

# **PROCEDURES COMMITTEE**

Tuesday 21 September 1999  
(*Morning*)

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# CONTENTS

Tuesday 21 September 1999

Col.

PRIORITIES .....	54
WORKING HOURS .....	75
NON-EXECUTIVE HALF-SITTING DAYS .....	76
PARLIAMENTARY BUREAU (REFERRALS) .....	79
PARLIAMENTARY BUREAU (REPRESENTATION) .....	84
CONVENERS .....	84
COMMITTEE WITNESSES (INTERESTS) .....	86
COMMITTEE OF THE WHOLE PARLIAMENT .....	87
NON-MEMBERS (COMMITTEE PARTICIPATION) .....	87
CHAIR (FORM OF ADDRESS) .....	87
CLERK ACTION .....	88
SUMMING-UP .....	88
HOUSE OF COMMONS PROCEDURE COMMITTEE .....	89
INFORMATION NOTE .....	89
PRIORITIES .....	89

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## PROCEDURES COMMITTEE 4<sup>th</sup> Meeting

### CONVENER :

\*Mr Murray Tosh (South of Scotland) (Con)

### COMMITTEE MEMBERS :

\*Donald Gorrie (Central Scotland) (LD)  
\*Janis Hughes (Glasgow Rutherglen) (Lab)  
\*Gordon Jackson (Glasgow Govan) (Lab)  
\*Mr Andy Kerr (East Kilbride) (Lab)  
\*Mr Gil Paterson (Central Scotland) (SNP)  
\*Michael Russell (South of Scotland) (SNP)

\*attended

### WITNESSES :

Mr Tom McCabe (Minister for Parliament)  
Iain Smith (Deputy Minister for Parliament)  
John Ewing (Head of Constitutional Policy, Scottish Executive)  
Robert Gordon (Head of Executive Secretariat, Scottish Executive)

### COMMITTEE CLERK :

John Patterson

### SENIOR ASSISTANT CLERK :

William Venters

### ASSISTANT CLERK :

Jim Johnston



## Scottish Parliament

### Procedures Committee

*Tuesday 21 September 1999*

*(Morning)*

[THE CONVENER *opened the meeting at 09:31*]

**The Convener (Mr Murray Tosh):** We have changed the layout of the room since the previous meeting to create more floor space. We have found the secret of accommodating the press—give them no seats and they all turn up and complain, but if we ensure that there are plenty of seats, nobody appears.

**Michael Russell (South of Scotland) (SNP):** There is one.

**The Convener:** Yes, from the Press Association—welcome.

The agenda and papers have been circulated. I hope that we will go through the business quickly. The primary purpose of the meeting is to consider evidence given by business managers and other members with an interest in the topics that we are examining. Michael Russell wishes to give evidence as the SNP business manager, Lord James Douglas-Hamilton is unable to attend and the business managers from the Executive parties have arranged to meet us this afternoon. We will have an additional meeting at 4.15 pm. I ask the committee to gather at 4 o'clock to discuss how we will handle the questions. A paper has been circulated, which should help us to frame them.

**Michael Russell:** I have given John Patterson notice that the time of the meeting causes a difficulty for me, but I will delay going to Inverness to stay for it. Can you indicate how long it might last?

**The Convener:** About half an hour. We might not take as long as that.

**Donald Gorrie (Central Scotland) (LD):** I have another committee from 2 pm to 5 pm, so I will not be able to attend. I do not like to forgo the opportunity of asking Mr McCabe questions.

**Mr Gil Paterson (Central Scotland) (SNP):** I have a committee meeting too, so I will not be able to make it.

**The Convener:** Those of us who can attend will attempt to cover all the issues. The response will come when we take the decisions on the recommendations next week; we will have the opportunity to see from the *Official Report* what was said.

## Priorities

**The Convener:** Item 1 on the agenda is priority issues. Members have revised papers for a number of the priority issues; we will briefly note the changes. Mike might wish to give evidence on some of the original papers that have not been changed.

We must therefore consider two sets of papers: the original papers with about 30 issues and the revised papers.

**Michael Russell:** Does John have a copy of the original papers, so that I can refer to all of them? I am carrying them in my head, but that is not necessarily the best way to carry them.

**John Patterson (Committee Clerk):** I will give Michael my copy.

**The Convener:** Issues 1 and 2 are about the timing of decision time. The revised paper identifies the status quo as an option, which was not the case with the previous paper. Other than that, it is substantially the same.

**Michael Russell:** The addition of the status quo balances the paper. As a party, we are persuaded that decision time at 5 o'clock requires time to be organised properly. However, for high-profile debates, decision time at 12.30 pm might be required. There should be flexibility in the standing orders to allow decision time at 12.30 pm, at the end of the morning meeting, but the 5 o'clock decision time should remain the norm for the time being.

**Mr Andy Kerr (East Kilbride) (Lab):** That is an interesting concept. I am in favour of the 5 o'clock decision time. It allows ministers to go out on visits and hold meetings; it is also clear for all members when decision time is. Mike's idea that we could vary the time is sensible, as long as it is the exception for specific, high-profile debates and members are given advance notice.

**Janis Hughes (Glasgow Rutherglen) (Lab):** I echo that. Having decision time at 12.30 pm on specific occasions, such as an emergency bill, would not be a problem if we had prior notice in the business motion the previous week. There must be prior notification and it should happen only occasionally.

**The Convener:** The standing orders allow the Parliament, on a recommendation from the Parliamentary Bureau, to vary the voting times, so we have the flexibility to do that at the moment. Does Mike want to flag up an amendment to standing orders, to give guidance on when it would be reasonable for the bureau to recommend a change in the time of the vote?

**Michael Russell:** Although the standing orders

permit flexibility, members' expectation is that decision time will be at 5 o'clock because that is when we have had it, except when we are meeting as a committee. The standing orders should make clearer the circumstances in which 12.30 pm votes might be taken. It might be on a recommendation of the bureau, or, as I believe is the case at the moment—John can correct me—it might happen if Parliament agreed to take a vote at a different time.

**John Patterson:** Yes.

**The Convener:** Presumably Parliament can always do that by suspending the standing orders.

**Donald Gorrie:** I do not understand why the world must come to an end at 12.30 pm each day, so that if the vote was taken at 12.30 pm and the meeting drifted on for a minute or two, we would all go to jail. That seems strange. It might be enshrined in some document that we knock off for lunch at 12.30 pm. Surely if there is a vote, we could hold it at 12.30 pm and finish at 12.32 pm. It would be silly to lose a quarter of an hour of our already limited time.

**Michael Russell:** There is flexibility. If one looks at the clock—not that I ever watch the clock—one sees that voting does not always start at exactly 5 o'clock. It is right that the Presiding Officer is flexible, as long as 12.30 pm or 5 o'clock do not become 12.45 pm or 5.15 pm on every occasion.

**The Convener:** The Presiding Officer is being flexible, so I do not think that we have to change anything.

Issues 3 and 4 are about holding a vote again because of an error, and points of order being raised during divisions and elections. That paper has not been changed.

**Michael Russell:** It is clear that votes should be taken again because of an error in the system or confusion. I would not define an error as a member pressing the wrong button. When voting is more complicated, for example, when we deal with legislation, we must be more careful that voting is done in the right way. If there are errors, they must be picked up quickly. That links with the fact that our present electronic voting system is less than satisfactory. I thank John for referring to the Scottish Parliamentary Corporate Body and the bureau the issue of ensuring that we have the proper voting system for the new chamber. That is crucial.

**The Convener:** Would anyone else like to comment? Remember that we are not discussing the substantive issues this morning; we are giving Mike the opportunity to put his case as the SNP spokesman and asking questions to clarify his position. We will take the decisions next week.

Issues 6, 7 and 8 are on electronic matters.

**Michael Russell:** There is some scepticism about display screens. I have been riding the hobby-horse of display screens for some time. It is important that there is a display screen—or several—in the new chamber, to give information. It should show the countdown of speakers' time, which I understand the new clocks will display.

The display screen should also show the list of speakers. A disadvantage of the present system is that the list of speakers is available to the clerks and the occupant of the chair, but not to other members. A displayed list would not inhibit members entering the debate—although each party would put forward speakers, the Presiding Officer is flexible enough to take additional contributions. It would be useful for members in the chamber and for the public to know who would speak, and for members to know at which stage they would be called to speak. On too many occasions, members have worked on speeches, have expected to be called and have not been. That is frustrating. It would be better to see a list of speakers on the screen at the start of the debate. It would be ideal to have individual screens, as in the assembly in Wales. If we did not have that, a display screen that showed who was to be called and which gave other information about the debate would be helpful.

**Mr Kerr:** I am sympathetic to Mike's point, but it might be too rigid to have a list of members who will speak. How would members participate in a debate to react to what somebody else had said? We must give flexibility to the Presiding Officer.

**Michael Russell:** I said that we must not be inflexible. It has been suggested that a firm list of speakers, as in the House of Lords, is the way forward. I do not think that it is. The danger is that points of order might be raised if somebody is listed as due to speak, but somebody else speaks instead. Most members will be helped by the list being displayed, as long as there is flexibility and members can speak as the spirit moves them.

**Gordon Jackson (Glasgow Govan) (Lab):** I was fascinated by what Michael said about having individual screens. I did not know that the Welsh had that—it seems a great idea. Is it practical, or is it too expensive?

**Michael Russell:** I might be wrong, but I thought that there was a proposal to have screens on desks in the new chamber. If there is not, there should be. It would assist members greatly to have information about speakers and voting. At the moment, there is an extraordinary combination of the electronic and the manual. Members press the voting buttons, the figures come up on a screen, the clerk writes them down on paper and passes them to the Presiding Officer.

It would be better if members and the Presiding

Officer saw instantaneously on their screens what the clerks saw, which is the result of the vote. We could correct any errors in voting, as each member could check that their vote had registered. That would not be a difficult system to institute in the new chamber.

**The Convener:** Much of what you are saying is geared towards the new chamber.

**Michael Russell:** Display screens could be put on the walls before then. The idea now is that they will not be, but that there will be a refinement of the clocks—which is necessary—so that the clocks will count down individual speakers' times as well as show the time.

During the members' debate on Argyll and Bute, the timings seemed to go wrong and Alasdair Morrison was put in the difficult position of having about a minute and a half in which to respond. It is impossible for a minister to respond to a debate in a minute and half. A countdown clock, which we are meant to be getting, might have meant that all members' speeches would have been briefer.

09:45

**Janis Hughes:** If all members were to have a display screen, I would be worried that they would sit with their eye on the screen and nothing else. At the moment, the Presiding Officer has discretion and bears in mind the rules about having a fair distribution of speakers. Already points of order have been raised about the fact that this party has had three speakers but that one has had four, which can hold up proceedings. I understand the benefits of having a screen, but—

**Michael Russell:** The screen might simply display the next speaker, or the next two speakers.

**Janis Hughes:** Up to now, the Presiding Officer has been saying who the next speaker will be and who will follow. That is helpful, but I think that that is as far as we should go.

**Michael Russell:** I understand that, but I think that we should try things and see how they work. If the screen showed only the next two speakers, that might be fine. However, I would like to have a list of speakers, either on our desks—which would be the right way to do it—or on the wall.

**Donald Gorrie:** I hope that any system of screens would cater for spectators. As we live nearby, my wife occasionally drops in; the last time she came, she had no idea what we were discussing for the first 20 minutes.

**Gordon Jackson:** Join the club.

**Michael Russell:** Yes, that happens not just in the gallery.

**Donald Gorrie:** I will not say who was speaking at the time, but information for spectators about the person speaking and the subject being debated would be helpful.

**Michael Russell:** I do not want the screen to look like the winter Olympics with huge amounts of information, but the subject being debated could easily be displayed. When the Parliament is meeting as a committee, it would be helpful if the screen could say, for example, that section 3(1)(a) was being discussed, because there were times during our debate on the mental health bill when it was difficult to work out where we were.

**The Convener:** If we had the sports channel, it would stop the chamber emptying.

**Michael Russell:** Absolutely—but I am not suggesting that we should also have television on the screens, although it might be an idea.

**The Convener:** I was just laying a trap.

Issue 9 in the paper has been taken away by the bureau. We had nothing more to say on it. Does anyone want to comment on issues 10, 13, 20 and 22?

**Michael Russell:** Most of them are matters for the bureau. I notice that Tom McCabe's paper for this afternoon rightly identifies areas where the standing orders do not need to be changed, but where the housekeeping aspects should be improved—the bureau is taking that seriously. Donald Gorrie has previously raised the issue of the interrelationship between the committee and the bureau. There is a strong interrelationship: issues arise in the bureau that should properly be discussed here, and issues arise in the committee on which we can give guidance to the bureau.

