



The Scottish Parliament
Pàrlamaid na h-Alba

Official Report

MEETING OF THE PARLIAMENT

Thursday 10 March 2016

Session 4

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Scottish Parliament

Thursday 10 March 2016

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

General Question Time

The Presiding Officer (Tricia Marwick): Good morning. The first item of business is general questions.

Higher Education (Widening Access Scheme)

1. Alex Johnstone (North East Scotland) (Con): To ask the Scottish Government what its response is to the Scottish funding council's announcement that the reduction to the higher education budget will prevent expansion of the widening access scheme. (S4O-05646)

The Cabinet Secretary for Education and Lifelong Learning (Angela Constance): The letter of guidance that I sent to the Scottish Further and Higher Education Funding Council on 8 February was clear that there must be

"no diminution in efforts to widen access."

It is my clear expectation that the number of students from poorer backgrounds who access university education will increase. I am aware of the indicative allocations that the Scottish funding council issued, and we will discuss further with it how the allocations enable us to realise our core ambition on access.

Alex Johnstone: Last month's budget announcement indicated that higher education funding would drop by £36 million, or 3.3 per cent, and the funding council has suggested that the fourth tranche of additional undergraduate places will not be allocated to universities next year for the widening access scheme. The Scottish National Party Government has stated categorically that one of its priorities is to help deprived young people into higher education, yet what I described shows that the opposite is happening. Given the evidence that young people from deprived areas of Scotland are half as likely to attend university as their peers in England are, is the cabinet secretary proud of the Government's record?

Angela Constance: I am proud that, during the SNP Scottish Government's term of office, we have had more people from deprived communities leaving higher education with qualifications. The proportion of young people from deprived communities who will have benefited from free higher education by the time they are 30 has

increased. In 2007-08, that proportion was 35 per cent, and it has now increased to 42 per cent.

It is a shame that Mr Johnstone fails to recognise that, for the fifth year in a row, the Government is investing more than £1 billion in higher education. My letter to the funding council makes it perfectly clear that we want to go further and faster in our ambitions for widening access. The recommendations from Dame Ruth Silver and the widening access commission are imminent, and they will inform us all about how to move forward and make systemic and lasting change to improve the widening of access.

Sex Offenders (Monitoring)

2. Paul Martin (Glasgow Provan) (Lab): To ask the Scottish Government how many registered sex offenders there are in Scotland and what resources are being allocated to monitor them. (S4O-05647)

The Cabinet Secretary for Justice (Michael Matheson): Police Scotland's national offender management unit is responsible for collating and publishing statistics about registered sex offenders, the details of which can be found on the Police Scotland website. It is for Police Scotland, local authorities, the Scottish Prison Service and health boards, as the responsible authorities, to determine the arrangements that are necessary to meet individual requirements, risks and circumstances.

Paul Martin: I do not want to be directed to a website; I want the specific figure. I advise the cabinet secretary that the latest figures provided by the Scottish Government show that convictions of sex offenders for offences against children have trebled over the past three years. Is the time not right to consider an urgent reform of how we manage registered sex offenders that will deal with how we sentence them and to look at whether we should put in place proper neighbourhood notifications so that our communities are aware of the most dangerous individuals in our country?

Michael Matheson: I am aware of the statistics that the member refers to, but he will be aware that a significant proportion of those are associated with historical cases that have been outstanding for some time and are now being reported. Of course, it is important that we are confident that we have robust measures in place to deal with the risks that registered sex offenders may pose.

The member will be aware of the robust multi-agency public protection arrangements that we have in Scotland, which Her Majesty's inspectorate of constabulary in Scotland and the Care Inspectorate considered last year. In the report that they published, they set out what they

believe to be the significant ways in which we deal with registered sex offenders; they also made several recommendations about further improvements, and we are taking forward that work.

In relation to accommodation, one of the recommendations that we are taking forward is about streamlining and reducing the bureaucracy that is associated with aspects of the environmental risk assessment for housing registered sex offenders. The national strategic group, which will be responsible for the governance and scrutiny of the process, met last month to consider how to take that work forward.

Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP): On the housing of registered sex offenders, I return to a regular concern of mine: the national accommodation strategy for sex offenders. As the cabinet secretary knows, such offenders must be returned to the place where they resided when the offence took place, unless another authority will take them. That means that, in some circumstances, they go back to where the crime took place, which is horrendous for the people in that area. Can a note be left for the incoming Government to ask it to revisit NASSO with regard to the rehousing of sex offenders?

Michael Matheson: Decisions on where sex offenders live are based on where they can be appropriately monitored and supervised and on minimising any risk that they might pose. In their report on the MAPPA procedures that we operate, HMICS and the Care Inspectorate picked up issues of streamlining and reducing the bureaucracy of the environmental risk assessment that is undertaken by the MAPPA responsible authorities in considering any accommodation issues.

As I set out to Mr Martin, work is being taken forward to implement that report's recommendations. I assure Christine Grahame that we regularly monitor issues relating to sex offenders to ensure that, when the operation of the robust measures that we have in place can be improved, we improve it.

Patricia Ferguson (Glasgow Maryhill and Springburn) (Lab): I think that the cabinet secretary is aware of my particular concern about the rehousing of sex offenders in multistorey flats and other properties with communal entrances and exits. Has any consideration been given to the dangers that such situations pose to young people who might live there, and does the Government plan to take any action as a result?

Michael Matheson: As the member will be aware, I just pointed out that under MAPPA and the national accommodation strategy for sex

offenders, an environmental risk assessment is conducted to identify any risks that might be associated with housing-related issues for sex offenders. It is then for the appropriate responsible authorities to take forward any additional measures that they believe are necessary to address such issues. In short, there is an assessment process to identify risk, and it is then for the responsible authorities in those areas to take forward under MAPPA any appropriate action to address those matters.

Higher Education (Funding)

3. Lewis Macdonald (North East Scotland) (Lab): To ask the Scottish Government what assessment it has made of the impact of planned reductions in higher education funding. (S4O-05648)

The Cabinet Secretary for Education and Lifelong Learning (Angela Constance): Next year, the Scottish Government will again invest more than £1 billion in our higher education sector; indeed, it will be the fifth year in succession in which investment has exceeded that figure. We engaged closely with university principals in the lead-up to the draft budget, and we will continue to work with the Scottish Further and Higher Education Funding Council and the HE sector to secure greater efficiencies, maintain benefits for learners and ensure that core outcomes remain the priority.

Lewis Macdonald: That answer is surprising, given that a number of universities face indicative funding cuts of as much as 3.9 per cent in the coming year. Has the cabinet secretary done any impact assessment at all on those numbers? She will be aware of the fact that Robert Gordon University, for example, is seeking 100 redundancies and of the programme of redundancies at the University of Aberdeen and elsewhere. Will she undertake an assessment of the impact of the cuts on teaching and research staff and on the quality of teaching and research at our universities?

Angela Constance: As I indicated to Mr Macdonald in my original answer, we have an on-going dialogue with the HE sector and the funding council. Of course, the prospect of any job losses or redundancies at any time in any sector is deeply regrettable.

Universities are autonomous institutions, as we have debated to a great extent in the chamber. I expect them to work closely with trade unions to ensure that all staff are fully aware of the reasons behind decisions, in order to minimise the impact on students.

I will end with a quote from Professor Downes, who wrote to the Deputy First Minister on 23 February to say:

“I have now seen SFC’s announcement of indicative institutional allocations. This is still a challenging outcome in challenging times, but Universities Scotland members will recognise it as a significantly better outcome for institutions than what was being discussed in January. I am grateful to you and Ms Constance for the work done to achieve this.”

St John’s Hospital (Children’s Ward)

4. Neil Findlay (Lothian) (Lab): To ask the Scottish Government whether it will commit to no downgrading or closure of the children’s ward at St John’s hospital in Livingston. (S4O-05649)

The Cabinet Secretary for Health, Wellbeing and Sport (Shona Robison): The Royal College of Paediatric and Children’s Health is a recognised body that has been commissioned by NHS Lothian to undertake a review of its children’s services across all of the Lothians.

The independent review team should be allowed to complete its work. The opportunity to offer comments to the review team runs until 18 March.

Neil Findlay: This week, I attended two public meetings on the future of paediatrics across Lothian. I heard parents tell how a 24/7 children’s ward service at St John’s hospital is absolutely essential to their children’s lives. The message from those meetings is that no downgrade whatsoever will be accepted.

The minister can end the speculation and worry today. Will she commit to ensuring that there will be no downgrading of services at the hospital—yes or no?

Shona Robison: The reason for the public meetings is to hear the views of parents. That is why those meetings are going on.

As I said, the independent review team should be allowed to get on and complete its work. The opportunity for parents and anyone else to offer comments to the review team runs until 18 March, and I encourage people to take that opportunity.

Less Favoured Area Support Scheme

5. Tavish Scott (Shetland Islands) (LD): To ask the Scottish Government when crofters and farmers will receive their less favoured area support scheme payments. (S4O-05650)

The Cabinet Secretary for Rural Affairs, Food and Environment (Richard Lochhead): Less favoured area support scheme payments will be made by the end of March 2016.

Tavish Scott: I suspect that, after the rally that we have just attended—I recognise that the

cabinet secretary and the Deputy First Minister attended it, too—the cabinet secretary had better be right.

Does the cabinet secretary recognise that the question that farmers were asking outside was: can the Government guarantee that the full common agricultural policy payments will be made by the end of June? That is what farmers expect to happen.

Richard Lochhead: As the member knows, the Scottish Government has just announced £200 million of national money to ensure that people can get their payments in April if their applications are not processed this month. That is a major sign of support for the sector, which I believe has been recognised across the industry—and, I understand, by his party, too. We will work flat out, because we want to get all the payments out as soon as possible. We have until 30 June. We have a number of months to go. Are we going to ensure that all the payments get out? Of course we are.

Alex Fergusson (Galloway and West Dumfries) (Con): To what extent will devoting the necessary human resource that will be required to distribute the £200 million advance payment that the cabinet secretary has announced further delay the application process that must still be undertaken?

Richard Lochhead: In recognition of the importance of supporting our farmers and crofters at this difficult time, we have employed additional staff. We have announced a scheme that we are confident that we are going to implement. That is the basis on which we announced it. It is vitally important to underpin our food businesses in this country.

Drugs Strategy

6. Duncan McNeil (Greenock and Inverclyde) (Lab): To ask the Scottish Government whether it considers that its drugs strategy, “The Road to Recovery”, is working effectively. (S4O-05651)

The Minister for Community Safety and Legal Affairs (Paul Wheelhouse): Yes. Since the publication of “The Road to Recovery” in 2008, supported by Scottish Government investment of £254 million in frontline services, there have been substantial improvements across a range of areas. Drug taking in the general adult population is falling, drug taking among young people is the lowest in a decade and there have been significant reductions in the length of time that individuals wait to receive treatment for their drug problem, with 93 per cent now being seen within three weeks of referral. However, we are not complacent, especially with the reported level of drug-related deaths having risen substantially and

given the complex health needs of a vulnerable, older cohort of persons who have an addiction.

We have also witnessed a huge rise in the number of recovery support groups in communities across Scotland. There are now more than 100 such groups meeting regularly, led by people in recovery, making recovery from addiction visible across the country. That is hugely important in demonstrating to those with an addiction that many can and do successfully complete the recovery journey.

Duncan McNeil: I thank the minister for his response, and I welcome his statement that there is no complacency—nor should there be. According to the Information Services Division, there are currently 61,000 problem drug users in Scotland, which is up from 2009-10. The number of people being prescribed methadone has increased over the piece, drug possession levels remain unchanged, and the number of people being admitted to hospital for drug issues continues to rise.

Given the economic and social cost of the problem of drug use, which, according to the Scottish Government's own figures, amounts to £3.2 billion a year, is it not time to listen to new voices and new ideas and to push for radical change in Scotland's drug policy?

Paul Wheelhouse: I acknowledge and recognise Duncan McNeil's strong interest in the subject over many years. He is right: it is a substantial problem that we face as a society, and it is one that we take very seriously. As Mr McNeil may be aware, we have recently formed a partnership for action on drugs in Scotland, which is charged with trying to find radical solutions to tackle what is a pernicious problem in our society. I certainly agree with him that we have to be prepared to explore potential new and brave solutions to tackle the problem. I can convey to Mr McNeil that I am willing to do so.

Flood Mitigation Measures

7. Alex Fergusson (Galloway and West Dumfries) (Con): To ask the Scottish Government what steps it is taking to identify and implement improved flood mitigation measures. (S4O-05652)

The Cabinet Secretary for Rural Affairs, Food and Environment (Richard Lochhead): The Scottish Government is determined to reduce the devastating and costly impacts of flooding across the whole country. The flood risk management strategies, which were published by the Scottish Environment Protection Agency in December 2015, have been developed with that intention. They co-ordinate the efforts of all the organisations that are responsible for tackling flooding, and they concentrate the work of those

organisations in the areas where the risk of flooding and the benefits of investment are greatest.

We now have the most advanced, nationally consistent and locally informed understanding of the causes and consequences of flooding in Scotland that we have ever had.

Alex Fergusson: As the cabinet secretary will be aware, during the new year floods in my constituency, the town of Castle Douglas was partially flooded in an almost unprecedented situation. The source of that flooding was some 30 miles away in the upper reaches of the Water of Deuch, where there is widespread commercial forestry activity and a Scottish Power hydro scheme.

In considering improved flood mitigation, what steps is the Government taking to bring interests such as forestry and energy generators into discussions, along with the normal agencies such as SEPA, Scottish Natural Heritage and the others to which the cabinet secretary alluded in his response?

Richard Lochhead: Alex Fergusson raises a fair point. Natural flood management, which takes into account the impact of forestry, is central to the new flood risk management strategies that have been published. Certainly, that is the way forward in many parts of Scotland. The various stakeholders to which Alex Fergusson referred must be part of that process, and the way in which we engage with them is constantly being improved to ensure that we get the right flood mitigation measures in place.

Budget 2016 (Oil and Gas Sector)

8. Graeme Dey (Angus South) (SNP): To ask the Scottish Government what representations it has made to the United Kingdom Government on behalf of the oil and gas sector ahead of the 2016 budget. (S4O-05653)

The Minister for Business, Energy and Tourism (Fergus Ewing): The Deputy First Minister wrote to the Chancellor of the Exchequer on 12 February specifying a series of tax measures for inclusion in next week's budget and calling for the consideration of government loan guarantees. Those measures are needed to help the industry survive these tough times, to protect critical infrastructure and to sustain and incentivise investment.

Graeme Dey: One very telling example of the impact of the problems that the sector is experiencing is a marked reduction in the recruitment of oil and gas-related engineering apprentices for next year. What can be done to ensure that we continue to have a throughflow of engineering trainees? As part of that, what might

the Government do to assist engineering training providers to get through what promises to be a difficult couple of years and to retain the teaching staff who are required for when the upturn arrives?

Fergus Ewing: Mr Dey is quite right: to see the industry through these tough times, we must help young people by retaining their skills. There are decades of success ahead for the oil and gas industry once it emerges from these difficulties. That is precisely why an enhanced adopt an apprentice scheme was launched last year. Twenty-one apprentices have been helped to retain their work precisely because of that scheme, and that is a good thing.

The First Minister has announced a training programme of £12 million, which will be open to those seeking training to help with moves into other employment, whether in the oil and gas industry, in the wider energy sector and other sectors. Funding will not be dependent on their already having secured a job.

The Presiding Officer: Before we move to the next item of business, members will wish to join me in welcoming to the gallery His Excellency Mr Lauri Bambus, the Ambassador of Estonia to the United Kingdom. [*Applause.*]

First Minister's Question Time

12:00

Engagements

1. Kezia Dugdale (Lothian) (Lab): To ask the First Minister what engagements she has planned for the rest of the day. (S4F-03284)

The First Minister (Nicola Sturgeon): Engagements to take forward the Government's programme for Scotland.

Kezia Dugdale: The First Minister was rightly congratulated on securing the fiscal framework deal that protects the long-term future of the Barnett formula for Scotland. Central to the deal is the principle of no detriment. That principle means that the transfer of financial responsibilities to this Parliament should never leave Scotland worse off. Yesterday's "Government Expenditure and Revenue Scotland" figures showed that Scotland's deficit would be twice the size of the United Kingdom's. Does the First Minister seriously still believe that there would be no detriment to Scotland leaving the United Kingdom?

The First Minister: It is interesting to recall that, in the last year of the previous Labour Government, the United Kingdom's deficit was £153 billion, which amounted to 10.2 per cent of the UK's gross domestic product. I maybe just missed Kezia Dugdale telling the then Chancellor of Exchequer, Alistair Darling, that the UK could no longer afford to be an independent country.

The truth of the matter is that countries the world over have deficits. Let us remember this about Scotland's deficit: it was not created in an independent Scotland; it was created on Westminster's watch. It is rather strange for any self-respecting politician to argue that we should stick with the system that created the deficit instead of taking more powers into our own hands to do something about it.

Lastly, is it not so typical of Labour that we hear nothing about the strong Scottish economy and its underlying strength? I will leave Labour to do what Labour loves best, which is to knock Scotland; I will get on with the job of building this country up.

Kezia Dugdale: Presiding Officer, that was about as convincing as Brian Souter's tax return. The First Minister is in complete denial.

Alex Johnstone (North East Scotland) (Con): Hear, hear.

Members: Oh!

The Presiding Officer (Tricia Marwick): Order.

Kezia Dugdale: It is just 24 hours since the First Minister's own figures devastated the case for independence and she wants to carry on as though nothing has happened. The economic case for independence has always been dubious, but even her former adviser, Alex Bell, tells us today that it "is now dead."

The GERS figures do not just raise constitutional questions; they also give us an insight into the Scottish National Party Government's spending priorities. Investing in education is fundamental to growing the economy, yet the GERS figures showed that the SNP has cut education and training by 10 per cent since it took office in 2007. If education is the First Minister's number 1 priority, why has her Government cut the budget by 10 per cent?

The First Minister: Before I come on to education, which I will do in just a second, is it not worth noting that the Better Together alliance came alive in that previous question? Is it not the case that all we get from Labour is a miserable talking down of Scotland and its prospects? Let us not forget that, in the years when Scotland's fiscal position was stronger than the UK's, Labour still criticised the case for independence. The truth of the matter is that Labour prefers Scotland to be run by the Tories than to have Scotland run by this Parliament. For as long as that remains the case, Kezia Dugdale's party will remain on political life support.

The GERS figures yesterday actually showed an increase of 1.7 per cent in Scottish education spending between 2013-14 and 2014-15. As we have outlined—[*Interruption.*]

The Presiding Officer: Order.

The First Minister: As we have outlined, our attainment fund, which is over and above core education budgets and was doubled by the Cabinet Secretary for Finance, Constitution and Economy in the budget, will ensure that we do even more to tackle the issues of attainment in our schools.

As I said, I will leave Labour to whinge from the sidelines and knock Scotland. I will get on with building the country up.

Kezia Dugdale: The First Minister cannot escape the facts. The figures that I used are hers. She has cut education and training by 10 per cent. I can throw a number at the First Minister and she can throw another one back from the big book of excuses that she has in front of her, but behind all those numbers are people whose lives are being turned upside down by SNP cuts to schools and other vital public services.

Just this week, I spoke with three women who have been directly affected by SNP cuts. One

uprooted her whole life to pursue a career in education only now to be told that she will soon be out of a job. Just yesterday, I met a school librarian who was on the verge of tears and begged for my help to save her job. A classroom assistant in Clackmannanshire—the place where the First Minister told me job cuts were exaggerated—told me that she was at a loss to understand the First Minister's denial of the extent of job losses.

The First Minister says that the figures on education cuts are wrong. Are those three women all wrong as well?

The First Minister: Let me point out the facts to Kezia Dugdale. The average spend per primary pupil has increased by 9 per cent—£411—since the SNP took office. The average spend per secondary school pupil has increased by 11 per cent—£670—since the SNP took office. The average spending per pupil in primary and secondary schools is higher in Scotland than it is in England.

That is the SNP Government's record, but we are determined to build on that record. That is why we have prioritised education and tackling educational attainment. It is why the finance secretary doubled the funding for attainment in the budget just two weeks ago.

When I speak to people across Scotland, as I do day in and day out, they ask me why, if Labour is sincere about its commitment to education, it voted just two weeks ago against a budget that maintained teacher numbers and doubled the fund for attainment in our schools. That is the question to which people across Scotland want to know the answer.

Kezia Dugdale: We voted against a budget that ripped £500 million out of our schools and vital public services. The reality is that we could not believe the First Minister's figures in 2014 and we cannot believe them today, because people are losing their jobs and the staff who remain face even greater pressure. Our young people will lose out because of the Government's cuts to education.

For years, the First Minister said that independence was the only way to stop the cuts, but that argument is now dead. Labour has set out a plan to use the powers of the Parliament to stop the cuts but, on the 50p tax, the higher rate threshold and the 1p plan, she has voted it down at each and every turn. If GERS has confirmed that independence is not the answer and the First Minister refuses to use the powers of the Parliament to end austerity, what exactly will she do to stop the cuts?

The First Minister: Actually, if we think back—[*Interruption.*]

The Presiding Officer: Let us hear the First Minister.

The First Minister: If we think back to the referendum, Kezia Dugdale and her colleagues said to people throughout Scotland that they had to vote no to avoid cuts. Now, they go around Scotland telling ordinary people that their taxes have to go up to pay for the Tory cuts that Labour made us stay subject to. That is the sheer and utter disgrace of the Scottish Labour Party. To add to that disgrace, two weeks ago, Labour voted against a budget that maintained teacher numbers, doubled funding for attainment in schools, and delivered the living wage to social care workers across our country.

Apparently a vote Labour event was held in Edinburgh last night. Kezia Dugdale should read the reports about it because, apparently, her name was not mentioned once in three hours, although speaker after speaker lined up to praise the SNP. If Kezia Dugdale cannot even enthuse her own side of the argument, is it any wonder that she has already resigned herself to coming second in the election in May?

Prime Minister (Meetings)

2. Ruth Davidson (Glasgow) (Con): To ask the First Minister when she will next meet the Prime Minister. (S4F-03286)

The First Minister (Nicola Sturgeon): I have no immediate plans to do so.

Ruth Davidson: The SNP's line on "Government Expenditure and Revenue Scotland" and oil seems to be that everyone got it wrong and no one saw it coming. That is total rubbish. Almost two years ago to the day, I stood here and told the First Minister's predecessor that he was being wildly optimistic about future oil revenues. We knew then that the Office for Budget Responsibility had put oil revenues for the coming year at £3 billion. The SNP refuses to listen and tried to con people in the referendum campaign by claiming that the revenues would be up to £8 billion. The then First Minister told me, with some indignation, that his figures were "robust". Not surprisingly, nobody trusts the First Minister's predecessor on that any more.

However, it was not just Alex Salmond; the First Minister led the independence campaign, so why should people trust her on this?

The First Minister: Perhaps Ruth Davidson should have tried to give some of that wisdom to the United Kingdom Government's Department of Energy and Climate Change, because its projection for oil prices was higher than the Scottish Government's.

Is not it typical that we have a Tory Government that wants, just like its pals in the Labour Party, constantly to talk down Scotland's prospects? Let me tell Ruth Davidson what the figures that were published yesterday show. There has in the past five years been £3,000 more revenue per head generated in Scotland than per head in the UK, growth in onshore revenues is outstripping the fallen oil revenues, and there is higher employment and faster productivity growth in Scotland than there is in the rest of the UK. We will not hear any of that from the better together Tory-Labour alliance because that might mean talking Scotland up, and that would never, ever do.

Ruth Davidson: The truth is that there is a £15 billion black hole and a leader who told us that we would all be £500 better off if we voted for independence. It is a great pity that the First Minister is still tied to the Salmond playbook of bluster and baseless assertion. The truth is that the SNP's economic prospectus for independence is broken. It was broken when the SNP made it—they knew it then and they know it now. The SNP's discredited white paper will live on as a black spot on this First Minister's reputation.

I would like to quote once more the SNP's former chief adviser, Alex Bell—[*Interruption.*]

The Presiding Officer: Order.

Ruth Davidson: He said:

"we must assume these bright people know that the old model, once optimistic, is now dead."

He is right, is he not?

The First Minister: Let me also quote someone who spoke during the referendum campaign—this quotation is more relevant. Much to my regret, Scotland did not vote yes; Scotland voted no. In that campaign, the Prime Minister, David Cameron, said that there would be a "£200 billion oil boom" if Scotland voted no. Why did David Cameron say that and why did he turn out to be wrong? We will take no bluff and bluster from the Conservative Party.

The fact of the matter is that Ruth Davidson is the leader in Scotland of a party that has stripped billions of pounds out of Scotland's budget. The parties that told Scotland that it had to vote no in order to avoid cuts are the parties that are now imposing cuts. Given that Westminster has created the Scottish deficit, why on earth would we stay part of that system instead of taking power into our own hands to do something about it?

Gordon MacDonald (Edinburgh Pentlands) (SNP): Last month, Mr Kausar Uddin, who is a resident of the Broomhouse area in my constituency, was on pilgrimage to Mecca with his wife and three children. During the final prayer of the day, there was a surge in the crowd, and Mr

Uddin tripped and grabbed hold of the nearest person for balance. Unfortunately, that person turned out to be a police officer, and Mr Uddin was arrested for assault. He was sentenced to 35 days in prison, and there is concern that he may be subjected to another trial that could result in a far longer sentence. Given that people who are on holy pilgrimage with their families do not travel with the intention of assaulting anyone, is there any way that the First Minister can intervene to assist my constituent?

The First Minister: I am very concerned to hear about Mr Uddin's situation. Very large numbers of my constituents go on pilgrimage to Mecca every single year, so I understand the concerns that have been raised by the case.

My officials have already been in contact with the Foreign and Commonwealth Office, and it has advised that the British embassy is now in touch with Mr Uddin by phone and that it has requested a prison visit via the Ministry of Foreign Affairs. The FCO has also advised us that, at this stage, it has not had Mr Uddin's sentence confirmed, as the case appears to be still under investigation.

We have asked to be kept updated and informed of progress. I undertake to provide Gordon MacDonald with further updates, as appropriate.

Cabinet (Meetings)

3. Willie Rennie (Mid Scotland and Fife) (LD):

To ask the First Minister what issues will be discussed at the next meeting of the Cabinet. (S4F-03285)

The First Minister (Nicola Sturgeon): Matters of importance to the people of Scotland.

Willie Rennie: Let us examine the consequences of the First Minister's massive economic misjudgment on the finances of an independent Scotland. [*Interruption.*]

The Presiding Officer: Order. Let us hear Mr Rennie.

Willie Rennie: The First Minister says that the figures are only one year's figures, but we all know that the worst is yet to come. The £15 billion shortfall is twice the education budget and three times the European deficit limit. The First Minister would need growth figures five times higher than China's to get out of the hole.

The First Minister was warned repeatedly about her claims. Can she look me in the eye and say that she really believed what she said then? Or is it worse: is her economic judgment really that bad?

The First Minister: "Massive economic misjudgment". That is a very apt description of the

judgment of a party that went into coalition with the Tories and kept David Cameron and George Osborne in government for five long years. Let us never forget that that party was the Liberal Democrats. It is interesting that, until now, Willie Rennie has not looked me in the eye when I have reminded him of his coalition with the Tories.

Week after week, Willie Rennie's hypocrisy gets ever more breathtaking. While his party was propping up George Osborne and David Cameron in government, those politicians were ripping billions of pounds out of the Scottish budget. I will take no lectures on cuts from a Liberal Democrat, and I would bet that the Scottish people cannot wait to pass judgment yet again on the Liberal Democrats on 5 May.

Willie Rennie: I noticed that the Deputy First Minister leaned over to give the First Minister a bit of advice on that last same tired old answer. It is a shame that she did not listen to him before. We all remember the secret dossier, which happened to be right. The finance secretary was right all along. Why did the First Minister not listen to him back then?

The First Minister now spends all her time dismissing all the things that John Swinney warned about. She dismisses the drop in oil revenues and claims that a £15 billion financial hole does not really matter. She supports independence no matter what the price. No fact or number will ever change her mind. However, £15 billion is twice the education budget. Is not it the case that the First Minister was ready to put independence before the education of our children?

The First Minister: We did not need a secret dossier to see the implications of the Liberal Democrats' misjudgment, because we saw that unfold in George Osborne's budget every year for the five years in which Willie Rennie's party kept the Tories in government. Billions of pounds were taken out of this Government's budget by Tories who were being kept in office by the Liberal Democrats.

