

# **PROCEDURES COMMITTEE**

Tuesday 4 November 2003  
(*Morning*)

Session 2

£5.00

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## PROCEDURES COMMITTEE

6<sup>th</sup> 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:

Bill Aitken (Glasgow) (Con)

Robin Harper (Lothians) (Green)

Carolyn Leckie (Central Scotland) (SSP)

George Lyon (Argyll and Bute) (LD)

Alasdair Morgan (South of Scotland) (SNP)

### CLERK TO THE COMMITTEE

Andrew Mylne

### SENIOR ASSISTANT CLERK

Anne Peat

### ASSISTANT CLERK

Lewis McNaughton

### LOCATION

Committee Room 2



## Scottish Parliament

### Procedures Committee

*Tuesday 4 November 2003*

*(Morning)*

[THE DEPUTY CONVENER *opened the meeting at 10:32*]

### Oral Questions

**The Deputy Convener (Karen Gillon):** I welcome to the committee members and visitors. We have received apologies from Iain Smith, the convener. We also have received apologies from Jamie McGrigor, although he hopes to be here later.

The main purpose of today's meeting is to continue with our inquiry into oral questions in the chamber. We have invited representatives of political parties to give evidence today. I understand that a representative of the Labour party will not be here, because Labour members are not discussing the matter in their group until this afternoon.

We will have two panel sessions. We will hear first from members of the newer parties—those that were represented by single members in the previous session but now consist of larger party groups. We will then hear from the more established parties.

Members have before them a list of suggested questions and I think that we should proceed with those questions in some kind of order. The two members on the first panel are Robin Harper from the Scottish Green Party and Carolyn Leckie from the Scottish Socialist Party. Are members content for them to answer the questions as we go through them?

**Members indicated agreement.**

**Bruce Crawford (Mid Scotland and Fife) (SNP):** I am happy to kick off. At our last evidence session, we discussed the nature of question time and whether it should have a thematic or departmental basis. What advantages and disadvantages do the members see in our having a rota of ministers or subject areas on which to base question time in future?

**Robin Harper (Lothians) (Green):** We feel that having a rota as the basis for questions would make question time repetitive and tied up. However, we see an advantage in having a rota as an element of question time.

**Bruce Crawford:** Will you explain further what you mean by "an element"? What other elements might be part of question time?

**Robin Harper:** Question time would proceed as usual, but five or 10 minutes of it might be based on a theme that had been announced in advance. In other words, of the 40 minutes currently allocated to questions, perhaps 30 minutes would be the straightforward system that we have at the moment, with questions coming up in random order; for the last 10 minutes, a theme would be announced in advance and members would address their questions to a particular minister on that theme.

**Bruce Crawford:** Will you walk us through how members would know the theme in advance? Would the theme be announced a week beforehand, as oral questions are, or are you talking about a general scrutiny time for a minister who would turn up?

**Robin Harper:** If we were going to have a rota system, we would work our way through the eight major departments one by one through the year.

**Bruce Crawford:** How much thought has been given to the balance between the process that we have now, which allows for topicality, and a rota, which would allow for thematic or departmental questions? Is the split that you suggest, with 10 minutes for themed questions and 30 minutes for open questions, the right balance, or should the balance be the other way?

**Robin Harper:** That would come out in the wash. If we were to make the change, it would not be advisable to start with any longer than 10 minutes for themed questions—we might want to make it six or seven minutes. If the rota system proved to be useful, the time could be extended. However, I would not like it to be extended much beyond 10 minutes, because that would begin to encroach too much on the open question time, which is important and has worked well over the past four years.

**Bruce Crawford:** I should let Carolyn Leckie respond.

**Carolyn Leckie (Central Scotland) (SSP):** Will you clarify what you mean by thematic questions? Would a theme be general, such as health or transport, or would it be determined within one of those subject areas?

**The Deputy Convener:** The initial thought was that we would have thematic questions as at Westminster: the questions would relate to a portfolio, so we would have a slot to question the Minister for Health and Community Care, for example.

**Carolyn Leckie:** I would have concerns if a theme were narrower than that. I agree with Robin

Harper that we could be flexible in trying the departmental questions, but I believe that more weight should be given to ordinary questions to allow for topicality—departmental question time should not restrict the time for ordinary questions. The committee would have to consider ensuring that the spokespeople from the different parties—for example, the transport or health spokespeople—are allowed to participate in the thematic questions. That perhaps throws up more questions than it answers, but it is the Scottish Socialist Party's view. We do not have a strict view on whether there should be a thematic question time, but, if there was one, it should not take up a lot of the 40 minutes. Perhaps it could be tried as an experiment.

**The Deputy Convener:** Do you have any views on extending the parliamentary afternoon backwards to 2 o'clock to accommodate more time for questions?

**Robin Harper:** Under any other circumstances, I would say that that was a perfectly rational and good idea. I know the arguments against extending at the other end of the day: a lot of people like to get home and we decided that the Parliament should be family friendly, so extending beyond 5 o'clock is probably still not an option. However, the cross-party groups are doing a lot of good work and extending backwards to 2 o'clock would begin to encroach in what is almost established in members' minds as the cross-party group time. Nevertheless, all other things being equal, parliamentary time should take primacy. If there were a consensus that an extension of half an hour to what is an important part of the parliamentary process would be beneficial, it would be worth trying.

**Carolyn Leckie:** I agree, although I have reservations. Despite the intentions, I do not think that the Parliament is very family friendly. I am sure that all members know how much pressure there is on time and that lunch time is often the only opportunity to deal with paperwork, phone calls and so on. I am wary of the proposal to extend parliamentary time into lunch time; I do not think that that would be easy. However, if the increase made question time broader and more inclusive of smaller parties and back benchers, the argument for it would be strong.

**Robin Harper:** I will add one point, although I had it in my mind to tackle this question later. An alternative would be to have part of question time on Wednesday, for half an hour. That would spread out the process and be good for the press—if half past 2 is a good time on Thursdays, it would be a good time on Wednesdays. The proposal would not encroach much on debating time, because we would still have two hours for debate on Wednesday and a full two-debate morning on Thursdays.

