

PROCEDURES COMMITTEE

Tuesday 7 October 2003
(*Morning*)

Session 2

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PROCEDURES COMMITTEE

5th Meeting 2003, Session 2

CONVENER

*Iain Smith (North East Fife) (LD)

DEPUTY CONVENER

*Karen Gillon (Clydesdale) (Lab)

COMMITTEE MEMBERS

*Mr Richard Baker (North East Scotland) (Lab)

*Mark Ballard (Lothians) (Green)

*Bruce Crawford (Mid Scotland and Fife) (SNP)

*Cathie Craigie (Cumbernauld and Kilsyth) (Lab)

*Mr Jamie McGrigor (Highlands and Islands) (Con)

COMMITTEE SUBSTITUTES

Linda Fabiani (Central Scotland) (SNP)

Robin Harper (Lothians) (Green)

Irene Oldfather (Cunninghame South) (Lab)

Mr Keith Raffan (Mid Scotland and Fife) (LD)

Murray Tosh (West of Scotland) (Con)

*attended

THE FOLLOWING GAVE EVIDENCE:

Hugh Flinn (Scottish Parliament Directorate of Clerking and Reporting)

Mr George Reid (Presiding Officer)

CLERK TO THE COMMITTEE

Andrew Mylne

SENIOR ASSISTANT CLERK

Anne Peat

ASSISTANT CLERK

Lewis McNaughton

LOCATION

Committee Room 2

Scottish Parliament

Procedures Committee

Tuesday 7 October 2003

(Morning)

[THE CONVENER *opened the meeting at 10:00*]

Oral Questions

The Convener (Iain Smith): Colleagues, welcome to this meeting of the Procedures Committee. The first item of business is oral evidence for our inquiry into question time. I am delighted to invite the Presiding Officer to give evidence to us this morning. Once he has said a few words in introduction, we will proceed to questions.

Mr George Reid (Presiding Officer): Questions are a key part of the parliamentary process, as they provide important information to the public. For that reason, I follow the committee's inquiry with the greatest of interest.

While the inquiry proceeds, I must get on with handling questions. It may be helpful if I outline the principles that currently determine how questions are chosen and the process by which they are selected.

In May, the parliamentary staff published guidance on questions. That document was informed by the experience and composition of the Parliament in the previous session. In this session, the Parliament is rather different. Six parties are represented on the Parliamentary Bureau and there are four independent members. We did not want wrangling in the initial weeks of the session, so I decided at the start to concentrate on fair shares—ensuring that there was proportionality across the parties and within parties. I am conscious that within parties there are minorities that in the past have not had as much of a voice as they would have liked.

The extension of First Minister's question time to 30 minutes has helped that process. We now have something like proportionality across the range. Hugh Flinn, who is sitting beside me, compiles the figures week by week. Those figures suggest that in this session proportionality is greater than it was in the previous session. General questions are not proportional, but that is a matter for the parties. If every member from every party were to lodge questions every week, there would be proportionality. However, some parties are significantly better than others in lodging a run of

questions week by week. That is reflected in the questions that are thrown up by the random process.

The second and final point with which I want to deal is the purpose of questions. There are a number of schools of thought on that issue, and we are feeling our way as we build a new parliamentary culture.

First, are questions for information or are they for advocacy—for holding the Government to account? That is a key question, because there are many other ways in which members can extract information. Those include written questions, statements and debates.

Secondly, to what extent are parliamentary questions—especially FMQs—in a pecking order for party leaders, so that First Minister's question time becomes the cockpit of the week, and to what extent can back benchers get a slice of the action? When I was a member of the consultative steering group there was an almost touching belief that we would build a new culture in the Parliament in which everyone traded information freely in perfect amity. Of course, Parliaments are a bit rougher and tougher than that. In my view, it is perfectly legitimate to have a waffle answer back from a minister—that is part of the parliamentary process. It is up to the member concerned to make of that what he will.

There is merit in allocating the first three questions at First Minister's question time to the party leaders, as we work in a party structure. First Minister's question time is viewed, as I have said, as the cockpit of the week. It is the period when party leaders have to identify the issues and present themselves as leaders of their parties and leaders of the nation.

However, I would be uneasy about one thing. In the previous session, two degrees of proportionality were applied to FMQs. The first degree of proportionality applied to questions 1 and 2, which were judged in terms of the proportionality of Opposition parties. The remaining questions, 3 to 6, were judged in terms of the proportionality of the whole Parliament. Therefore, there was a two-tier process. I have tried to ease that situation a bit during this interim period. You will have noticed that, last week, for the first time, I called a back bencher—it was Wendy Alexander—on the back of John Swinney's question. I have consistently been trying to call back benchers to ask supplementaries on the back of Mr McLetchie's question. There is an opening there for back benchers, with the opportunity to take really topical questions at that time. I will leave you to ask questions about that later.

There has to be some discretion for the Presiding Officer in the whole process. After the issues of admissibility, topicality and importance have been resolved, and after the matter of whether a question is being asked in question time as opposed to First Minister's question time has been decided, another important issue remains. We never quite know how the proportionality will work out until members' request-to-speak buttons have been pressed. We have to make instant judgments, sometimes in the space of milliseconds. A perfect example of that arose last week, when John Swinney named Wendy Alexander. I took the instant judgment that she should be called: she had been named, and should get her slot. The implication of that was that somebody else from the Labour Party, who was probably marked down to be called later, dropped off the list. It is a matter of perming variables all the time.

The Convener: Thank you for that opening statement. I should have introduced Hugh Flinn, head of the chamber desk, who is accompanying you and who will be answering some questions on technical matters.

I will start with a general question. Have you had any thoughts about the changes to the format of question time that you would like to take place?

Mr Reid: We are in an interim period, and we are building a new culture in the Parliament. I think that it has been helpful to split general questions from First Minister's questions. I think that they can each build their own identity. Magnus Linklater wrote an interesting piece in *The Times* last week, in which he praised question time. During the first session, question time was sometimes seen as merely the appetiser for the big boys later on. He highlighted the good spread of questions, which elicited hard information and hard dialogue. There is merit in having that split with First Minister's question time. There is also great merit in the fact that we have extended FMQs to 30 minutes, as we can now achieve something like proportionality over a period—although we will never get it during one First Minister's question time. That possibility was not open to me prior to the recess.

The Convener: Have you given any thought to the suggestion of having a thematic ministerial question time, either for the whole of question time or for part of it?