Willie Rennie has the nerve to stand here and talk about education and health, and cuts in anybody's budgets. The fact of the matter is that we are living with the implications of Willie Rennie's party's decisions in government, which is why I suspect that his already very small and rather pathetic band of MSPs will be even smaller after 5 May.

Domestic Abuse Victims (Rehousing)

4. **Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP):** To ask the First Minister whether the Scottish Government

considers that the rehousing provisions for victims of domestic abuse are satisfactory. (S4F-03287)

The First Minister (Nicola Sturgeon): Tackling domestic abuse is a priority for me and for this Government, and we are investing record levels of funding. This year alone, we are committed to spending more than £17 million to tackle violence against women and girls.

Current homelessness legislation means that women and children fleeing abuse can be supported into temporary accommodation, and it enables appropriate settled accommodation to be found. Under long-established laws, women can also apply for an exclusion order from a court, which suspends the right of the abuser to live in the family home.

However, as I said when I spoke at Scottish Women's Aid's conference on Tuesday this week, more needs to be done in that area. That is why the Minister for Housing and Welfare has offered to meet Scottish Women's Aid to discuss what further support is required.

Christine Grahame: I welcome the fact that that meeting will take place, and acknowledge not only the legislation but the funding from the Government to address abusive behaviour and its aftermath.

However, the First Minister will be aware of the recent findings of the women's health improvement research project in Fife. The majority of the women taking part felt that they were given no choice about losing their home when ending an abusive relationship. I ask specifically what is the Scottish Government's response to Scottish Women's Aid's call for a national strategy to address that issue, because surely it is abundantly clear that women should not be twice abused and victims?

The First Minister: I absolutely agree. I am hugely sympathetic to Scottish Women's Aid's call for a national strategy. That is one of the things that the housing minister will discuss in the meeting that I referred to.

We have strong homelessness legislation in place—it has been described as some of the most progressive in the world. All homeless people have the right to temporary accommodation immediately and, if unintentionally homeless, to settled accommodation. That provides women with protection when they have to leave their home due to domestic abuse.

However, I understand and sympathise hugely with the notion that forcing an abused woman to leave the family home instead of staying there compounds the sense of injustice and abuse. This is a hugely important issue and one that, with our partners and stakeholders in Scottish Women's

Aid and other organisations, we are absolutely determined to do more to tackle.

Alison McInnes (North East Scotland) (LD): The Government has recently consulted on the introduction of a specific offence of domestic abuse. Does the First Minister agree that it should include provision to protect women by placing conditions on perpetrators, including the removal of offenders from households? That would be similar, for example, to domestic violence protection orders in England.

The First Minister: I am happy to consider that. As the member knows, we are in the latter stages of the consultation; and we are looking at the specific wording of a new offence. I think that what she just mentioned might be more to do with the disposals in courts than with the specific wording of the offence, but I am happy to look at that.

Of course, the key purpose of the consultation and of the proposed specific offence is to deal with examples of abuse—coercive and controlling behaviour—that the current law does not deal with adequately. That is the motivation behind the consultation.

However, the point that the member makes raises important issues about what happens to a woman who is trying to escape abuse, and I will certainly give serious consideration to it.

Rhoda Grant (Highlands and Islands) (Lab): Exclusion orders are helpful, but often the abuser takes no notice of them and breaches them. Safe housing is therefore crucial. What work has been carried out on creating refuge rooms and panic buttons in a victim's home to ensure that they can get the help that they need if an abuser breaches an exclusion order?

The First Minister: A whole range of work is carried out on that kind of issue, often by organisations such as Scottish Women's Aid. I am more than happy to provide more detailed information about exactly what the range of Scottish Government funding supports in that respect.

On the key issue here, I am absolutely in agreement with the member. Of course there will be circumstances in which a woman who has been a victim of abuse will want to leave and move away to start afresh without the influence of their abuser. However, wherever possible, it is the abuser whose life should be turned upside down by the abuse, not that of the victim of the abuse. That is what we should be working towards in every possible circumstance.

This issue—not just the specific issue that we are talking about today but the general issue of tackling violence against women and children—is one of the most important that this Parliament and

this society can deal with. Earlier this week we celebrated international women's day, and all of us did our own things to mark that. We must recognise that domestic abuse and violence against women is both a cause and a symptom of gender inequality and that until we tackle that and eradicate violence against women, we will not have true gender equality in this country.

Ferry Services

5. David Stewart (Highlands and Islands) (Lab): To ask the First Minister what assessment the Scottish Government has made of the RMT-commissioned report on the future of Scottish ferry services. (S4F-03293)

The First Minister (Nicola Sturgeon): We are committed to providing the best possible ferry services, and the announcement of a total freeze on fares for the Clyde and Hebrides services for 2016-17 and the £100 million order of two new vessels for the network underline that commitment. We remain focused on ensuring a fair procurement process that leads to the best deal for all the communities of the Clyde and the Hebrides. It is important to say that, no matter the outcome of that process, Scottish ministers will retain control of all important issues, such as fares and timetables, because it will always be a public service contract. Vessels and port infrastructure will also remain publicly owned, as they are now.

The law requires us to undertake a tendering process, a position that we inherited from the previous Labour-Liberal Democrat Administration. That position was accepted by that Administration when it initiated the first tendering exercise for the Clyde and Hebrides ferry services.

David Stewart: Is the First Minister aware that the United Kingdom Government banned Serco from tendering following an electronic tagging contract under which it claimed payments for prisoners who had died? Even at this 11th hour, will the First Minister agree to meet the author of the report concerned, Jeanette Findlay, a respected economist from the University of Glasgow? Finally, does the First Minister share my view that Caledonian MacBrayne is part of the DNA of the west coast and the islands and that if it loses the contract in May there will be no one to fly the banner for public ferry services in the future?

The First Minister: I want to make sure that we have the best ferry services. For reasons that I hope every member across the chamber will understand, I will not comment directly on the tender process that is under way. I will say, though—I will be corrected if I am wrong on this—that I am pretty sure that the ban on Serco that the member referred to has since been lifted by the UK Government.

We are required under European Union law to put the service out to tender. In September 2005, before the first tendering exercise, a motion was passed in this chamber that acknowledged that

“the tendering of the Clyde and Hebrides lifeline ferry services is required to protect these vital services.”

That motion was supported by Jackie Baillie, Sarah Boyack, Malcolm Chisholm, Patricia Ferguson, Hugh Henry, Johann Lamont, Lewis Macdonald, Ken Macintosh, Michael McMahon, Duncan McNeil and Elaine Murray. That was the position of the last Labour Administration and it is the position of this Administration, but it is all intended to make sure that we get the very best services for the people who rely on what are, after all, lifeline services.

Visitor Attractions (Visitor Numbers)

6. Roderick Campbell (North East Fife) (SNP): To ask the First Minister what the Scottish Government's response is to figures from the Association of Leading Visitor Attractions that show a 5.5 per cent increase in visitor numbers at attractions in Scotland in 2015. (S4F-03295)

The First Minister (Nicola Sturgeon): I am delighted at the latest figures from the Association of Leading Visitor Attractions, which show that Edinburgh castle is the most visited attraction in Scotland and that the National Museum of Scotland is the most visited free attraction in Scotland. The latest official statistics show that, if we combine overseas and domestic visitors, there was a 7 per cent increase in total tourism visits to Scotland in the year to September 2015, and that combined visitor spend increased by 18.8 per cent between 2010 and 2014. I think that that is testament to the hard work and skills of everyone in our tourism and hospitality industry in Scotland and to our public bodies, which are working in partnership to support the Scottish Tourism Alliance and the industry-led tourism Scotland 2020 strategy.

Roderick Campbell: I am pleased to note that one of the leading attractions was Falkland palace in my constituency.

I am sure that the First Minister will agree that it is important to consider how tourism can grow. One such way is to improve accessibility. We have in Fife an accessible Fife project. What support can the Scottish Government provide for such initiatives to improve disabled access to Scottish visitor attractions and to increase the numbers of tourists generally?

The First Minister: I absolutely agree that we need to grow and support accessible tourism, not only because it helps us to tap into a market that is worth potentially £1.5 billion to our economy but because it is the right thing to do. The Scottish

Government has provided VisitScotland with a funding contribution to develop a guide to help boost the wider accessibility of events. At the industry launch of the 2016 year of innovation, architecture and design, the Minister for Business, Energy and Tourism announced additional funding to support a series of new partner projects. Each of those initiatives will contribute to the wider accessible tourism drive. It is important that that happens for both the inclusivity of what Scotland has to offer and the economic benefit that it will bring.

Electric Car Rapid Charge Points

The Deputy Presiding Officer (John Scott):

The next item of business is a members' business debate on motion S4M-15291, in the name of Dave Thompson, on the need for more electric car rapid charge points. The debate will be concluded without any question being put.

Motion debated,

That the Parliament recognises Scotland's role in reducing global warming; understands that, when fossil fuels, coal, oil and natural gas are burnt, they release CO₂ into the atmosphere and are considered by the vast majority of the scientific community as a contributory cause of global temperature increases; considers that, thanks to human ingenuity, there are smarter ways to generate energy and that travelling by electric car reduces one's carbon footprint; believes that "fast" (22kw) and "rapid" (50kw) electric charge points are becoming more prevalent in Scotland and that more rapid charge points are needed to make electric car travel in Scotland more efficient to encourage widespread use in Skye, Lochaber and Badenoch and across the country, and notes calls for all members to campaign in their constituencies to make this happen.

12:32

Dave Thompson (Skye, Lochaber and Badenoch) (SNP): I am very pleased that my motion has received cross-party support and I thank all the members who backed it. That cross-party support highlights the fact that Parliament recognises Scotland's role in reducing global warming and the importance of electric car travel in reducing our nation's carbon footprint.

As members will know, in December I leased a Nissan Leaf electric car, which has a real winter range of nearly 90 miles in mountainous terrain. I have been using it to travel around my constituency of Skye, Lochaber and Badenoch, which is not exactly small, and I have used it to travel down to Edinburgh a couple of times. Some people may have it in their heads that electric car travel is only for short journeys or use on small islands, but I have travelled from Inverness to Edinburgh via Fort William—a journey of 200 miles—with only three stops, which could have been two stops if there was a rapid charge point at Callander.

That brings me to my first point. There are not enough rapid charge points, particularly in the Highlands and in rural areas. Rapid charge points enable electric cars to get an 80 per cent boost in half an hour. There are fast charge points, but they take considerably longer. The lack of rapid charge points is off-putting to those who might otherwise be interested in purchasing an electric car for longer journeys.

Bruce Crawford (Stirling) (SNP): Callander is in my constituency. If Dave Thompson had driven

a bit further north and gone on to Killin, he would have found a fast charge point.

Dave Thompson: There may well be a fast charge point in Killin, but it would take three hours to get an 80 per cent charge. I need rapid charge points, which do that in 30 minutes. That is the point. By the way, I stopped at the Green Welly Stop, which is not far from Killin. I needed the extra stop.

I welcome the Scottish Government's commitment to developing the charge network into one of the most comprehensive sets of rapid charge points in Europe.

My second point is that there needs to be charge point reliability. Without that, extra charge points will be rendered meaningless and the public's perception of an electric car as a lesser motor vehicle that is used only for shorter journeys will remain.

I welcome members of the Electric Vehicle Association of Scotland to the Parliament, including the chair, Douglas Robertson, and his son, Iain. They have been very helpful in the lead-up to the debate, and I applaud their efforts in promoting and representing the interests of electric vehicle users in Scotland. If they wait at the bottom of the stairs after the debate, I will come round and see them.

There has been some negative press about the Scottish Government wasting money on providing rapid chargers in the rural north, so it was with delight that I learned that EVAS will host an event in June to highlight the many benefits of electric car travel in rural areas.

Kenneth Gibson (Cunninghame North) (SNP): Will the member accept a brief intervention?

Dave Thompson: Yes.

Kenneth Gibson: I thank the member.

For me, this is a wee bit of a chicken-and-egg situation. A lot of people want to move to electric cars, but they do not do so because there are no rapid charge points, and there are no rapid charge points because there are not enough electric cars. How can we address that issue? Should we have the charge points first?

Dave Thompson: I thank the member for that intervention. We need to sort out the charge point network—I will come on to that later. There are more and more electric vehicles on the road—especially all-electric vehicles, which need the rapid charge points, whereas the hybrids can run on petrol or diesel for a wee bit. The point is that we need to move away from petrol and diesel. Of course, electricity is also a lot cheaper.

EVAS hopes that the support that it has received from Transport Scotland, the Energy Saving Trust, green tourism and electric vehicle dealerships will result in electric vehicle roadshows, at which local people will be able to test drive an electric vehicle. I can tell you that my Nissan Leaf will do zero to 60mph in 11.5 seconds—it is very nippy, and very economical.

Liam McArthur (Orkney Islands) (LD): Will the member take another brief intervention?

Dave Thompson: Presiding Officer, will you give me a little bit of extra time if I take more interventions?

The Deputy Presiding Officer: Yes.

Liam McArthur: I am very grateful to Dave Thompson—not just for taking the intervention, but for bringing the debate to Parliament.

My question is rather different from Kenny Gibson's question. I think that Orkney has the highest per capita take-up of electric vehicles, demonstrating the cluster effect. Does Dave Thompson believe that, as part of the exercise that Transport Scotland and others are engaged in, it will be important to build up those clusters, as well as the network?

Dave Thompson: The member raises an important point. Those clusters—and people's confidence that they will be able to get charges when they need them—are vital.

In the past, the Scottish Government has supported rural petrol stations, and I believe that it can revitalise rural areas by providing electric vehicle charge points. Those can be fitted at cafes and shops, which local people and visitors might wish to use while their cars are charging. That should be considered as a way of building a new infrastructure for the modern age. It could be a real boon to rural areas. The investment would also help to encourage more electric car use and ownership in rural areas, and it would allow folk to tap into cheaper forms of transport—most electric vehicle dealers have many lease options available, such as the one that I have.

The total cost of ownership can be considerably less for an electric vehicle than for other vehicles—10p or 25p a mile may be possible. Taxis could save anything up to £9,000 a year on fuel costs. Indeed, on Tuesday, I was tagged on Twitter by someone who enthused that he had seen an electric taxi in Edinburgh, and, like me, he was calling for more.

I have received messages of support from many people in the run-up to the debate, and I would like to quote one of them. Mr Gill, who got in touch recently, shares my concerns. He tells me that it is

“incredibly difficult to get to and from the Isle of Skye with an electric car”.

I can testify to that. It is essential that the Shiel Bridge and Broadford rapid charge points are working as soon as possible. I am due to go to Skye a week tomorrow and, if those points are not working, I will have to hire a diesel or petrol car to get there. Maybe the minister can help me by ensuring that those two rapid charge points are working next week.

Mr Gill's wife Heather tried to use the rapid charger at Broxden in Perth. There are two on the site, but one of them was completely offline—it was just not working, and apparently the second unit, which has been there for a year, has not been powered up. She was fortunate to be able to divert to South Inch in Perth, where the charger functioned, but only when she held the connector in place as some of the levers on the old connectors were broken and would not stay attached to the car. The newer connectors are much better, so we need the old ones to be replaced with newer ones as quickly as possible.

That brings me back to my earlier point: although improvements to the network have been made and there are plans for more rapid charge points, there must be a concerted effort to streamline the whole charging experience for the user. We cannot possibly hope to increase electric vehicle ownership unless the network is maintained to an exemplary standard. That must be our aim.

It is essential that electric car travel in Scotland becomes more efficient and that reliable rapid charge points become the norm. I take this opportunity to encourage electric car use in Skye, Lochaber and Badenoch and across the country as a means to reduce our carbon footprint. I call on all members in the chamber to campaign in their constituencies to make electric car travel more prevalent.

Finally, I look forward to hearing more about the good work of EVAS—

The Deputy Presiding Officer: You must close, please.

Dave Thompson: The work that EVAS is doing to promote and represent the interests of electric vehicle users is first class, and I hope that members will consider getting along to the EVAS electric car events in June.

12:41

Hanzala Malik (Glasgow) (Lab): I thank Dave Thompson for bringing the debate to the chamber.

The expansion of electric vehicle charging networks across the UK in recent years is a welcome contribution to reducing CO₂ emissions.

The more convenient and cost effective it is for people to have electric or hybrid vehicles, the more demand will increase.

Until now, a lot of the investment in fast or rapid charging points has focused on areas with a high volume of traffic such as urban areas and motorways. Now, Scotland is reaching a point at which we need to invest in vehicle infrastructure for semi-rural and rural areas where people are much more dependent on their cars for short journeys.

In Glasgow, there is reasonable coverage for electric car charging points, but no superchargers or rapid chargers. As demand is high, there are often not enough spaces for people to charge their cars. Glasgow has had free charging points for electric cars for several years. As the number of users of plug-in vehicles increased, there began to be disputes when hybrid or electric cars were parked in those spaces but were not actually plugged in. In other areas, owners of electric vehicles were upset that the charging facilities were being used by hybrid cars.

Earlier this year, Glasgow City Council introduced a £3-per-hour levy for street-side electric car charging. I feel that the introduction of charges for charging is a step backwards. There is usually free parking for cars for up to two hours, so two hours of charging should also be free in a bid to encourage more electric vehicles in our cities.

The electric car charging network needs to keep up with technology. In Scotland there are only three Tesla superchargers, which deliver 120kW of direct current, and sadly none of them is on the west coast. If someone in Glasgow wants access to a supercharger, they need to travel around 50 miles to get to one, which is unsatisfactory and unacceptable.

Charging points for electric cars are as much a part of our transport infrastructure as our roads, and they can become an integral part of our tourist industry. I call on local and regional governments, Westminster, the European Union and even the United Nations to encourage private and public industry to play a greater role in providing additional power points or superchargers in supermarkets, service stations and tourist destinations, to enhance the service that is provided.

I quite agree with Dave Thompson that if we want to ensure that the electric vehicle industry flourishes, we must provide people with the services that are needed for that to happen. There is a great opportunity for the Scottish Parliament to take a lead on the issue and show the rest of the UK and other countries that electric vehicles are the future and will enhance everyone's quality of life.

12:45

Angus MacDonald (Falkirk East) (SNP): I am grateful to Dave Thompson for securing this important debate. I was pleased to support the motion in his name.

There is no doubt that electric vehicles have an important role to play in a decarbonised transport sector, alongside demand management and greater levels of active travel. There is a continuing need to do more to secure greater numbers of EVs on Scotland's roads.

With recent technological advances, electric vehicles are an efficient and realistic method of transport, which will not only reduce greenhouse gas emissions but improve air quality and thereby improve the health and wellbeing of the people of Scotland. It is one thing to acknowledge that; it is quite another to implement such a policy. The Scottish Government has taken measures to increase the appeal of EVs, but a major hindrance to consumer appeal has been the availability of plug-in stations and the lack of rapid electric charge points, as Dave Thompson said. If we want to encourage the use of electric cars, we must ensure that they are a viable option for everyday use.

We can look to countries that have implemented measures with varying success, such as Norway and Germany, as case studies. Norway has had huge success in the EV market and has the world's highest number of electric cars per capita, by a wide margin. Oslo has the highest density of EVs in the world. It has been suggested that there is an opportunity for Scotland to learn from the Norwegian experience—and not just on EVs, I hasten to add. Norway has adopted measures that give EVs priority, such as giving EVs access to bus lanes, so I would be interested to hear from the minister what role the forthcoming national framework for local incentives will give to priority measures for EVs.

Norway's success is also due to incentives for zero-emissions vehicles, which include exemptions from road tolls, free parking in town centres, access to bus lanes and import tax that is calculated on the basis of a car's carbon dioxide and nitrogen oxide emissions and weight.

Furthermore, the Norwegian Parliament voted, with cross-party consensus, to maintain those financial incentives until 2018 or until there are 50,000 zero-emissions vehicles on the road, thereby tuning the system so that cars with higher emissions are penalised and those with lower emissions are rewarded. The measures have been successful in nudging consumers to purchase more eco-friendly vehicles and in adjusting the Norwegian mindset to support the electric vehicle movement.

A huge part of Norway's success in implementing viable EV market incentives is the availability of charging points, which has been made possible through a massive Government push for charging infrastructure, which resulted in an increase from fewer than 200 charging stations in 2009 to more than 7,000 publicly accessible plug-ins for EVs throughout the country. There is also an online, centralised database, Nobil, to maximise the benefits and the information that is available. Something similar might help Dave Thompson when he is searching for a rapid charging point in north Stirlingshire.

By contrast—and surprisingly—Germany has been slow to adopt similar measures, and its EV market is suffering for that. Germany has one of the leading sustainable energy markets in the world, but its EV movement has been rather stagnant, partly due to its lack of charging stations. At the end of 2014, Germany had only 100 fast-charging direct current stations and 4,800 level 2 charging stations. That makes for a relatively low density of charging infrastructure for more than 600,000 kilometres of roads, especially when we compare Germany's position with Norway's 7,000 plug-ins for only a sixth of the total road network.

Here in Scotland, during the Rural Affairs, Climate Change and Environment Committee's visit to Orkney in June to take evidence on land reform, I learned that in the spring of 2014, the Rousay, Egilsay & Wyre Development Trust co-ordinated an electric car project, in which three areas of Orkney were awarded the cost of leasing four electric vehicles for one year.

At the beginning of the leases, there was a limited number of charging points, which was especially problematic in Orkney because of its landscape. However, more charging points were installed, the problem was largely resolved and the project was considered so successful that two of the islands renewed their leases on the electric cars. Even the trust that organised the project bought an electric car of its own. Before the project, there were only 10 EVs in Orkney; now, there are more than 70 electric vehicles in a population of 21,500.

Climate change is very much on the Scottish Government's radar. The recent percentage reduction in emissions demonstrates that Scotland is more than three quarters of the way to achieving its climate change goal of meeting its emissions reduction targets by 2020. Encouraging the EV market will help us to attain that goal, taking advantage of Scotland's abundant renewable energy resources to provide electricity to power those vehicles and create a cleaner, greener, more sustainable Scotland.

12:50

Cameron Buchanan (Lothian) (Con): I am pleased that we have the opportunity today to discuss the need for electric car rapid charging points, because it highlights the wider subject of the need to embrace technology in our response to climate change. Dave Thompson has hit the nail on the head in pinpointing human ingenuity as the source of smarter ways to reduce carbon emissions. Innovation is, indeed, the greatest source of progress, and we would do well to embrace technological change as the best way to tackle climate change in a sustainable, cost-effective and transformational way. Travel by electric car is one of the innovations that can make a real and lasting difference, so it is right that we consider how best to encourage it, while taking into account limitations as well as opportunities.

Colleagues will be aware of the benefits of electric cars, and it is good to have heard them highlighted today. Travel by electric car can reduce our carbon footprint, which seems to be an increasingly important concern for some consumers when they are selecting a car. However, it would be unrealistic to expect that to be their only criterion; cost, reliability and range are all important factors for drivers, and such practical concerns must be addressed if we are to see widespread uptake of electric cars. Dave Thompson is therefore right to highlight the importance of rapid charging points, which are particularly important because the range of the batteries that are used can be very short compared to what is offered by a full tank of fuel.

There is a difficult compromise to be made, in that funding for new charging points has to be measured against frequency of use—some do not work if they are not used frequently. Indeed, I have seen reports of some charging stations being left unused for long periods, which puts an inevitable question mark over how justified it would be to divert resources from elsewhere to provide more. Of course, we could end up in a circular argument, because uptake of electric cars can depend on availability of charging points in the first place. Clearly, a balance has to be struck that takes into account the benefits of investment in rapid charging points as well as potential opportunity costs.

The key theme in the motion that I would like to support is that use of environmentally friendly travel options, including electric cars, is about their practicality as much as it is about their green credentials. Increased availability of charging points—and rapid ones, at that—is a good place to start, but we should in the first place put our energy into supporting efforts to improve practicality.

I am no engineer, so I have no idea about the finer details, but we have a wealth of talent in Scotland that has delivered and will continue to deliver leaps forward in technology through innovative thinking. With the right environment and the right support, the problems around the need for charging points can be addressed for the long term by increasing battery ranges. I am sure that we would all agree on that. I take the opportunity to underline my support for and acknowledgement of the human ingenuity that makes such progress possible.

I am glad that we have had this opportunity to discuss the use of electric cars and the challenges that their drivers face. I hope that the key message that we can take away from the debate is that long-term and sustainable progress is made by human ingenuity and that such pioneers set an example that we in Parliament should applaud.

12:54

The Minister for Transport and Islands (Derek Mackay): I congratulate Dave Thompson on securing the debate and on raising awareness of the uptake of electric vehicles and all necessary matters. As he described, he practises what he preaches by owning an electric vehicle.

I would not want people to think that Transport Scotland is slow to act. I have an update from officials on the matters that have been raised. I do not understand the full note, but I am sure that officials will be able to explain the technical details to Dave Thompson before his trip. I understand that one or two of the charging points that he mentioned have been fixed, that work has been commissioned in Shiel Bridge and is awaiting final testing, but that work at Broadford is delayed due to the wayleave agreement, although the aim is to commission that work by the end of April. I have no idea what that means, but I am sure that the official who is present will be able to explain it.

The Scottish Government absolutely supports increased uptake and use of electric vehicles as we move away from fossil-fuel-burning vehicles. That is the only way that we will make progress on our greener, cleaner country policy. Such transformation will be significant, so the Government will continue to support it in every way that we can—through the national transport strategy, through the chargeplace Scotland initiative and through individual packages of support for electric vehicles. Indeed, our overarching vision is of a completely decarbonised transport system, so we need to move towards electric vehicles for air quality, for the environment and for personal behaviour. We are supporting electric vehicles through individual initiatives such as the switched-on fleets scheme, which supports purchase of electric vehicles right across Scotland,

including the Highland region specifically. We are also looking at what more we can do with incentives.

Hanzala Malik made a fair point about charging, which is certainly worth considering, as is enhancing the infrastructure, which can be done through a partnership approach across the public and private sectors. Showcasing of electric vehicles is necessary, which is why the exhibitions that have been referred to will be so important in demonstrating the benefits of electric vehicles.

We are making progress: there are now more than 2,000 electric vehicles on Scotland's roads. In 2014, more than 800 electric cars were sold in Scotland using the United Kingdom Government's plug-in car grant, which was more than in the previous three years combined. The 2015 sales figures have yet to be confirmed, but they will tell us that even more vehicles have been sold using the scheme between January and September. We are beginning to build up accelerated progress—pardon the pun—to deliver more electric vehicles. To respond to Kenny Gibson's question, I say that of course the infrastructure has to be in place first so that the vehicles can operate and to provide confidence about availability. The main point of the debate is the availability of charging points. More is being done to increase the number of charging points and availability of the infrastructure because of increasing demand as more vehicles are purchased.

Domestic charging is also important. There have been more installations and demand has surpassed availability of funding in some of the support schemes for delivering home installations. That is something that I will look at closely as we go forward with transport delivery policies. I would also like big employers to look at their policies and initiatives on sustainable transport, so that they can increase the number of charging points with the public sector and increase their purchase and use of electric vehicles in their business.

I could list the areas that have benefited from grant schemes, but time does not allow it. However, I would like to say that in Dave Thompson's constituency of Skye, Lochaber and Badenoch alone we have installed nine rapid chargers, with a further five planned. Charging points are hosted and maintained by local authorities and by others: we appreciate those on-going partnerships in delivery of the network.

There is more to do, and we will continue to deliver charging points, in view of what is happening across networks in Europe. Scotland has made good progress, but we want to achieve much more. Scotland has gained a strong reputation based on the work that we have done around uptake of electric vehicles. That is why we will continue to provide leadership and resources

to develop the chargeplace Scotland network to meet the needs of the growing electric vehicles market.

Of course, widespread electric vehicle adoption will require more than the Government doing something: it will require a partnership approach from the public and private sectors. However, there is a clear need for Government-led activity to deliver our transport strategy and our vision of a decarbonised road network through not just modal shift but use of certain types of vehicles—increasingly electric vehicles—because of emissions.

For all those reasons, I commend Dave Thompson for his work—his support and campaigning on the issue, and his encouragement of all MSPs to campaign in their areas and to raise awareness of the benefits of electric vehicles. That will lead to further investment and, for the Government's part, we will continue to support the infrastructure and to provide direct incentives to support the cause.

The Deputy Presiding Officer: I thank everyone for taking part in the debate.