Issues 10, 13, 20 and 22 are all being considered by the bureau. Responsibility for budgetary control of committees should be shared by the SPCB, the bureau, the committee conveners and the committees. We are all aiming at the same thing, which is to ensure that the Parliament is open and accessible and that we go out to the country, and equally to ensure that we are seen to be responsible with public resources.

**The Convener:** Issue 11 has been deleted from the agenda as it is a matter for the SPCB. Issues 12, 14 and 15 are being handled by the bureau. Issue 16 concerns the time available for parliamentary business.

**Michael Russell:** That issue relates to Donald Gorrie's paper, to Tom McCabe's letter to the Presiding Officer, and to a bureau discussion paper that is on the agenda. It is important to start the discussion by saying that we do not know what legislative time we shall require. We are not yet in a position to know whether we have too little time for meetings of the Parliament or too much time

for committees.

I broadly agree with the bureau's opinions. Monday afternoons should be available for committee meetings—at the moment, it is a little vague as to whether they are for committee time or for constituency time. That does not mean that committees must meet on Monday afternoons. However, we must make it clear that they are available, although we accept that a number of members—especially those from far-flung parts of the country—have said that it will be difficult to get here for meetings early on Monday afternoons.

A second question is whether the Parliament should meet at the same time as committees on a Wednesday morning. I am inclined to agree with the Presiding Officer: because the system of Parliament and committee meetings is untested, we should, at this early stage, avoid a collision that would mean that some members automatically could not take part in Parliament because they were in committee. Such a collision might become necessary in future, but we should not change standing orders to make it possible until we know whether we need to.

There are other solutions. One of them is mentioned in point 3, which was added to Tom McCabe's paper and has been referred to the bureau. It refers to the extension of meeting time in the evening, which is the solution that I favour at the moment. Wednesday mornings would give us a maximum of an extra three hours a week. We could easily have another hour and a half on a Wednesday, simply by extending the meeting to 6.30 pm.

I recognise the family-friendly nature of the Parliament, but in every job people have to do overtime from time to time—there is virtually no job in which people can say that they go home at 5 o'clock and that is it. We could extend the meeting to 6.30 pm, and have members' business—which is optional, and not attended by everybody—from 6.30 pm to 7 pm. We could do the same on Thursday, although I am not sure that we need to at this stage. However, that option would give an extra three hours in total without taking up Wednesday morning and without clashing with committees. We know that pressure on committee space, let alone time, is high at the moment.

Having heard the bureau's discussion and having talked to members of my party, I favour the option of extending Wednesday meetings of the Parliament to 6.30 pm. That should not be the norm, but should be the first option to extend Parliament time. Only after a Wednesday extension would Thursday extensions be considered, and only after that—when we had already added three hours—should we consider using Wednesday mornings, which would require a change of the standing orders, to allow

Parliament to meet at the same time as committees.

John, I think I am right in saying that no change in standing orders is required for the Parliament to meet beyond 5 o'clock. We could have decision time at 5 pm and move on.

**John Patterson:** That is right.

**Mr Kerr:** I am heartened by what Mike said; those suggestions would retain the family-friendliness that this Parliament was founded on. To extend on a Thursday would be a matter for discussion in due course, but I approve of late-night politics on a Wednesday, when people who work during the day but who would like to see the Parliament could come.

I am a father of young children and I like to get back to the house, but if I am to stay here until 6.30 pm, I would not mind extending the meeting for a little longer, because I would be out that night anyway. It might be possible to go on even longer—to 7 pm, 7.30 pm, or even later—on a Wednesday. I would be in favour of that, as long as it was clear to all of us that Wednesdays were regular late nights, for which we would have to plan our diaries accordingly, and as long as it was clear to the public, so that they could come and see us after work—as I encourage them to do. I would prefer to have a late Wednesday and then not go on late on a Thursday, so that there was just one late night a week. At the moment, I would err on the side of caution, because we do not know the work that the legislative programme will involve.

**The Convener:** We seem to be having an outbreak of consensus.

**Michael Russell:** On this issue, but I am not so sure about other issues on the agenda.

**The Convener:** It would be sensible to deal with Donald's points at this stage.

**Donald Gorrie:** The suggestions that have been made are reasonable, and I agree with Andy that it would be reasonable to extend the time for one evening, and to go on for a bit longer than Mike suggested.

It would be useful to know how many members stay in Edinburgh on Tuesday and Wednesday evenings. The family-friendly thing is a great idea, but if getting on for half the members have to stay in Edinburgh anyway, the family-friendly aspect is lost and they might as well use the evening fully. At the moment, the load is still relatively light, because the legislative system has yet to get going, but it is important that we should discuss the time that we have available and that we should have measures ready, because once bills start to be produced, the treadmill will start. The Executive will start producing bills, reasonably soon some



committees will start producing bills, and some individual members have already started producing bills.

We could consider reducing the time of the recess, as has been suggested in the press. Tom McCabe is said to have remarked on that. Covering the school holidays is excellent, but we have three weeks' holiday at Christmas and new year, and most schools have only two weeks, so we could reduce recess time then. We must have measures in place to allow the Parliament fully to fulfil its task. One considerably extended evening would be a good first step. It would be interesting to see whether the whole system collapsed if there were committees at the same time as meetings of Parliament. It might be possible to experiment to see whether there was a clash, before we said that it could not be done.

**The Convener:** Not without having to change the standing orders.

**Michael Russell:** There is a practical implication of committees meeting at the same time as the Parliament, which is shortage of staff in certain areas, including the official report. I understand that, of all the options, the most expensive is to have committees meeting at the same time as the Parliament. That is not to say that it should not be done, but in my view it is one reason why it should be the last option.

**Mr Kerr:** I do not think that we should go too far with the contents of Donald's paper. We have an interim solution to extend meetings on a Wednesday, so let us suck it and see. We must consider that there are list MSPs, constituency MSPs, those with families, those without families, those within 20 minutes of Parliament and those who are three, four or five hours away, or even further away. We must pitch our decisions for every member of the Parliament, not just for those who live nearby. There is no single standard category of MSP—we must accommodate everybody.

**Michael Russell:** One of the key questions is that of members being able to get home. Many members stay on a Wednesday night, but we should not sit until an hour when it would be impossible for members to get home by public transport and go to their bed without meeting themselves on the way out.

**Mr Paterson:** I am one of the people who travel all the time. I dearly love Edinburgh—it is Scotland's finest city.

**The Convener:** Will the press please note that?

**Mr Paterson:** It is, and for a Glaswegian, that is saying something.

It seems possible that we might move towards working in the way that Westminster works.

Previously I have said that I do not want to be locked in either the Parliament or the committee rooms. I have already been on a good number of visits to people's houses and to halls, and I would like to do that more. If we did a head count and found that, because of where they lived or because they had decided that they wanted to spend Wednesday night in Edinburgh, 50 per cent of MSPs wanted meetings of the Parliament to eat into the time that other MSPs wished to spend away from Parliament, that would be a wrong step. It would make the Parliament very unfriendly, especially towards me—I intend to continue to travel back and forth between Glasgow and Edinburgh every day, and I do not want to stay in Edinburgh.

As Andy and Michael have said, it is early doors for us to be talking about extending meetings all over the place. Michael's suggestions could make a difference if we really needed the time, but I would like more time to listen to people rather than talking to them, which Westminster does too often.

10:00

**The Convener:** We seem to have a consensus of opinion that the existing arrangements are too restrictive. We are uncertain about what the pace of changes should be and the direction that they should take, but we agree that it would be sensible to loosen up the standing orders to allow for the various options that have been canvassed to be taken. At this stage, however, we are not anxious to remove the proscription on simultaneous meetings of Parliament and committees. We can return to that issue in next May's review of standing orders and at any time thereafter. Broadly, we are agreed that standing orders should be loosened up so that we can determine what the shape of the working week needs to be.

That takes care of the following item on the agenda as well.

Issue 17, which we will deal with now, was one of the papers that was revised. It deals with whether questions, a debate or both should follow ministerial statements. The paper was amended to take into account the possibility that members might not want to have a debate on a ministerial statement immediately after the statement but at some other time. That is an extra option, not a conclusion.

**Michael Russell:** The procedure is working substantially better than it was. My group's view is that, providing that the statement is given to opposition groups in time to allow for preparation of questions and briefing, the situation is tolerable.

There are difficulties in doing that and I am grateful to the Executive for trying to provide statements as early as possible. To me, that would

mean the night before, not an hour before. We are getting them between those times. If the Executive is willing, we can get to a stage where the statement procedure is fine.

**The Convener:** If the Executive had provided a debate on last week's statement on the water industry, would the time that there was between the receipt of the minister's statement and the debate have been adequate?

**Michael Russell:** No, not at all. If I remember correctly, I received the statement at some time mid-morning—I would have to ask Ian Campbell to confirm this as he gave it to me, but I think it was around half-past 11. The questions were to take place early that afternoon, so there was enough time for two spokespeople to prepare questions but not to brief a number of speakers or to consider the detail of what was said. However, the Administration did not propose that the statement was strong enough to have the burden of a debate placed upon it, I suppose.

**The Convener:** If the Administration had wanted a debate but had not provided for a time interval between the statement and the debate, the debate would have been unfair on the opposition parties as there would have been no opportunity to research it. We have to explore how the Executive intends to handle the situation. As you said, Mike, there was no problem last week, for the reasons that you gave, but there might be a problem at some other time.

**Michael Russell:** The earlier information comes from the Executive, the better and more constructive debates will be, although the Executive will worry that if it gives too much information away too quickly it will just be attacked.

**The Convener:** We could ask Mr McCabe this afternoon about the Executive's intentions. Its general approach appears to be consensual and Mr McCabe might give us some information that would help us to come to a decision.

**Donald Gorrie:** The proposition in the paper that questions could follow the statement immediately and that a timetabled debate would follow at the next opportunity is a good one. That would enable more members to be briefed so that there might be a discussion about a paper by people who had read the paper. That would be revolutionary, at least as far as the practice at Westminster is concerned. However, there will be occasions when the Executive has difficulty in providing the information in time.

**The Convener:** That is a good summing-up of the situation. We will raise the matter with the minister in the afternoon.

Issue 18 deals with who should sum up debates.

You have raised that before, Mike, so I suspect that you have a point to make.

**Michael Russell:** This is a point on which the consensus will break down. I am tempted to force the matter to a vote while Andy is at the loo. However, as I am only giving evidence, not acting as a member of the committee, I will not.

It is well known that there is a divergence of opinion on the matter. I think that, if a non-Executive party has introduced a topic for debate, it should have the right to sum up at the end of that debate. It should have the same privilege of opening and closing the debate that is accorded to the Executive on every other debate. For the Executive to want to sum up in that debate as well strikes me as a little churlish.

The argument of the Executive is that it wants to bring information to the attention of members or respond to points that have been made, but that that can be done in the penultimate speech. If a summing-up speech is to conform to normal practice, it should not introduce new material at all but respond to the debate. It is not good enough simply to adopt the Westminster precedents when the precedents that have been set by local authorities and other Parliaments are quite convincing.

**The Convener:** We can raise that with Mr McCabe this afternoon. His opinion is clear and strongly stated as well. We will try to come to some sort of consensual arrangement, although it does not look like that will be possible. We might have to have a vote on that at some point but, hey, that is politics.

Last time, we tried to dispose of item 19, which is to do with the lunchtime gap. It is back with us because of legal advice—it appears that we would have to change standing orders.

**Michael Russell:** All the members of the Parliamentary Bureau thought that the matter had been finished with, then it came back. Could the committee clerk elaborate on the legal advice that makes it impossible to put item 19 into the business motion?

**John Patterson:** The arrangements in the standing orders for adjournments and suspensions of Parliament bite in this case. I am afraid that the standing orders simply cannot be circumvented.

**Michael Russell:** Everyone—from the Presiding Officer to Lord James, who has to leap to his feet in an almost Pavlovian manner every lunchtime to propose that the meeting be adjourned—agrees that the standing orders should be changed to give the Presiding Officer the power to adjourn without motion in specific instances, most notably at lunchtime but also in the case of disturbance.

**The Convener:** We will agree that we will not

bother to come back to the matter next week. We have made a decision on this little matter and the clerks can resolve it with legal advice and put it in the final report.

Issue 20 has been dealt with, as have issues 22 and 21.

**Michael Russell:** I would like to make a point about speeches and interventions. It is important that all parties have an understanding of the speaking times for opening and closing debates. There has been some confusion in recent weeks because the issue has not been worked out. There should be an agreement between the parties before each debate on the length of speeches. That would allow a simple calculation of the amount of time that is left for other speakers. The process is not clear at the moment and should be sharpened.

**The Convener:** You do not think that this is a matter for standing orders but you want it remitted to the bureau.

**Michael Russell:** Yes, that is right. It should be remitted to the bureau and to the Presiding Officer so that each party's business manager knows the length of the opening and closing speeches.

