

14 Dec. 2016

John McCormick
Chair of the Commission on Parliamentary Reform

Dear John

Further to the meeting with former MSPs on Monday 5 Dec., here are some comments which I would like your Commission to consider:

Rule 3.1 , para.3 of the Parliament's standing orders states: "In exercising any functions, the Presiding Officer and deputy Presiding Officers shall act impartially, taking account of the interests of all members equally".

That is more honoured in the breach than in the observance. There is a huge degree of control freakery in the Parliament whereby party bosses have too much power and back-benchers too little. At our last meeting, several other former MSPs strongly agreed with me on that point and here are some suggestions about how to address the problem:

1. First Minister's Question Time (FMQT)

Far too much time is taken up with questions from Party Leaders. There has been some recent improvement with an extension of the time allocated for FMQT but it still seems that over one third of the time is often taken up with questions from Party Leaders , who usually get the top slots, i.e. Questions No. 1, 2 and sometimes 3. Even at Westminster, of which I am no great admirer, the most humble back-bencher can get Question No.1, because the order of questions is determined by ballot. A back-bencher at Westminster can also lodge an open question such as engagements for the day or " What subjects will be discussed at the next meeting of the Cabinet ? ", which gives the opportunity to ask a supplementary question on virtually any subject, as long as there is governmental responsibility for that subject . In the Scottish Parliament, I am told that only Party Leaders can lodge such open questions. (Sauce for the goose?). As it is often impossible to predict what will be topical on a particular Thursday, any MSP should have some chance of asking the FM any question for which there is governmental responsibility and there should be no need to lodge a preliminary question like meetings of the cabinet or engagements. If a member wants to keep his /her options open, then (s)he should be able to lodge an open question . If his/her name then comes up in a ballot and appears on the business bulletin, it could simply be marked "open question" and, if the member is called, s/he can go straight into the substance of the question, instead of wasting valuable time by asking first of all about engagements or meetings of the Cabinet, with the FM giving the usual perfunctory reply.

2. Lodging of questions by people other than members

Back-benchers should be rewarded for hard work such as assiduously lodging questions themselves rather than getting someone else to do the work. A lazy member can delegate to a "staffer" the authority to lodge a question and the "staffer" could be a party employee who can lodge questions on behalf of several members. I understand that there is no limit to the number of MSPs for whom one "staffer" can lodge questions. If that is the case, then the system is wide open to abuse. Such an arrangement would allow a party employee to lodge questions on behalf of all the MSPs in that party, thus handing to the party machine control of the agenda rather than the members themselves.

3. Debates on Members' Motions

I was informed that these are allocated using the D'Hondt Formula but the D'Hondt Formula was never intended for that. It was intended to be used for the allocation of party seats in a parliament or the allocation of committee convenerships . Members' business is NOT party business and, if members' business debates are allocated on a party basis, then there is a natural tendency for the party whips/bosses to allocate debates to compliant party members rather than to members who may be critical of party policy. There should be scope for at least some of the debates on members' motions to be allocated by ballot and/or at the discretion of the Presiding Officer.

4. Non-Executive Bills

There should be more opportunity for presentation and enactment of Members' Bills and Committee Bills. The Non-Executive Bills Unit should have more resources, perhaps including extra staff, to assist members who want to present bills.

5. Parliamentary Bureau

It is completely contrary to the principles of transparency and accountability for the Bureau to meet in secret. Any MSP should have the right to attend (not necessarily to speak at) meetings of the Bureau which in effect controls the Parliamentary agenda .

6. Conveners of parliamentary committees

Conveners should be elected by the entire Parliament, similar to the election of the Presiding Officer and deputies. This would shift power away from party bosses to the Parliament itself.

7. Length of speeches

In many debates, it is very difficult if not impossible for a member to make a reasoned argument in 4 minutes or less. The Commission should consider extending debating time, even if it means extending the sittings of the Parliament.

In conclusion, it should be remembered that parliamentarians are not simply party stooges. They are first and foremost representatives of the people and the parliamentary procedures should reflect that by giving more opportunities to MSPs of independent mind, whatever their party allegiance or none.

Thank you for your attention

Dennis Canavan