Mr Reid: There are some difficulties with that suggestion. At present, the format of question time allows a wide spread of issues to be considered, and there will normally be some topicality. If we had a thematic question time, how would we decide which department to select? If there are 10 departments, that implies a five-week cycle, and there would be considerable problems in deciding which department got the biggest cut. The bulk of

questions are on health, enterprise and education, but how would we get the balance right? Above all, how would the space for topical matters be created? If it is an education week, but fish is a running issue, how do we get that in? There is a bit of a slot for that on the back of FMQs, as I can always take three or four supplementaries to the first questions, but that would be awkward.

Having looked at the evidence, the committee will have a number of options, on which I have no view at this point. It might be possible to balance it out, with 20 minutes of general question time and 20 minutes of thematic question time. Perhaps—this would be more interesting and a bit like Westminster—members could find some more wicked, broad, cross-departmental questions and choose one of them as a subject once a quarter. I have no view on that, but I would certainly like the Procedures Committee to dig into it.

Mr Richard Baker (North East Scotland) (Lab): I have a question about proportionality. I understand that there could be greater equity between the parties if they all submitted questions for question time each week, if the selection of questions remained a lottery. I wondered whether you thought that you could have some input into which questions were selected and whether that might ensure a fairer spread between the parties.

Mr Reid: I would be uneasy about that. I really do not see how we could have a genuinely random selection—which we have at present—and then have the PO picking and choosing on the far side of the system. I would find that extremely difficult, and it could well lead to disputes and constant challenges to the chair—there are plenty of those round the back anyway—concerning why he had suddenly given priority to A, B and C. I am not comfortable with that suggestion.

Karen Gillon (Clydesdale) (Lab): I am interested in the idea of proportionality among minorities within parties and what that means. How do members become a minority? Is it simply if they are awkward or if they disagree with the leadership, or is it more than that?

Mr Reid: No. The most obvious example is the Labour back benchers who are a clearly identified group with interests, especially the women members. There are three times as many members in that group as there are in the Greens or the Scottish socialists. They have to have a voice, and I am anxious to give those members a voice.

In the context of some of the sexual questions that are before Parliament at present, across the party spread there are members who may not find their place in the pecking order according to due proportionality. Nevertheless, I would judge it to be in the public interest that those members be

called. One of the constant difficulties that I have—especially as the clock ticks towards 30 minutes—is that, if I call a list member on a question that is largely of constituency interest, I am almost duty bound to call the constituency member as well.

All those specific groups are under consideration all the time, but I often have great difficulty in calling them while the clock is ticking.

Karen Gillon: With all due respect, Labour back benchers are not a minority within a party: they are the majority within the Labour Party. What I am interested in is the idea of minorities within parties.

Mr Reid: Perhaps the word should be groups. Over a four to five-year period, I would ask myself the crude question whether Labour back-bench women members had been called as often, during that period, as their number in Parliament would justify. I would attempt to ensure that their voices were heard.

Mark Ballard (Lothians) (Green): Talking about First Minister's question time, you said that there were two degrees of proportionality—

Mr Reid:—in the previous Parliament.

Mark Ballard: But, effectively, there are two kinds of First Minister's question time questions. Two or three questions are asked by the leaders of the Opposition parties, which tend to be diary questions—certainly when they are asked by the first two Opposition party leaders. Those are followed by three or four back-bench questions. Do you see a problem with the fact that those questions are quite different but are put in the same slot? One of the comments that we got back from the inquiry into oral questions was that there is a certain unhappiness with the fact that there seemed to be two very different kinds of question within the slot, with one rule for back benchers and another rule for Opposition party leaders. Do you think that there is a case for separating out those questions and setting two clearly different times for the two kinds of question?

Mr Reid: There is a certain accordancy in having diary questions at the beginning of First Minister's question time. There is real merit in diary questions if it is accepted that there has to be a high point—the centre of the parliamentary week—when the key questions are asked, such as whether Jack McConnell is up and on top of a certain issue or where Swinney is in terms of his conference. Those are the key political issues, and there should be a slot for them in the centre of the parliamentary week. That can be achieved only by diary questions, as there must be an element of surprise. It is perfectly proper, in the parliamentary process, to test people's wits on their feet.

There would be a certain logic to extending diary questions right down the list, but that would make

it more difficult to ensure the topicality of the question slot, and it would not help the PO to judge when to call supplementaries. Each time that I choose such a question, I initially consider the number and spread of supplementaries that might live off the back of it. The system is awkward, but I think that we can live with it. I would certainly not be terribly easy about having a list of questions that only had Mr Swinney for question 1 and Mr McLetchie for question 2 and then went into specific questions thereafter.

It is an odd convenience to have to ask a diary question but it sometimes sets the tone. For example, it was rather interesting when Mr McConnell referred to the "British Prime Minister" last week. That got matters off and running.

The Convener: Does Bruce Crawford have a supplementary question?

Bruce Crawford (Mid Scotland and Fife) (SNP): The Presiding Officer has just answered the supplementary that I would have asked about whether we could squeeze out the two diary questions and just go straight to questions 1 and 2. However, he has given us his view on that, so I shall not pursue the matter further.

10:15

Mr Baker: My question is on proportionality in First Minister's question time. In his written evidence to us, Dennis Canavan said:

"Party leaders almost invariably take up more than half of the time allocated for First Minister's Question Time."

I do not know what the statistics on that are, but do we have a reasonable balance at the moment between party leaders and back-bench questioners?

Mr Reid: There is certainly a much better balance now than there was beforehand, when there was no balance. I am not at all sure that party leaders take up half of First Minister's question time. Hugh Flinn keeps the figures.

Hugh Flinn (Scottish Parliament Directorate of Clerking and Reporting): I think that the proportion would be half only if we included back-bench supplementaries that are taken after the David McLetchie or John Swinney questions.

Mr Reid: I have given my answer to that. The really significant development in this parliamentary session is the fact that I regularly choose a couple of supplementaries from members on the back of Mr McLetchie's question. If I may make a small plea, I cannot know what people will ask when they press their button unless they have sent a note to me. It is so helpful for the PO to have a private note from members beforehand to advise that they want to ask a supplementary between questions 2 and 3 and why the matter is important. I am then able to make a judgment.

Karen Gillon: I am interested in why there is a general rule that there are supplementaries on the back of David McLetchie's questions but none on the back of John Swinney's questions. On, I think, three occasions in this parliamentary session, John Swinney has asked a supplementary that was listed further down the business bulletin as question 4 or 5, yet the member who had that same question was not allowed in on the back of that supplementary. The member has then to read out the question in the business bulletin. That looks bad for the Parliament, as it does not allow for continuity. Perhaps a judgment call could be made to bring in the member after John Swinney's supplementary and scrub the question that is in the business bulletin. That might be a useful way forward.

