, be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Allard, Christian (North East Scotland) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Finnie, John (Highlands and Islands) (Ind)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)

Johnstone, Alison (Lothian) (Green)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Salmond, Alex (Aberdeenshire East) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Urquhart, Jean (Highlands and Islands) (Ind)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wilson, John (Central Scotland) (SNP)

Against

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Brown, Gavin (Lothian) (Con)
 Carlaw, Jackson (West Scotland) (Con)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Davidson, Ruth (Glasgow) (Con)
 Dugdale, Kezia (Lothian) (Lab)
 Eadie, Helen (Cowdenbeath) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 Findlay, Neil (Lothian) (Lab)
 Goldie, Annabel (West Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hume, Jim (South Scotland) (LD)
 Johnstone, Alex (North East Scotland) (Con)
 Kelly, James (Rutherglen) (Lab)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Malik, Hanzala (Glasgow) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)

McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Drew (Glasgow) (Lab)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, David (Highlands and Islands) (Lab)

The Deputy Presiding Officer: The result of the division is: For 65, Against 51, Abstentions 0.

Motion agreed to,

That the Parliament agrees the following parliamentary recess dates under Rule 2.3.1: 8 to 16 February 2014 (inclusive), 5 to 20 April 2014 (inclusive), 28 June to 3 August 2014 (inclusive), 23 August to 21 September 2014 (inclusive), 11 to 26 October 2014 (inclusive) and 20 December 2014 to 4 January 2015 (inclusive).

ASH Scotland's 40th Anniversary

The Deputy Presiding Officer (John Scott):

The final item of business is a members' business debate on motion S4M-06389, in the name of Duncan McNeil, on the 40th anniversary of Action on Smoking & Health (Scotland). The debate will be concluded without any question being put.

Motion debated,

That the Parliament notes that 2013 is the 40th anniversary of the founding of ASH Scotland; notes that the health charity works with a wide range of partners in pursuit of "a healthier Scotland, free from the harm and inequality caused by tobacco"; understands that, during this time, the smoking rate among adults in Scotland has halved to 23.3%; believes that this has brought huge benefits, with one million people having greatly reduced risk of contracting cancer, heart disease, stroke and other conditions; believes that preventing children from taking up smoking, protecting people from second-hand smoke and supporting smokers who want to quit is crucial to further improving health in Greenock and Inverclyde and across the country, and looks forward to a time when the only people who smoke are the small number of adults who actively choose to do so.

18:34

Duncan McNeil (Greenock and Inverclyde)

(Lab): It has been a long day and I thank all the members who have been able to stay behind and, of course, all those who signed the motion.

In 1973, the Scottish committee of Action on Smoking and Health, as it was originally known, was established by the Royal College of Physicians of Edinburgh. It operated from a small backroom in the RCPE buildings with just two part-time staff—its medical director, Dr Eileen Crofton, the wife of Sir John Crofton, and its secretary, Alison Hillhouse, who became ASH Scotland's chief executive in 1984.

The world was very different then and smoking was accepted as the norm in Scotland in public and private. People then were just as likely to see somebody smoking in hospital as we are to see people smoking outside a hospital entrance now, since action has been taken. ASH Scotland campaigned to limit the influence of the tobacco industry through advertising and sponsorship, to increase tobacco taxation, to create smoke-free places and to provide advice to smokers who wanted to quit.

ASH Scotland worked hard to communicate to policy makers the evidence of the harm that smoking does. Many of us will remember the successful publication in 1982 of the facts constituency by constituency—that is almost the norm now—to influence politicians and to make the Scottish epidemic more vivid to parliamentarians.

By the late 1990s and into the new millennium, ASH Scotland had grown from two people to nearly 20 and offered the public specialist tobacco information and smoking cessation services. It also developed and delivered projects to reduce the health inequalities resulting from tobacco.

The 2000s saw a raft of strong controls on tobacco from Holyrood and Westminster. Scotland led the United Kingdom by introducing smoke-free public places in 2006. We also saw a UK-wide ban on tobacco advertising and sponsorship and a rise in the minimum age of sale from 16 to 18, along with graphic warnings on each pack and the expansion throughout Scotland of free national health service support for people who want to stop smoking.