13:00

Meeting suspended.

14:00

On resuming—

Business Motions

The Deputy Presiding Officer (Elaine Smith): Good afternoon. The first item of business this afternoon is consideration of business motion S4M-15875, in the name of Joe FitzPatrick, on behalf of the Parliamentary Bureau, setting out a timetable for the stage 3 consideration of the Lobbying (Scotland) Bill.

Motion moved,

That the Parliament agrees that, during stage 3 of the Lobbying (Scotland) Bill, debate on groups of amendments shall, subject to Rule 9.8.4A, be brought to a conclusion by the time limits indicated, those time limits 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 15 minutes
 Groups 7 to 9: 1 hour 45 minutes.—[*Joe FitzPatrick.*]

Motion agreed to.

The Deputy Presiding Officer: The next item of business is consideration of business motion S4M-15874, in the name of Joe FitzPatrick, on behalf of the Parliamentary Bureau, setting out a timetable for the stage 3 consideration of the Scottish Fiscal Commission Bill.

Motion moved,

That the Parliament agrees that, during stage 3 of the Scottish Fiscal Commission Bill, debate on groups of amendments shall, subject to Rule 9.8.4A, be brought to a conclusion by the time limits indicated, those time limits 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: 40 minutes
 Groups 4 to 6: 1 hour.—[*Joe FitzPatrick.*]

Motion agreed to.

Lobbying (Scotland) Bill: Stage 3

14:01

The Deputy Presiding Officer (Elaine Smith): The next item of business is stage 3 proceedings on the Lobbying (Scotland) Bill. In dealing with the amendments, members should have the bill as amended at stage 2, which is SP Bill 82A, the marshalled list, the supplement to 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 proceedings. 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 buttons as soon as possible after I call the group. Members should now refer to the marshalled list of amendments.

Before section 1

The Deputy Presiding Officer: Group 1 is on lobbying: definition. Amendment 1, in the name of Neil Findlay, is the only amendment in the group.

Neil Findlay (Lothian) (Lab): The bill is in danger of being undermined from the outset by a lack of definition of what we are talking about when we discuss lobbying. The bill as it stands has no clear definition of lobbying and therefore leaves itself exposed.

Amendment 1 would remedy that glaring loophole by providing a definition of what we mean by the term “lobbying”. It strikes me as rather absurd to introduce a bill without defining lobbying. I do not think that we introduce many bills in the Parliament without describing the actual thing that we are legislating for, but then again, logic does not necessarily apply in this place.

The definition that I propose is one that we consulted on and was much commented on. Therefore I ask people to support the amendment.

I move amendment 1.

Stewart Stevenson (Banffshire and Buchan Coast) (SNP): I understand the principle underlying what Mr Findlay is seeking to do. However, I am left somewhat unclear about what the phrase “in a professional capacity” might mean, since that would not be defined within the bill were we to accept the amendment.

Although I understand where Mr Findlay is coming from, it seems to me much more effective for us to look at the activities that are covered by the bill. That is what the bill is about.

Neil Findlay: I think that the definition as given is much clearer than the lack of definition that we have at the moment. Does the member not agree?

Stewart Stevenson: Of course I do not agree. The definition carries with it the significant danger that, by putting things such as “in a professional capacity” in the amendment, it may exclude some of the intention of areas that we will regulate on. We are simply safer to go on what is in the bill—the activities that are covered by the bill—and that is certainly my intention.

Neil Findlay: Will the member take an intervention?

Stewart Stevenson: I think that I will not. We need to make progress.

Patrick Harvie (Glasgow) (Green): In defence of Neil Findlay’s amendment, it seems reasonable to include a definition of lobbying on the face of the bill. The argument that we have just heard, which is that amendment 1 includes both too much definition and not enough, seems rather weak and perplexing.

The Minister for Parliamentary Business (Joe FitzPatrick): As Neil Findlay described, the aim of amendment 1 is to set out in the bill a definition of what lobbying is before the bill moves on to define the scope of regulated lobbying.

As I made clear at stage 2, the amendment is not required. Section 1 of the bill already defines clearly what type of activity is deemed to be lobbying, the type of lobbyees and lobbyists to be included, and the means by which the lobbying communications are made.

Mr Findlay’s amendment would lead to confusion and potential difficulties of interpretation of the bill’s key provisions including, in particular, section 1. The effect of the amendment is likely to be the opposite of what Mr Findlay envisages. It would not add clarity, but instead would create unnecessary ambiguity.

For those reasons, I invite the Parliament to oppose Neil Findlay’s amendment 1.

Neil Findlay: As we go through the afternoon Mr FitzPatrick might care to reflect on the words “confusion” and “ambiguity”, because as we go through the bill that is what it will be riddled with.

I therefore press amendment 1.

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

Members: No.

The Deputy Presiding Officer: The Parliament is not agreed and there will be a division. As it is the first division of the stage, I suspend the meeting for five minutes.

14:06

Meeting suspended.

14:11

On resuming—

The Deputy Presiding Officer: We move to the division on amendment 1.

For

Baillie, Jackie (Dumbarton) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Brennan, Lesley (North East Scotland) (Lab)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (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)
 Harvie, Patrick (Glasgow) (Green)
 Hilton, Cara (Dunfermline) (Lab)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Malik, Hanzala (Glasgow) (Lab)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McMahan, Michael (Uddingston and Bellshill) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Drew (Glasgow) (Lab)
 Stewart, David (Highlands and Islands) (Lab)
 Urquhart, Jean (Highlands and Islands) (Ind)
 Wilson, John (Central Scotland) (Ind)

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)
 Buchanan, Cameron (Lothian) (Con)
 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)
 Dey, Graeme (Angus South) (SNP)
 Don, Nigel (Angus North and Mearns) (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)
 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)
 Lochhead, Richard (Moray) (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)
 McInnes, Alison (North East Scotland) (LD)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (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)
 Salmond, Alex (Aberdeenshire East) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (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)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Yousaf, Humza (Glasgow) (SNP)

The Deputy Presiding Officer: The result of the division is: For 30, Against 75, Abstentions 0.

Amendment 1 disagreed to.

Section 1—Regulated lobbying

The Deputy Presiding Officer: Group 2 is on regulated lobbying: methods of communication. Amendment 12, in the name of Patricia Ferguson, is grouped with amendments 15, 14 and 23.

Patricia Ferguson (Glasgow Maryhill and Springburn) (Lab): I rise to move amendment 12, speak to amendments 15 and 14, and support George Adam's amendment 23.

The Government bill that the Parliament has before it suggests that only communications made

orally, that is, face-to-face communication, videoconference or the like, should be deemed to be lobbying. In evidence to the Standards, Procedures and Public Appointments Committee, Dr Dinan of Spinwatch and the alliance for lobbying transparency and ethics regulation European Union—ALTER-EU—described the restriction to face-to-face communication as “ludicrous”, while Unlock Democracy described the current definition as

“a gift to those who might wish to keep their activity out of the public gaze”.

Professor Raj Chari of Trinity College, Dublin, an expert in the area, advised us that he was unaware of any legislation anywhere else that contained such a restriction. Carers Trust Scotland presumed charitably that it must just be an oversight. However, it is not an oversight. It is instead the policy position of the Scottish Government.

As a result of the evidence heard during stage 1, the Standards, Procedures and Public Appointments Committee, of which I am a member, suggested that the Scottish Government should consider including other forms of communication, such as emails, letters and telephone communication.

At stage 2, I lodged amendments designed to give effect to the stated recommendations of the majority of the Standards, Procedures and Public Appointments Committee members, but unfortunately the committee chose to vote down those amendments by five votes to one—so much for the independence of our committees.

Today, I again move amendments designed to ensure that communication by email, by telephone and in writing will be considered to be lobbying. Without those amendments, the bill becomes a sham.

Before members press their voting buttons, I ask them to consider this. We have all been lobbied about the bill. We have been lobbied by a range of organisations that have different viewpoints. How many of the organisations that lobbied us spoke to us face to face and how many sent emails? I think that we know the answer to that. We also know the power of electronic and written communication. To omit that from the bill is plain wrong.

I move amendment 12.

14:15

George Adam (Paisley) (SNP): I lodged amendment 23 on the back of a recent briefing paper from the Law Society of Scotland. The Law Society noted that, although section 1 refers to communication that is made orally, the bill does

not define the word “orally”. It further noted that the plain dictionary definition of “orally” refers to verbal communication. Like the Law Society, I would welcome clarification from the Government of whether the bill covers British Sign Language and other forms of communication that are equivalent to the spoken word.

During the passage of Mark Griffin’s member’s bill on British Sign Language, I, along with my colleagues on the Education and Culture Committee, learned that BSL is a living, thriving language in our community. If we truly recognise BSL as a language, as that bill does, it stands to reason that that language will be used to engage in the political process in ways that represent the community involved.

It is only logical to include BSL in the Lobbying (Scotland) Bill as oral communication. Amendment 23 is a technical amendment that would keep the Parliament’s commitment to those we serve in the BSL community, who are looking towards equality of communication. With that in mind, I ask members to support the amendment.

Stewart Stevenson: Patricia Ferguson’s quotation from the Standards, Procedures and Public Appointments Committee’s stage 1 report was perfectly proper, but it might be as well to continue from where she quoted. The report said:

“The Committee recommends that the Government reviews the potential impact of altering the definition ... to include communication of any kind with a view to establishing what amendments ... might be required.”

That recommendation was made because the effect of extending the definition is not known.

I very much welcome the Government’s amendments to give us two years of running the system, after which we will revisit the subject and see what we want to do. That is a proportionate response.

I know only one little bit of sign language, which I am demonstrating now—it identifies who I am as ZS, which are my working initials. I very much support George Adam’s amendment 23, which is timely, appropriate and the right thing to do.

Patrick Harvie: I am struggling to resist the temptation to use some of the few signs that I know.

I very much welcome George Adam’s amendment 23, as it is important that we include BSL in the bill. I am interested that the amendment finishes with the words

“or is otherwise made by signs.”

If we agree to amendment 23 but not to Patricia Ferguson’s amendments, we will be in the absurd position where semaphore will be included as

lobbying but email will not. Which century are we living in?

Surely we must include the broadest range of forms of communication, which includes those that are particularly powerful and which we can expect to be of only increasing significance in the future. Please let us agree to amendments 12, 15 and 14 and be serious about the bill.

Joe FitzPatrick: Patricia Ferguson’s amendments 12, 15 and 14 would substantially broaden the definition of regulated lobbying by including other forms of communication—particularly communication by electronic and written means. They would also give the Parliament the power by resolution to modify, add to or remove the types of communication that the bill covers.

The Government’s view, which is supported by the Standards, Procedures and Public Appointments Committee’s inquiry into lobbying, remains that face-to-face lobbying is the most influential. As I made clear at stage 2, the Government does not support extending the definition of regulated lobbying to include other forms of communication.

I am not persuaded that the additional burden that such an extension could place on organisations has been properly thought through. That view is supported by many stakeholders, including the Scottish Council for Voluntary Organisations and the Federation of Small Businesses.

The Government listened to views and lodged an amendment, agreed to at stage 2, to extend the scope of face-to-face communications to include communication by videoconferencing or its equivalent, in addition to communication in person.

The review provision, which was inserted into the bill at stage 2, provides an opportunity to learn from experience in the operation of the act and to found any changes to the types of communication that are covered on a clear evidence base.

Neil Findlay: Will the member take an intervention?

Joe FitzPatrick: Okay, quickly.

Neil Findlay: On the subject of clear evidence, what evidence does the minister have, or has he ever had, that face-to-face communication is more effective than any other communication? He has no evidence and he has never put any before Parliament.

Joe FitzPatrick: I think that there is evidence, which I will come to later. [*Interruption.*]

The Deputy Presiding Officer: Order, please.

Joe FitzPatrick: I think that the important thing is that we need to make sure that the bill is proportionate, and there is no evidence to—
[*Interruption.*]

The Deputy Presiding Officer: Order, please.

Joe FitzPatrick: —assert the fact that it would not be a disproportionate burden to extend the definition in the way that Patricia Ferguson’s amendment suggests.

I thank George Adam for lodging amendment 23 and the Law Society of Scotland for raising the matter that it deals with. The Government will support the amendment, which makes it clear that the definition of “regulated lobbying” includes methods of communication that are used as alternatives to the spoken word—I think that deals with Patrick Harvie’s point—and, very importantly, recognises that British Sign Language is in itself a language.

I am clear that British Sign Language and other such methods of communication, such as those used by the deafblind community, whether face to face or through an interpreter, should be included within the definition of regulated lobbying. This amendment will helpfully put that beyond doubt.

In conclusion, I ask the Parliament to oppose Patricia Ferguson’s amendments 12, 15 and 14, and I invite the Parliament to agree to George Adam’s amendment 23.

The Deputy Presiding Officer: Thank you, minister. I call Patricia Ferguson to wind up and to indicate whether you intend to press or withdraw, please.

Patricia Ferguson: I definitely intend to press my amendment. I am struggling to know how to react to the contribution made by Stewart Stevenson. I think that he knows that I very much respect the way in which he convenes the Standards, Procedures and Public Appointments Committee and I very much enjoy the discussions and the debates that we have. I will simply remind him, without going into detail any further than this, that the report of the committee that he chairs described the distinction that was being placed on the bill by the Scottish Government as an “artificial distinction”. That is the view of his committee.

I also say to the minister that I find peculiar the idea that somehow collating information about written communication would be harder than collating information about verbal communication. It stands to reason that one is recorded in writing on a computer, and the other relies on individuals reporting it.

It seems to me that we are in the 21st century. We all know that the volume of emails and the volume of telephone calls that we have has increased even since this Parliament has been in

existence. Many members will testify to the fact that constituency surgeries are no longer as well attended as they were in 1999. That does not mean that the volume of communications from constituents is any less. It just means that those constituents choose to communicate in a slightly different way, and they do so by email.

To exclude those issues from the bill is, to my mind—

Joe FitzPatrick: Will the member take an intervention?

Patricia Ferguson: Well, I will take an intervention, minister. [*Interruption.*]

The Deputy Presiding Officer: Could members stop having conversations across the chamber, please?

Joe FitzPatrick: I will be very clear. The bill as framed would not under any circumstances capture what is said by constituents who are coming to see their MSP, such as people who are coming to talk about housing issues on their own behalf, and that is very much our intention. The bill is very clear that those people are not covered.

Patricia Ferguson: I am really surprised that after all these months Mr FitzPatrick thinks that I need to be told that. [*Interruption.*]

The Deputy Presiding Officer: Order, please.

Patricia Ferguson: We know—and if they have read the bill and the amendments, members of the Parliament know—that communication with one’s constituents is not covered by the bill.

The point that I was making—Mr FitzPatrick must know this well—is that the way in which people of all kinds choose to communicate in 2016 is very different even from the way that they chose to communicate in 1999.

If we do not include communication by email, letter and telephone, as well as everything that civil servants record for ministers, we will do the bill a disservice and make the Parliament a laughing stock.

The Deputy Presiding Officer: The question is, that amendment 12 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
Beamish, Claudia (South Scotland) (Lab)
Bibby, Neil (West Scotland) (Lab)
Brennan, Lesley (North East Scotland) (Lab)
Chisholm, Malcolm (Edinburgh Northern and Leith) (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)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hilton, Cara (Dunfermline) (Lab)
 Hume, Jim (South Scotland) (LD)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Malik, Hanzala (Glasgow) (Lab)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McMahan, Michael (Uddingston and Bellshill) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Scott, Tavish (Shetland Islands) (LD)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Drew (Glasgow) (Lab)
 Stewart, David (Highlands and Islands) (Lab)
 Urquhart, Jean (Highlands and Islands) (Ind)
 Wilson, John (Central Scotland) (Ind)

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)
 Buchanan, Cameron (Lothian) (Con)
 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)
 Dey, Graeme (Angus South) (SNP)
 Don, Nigel (Angus North and Mearns) (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)
 Goldie, Annabel (West Scotland) (Con)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Lochhead, Richard (Moray) (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)
 McArthur, Liam (Orkney Islands) (LD)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (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)
 Salmond, Alex (Aberdeenshire East) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (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)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Yousaf, Humza (Glasgow) (SNP)

The Deputy Presiding Officer: The result of the division is: For 34, Against 75, Abstentions 0.

Amendment 12 disagreed to.

The Deputy Presiding Officer: Group 3 is on regulated lobbying: recipients of communications. Amendment 18, in the name of the minister, is grouped with amendments 13, 16 and 20.

Joe FitzPatrick: The purpose of Patricia Ferguson's amendment 13 is to extend the scope of regulated lobbying to include communications that are made to people other than MSPs, ministers and special advisers. Her amendment 16 defines the civil servants she wishes to extend the bill to cover. Amendments 18 and 20 set out an alternative way forward.

During the debate on almost identical amendments that Patricia Ferguson lodged at stage 2, I made it clear that her approach was not proportionate. The committee agreed to a Government amendment at stage 2 to extend the bill to cover special advisers, and I undertook to consider further whether the bill should be extended to any other specific groups of public officials and, in doing so, to consult the trade unions.

The Government has carefully considered the possibility of including all senior civil servants as lobbyists and has concluded that the case has not

been made to justify extending the bill in that way. First, doing so would increase the volume of registrable lobbying activity, which would bring an additional burden to registrants and could erode public engagement in Scotland.

In addition, although civil servants have a clear link to ministers, they occupy a different space from politicians. There would be a risk of impacting unduly on the day-to-day operational duties that civil servants undertake that do not influence the exercise of ministerial functions in a way that would generally be regarded as lobbying.

However, I recognise the permanent secretary's unique position, and amendments 18 and 20 will include face-to-face communications with the permanent secretary in the definition of regulated lobbying. I remind members that the bill, as amended at stage 2, includes a review provision that will allow Parliament to learn from the experience of the register and to build a clear evidence base on which to consider any proposals for change.

I invite Patricia Ferguson not to move amendments 13 and 16. If she chooses to move them, I ask Parliament to oppose them.

I move amendment 18.

14:30

Patricia Ferguson: The minister's amendment 18, to include the permanent secretary, is welcome. However, the permanent secretary is only one of many civil servants and officials who have responsibility and who, as the minister admitted, receive communications that may well be registrable lobbying if my amendments are agreed to. I therefore find his argument to be slightly odd.

As Parliament will understand, I want to extend the definition of those who are covered by the bill, and it is clear that I want to extend it further than the minister does. I want the definition to include civil servants to the grade of deputy director.

If the bill is to be effective, it has to recognise that politicians are not the only people who are lobbied and that officials may also be lobbied. The public need to know what lobbying takes place; that is a large part of the bill. However, the bill must serve another purpose, which is to protect those who may unwittingly fall foul of unscrupulous lobbyists. The best way to do that is to make the situation as transparent as possible, so that public officials are protected by the openness that would apply to any of their dealings that are to be registered.

The minister argues that members of the civil service do not make decisions in and of themselves. Perhaps that point can be argued, but

who writes the briefings on which ministers base their decisions? It is the civil servants. If those civil servants have been lobbied, should that fact not be known? I think that it should be.

I very much welcome the minister's change of direction in this area but, if we are to provide any kind of openness and transparency, the bill has to be extended to include civil servant grades down to deputy director.

Patrick Harvie: Patricia Ferguson and Joe FitzPatrick have both had the happy privilege of serving as Scottish ministers. I am yet to enjoy that luxury, but my guess is that the vast majority of lobbying of senior civil servants is not to the permanent secretary but to those who are in other influential positions in the Scottish Government.

Mr FitzPatrick reminds us—correctly—that there is to be a review period. If we are to be as fully informed as we deserve to be by that review, the greatest amount of information about the lobbying that takes place must be captured between now and the review. We will be in a stronger position to decide whether the system is working if we have had maximum transparency in the intervening period. For that reason—if nothing else—I support Patricia Ferguson's amendments 13 and 16.

The Deputy Presiding Officer: Would the minister care to wind up?

Joe FitzPatrick: I will wind up briefly. We have to be careful that we do not make decisions that could have unintended consequences. I understand that there is a body of opinion that we should go much further on how deep a level of the civil service is covered by the bill. That is why we lodged a stage 2 amendment to provide for a review, and we specifically stated that the Parliament should look at this area. We have to see the act in operation.

Neil Findlay: Is the minister seriously telling us that, of all the people in the Scottish Government, the only person who gets lobbied and should be registered is the permanent secretary?

Joe FitzPatrick: I am saying that we have established the level at which we think lobbying should be registrable, which includes special advisers and the permanent secretary. I am confident that that can be achieved without any unintended consequences on the operation of the Scottish Government and without impacting on people who engage with the Government.

Dr Richard Simpson (Mid Scotland and Fife) (Lab): The minister has not made clear his response to Patrick Harvie's question whether, in the meantime, he will collect data to ensure that the review is fully informed.

Joe FitzPatrick: There are two approaches that could be taken: extending the register as far as

possible, which I understand and respect is Patricia Ferguson's view, or making sure that we do not create an unintended impact. I think that the bill as proposed—with my amendments—is the way forward, and I do not support Patricia Ferguson's amendments.

The Deputy Presiding Officer: The question is, that amendment 18 be agreed to. Are we agreed?

Members: Yes.

The Deputy Presiding Officer: We are agreed—[*Interruption.*] I am sorry; we are not agreed. I will put the question again. If someone wishes to disagree, they should do so loudly.

The question is, that amendment 18 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)
 Beamish, Claudia (South Scotland) (Lab)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Bibby, Neil (West Scotland) (Lab)
 Brennan, Lesley (North East Scotland) (Lab)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Nigel (Angus North and Mearns) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 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)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hilton, Cara (Dunfermline) (Lab)
 Hume, Jim (South Scotland) (LD)

Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Johnstone, Alison (Lothian) (Green)
 Keir, Colin (Edinburgh Western) (SNP)
 Kelly, James (Rutherglen) (Lab)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Macintosh, Ken (Eastwood) (Lab)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Malik, Hanzala (Glasgow) (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, Fiona (Strathkelvin and Bearsden) (SNP)
 McMahan, Michael (Uddingston and Bellshill) (Lab)
 McMillan, Stuart (West Scotland) (SNP)
 McNeil, Duncan (Greenock and Inverclyde) (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)
 Salmond, Alex (Aberdeenshire East) (SNP)
 Scott, Tavish (Shetland Islands) (LD)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 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)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wilson, John (Central Scotland) (Ind)
 Yousaf, Humza (Glasgow) (SNP)

Against

Brown, Gavin (Lothian) (Con)
 Buchanan, Cameron (Lothian) (Con)
 Carlaw, Jackson (West Scotland) (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)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Urquhart, Jean (Highlands and Islands) (Ind)

The Deputy Presiding Officer: The result of the division is: For 96, Against 12, Abstentions 0.

Amendment 18 agreed to.

Amendment 13 moved—[Patricia Ferguson].

The Deputy Presiding Officer: The question is, that amendment 13 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Brennan, Lesley (North East Scotland) (Lab)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (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)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hilton, Cara (Dunfermline) (Lab)
 Hume, Jim (South Scotland) (LD)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Malik, Hanzala (Glasgow) (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)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Scott, Tavish (Shetland Islands) (LD)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Drew (Glasgow) (Lab)
 Stewart, David (Highlands and Islands) (Lab)
 Urquhart, Jean (Highlands and Islands) (Ind)
 Wilson, John (Central Scotland) (Ind)

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)
 Buchanan, Cameron (Lothian) (Con)
 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)
 Dey, Graeme (Angus South) (SNP)
 Don, Nigel (Angus North and Mearns) (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)
 Goldie, Annabel (West Scotland) (Con)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Lochhead, Richard (Moray) (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)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (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)
 Salmond, Alex (Aberdeenshire East) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (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)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Yousaf, Humza (Glasgow) (SNP)

The Deputy Presiding Officer: The result of the division is: For 35, Against 74, Abstentions 0.

Amendment 13 disagreed to.

Amendment 15 moved—[Patricia Ferguson].

The Deputy Presiding Officer: The question is, that amendment 15 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Brennan, Lesley (North East Scotland) (Lab)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (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)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hilton, Cara (Dunfermline) (Lab)
 Hume, Jim (South Scotland) (LD)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Malik, Hanzala (Glasgow) (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)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Scott, Tavish (Shetland Islands) (LD)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Drew (Glasgow) (Lab)
 Stewart, David (Highlands and Islands) (Lab)
 Urquhart, Jean (Highlands and Islands) (Ind)
 Wilson, John (Central Scotland) (Ind)

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)
 Dey, Graeme (Angus South) (SNP)
 Don, Nigel (Angus North and Mearns) (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)
 Goldie, Annabel (West Scotland) (Con)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)

Johnstone, Alex (North East Scotland) (Con)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Lochhead, Richard (Moray) (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)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (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)
 Salmond, Alex (Aberdeenshire East) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (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)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Yousaf, Humza (Glasgow) (SNP)

The Deputy Presiding Officer: The result of the division is: For 35, Against 73, Abstentions 0.

Amendment 15 disagreed to.

The Deputy Presiding Officer: Group 4 is on regulated lobbying: individuals making communications. Amendment 17, in the name of Patrick Harvie, is the only amendment in the group.

Patrick Harvie: I have already indicated informally to the Scottish Government and to Neil Findlay that I am moving amendment 17 not with huge determination but with a desire to have some discussion about a form of lobbying that might not yet be a significant issue in Scotland but which we should anticipate will grow in the future. It is not covered by the system of lobbying regulation that the bill seeks to establish, but it is a growing area that I hope that the review will consider.

The amendment concerns businesses that operate a highly networked business model, which marshals and encourages a large number of their customers to lobby in effect on the business's behalf rather than on behalf of the direct interests

of individual citizens. Around the world, there are many, many cases of that happening. Perhaps the most notorious example involves Uber. Whatever view we take of whether Uber's business model is a good addition to a country's transport economy, Uber has vigorously used its highly networked customer base to lobby for favourable regulatory regimes, including in contexts in which public safety is at significant threat and regulations are intended to address that issue rather than shut down the company's business altogether. Other companies, such as Facebook, have used similar tactics.

We have talked about the change in how people communicate. We are also seeing a change in how businesses operate and we are seeing the phenomenon of highly networked businesses, which can mobilise quickly, in a non-transparent and unregulated way, the voices of a great number of their customers to lobby on behalf of the business's interests. We can expect that to be an increasing feature of lobbying, whether we call it professional lobbying or networking—that is less the point.

I lodged amendment 17 merely to solicit the views of Opposition members who have argued for lobbying regulation and the view of the Government on how our system of lobbying regulation should deal with this new and emerging form of commercial lobbying, as and when it develops in Scotland.

I move amendment 17.

Stewart Stevenson: I absolutely understand Patrick Harvie's motivation in lodging amendment 17, but in practice he is in danger of falling into an approach that he would strongly oppose, which is the approach that the United Kingdom Government is taking in attempting to stop charities being involved in lobbying. I will give an example that might—I stress the word "might"; I do not assert this as an absolute—arise from the approach that he proposes.

In essence, Mr Harvie is saying that a member of the RSPB, which I take as an example only because it is a very large organisation, could not be lobbied by a paid employee of the RSPB to take part in a campaign on an issue that the charity felt strongly about. The scenario is analogous to the one that Mr Harvie described. Under his proposed approach, an organisation that is professionally run, employs a large number of people and has a huge body of support might not be able to inform its supporters so that they could aid its lobbying activities in line with their personal beliefs, as members of a charity such as the RSPB or another such organisation.

It is good to debate amendment 17, and the issue should certainly be included in our

consideration at the end of the review period, but I am reluctant to support the amendment in its current form, for reasons that I hope that Patrick Harvie will understand.

Patricia Ferguson: Labour members are pleased that Patrick Harvie lodged amendment 17, which highlights an area that had not been thought of in the context of the bill. I suspect that he is right that the issue need not and should not be decided on today. When the review takes place, as we hope that it will do early in the next session of the Parliament, I suspect that people in the Parliament and beyond will be much more familiar with the business model that he described and will therefore perhaps be more able to make a reasoned judgment on it.

The use of new technologies is growing and they are enabling people to have the kind of networked relationship that Patrick Harvie described. It is right that we consider how best to include such issues in the bill. I think that they should ultimately be included in our lobbying regulation, but then again, I am naive enough to think that electronic communication in its more normal form should be included in the bill.