**Cathie Craigie (Cumbernauld and Kilsyth) (Lab):** The committee has considered whether question time should be split across Wednesdays and Thursdays. What is Carolyn Leckie's position on that?

**Carolyn Leckie:** Again, I am open to that suggestion, but with a caveat. If parliamentary debating time was to be reduced, we would like assurances that that would not mean that, for example, members of the SSP were not called in some debates. We have found that the shorter the debating time, the less likely it is that the SSP will get two speakers or even one speaker into a debate. It would be unacceptable to reduce the chances of the SSP contributing to debates on Wednesday afternoons.

That relates to the issue of recognising the six-party system and ensuring that, whatever the debate, the SSP and the Greens have the opportunity to convey their position. I would not support a split in question time without a commitment to ensure that the SSP and the Greens have the opportunity to contribute to debates on Wednesday afternoons. That is my major concern about the proposal.

**Robin Harper:** I thank Carolyn Leckie for making that important observation.

**Cathie Craigie:** The issue that Carolyn Leckie raises applies to all back benchers and it would have to be taken into account.

We have spoken about possible thematic question times for ministers. If we did not decide to take that option, how would your party groups feel about the Presiding Officer having the ability to group questions? Given that we are agreed that the random ballot is the fairest method of selection, do you believe that it would be fair if the Presiding Officer could group questions? Under that method, the health ministers, for example, would be asked their questions together.

**Robin Harper:** You would have to ask the ministers that question. They might prefer to have little gaps between questions to allow them to get their thoughts together to tackle the next question, rather than answering the questions in a bunch. Both our Presiding Officers have used their discretion wisely in controlling the time for questions and allowing as many questions as possible. One disadvantage of grouping the questions would be that it might have the opposite effect to the one intended—one group of questions might get more and more interesting and take over a bigger section of question time than was originally planned.

I see what the proposals are getting at, but there are alternatives. The rota system would allow for a thematic approach, but there could also be a thematic approach within the system that we

currently operate. I cannot quite explain what I mean, but what has been suggested simply does not appeal to me. Issues would be consolidated in such a way that they would be less interesting. The pace must be kept up in question time in order to maintain people's interest and to keep them focused. It would also be more difficult for the Presiding Officer to control the length of a minister's answers if questions were grouped. That is my gut feeling.

10:45

**Carolyn Leckie:** I suppose that we must deliberate on and weigh up these matters. I understand some of Robin Harper's concerns, but, for me, the main point of question time is that there should be effective questioning that elicits answers. Discussion should be able to develop. Perhaps if questions were themed and members could ask supplementary questions, that would, with a bit of co-operation, be a more effective means of getting answers. Members have often found themselves in a scenario in which question time should perhaps be called "ministers evading questions time". That scenario could be avoided. If members agreed on that approach, we could return to discussing how ministers can be monitored or how better co-operation and the answering of questions can be enforced. That approach could help to make question time more effective and I would not rule it out.

**Robin Harper:** I do not want to give the impression that I am ruling out having grouped questions as a matter for consideration. As an element of what happens in question time, grouped questions might be a good idea. One minister's questions could be themed and grouped, but I would not like that approach to be the pattern for the whole of question time so that ministers stand up one after the other to answer a group of questions.

**Mark Ballard (Lothians) (Green):** Carolyn Leckie opened up the topic of oral answers. What ideas does the SSP have to ensure that ministers give better answers?

**Carolyn Leckie:** That is a difficult subject, as the Presiding Officer's discretion is relied on. However, there could be guidance—I suppose that the Procedures Committee would be responsible for providing such guidance—on situations in which a direct question is asked about a specific subject that clearly requires a direct answer, but a direct answer is not given. Perhaps the direct answer should be that the minister does not know and will get back to the member, but at least the minister should be required to say that.

The current situation is unacceptable. The questions asked at last week's First Minister's

question time about the Holyrood project are a case in point. Specific questions were asked about the powers of the Holyrood inquiry and whether the First Minister would consider using powers under section 23 of the Scotland Act 1998, but no direct answer was given. The First Minister did not say no, yes or that he did not know.

That is unacceptable for politically accountable politicians, particularly for the First Minister and Executive ministers. They should be required to give an answer. We or the public might not like the answer and the First Minister and ministers might not like having to give an answer, but the answer should relate to the question. How that should be legislated for, imposed, monitored and regulated is a matter for the Procedures Committee and the Presiding Officers, but there should be an attempt to do such things.

**Mark Ballard:** You said that ministers should be required to give an answer. I do not understand how you would make that requirement work in practice.

**Carolyn Leckie:** There would have to be guidelines to define evasion. Examples would need to be given. I repeat what I said: everybody knows when a question is not being answered. However, defining that in guidelines is a challenge.

**Bruce Crawford:** I have a wee supplementary. I raised similar concerns at our first evidence session, in which the Presiding Officer was robust in his defence of the current process. Even if the guidelines are agreed—and that would be a difficult job—I wonder how satisfactory it would be to make it part of the Presiding Officer's role to deal with the situation. How would the Presiding Officer judge what was and was not a proper answer?

**Carolyn Leckie:** I understand the difficulties in enforcing the guidelines, but there would be nothing terribly wrong with the Presiding Officer saying from the chair, "You aren't answering the question." If there was a particularly long-winded evasion, the minister's contribution could be brought to an end.

**The Deputy Convener:** Would the same apply to questions, because sometimes we get not a question but a speech?

**Carolyn Leckie:** That is true—I am guilty of doing that, too. Grouped and thematic questions might be helpful in developing issues, because there is not enough time. We are only scratching the surface of issues and we are not able to develop them. Asking a question might be a member's only opportunity to search for political answers, whether about a maternity services review or another subject. The temptation exists to make a number of points. I do not know whether the committee is considering limiting the time for

oral questions; if it is, perhaps it should consider limiting ministers' answers as well.

**Bruce Crawford:** The Presiding Officer regularly intervenes on members when they are making statements, so powers are available. The issue is how they are used. Carolyn Leckie introduced the slightly different angle of the brevity of answers. I am aware that, of late, Michael Martin in the House of Commons has cut ministers short, telling them that the member asking the question has got the gist of the answer. Although it might be difficult to control the accuracy of answers, could the Scottish Parliament have a system similar to the one at Westminster—not that I want to ape that place—so that the Presiding Officer can suggest to ministers that the answer has been given and that a longer answer is not needed?

