

PROCEDURES COMMITTEE

Tuesday 31 October 2006

Session 2

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PROCEDURES COMMITTEE

16th Meeting 2006, Session 2

CONVENER

*Donald Gorrie (Central Scotland) (LD)

DEPUTY CONVENER

*Karen Gillon (Clydesdale) (Lab)

COMMITTEE MEMBERS

*Richard Baker (North East Scotland) (Lab)
*Chris Ballance (South of Scotland) (Green)
*Alex Johnstone (North East Scotland) (Con)
*Kate Maclean (Dundee West) (Lab)
*Mr Bruce McFee (West of Scotland) (SNP)

COMMITTEE SUBSTITUTES

Murdo Fraser (Mid Scotland and Fife) (Con)
Patrick Harvie (Glasgow) (Green)
Tricia Marwick (Mid Scotland and Fife) (SNP)
Irene Oldfather (Cunninghame South) (Lab)

*attended

THE FOLLOWING ALSO ATTENDED:

Trish Godman MSP (Conveners Group)

THE FOLLOWING GAVE EVIDENCE:

Elsbeth MacDonald (Scottish Parliament Directorate of Legal Services)

CLERK TO THE COMMITTEE

Andrew Mylne

SENIOR ASSISTANT CLERK

Mary Dinsdale

LOCATION

Committee Room 5

Scottish Parliament

Procedures Committee

Tuesday 31 October 2006

[THE CONVENER *opened the meeting at 10:19*]

Interests

The Convener (Donald Gorrie): We have had indications that a couple of members will be a couple of minutes late, but we will just start.

My first task, which is a pleasant one, is to welcome Kate Maclean. I have never had the privilege and pleasure of being on the same committee as her before, so it will be a learning experience for us both. However, I have a high regard for her talents. I invite her to declare any interests that she has in the committee's work.

Kate Maclean (Dundee West) (Lab): I do not have any interests to declare.

The Convener: My next task, which is sadder, is to thank Cathie Craigie for her work on the committee. She was a member of the committee from the beginning of the parliamentary session, so I thank her for her contribution to its work.

Parliamentary Time

10:20

The Convener: As part of the review of parliamentary time, Cathie Craigie and I went down to Westminster with the two committee clerks. We had helpful, informal, off-the-record meetings with the Leader of the House Jack Straw, members of the Select Committee on Modernisation of the House of Commons, members of the Procedure Committee—the House of Commons seems to have a singular Procedure Committee and we have a plural Procedures Committee—and the Speaker, who kindly gave us hospitality in his splendid flat. We can feed some of their ideas into the system.

Since we last met, we have had written responses to our questionnaire and a debate on the review. The clerks have prepared a paper that summarises members' speeches in the debate and the responses to the questionnaire. We can take the opinions that were expressed in the debate and those that were put on paper as guidance but, as there was not a huge number of respondents, we are not committed to supporting the majority of responses on any issue.

In the debate, Brian Adam made a point that I—perhaps rashly—said I would raise at the committee. He thought that many amendments to motions were not genuine amendments because they deleted the whole motion and inserted what we might call a counter-motion. Therefore, he thought that such amendments should not be allowed. In my limited experience of other organisations, I am aware of none that limits what can be put into an amendment. I would have thought that, in all sorts of organisations, it would be possible for an amendment to delete virtually a whole motion and insert an alternative. It is a fair point and an important philosophical issue but I do not think that we should get involved in it at this stage.

Do other committee members have views on when an amendment is not an amendment?

Mr Bruce McFee (West of Scotland) (SNP): I suppose that an amendment is not an amendment when it does not relate to the subject matter. The Presiding Officer is asked to decide about that. We will start to get into dangerous ground if we say that an amendment is not an amendment because it opposes or seems to oppose the motion. Where would we cut that off? We would end up with a raft of difficulties and arguments. An amendment is an amendment if it is relevant to the subject matter, and we should stick with that.

The Convener: Yes, I can go with that. If Brian Adam wishes to pursue the matter, he can write in

and make his point, and we can consider it in due course.

I suggest that the best way to consider this item would be to go through the questions that we asked in the questionnaire that we sent out. It would be helpful if we could give the clerks a clear steer today on which ideas we are pursuing, which ideas we are pursuing in a modified fashion and which ideas we are not pursuing. In addition, people may raise any other things that they think ought to be in our report but are not yet covered.

Richard Baker (North East Scotland) (Lab): What is the deadline for concluding our report?

The Convener: We want it done before Christmas.

Richard Baker: So we can still spend quite a lot of time discussing some of these ideas.

Andrew Mylne (Clerk): We have three meetings.

Richard Baker: Three further meetings, then.

Andrew Mylne: That is not a lot. The committee really needs to agree the text of its final report before Christmas if we want the opportunity to debate it before the end of the session.

Richard Baker: If we have three further meetings, we do not need to come to final decisions today, but we need to indicate our general track of thought. Is that right?

The Convener: Yes. If there are things that the committee takes a clear view on, the clerks can run with those and start writing up the relevant draft standing orders and so on. It is not a matter of today or never, but we want to make progress today.

Let us start with the response paper, then it is open season for people to suggest other points that they would like to be taken into account.

The first issue is about having longer notice for stage 3 amendments. There seems to be a majority in favour of that and the committee was strongly in favour of it. Can we agree to progress with having longer for stage 3 amendments? At the moment, the deadline is four working days before the stage 3 debate. In practice, that means the Thursday or Friday of the previous week, depending on whether the debate is on a Wednesday or a Thursday. We propose to change that to the Monday of the previous week. That would give people three or four more days to study the amendments once they are lodged and to respond to them.

Mr McFee: Can I clarify that that does not prevent the Presiding Officer from accepting last-minute amendments? I presume that no alteration would be made to that arrangement.

The Convener: No, I do not think that it would. That would be up to us. At the moment, the rules allow the Presiding Officer to decide.

Mr McFee: I am not opposed to the suggestion, which is not unreasonable, but I think that we need to add some sort of rider to say that we expect the scheduling of stage 3 to take account of the change. It might be nice for members to be able to study the stage 3 amendments for longer, but if everything else stays the same, it will reduce the time in which members can draft and lodge amendments. Like with other issues that we are discussing, if we take time away from one part of the timetable, there are clear implications for the other end. That must be understood. We should make the point that the scheduling of stage 3 should allow additional time for members to study the amendments, which then becomes a matter for business managers.

The Convener: We could specify that the additional days should not, in effect, be stolen from the time that members have to compose amendments. The timetable for the bill would have to be prolonged by a week or something.

Karen Gillon (Clydesdale) (Lab): We have not consulted on extending the timetable for bills as a whole. There are standing orders that determine the number of days between stage 2 and stage 3.

The Convener: That applies to the minimum number. There is nothing about a maximum.

Karen Gillon: We have not consulted on changing the minimum. Does the minimum number allow us to change the rules in this way?

Andrew Mylne: It would be an option for the committee to recommend a change to the minimum interval if it wished to protect the period between stage 2 and the deadline for lodging stage 3 amendments. That is a potential additional recommendation.

Mr McFee: That is an obvious consequence of what has been proposed.

Karen Gillon: It is an obvious consequence, yes.

Mr McFee: I am not sorry to raise the matter—I think that we should do so in full knowledge.

10:30

The Convener: Sometimes there are problems towards the end of a parliamentary session when the Executive is desperately rushing through lots of bills, but in the normal run of planning, I do not see that a week here or there is a big deal, as long as it is clear to everyone what the rules are.

Mr McFee: We should be clear. In effect, the four days add a week to the process.

Karen Gillon: I would prefer to have a paper on how the changes might impact on other areas that we might not yet have consulted on. We had a fairly lengthy inquiry into the timetabling of bills when we made decisions on changes to standing orders. Now, on the basis of 12 responses to a written consultation and five responses in the chamber, we could be about to embark on another inquiry and to impact on the results of our earlier inquiry. Therefore, I am keen that there should be a paper on the consequences of some of the suggested changes.

The Convener: Yes. With respect, we should progress on the basis of the opinions of this committee. We can take note of other members' opinions, but 12 votes from assorted members of the Scottish Parliament do not decide policy. Therefore, we will continue, but we will also set out the consequences for the timetable.

There is no need to change standing orders for issue 2, on stage 3 debates. We are merely asking the bureau to timetable enough time for the debate. On the basis of our previous discussion, it seems that we feel that is much better to give too much time and to allow the debate to finish a little early than to allow too little time and to rush through amendments in an undemocratic fashion.

Mr McFee: I have an issue with that. On paper, what is being proposed would seem to work but, in practice, the pressure on parliamentary time will mean that the bureau is unlikely to say regularly that it will give a debate a full day when it only requires four hours, or whatever it happens to be. That is reality.

I probably do not subscribe to the theory that the bureau deliberately plays down the amount of time that stage 3 debates take. Many things become clearer a bit nearer the event, when the issue is no longer in the bureau's hands.

I do not know whether you want me to address this now, convener, but if we look through the paper at who spoke in the debate and the comments that we received, we see that my suggestion that the 30-minute discretionary extension be increased to 60 minutes, which the committee took out, had massive support from the members who spoke in the chamber that day. It would appear that we should consider that as an alternative. I am sure that the bureau will say that it is doing that anyway.

A number of respondents brought up the issue and it was certainly raised in the chamber. The available latitude should be increased. That sits well with this section of the paper.

Karen Gillon: If we proceed with the first change, the Parliamentary Bureau will know the amendments before the debate is timetabled. At the moment, the bureau has to timetable in the

dark. If we proceed with the first suggested change, the amendments will be lodged in the week before the timetable is produced, so the bureau will know the number of amendments and if it—

Mr McFee: The timetable is produced about two weeks in advance.