Joe FitzPatrick: I thank Patrick Harvie for his explanation of amendment 17. I think that even he agrees that there is no requirement today for such a provision in the bill. The amendment is ambiguous and is unclear about its intention in some areas. That is the case for obvious reasons, which the member explained. However, as it stands, amendment 17 would add a complex provision, which would not align directly with the key principles that were considered when we developed the bill—that the system should be proportionate and simple to operate.

Having said that, I thank Patrick Harvie for raising the issue, which will enable the Parliament to consider whether it should be included in the review of the legislation's operation. I invite him to seek to withdraw amendment 17 and, if he decides not to do so, I ask the Parliament to resist it.

14:45

Patrick Harvie: I am grateful for the constructive comments that have been made on the need to address, in some form, the issues that amendment 17 merely seeks to invite debate on.

A great many non-governmental organisations—including the RSPB as well as organisations that I have less sympathy for—expect their professional campaigners and lobbying operations to fall within the ambit of the regulation system. The amendment would simply introduce one more dimension to a system of regulation that they already expect to comply with,

and I do not think that it would be disproportionate. The concerns about the impact on NGOs should not prevent our debating how, in the future, we might take a more robust approach to commercial interests using networked business models and the huge networked customer bases that they have to lobby in their interests.

Do not get me wrong—I see far more to welcome than to fear in the network age. However, there is a necessary debate about how the platforms that are emerging for these huge and exciting networked aspects of our lives are to work in the public interest instead of being co-opted merely to serve commercial and private interests. I hope that we will return to the issue in the review and come up with a system that is relevant to such emerging aspects.

Amendment 17, by agreement, withdrawn.

The Deputy Presiding Officer: Group 5 is on money and time spent lobbying. Amendment 2, in the name of Neil Findlay, is grouped with amendments 7 to 9.

Neil Findlay: It is my contention that the public are most concerned about the influence of powerful, wealthy and often well-connected individuals and/or organisations that use their power, wealth and connections to gain access to decision makers, to influence policy, to win contracts or to exert influence over the Government or Parliament in other ways. People are less concerned about small-scale, relatively insignificant lobbying.

My original bill consultation took account of the concern that was raised by small businesses, community organisations and charities that small-scale lobbying might be included. We listened to those who were concerned that the bill would prevent rather than encourage dialogue with the Parliament and access to it; and, in keeping with other jurisdictions, almost a third of which operate a threshold system, developed such a system. I believe that a lobbying threshold is the most appropriate, fair and proportionate way of dealing with the matter. Amendments 2 and 7 would establish a time threshold for in-house lobbyists and a financial threshold for consultant lobbyists. Under such a threshold system, small-scale, insignificant lobbying would not be covered but more significant lobbying would.

Amendments 8 and 9 would provide information relating to the scale of investment that is made in lobbying activity. The public are rightly concerned about how much money organisations invest to get results. That is what lobbying is—an investment by an organisation to get results. There is a great difference between spending a few hundred pounds on a photo shoot with an MSP holding a placard and spending tens of thousands

of pounds in trying to win a ferries contract or a railways franchise. In my consultation, we took evidence from businesses that were concerned that the actual amount spent would be commercially sensitive, so we agreed a compromise whereby a system of banding would indicate the scale within set parameters. Accordingly, amendment 8 sets out proposed scales for both consultant and in-house lobbyists. It is all about openness and transparency.

I move amendment 2.

Stewart Stevenson: One would imagine from what Mr Findlay has just said that the bill as it stands would exclude lobbying for a ferries contract or a railway franchise, but that is very far from the case. Such lobbying would already be captured as regulated lobbying, because people would be being paid to do it.

There is already a lobbying threshold: it is that if someone gets paid to lobby—I speak broadly; there are some caveats—they will be captured, but if someone does it of their own volition and without financial reward, they will not. It is a clear and unambiguous threshold that is not open to the chosen interpretation of enthusiastic accountants. If members want to put accountants in the position of offering a subjective view on whether something is in or out, so be it, but I will not support that.

The threshold definition that is in the bill is the appropriate one, and I encourage members to leave the bill unamended by Mr Findlay's amendments.

Joe FitzPatrick: The amendments in this group are the same as those that Neil Findlay lodged at stage 2, which were opposed by the committee. They seek to do two things: first, to provide a threshold that would remove small-scale lobbying from the registration scheme; and, secondly, to include financial data and the amount of time that is spent lobbying in the register.

I agree with Mr Findlay that we should seek to remove small-scale lobbying from the registration scheme. That is why I lodged amendments 21, 22 and 22B, which I will invite Parliament to support later in proceedings. My amendments will exempt small-scale lobbying and constituency-based communications from the scheme. They will do so in a way that is understandable and simple to operate, unlike Mr Findlay's amendments, with their complexities.

I again make it clear, as I did at stage 2, that I do not think that the case has been made to require registrants to provide financial data in connection with regulated lobbying. I therefore invite Parliament to oppose Mr Findlay's amendments.

The Deputy Presiding Officer: I invite Neil Findlay to wind up and to indicate whether he intends to press or to withdraw amendment 2.

Neil Findlay: I press amendment 2.

The Deputy Presiding Officer: That was quick.

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)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Brennan, Lesley (North East Scotland) (Lab)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (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)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hilton, Cara (Dunfermline) (Lab)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Malik, Hanzala (Glasgow) (Lab)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McMahan, Michael (Uddingston and Bellshill) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Drew (Glasgow) (Lab)
 Stewart, David (Highlands and Islands) (Lab)
 Urquhart, Jean (Highlands and Islands) (Ind)
 Wilson, John (Central Scotland) (Ind)

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)
 Buchanan, Cameron (Lothian) (Con)
 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)
 Dey, Graeme (Angus South) (SNP)
 Don, Nigel (Angus North and Mearns) (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)
 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)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Lochhead, Richard (Moray) (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)
 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, 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)
 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)
 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)
 Yousaf, Humza (Glasgow) (SNP)

The Deputy Presiding Officer: The result of the division is: For 31, Against 77, Abstentions 0.

Amendment 2 disagreed to.

Amendment 14 moved—[Patricia Ferguson].

The Deputy Presiding Officer: The question is, that amendment 14 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Brennan, Lesley (North East Scotland) (Lab)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (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)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hilton, Cara (Dunfermline) (Lab)
 Hume, Jim (South Scotland) (LD)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Malik, Hanzala (Glasgow) (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)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Scott, Tavish (Shetland Islands) (LD)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Drew (Glasgow) (Lab)
 Stewart, David (Highlands and Islands) (Lab)
 Urquhart, Jean (Highlands and Islands) (Ind)
 Wilson, John (Central Scotland) (Ind)

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)
 Dey, Graeme (Angus South) (SNP)
 Don, Nigel (Angus North and Mearns) (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)
 Goldie, Annabel (West Scotland) (Con)
 Grahame, Christine (Midlothian South, Tweeddale and

Lauderdale) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Lochhead, Richard (Moray) (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)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (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)
 Salmond, Alex (Aberdeenshire East) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (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)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Yousaf, Humza (Glasgow) (SNP)

The Deputy Presiding Officer: The result of the division is: For 35, Against 73, Abstentions 0.

Amendment 14 disagreed to.

Amendment 23 moved—[George Adam]—and agreed to.

Section 5—Information about identity

The Deputy Presiding Officer: Group 6 is on the employment history of lobbyists. Amendment 3, in the name of Neil Findlay, is grouped with amendments 4 to 6.

Neil Findlay: This group of amendments relates to the revolving door principle. Senior politicians, civil servants, special advisers et cetera, having served in the civil service or Government, leave their posts armed with a hefty black book full of contacts; inside knowledge of the policy process and the key players and decision makers; and a very good idea of future developments and

spending proposals or other likely proposals. They then take up a post in business, in finance or with a lobbying company, or some other organisation, and are free to use those links on behalf of their new employers and clients, although such opportunities are not available to the ordinary man and woman in the street. We need only look at some of the lobbying organisations and businesses detailed in Spinwatch's recently published "Holyrood Exposed: A guide to lobbying in Scotland" to see that at work. [*Interruption.*]

The Deputy Presiding Officer: Order, please. There is a bit of chat going on. Can we have quiet, please?

Neil Findlay: If we look at the personnel of, for example, Charlotte Street Partners, Weber Shandwick or Edinburgh Airport, we see that they are very well connected ex-politicians, civil servants and special advisers, with a huge advantage over ordinary members of the public and their business competitors.

Amendments 3 to 6 would compel people in such a position to record on their lobbying returns their employment record for the previous five years. For example, the former head of the civil service, Sir John Elvidge, now chairs Edinburgh Airport Ltd. If he was involved in lobbying, he would have to detail his previous role to allow the public to deduce whether there might be any correlation between his being in that past role and the Government's policy on, say, scrapping air passenger duty or expanding airports, and whether there is any contradiction with the Government's climate change policy. The amendments are, therefore, about openness and transparency, and I believe that they should be supported.

I move amendment 3.

Joe FitzPatrick: As Neil Findlay has just outlined, amendments 3 to 6 in his name seek to introduce a requirement for those who register to provide retrospective information about their employment history or the employment history of those lobbying on their behalf. As I made clear at stage 2, I do not agree that the case has been made for requiring those who undertake lobbying activity to have their employment history publicly disclosed. It is important to remember that the amendments would apply to everyone undertaking regulated lobbying; a requirement for individuals to publish such information would clearly be disproportionate.

In its stage 1 report, the committee noted

"that the inclusion of individuals' names on the register will enable those with an interest to probe the employment history of those involved in lobbying",

as indeed Neil Findlay managed to do with regard to Sir John Elvidge. As for civil servants and

special advisers, I repeat exactly what I said at stage 2: arrangements are already in place to scrutinise the future employment of civil servants and special advisers, and there is a restriction to ensure that former ministers do not lobby Government for two years following the end of their appointment.

I therefore ask Neil Findlay not to press his amendments. If he does not do so, I ask the Parliament to oppose them.

The Deputy Presiding Officer: Mr Findlay, do you intend to press or withdraw amendment 3?

Neil Findlay: I will press it, Presiding Officer.

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)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Brennan, Lesley (North East Scotland) (Lab)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Ind)
 Gray, Iain (East Lothian) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hilton, Cara (Dunfermline) (Lab)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Malik, Hanzala (Glasgow) (Lab)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McMahan, Michael (Uddingston and Bellshill) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Drew (Glasgow) (Lab)
 Urquhart, Jean (Highlands and Islands) (Ind)
 Wilson, John (Central Scotland) (Ind)

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)
 Buchanan, Cameron (Lothian) (Con)
 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)
 Dey, Graeme (Angus South) (SNP)
 Don, Nigel (Angus North and Mearns) (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)
 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)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Lochhead, Richard (Moray) (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)
 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, 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)
 Salmond, Alex (Aberdeenshire East) (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)
 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)
 Yousaf, Humza (Glasgow) (SNP)

The Deputy Presiding Officer: The result of the division is: For 29, Against 76, Abstentions 0.

Amendment 3 disagreed to.

Amendment 4 moved—[Neil Findlay].

15:00

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)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Brennan, Lesley (North East Scotland) (Lab)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Ind)
 Gray, Iain (East Lothian) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hilton, Cara (Dunfermline) (Lab)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Malik, Hanzala (Glasgow) (Lab)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McMahan, Michael (Uddingston and Bellshill) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Drew (Glasgow) (Lab)
 Urquhart, Jean (Highlands and Islands) (Ind)
 Wilson, John (Central Scotland) (Ind)

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)
 Buchanan, Cameron (Lothian) (Con)
 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)
 Dey, Graeme (Angus South) (SNP)
 Don, Nigel (Angus North and Mearns) (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)
 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)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Lochhead, Richard (Moray) (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)
 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, 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)
 Salmond, Alex (Aberdeenshire East) (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)
 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)
 Yousaf, Humza (Glasgow) (SNP)

The Deputy Presiding Officer: The result of the division is: For 29, Against 76, Abstentions 0.

Amendment 4 disagreed to.

Amendment 5 moved—[Neil Findlay].

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.

For

Baillie, Jackie (Dumbarton) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Brennan, Lesley (North East Scotland) (Lab)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)

Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Ind)
 Gray, Iain (East Lothian) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hilton, Cara (Dunfermline) (Lab)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Malik, Hanzala (Glasgow) (Lab)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McMahan, Michael (Uddingston and Bellshill) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Drew (Glasgow) (Lab)
 Urquhart, Jean (Highlands and Islands) (Ind)
 Wilson, John (Central Scotland) (Ind)

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)
 Buchanan, Cameron (Lothian) (Con)
 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)
 Dey, Graeme (Angus South) (SNP)
 Don, Nigel (Angus North and Mearns) (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)
 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)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Lochhead, Richard (Moray) (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)
 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, 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)
 Salmond, Alex (Aberdeenshire East) (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)
 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)
 Yousaf, Humza (Glasgow) (SNP)

The Deputy Presiding Officer: The result of the division is: For 28, Against 76, Abstentions 0.

Amendment 5 disagreed to.

Amendment 6 moved—[Neil Findlay].

The Deputy Presiding Officer: The question is, that amendment 6 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Brennan, Lesley (North East Scotland) (Lab)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Ind)
 Gray, Iain (East Lothian) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hilton, Cara (Dunfermline) (Lab)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Malik, Hanzala (Glasgow) (Lab)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)

Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Drew (Glasgow) (Lab)
 Urquhart, Jean (Highlands and Islands) (Ind)
 Wilson, John (Central Scotland) (Ind)

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)
 Buchanan, Cameron (Lothian) (Con)
 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 Kinrossshire) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Nigel (Angus North and Mearns) (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)
 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)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Lochhead, Richard (Moray) (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)
 McArthur, Liam (Orkney Islands) (LD)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McInnes, Alison (North East Scotland) (LD)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (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)

Salmond, Alex (Aberdeenshire East) (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)
 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)
 Yousaf, Humza (Glasgow) (SNP)

The Deputy Presiding Officer: The result of the division is: For 29, Against 75, Abstentions 0.

Amendment 6 disagreed to.

Section 6—Information about regulated lobbying activities

Amendment 7 moved—[Neil Findlay].

The Deputy Presiding Officer: The question is, that amendment 7 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Brennan, Lesley (North East Scotland) (Lab)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Ind)
 Gray, Iain (East Lothian) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hilton, Cara (Dunfermline) (Lab)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Malik, Hanzala (Glasgow) (Lab)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McMahan, Michael (Uddingston and Bellshill) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Drew (Glasgow) (Lab)
 Urquhart, Jean (Highlands and Islands) (Ind)
 Wilson, John (Central Scotland) (Ind)

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)
 Buchanan, Cameron (Lothian) (Con)
 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)
 Dey, Graeme (Angus South) (SNP)
 Don, Nigel (Angus North and Mearns) (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)
 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)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Lochhead, Richard (Moray) (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)
 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, 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)
 Salmond, Alex (Aberdeenshire East) (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)
 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)
 Yousaf, Humza (Glasgow) (SNP)

The Deputy Presiding Officer: The result of the division is: For 29, Against 76, Abstentions 0.

Amendment 7 disagreed to.

After section 6

Amendment 8 moved—[Neil Findlay].

The Deputy Presiding Officer: The question is, that amendment 8 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Brennan, Lesley (North East Scotland) (Lab)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Ind)
 Gray, Iain (East Lothian) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hilton, Cara (Dunfermline) (Lab)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Malik, Hanzala (Glasgow) (Lab)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McMahan, Michael (Uddingston and Bellshill) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Drew (Glasgow) (Lab)
 Urquhart, Jean (Highlands and Islands) (Ind)
 Wilson, John (Central Scotland) (Ind)

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)
 Buchanan, Cameron (Lothian) (Con)
 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)
 Dey, Graeme (Angus South) (SNP)
 Don, Nigel (Angus North and Mearns) (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)
 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)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Lochhead, Richard (Moray) (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)
 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, 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)
 Salmond, Alex (Aberdeenshire East) (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)
 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)
 Yousaf, Humza (Glasgow) (SNP)

The Deputy Presiding Officer: The result of the division is: For 29, Against 76, Abstentions 0.

Amendment 8 disagreed to.

Section 15—Power to specify requirements about the register

Amendment 9 moved—[Neil Findlay].

The Deputy Presiding Officer: The question is, that amendment 9 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Brennan, Lesley (North East Scotland) (Lab)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Ind)
 Gray, Iain (East Lothian) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hilton, Cara (Dunfermline) (Lab)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Malik, Hanzala (Glasgow) (Lab)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McMahan, Michael (Uddingston and Bellshill) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Drew (Glasgow) (Lab)
 Urquhart, Jean (Highlands and Islands) (Ind)
 Wilson, John (Central Scotland) (Ind)

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)
 Buchanan, Cameron (Lothian) (Con)
 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)
 Dey, Graeme (Angus South) (SNP)
 Don, Nigel (Angus North and Mearns) (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)
 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)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)

Johnstone, Alex (North East Scotland) (Con)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Lochhead, Richard (Moray) (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)
 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, 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)
 Salmond, Alex (Aberdeenshire East) (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)
 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)
 Yousaf, Humza (Glasgow) (SNP)

The Deputy Presiding Officer: The result of the division is: For 29, Against 76, Abstentions 0.

Amendment 9 disagreed to.

Section 42—Offences relating to registration and information returns

The Deputy Presiding Officer: Group 7 is on offences and sanctions. Amendment 10, in the name of Neil Findlay, is the only amendment in the group.

Neil Findlay: Amendment 10 provides for a sliding scale of warnings, alerts and sanctions for those who fail to register, or who register and then commit a breach of the terms of the register. In practice, that would mean the organisation being warned, via the clerk of the Parliament, of its failure. If, after that, the organisation still failed to address the concerns, a sliding scale of punishment prior to conviction would be suggested, with the ultimate sanction being that the organisation would be struck off the register for three years and/or be fined. Its being barred from the register, and that becoming common

knowledge, may be the most effective sanction. It will ensure that others are not tempted to try to breach the terms of the register.

I move amendment 10.

Joe FitzPatrick: Amendment 10 is a similar amendment to one that Mr Findlay lodged at stage 2, and which was opposed by the committee by five votes to one.

Neil Findlay: The minister has raised that point several times when it suits his argument, but when it does not suit his argument he never mentions it.

Members: Oh!

The Deputy Presiding Officer: Order, please.

Joe FitzPatrick: We will just move on.

Amendment 10 would create a criminal offence with no criminal penalty. I understand that it is also Mr Findlay's intention to introduce a more serious penalty for a second or subsequent offence and for that person then potentially to be prevented from lobbying for three years.

I appreciate the spirit in which amendment 10 seeks to offer registrants some latitude in respect of initial failures to comply with the registration scheme. However, I remain of the view that the amendment will not deliver that intention. It is unclear how a sanction that would prevent a person from engaging in regulated lobbying activity would be enforced. The Government considers that the existing statutory framework, as set out in the bill, provides a proportionate approach in respect of offences.

The provision of guidance and the roles of the clerk and commissioner, backed by the possibility of criminal sanctions, provide an approach that is both fair to registrants and sufficient to ensure the robustness of the registration regime. For those reasons, I ask Neil Findlay to seek to withdraw amendment 10. If he will not, I ask Parliament to oppose it.

Neil Findlay: I wish to press amendment 10.

The Deputy Presiding Officer: The question is, that amendment 10 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Brennan, Lesley (North East Scotland) (Lab)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (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)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hilton, Cara (Dunfermline) (Lab)
 Hume, Jim (South Scotland) (LD)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Malik, Hanzala (Glasgow) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McMahan, Michael (Uddingston and Bellshill) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Scott, Tavish (Shetland Islands) (LD)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Drew (Glasgow) (Lab)
 Stewart, David (Highlands and Islands) (Lab)
 Urquhart, Jean (Highlands and Islands) (Ind)
 Wilson, John (Central Scotland) (Ind)

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)
 Buchanan, Cameron (Lothian) (Con)
 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)
 Dey, Graeme (Angus South) (SNP)
 Don, Nigel (Angus North and Mearns) (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)
 Goldie, Annabel (West Scotland) (Con)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Lochhead, Richard (Moray) (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)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (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)
 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)
 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)
 Yousaf, Humza (Glasgow) (SNP)

The Deputy Presiding Officer: The result of the division is: For 35, Against 72, Abstentions 0.

Amendment 10 disagreed to.

Section 43—Parliamentary guidance

The Deputy Presiding Officer: Group 8 is on public awareness. Amendment 11, in the name of Neil Findlay, is grouped with amendment 19.

Neil Findlay: Amendment 11 seeks to ensure that adequate resources and investment are available in the system and that the legislation is implemented successfully. We cannot introduce a system on a whim or on a shoestring budget; we must put in the resources to raise awareness of the changes that the bill will bring in, and to ensure that the register will be effectively monitored and enforced.

I recently heard the Regulator of Lobbying in Ireland speak at an expert seminar at the University of Stirling. She was clear that investment and education are required to ensure that legislation is successful. In her words,

“What price a well-functioning and transparent democracy?”

I agree.

I move amendment 11.

Joe FitzPatrick: Again, I say that Neil Findlay lodged an identical amendment at stage 2.

The Deputy Presiding Officer: I am sorry, minister. I should have asked you to speak to amendment 19 and the other amendments in the group.

Joe FitzPatrick: Will do.

Amendment 11 has two parts. First, it would provide that

“The Parliament may make available information with a view to”

raising “awareness ... of this Act.” Secondly, it would require the Parliament to make available “sufficient funding” to support such activities. I am sympathetic towards the first part of Mr Findlay’s amendment. As I intimated at stage 2, I have lodged amendment 19, which will enable Parliament to

“take such steps as it considers appropriate to promote public awareness and understanding of the operation of this Act.”

My amendment will, of course, be complementary to the bill’s existing provisions requiring the Parliament to publish guidance on the operation of the act.

I still cannot support the second part of Mr Findlay’s amendment. It must be left to the Scottish Parliamentary Corporate Body to make decisions about use of the overall budget that is available to Parliament. It is not appropriate for us to take such action in a bill.

I invite Parliament to support amendment 19 and to oppose amendment 11.

The Deputy Presiding Officer: I invite Neil Findlay to wind up, and to indicate whether he will press or seek to withdraw his amendment 11.

Neil Findlay: I will press amendment 11.

The Deputy Presiding Officer: The question is, that amendment 11 be agreed to. Are we agreed?

Members: No.

For

Baillie, Jackie (Dumbarton) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Brennan, Lesley (North East Scotland) (Lab)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (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)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hilton, Cara (Dunfermline) (Lab)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Malik, Hanzala (Glasgow) (Lab)

McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Drew (Glasgow) (Lab)
 Stewart, David (Highlands and Islands) (Lab)
 Wilson, John (Central Scotland) (Ind)

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)
 Don, Nigel (Angus North and Mearns) (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)
 Hume, Jim (South Scotland) (LD)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 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)
 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, 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)
 Salmund, Alex (Aberdeenshire East) (SNP)

Scott, Tavish (Shetland Islands) (LD)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (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)
 Yousaf, Humza (Glasgow) (SNP)

Abstentions

Brown, Gavin (Lothian) (Con)
 Buchanan, Cameron (Lothian) (Con)
 Carlaw, Jackson (West Scotland) (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 30, Against 66, Abstentions 11.

Amendment 11 disagreed to.

After section 44

Amendment 19 moved—[Joe FitzPatrick]—and agreed to.

Section 46—Interpretation

Amendment 16 moved—[Patricia Ferguson].

15:15

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)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Brennan, Lesley (North East Scotland) (Lab)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (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)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hilton, Cara (Dunfermline) (Lab)
 Hume, Jim (South Scotland) (LD)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Malik, Hanzala (Glasgow) (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)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Scott, Tavish (Shetland Islands) (LD)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Drew (Glasgow) (Lab)
 Stewart, David (Highlands and Islands) (Lab)
 Urquhart, Jean (Highlands and Islands) (Ind)
 Wilson, John (Central Scotland) (Ind)

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)
 Buchanan, Cameron (Lothian) (Con)
 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 Kinrossshire) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Nigel (Angus North and Mearns) (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)
 Goldie, Annabel (West Scotland) (Con)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Lochhead, Richard (Moray) (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)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (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)
 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)
 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)
 Yousaf, Humza (Glasgow) (SNP)

The Deputy Presiding Officer: The result of the division is: For 35, Against 72, Abstentions 0.

Amendment 16 disagreed to.

Amendment 20 moved—[Joe FitzPatrick]—and agreed to.

Schedule—Communications which are not lobbying

The Deputy Presiding Officer: Group 9 is on communications which are not lobbying. Amendment 21, in the name of the minister, is grouped with amendments 22, 22A and 22B.

Joe FitzPatrick: The three amendments in my name in this group—amendments 21, 22 and 22B—deal with important elements of how the lobbying regime will operate, so I will take some time to explain why the Government proposes the changes.

Parliament is rightly proud of its reputation for being open and accessible and for the relationships that it has built with individuals and organisations throughout Scotland. All members place particular importance on their engagement with their constituents, whether they are businesses and other organisations or individuals. During the passage of the bill, I have listened carefully to members' concerns about the potential for it to impact on that legitimate engagement. At stage 2, I intimated to the committee that I wanted to consider options that would seek to exempt constituency-based communications and small-scale lobbying. Amendments 21, 22 and 22B in my name will help to ensure that the lobbying regime that the bill creates will be proportionate and will not deter engagement with MSPs and ministers.

Amendment 21 is what I describe as the constituency-based exemption. It seeks to exempt all communications that are made by individuals as, for example, employees

“in the course of a business or other activity carried on by another person”—

that is, a “person” in the legal sense—and on that person’s behalf to a local constituency or regional list MSP. “Local” means an MSP for the constituency or region in which the person’s business or other activity is ordinarily carried out, or for the place of residence of the individual who made the communication.

The exemption will apply regardless of where the communication takes place. For example, it could be made when a local MSP attends a small business gala event in their constituency at which representations are made to them about particular issues that concern local or national policies.

Neil Findlay: My region covers the whole of the Lothians, in which dozens of lobbying organisations are based. Is the minister saying that they will be able to lobby me as a constituency member without any of that activity needing to be registered?

Joe FitzPatrick: No. Neil Findlay is not correct. It is clear that the exemption relates to organisations that are lobbying on their own behalf. Third-party lobbying organisations are always lobbying on behalf of a party.

Neil Findlay: Is the minister telling me that, if an organisation that lobbies me on its own behalf contacts me, as a regional MSP, that activity does not need to be registered?

Joe FitzPatrick: Yes—that is exactly what we are saying. We want to ensure that legitimate constituency-based engagement is not covered by the bill. However, we recognise that there is a distinction between ministers and cabinet secretaries and other members. Therefore, the constituency-based exemption—*[Interruption.]*

The Deputy Presiding Officer: Minister, could I stop you for a moment?

The noise in the chamber is becoming louder. We cannot hear the minister.

Joe FitzPatrick: The constituency-based exemption does not exempt communications that are made to MSPs who are also members of the Scottish Government or are junior Scottish ministers. That brings me to amendment 22—

Johann Lamont (Glasgow Pollok) (Lab): Will Joe FitzPatrick take an intervention?

Joe FitzPatrick: No—I will make some progress. Amendment 22 will exempt all communications that are made by individuals, for example,

“an employee ... in the course of a business or other activity carried on by another person”—

again, that is “person” in the legal sense—

“on the other person’s behalf”,

where that person, such as a small business or other type of organisation,

“has fewer than 10 full-time equivalent employees.”

The number of full-time equivalent employees that that person has will be based on—

Johann Lamont: Will the member give way?

Joe FitzPatrick: I will complete this point.

The number of full-time employees will be based on the

“number of hours worked by all the employees ... in the 28 days ending on the date on which the communication was made.”

For those purposes, full-time equivalent is based on a notional 35-hour week for a full-time member of staff, which is 140 hours over 28 days. That is the maximum number of hours that can be counted for an individual full-time member of staff.

Johann Lamont: I thank the minister for taking an intervention. In the interests of understanding what is being proposed, is it being suggested that if an organisation employs someone as a lobbyist to come and lobby a member who represents a region, that would not be registered, but if that organisation went to an external organisation whose expertise was in lobbying, it would have to be registered? Although the job that would be being done is exactly same, are you saying that there will be a distinction? What is to stop an organisation, rather than employing someone externally, employing someone as part of its organisation, in order not to have to disclose that it is lobbying MSPs?

Joe FitzPatrick: In terms of the constituency-based exemption, we are trying to ensure that the legitimate engagement of businesses and organisations with their list member does not require to be registered. There may be several reasons why an organisation might want to engage—for example, to give a constituency member a heads up about an impending employment challenge in that member’s constituency. We want to ensure that such engagement can continue. The Government recognises that, in this case, there is a difference between most MSPs and MSPs who are also in the Scottish Government or are junior ministers. It is very difficult to unpick that in the time period, which is why the exemption will not extend to ministers.