**Carolyn Leckie:** That might be helpful, especially if it increased the number of supplementaries and the number of opportunities for members to come back on a minister. On some occasions, especially in relation to difficult subject areas, the length of answers is used to avoid supplementaries and other members coming in to pin down ministers.

**Mr Richard Baker (North East Scotland) (Lab):** What do you think about the changes to First Minister's question time, with the increase to 30 minutes and the switch to noon? How well have those changes worked? Do you have any suggestions for further changes that should be made?

**Robin Harper:** First Minister's question time has definitely lost a bit of atmosphere. Whether that should be our primary concern is another matter, of course. What is important is the quality of the questions and answers. The length of time that is spent on the session and the focus that is given are elements that could be provided at any time of the day, whether at 9.30 am or 4 pm. However, I know that the atmosphere of the event is a matter of concern to some people, not least the press.

The option that I favour is, as I said earlier, that we should forego the Thursday morning session and split the sessions between Wednesday and Thursday afternoons.

I would like to make an observation on Carolyn Leckie's answer to the previous question, before the issue disappears over the horizon. We have a system in which ministers are expected to respond to questions. I think that, sometimes, it is not possible for them to answer properly, as we also hold dear the element of surprise, although the benefit of our attachment to that could be questioned. If we want to retain the element of surprise, we cannot expect ministers always to be able to answer a question adequately.

When members have made speeches in the process of asking their questions, the Presiding Officer has, quite rightly, cut them short and asked them to come to the question. The committee should express support for the notion of the Presiding Officer dealing with ministers in a similarly firm fashion when they are tedious, long winded, turgid and opaque in their responses.

**Carolyn Leckie:** Thursday morning is earmarked for non-Executive business. Our concern was that moving First Minister's question time to Thursday morning would reduce the time for non-Executive business. For that reason, I think that the move should be reconsidered.

It is important that we do what we can to ensure that the questioning of ministers by back benchers, smaller parties and everyone else should be covered by the media so that the general public have an idea of the sort of topics that are being discussed in the Parliament. I have noticed that, since First Minister's question time was moved to Thursday morning, the press gallery is empty on a Thursday afternoon, because the press come for First Minister's question time but not for questions to the other Scottish Executive ministers. We cannot legislate for the attendance of the press, but their absence shows their lack of interest in that session and I am not sure that that is in the interests of democracy.

**The Deputy Convener:** That is not much different from what happened before. The press used to come in at 3 o'clock. The press gallery was never full at 2.30 pm but got fuller the closer that we came to 3.10 pm. The press have not fundamentally changed their habits.

**Carolyn Leckie:** Yes, but the press gallery is now empty during questions to the Executive ministers.

**The Deputy Convener:** The Press Association will be there.

**Bruce Crawford:** I do not know whether moving First Minister's question time to a Thursday morning has affected the BBC coverage on Thursday afternoons. I do not know whether that has stopped.

**The Deputy Convener:** We have agreed to review First Minister's question time after Christmas. We will deal with the comments that have been made today when that review takes place.

**Mr Jamie McGrigor (Highlands and Islands) (Con):** Bearing in mind that it might cut down on the number of questions that are asked, do you think that it might be a good idea to allow the original questioner more than one supplementary?

**Robin Harper:** Obviously, there would be great advantages in that. However, you are quite right to



say that, if everybody had the opportunity to ask a second supplementary on all questions on the ballot, it would halve the number of questions that were asked from the present 14 or 15 to seven—we would not get a lot done in 40 minutes. I take it that you are referring to the balloted questions.

11:00

**Mr McGrigor:** I am referring to oral questions in general. Some people feel that ministers can get away with not answering questions because the Presiding Officer has to move on to the next question. If there were more flexibility, ministers could be questioned further by the original questioner if their answer had been insufficient.

**Robin Harper:** I am not sure what the answer is to that. At present, other back benchers get in with their supplementaries. Most members go through the questions in the morning and say, "I want to come in with a supplementary on that." The Presiding Officer, using his discretion, will allow two, three or sometimes four supplementaries. In fact, my sum was entirely wrong. To allow a second supplementary would not cut the total number of questions by half; rather, it would make a small dent in the number of questions asked. However, it would intrude on the ability of other back benchers who have an interest in the subject to put their own spin on the subject by asking their questions.

Something that I and other back benchers of all parties have done in the past is alert members to a question and ask, "Would you like to come in with a supplementary of your own?" The only problem with that system, which we have been operating on an ad hoc basis over the past four years, is that there is no guarantee that the Presiding Officer will use his discretion to take the second or third supplementaries. Sometimes, in order to fit in 12, 13 or 14 questions, members who have pressed their request-to-speak buttons for supplementaries are not called to ask them. That has frequently been my experience.

**The Deputy Convener:** With the length of that answer, I can see a career as a minister beckoning. A simple yes or no will suffice.

**Robin Harper:** I would consider it. I can see the advantages.

**Carolyn Leckie:** I can see the advantages of the proposal, especially if it is about achieving effective questioning. Although other back benchers get in with supplementaries, they tend to use their questions to develop a related point that is not really about the original question. It may be about a constituency matter, which is fair enough. However, if the minister has got away with not answering the original question and the member is not satisfied with that, an additional supplementary

at the end of the supplementaries would give the member the opportunity to come back again. I think that that would be effective; it is a question of checks and balances and of assessing the disadvantages with regard to the number of questions. If we went down the road of having a section of question time with a themed debate, an additional supplementary could be particularly useful at the end of such a section.

**Robin Harper:** I think that—

**The Deputy Convener:** No, Robin. Mark Ballard has a question.

**Mark Ballard:** We were talking specifically about First Minister's question time. It seemed to me that your answers focused on the shift from an afternoon First Minister's question time to a morning First Minister's question time. However, we have also increased the length of First Minister's question time from 20 minutes to half an hour, and that has had an impact on opportunities for more supplementaries and back-bench questions. How do you feel that that extension of time from 20 minutes to 30 minutes has worked?

