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Scottish Parliament

Wednesday 20 May 2020

[The Presiding Officer opened the meeting at 12:20]

First Minister's Question Time

The Presiding Officer (Ken Macintosh): Good afternoon. As always, I remind members to observe social distancing when in the building, particularly when moving in and out of the chamber, as it causes concern if we do not do so. Before we turn to questions, the First Minister will give a short statement to update us on the Government's response to coronavirus.

The First Minister (Nicola Sturgeon): I will start with the usual statistical update on Covid-19. As of 9 o'clock this morning, 14,751 positive cases have been confirmed, which is an increase of 96 since yesterday. A total of 1,443 patients who are suspected of or confirmed as having Covid-19 are in hospital, which is a decrease of four since yesterday. As of last night, 53 people were in intensive care with confirmed or suspected Covid-19, which is a decrease of six since yesterday.

I am afraid that, in the past 24 hours, 50 deaths have been registered of patients who had been confirmed as having the virus. That takes the total number of deaths in Scotland under that measurement to 2,184.

National Records of Scotland has just published its more detailed weekly report. Unlike the daily figures, its figures do not just include those deaths with a confirmed laboratory diagnosis of Covid-19; it also reports on cases where no formal test was carried out but where the virus is entered on the death certificate as a suspected cause of death or a contributory factor of the death.

The latest NRS report covers the period up to Sunday 17 May, which is three days ago. I remind members that, at that point, according to our daily figures, 2,105 deaths had been registered of people who had tested positive for the virus, but today's report shows that by Sunday the total number of registered deaths linked to Covid-19, confirmed and presumed, was 3,546. Of those deaths, 332 were registered in the seven days up to Sunday; that is a decrease of 83 from the week before. Indeed, this is the third week in a row in which deaths have fallen.

Deaths in care homes made up 55 per cent of all deaths linked to the virus last week. That is down from 57 per cent in the previous week. The number of Covid-19 deaths in care homes also

reduced again. However, as all of us will agree, that figure remains too high

The total number of excess deaths—that is, the number of deaths above the five-year average for the same time of year—also decreased, from 401 and 351.

Today, we have published additional information from Public Health Scotland, which includes preliminary analysis—I stress that it is preliminary—of Covid-19 cases among minority ethnic communities. Although the data is very limited, and additional analysis is being undertaken, particularly due to findings in England and Wales, the current analysis in Scotland appears to show that there is not a higher level of Covid-19 cases than would be expected, given the size of our black, Asian and minority ethnic population.

I know that none of those statistical patterns will ever console those who have lost a loved one to the virus, and my thoughts and sympathies are with each and every one of them. However, the trends that we are seeing matter, and they provide further grounds for encouragement. In particular, the number of Covid-19 deaths has fallen for a third week, and the level of deaths is now almost half what it was three weeks ago. Deaths in care homes and excess deaths have also fallen.

Tomorrow, I will make a statement and publish a route map of the steps that we will take, and the order in which we might take them, to carefully and cautiously return to some form of normality. Of course, for the moment, the message in Scotland remains the same. Please stay at home, except for essential purposes such as exercising, going to essential work that cannot be done at home, or accessing food or medicine. People can now exercise more than once a day, but when you leave the house, you should stay more than 2m from other people and you should not meet up with those from other households. Please wear a face covering if you are in a shop or on public transport, and remember to wash your hands thoroughly and regularly. If you or someone in your household has Covid-19 symptoms, you should stay at home and isolate completely.

Today's figures show that our approach is making a difference. It is slowing down the spread of the virus, protecting the national health service and saving lives. As I will outline further tomorrow, it is also helping to bring forward the time when we can start to ease the current restrictions. As always, my thanks go to everyone who is complying with the restrictions and helping us to make progress.

The Presiding Officer: Before we turn to questions, I advise members that I will take all supplementary questions after question 8. You

may press your request-to-speak buttons at any time.

Covid-19 (Public Notification)

1. **Jackson Carlaw (Eastwood) (Con):** The confirmation of the number of those who have lost their lives to Covid-19 reminds us once again of the enormity of this tragedy. In the light of that, does the First Minister now accept that keeping the Nike conference outbreak a public secret was not the right course to take?

The First Minister (Nicola Sturgeon): I really do challenge the terminology that Jackson Carlaw has just used. I say that with deep regret, because I do not believe that any aspect of our handling of this crisis should be political, but I do believe that using such terminology seeks to make it so.

I covered the issue at some length in yesterday's briefing, but I am happy to do so again. All the cases from the Nike conference were reported in the normal way, through our daily figures. The reason that we did not say where those people got the virus was down to patient confidentiality. At that time, the number of cases was very low, as was the total number of people from Scotland who attended the conference; therefore, to have publicised that would have risked identifying them—almost certainly, it would have identified those individuals.

However, that does not detract at all from the public health management of the incident. As is normal in such incidents, an incident management team of experts in such situations was established. They took all appropriate steps to trace contacts and to do everything else that they thought was required to protect public health. More than 60 contacts were traced in Scotland, and I believe that more than 50 were traced south of the border, by Public Health England. At any time, if that incident management team had thought that anything further was required, including public notification, it had the powers to do that.

That is the situation. Although it is perfectly legitimate for people to question whether patient confidentiality should have been such a big factor and whether, as we go through such epidemics, it should continue to carry so much weight, it was a legitimate factor at the time. I add that the scientists working with Public Health Scotland are doing further work to examine the particular strain that came from the conference.

My final point is on the terminology of secrecy—or, to use the term that others have used, “cover-up”. Apart from asking why anyone would have wanted to have covered up that incident, I would say this. If that is the accusation, it impugns not only my integrity—which Opposition politicians are

entitled to do—but that of the experts who managed the outbreak, including Public Health England, which was part of the incident management team. Let us talk about these matters seriously and consider where there might be legitimate issues and questions, but let us not engage in ridiculous language about secrecy or cover-ups.

Jackson Carlaw: The public were not told. As has been confirmed at Westminster, it was also explicitly agreed, in the four nations agreement, that the nation in which an outbreak occurred should take responsibility for the public dissemination of that information.

Clearly, it was the wrong call: the public should have been told. If, as the First Minister still seems to be saying, not to do so was not a mistake, why is her Cabinet Secretary for Health and Sport now giving active consideration to making a different call should this kind of thing happen again?

People need to know what the Scottish Government will do should the virus be found in such a public location in the future. Therefore if, in the coming weeks, contact tracers confirm a positive case and we discover that the person involved has been in a public place where close contact might have occurred—as happened at the Nike conference—will the public be told?

The First Minister: As the health secretary said yesterday—and as I covered in the daily media conference then—as we go through a situation such as the current one, considerations around patient confidentiality issues change as the number of people with the virus increases. Clearly, at the start of an outbreak, when the numbers are small, there are different considerations about possibly identifying people. I repeat: there were only 10 people from Scotland at the conference. If, when we reported that X patient from Y health board had been confirmed to have contracted Covid-19, we had also said where that person had got the virus, we would almost certainly have identified them, because they were probably the only person from that health board area who was at that event.

The consideration becomes a different one when we are further into an epidemic and the number of cases is higher. That is why, as we go into the test, trace and isolate period, we will, of course, consider the circumstances in which, if there is a cluster of cases, that is made public. That is exactly the work that is, rightly and properly, being considered as part of the development of the test, trace and isolate strategy.

There are standard protocols and procedures for dealing with outbreaks such as this. However, let me stress an important point that I think it is sometimes convenient for some people to forget. If

the incident management team had thought that, as part of the public health management of the situation, a public notice was required, it would have had the power to issue one. The experts on the team took the steps that were appropriate, in their view, to manage the situation from a public health point of view, and that is the normal way of dealing with virus outbreaks such as this one. I have confidence in the way that Health Protection Scotland and the incident management teams operate.

Jackson Carlaw: We now know that this was a conference in a hotel full of other guests and staff who engaged with those delegates. The First Minister has said that there is a balance between patient confidentiality and public health, but, for me and, I think, for most people, in the case of the coronavirus, that balance must be tipped in favour of protecting the public's health. I think that the public and most people who have had the virus will take the view that the public have a right to know, so that we can all work together to beat the virus.

Contact tracers can do a lot, although it would be reassuring to know that there were more of them in place. It did not happen with the Nike conference in Edinburgh, when it clearly should have.

The First Minister: It did!

Jackson Carlaw: The First Minister is intervening from a sedentary position, but it is perfectly clear from the litany of organisations that were at that conference that it absolutely did not happen, whatever the First Minister asserts.

That comes to the heart of the matter, with the First Minister accepting in the abstract that mistakes can be made but never accepting that in the specific. This was a mistake. Surely, over the coming weeks, the job will be made much easier if the Government is completely transparent about when and where outbreaks occur. In fact, it is essential that it is. Will the First Minister now give that commitment?

The First Minister: I think that I gave that commitment when I said that that consideration would be at the heart of our approach to the test, trace and isolate strategy. However, on behalf of the public health experts who carried out the management of this situation, I feel that I really need to point out that contact tracing happened. They would have traced the contacts that they thought it was appropriate to trace. Remember: there is a definition of a contact that will not include everybody whom a confirmed case will have come into contact with for a fleeting period of time.

As I said, more than 60 contacts were traced in Scotland, and I understand that more than 50

were traced in England, so there was an extensive contact-tracing operation.

I come back to the point that it is important for people to understand that, rightly, it is not me, the health secretary or any politician who, when an outbreak is being managed, decides who gets contacted and who gets traced. That is a matter for experienced people who are used to dealing with those situations, and I have confidence in how they did that in this case.

I can tell the chamber that scientists working with Public Health Scotland, as part of its monitoring of the virus, are doing work on the molecular sequencing of the strains of the virus in Scotland, and one of the strains that they are looking at is the strain that is associated with that conference. That is highly technical work—it is certainly beyond my expertise—but I am advised that, when that work is completed, it will tell us whether the cases that were known about and reported at that time contributed to any wider outbreak or, alternatively, whether the public health management prevented onward transmission, as we believe will prove to be the case. As that work is completed, I am sure that we will be happy to make the conclusions of it known to the chamber and, indeed, to the wider public.

Jackson Carlaw: Last week, when I asked the First Minister where responsibility lay, she said explicitly that responsibility rests with her. Now, it seems that, when it is convenient, responsibility rests with public health officials. Part of the reason why we need to hold this Government to account is to try to avoid further mistakes. On that, it is clear that the Government does not yet have the plans that Scotland needs to tackle the crisis effectively.

We have a testing system that is delivering at only one third of its capacity—that is a failure. We have a crisis in Scotland's care homes and still not enough tests for staff and residents—that is a failure. We have no clarity on how or even if the public will be told about future outbreaks—again, that is a failure. Does the First Minister not see that she must deliver on those things if we are to beat the virus and that she must do so without further delay or obfuscation?

The First Minister: The Government is delivering on all those things. We are adapting our response as we learn more about the virus, which is the right and responsible thing to do. I am accountable for the Government's handling of the situation, as I am for anything that the Government does. That is why, as well as standing here in Parliament, as I have a duty to do, every single day I stand and answer questions. My accountability is important and I take it very seriously. I probably answer more questions and do so on a more regular basis than any other

leader in any other part of the United Kingdom, and rightly so.

People would be right to be concerned if I tried to take decisions that are probably for public health experts and clinicians. We are taking a team approach and ensuring that we have the right approach in place. We are building up our testing capacity and we are about to launch an extensive and significant test, trace and isolate programme, which will allow us to start lifting restrictions carefully and cautiously and doing things in the right order.

We are taking a range of measures and adapting those as we learn more about the virus, in order to protect residents in care homes. We will continue to take all appropriate steps to deal with what is a difficult and unprecedented situation. For as long as we are dealing with the situation, I will answer questions and be accountable for that, but I will work collaboratively with those in the health service and the care system and the public health experts who are all working hard to ensure that Scotland responds appropriately. They certainly have my deep and long-lasting gratitude for the job that they are doing.

Care Homes (Covid-19 Testing)

2. Richard Leonard (Central Scotland) (Lab):

I remind members of my entry in the register of members' interests.

I welcome the Government's acceptance this week of the need to regularly test staff in Scotland's care homes. We have been pressing for that since the beginning of the crisis. I also welcome the First Minister's announcement of a reduction in the numbers of new cases and deaths. However, the total number of care homes reporting Covid-19 cases continues to rise, which is why the issue remains an urgent priority.

On 6 May, I once again asked the First Minister if she would commit to testing everyone in Scotland's care homes and I pointed out that, if we applied all Scotland's unused Covid-19 testing capacity, we could, in less than two weeks, test every one of the 85,000 people who work and live in our care homes. Today is exactly two weeks on from that, so can the First Minister tell us whether those people have all been tested? If not, how many care workers and residents have been tested?

The First Minister (Nicola Sturgeon): We will try to give the precise numbers when we can do so, but that testing is happening progressively and there is a prioritisation of care homes that have active cases. We are of course expanding testing of staff to include care homes where there are no active cases and regardless of whether staff have symptoms. We have expanded testing as we have

built our testing capacity, although we are also building that capacity with a view to the test, trace, isolate programme. The expansion of testing is also driven by clinical advice. The Cabinet Secretary for Health and Sport's recent announcement on testing staff in care homes where there are no active cases and regardless of symptoms was driven by the clinical view that that is one thing that can be done to stop infection getting into care homes.

In that regard, there are two things that we have to bear in mind and that clinicians who advise us tell us to bear in mind. The first is that, particularly with frail older people, the test is sometimes invasive and can be uncomfortable, so there must be sound and considered reasons for giving it to residents. The second is that, although testing is important, it can give false reassurance, so it is important, particularly in institutional settings such as care homes, that we do not lose sight of basic infection prevention and control procedures, which are the fundamental steps that care home providers have to take to ensure the safety of their residents as best they can. We need testing to be part of those steps, but we always have to caution—given the relative lack of reliability of tests of people who do not have symptoms—against putting all our focus on it, because it risks false assurance.

My last point about staff in care homes and the health secretary's announcement is that it is important that the testing is not a one-off. I believe—although I will be corrected if I am wrong—that, in other parts of the United Kingdom, the commitment to test all residents is for a one-off test. For the staff who we will now test, that will be done on an on-going basis; we will work to do that every seven days to give an on-going assurance. I think that that is a really important part of the health secretary's announcement.

Richard Leonard: Testing should not be all of our focus, but it is necessary if we are to defeat this virus. How we value a workforce is a measure of how we value a service, which is why we have been calling for testing. However, we still have no details of how, for example, death-in-service payments, to which national health service workers are rightly entitled, will be extended to those who work in social care services.

We know that many care workers are on insecure contracts, many are low paid and many who are ill or need to self-isolate will receive only statutory sick pay, which is £95.85 a week. Gary Smith of the GMB said this week:

"the Scottish Government should end the scandal of ... workers ... who test positive ... left in poverty if they're off work as a result of testing positive."

We need to be on their side—on the side of those key workers—and so on the side of the vulnerable people whom they take care of.

This afternoon, will the Scottish Government back our proposals to support Scotland's care workers who suffer financial loss because of Covid-19, so that we can safeguard livelihoods and also save lives?

The First Minister: In response to the last part of that question, yes we will. I believe that Monica Lennon already knows that because she has been in discussion with Jeane Freeman about it, but I am glad to confirm that point.

On the wider point, we are on the side of social care workers. I have said repeatedly—I will say it again, because the point is important—that we are all part of a collective effort to defeat this virus. That is true in the social care sector, as it is true in the NHS and in wider society. This is not about trying to say that something is one person's responsibility and not another's—we are working together. However, the social care sector is different from the NHS—I will come on to death in service in a moment—in that the Scottish Government, via the health boards, is the employer of NHS staff, but we are not the employer of social care staff. Therefore, without pointing the finger at anybody or trying to pass the buck, I think that it is really important that we work with employers to make sure that employers are doing the right thing and fulfilling their duties to the staff who work for them.

We covered death in service last week, and I said that it was our absolute intention to make sure that the same benefits apply to people in social care as apply to people in the NHS. The health secretary has contacted Scottish Care, which has confirmed that it is putting together a proposal with the Convention of Scottish Local Authorities. I think that the health secretary will be discussing that proposal, which we have not seen yet, with them on Friday this week. If there is a role that the Scottish Government can play to facilitate that, we will do so. There is a really important point here: employers have a duty to make sure that their staff are properly catered for at all times, particularly at this time of crisis. As we have done in every aspect of dealing with this, the Scottish Government will play our full part in that.

Jeane Freeman said a few days ago, and it is worth repeating, that no member of staff should feel that they cannot come forward to get tested in case they test positive and then have to lose a significant part of their income. Those are all things that we are working with employers to try to resolve but, recognising the duty of employers and the exceptional circumstances that we are in, we are prepared for the Scottish Government to do more than we might otherwise do when we are

dealing with the responsibilities of employers. All those things will continue to be taken forward responsibly by us in collaboration with others who have a part to play.

Richard Leonard: The lack of fair work that I referred to in the social care sector is part of a bigger problem, which has been identified today in a new report published by Common Weal. It calls the tragedy that we have seen in Scotland's care homes a "predictable crisis". It sets out how, over years, the Government has left responsibility for the provision of care services to private providers, while regulation and inspection regimes have been limited. Despite warnings from pandemic planning exercises of the weaknesses in social care, the Government did nothing, so that when the Covid-19 virus reached Scotland, we were badly unprepared.

The Common Weal report goes on to suggest that, for the first two months of the pandemic, the Scottish Government was "in denial" and was too slow to take responsibility for protecting care home residents. It concludes that, had the Government accepted responsibility at the beginning,

"many lives would have been saved",

and that leaving the provision of care up to providers

"almost certainly means many old people faced an absolutely unnecessarily uncomfortable and painful death."

I accept that the report is difficult reading, but it requires a response. Residents and their families want answers. Care homes have not been given enough priority, and the consequences are devastating. Does the First Minister accept that the crisis in care homes was predictable? How will she ensure that, in the road map that she sets out tomorrow, the wellbeing of care home residents is given the priority that it should always have had?

The First Minister: The wellbeing of care home residents has always been a priority and it always will be.

The model of social care in Scotland has not fundamentally changed under this Government; it has been in place for a long, long time. Without going into the matter in too much detail right now, because there has to be further discussion and thinking, I think that questions are now being raised about the appropriateness and fitness for purpose of that model in the long term, and I am sure that we will come back to those issues in due course as a Parliament and as a society.

In the here and now, on the situation with the virus, we have been dealing and are continuing to deal, as are Governments across the world, with an evolving situation. Our knowledge of the virus, and its impacts and how it behaves, is developing all the time, so there will inevitably be areas

where, if we had had the knowledge then that we have now, we may have taken different decisions. That will be an inevitable part of assessing how the crisis has been handled here and in other parts of the world.

I hope that people accept and understand that, while it is the easiest thing in the world to apply hindsight now, we do not have the benefit of hindsight when we take those decisions—nobody does. In due course, there will be a systemic look at things that were done or not done, and the lessons that have been learned from that.

We try to learn as we go along, but at every stage we take the decisions that we think are best, and we do so for the right reasons. That is why guidance was published in early March in respect of care homes in particular, telling people and providers what they should be doing as part of the management of care homes to prevent and control infection.

We have extended testing as we have built capacity, and we have expanded it as our knowledge of the virus has developed. One aspect of the virus around which knowledge has developed and continues to do so is asymptomatic transmission, so we have had to adapt our response not just in care homes but more generally.

I know that it is always tempting for people to say that this was predictable and that we should have known all of that, but we absolutely learn lessons as we go and ensure that we take the best decisions based on the best knowledge and understanding that we have at the time.

Tenants (Protection)

3. Patrick Harvie (Glasgow) (Green): I thank the First Minister for the updated figures, and I add my condolences and those of the Scottish Green Party to all those who have been bereaved by the pandemic.

With the Government's road map due to be published later this week, I will look a little further ahead. The First Minister said that recovery from the pandemic must mean

"building a fairer, greener and more equal"

Scotland after the crisis. That ambition to build back better will be realised only if there is a clear economic plan and the political will to take the bold steps that are needed.

Yesterday, after the Scottish Government blocked Green proposals to protect tenants, the director of Shelter Scotland said:

"It is hard to see now what is going to prevent a tidal wave of evictions sweeping people into homelessness services which were barely coping before the pandemic."

Given that the Scottish Government opposed the solutions that the Scottish Greens put forward, what specific actions will the First Minister take now to protect tenants from building up enormous debt burdens, to ensure that arrears due to the crisis cannot be used to evict people, and to prevent the predicted new wave of homelessness after the temporary measures end?

The First Minister (Nicola Sturgeon): As we have done throughout the crisis, we will be taking a number of actions. I am sure that, as a Parliament, we will discuss them on an on-going basis.

Let me make a pretty fundamental point here, though. Not supporting particular amendments to a bill does not equate to a lack of determination to protect tenants. Our objection to the particular amendments was that we thought that they were flawed. In some cases, they were unnecessary, but in other cases they would have had serious negative unintended consequences. It does not mean that we are not determined to take actions to protect tenants.

I will comment on a couple of the points. One of the amendments called for a tenants fund. We already provide financial assistance to people who have difficulties in paying rent through discretionary housing payments. We do not need to establish a new fund. Our responsibility is to make sure that DHPs are properly resourced, and we will continue to monitor and do that.

On the call for a blanket rent freeze for two years and discounting of all rent arrears whether or not they accrue because of the crisis, I note that it was social landlords who raised concerns about that. The Scottish Federation of Housing Associations said that it

"would undermine and threaten the wellbeing of tenants ... not benefit them."

The Glasgow and West of Scotland Forum of Housing Associations described the proposals as potentially "calamitous".

We are all determined to protect tenants. That is why the Scottish Government has already put in place the protection against eviction for six months. Patrick Harvie is right—we need to consider the appropriate measures that come after that. We have given extra financial support in a range of ways, including support to Citizens Advice Scotland to help people who are struggling with rent arrears and other financial difficulties, and we continue to support discretionary housing payments.

These are important discussions that the Government will be very actively engaged in as we go through the crisis, making sure that as we—hopefully—come out of the acute phase, we are

dealing with the impacts in all their many forms. I hope that, notwithstanding disagreements on the technicalities of amendments, we can have these discussions in an open and collaborative way.

Patrick Harvie: I will never claim that Green proposals are the only way in which it is possible to achieve something, but if they are not the way, we need to hear from the Scottish Government what the alternative is.

At the moment, it is clear that even some landlords who can access the Government's landlord hardship fund are saying that their tenants are increasing their rent arrears and that, after the six-month protection is over, they will evict people on the ground of arrears and then hike the rents for their next tenants in order to pay back the loan that they have taken out. We do not yet have the measures in place to ensure a socially just outcome.

Before we went into the lockdown, at least 10,000 people were stuck in temporary accommodation in Scotland and hundreds were sleeping rough. There has been an enormous effort by councils, the third sector and social enterprises to get people housed, get those who were sleeping rough into accommodation and move families out of insecure bed-and-breakfast accommodation and into self-contained accommodation. I pay tribute to everybody who has been involved in that extraordinary effort. It is another demonstration of the change that we can deliver when we put our minds to it.

However, it is critical that, when the lockdown is lifted, we do not go back to the status quo but build back the better Scotland that we want to see. The decisions that we make now will determine whether we achieve that fairer, greener, more equal Scotland or end up making matters worse. We have a once-in-a-lifetime opportunity to end homelessness. Can the First Minister give us a guarantee that no one will be put back on the streets or into unsuitable accommodation when the restrictions are lifted?

The First Minister: Yes, I absolutely want to make sure that, where we have made progress because of the crisis on things that we had unfortunately not made sufficient progress on previously, we do not go back the way. Patrick Harvie talked about homelessness and rough sleeping and he is 100 per cent right about that, but there are many other examples, such as the roll-out of technology in the health service, where, out of a crisis, we have done things that had proven difficult, and we have to continue that progress and not regress.

In many other ways, we will have to take action to deal with the impacts of the crisis and try to change how we do things. We have just alluded to

some of the questions and considerations around the social care model in Scotland.

All that I would say to Patrick Harvie is that the crisis has impacted on literally every aspect of life, the economy and society, and we are going to have to methodically, systematically and carefully work our way through how we fix the impacts where they have done damage, and where we will change how we do things in the future.

I do not have all the answers right now, and members would be a bit miffed if I stood here and tried to give all the answers right now. At the outset of the crisis, we put in place protection against eviction, and as we move into a different phase we will have to consider what protections are appropriate for the longer term and what bigger changes we want to happen. Everybody in the chamber has a part to play in that, as has the entirety of the Scottish population.

I would never have wished the circumstances in which we are having these discussions, but it is undoubtedly the case that they give us an opportunity to change things for the better. That is something that I am determined to try and do. As I say, everybody has a contribution to make to that and a part to play in it.

Hospital Operations

4. **Willie Rennie (North East Fife) (LD):** Last night, I spoke to Linda McKenna from Tayport. Doctors at Ninewells hospital have told her that she needs to have her gall bladder removed but, because of the virus measures, she can only have the operation if her health gets much worse and an urgent procedure is required. She is on painkillers and antibiotics, but she is worried that the pain will soon be back. Why does Linda have to wait until her health gets worse before she can have the operation that she needs?

The First Minister (Nicola Sturgeon): I wish that she did not have to. None of the steps that we have had to take to deal with the immediate impact of the virus are ones that I wanted to have to take. My sympathies are with Linda, because I understand how difficult the situation will be for her and for the many others who are in a similar situation.

First, we had to free up capacity in our health service to deal with the immediate consequences of the virus. As we get past this first and, hopefully, only wave—although we cannot be sure about that—that pressure will start to reduce. The second reason for the steps that we took was that we had to make judgments about the risk to patients and on whether the risk would be greater if patients were taken into hospital, which would bring them into contact with people and perhaps

expose them to the virus, rather than allowing them to stay at home with others.

Those are the immediate reasons, which all Governments in the United Kingdom have been forced to confront and on which they have been forced to take very similar steps. As we start to come out of this acute phase of the crisis, we are intensively planning for how we resume procedures in the national health service in an orderly and safe way. That work will accelerate over the next few weeks.

Those were the reasons why certain things had to be postponed. I never wanted to be in the position of having to do that, and neither did the Cabinet Secretary for Health and Sport, but I think that people across Scotland understand the reasons for that, given the situation that we were facing.

Willie Rennie: I agree with that, and I supported the Government's decision to postpone non-urgent operations because of the need to prepare for the pandemic in the way that the First Minister outlined, but there is capacity in our hospitals to do things now.

Two weeks ago, I told the First Minister about Andrew Gould's postponed hip operation. Mr Gould now tells me that he is finding it difficult to walk.

Professor Andrew Elder of the Royal College of Physicians of Edinburgh said that

"we must now move swiftly but carefully towards restoration of deferred or delayed activity."

That was three weeks ago.

I know that the First Minister understands that the very measures that we have taken to protect us from the virus are causing pain and harm in many other ways, so, in advance of her statement tomorrow on easing the lockdown, can she give the thousands of people who are waiting for treatment any hope today?

The First Minister: The phrase "swiftly and carefully" is absolutely the one that we plan by. The work is under way, and we will seek to resume NHS procedures that have been postponed as swiftly and carefully as possible. The immediate pressures in the form of hospital and intensive care admissions, as shown in the statistics that I give every day, have been reducing, but I know from people whom I speak to who work in the health service that the pressure of dealing with the virus has not gone away, and there are still significant concerns in our hospitals—as there are in care homes—which we seek to manage and get on top of, as all the Governments across the UK are doing.

There are still concerns about nosocomial infection—the transmission of the virus in hospitals—so we must be careful and safe in how we do this, but getting procedures under way again is a priority, and the work on that is under way, as I have said.

That is part of the route map. We will set out in broad terms the phasing of what we are trying to do, but, at every phase, bringing the health service back into normal operation will be at the heart of what we try to do over the next few weeks to get back to normality.

There will, of course—I alluded to this a moment ago—be things to do with how the health service used to operate that we might not want to go back to, because there has been a greater focus on technology and remote consultations. In some cases, we might want to continue to operate in the same way because we have been trying to do that for a long time. However, getting people who need treatment access to that treatment as quickly as possible is absolutely essential, and that is a key strand of the work that we are doing to get the country back to normal.

Covid-19 Antibody Tests

5. Alex Neil (Airdrie and Shotts) (SNP): To ask the First Minister what plans the Scottish Government has for introducing the new antibody tests for Covid-19 in Scotland. (S5F-04132)

The First Minister (Nicola Sturgeon): Antibody testing is currently being used in Scotland as part of our community surveillance programme. The sensitivity level of those tests has meant that, to date, they have been useful only for providing population-level information. However, with the ongoing validation of new and more reliable tests, we are drawing on clinical and scientific advice to quickly develop plans on how they will be best deployed. We are engaging with the other Administrations on that testing as we all work as quickly as possible to bring forward the new approach to testing.

