PROCEDURES COMMITTEE

Tuesday 21 January 2003
(*Morning*)

Session 1

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PROCEDURES COMMITTEE
3rd Meeting 2003, Session 1

CONVENER

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

DEPUTY CONVENER

Mr Kenneth Macintosh (Eastwood) (Lab)

COMMITTEE MEMBERS

*Susan Deacon (Edinburgh East and Musselburgh) (Lab)
*Donald Gorrie (Central Scotland) (LD)
Fiona Hyslop (Lothians) (SNP)
*Paul Martin (Glasgow Springburn) (Lab)
*Mr Gil Paterson (Central Scotland) (SNP)

COMMITTEE SUBSTITUTES

Phil Gallie (South of Scotland) (Con)
*Trish Godman (West Renfrewshire) (Lab)
Richard Lochhead (North-East Scotland) (SNP)

*attended

CLERK TO THE COMMITTEE

John Patterson

ASSISTANT CLERK

Lewis McNaughton

LOCATION

Committee Room 4

Scottish Parliament

Procedures Committee

Tuesday 21 January 2003

(*Morning*)

[THE CONVENER *opened the meeting at 09:30*]

Consultative Steering Group Inquiry

The Convener (Mr Murray Tosh): Welcome to the third meeting in 2003 of the Procedures Committee. We continue to work our way through the second draft of the report on the consultative steering group principles. Last week, we took a majority decision on the role of back benchers in the Parliamentary Bureau. We will start again from that natural break.

The contents of the paper are the same as before, with the exception of the underlined sections, which are areas of new text that I have written—I will explain them as we reach them. As before, we are not making final decisions at this stage but flagging up areas of difficulty or dispute where further drafting might be necessary to get an accord. Failing that, we will identify those areas that will have to be resolved in the traditional manner at the final stage.

I am unable to say when the final stage will be because that depends on how much ground we cover today. However, I expect that we will probably need a fortnight to reflect on all the remaining points before a final meeting. Although the final stage might overflow beyond one meeting, we should be able to finish the report in February.

I have received apologies from Fiona Hyslop and Ken Macintosh, who will not be attending. Susan Deacon and Paul Martin will be late. I welcome Trish Godman, who is present as an observer rather than as a committee substitute. However, if there happen to be any votes, she may be called as a substitute.

The meeting will have to close at around 11.40 am because I have to go to Victoria Quay to speak to some civil servants. I am extremely excited about that, as I have not been to Victoria Quay before. I do not have much experience of civil servants and I do not know how they will treat me—I am sure that they will be very well behaved.

We will rattle through the business as quickly as possible, starting at paragraph 740. The first area of new text appears at paragraphs 745 and 746, which deal with an area that we identified as one where we might not get agreement. The text is not so much new as heavily reworded to try to clarify the suggestion that the Parliamentary Bureau should consist of several members of the Parliament. For example, the bureau could comprise seven members, like a smallish committee, and would vote like committees, rather than by block vote. It is emphasised that bureau membership would obviously reflect the majority of any Executive of the day. When we last discussed the issue, not all members were entirely comfortable with that suggestion, so we can leave the matter for discussion at the final meeting.

Paragraph 746 is entirely consequential on paragraph 745 and simply sets out what would have to happen if the Parliament were minded to accept the change. I will give the committee time to examine the wording of the paragraph, as it is likely to be an area of some discussion. I will leave the text underlined to draw members' attention to it at the final discussion.

There is new text in paragraph 749. It was previously suggested that the Presiding Officer should retain his casting vote in the Parliamentary Bureau. The committee had discussed radical changes in bureau membership, including possible back-bench representation. When we decided that we would not suggest back-bench representation in the bureau, I had to amend the text.

I have thought about the matter further. The Presiding Officer's argument that he should not have a casting vote is based on his view that it is absurd to have a casting vote in a situation where no conceivable arithmetical combination of existing votes could produce a tie—in his view, the casting vote is entirely redundant. The situation is a bit like a tie in cricket. Many cricket matches are drawn, which means that there is no definitive result. Occasionally, however, there can be a tie where the scores are absolutely equal.

In a future session of Parliament, there could be an arithmetical balance in the bureau where there was no majority vote, depending on how the business managers voted. In those circumstances, a future Presiding Officer might regret not having a casting vote in order to bring about a decision. That might happen once in 100 years but, if an arithmetical tie is conceivable, there should be a mechanism, as in other committees, to break the tie. Therefore, I recommended that the Presiding Officer retain his casting vote. He may never need to use it, but I think that it should be there.

Trish Godman (West Renfrewshire) (Lab): I agree with that principle, but my maths is not very good. Surely if a member abstains, that would mean an uneven number of votes cast, so a casting vote would be needed.

The Convener: No, because individuals do not vote. Because of the block-voting system, the Labour business manager has 55 votes. There would not be an uneven number because of the numbers in the parties, unless a business manager decided to cast 30 votes in favour and 22 against, for example. However, I do not think that that is possible. Nevertheless, it is just possible that, depending on the outcome of an election, the situation that I have described could arise.

Trish Godman: I did not realise that the bureau voted in that way. It is right that the Presiding Officer should retain a casting vote just in case.

Donald Gorrie (Central Scotland) (LD): I do not agree with the Presiding Officer's arithmetic, but there is no point in getting technical at this stage.

The Convener: There were no other changes in that section.

The next section concerns the Scottish Parliamentary Corporate Body. The committee had quite a full discussion of the issues on the first run through. Paragraphs 765, 766 and 768 are heavily redrafted. They do not contain new ideas, but the text was redrafted in light of the committee's taking the view in previous discussions that the report, in making several recommendations to the corporate body, was overly prescriptive. It was suggested that the committee should challenge the corporate body to think for itself about what it might do to make its proceedings more transparent.

In that spirit, I have suggested some examples in paragraph 765 that the corporate body might consider. There is a firmer set of comments in paragraph 766, which acknowledge that, although there is not a huge amount of political sensitivity in the SPCB's work, it makes important decisions about the Parliament, including budgetary and resource allocation decisions. The suggestion in the paper is that

"the SPCB should consider the case for increased openness in its work both to raise the profile of that work and strengthen the outreach effort of the Parliament generally, and to give MSPs and others a greater opportunity to influence SPCB decisions."

The challenge in the next sentence is that the SPCB should consider how it can be more transparent and accountable and whether it can be more effective at power sharing. The public meetings issue is reduced to the recommendation that the SPCB should consider the implications of meeting in public. We are not telling the SPCB what to do, but challenging it to think about how it has operated and might operate.

Paragraph 768 is a recommendation that follows from other paragraphs. I had hoped that Paul Martin and Ken Macintosh might be present so that we could work out whether everybody was happy with the approach. In their absence, we can do nothing but continue those paragraphs for discussion in the final round-up. I hope that members feel that the rewording reflects the previous discussion.

I will throw Susan Deacon, who has just arrived, in at the deep end, because she was part of the discussion about how we should approach the corporate body issues. Do you have any comments on how I have tried to capture our previous discussion? When you entered the room, I was explaining that the thrust of the recommendations puts the responsibility on the body to consider the issues and produce its own suggestions. I suggested that we should continue the paragraphs to the final discussion, but any points that members want to make now would be more than welcome.

Donald Gorrie: Perhaps we could add some examples of matters that concern members and should be discussed openly. For example, if more resources were available, the SPCB might discuss whether they should be used to increase the non-Executive bills unit's work, to allow committees to travel more around the country or to give conveners more support. Many housekeeping issues are seriously relevant to members, who should know about them and have the right to influence such decisions. Those matters are not commercially sensitive. It could be argued that the Holyrood disaster is commercially sensitive. Perhaps conditions of service for people might be commercially sensitive, but many decisions that are not secret and are relevant to us should be taken openly.

The Convener: That could be covered in the comment about effective power sharing, but it would be appropriate to flag up the issue. We have flagged up other action that the SPCB might take, such as more internal consultation in producing some of its policy decisions. Perhaps some of the recent spat about the paper on issues for dissolution might have been smoothed if more advance discussion had taken place with political parties and members.

I should have said that paragraph 768 is the response to the previous discussion about whether the corporate body should be able to vary its size. On a previous occasion, we recommended that it should be able to, but now, we are recommending that it should be able to if it wishes to. The issue is caught up in the question whether we can control our internal procedures fully, which means that paragraph 768 relates to a slightly different issue from paragraph 766. Are there any other thoughts?

Susan Deacon (Edinburgh East and Musselburgh) (Lab): I have never been known to turn down an opportunity to comment. In process

terms, there is almost a parallel with the discussion about the Parliamentary Bureau. Much of the problem is not with what happens in the body, but with the feeling that it is shrouded in secrecy, which makes people have all sorts of suspicions and concerns, because they do not understand how the body functions and what it does. I am generally content with the thrust of the recommendations, which is on a par with the approach that we adopted in our comments on the bureau.

Although it does not feature in the section that we are discussing—there is no reason why it should, because it is mentioned elsewhere—the terminology issue that we have discussed is germane. Names such as "the bureau" and "the corporate body" are not immediately understood by people in the system, never mind the public. It is right that we should flag up such matters, without being too prescriptive about possible solutions. I hope that, if we push the boat out this far, those involved in the new session of Parliament—whoever they are—will be willing to take a fresh look at some operations. We should not simply consider meetings in public to be the be-all and end-all, but they would probably address the issue and be a necessary part of a move in the right direction.