**Carolyn Leckie:** The extension of time has been helpful and has increased opportunities for back benchers. With the SSP and the Greens in the Parliament, we now have a six-party system and, as you would expect, I would like to see that more formally recognised in First Minister's question time, rather than its being left to the discretion of the Presiding Officer, as it is at present. I have not spoken to Tommy Sheridan about the matter but, to be honest, I do not think that it need necessarily be the party leaders who ask the questions, as long as the party has a right to be represented at First Minister's question time. I would like to see that happen.

**The Deputy Convener:** Is there going to be a coup?

**Carolyn Leckie:** No—we are a democratic party. That is the difference.

**Cathie Craigie:** Could we have Robin Harper's views on that? It is a question that members would want to put to you.

**Robin Harper:** I would not demur from anything that Carolyn Leckie has said. The same goes for the other Greens. We welcome the fact that at least we are getting a chance once every three weeks. The cycle is actually slightly more complicated than that: it is once in two weeks and then once in three. We welcome the changes, as long as the fact continues to be embedded that we have, as an established political party, a right to be there and to be treated—as far as possible—on the same basis as the four established political parties. I do not think that artificial distinctions should be made between small and large parties

in any part of parliamentary parlance. Every party is a different size; that is all. Under the rules of the Parliament, we are all represented political parties.

**The Deputy Convener:** At the moment, there are two types of questions at first minister's question time—there are the two diary questions, which are followed by questions from everyone else. Would there be any advantages in moving to open questions for everyone or to closed questions for everyone?

**Robin Harper:** My view—which I have discussed with others in the party—is that, although open questions allow for an element of surprise, they take up time. With six people asking open questions, we are now spending quite a bit of time on what is, virtually, stalling: we get the same standard answer from the First Minister to every one of those questions. There used to be a bit of fun when Donald Dewar managed to spin various changes to the standard questions that he got—his answers were a little bit different every week. That joke has worn off and it would be worth considering going straight into specific questions, instead of having open questions. I would like there to be an experiment on that.

**The Deputy Convener:** Could we have a situation in which, after John Swinney had asked a diary question and his supplementaries, David McLetchie just asked the question that he wanted to ask and those who were asking questions 3, 4, 5 and 6 did the same? That would mean that it would be known who was going to be called to ask a question, but not what they were going to ask.

**Robin Harper:** Yes, that would be an elegant solution, which I have also discussed. That would probably be the best solution. There would still be the element of surprise, but we could go straight to the question without the rather tedious formality that we have at the moment.

**Carolyn Leckie:** I agree with that. I think that there should be flexibility for whoever asks the questions. If the ability to ask the general questions on Jack's diary were retained, the option to ask a general question should be available to all the other questioners—they should retain that flexibility. From our party's point of view, although it might be more appropriate for us to ask a specific question one week, we might prefer to ask a general question the following week. That control should be left with the Opposition parties.

**Bruce Crawford:** Spontaneity, topicality and scrutiny are obviously the main issues to bear in mind in relation to First Minister's question time. I am attracted by the deputy convener's idea, but I wonder how we would ensure that the First Minister was being questioned about the issues of the day. That is what that session should be about—it should deal with the most important

issues in Scottish life that affect the Parliament in that week. If the session were completely open ended, there would be no control mechanisms for the Presiding Officer to ensure that such issues came up. Would that give you cause for concern? Is there another method by which we could ensure that First Minister's question time does not become a session that deals with the cracks in the pavement instead of the big important issues of the day? For example, members could make a submission to the First Minister to indicate what they were going to ask a question on.

**Carolyn Leckie:** We are talking about political accountability. If any of the political parties asked a question that was not relevant and that the public were not interested in, the public and the press would rightly hold them accountable. A political party that asked a question that was neither relevant nor topical and that nobody was interested in would be committing suicide. The political imperative will guide the topicality and effectiveness of questions. I do not see any other scenario developing.

**The Deputy Convener:** Is that okay with Robin Harper?

**Robin Harper:** Absolutely. It is the responsibility of the elected representatives of the political parties, not of the Presiding Officer, to ensure that questions are relevant. The Presiding Officer's duty is to moderate question time.

Political parties will point out whether a question is relevant. As far as matters of importance are concerned, that is up to the political parties and it is for them to respond to pressure from the public and the press to address the issues of the day. We cannot put that responsibility on the Presiding Officer.

**The Deputy Convener:** I say to Bruce Crawford that that was just a suggestion that I threw into the pot.

**Bruce Crawford:** I understand now, although I may have misunderstood what you were saying. I appreciate that the discipline that has been described might apply to the party political leaders, but I think that you were suggesting that all the questions to the First Minister should be like that. Back benchers also ask questions, so it is not only an issue about party leaders. Would the same discipline apply to back benchers who ask such questions at First Minister's question time?

**Carolyn Leckie:** Back benchers are as aware of political accountability as anybody else. I cannot legislate for how other political parties operate, but I would welcome diversity. I would welcome back benchers' having the freedom to ask questions—their doing so should not come under the party whip system. There should be as much plurality and diversity in the questions as possible.

**The Deputy Convener:** There will be two further questions before I close the evidence-taking session.

**Cathie Craigie:** The selection of questions has been changed to take account of the party system within the Parliament. The minority party leaders take turns week about to ask a question. We have taken evidence from at least one back bench MSP who recognises that leaders of the minority parties should get that opportunity, but believes that it is also unfair and disadvantages back benchers from other parties. That MSP suggests that the frequency with which the leader of the Greens and the leader of the Scottish Socialist Party ask a question should be reduced in order to retain the proportionality of the Parliament. What are your views on that?

**Robin Harper:** That opportunity to ask a question has already been balanced by fitting in a back bencher once every five weeks and by neither the Green Party nor the SSP exercising what we consider to be our right to have a question at that time. Tommy Sheridan and I are now excluded from the ballot. I do not think that anybody has any reason to complain. I get a question once every two or three weeks; that is my lot. I do not think that back benchers have a case on that issue.

**Carolyn Leckie:** I do not want to cause offence to anybody, but I do not think that the smaller parties should be held to account for back benchers not getting on the list of their party whips to ask supplementaries, or whatever.