Karen Gillon: It would be produced on the right Tuesday. The deadline for amendments would be on the Monday and the timetable would be set on the Tuesday for the following week.

Mr McFee: Yes, but the timetable tends to come out two weeks in advance. I agree that the bureau could tweak it more easily because it would have a full week but, generally speaking, the timetable is produced a couple of weeks in advance. I concede that the bureau would have more ability to alter it slightly, but that presupposes that the timetable is always right, and that is the problem. My suggestion provides flexibility for when the timetable is wrong and the time set for the debate is not enough. The corollary is that if the stage 3 debate is timetabled properly, we would not need to use the latitude that I am suggesting we should provide ourselves with.

Karen Gillon: I come at the issue from a different perspective. I would rather that the Parliamentary Bureau did its timetabling properly and set a minimum amount of latitude. The more rope that someone is given, the more they will use. If an hour is allowed, an hour will be taken. If only half an hour is allowed, the pressure is on for the debate to be properly timetabled. Given that amendments are known in advance, the debate on a bill can be timetabled accordingly.

Mr McFee: We will have to agree to have faith in the Presiding Officer to steward the meeting more tightly than that.

Richard Baker: In our most contentious stage 3 debates, most members want to speak. In past instances, even allowing for an element of latitude, enough time could not have been made available, so awarding flexibility on the day might not meet the timescale that we want to achieve. The only way to do that is by setting out the timetabling at an earlier stage in the proceedings. Once the amendments have been lodged, the job of the bureau is to ensure that enough time has been allocated to the debate. It is not about allocating half an hour here or there on the day; the task is bigger than that.

The Convener: I see some strength in Bruce McFee's argument and what he is trying to achieve. However, if the bureau was given an hour to play with, it could become too relaxed. It might not be as rigorous as it would otherwise be in its timetabling. I tend to take a dismal view of the bureau, which may not be justified.

The first question is whether we agree to recommend to the bureau that it must provide full and adequate time for stage 3 debates. If we can agree on that, the question then arises what to do with Bruce McFee's suggestion. At the moment, the Presiding Officers can extend a debate for 30 minutes. I think that Bruce would like that flexibility to be extended to 60 minutes.

Mr McFee: Yes. Two issues are involved. First, I state on the record that I agree to option 2A in the paper. It is only sensible that we ask the bureau to timetable the amount of time that it reckons a debate will take. Frankly, we should not need to state that—I hope that those involved in making that statement will note that.

Someone's view of the matter depends on whether they subscribe to the conspiracy or cock-up theory of how the bureau arrives at its timetabling. I subscribe to the theory not that the bureau is always trying to squeeze a quart into a pint pot but that things go wrong. When that happens, a degree of latitude is required. The question is how much latitude should be allowed.

Clearly, in the stage 3 debate on the Licensing (Scotland) Bill, even 60 minutes would not have been enough. That was a very badly timetabled stage 3 and no amount of tinkering at the edges would have resolved the issue. However, there have been other instances when a greater degree of latitude would have enabled proper discussion of amendments. The important question that then arises is where the latitude is applied: should it come down to a member moving a motion that asks for an additional 10 or 15 minutes, or should the decision be one for the Presiding Officer? One can argue that the outcome of each of those scenarios would be different. The committee should consider the options.

Although the consultation did not produce a huge response, the issue emerged in some of the comments we received. For example, in the debate, Alex Johnstone argued for the 30-minute extension to be increased to 60 minutes but voted against that at committee. In such an instance, the member should be duty bound to take another look at the issue. I am sorry that Alex Johnstone is not here to respond, as that is what we are doing right now.

The Convener: I think that Richard Baker and Karen Gillon have indicated a view. Does Chris Ballance or Kate Maclean have a view on how to progress Bruce McFee's suggestion?

Chris Ballance (South of Scotland) (Green): I am generally content with the 30-minute extension and the arguments for it. We will have the extra degree of latitude in knowing the amendments and so the length of time that is likely to be needed to discuss them. The bureau can revise the business

motion for the second week at the start of the second week—there is room for such revision and that frequently happens. I am content with the status quo.

The Convener: Kate Maclean is coming to this fresh and may have an interesting view.

Kate Maclean: I have not been involved in the discussion, and I have to admit that I did not respond to the survey. Sorry. If I had known that I was going to be on the committee, I certainly would have done. If we extend the limit to 60 minutes, the time will be used up as a matter of course. I think that, with proper timetabling, 30 minutes is perfectly adequate.

The Convener: There seems to be a majority in favour of keeping the extension to 30 minutes. When the matter comes before the Parliament, it will be open to Bruce McFee and anyone who feels the same as him to lodge an amendment, saying that we should change the limit from 30 minutes to 60 minutes. Is that correct?

Andrew Mylne: That would always be a possibility for any member.

Mr McFee: I am just sorry that we did not consult members on the issue. It would have been useful to have had members' opinions on it, which was the intention of the survey in the first place.

In discussing the previous item, Karen Gillon correctly said that she would like to see an implications paper on it. I am sorry to task Andrew Mylne with the matter, but I wonder whether it would be useful to have such a paper on this issue, too. I accept the fact that the committee is not of a mind to adopt my suggestion just now. The contention has been made that if the limit was extended from 30 minutes to 60 minutes, members would simply fill the time. Can we find out how many times the 30-minute extension has been used, to see whether that proposition holds water?

Karen Gillon: Can we also find out how many times it has not been used although members have asked to use it?

Mr McFee: Indeed. That is about the sensibilities of the Parliament.

Karen Gillon: I am assuming that we will get a paper on the consequences of all the options that we have been given. Some of them might have unintended consequences that we have not thought about.

Mr McFee: I was thinking about the unintended consequences of not extending the time limit—if there could be such.

The Convener: Right. We will examine those propositions in addition to agreeing issue 2.

Let us turn to issue 3, on holding stage 3 debates on another day. Some members were against that because they did not want to be too prescriptive. We might say that the rules already allow for stage 3 to be postponed by a day—with the amendments debated on the first day and the main debate on the second day—and make encouraging noises about trying that out more with important bills, rather than say that the normal procedure should be to spread stage 3 over two days. If we progressed in that direction, there would not be the lack of support for the idea that there is at the moment.

Kate Maclean: Are you suggesting that we choose option 3B?

The Convener: I suppose that it is option 3B with a bit added to say that, for important bills, more use could be made of the existing rules that allow stage 3 to spread to a second day.

Kate Maclean: But if that power already exists, is it not up to the Presiding Officer and the bureau to decide when it is used?

The Convener: Yes. We would give a nudge in the right direction rather than make it a rule. As I understand it, stage 3 of the Planning etc (Scotland) Bill will be spread over two days, but I am not clear whether the amendments will be considered on one day and the debate held on the next day or whether the consideration of amendments will be spread over two days.

10:45

Karen Gillon: I have never been convinced about this. I do not know how we would decide which bills are important. Some bills are important but not contentious.

The only bill for which I could have seen the benefit was the Protection of Wild Mammals (Scotland) Bill, because the amendments did so many different things that they changed the context of the bill. That is the only example I can think of in which there would have been benefit in having time to reflect. However, I am not convinced that that would have changed the way in which people voted on the final bill. There is no opportunity to go back and amend the bill again, so what is the point of taking the final half-hour debate and putting it somewhere else? That is what I am trying to get clear in my head.

The Convener: Under the existing rules, there is an opportunity for further amendments to be lodged. If the minister or member in charge of the bill wants the debate to be held over to another day, there is an opportunity for further amendments to be lodged. I do not think that that opportunity has been used, but it is there.

Andrew Mylne: The opportunity exists for the member in charge of a bill or a minister to lodge amendments; it is not open to all members. In essence, the scope is restricted to technical, tidying-up amendments, but the facility to lodge additional amendments is available if the stage 3 debate is deferred on the day or if the two events are scheduled separately in advance.

The only time the opportunity has been used was quite recently, with the Interests of Members of the Scottish Parliament Bill. At the last minute, Brian Adam, as the member in charge of the bill, moved to defer the debate to a later date. He lodged just one amendment, which related to an issue that the committee will discuss later.

Karen Gillon: The amendments could not change the policy in the bill.

Andrew Mylne: No. The additional opportunity to amend cannot be used to reverse a defeat on a substantive point, but it can be used to tidy up anomalies that have crept in.

Mr McFee: We need to go back to first principles. Andrew Mylne is correct to say that the only time the facility has been used was during stage 3 of the Interests of Members of the Scottish Parliament Bill; that is certainly the only time that I know of.

It could be argued that it is desirable for the Executive or the member in charge of the bill to go back after the consideration of amendments and ensure that there are no difficulties or little word changes that need to be made to make the bill tip top and perfect. I do not agree with that argument because I think that that is the job of a second chamber, but that is another argument.

However, the issue that is raised in option 3A seems to be different. I do not think that I am doing the convener a disservice by saying that. Notwithstanding Andrew Mylne's point, we are simply being asked whether it is desirable, as option 3A states, for

"Most Stage 3s to be scheduled with the amendment proceedings on one day and the debate (on a motion to pass the Bill) on a later day."

My answer is no, that would not be desirable. I do not know what the benefit would be, other than the one point that has been made. However, the procedure should be the same for every bill, so if that one point is so crucial, the amendment proceedings and the debate should be on different days.

Secondly, option 2A was that we should recommend that the Parliamentary Bureau allows longer for stage 3s. I do not believe that that would resolve the issue. If, as we are invited to believe, the bureau is in possession of all the facts and the amendments, it will allow sufficient time for both

parts of stage 3 and, if that is the case, we do not require option 3A.