Alex Neil: What impact will the new antibody test that is coming on board have in the testing, tracing and support strategy? What will the priority groups be for the new antibody test?

The First Minister: Because of the greater reliability and sensitivity of the new antibody tests, they allow us to move away from a population surveillance use into—I hope—use with individuals. Test, trace and isolate will fundamentally be based on diagnostic testing but, as we go forward, antibody testing will play a greater part in our overall strategy. Plans for that are in development, and we hope to set them out soon. As we learn more about antibodies and

immunity to the virus, that will inform how we can use the tests best as we move forward.

Some of the recent news on the development of tests has been very positive, but it is still really important to inject a note of caution. The evidence has not yet developed sufficiently to give us assurance that, when antibodies are detected, that necessarily signifies meaningful or long-lasting immunity. There are still big questions about the extent and longevity of the immunity that people get from antibodies.

That is the cautionary note that I would strike. However, I hope that the tests will have a crucial role to play in helping us to answer that question and in our long-term strategy to deal with the virus.

Obesity and Diabetes (Covid-19 Risk)

6. Brian Whittle (South Scotland) (Con): To ask the First Minister what the Scottish Government's response is to reports that obesity and diabetes increase an individual's risk of contracting Covid-19. (S5F-04137)

The First Minister (Nicola Sturgeon): There are signs that suggest that people who are living with obesity and diabetes may be at risk of poorer health outcomes from Covid-19. A review that is looking at that and other potential factors is being conducted, and I understand that it is due to report by the end of the month. We will be guided by evidence in assessing the continued risks from the virus.

Brian Whittle: With so many conditions, such as heart and respiratory conditions as well as diabetes and obesity, increasing the risks from Covid-19, which, in turn, have led to an increased mortality rate, does the First Minister agree that the crisis starkly highlights the need to tackle Scotland's poor health and inequality report card and that a step change in how we view and deliver health to move towards a more preventative agenda is long overdue?

The First Minister: Yes, I do agree with that. We already have in place a delivery plan to address the overweight and obesity challenge. Adult weight management services across health and social care have been maintained where possible, and they are continuing in various formats, including through the increased use of telephone and video calls.

That is another reminder of the need to be as preventative as possible in our approach to health and to deal with some of the underlying risk factors that make people more susceptible to becoming seriously unwell if they get particular illnesses.

We still need to understand more about the impacts of coronavirus. What the other risk factors

are is one of the aspects of our knowledge about it that continues to develop. However, I have little doubt at this stage that it will add to the understanding of the need to prioritise and tackle healthy weight and obesity. I look forward to that workstream among a range of other workstreams getting back to normal as quickly as possible.

Labour Market (Women) (Covid-19)

7. Pauline McNeill (Glasgow) (Lab): To ask the First Minister what analysis the Scottish Government has made regarding the potential impact of the Covid-19 outbreak on women's position in the labour market.

The First Minister (Nicola Sturgeon): We continue to assess the impact of Covid-19 across the population. To that end, we recently published an analytical paper examining the expected labour market impacts on different groups of people, including women. The paper shows that women are more likely to work in many of the sectors that have been shut down and that they are more likely to have caring responsibilities, which can make it hard to maintain or take on employment during the current crisis, with potential consequences for their income. We take women's employment very seriously and that is demonstrated by the Scottish Government's various policies and support for women, including the gender pay gap action plan, which sets out 60 actions for tackling barriers that are faced by women in the labour market, and the women returners fund.

Pauline McNeill: I welcome the work that the Government is doing and its recognition that the disruption to the labour market caused by the coronavirus pandemic will have a disproportionate impact on women. That has been acknowledged in a report by advocacy charity Close the Gap. Women are more likely to work in sectors, such as food, service and retail, that have been hardest hit by the virus. A lack of consideration for gender in the aftermath of the financial crash in 2008 resulted in the recession having a disproportionate impact on women. That is why I welcome the Government's recognition of that issue.

Will the First Minister continue to make a gendered response to the anticipated jobs recession, alongside other interventions that are designed to address women's inequality? I am sure that the First Minister will agree that women's work is undervalued; women are dominant in areas such as social care and childcare. Will the First Minister support levels of pay in those sectors that would at least value the work that women do until we can make deeper progress on occupational segregation for women?

The First Minister: One of the many reasons that we actively support the real living wage is to try to ensure that we see pay that reflects what

women do, particularly in some of the jobs that they are more likely to do. However, we still have to go further. That is why the recent resolution of the long-running equal pay injustice in Glasgow and other parts of Scotland was so important. I agree with Pauline McNeill that it is important that we have a gendered analysis of not just the immediate impact of the crisis but the actions that we will take to recover from it.

The analytical paper that I spoke about in my initial answer is worth reading for those who are interested in the issue. It does not contain anything that would hugely surprise people, but it underlines some of the issues that we are dealing with. Women do more unpaid care work and take more responsibility for childcare, which makes it harder for them to maintain or take on employment; they are overrepresented in health and social care jobs, and over the past couple of months, that would potentially have put them at greater risk of contracting coronavirus. That is potentially particularly true of women from African, Caribbean or black ethnicities. The vast majority of lone parents are also women and they are less likely to have somebody to share childcare with.

Those are just some of the issues that the analytical paper has laid bare. As we decide on the actions that we need to take—we announced significant funding yesterday to try to start considering how we get people back into the labour market after the crisis abates—we need to consider the challenges and the barriers that women, in particular, face. I give an assurance that that is exactly what we will continue to do.

Written Parliamentary Questions (Covid-19)

8. Liz Smith (Mid Scotland and Fife) (Con):

To ask the First Minister what action the Scottish Government is taking to ensure that all answers to written parliamentary questions about Covid-19 are being processed as quickly as possible. (S5F-04140)

The First Minister (Nicola Sturgeon): We aim to answer all parliamentary questions as quickly as possible and within the deadlines agreed with Parliament. The vast majority are answered on time. It is only fair to recognise that the significant redirection of civil service resources to respond to the pandemic inevitably means that there might be an impact on response times, but we will do all we can to minimise any such impact as we recognise that accountability to the Parliament is even more important during these exceptional times. That is why, in addition to continuing to respond to written parliamentary questions, the Government has provided information to members about the range of ways to obtain information from the Government specifically about the pandemic and our handling of it.

Liz Smith: On Monday this week, the business bulletin reported that, of 93 written parliamentary questions that were submitted that were specifically about Covid-19, no fewer than 22 holding answers were issued.

At the weekend we learned that last week one ministerial department delayed answers on 30 occasions. One MSP intimated that they had received 12 holding answers on one day, and another MSP intimated that she had received five holding answers on one day.

I ask on behalf of many members across the chamber: does the First Minister accept that that is a completely unacceptable situation at a time when members are urgently seeking important information to give to their constituents?

The First Minister: I understand the importance of rapid answers to parliamentary questions. I am not for a minute going to suggest that it is not really important, and we will try to ensure that those answers are given timeously. I simply make the point that everybody across Government is working incredibly hard to deal with an unprecedented and very difficult situation. I simply ask members not to accept that that means that questions do not get answered but to make a little bit of allowance for the reality that we are facing right now.

It is also sometimes the case—although I cannot say whether it is for the specific holding answers that Liz Smith is talking about—that information is not readily available. We are learning about the virus, and we are developing and deepening the data sources that we publish. In some cases, there will be a need to take a bit longer to get the information that members ask for.

In addition to recognising the importance of answering written questions as quickly as possible, we have made available a range of other ways to obtain information from the Government, and I encourage members to use those.

It is also very important that we answer questions in this oral format. There has been a range of virtual question times with ministers, I am answering questions here—rightly, as is my duty—for an hour today, and I will be answering questions for an hour tomorrow in Parliament, on the publication of the route map. I also answer questions not from parliamentarians but from the media for an hour every single weekday. I recognise the importance of information—particularly at a time like this—and the importance of accountability. We will continue to try to improve as much as possible.

In return, I ask for a little bit of understanding about the multitude of pressures that the people responsible for answering written questions are working under right now, which I hope that any

reasonable person—which I know includes Liz Smith—would recognise at this time.

The Presiding Officer: A huge number of supplementaries have been requested again today. We will not get through them all, but we will run until just after 1:30pm.

Lawn Bowling (Permitted Sport)

Bob Doris (Glasgow Maryhill and Springburn) (SNP): Like the rest of us, sports clubs are eagerly awaiting details of the route map for the gradual easing of lockdown restrictions. Football clubs have, understandably, caught the headlines, but local sports clubs right across Scotland, including the lawn bowling clubs in my constituency, are hopeful that they might be supported to reopen safely, with social distancing protocols being put in place and strictly enforced. There are 900 lawn bowling clubs with 60,000 members across Scotland.

A member of Hawthorn Bowling Club, in my constituency, has told me of the physical benefits and important camaraderie that the sport offers patrons. Does the First Minister agree that, during mental health awareness week, it is right to acknowledge the mental health benefits of club sports? Will the Scottish Government look at the case for adding lawn bowling to the list of permitted sports—with strict social distancing, of course—as we gradually ease lockdown restrictions?

The First Minister (Nicola Sturgeon): I recognise the mental health benefits of clubs, team sports and getting together with people; it is a very important consideration. I also acknowledge the mental health benefits of exercise, which is why our first easing of restrictions was to allow people to exercise more than once a day, to which they had been restricted until then.

We look carefully at all such things. I do not take any pleasure in saying this, but it is just the reality that we are still in that we have limited room for manoeuvre right now. That is what the data tells us. Therefore, we have to be careful and cautious. We will not be able immediately to give the green light to open to every organisation that wants to do so. We have to do that in a careful and phased way, and with clear priorities.

As we move through the next weeks, it will be easier to open activities that happen outdoors than to open activities that happen indoors. It will also be necessary for us to continue to maintain safe social distancing. Clearly, some restrictions and restraints will be with us for some time to come. Within those, we will try to get people back to as much normality as possible, as quickly as possible.

My final point is one that I made last week: we have to strike the right balance. I am as desperately keen as anybody is to get the economy moving again, so although we have limited room for manoeuvre, we need to acknowledge the need for people to have more social interaction as safely as possible, as well as the need to get people back to work. Those are balances that we are trying to strike in the best and safest ways possible.

OVO Energy (Closure)

Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con): Yesterday, OVO Energy announced that it will completely close its Selkirk office, which is in my constituency. That cut will mean that 380 staff will be affected; how many jobs will be entirely lost remains unclear. The job losses will be devastating for the fragile rural economy of the Scottish Borders. Young people will be particularly acutely affected.

What is the Scottish Government's response to the job losses? During the pandemic lockdown, will the partnership action for continuing employment service be operating as normal, to support people through devastating job losses among my constituents?

The First Minister (Nicola Sturgeon): I thank Rachael Hamilton for her question. I deeply regret—as, I know, she does—the announcement by OVO Energy. It will have a huge impact in Selkirk, as it will in Perth, where the company also employs people.

Through Scottish Enterprise, we will continue to engage with that company and any company that is facing a similar situation, and we will consider whether there are actions that we can take to prevent or mitigate redundancies.

I also give the assurance that we will make sure that PACE is operational. As everything does right now, it might have to operate in a slightly different way in order to maintain safe working practices, but support will be available for people who are facing redundancy. That support will, in the weeks and months to come, be even more important than it has been in the past few years.

I give that assurance, and the Cabinet Secretary for Economy, Fair Work and Culture will continue to be open and happy to discuss individual situations with members whose constituencies and constituents are affected.

Offshore Wind Farms (Construction Work)

Alex Rowley (Mid Scotland and Fife) (Lab): The First Minister has said that it is important that we get the economy moving again. I agree that we are facing a real crisis, as we move forward.

This morning, GMB Scotland has stated that it understands that SSE Renewables intends that work for the Seagreen offshore wind farm project will become the latest tranche of offshore wind farm work to go abroad, despite the huge support that the industry has received, and still receives, from the United Kingdom taxpayer. That means that yards in Burntisland, Methil and Stornoway are likely to remain empty while work for offshore wind farms around Scotland goes abroad. What action is the Scottish Government taking to bring work for the Scottish offshore renewables sector to Scotland and the yards that are lying empty?

The First Minister (Nicola Sturgeon): That is an important issue. As Alex Rowley is aware, the Scottish Government established a task force and held a summit to look in detail at barriers. Although it has obviously been hampered, as have many other things, by the crisis, there has been good co-operation among companies, developers, the Scottish Government, the UK Government and trade unions. We want to continue with that approach.

My understanding is that no decision has yet been taken by SSE on the project, although that is likely to be a rapidly moving situation. I have personally, as has the Government generally, engaged with SSE on the issue in the past. We will continue to do so in order to ensure that as much as possible of the economic benefit from our vast renewable energy resources comes to Scotland. That will be an on-going priority for the Government and for the economy secretary, in particular.

Covid-19 (Construction Industry Guidance)

Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP): Can the First Minister give me some clarification of whether the guidance for the construction industry has changed? I am aware of several instances of construction work that are proceeding in my constituency. The workers are observing social distancing and so on, but they are not, according to the current guidance, on the essential workers list, and are therefore barred from working. Can I have clarification on that please?

The First Minister (Nicola Sturgeon): Guidance to business has not changed. As, I think, I said a couple of days ago—I will say more about this after we publish the route map tomorrow—we will publish over the next days sectoral guidance that tells companies in key sectors the steps that they need to take to prepare for a safe return to work. Although not necessarily all companies will return immediately, the guidance will allow companies in key sectors to start preparatory work.

There has been particular engagement with the construction sector. The industry leadership group in construction has prepared a phased approach to restart, which I will, I am sure, say more about tomorrow. We want companies and workers to get back to work as quickly as possible, but it is essential that we do it safely.

I will come back to a central point, which I know is easy for all of us to forget in our anxiety to get things moving and to get back to normal. It is this: we really would be making a huge mistake if we were to move too quickly, and thereby allow the virus to run out of control again. That is still a real and present danger that would be damaging for the economy and would undoubtedly lead to more lives being lost.

I therefore make no apology for continuing to take a very careful and cautious approach that is aligned with our introduction of the test, trace and isolate strategy, because that will be a key part of how we keep the virus suppressed, as we get more people back to work.

I clarify and repeat that the current guidance to business remains in place and has not changed.

Cancer Testing and Treatment (Delays)

Maurice Corry (West Scotland) (Con): One of my constituents, who is in remission from stage 4 prostate cancer, has undergone treatment for the early stages of skin cancer and has begun tests for bowel cancer. He has been awaiting further tests since early February this year, despite his general practitioner marking his case as being very urgent.

My constituent has received a letter postponing those life-saving tests indefinitely, which is causing a great deal of worry, concern and stress. Will the First Minister answer today the question why so many urgent cancer cases, such as that one, have still to receive testing and treatment?

The First Minister (Nicola Sturgeon): If testing and treatment are urgent, they should be going ahead, as I and the Cabinet Secretary for Health and Sport have made clear. However, in recent weeks clinical judgments have had to be made about whether the risks of going ahead outweigh the risks of postponing for a period. I cannot comment on all individual cases, but I would be very happy to look into that particular case, if Maurice Corry sends the details. However, the general position is as I said.

As I said to Willie Rennie, we are in the process of resuming hospital procedures as quickly and as safely as possible. However, I know how difficult, worrying and—in some cases—painful it will be for people who have had any kind of procedure postponed. Nonetheless, the clinical judgment will have been made that, on balance, that means less

risk than going ahead would mean. That does not make it any easier for individuals; I simply make the points that no such decisions are taken lightly, and that we want to get the national health service operating as normal as soon as we can safely do so.

Police Scotland (Referral to Health and Safety Executive)

James Kelly (Glasgow) (Lab): I draw the First Minister's attention to the referral of Police Scotland to the Health and Safety Executive by the Scottish Police Federation for inadequate protection of officers carrying out breath tests. The Police Federation states that the procedures do not represent "best risk management practices".

A referral to the Health and Safety Executive is clearly a serious matter, and it is unacceptable that officers should be put in that position. Will the First Minister therefore direct Police Scotland to find a solution that ensures that police officers feel safe in carrying out those important duties?

The First Minister (Nicola Sturgeon): If I was to stand here and issue a direction to Police Scotland on operational matters, I think that James Kelly would probably be one of the first to say—rightly—how inappropriate that would be. The procedures for taking evidential breath tests are a matter for the chief constable. However, clearly, there are important issues to consider here.

I have seen reports that the SPF has referred the matter to the Health and Safety Executive, which it is absolutely entitled and right to do if it has concerns. I would encourage the Scottish Police Federation and Police Scotland to continue their dialogue about the issue in order to resolve it.

The Cabinet Secretary for Justice regularly meets the chief constable, and I have regular discussions with the chief constable about the entirety of the policing response to the virus. Of course those discussions include and impinge on issues relating to the health and wellbeing of officers and staff. I encourage continued dialogue, and any views that the Health and Safety Executive has on this important issue must be taken into account.

Job Retention Scheme (Malpractice)

Linda Fabiani (East Kilbride) (SNP): What steps can be taken to ensure that employers in Scotland who claim funds from HM Revenue and Customs under the coronavirus job retention scheme act in the spirit of that scheme and disperse the funds in full to eligible employees? What penalties could be imposed, should malpractice be found?

The First Minister (Nicola Sturgeon): It is important that any company that accesses funds at this time does so appropriately and that no one seeks to abuse the system. Schemes that are administered by HMRC are a matter for that organisation to monitor and apply any penalties.

This afternoon, the Parliament will debate amendments to the Coronavirus (Scotland) (No 2) Bill from Patrick Harvie around not making Scottish Government funding available to certain companies that do not comply with their tax responsibilities.

These are important ethical matters. This is a crisis, and taxpayers' money is rightly being made available. However, it is really important that companies do not abuse that. In my experience, the vast majority of companies are acting perfectly responsibly, but even if it is a tiny minority that seek not to do so, it is important that we ensure that appropriate procedures are in place.

In-vitro Fertilisation Services

Ruth Davidson (Edinburgh Central) (Con): Two weeks ago, I asked the First minister about publishing a road map on reopening in-vitro fertilisation services in Scotland—[*Interruption.*]

The Presiding Officer: Would the member adjust her microphone?

Ruth Davidson: I have never been accused of being quiet before, Presiding Officer. Let me start again.

Two weeks ago, I asked the First minister about publishing a road map on reopening in-vitro fertilisation services in Scotland, given that they are already able to be up and running elsewhere in the United Kingdom. I look forward to a road map coming forth. My asking that question prompted worried couples to contact me about their situation. One recurring concern is that, in Scotland, people are entitled to three rounds of IVF on the national health service if they are under 40, but that number is cut to one round as soon as they hit 40.

Can the First Minister reassure women who are in danger of having their entitlement cut that no woman will be penalised for crossing the age threshold due to the suspension of services during Covid-19, however long Scotland's clinics stay shuttered?

The First Minister (Nicola Sturgeon): On the general issue of restarting those services, I will ask the Cabinet Secretary for Health and Sport to write to the member to give more detail on exactly where that work is and on the progress that has been made.

On the second part of the question, I will give that general assurance, and I am happy to get the

health secretary to give more details on exactly how that will work. I do not want any woman who is undergoing IVF to have their chances of conceiving a child taken away from them because of the crisis alone. We will do whatever we can and whatever needs to be done in order to ensure that that is not the case.

If the member bears with us, I will ask the health secretary to write with more detail on both those points about how we will put that assurance into practice.

Scientific Advice (Publication)

Andy Wightman (Lothian) (Green): The First Minister might be aware of a letter of 18 May from the House of Commons Science and Technology Committee to the Prime Minister, which outlines the lessons learned to date in the Covid-19 pandemic. Recommendation 2 is that there should be more transparency in the scientific advice provided to Government and that a summary of advice—I stress that the word used is “advice”, not “evidence”—should be regularly published.

I know that publishing advice to ministers is not routine practice and I agree that, in normal times, it should not be published. Does the First Minister agree that, in these particular circumstances, such a practice would aid transparency and help scrutiny of Government decisions?

The First Minister (Nicola Sturgeon): I am happy to look at any suggestions about how we both increase transparency and assist public understanding of the challenges that we are dealing with and the evolving nature of the Government’s understanding of the virus.

The chief medical officer’s expert advisory group has been established in Scotland, and it provides really important advice to me and other ministers. The minutes of the group’s meetings are already published on the Scottish Government website, and its membership is published because it is important that people should see the names of those who provide us with that advice.

As we go through this crisis, we will continue to put as much data as possible into the public domain, and provide as much understanding as we can of what underpins the decisions that we take. As an example of what the member is talking about, I think that members had a briefing yesterday with the Government’s chief statistician to give them a deeper understanding of how the reproduction number is calculated and the factors that are taken into account. We will continue to try to aid that understanding as much as possible in as many ways as possible.

Hospital to Care Home Discharge Data

Alex Cole-Hamilton (Edinburgh Western) (LD): Earlier this month, Neil Findlay submitted a question asking about the destination of those patients who were discharged from hospital to make way for an influx of Covid patients on every day since 1 February. The answer that was given this morning revealed that 29 per cent were discharged to care homes in the month of February, but that answer covered February alone.

What happened to those older patients who were moved out of hospital in that great exodus in March and April could prove critical to our understanding of the tragedy that is now sweeping through our care homes. What has happened to the data from March and April and will the First Minister commit to publishing it now?

The First Minister (Nicola Sturgeon): If I am wrong, I will stand corrected but I think that the Cabinet Secretary for Health and Sport gave that information in the chamber yesterday, when she said that, overall, 62 per cent of people who were discharged from hospital had been discharged with an appropriate care package to their own homes and 38 per cent had been discharged to a care home. I believe that that information was given in the chamber yesterday. If not, I have given it now and we can put that on to the parliamentary record in other ways as well.

As we consider the decisions that were taken and the reasons for them, it is important to consider those issues. However, I remind members that, when any patient was being discharged from a hospital into a care home, there was guidance in place on isolation and infection prevention and control for care homes. Those were always important considerations when residents were being admitted to care homes or for residents who were already in care homes.

I hope that that information on the numbers answers Alex Cole-Hamilton’s question but, if not, and we are able to, we will provide other data.

Outdoor Weddings

John Mason (Glasgow Shettleston) (SNP): The First Minister mentioned earlier that activities that take place outside are safer than those that take place inside. Can she give any guidance about the Government’s thinking on an activity, such as a wedding, that could take place in either place? Would it be possible to lift the restrictions on weddings that take place outside before we lift them on those that take place inside?

The First Minister (Nicola Sturgeon): I will not give a guarantee to do that specific thing. In general terms, the risks of transmission outdoors appear to be lower than the risks of transmission

indoors but, even outdoors, considerations about social distancing have to be taken into account.

I understand why people want weddings to go ahead as quickly as possible, but in intimate family gatherings there will always be concerns around social distancing and transmission risks. Wedding and civil partnership ceremonies are restricted by the current regulations, which include the restrictions on gatherings in a public place. Scientific and medical evidence does not yet support allowing marriages and civil partnerships to go ahead, but we will look in more detail at the outdoor issue and, for example, extending the practice of some ceremonies taking place in private spaces, such as gardens. I see where John Mason is coming from but, in all those issues, we have to consider all the relevant factors and move as swiftly but as carefully and safely as possible.

Scottish Development International (Conference Attendance)

Jackie Baillie (Dumbarton) (Lab): In the week commencing 24 February, at the same time as the Nike conference in Edinburgh, senior staff from Scottish Development International assembled for a week-long conference of events at the Scottish Enterprise offices in Glasgow. Those staff were not just from Scotland; they came from America, Asia and all over the world.

Given that, since January, COBRA meetings had been taking place that underlined the seriousness of the coronavirus pandemic, it is surprising that Scottish Development International did not postpone the event. Is the First Minister aware whether anyone who attended the event was suspected of having Covid-19? Has there been any follow-up testing of those who were there? Does she think that it shows poor judgment for a Government agency to ignore the warnings about the pandemic and organise a global event?

The First Minister (Nicola Sturgeon): That is not necessarily a fair characterisation of the decisions that were taken. I am not aware of having knowledge of that event, so I would not be able to answer questions about whether anybody there was suspected of having coronavirus. I will certainly look into that and if there is any further information that we are able to give to Jackie Baillie, we will make that available.

Decisions around mass gatherings and the further restrictions that were put in place were taken at what we considered to be the right time, in the right order and in the right way. I am sure that for a long time to come legitimate questions will be raised about whether that was the right order in which to do things, or whether things should have been done earlier. None of us has hindsight when we make such decisions.

In terms of people coming into the country, border control is not a matter for the Scottish Government, but I think that we will see some decisions on border controls going forward. We try to take all those decisions in a proper and measured way, and that applies to Government agencies as well as to the Government. If we have more information about the particular event that Jackie Baillie raises, I will endeavour to get it to her.

The Presiding Officer: That concludes First Minister's questions. I encourage members to leave safely and by observing social distancing. We will resume at half past 2.

13:35

Meeting suspended.

14:30

*On resuming—***Business Motion**

The Presiding Officer (Ken Macintosh): Good afternoon, colleagues. We resume with consideration of business motion S5M-21805, in the name of Graeme Dey, on behalf of the Parliamentary Bureau, which sets out revisions to this week's business.

That the Parliament agrees the following revisions to the programme of business on:

(a) Wednesday 20 May 2020—

delete

5.00 pm Decision Time

insert

7.00 pm Decision Time

(b) Thursday 21 May 2020—

insert

12.30 pm First Minister's Statement: COVID-19 (Lockdown: Next Steps)

2.30 pm Members' Question Time: Local Government and Communities

3.15 pm Parliamentary Bureau Motions

3.15 pm Decision Time—[*Graeme Dey*].

Motion agreed to.

Coronavirus (Scotland) (No 2) Bill: Stage 3

14:30

The Presiding Officer (Ken Macintosh): The next item of business is stage 3 proceedings on the Coronavirus (Scotland) (No 2) Bill.

In dealing with the amendments, members should have the bill as amended at stage 2, the marshalled list of amendments and the groupings of amendments.

I draw members' attention to the fact that there is an error in amendment 18. It should relate to page 9 of the bill and not page 8. That should be in members' notes.

I remind members that the division bell will sound and proceedings will be suspended for five minutes for the first division of the afternoon. The period of voting for the first division will be 30 seconds. Thereafter, there will be 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 button as soon as possible after I call the group.

As well as observing social distancing at all times, members should know that we are not able to pass around notes or messages. We do not have the usual facility to ask our staff to pass notes to and from the chair or the business team. Any member who has a query, question or message that they wish to pass forward should use their device and email the business team.

Section 6—Advancement of equality and non-discrimination

The Presiding Officer: Group 1 is on the advancement of equality and non-discrimination. Amendment 1, in the name of the cabinet secretary, is the only amendment in the group. Michael Russell will speak to and move amendment 1.

The Cabinet Secretary for the Constitution, Europe and External Affairs (Michael Russell): I will move the amendment, but I will not speak to it. I—

The Presiding Officer: That is not a very good note to start on. Oh—I am sorry, cabinet secretary; you were asking Jenny Gilruth to speak to the amendment.

Michael Russell: I hope to become clearer as the afternoon wears on. The point that I was making is that Jenny Gilruth will speak to the amendment.

The Presiding Officer: My apologies for misunderstanding you.

The Minister for Europe and International Development (Jenny Gilruth): For clarification, I am not Mike Russell.

I thank Mark Griffin for raising an important issue in the stage 2 deliberations yesterday. The Government agrees that, with the public being asked to do extraordinary and difficult things, the importance of

“communicating in an inclusive way”

what is being asked of them and, of course, what is changing has never been more vital. In recent days, we have seen examples of that through the use of British Sign Language provision in the First Minister’s briefings. A clarificatory amendment to amend the new duty in the Coronavirus (Scotland) Act 2020 and to include a definition of inclusive communication has been lodged. I urge members to agree to the amendment.

I move amendment 1.

Amendment 1 agreed to.

After section 6

The Presiding Officer: Group 2 is on conditions on support to business. Amendment 2, in the name of Neil Findlay, is grouped with amendments 3, 93 and 94.

Neil Findlay (Lothian) (Lab): Amendment 2 recognises that trade unions have played a vital role in helping to keep people working, services running and citizens safe throughout the crisis. They can carry out that role only if they can get access to workplaces to offer advice and support to members and work with employers.