I do not fundamentally disagree with Donald Gorrie's point about how decisions are taken, but that has an interesting link to party structures. It is incumbent on each party to consider how it can develop the link between its representative on the corporate body and the party machinery. Not everything is about the corporate body consulting the entire Parliament, although there is a time and place for that to be done and perhaps it should be done more than it is at present. Closer to home, we also need to consider how we can have a better flow of information and dialogue. That is another way of feeding in views that has not been fully exploited.

09:45

The Convener: I do not know the situation in other party groups, but the Conservative party member who is an elected member of SPCB tends to give the impression that he is never sure how much he should tell us and that much is hush-hush. Some matters are commercially sensitive, but perhaps greater clarity could be supplied in the dynamics between the representatives on the bureau and their party groups.

Donald Gorrie: I was bombed out on my wizard wheeze about sub-committees for committees, but what about encouraging the SPCB to form sub-committees? That could help in pursuing the point that Susan Deacon and I made about advance information. The Liberal Democrats' representative—if that is the right word—on the SPCB conscientiously tries to inform us about issues, but that usually happens after the event. The representative might say, "We have decided that all the microphones should be painted pink." We say, "You must be mad," and he has to justify the decision. Instead, a system should allow us to be told at our group meetings that next week the SPCB is discussing the colour of the microphones and we should be asked for our views. That does not seem to happen at present.

The Convener: The agenda papers tend not to be available early enough to facilitate that. Perhaps that is something for the SPCB to consider.

I do not know whether the SPCB can have sub-committees. It can have advisory groups or groups that are appointed to do specific tasks. One morning, Ken Macintosh took us through a brief discussion about the art group, which was advising the corporate body on what works of art would be put in the new Parliament building. The Holyrood progress group was not formed from SPCB members, but it reports to the SPCB, so the SPCB has the facility to devolve work to other people. Perhaps we should encourage that as a matter of process, particularly when the corporate body is developing policy proposals that affect how MSPs work. Scope might exist for more sounding boards and sub-groups to consider such issues.

Members have given some thought to how we might break down paragraph 766, which is big. Instead of referring to "more effective power-sharing", which is vague, members have provided specific ideas. We can produce further suggestions.

Is everybody happy with how I have reworded paragraph 768? We are not saying that the SPCB should have more members, but that, as it deals with corporate governance, it should be able to consider whether it has enough members.

The next section is on the Conveners Group. Drafting changes have been suggested to paragraphs 772 and 774. The principal change is to paragraph 774, because the Conveners Group has been formally constituted since we last discussed the matter. Paragraph 777 has also been changed to reflect what has happened.

In paragraph 775, we take the approach that we discussed at a previous meeting, which is that we should not tell the Conveners Group what to do, but challenge it on the same issues as we have challenged the SPCB and the Parliamentary Bureau—if the corporate body and the bureau are required to consider their transparency, the same should apply to the Conveners Group.

The group is part of the parliamentary apparatus and its proceedings are on the record. It is no

longer an informal body and it would be appropriate for the committee to challenge the group's members to consider how they discuss their papers and ideas with other MSPs and whether their work should be subject to public scrutiny. They may conclude that there is little scope or need for change. However, they should have the discussion to which paragraph 775 is geared, without pointing them too firmly in a specific direction. I know to my peril the risks of telling the Conveners Group what it should say, think or do. Susan Deacon was part of that discussion. Are you content with my suggestions, Susan?

Susan Deacon: It looks fine to me. Is the approach consistent with the paper that George Reid presented to the committee and with our subsequent conclusions?

The Convener: I hope that it is consistent with our approach to the bureau and the SPCB and with our previous discussions.

A couple of largely textual changes have been made to the end of paragraph 777. We have discussed the parallel between the Liaison Committee at Westminster and the Conveners Group. I have diluted the text by inserting the word "consider". Therefore, although we are not telling anybody what to do, we are suggesting items for future agendas.

Paragraph 778, which deals with the Presiding Officer, is subject to minor drafting changes only.

In drafting paragraph 793, we discussed exhaustively the title of the Scottish Executive. We agreed eventually that instead of saying that the Executive should report to the Parliament on how to rename itself, it should report on "whether or how" to rename itself. It should consider the question of titles and labels. That recommendation should allay Ken Macintosh's concerns.

Donald Gorrie: The problem is that the term "Executive" applies to ministers and civil servants. Are we advising that the term "Scottish Administration" should apply to civil servants?

The Convener: In this context, the Scottish Administration refers to the civil service. The words are there deliberately to use proper terminology and to clear up the confusion.

Donald Gorrie: For those who do not understand the difference fully, would it be reasonable to put "ie the civil service" in brackets after the term "the Scottish Administration"?

The Convener: We could do that.

Susan Deacon: The term "Scottish Administration" is given a specific meaning the Scotland Act 1998.

The Convener: That is stated in the previous paragraph.

Susan Deacon: Thank you for pointing that out. Donald Gorrie's point about the distinction between the civil service and ministers should be identified explicitly as an issue that the Executive should actively address. It should not be made simply as a point of clarification about the term "Scottish Administration". An additional sentence to make that point would not go amiss. People agree generally that that is part of the confusion with terminology. It is for the Executive to determine how best to address the issue, but at least the committee has acknowledged that the problem exists.

Mr Gil Paterson (Central Scotland) (SNP): That is right. The evidence that the committee took from all quarters, including external bodies, was unanimous. We should beef up the text. I am not happy with it. The Executive should listen to what has been said and do something about it, but if the majority view is that the committee should make the recommendation less directive, so be it. The point is important, because confusion is not good for anyone.

The Convener: We can try to clarify the difference between ministers and civil servants in paragraph 791.

Mr Paterson: Doing that would highlight the lack of clarity. Many people are not clear about the distinctions between the Executive, the Government, the civil service and the Parliament. The argument is a three-way one. The main concern of the people who gave evidence was that, when the Government made a decision, the Parliament took the blame, and that, when the Parliament made a decision, it was confused with the Executive. Paragraph 791 merely refers to the confusion between the Administration and the Government.

The Convener: Paragraph 793 refers to the differences between the Executive, the Parliament, the Scottish Administration and the UK Government; it more or less says that we must sort them all out. The issue is to ensure that the text deals adequately with the areas of confusion. Gil Paterson's points are addressed in those paragraphs.

Donald Gorrie: To address the points that Gil Paterson and Susan Deacon have made, an additional sentence, to stress that there are two main sources of confusion, should be included. The first source of confusion relates to the difference between the ministers and civil servants, and the other relates to the difference between the ministers and the Parliament.

The Convener: The issue of the confusion between the Parliament and the Executive is highlighted in bold in paragraph 782. There may be a case to highlight the section that deals with

the confusion between the Executive and the Administration and to refer back in paragraph 793 to the previous paragraphs. In that way, the two main sources of confusion are addressed.

Susan Deacon: Paragraph 779 refers to question time. Convener, you can navigate through the report much better than I can, so will you suggest where and how we can address question time issues, especially in light of the fact that the Presiding Officer has written to the committee about them?

The Convener: We can do that in the accountability section. We deferred that discussion so that you could take part in it. We did not receive the Presiding Officer's letter until last week. The report does not address those issues yet, other than to say that we will consider them. We have the opportunity to do so now.

Trish Godman: I am interested in paragraphs 797 and 798, which are about the Scotland Act 1998 and the proceedings of the Scottish Parliament. During its deliberations, did the committee discuss the possibility of a constitutional committee, which is how such issues are resolved in other Parliaments?

The Convener: No. We considered informally the possibility that we would not need to amend the Scotland Act 1998, as that could be done through an order in council. The preliminary response to that suggestion was that an order in council is probably not the appropriate mechanism. We had not reached the stage of considering how to amend the act. That is perhaps going too far. We have come up against a range of procedural housekeeping issues that we cannot change because of the act—a mechanism needs to be found to free those things up. If the Parliament agreed to such a recommendation, we could then look at the mechanics. There would be considerable sensitivity about amending the Scotland Act 1998 and I do not think that we would want to get caught up in that minefield.

Susan Deacon: I am attracted to the point that Trish Godman has made, and I wonder whether it is worth incorporating a line saying that that type of suggestion should be considered a wee bit more fully. It feels as if there is a gap in our own machinery.

10:00

The Convener: I am not really familiar with the situation, so I would want to get a wee bit of work done to find out what it is and what it can do. If it seems that there is enough to flag up, that can certainly be mentioned as a possibility.

Donald Gorrie: Is the suggestion for a committee of this Parliament, a committee at Westminster or some sort of joint committee?

Trish Godman: A joint committee.

Susan Deacon: I have just one other concern about paragraph 798, which contains the word "full" in the first line. The word "greater" would be a more accurate expression of what we are really saying. I have no problem with the substance of that paragraph, so I do not see it as a constitutional dispute between committee members of different persuasions. However, "full control" is open to all sorts of interpretation. I know that we are not talking about throwing the Scotland Act 1998 in the bin and starting all over again, but we are now at a stage where we ought to have far greater scope to deal with our own operations.

The Convener: At the previous committee discussion, I made it clear that we are not talking about unscrambling the devolution settlement. We believed that our standing orders would define our procedures, but we have found in practice that there are many procedural aspects of our work that are written into the act and are therefore capable of being amended only by primary legislation. The idea is to try to get control of the things that we felt are appropriate to us. I quite recognise the possibility that there may be aspects of procedure that Westminster is keeping, by decision rather than by omission or accident, but I am quite relaxed about using the word "greater" rather than "full".

Mr Paterson: The word "full" must be taken with the word "own". Paragraph 798 refers to

"full control of its own proceedings",

and not other proceedings. I think that "full" is therefore the right word.

The Convener: I agree that "full" is the right word.

Mr Paterson: It does not say "additional".