**Mr Kerr:** Should there be standard times so that we do not have to agree separate times for every debate?

**The Convener:** There should be, but that is not a matter for the standing orders.

**Michael Russell:** I think that the standard is 10 minutes for the opening speech with seven or eight for speeches that oppose the motion. In the all-day debate on the programme for government, Donald Dewar's opening speech was 20 minutes. Accordingly, there had to be a slot of 15 or 12 minutes for the opposition speakers. A table set out on a pro rata basis would be useful.

**Donald Gorrie:** The present arrangements seriously disadvantage the Liberal Democrats.

**Mr Paterson:** You shouldnae have gone into coalition, then.

**Donald Gorrie:** My views on that are well known. Is this the right forum to raise the issue of my party's disadvantage?

**The Convener:** I think that that it is a fair question for you to raise. We can discuss it with Iain Smith this afternoon.

**Donald Gorrie:** The Liberal Democrats have to fight their corner somewhere, but I do not know whether this is the right place.

**The Convener:** Even if it is not, say your piece and get it on the record. If we can build your comments into the discussion, we will.

**Donald Gorrie:** At the moment, the Liberal Democrat spokespeople get only four minutes, I think, and not many of us are called to speak. Our total number of column inches in each debate is significantly less than, for instance, the Conservatives, who have roughly the same number of MSPs as we do. The fact that we are in coalition with the Labour party is relevant, but we have less chance to contribute to debates than members of other parties. That issue needs to be examined.

**Mr Kerr:** Could you talk me through that again? I think that opportunities for Labour back benchers such as me to speak are also limited.

**Donald Gorrie:** If the debate is led by a minister, the minister gets his or her time to speak, the SNP and Conservative spokespeople get roughly the same amount of time, and then everyone else usually gets four minutes each. Liberal Democrats take our chances with other people and get no summing-up rights.

**Michael Russell:** Are you saying that there are Liberal Democrat spokespeople who are distinct from Government ministers and that therefore there are Liberal Democrat positions on things that ministers might not articulate?

**Donald Gorrie:** Correct. That is the case for all issues that are outside the partnership agreement.

**The Convener:** I suspect that the Presiding Officer would have to consider that. I am not sure that that is a matter for us, but we can hear the point of view, record it and transmit it to the Presiding Officer and the bureau as a matter that has been raised.

**Mr Paterson:** There is an opposite argument, which is that the coalition partners are, in effect, one party and there should be no distinction. Those are the games that big boys play.

10:15

**The Convener:** In a yes/no vote one can go only one way.

**Michael Russell:** One might say uncharitably, Donald, that the Liberal Democrats have traded their speaking rights for a mess of partnership pottage, but I appreciate the point that you are making.

**The Convener:** We are aware of the arguments and it is reasonable that someone should examine those calmly and reflectively. It is not a matter for standing orders.

**Michael Russell:** Surely it will be fascinating to hear the view on that of the Deputy Minister for Parliament this afternoon. I hope that we put that to him.

**The Convener:** I think that we might well do that.

**Michael Russell:** I would like to make a brief point about interventions. I still feel that there is some disquiet in the chamber about interventions. In the past two weeks, Scottish National party members and others have made representations about them in points of order. Interventions sometimes take up so much time that the member making the speech becomes short of time.

I also raised the point two weeks ago that a minister or a member is protected in the last minute of their speech because they are in the last minute of their speech. The speech goes on, however, for another two-and-a-half or three minutes.

I note from the briefing papers for this meeting that this committee's advice was that there was no reason to have absolute protection for ministers and members in the last part of their speeches. I have no objection to that, but interventions are still causing some difficulty.

That is a matter for the Presiding Officer rather than for anyone else, but it has caused disquiet among members.

**The Convener:** The feeling at our previous meeting was that this is not a matter for standing orders, but it is a matter on which we should express an opinion.

Items further down the agenda will, I hope, reflect what we discussed and decided. There is a copy in the papers for this meeting of a letter containing our views on that, which I sent to Sir David Steel. I do not see that there is any scope to change the standing orders to influence that. It is, however, reasonable that we should review the topic as practice evolves. We are all still on an upward learning curve and that is an area in which things are not working as smoothly as one hopes they will.

**Mr Kerr:** Someone at the previous meeting mentioned that a little courtesy could be shown. However, when members making speeches say that they will take no more interventions, other members are still popping up. The Presiding Officer could be tougher on that.

**The Convener:** We will move on to issues 23 and 24, which relate to a revision of question time to allow for specific question times for specific ministers. That option was raised at our previous meeting and the issue of a First Minister's question time is already on the agenda.

We will not resolve those matters today. I have allowed a full discussion to develop on many of the points made earlier because that has helped to move us in the right direction. I would prefer Mike simply to set out his position on this issue and we

will then ask questions of him. We will need to discuss this at some length and make some recommendations at our next meeting.

**Michael Russell:** That is very wise, Murray. I see a way in which we can reach consensus on this issue. Many of us came at the issue from radically different positions—I was from the school of thought that said that a major change was required. Having seen the system operate in the past two or three weeks, I think that some incremental changes, rather than root-and-branch changes, to the suggestions of the consultative steering group might be needed.

The major weakness at the moment is our inability to get the game going. If we compare the situation to a game of tennis, there are no volleys and returns—the ball just gets to the net and drops. The difficulty arises from further supplementary questions not being allowed during open questions. There is a suggestion that supplementary questions should be allowed from constituency or regional members on subjects that relate to their constituencies. I think that that is too narrow and I am glad that Tom McCabe is of the same view.

The Presiding Officer must be allowed and encouraged to take supplementary questions from members other than the member who asked the original question. The first supplementary question should come from the member who asked the original question and the second and subsequent supplementary questions should come from a wider group in the chamber who have indicated their desire to speak.

The downside of that is that fewer questions can be taken. It would reduce the number from the 20 or 22 questions that we get some days to 14 or 12. It would, however, be far better to have 12 substantial discussions in which points can be made and information given. I feel that ministers would prefer that to simply standing and giving their answers and sitting down again. Ministers do not at present have the chance to develop lines of argument or thought on particular issues.

The key issue is about supplementary questions during open question time. Things are beginning to work a bit better in terms of closed questions, but a little more flexibility would be appropriate. Once Alex Salmond has asked the two or three supplementary questions that he is permitted, it should be possible to widen the debate a bit. That is not happening—we move on to questions from David McLetchie almost by rote. It is important that that is relaxed a bit.

In terms of immediate changes to the standing orders, I would be prepared to leave things as they are for the time being. We will be able to conduct our full review of standing orders in the light of

better experience.

I would, however, suggest one further change. I think that eight days is too long a period of notice for lodging questions. It is impossible to have topical and up-to-date questions if questions must be lodged eight days in advance. I can see no reason for that.

It would be possible to table questions on a Friday for the following week, which would leave two extra days. It would not be impossible to lodge questions on a Monday and that would allow us to hear questions that were topical and up to date. We could examine that again to see whether it has worked properly, when we fully review the standing orders.

It is tempting to say that we should have a session for named ministers, but until question time works more flexibly, I do think we can say that. We need some immediate changes and some further changes when we have examined the situation.

**The Convener:** You suggested a more flexible approach to supplementary questions, which would result in fewer questions. The alternative to having fewer questions in that case would be to allocate more time to questions. How do you feel about that?

**Michael Russell:** The session, which lasts for 45 minutes at the moment, could be lengthened to an hour. There could be five minutes more allocated to closed questions and ten further minutes added for open questions.

The order of questions could, of course, be reversed. Closed questions could be asked first. I would be interested to see what that would produce. I thought at first that that might produce something dramatic, but now I am not sure that it would.

If members were minded to lengthen question time to an hour, that would strike a balance. Roughly the same number of questions would be asked but there would be a bit more to-ing and fro-ing.

**The Convener:** Are there any questions to Mike?

**Donald Gorrie:** Would Mike Russell consider having another question time, perhaps on Wednesdays?

**Michael Russell:** I know that there is pressure for that, but I do not favour that option. My view is that because there is only a day and a half of plenary meetings it would be overkill to have another period of questions on Wednesdays, given the distinct possibility that there will also be written questions to deal with. If plenary meetings took place on three days a week, Tuesday and

Thursday might have been suitable for questions. It would be difficult to justify having question time on two days out of two.

**Mr Kerr:** I agree broadly with what Michael says. I will be interested to hear what Tom McCabe has to say today about tabling questions.

Last week Phil Gallie, in a supplementary question to Jack McConnell, went completely off the subject of the original question. The Presiding Officer should deal with such instances.

**Michael Russell:** The Presiding Officer did slap him down.

**Mr Kerr:** We should learn from that. What we say in the discussions here should be heard by other members. They should know that they cannot simply go off the subject of the original question. Mr Gallie was not slapped down as quickly as I thought he would be.

**Michael Russell:** My interpretation was that he was trying to ask a question, but that he did not phrase it very well. Supplementary questions must relate to the question, or to the answer that is given to the question.

**The Convener:** We can move on to issue 25, which is about holding answers given in response to written questions. I know that a number of Scottish National party members have been concerned about that. Do you have evidence to give on that?

**Michael Russell:** We seem, with the exception of Keith Raffan, to be asking more questions than previously. It is inevitable, then, that we will get more holding answers, but there is concern that holding answers are being used too extensively. I have personal experience of that.

Ministers are trying to move away from the use of such answers. There have been problems, particularly during the summer recess. I would like—with your permission, convener—to extend into that area as I think the issues are linked.

**The Convener:** We will take issues 25 and 26 together.

**Michael Russell:** There is a need to have written questions and answers during summer recess. It is an obvious requirement that should be introduced to Westminster and that has been debated there. It must be recognised that people might be on holiday during the summer and that it might be more difficult to get things done. We must examine the issue of written questions in two ways.

We must first ask if the present system works. If answers are received within two weeks, then the system will work. Can we improve the system? We probably can, but the principal improvement would be in resources. We are not in charge of those

resources, so all we can do is recognise that there are difficulties for the Executive, particularly in the summer. During the summer there should be a slightly different procedure for written answers. We could, perhaps, wait three weeks.

A system for priority questions should be introduced for those requiring urgent answers. As long as such a system is not abused, it will benefit both ministers and members. The way to stop abuse is to have any question that a member wishes to raise during recess or when Parliament meets certified by the clerks. There should be a procedure for that.

If a member wishes a question to be treated as a priority question, that member cannot merely say that it is a priority question. That priority must be proved. There will always be arguments about that, but we have arguments about the phrasing of or eligibility of motions. We will get it right through the interaction between the members and the clerks.

The ministers should endeavour to give a written answer within a fortnight. They should be sparing with holding answers. There will be occasions when their use is necessary, but ministers must be prepared to justify the use of holding answers on each occasion on which they are used. As a *quid pro quo*, time allowed for producing a written answer might be extended by a week or so.

There should at all times be provision for urgent answers. The most important example of that was during the situation at Continental Tyres Ltd, when there was no procedure for getting a quick answer from a minister. In such a case and in that of Levi Strauss (UK) Ltd there should be the opportunity to get a quick answer.

**Mr Kerr:** I am broadly sympathetic to what you say, but would we be exposing the clerks to something to which we do not want to expose them? They might have to make decisions on subjects that I, for example, could argue were politically urgent, but which they might think were not urgent.

**Michael Russell:** Ultimately, that decision is for the Presiding Officer.

**The Convener:** Do you think that the authority to make that decision is the Presiding Officer's?

**Michael Russell:** It must be. If one has an emergency motion to lodge it is the Presiding Officer's decision to accept it or not. I would not expect an emergency motion to do more than speed past the Presiding Officer's desk, if it was obviously not an emergency. The Presiding Officer and, on his behalf, the clerks should have the ability to certify an emergency question that would require an answer in 48 hours, or whatever period is decided.

I would be surprised if there were to be more than two or three such questions a week. There might not even be that many, but we need to refine our questioning system.

**Janis Hughes:** I would very surprised if there were only two or three in a week.

**Michael Russell:** I was talking about successfully lodged questions.

**Janis Hughes:** I agree with Andy. How do we lay down the guidelines by which the clerks would make decisions? If a question then has to go to the Presiding Officer, that will add to the time and will detract from the urgency of the question.

**Michael Russell:** We should be strict with those who attempt to lodge half a dozen emergency questions a day for the first three weeks. We must look for responsibility in members and this would be the right way forward.

Emergency questions might have to be lodged through the business managers. I would have no objection to finding a way to filter emergency questions through the parties. The responsibility would be on the parties to ensure that questions were genuine.

**Gordon Jackson:** There would have to be ways of stopping emergency questions being abused. One man's emergency is the bee in another man's bonnet.

