

Standards, Procedures and Public Appointments Committee

Committee reform inquiry

Written submissions received from John Mason MSP

Many thanks for your letter of 11 August concerning committee reform and highlighting a number of points which we might comment on.

Clearly, there has been interest in the fact that the SNP currently has a majority in Parliament which had not previously been expected and therefore generally has a majority on each committee. Under any system be it unicameral, bicameral, or whatever one party might control all the chambers and/or committees so I do not really think that changing the system in itself is the answer. Rather my feeling is that the answer is in the attitude of the Members of the Scottish Parliament and in particular the attitude of backbench members within the majority party which is currently the SNP.

I do think there needs to be a realisation amongst backbench members in the same party as the Government that part of their role is to scrutinise legislation and policy and hold the Government to account. It seems to me that some backbenchers are good at this but some seem to be overly protective of the party line. In fact, I have to say that I think the Finance Committee's performance on the Freedom of Information legislation was an example of best practice. Despite having an SNP majority (or at least a majority including ex-SNP members!) the Committee did challenge the Government on a number of points including exemption for the Royal Family and whether or not the organisations covered by FOI should be increased. The Government did eventually accept the Committee's view on both of these points.

Therefore, my key contribution to start with is that it is the attitude of committee members and backbenchers which is the real answer to this question rather than the structure of committees, how they are elected, who the convenor is, etc.

On some of the specific points made, I would just make the following comments:

1. **Impact of Further Powers.** It seems to me that a committee like Finance will need to reduce some of its other work in order to take on the impact of further powers like various forms of taxation. In the past, we have done in-depth studies of subjects like employability and my feeling is that this kind of work is probably a luxury which we will no longer be able to afford. As we take on extra powers and responsibilities my suggestion would be that we reduce the workload in other areas because I do not believe that committees or individual members are able to really seriously increase their workload.
2. **Number and Size of Committees.** I certainly do not think that increasing the number of committees would be a particularly good idea. Rather we need to make best use of the existing committees, their time available, and members' time as well. On the size of committees, I think that seven works reasonably well as larger committees tend to mean that some members will not be so

actively involved. Five or six is also possible although that will tend to restrict the number of parties represented on any particular committee.

3. Remits, Mandatory/Subject Committees. I have not served on every committee but my impression is that most are carrying out worthwhile work in a useful way. The one exception for committees which I have served on is the Delegated Powers and Law Reform Committee. I really do not feel that it is a good use of members' time as it consists primarily of legal briefings and the convenor reading out a pre-prepared statement with the very occasional input from some members. My understanding is that in Ireland this subject does not have a separate committee and I would really be inclined to go down that route and abolish this committee. I suppose the exception would be if the committee is going to look at legislation and therefore I feel that is a potentially useful route to go down. I do not really agree that the committee should be restricted to non-controversial legislation.
4. Selection of Convenors and Members. I do not have strong views on this point or consider there needs to be any changes to the present system.
5. Use of Sub-Committees. I think my main concern about this would be a multiplication of meetings and a degree of repetition and overlap. It certainly can be useful for the committee to split, for example, for foreign visits or visiting local sites within Scotland, however, my experience of both the Finance Committee looking at financial memoranda and the DPLR Committee looking at delegated powers is that they repeatedly tend to stray into the area of policy which they are not meant to do. Thus, repetition and overlap have a tendency to always creep in and my fear would be that sub-committees would lead to this as well.
6. Party Balance. As commented on at the beginning, I do not think the structure including the party balance is the key matter. Rather it is the attitude of both Government and opposition members that really matters most. The Government backbenchers need to be prepared to challenge the Government and also the opposition members need to be constructive at times and not just oppose for the sake of opposing. The danger is that with a majority of Government backbenchers on a committee the backbenchers will be too subservient to Government whereas the opposite danger is that if opposition members have a majority they will oppose for the sake of it and this can lead to an impasse as with the United States budgets.
7. Role of Ministers and Opposition. No real comment.
8. Pre and Post Legislative Scrutiny. I certainly do agree that post legislative scrutiny is something that needs to be increased and there has been some attempt at this at the Finance Committee. Getting the timing right is crucial in this as I think we did look at some legislation too soon before it had settled down but there is also the risk of leaving it too late. On the question of pre-legislative scrutiny, I think the committees I have been on have done a fairly thorough job. I do think it is slightly strange that we do not have any debate before the committee has done a considerable amount of work on the subject.

Therefore, both on same sex marriage and assisted suicide a lot of work was done and a huge amount of publicity appeared in the media before the Parliament as a whole had had a debate. I do find this slightly strange although at least it does mean when the debate happens that it is better informed.

9. Meeting Times. I generally do favour the fact that we have three mornings for committee work and three afternoons for the chamber. I think this is better than the previous system of the chamber meeting only on two separate days. However, one problem is definitely the shortage of time on Thursday mornings. The Equal Opportunities Committee on which I sit meets at that time and we are frequently constrained by the lack of time available. I think partly because of this particular committee's work, it is often necessary to really spend time listening to witnesses who perhaps are not used to the committee format in a way that Finance Committee witnesses would be. Therefore, if anything the Equal Opportunities Committee needs more time to listen to any given witness and I do not think the present timing of its meeting on a Thursday morning is satisfactory. One answer to this might be to allow committees more freedom to meet while the chamber is sitting. In most cases, only a small proportion of members are attending the chamber during a debate and I really see no reason why committees should not be allowed to meet in the afternoons as well.
10. Resources/Support. From my angle the resources and support we receive as committee members are extremely good and I have no other comments to make on that point.

I trust these comments are useful and I would just in conclusion again stress that I think attitude of members is more important than structures.

JOHN MASON MSP
24 AUGUST 2015