The Convener: However, if members are happier to say "greater", we can say that. I think that it is clear what it means.

Mr Paterson: It does not say "independence", in other words.

The Convener: No, it does not. Absolutely not. I wrote it, so I am quite happy that it does not mean independence.

Donald Gorrie: Could I confuse matters by adding my comments? If "full" would raise hackles in some quarters, "greater" may not be such a good thing. If we cancel them both and just say that the Parliament should "take control of its own proceedings", people can interpret that as they wish.

Susan Deacon: An excellent suggestion.

The Convener: We shall agree to that and stop

dancing on the head of a pin. The words "control of its own" cover the lot.

We move on now to the paragraphs on back benchers. The issue here is not to do with the back benchers group, as we resolved that matter to a certain extent last week. It is more a question of how back benchers relate to constituents, and that was what we discussed.

The first changes come in paragraph 805, in which we have been asked to reflect the possibility that the Standards Committee might consider some description of the job that an MSP does. Paragraphs 806 and 807 are new text and are designed to reflect the earlier committee discussion. Paragraph 806 concerns setting out what the public could expect MSPs to do for them. The Standards Committee could consider whether there should be performance standards, and Paul Martin gave an example of the speed with which members reply to letters. We thought that we could set out the various tasks that MSPs perform and allow the public to see what they could expect their MSPs to do for them. We also thought that it would be useful to deal with MSPs' role in facilitating access and participation. There is also a cross-reference to other material about public meetings, research meetings and interfaces with the public, and the role that MSPs can play in that. The rationale for that is that MSPs are part of the decision-making process. By influencing MSPs, people can participate in power sharing.

The recommendation is

"that the Parliamentary authorities should issue clear guidance to inform constituents what representations they can expect MSPs to make on their behalf, both in influencing decisions on individual constituents' issues, such as representations to health authorities, and in influencing political decisions. We recommend that the guidance should refer to the responsibilities of MPs and local councillors, subject to relevant discussions with representatives of both, and should set out how elected representatives at all levels should co-operate properly in addressing the needs and interests of constituents."

That reflects a committee view that there is bad practice and good practice, that there is confusion and that nowhere is there a definable code that sets out who someone should go to about what issue and what they are entitled to expect that person to do. The code would set that out for the public and be designed to work in tandem with guidance on the responsibilities of elected representatives in those other areas.

I went on from there, in paragraph 808, to reflect the uncertainty that members felt some local authorities had about the relationship that they ought to have with MSPs, and which MSPs. I have also reflected the point that emerged from the committee discussion about the tension that exists, in some cases, between constituency members and the relevant regional members.

In paragraph 810, I referred to that in greater detail. I referred to the fact that

"some disputes have been referred to the Standards Committee."

We did not feel that we could do much more than draw people's attention to that, but the view of the committee was that some work may need to be done on that. It may well be that that work will have to be commissioned from someone outside the Parliament to assess the problem and make suggestions as to how those tensions can be mediated. My own view is that a lot of the friction that existed in the early stages of the Parliament has probably been worked out by people learning the ropes and working out ways to deal with one another. However, I am aware that there are still some prime turf wars going on. I am more aware of that than of any mechanism for resolving them.

The question now is whether members feel that the new wording has captured the previous discussions and whether there is anything that they would like to change or add.

Donald Gorrie: On one detailed point, our education service has a good system whereby, when school parties visit, the local constituency MSP is invited and the regional MSPs are also invited, but they are rationed to one per party. That is quite a good concept, which ensures that the whole thing does not get swamped. Usually, most list members are SNP, but there are other areas where Labour or the Conservatives have several members. If a protocol were established to say that one MSP from each party was allocated to be a liaison person—with Lanarkshire NHS Board, for example—that might work well.

The Convener: That might well be what the Standards Committee would recommend, but we are getting a bit far ahead by trying to second-guess what that committee might do and coming up with specific recommendations. It would be enough for us to suggest that it should be considered, but I am open to views from members.

Susan Deacon: There are two distinct bundles of issues in this section, and I feel that we should perhaps address them separately.

Paragraphs 806 and 807 deal with the general issue of the role of MSPs, how they perform, the standards that we adhere to, and so on. That takes us on to the terrain that Paul Martin commented on in our earlier discussions. We can come back to those issues in a second, because a lot of that is generic to any MSP. There is also the issue of regional list and constituency members, on which I have a number of views.

I want to return to the issue of performance and the paragraphs that the convener proposes to add on that subject. I have no problem with paragraph 806. It captures Paul Martin's point, which is that if

we are happy enough to legislate and regulate on all sorts of performance standards that everybody else is supposed to adhere to, perhaps we should also be happy to have a framework that surrounds the way in which we work. That would be quite a hard thing to do, but the suggestion merits exploration. We should test ourselves against that sort of regime.

Performance measurement is a preoccupation of mine, but I have one caveat, which is that I would hate to think that we would take the quantitative tick-box approach as opposed to the qualitative approach to what being a politician is all about. That said, I think that paragraph 806 is okay.

I do not like paragraph 807. We seem to be veering back to the notion, which we rejected previously, that it is possible to say, "Here is what an MSP looks like and here is how they operate." I do not think that it is possible to set out how MSPs should be expected to work with or influence bodies such as health boards. MSPs are not a homogeneous group; they have different ways of accessing bodies, influencing outcomes and taking forward casework.

I hate to think that we might go down the road of writing a performance measurement standard for MSPs and then have people saying, "He did not send off a letter within a week on that issue—ergo, my case has not been dealt with properly." In fact, the way in which the case was taken up might have been a damn sight more effective in getting the desired effect. I am concerned about the wording of paragraph 807. It does not feel right and is not consistent with our earlier discussion on the subject.

The Convener: Paragraph 807 does not attempt to do that. It attempts to say the following: if people want a council house, they should take that up with their councillor; if they want a social security issue addressed, they should take it to their MP; if they want a planning issue raised—unless it relates to the appeal stage—that is a matter for local government; and if they want an issue addressed that relates to legislation that is before the Scottish Parliament or want someone to make representations to the health service, for example, they should speak to their MSP. We are trying to chart people through the political representation process and point out to them who the appropriate person to go to might be.

We are also trying to point out what it is reasonable to expect an MSP to do. People are entitled to ask an MSP to write to a health board about why the person is not getting an operation for 12 months, but they are not entitled to ask an MSP to write to a planning committee and ask it to reject a planning application for a loft extension that has been made by the person's next door neighbour.

Paragraph 807 resulted from a previous committee discussion. I read the *Official Report* of the meeting very carefully before coming up with the textual revisions. I felt that people were asking for text that set out not so much our point of view but that of our constituents, who have elected representatives at all sorts of different levels. People tend not to know who is responsible for what and what the interface is between their elected representatives.

In trying to sort out the differences between constituency and list MSPs, I thought that we had said that we would try to sort out all the areas of overlap and interface so that we could help people to plot a way through the process and receive better representation.

Donald Gorrie: I agree with all that the convener has said. Susan Deacon thinks that paragraph 807 does not represent our earlier discussions on the subject. As she is an intelligent person, other people might also not understand it fully. It might be worth trying to clarify the powers of the different people.

We also need to make clear that, although MSPs have powers, in some spheres those are simply to write and say something about a health or planning issue. It would be worth making the point that we need to distinguish between trying to influence something and having the power to do something.

The Convener: Are you happy with the way that I said it rather than the way in which I wrote it, Susan? Did what I say just now help to clarify the matter?

Susan Deacon: The short answer to the question is yes. The problem with the wording in paragraph 807 includes the third last line, in which we say that the guidance should

"set out how elected representatives at all levels should co-operate properly".

I have no problem with saying that we "should co-operate properly", but I do not think that it is possible to take that a step forward and say how it should be done in practice.

I agree that we should try to navigate people better through the system. I also agree that the guidance should be viewed more as a means of educating people about where the powers lie. Donald Gorrie made an important point in that regard. People tend to think that MSPs have the scope to overrule a local authority on a planning matter for example. We have to continue to work together to get across where the respective powers lie, but the use of the word "how" implies that we are talking about the mechanics of the relationships.

10:15

The Convener: I was thinking of the code of conduct, which I suspect is honoured more in the breach than in the observance. Under the code, when list members take up constituents' cases, they are supposed to advise the constituency member that they are doing that. By and large I do that, although I may forget to do so on occasion. I know perfectly well that other list MSPs do not do so.

We have a code of conduct that addresses the issue. It is appropriate that whatever is done to reflect that point should extend the same courtesy to other elected representatives.

I wrote recently to Scottish Borders Council about a person who wanted a change made to their central heating system. I copied the letter to the ward councillor, giving the reason for my involvement. Those courtesies are part of how we should be doing our job. It is inevitable that people will approach us about matters that overlap. We can refer them on or, if we deal with the issue, we can say so to the relevant elected representative. That is what I am getting at in paragraph 807. Does what I have said create any difficulties?

Susan Deacon: I do not have anything to add to my previous comments. That said, the point on which the convener ended included a degree of prescription about the mechanics. Everyone has different ways of working, but I do not think that there is disagreement round the table about the general principles of the type of co-operation and clarity that we should be working towards.

The Convener: We will look at the wording of paragraph 807 and see whether we can find a better way of expressing it.

Susan Deacon: I want to move on to my other point about regional list members and constituency members. Before I do so, I have an apology to make. I notified the clerks that I have to leave the meeting for a short while to attend another meeting. I will have to do so in about two minutes, which means that I will not be able to do justice to my views on the second crucial issue.

We discussed the roles of list and constituency MSPs previously at some length. Although I am not suggesting that we reopen the entire discussion, it is true to say that we all agreed that the overwhelming evidence from a number of different sources was that there is at best a lack of clarity and at worst outright confusion on the issue.