**Michael Russell:** There are examples of other procedures that are in place where there must be internal certification by business managers. That might be the way to do it. The Presiding Officer would be able to tell the business managers that they could not certify 12 emergency questions in a day because they will not be approved.

**Mr Paterson:** We must, in any case, overcome the over-zealous. There is a problem—emergency questions must be raised. That should not suffer because some people try to abuse the system. People will try to abuse the system no matter what we say and no matter what the standing orders say.

10:30

**Gordon Jackson:** I agree in principle—there should be a method for getting answers to questions on genuine emergencies quickly.

**The Convener:** Is the proper mechanism for such questions to go not to the clerks—who might become political footballs—but either to the business managers or directly to the Presiding Officer?

**Michael Russell:** Perhaps they should be channelled through the business managers to the Presiding Officer.

**Mr Kerr:** The business managers are a good filter, because they can tell their party members quite bluntly that there is no chance of a question being accepted.

**Gordon Jackson:** That would work, because if we submitted emergency questions to our business manager every five minutes, it would not take him too long to tell us to stop; he could not be bothered with them.

**The Convener:** This would be a useful point to raise with Mr McCabe this afternoon—we have to talk to him about something. [*Laughter.*] We will have plenty to talk to him about.

Does that take care of items 25 and 26, Mike?

**Michael Russell:** Yes. Item 27 has also been dealt with.

**The Convener:** That takes us to item 28, which we deleted at our previous meeting. Item 29 concerns a rather technical matter. Item 30 relates to emergency bills and members' bills. Do you have anything to say about that, Mike?

**Michael Russell:** In his paper, Tom McCabe says that the Executive is considering the procedure for emergency bills. There needs to be a partnership between this committee, the Executive and the bureau to ensure that our procedures are altered to make it possible for the Parliament to take emergency bills. The fact that we had to suspend part of our standing orders to take a piece of emergency legislation was no big deal, but it should alert us to the fact that we have not got the procedure right in standing orders. I believe that we have asked for a redraft of standing orders that would remedy the situation.

I have a number of concerns about members' bills. We have still to test the system, but I am concerned that there is no time allocated in standing orders for members' bills. It was assumed that there was time, but John will confirm that no sitting days were specifically allocated for members' bills. A discussion has arisen in the bureau on where that time should come from. My assumption is that all time belongs to the Parliament, which can decide how its time is used. That is technically true, because Parliament approves business motions. However, there is another school of thought that argues that all time that is not already allocated belongs to the Executive. That would mean that the Executive would have to give up time to allow consideration of members' bills and that such bills could not be debated if it was unwilling to do that.

This is a crucial issue. Time is allocated for non-Executive debates and for committee business—15 and 12 days respectively. The Executive assumes that all other time is Executive time, but I argue that all other time is Parliament time.

Parliament gives that time to the Executive, but it could say that it intends normally to allocate five or 10 half days for dealing with members' bills.

The first member's bill is almost ready to be lodged and will presumably go before the Justice and Home Affairs Committee. It is possible that that committee will put it to the Parliament in the time allocated to it for its business, but there is no guarantee that that will happen; I do not think that it is even likely to happen—Gordon is shaking his head.

**Gordon Jackson:** The Justice and Home Affairs Committee wants to bring in its own bill, on which it is currently taking evidence. It is unlikely that we would give up our bill for someone else's.

**Michael Russell:** Members' bills will come to the bureau, which—as I understand it—is obliged to schedule stage 1. However, it is not obliged to do anything thereafter, so we may run into a bottleneck on members' bills. Extraordinarily—this is a defect of standing orders, but I do not think that anything can be done about it—if each member introduces the two bills to which they are entitled, over four years that would amount to more than 250 bills, which could stop the Parliament in its tracks. Not every member will introduce two bills, but they have the right to do so. If they did, that would mean 250 stage 1 debates—250 half days over four years—but not one half day is allocated in standing orders.

**The Convener:** Parliament time and committee time are separate issues. The bureau has asked us to consider the problem of Parliament time. The issue of committee time is being discussed in the informal group of committee conveners, who may suggest a further amendment to standing orders. The concerns that Mike has raised are real and are being acknowledged. I am not sure what the answers are, but the matter is on our agenda.

Do members have any questions about what Mike has said?

**Gordon Jackson:** I may have missed this, Mike, but what did you anticipate the solution being?

**Michael Russell:** That is a good question.

**The Convener:** You can see the value of a legal mind.

**Michael Russell:** Absolutely. I am afraid that I will trip myself up when an advocate asks me that sort of question.

An allocation of time for Members' bills has to be laid down in the standing orders. The consequence of there being none is that there will be a bottleneck of members' bills, which will create some difficulty. We must allocate space in the timetable for a certain number of half days—

probably between 10 and 12 a year—for members' bills. The downside is that members will find it much harder than they think to get their bills through, simply because of the shortage of legislative time.

**Gordon Jackson:** Where do you plan to get those half days from?

**Michael Russell:** I go back to the philosophical point that I made earlier: if the time belongs to the Parliament, the Parliament can allocate that time. My view is that the rest of the time then belongs to the Executive, but I think that the committee will find that Tom McCabe takes a different view.

**The Convener:** This obviously ties in to some extent with our earlier discussion about extending the length of the parliamentary week. If we create more time for our business, one of the beneficiaries may be members' bills. That would provide more flexibility all round. This matter must be resolved—we need to consider whether a time allocation should be specified in standing orders.

Does that take us to the end of your submission, Mike? Do you wish to make a final statement?

**Michael Russell:** All members—and certainly all the members of my group—want to make the present standing orders work as well as possible, although they are keen for there to be revisions within a definable time scale. I hope that this committee will achieve its objective of presenting some revisions by the end of October, before undertaking a full review. The revisions should be designed to make the work of members easier, because the Parliament belongs to its members, rather than to any party or Government. Standing orders should make the job of members more obvious, more transparent and easier to execute. We are going some way towards doing that.

**The Convener:** Thank you.

## Working Hours

**The Convener:** Item 2 concerns Donald Gorrie's paper, which we discussed during Mike's evidence. However, Donald, I am willing to allow you to make any other points that you wish to at this stage. Do you feel that you had a fair thrash at it and that we are going in the right direction?

**Donald Gorrie:** I wanted to comment on the clerk's response to my paper. It states:

"At this stage in the life of the Parliament it is not feasible to point to concrete examples of ways in which the basic timetable/structure has constrained Parliament unreasonably."

That is not correct. Some of the debates have been too short and, as has already been said, a number of people who would have liked to speak and could have made reasonable contributions

were not able to. The time allocated for speeches is sometimes so short that interventions are discouraged and the impact of the speech is diminished because the speaker is unable to put their arguments properly. I argue that slightly longer debates would be better debates. That is linked to the issue of how much time is available to Parliament.

**The Convener:** We addressed that question earlier, Donald, but I am perfectly happy for you to put your opinion on the record.

## Non-Executive Half-Sitting Days

**The Convener:** Item 3 is a paper on non-Executive half-sitting days. It relates to the plea that was made to us at our previous meeting by the Green party member, Robin Harper, on behalf of himself, Tommy Sheridan and Dennis Canavan. The paper provides the committee with various options; there is no recommendation as such, but it is suggested at the end that the committee may feel that there is no scope at present to increase the amount of non-Executive time. The difficulty for us is in identifying where we would find the three half days.

**Mr Kerr:** There is also an issue of principle. My view—and it may seem harsh—is that there is no merit in the argument.

First, Dennis Canavan is not a member of a political party, but an individual, so I am not sure why he should be allocated a half day of Parliament's time.

Secondly, I believe that Robin, Tommy and Dennis are called frequently in major debates and are permitted a healthy share of speaking time. It has also been a long time since I saw one of the members in question—Tommy—in the chamber.

I think that there is a good deal of fluff around this issue. I am not sure whether it is necessary for these members to be allocated time—or whether they deserve it—on the basis of their share of the vote or participation in the work of the Parliament.

**Michael Russell:** I take a diametrically opposite view from Andy. When we discussed this previously, I said that the issue was not Dennis Canavan, but independent members. I regret that this paper still refers to Dennis Canavan—my view is that he features in this argument only as an independent member. We must not forget that any improvements that we make to standing orders are designed not for the next three or four years, but for the foreseeable future. It is not inconceivable that there may be one or more independent members of this Parliament forever—perhaps not Dennis, but others.

Equally, there may be minority parties. We need to remember that, under our voting system,



representatives from those parties have been duly elected. At present the Scottish Socialist party and the Scottish Green party sit as minority parties. The question is not whether individuals from those parties are called to speak—I am glad that they are, although some people resent the fact that they are called so often—but whether they have the right to participate in other aspects of the Parliament's work. We have established—although not without difficulty—the right of all members to serve on committees. Any party should be entitled to the opportunity to introduce its business at least once during the year. With regard to the Scottish Socialist party and the Scottish Green party, the argument is quite clear—they should have the minimum amount of parliamentary time that can be given them, which is one half day.

The case of Dennis Canavan is different, as he is an independent member. However, it might be argued that independents should have a share in non-Executive business. I am not quite so certain of that, but it would make sense for a group of three or four independents to be offered one half day.

One of the staff of the Scottish Parliament information centre has pointed out that standing orders contain a contradictory provision, which we will clear up. The independents and minority parties did not quite reach the magic figure of five members, but that should not disqualify them from participating fully and appropriately—for this is not a huge allocation—in the work of the Parliament.

I support, therefore, the request of the Scottish Green party and the Scottish Socialist party and am inclined to support the idea that independents as a group should be allocated one half day. That comes to three half days—if we met until half past 6 on two nights for three weeks we could manage it. That would be a small price to pay.

**The Convener:** So you believe that we should agree to the half day and link that to the general discussion about extending the parliamentary week—in other words, that we should not take anyone else's time away from them, but use the extra time?

**Michael Russell:** Yes.

**Mr Paterson:** I will not rehearse all the points that Mike has made, but I will endorse them. This Parliament was elected by proportional representation, and it is only right that members should be represented proportionate to their numbers. I take the view that Dennis Canavan is an individual member, rather than the representative of a party, but we should make some room for independents in the future. Independently minded people or parties such as the Highlands and Islands Alliance—I was about

to say the Highland brigade—need to know that the Parliament is thinking about their needs.

10:45

**Donald Gorrie:** I should perhaps declare an interest. For quite a long time I was solitary as a councillor and had serious problems. There is a distinction between two parties which happen to be represented by one member each at the moment and an independent. The two parties deserve an opportunity to put forward their particular concerns in a reasonable debate.

As Mike said, there may be independents—in the plural—in future. One way to deal with them is to write into the rules that they receive favourable consideration when it comes to members' debates. A number of them are locally based, so they might raise specific local issues. The parties that are represented in the Parliament should have an opportunity to raise debate on a subject at least once a year. There should be some provision to allow independents to raise issues, but they are not a party and should be treated differently.

**Mr Kerr:** For the record, I am not doing down those from smaller parties—I recognise the proportionality of the Parliament. What I said is that they do quite well out of the current system. In terms of the time that we have available, what is being suggested is going too far.

**The Convener:** The difficulty that I have in agreeing with that, Andy, is that—as Donald said—Dennis is an independent and can introduce constituency business in members' time. The others can make speeches in debates, ask questions and make their points in committee. The advantage for the Scottish National party and the Conservatives is that they can lodge a motion on a broad political issue and have it debated. There is no mechanism for the small political parties to do that. With respect, that is the gap in what Andy has just said.

It has to be decided whether to give the smaller parties that opportunity or, indeed, whether to give them a half day or simply a slot. We have some relatively short debates. There may be merit in not considering them to be entitled to a full half day. One of them might wish to raise a matter that would sustain a fairly substantial debate. For example, Robin Harper might introduce a discussion on genetically modified foods.

I am inclined to be sympathetic to the case that Mike has made this morning. The difficulty is that it requires a change to the standing orders. We cannot simply say, "Give them a half day" without impacting on the time allocated to the Opposition parties. We would have to expand the time available through the standing orders or write something into the standing orders to entitle the

small parties to some kind of platform. The matter could be taken care of if the Executive were willing to schedule an opportunity for a debate initiated by the minor parties without any need to change the standing orders.

I suggest that we raise that matter with Mr McCabe this afternoon. He may not have a definitive response, but he could think about it and respond in time for our next meeting. That would allow us to come to a decision on the matter—we cannot really decide today because our decision might require a change to the standing orders.

**Michael Russell:** There are a number of options, Murray, and you have pointed out one or two of them. Could we ask the clerks to produce an options paper on what changes to the standing orders might be necessary in order to recognise the right of minority parties represented in the Parliament to a minimum of a half day? I am not saying that we will implement any such alteration, but at least we will see clearly what the options are.