**Cathie Craigie:** There would not be a list. It is a ballot. It is at the discretion of the Presiding Officer whether a back bencher's question is called at First Minister's question time. There is certainly no party control over questions within our party.

**Carolyn Leckie:** Specifically in regard to First Minister's question time, I recognise the frustration—I have experienced it myself—of members who want to ask a question on a burning issue but do not get the chance to do so. In the limited time that is available, not everybody has the chance to speak. It is not fair that time for back benchers from one of the bigger political parties is taken from the smaller parties in what is now a six-party system. That needs to be recognised and we must ensure that the breadth of political opinion is covered in the debate. It is about scrutiny and the Opposition holding the Executive to account and asking questions.

I would perhaps be a wee bit more sympathetic to the requests of back benchers from other parties if there was not a tendency, among some, to ask questions that are designed not to get answers or scrutinise ministers, but to give the ministers an opportunity to laud some

achievement or announcement. I do not think that that is a proper use of question time.

11:15

**Cathie Craigie:** Do you believe that question time is when MSPs get answers to questions on certain subjects? Do you believe that it is the platform for getting your answers?

**Carolyn Leckie:** Well, it is called question time—it is filmed as question time and the public think of it as question time—and questions are asked of ministers. Are you saying that it is just a big charade?

**Cathie Craigie:** I think that we recognise that it is a showcase.

**Carolyn Leckie:** If there is an admission that it is a showcase and a charade, why should anybody bother? If ministers take the view that it is a showcase or a charade and not the proper platform for giving answers to direct questions, the electorate would be right to ask why they are funding that showcase. Although it is not the only platform, it certainly should be a platform for eliciting answers.

**Cathie Craigie:** Given the debate that we had earlier about the time constraints, it is clear that question time is not where members will get answers to all the questions that they put.

**Carolyn Leckie:** No, but it should not be a waste of time either.

**Mark Ballard:** In an earlier answer, Carolyn Leckie seemed to question whether the Scottish Socialist Party was being fully represented at First Minister's question time. We have talked about the representation of party leaders through the designation of a party leader's question two weeks out of five. My question is for both Carolyn Leckie and Robin Harper. How do you feel your parties are doing in terms of the other ways in which members contribute to First Minister's question time—through supplementary questions on leaders' diary questions and back-benchers' questions—in the context of the increase in the length of the debate from 20 minutes to half an hour? Do you feel under-represented or do you feel effectively represented?

**The Deputy Convener:** Shorter questions and brief answers, please, as we are running quite late.

**Carolyn Leckie:** My preference would be for the SSP to have a question every week. If we do not win that argument, we should be able to ask at least a supplementary question every week.

**Robin Harper:** Yes—I would go for that on a turnabout basis. When we are on, the SSP should get a question and, when the SSP is on, we

should get a question. Second supplementaries are also an extremely good idea.

**The Deputy Convener:** Thank you very much. We will have a two-minute suspension while we swap over the witnesses.

11:18

*Meeting suspended.*

11:22

*On resuming—*

**The Deputy Convener:** On our second panel are Bill Aitken MSP, from the Scottish Conservative and Unionist Party, Alasdair Morgan MSP, from the Scottish National Party, and George Lyon MSP, from the Scottish Liberal Democrats.

**Bruce Crawford:** I want to ask the same question with which I began earlier, part of which George Lyon's paper covers. What are the advantages and disadvantages of a question time with either a departmental or thematic basis, in comparison with our current system? What is the best way to ensure that appropriate time is given to topical questions or thematic questions? What would be the balance? It is good to see Bill Aitken here; I hope that he is all right.

**Bill Aitken (Glasgow) (Con):** I am alive, if not quite kicking.

**George Lyon (Argyll and Bute) (LD):** I submitted a paper to the committee this morning. We discussed the topic at length at our group meeting about a fortnight ago. Our discussions centred on the fact that we should at least have a trial of a thematic question time. However, there was recognition that topicality was also important.

A suggested compromise was that we introduce a thematic question time on Wednesdays, starting at 2 o'clock and running until 2.30 pm. It would probably be based on ministers' portfolios. However, when we consider the questions that are asked, we see that health, education, justice and transport are the big topics. The ministers who are responsible for those topics would probably receive more questions than others. We would therefore have to consider how much time each minister should get and what the rota should be.

Introduction of the new 30-minute Wednesday afternoon slot, while retaining the topical question time on Thursday afternoons—but with the time cut to 30 minutes in recognition of the new Wednesday slot—would, we believe, be worth while. We could test whether the new system worked and whether there was enough interest in a thematic question time.

My party believes that there would be great interest in a thematic question time. Members would have an opportunity to raise individual issues on transport or whatever and to pursue those issues in greater detail than is possible during topical question time.

**The Deputy Convener:** Why should we not move question time to 2.30 pm on a Wednesday and have the two running adjacent to each other?

**George Lyon:** We have to protect open debate time. There is already criticism that not enough time is allowed for open debates. Rather than take half an hour from Wednesday afternoon's debating time, our group felt that we should start at the back of 2.

**The Deputy Convener:** I am not contradicting that; I am asking why we cannot move the Thursday question time slot to 2.30 pm on a Wednesday rather than 2.30 pm on a Thursday, so that we would have an hour on a Wednesday, from 2 o'clock till 3 o'clock—

**George Lyon:** You mean, put the two together?

**The Deputy Convener:** Yes.

**George Lyon:** I understand. It was felt that the Wednesday afternoon slot might be useful. However, there was no fixed view. In our group discussions, the suggestion was that we should try the Wednesday slot from 2 o'clock till 2.30 pm.

**Alasdair Morgan (South of Scotland) (SNP):** I share George Lyon's desire to have a thematic question time—or, let us say, a ministerial question time—that allows us to go through the work of one department fairly intensively. That would have to happen frequently so that ministers did not get off the hook. They would have to face questions from members every four weeks at the very least. I am sure that the committee, or the Presiding Officer, could come up with a way of arranging the rota.