In their day-to-day role, trade unions work very closely, and without rancour, with most employers, resolving workplace issues at source. In many areas of the economy and society, employers sadly do not allow trade unions to access workplaces so that they can speak to their members. Many of us will have been contacted by staff members across various sectors who are worried about the safety of their workplace. The first thing that all those people will say in their conversations with us is, “Please do not give my name,” because there is, too often, a climate of fear within the workplace. Being represented and recognised by a union takes away some of that fear and gives workers a voice in their places of work.

Amendment 2 seeks to give unions right of access so that they can speak to employees of companies who are contracted to do work that is paid for by the public purse—it is nothing more than the basic right to go into workplaces and

speak to people. I have to tell you that this is not the revolution—that can wait for another day. It is simply the basic right for unions to go into workplaces and speak to people about their welfare, wellbeing and employment. Members should remember that the work is being paid for by the public purse, with taxpayers’ money.

The Scottish Labour Party seeks to use public procurement policy to deliver on the fair work agenda. Amendment 2 is supported by the Scottish Trades Union Congress, the GMB, Unite the union, Unison and all the major trade unions. I hope that members will support that basic right.

Amendment 3 seeks to ensure that employees of companies that are contracted to do work that is paid for by the public purse to deliver goods or services during the Covid-19 crisis are paid at least the real living wage. The amendment is straightforward and it will lock in a key fair work principle. I previously tried to implement that change when the Parliament debated the Procurement Reform (Scotland) Bill, but at the time, the lead minister, who is now the First Minister, rejected it, saying that that was because of European Union procurement law. We are now told that we can implement that change and that the Government claims to be doing that in the social care sector. If it can be done in social care, it can also be done in other areas of the economy. However, I have to question whether it is, indeed, being done in the social care sector, because if anyone looks at vacancies for cleaners, carers, drivers and caretakers on the websites of many companies that are delivering public contracts funded by the taxpayer, they will see that many of those jobs are advertised at rates of pay that are below the living wage.

The guidance that the cabinet secretary referred to at stage 2 is being ignored—and regularly. That is why the unions support my amendment. Even though they are part of the fair work agreement with the Scottish Government, they are fully behind the measure. I hope that the Parliament will support amendment 3 at decision time.

I move amendment 2.

Patrick Harvie (Glasgow) (Green): I draw members’ attention to the register of members’ interests, which shows that I am a member of the Poverty Alliance and an associate member of the National Union of Journalists, which is relevant to group 2 and to later groups of amendments.

As I said during the discussions at stage 2, I support Neil Findlay’s amendments in the group, as they add important measures to the bill, and I hope that all members will support them.

At stage 2, I lodged an amendment that addressed the provision of business support in a range of forms to firms that are based in tax

havens. The Scottish Green Party has been campaigning on that in the past fortnight. Since we established an online petition, over 7,000 people in Scotland have added their names, calling for that important restriction, which has already been adopted by Governments in Denmark, France and Wales, among other places. We know not only that there is a groundswell of support but that it can be achieved within devolved competence, given that Wales has already done it.

I lodged my amendment to introduce that measure through the bill and, I have to confess, I expected that the Scottish Government would say, “We will try to find a way to do that, but not in the bill.” I was pleased that Michael Russell agreed that the measure should be included through an amendment to the bill, although he persuaded me that some aspects of my amendment would have risked rendering it beyond the scope of devolved powers.

It is an important point of principle that we are able to add problematic tax jurisdictions beyond those that are on the European Union’s list. My amendment would have enabled us to do that, but that option—that flexibility—could have risked the whole amendment being incompetent, so I have accepted that we cannot do that now. We will have to build on that case, to ensure that all problematic tax jurisdictions—all tax havens—are restricted from receiving taxpayer-funded support.

The cabinet secretary also said during the stage 2 debate that he thought that that measure should apply to coronavirus-related support as well as to support that is given for other purposes, and I agree with him on that.

It is important that we worked together, because now we have an amendment that I believe the Government will support and because the opportunity to address this injustice has to be taken.

If any of us walks up and down the high street or into a shopping centre in Scotland, we will see high street names that have arranged their tax affairs to hide their wealth through tax havens. That wealth was generated by their workers, who were often on poverty wages and zero-hour contracts. They are hiding that wealth from taxation, and that legal tax avoidance is one of the principal sources of inequality and economic injustice.

Neil Findlay: Will the member give way?

Patrick Harvie: I will in a moment. We should be shutting down that legal tax avoidance. In the meantime, we should certainly be saying that there is no coronavirus bailout for firms that use tax havens.

Neil Findlay: I agree with everything that Patrick Harvie has said. I just find it depressing that we could have introduced the measure in 2014, when I lodged a similar amendment to the Procurement Reform (Scotland) Bill but the then lead minister, who is now the First Minister, opposed it. I am glad that she has had a bit of an epiphany.

Patrick Harvie: I would like to think that what is happening in these extraordinary times is going to be the catalyst for a great deal of change. All economic activity that is still happening is now clearly dependent on state intervention and public money. I think it always was. Private sector economic activity always was dependent on the things that we pay for and provide for collectively in society: infrastructure, education, healthcare and the rule of law. Those things are provided collectively, and the private sector depends on them. It is unconscionable to say that businesses should receive a public sector bailout if they have been arranging their affairs so as to minimise their contribution to those public goods.

This is a time when Governments around the world need to be retaking what they should never have given away: the authority to direct the shape of the economy in a way that meets the public interest. This is one small step in that direction, and we will continue to build on it.

Murdo Fraser (Mid Scotland and Fife) (Con): I was going to start my comments by saying that I agree with Patrick Harvie, but he rather spoiled it with the nonsense that he came out with at the end of his contribution.

It is not true at all to say that all economic activity is propped up by the state at the moment. Huge sectors of the economy are still operating—for example, the production and sale of food, DIY shops and the finance sector. Huge sectors of the economy continue to operate as they did before.

Mr Harvie and I should not fall out, though, because I agree with him on the principle. I agree that companies that are not paying tax have got an impertinence to expect the taxpayer to support them if they fall on hard times, as we are now seeing. I do not at all dispute the principle of what Mr Harvie is trying to achieve with amendment 93.

However, there are issues with the wording of the amendment. Perhaps Mr Harvie, as he winds up, or the cabinet secretary or the minister in their contributions, can assist with what the amendment is proposing. My colleagues in local government have raised concerns about the wording of what is being proposed in both amendment 93 and amendment 94.

Amendment 93 states that grants should not be paid to persons—or, presumably, companies—that are

“based in a tax haven”

or that are

“the subsidiary of a person based in a tax haven”

or that have

“a subsidiary based in a tax haven”

or are

“party to an arrangement under which any ... profits are subject to the tax regime of a tax haven.”

14:45

The difficulty with that is that many of the grants that we are talking about are administered by local authorities. How do we expect the officers in a local authority who receive an application from a body with an address in the local area to be able to make that assessment of all those detailed matters? How will that information be made available to them in the short space of time that they might have in which to deal with an application?

The problem is even more acute when it comes to amendment 94, because those tests will have to be met as well as further tests about whether that

“person’s company has adopted country-by-country reporting of financial, economic and tax-related information for each jurisdiction in which it operates.”

How a local authority finance department is meant to have access to that information is beyond me. Perhaps the cabinet secretary can give us some comfort on these issues.

Patrick Harvie: Will the member take an intervention?

Murdo Fraser: I will.

Patrick Harvie: I am grateful to Murdo Fraser for giving way. I was so excited by making wider points that I knew would annoy him at the end of my speech that I forgot to mention amendment 94, which is quite separate. I have agreed amendment 93 with the Scottish Government. I hope that it will support amendment 94, but I have no idea whether it intends to.

It seems entirely reasonable and consistent with the principles set out by tax justice campaigners in Scotland, the United Kingdom and around the world that we should have transparent reporting by multinationals. The alternative is that we continue with the status quo. Does Murdo Fraser have anything to suggest about how multinationals that jump through these loopholes can be held to account so that the economic activity that they generate can benefit the public purse rather than just their own shareholders?

Murdo Fraser: Mr Harvie is trying his best to fall out with us. I would have thought that he would try

to get our support for his amendments rather than thrust us away. He talks about multinationals, but the problem is that we might be talking about any small business on any high street in this country that the local authority would have to assess to see whether it met this incredibly complex test or whether it

“adopted country-by-country reporting of financial, economic and tax-related information”.

Rhoda Grant (Highlands and Islands) (Lab): Will the member take an intervention?

Murdo Fraser: I am sorry, but I will not take an intervention.

The minister or Mr Harvie can reply when they are winding up. I just do not see how that is achievable from a practical point of view, but I am open to persuasion.

Alex Rowley (Mid Scotland and Fife) (Lab): Labour will support amendments 93 and 94, in the name of Patrick Harvie. It is entirely reasonable to take that approach. I suggest that the public will ask why on earth we would give handouts to anybody who refuses to pay their taxes in this country and hides their wealth offshore.

Neil Findlay talked about using the procurement system. Every member must be aware of how worrying and difficult it is for workers at this time. People are worried sick about going to back to their employment if it is not safe. There is a lot more in the bill to address that, but the very idea that the Government would hand over taxpayers’ money to companies by procuring services from those companies without insisting on the basic right of every individual in Scotland to be a member of a trade union and on the ability of trade unions to access employees in the workplace is ludicrous. I could understand the Tories not supporting trades unions having access, but most people would be surprised by Scottish National Party members lining up and voting with the Tories against giving trades unions access to workplaces. I hope that those members will think about that and support the amendments in the name of Neil Findlay.

Michael Russell: I will address all the amendments in the group, but I will start by repeating something that the First Minister said at First Minister’s question time, which was that to oppose an amendment does not mean opposing the desired outcome of that amendment or its principle. It means opposing amendments that are badly drafted or lodged for reasons that are entirely to do with playing to the gallery and have nothing to do with achieving a result.

I make that point because there is a clear way of taking emergency legislation through that gets the best out of the Parliament, which is to work with

the Government to do so. There are notable examples across the chamber of how that has worked on this occasion. I am glad to say that, later, we will recommend support for Monica Lennon's amendment, which we rejected yesterday. I understand that Monica Lennon reached out to the cabinet secretary and that they had a constructive conversation about how it might go forward. I hope that that will be an example to other members of her party. I am sure that this is not good for her political career, but I will be nice to her about it.

Monica Lennon (Central Scotland) (Lab): The cabinet secretary is making me blush.

Michael Russell: I do not want to do that; if it makes anyone blush, I am about to make Mr Tomkins blush, too. That may be a harder and less desirable task.

I simply want to make the point that, in relation to a number of amendments, we have been able to constructively discuss how we should move forward. The amendment on marriage is one example, and there are others.

The way not to do it is to come along with something that, as in the case of one of Neil Findlay's amendments, you have proposed several times before, in other circumstances, and say, "There it is, take it or leave it—and, if you do not support it, you are the epitome of what we are opposing. You are the devil incarnate."

Neil Findlay: Will the cabinet secretary give way?

Michael Russell: No, I will not take an intervention. *[Interruption.]* The other reason why I will not take an intervention is that everything that Mr Findlay has said this afternoon, he said at stage 2—every single thing. There is an issue about members coming back to the chamber with a slightly altered amendment and simply repeating themselves.

I have to say that Mr Findlay's two amendments are not the way to take forward emergency legislation. I do not oppose trade union involvement and I do not oppose trade union membership—indeed, I am a member of a trade union myself. However, I oppose the assumption that, if someone does not support Mr Findlay, they are opposed to trade unions. That is not true and I will not allow it to be said to be true.

Let us now deal with the substance of the amendments. Mr Findlay knows this, because I told him yesterday—it is either that or his attention span is very short, indeed—*[Interruption.]* Well, people who know Mr Findlay better than I do will have to make a judgment on that issue. He was told yesterday that genuine workforce engagement, such as trade union recognition, is

one of the five key criteria for accessing grants. It has been attached to business support grants that are awarded by Scottish Enterprise since April 2019, and from April 2020 it also applies to grants that are awarded to businesses by the other enterprise agencies.

In addition to that, the new pivotal enterprise resilience fund and the creative, tourism and hospitality enterprises hardship fund, which have been introduced specifically to mitigate the impacts of Covid-19, ask grant applicants to demonstrate similar commitment. There is therefore no intention of excluding unions. It is quite the reverse—the conditions indicate that they should be there.

Mr Findlay knows that that is the case and he is back here again not because he assumes that the amendment will be agreed to but because he can virtuously wave and say, "Look at what the bad people have done to me." That is in fact also true of his second amendment. The second one is perhaps almost worse, because with it he is lodging an amendment that is not just from yesterday but, by his own admission, six years old. Nonetheless, he is bringing it back yet again in circumstances in which he knows it would be impossible to put it in place. We will hear other impossibilist demands later this afternoon, which I shall address in those terms.

Mr Findlay knows that the legal position remains as it was at the time that this was considered for the purpose of the Procurement Reform (Scotland) Act 2014. The power to set the rate of a living wage is reserved to Westminster. I would much rather that Westminster was not involved, but it is. The Scottish Government will, however, use the levers at its disposal to address the living wage and procurement. We have issued both statutory guidance and best-practice guidance to public bodies on addressing fair work practices, including the living wage and procurement. That guidance applies to all regulated contracts, whether relating to coronavirus or not.

Both of Neil Findlay's amendments are therefore a chimera and they should not be considered seriously. I want to make sure that there is as much consultation with trade unions as possible. I have been a member of a trade union for all my working life and I will not be lectured to by Neil Findlay on what he thinks I should be measuring up to. *[Interruption.]*

Let me now turn to something more constructive. I thank Mr Harvie for lodging something more constructive and for doing what I have been talking about. Mr Harvie came to this debate and to this bill with a proposal that he wished to see on the face of the bill. There has been a constructive discussion about that proposal and the Government will accept amendment 93.

We will not accept amendment 94, as we think that to do so creates difficulty, but we have worked together on amendment 93 and it does what the people of Scotland want us to do.

I do not believe that the difficulties for local authorities would be insurmountable in any sense. Grant conditions are applied presently to all those who apply to local authorities. They are easily met and there is a process of discussion and debate for those who cannot meet them. All MSPs know that we get that from constituents all the time, and that is where we would be.

I think that amendment 93 is proportionate and simple and says something that the people of Scotland believe to be true. Moreover, it has been the result of the type of discussion and consultation that means that it is possible for the Government to work with an Opposition party to make progress on something important, and I thank Mr Harvie for that.

I am sorry that I cannot move further with regard to amendment 94, but I will encourage the chamber to support amendment 93. Having heard Mr Fraser say that he believes in the principle of it, I am sure that he will also remember the Westminster maxim that the vote follows the voice, and that he will support the amendment.

Neil Findlay: I see that the cabinet secretary has lost none of his charm, because when he—*[Laughter.]* Did Mr Russell say “buffoon”? If he wants to say something, he should get to his feet and I will take an intervention, unlike he did.

The Presiding Officer: Order, please.

Neil Findlay: The cabinet secretary resorts to—

The Presiding Officer: One second, Mr Findlay. The contributions across the chamber are in danger of descending into personal remarks and insults. I was going to interrupt the cabinet secretary, who was also in danger of doing that. I warn Mr Findlay to continue with winding up his remarks rather than winding up the chamber.

Neil Findlay: The Presiding Officer might be a bit late with that intervention.

It is interesting that Mr Russell remarked that I made no effort to reach out. We had one day to get these amendments in place. There was not a single effort by the Government to contact me on any issue bar one. Jenny Gilruth phoned me about freedom of information and said that she would phone me back—I still await that call.

Jenny Gilruth: It was at half past 5.

Neil Findlay: The minister said that she would call me back the following day, and there was no phone call whatsoever—no effort. Mr Russell made no effort to engage on any of the issues and never came near us.

Let me tell the chamber why no effort was made: the Government had already cut a deal with Mr Tomkins, Murdo Fraser and the Tories behind the scenes that, in return for some concession on FOI, a yellow-blue alliance would defeat any progressive move in the bill. That is the reality of the new coalition, or maybe of an old coalition that is back together.

Sandra White (Glasgow Kelvin) (SNP): On a point of order, Presiding Officer. Mr Findlay is not addressing the amendment that we are to vote on at this time.

The Presiding Officer: I think that Mr Findlay is addressing it and is putting forward his argument.

Sandra White: On a point of order, Presiding Officer. Mr Findlay is talking about FOI. This discussion is not about FOI but about “Regulated procurement: living wage condition” and Mr Findlay’s amendments 2 and 3. FOI will come later.

The Presiding Officer: I know the point and will be careful to ensure that members speak to the amendment that is in front of them. In the current situation, several arguments were put to Mr Findlay that he was taking a political stance and he is responding by suggesting that the other parties have taken such a stance. He is absolutely at liberty to make that argument in his winding up.

Neil Findlay: I was unaware that Sandra White was suddenly the Presiding Officer of the Parliament. God forbid that anyone in a Parliament should take a political stance on anything—that would be a novel idea.

The cabinet secretary has said that I believe that it is terrible if people do not support me—he personalised it—and that I will attack them. This has nothing to do with me; it is to do with the issue that is before us today, which is justice for workers in a difficult situation.

The cabinet secretary says that we cannot put something down, get it defeated and bring it back again. I wonder when he will apply that to his plan for independence. That is what he does, Presiding Officer.

I know who will judge today’s proceedings—the workers in care homes and key sectors of our society who, across the piece, have kept us going in this pandemic. They will watch today’s proceedings in Parliament with dismay. I will press amendment 2.

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

Members: No.

The Presiding Officer: There will be a division. I will suspend Parliament for five minutes in order to call members to the chamber.

15:00

Meeting suspended.

15:05

On resuming—

The Presiding Officer: We move to the division on amendment 2.

For

Baillie, Jackie (Dumbarton) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Findlay, Neil (Lothian) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Glasgow) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 McNeill, Pauline (Glasgow) (Lab)
 Rennie, Willie (North East Fife) (LD)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Rumbles, Mike (North East Scotland) (LD)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, David (Highlands and Islands) (Lab)
 Wightman, Andy (Lothian) (Green)

Against

Adam, George (Paisley) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bowman, Bill (North East Scotland) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Corry, Maurice (West Scotland) (Con)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Davidson, Ruth (Edinburgh Central) (Con)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Greene, Jamie (West Scotland) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Kerr, Liam (North East Scotland) (Con)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lindhurst, Gordon (Lothian) (Con)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)

McAlpine, Joan (South Scotland) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 Mountain, Edward (Highlands and Islands) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Tomkins, Adam (Glasgow) (Con)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wells, Annie (Glasgow) (Con)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Whittle, Brian (South Scotland) (Con)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Presiding Officer: The result of the division is: For 22, Against 55, Abstentions 0.

Amendment 2 disagreed to.

Amendment 3 moved—[Neil Findlay].

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

Members: No.

The Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Findlay, Neil (Lothian) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Glasgow) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 McNeill, Pauline (Glasgow) (Lab)
 Rennie, Willie (North East Fife) (LD)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Rumbles, Mike (North East Scotland) (LD)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, David (Highlands and Islands) (Lab)
 Wightman, Andy (Lothian) (Green)

Against

Adam, George (Paisley) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bowman, Bill (North East Scotland) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Corry, Maurice (West Scotland) (Con)

Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Davidson, Ruth (Edinburgh Central) (Con)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Greene, Jamie (West Scotland) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Kerr, Liam (North East Scotland) (Con)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lindhurst, Gordon (Lothian) (Con)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 Mountain, Edward (Highlands and Islands) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Tomkins, Adam (Glasgow) (Con)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wells, Annie (Glasgow) (Con)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Whittle, Brian (South Scotland) (Con)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Presiding Officer: The result of the division is: For 22, Against 55, Abstentions 0.

Amendment 3 disagreed to.

After section 12

The Presiding Officer: Group 3 is on information about domestic abuse. Amendment 4, in the name of Pauline McNeill, is the only amendment in the group.

Pauline McNeill (Glasgow) (Lab): I sincerely thank the Scottish ministers for supporting my amendment. There is a joint concern about the reporting of domestic abuse during the lockdown, which has become rather alarming recently. It is not just a Scottish phenomenon: unfortunately, the statistics apply across the world.

Amendment 4 removes the term “domestic violence” and replaces it with “domestic abuse” to

better reflect the modern term that has developed through the Government’s legislation. It places a duty on ministers in undertaking reviews under section 12(1)(a) and reporting each review under section 12(1)(b) to take into account available information from Police Scotland about

“the nature and the number of incidents of domestic abuse during each reporting period”.

The bill provides that those reviews should take place every two months, with the first review taking place on 31 July.

The focus of the review would be to determine whether the provisions of part 1 remain necessary. Amendment 4 requires ministers to factor in information relating to domestic abuse where it is relevant—for example, if there is a change to

“the nature and number of incidents of domestic abuse”

during the lockdown period, which may affect the assessment of, or the need to modify, the terms of a criminal justice undertaking.

Members will know that undertaking conditions are particularly useful in protecting complainers in such cases. The information to be taken into account is information that is received by Scottish ministers from Police Scotland or placed in the public domain by the police. It is important to note that there is no duty to provide specific information, but I believe that the available data will be more meaningful and will help inform our approach to domestic abuse rather than there being a requirement for data to be requested each time that ministers exercise their powers under the legislation.

Again, I thank the Government and I move amendment 4.

Sandra White: I support Pauline McNeill’s amendment. I acknowledge that the terminology is “domestic abuse”, although I have always thought that any form of abuse is a crime; however, I understand why the term is used in amendment 4.

I remind members—and others—that there are people suffering who are in lockdown with a violent partner. Abuse can be not just physical, but mental. I thank Pauline McNeill for amendment 4.

Jenny Gilruth: I thank Pauline McNeill for bringing her amendment back at stage 3, and Sandra White for her invaluable comments.

It is a Scottish Government priority that victims of domestic abuse and gender-based violence get the support that they need during these challenging times, and are kept safe from harm.

Earlier this month, we published guidance on domestic abuse to support the Health Protection (Coronavirus) (Restrictions) (Scotland) Regulations 2020, so as to ensure that anyone

who is experiencing domestic abuse, or any form of harm, is in no doubt that they may leave home to seek help or support from services, family or friends; to report it to the police; or to take measures to stay safe.

We entirely support the aim of Ms McNeill's amendment, and I ask members to support it.

The Presiding Officer: I call Pauline McNeill to make concluding remarks, if she wishes.

Pauline McNeill: I have nothing further to add.

Amendment 4 agreed to.

The Presiding Officer: Group 4 deals with reports by Scottish ministers on coronavirus-related instruments. Amendment 5, in the name of Adam Tomkins, is the only amendment in the group.

Adam Tomkins (Glasgow) (Con): Amendment 5, which is based on a recommendation by the Delegated Powers and Law Reform Committee, has been prepared with the help and support of the cabinet secretary and his officials, for which I thank them.

The purpose of the amendment is to improve, strengthen and extend the safeguards that the Parliament has very carefully put in place, which govern—and are needed to govern—the exercise by ministers and public authorities of emergency powers. Those powers have been legislated for only because they are necessary. They are subject to sunset provisions—in the bill, in the Coronavirus (Scotland) Act 2020 that we passed last month, and in the United Kingdom Coronavirus Act 2020, to which the Parliament gave legislative consent in March.

There are serious requirements on ministers to report regularly and frequently to the Parliament on the use of the powers that have been conferred upon them. However, in its recent work, the Delegated Powers and Law Reform Committee identified that not all secondary instruments that have been made in the name of the coronavirus, or relating to it, have been made under either the Coronavirus (Scotland) Act 2020 or the UK Coronavirus Act 2020—so, strictly speaking, the reporting requirements do not apply to that broad range of delegated legislation.

The DPLR Committee recommended that we should extend the reporting requirements on ministers, so that the Parliament is informed regularly of the exercise of powers not only through the statutory instruments that are made under the emergency legislation, but through those that are made, with regard to coronavirus, under more general legislation. I lodged an amendment for the COVID-19 Committee's consideration yesterday at stage 2. The cabinet

secretary agreed with the principle, and now agrees with the detail.

I am grateful to the cabinet secretary for his support, and I hope that I have done justice quickly to the matters that the amendment addresses.

Michael Russell: Presiding Officer, I have written to you, to business managers, and to the conveners of the COVID-19 Committee and the DPLR Committee, setting out the approach that the Government intends to take to fulfilling the reporting commitments that we entered into during the passage of the legislative consent motion and then the first bill. I am glad to have done so. We need to ensure full and proper parliamentary scrutiny of how we are using the powers, and to make sure that we do not use them for a moment longer than is needed. We have a commitment to transparency and scrutiny, and a mechanism for taking that forward.

At stage 2, Adam Tomkins lodged an amendment that would have gone a bit further by requiring a report on all Scottish statutory instruments that were made for a reason that related to coronavirus. As he said, he was echoing the views of the DPLR Committee. There were difficulties with Mr Tomkins's amendment. It referred to all Scottish statutory instruments, but there are categories of SSI that are not the responsibility of the Scottish ministers, such as acts of sederunt and acts of adjournal. Therefore, the requirement to report on all SSIs that were made for any reason relating to coronavirus, even if that was not the primary purpose of the instrument, would have required ministers to determine whether it was appropriate for instruments to remain in force and would have spread a very wide net.

15:15

It was widely agreed, therefore—and I am grateful to Mr Tomkins for his agreement—that we should focus on statutory instruments that have come forward as a result of the legislation that we made here and the legislative consent motion, and that we should include instruments that are made with the intention of dealing with the pandemic, as the DPLR Committee wanted us to do, rather than drag everything into the net, because there are instruments for which we are not responsible and which we do not make.

Amendment 5 fulfils those requirements. I am happy to support it and I recommend that the Parliament agrees to it. Then we can get on with the process of reporting, which will have to start very soon, because the legislation that we passed at the beginning of April requires us to make the first reports to the end of May and, subject to the

Parliamentary Bureau, it is my intention to start the process in the second sitting week of June, with a statement to the Parliament on 9 June, a report at that stage, and the COVID-19 Committee moving ahead in the way that we have suggested—but the final decision on that will be for the bureau.

Amendment 5 agreed to.

Schedule 1—Protection of the individual

The Presiding Officer: Group 5 is on housing and tenancies. Amendment 6, in the name of Graham Simpson, is grouped with amendments 7 to 14 and 91.

Graham Simpson (Central Scotland) (Con): Much of this group is very similar to what was presented to the committee yesterday—that seems to be a bit of a running theme today.

I have lodged amendments that deal with student housing, which I talked about yesterday, and I worked with Kevin Stewart, the Minister for Local Government, Housing and Planning, to tidy up the amendments that we considered yesterday, following Mr Russell's advice.

Amendments 6 to 8 would merely tidy up the bill to make clearer which students can give seven days' notice. The bill as drafted provides that someone who signs a lease for the next academic year during the pandemic, knowing the risk, can give seven days' notice to get out of the lease. Amendments 6 to 8 would remove that provision and are backed by Universities Scotland and the Scottish Property Federation.

Amendment 91 relates to the council tax relief that is available to student housing providers. Again, I am grateful to Mr Stewart for working with me on the amendment. Dwellings that are occupied by students—and some other people—are normally exempt from council tax under paragraphs 10 and 12 of schedule 1 to the Council Tax (Exempt Dwellings) (Scotland) Order 1997, which are referred to in amendment 91. When such a dwelling becomes empty, it usually qualifies for empty property relief for six months if it is unfurnished and unoccupied; if it is furnished and unoccupied it usually qualifies for relief for up to four months, under paragraph 11 of that schedule.

Amendment 91 would add a further relief: if a dwelling that has been exempt under paragraph 10 or 12 becomes unoccupied for a reason related to coronavirus on or after 17 March this year, it will be exempt from council tax, whether or not it is furnished.

Andy Wightman (Lothian) (Green): I seek clarity. In relation to paragraphs 10 and 12, do the purposes of amendment 91 include the purpose of exempting the providers of big blocks of private

student accommodation from having to pay council tax after four months? Is that the intention?

Graham Simpson: The intention is for amendment 91 to relate to dedicated blocks of student housing; the member is absolutely right.

With the exception of amendment 9, in the name of Mike Russell, the other amendments in the group look familiar, because yesterday the committee debated and rejected amendments that were almost exactly the same.

Amendment 9 appears to be eminently sensible. It injects a pre-eviction phase into proceedings, in which landlords should talk to tenants. In reality, that should happen anyway. We will support what could be called the "It's good to talk" amendment.

The content of amendment 10, in the name of Pauline McNeill, was debated and rejected yesterday. Creating a rent support fund for tenants sounds good, but it is not required as enough support is already available.

Andy Wightman has slightly tweaked the amendments that we debated yesterday. His rent freeze proposal now exempts the social housing sector—no doubt much to its relief. Therefore, he is directing his fire solely at the private rented sector that he so admires.