**The Convener:** Could the clerks add to the report to that effect? That is agreed.

## Parliamentary Bureau (Referrals)

**The Convener:** That takes us to the fourth item, which is the remit from the bureau. Members have a paper containing three issues: the method of electing deputy conveners; the time allocations for members' bills; and the election of committee conveners.

We have been asked to suggest how deputy conveners might be elected. There are five options in the paper, which are not so much about the method of election as the method by which the positions of deputy convener will be allocated.

**Michael Russell:** One of the problems with the option of electing a deputy convener from the same party as the convener can be seen by looking round this room. There does not appear to be anybody—at least sitting round the table—who can become the deputy convener of the committee because there is no other Conservative representative. That is a profound difficulty.

There is a stronger reason for saying that we should not have conveners and deputy conveners from the same party, and it relates to a discussion that was held by the bureau that will be rehearsed by this committee. One of the best ways to cement into committees a more consensual approach to politics, with committees operating across party lines, is to try to share some of the responsibilities of convenership: guiding the committee; being involved with the clerks; briefing the committee; and devising its papers and materials.

Taking the political line—that the SNP is in

charge of one committee and Labour is in charge of another—would miss that opportunity. Having a convener from one party and a deputy convener from another could help the parties to work together in the committee system. It could be quite attractive to mix it up like that.

That discussion has been taking place for some time in the bureau. There is no agreement on it; it was felt that the Procedures Committee might be able to assist us. The paper does that, because options 1 and 2 are the only options that the bureau discussed. By some miraculous transformation—or transmutation—the number of options had grown to five by the time the paper reached us here. That is excellent, because number 3 is very interesting: committees might well want to choose a deputy convener from among their number, without any interference from the political parties.

Number 4—that deputy conveners may not be required all that often, but if they are they can be picked by rota—is an interesting possibility too. However, the problem with the rota system is that there is no continuity and there would probably not be as much mixing. Option 5 is that deputy conveners are simply a convenience in case the convener falls under a bus. Until he or she is resuscitated, somebody else is slotted in—

**Mr Paterson:** Bring in the conductor.

**Michael Russell:** Yes, bring in the conductor. Somebody else is slotted in to do the job.

I am attracted to option 3 now, 1 and 2 having been a difficulty for the parties. Option 3 might produce some interesting results but I am not attracted to number 1—and never have been—because it carves things up without recognising the new politics and the potential for people to work together. It also creates difficulties for the Liberals and the Tories on certain committees where they have only one member. That is an insurmountable obstacle.

**The Convener:** It all hinges on the role of the deputy convener. If they are there simply to allow business to proceed in the absence of the convener, it is a fairly small matter, and options 4 and 5(b) will take care of it neatly. The decision might be different if the deputy convener is seen to have a job in relation to the committee—if we were clear what that job was.

Janis indicated that she wanted to come in.

**Janis Hughes:** Yes, I take a diametrically opposite view to Michael, funnily enough.

There is merit in option 1, from the point of view of continuity and liaison. We could get ourselves into difficulties if the deputy convener and the convener are from different parties. We have cross-party discussions in committee meetings,

not in any discussions prior to that which the convener and deputy convener might have to undertake as part of their duties.

When a committee has only one member from a particular party, the Liberals and the Conservative party—for example—could come to an agreement whereby they would rotate the convenerships. For example, if the convener was a Liberal Democrat, it could be agreed that the deputy convener would be a Conservative. The agreement would still pose a problem, though.

**Michael Russell:** I think that that is a weakness in your argument.

**Janis Hughes:** Think about it this way—if you were convener of a committee and Andy were deputy convener, would we ever have a discussion in a meeting?

I favour either 5(a) or 5(b)—probably 5(b). It is not desperately necessary for us to have a deputy convener; we should address the issue if and when it arises.

**The Convener:** I throw in a further thought. Is there an argument for treating the committees that shadow ministers and the statutory committees differently? In the case of the statutory committees, I suspect that there is no particular political issue at stake and that what is making this difficult is that in some of the legislative-cum-investigatory policy committees, there may be a desire to devolve some of the work and to have a political ally to devolve it to. However, given that a number of those committees are chaired by Opposition politicians, I am not convinced that that is all that important.

**Michael Russell:** That is exactly the point. It would give—even symbolically—the right impression for the committees to attempt to find a cross-party method of working together. In the convenership of a committee, that would be illustrated by a Labour convener and an SNP deputy convener. If we cannot agree on that, 5(b) is the only option. That is, if the convener is not at the meeting the committee elects another convener. It would be up to the convener to drag themselves here on a hospital trolley if they wanted to continue to control what was happening.

**Donald Gorrie:** Murray asked the first relevant question—about the role of the deputy convener. Is he or she seen as part of a power structure, in which case is it worth arguing about? I am not clear about that. Secondly, I gather that there is no money for the committee to meet elsewhere, whereas the European Committee can go all over the place. One visit a year to Auchtermuchty is our ration, if that. If, as I understand it, we are to break up into groups of three or more—Noah's ark plus inflation—as some committees will do to visit schools and local authorities and so on, does the

leader of that group need a title? Do we need to have deputy conveners to lead the smaller groups around? If so, it may be necessary for us to have deputy conveners. However, if they are merely a substitute for the convener and not part of the power structure, I am all for 5(b).

**The Convener:** Under the standing orders, the role of the deputy convener relates simply to conducting meetings—an on-going role is not envisaged. The convener of a committee has a relationship with the clerks in terms of programming the work of the committee; if the convener were to be unavailable for a prolonged period, the deputy convener might have to do that. It appears that the deputy convener is not necessarily the convener of a sub-committee or of a deputation. He or she simply stands in for the convener when the convener cannot be present. That indicates that the position is a relatively unimportant one and a matter of no great ceremony or dignity. The best way forward on this is either for the committee to choose a permanent deputy convener, or to agree that when the committee needs a deputy convener it will be decided on the spot; that is 5(b), and I am quite happy to go with that.

11:00

**Gordon Jackson:** The choice between options 1 and 2 is a political dispute that I could do without. Option 5(b) takes that element of dispute away and makes the issue simpler to deal with. I am in favour of that.

To ask a technical question, how long can we let this lie? If we choose option 5(b), we need to amend the standing order substantially. The standing order prescribes that there shall be deputy conveners; the Parliament is disobeying that at the moment. How long can one disobey with impunity? What happens if we disobey standing orders indefinitely?

**The Convener:** We need to incorporate that into the report that is to go to the Parliament after the October recess.

**Gordon Jackson:** Could we just ignore the requirement to have deputy conveners until then?

**The Convener:** Between now and then, we should continue to ignore that requirement, as we have ignored it so far. No retribution has been visited on us, and it seems unlikely that any will be at this stage. We should continue with that for the next few weeks and try to resolve the situation in the future. John, can we have a report for the next meeting that suggests a change in standing orders? We are doing that for all the other options that we are considering. Let us examine what the standing orders say before the next meeting.

Are we agreed that we will accept option 5(b), which shows the benefit of the Parliamentary Bureau remitting to this committee any difficulties that it has?

**Members** *indicated agreement.*

**The Convener:** I hope that the Parliamentary Bureau does not overexercise that approach. Well done to the clerks for expanding our range of options.

The second item that the Parliamentary Bureau has remitted to us is the time allocation for members' bills. That item came to our attention very late last week, when there was not enough time to consider a paper on it. We discussed the matter earlier today, and if committee members are in agreement we will continue on that course until the next meeting. By that time, the officers will have had an opportunity to put together a reasonable response for us.

**Gordon Jackson:** Did we deal with the problem of the oldest member not wanting to sit in the chair?

**The Convener:** That is the third issue, to which we are just coming.

**Gordon Jackson:** I am sorry. My concentration is going.

**The Convener:** Yes, I know. It gets quite hard to concentrate.

We come to the last page of this paper, and the issue that is headed "Rule 12.1.4: Election of Committee Conveners". We must agree that this should be on the priority issues list and that the clerks should draw up a form of words that will resolve the matter. We do not need to engage in a long discussion of the situation. A sensible point has been raised; it would be an absurdity if we found ourselves sending a senior member of a committee out of a room because, for whatever reason, he was unwilling to chair the business.

I had a wee thought as I read these papers to put myself to sleep last night. In the local authority of which I was a member, on one occasion every four years—for the first meeting after the election—the chief executive took the chair. He did not fulfil any political role whatever; he simply asked for nominations for the office of provost. That procedure was then conducted, and the chair was handed over. I wonder whether it would be a good idea for the clerk of each committee to chair the business for the first item. The issue of senior members could be taken out of the frame altogether.

**Michael Russell:** I agree.

**The Convener:** I am not saying that that should be the decision, but it should be an option.

**Michael Russell:** It is an option.

**The Convener:** It may clash with something in the consultative steering group report.

**Michael Russell:** It would mean that business managers would not have to ask all members their ages, only to be knocked back by certain members who would not give their age.

**Donald Gorrie:** Of all the angels-dancing-on-the-point-of-a-pin issues that we have dealt with so far, this involves by far the sharpest pin. It is a piffing issue, which I have never in my life had to discuss.

**Michael Russell:** That shows a remarkable insensitivity to agism, which I forbear from saying might be a subject in which Donald Gorrie will become more interested as time goes by.

**The Convener:** No, no, no.

**Donald Gorrie:** I chaired two of those meetings.

**The Convener:** Let us keep the debate in good humour.

## Parliamentary Bureau (Representation)

**The Convener:** We now come to paper 5, which deals with the wording of standing order 5.2, regarding the number of members a party requires for representation on the Parliamentary Bureau.

**Michael Russell:** This is a technical matter.

**The Convener:** Again, this is a technical issue that the clerks can take away and sort out. They must simply align the wording of two paragraphs.

## Conveners

**The Convener:** Paper 6 deals with the letter from George Lyon. Some of the correspondence has been heated, some of it not. There seems to be some difficulty between this committee and the Standards Committee. The question is whether this committee wants a paper from the clerks or whether it wants to deal with the matter in the course of time.

**Mr Kerr:** We would like to have a paper on the matter.

**The Convener:** Okay.

**Michael Russell:** I have no objection to receiving a paper on this matter, but it is resolving itself and there is a feeling that we should continue to examine it from time to time. A paper does not strike me as a priority at this stage.

**The Convener:** That appeared to be the message that I was getting as well, but it may not reflect everybody's view. I would rather have the

issue resolved politically than procedurally. It is a matter for the business managers to sort out among themselves, if they can. If they cannot do so, we may have a part to play.

If we rewrote standing orders, they would have to recognise all sorts of possibilities that do not currently apply. That would take us into the institutionalisation of party political positions—something in which I hope not to be mired too deeply. If we ask for a paper that examines the issues, which we would receive in a couple of weeks, that would allow time for talks behind the scenes—behind the throne—to resolve the matter.

**Michael Russell:** I ask you to note that this has not been referred to you by the Parliamentary Bureau, the Presiding Officer or the business managers, but by one member of a committee—not even with a letter that was signed by others. That indicates that this is a matter in which an amicable resolution is possible.

**The Convener:** There are two points to be made. First, in his correspondence with some of the individuals who are involved in this, Sir David suggested that the matter should be discussed by the Procedures Committee, although he noted that he did not view the issue as a priority for this committee. Secondly, the Enterprise and Lifelong Learning Committee decided to remit the matter to this committee, although we do not yet have the report of that meeting.

**Michael Russell:** That is a much more important reason for discussing the matter than George Lyon's letter.

**The Convener:** If there is not yet any remit, we understand that one is coming. That puts a bit of pressure on us. The difficulty is that I am not sure that we will be able to resolve the matter before the committee meeting in a fortnight.

**Michael Russell:** Given the time pressure that we will be under at the start of October, we should accept the fact that the Enterprise and Lifelong Learning Committee has remitted the matter to this committee. However, there is no urgency in getting the paper on to the priority issues list. We must get all the items on that list out of the way by the end of October. I would be happy to receive a paper whenever the clerks produce one.

**The Convener:** Okay. Is everyone happy about that?

**Mr Paterson:** It seems strange that somebody should be precluded. If a small party were elected to the Parliament, every member of that party might be a spokesperson, which might preclude those members from becoming conveners.

**Michael Russell:** The paper would have to address that issue.

**Donald Gorrie:** They would have to be spokesmen on something else.

**The Convener:** Thank you. That point is on the record.

## Committee Witnesses (Interests)

**The Convener:** We now come to the seventh paper: a letter from Alex Neil asking that we require people who come before committees to declare any interests. That seems reasonable in principle; the question is whether we should have a paper on it. There may be practical difficulties and broader issues of which I am not aware.

**Gordon Jackson:** By and large, the people who come before committees are there because they have an interest. It is possible that someone could appear in a private capacity while getting an inducement from somewhere else, but normally it is because they have an interest.