Mr Reid: I have given the example of a question that was called on the back of John Swinney's question, but that was specific to the circumstances and the answers being given. It is certainly awkward if the situation is that, as one member put it, "He stole my question."

However, the call on that belongs to the member whose question lies in the business bulletin in the first place. We would normally try to get a note out at great speed to ask, "Do you want to come in now or do you want to wait for your slot?" Of course, under the old system, the member with question 5 would need to panic about whether we would reach that question.

Let me say what I would do if I were a back bencher in that situation. I would probably keep my slot at number 5 and, as we were going through questions 3 and 4, I would think fully about what had been said before. I would then go for my final definitive wrap-all question. However, if members were to say to me, "I'd like to come in now", I would be quite relaxed about calling them.

The Convener: Before we move on to general oral questions, I want to ask the Presiding Officer quickly while he is here whether any changes need to be made within the half-hour slot for First Minister's question time. For example, do we need more questions to ensure that there is enough flexibility? Are any other changes required?

Mr Reid: At times, I become uneasy about whether there will be enough meat in question 6. I try to get to question 6 by about 24 or 25 minutes into the half hour, but I often live in considerable fear that, once I call it, no supplementaries will be asked. This is a personal view, but I would feel happy if there were a question 7 and 8 lying there as well. Those questions would not normally be called but they would provide some safeguard. If a really topical issue fell at question 7, I might be encouraged to make speed so that question 7 could be called as well.

Mr Jamie McGrigor (Highlands and Islands)

(Con): My question is on the possibility of having a ministerial question time as a separate entity from the two existing question times. I am bearing in mind the fact that both the ordinary question time and First Minister's question time appear to be useful to, and popular with, the public. What is your opinion on the advisability and possibility of having a separate, rotational ministerial question time, which would perhaps take place on a Wednesday?

Mr Reid: I touched on this issue in an earlier answer. The fact that there are 10 departments gives rise to the questions that I identified earlier. Who would be called when? How would we group the questions? We must remember that some departments are more key than others. Moreover, it could be the wrong week to deal with fish if education was a more topical subject. There are significant problems to address in that respect.

An interesting approach has been taken in the other place through the Select Committee on Liaison. We have always talked about joined-up government for Scotland, and there are wicked questions that fall down the cracks between departments. I would have thought that there might be a case for directing general questions at an area that transcends several ministries, such as youth crime or health and justice matters. We could try such an approach every quarter or perhaps even more often.

Mr McGrigor: I believe that a ministerial question time has now been introduced at Westminster and seems to work well. I take your point that it might be wrong to have questions about fish one week if the subject should be education. However, if we had a system of rotation that allowed ministers to answer questions regularly, people would know what they wanted to ask considerably in advance. Would that not be a good system? Would it not allow people to ask questions that needed to be asked and to know that they would definitely be called to ask them at some point?

Mr Reid: I do not know. I would like the committee to address the issue, because I do not know how much popular demand there is for such an approach. It has not come up many times when members have liaised with me. I am open-minded on the subject, but I think that it is one of the key areas that the committee should explore. I am sorry, but I cannot say more than that.

Karen Gillon: Do you have any strong views on starting business at 2 pm rather than 2.30 pm to facilitate an extended question time?

Mr Reid: I am quite relaxed about that.

Cathie Craigie (Cumbernauld and Kilsyth) (Lab): I accept your comments about flexibility and

making split-second decisions about whether to call a member to ask a supplementary. I remember a First Minister's question time that took place after 11 September 2001 when my question was third or fourth on the list. After appropriately subdued questions from the party leaders, I had to ask a question that seemed totally irrelevant, given international circumstances at that time. I felt that the Presiding Officer should have been more flexible about keeping the tone of that question time going. Have you ever thought that the ordinary daily business of Parliament should wait if events that are happening in the wider world should take the stage?

Mr Reid: I would not like to do that by fiat. At the end of the day, if a member has booked his or her question, it is their right to ask it. I touched on the point that the cockpit of the parliamentary week becomes theatre from time to time. If in such a case a member has a word with the First Minister and they agree to make things low key, we could be through things very quickly and it does not need to become a drama. Members would also have the chair's support in that respect. I certainly would like to encourage that. After all, my door is always open. If members have doubts about a particular matter, then for goodness' sake they should come up to the Presiding Officer's office and discuss it. We will do all we can to facilitate things. That said, if a member has booked a question, it is not for the Presiding Officer to make fiats about it. It is up to members themselves.

Cathie Craigie: On the theme of emergencies, we know that consideration of emergency questions is up to you as Presiding Officer. How do you approach that role?

Mr Reid: I do not know, because no one has lodged an emergency question yet.

Cathie Craigie: How would you approach that situation?

Mr Reid: We would have to make a judgment about the absolute importance of the subject and the time scale. I think that Sir David Steel called four out of 47 emergency questions lodged. One was about a Caledonian MacBrayne issue that related to the next day. One was about phone companies that could be jeopardised in the next day. Time must have a bearing on such questions. I will call such questions sparingly. How many emergencies does a Parliament face in a year? I suspect not a great many. We now have the opportunity for urgent and topical questions between McLetchie's questions and question number 3 in the business bulletin. If an emergency question is lodged on a Thursday, the opportunity will be available to call it at that point.

Bruce Crawford: I will return to what the Presiding Officer said about waffle answers.

Karen Gillon: What about waffle questions?

Bruce Crawford: I accept that there are lots of waffle questions, too. I understand the Presiding Officer's point that the Parliament is not the place that people might have expected and that it can be tough, which can lead to ministers being cute and fast on their feet. That is part of the process. However, what is the Presiding Officer's view about the public's perception and many members' perception of answers that are not relevant or are waffly and insufficiently brief, whichever of a member's roles—those of advocacy, information seeking or scrutiny—is being played out in the chamber? I do not know whether we can become involved in any process to ensure that answers relate a bit more to questions and are more focused. If that does not happen, I do not see how we can carry out our advocacy role, information-gathering role or scrutiny role of the Government properly.

Mr Reid: A fine balance between information and holding to account has always to be judged by the moment, as much as over the course. I said that I regard it as legitimate if a member asks a question and he gets waffle back, because that is part of the parliamentary process. It is up to the individual member to make his judgment. If a minister takes a long time, that is extremely awkward for me in making judgments, because although standing orders place constraints on questioners to be to the point, brief and non-repetitive, for example, no specific guidance is given on answers. Standing orders contain only a general catch-all in chapter 7.

It is extremely difficult for a Presiding Officer anywhere in the world to tell a First Minister to shut up. That just does not happen. However, through the usual eye gestures, fidgeting and nodding of the head, people can be encouraged to get on. That is the practice with which I will continue.