Forty years of action on smoking and health is the proud boast of ASH Scotland. Although it would not claim to have done all that on its own, it has worked with organisations such as the British Heart Foundation and the Government to achieve a legacy of which to be proud in highlighting the hazards and risks of smoking for individuals, groups, children and young people.

Since ASH Scotland was formed more than four decades ago, the number of adults in Scotland who smoke has more than halved, from 50 per cent of the population in the early 1970s to less than 25 per cent today. That means that about a million fewer adults in Scotland are now smoking.

We cannot discuss the ASH Scotland story without mentioning the impact that it has had in the Parliament. No one who was in and around the Parliament in the lead-up to and during the passage of the bill that introduced the ban on smoking in public places could have been unaware of the campaigning zeal of ASH Scotland—it could not be ignored. Its impact in the Parliament was significant as it pushed and encouraged us to make decisions that, it must be conceded, resulted in what some people described as a ban too far, although others described it as the single biggest public health measure that we could have taken to improve the health of the people of Scotland.

That was when I and many others came across the organisation up close. I confess that, as a member of the then Health Committee, which scrutinised the bill, I was sceptical about what the ban could achieve and what was possible. I was unconvinced not about the harm of smoking but about what we could achieve. I asked many tough questions of organisations and others throughout that process.

It was a tough gig to be on that committee. The then convener, Roseanna Cunningham, was uncompromising. She dragged us off to Dublin on a fact-finding mission. We visited bar after bar in

the Temple Bar area long into the night, with many hours given to the examination of the impact of the smoking ban in Ireland.

The Deputy Presiding Officer: You have one minute left.

Duncan McNeil: After the visit, I freely accept that, far from being sceptical, I became optimistic about what could be achieved. I was, if members like, converted on the road back from Dublin.

My efforts to get on board were not always welcome. My amendment to the Smoking, Health and Social Care (Scotland) Bill to change the minimum legal age for buying tobacco to 18 did not get off to the best start. ASH was sceptical about whether that would be a good measure, but I was pleased to convert it on that occasion. I see that it now lists the increase in the age at which tobacco can be purchased as a significant milestone.

Although this is a night to congratulate ASH on its work and achievements, we agree that much more needs to be done. There are issues that relate to young adolescents and inequalities that must be addressed, and we agree on that point, too.

I thank the Presiding Officer for his indulgence.

The Deputy Presiding Officer: Members will be aware that standing orders dictate that we must finish by 7 o'clock. I ask the members who are due to speak to confine themselves to no more than their time; less would be more—that would be appreciated.

I call Stewart Stevenson, who has up to four minutes.

18:42

Stewart Stevenson (Banffshire and Buchan Coast) (SNP): I start by congratulating Duncan McNeil on giving me another opportunity to be less than moderate on a subject that I am passionate about. I register once again my absolute admiration for the political courage of a Labour First Minister, Jack McConnell, when, building on the work of Stewart Maxwell, he put his personal credibility on the line to make the smoking legislation happen. Those were brave acts that should be congratulated.

Kezia Dugdale (Lothian) (Lab): Will the member give way?

Stewart Stevenson: Please forgive me, but I really do not have time.

As I have said, I am no moderate on the subject. When others suggest that tobacco companies are murderers, I can summon no counter-argument. Every 30 minutes, a Scot dies as a consequence

of tobacco; during this short debate, someone will die because tobacco companies choose that that is the case.

ASH has done a great deal in the 40 years since it was founded to raise the issue in the public consciousness and in legislative fora. I was a fresh-faced 26-year-old when it was founded. I do not see that person in the mirror today; I see a very different Scotland in the mirror today.

Smoking is not a new issue. I will provide members with some quotes. First,

“smoking is dangerous to the lungs.”

Secondly, it is

“Hurtfull and dangerous to youth.”

Thirdly, it is

“very pernicious to the heart.”

Those quotations were published respectively in 1604, 1606 and 1637 by James VI. In my family, that takes me 10 generations back to my eight-times great-grandfather, Andrew Berry.

