

**Submission to the Commission on Parliamentary Reform—Alexander Stewart MSP**

*The following comments are specifically with regard to the request for views on whether the correct 'checks and balances' are in place to ensure that parliamentary business is effective and that it allows for adequate scrutiny of the work of the Scottish Government.*

The current number of 129 Members of the Parliament seems to be both adequate and sufficient. When we consider the fact that Scots are represented by both 59 MPs and 129 MSPs when all legislative matters are taken into account, the ratio of politicians to electors is similar to other European sovereign states of a similar size to Scotland such as Norway (169 representatives), Denmark (179) and Finland (200). In fact, the ratio is significantly higher than in countries further afield such as New Zealand (121) and Singapore (101). It should be noted, however, that currently just over one in six Members of the Scottish Parliament are, in fact, ministers, which is perhaps too many. It means that there are fewer backbench MSPs from the governing party to hold the executive to account.

In terms of the method of election, the additional-member system seems, for the most part, to have served the Scottish Parliament well and has represented the broad spectrum of views in Scotland. I would suggest that aiming for a more equal split between constituency and regional list seats—65 and 64, for example—would allow for more proportional representation than the current allocation of 73 and 56. Furthermore, with more parties now introducing semi-open primaries for their ranking of candidates on their party lists, I do not see a compelling reason for the introduction of term limits to the Scottish Parliament. An MSP's re-election and the re-election of that of his party should be determined by their effectiveness in Holyrood and, if the electorate deem them to be effective, no artificially imposed term limit should deprive voters of continuing to choose to be represented by that party and those representatives.

The present committee structure seems to be relatively effective. The fact that no single party has a majority on any of the Scottish Parliament's committees in this session has encouraged a more constructive and non-partisan approach to the work of these committees. The current system of allocating seats on each committee by the share of seats that each party has in the Scottish Parliament is fair and the decision of which party should hold the convener and vice-convenerships should continue to be agreed by the party whips for the sake of convenience. I am, nevertheless, supportive of the possibility of elections to these posts and for membership of the committees by the Members of the Scottish Parliament themselves. This would allow for competing visions for the various committees to be put forward by the different candidates for the roles and, as each member would have his own personal mandate, would afford him a greater authority when questioning ministers and holding the executive to account.

Parliamentary time in Holyrood is something of which we are currently very much in short supply. With the possibility of even more powers coming to Holyrood on top of the recently devolved competences and the resultant legislative requirements following the UK's decision to leave the European Union, this problem will become even more significant. The average ten hours of time in which debates take place in the chamber on a weekly basis is significantly lower than the amount of time available at the House of Commons even if we take into account the fact that the Scottish Parliament is responsible for somewhat fewer policy competences than Westminster is for England. Committees regularly take place when the Commons is also sitting and there is also the opportunity to have smaller debates in Westminster Hall. To that end, additional parliamentary time in Holyrood should be introduced by the addition of an extra sitting day, an earlier start to sitting days, evening sitting or indeed a combination of all three.

It is also incredibly important to ensure that there is more dedicated time for members' business and the opportunity for the debate of non-governmental legislation. Bills brought forward by individual members are an important part of ensuring that MSPs are able to address concerns raised by their constituents and, in addition, often provide an opportunity for cross-party co-operation.

The opportunities available to question ministers in the Scottish Government are extremely limited at present. The current situation whereby portfolio questions takes place only once a week for either one or two portfolios means that members have to wait six sitting weeks until they can again put questions to the ministers responsible for that portfolio. This can often be longer than six weeks as a result of parliamentary recesses. The House of Commons operates to a five-week rotation despite having more government departments and does this by having oral questions for the various portfolios four days a week. I think that consideration should be given to increasing the number of portfolio question sessions that are held in Holyrood each week. I also believe that portfolios should be questioned separately and not in pairs as is the norm in the Scottish Parliament. If the Scottish Government believes that the competences in question necessitate two separate departments for areas such as finance and the economy and environment and rural affairs, then sufficient scrutiny should be given to both departments independently and each should have its own session.

Increased legislative scrutiny is essential in a parliamentary democracy. As the Scottish Parliament gains further powers and begins to legislate on a greater number of competences, such scrutiny will become more and more important. Draft bills are something that should be used more frequently to allow for important pre-legislative scrutiny and consultation within a sufficient time period prior to the first reading of the bill. Inherent in the very nature of legislation, however, is the fact that it will often be difficult to identify problems with a particular act of parliament until after its implementation. The incorporation of post-legislative scrutiny into the Public Audit Committee for Session 5 of the Scottish Parliament has, at least, raised the profile of the issue at Holyrood; however, as this work is so fundamental to good governance, I believe that each subject-specific committee should be responsible for the effectiveness of bills that they have originally considered following their implementation. Committees should be required to factor post-legislative scrutiny into their work schedules, which does not always happen at present.

The sheer volume of legislation in previous sessions of the Scottish Parliament necessitates some element of selection when deciding which acts must be subject to post-legislative scrutiny following their implementation. Particular pieces of legislation that involve the specific provision of services may be the best candidates for an intensive review. Where the possible implications of a piece of legislation are in doubt during its passage through the Scottish Parliament, it may, in some cases, be appropriate to introduce a sunset clause to certain provisions contained within it to ensure that the effectiveness of the legislation in practice must be reviewed after a specified period of time.

The vast majority of recent parliamentary time, however, has not been debating formal legislation but rather informal motions that are about specific topical issues, government strategies or, in some cases, that register the parliament's discontent with a particular government policy. While such discussions are no substitute for the debating of the passage, amendment or repeal of legislation, they are nonetheless important. In most cases, the issues raised in these debates affect groups in civic Scotland and, as such, their contributions on their own area of expertise should be welcomed. This is, however, rather difficult under the current system whereby motions are often only published the day before they are debated. The earlier publication of these motions would allow for greater participation by these organisations and thus facilitate a more constructive debate.