I am not thinking about what goes on in the chamber where every member has an equal vote, so to speak, but about the external relationships between list and constituency members. The additions that the convener has made go some way towards reflecting the issues involved, although they are not strong enough. Paragraph 808 understates the strength of feeling on the issue. I agree that

"Local authorities were unsure which MSPs they should brief."

The Convener: I tried to develop that point in 811. I wanted to underscore the need to let people understand the relationships, as there is great uncertainty about them.

Susan Deacon: I appreciate that, but paragraph 808 is the paragraph in which we point to the evidence. The present wording understates the evidence that we heard and the degree of uncertainty that came through from a range of different sources. The other thing that I dislike about the paragraph is that it personalises the issue. The use of words such as "resentment" combined with references to "turf wars" in paragraph 811 makes it sound like playground jealousies, although I dare say that there is a fair bit of that about. What emerged from the evidence reflected some of the more deeply rooted problems that we have all experienced and the lack of understanding of the respective roles.

My second point relates to the language used. I do not think that we should convey the idea that the feelings and behaviour of a bunch of politicians are what is most important. We are talking about something more substantive. It is about how the public relate to the institution of Parliament, and to the individuals who comprise it.

Paragraph 810 states:

"However, the evidence we are aware of is anecdotal".

I do not accept that. The cases that have come before the Standards Committee are well documented and contain points of substance.

The Convener: We are not aware of that.

Susan Deacon: I do not think that that the statement is accurate. The word "anecdotal" implies that someone has heard one or two wee tales about there being a problem. However, the Standards Committee has seen several fully investigated cases in which problems have arisen. A weighty body of evidence has come before the committee, from a range individuals and organisations, suggesting that there is a problem. The MORI material also suggested that.

I do not dispute the substance of the conclusions, or the direction in which we are travelling, but the tone of the language understates the issue so that it sounds more lightweight than it is.

Finally, we must rest and think about paragraph 812. It is important that robust guidance exists. The first sentence of that paragraph states:

"We recommend that existing guidance should be reviewed by the Parliamentary authorities".

If we stripped everything else away, that would be a key sentence. After the elections, somebody somewhere is going to have to take another look at what are known as the Reid principles. I hope that there will be a sensible dialogue about them. However, although that first sentence is the important one, I do not like the second part of it, which continues

"and extended to clarify what services the public is entitled to expect from MSPs".

I do not like that line for two reasons: first, it implies that there could be a definitive list of services; secondly, it makes the role of MSPs sound akin to that of a social worker. A large part of our work is casework-related, which resembles such an occupation, but our role is more than that because we also legislate and so forth. People seek to influence us as legislators, so the word "services" is misleading.

The Convener: We shall just extend that paragraph to clarify the various roles of MSPs.

Susan Deacon: I have now contributed more than my tuppenceworth.

The Convener: We are all profoundly grateful that you have another meeting to go to, Susan.

Susan Deacon: I am sorry that I cannot hang around to defend my corner.

The Convener: Haste ye back.

Susan Deacon: I shall return later. Committee members could try to rush through the other bits while I am away.

The Convener: Paul Martin has arrived, so he will slow us down.

Susan Deacon highlighted three phrases, and we shall see what we can do about amending them. If necessary, we shall consult her about alternative phraseology and formulation.

Donald Gorrie: What Susan Deacon is aiming at is good: a factual crib sheet for both individuals and local authorities about who does what, and what MSPs are able to influence and directly vote on. She is right that we all carry out our work in difference ways, so the paragraph should not be too prescriptive. If the paragraph were reviewed, it would cover her points. I have my own ideas about improving it, but it is better to agree that the paragraph be reviewed, and anyone who is successful at the next election can feed their views into whatever the Standards Committee and others are considering.

The Convener: Subject to the changes that Susan Deacon has requested, to which I am sure we can respond, I have nothing else to say on that section except that the next few paragraphs—813 to 818—are about regional meetings. I am conscious that the committee agreed to incorporate some of the material supplied by Fiona Hyslop on various types of additional regional meetings. I am struggling to come up with a text for that, but we will have something for our third hack at it.

We shall move on to the paragraphs about public petitions. In the early stages, they did not appear to require revision. I received no comments on them, except for a minor textual amendment to paragraph 870. That paragraph urges that the Public Petitions Committee

"and the subject committees, through the Conveners' Group, should reach agreement for the PPC to undertake more inquiries itself".

That has been substantially agreed to, which I have tried to reflect in paragraph 874. I have added:

"We are aware of considerable progress made in this area through the Conveners' Group, and we invite the group to agree with the Petitions Committee an appropriate formula for revised Standing Orders."

That recommendation would allow the Public Petitions Committee to deal directly with petitions on issues that had been agreed to by the subject committees, and the resolution of such matters would be subject to an agreed protocol between the two committees. We have taken so long over addressing this problem that we have been overtaken by other people's efforts, but we should welcome that.

My next comments relate to paragraph 899 and an amendment following our previous discussions. We suggested that there should be a report on the progress of petitions by the Public Petitions Committee. In the previous draft, we said that there should also be an annual debate on the report in Parliament. However, we later decided that it was too strong to say that there should be a debate every year, because in any given year there may be nothing that merits the allocation of plenary time. We agreed that there should be annual consideration of whether the committee had raised issues that should be debated in the chamber, and it would be for the Parliamentary Bureau to decide whether they should be included in the business motion. The bureau would consult the Conveners Group because committee time would be taken up. The new paragraph more precisely reflects how committee members felt.

My next change was to paragraph 905. We had discussion about resources for the Public Petitions Committee, and the phrase that it was suggested should be included was:

"we are conscious of resource constraints on expanding the current service to any significant degree."

We were reluctant to include something that said, "Give people lots more money to do lots more things." However, the evidence that we

received about petitions suggested that 80 per cent of the Public Petitions Committee's operations is a one-man show, and that the existing structure can cope with only so much. If we want the Public Petitions Committee and its staff to do more, resources must be made available. That is recommendation 113.

Donald Gorrie: One problem is that the Public Petitions Committee owns the petition, so when the petition is sent to the relevant subject committee the subject committee feels that it does not own the petition. Furthermore, petitions are often at the bottom of the agenda. A committee will be focusing on an inquiry or a bill, and a petition is seen as an intrusion, so it receives less attention from the committee than it deserves—I have been as guilty of that attitude as others have. I am not sure how we could solve that problem.

The Convener: That was a big problem in the first year of the Parliament, when a high proportion of petitions was going to subject committees, and those committees were not always convinced of the validity of the referral.

However, the number of petitions that are being filtered out has increased, so that the proportion of petitions that are referred to subject committees reflects more accurately the importance of the issues that petitions raise. Committees are now more receptive to petitions, although I am aware that the agendas of some committees are so heavily pressured that they may continue to have difficulty dealing with petitions. That is the motor for the subject committees agreeing that in certain circumstances the Public Petitions Committee should investigate petitions. I do not know whether it is sensible or possible for us to go further than that at this stage.

10:30

The next proposed change is a minor textual amendment to paragraph 908. The words "and sharing power" have been added, because this section of the report relates to power sharing.

The underlining in paragraph 914 is there for emphasis—it does not denote new text. It should probably have been removed at this stage, but it is intended that it should appear in the finalised text of the report. We should have different models of underlining—clerks' underlining, for example—or different ways of highlighting texts that has been changed.

John Patterson (Clerk): I will remove the underlining.

Donald Gorrie: You could use Gothic script.

The Convener: Let us leave the underlining in the text, as we intend it to appear in the finalised report. Once we have agreed the text of the report, we should go through it to pick out areas in which we want to emphasise or underline the odd word. That will be a minor exercise.

A sentence has been added to paragraph 917. It reflects a point that was made in committee. I do not remember which member made it, but someone indicated that consultation can be awkward if it is launched just before Christmas.

John Patterson: Susan Deacon made the point.

The Convener: Without getting bogged down in the issue of specific recesses, we are suggesting that consultation deadlines should reflect the realities of the annual calendar. The point also applies to consultations that are launched before recess periods other than Christmas, when people may not be focusing on parliamentary business.

Trish Godman: I must leave shortly, but I would like to comment on this issue. I do not know where my point would fit into the report or whether the committee would consider including it.

The section discusses civic participation, in which the Local Government Committee has engaged to a great extent. One point that has been made loud and clear is that when people submit comments, there is no system of feedback on why something should or should not be processed. Over three events when we have met Joe Public, we must have seen up to 280 people. Individuals or groups that make submissions to the Executive accept that it might not accept their suggestions, but they receive no feedback on why those suggestions were or were not accepted.

I know that giving such feedback is a big job, but we need to recognise that it is not being given and that there is a big black hole in the consultation process. You have already dealt with the timing. People are beginning to ask themselves why they should bother submitting evidence to consultations, as they do not know what happens to their evidence and whether it is simply thrown into the bin. I am sorry to raise the issue. I do not know where it might be dealt with in the report.

The Convener: Trish Godman makes a good point. I know that the Executive has published responses to consultations. The member is indicating that sometimes it does so, but sometimes it does not.

Trish Godman: The Executive might publish such documents regularly, but a significant number of community councils do not know where to find them. If responses to consultations are available on the web, that needs to be flagged up. Perhaps more information on the end of the process is needed.

The Convener: You are saying that people who make a submission should receive a document back.

Trish Godman: Yes—even if it is only a letter. The Local Government Committee sent a hardback copy of its conclusions to all those who attended the meetings. The response that I have received by e-mail and letter has been amazing. The committee was thanked for informing people of the result of its consultations and of what it intends to do.