James VI wrote in “A Counter-blaste to Tobacco”:

“This filthy smoke makes a kitchen oftentimes in the inward parts of men, soiling and infecting them with an unctuous and oily kinde of soote, as hath bene found ... That after their death were opened.”

He attended post-mortems and saw, 400 years ago, the effects of tobacco. We still grapple with that issue.

One of the first acts of James VI in 1603, when he became the king of the United Kingdom, was to raise the taxation on a pound of tobacco from tuppence to £6 and 10 shillings, so this guy got it right. In today's terms, by the way, that would be equivalent to a tax of £40,000 on a pound of tobacco. That shows that we have understood the problem for a very long time, yet we still allow the pernicious tobacco companies to kill people in our society.

In the 20th century, more people in the UK were lost to the consequences of smoking than have been lost in all the wars in which we have been involved—I include civilian and military casualties. More people have been killed by smoking. Therefore, when we talk about smoking prevention and ASH's role in it, we talk about an extremely important subject.

Ireland is a good model in one way, but there are still ashtrays in the bar behind the Dáil—there is a special, informal exception for members of the Dáil. Thank goodness we have not followed them down that road.

18:46

Jackson Carlaw (West Scotland) (Con): I suppose that, in what constitutes an all-night sitting for this Parliament, it is appropriate, at the fag end of the day, that we should be discussing ASH. I thank Duncan McNeil for lodging the motion, and I note that ASH has endured for 40 years.

After that, I am afraid that I am not going to be very nice, because I have a number of reservations. First, I declare a vested interest: I am a lifelong non-smoker. I abhor smoke. Growing up, I would come home on the school bus, which had the bench seats upstairs. You could have cut the atmosphere on the top deck of the bus with a knife and fork. I agree with everything that Stewart Stevenson said about smoking and its effect on public health, and the loss of life that it has caused over many years.

I am prepared to attribute to ASH some of the credit for many of the initiatives that Duncan McNeil listed, although many of those initiatives were progressed by committed politicians on all sides of the political divide out of conviction, and not just because an external agency was lobbying for them.

My reservations about ASH relate to its funding. Of the £1.2 million that it received last year, only £23,000 came from donations that it received, as a charity, from the public, whereas £569,000 came from the Government. Of the voluntary income component of £307,000, a further £250,000 came from the Government, and £33,000 came from NHS Scotland.

I suppose that what really concerns me is that donations were received from the British Heart Foundation and Cancer Research UK. I say that because I do not know that, when people give money to those organisations in voluntary appeals, they realise that some of it is transferred directly, by way of a grant, to a campaigning organisation such as ASH. That knowledge would not change my donation. I donate a considerable amount of money to Cancer Research UK each year, but I do so because I think that the organisation is researching into a cure for cancer. I think that there needs to be more transparency on where the funding comes from and where it goes.

I look at where the money was spent. Of the £1.2 million, £910,000 was spent on salaries. Very little was spent on campaigning; indeed, expenditure on publications and the website fell over the past year. At the same time, expenditure on fees to consultancies and on travel to attend various conferences increased.

I want to see direct action to assist people to reduce their smoking. I want to see smoking levels being reduced. I want people who want to give up

smoking to be given every encouragement to do that. I want every effort to be made to reduce smoking among young people.

However, I am also pragmatic in as much as I do not want to hitch myself to every bandwagon that is going. I note that ASH says that it supports only things that are fundamentally evidence based. If that is the case, I would prefer to see the empirical evidence from Australia on plain packaging before I assert that that will make a difference. If it does, I will be very happy to support it, but if it does not, the campaign for plain packaging is a campaign towards a false promise. If it does not contribute to reducing smoking, a legislative solution that promotes something that, ultimately, is proven not to work is not a sensible use of our time.

Similarly, I note that ASH Scotland says that we should support the member's bill to make it illegal to smoke in cars where children are present. I have huge concerns about the enforceability of that. For example, will children, as the only witnesses, be called to give evidence against their parents? I do not know.

For all that, I think that people at the age of 40 should stand on their own two feet, not on public subsidies, and I want ASH to cease its public funding and make its own way in the world by encouraging the public to give it the money that it needs.