**Michael Russell:** That is a key point. As members declare interests before committees, there is no harm in asking people who appear before committees, at the beginning of a meeting, whether they have an interest in the matter that is being discussed. It is possible that people may come as individuals. We have seen that at Westminster, and Alex Neil raises a fair point.

**Mr Kerr:** I am not sure of that. My experience has been that committees know the reasons for inviting people to meetings. It would seem strange to go through such a process. On the surface, it seems unnecessary, but I shall be interested in what the paper suggests. We should know whom we are inviting and why we are inviting them, and we should know anything else that we want to know about them before we invite them. The proposal seems a bit of a tail-end-Charlie way of inviting people to submit evidence to a committee.

**The Convener:** We are not intended to be considering an urgent report on changing standing orders; the issue is part of the evolution of the Parliament in the longer term. It may be that outside witnesses who have had experience of appearing before committees will assist us in deciding whether the issue has substance. It is important that the matter has been put on the record by a member and that it has been discussed by this committee, which has asked for a paper. It is something that we can consider in the fullness of time, and comparison with other Parliaments might help us to judge it sensibly.

**Donald Gorrie:** It would be unfortunate if any draconian rules were to discourage people from coming to give evidence. The paper should bear that in mind.

## Committee of the Whole Parliament

**The Convener:** Let us move on to paper 8, which deals with a question that emerged during the emergency legislation debates. An amendment had to be voted on, even though nobody wanted to have a vote. It is a refined point that may not smack us in the face for some time to come. We have been asked whether we want a report, but I do not think that the issue is urgent.

**Michael Russell:** We should have a report and a draft suggestion for change. We should decide whether we can address the issues that have been raised with a quick draft.

**The Convener:** Okay. We agree on that.

## Non-Members (Committee Participation)

**The Convener:** Item 9 is the participation of non-MSPs in the work of committees. We have to decide what is within our legal powers. There appeared to be nothing that we could do with the stark issue that was put before us at first, but we have been asked to consider the matter again. We cannot resolve the issue within a fortnight; the clerks should work on it and bring it back to us as part of the more substantive review before May.

There are blank looks around the room. This is the principle of finding a way for people who are not members of the Scottish Parliament to participate meaningfully in the work of certain committees. It was the view of some members that we should be able to co-opt outsiders on to committees because of their particular interests or expertise. That is not possible under the legislation. This is an attempt to involve outside people with an interest or expertise to share in a rather more satisfactory way than by bringing them along as witnesses from time to time.

## Chair (Form of Address)

**The Convener:** Paper 10 simply notes that the recommendation for addressing the chair, which we agreed on at the previous meeting, was seized upon by Sir David Steel and announced immediately. By and large, people have been using "Presiding Officer", but we are still hearing "Madam Deputy", "Mr Presiding Officer" and so on. However, we are moving in the right direction and will achieve a degree of uniformity. It is up to the Presiding Officer to police that. This paper simply notifies members of the announcement, in case they missed it in the chamber.

## Clerk Action

**The Convener:** Paper 11 is a note of clerk action, which simply advises that decisions that were taken previously were relayed to the appropriate bodies—either the Parliamentary Bureau or the Scottish Parliamentary Corporate Body.

## Summing-up

11:15

**The Convener:** Item 12 concerns my letter to Sir David, which attempted to sum up the discussion from our previous meeting and indicated a desire for interventions. As I said in the letter, what matters is not the timing of the last minute of a speech, but the decision to sum up by the speaker who is holding the floor. The courtesy should be that when the speaker says, "No, I am summing up now", that is that. It does not matter whether the speaker takes a further minute or two, or whether the speaker is a minister or a member. The occupant of the chair ought to ensure that the rest of the speech is heard properly.

**Michael Russell:** The difficulty arises when the occupant of the chair says, "I am sorry, the minister is summing up and is in his last minute", when the minister has not said that he is summing up and it might be two and a half minutes before he finishes.

**The Convener:** The two and a half minutes is not necessarily the issue. If the minister has said that he is summing up and will not accept interventions, that should be that. If the minister has not said that, and is still developing a point, there may be a difficulty in closing the meeting on time. That is a matter not for us or for standing orders, but for the Presiding Officer to handle.

I moved a motion last week and I summed up when I saw the occupant of the chair indicating that I should do so. Closing speakers will probably resolve the matter best by accepting such a signal from the occupant of the chair. After that, members must not intervene. Subject to reasonable time constraints, we do not want any restriction in standing orders that would limit members' ability to make—or speakers' ability to accept—interventions. I tried to summarise that and I hope that the letter will add to the interpretation of what is still, to a degree, a moving picture.

**Donald Gorrie:** Would it be possible to tighten up on the relevance of interventions?

**The Convener:** That, too, must be a matter for the Presiding Officer. A member was silenced last week for asking an irrelevant supplementary

question; the Presiding Officers must feel strong enough to do the same during an intervention. Members making interventions are still, as in virtually every other respect, finding their feet and learning their way. We will rely on good humour, good advice and experience to resolve such matters, rather than on standing orders.

**Donald Gorrie:** So this committee has no role in advising the Presiding Officers, and must simply lay down standing orders.

**The Convener:** We always have the role of expressing our view on a particular matter to the Presiding Officer. Just as we have given the Presiding Officer our opinion on interventions, it would be appropriate for us to express an opinion on relevance. If we decide to do that, perhaps we should prepare a proper report into all matters on relevance and ask the Presiding Officer to issue further guidance through the bulletin or to be tougher in his interpretation of the rules. Are you asking us to do that, Mr Gorrie?

**Donald Gorrie:** My view is that the Parliament would benefit from greater strictness from the Presiding Officers on a number of issues. That is a personal opinion that others may not share.

**The Convener:** I will not ask you to prepare a full report, but could you give some thought to the matter and return to a further meeting with some of the problems that you have identified? We could discuss the matter and send a further report or a letter to Sir David, asking him to issue guidance as appropriate. We are involved in an interlocking discussion, with a number of other committees, about the evolution of the Parliament. Some matters are not our job, but that does not mean that we do not have a role in shaping what is happening.

**Donald Gorrie** *indicated agreement.*

## House of Commons Procedure Committee

**The Convener:** Item 13 is simply a verbal update. We continue to attempt to arrange a meeting with the House of Commons Procedure Committee.

## Information Note

**The Convener:** Agenda paper PR/99/4/13 relates to item 14 on the agenda. For information, we have had a letter from the Scottish Food and Drink Federation, the contents of which are self-explanatory.

## Priorities

**The Convener:** Agenda paper PR/99/4/14

concerns item 15, the memorandum received by the committee from Mr McCabe in relation to this afternoon's meeting. As I said, we might best deal with that by meeting slightly early this afternoon to discuss our line of questioning. I ask the clerks to prepare a quick aide-mémoire on issues raised this morning that we should raise with Mr McCabe, in addition to the points that he has raised. *[Interruption.]* Please tell the committee that, John.

**John Patterson:** I propose that we do not have redrafted standing orders for the next meeting on 5 October, but that final decisions are taken in the light of today's meeting. Thereafter, once the committee has decided on its objectives for each issue, we will come back with concrete proposals that members can discuss at the first meeting after the recess. Is that acceptable?

**Members** *indicated agreement.*

**The Convener:** We had hoped to have models of rewritten standing orders available by this meeting, but so many other things have been punted to us by other bodies that the work has overtaken us, resulting in a slight slippage.

11:21

*Meeting adjourned.*

16:16

*On resuming—*

**The Convener:** Welcome to this meeting of the Procedures Committee. We are pleased to have the opportunity to speak to Tom McCabe and Iain Smith about the paper that they circulated in advance of the meeting. Tom, will you introduce the team to us?

**The Minister for Parliament (Mr Tom McCabe):** On my extreme left is Robert Gordon. I would be telling a lie if I said that I could remember the long titles that the Executive attaches to his post.

**Robert Gordon (Head of Executive Secretariat, Scottish Executive):** I am currently head of the Executive secretariat. Before that, I was head of the constitution group.

**The Convener:** So you are largely responsible for this Parliament, then?

**Robert Gordon:** Ultimately, I suppose that I am.

**Mr McCabe:** Members will know Iain Smith, the Deputy Minister for Parliament, who is sitting on my left. On my right is John Ewing, who can perhaps inform members—

**John Ewing (Head of Constitutional Policy, Scottish Executive):** I am head of the constitutional policy and parliamentary division of

the Executive secretariat.

**The Convener:** Thank you.

We have the paper in front of us. I will begin by saying that our feeling in this morning's meeting was largely to accept the thrust of the Scottish Executive's paper, which is to adopt a fairly sceptical approach to whether we need wholesale changes at this stage. It appeared that, in general terms, the Executive's paper urged us merely to try to loosen up the existing procedures to establish greater flexibility, with a view to considering further change if that proved to be necessary in the light of experience. That is a philosophically pleasing conservative approach to the process. We thought that, unless there were issues that you wanted to raise, Tom, by way of introductory comment, we would simply take the paper section by section. We want to ask a number of questions and we will raise them as we reach each section.

**Mr McCabe:** A brief comment, convener: the Executive recognises that both procedures and standing orders are important. Iain and I are pleased to come to this meeting and to have the opportunity to speak to a committee that recognises the importance of procedures and standing orders in the operation of the Parliament. In the memorandum that we submitted, we have tried to reflect our hope of seeing a fairly flexible situation develop with the Parliament's standing orders, but not one that would undermine the certainty and consistency that is required.

For that reason, we welcome the measured approach that you have taken. To echo one of the points made in the memorandum, we are aware that this is a young Parliament and that the standing orders have not been fully tested under wide-ranging circumstances. The Executive is aware of that, and we hope that the Procedures Committee will take a similar view.

We are concerned that the standing orders that evolve will help to raise the standing of this Parliament in the eyes of the public. That is important. The public must see, through the operation of the standing orders, a Parliament that is trying its best to live up to the founding principles that the people of Scotland endorsed when the Parliament was created.

I hope that our memo has been of some assistance. We are here today to expand on it where necessary and to be of some assistance.

**The Convener:** Thank you. We take the introduction to your document as read—it is broadly shared ground. I would like now to take each paragraph in turn, and ask whether members have any points to raise. That takes us to questions. You have recently had an opportunity in Parliament to respond to a question on this matter,

but we wonder whether you want to say a bit more on question 5—whether questions are being used for the purpose for which they were intended—because there is a feeling that they have gone beyond what was expected.

**Mr McCabe:** It would be useful to expand on the view that we tried to put across when we answered the question earlier this month. I say very strongly that the Executive fully realises that the Opposition's job is to test the Executive, to probe and to question. Under no circumstances is the Executive advancing a position that would limit that ability. There is, however, a strong view that we must be aware of parliamentary processes in terms of efficiency and the call on the public purse.

This Parliament is not over-enthusiastic to duplicate Westminster—although hundreds of years of Westminster experience should not be overturned simply because of its source—but if a huge amount of time is being used to obtain information that is, if not readily available, then relatively readily available through other sources, we would legitimately want Parliament to examine that. I want to underline that the Executive recognises the job of Opposition parties. Despite what I have said, there is no intention of making that job more difficult.

**The Convener:** Is it envisaged that ministers are likely to respond to questions by saying that the information sought is on the public record and that the member should go to the Scottish Parliament information centre? That has not been done to date, but is that development expected?

**Mr McCabe:** I tried to indicate that when I answered the written question. We intend to audit the questions that are lodged and to indicate on which occasions a member could have obtained the information through other sources. That would help us, and help to inform the Parliament. It would also assist the Parliament in deciding whether we are using our resources to best effect. A better and more effective use of those resources could lead to the development of other mechanisms to help Opposition parties to probe and test the Executive.

**Michael Russell:** I understand the difficulty in terms of cost and resources, but the committee has discussed one or two ways in which that problem could be alleviated. Rather than the Executive being forced into what would be tantamount to rebuking members by saying that the information could be found elsewhere, as a first step the clerks might suggest to members that the information that they want is available elsewhere. Thereafter, if members insist on asking the question, they get what is coming to them. Assistance to the clerks in providing that service would be helpful.



**Mr McCabe:** I do not think that the Executive would object in principle to that suggestion. I am less clear about the practicalities of implementing it, as it may in some instances put the clerks in a difficult position. If that is not the case, we would want to encourage members to get the best possible advice up front. If the member chooses to ignore that advice, the answer could indicate that the information was available elsewhere.

**The Convener:** We should move on to the Executive's proposals on oral question time, which broadly accord with our view. My question is on paragraph 7(b), which is about expanding closed question time to ministers to allow supplementaries from other MSPs at the discretion of the Presiding Officer. The immediate practical difficulty that we see is that, whereas there are about 20 questions at present, the number would be unlikely to be more than 12 or 13 if the proposal was implemented. What is the Executive's feeling about expanding question time, possibly by 15 or 20 minutes, to keep a proper balance between the number of questions and the desire to bring in additional members?