On amendment 22 and the small organisations, many of us will have received emails from the Scottish alliance for transparency in lobbying—it was quite an effective campaign—which felt that it had identified a potential loophole in the Government’s amendments. The Government’s

intention is that representative bodies will not benefit from the small-organisation exemption. The focus should be on avoiding undue burdens being placed on other small organisations. If a body's core purpose is to represent the views of its members it should not benefit from the exemption.

In response to concerns from stakeholders and Mr Harvie's amendment 22A, I have lodged amendment 22B. Although we did not think that it would be required, amendment 22B will make it clearer that the exemption for small organisations does not apply to representative bodies. Patrick Harvie's amendment 22A goes too far because it seeks to exclude from the small-organisation exemption bodies with

"1 or more full-time equivalent employees",

if that body

"exists primarily to ... represent the interests of its members and the relevant communication is made on behalf of any of the members",

or exists to

"take up particular issues and the relevant communication is made in the furtherance of any of those issues."

I agree with the principle of the first part of amendment 22A, which is that representative bodies should not benefit from the exemption. That is why I lodged amendment 22B, which will put that beyond doubt.

However, there is a fundamental issue with the second part of Mr Harvie's amendment 22A, which seeks to exclude from the small-organisation exemption what I would describe as advocacy groups—unless they have less than one full-time equivalent employee—that exist based on, and which take up and promote, a particular issue.

Every one of us will have our own examples of when we have met or visited a small group that campaigns tirelessly to raise awareness of a particular issue, or a small charity that does all that it can to better the lives of the people of Scotland. Such entities typically operate with minimal resources. Do we really want communications by that type of small organisation to be caught? I hope that most members will agree that the answer to that question is no. That is why I ask members not to support Patrick Harvie's amendment 22A.

My amendments 21, 22 and 22B taken together will help to ensure that individuals, businesses and organisations will retain the ability to freely engage with their elected representatives in the constituency in which they are based, and that smaller organisations will avoid the disproportionate burden that engaging with MSPs and ministers might present.

I am keen to ensure that no legitimate engagement between MSPs and ministers, and local businesses, organisations and individual constituents is inhibited by the bill. My amendments strike a balance between delivering transparency and avoiding inhibition of engagement. The requirement for Parliament to review the operation of the act will ensure that we can reflect on whether that balance has been struck.

What I have presented is clear and simple to operate—that reflects one of the underpinning principles that I have retained throughout the bill process.

I ask members to support my amendments 21, 22 and 22B, and I hope that Mr Harvie will not press his amendment 22A. If he presses it, I ask members to reject it.

I move amendment 21.

Patrick Harvie: I think that most of us recognise that there is an issue with very small organisations, and that the way in which the regulation system treats them might not need to be the same as the way in which it treats large, well-resourced and well-staffed lobbying outfits. However, the fact that the minister lodged amendment 22B demonstrates an acknowledgement that amendment 22 gives a wee bit too much blanket protection in that regard.

I think that all of us recognise the picture that the minister painted of the small, underfunded or perhaps entirely unfunded local, crowdsourced or whatever advocacy organisations with charitable purposes for which we all have a great deal of sympathy. However, surely we can all acknowledge that there are small organisations that might have very few staff and very little direct resourcing, but which represent with a much more politically powerful voice the interests of something that is much more significant and commercial.

Amendment 22A would get the balance more right than the minister's amendment 22B does. The caveat that it would introduce to the small-organisation exemption would leave us with a stronger bill and ensure that we strike the right balance in respect of who is and is not brought into the lobbying regime.

Let us remember that we are not creating a profoundly overburdensome lobbying regulatory regime. By and large, the bill is a step in the right direction. It does not take us everywhere we need to get to, but amendment 22A would strike the right balance on the small-organisation exemption better than amendment 22B would.

I want to say a few words about amendment 21 and constituency and regional relevance. We are talking not necessarily about residency, but about

individuals. I note that proposed paragraph 1A(c)(iii) refers to “the individual’s residence”. That does not necessarily imply to me their permanent or fixed residence. I wonder whether an individual who is representing the interests of their own business or any other might be able simply to rent a flat for a week in the constituency of the First Minister’s parliamentary liaison officer in order to ensure that they can lobby them outside the scope of the regulatory regime or, indeed, whether they could do so in the constituency of a committee chair if they wanted to lobby them outside the scope of the regulatory regime.

I also wonder about the phrases

“a place where the person’s business is ordinarily carried on”

and

“a place where the person’s activity is ordinarily carried on”.

What if we are talking about Tesco? Is not its business carried on in every constituency in Scotland? There are organisations that cannot be pinned down in that narrow and specific way. They might well find ways to use the provision as a loophole to avoid complying with the regulatory regime, because they want to have communications but would rather not be treated in the transparent way that the bill should be all about. I therefore have severe reservations about amendment 21.

15:30

Patricia Ferguson: I had not planned to speak on amendment 22. However, in the course of the discussion, and looking at all the things that the minister is trying to do in the amendment, I began to wonder whether the original text of the bill, which talked about lobbyists specifically as people employed for that purpose by organisations, might not—for the very reasons that Patrick Harvie has given—have provided a better definition.

I want to talk about amendment 21. Neil Findlay, Patrick Harvie and Johann Lamont have already pointed out the flaws in that element of the bill. As it stands, not only would a person who works in Mr Findlay’s region be exempted from the lobbying regulations if they were talking to the constituency member or to any of the members for the region in which their business was based but if, for talking’s sake, that individual lived in my constituency in Glasgow, they would also, under the terms of the bill, be exempted by the lobbying regulations from having to declare that they had spoken to me or any of the regional members in Glasgow. In this context, I do not know what the word “activity” means. I would be interested to hear the minister explain that. There seem to be far too many exemptions in the amendment.

In more general terms, a real question mark over amendment 21 is that it seems to add to what is already a long list of situations in which communications with an MSP would not be considered to be lobbying. How does that amendment to the schedule, which talks about the people who are not captured by the bill, square with part 1 of the bill, which details who is captured? The two are potentially contradictory because the same category of people who are included in part 1 are excluded in the schedule.

Stewart Stevenson: I very much welcome the protection for the interaction between members and interests that are in their constituency. I illustrate that in a number of ways. A number of companies with a nine-figure turnover operate wholly and exclusively within my constituency and no other. I will name one example, which is Peterhead harbour board, where the turnover is well in excess of £100 million a year. Were it to be inhibited from inviting me to discuss a harbour development, from suggesting to me, advance of committing to such a development, that it would be a good idea if such a development were to take place, and from receiving my views and advice on the matter, that would be quite an improper interference.

Neil Findlay: Will the member take an intervention?

Stewart Stevenson: One moment, please.

There would be confusion regarding my right to talk to my constituents, hundreds of whose jobs depend on the success of that business. The moment that that business interacts with the Government to seek grants, it would, of course, be caught by the act. Equally, if it chose to have an adviser act on its behalf and talk to me, it would be caught. There is a fine line.

Patrick Harvie: Will the member give way?

Stewart Stevenson: If you do not mind, Mr Harvie, I did the courtesy of saying to Mr Findlay that I would take an intervention from him.

Neil Findlay: I am astonished. You were the convener of the committee that took all the evidence and you know that none of that is true, because what happens is—

Members: Oh!

The Deputy Presiding Officer: Order, please.

Neil Findlay: You know that the evidence taken by the committee does not support what you are saying. All that would happen is that the person would have to register. You could have a dialogue with anyone you want. No one would be inhibited from anything.

The Deputy Presiding Officer: Can members remember to speak through the chair, please?

Stewart Stevenson: I absolutely accept that the company in question, which I used as an example, would be likely to become registered. However, constituents might have genuine interests in the constituency that they wish to raise; in the case of city members, a single educational institution might have significant issues that it wishes to raise with its member, not necessarily in the context of it being registered. I accept that it might subsequently have to register.

Patrick Harvie: The member talks about constituents. Is that not the nub of it? Our constituents are citizens and have votes, but the businesses do not have votes and are not our constituents. People who work in businesses are our constituents—[*Interruption.*]

The Deputy Presiding Officer: Order, please.

Patrick Harvie: If members will permit, I will continue with my argument.

People working in those businesses are our constituents and nothing in the bill inhibits them as individual citizens from contacting their MSPs. This is about whether businesses should be treated as though they themselves are our constituents. Businesses do not have votes, and there is a good reason why their lobbying should be treated very differently from the case of an individual citizen seeking to have a meeting with their representative.

Stewart Stevenson: I wonder whether I live in a uniquely different world—[*Laughter.*] It is possible. [*Laughter.*]

The Deputy Presiding Officer: Order, please.

Stewart Stevenson: Businesses in my constituency feel quite comfortable about approaching me and discussing their plans for their businesses. It is proper that they do so, because the livelihoods of thousands of people in my constituency are affected. If there are members in this Parliament who are in a different position, I pity them rather than envy them.

Neil Findlay: None of this was ever about small organisations and none of it was ever about constituency business. All through the bill's passage and the debates around lobbying, we have seen shoals of red herrings being brought out time and time again. A lot of bad stuff has gone into this bill as the Government has taken it through.

Members: Bad stuff?

Neil Findlay: Yes, that is right—you heard correctly. [*Interruption.*]

The Deputy Presiding Officer: Order, please.

Neil Findlay: The Government amendments that are before us are just nonsense. If they are

agreed to, it will mean that a constituent of mine who is a lobbyist but who meets me to lobby at their place of work in, say, Edinburgh does not have to register. Given that my region covers the whole of the Lothians, that means that a number of employees—

Stewart Stevenson: Will the member take an intervention?

Neil Findlay: Just let me get through this point.

A number of employees who contact me directly and want to sit down and discuss lobbying activity would not be covered—that is nonsense.

Stewart Stevenson: I wonder whether the member can assure me that he is making a very clear distinction between someone who is representing a lobbying company talking about the business of that company and their speaking about the business of their clients, which is lobbying caught by the regulated lobbying provisions of the bill. I am uncertain as to why that category of company, uniquely among companies, should be excluded from meeting the constituency member.

Neil Findlay: Yes, I am talking absolutely about that, and that is it clarified.

On the Government amendment about companies with under 10 employees—[*Interruption.*]

The Deputy Presiding Officer: Order, please.

Neil Findlay: Of all the stuff in the bill, that is the most farcical of all the amendments that the minister has lodged. He should at least have the dignity and self-respect to look embarrassed by the rubbish that he has brought forward, because there is no evidence from stages 1 and 2 to support the amendment. Where does the figure of 10 for the number of employees come from? Why is it not 20? Why is it not five? Why is it not three? There is no rationale for the proposal.

Let us look at some of the organisations that now, with the minister's stroke of genius, will not be covered: the Faculty of Advocates, the Association of the British Pharmaceutical Industry Scotland, the Institute of Chartered Accountants Scotland, the Scottish Licensed Trade Association, the Federation of Small Businesses, Scottish CND, the Institute of Directors, the Scottish Grocers Association and CBI Scotland, all of which have fewer than 10 employees and will not be covered by the bill. All those organisations lobby this Parliament effectively and regularly, but none of them will be covered because of an amendment lodged by the minister. What a farce! What a shambles! The minister should be ashamed of himself.

The Deputy Presiding Officer: I call the minister to wind up. [*Interruption.*] Can we have order, please?

Joe FitzPatrick: It is good to see that Neil Findlay has woken up at last. [*Interruption.*]

The Deputy Presiding Officer: Order. Order!

Joe FitzPatrick: I was expecting some more fire earlier on.

Let us deal with Mr Findlay's list of organisations. Those organisations are, in the main, representative organisations, so if they are lobbying they are lobbying not on their own behalf but on behalf of their members. We were confident that the bill caught them and the exclusion in amendment 22 did not remove them. However, after taking on board Patrick Harvie's amendment 22A and the comments—

Hugh Henry (Renfrewshire South) (Lab): Will the member take an intervention?

Joe FitzPatrick: I will finish making my point.

After taking on board Mr Harvie's amendment 22A and SALT's campaign, my officials and I drafted an amendment that is based on Mr Harvie's amendment and places that beyond any doubt. There is no question but that those sorts of representative bodies are covered by the bill.

On the wider issue, we have tried to bring forward a bill and amendments that strike a balance between delivering transparency and avoiding the inhibition of engagement. We have had to decide where we felt that balance is. I respect the fact that some members, including Patrick Harvie, Patricia Ferguson and Neil Findlay, have a different view of where the balance is. One of the strengths of the review process that we have built into the bill is that the Parliament and committees can look back in future parliamentary sessions and decide whether we have struck the balance correctly. If we have not, they can make changes. That is very important.

Patricia Ferguson thought that the exclusion somehow contradicts the earlier parts of the bill. The earlier parts of the bill are drawn very widely, which catches a great number of people. The schedule, in terms of exclusions, removes some people from that wider pool.

On that basis, the bill and our amendments are really strong. I hope that colleagues will support my amendments and reject Mr Harvie's amendment.

The Deputy Presiding Officer: The question is, that amendment 21 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)
 Buchanan, Cameron (Lothian) (Con)
 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)
 Dey, Graeme (Angus South) (SNP)
 Don, Nigel (Angus North and Mearns) (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)
 Goldie, Annabel (West Scotland) (Con)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hilton, Cara (Dunfermline) (Lab)
 Hume, Jim (South Scotland) (LD)
 Hume, Jim (South Scotland) (LD)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Lochhead, Richard (Moray) (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)
 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, 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)
 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)
 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)
 Yousaf, Humza (Glasgow) (SNP)

Against

Baillie, Jackie (Dumbarton) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Brennan, Lesley (North East Scotland) (Lab)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (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)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Renfrewshire South) (Lab)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Malik, Hanzala (Glasgow) (Lab)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McMahan, Michael (Uddingston and Bellshill) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Drew (Glasgow) (Lab)
 Stewart, David (Highlands and Islands) (Lab)
 Urquhart, Jean (Highlands and Islands) (Ind)
 Wilson, John (Central Scotland) (Ind)

The Deputy Presiding Officer: The result of the division is: For 77, Against 31, Abstentions 0.

Amendment 21 agreed to.

Amendment 22 moved—[Joe FitzPatrick].

Amendment 22B moved—[Joe FitzPatrick].

The Deputy Presiding Officer: The question is, that amendment 22B be agreed to. Are we agreed?

Members: No.

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)

Buchanan, Cameron (Lothian) (Con)
 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)
 Dey, Graeme (Angus South) (SNP)
 Don, Nigel (Angus North and Mearns) (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)
 Goldie, Annabel (West Scotland) (Con)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hume, Jim (South Scotland) (LD)
 Hume, Jim (South Scotland) (LD)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Lochhead, Richard (Moray) (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)
 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, 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)
 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)
 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)
Yousaf, Humza (Glasgow) (SNP)

Against

Baillie, Jackie (Dumbarton) (Lab)
Beamish, Claudia (South Scotland) (Lab)
Bibby, Neil (West Scotland) (Lab)
Brennan, Lesley (North East Scotland) (Lab)
Chisholm, Malcolm (Edinburgh Northern and Leith) (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)
Harvie, Patrick (Glasgow) (Green)
Henry, Hugh (Renfrewshire South) (Lab)
Hilton, Cara (Dunfermline) (Lab)
Johnstone, Alison (Lothian) (Green)
Kelly, James (Rutherglen) (Lab)
Lamont, Johann (Glasgow Pollok) (Lab)
Macintosh, Ken (Eastwood) (Lab)
Malik, Hanzala (Glasgow) (Lab)
McCulloch, Margaret (Central Scotland) (Lab)
McDougall, Margaret (West Scotland) (Lab)
McMahon, Michael (Uddingston and Bellshill) (Lab)
McNeil, Duncan (Greenock and Inverclyde) (Lab)
Murray, Elaine (Dumfriesshire) (Lab)
Pearson, Graeme (South Scotland) (Lab)
Pentland, John (Motherwell and Wishaw) (Lab)
Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
Smith, Drew (Glasgow) (Lab)
Stewart, David (Highlands and Islands) (Lab)
Urquhart, Jean (Highlands and Islands) (Ind)
Wilson, John (Central Scotland) (Ind)

The Deputy Presiding Officer: The result of the division is: For 77, Against 31, Abstentions 0.

Amendment 22B agreed to.

Amendment 22A moved—[Patrick Harvie].

15:45

The Deputy Presiding Officer: The question is, that amendment 22A be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
Beamish, Claudia (South Scotland) (Lab)
Bibby, Neil (West Scotland) (Lab)
Brennan, Lesley (North East Scotland) (Lab)
Chisholm, Malcolm (Edinburgh Northern and Leith) (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)
Harvie, Patrick (Glasgow) (Green)
Henry, Hugh (Renfrewshire South) (Lab)
Hilton, Cara (Dunfermline) (Lab)
Hume, Jim (South Scotland) (LD)
Johnstone, Alison (Lothian) (Green)
Kelly, James (Rutherglen) (Lab)

Lamont, Johann (Glasgow Pollok) (Lab)
Macintosh, Ken (Eastwood) (Lab)
Malik, Hanzala (Glasgow) (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)
McNeil, Duncan (Greenock and Inverclyde) (Lab)
Murray, Elaine (Dumfriesshire) (Lab)
Pearson, Graeme (South Scotland) (Lab)
Pentland, John (Motherwell and Wishaw) (Lab)
Scott, Tavish (Shetland Islands) (LD)
Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
Smith, Drew (Glasgow) (Lab)
Stewart, David (Highlands and Islands) (Lab)
Urquhart, Jean (Highlands and Islands) (Ind)
Wilson, John (Central Scotland) (Ind)

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)
Buchanan, Cameron (Lothian) (Con)
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)
Dey, Graeme (Angus South) (SNP)
Don, Nigel (Angus North and Mearns) (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)
Goldie, Annabel (West Scotland) (Con)
Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
Hyslop, Fiona (Linlithgow) (SNP)
Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
Johnstone, Alex (North East Scotland) (Con)
Keir, Colin (Edinburgh Western) (SNP)
Kidd, Bill (Glasgow Anniesland) (SNP)
Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
Lochhead, Richard (Moray) (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)

McGrigor, Jamie (Highlands and Islands) (Con)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (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)
 Salmond, Alex (Aberdeenshire East) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (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)
 Yousaf, Humza (Glasgow) (SNP)

The Deputy Presiding Officer: The result of the division is: For 35, Against 73, Abstentions 0.

Amendment 22A disagreed to.

The Deputy Presiding Officer: The question is, that amendment 22, as amended, 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)
 Buchanan, Cameron (Lothian) (Con)
 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 Kinrossshire) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Nigel (Angus North and Mearns) (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)
 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)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Lochhead, Richard (Moray) (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)
 McArthur, Liam (Orkney Islands) (LD)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McInnes, Alison (North East Scotland) (LD)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (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)
 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)
 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)
 Yousaf, Humza (Glasgow) (SNP)

Against

Baillie, Jackie (Dumbarton) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Brennan, Lesley (North East Scotland) (Lab)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (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)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hilton, Cara (Dunfermline) (Lab)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Malik, Hanzala (Glasgow) (Lab)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McMahan, Michael (Uddingston and Bellshill) (Lab)

McNeil, Duncan (Greenock and Inverclyde) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Drew (Glasgow) (Lab)
 Stewart, David (Highlands and Islands) (Lab)
 Urquhart, Jean (Highlands and Islands) (Ind)
 Wilson, John (Central Scotland) (Ind)

The Deputy Presiding Officer: The result of the division is: For 76, Against 31, Abstentions 0.

Amendment 22, as amended, agreed to.

The Deputy Presiding Officer: That ends the consideration of amendments.

Lobbying (Scotland) Bill

The Deputy Presiding Officer (John Scott):

The next item of business is a debate on motion S4M-15870, in the name of Joe FitzPatrick, on the Lobbying (Scotland) Bill.

15:48

The Minister for Parliamentary Business (Joe FitzPatrick): In opening this debate, I would like to thank all members for their contributions to the development of the Lobbying (Scotland) Bill, which I hope the Parliament will approve in due course.

I opened the stage 1 debate in January by highlighting the distinct character of the bill. It has been brought forward by the Government, but it is very much parliamentary in nature. I made it clear that I was keen to work closely with the Parliament from the outset to ensure that members' views were reflected in the bill's framework.

Contributions to the bill's journey have come in many forms: from Neil Findlay's proposal for a member's bill; from the late Helen Eadie's suggestion that the Standards, Procedures and Public Appointments Committee conduct an inquiry into the most appropriate measures required in the Scottish context; and from the subsequent inquiry and committee report of that inquiry, which was published in February 2015. Of the 17 recommendations in that report, 12 fell within the scope of the bill and were reflected in whole or in part in the bill as introduced.

The Government's consultation, published in May 2015, maintained the momentum of stakeholder engagement. Following the bill's introduction, that momentum continued through the committee's calls for evidence and its stage 1 report, which was published in December 2015, as well as its endorsement of the general principles of the bill. All 13 recommendations in the committee's report had been or were actioned by the Government. Of course, the momentum also continued through the contributions made by members during the bill's parliamentary passage.

All those steps evidence the collaborative working between the Government and the Parliament that is indicative of the Scottish democratic process, of which we are rightly proud. That collaborative working has—importantly—involved stakeholders, who have helped to shape the bill to ensure that it will work for lobbyists, for businesses and organisations, for transparency campaign groups and, most importantly, for citizens.

Neil Findlay (Lothian) (Lab): On a scale of one to 10, at which level of transparency does the

minister believe the bill sits in comparison with what happens in other jurisdictions?

Joe FitzPatrick: I think that the bill sits in absolutely the correct place, balancing transparency and proportionality for Scottish circumstances, going back to Helen Eadie's initial request that the Standards, Procedures and Public Appointments Committee look at the issue.

As a result of engagement with stakeholders—including the numerous meetings that I have had with them—the bill responds positively to the range of interests involved. I respect the position of members and stakeholders who have called for greater transparency. I emphasise that the Government has listened, and has strengthened the bill during the parliamentary process.

I welcome the positive contribution from the lobbying industry, which has embraced the principle of greater transparency and accepted the principles of the registration framework. I have listened to the industry's calls for a level playing field, and I think that we have achieved that.

I have also listened to the concerns of the third and voluntary sectors. As a result, I have tried to ensure a proportionate approach to the regime by ensuring that an undue burden is not placed on smaller organisations in the sector, which do all that they can to better the lives of the people of Scotland.

I have listened to businesses through their representative bodies, which have called for a simple approach that is easy to operate and has the aim of ensuring a free and open relationship between elected members and the businesses that serve our communities. That has always been balanced against our aim of greater transparency.

I have listened to trade unions through their contributions to the Government's consultation and the parliamentary inquiry, and in respect of the issue of widening the definition of regulated lobbying to include civil servants, which I will say more about later.

Importantly, I have listened to the public through their representations to their elected members and to me. I was clear at the outset that the regime that the bill sets up should not seek to catch individuals who are communicating on their own behalf. That was based on the important principle of retaining engagement between the Government, Parliament, constituents and members of the public.

In June 2013, when the Government announced that it would introduce a lobbying bill, we set out three underpinning principles that have guided the development of the bill. First, the Parliament has a proud reputation for its approach to openness, ease of access and accountability, and for the

relationships that it has built with civic Scotland. I was clear that there should be no erosion of any of those elements.

Secondly, I was clear that the register of lobbyists should complement and not duplicate existing transparency measures and should be developed to work alongside existing frameworks that have been established in the Parliament and the Government.

Finally, the new arrangements should be proportionate and simple in their operation, and they should command broad support within and outwith the Parliament. The key words that I have consistently used are proportionality and simplicity.

Those three underpinning principles have been welcomed by members and stakeholders and are clearly reflected in the bill.

Every member who contributed to the stage 1 debate agreed that lobbying is a legitimate activity and recognised the valuable contribution that it makes to informing policy in Scotland. However, we agreed that we should seek to increase the transparency of lobbying activity, particularly in light of the further devolution of powers to the Scottish Parliament. The bill will aid existing transparency measures in a robust and coherent manner.

I have said throughout the bill's development that I would continue to consider any potential changes to the bill, as long as the principle of proportionality was retained.

I thank members for their amendments, although I recognise there might be some disappointment at the fact that some changes were not endorsed by the committee and the Parliament. The amendments that the Government has lodged, which were agreed to, were considered carefully on the basis of the views of Parliament and stakeholders.

On a number of fronts, and particularly on the subject of written communications, I have not been assured that proposed changes would respect the principle of proportionality. Robert Cumming of PA Advocacy recently undertook his third annual advocacy survey of MSPs. His analysis of the evidence shows that most MSPs rely on direct communication with organisations by way of meetings in the first instance. That evidence supports the Government's position that face-to-face communication is the most effective means of lobbying.

At stage 2, the committee agreed to a Government amendment to the bill that requires the Parliament to report on the operation of the legislation. It is appropriate for the Parliament to review, in the light of experience, the types of

communication that are covered and other aspects of the scope of the regime. That approach will enable the Parliament to suggest changes on the basis of evidence that is founded on the practical experience of operating a lobbying register.

There are provisions in the bill that allow for the Parliament to make changes, by resolution, to operational aspects of the regime. Both provisions focus on experience and evidence gathering to inform proposals for change.

Members have consistently called for engagement with elected representatives, in particular by small organisations and businesses, to be protected, and for a regime that does not interfere with our daily engagement with our constituents. The bill will not undermine the Parliament's strong reputation for accessibility, nor will it undermine the open Government that the First Minister committed to leading when she came to office.

That is why I lodged the amendments that related to exceptions for constituency-based activity and communications by small organisations and businesses. Amendment 21 exempted communications from organisations on their own behalf to the constituency MSP or the list MSPs for the place where the organisation carries out its business or where the individual who makes the communication on behalf of the organisation is a resident, regardless of where the meeting takes place. That amendment clearly reflected the Parliament's wish not to interfere with the communication that we have with our constituents.

Patricia Ferguson (Glasgow Maryhill and Springburn) (Lab): I understand what the minister is saying, and none of us would disagree with where he is trying to get to. However, the amendment that was agreed to today means that, under the bill, a person will be exempt if they speak to someone who represents the area in which they work, they will be exempt if they speak to the raft of MSPs who represent the area in which they live, and they will be exempt if they speak to people who represent the area where they carry on their "activity"—I do not know what is meant by "activity"; maybe the minister will clarify that. It seems to me that that excludes far too many people.

Joe FitzPatrick: We have tried to strike a balance that reflects the work of a constituency member. Certainly, if I am approached by a business that operates in my constituency or by someone who is a constituent of mine, I take that as something that I can deal with as a constituency member. The member should remember that the exemption will not apply to ministers.

Amendment 22 established an exemption in respect of any organisation that has fewer than 10 full-time-equivalent employees. A communication made on such an organisation's own behalf will not require the organisation to register under the bill.

I hope that members will agree that the bill, as amended, achieves the aim that we set at the start of the process. I hope that everyone in the Parliament can get behind the bill.

The collaborative relationship between the Government, the Parliament and our stakeholders throughout the bill's development is yet another example that supports the proud reputation of this Parliament and the Government for open engagement with civic Scotland. I commend the bill to the Parliament. I hope that members will support it at decision time.

I move,

That the Parliament agrees that the Lobbying (Scotland) Bill be passed.

15:58

Neil Findlay (Lothian) (Lab): I do not think that the minister believed a word of that. This is not one of the Parliament's finest days.

It is a day of mixed feelings for me. In one sense, I am pleased that, three years after I proposed a lobbying transparency bill, the Parliament will at least legislate for some form of regulation of lobbying. However, this is not the robust bill that I envisaged three years ago. My proposed member's bill sought to open up our democracy and greatly increase transparency and accountability.

From the day when I proposed my bill, I got the impression that the minister would rather stick pins in his eyes than legislate properly to regulate lobbying. We know why. It is in the interests of any Government party that people do not know what is really going on. Who are ministers meeting? What are they meeting about? Who is influencing policy? Who is schmoozing ministers, MSPs, civil servants and special advisers? Who has friends and contacts in the right places, the right businesses and civic society? The public wants to know, and has the right to know, what is done in their name.

Joe FitzPatrick: Prior to the bill's introduction, ministers have recorded their meetings, which was always a means of having transparency.