There are two points of principle. First, is it desirable to have the amendment proceedings and the debate on different days? I think that, as a general rule, it is not. Secondly, if we are saying that we need to build into the process the ability to consider the ramifications of amendments, some will argue that that should have been considered beforehand. I can think of occasions on which the Executive has had to lodge amendments in case other amendments went through. I think that that happened most recently during the passage of the Family Law (Scotland) Bill.

If it is so important to stand back and consider the bill as amended, we need more substantial proposals than the ones in the paper.

Karen Gillon: I do not subscribe to the views expressed, but our report should say that the committee does not expect the Executive—given the notice that everybody will have received of amendments—to be arguing at stage 3 that an amendment on a policy issue is slightly technically defective. Rather, manuscript amendments should be lodged before stage 3. Policy changes should not be ruled out because a word is wrong in an amendment. The amendment will have been known about for 10 days. The clerks or the chamber desk should have advised whoever lodged the amendment about any error, and a manuscript amendment should have been lodged. I do not want us, once again, to find ourselves discussing a policy change that most of us support only to find that, because one word in an amendment is wrong, the amendment is technically defective and cannot be supported.

Kate Maclean: From our draft report, I thought that we were just discussing having the stage 3 debate on a second day, and not discussing amendments. The discussion is therefore puzzling me somewhat.

Andrew Mylne: In essence, you are right; but the point is that, under the present rules, if the two proceedings are on separate days, the member in charge or the minister can, in the intervening period, lodge technical amendments within a relatively limited category. There is therefore something halfway to an additional amending stage. That is available only if the two proceedings are scheduled for separate days, or if the member in charge or the minister moves to defer the debate on the day. You would then have the main stage 3 amendments, and then a separate category of amendments immediately before the debate on a later day.

Kate Maclean: And the only way to avoid having amendments when there should be just a debate would be to support option 3B in the report.

The Convener: The standing orders, after being altered by the committee some time ago, allow for the situation that Andrew described. If we do not do anything, I presume that the status quo will obtain. We may or may not wish the Parliamentary Bureau to make more use of the facility. There seem to be differences of opinion on that.

Andrew Mylne: It may be worth clarifying that the proposal is not a proposal to change the standing orders; it is simply a proposal on how the existing procedural flexibility is used in most situations.

The Convener: If it is not a change to standing orders, there is no reason to go to the wire on it.

Karen Gillon: Before we recommend to the Parliamentary Bureau or anybody else that the facility should be used, I want the committee to have a debate, because I do not support the proposal. I am not convinced that there would be a huge amount to be gained, in the vast majority of cases, by having the debate on a different day.

Kate Maclean: I thought we had just agreed that we were not going to recommend that.

Karen Gillon: I do not think that we did agree, Kate, which is why I want to clarify things.

Mr McFee: I want to pick up on a point that Andrew Mylne made. If stipulating that there should be a day between the amendments and the debate is not considered important enough for the standing orders, I cannot see a great deal of merit in option 3A. We would not be asking for a change to standing orders, but we would be asking the Parliamentary Bureau to use the facility.

If I were simply asked whether I thought that it would be better to have the debate a day after the amendment proceedings, my answer would be no. I see no advantage in that, nor any desirability.

The Convener: The possibility of using the facility already exists. It may be that producing a timetable that allowed enough time for amendments would be enough to determine that the final debate had to be held on the next day.

Mr McFee: Indeed, but that notion is driven by the timetable as opposed to the desire to have the debate on a separate day.

The Convener: However, the possibility already exists, so there is no point in having a war about what is a slightly shadowy issue.

Mr McFee: Probably not.

Andrew Mylne: Is the committee's decision in favour of option 3B?

The Convener: Yes.

Mr McFee: Sorry, I am not in favour of that. Option 3B states:

"Most Stage 3s to continue to be scheduled for a single day, as at present".

Is the debate, which is necessary for the bill to be passed, part of stage 3 for the purposes of that wording?

Andrew Mylne: Yes.

Mr McFee: That should be made clear.

Karen Gillon: We should say, "The committee sees no merit in changing the current standards on this issue."

Andrew Mylne: Or, indeed, the current practice.

Karen Gillon: Indeed.

The Convener: In the standing orders, "Stage 3" is all about the debate and the amendments are a bit of an add-on. However, that is not how stage 3 has worked out in practice. The amendments are the big deal and the final debate is nodded through.

Let us move on to issue 4, which is on the idea that the lead committee should report to the Parliament after stage 2. Option 4A recommends that it would be helpful if lead committees produced some form of report to members—either a written report by the committee or a short statement by the convener—but it leaves the decision for committees as to which method they should use.

It is relevant to point out that the Scottish Parliament information centre has started producing briefings after stage 2 of each bill, which are likely to be helpful in informing members. However, I believe that the committee should also have an opportunity between stage 2 and stage 3 to brief the Parliament on the state of play.

Karen Gillon: The proposal is desirable, but the committees would need to be allowed space in the timetable to make that statement or prepare that report between stages 2 and 3. We need to consider the consequences of such a change.

Mr McFee: I am in favour of the idea that people should be more informed of what changes have been made at stage 2, but I am not convinced that option 4A is the way to achieve that.

Alex Johnstone (North East Scotland) (Con): You can lead a horse to water.

Mr McFee: Alex Johnstone's farming background is coming out here.

Given the attendance at some stage 3 proceedings, I am not sure that the proposed statement would do what we think it would do. The SPICe briefings might be a far better way of tracking such changes. We do not want to create a huge change by building in a whole new stage when the solution is quite simple.

Richard Baker: I agree with Bruce McFee. We do not need to be prescriptive about how the information is reported and I am not sure that a statement needs to be made in the chamber. SPICe briefings on stage 2, which would be really helpful to MSPs, should become the norm and should be more proactively circulated. There was also some debate on whether fuller briefing sessions should be made outside chamber time. Option 4A would provide the committee briefing with a status that we might not want to give it. The briefing should not be a political statement but a factual statement of what happened at stage 2. That is why I suggest that it would be crucial to have a written report, which need not involve a massive amount of work for committees as the report would be factual. I am not convinced that it should be the norm to have a statement in the chamber immediately before the debate. There is a range of other ways in which we could ensure that members are briefed properly, which I am very much in favour of.

11:00

Kate Maclean: It is good if other members are informed, and I am ambivalent about how that happens. However, I support Karen Gillon's point that, if it was a done by a convener making a comment or statement in the chamber prior to stage 3, time for that would have to be built into the timetable. This is no reflection of my opinion of any of the conveners that I have served under, but the committee would have to agree what the report was going to be—it could not be left to the convener, as it currently is in committee debates, to give their interpretation of what the committee had agreed. I am not sure whether, given that the timetable for committees to deal with legislation is already tight, it would be possible to build in time for what would be, essentially, another report for the committee to agree.

Chris Ballance: I support the proposal. The question has been raised about when the statement should be made. I see no reason why it should not be made at the beginning of stage 3, before we start the debate on amendments. That is when the chamber tends to be slightly fuller of members who are about to vote on the amendments. It would be a discussion that would inform the debate on the amendments, as it would bring to that debate all that had happened in the committee. I see lots of hands going up, which suggests that I may not receive support on this one.

Richard Baker: I absolutely agree with Chris Ballance that we want to maximise the number of members who take in the statement—who read it, hear it, or whatever. However, I am not convinced that the statement needs to be made in the

chamber at the beginning of stage 3, when it might have an impact on the timing of the debates on amendments. Also, I would like the statement to be given to members earlier than that, if possible. There is an argument that the beginning of the stage 3 debate would be too late in the day for members to take in the statement. As Kate Maclean rightly flagged up, we must also take into account the impact on committees and the demands that such a procedure would place on them.

I had in mind either an informal briefing session, in which SPICe could be involved—we should not rule such things out—or a succinct written report that would give the facts about what had happened between stages 2 and 3. I would hope that the latter could be circulated to members without too much difficulty in advance of the stage 3 debate. I agree that we need to maximise the number of members who receive the statement.

Karen Gillon: I suggested this in the first place because I am concerned that we often come to the chamber to debate issues that we have not contemplated before we set foot in the chamber. However, to have such a statement at the beginning of the debate would be too late. It should enable members to influence the amendments that are lodged.

I am now convinced that the best way to make such a statement would be in writing. It would be a statement of the changes that had been made at stage 2 and their cause and effect, such as we get from the Executive when it lodges amendments. We would be encouraging members to do the same when they lodged amendments. It would also be a statement of unresolved issues, so that members would know what issues were still being debated.

On a lot of the issues at stage 2, members will say, "Thank you for that information. We will go away and discuss that ahead of stage 3." If members outwith the committee do not know that those are the issues that are being discussed, how can they get involved in that process? Stage 3 debates could be a lot more effective if members knew what they were talking about before they got to the chamber instead of getting involved in something at the last minute.

Mr McFee: I agree with Karen Gillon. Although I support Chris Ballance's objective of ensuring that the maximum number of members hear the statement, what he suggests would be too late in the day. I would not want members to attend a stage 3 debate with all the amendments before them, listen to what happened at stage 2 and, in the course of the next few minutes, come to an opinion on the amendments on the basis of what they have just heard. That would be a recipe for disaster. I support the principle behind the

statement, but I am not convinced that it should be made in the chamber; in fact, I think that it should not be made in the chamber.

Neither am I convinced that the committee should be responsible for the report. We must take into account the fact that there will be time constraints and that the committee may not be of one view as to what impact the changes will have. In the case of the Family Law (Scotland) Bill, for example, some members would have said that the reduction in the time limits for divorce was a sensible alternative to the existing situation, whereas other members would have said that it was destroying the institution of marriage. Where would the opinion have rested? Any report that is provided should be factual. I am attracted to the idea of having something like a SPICe briefing on the changes between stages 2 and 3.