The Convener: We can work some text along those lines into the report at an appropriate point. This is probably the place to do that, but if there is a better one we will insert it there. We may seek information on the background work to which Trish Godman referred from the clerk to the Local Government Committee.

Trish Godman: Eugene Windsor can provide that.

The Convener: My next changes are to paragraph 925—a minor textual change to refer to the report's introduction—and paragraph 927, where I have a second bash at an expression that not everybody was happy with. I do not remember, but that was probably Susan Deacon. We have tried to say that we want people to be involved in consultation at an early and appropriate stage. There is not necessarily a case for involving people early if consultation is wanted at another point in the process. It was difficult to find a form of words that did not suggest that people were failing in that respect. I hope that the new wording makes the point more neutrally.

Power sharing means involving people early in the consultation process, so that they have a genuine opportunity to influence the proposed policy that is being consulted on. If people are consulted late and on precise issues, which means letting them choose details rather than discuss the broad policy, that does not give them the chance to initiate significant changes to what is proposed. In general, we are saying that people should be consulted earlier rather than later.

The people holding a consultation might already have consulted on the basic policy background and reached the stage of refining details. A consultation paper on specific matters can be issued, but as a general principle, we felt that if the Executive and the Parliament were committed to power sharing, they would consult early and give people an opportunity to shape the policy and to influence policy formulation. I hope that members are happier with the new phrasing than they were with the original, which was more loaded, as it suggested huge failure. The situation is patchier than that.

Donald Gorrie: Sometimes it is difficult to have meaningful consultation very early, if it is just on a vague idea. Genuine choice should be involved in consultations. If a consultation happens later, it should present realistic options. People could be told, "You can have a road through your town, a northern bypass or a southern bypass," and given a description of each option, instead of being told, "You're going to have a bypass road here. Are you for or against it?" Giving people a genuine choice would help, as well as consulting as early as possible.

The Convener: We could add some text about that. Perhaps a short paragraph after paragraph 927 about offering real choices later in the consultation process would help.

Paul Martin (Glasgow Springburn) (Lab): I am happy with the text, but I have a point about consultation documents—I have made the point before—which is the need that the Executive and many organisations perceive for glossy documents with photographs, which require substantial sums to be spent. Seven or eight times out of 10, I see no need to present documents in that way. The public participate whether or not a document is glossy.

Perhaps more resources could go into outreach work, rather than paying printing bills, which must be long for the Executive and the quangos. I appreciate that a glossy document might sometimes be needed, although I am not convinced, but could we say that more outreach resources should be considered instead? I am not saying that all documents should not be glossy. Occasionally, the public will participate if a document is clear and has some attraction, but sometimes, such expenditure is unnecessary.

The Convener: We will try to work out some wording on that. That will not be easy, because we might tread on sensibilities. We cannot just say, "Nae glossy documents." Sometimes, there might be good reasons for putting the emphasis on high production values and clear presentation. In essence, you are saying that consultation documents should be functional and should be driven by substance rather than presentation.

Donald Gorrie: Paul Martin's point is that the effort should go into getting the document to the people. The effort should be put into outreach—or whatever the correct expression is.

The Convener: It is better to spend the money on giving people feedback than on glossy colours.

Donald Gorrie: Yes—and getting the initial document to them. I am sure that lots of glossy documents stay in big heaps somewhere in the civil service or in the Parliament.

The Convener: Yes. I am sure that your bumf-busting committee will be on to them.

Donald Gorrie: Absolutely.

The Convener: Thank you for that.

There is a minor change of just a couple of

words in paragraph 928. My first change thereafter is in paragraph 935 and it reflects a point that Richard Lochhead brought up when he substituted for Fiona Hyslop, who has since spoken to me about it. A couple of colleagues appear to be unhappy about the concept of parliamentary involvement in Executive task forces. As Fiona is not here, I do not think that it would necessarily be useful to discuss the matter much today. It would probably be better to hold back such a discussion until the third run-through.

I think that a debate is crystallising among members about whether members should be involved in task forces, so that they can influence policy development, or should not be involved, so that they can criticise freely or support the task force's recommendations, as they see fit. Members' positions on that will probably be a judgment call and a question of temperament. Members might well respond differently to different task forces. I set out the issue now as one that we could have a reasonably good debate about when we come to finalise the text, rather than one that we want to explore further at this stage.

There are minor changes in paragraph 940, but more substantive changes in paragraphs 941, 942 and 943. The reason for those and for the new text in paragraph 944 is that when we discussed consultation the last time round, it became clear that much of the criticism of consultation is levelled at parliamentary consultation; it is not just the Executive that is held to have got things wrong. The specific criticism in bold text in paragraph 941 is about parliamentary consultation. Highlands and Islands Enterprise was bothered that a consultation document, about which it felt it had a lot to say and which impacted on it, was launched by a press release on the Parliament website. That was the only notice that HIE got of it. I have changed the wording in the introduction to paragraph 941 to make it clear that the concern is about parliamentary consultation.

Paragraph 942 is a rewritten paragraph to make it clear—I hope—what is wrong with issuing a consultation solely by press release on the Parliament's website. The point is that people can miss a press release. If non-departmental public bodies, which are geared towards such work, can miss the launch of a committee consultation, how much more likely is it that other people will miss it, too?

The suggestion in paragraph 943 is that other things must be done. When we deal with civil society, it is important that we try to engage with specialist publications. That is part of our more proactive media approach. If we are having committee consultations on important issues, we must identify ways in which we can reach the client group—the people who will be interested in such consultations. If the consultation document is important, we might well get a couple of paragraphs on it in that excellent publication, *The Herald,* but we might well not. However, we might find that we get a lot of coverage in something that is more oriented towards communities, or perhaps in trade or professional journals, many readers of which will be interested in the consultation. Of course, there are still electronic consultations, public presentations and road shows, which we referred to before.

In paragraph 943, I have added what we did for this inquiry, because I thought that we should try to lead by example. When we started on the CSG trail, a long time ago, we wrote to hundreds of organisations with which we had had contact or whose details we had recorded on our database. We approached people whom we felt were likely to be interested. We put the information on the website and issued a press release, but we also approached a lot of people. Paragraph 943 tidies up the previous text and points to ways in which Parliament ought to be involved in seeking responses from consultees.

10:45

Paragraph 944 commends the civic participation exercises that have evolved in the course of the Parliament. The reference was contained mainly in a footnote, and I have included it in the text of paragraph 944 because it gives important examples of good practice. The Equal Opportunities Committee's race relations event; the Enterprise and Lifelong Learning Committee's report on the lifelong learning convention; and the event that the Scottish Parliament information centre commissioned when researching sentencing and alternatives to imprisonment for the Justice 1 Committee are good examples of meetings and consultation exercises that have drawn people from all over Scotland to take part in debate.

The general feedback from those exercises was positive and points the way to how committees might work. For example, it might have been instructive for this committee to have held such an event at an early stage of its work.

Some minor textual changes have been made to paragraph 945 to improve its content.

Do members have any comments on paragraphs 941 to 945? I hope that I have captured any thoughts that were expressed at our last discussion.

Donald Gorrie: Does Parliament have a combined database of relevant people and organisations, or does each committee guard its own list?

The Convener: Most committees, including this

committee, have their own databases. They probably compile them with the help of SPICe. Presumably, where committees overlap a bit, as is the case with the Local Government Committee and the Social Justice Committee, they pool information. In the early days of the Parliament, there was a dearth of information. I remember meetings at which members would discuss who might be contacted for information and comments. Every committee clerk ought to have a big database by now.

Donald Gorrie: Should not Parliament have a central database from which the committees could draw information? I am not suggesting that every committee writes to every organisation, but if there were a common list, committees could decide which people and organisations were relevant to their inquiries.

The Convener: It would be sensible if, subject to data protection issues, each database were accessible to the committee clerks.

Donald Gorrie: To pick up on the convener's other grovelling remark, I think that discussion with intelligent, interested journalists would help. It probably happens already. All of us have experience of launching what we thought was a really good idea and no one paying it any attention. It is a difficult area to crack. The convener's point about technical journals is very relevant.

The Convener: I mentioned *The Herald* because when the committee launched its inquiry, Robbie Dinwoodie, who subsequently gave evidence, wrote a particularly positive article. However, I would not have relied on that article to generate much public consultation. The writing-out exercise stimulated the huge volume of evidence that will be published with the report. It is important that the committee tries all the avenues that are open to it.

That leads us to the section on future activity and self-assessment and monitoring. Minor changes have been made to paragraphs 953, 958 and 959.

Members have no further comments on those paragraphs, so we will turn to appendix B. Last week, I suggested that, when we come to the final section of the report, members might want to discuss further the back benchers committee, so I do not propose to deal with that today.

Mr Paterson: I am sorry, but I missed part of that discussion.

The Convener: That is why I did not wish to close the matter.

Mr Paterson: The recommendation was that the back benchers committee would be responsible for members' business. I have already submitted a paper, because of the new recommendation that the majority of the committee arrived at. I reserve the right to return to the issue at a later date, as you suggested. I might talk to Donald Gorrie about it.

The paper that I have submitted suggests ways to overcome some of the hesitant—

The Convener: I know that I have text somewhere about your idea of the exhaustive ballot but I do not know where it is.

Mr Paterson: I have added to that text. I simply flag the matter up as I think that this is the right time to raise it. I was relaxed about back benchers being given more responsibility, but it now seems that that might not happen. It is important that members' business debates are seen to be owned by the members, which is why I have suggested some mechanisms that would ensure that. Perhaps we could discuss them at a future meeting.