Andy Wightman's amendment 11 contains the interesting proposed new subsection (2)(b)(1A), which appears to bar any new rent taking effect—presumably, it will bar even a rent reduction, which, as I pointed out yesterday, has happened in a number of cases in which landlords and tenants have talked with one another.

Andy Wightman: I gently point out that Graham Simpson is not correct in that regard. The provision in that proposed new subsection that

"The landlord may not serve on the tenant a notice proposing a new rent"

would be an addition to section 24 of the Housing (Scotland) Act 1998, which is a provision about securing an increase in rent.

Graham Simpson: I stand corrected on that, and I apologise to Andy Wightman. However, that does not change the fact that he wants a rent freeze. Furthermore, the proposed freeze on increasing rent for two years could lead to landlords leaving the sector, leading to fewer rental properties. That would not be good.

Andy Wightman's other amendments are about grounds for eviction. We dealt with that in the Coronavirus (Scotland) Bill, so the provisions are not needed. Extending the period in which landlords cannot take eviction procedures led to the landlord loan fund, which is designed to prevent rent hikes in the medium term. Amendment 14 mentions the fund. All loans,

including that one to landlords, must be repaid. Rent has to be repaid. We cannot send out a signal that it is okay for people not to pay their rent, and that, in essence, is what Andy Wightman's amendments would achieve.

We reject all the amendments in this group, apart from my amendments and Michael Russell's amendment 9.

I move amendment 6.

The Minister for Local Government, Housing and Planning (Kevin Stewart): Graham Simpson has explained his amendments 6 to 8 and 91, so I will keep my comments brief. The amendments deal with issues that he raised during stage 2. If they are passed, properties normally occupied by students that are exempt from paying council tax, which are or have been unoccupied since 17 March for a reason related to the coronavirus, will continue to be exempt from council tax while unoccupied. The measure would be in place for the duration of the legislation.

As the Government indicated during stage 2, we support the principles behind what Graham Simpson is seeking to achieve, we have worked with him on the amendments and we are content to support them all.

I turn to amendment 9. During yesterday's meeting, I said that I would introduce such an amendment, to recognise the need to ensure that we protect tenants who find themselves in rent arrears during the pandemic. The amendment gives ministers a new regulation-making power to create private landlord pre-action protocols. The regulations will be used to specify actions to be taken by landlords to support their tenant when seeking to end their tenancy on the basis of rent arrears.

The amendment also means that the housing and property chamber of the First-tier Tribunal for Scotland must take account of the

"extent to which the landlord has complied with pre-action requirements"

before making an application to the tribunal when determining whether to grant an eviction order.

Andy Wightman: Will the minister clarify whether the provisions in amendment 9 will last only as long as the emergency legislation lasts?

Kevin Stewart: We will look at that carefully as we move forward. We already have pre-action protocols in the social housing sector, and I think that we could have those permanently in the private sector.

To ensure that the regulations will be effective and workable, we will work with stakeholders—including Mr Wightman, and representatives of landlords and tenants—to develop them. They will

also be subject to Scottish Parliament scrutiny and approval through the affirmative procedure.

I turn to the amendments in the group that were lodged by other members. We all know that the wider impacts of Covid-19 are increasing pressures on households and leading to great financial hardship, including some folk having difficulties in paying their rent. Many more people will now be on benefits for the first time and will be subject to the UK Government's benefit cap. Others will have seen their household incomes decrease substantially, which might lead to their having difficulty in paying rent.

We have therefore been looking at ways in which to support people during the crisis. I am pleased to announce that we are increasing the amount that we are making available for the other discretionary housing payments—DHPs—that are available outside our full mitigation of the bedroom tax. We will increase that amount by a further £5 million, to more than £16 million, which will support tenants who are now under severe financial pressures in situations in which the UK Government's welfare state is not providing the safety net that it should.

I am on the side of tenants. The Scottish Government had already increased DHPs to a record level and brought forward protections from eviction. It was also we who introduced a £350 million wellbeing fund to support people during these difficult times, which is £200 million more than the consequentials that we received from the UK Government. That support more than doubles the Scottish welfare fund that can be accessed by those on low incomes. The Scottish Government is working with landlords to ensure that they take steps to support tenants who face financial difficulties and is providing funding to the advice sector to help people who are currently in difficulty. The Scottish Government has consistently and constantly called for this Parliament to be granted powers over the welfare state, which remains inadequate to support people. The powers on income repayment benefits are still not in our hands, though—I wish that they were. If people want us to be able to take further action, they should back our having the full powers to do so.

I should say that lodging amendments without consultation or thought for their impact or how they might work in practice is not the way to support tenants across Scotland—or, indeed, social landlords, who have been very vocal in their criticism of them by saying how unhelpful they are. As the Scottish Federation of Housing Associations has pointed out, if we had passed some of the amendments that were debated yesterday, they would have had not only a grave effect on social landlords but a major impact on

tenants and communities. That is why it is unwise to lodge such amendments without consultation.

Alex Rowley: Given that we know that we will face a serious economic crisis as we move forward, is the minister willing to look at these amendments and at how we might protect people in the future? Otherwise, we could end up with lots of people being evicted because they are out of work.

Kevin Stewart: I am always more than willing to help folk who need the most help. The most vulnerable people in our society should be supported. It would be easier for us to do so if we had full control of the benefits system. I have already announced additional money for DHPs. We will continue to talk to the sector about what is going on out there and what support is actually required.

As Mr Rowley can probably well imagine, I have spent a huge amount of time in recent weeks talking to the sector about how we can approach difficulties in the future.

15:30

Earlier, during First Minister's question time, Patrick Harvie pointed out that we have made major inroads in terms of tackling homelessness during the pandemic period, and I certainly do not want to go back to a situation in which folks are back on the streets and there is increased homelessness. To avoid that, we all need to work together to provide solutions that work for people and for the sector, particularly the registered social landlords and the local authorities, who were also not particularly in favour of the amendments that we are discussing.

Beyond that, the chamber should recognise that, as well as bringing in the no-eviction proceedings for six months, the Parliament has the ability to extend that for a further six months and then a further six months after that. In order to protect people, that is something that we might have to move to do.

Patrick Harvie: I would not want the minister to be left with a misunderstanding of the point that I was making during First Minister's question time. Some temporary steps have been made in relation to the private rented sector and there has also been improvement in terms of the immediate temporary accommodation for people who have been homeless, as well as the ending of unsuitable accommodation. However, there are profound long-term challenges around trying to ensure that a far-worse problem does not arise as a result of the pandemic. The director of Shelter Scotland said:

"It's hard to see now what is going to prevent a tidal wave of evictions sweeping people into homelessness services".

I note that that comment was made after the Government blocked some of the amendments that we moved yesterday.

Kevin Stewart: I can assure Mr Harvie that the Government is in constant communication with people across the sector. We are looking now at how we can move forward after the emergency period. We want to ensure that we safeguard people in their homes and make them as secure as possible. We will continue to have those discussions and continue to take action, if required, to ensure that people are safe and secure. However, what I cannot do—what this Government cannot do—is pass amendments that have huge unintended consequences, as has been pointed out, particularly by the registered social landlord sector. That does no one any good whatsoever, and that is why, in all of this, there needs to be discussion around what can be achieved to protect people.

Mr Wightman's amendments are much the same as those that he lodged at stage 2, and my arguments remain much the same. I will address them in turn but, first, I will deal with Pauline McNeill's amendment 10. I reiterate that we want to do our level best for tenants and ensure that people who are facing financial difficulties leading to rent arrears are supported to access all the help and advice that is available, and we have made clear that no landlord should evict a tenant because they have suffered financial hardship due to coronavirus. We expect landlords to be flexible with tenants facing financial hardship and to signpost them to the sources of financial support that are available, and we believe that that approach provides the right support, balancing the needs of tenants and the ability of landlords to support them. I cannot support amendment 10, but I am more than willing to continue to discuss these matters with Pauline McNeill, who I know has a real interest in them, and ensure that we do our level best to make sure that the system is working in the right way for the most vulnerable people.

Amendment 11 would prevent landlords in the private rented sector from being able to increase rent for a two-year period from the day that the bill comes into force. As I made clear yesterday, the amendment takes into account neither landlords' nor tenants' individual circumstances, including their financial circumstances. Neither does it consider the different impacts that the coronavirus outbreak is having on various sections of the population or the country as a whole.

Legislation is already in place that provides stability to tenants in the private rented sector. Under that legislation, rents can be increased only

once a year, and three months' notice has to be given. If a tenant is waiting for financial support such as universal credit, action cannot be taken. In addition, tenants have the right to challenge any unfair rent increases. My concern remains that a two-year rent freeze might have significant unintended consequences for housing supply and might impact on the viability of the PRS. Landlords might sell up and sell the homes from under folk, which is the last thing that we need during the current period.

On amendment 12, there would be significant practical challenges to administering the provisions in determining who was eligible. It is likely that significant financial costs, which are unquantifiable in the time available, would be involved in assessing whether tenants met the requirements for their rent-arrears liability to be removed.

Amendment 13 remains unchanged from stage 2, as do the concerns about it that I outlined yesterday. It would not be right for us to tell an independent judicial body to disregard particular evidence as to why rent arrears occurred in particular cases. The First-tier Tribunal has discretion, under emergency procedures, to consider whether an eviction is reasonable and the tribunal must be able to take into account the full circumstances of a case.

On amendment 14, we have been clear that no landlord should evict a tenant who has suffered financial hardship due to Covid-19, and we have acted to prevent tenants from eviction action during the emergency period. Additionally, we have given the First-tier Tribunal discretion when considering whether it is reasonable to grant an eviction order. The tribunal can take the full circumstances of the case into account, including whether the landlord has been the recipient of a loan from the Government.

We are clear that landlords will not profit from those loans, which must be paid back. The purpose of the loans is to facilitate landlords working with tenants to manage arrears, but the amendment risks putting off landlords from applying for a loan and instead seeking eviction at the earliest opportunity. Under the provisions of amendment 14, to take a loan, landlords would need to be willing to accept a lack of transparency in the current period, which would impact on their ability to operate the rental property. That outcome would not be beneficial for tenants. I also have serious concerns that the amendment is not compatible with the European convention on human rights.

As the First Minister pointed out at First Minister's question time today, we need to look carefully at all the issues as we move forward, and we need to do the right things at the right times.

That means that we should not accept amendments that may well be detrimental to what we are trying to achieve. I am more than happy to continue discussions with parties across the chamber. At this point, I would normally say that my door is always open, but instead I should say that my phone number is there to be rung. Some folk do that on a regular basis; others do not take that opportunity, but the offer is there. Let us do what we can to help those who are most vulnerable.

Pauline McNeill: I will speak to amendment 10 in my name, which is on a tenant support fund. I should say that I have Kevin Stewart's number, but only because I moaned to his officials because Graham Simpson has it. He has had it for much longer than I have. I might use it, one of these days.

I think that the minister will agree that I have never said that the Government has not taken reasonable measures. What the Government is not seeing ahead is the magnitude of social and economic devastation if we get this wrong. We might disagree on that—I think that we do. The measures that the Government has taken are reasonable, but it is up to the Opposition to say, "You should up your game." I am doing my job and I am being quite honest: the Government is not being radical enough.

I have a proposed member's bill—known as the Mary Barbour bill—that I hope will see the light of day. The Government has not said no on the issue, but it has not been radical about it, either. In the context of the debate, I ask the Government to think a wee bit about how much more radical it needs to be.

Students who have graduated wrote to me yesterday to ask whether they qualify for universal credit. The minister made a point on this. Many students will not qualify for universal credit; undergraduates do not qualify for universal credit and cannot pay their rent.

A month ago, research by Opinium for *The Guardian* showed that six out of 10 renters said that they had suffered financially as a result of the UK-wide lockdown. One in five has been forced to choose between food bills and paying rent. I have not seen Scottish figures, but if the Government has them, it would be useful to share them with members. I urge the Government to have a close look at them, in looking ahead. Six in 10 renters have suffered financially because of the lockdown across the UK; I do not think that the figure will be much different in Scotland.

I am sure that the minister will agree that loss of tenancies is not just about individuals who, through no fault of their own, have had to stay at home because they cannot go to work, or who

have lost their job. Another member—I cannot remember who—said that some companies are using the furlough scheme and running redundancy programmes at exactly the same time. The extent of abuse is extremely alarming.

We have not even begun to see how bad the situation could be. I have said before that the magnitude of the bank crash—although we have been seeing the ripples for over a decade and are still experiencing them—is, in comparison, a cakewalk. I hope that I am wrong about that, but that is where I am coming from.

Kevin Stewart: I assure Ms McNeill and Parliament here and now that we will, as we begin to gather evidence and data on what is going on out there in real folks' lives, be more than willing to share the data with Parliament. Obviously, the data on what is happening to people will guide our views on the path that we will need to follow in the future, and should inform all of us about the steps that we will need to take.

Pauline McNeill: I welcome that assurance; the matter is urgent. That picture will help us to see whether the Government has got it right or wrong. Many low-paid workers are struggling and that is not their fault, and many of them are in the rented housing sector. Not everyone will have the means to pay their full rent or be able to apply for universal credit.

On the discretionary housing payment, I welcome the £5 million fund, which is important, but we need a wider discussion on who the Government thinks the fund will help. I do not believe that it will cover everybody. Many people who are self-employed or who pay themselves a small dividend will not qualify for a discretionary housing payment, so there will be gaps. The Government's provisions need to be radical enough to make a difference. That has to be the tone.

My amendment 10 is an amalgamation of stage 2 amendment 22, in my name, and amendment 16, in the name of Andy Wightman, on a tenant hardship fund. I am sure that members will agree that they amount to the same thing. We must have some basic principles for the future. We might agree about preventing eviction, but we must have the right measures to do so. We must prevent mass housing debt building up, because that will impact on individuals and the economy. Helping people who fall through the gaps will require more action.

My amendment 10 says that it will be for ministers to decide on the rules for such a fund. However, it is important to send a message about making sure that we do not miss anybody, and to say that people who rent their properties are

important to the Government. That is why the Government should change its view.

We have yet to hear Andy Wightman speak to his amendments. Yesterday, Labour supported his amendment on a rent freeze; it would be helpful if he could address some of the issues around funding, in that regard.

15:45

Incidentally, I note that today the rate of inflation is 0.8 per cent. There are predictions that it could fall to zero, and that we could get into negative inflation. We have to bear such things in mind before we get too concerned about unintended consequences.

Amendment 13 raises the question whether we should tell tribunals how to conduct their business in relation to evictions. Given that we are in an emergency situation, I do not see why public policy should not be that tribunals get some direction—even for a short period—on preventing evictions.

Amendment 12 provides for disregarding all rent arrears amassed during the emergency period, if it can be clearly shown that the person's situation had become critical in that period.

In conclusion, I urge the Government to rethink its decision not to support a tenant hardship fund, for which amendment 10—which is an amalgamation of amendments that Andy Wightman and I lodged at stage 2—would provide, and to be more radical in its thinking.

I also ask the Government to come to the table more quickly, if it can, with analysis of who would potentially face eviction and who would potentially be unable to pay their rent. We might be talking about a short period of time rather than a long period; none of us really knows what is ahead. I urge the Government to up its game and to reconsider its position on amendment 10.

Andy Wightman: As members will be aware, the Coronavirus (Scotland) Act 2020 provides some welcome protection for tenants by ensuring that notice periods will be extended beyond statutory limits. It ensures that all tenants who are evicted during the emergency period will have a longer period before they are required to actually leave their home. I lodged amendments to the bill that became that act that sought to ban any such proceedings from being brought at all during the emergency period. However, those amendments were defeated.

In this bill, I seek to provide further protection for tenants, including beyond the end of the emergency period, when it is anticipated that tenants will remain vulnerable to eviction as a result of the financial hardship that they

experience during the emergency period. Yesterday, all my amendments were defeated by Conservative and Scottish National Party members of the COVID-19 Committee, but not one of them went on the record to explain why.

As my colleague Patrick Harvie pointed out earlier today, last night, in response to the defeat of those amendments, the director of Shelter Scotland said:

“It is hard to see now what is going to prevent a tidal wave of evictions sweeping people into homelessness services which were barely coping before the pandemic.”

Today, Amnesty International provided a briefing to members, which states:

“While the government’s move to stop evictions and expand protection to tenants by extending the term of the notice period for eviction to six months in most cases is welcome, the fact that this is a temporary measure and the lack of clarity on payment of rent arrears accrued over the period of pandemic is cause for concern. Without adequate material and other support, families who have lost jobs and income during the pandemic will struggle to cover rent arrears in the immediate post pandemic period and more so in the context of the looming economic crisis. Unless urgently addressed, this will likely result in large-scale evictions and a huge spike in homelessness.”

In the absence of any signals that ministers wish to do anything of substance, I have listened to the concerns that have been raised and have lodged amended amendments that I hope will attract support from members.

At this point, I want to address some comments that the Cabinet Secretary for the Constitution, Europe and External Affairs, Michael Russell, made earlier. He said that there was an appropriate way to bring forward issues and work with the Government on them.

Kevin Stewart said in his remarks that we should all work together and that he would be happy to continue discussions. I want to lay on the record that last week, on the day after the bill was published, I contacted Mr Stewart’s private secretary and told her that I was willing to share my policy intentions with the Government. She welcomed that approach, and I therefore sent my policy intentions to the minister. That was more than a week ago, and I have heard nothing since then.

You cannot continue discussions that never started. If the Government wants to have a dialogue with Opposition parties, it needs to speak to us. I made the effort and said, “This is what I want to do.” The Government ignored that approach, and it has continued to do so right up until today. The only conclusion that I can take from that is that it does not want to do anything. That counters Mr Russell’s allegation concerning the view that if you do not support an amendment, it means that you oppose the policy.

I have had no correspondence or discussions about how to improve my amendments. A key change from stage 2 is that none of my amendments now applies to social tenancies. They are all restricted to private sector tenants under the Housing (Scotland) Act 1988 and the Private Housing (Tenancies) (Scotland) Act 2016.

Shona Robison (Dundee City East) (SNP): Does the fact that the member has changed his amendments and removed social landlords not rather suggest that they were flawed in the first place, which is exactly what housing associations have been telling him?

Andy Wightman: No, it does not. It reflects the fact that there was opposition in that regard yesterday. I do not accept the arguments that have been put by a small number of landlords in the social rented sector. I would be quite happy to work with them, as I would with anybody else, to see how the proposal could be refined. However, in order to have a chance of getting it through Parliament today, I have chosen to focus our concerns on those tenants who are in the weakest position.

Amendment 11 provides for a rent freeze for two years. Unlike under my stage 2 amendments, it would apply only to private tenants and the date from which the two years would begin would be backdated to 1 April—it would not be, as the minister said in his remarks, the date of the act coming into force—to ensure that landlords who have agreed reduced rents in response to the crisis would not be adversely affected by the measure. I made that change in response to legitimate concerns that, where landlords have reduced rents by, say, 30 per cent, that should not be the baseline of the rent freeze.

Amendment 12 recognises that many tenants will simply be unable to pay their full rent because of their personal financial circumstances. Again, I have changed the proposal. The amendment applies only to private tenants and the wording has been tightened further to ensure that it applies only in relation to tenants who are, as proposed new paragraph 3A(1)(b) of schedule 1 states,

“facing unusual or extreme hardship”.

Ministers would have the power to specify further details in regulations.

It is vital to have a provision, albeit that it would be applied only in extreme circumstances, to write off some rents. We do that, in effect, in the free statutory debt solutions that we have—bankruptcy, protected trust deeds and the debt arrangement scheme.

Mr Stewart said that the wording of amendment 13 has not been changed, but it has been. The proposal that I have brought back today is

restricted to private tenants. It is an important amendment. The minister said yesterday that no one should be affected because of the coronavirus, and he said that again today. The reality is that, once amendment 9 dies, as it will, there will be nothing to stop landlords pursuing tenants for eviction due to arrears that were accrued during the emergency period that are beyond those tenants' control.

All that I am trying to do with amendment 13 is to ensure that, once the emergency period is over, no landlord may seek to evict a tenant for rent arrears that were accrued during the emergency period. It is vital to point out, because this has been widely misrepresented, that we would not be writing off any rents whatsoever. They would continue to be owed to the landlord. All that I am seeking to ensure is that no one can lose their home because of those rent arrears.

I encourage members to reflect heavily on the evidence that Amnesty International has given us today. It points out, rightly, that this is a human rights issue. There was a very good chance—I am already in discussion with a Queen's counsel about this—of a challenge to the Housing (Scotland) Act 1988 on human rights grounds before the crisis. If, after the crisis, we see people—families, single mums, older people or whoever—being evicted due to rent arrears that accrued during the crisis, I believe that that will be a violation of their human rights.

Amendment 14 has the same basic effect as amendment 13, but it is much narrower in scope. It is restricted to tenants of landlords who are in receipt of a loan under the landlord loan fund.

I welcome Pauline McNeill's amendment 10, which we worked on together. Notwithstanding the welcome increase in the housing fund, which Mr Stewart mentioned, there is still a case for amendment 10 and we will support it.

The proposal in amendment 9 was described to me by the minister yesterday, at stage 2, as being some kind of response that will ensure that tenants get a bit more of a fair hearing, as it were, in a tribunal. However, the provisions in amendment 9 will last only as long as the emergency period, so the amendment will do nothing to help tenants after the emergency period is over. It is rather a betrayal of the Government's claim that no one should be evicted during the emergency period if it lodges an amendment—amendment 9—that specifically envisages the First-tier Tribunal having pre-action protocols during the emergency period. If it were true that no one should be evicted, there should be no cases coming to the tribunal during the emergency period.

We will be voting against amendment 91, which is in the name of Graham Simpson. Last night I was researching the private providers of large blocks of private student accommodation, and I did not find a single one registered in the United Kingdom. I found Malta, the Isle of Man, Liechtenstein and the British Virgin Islands. I do not see why any of those companies, which have made 12 to 15 per cent returns on capital in tax havens, should be relieved of the obligation to pay a modest sum of money to the local authority to maintain the very fabric and infrastructure on which that organisation relies for its return on capital. That is a disgrace, and we will be voting against amendment 91.

Over the past 24 hours, there has been a veritable outpouring of frustration from tenants that modest amendments—and this would be laughed out of court in any other European country—

Kevin Stewart: Mr Wightman proclaims that the amendments that he is referring to are modest amendments, yet since they were lodged, housing associations and others have said how detrimental they would be for communities, tenants and landlords.

The Presiding Officer: Please face the front, Mr Stewart.

Kevin Stewart: The proposals were described by the Glasgow and West of Scotland Forum of Housing Associations as “calamitous”. The forum talked of Mr Wightman extinguishing rent arrears across the board. That is the kind of scenario that Mr Wightman has not taken into account when formulating his amendments. If he had actually talked to us, we might have found a way forward in order to protect tenants and to move on, but that has not happened. Sending me an email with demands is not discussion, and Mr Wightman should take note of what others do with regard to their discussions. They manage to get their amendments—

The Presiding Officer: Address your remarks to the front of the chamber, Mr Stewart.

Kevin Stewart: Mr Wightman's own group is a prime example. During consideration of the Planning (Scotland) Bill, he failed dismally to get any amendments through, unlike just about everybody else in his group. It is time that he discussed things properly, rather than getting on his high horse and dictating to people—not just to the Government but to housing associations and others.

Andy Wightman: That was a diatribe and I reject that characterisation. I will publish the email that I sent to Mr Stewart. It was not a demand; it specifically said, “These are the things I would like to achieve, and I would like to discuss them with you.” The reason I wanted to discuss them with

him was that, if he agreed to some of them, we could perhaps have made some progress, whereas if he did not agree with any of them, it would have been worth knowing then, so that I did not have to waste my time drafting amendments that the Government would not support.

I will publish that email. It was not a demand. As for the point about the Glasgow and West of Scotland forum and all the rest of it, that organisation does not represent the interests of tenants; it represents the interests of landlords.

Members: Oh!

Andy Wightman: Yes, it does. It is a forum of housing associations, and housing associations are landlords. A small number of them are community-based housing associations or co-operatives, but the large majority of them are landlords. The tenants would benefit from a rent freeze. Moreover, the amendments that I have lodged for today do not apply to that sector, so the critique is irrelevant.

I will conclude where I left off. There has been a veritable outpouring of frustration from tenants that modest amendments—as I was saying, they are so minor that this would be laughed out of court in any European country—that are designed to provide the kind of protections that are taken for granted in most European countries look not to be getting support today. That is a matter of regret.

We will have to revisit the whole question of the private rented sector. Mr Stewart said that one of the disadvantages of placing any conditions on the landlord loan fund is that the landlord might sell the property. The only reason why that is a problem for tenants is that the Parliament decided that, if someone is selling a property, that allows them to evict the tenant. That is not the case across Europe. If a landlord sells a croft, the crofter is not evicted. If a landlord sells a tenant farm, the tenant farmer is not evicted. Why on earth should a person, a young family, a single mum, an older couple or people whom I have worked with be evicted just because the landlord wants to sell?

16:00

I have dealt with dozens of families that were being evicted from short-term lets because people wanted to sell them. That is not compliant with human rights, and that is not an argument for not doing something more to strengthen tenants' rights.

The UK has the second-highest eviction rate across the European Union. England, Wales and Northern Ireland will contribute much to that—I do not know what the balance is—but that is not a good place to be.

I encourage members to support my amendments. They are modest, and they provide vital protections to people who have no capacity to respond to the crisis financially but who face the real threat of losing their home.

Bob Doris (Glasgow Maryhill and Springburn) (SNP): I start by speaking to Pauline McNeill's amendment 10. I thank her for lodging an amendment on the issue again. This is the first opportunity that I have had to comment on the issue in the chamber and to respond to those who have contacted me on the various amendments.

Last night was my first opportunity to look carefully at the Scottish Government's position, which seems to be that housing costs could already be met through the discretionary housing payment system and that creating a new system would be seen as duplication. That is a reasonable argument, and I accept it.

I welcome the fact that discretionary housing payments had been set to increase this year to £71.2 million, which would have been an increase of £10 million. Some £12 million of that was specifically for unmet housing costs for struggling tenants. There is also, of course, the additional £5 million that has been mentioned this afternoon, which I also welcome.

However, it is fair to say that a struggling renter who is not entitled to benefits is unlikely to receive a discretionary housing payment. Perhaps the person is a furloughed worker or one of the people whom Pauline McNeill mentioned. They might be struggling not just with the rent but with a variety of costs in the household budget. Of course we have to look again at how we can help those individuals.

I am looking to find out from the Government whether we will continue to explore how the needs of those struggling renters can be met as we go forward. I do not think that the mechanism that Pauline McNeill has proposed will achieve that because of the duplication aspect, but we have to look at the issue again. If time permits, I will make some suggestions.

Kevin Stewart: I can give Mr Doris the same assurance that I gave Ms McNeill. We will continue to look at all that is happening out there. We have to look at the data and what is happening to people out there in order to get this right. Earlier, the First Minister made it very clear that, as a Government, we will continue to do all that we can to support folks in greatest need as we move forward.

Bob Doris: I welcome those reassurances from the minister.

There could be a pan-UK solution. Housing benefit is, of course, a reserved matter, but the Parliament has quite rightly set a precedent with

discretionary housing payments and having top-up benefits to get folk who are struggling with housing costs out of poverty. Will there be criteria that relate to the £5 million that has been added to discretionary housing payments, extending such payments beyond people on benefits, for example?

There is also the Scottish welfare fund. Some £22 million has already been allocated to local authorities. The Cabinet Secretary for Social Security and Older People wrote to me on Monday, telling me that £23 million remains unallocated. I have to admit that I have no idea whether that should go to struggling tenants in the private rented sector, because we cannot spend the same pound twice. However, we have to look at the best way to direct that £23 million. Perhaps the solution could be to help renters who are struggling.

I put those ideas out there, and members will have other ideas, but we must come together as a Parliament to find solutions rather than have a petulant argument in the chamber. We have to think constructively and positively about how we can take the issue forward.

I do not want to say much about amendments 11 to 14; I have not had time to look at them in detail, given that they were published at 12 o'clock today. I looked in detail at the equivalent amendments that were lodged at stage 2, about which I had significant concerns.

Given that we are looking at the private rented sector, I re-read Pauline McNeill's proposed fair rents (Scotland) bill, and its provisions looked pretty positive and robust to me. I think that her bill would make a real contribution.

Unfortunately, I cannot support amendments 11 to 14, but once the dust settles on the bill, we have to come together as a Parliament to drive forward a real solution.

Mike Rumbles (North East Scotland) (LD): I will focus my comments on Andy Wightman's amendments 11 to 14. I think that he speaks with sincere passion about housing and always makes a valuable contribution to our deliberations and debates. His presence is an asset to the Parliament. However, that does not mean that I agree with him.