Karen Gillon: Could we ask SPICe what the implications would be if we asked for that for every stage 3 debate? What would be the implications for resources of such a task? Such a change would obviously have consequences. I am not bothered about who does the reports, as long as somebody does them.

Mr McFee: Yes—as long as they are done.

The Convener: There seems to be general support for the SPICe route, if we can manage it. Is SPICe able to produce an uninhibited report, in which it can set out the political disputes in a fair manner?

Andrew Mylne: That is for SPICe to comment on but, in principle, I do not think that that is any more difficult than the job that it must do with its initial briefings. It briefs on political issues on which different parties will often have different views. As a matter of course, SPICe does that neutrally—that is part of its job—although it does grapple with political issues.

Richard Baker: SPICe is usually very good at that sort of presentation of a debate. I stress that I was thinking about a purely factual report, which would not seek to get into the politics of an issue. It would simply describe the effect of a certain amendment, for example, rather than going into the views on that effect. That is where the emphasis should lie.

Mr McFee: There is a difference between knowing how to grapple with and present political issues and making comments on political issues. I would be against the latter. The reports should be entirely factual. I do not need SPICe or anybody else to tell me what I should think about the political ramifications of decisions. That would be undesirable.

The Convener: The clerks will talk to SPICe. We do not want its staff to do the impossible; we do not want to make life difficult for them.

Issue 5 is about advance notice of ministerial statements. There seems to be a reasonable level of support for statements being made generally available to members. I do not know whether we wish to put a time on that: 20 or 30 minutes before the minister gives the statement, or whatever people's speed-reading abilities allow.

Karen Gillon: Thirty minutes is not unreasonable. I know that a concern was raised about potential difficulties. Alasdair Morgan mentioned the possibility of leaks and so on but, if a statement is leaked 10 minutes before it is given, then, big wows.

Alex Johnstone: Is it not the case that the press often get given copies of the text in an envelope?

Karen Gillon: They usually have it, anyway.

Alex Johnstone: There used to be a convention by which ministerial statements were published in *The Herald* on the morning of the day on which they were delivered.

Karen Gillon: Allegedly.

Alex Johnstone: I think that we have stamped that out, however.

The Convener: Karen Gillon is suggesting that statements should be distributed half an hour before they are given.

Mr McFee: Why is a ministerial statement provided in advance to other members—to Opposition spokespeople?

Alex Johnstone: It is a courtesy.

Mr McFee: Yes, it is a courtesy. It would be very nice to suggest that all members—especially in the Opposition—should have a copy. However, what is the point of the minister getting up and making a statement, of which everybody has been given a copy, particularly if we agree to option 6A? We might not, however, given the responses to that question. I suggest that we consider issue 6 together with issue 5.

I do not think that 20 or 30 minutes is long enough to digest a statement properly. The minister will be up on their feet by the time a member gets through it. Getting advance notice does help to inform debate. I am sure that it is a courtesy to Opposition spokespeople so that they can ask questions. However, if we propose to put the questioning element back by a day, what is the purpose of the minister giving the statement? We need to consider the two issues in tandem. If we are not going to go with option 6A, then I support option 5A.

The Convener: I think that option 6A is about debates following statements, not about questions on statements. The assumption was that a statement would be immediately followed by questions. Those would be better informed questions if people had had a chance to read the statement. That was the purpose behind issue 5. Whether or not we have debates following statements is a separate issue, which we will come to in a minute.

Kate Maclean: I support option 5A because often the only people who are sitting without copies of ministerial statements are Labour back benchers. It is fine for Bruce McFee to say what he did, but he has probably had prior access to ministerial statements more regularly than I have. Either copies of statements should be given to nobody—we should find some way of preventing party spokespersons from giving them out to their back benchers, which, I suspect, is impossible—or copies should be given to all members. It would be no big deal to make a statement available half an hour beforehand. What would happen if it was leaked to the press? The print media would not have time to do anything with it and, if the broadcast media did something, we would all be in the chamber anyway, so we would not be worried about it.

Mr McFee: I clarify that I do not get copies of statements beforehand. I do not know whether it is because they are not given out or that I am out of the loop or both. I suspect that it might be the latter.

Kate Maclean: It is done. I have seen members of your party sitting with copies of a statement when Labour members are not.

Mr McFee: I am clearly out of the loop, then.

Karen Gillon: Do the Liberal Democrat spokespeople get copies of statements if they are not being made by Liberal Democrat ministers?

The Convener: Yes, we are supposed to.

Karen Gillon: On what basis?

The Convener: It is because the Presiding Officer goes round the spokespeople of the different parties to start the questioning. That includes a Labour or Liberal Democrat spokesperson, depending on the minister concerned.

Chris Ballance: My understanding is that the copies of statements go round the different business managers and it is up to them what to do with them. In the Greens, they come to me and I give them to the relevant spokesperson. That is the only transaction that relates to the statement. It is only a courtesy arrangement and there is nothing that we can do to enforce it. I would welcome a guarantee that someone in each party

will get a copy at least half an hour before the statement is made, because that does not always happen, by any means.

The Convener: If we made it a general rule that statements should be made available half an hour in advance, that would cover your point.

Alex Johnstone: The presumption that there will be a written statement is implicit in what we are saying. I presume that it is not beyond the bounds of possibility that a minister might give a statement entirely off the cuff, so we must have some flexibility on the matter.

The Convener: I do not think that that has ever happened.

Alex Johnstone: No, I do not believe that it has ever happened either.

Karen Gillon: The point of principle is that all members are equal and all members should have access to the statement when all other members get access to it. However the Executive decides to make the information known, it should make it known to all members at the same time.

Richard Baker: That is the key point.

The Convener: Right. So we agree that copies of ministerial statements should be available to all members 30 minutes in advance of the statement being made.

Karen Gillon: They must be equally available. It would not be fair or equal if a spokesperson got a copy four hours in advance and everybody else got it 30 minutes in advance. They must be available to all members equally.

Mr McFee: We might want to qualify that, because “to all members equally” means “to all members”. If we want to say that the time should be equal, we should state that specifically. The wording “all members equally” addresses the imbalance that only Opposition spokespeople or business managers get copies.

Chris Ballance: Could we say that copies should be made available in the chamber half an hour beforehand? At the moment, they are hand delivered to individual members of parties. It would be unnecessarily cumbersome and wasteful to hand deliver a copy of a statement to every member of the Parliament.

The Convener: We can say that they should be available for collection in the chamber, at the door of the Scottish Parliament information centre or both.

Issue 6 is about debates on ministerial statements, which received less support. We can drop the idea, stay with the proposition that debates would be the norm or encourage the use of debates, although they would not necessarily be

the norm. Do members feel strongly about that? The early notice proposal was much bigger and more popular than debates on statements were.

11:15

Mr McFee: The problem with issue 6 is that two questions were asked, so two grounds were provided on which people could say, “No, you’re not on.” The first proposal was that debates on statements would be the norm and the second was that debates should not immediately follow statements. The proposal had two legs, so two hurdles had to be passed to obtain support. I do not know how we determine on which ground the proposal failed, but I think that that contributed to the high failure rate.

If everybody is to be provided with a statement before it is made, they might have time to digest some of it, but they will have prepared their speeches anyway. Most people will not wait to read a statement before preparing their speech—never let the facts get in the way of a good argument.

The Convener: The Presiding Officer draws a distinction so that the first spokesperson for each party is allowed to make some remarks as well as to ask a question, whereas back benchers are restricted to asking a question. Perhaps back benchers should have an opportunity to express a view; that would happen in a debate.

Mr McFee: We would need considerably more time for that than is allocated at present.

Karen Gillon: If an Executive statement is considered to be of such significance, it will find its way to the chamber to be debated in one form or another. The Executive will propose a debate or an Opposition party will hold a debate on the subject, although perhaps not on the statement itself.

The current practice works okay. When we need to have a debate, we do so. When we do not, we have questions. Members can follow up matters in other ways, either by written questions or in correspondence. We might be looking for ways to fill time, which we have said is scarce; we do not need to do that.

The Convener: Not enough enthusiasm has been expressed for pursuing debates on statements to make us proceed with that. Can we drop issue 6?

Members indicated agreement.

Karen Gillon: The committee supports the current practice.

The Convener: The next issue is advance notice of debate topics. From the discussions that I have had, I think that quite a major split exists.

Some members feel that a good democracy involves well-informed debates, which means longer notice of motions so that members can prepare, consult pressure groups and all that. The idea is that good classical democracy involves more time for a debate.

Others—particularly Opposition members—think that Opposition debates are opportunities to unsettle the Executive, so the later the Executive knows the wording of motions, the more pressure is put on it. That is because the Executive—especially a coalition—must cobble together its response, which causes hassle. It therefore helps the Opposition to decide on wording as late as possible. I am not sure how we reconcile those two points of view. I am a classical democracy person and think that we want a well-informed debate, but I can see the Opposition's argument.

Karen Gillon: I am in the strange position of being on the same side of the debate as the convener. This is a Parliament; it is not a political conference, although we would like it to be. Given that, we should have well-informed debate that reflects the nature of Scotland and the views of the people of Scotland. That is not achieved by getting notice of a motion at 4.30 pm on a Tuesday afternoon for a debate that will take place on a Wednesday. That is not good democracy.

I understand absolutely why an Opposition party might do that—I am not specifying the party; some parties may not continue to be in government in the future—but it is not sensible for us not to have an informed debate. If the Opposition wanted to debate a significant issue that had arisen over the weekend in the time that had been allocated to it, sufficient flexibility should be built into the rules to allow the Presiding Officers to permit the request and change the subject of debate.