The Convener: Appendix C deals with an issue of accountability, which got missed out because I had not finished writing it by the time I had to produce the second draft of the material on accountability. We should have dealt with this point when we dealt with the section on power sharing, but that is just a glitch in the system.

The first section is about general debates in the chamber. We have already agreed the recommendations. I have amended the text of some paragraphs slightly but there are no substantive changes to the recommendations.

Donald Gorrie: Paragraph 498 states:

> "motions should be lodged a minimum of 4 sitting days in advance of the dates of debates … We also recommend that earlier deadlines should be considered for the tabling of amendments."

The last sentence is rather vague. I think that we should say that amendments should be lodged at least two days in advance.

The Convener: You will see that paragraph 498 contains a reference to the "wording bin". That is not the recycle bin on your computers; it is a typographic error. It should read, "the wording in". We will have to change that. Sometimes this document feels like a wording bin, with the way that we have had to chop and change it.

Donald Gorrie: I agree that there should be a rule that a motion should be submitted four sitting days before a debate. However, if an urgent matter arises, and the Executive and the Opposition parties believe that there should be a debate on it, then, with the agreement of the Presiding Officer, they should be able to ditch the existing motion in favour of an emergency motion.

The question of the wording of amendments

being made available as soon as possible is critical, because then parties can decide which amendment to support. That is especially important in a multiparty set-up in which people have to think carefully about whether other people's amendments are acceptable, how to vote and so on.

The Convener: It would also help them to decide whether they would get more votes if they sought to amend an amendment rather than the motion. I am not quite sure what change you would like to make to the wording.

Donald Gorrie: The paragraph should say that amendments should be lodged a minimum of two sitting days in advance of the dates of debates.

The Convener: We can examine that further. We agreed that amendments ought to be submitted earlier but were reluctant to get too detailed. We could put in a "for example" phrase, I suppose. I do not know what all the practicalities of specifying a minimum time scale for the lodging of amendments might be.

Donald Gorrie: As with many things, if we make a general recommendation in slightly vague terms, next session, the Parliament will be able to spend the next year consulting on it. If we decide how something should be, we should push the idea.

The Convener: If members in the new session were considering aspects of the report for implementation, they might try to second-guess much of what is meant. We will consider that and see whether we can come up with something based on what Donald Gorrie said.

Paul Martin: On paragraph 494, I make the same point as I have made before. I do not see the purpose of debates on a specific subject if there is no vote. The Executive has the opportunity to propose a debate on a subject and ensure that there is no vote at the end. The Parliament could be accused of being a talking shop if it had three-hour debates on which it took no specific view, because there is no vote at the end. I do not see anything so terrible with the Parliament debating specific subjects and voting. We have members' business, when subjects can be debated without there being a vote at the end.

The Convener: Subject-based debates are suggested in the report because a couple of members proposed that it would be legitimate to tackle major cross-cutting issues differently, without motions and amendments, which tend to polarise arguments.

In agreeing to that, the committee agreed to nothing more than is in paragraph 495, which is that the Parliament could have such debates on a trial basis. If that did not work, the trial would presumably stop, but if it was found to be a successful and fruitful way in which to conduct business, the Parliament would presumably want to have more subject-based debates.

When we first discussed the matter, Donald Gorrie gave the example of a debate about affordable housing in rural areas during members' business, when more than 20 members tried to contribute. The minister concluded by saying that so many points had been raised that he could not possibly respond to more than a handful of them. There was a huge sense that it was quite a big topic that members wanted a lot of time to debate, but there was no real mechanism for that because the subject had not been raised in Executive time. Presumably the Opposition parties did not think that the subject was sufficiently partisan to use some of their non-Executive time to discuss it. Therefore, the only avenue was to discuss it in members' business, which lasts for 45 minutes. Most members felt quite frustrated that they had not got the chance of more than a couple of minutes of debate.

Several similar issues could be kicking around and they are worth considering. I am not suggesting that we should depart from the traditional motion-and-amendment approach as a matter of course.

Paul Martin: You have persuaded me to some extent.

The Convener: The next section concerns members' business. This is what I referred to when I said that I knew I had written something in relation to Gil Paterson's point on how members' motions are selected for debate.

Paragraph 499 has been heavily rewritten, simply to express more clearly what members' debates are about, how motions are selected for debate and the fact that there are different types of debate. Some members' debates are almost planted, in that a view emerges that an important anniversary should be marked by a debate. Occasionally, a member has lodged a motion, but usually the Parliamentary Bureau and business managers respond to matters raised by members that tend to be either constituency or regional issues, or broad issues that affect everybody and which are of general interest to many members; Lloyd Quinan's debate on autism and Dorothy-Grace Elder's debate on back pain were examples of the latter. Paragraph 499 is intended to be descriptive.

Paragraph 500 contains a few minor textual changes. Paragraph 501 deals with the people who are interested in members' business debates. I have introduced the idea that specific audiences come to the public gallery to hear specific debates. Members' business is a way of promoting the causes of local groups, charities and campaign

groups. Paragraph 502 is just a bit of spanning text that leads into the following section.

11:00

I have suggested two options for paragraph 504. Option A runs with the idea of a back-benchers group. The idea is that if such a group were set up, back benchers could be given the role of selecting topics for debate. Option B—which should have been underlined, as it is new text—is Gil Paterson's idea, according to which members could have one starred motion at any given time, with a ballot being held to select from the starred motions. We would also reserve some slots to debate petitions, if that was the Parliament's preferred recommendation, and some slots would be determined by the Parliamentary Bureau to commemorate important anniversaries.

Gil Paterson has indicated that his thinking has moved on a little and that he would not necessarily want to pursue option B in that form, but would want to consider it in the light of his later material.

Mr Paterson: That is right.

The Convener: However, option A runs with the idea of the back-benchers group.

Donald Gorrie: I do not agree with that. I felt that our discussion was about a back-benchers group that would cover a range of issues. Some members who are against that idea might be prepared to accept back benchers' choosing topics for members' business.

The Convener: If you want to come back at the final stage with that idea, you might also consider the possibility—I know that there has been some discussion in the ether about this—of a back-benchers committee being used as a means of resolving the tension in deciding which bills will proceed according to priority. That is not a problem that we have faced, but it is one that we anticipate facing in the next Parliament. It is likely that many members will get in quickly with members' bills and that a lot of private bills will be produced quickly. Especially in the first year, when the new Executive will want to introduce a lot of its own bills, there will have to be some way of resolving the tensions. If you are considering a back-benchers committee allocating debating time, you might also want to consider a back-benchers committee deciding the priority of bills.

We will leave options A and B for now and simply flag up the matter as something that we will have to discuss. Gil Paterson might want to reword option B to reflect the approach that he is now suggesting.

Mr Paterson: Yes. What I am suggesting does not exclude the possibility of back benchers being responsible for deciding business; that would be part of the mechanism. However, if a back-benchers group did not materialise, my suggestion could still stand. I am trying to cover all the bases. After listening to what members said a couple of meetings ago, I have tried to respond to their concerns and to come up with some solutions.

The Convener: Okay. I have no other suggested changes to this section, other than a couple of minor textual changes to paragraph 505.

I have no suggested changes to the section on time in the chamber. Paragraph 514 is the recommendation to which I referred earlier, in response to Susan Deacon's question. When we wrote this text, we were still awaiting the findings of the questionnaire. We now have those findings, which are to be discussed under agenda item 3; we may or may not reach that today. Members may want to draw specific recommendations based on those findings, which they may want to include at various stages of the report. However, we should not change paragraph 514 until we have dealt with the Presiding Officer's letter and the questionnaire.

The next section deals with the civil service. My suggested changes to paragraph 515 attempt to define non-departmental public bodies a bit more clearly. That is just a textual change, as is the suggested change to paragraph 517.

Under the heading of "Discussion", I suggest changes to paragraphs 527, 528 and 529 to tidy things up. The change to paragraph 528 clarifies when civil servants genuinely exercise executive powers—powers that are specifically delegated to them by ministers.

The suggested change to paragraph 531 aims to clarify the fact that we mean the UK Government, not the Scottish Executive—which some people call the Scottish Government.

In paragraph 533, we have amended the name of the Welsh Assembly; we now refer to it by its Sunday name: the National Assembly for Wales. The same paragraph contained text that referred to academic comment on the civil service. I thought that that was a bit vague, so I have added a phrase to say what that academic comment was—that the civil service in Scotland has not responded to the challenges of devolved government sufficiently flexibly, and that it is still too much part of the UK civil service. We have a huge heap of documents—academic articles that Professor McCrone provided—that any member who is interested may ask for. We will give you some bedtime reading.

I have added a sentence to paragraph 535 to cover the fact that ministers rely on civil servants for the mastery of the full detail of their briefs. Ministers are accompanied to committees by the relevant civil servants. Paragraph 536 now notes

that there are plenty of cases of civil servants' coming to committees without ministers. Ministers trust officials to deal with subordinate legislation and matters that are largely technical and procedural. The suggested change to paragraph 537 is not radical. It is just tidying up.

The suggested changes to paragraphs 540, 541 and 542 try to build in Donald Gorrie's point about contact between the civil service and the Parliament. A lot of Donald's stuff comes in over the next five or six paragraphs, so we should take our time to look at that fully. Paragraph 540 begins with text that we saw previously. It contains an additional sentence that urges greater use of the direct telephone and e-mail system that the Executive has made available, but which we discovered had not been used heavily by MSPs. The purpose of that system, from the Executive's point of view, was to try to reduce the number of parliamentary questions that were asked. That is a valid objective, but, from our point of view, there is a challenge in getting people used to the idea that they are allowed to talk to, or to e-mail, each other.