**Mr McCabe:** The Executive's mind is not closed on that proposal but—and this is likely to be the theme of the afternoon—the Parliament is still young, the current system is still developing and there should be some time for the new system that is proposed in the memorandum to bed in and be assessed. If it is then felt that the new system limits the number of questions, we should return to the subject, but we should allow the Presiding Officer's discretion to have an effect on the Parliament and we should have time to assess that.

**Michael Russell:** This morning, the committee discussed the question of bedding in a new system rather than undertaking wholesale changes. There was a fairly clear view that one of the changes that could be introduced immediately was to have a slightly longer question time—lasting an hour—which would allow roughly the same number of questions and the supplementaries to be taken. It is only if that does not work that we should look at other changes. Are you saying, Tom, that you would not want to lengthen the time to an hour as part of the immediate changes? If that did not happen, there would be a concomitant reduction in the number of questions being answered.

**Mr McCabe:** Yes. I would not want to lengthen question time at the moment for a number of reasons. There is an overall concern about the time that is available to Parliament. The Executive's firm view is that, increasingly in the weeks ahead, as legislation moves into committees and reports come back to the Parliament, parliamentary time will become

scarce. We have a presumption against reducing the other parts of the parliamentary timetable at this time because we are still such a young parliament and we are learning as we go.

The change that is currently proposed is useful; the First Minister was keen to advocate it and members have been keen to have it implemented. Perhaps there is a responsibility not only on the Presiding Officer and the Executive, but on members themselves to try to be as concise as possible in the knowledge that the more concise they are—and the more disciplined about unnecessary supplementaries if answers have already been given—the more questions will be taken within the time. This is a change to a system that has been in place only for a short time—there is nothing to suggest that the change has to run for an inordinate length of time without being reconsidered.

**Michael Russell:** Surely ministers have an obligation to be concise as well—the more concise ministers are, the more questions can be taken. It has not gone without notice that ministers' answers are sometimes longer than necessary. If we were to start at 2.15 pm on a Thursday afternoon rather than at 2.30 pm, we could have an hour for question time. We would forgo only 15 minutes of our lunch, which might do us all good.

16:30

**Mr McCabe:** I have yet to come across an MSP who enjoys a two-hour—or even a 30-minute—lunch. In the main, members usefully employ the time between 12.30 pm and 2.30 pm on Wednesday and Thursday by catching up with phone calls, dealing with constituency business or receiving lobbies from various interest groups. On one Thursday next month, there will be an appropriate lobby from Scottish Women's Aid, which will take up a large amount of MSPs' lunch time.

It is easy for people who deliberately misunderstand the timetabling of Parliament to suggest that there is a two-hour lunch break. It is my—and even Mr Mike Russell's—experience that members are heavily occupied in that time.

**The Convener:** I am sure that Mr Mike Russell did not mean to suggest that members were abusing their lunch times.

**Michael Russell:** Absolutely not.

With respect, convener, the second point about the length of ministers' answers has not been answered. That is a genuine concern.

**Mr McCabe:** Everyone in Parliament has a responsibility to be as concise as possible while imparting the maximum amount of information. If back-bench members have to be concise,

ministers must have the same responsibility.

**Mr Kerr:** My point is in response to Mike's comments. I do not share the view that ministers' answers have been overly long. A look at the *Official Report* shows that answers are fairly short and sharp. Members bob up and down fairly regularly during question time. However, taking Tom's point, we should all pay attention to the length of questions.

**The Convener:** I want to move on to the paragraph about the procedure for written questions, in which we wondered about your views on how the Parliament might deal more satisfactorily with emergency or urgent questions. The point was raised in relation to the question asked during the recess about Continental Tyres, which the Presiding Officer suggested should be given priority. However, answers came through no faster. Although we do not want to get into the situation at Continental, we feel that there is a clear need for a fast response to certain questions.

**Mr McCabe:** There are a number of issues to address on this matter, not least the fact that, whereas, on average, 1,400 Scottish questions are tabled at Westminster a year, 1,300 questions have been lodged here in the first three months. There is a considerable strain on civil service resources in dealing with those questions—any answer that I give has to be seen in that context. Furthermore, the new Parliament was allocated a certain amount of money for its operating procedures. If we believe all that we read in the newspapers, that money, too, is under considerable strain.

In our first weeks of operation, we recognised that we were in a unique situation and that, because of the date on which we took our powers and the date on which we went into recess, it would be unfortunate for MSPs in such a unique situation not to have access to answers to written questions. Although no precedent has been set for answering questions in future recesses, there is a mind within the Parliament that that should happen.

At Westminster, no answers are given during recesses. It would be less than responsible of us not to recognise that, during a summer recess, there are breaks in the resources available to answer questions and that staff take holidays. At such times, the system comes under considerable strain. Perhaps because of the initial enthusiasm attached to the new Parliament at the start of the recess, the system came under undue strain and members felt additional frustration that answers to their questions were taking a bit longer than expected. However, as I outlined, there were understandable reasons for that, of which the majority of people were aware.

**The Convener:** We understand the pressures on resources during the recess. However, perhaps MSPs who wanted it to be seen that they were not on holiday in the summer went about their work in the best way that they could—by asking questions. Although your comments are of great interest, we are not questioning the principle of asking questions in the recess. Sometimes, when a situation is unfolding, a question will lose its point without a reasonably speedy answer. It has been suggested that the Presiding Officer could employ fast procedures to prioritise certain questions or to designate urgent questions. Are there any circumstances in which the Administration would agree that a question that might otherwise end up in the summer queue could merit a fast response?

**Mr McCabe:** Apart from during the recess, there is a facility for asking emergency questions, the use of which is at the Presiding Officer's discretion. I apologise for referring back to Westminster, but it is relevant. Where the facility is available for members to mark questions as urgent, a large percentage of questions suddenly become urgent. The Executive finds it hard to envisage such a system not being abused.

**The Convener:** We anticipated that but thought that a system that mediated urgency through the business manager for the political groups or through a decision of the Presiding Officer would be a protection against abuse of the system.

**Mr McCabe:** That might be helpful. The existing work load of business managers would have to be taken into account. There are a number of times during the day when business managers have to be available. At the Parliamentary Bureau today, business managers expressed concern about their need to be contacted in certain situations. I do not think that the Executive would be hostile to the committee's proposal, but the availability of business managers for proper consultation might become an issue.

**Gordon Jackson:** The idea was that people would be less inclined to abuse the system if questions had to be put through their party's business manager, who—to put it bluntly—would not let members get away with much. If the Presiding Officer raps a member's knuckles, well, big deal. However, if a member's business manager tells him or her to behave, it is a problem. That is why we thought it was a good idea.

**Mr McCabe:** As I said, it is not an unreasonable suggestion and we can consider it in more detail.

**John Ewing:** There is a danger that a member would expect the business manager to have a good reason for knocking back a question, so more of the business manager's time might be used up as he defends his decision. What is

needed is for someone who is beyond challenge to make the decision.

**Michael Russell:** Such an angelic figure does not exist in the Parliament.

I have a lot of sympathy for what Tom McCabe is saying in terms of the weight of written questions, particularly during the summer recess, but I would be sorry to see them lost. The expectation of members that a question will be answered in two weeks during the summer recess is, perhaps, unreasonable and it might be that a longer period should be considered acceptable. The trade-off for that concession would be the ability to ask urgent questions during the recess. Such questions would have to be regulated and would have to be the exception rather than the rule.

**Mr McCabe:** I think that that is reasonable.

**The Convener:** We are happy with that and will try to propose something in our report.

We have covered the next section, have we not? It has to do with the information centre.

The next section deals with the rota of oral questions to ministers. We decided this morning that we would not pursue the issue of the rota of oral questions at this stage, although we will want to keep it under review. If we change the shape of question time and find that, in practice, ministers are not being sufficiently scrutinised, we may come back to the issues of times and specific slots for ministers. At the moment, however, we are not minded to depart from the general spirit of what is being proposed. We do not have any questions on that section.

**Michael Russell:** One issue that has not been addressed is the time by which questions must be lodged—the eight-day rule. I realise that there are pressures on the Executive in terms of the preparation work that is required to face 30 questions at once plus three open questions, but many people feel that the eight-day rule is unduly restrictive, particularly in terms of topicality. Some people find it difficult to understand why, in an open and accessible Parliament, we cannot have more topical questions on the big issues.

The minister has indicated that he is not terribly sympathetic to a change in that rule. Why is that? I would have thought that cutting the notice even to six days, or to the Friday before the question time, would assist the situation.

**Mr McCabe:** The time scale for First Minister's questions has been altered, which will aid topicality. At Westminster, the deadline is 14 days. The Scottish Parliament has acknowledged that that could be improved—hence the eight-day rule. It comes back to the whole issue of having the resources to deal with questions—to turn them

around and to have answers prepared. Every day that is shaved off the deadline disproportionately increases the pressures on the system. For that reason, there is some merit in maintaining the eight-day deadline. We should remember that the deadline for First Minister's questions was further shortened, as the scope of questions to the First Minister is more limited than it is for general questions.

**Michael Russell:** The minister will admit, however, that people at Westminster tend to go for holding or rote questions. The consultative steering group report contains much criticism of that and the form of our question time deliberately did not follow that model. However, even with the reduction in time, one is beginning to see a tendency towards catch-all questions that allow members to ask a number of things. The clerks and others think that that is against standing orders, but there will be more of it unless we have more topicality.

**Mr McCabe:** If catch-all questions are a problem that is developing in the Parliament, we should take active steps to discourage them. They go against the spirit that it was hoped question time would embody in the new Parliament. It is up to the parties to encourage members to ask questions that are more concise and less general.

**The Convener:** The point is that we want to do that, but feel that it is difficult to raise topical issues because of the period of notice.

**Mr McCabe:** The Executive is firm in its view that eight days does not seriously detract from topicality.

**The Convener:** A week is a long time in politics.

**Mr McCabe:** That may be, but there must always be a balance, in Parliament and in life. In many respects, the answer depends on the resources that we are prepared to apply. If it is Parliament's will that there should be considerable resources to respond more quickly to questions and to allow shorter deadlines, so be it. However, we need to consider whether that response would be disproportionate for the sake of cutting the deadline by two days.

**Michael Russell:** We acknowledge that, if Parliament accepts new standing orders to allow more supplementaries, the overall number of questions taken will automatically be reduced. However, the list of balloted questions could realistically be cut from 30 to 20, which would require less time to prepare. That may be the way in which the circle is squared. Questions could then be lodged later.

**Mr McCabe:** That seems a practical suggestion; if the committee is happy with it, it would be reasonable to consider it. However, the Executive

would hope that it would not be seen as a device to limit the number of questions that can be lodged.

**John Ewing:** As someone who has often answered such questions, may I offer an observation? Opening questions up to other supplementaries increases the amount of work that is needed to answer individual questions, as more ground has to be covered.

**Michael Russell:** A trade-off might be possible.

**The Convener:** Is what John Ewing has said really the case? Presumably, in briefing the minister for one supplementary, you anticipate every possible supplementary.

16:45

**John Ewing:** One can take a view that is focused on a member's particular interest, and make a reasonable assessment of what the follow-up is likely to be about. If the opportunity to ask a supplementary is widened to include members who are coming from other directions, a broader approach is required.

**Michael Russell:** You have our files, do you?

**John Ewing:** Over time, we build up a perspective on what members' interests are.

The First Minister gets considerably more briefing for questions than does a minister, as questions to the First Minister are much more open.

**The Convener:** That casts light on an aspect of it that I am sure many of us—

**Michael Russell:** You are not ruling out what we just said, Tom?

**Mr McCabe:** No.

**The Convener:** That takes us to the matter of voting. The first issue is whether there is a need to alter decision time. Positions are clear on that. In paragraph 20 there is an acknowledgement that there are times when decisions can be taken away from decision time. Do you see any need to change the current arrangement?

**Mr McCabe:** In short, no.

There are two reasons. The present situation assists ministers considerably in planning their diaries. As someone who operates not only as the Minister for Parliament, but as a business manager, and who receives requests from members to attend to committee business and to other issues that arise, I think that to move away from the 5 o'clock decision time would severely limit the ability of members to meet both their parliamentary obligations and their unplanned constituency obligations. Moving away from 5

o'clock decision time would reduce the flexibility that is available to members and ministers. The Parliament already has a good system, which should be kept. In the short time in which we have been operating, the system has proved its worth.

**The Convener:** Are there any other questions on that point? No.

We will move on to the section on the effectiveness of the voting system. We felt that we would wait to hear what the bureau proposed, and then comment on any changes that are suggested. Do members have any questions on this? No.

We will move on to timetabling. Much the same might be said about it: it is in hand.