I agree with two of the amendments, but I do not agree with the other two, being a good Liberal—I can see Jackie Baillie laughing at that—and I will explain why.

I will vote in favour of amendments 13 and 14 to prevent evictions as a result of rent arrears that are caused by the crisis that is before us. As Andy Wightman said, some people will be really suffering and need to be protected in law.

I heard what the minister said, but I am not happy that the Government is merely advising people—the advice that is being given is quite right, but advice is not mandatory. The Government's advice is that landlords should not be evicting people. The job of the Parliament is to make the law. I agree that the job of the Government is slightly different, but the Parliament is here to make the law and we need to protect people. When we passed the Coronavirus (Scotland) Bill, I raised the point that there is a great difference between advice and the law.

Let me give an example. The First Minister is constantly telling people not to travel to work that is non-essential, but the legislation allows people to travel to work. If the Government wants to stop journeys to work that is non-essential, it should have put that into the legislation that we all supported unanimously—but it did not. It now advises people not to travel to work that is non-essential. However, people are still travelling to work that is non-essential, and they are not breaking the law.

I have the same worry that people will be evicted against the advice of the Scottish Government. The Parliament has an opportunity to make sure that it gets the law right. We should have done that when we passed the first coronavirus bill, and we failed to do so. We should not make the same mistake with the second coronavirus bill—that is the fight.

I disagree with Andy Wightman on amendments 11 and 12. So far in our debate about housing, tenants and landlords, no one has mentioned the consequences for those whom a lot of people call "unintentional landlords".

I represent the north-east of Scotland and I am aware of the housing crisis in the area, which hit well before coronavirus. There are problems in the North Sea oil and gas industry and I know people who have had to move away from the north-east because of work and who cannot sell their property—they are stuck, and they rent their property out. They do not want to be landlords, but they are landlords. If Mr Wightman's amendments are agreed to, their income would dry up.

Andy Wightman: I thank Mr Rumbles for giving way.

The income of those landlords would not necessarily dry up—that implies that rent is their sole source of income.

It is important to remember that a landlord who rents out a home presumably has a home of their own. The home that they rent out will be worth a substantial sum of money, and they will be quite wealthy. However, for the tenant who is in the landlord's property, that is their only home. Presumably, they are not wealthy, given that, by

and large, the poorest members of society are renters. There is not really a direct comparison.

Mike Rumbles: Andy Wightman makes a very good contribution to the debate, but, unfortunately, he is wrong when he says that those landlords are wealthy people, because they are not. I know people who have had to move out of their home in the north-east to Glasgow or Edinburgh, or somewhere else, where they rent.

It does not matter whether those people are small in number. We are creating the law of the land, and it affects people. I would have thought that Andy Wightman would have the good grace to realise that he has forgotten those people. It is very important that, when we make legislation, we do not forget people. We make legislation for everyone, across the board. I cannot support his amendments 11 and 12 for those reasons. We forget people at our peril.

I support Andy Wightman's amendments 13 and 14 because, on the important issue of people who are affected by coronavirus being evicted, we cannot rely on good will and Scottish Government advice. We got it wrong in the first coronavirus bill, and we must not get it wrong in the second.

The Presiding Officer: I call Graham Simpson to wind up on the group and to press or withdraw amendment 6.

Graham Simpson: I will press amendment 6.

This has been a lengthy debate. It has been passionate at times, and people have had their say. I genuinely like Mr Wightman and I do not like to see him get agitated, but he did get rather agitated. However, he speaks passionately.

I do not want to go over all the old ground, but I will mention what were, for me, two of the best contributions that we have heard so far. One came from a possibly unexpected source—Bob Doris. Mr Doris is a very partisan man who always toes the party line, but on this occasion he analysed the issue very well when he talked about the tenant rent support fund and made some really helpful suggestions. He is to be applauded for that.

The second contribution that I want to mention came from Mike Rumbles, whom we have just heard. He spoke about unintentional landlords in the private rented sector. There are a good number of people who have found themselves having to rent out their home for various reasons. He mentioned people who have had to move away and rent out their property, but there are others who rely on income from their former homes—for example, to pay for care home fees—and who are not necessarily wealthy people.

I agree with the Minister for Local Government, Housing and Planning when he says that Andy Wightman's amendments could have unintended consequences. We could end up with people leaving the sector. I do not think that Andy

Wightman wants that, but it could result from his proposed measures.

None of us knows how this is going to pan out. Some people are now moving from what we might call the Airbnb sector into the private rented sector, which could have a downward effect on rents in parts of Scotland. We need to be very careful of unintended consequences.

I will leave it there, Presiding Officer.

Amendment 6 agreed to.

Amendments 7 and 8 moved—[Graham Simpson]—and agreed to.

Amendment 9 moved—[Michael Russell]—and agreed to.

Amendment 10 moved—[Pauline McNeill].

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

Members: No.

The Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Findlay, Neil (Lothian) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Glasgow) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 McNeill, Pauline (Glasgow) (Lab)
 Rennie, Willie (North East Fife) (LD)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Rumbles, Mike (North East Scotland) (LD)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, David (Highlands and Islands) (Lab)
 Wightman, Andy (Lothian) (Green)

Against

Adam, George (Paisley) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bowman, Bill (North East Scotland) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Campbell, Aileen (Clydesdale) (SNP)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Davidson, Ruth (Edinburgh Central) (Con)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)

FitzPatrick, Joe (Dundee City West) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Greene, Jamie (West Scotland) (Con)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lindhurst, Gordon (Lothian) (Con)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 Mountain, Edward (Highlands and Islands) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Tomkins, Adam (Glasgow) (Con)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wells, Annie (Glasgow) (Con)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Whittle, Brian (South Scotland) (Con)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Presiding Officer: The result of the division is: For 22, Against 55, Abstentions 0.

Amendment 10 disagreed to.

Amendment 11 moved—[Andy Wightman].

16:15

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

Members: No.

The Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Glasgow) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)

Macdonald, Lewis (North East Scotland) (Lab)
 McNeill, Pauline (Glasgow) (Lab)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, David (Highlands and Islands) (Lab)
 Wightman, Andy (Lothian) (Green)

Against

Adam, George (Paisley) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bowman, Bill (North East Scotland) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Campbell, Aileen (Clydesdale) (SNP)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Davidson, Ruth (Edinburgh Central) (Con)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Greene, Jamie (West Scotland) (Con)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lindhurst, Gordon (Lothian) (Con)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 Mountain, Edward (Highlands and Islands) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Rennie, Willie (North East Fife) (LD)
 Robison, Shona (Dundee City East) (SNP)
 Rumbles, Mike (North East Scotland) (LD)
 Russell, Michael (Argyll and Bute) (SNP)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Tomkins, Adam (Glasgow) (Con)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wells, Annie (Glasgow) (Con)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Whittle, Brian (South Scotland) (Con)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Presiding Officer: The result of the division is: For 19, Against 59, Abstentions 0.

Amendment 11 disagreed to.

Amendment 12 moved—[Andy Wightman].

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

Members: No.

The Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Glasgow) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 McNeill, Pauline (Glasgow) (Lab)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, David (Highlands and Islands) (Lab)
 Wightman, Andy (Lothian) (Green)

Against

Adam, George (Paisley) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bowman, Bill (North East Scotland) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Campbell, Aileen (Clydesdale) (SNP)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Corry, Maurice (West Scotland) (Con)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Davidson, Ruth (Edinburgh Central) (Con)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Greene, Jamie (West Scotland) (Con)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lindhurst, Gordon (Lothian) (Con)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)

Mason, John (Glasgow Shettleston) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 Mountain, Edward (Highlands and Islands) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Rennie, Willie (North East Fife) (LD)
 Robison, Shona (Dundee City East) (SNP)
 Rumbles, Mike (North East Scotland) (LD)
 Russell, Michael (Argyll and Bute) (SNP)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Tomkins, Adam (Glasgow) (Con)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wells, Annie (Glasgow) (Con)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Whittle, Brian (South Scotland) (Con)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Presiding Officer: The result of the division is: For 19, Against 60, Abstentions 0.

Amendment 12 disagreed to.

Amendment 13 moved—[Andy Wightman].

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

Members: No.

The Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Findlay, Neil (Lothian) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Glasgow) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 McNeill, Pauline (Glasgow) (Lab)
 Rennie, Willie (North East Fife) (LD)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Rumbles, Mike (North East Scotland) (LD)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, David (Highlands and Islands) (Lab)
 Wightman, Andy (Lothian) (Green)

Against

Adam, George (Paisley) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bowman, Bill (North East Scotland) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Campbell, Aileen (Clydesdale) (SNP)

Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Corry, Maurice (West Scotland) (Con)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Davidson, Ruth (Edinburgh Central) (Con)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Greene, Jamie (West Scotland) (Con)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lindhurst, Gordon (Lothian) (Con)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 Mountain, Edward (Highlands and Islands) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Tomkins, Adam (Glasgow) (Con)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wells, Annie (Glasgow) (Con)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Whittle, Brian (South Scotland) (Con)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Presiding Officer: The result of the division is: For 22, Against 57, Abstentions 0.

Amendment 13 disagreed to.

Amendment 14 moved—[Andy Wightman].

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

Members: No.

The Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Findlay, Neil (Lothian) (Lab)

Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Glasgow) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 McNeill, Pauline (Glasgow) (Lab)
 Rennie, Willie (North East Fife) (LD)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Rumbles, Mike (North East Scotland) (LD)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, David (Highlands and Islands) (Lab)
 Wightman, Andy (Lothian) (Green)

Against

Adam, George (Paisley) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bowman, Bill (North East Scotland) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Campbell, Aileen (Clydesdale) (SNP)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Corry, Maurice (West Scotland) (Con)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Davidson, Ruth (Edinburgh Central) (Con)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Greene, Jamie (West Scotland) (Con)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lindhurst, Gordon (Lothian) (Con)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 Mountain, Edward (Highlands and Islands) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Tomkins, Adam (Glasgow) (Con)
 Torrance, David (Kirkcaldy) (SNP)

Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wells, Annie (Glasgow) (Con)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Presiding Officer: The result of the division is: For 22, Against 55, Abstentions 0.

Amendment 14 disagreed to.

The Presiding Officer: We turn to group 6, which is on the social care sector. Amendment 15, in the name of Neil Findlay, is grouped with amendments 16, 25 to 72, 79 and 83 .

Neil Findlay: I will focus my comments on amendment 15, which seeks to bring in a system of national collective bargaining in the social care sector. The crisis in our care home sector is not new—it has been with us for many years—but the Covid-19 outbreak has brought it smack bang into the public’s consciousness. Over the years, we have read report after report on the problems in the sector. Common Weal published another one today—very good it is, too, and I commend it to all members.

Central to the problems in the social care sector is the private provision of services. Care is an industry. Its provision outside the public and third sectors is, in the main, driven by the profit motive. HC-One, the owner of the Skye care home, owns more than 50 care homes in Scotland. It is owned by a property and venture capital firm that is registered in the Cayman Islands.

According to the *Financial Times*, Britain’s biggest care home operator has declared a loss in every year except one since its creation in 2011, yet it has still managed to pay out more than £48.5 million in dividends. Despite warning that local authority funding cuts have brought the sector to the brink of financial crisis, it has paid no corporation tax in that time. Does anyone really believe that the care of the elderly is the priority for a company that operates on that basis?

In order to generate those dividends, companies such as HC-One make their profit by driving down the pay and conditions of the staff who provide the care. In the past few weeks, we will all have been contacted by staff who are worried about their safety, their health, PPE and the wellbeing of the residents they care for. A climate of fear exists in the social care sector, where the workers are doing their very best to help our elderly and vulnerable people by providing compassionate care despite the system, not because of it. Often, rather than being paid the living wage, they are paid the minimum wage or just above it.

In a statement on 12 April, the Scottish Government said:

“Social care support workers providing direct adult support will have their pay increased to at least the Real Living Wage rate”.

That statement is central to the problem, because what happens is that employers such as HC-One decide which staff provide direct adult support. Today, I checked HC-One’s website. Here is a list of job vacancies that are currently available and their hourly rates of pay: wellbeing co-ordinator, £8.72; care assistant, £8.84; senior care assistant, £9.22; kitchen assistant, £8.72; chef, £8.72; maintenance operative, £9. Is feeding people not direct adult support? Is caring for people not direct adult support? Is keeping their home safe and secure not direct adult support?

What about the home care sector? Well, here are the adverts on the Scottish Care website today—we should remember that Scottish Care represents the care home owners. The post of support worker, based in Huntly, which involves helping with personal care, including bathing, is advertised at £9 an hour; a care assistant post in Perth is advertised at £9.25 an hour; and support workers are required for Stonehaven, Renfrewshire, Glasgow and West Lothian at a rate of £9 an hour. So much for everyone who provides direct adult support receiving at least the living wage; it is simply not happening.

Many of the carers we are talking about are on zero-hours contracts; get statutory sick pay only if they are made ill through work; receive no travel time; and have to use their own phones and buy their own uniforms. Care is among the most precarious and exploitative sectors.

Amendment 15 seeks to begin a process to address all of that by establishing a system of national collective bargaining in the private care home sector. That would give workers a voice, protection and a structure to ensure that issues around safety, staffing, patient testing, residents’ care and wellbeing, conditions at work and pay can be discussed and negotiated without fear that individuals will be picked off and victimised by their employer. Most important of all, such a system would drive up morale and the quality of the care that is provided.

Not all care providers act like HC-One. Some small family businesses and others are responsible and care for their staff and patients, and for those who provide services. They have nothing at all to fear from my proposal. Today, we have the opportunity to continue with the broken system that is the status quo, or we can begin the process of much-needed change in this vital sector.

During yesterday’s meeting of the COVID-19 Committee, the Cabinet Secretary for the Constitution, Europe and External Affairs said that any actions must be “practical, proportionate and

possible". I absolutely agree. If we are able to provide, at extremely short notice, schemes to support landlords, Airbnb owners and private schools, and to create numerous schemes to support businesses, including a national furlough scheme for millions of workers, why are we somehow uniquely unable to bring together representatives of workers and the owners who employ them to speak to one another about health and safety, pay, conditions and care home staffing? It is nonsense to suggest that that cannot happen, and it is nonsense to suggest that it would take for ever for that to happen.

At 8 o'clock tomorrow evening, we will all be on our doorsteps to clap for the very people who would benefit greatly from amendment 15. I appeal to members to please support it.

I move amendment 15.

Monica Lennon: I will focus my remarks on amendment 16. I refer members to my entry in the register of members' interests with respect to my trade union memberships.

People who work in social care, including in care homes, are the unsung heroes of this crisis. Beyond our weekly applause on a Thursday evening, those key workers need urgent practical support as well as our appreciation. Amendment 16 seeks to go some way towards that by putting a duty on the Scottish ministers to establish a social care staff support fund for the duration of the crisis. That will allow payments to be made to care workers who might experience financial detriment as a result of disruption to normal patterns of work, or limits on their ability to work at all, because they are self-isolating or are unable to work shifts in multiple care homes for coronavirus-related reasons.

I am grateful to the Cabinet Secretary for Health and Sport, Jeane Freeman, for the constructive dialogue that we have been able to have between the late hours of last night and the early hours of this morning, before the 9.30 deadline for lodging amendments. Colleagues who are on the COVID-19 Committee will know that a similar amendment in my name fell at stage 2 yesterday. I am pleased that we have now been able to reach agreement, because it is the right thing to do. I am glad that the Scottish Government has confirmed today that it will support amendment 16, and I hope that all members will back it.

I lodged my amendment partly because of the serious concerns that I have about the on-going issues around testing and the confusion that exists over the application of recent changes to testing guidance. It is right that all staff should receive regular testing, but worries about being unable to live on statutory sick pay if a staff member tests positive should not be a factor in receiving a test

or deciding whether to work in a Covid-19-positive workplace.

I believe that there needs to be a mechanism in place to ensure that there is no financial detriment to social care staff who have to self-isolate or who are otherwise unable to work their usual hours because of restrictions that are caused by coronavirus. My amendment has been informed by discussions with GMB Scotland, Unison and the Royal College of Nursing, and the Coalition of Care and Support Providers in Scotland submitted supportive comments in relation to my very similar stage 2 amendment, amendment 24.

The COVID-19 Committee has taken evidence from experts such as Sir Harry Burns, who has warned that asymptomatic staff are unwittingly spreading Covid-19 in care homes and health settings. Asymptomatic or not, Covid-positive staff should not be at work, but neither should they suffer financial detriment as a result.

16:30

Amendment 16 is also drafted in a way that takes into account workers who have already suffered detriment since the beginning of the emergency period; it should allow issues of pay loss—backdated to March—to be considered.

My proposal is a temporary emergency measure that will make sure that no one falls through the cracks, but the intention is not to let care providers off the hook when it comes to ensuring that staff are properly paid. Labour members look forward to working with the Government and employers in the coming weeks and months to further strengthen the rights of staff who work in social care.

In the immediate term, it is not wise to do nothing or to rely on the hope that employers will continue to pay full wages, rather than workers having to rely on statutory sick pay. These are unprecedented times, and we need to look after the carers who are looking after the most vulnerable.

I ask all members to support amendment 16, and I support the other amendments in the group.

The Presiding Officer: I call the cabinet secretary, Michael Russell, to speak to amendment 25 and the other amendments in the group.

Michael Russell: This is the largest group of amendments in our consideration this afternoon; I apologise for that, because 46 of the 52 amendments are in my name. I will explain why. There are a large number of technical amendments, but I will address each of the six substantive amendments in turn—amendment 15, in the name of Neil Findlay; amendment 16, in the

name of Monica Lennon, which we have just heard about; amendment 79, in the name of Jackie Baillie; and three in my name. If one has any understanding of the history of socialism, one will see that the contrast between the amendments from Neil Findlay and Monica Lennon is that between impossibilism and possibilism. What we heard from Neil Findlay is not possible; we cannot put in place a system of collective bargaining by dictation overnight, nor can we do it in a week or a month. We can do what the Scottish Government has been doing, which is to move towards that, say that we support it, negotiate with those who are involved and agree with the Convention of Scottish Local Authorities to meet the additional costs that are associated with Covid-19. *[Interruption.]* No, thank you.

COSLA has issued guidance to local government and health and social care partnerships on how they should support social care providers. We are committed to working with the entire sector to move that work on. We have established with the unions and other partners a fair work in social care implementation group, which reports to the Scottish Government and COSLA, and there is a jointly chaired ministerial strategic group. We are working to take all that forward, but we cannot take it forward just like that. We cannot do it by a short amendment in an emergency bill; it is impossible to do that, and Neil Findlay knows that. He has a history in the trade union movement and he would be outraged if a private employer tried to behave like that—to impose a change immediately, on the basis of a brief paragraph, and ignore all the negotiation that needs to take place. That is the impossibilism of Neil Findlay. Members should reflect on that. We are spending time on something about which we had the same argument yesterday afternoon. It was clear then that it could not be done—not that it should not be done—yet we are back here doing the same thing.

Then there is the possibilism argument. Monica Lennon and I might have our differences, but I commend her for being persistent on that and talking to the right person, who is the Cabinet Secretary for Health and Sport. I was not the right person to talk to; that is surprising to Jackie Baillie.

Amendment 16 is a practical and possible way to go forward, because it puts money into the hands of those who need it most. One of the issues that have been discussed is how we get money directly into the hands of those who need it most and ensure that it does not get diverted within the system. Those crucial issues are being addressed, and money will be provided. That is the possible, and it is going to happen. I commend amendment 16 to the chamber and I hope that everybody will support it.

Patrick Harvie: On the issue of collective bargaining, could the cabinet secretary explain—as many of us support the principle of working constructively with the trade union movement—why he thinks that the Scottish Trades Union Congress has tweeted its support for the amendment if it is so out of keeping, in his view, with the way that trade unions would expect those issues to be negotiated?

Michael Russell: I know that I am sometimes accused of taking on too much, but I cannot speak for the STUC. I think that it is likely that the STUC would support any—*[Interruption.]* Clearly, if there are members who wish to speak for the STUC, they are entitled to do so, but I cannot speak for it. I am telling members what is practical and possible, I am telling them what we can and cannot do and I am telling them that the Government wants to work with the STUC and others to get this done, but it cannot be done in the way that has been suggested by Neil Findlay. There are no ifs or buts—it cannot be done in that way.

Bob Doris: Are there any parallels with how we brought in collective bargaining in the further education sector, which we did by planning in a structured way to get to the point where we got some success? That is the track record of the Scottish Government. Does it hold out some hope for the social care sector?

Michael Russell: I hope that the process goes more smoothly than it sometimes went in the further education sector, but that may be because I was the cabinet secretary who was responsible for it at the time—I do not know. However, Mr Doris is right to say that it takes a considerable length of time and a great deal of effort to do. If I had said to the employers at that stage, “Just do it”, it would not have happened. Negotiation makes the difference. Mr Leonard says from a sedentary position, “Just do it”, but it would not happen. I have to say that the wish is not the same as the deed.

I have great sympathy for amendment 79, in the name of Jackie Baillie, but I hope that she would accept that what the Scottish Government proposes is the right way to move forward. There is a considerable issue in inviting us to—in fact, insisting that we—issue almost 1,100 emergency condition notices at this time. That is not a reasonable thing to do, given that we accept the need to do a great deal in the sector. We are doing everything that we possibly can. That is a practical objection that needs to be borne in mind—so does reconfiguring the Care Inspectorate system to make all the changes that need be explored on every occasion. I do not think that that is the right thing to do at this stage. I have no objection to debating that or looking at it, but it

would be very difficult to do and I do not think that it meets the requirement of proportionality.

Let me now come to the many amendments in my name. They can be broken down into three issues: care homes emergency directions; emergency intervention orders; and the giving of notices by the Care Inspectorate. I will deal with amendment 83, which covers the last issue, first. It is essentially a technical amendment that allows the Care Inspectorate to send formal notices by electronic means as well as by post during the pandemic. We have applied that measure in a range of areas and there is nothing particularly exceptional about the amendment. Jackie Baillie is seeing an opportunity here to send 1,100 emails, but the trouble is that care homes would have to reply with details. That would require 1,100 replies to be sent back by individual care homes and dealt with. I am glad that I headed that one off at the pass before Jackie Baillie had the chance to raise it.

Let me talk about the other two issues. Amendment 25 is about emergency directions. Both of the amendments on emergency directions were presaged by what I said yesterday at the COVID-19 Committee when I moved the original amendments. Both amendments are designed to make effective what the committee agreed is required. The amendments enable health boards to direct the care home service in their area during the coronavirus pandemic and allow such steps as may be specified to be made where there is, in the phrase that I used yesterday,

“a material risk to the health of persons at the specified accommodation.”

That allows the health board to quickly intervene, give appropriate direction to ensure that improvements are swiftly implemented to protect residents and staff. If those directions are not complied with, the health board has powers to

“take entry ... and ... recover from the provider of the care home service the costs incurred”.

A sheriff can grant a warrant to authorise the health board to enter and take those steps. That is a necessary action, but I hope that it never has to be used.

The amendments on emergency intervention orders are immensely detailed. However, a sharp-eyed observer will have seen that many of them say the same thing.

What is required is to change some of the wording that we agreed yesterday, in order to make the interventions effective, and also to do something that is important: to enable the Scottish ministers to make an application for an emergency intervention order in either the Court of Session or the sheriff court. Given that the courts are not sitting as normal, having that flexibility would allow

Scottish ministers to apply to either court and get an order as quickly as possible. The amendments make it clear, for the avoidance of doubt, that the Scottish ministers can seek an interim order from the court. That assures that the Scottish ministers can obtain an order very quickly. I made it clear yesterday that there has to be a level of proportionality. The amendments introduce that; there are very strict conditions under which it can be done.

The amendments essentially complete the process that we started at stage 2 yesterday, and I hope that members will support them and amendment 16, in the name of Monica Lennon.

It is with regret that I am not willing or able to support amendment 79, in the name of Jackie Baillie.

As I have said, Neil Findlay’s amendment is an example of impossibilism, and the Parliament should not indulge in that.

The Presiding Officer: I call Jackie Baillie to speak to amendment 79 and the other amendments in the group.

Jackie Baillie: Before I speak to amendment 79, I will deal with some of the points that have been made by the cabinet secretary. I am always grateful for his sympathy, but I would of course prefer his support. He pre-empted my comment about electronic notices. I was interested to hear about those. I suggest that a condition can be placed on a care home by the use of just one email; a response is not required.

Although the cabinet secretary’s comments were creative, I do not feel that they were in any way accurate. There is nothing, therefore, to stop members from supporting amendment 79.

I am grateful to members who passed an earlier amendment at stage 2 that will give statutory underpinning to the requirement for care homes, and the Care Inspectorate, to be totally transparent in their reporting arrangements about the numbers of deaths in care homes. Members will recall the scandalous lack of accountability in the Care Inspectorate’s refusal to provide information on the number of deaths in our care homes, so I am grateful for the support of all Opposition parties.

Amendment 79 considers the areas that require to be monitored if we are to tackle Covid-19 in our care homes effectively. Care homes have become the epicentre of the pandemic.

There have been issues with the lack of availability of PPE, and, in some cases, with its poor quality. Staff of the HC-One care home in my constituency told of PPE having been locked in cupboards while Covid-19 raged through the home.

I note that HC-One homes in Scotland, from Castle View in Dumbaron to Home Farm in Skye, have experienced more than 200 deaths from Covid-19. Our sympathies are with those who have lost loved ones, but I say to the cabinet secretary that they need more than our sympathy—they need us to act.

Then there is the question of testing. The lack of testing for staff and residents has been appalling. The hesitation—in some cases, the refusal—to get staff and residents tested is baffling. I know that the Scottish Government has been slow on testing, but some care homes appear to be reluctant to do it in case the staff go off sick. It is as if they would rather have care home staff carrying the virus into work than being off. I want the Care Inspectorate to monitor that.

Including such issues in the conditions of registration of care homes would show their importance, and would ensure that the Care Inspectorate knew what was expected of it. After all, the Care Inspectorate is about ensuring that standards are met, and what can be more important than ensuring that the standards and arrangements are met for the care of our older people during a pandemic? Yet, despite that, the Care Inspectorate has been posted missing during the pandemic.

It is beyond disappointing that, at a time when the Care Inspectorate should have been stepping up to the plate, it appears to have taken a light-touch approach and stepped back completely. At a time when people are dying in their hundreds in care homes across the country, that was an extraordinary decision, and I am surprised that ministers agreed to it.

The Care Inspectorate has now taken action at Home Farm on Skye, but what about Castle View in Dumbaron, where, unfortunately, more people have died, and for which inspection reports have not been great? The truth is, it recommended inspections only a couple of weeks ago. For 10 to 12 weeks, it has been missing. That is not good enough. It has a job to do.

Amendment 79 would put beyond any doubt expectations and demand for action on the areas that we know will make a difference. I hope that members will support it.

16:45

Alex Rowley: The cabinet secretary says that it would be impossible to set up national negotiation of terms and conditions and pay for private sector workers. I remind him that John Swinney, when he was finance secretary, worked with COSLA to introduce a national rate for all care providers. Until that point, local authorities negotiated rates locally. That sometimes ended up in chaos, so a

national rate for care home owners was introduced, to try to stabilise the sector. The cabinet secretary's case does not stack up.

If one thing is evident from this crisis, it is that the way in which we organise, run and deliver health and social care in care homes and in the community is not fit for purpose. This is an opportunity to start to address that.

I have never forgotten the full care package that my dad had before he died. He was ill, and he had four visits a day from different carers. Some carers came from the council and some came from agencies in the private sector, but the care that they all gave was first class. However, the carers who were working for the council had far better terms and conditions and pay than the carers who were working for the private sector.

Michael Russell: I do not disagree with a word that Mr Rowley has said. However, I strongly do not believe that we can achieve the imposition of national terms and conditions by means of eight to 10 lines in an emergency bill.

We want this to happen, but it cannot happen as a result of what we have heard today. We are working towards it and doing what we can to bring it about, but it is simply unfair to people to imply that it can be done with a magic wand. There is no magic wand.

Alex Rowley: It is not as difficult as Mr Russell says that it is, given that the Scottish Trades Union Congress, the GMB, Unison and Unite all support the approach.

I spoke to Gary Smith from GMB Scotland yesterday. He made the point that an emergency that we have to address is that there are care workers up and down Scotland who are terrified of being tested, because they do not want to be told to self-isolate and rely on statutory sick pay. That is an emergency that must be addressed now.

Will the Government give an indication that it will address the whole issue of care? That is what is needed. Recently, a care home in Kirkcaldy said that 14 people had died and that the deaths were directly related to Covid-19. The number of deaths is running into the 20s and we do not yet know the final outcome.