Our general practice should be for members, the public, agencies and bodies out there to know what is being debated; they should know the context of our debates and be able to inform them. If we do not do that, we are simply debating amongst ourselves, in isolation. That is not what parliamentary democracy is about.

Mr McFee: I agree that motions and amendments are lodged too late in the proceedings. However, we should not get carried away with the assertion that only the Opposition parties do that. The Executive is pretty good at doing that, too. Our presentation of the argument should not be so one-sided.

In raising those two aspects for consideration, Karen Gillon has presented a false scenario. In my view, the two aspects that must be considered are topicality and the provision for public and external opinion to be presented to members of the Parliament—the one has to be balanced against

the other. The idea that the Opposition is trying to bushwhack the Executive, or vice versa, is false. If that is what the parties think they are doing, it will not happen. By lodging a motion at the last minute, the parties might succeed in bushwhacking the public—people will not have a chance to consider the subject. The balance is one of topicality versus enabling the public or external organisations to provide members with their views and advice. That is how members become better informed on subjects for debate.

I agree with Karen Gillon that the balance has not been struck as yet. It is not sufficient that, at the back of 4 pm, members should have to be scratching whatever part of their body they are scratching while they await the lodging of the amendment to the motion. That is a wee bit off. However, I am not sure that the deadline should be the Tuesday of the previous week; we could be talking about nine days, which would hardly aid topicality. Of course, some subjects might be totally predictable.

The Convener: I should have said that the argument in favour of topicality is legitimate. In fact, I have decided that I will conduct some personal research because I think that, in the recent history of the Parliament, the number of motions that have been determined by topicality is nil.

Mr McFee: That research should be done.

Karen Gillon: Given that the issue was raised during the debate, I have conducted some of that research. I could not find a single example where the text of a motion resulted from an event that had happened more than a week before it was lodged. For example, although we know the general content of this week's debate, we do not have the text of the motion. In fact, one of my colleagues told those of us who attended a public meeting last night what the subject of the debate would be. The subject is not that topical. As I said, flexibility should be built into the rules to allow the timetabling of a significant emergency issue instead of the scheduled one. I am sure that the Presiding Officers would allow that flexibility.

Kate Maclean: I agree. That said, the deadline should be the Tuesday of the previous week, mainly because—as Bruce McFee mentioned—the public should be well informed about what we are debating. If people want to come to the Parliament to listen to a debate or lobby their MSP on the subject, they should have adequate time in which to make the arrangements to do that. Most MSPs hold their surgeries on Friday, so the proposed timescale would allow enough time for someone to attend the surgery or for an organisation to hastily convene a meeting at which to discuss their approach to the issue and to decide whether to organise a lobby of the

Parliament. If the public are given a decent amount of notice of the subjects that we are debating, we make the Parliament far more accountable and accessible. A week is not a huge amount of time.

Chris Ballance: I certainly agree that the most important thing is to enable public engagement with the Parliament and its affairs. I also agree with what Karen Gillon said, but there is clearly a strong opinion against all motions for major debates having to be lodged by the Tuesday of the previous week. I suggest a compromise. At the moment, the convention is for the Opposition parties' business managers to provide the bureau with the topic for debate on the Friday prior to the debate, so the parties know what they are going to debate six days beforehand. If we were to say instead that the parties should provide the motion for debate to the chamber desk by 4 o'clock on the previous Friday, civic society would have the weekend to become aware of it.

Karen Gillon: With all due respect, most folk are not in over the weekend.

Chris Ballance: My suggestion would give the chamber desk a chance to publish the motion before close of play on Friday, which would mean that amendments could be lodged on Monday. That would give us two or three days, which is a lot more time than we have at the moment.

I agree that the Tuesday night and Wednesday night deadlines for the lodging of amendments are ridiculous. It is particularly difficult for a small party such as ours; the Presiding Officer selects only some of our amendments, so we do not know until 5 o'clock on Wednesday whether we need a speaker to open and another to close a debate that will start at 9 o'clock on Thursday morning. That is simply daft.

Richard Baker: I thought that the first proposal for motions to be lodged by Tuesday of the previous week would hamper topicality, but the more I think about it, the more I come to the conclusion that that would not necessarily be the case. In fact, that length of notice would be more desirable for reasons that several members have outlined.

Secondly, if we have early notice of the motion, members can be asked earlier to indicate their wish to speak in a debate. That can impact on the other key issue of allowing enough time to be scheduled for key debates. If the motion is lodged earlier, members will know earlier whether they want to speak on it, and that will allow the bureau and the Presiding Officer to make the right allocations of time for the debate.

Would implementing the first proposal hamper topicality? I had worries about that at first, but I think that they have been resolved. From what

Karen Gillon said, our debates are not that topical anyway. There is the added bonus that we would be able to schedule the right amount of time for debates more often. I am more in support than I was earlier.

Mr McFee: I would be happy to look at how many debates were topical, but that would depend, of course, on the definition of the word "topical". The motion might not be topical, but the issue might be and we cannot say that one is necessarily the same as the other. The question is one of balance.

I am not suggesting that Andrew Mylne should have to run away and attend to all this, because he would be at it forever. However, how many of the responses that we get come from organisations or are organised? How many come from the general public? Time constraints do not help, but I suspect that a large proportion of the responses come from organisations or from members who have been lobbied by organisations to make submissions. That is fair enough—they have a democratic right to do that.

Allowing the Presiding Officer to accept a more topical motion would go against everything that has been said, because civic society would not have the right opportunities. What circumstances are we talking about? The suggestion has just been made, so we might not have thought it through. There could be merit in allowing such an approach if we were going to bring forward the deadlines for submitting motions. However, say a motion on nuclear weapons is lodged. If something happens, would the Presiding Officer be able to accept changes to that motion so that it is more topical or could a motion on the national health service be accepted instead? We must define what we mean by the word "topical". Could a motion be updated in the light of events or could a different motion be lodged because a different subject has hit the headlines? Other parties would then need to be able to lodge amendments to that motion. If that is the preferred route, many other issues need to be considered.

11:30

Karen Gillon: The overriding principle is that a motion and amendments should be lodged one week in advance of a meeting so that civic society, the general public and members can fully debate the issues that are involved. That cannot possibly happen when people find out what an amendment is at 5 o'clock on the day before a meeting. That is not good parliamentary practice or good democracy.

Mr McFee: I agree. I do not think that anybody is disputing that.

Karen Gillon: I take the issue of topicality off the table.

Mr McFee: I want to keep it on the table. We should look at the limits that are involved in considering option 7A.

Alex Johnstone: I want to add to what Bruce McFee has said. There is a great deal of merit in having more notice of the subjects, motions and amendments that are to be debated, but I am concerned that the opportunity to have the flexibility that is necessary on rare occasions may be eliminated. I am trying to think of a good example of when there has been flexibility in the past but, sadly, the only occasion that I can think of was when the First Minister challenged an Opposition party leader to put up or shut up. The subject of the debate was changed at very short notice, and there were dramatic consequences. I am not saying that I would necessarily want what happened to happen again, but the fact that it happened in the Parliament was valuable. I would not like that flexibility to be removed.

Members: When was that?

Alex Johnstone: Henry McLeish challenged David McLetchie to put up or shut up.

Chris Ballance: What was the result?

Alex Johnstone: We scheduled a debate, which Henry McLeish did not turn up for.

Kate Maclean: So that was valuable for the Parliament, was it?

Alex Johnstone: We are getting into party areas.

The Convener: There must be an opportunity for the subject of a debate to be changed if, for example, there is a widespread view that the Parliament should debate a big event that has occurred in the previous few days. The Parliament does not look clever if members are busy debating something when all the media are on about a different issue.

Karen Gillon: We are talking about notice for motions and amendments, but surely the Presiding Officer could agree to a debate on an emergency motion if a major issue of national significance has arisen or a catastrophe has occurred. Any member could lodge such a motion. We had such a debate when major job losses in the Lothians were announced. Margaret Smith and Lord James Douglas-Hamilton were involved in it; I think that a tyre company was the subject. Emergency statements have also been made on issues of national significance. That provision exists.

Mr McFee: I would like to clarify something. What is meant by “major debates”?

The Convener: The Presiding Officer must have the power to decide that there has been great national excitement about an issue that has arisen and that it should be discussed in the Parliament. Karen Gillon may have hit on a better way forward—there could be an emergency debate on an issue. It would be worth while discussing the best mechanism with the Presiding Officer. The mechanism should be rarely used, but members should have the opportunity to use it. There might have to be consensus in the Parliamentary Bureau, for example, to trigger it.

Mr McFee: I am sorry for not raising this earlier, but it has occurred to me the word “major” might, with no disrespect to anyone, exclude the vast majority of debates that we hold in the Parliament. It would probably exclude all the mini-debates—for want of a better term—that are a feature of Opposition debating days. Is it the intention to encapsulate them in the recommendation?

Kate Maclean: We could just take out the word “major”.

Chris Ballance: The word “major” probably has to go. We are talking about the three debate slots of Wednesday afternoon, Thursday morning and Thursday afternoon, but they get divvied up in different ways.

Karen Gillon: We can reflect on what happened following the tragic events of 11 September. Provision was made for the Parliament to have its views known on that subject.

Mr McFee: That is fair. We are talking about something that might not be such a cataclysmic event, but, for example, we might be debating the national health service and there could have been a major outbreak of some disease. Would that constitute a major issue?

The Convener: I understood “major debates” to be a shorthand way of saying all debates other than members’ business debates.

Kate Maclean: Why not put it that way, for clarification?