Paragraph 541 is an amendment by the clerk, which was undertaken after our previous discussion on civil servants. It reflects the committee's view that the civil service has not really changed and that there is still a gulf between civil servants and elected members. There is clearly more dialogue between the two now, but although the volume of contact has increased, its nature has not changed at all. As I said earlier—half in jest—later today, I am going to Victoria Quay to speak to civil servants, and it will be the first time that I have been there. I do not know how to get there, so I shall have to go by taxi. Does not that say a lot about the relationship between parliamentarians and civil servants? I might be the only parliamentarian who has never been to Victoria Quay—perhaps lots of us drop in there regularly—but judging by members' reactions, I think not.

The relationship between elected members and civil servants has not really changed with the coming of MSPs. Paragraph 541 reflects the view that we need to work better with civil servants and that the two groups need to understand each other better. We need to get better responses from civil servants and perhaps give better input to them.

We have seen paragraph 542 before, although it now refers to the academic literature that we have received. My suggestion was to add to paragraph 542:

"We expect the civil service to take a more pro-active role in developing future relationships."

Paragraph 543 recommends the openness that we discussed previously. Much of the paragraph was written in response to matters that Susan Deacon raised, so I am sorry that she is not here. She had hoped to be back, but has been delayed at another committee meeting. Paragraph 543 is about collaborative work between MSPs and civil servants. The idea is that we should speak to and work with one another.

Donald Gorrie's point that we should expect civil servants to assist us in drafting amendments is reflected in paragraph 544. We should be able to consult on the technical efficacy of a specific amendment to ascertain whether something would work and how it might be worded. Civil servants could be empowered to say that they do not understand what a parliamentary question is looking for. They could ask us to make our question a bit clearer to enable them to prepare an appropriate answer.

We should make much more use of the departmental committee liaison officers—apparently, each committee has one. I assume that the committee clerks talk to the liaison officers. We will not ask for the name of our liaison officer and I will not embarrass members by asking whether they know who it is. I was a member of the Transport and the Environment Committee for two and a half years, but I have no idea who our departmental committee liaison officer was. I do not know whether that person sat in the public gallery during committee meetings. It is all a great mystery.

I would have thought that a liaison officer might want to liaise, so that the committee could even just know who the officer was and what the committee could expect from them. That would be useful. That is the point in paragraph 544. If committees are looking for briefings and information, they should know that there is somebody who, I understand, is charged with giving committees information and briefings. We should be trying to develop those relationships. The issue is about relationships and networks—for example, it is about us not being in one building while civil servants are in another building. We should not have a situation, for example, in which MSPs ask only 112 times in a year for information on obscure points of policy. We ought to be able to have a chat and to discuss what we can do for each other.

I thought that it was important to say, in paragraph 545, that we are not suggesting that a practical working relationship between the civil service and the Parliament should disturb the constitutional position. We understand that. The civil service in Scotland is responsible to the Scottish Executive. However, paragraph 545 continues:

"We are concerned that, unless the skills and resources of the civil service are made available to the Parliament"

in the way in which we work,

"many of the potential benefits of devolution - particularly

the development of genuine partnership working in government in the broadest sense"

—that is to say, power sharing—

"might well be lost."

The point of paragraph 545 is to recommend that we set up steering groups of MSPs, ministers, civil servants and parliamentary officials to try to work out a practical agreement on how we would develop contact and relationships between committees and members on the one hand and civil servants on the other hand. Under such an agreement, we would know what we could ask civil servants to do and they know what they could expect us to say and do in relation to them and their work. We want a bit of bridge-building. Much of paragraph 545 is based on previous committee discussion, but the text is largely new and it has developed considerably from what members saw previously. I will stop at that point and invite comment and discussion.

Donald Gorrie: Going back over the whole section, obviously I cannot quarrel with most of the quotation from Sir Edward Bridges in paragraph 527. However, his statement that

"civil servants have no powers of their own"

is, I think, the most erroneous statement that I have ever read in my life. They run the whole thing, as we well know.

In the light of the convener's comments, we should strengthen paragraph 533, where it says:

"The implications of the current position and possible changes to it have been the subject of academic comment, some of which has placed a question mark over the ability of the civil service in Scotland to respond to the challenges of devolved government in Scotland with sufficient flexibility."

In fact, there has been a large volume of academic comment. The issue is not small, and almost all the academics commented on it.

I think that the convener's efforts to respond to the points that were made by Susan Deacon, and by other members and me, have been successful.

Further to what was said about paragraph 544, I can give an example of a lack of liaison. At a previous meeting, I submitted a small paper that proposed that no entirely new material should be introduced at stage 3 of a bill. Slightly later, I was accosted by our group whip, who is very intelligent, to be told that they understood that I had proposed that there should be no Executive amendments at stage 3. There was a great flap and a lot of officials' time was wasted in trying to find out what that lunatic Gorrie was up to, but there had simply been misinformation, as nobody was at the committee meeting to report back correctly.

The issue is important. A civil servant should sit in at most meetings or keep in close touch with what the committee is doing. There could be a two-way process, in that the civil servant could tell us what the Executive was doing. I am sure that there is an overlap of work in some committees that could be avoided. However, I am happy with the wording of the paragraphs that we are discussing.

11:15

The Convener: On paragraph 533, Fiona Hyslop raised a point on 7 January about the civil service in Scotland—again, I have struggled to find a form of words that reflects what the committee agreed about that matter. That would probably have to be included at around this point in the third draft.

Are you proposing that the word "substantial" or the words "a substantial volume of" should be inserted before "academic" in paragraph 533?

Donald Gorrie: Yes—something like that.

The Convener: I have no difficulty with that. There has been a lot of academic comment—I have read some of it.

Paul Martin: I want to make a comment rather than a proposal to amend the text, which is well set out. One difficulty that I have in relationships with civil servants is in making them understand what the role of an MSP is—that works both ways. More innovation needs to be shown in training civil servants to understand MSPs. There are some genuine difficulties. For example, when I speak to civil servants—which is not often—nine times out of 10 they see the world revolving around parliamentary headquarters. If they ask for an internal extension, nine times out of 10 they are shocked and horrified when I say that I am based in a constituency office. They seem to find the constituency role difficult to understand. We must exchange understanding. They might—dare I say it?—want to become involved in a day in the life of an MSP, for example, and an MSP might want to become involved in a day in the life of a civil servant. We must develop our understanding of each other. I have never been to Victoria Quay and would not know how to get there.

Previously, we touched on training, which forms a crucial part of senior civil servants' understanding of the role of MSPs. I think that civil servants got away with a great deal under the new constitutional settlement in respect of the requirement to understand the role of MSPs. When there was a more remote understanding of the work in London that MSPs now do, there was no requirement to find out about MPs and local constituency interests. We are developing the Parliament and should ask whether there is a

need for staff development in respect of what happens in local constituency offices.

That raises the issue of how resources should be managed in relation to constituency business, which has been raised by the annual financial report. Members of staff do not understand some local constituency office issues and a protocol should be set in place. We must think about how we can ensure that that will happen. It is okay to talk about a training package, but will we ensure that there will be one? I do not think that staff are reluctant to be trained—nine times out of 10, they are not. I have not come across any members of staff who have been reluctant to get involved in a training package. What is lacking is a drive from senior management to ensure that such training takes place.

The Convener: There is some good stuff in those suggestions. Let me make a couple of proposals. In paragraph 546, we could replace "practical agreement to facilitate" with "agree and implement". Somewhere in the text before that phrase, we can build in some of the excellent points that Paul Martin has made. We might even beg the official report to provide us as soon as possible with a rough draft of the text that Paul Martin suggested, so that we can work up some wording. That is very positive.

Donald Gorrie: It would be good to have some sort of shadowing system that worked both ways. It might even be extended to selected staff members of MSPs. The staff members of some MSPs actually write many of the members' questions, so it might be better if those staff understood the system better.

The Convener: Let us move on to consider the section on arm's-length bodies. Some minor textual changes have been made to paragraphs 547 and 549. One word has been inserted into paragraph 552 and into paragraph 554.

We had previously finished paragraph 555 by saying simply that, without a systematic approach to scrutiny, accountability is unlikely to prove adequate. After "accountability", I have added "and power-sharing". I have also added another sentence:

"We therefore recommend that our successors on this Committee should consult on, and produce, a framework for scrutiny in this area of the governance of Scotland."

As we went through the exercise, we discovered that some non-departmental public bodies were quite interested in the idea of having a dialogue with the committees that was more structured and more open to scrutiny. There is scope for a general approach across all the committees that hold such bodies to account—some committees do that more effectively, more systematically and more vigorously than others. All the committees should examine how they do that. I hope that the recommendation in paragraph 555 is now tougher and tighter than what we had before.

Let us move on to consider the section on the modernisation of Government. Paragraph 556 has simply been reworded to include the phrase,

"the absence of qualitative indicators by which to judge success."

That is an attempt to stress the point that we will not say that modernisation is working simply because we have dealt with so many hundreds of parliamentary questions and have had so many debates in the Parliament. We need to get beyond the mechanics to see whether we are really making things better.

Some minor wording changes have been made to the next paragraphs, including paragraphs 558 and 562. In paragraph 563, we have simply entered the title of the document, which will be defined in a footnote. Paragraph 564 has also been reworded, but not in any substantive way. Paragraph 565 did not previously have a capital P in "Parliament".

If members are happy with that section, we will move on to consider the section on parliamentary consideration of constitutional and governance matters. Some changes have been made to paragraph 566 so as to make the meaning a bit clearer. That is it.