We are moving towards an election. One group of people who will be lobbied to have an impact on manifestos is advisers to Opposition leaders. Will Opposition leaders publish details of the meetings that their advisers have?

Neil Findlay: The minister is going way off at a tangent. I am up for openness and transparency—the more of it that we have, the better.

Joe FitzPatrick: Will the member answer my question?

Neil Findlay: We will come to some of those issues in a moment.

The public want to know and have a right to know what is being done in their name. They should know whether dealings with Donald Trump, Jim Ratcliffe, Brian Souter or whoever have resulted in contracts being won, policies being changed or decisions being taken—or not taken. However, lobbying transparency is something that the Government does not want. The Government currently uses freedom of information exemptions—often ludicrously—to hide its dealings on fracking and to cover up its developing links with Qatar.

Stewart Stevenson (Banffshire and Buchan Coast) (SNP): I realise that the member did not attend all the committee's evidence sessions. If he had, he would have heard representatives of the major lobbying organisations say that they entirely welcome the opportunity that registering their actions will give them to publicise the value of the work that they do. I do not necessarily endorse that view, but we heard many organisations that are involved in lobbying welcome what is happening.

Neil Findlay: Excellent, but I bet that none of them put forward the nonsensical amendments that we have seen today.

We are hearing about FOI exemptions being used to prevent people from finding out information on things such as the future of hospital services, and we are seeing the use and abuse of the parliamentary questions system to dish out pathetic non-answers in response to the concerns that we raise on behalf of our constituents. That is a real failure in our democracy that has gone completely unchecked in this Parliament.

All of that is designed to prevent the release of information, and the bill is just another inconvenience. The reality is that the bill's tortuous journey does not show the Parliament in a good light. From the minute that the Government grudgingly took it over, I have never been convinced that it was serious about transparency. Initially, the Government did nothing for almost two years, with the minister hoping that it would all somehow just go away. Despite denials, the Government asked the committee to hold an inquiry. There was then a committee debate, a consultation and more delay. Then we had a further debate on the committee report. By the time that that had all happened, the bill was

watered down to the bowl of rather meagre gruel that the minister brings to the table today.

Joe FitzPatrick: For the record, I clarify that it was the late Helen Eadie who requested that the Standards, Procedures and Public Appointments Committee pursue an inquiry.

Neil Findlay: The Government also asked the current convener to host that inquiry, as the minister confirmed in the letter that he sent to me.

The bill was watered down to such an extent that, when we attended an expert seminar on the bill at the University of Stirling, a US professor of public policy who is an authority on lobbying said that, if the US system gets six out of 10 for transparency, the bill gets two at best. Of course, since then, the bill has got a whole lot worse because of the ridiculous amendments that were moved by the minister today—a minister who has shown zero interest in, enthusiasm for or knowledge of the issue since day 1.

In its present form, the bill is as clear a statement as anyone could wish for that the Government has no interest in enhancing the principles of openness, transparency and accountability that the Parliament was supposedly founded upon. I am afraid that these are now tokenistic words that fail to match the reality for the public and their representatives, who are searching for answers to serious questions. After nine years in government, the SNP is Scotland's new establishment, and it is more interested in protecting its associations, its networks and the web of helpful connections that it has built up in that time and in looking as though it is up for scrutiny while closing it down at every turn.

If the minister's remit from the First Minister was to make the bill tokenistic, weak and full of loopholes, he has passed with flying colours, but it is not something that he should be proud of. When the bill is passed, he will have done his party proud but the Parliament will have missed a major opportunity to reform our democracy for the better.

We will support the bill despite its being woefully inadequate, because at least it gets lobbying on the statute book. However, we will seek to amend almost every element of it at the review in the next session of Parliament to make it fit for purpose. A bill that fails to recognise that we live in an electronic age, a bill that means that the Confederation of British Industry, the Institute of Directors and others are not covered and a bill that allows the political elite to use their contact books for commercial advancement without any scrutiny is a bill that is not fit for purpose.

16:05

Cameron Buchanan (Lothian) (Con): I will begin by addressing Mr Findlay's last point—the IOD and other groups are covered by the bill because they are big organisations. It was definitely the committee's intention that those big organisations be covered.

Neil Findlay: From the research that I have seen, my understanding is that the IOD is not a big enough organisation to be covered, because it does not have enough employees.

Cameron Buchanan: It might not have enough employees, but it has members, and that is the same sort of thing.

I think that we can agree that it is important to have a democratic system that is open, transparent and trusted by the public. There is nothing too contentious about that. However, there has been vigorous debate on some of the details in the bill, and there have been important points to consider on a range of issues, including the scope of the communications that will be covered and the information returns that will be required.

For our part, we have kept a clear focus on ensuring that the system of registration delivers transparency while remaining light touch in its approach. "Light touch" is the key phrase that I have used throughout the bill's consideration. Furthermore, it must be clear to any potential registrants what will be required of them so that we have a collaborative environment rather than a pay day for lawyers. With that in mind, I would like to touch on some of the changes that were proposed and how they fit in with the overarching principle of proportionality.

The question of which types of communication should be covered as regulated lobbying is hugely influential on the overall scope of the bill, so it is entirely right that we have had extensive debate on what qualifies as such lobbying. We recognise the motivation behind the arguments for emails and phone calls to be covered by the definition of regulated lobbying, but we must always consider the wider need for proportionality and targeted provisions. It is apparent that including all forms of communication would place a large and on-going burden on registrants and on the clerks who operate the system. We all know that the volume of emails that are sent and received in just one day—let alone over a period of months—can be huge. It would be difficult and costly for registrants to register all those, and such a requirement would make the information that was received by the clerks less targeted.

I mention the issue of provisions being targeted for two reasons. First, the duties that the bill imposes must be proportionate to the benefits that will be gained. I keep making that point. As we

have acknowledged before, thankfully our political system has not been troubled by lobbying scandals. Therefore, to some extent the bill is targeted at a potential rather than an existing problem of undue influence, and we should bear that in mind when we assess the costs that we can justify imposing on organisations, businesses and members of the public.

Secondly, we have heard that face-to-face meetings can be more influential or important than emails or phone calls. That makes it apparent that capturing information on such meetings would provide a useful insight into lobbying practices without imposing the large burdens on registrants that would make a register counterproductive. To my mind, the question is again one of proportionality.

As for the disclosure of financial information as part of the returns, it remains apparent that requiring that would be a counterproductive and disproportionate measure. The first point to make is that assigning expenditure to specific activities could be a very difficult and resource-intensive burden for organisations—particularly small ones—to comply with, and could lead to confusion and unwelcome obstacles. In addition, there remain significant issues with commercial sensitivity and confidentiality. The effect of those concerns is that enforcing financial disclosure would impose negatives that outweighed the positives.

For the register to be effective, it must increase the transparency of our policy making without compromising its strength. That means that we must ensure that the openness of our politics is not weakened through confusion or bureaucracy. I think that forcing registrants to disclose financial information fails that test.

The point about maintaining the strength of our policy making is key. Here in the Parliament, we rightly pride ourselves on having an open and accessible political system that not only supports public engagement but allows more informed decisions to be made. I do not believe that anyone would want elected politicians to make policy decisions without information from the experts, and we must guard against such unwanted outcomes. The principles of openness and transparency go hand in hand and must underlie each aspect of the bill, including the matter of implementation, on which I will elaborate in my closing speech.

The Deputy Presiding Officer: We move to the open debate.

16:09

Stewart Stevenson (Banffshire and Buchan Coast) (SNP): Several references to Helen Eadie

have already been made in this debate, and I think that it is a mark of the affection in which she is held that only today a number of us were reminiscing over lunch about her contributions to the Parliament and wider political debate. Perhaps those of us on the yes side in the European Union campaign, in particular, will miss her enthusiastic Europeanism.

Before I get to the substance of my speech, I want to report the result of the extensive research—approximately 75 seconds of it—that I have undertaken since Mr Findlay spoke. I can tell him that, far from employing fewer than 10 people, the CBI employs 14 directors alone—and that is before we get to any other employees. If Mr Findlay is asserting, as he did in his speech, that the CBI will be excluded because it employs fewer than 10 people, he is factually wrong; the web address, which he can check to get the list of names, is news.cbi.org.uk. I think that that example characterises many of the untested assertions that have been made this afternoon.

On a number of occasions during the debate on the amendments, Mr Findlay suggested that we reject certain Government amendments on the basis that, in the bill's development through the parliamentary process—and I note that, at each stage, we learn more and should respond as such—the committee did not take any evidence on the issue in question. However, that did not inhibit Mr Findlay from lodging a whole series of amendments on issues such as offences and sanctions that fell well outside the information that the committee engaged with during its research. However, let us not get into that in too much detail.

I very much welcome the bill. Of course, Mr Findlay was correct in saying that, at a seminar at the University of Stirling, an American professor said that the bill scored two out of 10. However, Mr Findlay failed to inform colleagues in the Parliament that, when I interacted with the professor in question, I discovered that his understanding of the bill was substantially incomplete, and he accepted that the two out of 10 mark was based entirely on a misunderstanding of where the bill was coming from.

I think that a couple of things in the bill are worth looking at and putting on the record. First, we have not made the mistake in the bill of looking at registering lobbyists; instead, we have looked at lobbying and the people who undertake it. Perhaps in looking at the registration of consultant lobbyists Westminster has missed the proper target. This bill focuses on the activity of lobbying, which I think is all well and good.

One of the very useful gems in the bill is voluntary registration, which allows bodies that are uncertain about engaging or which expect to engage in substantial lobbying activity in future to

choose to register, even though there is no objective evidence at the time of registration that they are required to do so. That is a very strong part of the bill.

Another very good aspect of the bill is that people can lobby first and register afterwards. In many instances, the interaction between someone who is lobbying and the person being lobbied will not initially have the character of lobbying, which develops during the discussion. In that respect, the 30-day period is a very welcome provision.

Although I welcome the bill, the issue is, for me, not that huge, although I appreciate that it is not insubstantial. I estimate that, between now and the dissolution of Parliament, I will have four interactions that I might categorise as my being lobbied by someone. The bill sets out a very substantial way forward. The Parliament will look forward to exercising the powers under section 15 to draw up the details of the register, which is what our successors in office will be doing in the next session of Parliament.

16:14

Patricia Ferguson (Glasgow Maryhill and Springburn) (Lab): I rise to speak in the debate with a feeling of dismay about the bill that we are passing today. I say that as someone who was not initially a supporter of the idea of a lobbying bill—in fact, as some colleagues know, because I have told them so, I was one of those who sat on the Standards Committee in the first session of this Parliament and decided that we would not have any kind of regulation of lobbying. However, I am now in favour of legislation on lobbying, and I would like to explain why.

As a member of the Standards and Public Appointments Committee, I decided that I would keep an open mind and listen to the arguments and the evidence before coming to a decision about whether I would vote for the bill. The committee took evidence from a number of eminent people with great experience in the area—people who had helped shape legislation in other countries, people who were advocates for greater transparency in politics and people who lobbied for a living. We also heard from charities and the voluntary sector, and we discussed with them their concerns and the points that they made. Then, the committee debated what we had heard and drew up our stage 1 report. We made a number of recommendations to the Government about ways in which the bill could and should be improved. Many of those ideas have been debated today, so I will not rehash them now.

It became clear that the Scottish Government was going to take on board only a few of our recommendations, so I lodged amendments to

give effect to some of the committee's stage 1 report. I should say that, at that point, I still was not entirely sure that we needed a lobbying bill. However, I was absolutely sure that, if we were going to have one, it needed to be the best bill that it could possibly be. In that regard, although I know that it is rehashing what I said earlier—I make no apologies for that—it is ludicrous, in the 21st century, to exclude communications other than face-to-face communications. However, perhaps unsurprisingly, all my amendments were voted down at stage 2, in spite of the fact that they simply reflected the views of the committee. How that can happen in a Parliament such as this, I leave others to consider. Today, once again, similar amendments were voted down.

While the committee was scrutinising the bill, my colleague Neil Findlay tried to obtain information through the FOI system about ministers' engagement with lobbying companies. Most of the information that was requested could not be supplied because to do so would take the cost over the £600 threshold. On that point, I wonder whether the Scottish Government needs to examine the system that it uses for recording such information to see whether it might be equipped with a proper search facility that would allow such information to be abstracted more easily and—crucially—cheaply.

Gradually, over time, I came to the conclusion that a lobbying bill was required because, in principle, people should know what their elected members do and who has influence over them. It also seemed to me that the Government was going out of its way to ensure that the bill would be as ineffectual as possible, although I genuinely do not understand why it would want to do that.

Earlier, when we were dealing with amendments, Patrick Harvie made the point that we should, at this stage, include other categories of civil servants and that, if that were found to be too onerous, or if it did not work, we could reduce the numbers but that, until we had the information, we could not make that judgment.

That amendment was defeated, but it is not beyond the Scottish Government to record that information internally and feed it into the review when the review takes place. It is only by having that kind of information that Parliament will be able to make a properly informed judgment. Will the minister consider that today?

Mr FitzPatrick has made great play of the idea of the bill having to be proportionate. I agree with that. We all want to be transparent and open, and we want our constituents to have as much and as easy access to us as possible. What we disagree about is the way in which that should be handled in legislation. We have ended up with a complicated, labyrinthine bill that might do more

harm than good—I genuinely hope that that is not the case, but I fear that it might be.

It is the passage of this bill that has made me think that a lobbying bill is needed. The problem is that what is needed is not the bill that is before us, which is a pale imitation of the robust bill that a Parliament such as this one should have.

I sincerely hope that, when the legislation is reviewed in the next session of Parliament, there is a Government and a Parliament that is not afraid of transparency and openness and which will create a new bill that is proportionate and does what it says on the tin, because this one does not.

16:19

Cameron Buchanan: The level of transparency in our Government and its openness to the public are both crucial aspects of a healthy democracy, which makes it so important that we get the Lobbying (Scotland) Bill right. I have always maintained that, if the bill is to be effective, it must—as I have said earlier—take a proportionate approach that increases transparency in our decision-making process without deterring participation in the first place. It appears that, after much deliberation, we have reached a point where the correct balance has been struck in our opinion, and I am pleased to say that we Scottish Conservatives will therefore be supporting the bill at decision time.

It has been right to seek a collaborative approach to the proposed legislation, which is worth bearing in mind as we consider how to ensure that the potential registrants and the wider public are ready for its provisions coming into force. It is essential that the provisions that are imposed by the bill are clearly understood so that they do not create any disincentive to participation in public decision making. A long-term principle of our democratic process is that the wider the range of views that are heard in policy making, the better the policy will be.

As I have said before, lobbying is not about closed-door deals between vested interests and powerful decision makers; it is about the fundamental matter of having an open political process in which all manner of ideas, views and contributions are welcome. Wide-ranging participation is crucial to a healthy democracy. It should therefore be clear that organisations and members of the public should be free to discuss matters of interest with their elected representatives, and they should feel that it is hassle free to do so.

I have already underlined how important it has been to keep that in mind throughout our deliberations on the scope of the register, and I emphasise the need to continue promoting

openness in any requirements that come into force. A crucial aspect of maintaining openness and accessibility is the availability of help or guidance to assist potential registrants. The aim, after all, is to increase transparency, not to catch anyone out. I was therefore very pleased that my amendment requiring the publication of guidance on the operation of the register was passed at stage 2. Such guidance is simply too important to be discretionary, and we must ensure that it is clear, thorough and targeted in its explanations of what does and does not count as regulated lobbying, and of what any on-going requirements are. Ideally, the guidance would remove the need for complex compliance operations or expensive lawyers, so that we can all get on with the business of conducting politics in an open way, which all parties support.

Furthermore, putting in an effort to have a clear, collaborative process in place would minimise the chance of stakeholders simply pulling out of the public decision-making process, as well as decreasing the likelihood of unintentional mistakes in compliance. If we achieve such a collaborative culture around lobbying, I believe that we will have struck the optimal situation in which all our processes are transparent and maintain their strength through accessibility.

I am pleased to say that the bill as it now stands appears to reach that balance, and we Scottish Conservatives therefore put our support behind it.

16:22

Mary Fee (West Scotland) (Lab): Scottish Labour supports the principle of a lobbying bill and the need for the introduction of legislation in this area. Despite voting for it at decision time tonight, we believe that the bill should have been amended further to ensure that it is a strong and effective piece of legislation.

The Lobbying (Scotland) Bill in front of us is a dilution of my colleague Neil Findlay's original proposal for a lobbying bill. As we have heard, there are two key areas where we believe that the bill falls short: by excluding emails and by excluding all civil servants except permanent secretaries. That is a mistake, and it renders the bill almost meaningless. The passing of the bill will lead to a situation where only one civil servant for each Scottish Government department, the permanent secretary, will be captured by the bill. That is an obvious failing.

At stage 2, when the bill was in committee, Scottish Labour lodged 16 amendments, but each and every one of them was rejected—the SNP used its majority on the Standards, Procedures and Public Appointments Committee to reject all

the alternatives that were proposed by Scottish Labour.

The Scottish Labour amendments in the names of my colleagues Neil Findlay and Patricia Ferguson aimed to strengthen the bill in the key areas of accountability, transparency and openness. The result of every Scottish Labour amendment being rejected at stage 2 is a bill that is not as strong or effective as we would have liked it to be. Scottish Labour would have liked to strengthen the bill significantly to ensure that the legislation was as strong and effective as possible.

As well as not addressing the concerns raised by members of the Parliament, the Scottish Government has not considered the views of civic Scotland on the bill either. Organisation after organisation and expert after expert have criticised the bill for not being as strong as it could be, yet the SNP has taken little action to strengthen it to make it a truly effective and workable piece of legislation. For example, Unlock Democracy described the bill's definition of lobbying as

“a gift to those who might wish to keep their activity out of the public gaze”.

Presiding Officer,

“Research has shown that the public overwhelmingly want greater transparency in Holyrood, but they're still waiting for MSPs to deliver, rather than give in to the lobbying industry. It would be farcical and ironic if the bill to regulate lobbying were to be neutered because MSPs have been lobbied by the lobbying industry.”

Those are not my words but those of Robert Barrington, executive director of Transparency International UK. Members across this chamber should reflect on that statement.

In 1999 when the Scottish Parliament was established, it had the explicit founding values of accountability, transparency and openness. At a time when public confidence in politicians is failing, we should be aiming more than ever to inspire faith among the people of Scotland in their elected representatives. We in Scottish Labour passionately believe in strengthening the Lobbying (Scotland) Bill to make it a strong and effective piece of legislation.

We understand the need for a lobbying bill; we supported the proposal for the introduction of a lobbying bill. We want the bill to be strong on lobbying, transparency and accountability.

The Government talks frequently about being a listening Government and being consensual. Speakers in this afternoon's debate have raised concerns about the legislation and the need to strengthen it. This was a perfect opportunity for the SNP Government to do exactly that; it is just a pity that it decided not to listen.

At points today, I have wondered whether we have been discussing two different bills. The bill that I am looking at is not the bill that the SNP is talking about. A lobbying bill is needed, so we will support the passing of the Lobbying (Scotland) Bill, but the Scottish Government must listen to the concerns of parliamentarians, independent organisations and experts alike, and take action to ensure that the bill meets the aspirations of this Parliament in providing accountability, openness and transparency through strong and effective lobbying legislation.

16:27

Joe FitzPatrick: I welcome the fact that members have subjected the Lobbying (Scotland) Bill to close scrutiny throughout its parliamentary passage, and today has been no different.

I am not thin-skinned, but I thought that some of Mr Findlay's comments went a bit deep and verged on being nasty and offensive. In defence of my position, I will read some of the comments that SALT has published today in response to the amendments that we have passed this afternoon. Willie Sullivan, director of the Electoral Reform Society, said:

"We are delighted that the minister has responded in this way."

I know that SALT and its members want to go further than we have done. Indeed, Willie Sullivan confirmed that, but he said:

"While we do still have some concerns about the Bill—particularly the fact that only face-to-face meetings are recorded and not emails or phone calls—we are sure that this Bill when enacted will increase public visibility of lobbying.

With a built-in two year review the new lobby register should provide a firm basis and good evidence for parliament to include emails etc following that review."

That is a positive comment.

Robin McAlpine from the Common Weal, which is also a SALT member, said:

"This legislation is still not as strong as we'd like but the Scottish Government has been listening and we've definitely made progress. Above all, there is a commitment that this is a foundation which can be built on in the next parliament. Hopefully Scotland is moving towards a system of lobbying transparency it can be proud of."

Those are positive comments from some of the people who have been pushing for maximum transparency. I certainly welcome those comments.

Neil Findlay suggested that the CBI would somehow be exempt from the bill because he reckoned that it had fewer than 10 full-time equivalents who worked in Scotland. Let me be absolutely clear about the amendments that we have passed today. First of all, the exemption is

not based on the number of staff working in Scotland but on the number of staff working for the organisation irrespective of where they are located. Secondly, we put it beyond doubt that representative bodies are excluded.

Patricia Ferguson asked whether we would consider monitoring the amount of contact with senior civil servants to inform a future review of the bill. We can consider that but, as I said at stage 2, we would have to discuss any changes that we wished to make in relation to senior civil servants with the trade unions and we would have to evidence why those changes would be an appropriate step forward. We did not manage to achieve that at this stage.

In my opening speech, I mentioned the Government's desire to achieve as much consensus as possible for the establishment of a register of lobbying activity in Scotland. We have achieved that. Some of the positive comments from SALT show that we have made progress in pulling together people from all sides of the argument. Initially, some organisations, such as the Federation of Small Businesses, were very critical of what we had done, but I hope that they now see that we have a bill—and, in future, will have an act—that, as Cameron Buchanan said, is proportionate and gives us increased transparency without being overly burdensome.

Although some of the comments that were made today might suggest differently, the bill has generally been developed in a positive climate of Scottish democracy. The engagement that I have had with stakeholders on all sides has been positive. That is a sign that public engagement remains as strong as ever and that there is a dynamic in support of the Parliament's openness.

The Government does not want the bill to discourage public engagement in Scotland's politics. We have kept that principle firmly in mind when promoting measures that are aimed at increasing transparency. The phrase "striking a balance" might seem to be a cliché, but the extensive coverage of the bill highlights the importance of getting the balance right and giving close consideration to the wider implications of any policy proposals.

I put on record my thanks to the Standards, Procedures and Public Appointments Committee. Stewart Stevenson and his committee have devoted a significant proportion of their time this session to helping to develop thinking on our approach. The successor committee will be heavily involved in implementing processes for the lobbying register. Therefore, the debate is only part of a careful and methodical process.

I also thank the wide range of stakeholders who took the time to engage with me and my office

over the past three years. That engagement has ensured that the Government has been well informed of contrasting views and ideas and helped us to reach a proportionate balance.

I thank my bill team, who have been working on the bill for some three years and have helped me to introduce and present a bill that I am proud of and which will do the Parliament proud. The bill as amended is now coherent and, above all, provides a proportionate initial framework for the registration of lobbying activity in Scotland.

I ask members to join me in supporting the passage of the Lobbying (Scotland) Bill at decision time.

The Deputy Presiding Officer: That concludes the debate on the Lobbying (Scotland) Bill.

Point of Order

16:33

James Kelly (Rutherglen) (Lab): I wish to make a point of order under rule 8.17.1 of standing orders in relation to the publication of yesterday's "Government Expenditure and Revenue Scotland" statistics. As a result of an error in the calculation of the oil reserve figures, the data that was released yesterday was incorrect. Indeed, the Government has now had to publish two further revisions of the statistics. As they have been subject to parliamentary and public debate, it is a matter of concern that we are now on to the third version of those figures. Therefore, Presiding Officer, I ask that you ensure that the Deputy First Minister makes a statement to Parliament confirming that all stakeholders have been advised of the corrections and that the latest version of the statistics is complete and accurate.

The Deputy Presiding Officer (John Scott): Thank you very much for your point of order, Mr Kelly. The publication of "Government Expenditure and Revenue Scotland" figures is entirely a matter for the Government. Corrections to those figures are also a matter for the Government. However, you have made your point. I do not think that it is a point of order but, if Mr Swinney wishes to address it now, he may.

The Deputy First Minister and Cabinet Secretary for Finance, Constitution and Economy (John Swinney) *indicated disagreement.*

The Deputy Presiding Officer: He is not offering to do so, so we will leave it at that.

Scottish Fiscal Commission Bill: Stage 3

16:35

The Deputy Presiding Officer (John Scott):

The next item of business is stage 3 of the Scottish Fiscal Commission Bill. [*Interruption.*] Is there a problem? Thank you, Ms Baillie.

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. 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 a group of amendments should press their request-to-speak buttons as soon as possible after I call the group. Members should now refer to the marshalled list of amendments.

Section 2—Functions

The Deputy Presiding Officer: Group 1 is on forecasting. Amendment 1, in the name of the Deputy First Minister, is grouped with amendments 2 to 6, 8, 9, 12, 15 to 18, 20, 21 and 22.

The Deputy First Minister and Cabinet Secretary for Finance, Constitution and Economy (John Swinney): I am grateful for the opportunity to speak to the amendments. The fiscal framework requires the Scottish Fiscal Commission to prepare forecasts of tax revenues, demand-led social security expenditure and Scottish gross domestic product. We currently have competence to legislate for commission functions based on the fiscal powers that are devolved to the Scottish Parliament under the Scotland Act 1998 and the Scotland Act 2012. We have lodged the amendments to provide that the Scottish Fiscal Commission should prepare rolling five-year forecasts of receipts of fully devolved taxes, which will initially cover land and buildings transaction tax and Scottish landfill tax and, in due course, other taxes that are to be wholly devolved to the Scottish Parliament, including air passenger duty, the aggregates levy, receipts from non-domestic rates and receipts from the Scottish rate of income tax.

The non-statutory commission currently has a role in scrutinising the economic determinants of the Scottish Government's forecast of non-domestic rate receipts. The agreement that has been reached in the fiscal framework covers the entirety of the NDR forecast: amendment 1 caters for that change in function.

Amendment 22 will ensure that the commission will have direct statutory rights of access to the data that are held by the Scottish assessors and by local authorities, which it will require in order to prepare NDR forecasts.

The commission's current function in relation to borrowing has been retained. The commission will continue to be required to prepare reports setting out its assessment of the reasonableness of Scottish ministers' projections of borrowing requirements. We further propose that the commission should retain the general function that is currently provided for in section 2(3) of the bill, which enables it to undertake work on other fiscal matters, in addition to its specific functions. Amendments 2 and 3 are intended to ensure that that flexibility reflects the commission's new statutory functions.

The purpose of amendment 8 is to require the commission to provide the Scottish ministers with forecasts in sufficient time to support finalisation of the Scottish budget.

Gavin Brown (Lothian) (Con): At this stage, does the Deputy First Minister have a view on what is meant by "sufficient time"? Does it mean a day, a week or a month?

John Swinney: In reality, I suspect that the time would probably be less than two weeks before the date of the budget. That will not be specified. We can probably shed more detail on that in the memorandum of understanding, which I suspect will be deployed to inform relationships between the Government and the Fiscal Commission on working practices. The commission would be fully empowered to determine what it thought to be reasonable in that context.

The prior notification is essential to the Scottish budget process because the commission's forecast will determine the overall resources that will be available to deploy in that budget. The timing of that advance access to forecasts will be specified in the protocol, as I have indicated to Mr Brown, and as provided for in section 4A.

Amendment 9 will adjust the process for laying reports before Parliament as a consequence of the change to the forecasting model. The purpose of amendment 12 is to dispense with the requirement for the commission to provide Scottish ministers with a copy of a report that is prepared under section 2(1), where it has already been sent by virtue of the changes that will be introduced by amendment 8.

Amendments 15 to 18 are technical consequential amendments that reflect the shift in the forecasting functions in amendment 1.

The purpose of amendments 20 and 21 is to protect the core forecasting function as set out in

proposed new section 2(A1) from being removed through regulations. That means that primary legislation would be required to remove the general forecasting function from the Scottish Fiscal Commission. The amendments will create a statutory framework that could be added to by regulations as the competence of the Scottish Parliament is expanded by the Scotland Bill. We have undertaken to consult on the scope of the commission's expanded powers, and we will bring forward a timetable for doing so after the bill has been passed.

I invite members to agree to amendment 1 and the other amendments in the group.

I move amendment 1.

Jackie Baillie (Dumbarton) (Lab): I support and very much welcome amendment 1 and all the other amendments in the group.