**Michael Russell:** Yes.

**The Convener:** We had a question about the chairing and conduct of debates.

**Michael Russell:** I do not know whether timetabling is the right place to raise the issue that detained us briefly this morning, which is the allocation of parliamentary time, particularly to members' bills, or whether you would like to raise that at the end?

**The Convener:** We have that listed as one of the additional points at the end.

The issue in this section is the summing-up of debates. The ministerial view is that ministers should always do so, but Mike Russell thinks that the movers of motions should do so. You might wish to take the opportunity to ask a question about that, Mike.

**Michael Russell:** My position is well known, as is Tom's—it is in the paper. The committee has agreed to consider this at the next meeting. I think—speaking crudely—that it will come down to a matter of votes at that meeting. The fact that Tom and I disagree on this is recorded. It will not add much light if we just repeat our arguments.

**The Convener:** In that case I will accept the opportunity to move on.

We would like to raise a point that arose in connection with paragraph 29 in your paper, Tom: ministerial statements. Opposition members appreciated the opportunity to see the statement on the water industry in advance of the debate last week, which allowed us to frame questions. We are concerned that there will be circumstances under which it would be reasonable for a debate to follow questions. In such circumstances, is it intended to make the minister's statement available even earlier, to give members time to research and prepare positions? Alternatively, will it be acceptable to detach the statements and questions from the debate, which could follow at a later date? Perhaps you will look favourably upon

both, depending on the circumstances.

**Mr McCabe:** There may often be circumstances in which it is difficult to give useful advance notice of a minister's statement. I think that the Executive would be minded to do its best to make the statement available to Opposition parties in advance.

There is a worthwhile caveat here: there may be genuinely difficult circumstances, because of sensitivity or because the minister is at the other end of the country and is not able to sign things off. The Executive has a general will to make statements available in advance whenever that can be done.

**The Convener:** When that is not possible, would it be the Executive's intention to ensure that any debate following the acquisition of the minister's statement was reasonably timed? That would give Opposition parties time to reflect on the statement and prepare for a debate.

**Mr McCabe:** I do not think that there is an unwillingness to take soundings on a particular issue. In the majority of instances, Opposition parties were perfectly content with the second kind of statement—a statement followed by questions followed by a debate. If there was a very strong view from Opposition parties that, on a particular occasion, a statement followed by questions with a debate at a later date was more appropriate, the Executive would do its best to consider that.

**Michael Russell:** I notice that, in his note to the committee, Kenny Gibson asks for all statements by 5 o'clock the night before. I appreciate his point of view. We are establishing a reasonable practice of statements—and motions—being supplied as early as possible, but I am sure that the minister will be mindful of the need to keep that practice going in the long term, so that we can encourage constructive debate. As I said this morning, in reality, the earlier material is seen, the more likely we are to have an informed debate; the later it is seen, the more likely we are to have a rammy.

**Mr McCabe:** Yes. We are keen to ensure that, as in the Parliament, constructive relationships develop at a reasonable pace.

**The Convener:** That was a very diplomatic answer. Your last paragraph is number 30. In response, our intention, having taken evidence, heard from the business managers and taken responses from members, is to arrive at a set of recommendations at our next meeting on 5 October, with a view to reporting to Parliament after the recess. However, we wished to raise three issues with you, minister, which were not among our current priorities but which might lend themselves to a little bit of consideration.

The first is about extending meetings of the

Parliament. We wonder what your view is on the balance of advantage between extending meetings to, say, 7 o'clock on a Wednesday and/or a Thursday, as opposed to moving the meetings into Wednesday mornings.

**Mr McCabe:** You will be aware, convener, that we submitted a view to the Parliamentary Bureau, which discussed it. The original suggestion was that, first, Monday afternoons become available for committees. That was envisaged by the original consultative steering group report. Tuesdays are available for committees and we could consider Parliament meetings, when necessary, on Wednesday mornings, accompanied by a maximum of two committee meetings. When that was discussed by the Parliamentary Bureau, there was a view that we could put that suggestion on hold at the moment. The Executive reserved its position on that. There was an alternative view that we could consider extending the hours, for example into a Wednesday evening.

We want to be mindful that the concept of a family-friendly Parliament—an often used phrase—was also embodied in the consultative steering group report. Some members have strong views about the hours that should be available to Parliament and about how we should use them.

At the moment, it is best for me to say that while the Executive's mind is not closed on the issue, we are aware that it is extremely sensitive and important for some people. Before any firm decisions are made, the wide variety of views that exists should be considered.

**Michael Russell:** Thomas has represented the discussion of the bureau well, but the option of having two committees and Parliament meet on Wednesday mornings has substantial disadvantages, as was discussed at the meeting. There is the disadvantage of depriving members of the right to take part in meetings of the Parliament. It has proved difficult enough to avoid conflicts when scheduling committee meetings, let alone trying to do so when there may be business in the Parliament. I understand also that there is a fairly strong financial implication because the official report in particular is strongly stretched and it would be stretched even further were committees to meet on Wednesday mornings.

The Parliament's family-friendly nature should be defended strongly, but as I said this morning at the bureau, there are many occasions when people who work in other aspects of life have to work overtime or work late. Provided that it was carefully structured and done in such a way that it was understood that it was one aspect of life, the committee should look upon it positively.

This morning, there was a positive response to the proposal, but as one of a range of options. I

pointed out that on Wednesdays we could gain almost as much by adding an hour and a half or two hours to the end of the day as we would by having a morning meeting, particularly if Parliamentary Bureau business was dealt with then. That could be a way of increasing the time available for business while still protecting the committee nature of the Parliament, which is an important aspect of the Parliament and which the committee conveners have spoken about strongly.

**The Convener:** If I were Sir David I would have said, "Is there a question coming?"

**Michael Russell:** Perhaps the official report could put a question mark at the end of it.

**Mr McCabe:** I want to stress strongly the fact that we are discussing ways in which to achieve the same ends. The Executive is strongly of the view that we need to utilise as much time as possible in order to ensure that the business of the Parliament is properly conducted and, quite frankly, to reassure the public—who fund the public purse—that the Parliament is taking every opportunity that it can to expedite its business. That is important, if for no other reason than to minimise the opportunity for misrepresentation of the way in which we go about our business.

**Gordon Jackson:** One thing that Andy said this morning that was of interest to me was that if we sat a little later on Wednesdays, which I think we are sympathetic to, it would allow people to come and see the Parliament. There are lots of people who work from nine to five and who would like to see the Parliament. That measure would make the Parliament more open.

**The Deputy Minister for Parliament (Iain Smith):** I would like to make a couple of points, the first in response to what Mike said about overtime. There is no particular concern about whether MSPs do overtime, because we probably all do considerably more hours than the general public does, but we must bear in mind that if we are doing overtime in the Parliament, that has a knock-on effect on the staff. They are obliged to work overtime and that would cost money.

Practically, it is possible to have committee meetings on Wednesdays but it is probably not practical to have them on Thursdays. If members from remote constituencies wish to get home at a reasonable hour, or at all, on a Thursday evening, finishing at 5 o'clock may allow them to do so but finishing at 7 o'clock may not.

**Mr McCabe:** It is also worth stressing that it would be foolhardy not to acknowledge the great wave of enthusiasm that there is for the committees of the Parliament to meet. There is every indication that that enthusiasm will grow rather than diminish. Monday afternoons and Tuesdays are available for committees, but as the

committees perform their roles of dealing with legislation and producing reports, the founding principle of this Parliament—that it be geared strongly to the work of committees—may force us to re-examine the time available to committees.

**The Convener:** We have two other matters to address. An issue has arisen that was not part of our original priority framework, and which you may not have had time to consider. The two single-member parties in the Parliament at present have no facility to raise anything other than members' motions. In other words, as things are structured, they cannot propose motions on policy matters.

Only 15 half days are allocated to Opposition parties. Has the Executive looked at, or could it look sympathetically at, some device that would allow the occasional use of some time to allow the one-member parties to introduce matters of general policy through motions? It need not be a half-day; it could be an hour's slot to put those parties on the same footing as the other parties that have Opposition days.

**Mr McCabe:** We would be prepared to look at the 15 half days that are available to non-Executive parties; we would consider sympathetically a redistribution of the slots that are available. Perhaps the single-member parties that you mentioned could take one of those slots, or the other parties could assist them by giving them an hour from one of those slots, rather than a full slot. That would be a sympathetic consideration of the requirements of the two single-member parties.

17:00

**The Convener:** We felt that, if the Parliament were considering expanding Parliament meeting time, it might be more generous to allocate some time from that substantially greater allocation than from the already tightly controlled 15 half days.

**Mr McCabe:** I fully appreciate your point, convener, but we approach the matter with different perspectives on generosity.

**Michael Russell:** You are being generous with other people's time.

**Mr McCabe:** We are proposing to be generous with yours, to be fair.

**Michael Russell:** We are proposing to be generous with the Parliament's time. That is a key issue. As the Opposition is given 15 half days, it seems reasonable that the Greens and the Scottish Socialist party—taking the issue of independence aside—should be given half a day. The general issue, which we will come to, concerns to whom the time belongs. The Parliament clearly allocates all its time—with certain exceptions—to the Executive. In those

circumstances, surely the Parliament should be able to say that it wants a little of its time to be allocated to minority parties that can play a full part in our proportional system.

**Mr McCabe:** There is a great distinction between what Mike would consider to be Parliament time and what the Executive and I would consider to be Executive time. Our firm view is that there are certain slots of time that are allocated to non-Executive parties—with certain slots of time allocated for the work of committees—and that the remainder of the Parliament's time is for the Executive to advance its programme. That is why we have an Executive, and the remainder of the time should be available to the Executive for that purpose.

A compromise may be that those of us who have an interest in this Parliament could examine the time that is available to all of us, to decide, if we had a concern for single-member parties, what we could offer up to alleviate their concerns.

**The Convener:** In the interests of accuracy, I should say that that view was raised in the committee this morning. It is not necessarily the view of the whole committee, or even of a majority of the committee.

**Mr McCabe:** I understood that, convener.

**The Convener:** If nobody has any related issues to raise, our last question concerns members' bills. The matter is raising some concern, both in regard to the allocation of time in Parliament meetings and how committee time might be allocated. We are aware that there is a possibility that some bills might impact on committees that are already heavily committed, and we wondered what proposals the Executive might have or be prepared to introduce to allocate time for those purposes.

**Mr McCabe:** From the Executive's point of view, this matter remains open. I qualify my remarks by saying that this is an introductory discussion and that, as yet, the Executive has no firm view. Several suggestions could be taken up, one of which is that a certain number of slots for the consideration of members' bills should be made available in the Parliament during the year. The next consideration would be whether that time should come from what I consider to be Executive time, or whether it should come from the time that is available to non-Executive parties and Executive parties.

If members felt that the time that is available to the Executive could be reduced to accommodate a set number of slots for members' bills, the trade-off would be recognising that any remaining time would be time for the Executive. We could be in great danger of—with good intentions—so severely limiting the time that is available to the

Executive as to make it difficult for it to do its necessary work, to progress its legislative programme.

There are different ways in which to approach the issue. The Executive is keeping an open mind. The matter requires further consideration by everyone in the Parliament who has an interest.

One reservation that I have about the suggestion of setting aside a fixed number of slots for members' bills is that some people may interpret that as a cap on the number of such bills. At some point, we will have to develop a system that recognises that although it is legitimate for some time to be allocated to members' bills, everyone else has a call on legitimate slots, including non-Executive parties and committees. If there is a natural limit on the time available for those other interests, perhaps there should be a natural limit on the time available for members' bills.

**Michael Russell:** I welcome Tom McCabe's statement, because his analysis is more sympathetic than I had expected—perhaps I do not give him enough credit. Unfortunately, that is now on the record. However, the reality is that we do not know how much time a member's bill will take. As we have discussed this afternoon, we do not know how much time an Executive bill will take; there will be differences. In those circumstances, our experience in our first two—possibly three—years will inform standing orders about the time that bills will take to go through.

Our real problem is that each member is allowed to introduce two bills in a four-year session, and, by my calculation—excluding the Presiding Officer—that would be more than 260 bills. We will have to be very careful. If the Executive is willing to be flexible on the matter, all the parties will be flexible; we will have to suck it and see.

**Iain Smith:** Ministers should be excluded from that calculation as well, so there would not be quite as many as 260 bills—perhaps 200.

**Michael Russell:** The ministers are excluded as well—good.

**The Convener:** I think that that exhausts the topic. It remains for me to thank the ministers for coming this afternoon. I hope that you will allow us to firm up some of our proposals following your answers. I imagine that we might have differences in some details further down the line, but today's process was both useful and helpful. The committee is obliged to you.

**Mr McCabe:** On behalf of myself and my deputy, who has accompanied me, I offer sincere thanks. We have enjoyed the experience and we thank the committee for a sympathetic hearing.

*Meeting closed at 17:08.*





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