When we get through the worst of this crisis, there will need to be an inquiry to find out what on earth went so badly wrong. The Care Inspectorate will have to answer questions. That is why I urge the minister to rethink his view on Jackie Baillie's proposal. It is not just that so many people have died; it is that people in care homes are at risk and we need to step up the action that needs to be taken.

Out of respect to the workers, the Government needs to signal that it is going to do something—

and do it very quickly—to address the unfair way in which workers have been treated.

Surely, every MSP recognises that that is the case. I would even have thought that the Conservative Party would support our having a united front and recognise the need to get in place a national system of bargaining and negotiating to give all care workers in Scotland, regardless of who employs them, the same terms and conditions and the same wages. Surely, the Government will accept that. Surely, it will at least give a commitment to address the issue as a priority and as an emergency.

Sandra White: Monica Lennon and Jackie Baillie have done a good job with their amendments; it is Neil Findlay's amendment 15 that most concerns me. It troubles me. As a trade unionist who was a shop steward and who is the convener of the cross-party group on older people, age and ageing—care homes come up all the time in its meetings—I agree completely with everything that he and others, including the cabinet secretary, have said. How those who work in care homes are treated is a disgrace. However, amending the bill as he proposes is not the way to go about fixing the issue.

I have raised the issue with the Cabinet Secretary for Health and Sport, in the Health and Sport Committee and in the chamber, and I have been given assurances that things in the care sector will not stay the same. They cannot stay the same. Yes, the biggest problem is the terms and conditions. The private sector runs more than 74 per cent of care homes; the rest are run by a mixture of other bodies, which include local authorities, charitable organisations and churches.

The need for national collective bargaining is not the only issue. Other issues include training and wages—it is a bigger picture. Amendment 15 does not fit into the bill. I have great sympathy—I think that everybody has—with the member's views, but we cannot just place a sticking plaster over this small part of the issue and include that in the bill. The issue must be looked at in the round. We need to make sure that care workers are valued. They do a great job. Someone cannot just come in and do their job; people need training and they need to have higher national certificates, for example. Those are the issues that need to be covered.

I am sorry, but I cannot support amendment 15. It does not go far enough; it is far too narrow to be fitted into the bill. [*Interruption.*] I am sorry that Richard Leonard is laughing at that. Perhaps he should speak to the workers in Glasgow City Council. His GMB trade union did nothing to help or protect them, so he should not laugh at me. We are talking about vulnerable people, and people

who work in the care sector should be treated properly. The amendment does not fit into the bill.

I agree with everything that Neil Findlay has said—I do not think that it is fair to laugh, because I do not find the issue at all funny—but this is just not the right place for what he is seeking.

The Presiding Officer: I call Neil Findlay to wind up and to press or withdraw amendment 15.

Neil Findlay: Jeez! I am sorry, but where do I begin with that contribution, Presiding Officer?

We have heard from the cabinet secretary that what my amendment calls for simply cannot be done—that we cannot impose terms and conditions on a sector. No one is attempting to impose anything on a sector. We are trying to set up a framework—a structure—so that the two sides can get round the table and get on with it. That is normal; it is how things operate in any collective bargaining position. It is nothing to do with anyone from outside imposing anything.

The cabinet secretary says that it cannot be done, but it is not Brexit, the Good Friday agreement or the unification of Germany. It is not so complicated that it would take forever; it could be done fairly quickly. We know that there are circumstances in which there are disputes and it looks as though the two sides are so far apart that there will not be an agreement, but very often they can come together and quickly get one. If that was impossible, the very responsible people at the STUC would not be supporting the proposal, and neither would the GMB, Unite, Unison or any of the other trade unions. When I convened the Health and Sport Committee, Scottish Care called for it. The only people who do not seem to support it are the Government. I am not seeking to dictate terms and conditions for anyone; my amendment simply seeks to set up a structure. No matter how confidently and determinedly the cabinet secretary says that it cannot happen, that does not get over the simple fact that he is just wrong.

It is bizarre that we can set up a furlough scheme for millions of workers and other schemes for the self-employed, to help sole traders or to help people with mortgages, rent or food deliveries and everything else that has been going on, but somehow—uniquely—we cannot get two sides of a sector round a table to discuss the terms and conditions of people who deliver vital care. Mr Russell is deluded if he thinks that that is the case. I am looking towards members such as Christina McKelvie and Clare Haughey—although I am not sure whether Ms Haughey is in the chamber—who have had experience of being trade union organisers in the workplace. They know that what Mr Russell has said is nonsense.

Amendment 15 is simply about setting up a structure and nothing else. We expect the Tories

to oppose such proposals root and branch—it is in their DNA and their ethos to oppose people being fairly rewarded at work—but I appeal to members, especially those on the SNP benches, not to vote down amendment 15 today and then tomorrow night go out and applaud the people who would benefit from the very move that it proposes.

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

Members: No.

The Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Findlay, Neil (Lothian) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Glasgow) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 McNeill, Pauline (Glasgow) (Lab)
 Rennie, Willie (North East Fife) (LD)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Rumbles, Mike (North East Scotland) (LD)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, David (Highlands and Islands) (Lab)
 Wightman, Andy (Lothian) (Green)

Against

Adam, George (Paisley) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bowman, Bill (North East Scotland) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Campbell, Aileen (Clydesdale) (SNP)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Corry, Maurice (West Scotland) (Con)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Davidson, Ruth (Edinburgh Central) (Con)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Greene, Jamie (West Scotland) (Con)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lindhurst, Gordon (Lothian) (Con)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)

MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 Mountain, Edward (Highlands and Islands) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
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 Todd, Maree (Highlands and Islands) (SNP)
 Tomkins, Adam (Glasgow) (Con)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wells, Annie (Glasgow) (Con)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Whittle, Brian (South Scotland) (Con)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Presiding Officer: The result of the division is: For 22, Against 56, Abstentions 0.

Amendment 16 moved—[Monica Lennon]—and agreed to.

The Presiding Officer: Group 7 is on bankruptcy. Amendment 17, in the name of Jackie Baillie, is grouped with amendments 18 to 24.

Jackie Baillie: I am pleased to speak to amendments 17 to 24 in my name.

We all know that the scale of the economic devastation caused by Covid-19 has yet to be fully appreciated. Thousands of people have already lost their jobs. If it had not been for the job retention scheme, thousands more would have joined them. Indeed, yesterday we heard OVO Energy announce the loss of more than 2,600 jobs, the majority of which are in its customer services division in Scotland, and today Rolls-Royce announced the loss of 9,000 jobs, many of which are in Scotland. Thousands of people are now out of work and facing financial uncertainty. Regrettably, there will be more to come. We talk about the coronavirus as having caused a health crisis, but it has undoubtedly caused an economic crisis, too.

17:00

The way that we live our lives means that we all have debts of one description or another. Whether it involves mortgages, car loans, store cards or credit cards, debt is a factor of modern-day living. When someone is working and has an income to service that debt, it is not a worry. However, when they lose their job, that balance goes, the

equilibrium is shattered and they suddenly find themselves in a position in which they are simply unable to cope financially and cannot service the debt. The anxiety, the sleepless nights and the spiral into poor mental health all follow that. People need our help desperately.

Amendment 17 builds on the Scottish Government's proposal for a debt moratorium that it included in its first piece of emergency coronavirus legislation. The proposal was welcome, but, to be honest, it felt like a job half done, because we know that, unless we freeze interest rates, fees, charges and penalties, the debt continues to grow. Thankfully, many responsible lenders already do that—they get it—but many do not, most notably payday lenders, whose additional interest charges and fees can lead to eye-watering levels of debt. An initial debt can increase by literally thousands of pounds, sinking the individual into even more financial strain.

My proposal is time limited. It is not intended to be in place forever and a day. It goes hand in hand with the moratorium and allows people time to arrange to settle their debts or to be subject to full diligence and recovery action. It gives them much-needed breathing space. Breathing space is, of course, the name that was given to the exact same proposal that is being consulted on by the UK Government. The proposal was a Conservative manifesto pledge. Some would say that it is very radical, but it is just a matter of decency and common sense, and I cannot begin to tell members of my sorrow and disappointment that the Tories in Scotland are turning their backs on a proposal from the Conservative Party at a UK level. I am sure that somebody will have a word with Boris.

I turn to the SNP. At stage 2, the Scottish Government said that this was all too difficult to do and that it could not get its computers to work in time, which is an excuse that it used in relation to the Care Inspectorate amendment that I just moved. It said that the proposal would be practically impossible to deliver. I took that at face value and went back to the experts in the money advice sector, who came up with a solution. Accordingly, I have amended my original proposal to set out exactly how it could be delivered. Therefore, there is nothing to stop it being implemented. If anyone needs further convincing in relation to amendment 17, I say that it is supported by Citizens Advice Scotland; StepChange Debt Charity; Money Advice Scotland; the Govan Law Centre; and specialist money advisers such as Alan McIntosh. Those are the experts in the field, and we should listen to them.

We can talk all that we like about social justice, but now is our opportunity to do something about it. Tackling poverty must be more than something that we put in the nice-to-do box. We need to act, and there is no more important time to act than now. I hope that members across the chamber will support amendment 17.

Amendments 18 to 24 should be supported across the chamber, because they come after detailed negotiations with ministers. I thank Jamie Hepburn for his willingness to compromise. It is fair to say that the midnight oil was burned and that it was only this morning, with 15 minutes to go, that agreement was reached—I am truly exhausted.

I am grateful that the Scottish Government recognises that it should lower the up-front charges that it levies for access to bankruptcy solutions. That is absolutely the correct thing to do. It had been a little timid and, under its proposals, the poorest people would still have had to pay. It is the case that people considering bankruptcy are not cash rich and that the fees act as a huge barrier to access. I wanted to remove the fees completely, but have come to an agreement with the minister to have exemptions for all those who are in receipt of a range of benefits, from all forms of employment and support allowance and jobseekers allowance right through to universal credit. That would apply to minimal asset process bankruptcies and full administration bankruptcies, making a real difference to many people who are experiencing debt.

These amendments are welcomed and supported by the whole money advice sector in Scotland. They are about recognising the terrible times that we are in and providing a lifeline to people whose world has just come crashing down. I hope that members will tonight support all amendments from 17 to 24.

I move amendment 17.

Jenny Gilruth: On amendment 17, I give credit to Jackie Baillie for trying to find a way to overcome the many obstacles to delivering such a freeze that were considered at stage 2. As I said at that point, the Government is attracted to doing something along those lines, and we have already consulted publicly on doing that. However, we remain of the view that, at this time, it is simply not possible to produce major policy proposals that have coherence and which do not have any unintended consequences.

As evidence that I call people back, I say that I am grateful to Jackie Baillie for working with Jamie Hepburn and our officials on amendments 18 to 24. Those amendments replace her stage 2 amendment that would have abolished all up-front

bankruptcy debtor application fees with a more targeted measure that focuses on those who most need our support—those who are in receipt of the benefits that are listed in the amendments. For the first time, those benefits include contribution-based benefits as well as purely income-related ones. The amendments also remove the requirement for the individual's sole income to be from benefits.

That is quite a big change to our approach, and one that we will want to review to ensure that there are no unintended consequences and that we take the right approach across all applicants. However, as Jackie Baillie mentioned, these are extraordinary times and, for the initial five months for which the bill's powers are due to run, it is right to suspend some of our normal caution and move quickly with the legislative proposals, given the impact of Covid-19 on the economy generally. In due course, and as quickly as we can, we will consider the issue again to ensure that we have a considered approach across the system.

I congratulate Ms Baillie on having convinced us that we should do more, and I am delighted to say that we will support amendments 18 to 24.

Jackie Baillie: I am grateful to ministers for their work in coming to a compromise with me.

In relation to amendment 17, I am not trying to find a solution; I have found a solution that the Government can implement. I refer the minister to the consultation that the Accountant in Bankruptcy undertook. The results have not been published and no action has been taken on the back of it. Given the unprecedented times in which we live, it is time to take action. I commend the minister whole-heartedly for her words about suspending "normal caution" in relation to amendments 18 to 24. That applies to amendment 17, too, so I hope that all members will support all the amendments in my name.

The Presiding Officer: The question is, that amendment 17 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Findlay, Neil (Lothian) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Johnstone, Alison (Lothian) (Green)
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 Leonard, Richard (Central Scotland) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 McNeill, Pauline (Glasgow) (Lab)

Rennie, Willie (North East Fife) (LD)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Rumbles, Mike (North East Scotland) (LD)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, David (Highlands and Islands) (Lab)
 Wightman, Andy (Lothian) (Green)

Against

Adam, George (Paisley) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bowman, Bill (North East Scotland) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Campbell, Aileen (Clydesdale) (SNP)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Corry, Maurice (West Scotland) (Con)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
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 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Greene, Jamie (West Scotland) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
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 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
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 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 Mountain, Edward (Highlands and Islands) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Tomkins, Adam (Glasgow) (Con)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wells, Annie (Glasgow) (Con)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Whittle, Brian (South Scotland) (Con)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Presiding Officer: The result of the division is: For 22, Against 56, Abstentions 0.

Amendment 17 disagreed to.

The Presiding Officer: I remind members that, as a result of an error in the marshalled list, amendment 18 will be called after amendment 21.

Amendments 19 to 21, 18 and 22 to 24 moved—[Jackie Baillie]—and agreed to.

Amendments 25 to 72 moved—[Michael Russell]—and agreed to.

The Presiding Officer: Amendment 73, in the name of Michael Russell, on marriage and civil partnerships, is grouped with amendments 74 to 78.

Michael Russell: At stage 2, the committee agreed to an amendment that was lodged by Adam Tomkins on marriage and civil partnerships. That will require ministers, along with the registrar general for Scotland, to take steps to ensure that solemnisation of marriage and registration of civil partnerships continue to be available during the emergency period. In addition, ministers will need to prepare reports to Parliament on what has been done, and on the number of marriages and civil partnerships that have taken place.

The Scottish Government was happy to support the amendment, which came after persistent advocacy on the issue by Adam Tomkins. I think that he was right. Other members have joined in, and I have received considerable correspondence on the issue.

We have lodged technical amendments to make minor changes—they will not change the substance of what was agreed. Amendments 73 and 76 will make minor changes to affect the language of legislation on marriages and civil partnerships that are registered rather than solemnised.

Amendment 74 reflects drafting conventions with references to articles of the European convention on human rights, and amendment 75 clarifies that the reports to Parliament by ministers will cover steps that have been taken by Scottish ministers, and those that have been taken by the registrar general.

Amendment 77 will correct a minor typographical error. It will change

“no late than 14 days”

to

“no later than 14 days”.

Amendment 78 will make the definition of “emergency period” consistent with the approach that is taken elsewhere in the bill.

I move amendment 73.

Adam Tomkins: I will record two things: first, my support for the amendments, which will tidy up

the work that was done yesterday, in particular to include civil partnerships within the scope of the amendment from yesterday, and secondly, my thanks to the cabinet secretary and his officials for co-operating with us on this important change.

Amendment 73 agreed to.

Amendments 74 to 78 moved—[Michael Russell]—and agreed to.

Amendment 79 moved—[Jackie Baillie].

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

Members: No.

The Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Glasgow) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 McNeill, Pauline (Glasgow) (Lab)
 Rennie, Willie (North East Fife) (LD)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Rumbles, Mike (North East Scotland) (LD)
 Sarwar, Anas (Glasgow) (Lab)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, David (Highlands and Islands) (Lab)
 Wightman, Andy (Lothian) (Green)

Against

Adam, George (Paisley) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bowman, Bill (North East Scotland) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
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 Corry, Maurice (West Scotland) (Con)
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 Ewing, Annabelle (Cowdenbeath) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
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 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
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 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)

MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
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 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
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 McAlpine, Joan (South Scotland) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 Mountain, Edward (Highlands and Islands) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Robison, Shona (Dundee City East) (SNP)
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 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, Kevin (Aberdeen Central) (SNP)
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 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Whittle, Brian (South Scotland) (Con)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Presiding Officer: The result of the division is: For 19, Against, 56, Abstentions 0.

Amendment 79 disagreed to.

The Presiding Officer: Amendment 81, in the name of Colin Smyth, on concessionary travel, is grouped with amendment 82.

Colin Smyth (South Scotland) (Lab): Amendments 81 and 82 would require Scottish ministers to establish a scheme of free bus travel for NHS and social care workers during the emergency measures. The Government's "Stay at home" message has been clear: people should travel or go to work only when it is essential, and they should, if possible, avoid public transport.

For our NHS and care workers, who really have stepped up to the mark, travel to their workplace, where they look after and care for our loved ones, does not get more essential.

17:15

Of course, they have avoided public transport where they can, but for some key workers—often the lowest paid—public transport is their only possible means of travel to work. The very least that we can do at this time is recognise their commitment, dedication and compassion as best we can. One way—a very small way—to do that is to remove one of the financial burdens that they face.

Free bus travel for NHS and social care staff would not cost the taxpayer more. As is the case with free travel for NHS staff in Wales, bus operators would, in return for the substantial and

welcome financial support with which the Scottish Government already provides them, be required to allow those staff to travel for free.

As members will know, the Scottish Government is continuing to pay the bus service operators grant and concessionary travel reimbursements at forecast levels, despite there having been a fall of about 80 per cent in concessionary travel passenger journeys. The Government is topping up the difference between actual usage under the concessionary travel scheme and forecast usage, and the total budget for grants and concessionary fares is worth more than £260 million for the year.

Local authorities and transport agencies are continuing to pay for school transport contracts and subsidised non-commercial routes, even though those buses are running either not at all or at vastly reduced frequency.

It is therefore not too much to ask of our bus companies that they should, in return for that support, not only continue their good work in focusing on routes for key workers, but allow the small number of NHS and social care staff to travel on those buses for free.

Ideally, I would like a scheme to cover rail travel as well, as is the case in Northern Ireland and Wales. I have for some time been pressing the Scottish Government to introduce such a scheme, but I appreciate that that would require discussions around rail franchising. So far, the Scottish Government has, sadly, chosen not to pursue that route.

For bus travel, however, a free travel scheme could be implemented almost immediately. There would be no need to provide new concessionary travel cards—in Northern Ireland, health and social care trust staff are entitled to free public transport simply by showing their photographic identification badge, and people who work in the private care sector, including in care homes, show photographic ID and a letter that has been signed by their employer. In Wales, NHS staff simply have to show their NHS pass in order to travel on public transport for free. I therefore ask: why not in Scotland?

Some members might argue that such a scheme would mean that more people would travel by bus, but it would be a bit of an insult to our NHS and social care staff to say that they would choose to travel by public transport, which they have been advised to avoid if they can, unless they really had to do so. This is about easing the burden on workers who already travel by bus.

There is no evidence whatsoever from Northern Ireland and Wales that a rise in passenger use has resulted from the free travel schemes that have been brought in for key workers there. We

know that the proposed scheme can work, because it is working in Wales and Northern Ireland.

As the Scottish Government confirmed on 1 April—in the update to MSPs from the Cabinet Secretary for Finance—the Cabinet Secretary for Transport, Infrastructure and Connectivity asked operators to provide free bus travel for NHS workers when he announced the financial support for bus operators. He would not have asked them if he did not support free travel, or if he thought that it could not work or was not affordable within the existing financial support that the Scottish Government provides.

Some operators, including Borders Buses in my region, have responded positively, but most have not. Leaving the decision to bus operators has, unfortunately, not worked. If free bus travel is good enough for people in some parts of Scotland and for NHS and social care staff in Northern Ireland and Wales, surely it is good enough for all our constituents across Scotland who work in the NHS and social care sectors, to whom we owe an enormous debt of gratitude.

I move amendment 81.

Patrick Harvie: I record my support for amendments 81 and 82 from Colin Smyth. As he will know, the Scottish Green Party supports fair and free public transport as a long-term objective, and we have taken steps in that direction. Amendment 81 would, in the current circumstances—as Colin Smyth said—expand free bus travel to cover a relatively small number of extra people, but it would be an extremely welcome step.

Having said that, I hope that when we hear more next week from the transport secretary about the long-term trajectory for when lockdown begins to be eased, there will be a clear plan for how to help bus services remain viable. If some commercial operators believe that their services are not viable, we will need much more proactive engagement from the Scottish Government with regard to how we use the recently created powers to set up publicly owned local bus companies. That will be one of the most important ways to ensure that services on which NHS workers, care workers and everybody else depend will still be there in the era of social distancing.

Michael Russell: I am very supportive of what Colin Smyth has done, and I am glad that he has raised the issue.

Our health and social care staff are indispensable and are under incredible pressure, so we have to do everything that we can do to support them. That means finding a way to make what is proposed happen. I think that the only difference between me and Colin Smyth now is to

do with how we will make it happen. He is right to say that some Scottish bus operators are already offering free travel to national health service workers, on presentation of an NHS identification card. We welcome those initiatives, and we need more of them.

The question is whether we should set up a formal administrative scheme with all that that would require in terms of machinery, issuing of cards and establishment of criteria for the concession, or do what is being done in Wales and Northern Ireland, which is to make it as simple as possible and ensure that people can use services on presentation of simple proof that they will have of their work. That would be the better thing to do, and is likely to happen more quickly and be more effective.

As Patrick Harvie said, the transport secretary will report to Parliament next week, and there will be an opportunity for him to consider how he will ensure that what is proposed will happen, based on the resources that the bus companies are getting.

There is, however, an issue with the wording of the amendments, which leaves some dubiety. One of them appears to capture all local authority workers. Sympathetic as I am to that, it would be untenable.

What we need to do—I would like to do this—is commit to ensuring that the schemes continue to grow, and to finding a way to make them grow. Colin Smyth is right about what should happen; that approach will be much faster. We need to ensure that the proposal happens in a much simpler fashion than might be the case with a formal scheme, and we need to ensure that Transport Scotland and the minister work with Mr Smyth and other concerned people to ensure that it happens.

Fortunately, we do not require legislation to make it happen. Section 40 of the Transport (Scotland) Act 2005 can be used to create a scheme very simply, given where we are almost at.

I think that the best way forward is not to endorse amendments 81 and 82, but to say that the transport secretary, Transport Scotland and Mr Smyth will work together to get what he proposes up and running as quickly as possible, and to expand—as he rightly said—what already exists, in order that we can provide what we really want.

I commend that approach to Mr Smyth. I know that he has exchanged correspondence with the cabinet secretary for transport. I think that we now need some additional urgency to make sure that his suggestion happens quickly.

Colin Smyth: I thank the cabinet secretary for his comments. I have been asking for a scheme for several months, and the cabinet secretary now appears to be saying that the Government is going to introduce such a scheme. I am unsure why it kept saying no over the past two months, but is suddenly saying yes.

A couple of things that the cabinet secretary said are simply not true. First, he said that my amendments would require an entirely new scheme to be set up, with concessionary bus passes being produced. It would not. The wording replicates the schemes in Wales and Northern Ireland. NHS and social care staff would, in order to get on a bus, be required simply to show their NHS pass or, if they work in a private care home, their ID pass and a letter from their employer. That is what happens with Borders Buses and elsewhere. It is simply not true to say that my amendments would require an entirely new system to be set up.

The cabinet secretary said that the transport secretary will make a statement on Tuesday. I ask him—I will certainly take an intervention on this—whether he is saying to Parliament that, when the transport secretary makes his statement on Tuesday, he will commit to replicating in Scotland the concessionary travel scheme for NHS staff and social care workers that exists in Wales. He knows what that scheme is and how it works, and he has asked operators to do it, but they have not done so, so far. Will the cabinet secretary give a commitment that that will happen on Tuesday?

Michael Russell: No. I am sorry. I wish that I could give Colin Smyth that commitment, but I am afraid that I cannot. I can say that there is a commitment to making sure that it happens, but I cannot tie the transport secretary to that timescale. That is why I want him, Mr Smyth and Transport Scotland to discuss how it can be done. I wish that I could go further, but I cannot.

Colin Smyth: The way to make it happen is to vote for amendments 81 and 82, which will do exactly what the cabinet secretary says he wants to be done, in a short time.

I will pick up the cabinet secretary on another technical issue. He said that amendment 82 would cover all local government staff, but that is simply not true. The criterion that is used in amendment 82 is the same as the one that was used by the Government in its safe staffing bill—now the Health and Care (Staffing) (Scotland) Act 2019—with the definition of “social care workers” being workers who provide care services. That is covered by the safe staffing legislation, and the definition in my amendment is the same. It is not true to say that the proposed provisions would cover every single local government worker: that is

not what has been set out in my amendments 81 and 82.

I will press amendments 81 and 82. If the Government is genuinely committed to its scheme, it should note that the amendments will deliver the same scheme as those that exist for bus services in Northern Ireland and Wales. I would like to go further and include rail services, too, but that is not what the amendments concern.

The proposals would also not require additional funding from the taxpayer. Frankly, I say that if the Government wants to deliver such a scheme, members have to vote for my two amendments.

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

Members: No.

The Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Findlay, Neil (Lothian) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Glasgow) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 McNeill, Pauline (Glasgow) (Lab)
 Rennie, Willie (North East Fife) (LD)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Rumbles, Mike (North East Scotland) (LD)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, David (Highlands and Islands) (Lab)
 Wightman, Andy (Lothian) (Green)

Against

Adam, George (Paisley) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bowman, Bill (North East Scotland) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Campbell, Aileen (Clydesdale) (SNP)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Corry, Maurice (West Scotland) (Con)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Greene, Jamie (West Scotland) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)

Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Kerr, Liam (North East Scotland) (Con)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 Mountain, Edward (Highlands and Islands) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Tomkins, Adam (Glasgow) (Con)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wells, Annie (Glasgow) (Con)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Whittle, Brian (South Scotland) (Con)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Presiding Officer: The result of the division is: For 22, Against 55, Abstentions 0.

Amendment 81 disagreed to.

Amendment 82 moved—[Colin Smyth].

The Presiding Officer: The question is, that amendment 82 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Findlay, Neil (Lothian) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Glasgow) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 McNeill, Pauline (Glasgow) (Lab)
 Rennie, Willie (North East Fife) (LD)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Rumbles, Mike (North East Scotland) (LD)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, David (Highlands and Islands) (Lab)
 Wightman, Andy (Lothian) (Green)

Against

Adam, George (Paisley) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bowman, Bill (North East Scotland) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Campbell, Aileen (Clydesdale) (SNP)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Corry, Maurice (West Scotland) (Con)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Greene, Jamie (West Scotland) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Kerr, Liam (North East Scotland) (Con)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 Mountain, Edward (Highlands and Islands) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Tomkins, Adam (Glasgow) (Con)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wells, Annie (Glasgow) (Con)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Whittle, Brian (South Scotland) (Con)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Presiding Officer: The result of the division is: For 22, Against 55, Abstentions 0.

Amendment 82 disagreed to.

Schedule 4—Other measures in response to coronavirus

Amendment 83 moved—[Michael Russell]—and agreed to.

The Presiding Officer: We come to group 10, on business costs and reliefs. Amendment 84, in the name of Murdo Fraser, is grouped with amendments 85 and 86.

Murdo Fraser: Amendment 84 seeks to extend the reach of the Non-Domestic Rates (Coronavirus Reliefs) (Scotland) Regulations 2020 to include the production of newspapers. It would put newspapers in the same category as businesses in the retail, hospitality and leisure sectors, which are given one year's rates relief under the regulations.

Let me explain why I think this is an important matter. As we know, local newspapers are a vital source of information, particularly at the present time, when people are seeking information about what they can safely do, what is going on in the world and what messages Government and health authorities are telling them. They often derive that knowledge from local newspapers. People may not be able to access local newspapers in physical form, but many local papers have websites that people are accessing.

17:30

Local newspapers are important, but they are suffering extremely hard times at the moment. Those that have continued to publish have seen a collapse in revenue. Circulation is down 25 per cent. Advertising revenue is down 75 per cent, which is not surprising, as many of the businesses that would normally advertise, such as hotels, restaurants and retailers, are not operating. These are extremely difficult times in the world of local newspapers.

Some famous titles, such as the *West Highland Free Press*, have stopped publishing altogether—at least in physical format—and maintain only an online presence. Others are struggling on in print, but all are in real difficulty.

Local newspapers are important to us. As MSPs, we rely on them to publish details of our surgeries, to take our press releases and to print photographs of us at local galleries, agricultural shows, school visits and all the other things we do. We rely on them, and they now rely on us to give them the support that they need to continue.

Last week, the Scottish Government announced a package of advertising for newspapers. It is welcome, but it will not go far enough to support local papers when it is spread thinly across every title in Scotland. As long as the current conditions pertain, with an extended lockdown, there will be the potential for a very serious impact on local newspapers.