Andrew Mylne: The intention was simply to signal that, if there was a proposal to change the rules about the lodging deadlines for motions, care would need to be taken to ensure that that meant motions behind a substantive debate that will take up a certain amount of chamber time, rather than procedural motions that go through, more or less, on a routine basis, for which a shorter notice period might still be appropriate. The wording of the final report can clarify that.

Kate Maclean: That is fine. It can be clarified in our final report.

Alex Johnstone: An issue comes to mind that relates to how the proposal is worded. We have said:

"All motions for major debates to be lodged by the Tuesday of the previous week".

I am not sure how other parties operate their managerial structures but, for the Conservative group, decisions tend to be made at a group meeting at 5 o'clock on a Tuesday. I know that other Opposition parties meet on a Wednesday. It is possible that final decisions might not get made in time for that Tuesday deadline. The effect of the Tuesday deadline would be to extend the decision-making process by two weeks, not one week, for some Opposition parties. A simple cure would be to make it Wednesday, not Tuesday. That would give us the flexibility to make decisions during the week when the motion is lodged.

Chris Ballance: The advantage of having Tuesday as the deadline is that the subject for debate can be included in the business motion for the following week, which is debated in the chamber on the Wednesday and published in the *Business Bulletin*. There are sound reasons for opting for the Tuesday. Incidentally, Tuesday is also the deadline for notifying the Parliament of the motions for members' business debates. It would fit in with that, too.

Karen Gillon: Do the Conservatives agree the text of the motion that they are going to lodge in their group meeting?

Alex Johnstone: No, but we often discuss the subject in significant detail.

Kate Maclean: It can still be discussed after the motion is lodged.

The Convener: What is the latest time for getting things into the following day's *Business Bulletin*?

Karen Gillon: 5.30.

Andrew Mylne: I think that it is 5.30.

The Convener: I am sure that people cheat a bit when there is a crisis.

Karen Gillon: Crisis? What crisis?

The Convener: Would the Conservatives have the opportunity to submit something that could still get into the *Business Bulletin* for the next morning?

Alex Johnstone: There is no doubt that the process could simply be extended, although that would have the effect of extending the decision-making process significantly.

Karen Gillon: Would it be possible to discuss with the chamber desk whether there is sufficient

flexibility in its timetable to allow motions to be lodged up to 6 o'clock on a Tuesday?

The Convener: That would certainly be worth exploring. It is helpful to get the information into the *Business Bulletin* for the Wednesday morning. We could explore that.

Chris Ballance: May I go back briefly to the subject of emergency motions? The decision whether something is worthy of an emergency motion must be taken by the Presiding Officer, and I think that it should be left in the hands of the Presiding Officer.

Mr McFee: Thinking through what Chris Ballance has said, I wonder whether it would be useful to have the facility to submit a further motion and to ask the Presiding Officer to consider it as an emergency motion. I am thinking also about what would happen if something were to come up in Opposition time. The Presiding Officer could take the view that the motion, or even the subject, that had been notified could be changed to something that addressed the topical issue—or perhaps emergency is a better word than topical.

Might that be the way through the problem? I am keen to provide the right amount of time, so that people can engage with the matter, but I do not think that we should allow that to happen at the cost of sacrificing debates on topical issues in emergency situations. Perhaps there is a better form of words for describing such issues. If what Karen Gillon is saying is right, very few of those matters are emergency issues, so I hope that the procedure would not need to be used too often. If the procedure was being abused, we would expect the Presiding Officer to put the boot down on it.

Karen Gillon: The convener's suggestion that we should talk to the Presiding Officer about how best to provide for that emergency element is worth while. I think that the current rules are probably sufficient, but we might want to discuss the matter with him further.

Mr McFee: If that can be agreed, the debate on whether notice should be given by the Tuesday or the Wednesday is probably immaterial.

The Convener: We shall go with option 7A, but with altered wording about major debates. Andrew Mylne, Karen Gillon and I—perhaps with Bruce McFee or Alex Johnstone as an Opposition member—will go to see the Presiding Officer to discuss a mechanism for keeping the emergency aspect available.

Mr McFee: My support for option 7A would depend on there being some provision like that.

The Convener: Okay. That is helpful.

I have had some discussions about the timing of members' business debates. There was a lot of

enthusiasm for what the paper suggests, particularly in relation to the point that Iain Smith made in the debate: we should take more account of the four-year cycle. At the beginning of a new session, we are often scratching about for things to debate, whereas at the end of a session, we are galloping through hundreds of bills. The suggestion that, in the earlier part of a session, members' business debates could take place through the day as well as at 5 o'clock, is a good option.

Karen Gillon: But that is not what the paper suggests. It refers to

"two such debates during each sitting week, not necessarily after Decision Time."

That would not allow us to have more than two debates a week in the early stages of a parliamentary session. That is my understanding of what we consulted on.

The Convener: At the moment, the rules just say that there will be two such debates.

Andrew Mylne: The current rules require there to be a members' business debate each day after decision time, and the current sitting pattern means that there are therefore two a week. The proposal is to introduce greater flexibility by not requiring those debates to be held after decision time and by requiring not one per day but two per week. That is a minimum, so it would still be possible for additional members' business debates to be included, as has happened once or twice under the current rules. There have been occasions on which a members' business debate was scheduled during one of the days, in addition to the one that was held at the end of that day. The proposal is for greater flexibility.

Karen Gillon: We could have the debates at lunch time, for example, if we wanted to. That is my understanding of what we were discussing.

The Convener: We could also have two or three members' debates in a morning.

Andrew Mylne: Yes.

The Convener: Rather than having some particularly piffling motion put forward by some Government or Opposition party.

Karen Gillon: Who would decide on that? There would need to be rules. How do you decide that a motion is piffling and rubbish?

The Convener: Well, you do not, but at the moment—

Karen Gillon: We know that many of them are.

The Convener: Instead of the Minister for Parliamentary Business going round bullying ministers into cooking up some sort of motion, he

or she could propose a morning of members' business debates.

11:45

Karen Gillon: That is a scurrilous accusation to make about the Labour group's business manager.

Mr McFee: I can just see her doing it and I would not like to argue with her.

Karen Gillon: She is a very mellow person.

Mr McFee: I think she would be quite persuasive.

Chris Ballance: I did not hear the convener naming any names.

Mr McFee: My understanding is that the proposal means that there would not have to be one members' business debate each day and that such debates could be held at any time of the day: lunch time, bedtime or whenever.

The Convener: Yes.

Mr McFee: Fine. I am on the same wavelength, which makes a change.

If we are introducing such an approach to offer flexibility, my concern is how flexible we want the system to be. Members' business debates are probably the one debate that members of the public travel to attend if they have a particular interest in an issue. We cannot say to them two days before the debate, "By the way, it is no longer at 5 o'clock on Tuesday—it is at 1 o'clock on Wednesday."

There is public interest in many members' business debates; people come into the public gallery to hear them. We must be clear about the need for proper timetabling of the debates, because members of the public have to travel to listen to them. Unless people live in the city of Edinburgh, or perhaps even closer than that—they would have to live just round the corner from the Parliament—it is probably as difficult for them to come in for 5 o'clock as it is for them to come in for 1 o'clock. I do not think that there is a huge issue about when the debate takes place, because if people work they probably have to take a day or a half day off work if they want to hear a members' business debate. That is the reality of travelling times.

I am happy with option 8A, but the issue of who makes decisions about the debates is like anything else—once a rule is in the standing orders, it is a matter for the business managers to determine and for Parliament to approve, so ultimately, in theory at least, we approve it. The practice in reality is probably somewhat different: the matter will be determined by the Parliamentary

Bureau. The proviso is that, for me, advance notice of when the debate will be held is paramount, because the public interest must be taken into account.

Chris Ballance: If the timings remain as they are, the motion must be notified to the chamber desk on the Monday of the week preceding the debate. It then has to be agreed by the bureau on the Tuesday of the week preceding the debate and agreed by the chamber on the Wednesday of the week preceding the debate. If the members' debate continues to be chosen in the same timeframe, people would get at least a week and up to nine days' notice of what time of day members' business would be taken.

The Convener: That seems reasonable. It would be up to the bureau to agree that Wednesday afternoon, Thursday morning or whenever would be used for members' business debates and that such and such motions would be discussed.

Mr McFee: Does the proposed wording of option 8A, which refers to

"two such debates during each sitting week"

mean during each week that the Parliament sits or on the days that Parliament sits? There would be the potential to have one on the Tuesday. What would be the ramifications if committee meetings were being held at the same time?

Chris Ballance: We would not be allowed to have chamber business while committee meetings are taking place without a change being made to standing orders.

The Convener: The rules currently prohibit parliamentary business from taking place at the same time as committee business.

Mr McFee: They prohibit committee business from taking place at the same time as parliamentary business. There is a big difference in emphasis.

The Convener: Members' debates are parliamentary business. I do not see the issue.

Mr McFee: The issue is which one prohibits the other. If a meeting of Parliament is taking place, we are not allowed to hold a committee meeting. It is not the other way round. The point might seem pedantic, but it would not be if committees were scheduling meetings ahead.

The Convener: As I understand it, the proposal is that the bureau would make use of times when parliamentary business was reasonably slack to timetable more members' business debates on Wednesday afternoons or Thursday mornings or afternoons. There is no question of invading Tuesdays, Fridays or any other time.

Mr McFee: I want to clarify that. I am in favour of what is being proposed, but we must understand exactly what the proposal means. At the moment, option 8A says that there should be

"two such debates during each sitting week".

Kate Maclean: I assume that the clerks will write the report on the basis of what the committee decides; they will not necessarily use the wording that is in front of us.