We now have a situation in which some ministers receive the full salary and some do not; we would have to consider whether they should all receive the same treatment. However, that sort of detail could be sorted out quite readily. As George Lyon said, we know from experience where the questions come from—although, if a minister had a question time, we would find that questions would come forward to fill the time that is available.

I am not so convinced that we would need a separate open question time for ministers; that idea seems to go in entirely the opposite direction. However, for the sake of topicality, we might want the first 10 minutes of ministerial question time to be an open question time at which any questions could be asked. That would be useful and would allow for questions on developments in the weeks since a particular minister had been questioned.

**Bill Aitken:** We, too, are attracted by the concept of a thematic question time and we think that it would be quite easy to operate. As has been said, some ministers would clearly be subjected to more frequent questioning than others would—on health, justice and the other topics that seem to generate lots of questions. A rota would have to be established.

Most people think that the present ministerial question time is not working perfectly. We suggest that we should devote 20 minutes each week to thematic questions and 20 minutes to general questions. Question time has gone wrong because, rather than dealing with policy and performance, in many instances it deals with the particular. I am not for one moment suggesting that it is not important for constituency MSPs, in particular, to have the opportunity to obtain information on extremely topical matters in their area. However, although the Scottish Executive's position on plans for the bypass at Drumchuckie might be of considerable interest to that particular member and his or her area, we must consider whether it adds tremendously much to the greater scheme of things. We want questions that relate to the bigger picture instead of to more particular interests. We would still have 20 minutes for questions that are selected by lottery.

A thematic question time would give party spokesmen an opportunity to ask a particular minister questions that would be without notice and not of the diary type. We feel that every minister should have sufficient grasp of his or her brief to field such questions well enough. We are not for one moment suggesting that any minister should be asked to come up with facts and figures that they could not reasonably be expected to have. Instead, such an approach would enable the Parliament to test ministers on their policies and performance.

11:30

**The Deputy Convener:** Are you saying that if you are a Labour or Liberal Democrat back bench, you just do not turn up to such a question time?

**Bill Aitken:** No.

**The Deputy Convener:** What you are suggesting is basically an interaction between party spokespeople.

**Bill Aitken:** Thank you for that very helpful intervention, because it gives me the opportunity to demonstrate why Labour back benchers might find it valuable to turn up. The 20-minute allocation would be handled in a similar manner to First Minister's question time with principal Opposition parties asking a question. The Greens and Scottish socialists would share one question each

week. The 20 minutes would give back benchers sufficient time to ask questions that would be selected by the Presiding Officer on the basis of topicality, again in a similar manner to First Minister's question time. In my view, that covers your point.

**The Deputy Convener:** So a question from the SNP takes five minutes; a question from the Tories takes another five minutes; a question from the Greens or the Scottish Socialist Party takes another five minutes; and then there are five minutes for everyone else.

**Bill Aitken:** I suggest that there will be a time saving if we do away with the diary concept. Limiting the three principal questions to four minutes would allow another two questions to be asked within that 20-minute period.

**Cathie Craigie:** Convener, you have made the point that I was about to raise. When Bill Aitken was outlining his proposal to split question time into two 20-minute periods, it looked as though he had some support from committee members. However, as you pointed out, when he went on to explain that one of the 20-minute periods would be for party spokespersons and would have no advantage for ordinary back benchers, it became apparent that we have little or nothing to gain from his proposed changes.

**Bill Aitken:** Yes, but the parliamentary process would gain something from them.

**Cathie Craigie:** I doubt that.

**Alasdair Morgan:** We are all trying to find the best possible question time to ensure that members can examine the Government's actions and hold it accountable. However, we need to move towards that goal in a considered manner. Although a move to a thematic question time would be a considered change—we could try it out and see whether it worked satisfactorily—I do not think that making the many different changes that Bill Aitken has suggested all at once would necessarily be helpful. If at some point we came to the view that such a format was unsatisfactory, we would not be quite sure which of the many changes that he had suggested made it so. That said, I think that party spokesmen would have plenty of time to come in with supplementaries to ordinary back benchers' questions selected in the ballot. I do not think that there is any problem in that respect. The whole idea of a thematic question time is to allow the actions of one ministry to be explored in depth on a particular day.

**George Lyon:** I fundamentally disagree with some of Bill Aitken's observations and suggestions. There is general support for a thematic question time. However, if we are going to make politics in the Parliament relevant to

ordinary people, we have to ask questions that are relevant to their interests. Bill Aitken's suggestion offers a recipe for a Parliament dominated by political anoraks who are concerned with Edinburgh and nowhere else. I reject his point of view completely.

**Mr McGrigor:** The written submission from the Liberal Democrats states:

"Question Time on Thursdays should continue as before but over a 30 minute time period."

Does "as before" mean before the arrangements were changed? Do you agree with your colleagues Jamie Stone and Mike Rumbles who, in their written submissions, suggested a return to the afternoon slot?

**George Lyon:** There was quite a bit of debate in our group as to the timing of First Minister's question time. I think that the jury is still out as to whether the current arrangements are a success or otherwise. It has taken some time for members to adjust to how things work, but there are more opportunities for members to get in. In some ways, the sense of anticipation that used to build up during question time, leading up to First Minister's question time, has been lost, which is perhaps to be regretted. I do not think that we are in a position to say one way or the other whether the current time slot for First Minister's question time is working. I think that we should give the current arrangements the full six months to run, and thereafter have a review.

Our proposition for thematic questions is based on a similar premise: this is a young Parliament and we should not be afraid to experiment. We should have a thematic question time as a trial and, if it does not work, we will hold our hands up, admit that and change. As for the new timing of First Minister's question time, the jury is clearly still out and there are different views within the Liberal Democrat group.

**The Deputy Convener:** I do not want to enter into a huge debate about whether the 12 o'clock slot for First Minister's question time has worked, as we will be returning to that subject.

**Bruce Crawford:** I turn to the suggestion from the Liberal Democrats about a proposed new Wednesday slot. If that slot were for health questions, would you then purge the questions relating to health from general question time on the Thursday, or would you leave them?