Bruce Crawford: I will tease that out a bit more. I understand that you might not want to tell the First Minister to shut up, but can a minister not be told to be a bit more to the point the next time that they answer a question and to address the question that was asked when it is obvious that the subject matter has been avoided? If it would help you in your role as Presiding Officer, could something about that not appear in standing orders?

Mr Reid: There is always the possibility of quiet words in corridors, which go on all the time. However, we do not want to create a drama on the floor of the chamber. Words in ears happen a lot.

The Convener: We have only a couple of minutes left, so—appropriately—questions and answers will have to be short.

Mark Ballard: My question is not about long waffly answers but about short irrelevant answers. People in my party find it frustrating when a minister does not answer a question or gives only a short answer and no opportunity is available to ask the question again to try to elicit a longer and more relevant answer.

Mr Reid: Being in the chair is all about trust. If the person in the chair does not have the Parliament's trust, they cannot work. They must be trusted to be fair and firm. I will give you an example of where I took your point on board. Peter Peacock gave Dennis Canavan a five or six-word answer about Dungavel, so I gave Canavan a second cut, for the purpose of scrutiny. You must trust me in those circumstances to use that discretionary authority from time to time.

Mr McGrigor: I have a quick question on supplementaries. I have noticed that, quite often, you might have three or four supplementaries on one question and no supplementaries, or only one, on the following question. How do you make up your mind about how many supplementaries you will have on each question?

10:30

Mr Reid: I talked about milliseconds; until we get from, say, question 14 to question 15, I never know how many buttons will be pushed on the next one. It is a matter of instant judgments. I gave you an example of a situation in which a question that might appear to be innocuous would go to three supplementaries. That would happen in a case in which a list member had put down a question on what was clearly a constituency subject. In such a case, I would feel duty bound to call the constituency member. If I found out, through intelligence, that the matter was also running in the local papers, which would make it a cross-party issue, I would feel obliged to take supplementaries from other members as well.

Although a question might appear to other members to be relatively innocuous, it is where the order has put it and I would have to allow two or three supplementaries. It might be in the back of my mind that I might have two or three supplementaries on what seems a more contentious subject further down. I do my sums and I always have a clerk beside me. I have notional targets—sometimes to two decimal points—for achieving balance among each of the parties, which are ticked off. I am afraid that perfectly good questions are sometimes lost, because I have to produce fair shares, which I do.

The Convener: On that note, I thank you very much for coming to give us evidence. I promised to let you out by half past 10 and it is now half past 10. That was useful and interesting.

We now move to oral evidence from Hugh Flinn, who is head of the chamber desk. He has submitted a note to members on the technical aspects of how questions are selected. I do not know whether you want to add anything at this stage, or whether you are happy to take questions from members.

Hugh Flinn: No, I have nothing to add; I am happy to take questions from members.

The Convener: I will kick off. I read through the note on how you select oral questions but, as I am not a mathematician, I got slightly confused by the paragraph at the top of page 2. Can you tell me in simple terms what happens when I submit an oral question?

Hugh Flinn: In the first instance, the question goes to the clerk who is on the duty rota for question time that week. As they do with all questions, they will consider the question against the admissibility criteria. If necessary, they will have dialogue with the member about the wording of the question in that context. The question will then go through to the support team in the chamber desk, the members of which will give it a number and will type it up. Nothing further will happen to the question until after the 2 o'clock deadline on the Monday, when all questions for question time that week will have been lodged.

At some point after 2 o'clock, when all the questions have been processed, we do the random selection. As someone who is not an information technology expert, I cannot give an explanation of how that works on the IT side that is any more elaborate than the one that has been supplied in our note. All that happens is that we open a template that says, "Oral questions random", in which all the questions that have come in are listed numerically. We then follow an instruction to randomise and the top 30 questions appear on the other side of the screen.

Karen Gillon: If question time were to move from Thursday to Wednesday, what would be the implications for your staff?

Hugh Flinn: If the same period of time were kept for the deadline by which questions had to be lodged, I presume that that would mean that the deadline would have to be 2 o'clock on Friday rather than 2 o'clock on Monday. Beyond that, I cannot see that it would affect us.

Karen Gillon: What would be the implications for oral questions, which have a Wednesday deadline at the moment?

Hugh Flinn: If oral question time were brought forward from Thursday to Wednesday, the deadline would move from 2 o'clock on Wednesday, eight days before, to 2 o'clock on Tuesday, also eight days before.

Cathie Craigie: Why would the deadline have to move? Do you need eight days or would seven days suffice?

Hugh Flinn: The eight-day period is a result of a judgment that was made when the standing orders were first drawn up. I can only assume that that was based on the amount of time that it was considered reasonable for the Executive to have to prepare answers. It is, of course, in the power of the Parliament to alter that period by changing the standing orders.

Cathie Craigie: Are questions sent to the Executive only after the lottery draw, as it were, has decided the position of the questions?

Hugh Flinn: Yes, they are sent only after the random selection has been made.

Cathie Craigie: Why do we select 30 questions for the oral questions slot when, to my knowledge, we have never got past question 19 or 20?

Hugh Flinn: Two or three years ago, the Presiding Officer asked us to comment on the implications of reducing the number of questions selected from 30 to 20. It so happened that, around that time, particularly inclement weather prevented a number of members from getting to the Parliament, which meant that their questions were withdrawn. One week, as a result of half a dozen or so questions being withdrawn, we got to question 22 or 23. Such a situation is unlikely to occur, but could do so occasionally.

As we often get up to question 18, there would be risks in reducing the number of questions to 20.

Cathie Craigie: As someone who knows the workings of the procedure well, do you have any suggestions as to how the process of submitting and selecting questions could be improved?

Hugh Flinn: I would be reluctant to put forward any views as to how the process might be changed, but I would be happy to respond on the practical implications of any suggestions that emerge from the committee.

Mr McGrigor: Earlier, I asked the Presiding Officer about the possibility of having a separate question time that rotated between individual ministers, possibly on a Wednesday. How would that fit in with the operations of your department?

Hugh Flinn: Presumably, it would create another deadline day for the lodging of questions. Provided that that did not end up being the same as one of the existing deadline days—the Monday or the Wednesday—I do not think that it would present any major logistical issues.

Bruce Crawford: I am sorry to have to return to the issue of randomness, but I know that members often feel that they are randomly selected out of the process. I realise that the IT issues are difficult

to explain, but I would like to know a bit more about the sequence that is followed. I cannot see why the sequence cannot be stopped after the first stage. If I understand correctly, before you submit the numbers for that week's questions into the pseudorandom system, they have already been randomly assigned a number. Is that correct?