Scottish Labour first argued in January 2015 that the Fiscal Commission should produce the official forecasts. We supported the Finance Committee's view, which was reached after about two years of deliberation, that the Fiscal Commission should do the official forecasts. The committee's report is one of the best that it has produced, and I commend those who were involved in it. In particular, I commend the convener of the committee, who said:

"we are strongly of the view that not only should the Scottish Fiscal Commission be independent, but it is vital that it is perceived to be independent. That is why we are calling for the Bill to be amended to strengthen the Commission's role and to give it responsibility for producing the official forecasts."

I think that we were all surprised when the bill was introduced. The cabinet secretary appeared to have ignored the Finance Committee and to have ignored his colleagues, and the bill was a pale imitation of what was required. The Government was intent on keeping control, and the Fiscal Commission was not to do the official forecasts.

At stage 1, the committee, with one exception, maintained its position and rejected the Government's attempt to make the Fiscal Commission a less powerful body, so John Swinney was sent away to think again. We were clear that in order to secure the Fiscal Commission's independence and robustness in forecasts, it should be responsible for the official forecasts.

A few days later, that all changed. Scottish National Party members, including the convener of the committee, had somehow become converted. Some who are less generous than I might say that they had been nobbled, because they were suddenly convinced of John Swinney's arguments. Was that a case of thumbscrews being applied, or

did the convener of the committee believe that he had been wrong all along? I cannot ask Kenny Gibson that question, because he and Mark McDonald, who was one of the Finance Committee's SNP members, are not in the chamber.

I am disappointed that it appeared that all that work was just being thrown away. However, having marched them up to the top of the hill, the cabinet secretary abandoned them there as he made a deal with the Chief Secretary to the Treasury that the Fiscal Commission would, contrary to his own view, do the official forecasting. Mr Swinney must be positively dizzy with all the about-turns that he is making, but I very much welcome them.

It is right that the Fiscal Commission should do the official forecasting. As a consequence, it will demonstrate its independence from Government. With new powers and new responsibilities coming to the Parliament, we must ensure that the institutions that we put in place are robust and transparent. John Swinney's amendments will help us to do just that.

Gavin Brown: The journey on fiscal forecasts has indeed been a rich tapestry, but I am delighted to say that we are getting there in the end.

The change is probably the most important change that needed to be made to the bill. It is quite right that official forecasts should be carried out by the Fiscal Commission and not by the Scottish Government. There are a number of reasons for that. Most important, the forecasts have to be independent and have to be seen to be independent.

The amendments will also get rid of a rather weak reasonableness test that would not offer much scrutiny. They will get rid of the messing about with economic determinants for non-domestic rates and look at the non-domestic rates themselves, and they will avoid, or at least weaken, the built-in optimism bias that any Government that produces forecasts is at risk of producing.

For all those reasons, I support all John Swinney's amendments in the group.

As I said, we got there in the end. I hoped that we would get there at stage 2, but I failed to convince the cabinet secretary. I was just not quite up to the mark in convincing Mr Swinney, but I am glad to say that George Osborne was up to the mark: he managed to convince John Swinney about the right way to go. Thank goodness for the persuasive powers of George Osborne.

16:45

John Mason (Glasgow Shettleston) (SNP): It is no secret that, as one of the members of the Finance Committee, I have at no point been convinced that the SFC should do the forecasting. My main reasons for that are that, first, it is fundamentally better to have one organisation to do the work—in this case forecasting—and a separate organisation to check it. That is what happens with audits; both auditors and the SFC look to the future and the past.

Secondly, it will be more resource intensive and therefore more expensive to have such duplication of work. Thirdly, I am not convinced that the Office for Budget Responsibility model is that great—it is certainly in a minority internationally. Finally, the issue of independence and the issue of who does the forecasting are completely separate and should not be conflated.

However, I accept that the bargaining with Westminster over the fiscal framework has meant that we do not have the ideal situation in every case—this being one in which we do not. Although I will vote for amendment 1, if after the election I am returned here and it all goes belly up, I will be standing here to say that I said it would.

John Swinney: In her initial comments, Jackie Baillie said that she was rising to support the amendments. If that was a speech of support, I would hate to hear a speech that was not supportive. Maybe that is how the Labour Party goes about its business. With Jackie Baillie delivering speeches of support of that nature, maybe the Labour Party operates constantly in such a ferrets-in-a-sack-like mode.

I accept that it has been a long and winding journey. I record my acknowledgement that Mr Mason has been absolutely and totally consistent in his arguments throughout the process. However, if the Finance Committee had not voted against the provisions at stage 2, I would have had nothing to give away in the fiscal framework negotiations.

If it comes down to a bargain—saving the Scottish budget from a Tory attack of £7 billion of cuts to public expenditure by my compromising to put these plans in place—I think that it is a price worth paying.

Gavin Brown: In that case, did the minister encourage or attempt to persuade SNP members on the committee to change their view at stage 2?

John Swinney: I would make absolutely no attempt to try to persuade members of the committee to do anything other than what they thought was the right thing to do, in the circumstances, in a parliamentary process.

Jackie Baillie: Did the cabinet secretary perhaps share with them the negotiations that were going on on the fiscal framework?

John Swinney: As Jackie Baillie knows, I have maintained absolute confidentiality around negotiations with the Treasury, which was the proper approach for me to take to ensure that the issues were resolved.

I am glad that the amendments seem to command support in Parliament. They are part of the fiscal framework agreement that we are putting in place. We want to ensure that all details of the fiscal framework are put into practice in the fashion that is envisaged by the fiscal framework agreement. That is precisely what the Scottish Government has placed on the record in the amendments. I invite Parliament to support amendment 1 and, at the appropriate moments, the other amendments in the group.

Amendment 1 agreed to.

The Deputy Presiding Officer: Group 2 is on review of performance against fiscal rules and sustainability of public finances. Amendment 29, in the name of Jackie Baillie, is the only amendment in the group.

Jackie Baillie: Amendment 29 seeks to give the Fiscal Commission responsibility for, first, scrutinising the Government's performance against fiscal rules and, secondly, considering the sustainability of our public finances. In lodging the amendment, I have reflected on the cabinet secretary's comments at stage 2 and the original intentions of the Finance Committee, both in its report on fiscal institutions and in its stage 1 report on the bill.

Across the world, fiscal institutions have a role in looking at fiscal rules and the future sustainability of public finances, so that role is nothing new. In the 17 Organisation of Economic Co-operation and Development countries that have been researched on the issue, 15 have institutions that have a responsibility for looking at the long-term sustainability of public finances and 11 have institutions that have a role in monitoring compliance with fiscal rules: Austria, Belgium, Denmark, Finland, Portugal, Sweden and the United Kingdom, to name but a few. It is normal for fiscal institutions to do those things.

Mr Swinney asked at stage 1, and has asked since, what the fiscal rules are. I would expect him, as finance secretary, to know that, but I will help him. There are the fiscal rules that are set out in the Public Finance and Accountability (Scotland) Act 2000. There are also the fiscal rules in relation to capital borrowing, revenue borrowing and the budget exchange mechanism, all three of which will change when the new Scotland Bill is enacted. There is also the fiscal rule that is set by

the Scottish Government itself: the 5 per cent revenue-financed projects cap. In addition, there are the rules that are set out in the fiscal framework agreement, including on the Scotland reserve. We should be interested in making sure that those are scrutinised and reported on to Parliament.

I turn to the sustainability of public finances. When we consider the International Monetary Fund fiscal council data set, we can see that the second most important function of the emerging new generation of fiscal councils is to judge the long-term sustainability of public finances. I do not see why we should not want that to be done. The majority of expert witnesses to the committee agreed that it was important to look at both the fiscal rules and the long-term sustainability of public finances.

The Scottish Fiscal Commission said in a letter to the committee that it

“believes it should have responsibility for assessing the Scottish Government’s forecast on the sustainability of Scotland’s public finances, such as adherence to fiscal rules ... and it would welcome the Bill being amended now to anticipate this additional responsibility”.

Indeed, Professor Andrew Hughes Hallett, a member of the Scottish Fiscal Commission, said in evidence to the Finance Committee that the bill should be amended to make explicit that the commission has a role in assessing fiscal sustainability.

Professor Campbell Leith, another member of the commission—we should remember that the members of the commission are appointed by the cabinet secretary himself—said:

“One of the main objectives of creating a fiscal commission is to ensure fiscal sustainability.”—[*Official Report, Finance Committee*, 25 November 2015; c 47.]

The committee convener, Kenny Gibson, in reflecting the committee’s unanimous view on the role of the commission, said:

“We believe it should assess the Scottish Government’s adherence to its fiscal rules and assess the long-term sustainability of the public finances. This will further strengthen the independent scrutiny role of the Commission and reflects the view of many witnesses who have appeared before the Committee.”

Those are not my words; they are Kenny Gibson’s words. The IMF, the OECD, SFC members, the Finance Committee and numerous expert witnesses say that it is a good thing, so I hope that the cabinet secretary is listening and will indeed support my amendment 29.

I move amendment 29.

Gavin Brown: I rise to support amendment 29, on fiscal rules and sustainability of public finances. As Jackie Baillie said, the Finance Committee agreed in its entirety on the matter for our report—

there was no dissent whatsoever. I therefore look forward to hearing John Mason’s comments to see whether he is as keen on consistency for amendment 29 as he was for the previous group of amendments.

The committee’s agreement in January backed up its previous report on the fiscal framework in June of last year, when we made exactly the same recommendation. A day after stage 2, the Scottish Affairs Committee at Westminster seemed to support our view as well, because it said:

“An enhanced Scottish Fiscal Commission should monitor and report on the Scottish Government’s performance against those targets”—

namely, the fiscal targets that will be set out.

The fiscal framework itself, at paragraph 101, talks about relying, if there is a dispute, on the “technical input” of the Scottish Fiscal Commission. If the SFC is going to be of use in a dispute, it has to have as wide a remit as possible, rather than only producing the official forecast, as it is destined to do at the moment.

In lodging amendment 29, Jackie Baillie has made a number of changes to the amendment that she lodged at stage 2. She has removed any reference to policy objectives, which I think is the right thing to do. She has sought expert advice, and I know—as a matter of fact—that she shared it with all members of the committee at least a week ago to ensure that there were no technical objections and that we could debate purely the principle.

I note previous arguments that it is the job of Parliament to assess and scrutinise the long-term forecast of public finances. Yes, it is, but Parliament would certainly be aided in doing that job by having access to work that has been done by the Scottish Fiscal Commission.

Jackie Baillie read out two quotes from the Scottish Fiscal Commission, and I repeat what it said in its written submission to the Finance Committee:

“The SFC believes it should have responsibility for assessing the Scottish Government’s forecasts on the sustainability of Scotland’s public finances, such as adherence to fiscal rules as an example, and it would welcome the Bill being amended now to anticipate this additional responsibility when it arises.”

For all those reasons I support amendment 29. I genuinely hope that the Government will back it, so that we can have a Fiscal Commission that really is worth shouting about.

John Swinney: I welcome the opportunity to debate Jackie Baillie’s amendment, which, as she and Gavin Brown indicated, was debated at stage 2 in a different form, although the principle was largely similar.

I remain unclear of the added value or enhanced scrutiny that would be provided by way of the commission assessing Scottish ministers' performance against fiscal rules. The Scottish Government is subject to budgetary rules, which Jackie Baillie includes in her definition of fiscal rules, and performance against them is already effectively assessed by the Auditor General as part of the annual audit of the Scottish Government's annual financial statements. We are also subject to statutory aggregate borrowing limits and annual borrowing limits that are set administratively by the United Kingdom Government. There are already established mechanisms for reporting to Parliament on those issues. Whether the Scottish Government operates within the limits is a matter of fact, so it remains unclear what public value the commission could add in carrying out assessments against the limits.

Should the Scottish Government gain borrowing flexibilities that would enable us to set further, more flexible fiscal rules, I would suggest that we revisit the issue and consider whether the commission could add value in reporting on the Government's adherence to such rules.

On the analysis of fiscal sustainability, I remain of the view that that is primarily a role for elected members of the Scottish Parliament, who hold ministers directly to account for the robustness of our financial judgments.

Malcolm Chisholm (Edinburgh Northern and Leith) (Lab): Would it not be difficult for members to hold the Government to account on that issue if they did not have a level of analysis from the Fiscal Commission or suchlike that gave them the necessary information?

John Swinney: My judgment is that there is no lack of financial information that circulates around in relation to the budget-setting process. Malcolm Chisholm and I are both former members of the House of Commons. The degree of scrutiny around financial provisions in this Parliament is significantly stronger and more detailed than anything that I experienced in the House of Commons. There are spring and autumn budget revisions, there is all the information that is set out, and there is the scrutiny that we are subjected to by the Auditor General and by the wider role that the Auditor General undertakes. Members have very strong access to data and information to enable them to undertake that task.

Annabel Goldie (West Scotland) (Con): I was struck by the cabinet secretary's comment that if further borrowing powers emerge, he might be prepared to look at this issue again. Is that not to concede in principle that Jackie Baillie's amendment 29 is sensible? The whole point about the Fiscal Commission is that we are creating a

very important body that we have never had before. For many onlookers, the attraction is that it is the first time that we have had that composite umbrella body with an important job and important duties to perform. I would have thought that, far from seeing the provisions in amendment 29 as in some way tiresome, restricting or distracting, the cabinet secretary would have seen them as a support to the important job that he is charged with doing.

John Swinney: At no stage did I use any of the language that Baroness Goldie used when she suggested the reasons why I do not support amendment 29. At no stage did I use the word "tiresome" about financial scrutiny. I have said that I believe that the financial scrutiny is there, by virtue of the current exercise of its functions by Audit Scotland and the fact that I am obliged to operate under fiscal rules, such as the revenue limit, the capital departmental expenditure limits requirement and the fixed borrowing limit, which will be set at £450 million per annum. In fact, we cannot borrow £450 million: we would be prevented from doing so as that would breach our administrative limits.

My point is that I do not see the added value of the proposal in Jackie Baillie's amendment. I do not think that it is an appropriate role for the Scottish Fiscal Commission and, as I indicated in my responses to interventions, the amendment risks duplicating the roles that are already fulfilled by the Parliament and the Auditor General. Therefore, I ask Jackie Baillie not to press her amendment, failing which I recommend that Parliament does not support it.

17:00

Jackie Baillie: I intend to press the amendment.

The cabinet secretary has deployed some of those arguments previously, so let me take them in turn. First, he says that this is a role for Audit Scotland. The role of the Auditor General is to

"appoint auditors to Scotland's central government and NHS bodies ... examine how public bodies spend public money ... help them to manage their finances to the highest standards",

and to

"check whether they achieve value for money."

I do not see mention of fiscal rules or sustainability of finances in the definition of the role.

Audit Scotland has published—

John Swinney: Will the member give way?

Jackie Baillie: I will give way in a second.

Audit Scotland has published a number of reports on developing financial reporting in Scotland, and it recently wrote to the Finance Committee about the fiscal framework. It very strongly expresses the fact that it wants reporting of Scotland's public finances to be

“comprehensive, transparent, reliable and timely”,

and that the

“overall account of revenues, expenditure, assets and liabilities of the Scottish public sector as a whole”

are

“key”

to achieving that.

Audit Scotland agrees about the need to scrutinise the sustainability of public finances. The measure complements Audit Scotland's work, and I am sure that, as with other bodies that the cabinet secretary referred to when we debated the bill at stages 1 and 2, the facility of a memorandum of understanding could be put in place to ensure co-operation between the bodies.

I will take an intervention now.

John Swinney: I am grateful to Jackie Baillie for giving way.

I wanted to intervene when Jackie Baillie set out Audit Scotland's functions. Essentially, those functions are about assessing the quality of the judgments that are made about the financial decision making that is undertaken. That is already part of Audit Scotland's remit, and that is why I think that the provision in the amendment would duplicate that essential role.

Jackie Baillie: I do not think that the amendment is unnecessary, or that it provides duplication. Nevertheless, I suggested to the cabinet secretary a way of ensuring that duplication does not happen—through a memorandum of understanding. That approach is quite commonly used by other bodies.

I turn to the role of Parliament. Ultimately, the role of Parliament is to hold the Executive to account. Parliament can and should be assisted in that task. Currently, we benefit hugely from information from the Scottish Parliament information centre and its financial scrutiny unit, and others besides. I expect that, in future, the Finance Committee and the Parliament will benefit hugely from the work of the Fiscal Commission. Malcolm Chisholm is absolutely right: we should be equipped with the financial and factual information on which we can make informed judgments. I would have thought that that is something that the Parliament aspires to.

My final word is a reflection on the committee's consideration of the bill. This measure was

supported by every single member of the Finance Committee in its report on fiscal institutions and subsequently in its stage 1 report on the bill. I will be hugely disappointed if those members change their minds today. I cannot ask the convener or Mark McDonald about that, because they are not here. I would genuinely be hugely disappointed if the man who has been consistent throughout the process—John Mason—changed his mind.

I will take an intervention from John Mason.

John Mason: I make my intervention for the sake of completeness, seeing as Jackie Baillie mentioned me.

I do not think that this issue is absolutely central. I felt very strongly about the forecasting and, as John Swinney said, I have been consistent on that matter. I struggle to understand the difference that this amendment would make.

Jackie Baillie: John Mason says that he struggles to understand what difference my amendment would make. I simply observe that, for two years, he has nevertheless supported the proposal. He supported it in the committee's original report and in its stage 1 report. I have much more respect for people if they are consistent. That is particularly so because, as Gavin Brown said, I consulted each and every member of the Finance Committee to ensure that I properly reflected the committee's view. Needless to say, I did not get a response to my email from any of the Scottish National Party members, which again is disappointing.

This is what fiscal institutions do. If we want to be in line with what the rest of the world does, we should support amendment 29. It is clear, however, based on what the cabinet secretary has said, that I am unlikely to be happy when the amendment is voted on.

The Deputy Presiding Officer: The question is, that amendment 29 be agreed to. Are we agreed?

Members: No.

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

17:05

Meeting suspended.

17:10

On resuming—

The Deputy Presiding Officer (Elaine Smith): We proceed to the division on amendment 29.

For

Baillie, Jackie (Dumbarton) (Lab)
Beamish, Claudia (South Scotland) (Lab)

Bibby, Neil (West Scotland) (Lab)
 Brennan, Lesley (North East Scotland) (Lab)
 Brown, Gavin (Lothian) (Con)
 Buchanan, Cameron (Lothian) (Con)
 Carlaw, Jackson (West Scotland) (Con)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (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)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hilton, Cara (Dunfermline) (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)
 Macintosh, Ken (Eastwood) (Lab)
 Malik, Hanzala (Glasgow) (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)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 Milne, Nanette (North East Scotland) (Con)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Drew (Glasgow) (Lab)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, David (Highlands and Islands) (Lab)
 Wilson, John (Central Scotland) (Ind)

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)
 Don, Nigel (Angus North and Mearns) (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)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 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)
 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, 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)
 Yousaf, Humza (Glasgow) (SNP)

The Deputy Presiding Officer: The result of the division is: For 43, Against 63, Abstentions 0.

Amendment 29 disagreed to.

Amendments 2 to 4 moved—[John Swinney]—and agreed to.

Section 3—Meaning of terms used in section 2

Amendments 5 and 6 moved—[John Swinney]—and agreed to.

After section 3

The Deputy Presiding Officer: Group 3 is on review of accuracy of forecasts. Amendment 7, in the name of the Deputy First Minister, is grouped with amendments 10, 11, 13 and 14.

John Swinney: The purpose of amendment 7 is to provide a basis for scrutiny by and accountability to the Scottish Parliament in relation to the commission's previous forecasts. It is important that the forecasts that underpin the Scottish budget process are as robust as possible and informed by previous experience. *[Interruption.]*

The Deputy Presiding Officer: Can we have some order in the chamber, please?

John Swinney: Therefore, the commission will conduct a self-evaluation of its previous forecasts for each financial year. It is for the commission to determine the content of its reports, which might include comparisons of the assumptions, risks and projections that were used by the commission against the actual outturn and results.

Amendments 10, 11, 13 and 14 are consequential amendments, which will ensure that reports on the accuracy of previous forecasts are laid before the Parliament and published by the commission. I ask members to support all the amendments in the group.

I move amendment 7.

Amendment 7 agreed to.

Section 4—Reports

Amendments 8 to 14 moved—[John Swinney]—and agreed to.

Section 4A—Protocol between the Commission and the Scottish Ministers

Amendments 15 to 18 moved—[John Swinney]—and agreed to.

After section 4A

The Deputy Presiding Officer: Group 4 is on Scottish ministers' statement. Amendment 19, in the name of the Deputy First Minister, is the only amendment in the group.

John Swinney: The fiscal framework agreement specifies that the commission should prepare the tax and GDP forecasts that support the framework's operation. I consider it to be equally important that we legislate to ensure that the commission's forecasts have official status and to create a presumption that those forecasts will inform the Scottish budget.

The intention of amendment 19 is to ensure that the Scottish ministers are required to account to the Scottish Parliament if they do not use the forecasts that the commission prepares in the Scottish budget. In such an instance, which I would expect to arise only in truly exceptional circumstances, the Scottish ministers must make a statement to the Parliament to explain the basis of any disagreement. The statement must be laid before the Parliament at the same time as the budget documentation.

That requirement, read together with amendments 1 and 8, will create a presumption that the Scottish ministers will use the forecasts that are prepared by the commission in the Scottish budget and requires them to report to

Parliament so that the basis of the decisions that are made by ministers is transparent and can be appropriately scrutinised.

I move amendment 19.

Amendment 19 agreed to.

Section 5—Power to modify the Commission's functions

17:15

Amendments 20 and 21 moved—[John Swinney]—and agreed to.

Section 7—Access to information

Amendment 22 moved—[John Swinney]—and agreed to.

After section 7

The Deputy Presiding Officer: Group 5 is on the duty to co-operate with the Office for Budget Responsibility. Amendment 23, in the name of the Deputy First Minister, is the only amendment in the group.

John Swinney: The purpose of amendment 23 is to implement a requirement in the fiscal framework agreement that the Scottish and United Kingdom Governments will introduce a reciprocal statutory duty of co-operation between the commission and the Office for Budget Responsibility. The amendment will support the two independent bodies in discharging their statutory functions, both as they exist now and as they will be amended once the Smith proposals are fully implemented.

Although the amendment places a duty on the Scottish Fiscal Commission only, we expect the United Kingdom Government to introduce a reciprocal arrangement through a section 104 order under the Scotland Act 1998 in due course.

The fiscal framework anticipates that the statutory duty will be underpinned by a memorandum of understanding between the two bodies that will set out more detailed practical working arrangements.

I move amendment 23.

Amendment 23 agreed to.

Section 9—Review of Commission's performance

The Deputy Presiding Officer: Group 6 is on review of commission's performance: review period. Amendment 24, in the name of the Deputy First Minister, is grouped with amendments 25 to 28.

John Swinney: The amendments bring forward the timing of the first external review of the commission's performance, so that the first review will occur after two years have passed since the commencement of the statutory functions. After that, a review will be required at least once every five years. Those measures will help to ensure an early review of how the commission is performing its functions and will provide assurance that the forecasting arrangements are robust and working well. That will be particularly relevant in the early phases of the commission's work, when there will not be the same legacy of reporting on forecasts for the commission to build on.

The commission itself will determine the scope of the first—and, indeed, every—review. That means that it can ensure that the scope of the first review is proportionate to the status and situation of the commission at that time.

There is a clear public interest in ensuring that there is an early check on the commission's work and emerging operational and governance arrangements. By requiring the first external review after two years, we are taking additional steps to ensure that the Parliament and the people of Scotland can have confidence that the commission's forecasts, which will underpin the Scottish budget, are robust.

I move amendment 24.

Amendment 24 agreed to.

Amendments 25 to 28 moved—[John Swinney]—and agreed to.

The Deputy Presiding Officer: That ends the consideration of amendments. I will allow a few moments for the chamber to clear before we move on to the next item of business.

Scottish Fiscal Commission Bill

The Deputy Presiding Officer (Elaine Smith): The next item of business is a debate on motion S4M-15869, in the name of John Swinney, on the Scottish Fiscal Commission Bill.

17:20

The Deputy First Minister and Cabinet Secretary for Finance, Constitution and Economy (John Swinney): The Scottish Fiscal Commission Bill will ensure that there is an independent fiscal institution operating at the heart of Scotland's devolved fiscal framework. The bill safeguards the Scottish Fiscal Commission's independence, transparency and accountability to Parliament and the public, and I commend it to Parliament.

The Finance Committee devoted many hours to scrutiny of the Government's proposals for the Fiscal Commission prior to and during the legislative process. I am grateful to the convener and members of the committee for the thoughtful consideration that they have given to the issues and the challenge that they have brought to bear. That challenge has helped us to test and refine our proposals so that we can all be satisfied that the bill delivers the strongest possible arrangements to safeguard the forecasts that support the Scottish budget.

I would also like to put on record my thanks to the individuals and organisations that took time to respond to the Government's consultation on our legislative proposals last year and to the various calls for evidence on the topic that the Finance Committee has issued since 2013. Those contributions have provided fresh perspectives, which have guided and helped us to shape our policy.

Parliament is aware that, in order to secure a fair deal for Scotland on the block grant adjustment that ensured that there was no detriment to Scotland's budget, I agreed to compromise on the production of forecasts in the fiscal framework agreement. I have previously expressed significant reservations about the proposed forecasting model, but I am confident that the arrangements in the bill will ensure that the commission is equipped to produce robust forecasts to underpin the Scottish budget, and that Parliament can appropriately hold the commission to account for its work.

The amendments that Parliament has agreed to mean that the commission will prepare five-year forecasts of receipts from the fully devolved taxes, from non-domestic rates and from the Scottish rate of income tax, and that those forecasts will be

prepared in time to meet the needs of the Scottish budget process.

The commission will be required to publish an explanation of the methodology and assumptions that it applied in preparing its forecasts so that those can be scrutinised by Parliament, academic commentators and others. Furthermore, our amendments will ensure that the commission's forecasts are the official forecasts that support the Scottish budget. The commission's core statutory function is to prepare forecasts and assessments that inform the Scottish budget.

I have gone further than the equivalent obligations on the United Kingdom Government by providing in statute that the Scottish ministers must make a statement to Parliament if they depart from the commission's forecasts in preparing the Scottish budget. That will ensure that Parliament can properly hold ministers to account for choosing such a course of action. I anticipate that the Scottish ministers would not take such a decision lightly and that alternative forecasts would be used in a Scottish budget only in truly exceptional circumstances.

Malcolm Chisholm (Edinburgh Northern and Leith) (Lab): What resources will the Scottish Government have? The cabinet secretary is talking about the possibility of the Government rejecting a commission forecast. Will the Scottish Government have the same resources for forecasting or will it have fewer resources? It is not clear to me what the case will be.

John Swinney: I intend to maintain the resources within Government to ensure that we can satisfy ourselves that we have a forecast from the Fiscal Commission that we believe to be credible and deliverable to underpin the Scottish budget.

The timing of commencement of forecasting responsibilities is still to be discussed and agreed with the Fiscal Commission. I want us to be in a position whereby the commission can exercise its full forecasting responsibilities as early as possible, but it is important to allow the commission time to put robust resourcing and operational arrangements in place, so that the Government and Parliament can be assured of the integrity of the forecasts that underpin the Scottish budget. I have every confidence that the chair and members of the commission will do just that as they oversee the transition to a statutory body, but I put on record the need to agree the transition arrangements with the commission to ensure that we have robust forecasts to underpin the Scottish budget.

The Parliament currently has competence to legislate for a fiscal commission with functions that relate to the tax and borrowing powers that were

devolved by the Scotland Act 1998 and the Scotland Act 2012. Once the current Scotland Bill has been enacted, we will be able to move quickly to expand the functions of the commission in accordance with the fiscal framework agreement. We plan to use the regulation-making powers in the bill to require the commission to also produce forecasts of devolved demand-led social security expenditure and Scottish gross domestic product, and the existing function in relation to income tax will be modified to reflect the wider powers that are due for devolution in 2017.

The Government has lodged amendments that not only deliver the changes to statutory functions necessary to fulfil my obligations under the fiscal framework agreement but build in additional safeguards that strengthen the scrutiny and accountability arrangements underpinning a forecast preparation model. I have already referred to the requirement on the commission to publish details of its forecasting methodology, as the Scottish Government has done for the past two years. In addition, the commission will be required to prepare a report evaluating the accuracy of its previous forecasts to provide transparency on the past precision and accuracy of its technical analysis.