Some would ask why we should single out newspapers for support in this fashion. They are

not having to close as shops and hospitality businesses are. However, they are in a relatively unique position. They are continuing to operate, but—unlike some other businesses, such as food retail, which are doing very well—newspapers are seeing a collapse in revenues. For that reason, they need to be supported. At a time when we are hungry for vital information, it is important that we convey health messages to the public.

The total cost of supporting business rates for the newspaper sector for the entire year is less than £4 million. We are not talking about a huge amount of money, but we are talking about a mechanism of providing support that would make a significant difference to the viability of those important local services. I believe that we should support our local papers, so I will be moving amendment 84 in my name.

While I am on my feet, I will comment briefly on amendments 85 and 86, in the name of Alex Cole-Hamilton, which I am sure he will say more about in a moment. They are sensible amendments that deal with a practical issue that has been identified. People, particularly retailers and small business owners, who pay business rates not directly but as part of a package through their rent, are not able to claim relief. Mr Cole-Hamilton's amendments seek to rectify that ill, and I think that they are worthy of support.

I move amendment 84.

Alex Cole-Hamilton: Before I move the amendments in my name, I will say a word in support of amendment 84, in the name of Murdo Fraser. At a time when we are passing unprecedented levels of power to the Scottish Government, the UK Government and the police, it is absolutely vital that we maintain a thriving media industry to hold them all to account. That starts with our local papers.

I echo the remarks made by Mr Fraser a moment ago, because those papers are struggling. Although they are still operational, revenue is down and it is set to stay down. We as a Parliament should grasp with both hands any opportunity to offer them support.

My amendment 85 is a resurrection of an identical amendment that was very narrowly defeated in committee yesterday. Amendment 86 is a slight iteration of the same but it is more focused—I will come on to that.

The amendments come from casework. I am sure that all MSPs have had this kind of casework in the time following the howl of human pain that greeted the advent of the coronavirus and the restrictions that we rightly imposed on our society and our economy. Cracks have been emerging all over the place, and individuals and companies have fallen through them.

To my mind, one of the most glaringly obvious cracks is in the business rented sector. There was no means of directing support to business other than through the business rate process, or non-domestic rate system. However, that meant that businesses that have a rateable value that would qualify them for support through the grant scheme but which pay their business rates through an intermediary—that is, through a rental agreement or a management charge for the rented service office space that they occupy—do not qualify for the support. There are many such businesses in my constituency, particularly at the Gyle industrial estate, where there are a range of managed and serviced-accommodation premises. They can qualify for the support in every other way, but it is the bureaucratic detail of who actually pays the rate to the council that qualifies businesses for support.

I urge the chamber to support amendment 85.

I understand that there might be some concern about how we guard against fraud. To that end, my amendment 86 relates explicitly to organisations that are named on the valuation roll but which pay business rates through an intermediary rather than directly themselves. The amendment will help a range of organisations. It is not limited to those that occupy Regus office spaces and run very wealthy companies; it will apply to people who operate trading stalls, too.

I ask the chamber to support my amendments.

Andy Wightman: The Greens support amendment 84, in Murdo Fraser's name, and welcome it having been lodged. On amendments 85 and 86, I welcome the fact that Alex Cole-Hamilton has brought the issue to public attention. The Greens voted against his stage 2 amendment yesterday because it was a hybrid amendment.

It is important to make clear to the chamber that, broadly speaking, there are three classes of non-domestic rate payers. There are those who occupy the premises, pay rates to the council, claim under the small business bonus scheme if they wish and are eligible for business grants. That group accounts for the large majority of ratepayers. There are then tenants who occupy offices that are owned by other people, but their offices are on the valuation roll and are valued. They are eligible for and claim under the small business bonus scheme, but the payment goes to the landlord, and they have been left out. The third group are tenants who are not on the valuation roll and do not pay rates directly; it is all wrapped up in the landlord rent. There is a real danger of fraud in relation to that category, because anybody can get a barrow, sign the lease with somebody and say that they are a small business. That is why we had some concerns.

We are very supportive of the intentions behind amendment 86, but I draw Alex Cole-Hamilton's attention to the fact that, on 30 April 2020, I asked Kate Forbes, the Cabinet Secretary for Finance, whether people who occupy premises within a larger property but who are on the valuation roll could be brought into the business grant support system. They are on the valuation roll, so there is no risk of fraud—we know who they are, the value and so on. She said that that was a

“very reasonable question”

and that she

“would like to make that possible.”—[*Official Report*, 30 April 2020; c 4.]

Since 30 April, I have not been sighted on the Government's intentions in that regard, but my understanding is that it is working on that. We will wait to see what the Government says about where it is going with its intentions in relation to the ratepayers that are covered by amendment 86. If the Government gives me the encouragement that it is still working on the matter and intends to make the change, there might not be such a need for primary legislation in that regard.

Graham Simpson: I want to say a few words about amendment 84, in the name of Murdo Fraser, which relates to newspapers. My concern is about the state of our local papers. National newspapers are also struggling, but local papers have been downsizing and centralising for years. I started my career in local papers and at that time most small towns had a local paper office, but now we would struggle to find them. That change has been to the detriment of the industry and of democracy, because we need newspapers to hold us and councillors to account. Increasingly, that is not happening.

Some local papers were on their knees before the crisis, and this has just made the situation worse. Pretty much all local and national journalists are working from home, and newspapers are being produced remotely. I see a real danger that companies will see this as an opportunity to cut costs even further in the long term, once the crisis is over, so any help that we can give to newspapers—local or national—is to be applauded.

Michael Russell: Let me deal with Alex Cole-Hamilton's amendments before I turn to Murdo Fraser's amendment.

Andy Wightman asked for an indication of the Government's thinking. I am always happy to be positive to Mr Wightman, and I can be positive about our thinking. The Government will do this—I am authorised to say that. The issues are what criteria we apply, and—as Mr Wightman has indicated—the need to be nuanced in eligibility criteria. There is not a blanket way of doing this,

because there are differences between the businesses that would be involved.

17:45

I say to Alex Cole-Hamilton that I agree with him, we are committed to doing this and we hope to make an announcement very soon. All of us will have had such cases in our constituency workloads; however, I ask him not to move his amendments.

Alex Cole-Hamilton: I am grateful for the cabinet secretary's assurances, and I am contemplating not moving my amendments. However, does he recognise that Andy Wightman first raised this very significant issue, which is causing real pain and viability issues for businesses around the country, on 20 April? Time is ticking by, and we need reassurance as soon as possible. Will the cabinet secretary commit to expediting the process so that help is given to those suffering businesses as soon as humanly possible?

Michael Russell: I am more than aware of the pressures on businesses in my constituency, as each of us will be. I want to make sure that problems are resolved as quickly as possible, because I do not for a moment want to see anybody left in difficulty. However, it is sometimes difficult to get the right scheme, so the commitment that I can make—I know that Alex Cole-Hamilton knows this from the Cabinet Secretary for Finance—is that we are working flat out to get it right, and we will get it right as quickly as we possibly can. We want it to happen, and that is the assurance that I give to Alex Cole-Hamilton. I cannot put a number of days on it because I do not know, but Alex Cole-Hamilton has spoken to the cabinet secretary about the matter, and I know that she will speak to him again. I hope that he will not move his amendments 85 and 86, so that we can introduce a scheme that is properly nuanced and detailed.

On amendment 84, in the name of Murdo Fraser, I know precisely where he is coming from. The Scottish Newspaper Society has spoken to me, as it has spoken to many people in the Parliament. I have reservations about the proposed approach, and I will make them clear. As has been referred to, I know that the Cabinet Secretary for Finance has already agreed with the Scottish Newspaper Society not only the first tranche of £440,000 of advertising to be provided to local newspapers, but now another £3 million in increased advertising costs. That is a sizeable package of about £3.5 million. Murdo Fraser indicated that he thought that the cost of rates relief would be about £4 million. The estimates that I have seen are slightly higher than that, but

let us not fall out over £1 million or so. There is broad equivalence in the sums.

Unfortunately, we do not have unlimited sums available to us. We have already spent more than we have had in consequentials, and it is very difficult to see how we can add to that sum. There is a package of money, and the question is how is it spent. We certainly want to listen to people about how it is spent, but it appeared that there was an agreement that it should be spent on advertising. If it is to be spent on rates relief, that will do a number of things. It will benefit larger organisations rather than smaller organisations. In England, for example, the rates relief package is a total of £1,500 per newspaper, and it applies only to local newspapers. Larger and more national organisations would do better out of the proposed scheme than local newspapers would. Some local newspapers will receive a payment because they are registered for the small business bonus, so there are issues there, too.

Murdo Fraser: I want to understand the cabinet secretary correctly. Is he suggesting that if my amendment 84 is agreed to, the Scottish Government will renege on its promise to newspapers to place the advertising package with them?

Michael Russell: There is a difficulty in continuing to add to the £3.5 million another £3.5 million, £4 million or £5 million. That is the simple, practical difficulty. If members vote for it, the proposed scheme will favour larger, national newspapers and it will diminish the support that is available to local newspapers. That is not what we want. I entirely share the view that we should be supporting newspapers and putting money into doing that. The question is how we put the money in and what we actually get for that money.

I would like to see both national and local newspapers receive support. I would very much like to see—I will be shameless and name them—*The Oban Times*, *The Dunoon Observer and Argyllshire Standard* and *The Illeach* receive support. *The Illeach* is a very good community newspaper; these days, I appear in it almost as much as Donald Cameron appears in it. It is a community enterprise and a charity, and we need to ensure that such bodies survive, along with the national newspapers. However, it simply is not possible to do everything.

Members will make up their minds, but what has been agreed for advertising in the agreement that we had with the Scottish Newspaper Society seems to us to be a more effective way of targeting the resource. It favoured smaller enterprises and also provided advertising for larger enterprises.

I point out that papers in Scotland will receive financial support from the UK Government and the Scottish Government, so there is a double benefit coming to them. It is up to members, but there are limits to what can be spent, and what has been agreed is what is best in terms of favouring all the sectors. I hope that members accept that.

Murdo Fraser: I thank Alex Cole-Hamilton and Andy Wightman for indicating their support for amendment 84. I listened carefully to what the cabinet secretary said. Indeed, as I acknowledged earlier, the advertising package that the Scottish Government has already announced and committed to is welcome. As the cabinet secretary knows, Conservatives do not often come to the chamber to ask for more money to be spent on things, but given the vital importance of newspapers in conveying information at this time, particularly to those who are housebound and who have few other ways of accessing that information, this is an important exception to the normal rule.

I press amendment 84 and I encourage members to support all the amendments in the group, should Alex Cole-Hamilton decide to move his amendments.

The Presiding Officer: The question is, that amendment 84 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Bowman, Bill (North East Scotland) (Con)
 Boyack, Sarah (Lothian) (Lab)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Corry, Maurice (West Scotland) (Con)
 Davidson, Ruth (Edinburgh Central) (Con)
 Findlay, Neil (Lothian) (Lab)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Greene, Jamie (West Scotland) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Harvie, Patrick (Glasgow) (Green)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Glasgow) (Lab)
 Kerr, Liam (North East Scotland) (Con)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lindhurst, Gordon (Lothian) (Con)
 Macdonald, Lewis (North East Scotland) (Lab)
 McNeill, Pauline (Glasgow) (Lab)
 Mountain, Edward (Highlands and Islands) (Con)
 Rennie, Willie (North East Fife) (LD)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Rumbles, Mike (North East Scotland) (LD)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 Simpson, Graham (Central Scotland) (Con)

Smith, Liz (Mid Scotland and Fife) (Con)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, David (Highlands and Islands) (Lab)
 Tomkins, Adam (Glasgow) (Con)
 Wells, Annie (Glasgow) (Con)
 Whittle, Brian (South Scotland) (Con)
 Wightman, Andy (Lothian) (Green)

Against

Adam, George (Paisley) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Todd, Maree (Highlands and Islands) (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 Pollok) (SNP)

The Presiding Officer: The result of the division is: For 41, Against 38, Abstentions 0.

Amendment 84 agreed to.

Amendments 85 and 86 not moved.

The Presiding Officer: Group 11 is on freedom of information. Amendment 87, in the name of Michael Russell, is grouped with amendments 88 and 89. Jenny Gilruth will move amendment 87 and speak to all the amendments in the group.

Jenny Gilruth: As I said to the COVID-19 Committee yesterday, the Scottish Government respects and has listened to the will of Parliament, which has clearly indicated where it thinks the balance should be struck in relation to freedom of information during the emergency period. The

Government's amendments on FOI seek to ensure that the will of Parliament is delivered.

Amendment 87 makes minor changes to ensure that the amendments that were made at stage 2 operate correctly. It renumbers the inserted text in paragraph 6 of schedule 6 to the Coronavirus (Scotland) Act 2020 and resolves an issue with the way conjunctions work. Those minor changes ensure that, when the amendments are made, the Scottish Information Commissioner will be able to consider the reasons why an authority failed to comply with the timescales that are set out in the Freedom of Information (Scotland) Act 2002.

Yesterday, we heard that the public interest should be the overriding consideration when the commissioner considers the reasonableness of explanations for failure to comply. The Scottish Government thinks that the public interest would undoubtedly be at the forefront of the commissioner's mind in making decisions, but the bill places a requirement on the commissioner, and amendment 88 seeks to ensure that that is clear.

Amendment 89 is entirely technical and removes duplicated references to the first coronavirus act being amended. Taken together, these amendments are technical in nature and are directed at making sure that the will of the Parliament is delivered effectively. I invite members to support them on that basis.

I move amendment 87.

Adam Tomkins: We will support all the amendments in the group.

Emergency legislation should confer powers on ministers only where it is strictly necessary to do so. By and large, the legislation that we passed on 1 April and the bill that we are considering meet that test. However, there were two important exceptions to that in the bill that was passed in April. The first, which was the unnecessary power to cancel trial by jury, was removed by the Government. However, the Government persisted with the second, which was its unnecessary and unwise powers with regard to freedom of information. It is very welcome that, given the difficulties in having to legislate in an emergency and in an expedited manner—and, indeed, in having to do so remotely—all four Opposition parties in the Parliament were able to come together and co-operate to deliver on what was, as Jenny Gilruth has just said, the clear view of the Scottish Parliament right from the beginning that those powers should never have been legislated for in the first place.

I record my thanks to Neil Findlay, Ross Greer and Alex Cole-Hamilton for working together with me to deliver a result. There are very few issues—indeed, I cannot think of any other issue—that

would put Neil Findlay, Ross Greer, Alex Cole-Hamilton and Adam Tomkins in the same corner. However, this is that issue.

By and large, all our coronavirus legislation strikes a balance. In the bill, we have sought to strike a balance between landlords and tenants, and between social care providers and care home residents. We now finally have the balance right on freedom of information, as well. That holds the Parliament in high stead, and I welcome it.

Amendment 87 agreed to.

Amendments 88 and 89 moved—[Michael Russell]—and agreed to.

The Presiding Officer: Group 12 is on control of obstruction in roads. Amendment 90, in the name of the cabinet secretary, is the only amendment in the group.

Michael Russell: I am grateful to Alex Cole-Hamilton for lodging the original amendment and for a discussion that we had to have over the past 24 hours in light of the fact that it has emerged that the legal position is more complicated than the single aspect that the amendment addressed. I am also grateful to him for being prepared to engage on the issue. We now realise that, as well as roads legislation, there is planning law and the interests of neighbours to be considered according to existing statute.

I am keen to recognise the clear wish of the committee and Alex Cole-Hamilton to offer hope to hospitality businesses in these very difficult times. In order to try to achieve that, I want to propose a way forward with the amendment, which will reconcile the legal issues that have arisen.

First, if my amendment is agreed to, it will remove the effect of Mr Cole-Hamilton's amendments yesterday.

Secondly, we will set out the legal situation more fully in a letter that I will lodge with the Scottish Parliament information centre.

Thirdly, the Scottish Government will take the matter forward by ensuring that, as we plan and prepare to move on out of lockdown, we will be mindful of what the will of the Parliament was in finding ways to ensure that cafes, restaurants and similar places can observe social distancing by making use of outdoor spaces, including roads and pavements, provided that they do not obstruct their safe use by others.

Finally, we will, of course, involve local authorities, businesses, communities and others in considering how the approach can be implemented in the best way at the most appropriate time and the agreed time in their own areas. Many will already have started to think about that in light of the amendment, and more will

do so when the First Minister gives details about her plan tomorrow.

I am glad that hope was the keynote of Alex Cole-Hamilton's amendment yesterday. The Scottish Government and I share that hope, and we want to make it a reality when the science and the medical advice tell us that it is safe to do so.

I move amendment 90.

Alex Cole-Hamilton: I echo the words of the cabinet secretary and thank him for the open-handed way in which he dealt with my stage 2 amendment and for walking me through the legal hinterland that was unknown to me prior to it. I also thank the members of the COVID-19 Committee for supporting the amendment by a majority. That sent a powerful and important message to our hospitality industry. Let us remember that the hospitality sector will struggle as a result of the lockdown for far longer than many other industries in our society, and for at least as long as social distancing is, by necessity, imposed on it.

My amendment sought to give the hospitality sector some hope in how it might box clever and think about new ways to open, trade and offer a service. It was never a charter for cafes or bars to invade pavements to the impediment and restriction of those with sight loss or other disabilities; rather, it was about using the cityscapes that we are already thinking about redesigning—by widening pavements and closing roads—in our councils, towns and cities in recognition of the new realities that lockdown restrictions bring. My amendment was also never intended to be a trigger for us to leave lockdown early—it was not about firing a starting gun for cafes and bars in town centres to start decking out tables and chairs in contravention of lockdown restrictions. Again, it was showing a line of sight as to what the world might look like when, in its own good time, the Government starts to ease those restrictions.

We also need to think about following international examples. When Australia started to relax lockdown restrictions for social venues, cafes and bars, very restricted numbers of people—a maximum of five people for an entire premises, or one person at a time—were let into those areas, and businesses realised that it was just not worth a candle, as they could not put themselves on a paying basis. Frankly, the punters just did not enjoy it; it is not a very social atmosphere to be part of. In comparison, Vilnius in Lithuania has almost declared its town centre an open-air cafe and it is already starting to introduce the measures that my amendment sought to bring about.

I hope that we can move forward in the spirit of consensus, as the cabinet secretary has said. I

look forward to working with him and the Government in the coming weeks to realise the intent behind the amendment. The will of the Parliament was clearly expressed during stage 2 in support of making that happen, so I support the cabinet secretary's amendment.

Amendment 90 agreed to.

Amendment 91 moved—[Graham Simpson].

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

Members: No.

The Presiding Officer: There will be a division.

For

Adam, George (Paisley) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bowman, Bill (North East Scotland) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Campbell, Aileen (Clydesdale) (SNP)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Corry, Maurice (West Scotland) (Con)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Davidson, Ruth (Edinburgh Central) (Con)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Greene, Jamie (West Scotland) (Con)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lindhurst, Gordon (Lothian) (Con)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 Mountain, Edward (Highlands and Islands) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Rennie, Willie (North East Fife) (LD)
 Robison, Shona (Dundee City East) (SNP)
 Rumbles, Mike (North East Scotland) (LD)
 Russell, Michael (Argyll and Bute) (SNP)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, Kevin (Aberdeen Central) (SNP)

Todd, Maree (Highlands and Islands) (SNP)
 Tomkins, Adam (Glasgow) (Con)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wells, Annie (Glasgow) (Con)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Whittle, Brian (South Scotland) (Con)
 Yousaf, Humza (Glasgow Pollok) (SNP)

Against

Baillie, Jackie (Dumbarton) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Glasgow) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 McNeill, Pauline (Glasgow) (Lab)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, David (Highlands and Islands) (Lab)
 Wightman, Andy (Lothian) (Green)

The Presiding Officer: The result of the division is: For 59, Against 19, Abstentions 0.

Amendment 91 agreed to.

The Presiding Officer: Group 13 is on traffic regulation. Amendment 92, in the name of Mark Ruskell, is the only amendment in the group.

Mark Ruskell (Mid Scotland and Fife) (Green): I have been very much looking forward to debating the intricacies of traffic regulation orders all day; now I will get my 15 minutes of fame—I will be able to nail this one. [*Laughter.*] All right; I will make it one minute.

Clearly, walking and cycling have never been more popular. The purpose of amendment 92 is to make it easier for councils to introduce emergency measures such as pop-up cycle lanes and footpaths that can keep us physically distanced and safe. Having that space will help to prevent infection from Covid-19; it will also make sure that we are physically distanced from road traffic, which will prevent accidents and save lives. That is a critical issue, as road traffic levels will inevitably rise as we come out of lockdown in the weeks to come.

It is difficult to see how some form of physical distancing will not be needed in six months' time. We will need temporary measures for some time, and it is important that councils have the time to monitor and review their effectiveness. In some cases, councils will consider whether to make measures permanent. However, the length of time for which temporary measures can stay in place under the order process is just six months. After

that, councils will need to take time out to fill in applications to Transport Scotland for emergency order extensions.

18:00

Amendment 92 would simply extend to 18 months the current six-month time limit that exists in relation to footpaths, bridleways, restricted byways, cycle tracks or byways that are open to all traffic, so that the approach is the same as it is in the order process for roads.

The Society of Chief Officers of Transportation in Scotland, which represents all 32 council road departments supports that approach. SCOTS has written to the Cabinet Secretary for Transport, Infrastructure and Connectivity to indicate its support, as have Sustrans, Cycling UK and many others. We should listen to the people whose job it is to run our communities and keep us safe during this difficult time. That was my only agenda in lodging amendment 92.

I move amendment 92.

Jenny Gilruth: Amendment 92 would extend the maximum duration of temporary traffic regulation orders. As I said yesterday at stage 2, temporary reallocation of road space away from vehicles, through pop-up cycle tracks, for example, can be achieved through TTROs that alter the use of existing roads that are currently used by vehicles, as opposed to the route that the amendment seeks to achieve. Measures can be put in place for up to 18 months and can be extended for a further six months, if the procedures to make them permanent are commenced.

As with amendment 43 at stage 2, which we debated yesterday, amendment 92 would apply to all TTROs, rather than just those that are made in response to Covid-19. They would apply to TTROs for the purpose of road works or dealing with damage or danger that is not connected with Covid-19.

Mr Ruskell's approach is well intentioned, but local authorities are already able to do—and are doing—what his amendment seeks. For those reasons we cannot support amendment 92 and ask him not to press it.

Mark Ruskell: We are perhaps in danger of ending stage 3 proceedings pretty much where we began, albeit with a less impossibilist tone.

There has been a lack of engagement from the Government on not just amendment 92 but other amendments that have been considered this afternoon. I wrote to the Cabinet Secretary for Transport, Infrastructure and Connectivity, Michael Matheson, well over a week ago to raise the concerns of officers—the people on the ground

who implement traffic regulation orders and who are calling for changes. I have had no reply. There has been a complete lack of engagement.

During yesterday's virtual meeting of the COVID-19 Committee, I offered to work with the minister on an amendment, but I received no response. I got in touch with the Government last night, I circulated a draft amendment and I asked for feedback and engagement. I asked the Government to take into account the views of officers on the ground who are working to deliver the Government's objectives on space for distancing. Again, no response, no reply and no commitment at all.

At this point, I want to press amendment 92 to a vote, because it would provide what officers are calling for. The current system is cumbersome; it requires councils continually to go back to Transport Scotland to request extensions to temporary measures. It is at the discretion of the issuing authorities—the councils—to determine how long they want a traffic regulation order to remain in place. If an order is made in connection with road works, as the minister said, or something that does not need to last, councils can withdraw it. However, they should not be forced to continually re-apply for something that they want to last for the duration of this legislation and this crisis.

It is disappointing that we are having to get into a technical discussion about TTROs in the Parliament. The matter should have been sorted out by Scottish Government officials, working with the people who implement orders on the ground. I feel that I am trying to do the Government's job here, at stage 3, but I will represent the people who I know are the experts in the area and who know what needs to be done. I will press amendment 92.

The Presiding Officer: The question is, that amendment 92 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
Bowman, Bill (North East Scotland) (Con)
Boyack, Sarah (Lothian) (Lab)
Burnett, Alexander (Aberdeenshire West) (Con)
Cameron, Donald (Highlands and Islands) (Con)
Carlaw, Jackson (Eastwood) (Con)
Carson, Finlay (Galloway and West Dumfries) (Con)
Cole-Hamilton, Alex (Edinburgh Western) (LD)
Corry, Maurice (West Scotland) (Con)
Davidson, Ruth (Edinburgh Central) (Con)
Findlay, Neil (Lothian) (Lab)
Fraser, Murdo (Mid Scotland and Fife) (Con)
Grant, Rhoda (Highlands and Islands) (Lab)
Gray, Iain (East Lothian) (Lab)
Greene, Jamie (West Scotland) (Con)
Harvie, Patrick (Glasgow) (Green)

Johnson, Daniel (Edinburgh Southern) (Lab)
Halcro Johnston, Jamie (Highlands and Islands) (Con)
Johnstone, Alison (Lothian) (Green)
Kelly, James (Glasgow) (Lab)
Kerr, Liam (North East Scotland) (Con)
Lennon, Monica (Central Scotland) (Lab)
Leonard, Richard (Central Scotland) (Lab)
Lindhurst, Gordon (Lothian) (Con)
Macdonald, Lewis (North East Scotland) (Lab)
McNeill, Pauline (Glasgow) (Lab)
Mountain, Edward (Highlands and Islands) (Con)
Rennie, Willie (North East Fife) (LD)
Rowley, Alex (Mid Scotland and Fife) (Lab)
Rumbles, Mike (North East Scotland) (LD)
Ruskell, Mark (Mid Scotland and Fife) (Green)
Sarwar, Anas (Glasgow) (Lab)
Simpson, Graham (Central Scotland) (Con)
Smith, Liz (Mid Scotland and Fife) (Con)
Smyth, Colin (South Scotland) (Lab)
Stewart, Alexander (Mid Scotland and Fife) (Con)
Stewart, David (Highlands and Islands) (Lab)
Tomkins, Adam (Glasgow) (Con)
Wells, Annie (Glasgow) (Con)
Whittle, Brian (South Scotland) (Con)
Wightman, Andy (Lothian) (Green)

Against

Adam, George (Paisley) (SNP)
Arthur, Tom (Renfrewshire South) (SNP)
Beattie, Colin (Midlothian North and Musselburgh) (SNP)
Campbell, Aileen (Clydesdale) (SNP)
Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
Dey, Graeme (Angus South) (SNP)
Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
Ewing, Annabelle (Cowdenbeath) (SNP)
Fabiani, Linda (East Kilbride) (SNP)
FitzPatrick, Joe (Dundee City West) (SNP)
Gibson, Kenneth (Cunninghame North) (SNP)
Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
Kidd, Bill (Glasgow Anniesland) (SNP)
Lyle, Richard (Uddingston and Bellshill) (SNP)
MacDonald, Angus (Falkirk East) (SNP)
MacDonald, Gordon (Edinburgh Pentlands) (SNP)
MacGregor, Fulton (Coatbridge and Chryston) (SNP)
Mackay, Rona (Strathkelvin and Bearsden) (SNP)
Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
Maguire, Ruth (Cunninghame South) (SNP)
Martin, Gillian (Aberdeenshire East) (SNP)
Mason, John (Glasgow Shettleston) (SNP)
McAlpine, Joan (South Scotland) (SNP)
McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
McMillan, Stuart (Greenock and Inverclyde) (SNP)
Neil, Alex (Airdrie and Shotts) (SNP)
Robison, Shona (Dundee City East) (SNP)
Russell, Michael (Argyll and Bute) (SNP)
Somerville, Shirley-Anne (Dunfermline) (SNP)
Stewart, Kevin (Aberdeen Central) (SNP)
Todd, Maree (Highlands and Islands) (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 Pollok) (SNP)

The Presiding Officer: The result of the division is: For 41, Against 38, Abstentions 0.

Amendment 92 agreed to.

Amendment 93 moved—[Patrick Harvie]—and agreed to.

Amendment 94 moved—[Patrick Harvie].

The Presiding Officer: The question is, that amendment 94 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Findlay, Neil (Lothian) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Glasgow) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 McNeill, Pauline (Glasgow) (Lab)
 Rennie, Willie (North East Fife) (LD)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Rumbles, Mike (North East Scotland) (LD)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, David (Highlands and Islands) (Lab)
 Wightman, Andy (Lothian) (Green)

Against

Adam, George (Paisley) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bowman, Bill (North East Scotland) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Campbell, Aileen (Clydesdale) (SNP)
 Carlaw, Jackson (Eastwood) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Corry, Maurice (West Scotland) (Con)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Davidson, Ruth (Edinburgh Central) (Con)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Greene, Jamie (West Scotland) (Con)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lindhurst, Gordon (Lothian) (Con)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)

Mason, John (Glasgow Shettleston) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 Mountain, Edward (Highlands and Islands) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Tomkins, Adam (Glasgow) (Con)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wells, Annie (Glasgow) (Con)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Whittle, Brian (South Scotland) (Con)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Presiding Officer: The result of the division is: For 21, Against 56, Abstentions 0.