Hugh Flinn: We give all questions a number that is purely sequential. As I understand it, the IT process that controls the pseudorandom selection then assigns another number randomly to each question. We have no knowledge of that process going on, however.

The Convener: Why do you not just draw them from a hat?

Karen Gillon: In the presence of witnesses.

Bruce Crawford: The paper states:

"In order to generate a sequence of random numbers to select oral questions on any given day, the template contains a code that sorts the current day's oral questions into a random order."

So that is done first, and then they are submitted again. It reads to me like they are put into random order, and are then put into a sequence that produces another random selection. Is that the case?

Hugh Flinn: That is not my understanding. The sequence that takes place is as set out in the five points on the second page of the paper.

Bruce Crawford: Okay, so point (ii) states:

"Sort them into alphanumeric order of question number."

The Convener: When an oral question is submitted, it is given a number, and the next one that is submitted gets the next number in the list. Sorting questions into question number order is, essentially, making them questions 1, 2, 3, 4 and 5, as submitted.

Bruce Crawford: In that case, what does point (ii)—

"Sort them into alphanumeric order of question number"—

mean in the processing order? What actually happens?

Hugh Flinn: My understanding is that (ii) is simply the process that puts them in the order that the convener has just described. It is at the next stage, when they are assigned a random number, that we have no knowledge of what number is being assigned.

The Convener: Point (ii) just ensures that the numbers are in the order in which they were submitted.

Bruce Crawford: I am sorry—this is for my simple mind, Hugh—but is that the number that is applied to questions by the chamber desk as they arrive?

Hugh Flinn: Yes.

Bruce Crawford: In that case, how can we get to stage (v), which deals with questions that have exactly the same random number?

Hugh Flinn: As I said, we do not see the random numbers, so I have no knowledge of them. However, as I understand it, the numbers are numbers like 0.142, 0.957 and 0.634. Apparently, it is conceivable for one of those random numbers to be attached to two different alphanumeric questions, in which case point (v) simply describes the additional stage that sorts them out. I am sorry that I cannot explain it any more clearly than that.

Cathie Craigie: Convener, perhaps we should go and see it happening one day.

Hugh Flinn: The problem is that you will not see anything. You will simply see us pressing an instruction that says "randomise" and a list of 30 questions.

Bruce Crawford: I have one more supplementary. What IT systems to select random numbers have been examined, other than the one that we employ?

Hugh Flinn: I know that we use a Microsoft system. I would have to ask the IT staff to write to you on the other options that have been looked at.

Bruce Crawford: I ask because I want to be convinced that the system is robust. All members are concerned. I am sure that the system is robust, but we need to test it and make sure that it is.

The Convener: From speaking to a mathematician, my understanding is that it is a fairly standard process for creating pseudorandom numbers. However, it might be useful to get a note from IT as to the robustness of the system, and on whether there are other systems that might produce a different result.

Mark Ballard: I have some clarification and a question. The alphanumeric order is S2O-1, S2O-2 and so on. Stage (v) refers to a situation where two random numbers come up that are the same, as will happen occasionally even if you are rolling dice to get random numbers or drawing them out of a hat.

My question is about members withdrawing their questions. There are few withdrawals at First Minister's question time, but a substantial number of withdrawals from question time. Do you have a set procedure for people withdrawing questions for reasons beyond inclement weather?

Hugh Flinn: Members can withdraw questions for any reason they chose, right up to the time that question time takes place.

Mr Baker: Have you done any research on whether any members have been particularly unlucky or harshly treated by the system in lodging questions that have not been selected? Have you had complaints from members that they have been harshly treated?

Hugh Flinn: We have not received any formal complaints from members about the outcome of the random selection process, although occasional comments of a jocular, or other, nature have been made on the outcome in a particular week.

Mr Baker: Have you done any research into whether members feel they have been harshly treated?

Hugh Flinn: We have not done such research at the level of individual members.

10:45

The Convener: Members have no further questions, so I thank Hugh Flinn for attending and for doing his best to enlighten the committee on how the random selection process operates. I am sure that we will return to the issue in the future. It would be helpful if Hugh Flinn could arrange for the Parliament's information technology people to provide us with a note on how they selected the system and whether there are different systems.

Hugh Flinn: I will do that.

The Convener: I draw members' attention to written submissions from Mike Rumbles, Donald Gorrie and Dennis Canavan in response to letters that we sent. Those submissions will be considered at a later date. The civic engagement proposal that has been circulated has not yet been approved by the Conveners Group, which meets this afternoon. However, we hope that it will agree to the project as proposed. If members would like clarification of the proposal, they should ask questions now.

Mark Ballard: I am sorry that I do not know this, but what is Article 12 in Scotland?

The Convener: That is a very good question. Does anyone know?

Karen Gillon: The group's name refers to article 12 of the United Nations Convention on the Rights of the Child.

The Convener: I want to look ahead to how we will proceed with the inquiry.

Bruce Crawford: I was mulling over which other organisations have to deal with similar issues relating to scrutiny, questions and so on. We know what happens in the United Kingdom Parliament, but we need to find out what happens in the National Assembly for Wales. I am not sure whether we need to seek written evidence, but it

would be good for us to understand how the Welsh Assembly operates. The Convention of Scottish Local Authorities is another organisation that it might be useful for us to contact for this purpose; some local authorities now have question times. Information from the Welsh Assembly and from COSLA would add to the contributions that we have received.

The Convener: We will obtain written information from those bodies. The Welsh Assembly process should be reasonably straightforward. We will ask COSLA to provide us with information on how question time is used in local authorities.

To date, we have received no further written evidence. I suggest that at our next meeting we hear the views of the political parties and invite the business managers or their nominees to give evidence. I appreciate that two business managers—Mark Ballard and Bruce Crawford—are members of the committee and that they might want someone else to give evidence on their behalf. Alternatively, they might decide to give evidence themselves. The Labour Party will have to consider whether it wishes to send someone to give evidence on its behalf separate from the Minister for Parliamentary Business, who will give evidence on behalf of the Executive. I suggest that we ask the political parties to nominate representatives to give evidence on questions at our next meeting, which is on 4 November. That meeting will conclude with evidence from the Minister for Parliamentary Business.

Karen Gillon: I understand that the Minister for Parliamentary Business represents both Executive parties. It will be for all political parties to decide whether they wish to nominate someone to give evidence on their behalf.

The Convener: Karen Gillon will find that the business manager for the Liberal Democrats is not the Minister for Parliamentary Business, although she represents the Executive.

Karen Gillon: That is a different issue.

The Convener: The point that I am making is that we are inviting business managers to give evidence. It will be for the political parties to advise us whom they wish to send to represent their views. The Labour Party may wish to be represented separately from the Minister for Parliamentary Business, who will speak on behalf of the Executive.