**George Lyon:** We did not get into that level of detail in our discussion. I suspect that if we were to have an in-depth set of questions on health on the Wednesday, the topical issues would be raised then and there would be no need to take health questions on the Thursday. It would be for the Procedures Committee to consider the process,

rather than for me to pass judgment on that. We did not discuss that point in any great detail, but it is obviously a question that the committee must examine and come to a conclusion about, if it supports our idea.

**Mark Ballard:** I would like to talk more about Bill Aitken's proposal and ask the panel members what they feel about the balance between selecting oral questions by lot and his suggestion of giving slots to parties by virtue of their weight. How could those different ways of selecting questions be balanced in question time and First Minister's question time?

**Bill Aitken:** It is often said that any politician who asks a question to which he or she does not know the answer is a pretty raw politician. It is important that we are clear in our own minds about what the purpose of question time is. Should it be to obtain information? To my mind, oral questions should not necessarily serve to obtain information. One can obtain facts and figures by means of written questions to or correspondence with ministers.

Let us therefore cut to the chase: what should we be doing at oral question time? That is the entire issue. We can provide an opportunity for information to be obtained through questions for 20 minutes on a Thursday afternoon. However, we must focus on questions that do not so much elicit factual information as examine the Executive's performance and the operation of its policy. That would also be given 20 minutes. That would also have the advantage of not detracting from general debating time. As I dealt with three major pieces of legislation in the previous session, I can tell members that it was a great concern that bills were sometimes not debated at length or with the thoroughness at stage 3 that they should have had, because of the shortage of debating time.

Whatever we do as a result of the inquiry, we must not allow ourselves to be forced into having even less debating time. My proposals would preserve that debating time, leave an opportunity for back benchers to ask questions on the basis of the current lottery and focus ministerial questions.

**Alasdair Morgan:** I will leave aside matters that I have dealt with. The balance is about right between preordained questions, such as that for the leader of the Opposition, and those that are drawn by lot. Apart from the preordained questions for First Minister's question time, we should continue to draw questions by lot, although some of those questions may relate to a ministerial theme. Questions should continue to be drawn at random, because that is the only way to give everybody a fair chance. If back benchers are at all disillusioned by the current set-up, they will be even more disillusioned if every Opposition spokesperson has a huge crack of the whip every Thursday.

**George Lyon:** Random selection for question time is the only way to give everyone a fair crack of the whip. We have suggestions about First Minister's questions. The leader of the main Opposition party should have the only open question as the first question. We question why a second open question should be given to a smaller Opposition party. I do not see the relevance of that.

We should go straight to a series of topical questions from each party after the questions from the leader of the main Opposition party. A question hangs over whether we need fixed questions or whether questions should be picked for their topicality, but members should be able to go straight into their question without having to ask a fixed question. If we took out fixed questions and members went straight into the questions that they wanted to ask the First Minister, that would provide more opportunity for back benchers to ask questions and we might end up with more spontaneous contributions from back benchers throughout First Minister's question time, which is what we are all looking for.

**The Deputy Convener:** I understand that the reason why members must read out their questions relates to equal opportunities and allowing people who are watching to understand the process. We would have to check that in making any change.

I am interested in hearing views on the idea that I floated about publishing the first diary question from the leader of the main Opposition party followed by a list of names, which would allow people to ask the questions that they want to ask. We can assume that David McLetchie's name would be listed second, followed by a three-way split for the third place among the Greens, the SSP and others. That would allow a bit more spontaneity in questions, which would not have to be written down.

**George Lyon:** That idea has some merit. Questioners would have to ask themselves whether they wanted to name the subject on which they were to ask questions and genuinely look for good-quality information, or whether they wanted to use the element of surprise to spring a trap on the First Minister and find out whether he could answer a question. That proposal would open up time for others to become involved in question time.

**Alasdair Morgan:** The opportunity exists to retain fixed supplementaries, which are currently for John Swinney, Mr McLetchie and one of the minority parties, on the basis of one diary question. Having one diary question is helpful, because it allows the chamber to settle. Sometimes, when the Presiding Officer comes into the chamber and starts right away, the chamber

has not quite settled down. If the first question were not formal, it might be lost. That question also allows the First Minister to make the occasional good announcement and I am sure that he does not mind having that opportunity. After that question, we could move on seamlessly to the Conservative leader and then to one of the minority parties.

What happens after that is a bit more difficult to decide. We must ask ourselves whether we want to give back benchers the chance to ask specific questions or to go for a system such as that for Prime Minister's question time, in which almost all members ask a supplementary to a diary question. We will have to think harder about that. I suspect that we do not want to move all the way to that just yet. We should continue with the focused questions from back benchers and see how that works out.

**Bill Aitken:** If we take that line, there is a slight danger of throwing the baby out with the bath water. Although we have to examine what is not working, we should also consider what is working. In its existing format, First Minister's question time works reasonably well. Questions have to be asked about the timing, and I know that the committee will revisit that issue. However, there is nothing wrong with the way in which it works at the moment. It is the Parliament's opportunity to showcase itself and the way in which it is operating gives everyone the best opportunity to do that.

11:45

**Mr Baker:** On the balance between questions from back benchers and questions from party leaders, most of the time for First Minister's questions is taken up by party leaders and there is a question as to whether everyone has ample opportunity to speak. Do you think that it is right that the party leaders should have the first two or three questions? Do you think that the right balance has been struck?

**Bill Aitken:** Yes, on balance, I do.

**The Deputy Convener:** Thank you.

**Mr McGrigor:** Bearing in mind that it might cut the number of questions that can be asked, should members be able to ask more than one supplementary question at the discretion of the First Minister?

**Alasdair Morgan:** You mean the Presiding Officer.

**Mr McGrigor:** The Presiding Officer.

**Alasdair Morgan:** The Presiding Officer has that discretion at the moment, but he should use it sparingly. If, in a reply, a minister refers to the

member or does not answer the question but goes on to attack the member in some way—although such cases are infrequent—the Presiding Officer might consider giving that member the chance to ask a second supplementary question. Otherwise, back benchers are more than capable of exploring any holes in the first answer.