Amendment 94 disagreed to.

The Presiding Officer: That ends consideration of amendments. Before we move on to the debate, would members like to take a short break? Members are indicating that they would like to crack on. That is fair enough. I remind members who are leaving the chamber to observe social distancing rules.

At this stage in proceedings, I am required, under standing orders, to decide whether any provision in the bill relates to a protected subject matter; that is, whether it will amend the franchise or the electoral system for Scottish parliamentary elections. In the case of this bill, in my view, no such protected matter is affected, so the bill does not require a supermajority for it to be passed at stage 3.

Michael Russell: On a point of order, Presiding Officer. In terms of the time and the detail, are we going into a full final stage 3 debate, or will it be a truncated one, as we had for the original emergency legislation?

The Presiding Officer: That is a good point. My understanding is that we will have a truncated debate and that therefore decision time will come forward. The debate will last roughly 30 minutes and will end at roughly 6.40.

We will have a short pause before we begin the debate to let some members leave the chamber.

Coronavirus (Scotland) (No 2) Bill

The Deputy Presiding Officer (Linda Fabiani): The next item of business is the stage 3 debate on motion S5M-21791, in the name of Michael Russell, on the Coronavirus (Scotland) (No 2) Bill. I invite Michael Russell to signify Crown consent to the bill before he opens the debate.

18:10

The Cabinet Secretary for the Constitution, Europe and External Affairs (Michael Russell): For the purposes of rule 9.11 of the standing orders, I advise Parliament that Her Majesty, having been informed of the purport of the Coronavirus (Scotland) (No 2) Bill, has consented to place her prerogative and interest, so far as they are affected by the bill, at the disposal of Parliament for the purposes of the bill.

I will start in a traditional, heartfelt way by thanking the bill team. It would be extraordinary enough to have produced the bill in the available time, but I regard the fact that the bill team has produced two emergency bills in little more than six weeks, during a time of lockdown, while working at home or with social distancing when it has been possible to meet in Parliament—as it was yesterday, for stage 2—as utterly remarkable.

It is true that not all heroes wear capes and, to me, the bill team have been heroes. The tradition at the Scottish Parliament is that, at the end of a bill, the minister takes the bill team for a drink. This bill team is very large—I was totally unaware of how many people had been on it at some stage—but I would be happy to buy them a drink. I just wish that I could do so at this particular moment. I make a public statement on that because I intend to so—they know that.

I also thank my private office, who have been particularly extraordinary on the matter and have entered a little into the legend of this place. I can now reveal that the cause of yesterday's fire alarm during stage 2 was a sweet potato that was placed by a member of my private office staff in the microwave in the kitchen next to my office. I am afraid to say that I was, therefore, directly responsible for the interruption—not just once, but twice. Mr Lindhurst twice tried to make a speech and twice failed because of the burning baked sweet potato. [*Laughter.*] One could use that means in the future if one did not want to make a speech.

I also thank my ministerial colleagues, particularly Kevin, who has taken a lot of the burden of the bill with regard to tenancy issues and whom I know believes passionately in protecting and providing rights to tenants and will

go on doing so. In my own portfolio, I thank Jenny and Graeme—

The Deputy Presiding Officer: Might I interrupt, cabinet secretary?

Michael Russell: You want me to use—

The Deputy Presiding Officer: Yes. Could you please use members' full names, for the benefit of those at home and the *Official Report*?

Michael Russell: I am clearly being far too familiar.

The Deputy Presiding Officer: Yes, I think you are.

Michael Russell: I will be more formal. I thank Kevin Stewart, Graeme Dey and Jenny Gilruth—the latter became a minister on 17 February and has now completed her second bill. At this rate, there will be a new world record by the end of the year.

The Minister for Europe and International Development (Jenny Gilruth): No more!

Michael Russell: I agree that there should be no more. We have said that the end of the emergency bills is in sight. We will need to continue looking at what we must do with regard to legislation—if we need to legislate on occasion, we will. However, I think that the bulk of that work has been done and I hope that it has all been done. I am grateful to my colleagues for taking the work forward and, more widely, to everyone across the chamber.

I will say a couple of things about what we have achieved and how. We are about to pass a bill that does significant things. I am glad of such an achievement as the carers supplement, for example. We have done other things as well. We have agreed on significant interventions in the social care sector, which we hope will make a real difference and save lives.

I thank Monica Lennon for lodging her amendment—I am embarrassing her yet again this afternoon. We have taken money, and I know that she has been, and will be, negotiating those resources with the Cabinet Secretary for Health and Sport—that is above my pay grade—and we will be able to assist individuals who work in care homes who are suffering and have difficulty.

Monica Lennon (Central Scotland) (Lab): I am grateful to the cabinet secretary for his remarks. However, what is more important than that there are discussions between me and the Government is that there are trade unions around the table. Can the cabinet secretary give me an assurance that the trade unions will be part of the discussions about the scheme and the regulations?

Michael Russell: I am happy to put on record my strong support for the involvement of trade unions in all such matters, including this one. I know that one member has questioned that constantly, but I assure the member that that is not at question. I look forward to ensuring that trade unions are fully represented and to ensuring that that money goes directly and effectively to those who need it. That is what we are trying to do.

The bill has done some other important things. For example, a part that was not amended at any stage concerns what will happen to the European championships 2020, which will become the European championships 2021. That is another area where we could agree that there were some things that needed to be done that could not be left undone, and which this bill is able to do.

I can go through more such examples. There have been significant movements on taxation and the issue of land and buildings transaction tax. I am grateful to Liam McArthur for lodging an amendment on that, which we were happy to accept. On housing and tenancy, we made progress in the first emergency bill and we continue to make progress in this bill.

However, we cannot do everything in emergency legislation—it is important to recognise and acknowledge that. Emergency legislation does what it says on the tin: it involves things that we require to do quickly and as effectively as possible. What I said yesterday with regard to ensuring that what we do is proportionate, possible and practical has been quoted several times today. Those are important considerations.

Some things cannot be done by emergency legislation. I have had to say that on a number of occasions. Equally, in this crisis, there are some things that should not be done by emergency legislation. Whether we should be passing primary legislation to affect the secondary legislation of lockdown is a key issue, because we should allow the review of the lockdown arrangements to be driven by medical and scientific evidence, not necessarily by political priorities that have not taken account of medical and scientific evidence. I am grateful to those people who have recognised that and have allowed that to happen.

Andy Wightman (Lothian) (Green): I agree with the cabinet secretary broadly on those points, but there is a flaw in his argument in that the emergency regulations have never been subject to parliamentary scrutiny, and many of us, as he knows, have concerns about elements of that. I would like his reassurance that, when members write to him about these things, the Government will consider their concerns seriously and will consider the kind of amendments that might reflect some of those concerns during each review

period, not simply look at whether the regulations should continue to be in force.

Michael Russell: That is a fair point. There are a lot of opinions on that matter. The provisions are capable of scrutiny by this chamber and, indeed, the reporting process that we put in place will ensure that that happens. I have referred on several occasions to the fact that I intend to consider issues in the light of discussion here or amendments that have been agreed to. I take the point and will take it forward.

My last point concerns how we can best manage this process—not just the process of emergency legislation but the legislative process in general, which should not always divide us. There are all sorts of possible combinations of parties and individuals who can work together on key issues. The way that we can do that is by ensuring that there is engagement. We have had some heated discussion about engagement in the chamber, and I do not want to open that up again now. I simply say that it is not enough to say, “Here is an email setting out what I intend to do.” It is important to say, “Here are some ideas. Can you include them or is there way for me to take them forward?” or to say, “I have this objective and you have that objective, so how do we bring those two objectives together to allow us to make progress?”

I think that I have acceded to every party in this chamber in that regard in relation to the bill. I would like to think that we are learning from the process and that, in the future, we can apply it to other bills that are not emergency bills, because that will make for better legislation. It will also make for better politics in Scotland—I will finish by agreeing with Patrick Harvie on that. This crisis is, in no sense, an opportunity, but we would be very foolish to say that we will simply go back to the way that we were doing things. If we can find a way to have a better Scotland and to embrace that, one of the things that we must do is ensure that we have a better politics in Scotland, which means that we must do things differently in here as well as outside.

I move,

That the Parliament agrees that the Coronavirus (Scotland) (No. 2) Bill be passed.

Neil Findlay (Lothian) (Lab): On a point of order, Presiding Officer. I apologise, but I will be brief. In a speech earlier today, I made a reference to the Scottish Care website carrying adverts for jobs, but it was in fact another website—a commercial organisation’s website. I just wanted to correct the record on what I said. Thank you.

The Deputy Presiding Officer: I am sure that everyone will have taken note of that.

18:20

Murdo Fraser (Mid Scotland and Fife) (Con):

This is the end of a short process for the bill, although it has at times felt like a very long one—it certainly felt like that during yesterday's stage 2 consideration of the bill by the COVID-19 Committee. I thank my fellow committee members for their co-operation in handling 56 amendments by remote technology so efficiently. I also record my thanks to the committee clerks and all the Parliament staff who helped us with what was in the end a relatively smooth and seamless process that was interrupted only by the unexpected and untimely fire alarm in the building—and we now know who to blame for that. I also thank the cabinet secretary for the open and co-operative way in which he has approached the bill, and I echo his thanks to the bill team. I also put on record my thanks to those in the Parliament's legislation team for all their help with Opposition amendments, which was much appreciated.

The bill deals with a wide range of provisions in response to the extraordinary circumstances that we are now in. A range of new powers are being granted to the Scottish Government—albeit on a temporary basis, until 30 September—with the power for ministers to extend that by up to a year. As we heard in the stage 1 debate, the measures include new protection for students who are renting property; the introduction of a new carers allowance; provisions on bankruptcy; a number of changes to rules on criminal justice to take account of the circumstances that we are in; and an extension of the deadline for lodging the accounts for registered social landlords, which was an amendment that was specifically requested by my colleague Graham Simpson.

The bill also extends the period for claiming back the additional dwelling supplement when individuals are moving from one main residence to another. The bill originally extended that period from 18 months to 27 months, and I was pleased yesterday to support an amendment in the name of Liam McArthur, which was moved by Beatrice Wishart, to extend the period to 36 months, which seems a reasonable proposition that will bring Scotland into line with the situation south of the border. Of course, the property market in England has been reactivated this week, whereas it has not been reactivated in Scotland, so it does not seem unreasonable for us to have at least the same amount of time for properties to be sold as applies there.

A number of issues that came up during yesterday's stage 2 proceedings are now addressed in the bill. Following Government amendments, there are new powers for the Scottish ministers to intervene in care homes that are in financial difficulty or which are not meeting

the requisite standard of care for residents. Although we supported those amendments, that was not without some concern. We all know that there is a crisis in our care homes, with a tragic level of deaths of residents and serious questions being asked about access to testing and personal protective equipment. We need to be careful about sending any sort of message that responsibility for those failings lies at the door of the care home providers in all but a tiny minority of cases.

The great majority of care homes in Scotland, whether they are run in the private sector, by local authorities or by charities, are institutions that are run by people who take their responsibilities very seriously, with dedicated and hard-working staff, and that provide a safe and happy environment for residents. We should not scapegoat care homes because of failures in Government and elsewhere to provide them with adequate support.

Other new provisions in the bill will allow local authorities to acquire care homes. Although we would not object to that, I wonder how many local authorities want to get back into the business of running care homes, when so many have disposed of their care homes to the private and voluntary sectors in recent decades. Both we and care home providers will look carefully at how those new powers are implemented.

The other major area of contention at stage 2 was the changes to the laws on freedom of information. In the original Coronavirus (Scotland) Bill, the Scottish Government substantially extended the deadlines for freedom of information requests in the teeth of opposition from all four non-Government parties. It was only because of a lack of numbers in the final stage 3 debate that the Government was able to get its way at that point. The current bill has provided the opportunity to rectify that injustice, and I am pleased that it was taken yesterday when a combination of Conservative, Labour, Green and Lib Dem amendments were all agreed to by the COVID-19 Committee, thereby removing some of the worst aspects of what was achieved in the first bill.

That is important. Freedom of information is, if anything, more significant at a time when the public want to know the information that underlies the vital decisions that Scottish ministers are taking on a daily basis, which will have—literally—life-and-death consequences for many of our fellow citizens.

I appreciate that freedom of information requests put a burden on public servants, but that must be weighed against the need for the public to be informed. I am pleased that the situation has been reversed, and that the bill before us restores a proper balance.

This will be the last emergency coronavirus bill, and I am glad of that. It will put in place temporary measures that will run until the end of September. I sincerely hope—as, I am sure, we all do—that they will not have to be renewed at that point.

We are in unprecedented times, in a situation that none of us thought that we would be in. We all want it to be over as quickly as possible. However, the bill is necessary because of the situation that we are in, and it provides proportionate and time-limited measures. For those reasons, we will support the bill in the final vote.

18:26

Alex Rowley (Mid Scotland and Fife) (Lab): Labour will support the Government's bill. I, too, thank the bill team and the Parliament's legislation team, whose staff have equally been run off their feet over the past period; the COVID-19 Committee for its work; and the Cabinet Secretary for the Constitution, Europe and External Affairs for the very genuine approach that he has taken to engaging with other people, even when we have disagreed.

Although it is right that the Government is focusing on the immediate impacts of Covid-19, it also has a huge opportunity to look at additional measures that can be put in place to address the huge inequalities that exist within Scotland. Coronavirus has starkly highlighted those inequalities, and people will look to the Government at this time of crisis and at the measures that it is taking to address the issues. It is clear from the rejection by the Government and the Tories of some of the key progressive amendments that we have considered today that much more needs to be done. We need to be much more willing to address the big issues, instead of simply saying what cannot be done. The world simply cannot go back to the way that it was before the virus. We need to create a fairer, more equal and more just society, and the political will to deliver that society must be there.

There has been considerable talk by the Government about learning from the mistakes and whether, in hindsight, different decisions should have been taken. I therefore turn, instead, to foresight. It is easy to see that there will be difficult times ahead for us after the coronavirus pandemic is over. Governments around the world are rightly looking at what measures to take to bring about economic recovery. I urge the Scottish Government to ensure that, as it looks at potential measures, it considers those in our society who are most at risk of hardship and poverty, and that it does not simply introduce means to protect business alone, but introduces means to support people.

A massive programme of reskilling will be needed, and opportunities will need to be created. That means having clear planning and an industrial strategy that will address the issues and ensure that people are able to take advantage of the available jobs.

There can be no return to austerity after this virus is over. More than a decade of austerity has left us as a country less able to deal with the impact of Covid-19, which will be wide reaching. It is vital that we protect the poorest in our society from bearing the brunt of the economic cost of coronavirus. We should all remember the Tory Chancellor of the Exchequer George Osborne saying, "We are all in this together," as he brought in policy after policy to attack the weakest and the most vulnerable.

The Tories will want to do the same again; I hope that today's coming together of the Scottish National Party and the Tories to vote down progressive measures will not continue and that we will stand united to fight austerity and to ensure that those who have suffered the most under a failed Tory austerity programme will not suffer as we move forward. Austerity did not work then and it will not work now.

However, I offer my genuine thanks to the cabinet secretary, and I hope that we can work together to find a way forward that protects the many instead of the few.

18:30

Patrick Harvie (Glasgow) (Green): Like others, I thank the COVID-19 Committee and the Parliament's officials, in particular the legislation team. When normal legislation goes through the Parliament, the legislation team works hard to make sure that all MSPs have the ability to bring proposals that are as well drafted as possible to the chamber for debate. Doing that for an emergency bill means that those officials have been working at breakneck speed. They have done their job extremely well and I am grateful to them.

Michael Russell: Because I got bogged down in issues such as sweet potatoes, I did not thank the committee or the parliamentary bill team; I thank both of them.

Patrick Harvie: I hope that we all agree with that. I also thank the Government for working constructively to reach agreement, where it has chosen to do so—it has not done that on everything.

There have been a few tetchy moments today. Perhaps some of us have been cooped up in our flats and houses for so long that we have forgotten how to play nicely together. Perhaps a few of us

were never good at it. However, I suspect that something deeper has led to the disagreements. At the outset of the crisis, there was an understandable and necessary desire for consensus—for us to work together and not politicise the crisis. Now that we are some way down the line, there are real political choices to make, and they will divide us. I suspect that some of that division has spilled out into today's debates.

The First Minister said that she believes that the rebuilding of our economy after the crisis must be about building a fairer, greener and more equal Scotland. That will not happen by wishing for it or stating it. It will happen only by taking bolder and necessary actions. Not just this Government but Governments around the world have not been asserting the authority of Government to shape society. For too long, the notion of the unfettered free market has been dominant throughout most of the western world, but it is now clear that, in a pandemic, there are no free market capitalists. The market is dependent on the support and intervention of the state in society. If we make them with boldness, our decisions now will determine whether we can build that fairer, more equal and greener society.

The cabinet secretary was reluctant to use the word “opportunity” about the changes that society is going through. Of course, the virus is a profound and devastating threat to many people's lives, but the work of rebuilding faces us with an opportunity to decide what kind of society and economy we want to build. My amendments 93 and 94, on tax havens, are one small step in the direction away from the dominant assumption that swathes of our economy can be registered in tax havens and refuse to make a vital contribution to the public purse. Government after Government, at the United Kingdom level and in many other countries, has not only accepted but actively facilitated that kind of behaviour. This needs to mark a moment when we say that that will end.

As never before, the crisis has also exposed the vulnerability of people with precarious incomes and housing. The Scottish Government is willing to talk about a radical measure such as universal basic income, but it is more concerned about offering support to landlords than it is about supporting tenants who face the vulnerability of precarious housing.

We must build an economy that works to address social need and the transition to sustainability. The work of rebuilding from a crisis gives us the opportunity to assert how Governments will do that and how our population will expect them to do so. I hope that the Parliament will grasp that opportunity with enthusiasm and boldness.

18:35

Alex Cole-Hamilton (Edinburgh Western) (LD): As others have done, I add my thanks to the legislation team, to the Government bill team and to the ministers, for the open-handed manner in which they have sought out consensus on the bill.

As we have heard, the bill that we have been debating is the second emergency bill on the coronavirus that the Parliament has dealt with. As others have said, I hope that it will also be the final one. However, it will not be the final bill that the Parliament will pass in the shadow of the virus. This is just the beginning, because we have no idea for how long social distancing or aspects of lockdown will dominate our lives or of the sheer economic impact and the human pain and suffering that the virus will cause. I think it very likely that, if a recession should lead to a depression and all the things that come with that, each of us—every member in the chamber—will be passing legislation in the shadow of the coronavirus for the rest of our political careers. As one journalist put it, the virus will be to the 21st century what the second world war was to the 20th century.

However, on this bill, the Parliament has done its job. When crisis demanded the handing of unprecedented levels of power to both the Government and the police, the Parliament did its job and scrutinised the bill's proposals to great effect. However, like Willie Rennie, I look forward very much to the day when we can repeal every provision that has handed such power away from the Parliament.

In scrutinising the many provisions that we have seen in both emergency bills, the Parliament has answered the colossal roar of human pain that each of us heard in the days before lockdown, when it became clear that we would have to bring in restrictions and when people had no idea how they would put food on their tables or pay their bills.

I absolutely recognise—I have referenced such cases today—that we will not have got things right for everyone. People, businesses and communities will continue to slip through the cracks created by the provisions on the virus. However, I say to them that we are looking out for them, we are hearing them and we will not forget them. In considering all the legislation that the chamber will pass from this day onwards, it will be incumbent on us all to recognise the individuals who have still been left behind, or who will be left in the days to come, either by the virus or by the economic impact that befalls them.

As I have said several times, the Parliament has done its job. I am very proud that it has done so, particularly because our unicameral legislature

exists as a check and a balance on the power and the agenda of the executive branch. On both emergency bills, we have shown ourselves to be capable of doing just that.

In the context of the first bill, we saw off the potential abolition of jury trials for the duration of the emergency. In Scotland, such trials have gone on uninterrupted for nearly 800 years, persevering through wars and pandemics. I am grateful that the Scottish Government has moved on that issue, and I look forward to continuing to work with it in answering the question of how we can allow such trials to take place in safety.

Adam Tomkins has already eloquently described the multiparty work that went into seeing off the original provisions on freedom of information. Just by dint of the numbers being askew on the day on which we voted on the first coronavirus bill, those would have seen an encroachment on freedom of information rules that no other country in the democratic world has adopted. I am glad that we reversed that threat, and I am also grateful for the Government's movement in that regard.

There have been some small wins, too, in other exciting little areas of policy that I had never really thought about before but on which I have had to become an expert in short order. Those include business rates relief. I am grateful for the provisions, which the cabinet secretary has alluded to, on extending the time limit before the additional dwelling supplement kicks in. I am also grateful for the understanding that hospitality industries need to know that there is a route out of the current crisis and that the Parliament is thinking about how they can get their businesses back on to a paying basis. There has also been recognition of not only the importance but the vulnerability of our small newspapers and our need for them, at this time, to hold both the Government and the police to account.

The bill that is before us and its predecessor have been good for people such as carers, renters and students, but many more have been missed out and have fallen through the cracks. As I said earlier, it is incumbent on us all to look out for them and to hear them as we go forward and in passing legislation here.

18:39

Michael Russell: I acknowledge Patrick Harvie's reference to being able to "play nicely" again after so much time in which we have been locked away elsewhere. Despite all the difficulties today, this has been a reasonable and consensual debate, for most of the time.

We need to remember why we are doing this, so I will conclude by mentioning the issue with which

we started the whole process, when we considered the first legislative consent motion at the end of March. We are doing this because we are facing an unprecedented crisis. We are doing this because nothing is normal, and the situation will not revert to what we understand to be normal. We are doing this because we believe that we have to save lives, and that to save lives we need to ensure that people stay at home, and we need to protect the national health service.

That means that we have to make changes in how we do things in every part of our lives. Part of our lives, certainly in the chamber, and more widely, is about legislating for the people of Scotland and serving them by ensuring that there is a good active and relevant statute book. It serves nobody's interests if we allow it to decay, to become out of date or to become irrelevant to what we are trying to do. We have done active things, particularly on the social care front, and there are things that we could not have avoided doing if we are to have an accurate and effective statute book.

I am pleased with the work that we have done. It has not been without its difficulties and tensions, and it has not, at times, been without its frustrations, but we have produced legislation that is, although it is not perfect in the views of many members—even in mine—perhaps as good as we could do in the very severe circumstances.

I think that we have risen to the challenge, and I hope that we will continue to do so, in Parliament. If we can recapture something, it should be the spirit of working together to ensure that we are greater than the virus, and that we are able to suppress it and allow our country to move on, even if we move on to very different circumstances.

Business Motions

18:42

The Presiding Officer (Ken Macintosh): The next item is consideration of business motion S5M-21813, in the name of Graeme Dey, on behalf of the Parliamentary Bureau, setting out a business programme.

Motion moved,

That the Parliament agrees the following programme of business—

Tuesday 26 May 2020

2.00 pm Time for Reflection

followed by Parliamentary Bureau Motions

followed by Topical Questions (if selected)

followed by Ministerial Statement: COVID-19 (Transport)

followed by Ministerial Statement: COVID-19 (Economy)

followed by Ministerial Statement (virtual): COVID-19 (Education)

17.00 pm Decision Time

Wednesday 27 May 2020

12.20 pm First Minister's Questions

2.30 pm Parliamentary Bureau Motions

2.30 pm Ministerial Statement: Mobilisation of Scottish Manufacturing Base and Sourcing to Support NHS Scotland

followed by Stage 1 Debate: Children (Scotland) Bill

followed by Financial Resolution: Children (Scotland) Bill

followed by Parliamentary Bureau Motions

5.30 pm Decision Time

Thursday 28 May 2020

2.00 pm Portfolio Questions (Virtual): Education and Skills

2.30 pm Portfolio Questions (Virtual): Health and Sport

3.00 pm Portfolio Questions (Virtual): Communities and Local Government

Tuesday 2 June 2020

2.00 pm Time for Reflection

followed by Parliamentary Bureau Motions

followed by Topical Questions (if selected)

followed by Scottish Government Debate: COVID-19

5.00 pm Decision Time

Wednesday 3 June

2.30 pm Parliamentary Bureau Motions

followed by Stage 3: Scottish Elections (Reform) Bill

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

Thursday 4 June 2020

2.00 pm Portfolio Questions (Virtual): Social Security and Older People

2.30 pm Portfolio Questions (Virtual): Finance

3.00 pm Portfolio Questions (Virtual): Environment, Climate Change and Land Reform.—[*Graeme Dey*]

Motion agreed to.

The Presiding Officer: The next item is consideration of business motions S5M-21798 and S5M-21799, on the stage 2 timetables for two bills, and motions S5M-21800 and S5M-21801, on the stage 1 timetables for two bills.

Motions moved,

That the Parliament agrees that consideration of the Agriculture (Retained EU Law and Data) (Scotland) Bill at stage 2 be completed by 26 June 2020.

That the Parliament agrees that consideration of the Animals and Wildlife (Penalties, Protections and Powers) (Scotland) Bill at stage 2 be completed by 5 June 2020.

That the Parliament agrees that consideration of the Defamation and Malicious Publication (Scotland) Bill at stage 1 be completed by 7 November 2020.

That the Parliament agrees that consideration of the Hate Crime and Public Order (Scotland) Bill at stage 1 be completed by 18 December 2020.—[*Graeme Dey*]

Motions agreed to.

Parliamentary Bureau Motion

18:43

The Presiding Officer (Ken Macintosh): The next item is consideration of Parliamentary Bureau motion S5M-21802, on approval of a Scottish statutory instrument. I call Graeme Dey, on behalf of the bureau, to move the motion.

Motion moved,

That the Parliament agrees that the Direct Payments (Crop Diversification Derogation) (Scotland) Regulations 2020 (SSI 2020/135) be approved.

The Presiding Officer: I am minded to accept a motion without notice to bring forward decision time.

Motion moved,

That, under Rule 11.2.4, Decision Time be brought forward to 6.44 pm.—[*Graeme Dey*]

Motion agreed to.

Decision Time

18:44

The Presiding Officer (Ken Macintosh): The first question is, that motion S5M-21791, in the name of Michael Russell, on the Coronavirus (Scotland) (No 2) Bill, at stage 3, be agreed to. Because the vote is to pass a bill, members must cast their votes.

For

Adam, George (Paisley) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bowman, Bill (North East Scotland) (Con)
 Boyack, Sarah (Lothian) (Lab)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Corry, Maurice (West Scotland) (Con)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Davidson, Ruth (Edinburgh Central) (Con)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Findlay, Neil (Lothian) (Lab)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Greene, Jamie (West Scotland) (Con)
 Harvie, Patrick (Glasgow) (Green)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Glasgow) (Lab)
 Kerr, Liam (North East Scotland) (Con)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lindhurst, Gordon (Lothian) (Con)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Macdonald, Lewis (North East Scotland) (Lab)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNeill, Pauline (Glasgow) (Lab)
 Mountain, Edward (Highlands and Islands) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Rennie, Willie (North East Fife) (LD)
 Robison, Shona (Dundee City East) (SNP)

Rowley, Alex (Mid Scotland and Fife) (Lab)
 Rumbles, Mike (North East Scotland) (LD)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Russell, Michael (Argyll and Bute) (SNP)
 Sarwar, Anas (Glasgow) (Lab)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, David (Highlands and Islands) (Lab)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Tomkins, Adam (Glasgow) (Con)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wells, Annie (Glasgow) (Con)
 White, Sandra (Glasgow Kelvin) (SNP)
 Whittle, Brian (South Scotland) (Con)
 Wightman, Andy (Lothian) (Green)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Presiding Officer: That concludes decision time. We will meet again tomorrow at 12.30. I urge members to be careful when leaving the chamber.

Meeting closed at 18:44.

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

Motion agreed to,

That the Parliament agrees that the Coronavirus (Scotland) (No. 2) Bill be passed.

The Presiding Officer: The Coronavirus (Scotland) (No 2) Bill is therefore passed. [Applause.]

The second and final question is, that motion S5M-21802, in the name of Graeme Dey, on approval of a Scottish statutory instrument, be agreed to.

Motion agreed to,

That the Parliament agrees that the Direct Payments (Crop Diversification Derogation) (Scotland) Regulations 2020 (SSI 2020/135) be approved.

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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