Bruce Crawford: That is a good point. Both the Labour group and the SNP group have chairs. The voice of the chair is slightly different from that of the business manager, who represents the political party. It might be worth considering asking the conveners or chairpersons of the political groups to give evidence.

Karen Gillon: Why do not we ask each group to send a representative and for the group to decide who it sends?

Bruce Crawford: Do you mean as well as business managers?

Karen Gillon: No—I mean instead of business managers.

The Convener: It will be up to each group to decide who it wants to send. If the group wants to send the business manager and the group convener or chair, that should be up to each group. I do not think that we should dictate to political parties on that; we should write formally to the business managers to invite them to send representatives.

If the civic participation exercise gets the go-ahead, it will be undertaken at around the same time. I hope that, at our meeting on 18 November, we can consider the various issues that have been raised by the inquiry to date and that we can narrow down the viable options for change. We decided on those options previously and decided that we would send a focused questionnaire to MSPs to find out their views on the options. We can thereafter consider a preliminary report at our meeting on 2 December and we can consider the draft report on 16 December. That timetable might be subject to change, but that is its present outline, subject to issues that might arise as we go through the evidence.

Bruce Crawford: I think we have the right players and that we are doing the right things. However, I wonder whether we have the right sequence. We are going to ask business managers to send people who represent their party group, and then we will go back to the MSPs with a questionnaire. Would not it be better if the business managers, or whoever will represent the groups, were informed by the information from the questionnaires? We could have a processing problem in getting to a cohesive decision-making framework. I am trying to be diplomatic about the matter.

The Convener: I understand what you say: unless we have specific proposals to make, I am not sure that our questionnaire to members will elicit much useful information. The idea was that once we had some specific proposals or options, we could find out whether those command the general support of members, in the same way as we did with First Minister's questions.

Karen Gillon: I think we should be cautious and that we should try to avoid assumptions such as that which was made by many members that the decision on First Minister's questions was shaped by the leaders and business managers of parties. We seem to be going down that road again in that we would come up with a set of proposals that

were based on the views of the Presiding Officer and the business managers. We might be guilty of doing exactly what we criticised the Presiding Officer for doing with First Minister's questions.

Perhaps we should consider the evidence that we have and make some proposals ourselves—that is what we are here for. The business managers and party leaders and everyone else could then comment on the proposals.

Bruce Crawford: I agree with Karen Gillon. That is the point that I was trying to make.

The Convener: I know what you are saying, but from where will we get those proposals? At the moment, we do not have evidence. The idea is that the business managers give evidence on behalf of their parties, after which we can draw up the committee's views. I am not saying that we would be led by the business managers, but we would have to take account of their evidence.

Bruce Crawford: We might not have proposals to make, but we have a range of options that have been well trailed already, such as on whether the questions should be departmental and on what the balance should be. From what we already know, I cannot see that we will be surprised by the evidence. We know what the framework will be because we know what the options are. We have to expose those options to comment.

Karen Gillon: We have a duty to set out the options. The committee should take the lead; that is our job. I am nervous about what we would do after the business managers give evidence. I do not want the committee to be seen to be agreeing with one business manager rather than another, or to seem to disagree with one party because it is big or small. We should take the lead and make proposals that everyone can comment on, including the people who are taking part in the public consultation and the MSPs. We could then have a much better idea of the situation. We should take the lead rather than be led.

The Convener: With respect, that is not the approach that the committee agreed previously. I am not sure how we are going to produce a set of proposals, given that our next meeting is not until 4 November. The civic participation exercise is due to happen before then—that is the reality. We would have to produce a paper on the options at our next meeting and then publish those. That concerns me slightly.

In considering the matter previously, we agreed that we would take evidence from the Presiding Officer and the party business managers before deciding on a set of proposals that we would put out to consultation. That was formally agreed and that is the basis on which I have been working. We could change that approach; however, we would have to extend the timetable significantly, because

we could not take evidence until after the committee had drawn up a paper, which would be at the meeting on 4 November at the earliest.

Cathie Craigie: From the discussions that I have listened to, I am not sure that we are talking about moving forward with proposals—we are consulting so many different people. I know that we have put a call out for evidence and not even a handful of members have responded, although I am not surprised by that—that is the way it happens. However, I think that it should be within the capabilities of the committee to draw up something that says what we have been discussing—the options, as I think Bruce Crawford said earlier—to encourage members to think about the matter.

We all sit down in the canteen and complain about our questions' not being selected and we complain about not being called for supplementaries. Everyone has an opinion on the subject, but we have to ask members to put something down on paper so that we can consider members' views when we are examining the evidence that we receive before we come up with our proposals.

The Convener: I hear what members are saying, but it would be rather strange for us to come up with a set of options before we had taken the evidence that we have agreed to take—in particular, the civic participation evidence, which was meant to be open ended. If we say, "These are the options that we are considering and we want your views on them", we are directing the civic participation evidence in a particular direction and not looking for open thinking that might result in some ideas that we have not had. I thought that that was the purpose of the civic participation exercise.

Mr McGrigor: I agree. We must take evidence from the business managers, because they are the people who face the problems all the time and who will be much more aware of them than will individual MSPs.

Karen Gillon: The Labour Party's business manager does not have anything to do with the questions that I lodge, how I feel about them, how I feel about the way in which the questions are selected, or how I feel about the parliamentary process. Those things are nothing to do with the party's business manager; they are about me as an MSP. The party business managers determine in the bureau the order of business as it is conducted in the Parliament. Our party business manager comes back and reports that to the group: that is it. She does not decide how I feel about questions, what questions I lodge or anything like that. Perhaps I did not think about the matter enough when we had the initial discussion. However, I am not sure why the business

managers should have any more influence on the way question time is shaped than would any other MSP. That is nothing to do with their remit.

Mr McGrigor: Do not you tell your business manager when you have a problem?

Karen Gillon: No. I do not tell my group.

The Convener: The purpose of inviting the business managers was to get the views of the parliamentary parties, not the views of the business managers. It is up to the parliamentary parties individually to determine how they give their views to the business managers for that purpose. It is not for the committee to decide how that is done.

Mr Baker: Rather than issue a questionnaire, why could not we just reissue the call for evidence? We have had only two or three responses to it. Could not we increase the time scale for responses to that and reissue the call for evidence rather than issue a questionnaire?

The Convener: I am happy for us to reissue the call for evidence, just to remind members that we are still looking for their views. The responses that we have received have come from individual members to whom we wrote about comments that they made on question time during the Procedures Committee debate on First Minister's question time.