18:50

Jackie Baillie (Dumbarton) (Lab): I welcome the opportunity to participate in the debate and join others in congratulating Duncan McNeil on securing the time for it, albeit at the end of a long day.

It is customary for members to agree with one another in members' business debates, but I find it extremely difficult to agree with anything that Jackson Carlaw said. However, I will leave it at that; after all, we are here to celebrate ASH Scotland's 40th anniversary and we can be in no doubt that they have been 40 years of very effective and successful campaigning to ensure that action is taken on smoking.

ASH Scotland has been key in changing public opinion and challenging Government at all levels to be brave and to lead the way in tackling the consequences of smoking. We all know about the link between tobacco and ill health and, indeed, the abundantly clear link with cancer and we know that it increases the risk of a variety of conditions that I will not name in deference to the Presiding Officer and his wish that my speech be swift. The point is that there really is nothing good to be said about smoking. Equally, there is nothing quite like a convert. I gave up smoking something like a

decade ago and have never looked back, and I would encourage others to do the same.

It is right that we record the progress on this issue that has been made in both Parliaments. Tobacco advertising was banned first on radio and then on television; health warnings began to appear on cigarette packets; and the legislation to ban smoking in public spaces, which was an historic moment for this Parliament, has made a huge difference. I should perhaps put on record that, way back in 1983, George Foulkes was the very first person to introduce a member's bill on this subject—not here, but in another place—and that he was very patient in waiting for legislation on the matter to be passed. Of course, Duncan McNeil was very successful in pushing through the Parliament's committee system measures to raise the age for purchasing tobacco from 16 to 18. Then we had the ban on unstaffed vending machines and the changes to tobacco displays. As Mr McNeil pointed out, the adult smoking rate when ASH Scotland was set up was 50 per cent; according to the latest Scottish household survey, which is for 2011, that rate is down to 23 per cent.

I welcome the Scottish Government's most recent strategy on achieving a smoke-free Scotland. However, although we agree with the aspiration, we recognise that it will be a challenge to deliver and I hope that the minister will outline some of the action that the Government intends to take, particularly in deprived areas. After all, the prevalence rate of smoking in disadvantaged areas is 40 per cent; when we compare that with the rate for adults in the least deprived areas, which stands at 11 per cent, we realise that there is a huge job still to be done. The gap is just too big and is a major contributor to health inequality and mortality rates. If the minister is going to choose only one area on which we should focus, I plead with him that it should be that one.

Most people I know experience a road to Damascus moment; in Duncan McNeil's case, it was the road back from Dublin. I congratulate ASH not only on making us all brave and ensuring that we took that same road, but on ensuring that we continue to be brave in future.

The Deputy Presiding Officer: I call Michael Matheson. Minister, you may have the six minutes and 15 seconds up to 7 o'clock.

18:53

The Minister for Public Health (Michael Matheson): Thank you very much, Presiding Officer.

Like others, I congratulate Duncan McNeil on securing time for this important debate, and I welcome his reflections on ASH Scotland's work,

although I have to confess that when it was established I had not even started primary school.

In its 40 years, ASH Scotland has made a lot of progress in supporting changes to our society's overall perception of smoking and tobacco. The cultural shift that has been created has, if anything, probably been more significant than the simple legislative changes that have been made, and like others I pay tribute to ASH Scotland for its significant contribution to Scotland's tobacco control strategy and agenda in recent years. All those who have been associated with ASH Scotland over the years can be very proud of the part that they have played in that success, particularly in more recent years.

Duncan McNeil said that he was involved in scrutinising the bill to introduce the ban on smoking in public places. Scotland led the way in the United Kingdom in that particular area of policy, and Ireland was among the first countries in the world to introduce such a ban. However, significant work was done in the Scottish Parliament before we got to the point of legislation. Kenny Gibson looked to introduce a member's bill to ban smoking in restaurants, and Stewart Maxwell looked to introduce a member's bill before the then Scottish Executive decided to introduce its own legislation to ban smoking in public places. Therefore, from a very early stage in the Parliament, there was clearly an intention among members to consider how we could address smoking in our society and to take forward progressive measures that would assist us in doing that.