Karen Gillon: The tradition has been that decision time is at 5 o'clock and the members' business debate takes place after that. People know that. I have a members' business debate this week, for which a constituency group is coming through. Folk are taking a few hours off work so that they can get to the Parliament by half past 5. If we move such debates to a Thursday morning, that will have implications for the ability of members of the public to come along and listen to them. They would have to take a full day off work, which they might not be able to do.

I hope that whatever is done is done in consultation with the member concerned so that they can offer advice. For example, it would simply not be possible for people from Aberdeen to get to the Parliament for a members' business debate on a Thursday morning. They would have to stay overnight, the cost of which would be prohibitive. We must ensure that what we decide does not have a detrimental effect on involving the public, which I think members' business debates are good at doing, even though they do not get much publicity. They get people along and make them feel part of the parliamentary process.

The Convener: I presume that it would be part of the deal that the member would have to agree that his or her debate would be on Thursday morning or whenever. The option is additional; it is an alternative to getting in the queue for debates at 5 o'clock. It would be the member's choice. To an extent, mountains are being constructed out of molehills. Let us try to progress by agreeing that allowing members' business debates to be timetabled at times other than 5 o'clock would offer more flexibility. We will rely on the clerks to produce some sensible wording for that proposal.

Issue 9 is interpellations, which we have discussed quite a bit in the past. I think that we are in favour of the concept. If we are to make progress, we need to refine the rules. Perhaps a more precise set of suggestions on how the procedure would work could be set out for the next meeting.

Andrew Mylne: I am not sure that I would want to commit to doing that for the next meeting. If the committee is broadly in favour of having an interpellation procedure, some rules must be provided to structure how it would work. For

example, they would not have to make it mandatory that interpellations be held every week. In the course of developing those rules, some points of detail might arise on which we would need to come back to the committee to seek clarification.

Richard Baker: I would be happy for there to be a trial of the interpellation procedure but, unlike other members, I have not been to other Parliaments and seen it in operation. As the responses to the consultation show, there is recognition that we need to examine whether question time is working effectively. Interpellations could be part of the solution but, for me, the emphasis should be on trialling the process and seeing how it goes. At this stage, I would not want to say that I was definitely in favour of interpellations; I need to be persuaded. A trial would offer the opportunity to examine the process.

The Convener: That is helpful.

A paper—paper PR/S2/06/16/11—was circulated about the report by the Law Commission for England and Wales on post-legislative scrutiny. In our report, should we again—we have probably done it before—encourage committees to indulge in post-legislative scrutiny? Should we suggest that it should be written into bills—or, at least, into their accompanying documents—that post-legislative scrutiny should take place and that bills' objectives should be set out so that a judgment can be made about whether they have been a success? Everyone agrees that there should be more post-legislative scrutiny. The question is whether we just encourage committees or set out some rules.

Mr McFee: I do not think that it is a matter of having to encourage people. Committee conveners will say that they would love to do post-legislative scrutiny but do not have the time.

Chris Ballance: Some committees more than others.

Karen Gillon: Post-legislative scrutiny may develop over time. A lot of legislation is coming into play, and we do not know what the consequences or results of it will be. However, there is a time pressure on committees, and I would be reluctant for us to prescribe to committees whether and when they should do post-legislative scrutiny. That will depend on each bill and how it progresses. Committees know that there is an issue, and there has been some post-legislative scrutiny—I think that the Health Committee has done some. Committees are responsible enough to do things when they can. Unless we want committee meetings to last a lot longer, it will be virtually impossible to have post-legislative scrutiny in the current framework.

Kate Maclean: I am a member of the Health Committee. We conducted a big post-legislative inquiry into the Community Care and Health (Scotland) Act 2002, which introduced the Scottish Commission for the Regulation of Care and free personal care. We consulted widely with users groups, and it was one of the biggest inquiries that I have been involved in. It was useful, and a lot of members who were not committee members were interested in it as well. We made recommendations to the Executive, and I think that as a result there will be some changes—not necessarily to legislation but to guidelines. The exercise was time consuming but definitely useful. When committees decide what inquiries to hold, they should consider post-legislative inquiries.

I should say that, before I was elevated to membership of this committee, I made an engagement for 12 o'clock today. It is long standing and I cannot break it, so I will have to leave.

The Convener: We thank Kate Mclean for her contribution so far and look forward to her future contributions.

Karen Gillon: She has a strange interpretation of "elevation", though.

The Convener: There is probably no appetite for prescribing in detail to committees how to run their affairs. They do not enjoy that.

Chris Ballance: There is clearly room for committees to consider some post-legislative scrutiny, possibly in the early days of the session when no legislation comes forward. I do not know whether it is terribly tactful to say this, but committee clerks could consider it when they draw up, with their conveners, potential inquiry programmes in the first six months of the session.

Karen Gillon: Instead of making work for conveners.

The Convener: We can make encouraging noises but point out that timing is the big problem and that it is up to committees to sort that out.

Chris Ballance: It could be a useful task for clerks in April when there are no MSPs.

Consolidation Bills

11:58

The Convener: Let us make speedier progress on the more minor agenda items. We will deal with another aspect of consolidation bills in private later on, but agenda item 2 is about definitions and codification bills versus consolidation bills.

Paragraph 7 on page 2 of the note by the clerks includes what seems to be a sensible way forward, which is that the current rule in standing orders should deal with consolidation bills as they are understood but that there should be another rule, with slight modifications but along the same lines, to deal with codification bills.

Mr McFee: Just for clarity and to ensure that I understand, am I right that consolidation bills deal with statute law and codification bills deal with statute and common law?

Andrew Mylne: Yes.

Mr McFee: Okay. That is the fault line.

Karen Gillon: I bet that you are pleased that I raised the point previously, convener.

The Convener: You have your uses.

Scottish Commission for Public Audit

12:00

The Convener: Item 3 on our agenda is our consideration of a letter from the convener of the Scottish Commission for Public Audit. When the issue was first raised, it was news to me. However, I now understand that the commission is an important part of parliamentary proceedings; it is a sort of quasi committee. I suggest that it should be treated as if it were a committee of the Parliament.

Alex Johnstone: Certainly, the commission deserves the full support of the parliamentary structure that its convener has requested. On reading the letter, my only concern is that the commission should retain its independence. We must ensure that nothing that we do compromises that.

The Convener: That is a useful point.

Karen Gillon: The SCPA is slightly different from committees of the Parliament. Although it is not a committee as such, it should be able to use the facilities of the Parliament to carry out its functions.

The Convener: I sense that members agree to the proposition.

Mr McFee: I take it that there is no impediment to notices of commission meetings being placed in the *Business Bulletin*.

Andrew Mylne: That would require a change in the rules, which is what the commission is asking for. However, if the committee agrees in principle that the requests are legitimate, the clerks will develop the appropriate rule changes.

The Convener: But written into the script somewhere will be Alex Johnstone's point about not undermining the commission's independence in any way.

Andrew Mylne: Yes.

Karen Gillon: Can we also check with the official report the resource implications for that office of producing *Official Reports* of commission meetings?

The Convener: I gather that the official report produces transcripts at the moment, but that those transcripts are not published.

Andrew Mylne: My understanding is that the official report produces transcripts of meetings of the Scottish Commission for Public Audit on the same basis as it produces *Official Reports* of

committees of the Parliament. The resource implications are therefore—

Karen Gillon: So what is the revision to rule 16.2 all about?

Andrew Mylne: At the moment, the transcripts that official report staff prepare cannot be referred to as *Official Reports* of the Scottish Commission for Public Audit. In the rules, the definition of an *Official Report* refers only to meetings of the Parliament and its committees.

Karen Gillon: So—

Andrew Mylne: It is a definitional thing; the resource implications were addressed at an earlier stage.

Karen Gillon: Right.

Mr McFee: So, in effect, the proposal is to facilitate the work of the commission.

The Convener: Yes, and to make changes to the wording of some of the rules to allow that facilitation.

Mr McFee: If everything that is said at commission meetings is recorded at the moment, it seems strange that the transcripts are not published.

Andrew Mylne: The transcripts are published but at a later stage, as annexes to the reports that the Scottish Commission for Public Audit produces. If we were to change the terminology in the rules, an *Official Report* of each of the commission's meetings could be published soon after the event, in the same way that *Official Reports* of meetings of the Parliament's committees are published as soon as possible after meetings take place.

Karen Gillon: I seek clarification of paragraph 6 of the clerk's paper. Obviously, proceedings of the Parliament are given the particular status of parliamentary privilege. If the commission is not a committee of the Parliament, are we saying that it should be given the same protection as is given to committees of the Parliament? What is the commission's status under the Scotland Act 1998? Can we confer committee status on a body that has not had that status conferred on it under the 1998 act?

The Convener: I ask our legal adviser to provide advice on the matter.

Elsbeth MacDonald (Scottish Parliament Directorate of Legal Services): A colleague dealt with the matter, and my understanding of his advice is that if the Procedures Committee wishes to agree to the proposal, it can do so. Parliamentary privilege attaches only at the point of publication and not before—it is for the purpose of publication. A repetition of a statement after

publication is not privileged; the privilege attaches only to that narrow spectrum.

Andrew Mylne: The provision in the Scotland Act 1998 grants absolute privilege to

“any statement made in proceedings of the Parliament, and the publication under the authority of the Parliament of any statement”.

The advice is that, if there were to be an *Official Report* of the Scottish Commission for Public Audit's proceedings, any statement in the *Official Report* would be privileged, but the oral statement would not. The position is slightly odd.

Elsbeth MacDonald: The position is very odd. We understand that the Procedures Committee can make a recommendation on the matter to the Parliament. The Parliament can agree to it or not, as it so wishes.