11:00

Mark Ballard: When I asked, the Presiding Officer informed me that it was very unlikely that somebody from the Scottish Green Party would get a chance to speak in the debate on the change to standing orders, because of the limited time scale for the debate.

The reason why nobody from my party spoke and, therefore, why you did not write to anybody from my party, was not that we had no opinion, but that it was clear that, in a half-hour debate, we would not have a chance to make an input. Individual MSPs need to be able to make a greater input into the process. That is more important, at this stage, than taking the party-political positions from the business managers.

The Convener: We cannot take oral evidence from every MSP, unfortunately. We must manage the process in some way and the idea was that we would do so by asking each party's business manager to comment.

Bruce Crawford: Richard Baker made a sensible suggestion. We should e-mail every MSP, outlining the discussions that we have had already and asking for initial views before sending out a questionnaire. That would be a good way forward, as it would prepare members for the

arrival of the questionnaire. We have until 4 November.

The Convener: I have no problem with doing that, but I am concerned about the time scale. You are saying, in essence, that we would not take evidence from the business managers on 4 November.

Bruce Crawford: We will still do that. Richard Baker's suggestion would allow that to happen.

The Convener: In that case, I am happy with the proposal. It seems sensible. Are members happy to proceed on that basis? We can make it clear to members in the e-mail that the business managers will come on 4 November.

Bruce Crawford: We should point out that the e-mail is an initial trawl and that we will come back to them with a questionnaire when more detailed proposals are on the table.

Mr McGrigor: When views were being sought on First Minister's question time, I sent an e-mail to members of my party asking for their views, then we sent our group view back via Mr McLetchie. That seems to be a reasonable approach, unless we want to get individual responses from every MSP.

The Convener: We are not discounting individual responses, because individuals might have views that are valuable but which might not concur with the wisdom of their party. We need to invite people to give those views, but we also need to get some idea of how the parties want oral questions to develop. That would allow us to form views on the options available. I hope that we will do that not on a party-political basis, but on the basis of what seems to be the best way to make best use of question time.

Mr McGrigor: I agree with that entirely.

Karen Gillon: If we are serious about finishing this project, we will need to schedule another meeting before Christmas, probably on 9 December. If we do not do that, we will not allow the civic participation stuff to be considered fully.

The Convener: I hope that the civic participation stuff will be available for consideration at our meeting on 18 November. If it is not, we would have to schedule another meeting before Christmas. However, I am reluctant to schedule extra meetings without knowing whether we definitely need them. I would rather keep to the present timetable and review the situation at each meeting.

We will write to members, outlining some of the issues that are to be considered and asking them for their comments. We will also advise them that we are inviting the parties, through the business managers, to be represented at the meeting on 4

November to give oral evidence and that they should be able to input to that process through the appropriate channels in their party. Is that agreed?

Members *indicated agreement.*

The Convener: The next item on the agenda relates to a formal request that, in the event that during our inquiry into oral questions we have witnesses from outwith the Parliament who wish to claim expenses, authority for the approval of those expenses be delegated to me. This is a bit of a formality as, at present, it seems unlikely that we will do so.

Is that agreeable to the committee?

Members *indicated agreement.*

Non-Executive Bills

11:04

The Convener: Before us we have a note from the clerk, the purpose of which is to start the discussion of the question whether we want to proceed with an inquiry into non-Executive bills. You might recall that the Presiding Officer wrote to us asking us to consider the issue as a matter of urgency. At that time, we asked the Parliamentary Bureau whether it endorsed the paper that had been agreed by the Parliamentary Bureau in the previous session, but it has not yet reached a view on that. Bruce Crawford and Mark Ballard might be able to confirm whether the issue is to be considered at today's meeting of the Parliamentary Bureau, but I do not think that it is.

We might wish to consider how we might handle the inquiry, however. Members have a background paper on the issue. We have two options. One is to hold a limited inquiry to consider any specific proposals that emerge from the bureau's considerations; the second is to hold a wider inquiry that considers options that are additional to those that the bureau may suggest.

Bruce Crawford: To help the process, I point out that the bureau currently takes no view of how to prioritise members' bills, although it is generally accepted that we must prioritise. The paper that was submitted by the previous bureau has not been signed off by the present bureau and is unlikely to be signed off today. The convener mentioned the available options. Several issues are going through my head. We must consider how much the committee should be influenced by what the bureau thinks. We should bear it in mind that, whatever process is arrived at, some political consent is required because the proposal will not work without that.

The issues of how we arrive at a decision on priority are not only for the bureau. Part of the original ethos of the Parliament was that as many members' bills as possible should proceed, although we will never have a situation in which back benchers introduce two bills each in a session, which was always a pipe dream that could not be achieved. However, it was accepted that members' bills were a different way of doing business that would empower individual members to produce legislation that might impact on the law of our country. I am slightly worried that, if we allow the bureau to direct us to a considerable extent, we will not involve back benchers—who produce members' bills—in the issues of ownership and the process of prioritisation.

That is a long way round for me to say that, although a fuller inquiry might take a bit longer, it

would do the Parliament more justice than a shortened inquiry that considered only the bureau's options.

Karen Gillon: We are in a difficult situation and somebody somewhere has to make hard decisions. We must be honest: the current system does not work and means that the members who shout the loudest and cause the most disruption have their bills accepted. That is not fair. I read the stuff on the issue in the newspapers last week. I have submitted a proposed member's bill, which, I think, relates to an important issue, but I have not been running about complaining to the newspapers that the system may mean that my proposed bill will not be accepted. However, I will make my views on the process heard.

We cannot continue with the status quo. My worry about a longer inquiry is that we might continue to stymie the process. The non-Executive bills unit cannot cope with the bills that it has at the moment. The folk that cause the most fuss will get to the top of the queue and other folk will be disadvantaged, even though their bills might have equal or perhaps more merit than the ones that have been accepted. We need to find some middle ground. We need a short-term and a longer-term solution. Perhaps the short-term solution is to have an inquiry shaped around the bureau's proposals. If we do not do that, the system might collapse. I am aware of one proposed bill that would have taken up all the non-Executive bills unit's resources for the next two years. That proposed bill is worthy and important, but so are the other 21 proposed bills.

I do not think that raising the number of signatures required will stop bills from getting through; all that it will mean is that members will get more of their pals to sign proposed bills. Ultimately, the decision on prioritisation should be for the Parliament—somebody will have to rank the proposed bills and Parliament will need a mechanism to vote on them. We must move quickly on the matter.

Mark Ballard: My party recognises that prioritisation is required but difficult. The sound and fury over the issue did not come from my party. As a new member of the bureau, I find decisions on priority to be difficult. One of the problems on the bureau has been to get the new members and the new parties that are represented up to speed on the issue.