**Bill Aitken:** I concur.

**George Lyon:** I agree.

**Cathie Craigie:** On the share of questions at First Minister's question time, we have had to take account of the fact that there are now more parties in the Parliament, so every other week, the Green party and the SSP have an opportunity to ask the third question. Written evidence from at least one member who happens to be from Alasdair Morgan's party suggests that although that is fair enough, the frequency of questions from the leaders of those parties is unfair to back benchers. What is your view on the suggestion that it is an unfair balance to have an additional two questions per week from party leaders?

**Alasdair Morgan:** Clearly, back benchers from all parties hold a variety of views about the correct solution; we could not get unanimity. Our view is that the allocation of questions seems to be working reasonably well. Back benchers start to ask their questions after 15 minutes, so half the allocated time is given over to them already. Given that we are engaged in real politics and we have an Opposition and party leaders, the current situation is quite reasonable.

**Bill Aitken:** Again, I agree.

**The Deputy Convener:** Thank you, Bill. I like your new approach.

Is there a need for a rule to enforce the brevity and relevance of ministers' answers? Should there also be more robust information from members about the kind of questions that they ask or statements that they make during question time?

**Alasdair Morgan:** The Presiding Officer already curtails members if they speak at length. That is quite right and it should continue. I was interested to see that, in his evidence, George Reid said that he felt that he did not have the power to curtail ministers. I find that to be a bit surprising. As Bruce Crawford said, Michael Martin has hauled up one or two ministers—not the Prime Minister of course because that would cause problems—in the House of Commons and cut them short because they were going on and on. I am sure that the Presiding Officer does not need it written into standing orders that he has that power, but the committee knows that better than I do. He should be able to use such a power, but exceptionally.

**Bill Aitken:** It is always a difficult balance, in that ministers feel strongly—with some justification—that they are required to give as full an answer as possible when they are under attack. Some of them in the past have been guilty of waffle, and that will no doubt continue, but intervention from the Presiding Officer is a sufficient safeguard.

**George Lyon:** I agree that it is up to the Presiding Officer to curtail ministers if they are waffling.

**The Deputy Convener:** Are there any further pressing, dying questions?

**Cathie Craigie:** I do not know whether my question is as pressing as that, but I will chance my luck and see whether you let me get away with it, convener.

Back benchers gripe about members who have questions down in the business bulletin when they could get the information that they seek through the Scottish Parliament information centre or by phoning the relevant organisation, such as a fire board or health board. Do any of your groups share the feeling that some questions are time wasting?

**Bill Aitken:** That is the point that I raised earlier. Basically, some of the questions that are asked should not be asked, because the answers are obtainable from other directions. Members must be more disciplined on that point and should seek the answers to such questions by other means than cluttering up the business bulletin with oral questions.

**Cathie Craigie:** As a whip, how would you discipline such people?

**Bill Aitken:** As is generally known, I am benign in all matters. Some advice and counselling would provide the necessary leverage.

**George Lyon:** Such questions are a genuine concern for us all but, if a member asks them continually, it reflects badly on them—it makes that member look rather stupid. Bill Aitken is right to offer counselling but, as discipline and the Liberal Democrats are not noted as going together, I have no comment on what I would do as whip or on any counselling that I would offer.

**Cathie Craigie:** Should there be some indication next to a question that the information it seeks is publicly available?

**George Lyon:** It is well within ministers' power to point that out to questioners. If that were done to questioners once or twice, it would put them off asking such questions in future.

**Mr McGrigor:** Is it necessary to submit a question a whole week in advance? Are you happy with the emergency question procedure?



**Alasdair Morgan:** It is difficult to envisage anything much shorter than a week being sufficient, especially if a member is asking a genuine question. I suspect that a week is about right. We might want to cut the deadline down to six days, but less than that would be unreasonable. The deadline is Wednesday at present; to put it beyond Thursday would not be much help, because members would forget to lodge questions when they were doing constituency work on Fridays.

Emergency questions should be for genuine emergencies, and I do not think that there have been many of those.

**George Lyon:** There is an argument for shifting the deadline for questions to a Thursday, which would give us an extra day for topicality, because sometimes issues on which a member would like to ask a question arise after the deadline. There is a strong case for pushing the deadline back slightly, if we can do that. I agree with Alasdair Morgan on emergency questions. Also, the bogus points of order that are used relentlessly in the Parliament frustrate many members. We need to address that issue, but I am not sure how we do that.

**The Deputy Convener:** I am sure that you, as whips, will be able to provide the necessary counselling and advice to members of your parties who abuse the system at the moment.

**Bill Aitken:** There might be some merit in shifting the deadline for questions, but we would be tinkering around the edges if we had a Thursday cut-off point. We have the safety net of the emergency questions, which has worked satisfactorily.

**Alasdair Morgan:** I will make one further point that has not been raised: even within thematic questions, the Presiding Officer should be able to group questions that are identical or similar. If the same question were drawn by lot for question 2 and question 6, the Presiding Officer should take those together, and then each of the members who lodged those questions should get a supplementary question. It would be ridiculous if the minister had to give the same formal answer to questions 2 and 6. The only problem with that is that the Presiding Officer would have to be careful to group questions that are likely to be taken; he would not group questions 2 and 25, for example, because we know that we would not get to question 25.

**Cathie Craigie:** Should that happen for thematic questions but not general questions?

**Alasdair Morgan:** I was not really thinking that the slot for questions to specific ministers would be long enough to allow duplication, because I was thinking that it would be a 10-minute slot.

**The Deputy Convener:** Thank you for your evidence. If we have anything else to ask you, we will be sure to come back to you. I encourage you to encourage your members to submit their views on the questionnaire that has been sent to them.

## Scottish Civic Forum

11:55

**The Deputy Convener:** At its meeting on 9 September, the committee agreed to a request from the Scottish Civic Forum for us to participate in an event that is to be held in November. The chamber has been booked for Tuesday 25 November from 6 pm till around 8 pm. Can I have an indication from the committee as to who would be able to attend?

**Bruce Crawford:** I can e-mail the clerk after the meeting, but I cannot say at the moment, because I do not have my diary in front of me and I did not check it for that, I am afraid.

**The Deputy Convener:** I ask committee members to check their diaries and get back to the clerks by this time next week. As there is no further business, I close the meeting and remind the committee that our next meeting is on 18 November.

*Meeting closed at 11:56.*

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