Mr McFee: Please correct me if I am wrong, but what you are saying is that although the statement is not privileged when an individual makes it, the published statement is privileged when the Parliament publishes what the individual said.

Elsbeth MacDonald: Yes.

Mr McFee: That would leave the individual in a difficult situation, but probably no more difficult than at present.

Elsbeth MacDonald: Precisely.

Mr McFee: It seems a strange double standard.

Elsbeth MacDonald: It is a direct consequence of the point that has been picked up—the SCPA is not a committee of the Parliament and is not immediately identifiable as being under the parliamentary umbrella—it would be so identified only if the Procedures Committee and the Parliament decided to go down that route.

Karen Gillon: I have no concerns about SCPA meetings being announced in the *Business Bulletin*, and I have no problems with publishing transcripts of its meetings. However, I have some concern about giving the transcript the status of an *Official Report* of the Parliament when the SCPA is not a parliamentary committee. We need to consider the matter more closely than planned, given issues raised in paragraphs 6 and 7 of the paper.

Elsbeth MacDonald: There is a difference between what the committee and the Parliament can do and whether it is appropriate to do that.

Annual Reports

12:06

The Convener: Item 4 is on committee annual reports. I welcome Trish Godman, whom we are not to grill, because she is not here as a witness; she is here to take part in our discussion and to transmit to us the views of the Conveners Group, which she chairs. She will speak on behalf of the group rather than give her personal views. As a member of the Conveners Group, I testify that there have been vigorous discussions on two occasions when several committee conveners expressed remarkable hostility to producing annual reports. Trish Godman must represent that view and we will then discuss how we will progress the matter, if at all. Other views that were expressed to the committee and passed on to the Conveners Group were against abolishing the annual reports as the group wanted, but the group has now come back to us with another request that we consider abolishing the annual reports. I invite Trish Godman to fire away.

Trish Godman MSP (Conveners Group): I start by saying, "Don't shoot the messenger," as that is exactly what I am. The Conveners Group recognises the importance of producing statistics about the work of the committees and fully supports the reintroduction of the statistics volumes that will be produced by SPICe. However, it believes that committee annual reports are an unnecessary addition to the committee workload. The group feels that the annual reports, even if they were in a more interesting format, simply draw together and summarise work that has been done during the year, even though all that information is already available to commentators and stakeholders on the committee web pages on the Parliament's website.

Committee annual reports do not make the committees more accountable or add to their transparency. Committees already broadcast, webcast and report their proceedings—papers, agendas, minutes and reports are all available throughout the year. Stakeholder groups have access to the convener and members and speak regularly to the committee clerks. Apart from four submissions that were received by the Procedures Committee, there have been no demands from stakeholders for an annual report.

The committees cannot be compared with public bodies that do not conduct their proceedings in public or make their papers available to the public. Annual reports provide the only opportunity to find out about the work of those bodies, but that does not apply to committees of the Parliament.

The submissions to the Procedures Committee made reference to the House of Commons select committees' annual reports. The conveners do not think that such a comparison is appropriate. Given that the House of Commons select committees have control over their own workloads, it may be appropriate for them to show how they chose to divide their time properly over a range of tasks. On the other hand, our committees have a large proportion of their work referred to them in the form of bills, Scottish statutory instruments and legislative consent memoranda. The conveners considered that requiring our committees to produce documents such as the Westminster select committee annual reports would further reduce the time and resources that they could devote to their scrutiny functions. The conveners did not feel that the comparison was appropriate.

As time and resources are scarce due to the volume of referred work, the conveners believe that our committees would be better to use their time undertaking more scrutiny rather than reviewing already completed work that is fully accessible and has already been reported on during the year. In summary, that is the Conveners Group's view.

The Convener: Thank you.

This committee can either agree or disagree with the Conveners Group or, alternatively, we might say that the issue needs to be explored more fully by taking formal evidence from conveners and from those on the other side of the argument who contacted us last time because they felt strongly about the matter. I think that those are the options.

Karen Gillon: I just do not get where this is coming from. Having tried to navigate the Parliament's website recently to find information, I know that the website is not the most user-friendly piece of software that I have ever had the good fortune to use. I accept that much of the information is available online and in the public domain, but moving away from publishing a two-page, user-friendly and accessible annual report would be a retrograde step. We have already discussed the issue, consulted on it, received responses to a consultation and made a decision on that basis. I see no new evidence to move us from that position. We should say, "Sorry, we have considered the matter and we are not changing our position."

Richard Baker: I am surprised that there should be any stramash over the need to produce a 700-word annual report. In my undergraduate years, that would have been equivalent to half an hour's rushed work on an essay. I do not see that a huge time commitment is involved.

I will not shoot the messenger—Trish Godman has simply put the case of some other conveners—but, like Karen Gillon, I am a little confused as to why conveners were so exercised by the issue. Producing an annual report does not involve a huge time commitment, although I appreciate that it might involve more time than is apparent. Some people will find a succinct document such as an annual report useful.

Certainly at the Enterprise and Culture Committee, the annual report has never been raised as an issue, but I do not know whether it has been an issue for other committees. Apart from the correspondence from Trish Godman on behalf of the Conveners Group, I am not aware that we have had any other traffic on the matter. I am a bit puzzled as to why it should be such a vexing concern for some members on the Conveners Group.

Alex Johnstone: I share the concerns that other committee members have expressed, but I want to make another, slightly different, point. We heard that the reason behind the request is that all the information in the annual report is already in the public domain. If we were to end the requirement for committee annual reports, we would need to question the nature of the information that is available. I believe that the structure of such information is important. Everything might be in the public domain, but publishing more and more information can make it more difficult for people to find the information that they need. The build-up of public information can serve to confuse and, in some cases, to conceal information. I am not prepared to accept that the fact that all the information is already in the public domain is an argument against producing an annual report.

The Convener: The way in which information is provided is an important issue that we could explore in another way.

Mr McFee: I see no reason to deviate from what my colleagues have said. I cannot recall the requirement to produce an annual report coming up as a significant issue in any committee of which I have been a member. I do not doubt for a minute that the issue has been exercising the minds of some conveners, but I doubt that committees spend much time producing annual reports. I concede that the annual report will take up officials' time, but I suggest that changing the requirement would make very little difference to the time that committees have available. I am not going to shoot the messenger, as I realise that Trish Godman has a remit to fulfil, but the idea that producing the annual report significantly hampers the committees' ability to scrutinise things is fanciful.

12:15

Trish Godman said that the annual reports draw together and summarise work that has been done throughout the year. I think that that is a benefit of the process and is an argument for keeping the current arrangement. Without the annual reports, we would have to waltz round the Parliament website to find out what committees had done. How successful someone was in that regard would depend on the extent to which they knew what they were looking for in the first instance. The starting point for that would be the summary of the work that has been done throughout the year. The annual reports are about engaging members of the public rather than satisfying the anoraks who want to go through every last dot and comma. If members of the public can quickly and easily find out what a committee has done by looking at the subject headings in the annual report, that is all the better. I appreciate that this suggestion might expand the amount of work that is involved, but we should encourage committees to be as inclusive as possible when listing all the work that has been done. The fact that committees are not in possession of total control of their own timetable because of the amount of bills that this place deals with is a political matter that should be dealt with elsewhere.

The Convener: Clear views have been expressed. The avenue of exploring the overall presentation of information about the Parliament to the public is one that we could usefully look at. Perhaps Elizabeth Watson, who is here to support Trish Godman and who clerks the Conveners Group, or our own clerks might have a suggestion about whether it is worth while exploring the way in which the Parliament presents its information. If Karen Gillon finds it to be confusing, perhaps we could present it better.

Karen Gillon: I am sure that there is someone on the Scottish Parliamentary Corporate Body who has responsibility for the way in which the Parliament communicates with the outside world. Perhaps we could suggest that they should consider this issue in some detail. I think that we have enough to be getting on with. We are not information technology experts—as is, perhaps, confirmed by my difficulty in navigating the Parliament's website to get the information that I am looking for.

Andrew Mylne: I could draw the points that have been made to the attention of the relevant members of staff who are responsible for this area, including people who work for the SPCB and the members of the editorial board who are responsible for the content and structure of the internet site and the intranet site. If members have particular suggestions about how the accessibility

of the website can be improved, that would be welcome.

The Convener: Trish, you have heard what people have said. Do you have any suggestions about how we could proceed? It would not be helpful if the committee and the Conveners Group were to engage in ping-pong or trench warfare over this issue. On the other hand, some of our colleagues on the Conveners Group felt that it was an important issue.

Trish Godman: You are right to say that some members of the Conveners Group felt strongly that there should be no annual reports. I take it that you will write to me formally to inform me of the Procedures Committee's decision. I will handle that, literally line by line. You have listened to what I have said and have challenged a lot of it and I need to tell the Conveners Group about that. However, I agree that we do not want to start some kind of table tennis match. To that end, I will try to close the issue down—but do not quote me on that.

Karen Gillon: Other issues arise from this. Members of the committee do not seem to be aware of concerns about the matter in the other committees of which they are members. It might be that conveners are flying kites rather than consulting their committees. However, I would not like to suggest such a thing.

Mr McFee: For the sake of the *Official Report*, should we make it clear that we agree to leave things as they are?

The Convener: You have pre-empted me slightly. However, yes, that seems to be the view of the committee. Do we agree to write to Trish Godman and the Conveners Group to say that we do not accept the arguments that Trish Godman ably put forward on behalf of the Conveners Group?

Members *indicated agreement.*

The Convener: Thank you for your attendance, Trish. Consider yourself unshot.

Items 5 and 6 will be dealt with in private.

12:21

Meeting continued in private until 12:41.

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