As the clerk's paper demonstrates, once we started to discuss the issue, we got into some fundamental philosophical questions that did not seem to be the kind of questions that the bureau is designed to answer. Parliamentary Bureau meetings tend to be fast and task-oriented rather than taking time to philosophise about the founding principles of the Parliament. The issue is

about the appropriate body for taking such decisions.

The Convener: The issue was sent to the bureau because it was aware that there had been some discussion and the bureau had submitted a proposal to the previous Procedures Committee. It seemed logical, therefore, to ask the bureau. Parliamentary time is the responsibility of the bureau and financial resources are the responsibility of the corporate body; neither is the responsibility of this committee. Standing orders are the responsibility of the committee. Any proposals that are made by the committee have to command the support of the majority of members, so it was useful to get an idea of whether our proposals were politically acceptable.

I understand Karen Gillon's point about the time scale and we might have to make some immediate proposals in order to give NEBU some guidance on how it handles the bills that will be introduced in the near future. It is wrong that officials should have to conduct the prioritisation of bills on behalf of the Parliament, which is in effect what happens at present. They have to make the decisions and it is not right that they should be put in that position. Prioritisation should be a matter for the politicians.

The original consultative steering group report did not suggest that members should be able to move straight to submitting a bill. It talks about members being able to submit proposals for legislation that would then be considered either by the Parliament or the relevant subject committee to see whether there was sufficient support or need for such legislation. That might be one route that we could consider. Should there be an intermediate stage between a proposal for legislation and the introduction of a bill? That would certainly reduce the pressure of drafting on NEBU, because it would know that there was at least some support for the proposed legislation and we would not have to go through stage 1 of the bill process only for the bill to get thrown out after stage 1. We might want to consider that proposal in the longer term rather than immediately. I believe that that is the process that the CSG intended and not the one that we currently have in standing orders, which is that if a bill gets 11 signatures, it can go forward to stage 1. There is nothing in the process to manage that.

It is difficult for the committee, because we do not know how long it will take for the bureau to come up with a view. Do we want to wait for the bureau to complete its considerations before we make a decision, or should we bring a paper to the next meeting, or the one after that, on how the committee would handle those bills, irrespective of what the bureau decides?

Karen Gillon: We should bring forward a paper. We know what the Parliamentary Bureau's thoughts are.

Mark Ballard: We know what the previous bureau's thoughts were.

Karen Gillon: Yes, but I do not know whether the current bureau will move away from those thoughts.

Bruce Crawford: There are some difficult issues to be dealt with. We are not just talking about the committee's proposals. Other proposals have been made to the bureau, such as a committee of back benchers that would form a body that considers non-Executive bills. If the committee's paper outlines the options, that would help to inform the next committee meeting and, by the time that we get to that meeting, the bureau will have made a decision, whether or not its view is shared by everyone.

The Convener: We will bring forward an options paper that has two streams for handling the issue. One will go down the line of looking at what the Parliamentary Bureau is proposing at present as an interim, and one will say that we want to examine the issue on our own and will lay out how we would handle that. The paper could also indicate a timetable for how quickly we could handle both those streams.

11:15

Mark Ballard: But, to re-emphasise, the previous business managers on the Parliamentary Bureau signed up to that; it is not the position of the bureau at the moment. The bureau is still trying to find consensus. If we had been able to go with the paper on which the bureau agreed the last time, that would have made my life much easier, in terms of the reading that I have had to do, but we could not agree to it. As a result, it should not be taken as something that we can—

The Convener: I entirely agree with that point. That is why I asked the Presiding Officer whether the present bureau endorsed the previous bureau's report, before we took it as the starting point. The report is there for information at present; it is not there as a series of proposals. Either the bureau comes up with a view, in which case we can take it as the basis of our inquiry, or this committee has to say, "Let's get on with it ourselves, because the bureau is not coming up with a view." The status quo is not an option.

Bruce Crawford: I have one small point. The bureau may come up with a solution by the time of our next meeting on 4 November, when we will have an options paper, but it is also possible that if the bureau adopts a position in principle, that position might need some work done to it to make it work right in the interim, before we do the long-term stuff, so there will have to be an inquiry anyway.

The Convener: This committee will have to conduct an inquiry into the matter. The issue is whether it is a limited inquiry that asks, "Do you support or do you not support the bureau's proposals?" or a wider inquiry that examines other options as well. That is what we have to decide at our next meeting.

Mainstreaming Equality

11:16

The Convener: Item 4 is on mainstreaming equality. The clerk has circulated a letter that we received from the convener of the Equal Opportunities Committee following the debate in the chamber last week. The report is there for information, but if there are any comments or questions I am happy to take them. We can consider the specific recommendations, which are on the back of the paper, that we have been asked to address and decide whether we should respond today or address the matter at a subsequent meeting.

The questions in annex A, on the back of the letter that was circulated, are reasonably straightforward, and I hope that we can deal with them now. We have been asked by the convener of the Equal Opportunities Committee to give our committee response to three specific recommendations of the Equal Opportunities Committee in its report on mainstreaming equality. Recommendation 2 is:

"The Committee recommends that the Equality Guidelines in Annex B be adopted by all committees in their work and used in drawing up their work programmes for the session 2003-2007."

Is the committee happy to support that?

Members indicated agreement.

The Convener: Recommendation 5 is:

"The Committee recommends that lead committees, as a useful starting point, utilise the equalities checklist attached at Annex A during Stage 1 consideration of legislation."

I am sure that we can agree to that, although it is unlikely to affect this committee, as we are unlikely to be involved much in stage 1 of legislation.

Members indicated agreement.

The Convener: Recommendation 7 is:

"The Committee agrees with the Procedures Committee recommendation that in their annual report, committees specifically address how they have mainstreamed equality and highlight specific practices they wish to comment on."

Do we agree with the previous Procedures Committee's recommendation?

Members indicated agreement.

The Convener: The clerk will draft for me a letter to the convener of the Equal Opportunities Committee, advising that the committee is happy to endorse those recommendations.

Before we take item 5—which we agreed at our last meeting would be taken in private—I draw members' attention to the item at the back of our papers, on the Scottish Civic Forum participation

summit. I advise members that that will be dealt with at our next meeting, but the paper is there for information on what is being proposed.

Secondly, I wish to update members on the complaint regarding leaks of confidential information, which has been referred to the standards commissioner. The complaint is under consideration by the commissioner, who will report to the Standards Committee with his recommendation on whether the complaint should be investigated. It may be a few weeks before the Standards Committee is in a position to make its decision known to us.

I close the public part of the meeting.

11:19

Meeting continued in private until 11:32.

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