The commission will also be subject to an external review of its performance two years after the commencement of its statutory functions. That recognises the strong public interest in ensuring that the forecasting arrangements that underpin the Scottish budget and our new fiscal framework are operating effectively and are supported by robust institutional and governance arrangements. All of the reviews and reports must be laid before Parliament to provide additional tools by which Parliament can hold the commission to account.

I also want to ensure that we retain a form of the challenge function that is currently carried out by the non-statutory commission and which I believe has greatly enhanced the Government's forecasting abilities. I envisage that, in future, forecasts will be prepared by a professional group of staff appointed by the commission and that those forecasts will in turn be scrutinised by the commission members. I have shared that view with members of the commission, who will determine how forecasts will be produced and what quality assurance processes are required to vouchsafe the integrity of the forecasts.

At its introduction, the bill delivered a Scottish Fiscal Commission that was structurally, operationally and visibly independent of Government. Independence has been a key feature of our proposals for the commission, with Audit Scotland commenting that the consultation paper that we published almost a year ago on 26 March 2015

“rightly identifies the independence and impartiality of the Commission as being of paramount importance and sets out proposals to achieve this.”

The bill expressly provides that in performing its functions the commission will not be subject to direction or control by any member of the Scottish Government, thus guaranteeing its operational independence. Moreover, the amendment that I lodged at stage 2 requiring the commission and the Government to agree and publish a protocol delivers greater transparency on the interaction between the commission and Scottish ministers. The commission will retain the flexibility to determine its own work programme within the scope of devolved fiscal powers, and that will enhance its operational independence.

The commission will rightly be directly accountable to Parliament for the discharge of its functions, and Parliament will play a key role in approving the appointment of commission members. In light of issues raised by the Finance Committee in its stage 1 report, I lodged amendments at stage 2 that allow members of the commission to be appointed to serve a second consecutive term of office and which specify that an appointment term will be a maximum of five years.

Everybody across the chamber should welcome the creation of the Scottish Fiscal Commission, because it demonstrates how seriously we are committed to establishing robust forecasting arrangements to support the operation of new tax and borrowing powers. The continuation of the Scottish Fiscal Commission but as a statutory body is another important milestone in the journey to enhance Scotland's fiscal powers. The commission already plays a key role in supporting the exercise of the tax powers devolved under the Scotland acts of 1998 and 2012 and the bill provides for an institutional and operational framework that enhances that role, protects the commission's independence and creates a solid basis for the commission to expand its functions over time in line with the fiscal powers of this Parliament.

I move,

That the Parliament agrees that the Scottish Fiscal Commission Bill be passed.

17:28

Jackie Baillie (Dumbarton) (Lab): I very much welcome the opportunity to participate in this stage 3 debate on the Scottish Fiscal Commission Bill. At the outset, I thank my colleagues on the Finance Committee, the clerks and all those who gave evidence, and I also acknowledge the role of the Tory chancellor, George Osborne, who apparently convinced the cabinet secretary to make the Fiscal Commission more robust.

It was in January 2015 that Scottish Labour set out our plans for a Scottish office for budget responsibility—a truly independent body with teeth that would ensure greater transparency and scrutiny of Scotland's public finances. Its importance cannot be overstated given the substantial new taxation and welfare powers that are coming. No longer will we just be spending money that someone else has given us; we will now be responsible for raising some of it, too. As a result, being honest and open with the Scottish people about what the economic future holds and placing forecasting in the hands of experts free of political manipulation are absolutely the right things for us to do. Of course, that applies to all Governments, of whatever political colour.

Let us look at the context. During stage 1, I noted that, for the first time in a decade, the price of oil was below \$30 a barrel. Gross domestic product figures have clearly been affected in a negative way. Growth in Scotland—onshore and offshore—is not good, and Scotland is certainly not performing as well as the rest of the UK.

Just yesterday, the “Government Expenditure and Revenue Scotland” figures were published. I understand from James Kelly that they were published not once, not twice but three times because the figures that were provided by the Scottish Government were incorrect. I am sure that the cabinet secretary regrets that, but he will also acknowledge that that does not fill people with confidence. GERS, which is the Scottish Government's balance sheet, tells us that there is a staggering £15 billion gap in our public finances. That is more than the funding for the entirety of the national health service.

When Labour called for a Scottish office for budget responsibility, the existing Fiscal Commission had a limited role—the fact that it had no forecasting responsibility and that its members were appointed by the cabinet secretary, serving as advisers at the same time as providing scrutiny, did not provide reassurance about the independence of the body. I am pleased that that has changed. The Fiscal Commission is now to be on a statutory footing and responsible for the official forecast and for assessing expenditure and income across the Scottish Government's responsibilities, with better governance arrangements than we had before.

I confess that I am disappointed that the cabinet secretary has rejected my amendment on scrutiny of fiscal rules and the sustainability of public finances. I regret that he and his party have turned their face against ensuring that the Fiscal Commission is truly robust. Having those responsibilities is the normal stuff of fiscal institutions across the world but, hey, it is not to be that way in Scotland—yet it is, or was, something

that SNP members of the Finance Committee agreed with. I was delighted to see Kenny Gibson and Mark McDonald make their way to the chamber for a couple of seconds to vote against my amendment, which concerned something that they believed in for more than two years but, of course, they have left again. I do not know why that is. Maybe it is to hide their embarrassment.

The Finance Committee produced a much-welcomed report on the need for a robust fiscal institution. That was followed by an equally thoughtful and robust stage 1 report. In both reports, only one member dissented from the idea that the Fiscal Commission should produce the official forecasts. As I said earlier, that was John Mason. I respect his consistency on that issue, even if I disagree with him. However, I regret his subsequent lack of consistency on other areas of the committee's thinking.

What genuinely disappoints me is that other members and the convener changed their minds at the 11th hour, just before stage 2. Lo and behold, days later—before the fiscal framework was announced—they changed their minds again: official forecasting was now to be the responsibility of the Fiscal Commission. When it comes to the Fiscal Commission scrutinising fiscal rules or considering fiscal sustainability, they all agreed, but now they have changed their minds. The cabinet secretary had clearly marched his SNP members up to the top of the hill and promptly abandoned them there.

The cabinet secretary says that he did not influence those members and that he did not tell them about the fiscal framework negotiations. I ask people to think about it. Those members of the committee held a strongly expressed view consistently for two years and then, remarkably, they changed their minds at the 11th hour. I do not know what happened. It is a matter for individual members to determine how they protect their own credibility as politicians, but I care about the credibility of the committee. The flip-flopping was embarrassing. It did no credit to the committee or the Parliament, and I hope that we can all reflect on that.

Scotland is on the verge of gaining substantial new powers. With those new powers come new responsibilities. We need openness and transparency in the stewardship of the nation's finances, and the Scottish Fiscal Commission will be a welcome addition to that process.

We support the bill at stage 3.

17:34

Gavin Brown (Lothian) (Con): I will begin on a positive note. The bill that we now have—the bill that I hope will pass at decision time today—is

considerably better than the bill that was originally drafted. The bill as introduced had a number of flaws. First, it allowed only the Scottish Government to do the forecasts; it did not really encourage any alternative forecasts to be published, and the cabinet secretary made clear his view that there ought not to be any alternative forecasts.

The position was that the Scottish Fiscal Commission was simply to assess the "reasonableness" of the Scottish Government forecasts. In looking through that over the course of the budget process, I note that the reasonableness test was such a low bar that it was difficult to foresee a situation where the commission would do anything other than pass the Government's forecasts as reasonable. When quizzed on whether it could suggest any numbers at all that would be deemed to be unreasonable, the commission was unable to say so. It stated bluntly that it did not look at the numbers. It did not look at the outputs at all; it looked at the models underpinning those numbers.

I hugely welcome the amendments that were passed in group 1 earlier today. They were fundamental. I genuinely think that, without them, we would not have had a Fiscal Commission worthy of the name. Without them, we would have had a series of educated, useful, intelligent advisers who would make the budget process better than it would be without them but would be nowhere close to being what is known internationally as an independent fiscal institution. That change to the bill rescued the commission from being something that would still have been a little helpful, perhaps, but would have been of almost no real regard in terms of scrutiny, particularly concerning the powers that will be introduced in the years to come. That makes a huge improvement and, for that reason, we will continue to support the bill and will vote for it at stage 3.

However, having worked on the matter for well over two years now, I have to say that I am left with a bit of a feeling of dissatisfaction at the end of the process, for a number of the reasons that Jackie Baillie outlined in her speech. I guess that I have been working on the Finance Committee for a couple of years extra as it has taken into account a huge amount of evidence over the course of the process.

I am disappointed that we do not have an amendment to ensure that the commission addresses the sustainability of the finances and the adherence to the fiscal rules. That seems to happen throughout the Organisation for Economic Co-operation and Development countries. We have looked at the materials from the Scottish Parliament information centre, which got a

document from the OECD, and we have been examining practice in 17 countries. All 17 of them consider at least one or the other. All 17 consider the long-term sustainability or the monitoring of fiscal rules, and nine of the 17 do both. The fact that we will do neither here makes us a bit of an outlier.

I was dissatisfied, too, with the Finance Committee at stage 2. I will return to that in closing. In attempting to be helpful by answering a question from me, the cabinet secretary has just opened up more questions. At stage 1, we all agreed in relation to fiscal rules, without anyone going away from it, and we all thought that that was the way we had to go. We had held that position for well over a year. Then, all of a sudden, at stage 2, four members of the Finance Committee voted against the relevant amendment, which failed. If the cabinet secretary did not attempt to put any pressure on those committee members at all, and if confidentiality was maintained—I have no reason whatever to doubt that—what was it that made those members change their minds? What was the intervening evidence between the report being published in the middle of January and the vote being taken in early February that made them vote the way that they did? As a committee member and a member of the Parliament, I think that we are entitled to an explanation of why that was the case. I hope that we get that over the course of the debate.

17:39

John Mason (Glasgow Shettleston) (SNP): I am happy to speak in today's debate. I very much welcome the fact that we have a Fiscal Commission in place. We are now going to have a strengthened Fiscal Commission that will, through the bill, be put on a statutory footing. As other members have said, we have spent a fair bit of time in the Finance Committee examining and discussing such commissions and how they work; we were also the lead committee for the bill.

Although Scotland aspires to be an independent country at some point, with all the extra powers and responsibilities that that would involve, we are clearly not at that point yet. Internationally, there are not that many examples of devolved administrations, or states in federal systems, that have their own independent fiscal institutions. Some of the states in the USA do, Ontario does, and Catalonia does, but not many others do. We have tended to look at smaller independent countries for models. Some of the committee visited Sweden and a couple of us went to Ireland.

Scotland has the opportunity to set an example and to lead the way for devolved Governments and Parliaments, with the commission. As we studied more international examples, and as we

thought through how a commission would work, I became increasingly convinced that the normal international model of an independent commission commenting on or endorsing forecasts is the best model. That is the norm internationally; the UK model is an exception. In that respect, I agreed with the Scottish Government and disagreed with the majority of the committee. In fact, the commission's members were not convinced by the OBR model, either. I must say that I have a great respect for all three commission members, and I hope that they will be willing to take on a role that is different to the one that they had expected. However, as part of the negotiations over the fiscal framework, I accept that Westminster was keen to have us adopt its OBR model and I accept that the Scottish Government agreed to that as part of the bargaining process. That was the main area of disagreement at committee.

Mention has already been made of one amendment today. I must say that there was a bit of tokenism going on: Labour, as the Opposition, in fighting off the Tories, was trying to show that there was something that it must oppose. It hunted through the bill, found a little thing and created an amendment on it.

Jackie Baillie: John Mason has believed in the measure for more than two years. It was not about hunting for something to disagree with; it was about making sure that we have a robust Fiscal Commission that is worthy of this Parliament.

John Mason: We have that. As I have said, a major issue is who does the forecasting. Jackie Baillie's amendment was on a peripheral issue. I find it hard to get excited about it and I do not believe that Jackie Baillie is excited about it. She is just making a mountain out of a molehill.

We all agree that the independence of the Scottish Fiscal Commission is essential. That independence comes about partly by its having appropriate structures, but I remain convinced that other essential elements are the integrity and independence of the individuals involved. In that regard, forecasting and independence are two distinct concepts, and whether the Fiscal Commission does the forecasting does not affect its independence. We have the good example of Audit Scotland, which checks other people's work and comments on it. It is hugely respected. I found amendment 7 strange in that regard, although I voted for it. It talks about the commission preparing reports

"containing an assessment of the accuracy of the forecasts prepared by it".

We have been forced into a slightly odd position in which the commission will have to comment on its own forecasts.

The Deputy Presiding Officer: Draw to a close, please.

John Mason: Right. We have been very generous so far with the Fiscal Commission. It costs £850,000, which is more than the Irish or the Swedes get, and we should not throw more money at it without a lot of caution.

I very much welcome that we have an expanded Scottish Fiscal Commission, and I hope that members will support the motion at decision time.

17:43

Malcolm Chisholm (Edinburgh Northern and Leith) (Lab): As members have explained, this has been a long and twisting road. I am afraid that I have not been able to follow every turn—I am not on the Finance Committee—but I am pleased at the destination at which we have arrived.

When the original model was proposed, I had two worries about it. First, although the theory was that we would have Government forecasts on which the commission would then comment, it seemed as though SFC members were to act more as advisers to the Government, and there was to be constant interaction during the process. That may have meant that it had influence, but it also reduced its independence. That was a flaw in the model.

The more fundamental flaw was the commission not being involved in the forecasts. We were told that there is not a single fiscal commission anywhere that looks only at official Government forecasts, so that needed to be sorted out.

David Bell made an interesting comment about why that was necessary:

“I think it is essential that the forecasting is done outside Government, then you will know if they are wrong, which is probably going to be true, they will be honestly wrong rather than dishonestly wrong.”

I suppose that a more neutral way of putting that is that Governments tend to indulge in optimism bias. Therefore, I am pleased that the commission will now have an enhanced role. It is going to be reviewed—that is good—and that there can also be external evaluation of the commission’s work. Perhaps we can have a mechanism to do evaluation through local or international experts, as the Organisation for Economic Co-operation and Development recommends.

Beyond that, I am slightly worried about the overemphasis on checking, which we still hear from the cabinet secretary. I may have it wrong, but it appears that forecasters will be appointed and the SFC members will check them, which seems to me to be rather overengineered. I was also slightly surprised to hear that the Scottish Government will have its current forecasting

capacity checking the SFC. That departs from the OBR model, so we need to keep an eye on it. One reason for that is that there will be increased expenditure; if all that capacity still exists in the Scottish Government and there is now to be extra capacity in the SFC, that will have financial implications.

Tax will be critical, but the commission will also have a role in relation to the new social security powers. The main issue that could be controversial between the two Governments in the next five years relates to spillover effects. The cabinet secretary pointed out in one or another of his committee appearances that information from the OBR and SFC would be helpful in resolving any controversies on those.

John Mason said that he is not excited by Jackie Baillie’s amendment and claimed that none of us is, but it is an important amendment. I hope that it will be revisited in due course. Many European countries have one or another of the responsibilities that are referred to in it.

I am particularly interested in an assessment of the long-term sustainability of the public finances. It is not one of Audit Scotland’s functions to project five years ahead what we know about policies and tax. The cabinet secretary says that I and everyone else can hold him to account on that, but we cannot. We do not have that information unless we have experts projecting over five years, as the OBR does. One of the problems is that there is almost a prejudice against the OBR among some members of the Parliament. The OBR produces good reports on financial sustainability five years ahead; I do not see why the Scottish Fiscal Commission should not perform the same function.

Although I welcome the changes that have been made in the bill, I hope that it is not the end of the process. I am sure that members who are coming back after the election will keep a close watch from inside the Parliament. I—and, no doubt, Gavin Brown—will keep a close watch from outside.

The Deputy Presiding Officer: We come to the closing speeches. I understand that this will be Gavin Brown’s last speech so, on behalf of the Presiding Officers, I thank him for his contribution to the Parliament and wish him all the best for the future. [*Applause.*]

17:48

Gavin Brown: Presiding Officer, I did not realise until now that this would be my last speech. You obviously know something that I do not. The whip in this Parliament must move in very mysterious ways. I hope that I do not get dragged into anything next week or the week after.

This has been a short debate. It is always a difficult job to sum up only a handful of speeches since I last spoke. However, the starting point must be that we all want the bill to pass. As I said in my opening speech, the bill is considerably better than it was at the start. For that reason alone, it deserves the support of the entire Parliament.

If we examine the genesis of fiscal commissions throughout the world—why they came about and come about—we find that, in almost all cases, the reason that a fiscal commission came about was that there was a big recession, a downturn that was not predicted or a downturn that turned out to be demonstrably worse than anyone predicted and that it was all driven by optimism bias from Government. Therefore, Government after Government has set up a fiscal commission to ensure that the pence and the pounds are managed, to ensure that optimism bias is minimised or, indeed, eradicated and to get independent expertise along with a set of checks and balances. That is one of the reasons why we are doing it now, coupled with the fact that we already have some financial powers and we are getting considerably more.

If we have financial powers only over, for example, LBTT, if we get it slightly wrong, we could find a way to accommodate that change to ensure that it does not impact on the services that we can provide. However, once we move into income tax, non-domestic rates and a portion of VAT, with the greater number of powers that we have, the greater is the risk that we get it wrong. If we got it wrong at the forecast stage, particularly in predicting that we will get more than we actually do, we would have serious problems in the Scottish budget and difficulties in correcting those errors going forward. For that reason, the Fiscal Commission becomes even more important. That is why we should all back it today.

I want to pick up on the one key point of the debate. John Mason—a man I respect hugely, who has done a very good job as deputy convener of the Finance Committee—is simply wrong to say that the issue was tokenism. Jackie Baillie's amendment reflected the second most important thing that the committee reviewed and considered. Issue number 1, far above the rest, was forecasting, but issue number 2 was having a responsibility for the long-term sustainability of the finances and ensuring that the fiscal rules were adhered to.

It is incorrect to suggest that that responsibility is tokenism. OECD principle 3.3 outlines the functions that fiscal commissions ought to have:

“economic and fiscal projections ... baseline projections ... analysis of the executive's budget proposals”

and

“monitoring compliance with fiscal rules or official targets”.

Monitoring compliance is one of the key things that have to be done by any fiscal commission, anywhere on the planet.

The committee thought all the way through that the commission had to do that. In rejecting that today, I hope that Mr Swinney can at least keep the door open. As our powers increase and we become a stronger fiscal Parliament, it is critical that we get that right. We need somebody other than Government to keep control. That will not just be better for the country, but will help Mr Swinney or his successor to do their job even better. For that reason, I hope that we ultimately get that responsibility for the Scottish Fiscal Commission.

17:52

Dr Richard Simpson (Mid Scotland and Fife)

(Lab): I have come late to the topic. I have not served on the Finance Committee, although I have watched some of its ambulations over the period. We have reached a point that is good on the whole. The bill will be supported unanimously tonight.

There is now international recognition that independent fiscal institutions play a vital role in supporting the operation of a country's fiscal framework and there has been rapid growth in the number of such institutions over the past decade—particularly, as Gavin Brown said, since the 2008 financial crisis. Prediction is a difficult game. Who would have known that the oil price today would have been what it is? Certainly the Government was not able to predict that and I do not altogether blame it for that, although the comments that have been made today on the GERS not being relevant seem extraordinary.

We have no argument with placing the Fiscal Commission on a statutory footing. That is a significant improvement on its previous basis, which was to be helpful and useful, but essentially an adviser to the Government.

The vexed questions that we have faced today have been only half resolved. First, there is the question of the commission producing the macroeconomic forecasts. The Deputy First Minister called it a winding road and it certainly has been. The resolution is in line with the committee's original view on the issue, although as we have heard, the Scottish National Party members have latterly followed the Deputy First Minister up and down the hills like the Duke of York—although as Jackie Baillie said, the Deputy First Minister abandoned them at the top.

In evidence, the International Monetary Fund said:

“The Scottish Fiscal Commission could contribute to the credibility of the government’s fiscal policy by: assessing the realism of the Scottish government’s forecasts”.

However, having independent forecasts is a much better way of doing it. The SFC is to have its own forecasts, so we will watch with interest—in my case, from afar—to see whether those forecasts match. We welcome the amendment that provides that if they do not match, the Government will have to give Parliament an explanation.

The important thing is that the forecasts are five-year rolling forecasts. That is critical because, in the whole period since the Parliament was established, we have not really looked far ahead. Perhaps we have not had the necessity for that. Audit Scotland has repeatedly said that all our institutions fail to look ahead. They look ahead on an annual basis, and they still try to balance the books at the end of the year. That is not the way to run the country, particularly when we are going through huge changes, as we are with health and social integration. That will take five to 10 years, and balancing the books on an annual basis will be difficult.

The OECD talks about nine principles:

“local ownership ... independence and non-partisanship ... mandate ... resources ... relationship with the legislature ... access to information ... transparency ... communications; and ... external evaluation.”

Gavin Brown gave us some of the additional wealth of information behind those principles. Many of them have been met, but the principle that has not been met as a result of the rejection of what John Mason quite extraordinarily described as “tokenism”—I do not understand that, as there has been consistency on the issue over time—is that of measuring performance against fiscal rules and sustainability. That seems to me to be the bit that is now missing, and it is a great pity that we will not have it. To say that Audit Scotland would do that is quite inappropriate. That is not its role. I have a great amount of time for Audit Scotland, which has been hugely valuable, as Mary Scanlon and I said in committee the other day. It has made an enormously important contribution, but that is not the contribution that it should make.

Despite the contortions of SNP members on the issue, which have been quite revealing of how our committee structure has worked in the Parliament, at least the Deputy First Minister—if I understand him correctly—has agreed to re-examine it, particularly if we get greater flexibility in setting our own fiscal rules. That at least is to be welcomed.

I very much welcome the changes to the appointments system. Some might want to go further and have hearings for the chair before the chair is appointed. I would certainly favour that. At

least the Finance Committee will be able to call members for evidence.

The reciprocal arrangements for co-operation between the commission and the OBR are welcome, and the external evaluation is important, although there is a lack of detail on that.

I make a final plea. Ever since the Parliament started, there has been a lack of strategic clarity and transparency in the budget process. I do not deny that the books have been balanced—that is great—but nevertheless it is a matter of looking ahead, as Audit Scotland has said and as I mentioned earlier. The long-term view of where we are going to go is really important. I hope that some of our discussions in the opening session about Oregon and how well it worked are reflected in where we go in future.

Seventeen years on, there are many issues on which there has been no progress, such as health inequality. There was initial progress on child poverty—in fact, the OECD said that that was among the fastest that it had ever seen—but that is going backwards, and the homelessness target has not been met. There are many social objectives that we need to meet, and that has to be done within an overall framework. We will have that partially tonight, and I hope that we will eventually have it in full measure.

My party and I support the bill.

17:58

John Swinney: I begin with a comment that Malcolm Chisholm made. He was concerned about the Government maintaining its capacity to undertake the tax-forecasting function to enable us to be informed about whether we could come to the view that we accept the Scottish Fiscal Commission’s estimates. That is an elementary proposition. Would not the Government be in dereliction of its duty if it did not undertake such an assessment to satisfy itself that a body that is not accountable to it—I concede that it is accountable to Parliament—is able to formulate a set of numbers that will be significantly influential on the public finances of Scotland? Would it not want to be assured that the commission has come to the correct judgment and proposition—or range of propositions? After all, members are absolutely right: there is no precision about these points. However, we certainly need to satisfy ourselves that the estimates and forecasts that have been put forward are appropriate and dependable for the purposes of the Scottish budget process.

If the Government decides that the forecasts do not command its confidence, a mechanism is in place. That is part of the OBR framework, as well—the OBR can be challenged by the United Kingdom Government if it does not believe its

forecasts, and we have put arrangements in place to enable us to take the same approach. It is absolutely correct to enable the Scottish Government to properly exercise its financial management responsibilities for the people of Scotland.

Richard Simpson set out some arguments about the international evidence on external forecasting. If Dr Simpson was to look at the analysis undertaken by the Scottish Parliament information centre, he would find that the OBR model is the outlier. When Robert Chote gave evidence to the Finance Committee, he made the point that the OBR model was not the norm. Of course, as part of the negotiations on the fiscal framework, I have accepted a proposition that is closer to that model. I am prepared to accept it if it is necessary to get the United Kingdom Government to agree to a reasonable fiscal framework. However, when we are coming to a considered judgment about this, we should bear in mind the fact that the Scottish Government's position in the debate, to begin with, was founded on a strong body of international evidence that indicated that the approach that we were taking was robust and would allow the Scottish Fiscal Commission to fulfil the function that was envisaged for it.

In the course of the debate, there has been a lot of discussion about Jackie Baillie's amendment 29. Gavin Brown observed that the amendment would have had two functions: first, to enable us to have clarity about responsibility for the long-term sustainability of the public finances; and, secondly, to enable us to see whether the Government was observing its financial rules. On the latter, my problem with a lot of what was said in the debate on the amendment was that the question of whether the Government is observing its financial rules is entirely black and white. As I explained to Baroness Goldie, in response to her intervention, it is a matter of fact.

On the question of where responsibility lies for judging the long-term sustainability of the public finances, in my view that rests ultimately with members of Parliament—informed, yes, by the consideration of the Finance Committee and, significantly, by the judgments of the finance secretary. Ultimately, it is the responsibility of members of the Parliament to determine whether they believe the public finances to be undertaken sustainably.

Gavin Brown: Of course that responsibility falls to Parliament but, as we have heard time and time again, members of Parliament will be aided by the SFC's analysis. As parliamentarians, we will do our job of looking at the public finances better if we have the analysis from the SFC.

John Swinney: That is a matter of opinion on which Mr Brown and I are going to have to

disagree. There is plenty of information and analysis available that will enable Parliament to form that judgment. Ultimately, it is a judgment for elected members of Parliament; it is not a judgment for people appointed by Parliament on its behalf. It is a responsibility that all elected members of Parliament should take seriously.

I hate to close my speech tonight on a discordant note, as the Presiding Officer has informed us that it is Mr Brown's final speech to Parliament. Mr Brown seemed to be surprised that it was his final speech, but I can advise him that the source of that information was in fact the Conservative chief whip. Maybe Mr Brown will take a message from that revelation.

I want to share with Parliament a little story about Mr Brown. I was on my summer holidays last year, escaping from it all, and was waiting in the queue to get on the ferry at Oban for my summer retreat to the Argyll island so magnificently represented in this Parliament by Mr Russell. As I pulled up in my car to join the queue for the ferry to Mull, who was in the car next door but Mr Gavin Brown and his family? It was a real get-away-from-it-all break for the Swinney family.

Mr Brown has been a creditable and commendable adversary for me in this Parliament but also a friend. I commend him for his distinguished contribution to Parliament, which will be the poorer for his not being a member of it after the election. If I may give some private advice to the Conservative Party, it is that it will be significantly weaker for not having Mr Brown in its ranks. However, I thank Mr Brown for his contribution. [*Applause.*]

Jamie McGrigor (Highlands and Islands) (Con) *rose*—

John Swinney: If Jamie McGrigor will forgive me, I am going to have to bring my remarks to a close.

Mr Brown has not always been my strongest ally on what I have brought to Parliament, but I thank him for his distinguished contribution to Parliament. [*Applause.*]

The Presiding Officer (Tricia Marwick): That concludes the debate on the Scottish Fiscal Commission Bill.

Before we move to the next item of business, I am minded at this stage to accept a motion without notice from Joe FitzPatrick, on behalf of the Parliamentary Bureau, to bring forward decision time to 18.05.

Motion moved,

That, under Rule 11.2.4 of Standing Orders, Decision Time be brought forward to 18.05.—[*Joe FitzPatrick.*]

Motion agreed to.

Decision Time

18:05

The Presiding Officer (Tricia Marwick): There are two questions to be put as a result of today's business. The first question is, that motion S4M-15870, in the name of Joe FitzPatrick, on the Lobbying (Scotland) Bill, be agreed to.

Motion agreed to,

That the Parliament agrees that the Lobbying (Scotland) Bill be passed.

The Presiding Officer: The next question is, that motion S4M-15869, in the name of John Swinney, on the Scottish Fiscal Commission Bill, be agreed to.

Motion agreed to,

That the Parliament agrees that the Scottish Fiscal Commission Bill be passed.

Meeting closed at 18:06.

This is the final edition of the *Official Report* for this meeting. It is part of the Scottish Parliament *Official Report* archive and has been sent for legal deposit.

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