We have made significant progress since the ban was introduced in 2006. As Jackie Baillie mentioned, we have had the comprehensive legislation to ban tobacco advertising and promotion, which has been implemented across the UK. The minimum age of sale has been raised—Duncan McNeil referred to that. We have seen the implementation of large graphic warnings on packs as a result of policy changes, and smoking cessation services have been established and have become increasingly accessible across the country.

I am pleased that, following the unsuccessful legal challenges that the tobacco companies mounted against the legislation to ban the display of tobacco in shops, larger shops have introduced a display ban. By April 2015, the ban on tobacco displays will be implemented in our smaller retailers.

Jackie Baillie referred to our new "Creating a Tobacco-free Generation" tobacco control strategy, which I launched at the end of March this year. Again, I thank ASH for the role that it played in supporting the development of that strategy.

Scotland is among the first countries in the world to have introduced an ambitious target for reducing smoking prevalence. The target is to reduce that to 5 per cent of our population by 2034. A child who is born this year will celebrate their 21st birthday in 2034. Our aim is to create a generation of young people and young adults who do not smoke; to create a Scotland in which young people and young adults turn away from tobacco use; and to get the health, social and economic benefits that will come from that approach. As a Government, we recognise that that is a very ambitious approach to take to tobacco control, but we believe that we need to take bold and decisive action to reduce smoking prevalence in Scotland further to create a tobacco-free generation.

The 5 per cent target is certainly challenging. Achieving it will require a determined effort on the part of the Government and other agencies that have a role to play in helping to reduce smoking prevalence. We believe that the target can help to ensure that we fundamentally change the whole culture of smoking in Scotland and get the health benefits that will come from that.

We will take forward a range of measures in the five-year strategy to ensure that we take action. The strategy includes a national campaign that will start early next year to raise awareness of the dangers associated with smoking in enclosed spaces; the introduction of a new target to achieve a substantial reduction in children's exposure to second-hand smoke by 2020; continued support for parents to create smoke-free homes for children; and the aim of all our NHS boards having smoke-free grounds by 2015. We will also review our smoking cessation services with a view to ensuring that they are much more effective, particularly in tackling smoking in our more deprived communities, in order to close the gap.

The strategy can help to deliver real change over the next five years. It can help to ensure that we make progress on the agenda and demonstrate yet again that Scotland is prepared to lead the world in taking forward the necessary bold measures that will enable us to achieve our target of becoming a smoke-free nation by 2034. I have no doubt that ASH Scotland will continue to play its role in ensuring that we deliver on that commitment.

Meeting closed at 18:59.

Corrections

Michael Russell has identified an error in his contribution and provided the following correction.

The Cabinet Secretary for Education and Lifelong Learning (Michael Russell):

At col 21547, paragraph 2, col 21552, paragraph 7, and col 21557, paragraph 4—

Original text—

The colleges aim for a vesting date of 1 November 2013.

Corrected text—

The colleges aim for a vesting date of 1 August 2013.

John Finnie has identified an error in his contribution and provided the following correction.

John Finnie (Highlands and Islands) (Ind):

At col 21550, paragraph 3—

Original text—

From 2010-11 to 2011-12, the salary of the principal of the University of the Highlands and Islands increased by 31 per cent to £227,000: an obscene increase to an obscene sum.

Corrected text—

From 2010-11 to 2011-12, the salary including pension contribution of the principal of the University of the Highlands and Islands increased by 31 per cent to £227,000: an obscene increase to an obscene sum.

Members who would like a printed copy of the *Official Report* to be forwarded to them should give notice to SPICe.

Available in e-format only. Printed Scottish Parliament documentation is published in Edinburgh by APS Group Scotland.

All documents are available on
the Scottish Parliament website at:

www.scottish.parliament.uk

For details of documents available to
order in hard copy format, please contact:
APS Scottish Parliament Publications on 0131 629 9941.

For information on the Scottish Parliament contact
Public Information on:

Telephone: 0131 348 5000
Textphone: 0800 092 7100
Email: sp.info@scottish.parliament.uk

e-format first available
ISBN 978-1-78351-461-8

Revised e-format available
ISBN 978-1-78351-477-9

Printed in Scotland by APS Group Scotland