Before we move to item 2 on our agenda, let me explain that we have now gone through the whole draft report for a second time. We have identified some knotty issues, which will need to be resolved at the final stage. We will not have a final draft of the report for next week; we might have it for the week after that, but let us not make a definite commitment on that.

If members agree, in the course of this week we will clear by e-mail five or six textual amendments to the first 500 or so paragraphs—that is, everything up to the section that deals with accountability. Additionally, I will want to propose other changes that will be based on members' papers and on one or two other matters that have come up.

The changes that require to be made to the paragraphs that we dealt with last week and today will be underlined text in the third draft of our report. In addition, members' papers raise issues that we have still to deal with. A good seven or eight additional points were raised on 7 January. The clerk has drafted responses to four or five of those, and we must agree on text for all the points. We will try to get that for members as early as we can and we will leave all the new stuff underlined, as we have done previously.

We want to have a meeting that everybody can attend when everybody has seen the textual amendments. I am labouring the point because that will be the time when members who have said that they will produce additional text or make suggestions will have to have specific words. For example, members might say, "I want to amend paragraph 762 to say whatever", or "I want to add a new paragraph after paragraph 13." Members will have to produce something that is reasonably tight and they must give other members notice so that they have a fair chance to think about what is being suggested.

We are fairly close to reaching that final decision. I cannot predict whether it will take one meeting or two to do everything. The next time members see the document, it will be the whole report and it will have had its final textual changes from us. At that meeting, it will be up to members to agree finally on what goes in and comes out. Is everybody happy with that?

Members *indicated agreement*.

Correspondence

The Convener: We can spend about 10 or 15 minutes on agenda item 2, on a letter from the Presiding Officer, after which I must go. That will be long enough for us to discuss a general response. Sir David has set out several matters on which he would like us to work. Are members up for it? Do they agree with Sir David? Do members want to take action quickly, or do we need to touch all the bases and find out everybody's thoughts?

Sir David's first question is about First Minister's question time. He would like six questions to be dealt with in 30 minutes, rather than 20 minutes. He cites as good practice the Aberdeen experience, when First Minister's question time lasted 30 minutes. Members appeared to be happy with that. Do members want to make that a recommendation in the CSG report or to consult widely? Members might think that the questionnaire was sufficient.

Mr Paterson: The answer depends on the decisions that we will make later.

The Convener: It does.

Mr Paterson: The proposal cannot be taken in isolation, because it has an impact on other matters.

The Convener: However, if you could, would you go for the proposal?

Mr Paterson: I think so.

The Convener: That is a pretty clear steer.

The more difficult matter is ministerial questions. At the outset, a judgment call was made that questions should go to the Executive in general and that members should have 40 minutes for open questions, during which ministers would pop up all over the chamber to respond. That has been the subject of some criticism inside and outside the Parliament. The media have largely ceased to report ministerial questions, and the Presiding Officer suggests that we should consider a mechanism that would allow more sustained questioning of ministers on a rota basis. That would be more like the departmental question times at Westminster. The rota and the time that is allocated are less important than the principle of having 20, 25 or 30 minutes every week during which people would see a ministerial team, which sometimes comprises one minister and sometimes comprises a minister and deputy ministers. Would members favour a question time at which Malcolm Chisholm and the junior health ministers dealt with health and community care questions, for example?

Paul Martin: I have some difficulties with the proposal and I am not sure how other members

would respond to it. If I had lodged for consideration an oral question on a health matter and the subject that week was questions to Ross Finnie on fishing or agriculture, I would be prevented from asking the health question. The opportunity to ask the question would be part of the usual cross-section of subjects on which members get to question ministers at question time. I am not concerned about accountability, although it is important. Members aspire to ask questions regularly and they want the opportunity to do so on a variety of subjects. Members would not respond positively to the proposal.

11:30

I appreciate that, because of constituency interests, some issues are of more interest to members than are others, so I am also concerned about attendance at the proposed question sessions. We could find that members would attend only if they were interested in the issue of the week—health, for example. At the moment, it is helpful to have questions on a cross-section of subjects.

With respect to the media, the fact is that they do not report question time at the moment. However, that does not mean that we have to change the system. In fact, if we did change the system to one that was based on focused ministerial sessions, is there any guarantee that the media would want to report those sessions? The subject for that week's question time might not be a subject that the media would choose.

The Convener: I should not have mentioned the media. I was not suggesting that the media should drive our decisions; I am interested in the quality of our dialogue.

Paul Martin: Sir David Steel mentioned the media and the convener simply referred to that. To consider changes to question time because the media do not report it would be change for the wrong reasons. I know that that the media are not Sir David's only reason for wanting change.

I am opposed to the proposal. Later in his letter, the Presiding Officer suggests that the first three questions at question time be selected by him. I welcome that suggestion, because it is an opportunity to bring focus to the session.

The Convener: Would you favour the committee undertaking more detailed work on the proposal? Although it could not be done rapidly, some work might be undertaken to test members' attitudes to the proposal.

Paul Martin: Absolutely.

The Convener: Right.

Mr Paterson: I disagree with Paul Martin on the matter. A balance must be struck. Question time with the Scottish Executive is a time-filler. We do not get to the bottom of things—ministers do their bit knowing that they will be off the hook in a couple of minutes.

I accept the point that members will want to raise important questions on subjects across the range of the Parliament's responsibilities. One way to overcome that problem would be to have questions to two departments each week. That would allow members to cover a fair range of pressing matters. I do not want to remove the ability to raise an urgent matter that does not fit the emergency situations that the Presiding Officer can allow for. We need a slot in which we are able to press ministers when they fail to answer a question. Many members have complained that we need an "answer time" rather than a question time—that is where the proposal is coming from. The present balance is out of kilter with people's expectations. The media are also turned off—I do not blame them—but because they transmit the Parliament to the public, the result is that we are not reaching people's homes. We need to respond to the situation.

It would be a good idea to consult members and others further afield. We do not need to make a decision on the subject today, but alarm bells are ringing and we need to do something to make question time more accountable. We need to be able to nail ministers whenever that is required.

The Convener: I would not assume that a change to the format would necessarily allow members the opportunity to nail ministers. I am thinking of the early Susan Deacon in full rhetorical flood.

Mr Paterson: She was nailing members.

The Convener: Members might be surprised by the extent to which ministers would dominate answer time if they were given half an hour to respond to questions from around the chamber on all aspects of their briefs. Do not assume that ministers would be the victims. If you approach the suggestion on the basis that we are going to "get" the ministers, first, your analysis of the situation will have been wrong, and secondly, you will be saying to ministers, the Executive and the Parliamentary Bureau, "Don't touch this suggestion with a bargepole." If you want to make a case for your suggestion, you must argue that it also represents an opportunity for ministers to explain and defend general policy, and that there would be advantages for both parties. If you do not do that, there will be firm resistance to changing the situation.

Mr Paterson: The word that I used was "balance"—we must strike a balance.

The Convener: You used some other words as well. I think that you also used the word "nail".

Mr Paterson: I know that—question time is a two-way conversation. It is up to members to be able to put the spike in, but that is not the whole story. I have got to say it the way it is; there is a balance that we must strike. If there comes a day or a time when members have questions that must be asked, answers must be given. It is not really the Opposition aspect that I am thinking about, but the parliamentary aspect. It could well be that members of the Executive's own parties want to spike ministers.

The Convener: "Spike"?

Mr Paterson: Or hold them to account.

The Convener: That is better; "hold them to account" is the neutral way to put it.

Mr Paterson: Fine, but question time is, nevertheless, really a bit of a farce at present. All I am saying is that we should not just turn the page and move on. We need to come up with some answers.

The Convener: I do not disagree.

Mr Paterson: But you are worried about my phraseology.

The Convener: I am counselling caution in how we approach the issue. We should also be realistic. The process you suggest might make life more difficult for a minister who was not in command, but it would not make life difficult for a minister who was well in command. It might make for better dialogue and better accountability, but there is also the difficulty—which Paul Martin flagged up—of the luck of the draw. At the moment, a member might put a question for six weeks in a row and not get called.

Mr Paterson: That is the problem.

Paul Martin: That is the fundamental issue and the reason why we must consult members. If it has been decided that a debate will be about agriculture, for example, Paul Martin will not be asking any questions. The opposite will be true on matters that do not relate to rural constituencies. There will be difficulties, and we must be realistic about what members aspire to.

Another issue is selecting the accountable departments to which Gil Paterson referred. How would we decide which department should be selected? Who would decide that?

The Convener: That would probably be done based on the volume of questions on a subject. I cannot think that members would want to ask questions of Mike Watson as often as they would want to ask them of Malcolm Chisholm.

Paul Martin: That is the point that I wanted to make.

The Convener: That kind of discussion would have to be held.

Paul Martin: However, that would not improve accountability—it would ensure only that some ministers were asked more questions than others. Gil Paterson made a point about forensic examination of ministers, but we must be careful about ensuring that members are consulted on that. If members come back and say, "This is what we want," we will have to deal with that.

The Convener: We have had a first hack at the subject, so it might be better to discuss it again next week. I am now going on my exciting trip to Victoria Quay, but the committee will still be quorate without me. If members wish, they can elect a temporary convener and continue the discussion.

Mr Paterson: I think we should leave it until next week.

The Convener: Right. Let us do that.

Susan Deacon: We would be lost without you.

The Convener: Aw, shucks.

I am sorry to have to close business early, but I am doing so in order to be of service to the civil servants. I am sure that members will agree that that is a most worthwhile cause. Thank you for your attendance and your contributions. We have covered a lot of ground.

Meeting closed at 11:38.

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